

As Pending in the Senate Finance Committee

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 96

Representative Stewart

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

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H.B. 554 of the 134th General Assembly as 380
subsequently amended; to amend Section 733.61 of 381
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 3.15, 9.03, 9.07, 9.239, 397
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5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 595
6111.01, and 6111.04 be amended; sections 122.66 (5101.311), 596
122.67 (5101.312), 122.68 (5101.313), 122.681 (5101.314), 122.69 597
(5101.315), 122.70 (5101.316), 122.701 (5101.317), 3517.152 598
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 599
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), 3517.993 600
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(5180.401), 5101.132 (5180.402), 5101.133 (5180.403), 5101.134 605
(5180.404), 5101.135 (5180.405), 5101.136 (5180.406), 5101.137 606
(5180.407), 5101.14 (5180.41), 5101.141 (5180.42), 5101.142 607
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5101.854 (5180.512), 5101.855 (5180.513), 5101.856 (5180.514), 620
5101.88 (5180.53), 5101.881 (5180.531), 5101.884 (5180.532), 621
5101.885 (5180.533), 5101.886 (5180.534), 5101.887 (5180.535), 622
5101.889 (5180.57), 5101.8811 (5180.536), 5101.8812 (5180.56), 623
5104.50 (5180.04), and 5180.40 (5180.73) be amended for the 624
purpose of adopting new section numbers as indicated in 625
parentheses; and new sections 107.034, 3312.02, 3313.902, 626

3314.38, 3321.191, 3333.0415, 3345.86, 3517.991, and 3780.22 and 627
sections 5.62, 9.05, 9.561, 9.64, 103.416, 111.29, 118.29, 628
121.16, 122.635, 122.97, 122.98, 122.981, 123.14, 123.282, 629
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5163.50, 5164.093, 5167.09, 5180.705, 5180.706, 5180.707, 648
5180.99, 5501.57, 5703.83, 5705.17, 5705.316, 5709.89, 5726.62, 649
5743.511, 5743.521, 5743.621, 5743.631, 5747.073, 5747.124, and 650
5747.87 of the Revised Code be enacted to read as follows: 651

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

under this section. 824

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

entered into and renewed pursuant to that preceding contract. 1482

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

(H) As used in this section: 1484

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A supply chain compromise. 1826

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Consolidate and combine state insurance coverages; 1990

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

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

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

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

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

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

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

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

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

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

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

After the appearance has concluded, the joint committee,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

codified statutory section in a bill. 2126

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

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

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

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

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

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

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

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

information: 2186

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

applicants to serve the public; 2242

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Conserve the natural resources of the state;

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

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

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

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

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

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

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

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

(A) "Agency" means any board, commission, committee, or 2349
council, or any other similar state public body required to be 2350
established pursuant to state statutes for the exercise of any 2351
function of state government and to which members are appointed 2352
or elected. "Agency" does not include the following: 2353

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

within fifteen days after the person qualifies for office. 2802

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

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

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

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

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

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

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

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

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

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

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

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

1

2

A For state office, ~~except member of the state board of~~ \$95
education

B For office of member of general assembly \$40

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The department of medicaid; 3218

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Ohio integrated eligibility system; 3317

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Appropriations of money received as gifts. 3575

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The aggregate general revenue fund appropriations for 3636

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Four individuals appointed by the governor; 3701

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

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

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

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

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

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

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

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

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

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

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

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

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

minority leader of the senate. 3752

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

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

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

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

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

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

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

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

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

than a permanent basis; 3811

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) The requirements for basic training programs that 3899

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

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

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

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

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

(C) The commission may do all of the following: 3930

(1) Recommend studies, surveys, and reports to be made by 3931
the executive director regarding the carrying out of the 3932
objectives and purposes of sections 109.71 to 109.77 of the 3933
Revised Code; 3934

(2) Visit and inspect any peace officer training school 3935
that has been approved by the executive director or for which 3936
application for approval has been made; 3937

(3) Make recommendations, from time to time, to the 3938
executive director, the attorney general, and the general 3939
assembly regarding the carrying out of the purposes of sections 3940
109.71 to 109.77 of the Revised Code; 3941

(4) Report to the attorney general from time to time, and 3942
to the governor and the general assembly at least annually, 3943
concerning the activities of the commission; 3944

(5) Establish fees for the services the commission offers 3945
under sections 109.71 to 109.79 of the Revised Code, including, 3946
but not limited to, fees for training, certification, and 3947
testing; 3948

(6) Perform such other acts as are necessary or 3949
appropriate to carry out the powers and duties of the commission 3950
as set forth in sections 109.71 to 109.77 of the Revised Code. 3951

(D) In establishing the requirements, under division (A) 3952
(12) of this section, the commission may consider any portions 3953
of the curriculum for instruction on the topic of animal 3954
husbandry practices, if any, of the Ohio state university 3955
college of veterinary medicine. No person or entity that fails 3956
to provide instruction on traditional animal husbandry methods 3957
and training techniques, including customary owner-performed 3958

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A state university law enforcement officer; 4004

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

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

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

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

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

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

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

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

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

(c) An employee of a park district under section 511.232 4044
or 1545.13 of the Revised Code; 4045

(d) An employee of a conservancy district who is 4046
designated pursuant to section 6101.75 of the Revised Code; 4047

(e) A special police officer employed by the department of 4048
mental health and addiction services pursuant to section 5119.08 4049
of the Revised Code or the department of developmental 4050
disabilities pursuant to section 5123.13 of the Revised Code; 4051

(f) An enforcement agent of the department of public 4052
safety whom the director of public safety designates under 4053
section 5502.14 of the Revised Code; 4054

(g) A special police officer employed by a port authority 4055
under section 4582.04 or 4582.28 of the Revised Code; 4056

(h) A special police officer employed by a municipal 4057
corporation at a municipal airport, or other municipal air 4058
navigation facility, that has scheduled operations, as defined 4059
in section 119.3 of Title 14 of the Code of Federal Regulations, 4060
14 C.F.R. 119.3, as amended, and that is required to be under a 4061
security program and is governed by aviation security rules of 4062
the transportation security administration of the United States 4063
department of transportation as provided in Parts 1542. and 4064
1544. of Title 49 of the Code of Federal Regulations, as 4065
amended. 4066

(3) For purposes of division (B) of this section, a state, 4067
county, municipal, or department of natural resources peace 4068
officer basic training program, regardless of whether the 4069
program is to be completed by peace officers appointed on a 4070
permanent or temporary, probationary, or other nonpermanent 4071
basis, shall include training in the handling of the offense of 4072

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

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

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

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

officer functions for a regional transit authority. 4135

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section to complete satisfactorily. 4284

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

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

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

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

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

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

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

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

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

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

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

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

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

director's decision. 4374

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) As used in this section: 4438

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

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

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

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

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

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

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

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

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

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

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

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

college. 4489

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Revised Code; 4607

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

program accounts shall be disbursed; 4721

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

adopted by the secretary. 4778

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

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

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

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

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

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

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

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

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

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

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

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

(b) Any contributions to an ABLE account; 4834

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

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

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

(b) An individual whose eligibility for the means-tested program is conditioned on the ABLE account's designated beneficiary disclosing the designated beneficiary's income, resources, or both to the entity administering the means-tested public assistance program. 4840
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Sec. 113.78. The medical quality assurance fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. The fund shall consist of all money transferred to it as a result of the repeal of section 3701.89 of the Revised Code on January 1, 2026, by H.B. 238 of the 135th ~~General Assembly~~ general assembly and its requirements related to the repeal of that section. All investment earnings of the fund shall be credited to the fund. 4845
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All money in the fund shall be used as directed by the general assembly, ~~which may include funding any of the following programs that the former Ohio medical quality foundation was authorized to fund in a similar manner under division (F) of section 3701.89 of the Revised Code before the repeal of that section by this act;~~ 4853
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4858

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the public office. 4953

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

(C) The report shall contain the following: 4971

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

(2) Amount of expenditures for each purpose; 4974

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

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

(5) Budgetary comparison information as required by the 4981

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

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

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

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

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

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

The auditor of state also shall develop and provide an 5017
annual training program of continuing education for village 5018
clerks. 5019

The auditor of state shall determine the manner, content, 5020
and length of the training programs after consultation with 5021
appropriate statewide organizations of local governmental 5022
officials. The auditor of state shall charge the political 5023
subdivisions that the trainees represent a registration fee that 5024
will meet actual and necessary expenses of the training, 5025
including instructor fees, site acquisition costs, and the cost 5026
of course materials. The necessary personal expenses incurred by 5027
the officials as a result of attending the training program 5028
shall be borne by the political subdivisions they represent. 5029

The auditor of state shall allow any other interested 5030
person to attend any of the training programs that the auditor 5031
of state holds pursuant to this section; provided, that before 5032
attending any such training program, the interested person shall 5033
pay to the auditor of state the full registration fee that the 5034
auditor of state has set for the training program. 5035

The auditor of state may provide any other appropriate 5036
training or educational programs that may be developed and 5037
offered by the auditor of state or in collaboration with one or 5038
more other state agencies, political subdivisions, or other 5039
public or private entities. 5040

There is hereby established in the state treasury the 5041
auditor of state training program fund, to be used by the 5042
auditor of state for the actual and necessary expenses of any 5043
training programs held pursuant to this section, ~~section~~ 5044
~~117.441~~, or section 321.46 of the Revised Code. All registration 5045
fees collected under this section shall be paid into the fund. 5046

Sec. 118.29. (A) The financial supervisor, or the 5047
legislative authority of a municipal corporation, board of 5048
county commissioners, or board of township trustees of a 5049
municipal corporation, county, or township in fiscal emergency, 5050
may make a referral to the attorney general for the creation of 5051
a receivership over the municipal corporation, county, or 5052
township in fiscal emergency if both the following conditions 5053
are met: 5054

(1) The municipal corporation, county, or township 5055
satisfies either of the following: 5056

(a) It has been in a state of fiscal emergency for a 5057
continuous period of ten years. 5058

(b) It has been in a state of fiscal emergency at least 5059
twice in a period of ten years, and the combined period of 5060
fiscal emergency is at least five years. 5061

(2) The municipal corporation, county, or township has 5062
demonstrated one or more of the following, as determined by the 5063
financial supervisor: 5064

(a) Failure to comply with the applicable budgetary and 5065
spending processes in Chapter 5705. of the Revised Code; 5066

(b) Failure to ensure that appropriations comply with the 5067
financial plan in accordance with section 118.13 of the Revised 5068
Code; 5069

(c) Assuming debt without the approval of the financial 5070
planning and supervision commission in violation of section 5071
118.15 of the Revised Code; 5072

(d) Undertaking administrative or legislative action that 5073
is not in accordance with the terms of the financial plan or, 5074
when applicable, without permission of the commission. 5075

(B) Upon receipt of a referral, the attorney general shall 5076
promptly file a petition for a receivership with the court of 5077
claims. The judge that has served the longest on the court as of 5078
the date the petition is filed promptly shall appoint a 5079
receiver. The appointed receiver shall satisfy the requirements 5080
of section 2735.02 of the Revised Code and shall comply with 5081
section 2735.03 of the Revised Code. With the approval of the 5082
court, the receiver may request reasonable fees for work 5083
performed including, but not limited to, costs associated with 5084
retaining legal counsel, accountants, or other similar advisors 5085
that the receiver considers necessary in the performance of the 5086
receiver's duties. The fees shall be paid from funds 5087
appropriated to the office of budget and management during the 5088
period of fiscal emergency. 5089

(C) A receiver appointed under this section has all of the 5090
following powers and duties in addition to the powers stated in 5091
section 2735.04 of the Revised Code: 5092

(1) Consult with the legislative authority of the 5093
municipal corporation, board of county commissioners, or board 5094
of township trustees to make recommendations or, if necessary, 5095
to assume responsibility for implementing cost reductions and 5096
revenue increases to achieve a balanced budget and carry out the 5097
financial plan, and to make reductions in force or spending to 5098
resolve the fiscal emergency conditions; 5099

(2) Ensure the municipal corporation, county, or township 5100
in fiscal emergency complies with all aspects of the financial 5101
plan approved by the commission in accordance with section 5102
118.06 of the Revised Code, or as amended in accordance with 5103
this chapter. If no financial plan has been approved by the 5104
commission in accordance with section 118.06 of the Revised 5105
Code, the receiver, after consulting with the legislative 5106
authority of the municipal corporation, board of county 5107
commissioners, or board of township trustees, shall make 5108
recommendations, or assume, if necessary, the responsibility for 5109
crafting and submitting the financial plan to the financial 5110
planning and supervision commission. 5111

(3) Ensure the municipal corporation, county, or township 5112
in fiscal emergency complies with any other relevant aspects of 5113
this chapter; 5114

(4) Provide monthly, written reports about the progress 5115
toward resolving the conditions of fiscal emergency to the 5116
financial planning and supervision commission, to the 5117
legislative authority of the municipal corporation, board of 5118
county commissioners, or board of township trustees, and to the 5119
mayor or city manager in the case of a municipal corporation; 5120

(5) Appear at least quarterly to present information about 5121
progress toward resolving the conditions of fiscal emergency at 5122
an open meeting and, if allowable under section 121.22 of the 5123
Revised Code, in executive session, of the legislative authority 5124
of municipal corporation, board of county commissioners, or 5125
board of township trustees; 5126

(6) Appear at least quarterly to present information about 5127
progress toward resolving the conditions of fiscal emergency at 5128
an open meeting and, if allowable under section 121.22 of the 5129

Revised Code, in executive session, of the financial planning 5130
and supervision commission of the municipal corporation, county, 5131
or township in fiscal emergency; 5132

(7) At the receiver's initiative or upon invitation, 5133
attend executive sessions of the legislative authority of the 5134
municipal corporation, board of county commissioners, or board 5135
of township trustees; 5136

(8) Exercise any other powers granted to the receiver by 5137
the court necessary to perform the duties stated in this 5138
section. 5139

(D) (1) If, in the judgment of the receiver, the criteria 5140
required to file for bankruptcy under the "Federal Bankruptcy 5141
Act," 11 U.S.C. 101, et seq., are satisfied and no reasonable 5142
alternative exists to eliminate the fiscal emergency condition 5143
within three years, the receiver may present findings and submit 5144
a written recommendation on filing for bankruptcy to the 5145
financial planning and supervision commission and the 5146
legislative authority of the municipal corporation, board of 5147
county commissioners, or board of township trustees. Beginning 5148
sixty days after submitting the recommendation, the receiver may 5149
initiate bankruptcy proceedings unless both of the following 5150
occur: 5151

(a) The legislative authority or board adopts an ordinance 5152
or resolution, effective within sixty days of receipt of the 5153
recommendation, opposing the recommendation. The ordinance or 5154
resolution shall specify the legislative authority's or board's 5155
plan to satisfy and discharge the debts and liabilities included 5156
in the receiver's recommendation for bankruptcy within seven 5157
years of the adoption of the ordinance or resolution and 5158
promptly alleviate the fiscal emergency conditions using 5159

expenditure reductions or available and future tax revenue, 5160
including necessary tax rate increases, of the municipal 5161
corporation, county, or township. 5162

(b) After reviewing the ordinance or resolution under 5163
division (D) (1) (a) of this section, the financial planning and 5164
supervision commission determines the plan is sufficient to 5165
satisfy and discharge the debts and liabilities included in the 5166
receiver's recommendation for bankruptcy within seven years of 5167
the adoption of the resolution and promptly alleviate the fiscal 5168
emergency conditions. 5169

If the financial planning and supervision commission 5170
determines that the plan is not sufficient, the receiver may 5171
initiate bankruptcy proceedings notwithstanding the ordinance or 5172
resolution opposing the recommendation. 5173

(2) If the financial planning and supervision commission 5174
determines under division (D) (1) of this section that the plan 5175
is sufficient and the plan requires voted taxes authorized under 5176
another Revised Code section, the legislative authority of the 5177
municipal corporation, board of county commissioners, or board 5178
of trustees shall direct the board of elections to submit the 5179
tax question to the electors at the next general election or at 5180
a special election conducted on the day of the next primary 5181
election in the municipal corporation, township, or county 5182
occurring not less than ninety days after the resolution is 5183
certified to the board, as applicable under the provision 5184
authorizing the tax question. If the taxes are not approved by 5185
the electors, the receiver may initiate bankruptcy proceedings, 5186
notwithstanding the resolution or ordinance opposing bankruptcy. 5187
If the taxes are approved by the electors, the legislative 5188
authority of the municipal corporation, board of county 5189

commissioners, or board of trustees shall implement the plan to 5190
satisfy and discharge the debts and liabilities included in the 5191
receiver's recommendation for bankruptcy within seven years of 5192
the adoption of the ordinance or resolution and promptly 5193
alleviate the fiscal emergency conditions. 5194

(E) The court shall terminate the receivership when the 5195
municipal corporation, county, or township has corrected and 5196
eliminated all of the fiscal emergency conditions determined 5197
pursuant to section 118.04 of the Revised Code, and no new 5198
fiscal emergency conditions have occurred. 5199

(F) Conditions in division (A) of this section may be 5200
applied retroactively in a remedial nature. 5201

Sec. 119.04. (A) (1) Any rule adopted by any agency shall 5202
be effective on the tenth day after the day on which the rule in 5203
final form and in compliance with division (A) (2) of this 5204
section is filed as follows: 5205

(a) The rule shall be filed in electronic form with both 5206
the secretary of state and the director of the legislative 5207
service commission; 5208

(b) The rule shall be filed in electronic form with the 5209
joint committee on agency rule review. Division (A) (1) (b) of 5210
this section does not apply to any rule to which division (C) of 5211
section 119.03 of the Revised Code does not apply. 5212

If an agency in adopting a rule designates an effective 5213
date that is later than the effective date provided for by this 5214
division, the rule if filed as required by this division shall 5215
become effective on the later date designated by the agency. 5216

An agency that adopts or amends a rule that is subject to 5217
section 106.03 of the Revised Code shall assign a review date to 5218

the rule that is not later than five years after its effective 5219
date. If a review date assigned to a rule exceeds the five-year 5220
maximum, the review date for the rule is five years after its 5221
effective date. A rule with a review date is subject to review 5222
under section 106.03 of the Revised Code. 5223

(2) The agency shall file the rule in compliance with the 5224
following standards and procedures: 5225

(a) The rule shall be numbered in accordance with the 5226
numbering system devised by the director for the Ohio 5227
administrative code. 5228

(b) The rule shall be prepared and submitted in compliance 5229
with ~~the rules~~ section 103.05 of the Revised Code and the rule 5230
drafting manual of the legislative service commission. 5231

(c) The rule shall clearly state the date on which it is 5232
to be effective and the date on which it will expire, if known. 5233

(d) Each rule that amends or rescinds another rule shall 5234
clearly refer to the rule that is amended or rescinded. Each 5235
amendment shall fully restate the rule as amended. 5236

If the director of the legislative service commission or 5237
the director's designee gives an agency notice pursuant to 5238
section 103.05 of the Revised Code that a rule filed by the 5239
agency is not in compliance with ~~the rules~~ section 103.05 of the 5240
Revised Code and the rule drafting manual of the commission, the 5241
agency shall within thirty days after receipt of the notice 5242
conform the rule ~~to the rules of the commission~~ as directed in 5243
the notice. 5244

(3) As used in this section, "rule" includes an amendment 5245
or rescission of a rule. 5246

(B) The secretary of state and the director shall preserve 5247
the rules filed under division (A) (1) (a) of this section in an 5248
accessible manner. Each such rule shall be a public record open 5249
to public inspection and may be transmitted to any law 5250
publishing company that wishes to reproduce it. 5251

Sec. 120.06. (A) (1) The state public defender, when 5252
designated by the court or requested by a county public defender 5253
or joint county public defender, may provide legal 5254
representation in all courts throughout the state to indigent 5255
adults and juveniles who are charged with the commission of an 5256
offense or act for which the penalty or any possible 5257
adjudication includes the potential loss of liberty. 5258

(2) The state public defender may provide legal 5259
representation to any indigent person who, while incarcerated in 5260
any state correctional institution, is charged with a felony 5261
offense, for which the penalty or any possible adjudication that 5262
may be imposed by a court upon conviction includes the potential 5263
loss of liberty. 5264

(3) The state public defender may provide legal 5265
representation to any person incarcerated in any correctional 5266
institution of the state, in any matter in which the person 5267
asserts the person is unlawfully imprisoned or detained. 5268

(4) The state public defender, in any case in which the 5269
state public defender has provided legal representation or is 5270
requested to do so by a county public defender or joint county 5271
public defender, may provide legal representation on appeal. 5272

~~(5) The~~ (5) (a) Except as provided in division (A) (5) (b) of 5273
this section, the state public defender, when designated by the 5274
court or requested by a county public defender, joint county 5275

public defender, or the director of rehabilitation and 5276
correction, shall provide legal representation in parole and 5277
probation revocation matters or matters relating to the 5278
revocation of community control or post-release control under a 5279
community control sanction or post-release control sanction, 5280
unless the state public defender finds that the alleged parole 5281
or probation violator or alleged violator of a community control 5282
sanction or post-release control sanction has the financial 5283
capacity to retain the alleged violator's own counsel. 5284

(b) If the state public defender determines that the state 5285
public defender does not have the capacity to provide the legal 5286
representation described in division (A) (5) (a) of this section, 5287
the state public defender may contract with private legal 5288
counsel to provide the legal representation described in that 5289
division. 5290

(6) If the state public defender contracts with a county 5291
public defender commission, a joint county public defender 5292
commission, or a board of county commissioners for the provision 5293
of services, under authority of division (C) (7) of section 5294
120.04 of the Revised Code, the state public defender shall 5295
provide legal representation in accordance with the contract. 5296

(B) The state public defender shall not be required to 5297
prosecute any appeal, postconviction remedy, or other proceeding 5298
pursuant to division (A) (3), (4), or (5) of this section, unless 5299
the state public defender first is satisfied that there is 5300
arguable merit to the proceeding. 5301

(C) A court may appoint counsel or allow an indigent 5302
person to select the indigent's own personal counsel to assist 5303
the state public defender as co-counsel when the interests of 5304
justice so require. When co-counsel is appointed to assist the 5305

state public defender, the co-counsel shall receive any 5306
compensation that the court may approve, not to exceed the 5307
amounts provided for in section 2941.51 of the Revised Code. 5308

(D) (1) When the state public defender is designated by the 5309
court or requested by a county public defender or joint county 5310
public defender to provide legal representation for an indigent 5311
person in any case, other than pursuant to a contract entered 5312
into under authority of division (C) (7) of section 120.04 of the 5313
Revised Code, the state public defender shall send to the county 5314
in which the case is filed a bill detailing the actual cost of 5315
the representation that separately itemizes legal fees and 5316
expenses. The county, upon receipt of an itemized bill from the 5317
state public defender pursuant to this division, shall pay the 5318
state public defender one hundred per cent of the amount 5319
identified as legal fees and expenses in the itemized bill. 5320

(2) Upon payment of the itemized bill under division (D) 5321
(1) of this section, the county may submit the cost of the legal 5322
fees and expenses to the state public defender for reimbursement 5323
pursuant to section 120.33 of the Revised Code. 5324

(3) When the state public defender provides investigation 5325
or mitigation services to private appointed counsel or to a 5326
county or joint county public defender as approved by the 5327
appointing court, other than pursuant to a contract entered into 5328
under authority of division (C) (7) of section 120.04 of the 5329
Revised Code, the state public defender shall send to the county 5330
in which the case is filed a bill itemizing the actual cost of 5331
the services provided. The county, upon receipt of an itemized 5332
bill from the state public defender pursuant to this division, 5333
shall pay one hundred per cent of the amount as set forth in the 5334
itemized bill. Upon payment of the itemized bill received 5335

pursuant to this division, the county may submit the cost of the 5336
investigation and mitigation services to the state public 5337
defender for reimbursement pursuant to section 120.33 of the 5338
Revised Code. 5339

(4) There is hereby created in the state treasury the 5340
county representation fund for the deposit of moneys received 5341
from counties under this division. All moneys credited to the 5342
fund shall be used by the state public defender to provide legal 5343
representation for indigent persons when designated by the court 5344
or requested by a county or joint county public defender or to 5345
provide investigation or mitigation services, including 5346
investigation or mitigation services to private appointed 5347
counsel or a county or joint county public defender, as approved 5348
by the court. 5349

(5) If the state public defender determines that the state 5350
public defender does not have the capacity to provide the legal 5351
representation described in division (A) (5) (a) of this section 5352
and the state public defender contracts with private legal 5353
counsel to provide the legal representation, the state public 5354
defender shall directly pay private legal counsel's fees and 5355
expenses from the indigent defense support fund pursuant to 5356
section 120.08 of the Revised Code. 5357

(E) (1) Notwithstanding any contrary provision of sections 5358
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised 5359
Code that pertains to representation by the attorney general, an 5360
assistant attorney general, or special counsel of an officer or 5361
employee, as defined in section 109.36 of the Revised Code, or 5362
of an entity of state government, the state public defender may 5363
elect to contract with, and to have the state pay pursuant to 5364
division (E) (2) of this section for the services of, private 5365

legal counsel to represent the Ohio public defender commission, 5366
the state public defender, assistant state public defenders, 5367
other employees of the commission or the state public defender, 5368
and attorneys described in division (C) of section 120.41 of the 5369
Revised Code in a malpractice or other civil action or 5370
proceeding that arises from alleged actions or omissions related 5371
to responsibilities derived pursuant to this chapter, or in a 5372
civil action that is based upon alleged violations of the 5373
constitution or statutes of the United States, including section 5374
1983 of Title 42 of the United States Code, 93 Stat. 1284 5375
(1979), 42 U.S.C.A. 1983, as amended, and that arises from 5376
alleged actions or omissions related to responsibilities derived 5377
pursuant to this chapter, if the state public defender 5378
determines, in good faith, that the defendant in the civil 5379
action or proceeding did not act manifestly outside the scope of 5380
the defendant's employment or official responsibilities, with 5381
malicious purpose, in bad faith, or in a wanton or reckless 5382
manner. If the state public defender elects not to contract 5383
pursuant to this division for private legal counsel in a civil 5384
action or proceeding, then, in accordance with sections 109.02, 5385
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 5386
attorney general shall represent or provide for the 5387
representation of the Ohio public defender commission, the state 5388
public defender, assistant state public defenders, other 5389
employees of the commission or the state public defender, or 5390
attorneys described in division (C) of section 120.41 of the 5391
Revised Code in the civil action or proceeding. 5392

(2) (a) Subject to division (E) (2) (b) of this section, 5393
payment from the state treasury for the services of private 5394
legal counsel with whom the state public defender has contracted 5395
pursuant to division (E) (1) of this section shall be 5396

accomplished only through the following procedure: 5397

(i) The private legal counsel shall file with the attorney 5398
general a copy of the contract; a request for an award of legal 5399
fees, court costs, and expenses earned or incurred in connection 5400
with the defense of the Ohio public defender commission, the 5401
state public defender, an assistant state public defender, an 5402
employee, or an attorney in a specified civil action or 5403
proceeding; a written itemization of those fees, costs, and 5404
expenses, including the signature of the state public defender 5405
and the state public defender's attestation that the fees, 5406
costs, and expenses were earned or incurred pursuant to division 5407
(E) (1) of this section to the best of the state public 5408
defender's knowledge and information; a written statement 5409
whether the fees, costs, and expenses are for all legal services 5410
to be rendered in connection with that defense, are only for 5411
legal services rendered to the date of the request and 5412
additional legal services likely will have to be provided in 5413
connection with that defense, or are for the final legal 5414
services rendered in connection with that defense; a written 5415
statement indicating whether the private legal counsel 5416
previously submitted a request for an award under division (E) 5417
(2) of this section in connection with that defense and, if so, 5418
the date and the amount of each award granted; and, if the fees, 5419
costs, and expenses are for all legal services to be rendered in 5420
connection with that defense or are for the final legal services 5421
rendered in connection with that defense, a certified copy of 5422
any judgment entry in the civil action or proceeding or a signed 5423
copy of any settlement agreement entered into between the 5424
parties to the civil action or proceeding. 5425

(ii) Upon receipt of a request for an award of legal fees, 5426
court costs, and expenses and the requisite supportive 5427

documentation described in division (E) (2) (a) (i) of this 5428
section, the attorney general shall review the request and 5429
documentation; determine whether any of the limitations 5430
specified in division (E) (2) (b) of this section apply to the 5431
request; and, if an award of legal fees, court costs, or 5432
expenses is permissible after applying the limitations, prepare 5433
a document awarding legal fees, court costs, or expenses to the 5434
private legal counsel. The document shall name the private legal 5435
counsel as the recipient of the award; specify the total amount 5436
of the award as determined by the attorney general; itemize the 5437
portions of the award that represent legal fees, court costs, 5438
and expenses; specify any limitation applied pursuant to 5439
division (E) (2) (b) of this section to reduce the amount of the 5440
award sought by the private legal counsel; state that the award 5441
is payable from the state treasury pursuant to division (E) (2) 5442
(a) (iii) of this section; and be approved by the inclusion of 5443
the signatures of the attorney general, the state public 5444
defender, and the private legal counsel. 5445

(iii) The attorney general shall forward a copy of the 5446
document prepared pursuant to division (E) (2) (a) (ii) of this 5447
section to the director of budget and management. The award of 5448
legal fees, court costs, or expenses shall be paid out of the 5449
state public defender's appropriations, to the extent there is a 5450
sufficient available balance in those appropriations. If the 5451
state public defender does not have a sufficient available 5452
balance in the state public defender's appropriations to pay the 5453
entire award of legal fees, court costs, or expenses, the 5454
director shall make application for a transfer of appropriations 5455
out of the emergency purposes account or any other appropriation 5456
for emergencies or contingencies in an amount equal to the 5457
portion of the award that exceeds the sufficient available 5458

balance in the state public defender's appropriations. A 5459
transfer of appropriations out of the emergency purposes account 5460
or any other appropriation for emergencies or contingencies 5461
shall be authorized if there are sufficient moneys greater than 5462
the sum total of then pending emergency purposes account 5463
requests, or requests for releases from the other appropriation. 5464
If a transfer of appropriations out of the emergency purposes 5465
account or other appropriation for emergencies or contingencies 5466
is made to pay an amount equal to the portion of the award that 5467
exceeds the sufficient available balance in the state public 5468
defender's appropriations, the director shall cause the payment 5469
to be made to the private legal counsel. If sufficient moneys do 5470
not exist in the emergency purposes account or other 5471
appropriation for emergencies or contingencies to pay an amount 5472
equal to the portion of the award that exceeds the sufficient 5473
available balance in the state public defender's appropriations, 5474
the private legal counsel shall request the general assembly to 5475
make an appropriation sufficient to pay an amount equal to the 5476
portion of the award that exceeds the sufficient available 5477
balance in the state public defender's appropriations, and no 5478
payment in that amount shall be made until the appropriation has 5479
been made. The private legal counsel shall make the request 5480
during the current biennium and during each succeeding biennium 5481
until a sufficient appropriation is made. 5482

(b) An award of legal fees, court costs, and expenses 5483
pursuant to division (E) of this section is subject to the 5484
following limitations: 5485

(i) The maximum award or maximum aggregate of a series of 5486
awards of legal fees, court costs, and expenses to the private 5487
legal counsel in connection with the defense of the Ohio public 5488
defender commission, the state public defender, an assistant 5489

state public defender, an employee, or an attorney in a 5490
specified civil action or proceeding shall not exceed fifty 5491
thousand dollars. 5492

(ii) The private legal counsel shall not be awarded legal 5493
fees, court costs, or expenses to the extent the fees, costs, or 5494
expenses are covered by a policy of malpractice or other 5495
insurance. 5496

(iii) The private legal counsel shall be awarded legal 5497
fees and expenses only to the extent that the fees and expenses 5498
are reasonable in light of the legal services rendered by the 5499
private legal counsel in connection with the defense of the Ohio 5500
public defender commission, the state public defender, an 5501
assistant state public defender, an employee, or an attorney in 5502
a specified civil action or proceeding. 5503

(c) If, pursuant to division (E)(2)(a) of this section, 5504
the attorney general denies a request for an award of legal 5505
fees, court costs, or expenses to private legal counsel because 5506
of the application of a limitation specified in division (E)(2) 5507
(b) of this section, the attorney general shall notify the 5508
private legal counsel in writing of the denial and of the 5509
limitation applied. 5510

(d) If, pursuant to division (E)(2)(c) of this section, a 5511
private legal counsel receives a denial of an award notification 5512
or if a private legal counsel refuses to approve a document 5513
under division (E)(2)(a)(ii) of this section because of the 5514
proposed application of a limitation specified in division (E) 5515
(2)(b) of this section, the private legal counsel may commence a 5516
civil action against the attorney general in the court of claims 5517
to prove the private legal counsel's entitlement to the award 5518
sought, to prove that division (E)(2)(b) of this section does 5519

not prohibit or otherwise limit the award sought, and to recover 5520
a judgment for the amount of the award sought. A civil action 5521
under division (E) (2) (d) of this section shall be commenced no 5522
later than two years after receipt of a denial of award 5523
notification or, if the private legal counsel refused to approve 5524
a document under division (E) (2) (a) (ii) of this section because 5525
of the proposed application of a limitation specified in 5526
division (E) (2) (b) of this section, no later than two years 5527
after the refusal. Any judgment of the court of claims in favor 5528
of the private legal counsel shall be paid from the state 5529
treasury in accordance with division (E) (2) (a) of this section. 5530

(F) If a court appoints the office of the state public 5531
defender to represent a petitioner in a postconviction relief 5532
proceeding under section 2953.21 of the Revised Code, the 5533
petitioner has received a sentence of death, and the proceeding 5534
relates to that sentence, all of the attorneys who represent the 5535
petitioner in the proceeding pursuant to the appointment, 5536
whether an assistant state public defender, the state public 5537
defender, or another attorney, shall be certified under Rule 20 5538
of the Rules of Superintendence for the Courts of Ohio to 5539
represent indigent defendants charged with or convicted of an 5540
offense for which the death penalty can be or has been imposed. 5541

(G) (1) The state public defender may conduct a legal 5542
assistance referral service for children committed to the 5543
department of youth services relative to conditions of 5544
confinement claims. If the legal assistance referral service 5545
receives a request for assistance from a child confined in a 5546
facility operated, or contracted for, by the department of youth 5547
services and the state public defender determines that the child 5548
has a conditions of confinement claim that has merit, the state 5549
public defender may refer the child to a private attorney. If no 5550

private attorney who the child has been referred to by the state 5551
public defender accepts the case within a reasonable time, the 5552
state public defender may prepare, as appropriate, pro se 5553
pleadings in the form of a complaint regarding the conditions of 5554
confinement at the facility where the child is confined with a 5555
motion for appointment of counsel and other applicable pleadings 5556
necessary for sufficient pro se representation. 5557

(2) Division (G)(1) of this section does not authorize the 5558
state public defender to represent a child committed to the 5559
department of youth services in general civil matters arising 5560
solely out of state law. 5561

(3) The state public defender shall not undertake the 5562
representation of a child in court based on a conditions of 5563
confinement claim arising under this division. 5564

(H) A child's right to representation or services under 5565
this section is not affected by the child, or another person on 5566
behalf of the child, previously having paid for similar 5567
representation or services or having waived legal 5568
representation. 5569

(I) The state public defender shall have reasonable access 5570
to any child committed to the department of youth services, 5571
department of youth services institution, and department of 5572
youth services record as needed to implement this section. 5573

(J) As used in this section: 5574

(1) "Community control sanction" has the same meaning as 5575
in section 2929.01 of the Revised Code. 5576

(2) "Conditions of confinement" means any issue involving 5577
a constitutional right or other civil right related to a child's 5578
incarceration, including, but not limited to, actions cognizable 5579

under 42 U.S.C. 1983. 5580

(3) "Post-release control sanction" has the same meaning 5581
as in section 2967.01 of the Revised Code. 5582

Sec. 120.08. There is hereby created in the state treasury 5583
the indigent defense support fund, consisting of money paid into 5584
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 5585
4511.19 of the Revised Code and pursuant to sections 2937.22, 5586
2949.091, and 2949.094 of the Revised Code out of the additional 5587
court costs imposed under those sections. The state public 5588
defender shall use at least eighty-three per cent of the money 5589
in the fund for the purposes of reimbursing county governments 5590
for expenses incurred pursuant to sections 120.18, 120.28, and 5591
120.33 of the Revised Code ~~and,~~ operating its system pursuant 5592
to division (C) (7) of section 120.04 of the Revised Code and 5593
division (B) of section 120.33 of the Revised Code, and directly 5594
paying private legal counsel's fees and expenses incurred 5595
pursuant to division (D) (5) of section 120.06 of the Revised 5596
Code. Disbursements from the fund to county governments shall be 5597
made at least once per year and shall be allocated 5598
proportionately so that each county receives an equal percentage 5599
of its cost for operating its county public defender system, its 5600
joint county public defender system, its county appointed 5601
counsel system, or its system operated under division (C) (7) of 5602
section 120.04 of the Revised Code and division (B) of section 5603
120.33 of the Revised Code. The state public defender may use 5604
not more than seventeen per cent of the money in the fund for 5605
the purposes of appointing assistant state public defenders, 5606
providing other personnel, equipment, and facilities necessary 5607
for the operation of the state public defender office, and 5608
providing training, developing and implementing electronic 5609
forms, or establishing and maintaining an information technology 5610

system used for the uniform operation of this chapter. 5611

Sec. 121.02. The following administrative departments and 5612
their respective directors are hereby created: 5613

(A) The office of budget and management, which shall be 5614
administered by the director of budget and management; 5615

(B) The department of commerce, which shall be 5616
administered by the director of commerce; 5617

(C) The department of administrative services, which shall 5618
be administered by the director of administrative services; 5619

(D) The department of transportation, which shall be 5620
administered by the director of transportation; 5621

(E) The department of agriculture, which shall be 5622
administered by the director of agriculture; 5623

(F) The department of natural resources, which shall be 5624
administered by the director of natural resources; 5625

(G) The department of health, which shall be administered 5626
by the director of health; 5627

(H) The department of job and family services, which shall 5628
be administered by the director of job and family services; 5629

(I) The department of children and youth, which shall be 5630
administered by the director of children and youth; 5631

(J) The department of public safety, which shall be 5632
administered by the director of public safety; 5633

(K) The department of ~~mental behavioral health and~~ 5634
~~addiction services~~, which shall be administered by the director 5635
of ~~mental behavioral health and addiction services~~; 5636

(L) The department of developmental disabilities, which 5637
shall be administered by the director of developmental 5638
disabilities; 5639

(M) The department of insurance, which shall be 5640
administered by the superintendent of insurance as director 5641
thereof; 5642

(N) The department of development, which shall be 5643
administered by the director of development; 5644

(O) The department of youth services, which shall be 5645
administered by the director of youth services; 5646

(P) The department of rehabilitation and correction, which 5647
shall be administered by the director of rehabilitation and 5648
correction; 5649

(Q) The environmental protection agency, which shall be 5650
administered by the director of environmental protection; 5651

(R) The department of aging, which shall be administered 5652
by the director of aging; 5653

(S) The department of veterans services, which shall be 5654
administered by the director of veterans services; 5655

(T) The department of medicaid, which shall be 5656
administered by the medicaid director; 5657

(U) The department of education and workforce, which shall 5658
be administered by the director of education and workforce. 5659

The director of each department shall exercise the powers 5660
and perform the duties vested by law in such department. 5661

Sec. 121.03. The following administrative department heads 5662
shall be appointed by the governor, with the advice and consent 5663

of the senate, and shall hold their offices during the term of 5664
the appointing governor, and are subject to removal at the 5665
pleasure of the governor. 5666

(A) The director of budget and management; 5667

(B) The director of commerce; 5668

(C) The director of transportation; 5669

(D) The director of agriculture; 5670

(E) The director of job and family services; 5671

(F) The director of children and youth; 5672

(G) The director of public safety; 5673

(H) The superintendent of insurance; 5674

(I) The director of development; 5675

(J) The tax commissioner; 5676

(K) The director of administrative services; 5677

(L) The director of natural resources; 5678

(M) The director of ~~mental behavioral health and addiction~~ 5679
~~services;~~ 5680

(N) The director of developmental disabilities; 5681

(O) The director of health; 5682

(P) The director of youth services; 5683

(Q) The director of rehabilitation and correction; 5684

(R) The director of environmental protection; 5685

(S) The director of aging; 5686

(T) The administrator of workers' compensation who meets 5687
the qualifications required under division (A) of section 5688
4121.121 of the Revised Code; 5689

(U) The director of veterans services who meets the 5690
qualifications required under section 5902.01 of the Revised 5691
Code; 5692

(V) The chancellor of higher education; 5693

(W) The medicaid director; 5694

(X) The director of education and workforce. 5695

Sec. 121.085. The financial literacy education fund is 5696
hereby created in the state treasury. The fund shall consist of 5697
funds transferred to it from the consumer finance fund pursuant 5698
to section 1321.21 of the Revised Code. The fund shall be used 5699
to support various ~~adult~~ financial literacy education programs 5700
developed or implemented by the director of commerce. The fund 5701
shall be administered by the director of commerce who shall 5702
adopt rules for the distribution of fund moneys. ~~The director of~~ 5703
~~commerce shall adopt a rule to require that at least one-half of~~ 5704
~~the financial literacy education programs developed or~~ 5705
~~implemented pursuant to this section, and offered to the public,~~ 5706
~~be presented by or available at public community colleges or~~ 5707
~~state institutions throughout the state.~~ The director of 5708
commerce shall deliver to the president of the senate, the 5709
speaker of the house of representatives, the minority leader of 5710
the senate, the minority leader of the house of representatives, 5711
and the governor an annual report that includes an outline of 5712
each adult financial literacy education program developed or 5713
implemented, the number of individuals who were educated by each 5714
program, and an accounting for all funds distributed. 5715

Sec. 121.16. Not later than ten days after receiving 5716
notice from the federal government about a reduction or other 5717
modification to federal funding a state agency receives, the 5718
state agency that received the notice shall submit a copy to the 5719
president of the senate, or the president's designee, and to the 5720
speaker of the house of representatives, or the speaker's 5721
designee. 5722

Not later than ten days after receiving notice from the 5723
federal government that a state program is or may be out of 5724
compliance with federal requirements, the state agency that 5725
received the notice shall submit a copy to the president of the 5726
senate, or the president's designee, and to the speaker of the 5727
house of representatives, or the speaker's designee. 5728

Sec. 121.22. (A) This section shall be liberally construed 5729
to require public officials to take official action and to 5730
conduct all deliberations upon official business only in open 5731
meetings unless the subject matter is specifically excepted by 5732
law. 5733

(B) As used in this section: 5734

(1) "Public body" means any of the following: 5735

(a) Any board, commission, committee, council, or similar 5736
decision-making body of a state agency, institution, or 5737
authority, and any legislative authority or board, commission, 5738
committee, council, agency, authority, or similar decision- 5739
making body of any county, township, municipal corporation, 5740
school district, or other political subdivision or local public 5741
institution; 5742

(b) Any committee or subcommittee of a body described in 5743
division (B) (1) (a) of this section; 5744

(c) A court of jurisdiction of a sanitary district 5745
organized wholly for the purpose of providing a water supply for 5746
domestic, municipal, and public use when meeting for the purpose 5747
of the appointment, removal, or reappointment of a member of the 5748
board of directors of such a district pursuant to section 5749
6115.10 of the Revised Code, if applicable, or for any other 5750
matter related to such a district other than litigation 5751
involving the district. As used in division (B) (1) (c) of this 5752
section, "court of jurisdiction" has the same meaning as "court" 5753
in section 6115.01 of the Revised Code. 5754

(2) "Meeting" means any prearranged discussion of the 5755
public business of the public body by a majority of its members. 5756

(3) "Regulated individual" means either of the following: 5757

(a) A student in a state or local public educational 5758
institution; 5759

(b) A person who is, voluntarily or involuntarily, an 5760
inmate, patient, or resident of a state or local institution 5761
because of criminal behavior, mental illness, an intellectual 5762
disability, disease, disability, age, or other condition 5763
requiring custodial care. 5764

(4) "Public office" has the same meaning as in section 5765
149.011 of the Revised Code. 5766

(C) All meetings of any public body are declared to be 5767
public meetings open to the public at all times. A member of a 5768
public body shall be present in person at a meeting open to the 5769
public to be considered present or to vote at the meeting and 5770
for purposes of determining whether a quorum is present at the 5771
meeting. 5772

The minutes of a regular or special meeting of any public 5773

body shall be promptly prepared, filed, and maintained and shall 5774
be open to public inspection. The minutes need only reflect the 5775
general subject matter of discussions in executive sessions 5776
authorized under division (G) or (J) of this section. 5777

(D) This section does not apply to any of the following: 5778

(1) A grand jury; 5779

(2) An audit conference conducted by the auditor of state 5780
or independent certified public accountants with officials of 5781
the public office that is the subject of the audit; 5782

(3) The adult parole authority when its hearings are 5783
conducted at a correctional institution for the sole purpose of 5784
interviewing inmates to determine parole or pardon and the 5785
department of rehabilitation and correction when its hearings 5786
are conducted at a correctional institution for the sole purpose 5787
of making determinations under section 2967.271 of the Revised 5788
Code regarding the release or maintained incarceration of an 5789
offender to whom that section applies; 5790

(4) The organized crime investigations commission 5791
established under section 177.01 of the Revised Code; 5792

(5) Meetings of a child fatality review board established 5793
under section 307.621 of the Revised Code, meetings related to a 5794
review conducted pursuant to guidelines established by the 5795
director of health under section 3701.70 of the Revised Code, 5796
and meetings conducted pursuant to sections 5153.171 to 5153.173 5797
of the Revised Code; 5798

(6) The state medical board when determining whether to 5799
suspend a license or certificate without a prior hearing 5800
pursuant to division (G) of either section 4730.25 or 4731.22 of 5801
the Revised Code; 5802

(7) The board of nursing when determining whether to 5803
suspend a license or certificate without a prior hearing 5804
pursuant to division (B) of section 4723.281 of the Revised 5805
Code; 5806

(8) The state board of pharmacy when determining whether 5807
to do either of the following: 5808

(a) Suspend a license, certification, or registration 5809
without a prior hearing, including during meetings conducted by 5810
telephone conference, pursuant to Chapters 3719., 3796., 4729., 5811
and 4752. of the Revised Code and rules adopted thereunder; or 5812

(b) Restrict a person from obtaining further information 5813
from the drug database established in section 4729.75 of the 5814
Revised Code without a prior hearing pursuant to division (C) of 5815
section 4729.86 of the Revised Code. 5816

(9) The state chiropractic board when determining whether 5817
to suspend a license without a hearing pursuant to section 5818
4734.37 of the Revised Code; 5819

(10) The executive committee of the emergency response 5820
commission when determining whether to issue an enforcement 5821
order or request that a civil action, civil penalty action, or 5822
criminal action be brought to enforce Chapter 3750. of the 5823
Revised Code; 5824

(11) The board of directors of the nonprofit corporation 5825
formed under section 187.01 of the Revised Code or any committee 5826
thereof, and the board of directors of any subsidiary of that 5827
corporation or a committee thereof; 5828

(12) An audit conference conducted by the audit staff of 5829
the department of job and family services with officials of the 5830
public office that is the subject of that audit under section 5831

5101.37 of the Revised Code; 5832

(13) The occupational therapy section of the occupational 5833
therapy, physical therapy, and athletic trainers board when 5834
determining whether to suspend a license without a hearing 5835
pursuant to division (E) of section 4755.11 of the Revised Code; 5836

(14) The physical therapy section of the occupational 5837
therapy, physical therapy, and athletic trainers board when 5838
determining whether to suspend a license without a hearing 5839
pursuant to division (F) of section 4755.47 of the Revised Code; 5840

(15) The athletic trainers section of the occupational 5841
therapy, physical therapy, and athletic trainers board when 5842
determining whether to suspend a license without a hearing 5843
pursuant to division (E) of section 4755.64 of the Revised Code; 5844

(16) Meetings of the pregnancy-associated mortality review 5845
board established under section ~~3738.01~~5180.27 of the Revised 5846
Code; 5847

(17) Meetings of a fetal-infant mortality review board 5848
established under section 3707.71 of the Revised Code; 5849

(18) Meetings of a drug overdose fatality review committee 5850
described in section 307.631 of the Revised Code; 5851

(19) Meetings of a suicide fatality review committee 5852
described in section 307.641 of the Revised Code; 5853

(20) Meetings of the officers, members, or directors of an 5854
existing qualified nonprofit corporation that creates a special 5855
improvement district under Chapter 1710. of the Revised Code, at 5856
which the public business of the corporation pertaining to a 5857
purpose for which the district is created is not discussed; 5858

(21) Meetings of a domestic violence fatality review board 5859

established under section 307.651 of the Revised Code; 5860

(22) Any nonprofit agency that has received an endorsement 5861
under section ~~122.69~~5101.315 of the Revised Code. 5862

(E) The controlling board, the tax credit authority, or 5863
the minority development financing advisory board, when meeting 5864
to consider granting assistance pursuant to Chapter 122. or 166. 5865
of the Revised Code, in order to protect the interest of the 5866
applicant or the possible investment of public funds, by 5867
unanimous vote of all board or authority members present, may 5868
close the meeting during consideration of the following 5869
information confidentially received by the authority or board 5870
from the applicant: 5871

(1) Marketing plans; 5872

(2) Specific business strategy; 5873

(3) Production techniques and trade secrets; 5874

(4) Financial projections; 5875

(5) Personal financial statements of the applicant or 5876
members of the applicant's immediate family, including, but not 5877
limited to, tax records or other similar information not open to 5878
public inspection. 5879

The vote by the authority or board to accept or reject the 5880
application, as well as all proceedings of the authority or 5881
board not subject to this division, shall be open to the public 5882
and governed by this section. 5883

(F) Every public body, by rule, shall establish a 5884
reasonable method_—whereby any person may determine the time and 5885
place of all regularly scheduled meetings and the time, place, 5886
and purpose of all special meetings. A public body shall not 5887

hold a special meeting unless it gives at least twenty-four 5888
hours' advance notice to the news media that have requested 5889
notification, except in the event of an emergency requiring 5890
immediate official action. In the event of an emergency, the 5891
member or members calling the meeting shall notify the news 5892
media that have requested notification immediately of the time, 5893
place, and purpose of the meeting. 5894

The rule shall provide that any person, upon request and 5895
payment of a reasonable fee, may obtain reasonable advance 5896
notification of all meetings at which any specific type of 5897
public business is to be discussed. Provisions for advance 5898
notification may include, but are not limited to, mailing the 5899
agenda of meetings to all subscribers on a mailing list or 5900
mailing notices in self-addressed, stamped envelopes provided by 5901
the person. 5902

(G) Except as provided in divisions (G)(8) and (J) of this 5903
section, the members of a public body may hold an executive 5904
session only after a majority of a quorum of the public body 5905
determines, by a roll call vote, to hold an executive session 5906
and only at a regular or special meeting for the sole purpose of 5907
the consideration of any of the following matters: 5908

(1) To consider the appointment, employment, dismissal, 5909
discipline, promotion, demotion, or compensation of a public 5910
employee or official, or the investigation of charges or 5911
complaints against a public employee, official, licensee, or 5912
regulated individual, unless the public employee, official, 5913
licensee, or regulated individual requests a public hearing. 5914
Except as otherwise provided by law, no public body shall hold 5915
an executive session for the discipline of an elected official 5916
for conduct related to the performance of the elected official's 5917

official duties or for the elected official's removal from 5918
office. If a public body holds an executive session pursuant to 5919
division (G) (1) of this section, the motion and vote to hold 5920
that executive session shall state which one or more of the 5921
approved purposes listed in division (G) (1) of this section are 5922
the purposes for which the executive session is to be held, but 5923
need not include the name of any person to be considered at the 5924
meeting. 5925

(2) To consider the purchase of property for public 5926
purposes, the sale of property at competitive bidding, or the 5927
sale or other disposition of unneeded, obsolete, or unfit-for- 5928
use property in accordance with section 505.10 of the Revised 5929
Code, if premature disclosure of information would give an 5930
unfair competitive or bargaining advantage to a person whose 5931
personal, private interest is adverse to the general public 5932
interest. No member of a public body shall use division (G) (2) 5933
of this section as a subterfuge for providing covert information 5934
to prospective buyers or sellers. A purchase or sale of public 5935
property is void if the seller or buyer of the public property 5936
has received covert information from a member of a public body 5937
that has not been disclosed to the general public in sufficient 5938
time for other prospective buyers and sellers to prepare and 5939
submit offers. 5940

If the minutes of the public body show that all meetings 5941
and deliberations of the public body have been conducted in 5942
compliance with this section, any instrument executed by the 5943
public body purporting to convey, lease, or otherwise dispose of 5944
any right, title, or interest in any public property shall be 5945
conclusively presumed to have been executed in compliance with 5946
this section insofar as title or other interest of any bona fide 5947
purchasers, lessees, or transferees of the property is 5948

concerned. 5949

(3) Conferences with an attorney for the public body 5950
concerning disputes involving the public body that are the 5951
subject of pending or imminent court action; 5952

(4) Preparing for, conducting, or reviewing negotiations 5953
or bargaining sessions with public employees concerning their 5954
compensation or other terms and conditions of their employment; 5955

(5) Matters required to be kept confidential by federal 5956
law or regulations or state statutes; 5957

(6) Details relative to the security arrangements and 5958
emergency response protocols for a public body or a public 5959
office, if disclosure of the matters discussed could reasonably 5960
be expected to jeopardize the security of the public body or 5961
public office; 5962

(7) In the case of a county hospital operated pursuant to 5963
Chapter 339. of the Revised Code, a joint township hospital 5964
operated pursuant to Chapter 513. of the Revised Code, or a 5965
municipal hospital operated pursuant to Chapter 749. of the 5966
Revised Code, to consider trade secrets, as defined in section 5967
1333.61 of the Revised Code; 5968

(8) To consider confidential information related to the 5969
marketing plans, specific business strategy, production 5970
techniques, trade secrets, or personal financial statements of 5971
an applicant for economic development assistance, or to 5972
negotiations with other political subdivisions respecting 5973
requests for economic development assistance, provided that both 5974
of the following conditions apply: 5975

(a) The information is directly related to a request for 5976
economic development assistance that is to be provided or 5977

administered under any provision of Chapter 715., 725., 1724., 5978
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5979
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5980
5709.81 of the Revised Code, or that involves public 5981
infrastructure improvements or the extension of utility services 5982
that are directly related to an economic development project. 5983

(b) A unanimous quorum of the public body determines, by a 5984
roll call vote, that the executive session is necessary to 5985
protect the interests of the applicant or the possible 5986
investment or expenditure of public funds to be made in 5987
connection with the economic development project. 5988

If a public body holds an executive session to consider 5989
any of the matters listed in divisions (G) (2) to (8) of this 5990
section, the motion and vote to hold that executive session 5991
shall state which one or more of the approved matters listed in 5992
those divisions are to be considered at the executive session. 5993

A public body specified in division (B) (1) (c) of this 5994
section shall not hold an executive session when meeting for the 5995
purposes specified in that division. 5996

(H) A resolution, rule, or formal action of any kind is 5997
invalid unless adopted in an open meeting of the public body. A 5998
resolution, rule, or formal action adopted in an open meeting 5999
that results from deliberations in a meeting not open to the 6000
public is invalid unless the deliberations were for a purpose 6001
specifically authorized in division (G) or (J) of this section 6002
and conducted at an executive session held in compliance with 6003
this section. A resolution, rule, or formal action adopted in an 6004
open meeting is invalid if the public body that adopted the 6005
resolution, rule, or formal action violated division (F) of this 6006
section. 6007

(I) (1) Any person may bring an action to enforce this 6008
section. An action under division (I) (1) of this section shall 6009
be brought within two years after the date of the alleged 6010
violation or threatened violation. Upon proof of a violation or 6011
threatened violation of this section in an action brought by any 6012
person, the court of common pleas shall issue an injunction to 6013
compel the members of the public body to comply with its 6014
provisions. 6015

(2) (a) If the court of common pleas issues an injunction 6016
pursuant to division (I) (1) of this section, the court shall 6017
order the public body that it enjoins to pay a civil forfeiture 6018
of five hundred dollars to the party that sought the injunction 6019
and shall award to that party all court costs and, subject to 6020
reduction as described in division (I) (2) of this section, 6021
reasonable attorney's fees. The court, in its discretion, may 6022
reduce an award of attorney's fees to the party that sought the 6023
injunction or not award attorney's fees to that party if the 6024
court determines both of the following: 6025

(i) That, based on the ordinary application of statutory 6026
law and case law as it existed at the time of violation or 6027
threatened violation that was the basis of the injunction, a 6028
well-informed public body reasonably would believe that the 6029
public body was not violating or threatening to violate this 6030
section; 6031

(ii) That a well-informed public body reasonably would 6032
believe that the conduct or threatened conduct that was the 6033
basis of the injunction would serve the public policy that 6034
underlies the authority that is asserted as permitting that 6035
conduct or threatened conduct. 6036

(b) If the court of common pleas does not issue an 6037

injunction pursuant to division (I)(1) of this section and the 6038
court determines at that time that the bringing of the action 6039
was frivolous conduct, as defined in division (A) of section 6040
2323.51 of the Revised Code, the court shall award to the public 6041
body all court costs and reasonable attorney's fees, as 6042
determined by the court. 6043

(3) Irreparable harm and prejudice to the party that 6044
sought the injunction shall be conclusively and irrebuttably 6045
presumed upon proof of a violation or threatened violation of 6046
this section. 6047

(4) A member of a public body who knowingly violates an 6048
injunction issued pursuant to division (I)(1) of this section 6049
may be removed from office by an action brought in the court of 6050
common pleas for that purpose by the prosecuting attorney or the 6051
attorney general. 6052

(J)(1) Pursuant to division (C) of section 5901.09 of the 6053
Revised Code, a veterans service commission shall hold an 6054
executive session for one or more of the following purposes 6055
unless an applicant requests a public hearing: 6056

(a) Interviewing an applicant for financial assistance 6057
under sections 5901.01 to 5901.15 of the Revised Code; 6058

(b) Discussing applications, statements, and other 6059
documents described in division (B) of section 5901.09 of the 6060
Revised Code; 6061

(c) Reviewing matters relating to an applicant's request 6062
for financial assistance under sections 5901.01 to 5901.15 of 6063
the Revised Code. 6064

(2) A veterans service commission shall not exclude an 6065
applicant for, recipient of, or former recipient of financial 6066

assistance under sections 5901.01 to 5901.15 of the Revised 6067
Code, and shall not exclude representatives selected by the 6068
applicant, recipient, or former recipient, from a meeting that 6069
the commission conducts as an executive session that pertains to 6070
the applicant's, recipient's, or former recipient's application 6071
for financial assistance. 6072

(3) A veterans service commission shall vote on the grant 6073
or denial of financial assistance under sections 5901.01 to 6074
5901.15 of the Revised Code only in an open meeting of the 6075
commission. The minutes of the meeting shall indicate the name, 6076
address, and occupation of the applicant, whether the assistance 6077
was granted or denied, the amount of the assistance if 6078
assistance is granted, and the votes for and against the 6079
granting of assistance. 6080

Sec. 121.35. (A) Subject to division (B) of this section, 6081
the following state agencies shall collaborate to revise and 6082
make more uniform the eligibility standards and eligibility 6083
determination procedures of programs the state agencies 6084
administer: 6085

- (1) The department of aging; 6086
- (2) The department of development; 6087
- (3) The department of developmental disabilities; 6088
- (4) The department of education and workforce; 6089
- (5) The department of health; 6090
- (6) The department of job and family services; 6091
- (7) The department of medicaid; 6092
- (8) The department of ~~mental-behavioral health-and-~~ 6093

~~addiction services;~~ 6094

(9) The opportunities for Ohioans with disabilities 6095
agency; 6096

(10) The department of children and youth. 6097

(B) In revising eligibility standards and eligibility 6098
determination procedures, a state agency shall not make any 6099
program's eligibility standards or eligibility determination 6100
procedures inconsistent with state or federal law. To the extent 6101
authorized by state and federal law, the revisions may provide 6102
for the state agencies to share administrative operations. 6103

Sec. 121.36. (A) As used in this section, "home care 6104
dependent adult" means an individual who resides in a private 6105
home or other noninstitutional and unlicensed living 6106
arrangement, without the presence of a parent or guardian, but 6107
has health and safety needs that require the provision of 6108
regularly scheduled home care services to remain in the home or 6109
other living arrangement because one of the following is the 6110
case: 6111

(1) The individual is at least twenty-one years of age but 6112
less than sixty years of age and has a physical disability or 6113
mental impairment. 6114

(2) The individual is sixty years of age or older, 6115
regardless of whether the individual has a physical disability 6116
or mental impairment. 6117

(B) Except as provided in division (D) of this section, 6118
the departments of developmental disabilities, aging, job and 6119
family services, and health shall each implement this section 6120
with respect to all contracts entered into by the department for 6121
the provision of home care services to home care dependent 6122

adults that are paid for in whole or in part with federal, 6123
state, or local funds. Except as provided in division (D) of 6124
this section, each department shall also require all public and 6125
private entities that receive money from or through the 6126
department to comply with this section when entering into 6127
contracts for the provision of home care services to home care 6128
dependent adults that are paid for in whole or in part with 6129
federal, state, or local funds. Such entities may include county 6130
boards of developmental disabilities, area agencies on aging, 6131
county departments of job and family services, and boards of 6132
health of city and general health districts. 6133

(C) ~~Beginning one year after September 26, 2003, each~~ Each 6134
contract subject to this section shall include terms requiring 6135
that the provider of home care services to home care dependent 6136
adults have a system in place that effectively monitors the 6137
delivery of the services by its employees. To be considered an 6138
effective monitoring system for purposes of the contract, the 6139
system established by a provider must include at least the 6140
following components: 6141

(1) When providing home care services to home care 6142
dependent adults who have a mental impairment or life- 6143
threatening health condition, a mechanism to verify whether the 6144
provider's employees are present at the location where the 6145
services are to be provided and at the time the services are to 6146
be provided; 6147

(2) When providing home care services to all other home 6148
care dependent adults, a system to verify at the end of each 6149
working day whether the provider's employees have provided the 6150
services at the proper location and time; 6151

(3) A protocol to be followed in scheduling a substitute 6152

employee when the monitoring system identifies that an employee 6153
has failed to provide home care services at the proper location 6154
and time, including standards for determining the length of time 6155
that may elapse without jeopardizing the health and safety of 6156
the home care dependent adult; 6157

(4) Procedures for maintaining records of the information 6158
obtained through the monitoring system; 6159

(5) Procedures for compiling annual reports of the 6160
information obtained through the monitoring system, including 6161
statistics on the rate at which home care services were provided 6162
at the proper location and time; 6163

(6) Procedures for conducting random checks of the 6164
accuracy of the monitoring system. For purposes of conducting 6165
these checks, a random check is considered to be a check of not 6166
more than five per cent of the home care visits the provider's 6167
employees make to different home care dependent adults within a 6168
particular work shift. 6169

(D) In implementing this section, the departments shall 6170
exempt ~~providers~~ the following from the section's requirements: 6171

(1) Providers of home care services who are self-employed 6172
providers with no other employees or are otherwise considered by 6173
the departments not to be agency providers. ~~The departments~~ 6174
~~shall conduct a study on how the exempted providers may be made~~ 6175
~~subject to the requirement of effectively monitoring whether~~ 6176
~~home care services are being provided and have been provided at~~ 6177
~~the proper location and time. Not later than two years after~~ 6178
~~September 26, 2003, the departments shall prepare a report of~~ 6179
~~their findings and recommendations. The report shall be~~ 6180
~~submitted to the president of the senate and the speaker of the~~ 6181

~~house of representatives;~~ 6182

(2) Providers who utilize an electronic visit verification 6183
system as described in section 12006 of the "21st Century Cures 6184
Act of 2016," 42 U.S.C. 1903(1). 6185

(E) The departments of developmental disabilities, aging, 6186
job and family services, and health shall each adopt rules as 6187
necessary to implement this section. The rules shall be adopted 6188
in accordance with Chapter 119. of the Revised Code. 6189

Sec. 121.37. (A) (1) There is hereby created the Ohio 6190
family and children first cabinet council. The council shall be 6191
composed of the director of education and workforce, the 6192
executive director of the opportunities for Ohioans with 6193
disabilities agency, the medicaid director, and the directors of 6194
youth services, job and family services, mental-behavioral 6195
~~health-and-addiction services~~, health, developmental 6196
disabilities, aging, rehabilitation and correction, children and 6197
youth, and budget and management. The chairperson of the council 6198
shall be the governor or the governor's designee and shall 6199
establish procedures for the council's internal control and 6200
management. 6201

The purpose of the cabinet council is to help families 6202
seeking government services. This section shall not be 6203
interpreted or applied to usurp the role of parents, but solely 6204
to streamline and coordinate existing government services for 6205
families seeking assistance for their children. 6206

(2) In seeking to fulfill its purpose, the council may do 6207
any of the following: 6208

(a) Advise and make recommendations to the governor and 6209
general assembly regarding the provision of services to 6210

children; 6211

(b) Advise and assess local governments on the 6212
coordination of service delivery to children; 6213

(c) Hold meetings at such times and places as may be 6214
prescribed by the council's procedures and maintain records of 6215
the meetings, except that records identifying individual 6216
children are confidential and shall be disclosed only as 6217
provided by law; 6218

(d) Develop programs and projects, including pilot 6219
projects, to encourage coordinated efforts at the state and 6220
local level to improve the state's social service delivery 6221
system; 6222

(e) Enter into contracts with and administer grants to 6223
county family and children first councils, as well as other 6224
county or multicounty organizations to plan and coordinate 6225
service delivery between state agencies and local service 6226
providers for families and children; 6227

(f) Enter into contracts with and apply for grants from 6228
federal agencies or private organizations; 6229

(g) Enter into interagency agreements to encourage 6230
coordinated efforts at the state and local level to improve the 6231
state's social service delivery system. The agreements may 6232
include provisions regarding the receipt, transfer, and 6233
expenditure of funds; 6234

(h) Identify public and private funding sources for 6235
services provided to alleged or adjudicated unruly children and 6236
children who are at risk of being alleged or adjudicated unruly 6237
children, including regulations governing access to and use of 6238
the services; 6239

(i) Collect information provided by local communities 6240
regarding successful programs for prevention, intervention, and 6241
treatment of unruly behavior, including evaluations of the 6242
programs; 6243

(j) Identify and disseminate publications regarding 6244
alleged or adjudicated unruly children and children who are at 6245
risk of being alleged or adjudicated unruly children and 6246
regarding programs serving those types of children; 6247

(k) Maintain an inventory of strategic planning 6248
facilitators for use by government or nonprofit entities that 6249
serve alleged or adjudicated unruly children or children who are 6250
at risk of being alleged or adjudicated unruly children. 6251

(3) The cabinet council shall provide for the following: 6252

(a) Reviews of service and treatment plans for children 6253
for which such reviews are requested; 6254

(b) Assistance as the council determines to be necessary 6255
to meet the needs of children referred by county family and 6256
children first councils; 6257

(c) Monitoring and supervision of a statewide, 6258
comprehensive, coordinated, multi-disciplinary, interagency 6259
system for infants and toddlers with developmental disabilities 6260
or delays and their families, as established pursuant to federal 6261
grants received and administered by the department of children 6262
and youth for early intervention services under the "Individuals 6263
with Disabilities Education Act of 2004," 118 Stat. 2744, 20 6264
U.S.C.A. 1400, as amended; 6265

(d) Establishing and maintaining the Ohio automated 6266
service coordination system pursuant to section 121.376 of the 6267
Revised Code. 6268

(4) The cabinet council shall develop and implement the 6269
following: 6270

(a) An interagency process to select the indicators that 6271
will be used to measure progress toward increasing child well- 6272
being in the state and to update the indicators on an annual 6273
basis. 6274

(b) An interagency system to offer guidance and monitor 6275
progress toward increasing child well-being in the state and in 6276
each county; 6277

(c) An annual plan that identifies state-level agency 6278
efforts taken to ensure progress towards increasing child well- 6279
being in the state; 6280

(d) A state appeals process to resolve disputes among the 6281
members of a county council, established under division (B) of 6282
this section, concerning whether reasonable responsibilities are 6283
being shared. The appeals process may be accessed only by a 6284
majority vote of the council members who are required to serve 6285
on the council. Upon appeal, the cabinet council may order that 6286
state funds for services to children and families be redirected 6287
to a county's board of county commissioners. 6288

(5) On an annual basis, the cabinet council shall submit 6289
to the governor and the general assembly a report on the status 6290
of efforts to increase child well-being in the state. This 6291
report shall be made available to any other person on request. 6292

(6) The cabinet council state office may adopt rules 6293
governing the responsibilities of county family and children 6294
first councils established in division (B)(3) _of this section. 6295

(B)(1) Each board of county commissioners shall establish 6296
a county family and children first council. The board may invite 6297

any local public or private agency or group that funds, 6298
advocates, or provides services to children and families to have 6299
a representative become a permanent or temporary member of its 6300
county council. Each county council must include the following 6301
individuals: 6302

(a) At least three individuals ~~who are not employed by an~~ 6303
~~agency represented on the council and whose families are~~ 6304
receiving or have received services from an agency represented 6305
on the council or another county's council. If such an 6306
individual is employed by an agency represented on the council, 6307
the individual shall complete a conflict of interest disclosure 6308
form and abstain from any vote that involves the agency that 6309
employs the individual. Where possible, the number of members 6310
representing families ~~shall~~ may be equal to twenty per cent of 6311
the council's membership. 6312

(b) The director of the board of alcohol, drug addiction, 6313
and mental health services that serves the county, or, in the 6314
case of a county that has a board of alcohol and drug addiction 6315
services and a community mental health board, the directors of 6316
both boards. If a board of alcohol, drug addiction, and mental 6317
health services covers more than one county, the director may 6318
designate a person to participate on the county's council. 6319

(c) The health commissioner, or the commissioner's 6320
designee, of the board of health of each city and general health 6321
district in the county. If the county has two or more health 6322
districts, the health commissioner membership may be limited to 6323
the commissioners of the two districts with the largest 6324
populations. 6325

(d) The director of the county department of job and 6326
family services; 6327

- (e) The executive director of the public children services agency; 6328
6329
- (f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee; 6330
6331
6332
6333
- (g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, or a district-level administrative designee with decision-making authority, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially; 6334
6335
6336
6337
6338
6339
- (h) A school superintendent representing all other school districts with territory in the county, or a district-level administrative designee with decision-making authority, as designated at a biennial meeting of the superintendents of those districts; 6340
6341
6342
6343
6344
- (i) A representative of the municipal corporation with the largest population in the county; 6345
6346
- (j) The president of the board of county commissioners or an individual designated by the board; 6347
6348
- (k) A representative of the department of youth services or an individual designated by the department; 6349
6350
- (l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 6351
6352
- (m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with 6353
6354
6355

Disabilities Education Act of 2004"; 6356

(n) A representative of a local nonprofit entity that 6357
funds, advocates, or provides services to children and families. 6358

Notwithstanding any other provision of law, the public 6359
members of a county council are not prohibited from serving on 6360
the council and making decisions regarding the duties of the 6361
council, including those involving the funding of joint projects 6362
and those outlined in the county's service coordination 6363
mechanism implemented pursuant to division (C) of this section. 6364

The county's juvenile court judge senior in service or 6365
another judge of the juvenile court designated by the 6366
administrative judge or, where there is no administrative judge, 6367
by the judge senior in service shall serve as the judicial 6368
advisor to the county family and children first council. The 6369
judge may advise the county council on the court's utilization 6370
of resources, services, or programs provided by the entities 6371
represented by the members of the county council and how those 6372
resources, services, or programs assist the court in its 6373
administration of justice. Service of a judge as a judicial 6374
advisor pursuant to this section is a judicial function. 6375

(2) The purpose of the county council is to streamline and 6376
coordinate existing government services for families seeking 6377
services for their children. In seeking to fulfill its purpose, 6378
a county council shall provide for the following: 6379

(a) Referrals to the cabinet council of those children for 6380
whom the county council cannot provide adequate services; 6381

(b) Development and implementation of a process that 6382
annually evaluates and prioritizes services, fills service gaps 6383
where possible, and invents new approaches to achieve better 6384

results for families and children; 6385

(c) Participation in the development of a countywide, 6386
comprehensive, coordinated, multi-disciplinary, interagency 6387
system for infants and toddlers with developmental disabilities 6388
or delays and their families, as established pursuant to federal 6389
grants received and administered by the department of children 6390
and youth for early intervention services under the "Individuals 6391
with Disabilities Education Act of 2004"; 6392

(d) Maintenance of an accountability system to monitor the 6393
county council's progress in achieving results for families and 6394
children; 6395

(e) Establishment of a mechanism to ensure ongoing input 6396
from a broad representation of families who are receiving 6397
services within the county system. 6398

(3) A county council shall develop and implement the 6399
following: 6400

(a) An interagency process to establish local indicators 6401
and monitor the county's progress toward increasing child well- 6402
being in the county; 6403

(b) An interagency process to identify local priorities to 6404
increase child well-being. 6405

(c) An annual plan that identifies the county's 6406
interagency efforts to increase child well-being in the county. 6407

On an annual basis, the county council shall submit a 6408
report on the status of efforts by the county to increase child 6409
well-being in the county to the county's board of county 6410
commissioners and the cabinet council. This report shall be made 6411
available to any other person on request. 6412

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

(b) On application of a county council, the cabinet council may grant an exemption from any rules or interagency agreements of a state department participating on the council if an exemption is necessary for the council to implement an alternative program or approach for service delivery to families and children. The application shall describe the proposed program or approach and specify the rules or interagency agreements from which an exemption is necessary. The cabinet council shall approve or disapprove the application in accordance with standards and procedures it shall adopt. If an application is approved, the exemption is effective only while the program or approach is being implemented, including a reasonable period during which the program or approach is being evaluated for effectiveness.

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's

boards of education or governing boards of educational service 6444
centers; or the county's juvenile court. Any of the foregoing 6445
public entities, other than the board of county commissioners, 6446
may decline to serve as the council's administrative agent. 6447

A county council's administrative agent shall serve as the 6448
council's appointing authority for any employees of the council. 6449
The council shall file an annual budget with its administrative 6450
agent, with copies filed with the county auditor and with the 6451
board of county commissioners, unless the board is serving as 6452
the council's administrative agent. The council's administrative 6453
agent shall ensure that all expenditures are handled in 6454
accordance with policies, procedures, and activities prescribed 6455
by state departments in rules, grant agreements, or interagency 6456
agreements that are applicable to the council's functions. 6457

The administrative agent of a county council ~~shall~~may 6458
send notice of a member's absence if a member listed in division 6459
(B)(1) of this section has been absent from either three 6460
consecutive meetings of the county council or a county council 6461
subcommittee, or from one-quarter of such meetings in a calendar 6462
year, whichever is less. The notice shall be sent to the board 6463
of county commissioners that establishes the county council and, 6464
for the members listed in divisions (B)(1)(b), (c), (e), and (l) 6465
of this section, to the governing board overseeing the 6466
respective entity; for the member listed in division (B)(1)(f) 6467
of this section, to the county board of developmental 6468
disabilities that employs the superintendent; for a member 6469
listed in division (B)(1)(g) or (h) of this section, to the 6470
school board that employs the superintendent; for the member 6471
listed in division (B)(1)(i) of this section, to the mayor of 6472
the municipal corporation; for the member listed in division (B) 6473
(1)(k) of this section, to the director of youth services; and 6474

for the member listed in division (B)(1)(n) of this section, to 6475
that member's board of trustees. 6476

The administrative agent for a county council may do any 6477
of the following on behalf of the council: 6478

(i) Enter into agreements or administer contracts with 6479
public or private entities to fulfill specific council business. 6480
Such agreements and contracts are exempt from the competitive 6481
bidding requirements of section 307.86 of the Revised Code if 6482
they have been approved by the county council and they are for 6483
the purchase of services for families and children. The approval 6484
of the county council is not required to exempt agreements or 6485
contracts entered into under section 5139.34, 5139.41, or 6486
5139.43 of the Revised Code from the competitive bidding 6487
requirements of section 307.86 of the Revised Code. 6488

(ii) As determined by the council, provide financial 6489
stipends, reimbursements, or both, to family representatives for 6490
expenses related to council activity; 6491

(iii) Receive by gift, grant, devise, or bequest any 6492
moneys, lands, or other property for the purposes for which the 6493
council is established. The agent shall hold, apply, and dispose 6494
of the moneys, lands, or other property according to the terms 6495
of the gift, grant, devise, or bequest. Any interest or earnings 6496
shall be treated in the same manner and are subject to the same 6497
terms as the gift, grant, devise, or bequest from which it 6498
accrues. 6499

(b)(i) If the county council designates the board of 6500
county commissioners as its administrative agent, the board may, 6501
by resolution, delegate any of its powers and duties as 6502
administrative agent to an executive committee the board 6503

establishes from the membership of the county council. The board 6504
shall name to the executive committee at least the individuals 6505
described in divisions (B) (1) (b) to (h) of this section and may 6506
appoint the president of the board or another individual as the 6507
chair of the executive committee. The executive committee must 6508
include at least one family county council representative who 6509
does not have a family member employed by an agency represented 6510
on the council. 6511

(ii) The executive committee may, with the approval of the 6512
board, hire an executive director to assist the county council 6513
in administering its powers and duties. The executive director 6514
shall serve in the unclassified civil service at the pleasure of 6515
the executive committee. The executive director may, with the 6516
approval of the executive committee, hire other employees as 6517
necessary to properly conduct the county council's business. 6518

(iii) The board may require the executive committee to 6519
submit an annual budget to the board for approval and may amend 6520
or repeal the resolution that delegated to the executive 6521
committee its authority as the county council's administrative 6522
agent. 6523

(6) Two or more county councils may enter into an 6524
agreement to administer their county councils jointly by 6525
creating a regional family and children first council. A 6526
regional council possesses the same duties and authority 6527
possessed by a county council, except that the duties and 6528
authority apply regionally rather than to individual counties. 6529
Prior to entering into an agreement to create a regional 6530
council, the members of each county council to be part of the 6531
regional council shall meet to determine whether all or part of 6532
the members of each county council will serve as members of the 6533

regional council. 6534

(7) A board of county commissioners may approve a 6535
resolution by a majority vote of the board's members that 6536
requires the county council to submit a statement to the board 6537
each time the council proposes to enter into an agreement, adopt 6538
a plan, or make a decision, other than a decision pursuant to 6539
section 121.38 of the Revised Code, that requires the 6540
expenditure of funds for two or more families. The statement 6541
shall describe the proposed agreement, plan, or decision. 6542

Not later than fifteen days after the board receives the 6543
statement, it shall, by resolution approved by a majority of its 6544
members, approve or disapprove the agreement, plan, or decision. 6545
Failure of the board to pass a resolution during that time 6546
period shall be considered approval of the agreement, plan, or 6547
decision. 6548

An agreement, plan, or decision for which a statement is 6549
required to be submitted to the board shall be implemented only 6550
if it is approved by the board. 6551

(C) Each county shall develop a county service 6552
coordination mechanism. The county service coordination 6553
mechanism shall serve as the guiding document for coordination 6554
of services in the county. For children who also receive 6555
services under the early intervention program, the main provider 6556
of service coordination shall be an early intervention service 6557
coordinator to ensure compliance with section ~~5123.02~~ 5180.30 of 6558
the Revised Code. All family service coordination plans shall be 6559
developed in accordance with the county service coordination 6560
mechanism. The mechanism shall be developed and approved with 6561
the participation of the county entities representing child 6562
welfare; developmental disabilities; alcohol, drug addiction, 6563

and mental health services; health; juvenile judges; education; 6564
the county family and children first council; and the county 6565
early intervention collaborative established pursuant to the 6566
federal early intervention program operated under the 6567
"Individuals with Disabilities Education Act of 2004." The 6568
county shall establish an implementation schedule for the 6569
mechanism. The cabinet council may monitor the implementation 6570
and administration of each county's service coordination 6571
mechanism. 6572

Each mechanism shall include all of the following: 6573

(1) A procedure for an agency, including a juvenile court, 6574
or a family voluntarily seeking service coordination, to refer 6575
the child and family to the county council for service 6576
coordination in accordance with the mechanism; 6577

(2) A procedure ensuring that a family and all appropriate 6578
staff from involved agencies, including a representative from 6579
the appropriate school district, are notified of and invited to 6580
participate in all family service coordination plan meetings; 6581

(3) A procedure that permits a family to initiate a 6582
meeting to develop or review the family's service coordination 6583
plan and allows the family to invite a family advocate, mentor, 6584
or support person of the family's choice to participate in any 6585
such meeting; 6586

(4) A procedure for ensuring that a family service 6587
coordination plan meeting is conducted for each child who 6588
receives service coordination under the mechanism and for whom 6589
an emergency out-of-home placement has been made or for whom a 6590
nonemergency out-of-home placement is being considered. The 6591
meeting shall be conducted within ten days of an emergency out- 6592

of-home placement. The meeting shall be conducted before a 6593
nonemergency out-of-home placement. The family service 6594
coordination plan shall outline how the county council members 6595
will jointly pay for services, where applicable, and provide 6596
services in the least restrictive environment. 6597

(5) A procedure for monitoring the progress and tracking 6598
the outcomes of each service coordination plan requested in the 6599
county including monitoring and tracking children in out-of-home 6600
placements to assure continued progress, appropriateness of 6601
placement, and continuity of care after discharge from placement 6602
with appropriate arrangements for housing, treatment, and 6603
education; 6604

(6) A procedure for protecting the confidentiality of all 6605
personal family information disclosed during service 6606
coordination meetings or contained in the comprehensive family 6607
service coordination plan; 6608

(7) A procedure for assessing the needs and strengths of 6609
any child or family that has been referred to the council for 6610
service coordination, including a child whose parent or 6611
custodian is voluntarily seeking services, and for ensuring that 6612
parents and custodians are afforded the opportunity to 6613
participate; 6614

(8) A procedure for development of a family service 6615
coordination plan described in division (D) of this section; 6616

(9) A local dispute resolution process to serve as the 6617
process that must be used first to resolve disputes among the 6618
agencies represented on the county council concerning the 6619
provision of services to children, including children who are 6620
abused, neglected, dependent, unruly, alleged unruly, or 6621

delinquent children and under the jurisdiction of the juvenile 6622
court and children whose parents or custodians are voluntarily 6623
seeking services. The local dispute resolution process shall 6624
comply with sections 121.38, 121.381, and 121.382 of the Revised 6625
Code. The local dispute resolution process shall be used to 6626
resolve disputes between a child's parents or custodians and the 6627
county council regarding service coordination. The county 6628
council shall inform the parents or custodians of their right to 6629
use the dispute resolution process. Parents or custodians shall 6630
use existing local agency grievance procedures to address 6631
disputes not involving service coordination. The dispute 6632
resolution process is in addition to and does not replace other 6633
rights or procedures that parents or custodians may have under 6634
other sections of the Revised Code. 6635

The cabinet council shall adopt rules in accordance with 6636
Chapter 119. of the Revised Code establishing an administrative 6637
review process to address problems that arise concerning the 6638
operation of a local dispute resolution process. 6639

Nothing in division (C) (4) of this section shall be 6640
interpreted as overriding or affecting decisions of a juvenile 6641
court or public children services agency regarding an out-of- 6642
home placement, long-term placement, or emergency out-of-home 6643
placement. 6644

(D) Each county shall develop a family service 6645
coordination plan that does all of the following: 6646

(1) Designates service responsibilities among the various 6647
state and local agencies that provide services to children and 6648
their families, including children who are abused, neglected, 6649
dependent, unruly, or delinquent children and under the 6650
jurisdiction of the juvenile court and children whose parents or 6651

custodians are voluntarily seeking services; 6652

(2) Designates an individual, approved by the family, to 6653
track the progress of the family service coordination plan, 6654
schedule reviews as necessary, and facilitate the family service 6655
coordination plan meeting process; 6656

(3) Ensures that assistance and services to be provided 6657
are responsive to the strengths and needs of the family, as well 6658
as the family's culture, race, and ethnic group, by allowing the 6659
family to offer information and suggestions and participate in 6660
decisions. Identified assistance and services shall be provided 6661
in the least restrictive environment possible. 6662

(4) Includes a process for dealing with a child who is 6663
alleged to be an unruly child. The process shall include methods 6664
to divert the child from the juvenile court system; 6665

(5) Includes timelines for completion of goals specified 6666
in the plan with regular reviews scheduled to monitor progress 6667
toward those goals; 6668

(6) Includes a plan for dealing with short-term crisis 6669
situations and safety concerns. 6670

(E) (1) The process provided for under division (D) (4) of 6671
this section may include, but is not limited to, the following: 6672

(a) Designation of the person or agency to conduct the 6673
assessment of the child and the child's family as described in 6674
division (C) (7) of this section and designation of the 6675
instrument or instruments to be used to conduct the assessment; 6676

(b) An emphasis on the personal responsibilities of the 6677
child and the parental responsibilities of the parents, 6678
guardian, or custodian of the child; 6679

(c) Involvement of local law enforcement agencies and 6680
officials. 6681

(2) The method to divert a child from the juvenile court 6682
system that must be included in the service coordination process 6683
may include, but is not limited to, the following: 6684

(a) The preparation of a complaint under section 2151.27 6685
of the Revised Code alleging that the child is an unruly child 6686
and notifying the child and the parents, guardian, or custodian 6687
that the complaint has been prepared to encourage the child and 6688
the parents, guardian, or custodian to comply with other methods 6689
to divert the child from the juvenile court system; 6690

(b) Conducting a meeting with the child, the parents, 6691
guardian, or custodian, and other interested parties to 6692
determine the appropriate methods to divert the child from the 6693
juvenile court system; 6694

(c) A method to provide to the child and the child's 6695
family a short-term respite from a short-term crisis situation 6696
involving a confrontation between the child and the parents, 6697
guardian, or custodian; 6698

(d) A program to provide a mentor to the child or the 6699
parents, guardian, or custodian; 6700

(e) A program to provide parenting education to the 6701
parents, guardian, or custodian; 6702

(f) An alternative school program for children who are 6703
truant from school, repeatedly disruptive in school, or 6704
suspended or expelled from school; 6705

(g) Other appropriate measures, including, but not limited 6706
to, any alternative methods to divert a child from the juvenile 6707

court system that are identified by the Ohio family and children 6708
first cabinet council. 6709

(F) Each county may review and revise the service 6710
coordination process described in division (D) of this section 6711
based on the availability of funds under Title IV-A of the 6712
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 6713
as amended, or to the extent resources are available from any 6714
other federal, state, or local funds. 6715

(G) As used in this section, "early intervention service 6716
coordinator" means a person who holds an early intervention 6717
service coordinator credential or an early intervention service 6718
coordination supervisor credential issued by the department of 6719
~~developmental disabilities—children and youth~~ and who assists 6720
and enables an infant or toddler with a developmental delay or 6721
disability and the child's family to receive the services and 6722
rights, including procedural safeguards, required under part C 6723
of the "Individuals with Disabilities Education Act of 2004," 20 6724
U.S.C. 1400, as amended. 6725

Sec. 121.93. (A) Except as provided in division (E) of 6726
this section, an agency shall review its operations to identify 6727
principles of law or policy that have not been stated in a rule 6728
and that the agency is relying upon in conducting adjudications 6729
or other determinations of rights and liabilities or in issuing 6730
writings and other materials, such as instructions, directives, 6731
policy statements, guidelines, handbooks, manuals, advisories, 6732
notices, circulars, advertisements, forms, letters, and 6733
opinions. An agency is not required to identify principles of 6734
law or policy relied upon in issuing internal management rules 6735
as defined in section 111.15 of the Revised Code. The agency 6736
shall complete at least one of the reviews during a governor's 6737

term. 6738

Within six months after the expiration of a governor's 6739
term, the agency electronically shall transmit a report to the 6740
joint committee on agency rule review containing the following: 6741

(1) A statement that the agency has completed one or more 6742
of the reviews, specifying the exact number of reviews completed 6743
during the governor's expired term; 6744

(2) The principles of law or policies identified under 6745
this division; 6746

(3) The agency's considerations regarding the identified 6747
principles of law or policies under division (B) of this 6748
section; 6749

(4) Any principles of law or policies for which the agency 6750
determines rulemaking is indicated or for which the agency has 6751
commenced the rule-making process under division (C) of this 6752
section. 6753

The joint committee on agency rule review shall make the 6754
reports available on its web site. 6755

(B) The agency shall determine whether a principle of law 6756
or policy thus identified has a general and uniform operation 6757
and establishes a legal regulation or standard that would not 6758
exist in its absence. If the principle of law or policy has 6759
these characteristics, the agency shall determine whether the 6760
principle of law or policy should be supplanted by its 6761
restatement in a rule to achieve one or more of the following as 6762
they are relevant to the principle of law or policy: 6763

(1) Assert the general and uniform operation of the 6764
principle of law or policy; 6765

(2) Make the principle of law or policy more readily 6766
available to the public; 6767

(3) Make the principle of law or policy more readily 6768
available to persons who specifically are affected by the 6769
principle of law or policy; 6770

(4) Enable the principle of law or policy to be better 6771
known in advance of its application; 6772

(5) Enable greater public participation in improvement and 6773
further development of the principle of law or policy; 6774

(6) Enable greater participation by persons specifically 6775
affected by the principle of law or policy in the improvement 6776
and further development of the principle of law or policy; 6777

(7) Make the principle of law or policy more easily 6778
understandable; or 6779

(8) Make the principle of law or policy more readily 6780
available to those legally charged with monitoring or reviewing 6781
the agency's operations. 6782

If a principle of law or policy aids in the interpretation 6783
of an existing rule or statute, the agency shall consider 6784
whether the aiding effect clarifies or otherwise resolves an 6785
uncertainty in the existing rule or statute. If the principle of 6786
law or policy can be so characterized, the agency shall consider 6787
whether the principle of law or policy should be supplanted by 6788
its restatement in an interpretive rule. The agency may not 6789
presume that a principle of law or policy that aids in the 6790
interpretation of an existing rule or statute is simply a 6791
reiteration of the existing rule or statute. 6792

(C) If the agency determines, in light of the foregoing 6793

standards, that rulemaking is indicated, the agency shall 6794
commence the rule-making process as soon as it is reasonably 6795
feasible to do so, but not later than the date that is ~~six~~three 6796
months after the determination was made. The principle of law or 6797
policy as it is restated in a rule does not need to be wholly 6798
congruent with the supplanted principle of law or policy. The 6799
agency lawfully may improve or develop further the supplanted 6800
principle of law or policy as it is restated in a rule. 6801

The agency may continue to rely upon the principle of law 6802
or policy, but only while it is complying with the preceding 6803
paragraph. The agency may not rely upon the principle of law or 6804
policy in advising with regard to or in determining the rights 6805
or liabilities of a person if ~~the~~any of the following apply: 6806

(1) The agency fails to commence the rule-making process 6807
by the deadline specified in the preceding paragraph,~~or if,~~ 6808
~~after.~~ 6809

(2) After commencing the rule-making process, the agency 6810
neglects or abandons the rule-making process before it is 6811
completed. 6812

(3) The agency fails to file a rule for which rulemaking 6813
is indicated under this section in final form within one year of 6814
the agency making a determination under this section. 6815

(4) After filing a proposed rule and rule summary and 6816
fiscal analysis with the joint committee, the agency notifies 6817
the joint committee of the agency's intention to file a revised 6818
proposed rule as described in division (B) of section 106.02 of 6819
the Revised Code. 6820

(D) A principle of law or policy that is relied upon 6821
directly or by clear implication from a statute applying to the 6822

agency does not need to be supplanted by rule. 6823

(E) This section does not apply to an agency, commission, 6824
or committee created in the legislative branch of government or 6825
to serve the general assembly including, but not limited to, all 6826
of the following: 6827

(1) The joint legislative ethics committee; 6828

(2) The joint medicaid oversight committee; 6829

(3) The correctional institution inspection committee; 6830

(4) The legislative service commission; 6831

(5) The legislative information services; 6832

(6) The capitol square review and advisory board. 6833

Sec. 121.931. (A) A person may petition an agency in 6834
writing to restate a principle of law or policy in a rule if (1) 6835
the person was a party to an adjudication or other determination 6836
before an agency that has resulted in an order or other 6837
disposition or was a party to a civil action in which judgment 6838
has been entered, and (2) the adjudication or other 6839
determination, or the civil action, involved a principle of law 6840
or policy relied upon by the agency that, under section 121.93 6841
of the Revised Code, should have been supplanted by its 6842
restatement in a rule but has not been so supplanted. The 6843
petition shall briefly explain why the principle of law or 6844
policy should, under section 121.93 of the Revised Code, be 6845
supplanted by its restatement in a rule. The person shall send 6846
the petition to the agency not later than the ninetieth day 6847
after the order or other disposition was issued or the judgment 6848
was entered. The person also shall send a copy of the petition 6849
to the joint committee on agency rule review. 6850

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

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

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

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

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

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

(d) After filing a proposed rule and rule summary and
fiscal analysis with the joint committee, the agency notifies

the joint committee of the agency's intention to file a revised 6880
proposed rule as described in division (B) of section 106.02 of 6881
the Revised Code. 6882

(2) If the agency intends to deny the petition, it shall 6883
send the petitioner a notice affording the petitioner an 6884
opportunity for a hearing on the petition and briefly explaining 6885
why the agency intends to deny the petition. If the petitioner 6886
does not in writing request a hearing within fifteen days after 6887
receiving the notice, the agency shall deny the petition and 6888
notify the petitioner in writing. If the petitioner responds in 6889
writing within the fifteen-day period requesting a hearing, the 6890
agency, by certified mail, return receipt requested, promptly 6891
shall notify the petitioner of the time and place for the 6892
hearing, which shall be not earlier than the thirtieth day after 6893
the notice was sent to the petitioner. 6894

(C) At the hearing, the agency shall explain why, 6895
notwithstanding section 121.93 of the Revised Code, it intends 6896
to deny the petition, and the petitioner shall explain why under 6897
that section the petitioner believes the agency's intention to 6898
be erroneous. The hearing shall be informal. The petitioner may 6899
be assisted by counsel at the hearing. 6900

(D) Not later than the thirtieth day after the hearing 6901
concludes, the agency shall grant or deny the petition. 6902

(1) If the agency grants the petition, it shall commence 6903
the rule-making process as soon as it is reasonably feasible to 6904
do so, but not later than the date that is ~~six~~three months 6905
after the determination was made. The principle of law or policy 6906
as it is restated in a rule does not need to be wholly congruent 6907
with the supplanted principle of law or policy. The agency 6908
lawfully may improve or develop further the supplanted principle 6909

of law or policy as it is restated in a rule.

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

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

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

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

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

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(2) If the petitioner failed to appear at the hearing, or if the petitioner failed to persuade the agency that its intention to deny the petition is erroneous, the agency shall deny the petition.

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The agency shall send notice in writing to the petitioner of the outcome. If the outcome is denial of the petition, the notice shall explain briefly why the agency is denying the petition. The petitioner is not entitled to appeal the outcome.

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Sec. 122.09. (A) As used in this section:

(1) ~~"Development costs"~~Eligible expenditures means expenditures paid or incurred by the property owner in completing a certified transformational mixed use development project, including architectural or engineering fees, due diligence costs, hard and soft construction costs, paid or incurred in connection with the project ~~and expenses incurred~~ before the date the project is certified by the ~~tax credit authority~~ director of development under division (C) of this section. ~~In the case of a certified transformational mixed use development project that is part of a larger contiguous project that is planned to be completed in phases, "development costs" include only expenditures associated with the portion of the project that is certified by the tax credit authority and do not include expenditures incurred for other phases of the project.~~

(2) ~~"Owner"~~"Property owner" means a person or persons holding a fee simple or leasehold interest in real property, including interests in real property acquired through a capital lease arrangement, and a person or persons in contract to acquire real property with the only remaining contractual contingency being receipt of an award under this section. "Owner" does not include the state or a state agency, or any political subdivision as defined in section 9.23 of the Revised Code. For the purpose of this division, "fee simple interest," "leasehold interest," and "capital lease" shall be construed in accordance with generally accepted accounting principles.

(3) "Transformational mixed use development" means a project that consists of eligible expenditures for new construction or the redevelopment, rehabilitation, expansion, or other improvement of vacant buildings or structures, or a

combination of the foregoing, and that, inclusively: 6968

(a) Will have a transformational economic impact on the 6969
~~development project site and the surrounding area;~~ 6970

(b) Integrates ~~some combination of retail, office,~~ 6971
~~residential, recreation, structured parking, and other similar~~ 6972
~~uses into one mixed use development; and at least two of the~~ 6973
following uses into one mixed use development: 6974

(i) Office; 6975

(ii) Residential; 6976

(iii) Retail, which may include restaurant space; 6977

(iv) Hotel and hospitality; 6978

(v) Recreation. 6979

(c) Satisfies one of the following criteria: 6980

(i) If the ~~development project~~ site is located within ten 6981
miles of a major city, the project includes at least one new or 6982
previously vacant building that is fifteen or more stories in 6983
height or has a floor area of at least three hundred fifty 6984
thousand square feet, or after completion will be the site of 6985
employment accounting for at least ~~four~~ five million dollars in 6986
annual payroll, or includes two or more buildings that are 6987
connected to each other, are located on the same parcel or on 6988
contiguous parcels, and that collectively have a floor area of 6989
at least three hundred fifty thousand square feet; 6990

(ii) If the ~~development project~~ site is not located within 6991
ten miles of a major city, the project includes at least one new 6992
or previously vacant building that is two or more stories in 6993
height or has a floor area of at least seventy-five thousand 6994

square feet or two or more new buildings that are located on the 6995
same parcel or on contiguous parcels and that collectively have 6996
a floor area of at least seventy-five thousand square feet. 6997

~~"Transformational mixed use development" may include a 6998
portion of a larger contiguous project that is planned to be 6999
completed in phases as long as the phases collectively meet the 7000
criteria described in division (A)(3) of this section. 7001~~

(4) "Increase in tax collections" means the difference, if 7002
positive, of the amount of state and local taxes estimated to be 7003
derived from economic activity occurring within the ~~development~~ 7004
project site and the surrounding area, but excluding other 7005
phases of the development project for developments completed in 7006
phases, during a the completion period of time minus the amount 7007
of such taxes that are estimated to be derived from such 7008
economic activity in that site ~~and surrounding area~~ during the 7009
same period if the transformational mixed use development 7010
project were not certified by the director of development and 7011
completed. 7012

(5) "Completion period" means the time period beginning on 7013
the day after a transformational mixed use development project 7014
is certified by the ~~tax credit authority~~ director of development 7015
and ending on the fifth anniversary of the day the project is 7016
completed. 7017

(6) "Insurance company" means a person subject to the tax 7018
imposed under section 5725.18 or 5729.03 of the Revised Code. 7019

(7) "Contribute capital" means to invest, loan, or donate 7020
cash in exchange for an equity interest in an asset, or a debt 7021
instrument, ~~or no consideration.~~ 7022

(8) "Major city" means a municipal corporation that has a 7023

population greater than one hundred thousand.

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~~(9) "Tax credit authority" means the tax credit authority
created under section 122.17 of the Revised Code.~~

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~~(10) "Adjusted development costs" means the development
costs attributed to a complete transformational mixed use
development project minus the sum of the capital contributions
of any insurance companies that are preliminarily approved for a
tax credit in connection with the same project.~~

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~~(11) A "property owner's share" of the increase in tax
collections equals the product obtained by multiplying the total
increase in tax collections since the date the transformational
mixed use development project was certified by a fraction, the
numerator of which is the adjusted development costs and the
denominator of which is the actual development costs attributed
to the project.~~

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~~(12) An "insurance company's share" of the increase in tax
collections equals the product obtained by multiplying the total
increase in tax collections since the date the transformational
mixed use development project was certified by a fraction, the
numerator of which is the insurance company's capital
contribution to the project and the denominator of which is the
actual development costs attributed to the project~~"Project site"
means the real property on which a transformational mixed use
development will be constructed, which may consist of a single
parcel or multiple parcels that are contiguous with one another,
including parcels separated only by a publicly dedicated road.

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(B) The property owner of one or more parcels of land in
this state within which a transformational mixed use development
project is planned or an insurance company that contributes

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capital to be used in the planning or construction of such a 7053
development project may apply to the ~~tax credit authority~~ 7054
director of development for certification of the development 7055
project and preliminary approval of a tax credit in an amount up 7056
to ten per cent of the estimated eligible expenditures. Each 7057
application shall be filed in the form and manner prescribed by 7058
the director ~~of development~~ and shall, at minimum, include a 7059
development plan comprised of all of the following information: 7060

(1) The location of the ~~development project~~ site and an 7061
indication of whether it is located within ten miles of a major 7062
city; 7063

(2) A detailed description of the proposed 7064
transformational mixed use development project including site 7065
plans, elevations, construction drawings, architectural 7066
renderings, or other means sufficient to convey the appearance, 7067
size, purposes, capacity, and scope of the project ~~and, if~~ 7068
~~applicable, previously completed and future phases of the~~ 7069
~~project~~; 7070

(3) A viable ~~financial plan project~~ budget, organized by 7071
line item, that estimates the ~~development costs~~ eligible 7072
expenditures that have been or will be incurred in the 7073
completion of the project ~~and that designates a source of~~ 7074
~~financing or a strategy for obtaining financing~~; 7075

(4) A viable financial plan showing both (a) at least 7076
fifty-one per cent of the needed funding secured, as evidenced 7077
by commitment letters or terms sheets and third party equity 7078
verification, and (b) a strategy for obtaining any needed but 7079
not yet secured funding; 7080

(5) An estimated schedule for the progression and 7081

completion of the project ~~including, if applicable, previously~~ 7082
~~completed and future phases of the project;~~ 7083

~~(5)~~ (6) An assessment of the projected direct economic 7084
impact of the project ~~on~~ based upon the projected increase in 7085
tax collections during the completion period from the 7086
~~development project site and the surrounding area~~ prepared by an 7087
economic impact consultant with experience performing economic 7088
impact studies in Ohio; 7089

~~(6)~~ (7) Evidence that the increase in tax collections 7090
during the completion period will exceed ten per cent of the 7091
estimated ~~development costs~~ eligible expenditures reported under 7092
division (B) (3) of this section; 7093

~~(7) If the~~ (8) The portion of any tax credit issued that 7094
the applicant is would like issued to the property owner or to 7095
an insurance company that is not the property owner, the amount 7096
of the insurance company's, financial institution, or other 7097
person based upon capital contribution contributions that have 7098
been made or will be made to the development and the date on 7099
which it was or will be made project; 7100

~~(8)~~ (9) Evidence that ~~the project will not be completed~~ 7101
~~unless the applicant receives the credit, but for the~~ 7102
applicant's receipt of the credit, the project will not be 7103
completed. If any portion of the project the applicant seeks 7104
certification and preliminary approval for has the same scope of 7105
work as a project that has already closed on construction 7106
financing or commenced construction, excluding brownfield 7107
remediation and demolition, this division's standard is not met 7108
and the project is not eligible for certification and 7109
preliminary approval. 7110

(C) (1) In determining whether to certify a project that is 7111
the subject of an application submitted under division (B) of 7112
this section, the ~~tax credit authority~~ director of development 7113
shall consider the potential impact of the transformational 7114
mixed use development on the ~~development project site and the~~ 7115
~~surrounding area~~ in terms of architecture, accessibility to 7116
pedestrians, retail entertainment and dining sales, job 7117
creation, property values, connectivity, and revenue from sales, 7118
income, lodging, and property taxes. The ~~tax credit authority~~ 7119
director shall not certify a project unless it satisfies the 7120
following conditions: 7121

(a) The project qualifies as a transformational mixed use 7122
development project and satisfies all other criteria prescribed 7123
by this section or by rule of the ~~director of development~~; 7124

(b) The estimated increase in tax collections from the 7125
project site during the completion period exceeds ten per cent 7126
of the estimated ~~development costs~~ eligible expenditures for the 7127
project reported under division (B) (3) of this section; 7128

(c) The applicant will not be able to (i) close on 7129
construction financing, (ii) commence construction, excluding 7130
any brownfield remediation or demolition that may have already 7131
been performed, and (iii) complete the project will not be 7132
~~completed~~ unless the applicant receives the credit; 7133

(d) If the ~~development project~~ project site is located within ten 7134
miles of a major city, the estimated ~~development costs~~ eligible 7135
expenditures to complete the project ~~plus, if applicable, the~~ 7136
~~estimated expenditures that have been or will be incurred to~~ 7137
~~complete all other contiguous phases of the project,~~ exceed 7138
fifty million dollars. 7139

In making its determination of whether or not to approve 7140
an application, the ~~tax credit authority~~ director may conduct an 7141
interview of the applicant. 7142

(2) If the ~~tax credit authority~~ director of development 7143
approves an application, the ~~authority~~ director shall issue a 7144
statement certifying the associated transformational mixed use 7145
development project and preliminarily approving a tax credit. 7146
The statement shall stipulate that ~~receipt approval~~ of a tax 7147
credit ~~certificate~~ is contingent upon completion of the 7148
transformational mixed use development project as described in 7149
the development plan for the project. The statement shall 7150
specify the estimated amount of the tax credit preliminarily 7151
approved and the amount of credit preliminarily approved for 7152
each person identified in the application pursuant to division 7153
(B) (8) of this section, but state that the amount of the credit 7154
is dependent upon determination of the actual ~~development~~ 7155
~~costs~~ eligible expenditures attributed to the project ~~and, unless~~ 7156
~~the tax credit authority grants a request by the property owner~~ 7157
~~under division (F) of this section, of the increase in tax~~ 7158
~~collections during the completion period.~~ 7159

The amount of the credit shall not exceed the amount 7160
applied for in the application approved by the director. 7161

(3) ~~Except as otherwise provided in this division, if the~~ 7162
~~applicant is an insurance company that is not the property~~ 7163
~~owner, the estimated amount of the tax credit shall equal ten~~ 7164
~~per cent of the insurance company's capital contribution to the~~ 7165
~~project as reported in the development plan pursuant to division~~ 7166
~~(B) (7) of this section. Except as otherwise provided in this~~ 7167
~~division, if the applicant is the property owner, the~~ The total 7168
estimated amount of the tax credit shall equal up to ten per 7169

cent of the estimated ~~development costs~~ eligible expenditures 7170
for the project as reported in the project development plan 7171
pursuant to division ~~(B) (3)~~ (B) of this section ~~minus any~~ 7172
~~estimated credit amounts that have been preliminarily approved~~ 7173
~~for insurance companies contributing capital to the project.~~ The 7174
estimated credit amounts may be reduced by the ~~tax credit~~ 7175
authority director of development as a condition of certifying 7176
the project if such a reduction is necessary to comply with the 7177
limitations on the amount of credits that may be preliminarily 7178
approved as prescribed by division (C) (5) of this section. The 7179
estimated credit amounts shall not be adjusted after the 7180
statement described in division (C) (2) of this section has been 7181
issued, except as provided by division (G) of this section. 7182

(4) If the ~~tax credit authority director of development~~ 7183
denies an application, the authority director shall notify the 7184
applicant of the reason or reasons for such determination. The 7185
~~authority's director's~~ determination is final, but an applicant 7186
may revise and resubmit a previously denied application in a 7187
future year. 7188

(5) (a) The ~~tax credit authority director of development~~ 7189
shall not certify any transformational mixed use development 7190
projects after June 30, ~~2025~~ 2027. 7191

(b) The ~~tax credit authority director of development~~ may 7192
not preliminarily approve more than one hundred fifty million 7193
dollars of new estimated tax credits in each of fiscal years 7194
~~2022, 2023, 2024, and 2025~~ 2026 and 2027. 7195

Tax credits preliminarily approved under this section in 7196
preceding fiscal years and for which preliminary approval was 7197
rescinded in the fiscal year immediately preceding the current 7198
fiscal year shall be available for preliminary approval under 7199

this section in the current fiscal year. Credit amounts 7200
available due to such rescission do not apply towards the one 7201
hundred fifty million dollar limit prescribed in this division. 7202

(c) ~~Not~~ Except as provided in division (C) (6) of this 7203
section, not more than ~~eighty one~~ hundred million dollars of 7204
estimated ~~new~~ tax credits ~~in each such~~, plus an amount equal to 7205
two-thirds of any credits for which preliminary approval was 7206
rescinded in the preceding fiscal year, may be preliminarily 7207
approved in connection with projects that are located within ten 7208
miles of a major city in the current fiscal year. 7209

(d) Not more than ~~forty twenty~~ million dollars of 7210
estimated tax credits may be preliminarily approved in 7211
connection with the same transformational mixed use development 7212
project. 7213

(6) If, for the current fiscal year, the dollar amount of 7214
tax credits applied for under division (B) of this section in 7215
connection with projects that are not located within ten miles 7216
of a major city exceeds ~~eighty fifty~~ million dollars ~~for a~~ 7217
~~fiscal year,~~ plus an amount equal to one-third of any credits 7218
for which preliminary approval was rescinded in the preceding 7219
fiscal year, the ~~tax credit authority~~ director of development 7220
shall rank those applications and certify and preliminarily 7221
approve tax credits for the associated projects in order, 7222
starting with the project that presents the best combination of 7223
economic value and transformational impact. If the dollar amount 7224
of tax credits applied for under division (B) of this section in 7225
connection with such projects is less than that amount, the 7226
difference shall be available for projects within ten miles of a 7227
major city. 7228

If, for the current fiscal year, the dollar amount of tax 7229

credits applied for in connection with projects ~~not~~ located 7230
within ten miles of a major city exceeds ~~twenty million dollars~~ 7231
~~for a fiscal year~~ one hundred million dollars, plus an amount 7232
equal to two-thirds of any credits for which preliminary 7233
approval was rescinded in the previous fiscal year and the 7234
amount of funds initially reserved for projects more than ten 7235
miles from a major city but unawarded to such projects, the tax- 7236
credit authority director shall rank those applications and 7237
certify the associated projects in order, ~~starting with the~~ 7238
~~project that presents the best combination of economic value and~~ 7239
~~transformational impact~~ pursuant to division (C) (7) of this 7240
section. In either case, the authority shall consider the 7241
~~following factors in ranking the applications:-~~ 7242

~~(a) The projected increase in tax collections during the~~ 7243
~~completion period as a percentage of the total amount of~~ 7244
~~estimated tax credits that would be preliminarily approved in~~ 7245
~~connection with the project;-~~ 7246

~~(b) The economic impact of the project on the development~~ 7247
~~site and the surrounding area and the impact of the project in~~ 7248
~~terms of architecture, accessibility to pedestrians, retail~~ 7249
~~entertainment and dining sales, job creation, property values,~~ 7250
~~and connectivity;-~~ 7251

~~(c) The expeditiousness of the schedule for completing the~~ 7252
~~project, realizing the increase in tax collections, and~~ 7253
~~attaining the economic and other impacts on the development site~~ 7254
~~and the surrounding area.~~ 7255

(7) When ranking is required under division (C) (6) of this 7256
section, the director of development shall apply a point value 7257
to applications according to the following criteria: 7258

(a) Up to ten points based on comparative measurement of 7259
physical scope of the projects as measured by gross square 7260
footage of improvements including new construction and renovated 7261
space. The largest project in terms of physical scope shall 7262
receive ten points and the remaining projects shall receive 7263
points based on a percentage basis in proportion to each 7264
project's relative size as compared to the largest project in 7265
that category, as described by division (C) (8) of this section, 7266
by gross square footage; 7267

(b) Up to five points based on an evaluation of the 7268
distribution of project end uses, with preference given to 7269
projects with greater variety and distribution of uses among 7270
retail and restaurant, residential, office, hotel and 7271
hospitality, and recreation; 7272

(c) Up to ten points based on the project's receipt of 7273
necessary government approvals, available as follows: 7274

(i) Two points for zoning approval or evidence, in the 7275
form of a letter from the governmental body with jurisdiction 7276
over the zoning of the project site or an attorney licensed to 7277
practice law in this state, that the project site already has 7278
the necessary zoning for the project; 7279

(ii) Two points for planning commission approval or 7280
evidence that planning commission approval is not required; 7281

(iii) Two points available for existing utility 7282
connections or commitments to establish utility connections 7283
including water, sewer, sanitary storm, and electric documented 7284
by utility service letters; 7285

(iv) Two points for an approved and executed development 7286
agreement with each municipal corporation or township in which 7287

<u>the development project is proposed;</u>	7288
<u>(v) Two points for approved construction drawings and</u>	7289
<u>issuance of construction permits for the entirety of the scope</u>	7290
<u>of work set forth in the application.</u>	7291
<u>(d) Up to five points for local support, available as</u>	7292
<u>follows:</u>	7293
<u>(i) One point for a letter in support of the project and</u>	7294
<u>the application from the mayor, city manager, or other chief</u>	7295
<u>executive of each municipal corporation and the chief executive</u>	7296
<u>of each township where the development project is to be located;</u>	7297
<u>(ii) One point for an ordinance or resolution in support</u>	7298
<u>of the project and application passed by the legislative</u>	7299
<u>authority of each municipal corporation or board of township</u>	7300
<u>trustees for each municipal corporation and each township where</u>	7301
<u>the development project is to be located;</u>	7302
<u>(iii) One point for a letter in support of the project and</u>	7303
<u>the application from the chief executive of each county where</u>	7304
<u>the development project is to be located;</u>	7305
<u>(iv) One point for a resolution in support of the project</u>	7306
<u>and the application from the board of county commissioners for</u>	7307
<u>each county where the development project is to be located;</u>	7308
<u>(v) One point available for documented financial support</u>	7309
<u>for the project from each municipal corporation or township in</u>	7310
<u>which the project, which may include tax increment financing or</u>	7311
<u>creation of a community reinvestment area under section 3735.66</u>	7312
<u>of the Revised Code.</u>	7313
<u>(e) Up to twenty points based on the extent of committed</u>	7314
<u>funding sources as a percentage of total eligible expenditures.</u>	7315

Loan term sheets for loan proceeds that will satisfy eligible 7316
expenditures qualify for fifty per cent of available points with 7317
respect to funding those eligible expenditures. Loan commitments 7318
for loan proceeds that will satisfy eligible expenditures 7319
qualify for one hundred per cent with respect to funding those 7320
eligible expenditures. A project that has financial commitments 7321
for all projected eligible expenditures shall receive twenty 7322
points, and projects with financial commitments for less than 7323
all projected eligible expenditures shall receive a number of 7324
points based on the relative amount of committed funding 7325
compared to total eligible expenditures of the given project. 7326

(f) Up to eleven points based on purchase or lease 7327
commitments from end users for the space created by the project. 7328
Projects that have received commitments for all space shall 7329
receive eleven points, and projects with less than all end users 7330
committed shall be allocated points based on the relative square 7331
footage of committed space compared to total project square 7332
footage. 7333

(g) Up to four points for projects in areas of higher 7334
relative walkability as measured by the United States 7335
environmental protection agency's walkability index for the 7336
project's census tract with projects in areas designated as the 7337
highest level of walkability receiving four points and projects 7338
in areas with lower levels of walkability receiving proportional 7339
points; 7340

(h) Up to ten points based on a comparative measurement of 7341
total retail and restaurant sales to be generated by the 7342
project. Projects generating the largest return on investment 7343
shall receive ten points, and the remaining projects shall be 7344
allocated points based on relative return on investment in 7345

comparison to the highest scoring project in this category. 7346

(i) Up to ten points based on a comparative measurement of 7347
the total new payroll to be generated by the project. Projects 7348
generating the largest return on investment shall receive ten 7349
points, and remaining projects shall be allocated points based 7350
on relative return on investment in comparison to the highest 7351
scoring project in this category. 7352

(j) Up to fifteen points based on a comparative 7353
measurement of the total sales, income, lodging, and property 7354
taxes to be generated by the project. Projects generating the 7355
largest return on investment shall receive fifteen points, and 7356
remaining projects allocated points based on relative return on 7357
investment in comparison to the highest scoring project in this 7358
category. 7359

(8) When projects are assigned point values and ranked, 7360
the director shall compare projects that are within ten miles of 7361
a major city only to other projects that are within ten miles of 7362
a major city and projects that are more than ten miles from a 7363
major city only with other projects that are more than ten miles 7364
from a major city. 7365

(9) When calculating the economic impact of a project 7366
previously completed and future phases of a phased development 7367
are not permitted to be included in the economic impact analysis 7368
or scoring. 7369

(D) Within twelve months of the date a project is 7370
certified, the property owner shall provide the ~~tax credit~~ 7371
~~authority~~ director of development with an updated schedule for 7372
the progression and completion of the project and documentation 7373
sufficient to demonstrate that construction of the project has 7374

begun. If the property owner does not provide the schedule and 7375
documentation or if construction of the project has not begun 7376
within the time prescribed by this division, the ~~tax credit~~ 7377
~~authority director~~ shall rescind certification of the project 7378
and send notice of the rescission to the property owner and each 7379
insurance company that is preliminarily approved for a tax 7380
credit in connection with the project. A property owner that 7381
receives notice of rescission may submit a new application 7382
concerning the same project under division (B) of this section. 7383

(E) An applicant that ~~is the property owner and is~~ 7384
preliminarily approved for a tax credit under this section may 7385
sell or transfer the rights to all or a portion of that credit 7386
to one or more persons ~~for the purpose of raising capital for~~ 7387
~~the certified project. The applicant shall notify the tax credit~~ 7388
~~authority upon selling or transferring the rights to the credit.~~ 7389
~~The notice shall identify the person or persons to which the~~ 7390
~~credit was sold or transferred and the credit amount sold or~~ 7391
~~transferred to each such person. Only an applicant that owns the~~ 7392
~~property may sell or transfer a credit under this division. A~~ 7393
credit may be divided among multiple purchasers through more 7394
than one transaction ~~but once a particular credit amount is~~ 7395
~~acquired by a person other than the applicant it may not be sold~~ 7396
~~or transferred again~~ and any person to whom the right to claim 7397
all or a portion of a credit was transferred may transfer that 7398
right, in whole or in part, to another person. 7399

~~(F) After a transformational mixed use development project~~ 7400
~~is certified and before it is completed, the property owner may~~ 7401
~~request that the value of the tax credit certificates awarded in~~ 7402
~~connection with the project be computed using the alternative~~ 7403
~~method described in division (I) of this section. The tax credit~~ 7404
~~authority shall grant the request if the authority determines,~~ 7405

~~and a third party engaged by the authority at the expense of the~~ 7406
~~property owner affirms, that it is reasonably certain that the~~ 7407
~~increase in tax collections will exceed ten per cent of the~~ 7408
~~estimated development costs within one year after the project is~~ 7409
~~completed. Otherwise, the authority shall deny the request and~~ 7410
~~the amount of each credit awarded in connection with the project~~ 7411
~~shall be computed under division (H) of this section. The~~ 7412
~~authority's determination under this division shall be delivered~~ 7413
~~in writing and is final and not appealable.~~ 7414

~~(G) (1) (F) (1)~~ The property owner shall notify the ~~tax~~ 7415
~~credit authority~~ director of development upon completion of a 7416
certified transformational mixed use development project. The 7417
notification shall include a report prepared by a third-party 7418
certified public accountant that contains a detailed accounting 7419
of the actual ~~development costs~~ eligible expenditures attributed 7420
to the project. 7421

(2) Upon receiving such a notice, ~~unless the tax credit~~ 7422
~~authority has previously granted a request by the property owner~~ 7423
~~under division (F) of this section, the authority shall~~ 7424
~~determine the increase in tax collections since the date the~~ 7425
~~project was certified by consulting with the tax commissioner~~ 7426
~~and with the tax administrator of any municipal corporation that~~ 7427
~~levies an income tax within the project site and the surrounding~~ 7428
~~area. The tax commissioner and the tax administrators that are~~ 7429
~~consulted pursuant to this division shall provide the tax credit~~ 7430
~~authority with any information that is necessary to determine~~ 7431
~~the increase in tax collections.~~ 7432

~~(3) After determining the increase in tax collections~~ 7433
~~under division (G) (2) of this section, if required, and~~ 7434
~~computing the value of the tax credit under division (H) or (I)~~ 7435

~~of this section, as applicable, the tax credit authority—~~ 7436
~~director of development shall issue a tax credit certificate to~~ 7437
~~each applicant, or other person identified in the application~~ 7438
~~pursuant to division (B) (8) of this section, that is~~ 7439
~~preliminarily approved for a credit associated with the project—~~ 7440
~~or to the person or persons to which such an applicant sold or~~ 7441
~~transferred the rights to the credit under division (E) of this—~~ 7442
~~section. If the amount of the tax credit awarded to the property~~ 7443
~~owner is less than the credit amount estimated under division—~~ 7444
~~(C) of this section and the property owner sold or transferred~~ 7445
~~the rights to the credit, the tax credit authority shall reduce—~~ 7446
~~the amount of each tax credit certificate issued to each—~~ 7447
~~purchaser or recipient on a pro rata basis unless the property—~~ 7448
~~owner requests an alternative allocation of the credit.~~ 7449

~~(H) (1) Unless the tax credit authority granted a request—~~ 7450
~~by the property owner under division (F) of this section, the—~~ 7451
~~aggregate value of the tax credit certificates issued under—~~ 7452
~~division (C) of this section to the property owner and to any—~~ 7453
~~persons to whom the property owner sold or transferred the—~~ 7454
~~rights to the credit shall equal the lesser of the following:—~~ 7455

~~(a) Ten per cent of the adjusted development costs;—~~ 7456

~~(b) Five per cent of the adjusted development costs plus—~~ 7457
~~any amount by which the property owner's share of the increase—~~ 7458
~~in tax collections since the date the project was certified—~~ 7459
~~exceeds five per cent of the adjusted development costs;—~~ 7460

~~(c) The estimated credit amount specified in the tax—~~ 7461
~~credit authority's statement certifying the project and—~~ 7462
~~preliminarily approving the tax credit under division (C) of—~~ 7463
~~this section.—~~ 7464

~~(2) The value of a tax credit certificate issued under~~ 7465
~~division (C) of this section to an insurance company that~~ 7466
~~contributed capital to the project shall equal the lesser of the~~ 7467
~~following:—~~ 7468

~~(a) Ten per cent of the insurance company's actual capital~~ 7469
~~contribution;—~~ 7470

~~(b) Five per cent of such capital contribution plus any~~ 7471
~~amount by which the insurance company's share of the increase in~~ 7472
~~tax collections since the date the project was certified exceeds~~ 7473
~~five per cent of the insurance company's capital contribution;—~~ 7474

~~(c) The estimated credit amount specified in the tax~~ 7475
~~credit authority's statement certifying the project and~~ 7476
~~preliminarily approving the tax credit under division (C) of~~ 7477
~~this section.~~ 7478

~~(I) If the tax credit authority granted a request by the~~ 7479
~~property owner under division (F) of this section, the (G) The~~ 7480
~~value of the tax credit certificates issued in connection with~~ 7481
~~the transformational mixed use development project shall be~~ 7482
~~computed as follows:—~~ 7483

~~(1) For the property owner or any person to which the~~ 7484
~~property owner sold or transferred the rights to the credit, the~~ 7485
~~lesser of the amount preliminarily approved for the tax credit~~ 7486
~~or ten per cent of the actual development costs eligible~~ 7487
~~expenditures attributed to the project. If the amount of the~~ 7488
~~credit is less than the credit amount estimated under division~~ 7489
~~(C) of this section and the property owner sold or transferred~~ 7490
~~the rights to the credit to more than one person, the authority~~ 7491
~~shall reduce the amount of each tax credit certificate on a pro~~ 7492
~~rata basis unless the property owner requests an alternative~~ 7493

~~allocation of the credit.~~ 7494

~~(2) For an insurance company that contributed capital to
the project, ten per cent of the insurance company's actual
capital contribution.~~ 7495
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~~(J) If the value of a tax credit certificate was computed
under division (H) of this section for a project, the property
owner, on or before the thirtieth day following the first,
second, third, fourth, and fifth anniversaries of the date the
certified transformational mixed use development project is
completed, may request in writing that the tax credit authority
update the increase in tax collections during the completion
period. Upon receiving such a request, the tax credit authority
shall update the increase in tax collections in the same manner
described by division (G) of this section. If the tax credit
authority determines that the value of the tax credit
certificates computed under division (H) of this section would
be greater if computed based on the updated increase in tax
collections, the authority shall issue an additional tax credit
certificate to each person that previously received a
certificate for the project under those divisions. The value of
each additional tax credit certificate shall equal the amount by
which the tax credit certificate computed under division (H) of
this section upon completion of the project would have been
greater had the value of such certificate been computed based on
the updated increase in tax collections, less the value of any
additional tax credit certificates previously issued under this
division to the same person respecting the same project.~~ 7498
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~~(K)~~ (H) The aggregate value of all tax credit certificates
issued under this section for the same transformational mixed
use development project shall not exceed (1) ten per cent of the 7521
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actual ~~development costs~~ eligible expenditures of that project 7524
or (2) the ~~sum of all estimated credit amounts~~ amount 7525
preliminarily approved by the ~~tax credit authority~~ director of 7526
development in connection with the project. 7527

~~(I)~~ (I) Issuance of a tax credit certificate under this 7528
section does not represent a verification or certification by 7529
the ~~tax credit authority~~ director of development of the actual 7530
~~development costs~~ eligible expenditures of the project or the 7531
capital contributions to the project by an insurance company. 7532
Such amounts are subject to inspection and examination by the 7533
superintendent of insurance. 7534

~~(M)~~ (J) Upon the issuance of a tax credit certificate under 7535
~~division (G) or (J) of this section, the tax credit authority~~ 7536
director of development shall certify to the superintendent of 7537
insurance and the tax commissioner (1) the name of each person 7538
that was issued a tax credit certificate, (2) whether the person 7539
is the property owner or, an insurance company that contributed 7540
capital to the development, ~~or a person that acquired the rights~~ 7541
~~to the tax credit certificate from the property owner,~~ (3) the 7542
credit amount shown on each tax credit certificate, and (4) any 7543
other information required by the rules adopted under this 7544
section. A person that holds the rights to a tax credit 7545
certificate issued under this section ~~and that is an insurance~~ 7546
~~company~~ may claim a tax credit under section 5725.35 ~~or~~, 7547
5726.62, 5729.18, or 5747.87 of the Revised Code, subject to any 7548
limitations in those sections. 7549

~~(N)~~ (K) The ~~tax credit authority~~ director of development 7550
shall publish information about each transformational mixed use 7551
development on the web site of the department of development not 7552
later than the first day of August following certification of 7553

the project. The ~~tax credit authority director~~ shall update the 7554
published information annually until the project is complete and 7555
the credit or credits are fully claimed. The published 7556
information shall include all of the following: 7557

(1) The location of the transformational mixed use 7558
development and the name by which it is known; 7559

(2) The estimated schedule for progression and completion 7560
of the project included in the development plan pursuant to 7561
division (B) (4) of this section; 7562

(3) The assessment of the projected economic impact of the 7563
project included in the development plan pursuant to division 7564
(B) (5) of this section; 7565

(4) The evidence supporting the estimated increase in tax 7566
collections included in the development plan pursuant to 7567
division (B) (6) of this section, except that the ~~tax credit~~ 7568
~~authority director~~ may omit any proprietary or sensitive 7569
information included in such evidence; 7570

(5) The estimated ~~development costs~~ eligible expenditures 7571
that have been or will be incurred in completion of the project 7572
and, if applicable, the amount of the insurance company's 7573
capital contribution to the development and the date on which it 7574
was made, as reported in the development plan pursuant to 7575
divisions (B) (3) and (7) of this section; 7576

(6) A copy of each report submitted to the ~~tax credit~~ 7577
~~authority director of development~~ by the applicant under 7578
division (D) of this section. 7579

~~(D)~~ (L) The director of development, in accordance with 7580
Chapter 119. of the Revised Code, shall adopt rules that 7581
establish all of the following: 7582

(1) Forms and procedures by which applicants may apply for 7583
a transformational investment tax credit, and any deadlines for 7584
applying; 7585

(2) Criteria and procedures for reviewing, evaluating, 7586
ranking, and approving applications within the limitations 7587
prescribed by this section, including rules prescribing the 7588
timing and frequency by which the ~~tax credit authority director~~ 7589
of development must rank applications and preliminarily approve 7590
tax credits under division (C) of this section; 7591

(3) Eligibility requirements for obtaining a tax credit 7592
certificate under this section; 7593

(4) The form of the tax credit certificate; 7594

(5) Reporting requirements and monitoring procedures; 7595

~~(6) Procedures for computing the increase in tax-~~ 7596
~~collections within the project site and the surrounding area;~~ 7597

~~(7) Forms and procedures by which property owners may~~ 7598
~~request the alternative method of computing the value of tax-~~ 7599
~~credit certificates under division (I) of this section that are~~ 7600
~~awarded in connection with a project and criteria for evaluating~~ 7601
~~and making a determination on such requests;~~ 7602

~~(8) Any other rules necessary to implement and administer~~ 7603
this section. 7604

Sec. 122.14. ~~(A)~~ There is hereby created in the state 7605
treasury the roadwork development fund. The fund shall consist 7606
of the investment earnings of the security deposit fund created 7607
by section 4509.27 of the Revised Code and revenue transferred 7608
to it by the director of budget and management from the highway 7609
operating fund created in section 5735.051 of the Revised Code. 7610

The fund shall be used by the development services agency in 7611
accordance with Section 5a of Article XII, Ohio Constitution, to 7612
make road improvements associated with retaining or attracting 7613
business for this state, including both of the following: 7614

~~(1)~~ (A) Construction, reconstruction, maintenance, or 7615
repair of public roads that provide access to a public airport 7616
or are located within a public airport; 7617

~~(2)~~ (B) Construction, reconstruction, maintenance, or 7618
repair of public roads that provide or improve access to tourism 7619
attractions. 7620

~~(B) All investment earnings of the fund shall be credited~~ 7621
~~to the fund.~~ 7622

Sec. 122.175. (A) As used in this section: 7623

(1) "Capital investment project" means a plan of 7624
investment at a project site for the acquisition, construction, 7625
renovation, expansion, replacement, or repair of a computer data 7626
center or of computer data center equipment, but does not 7627
include any of the following: 7628

(a) Project costs paid before a date determined by the tax 7629
credit authority for each capital investment project; 7630

(b) Payments made to a related member as defined in 7631
section 5733.042 of the Revised Code or to a consolidated 7632
elected taxpayer or a combined taxpayer as defined in section 7633
5751.01 of the Revised Code. 7634

(2) "Computer data center" means a facility used or to be 7635
used primarily to house computer data center equipment used or 7636
to be used in conducting one or more computer data center 7637
businesses, as determined by the tax credit authority. 7638

(3) "Computer data center business" means, as may be 7639
further determined by the tax credit authority, a business that 7640
provides electronic information services as defined in division 7641
(Y) (1) (c) of section 5739.01 of the Revised Code, or that leases 7642
a facility to one or more such businesses. "Computer data center 7643
business" does not include providing electronic publishing as 7644
defined in that section. 7645

(4) "Computer data center equipment" means tangible 7646
personal property used or to be used for any of the following: 7647

(a) To conduct a computer data center business, including 7648
equipment cooling systems to manage the performance of computer 7649
data center equipment; 7650

(b) To generate, transform, transmit, distribute, or 7651
manage electricity necessary to operate the tangible personal 7652
property used or to be used in conducting a computer data center 7653
business; 7654

(c) As building and construction materials sold to 7655
construction contractors for incorporation into a computer data 7656
center. 7657

(5) "Eligible computer data center" means a computer data 7658
center that satisfies all of the following requirements: 7659

(a) One or more taxpayers operating a computer data center 7660
business at the project site will, in the aggregate, make 7661
payments for a capital investment project of at least one 7662
hundred million dollars at the project site during one of the 7663
following cumulative periods: 7664

(i) For projects beginning in 2013, six consecutive 7665
calendar years; 7666

(ii) For projects beginning in 2014, four consecutive 7667
calendar years; 7668

(iii) For projects beginning in or after 2015, three 7669
consecutive calendar years. 7670

(b) One or more taxpayers operating a computer data center 7671
business at the project site will, in the aggregate, pay annual 7672
compensation that is subject to the withholding obligation 7673
imposed under section 5747.06 of the Revised Code of at least 7674
one million five hundred thousand dollars to employees employed 7675
at the project site for each year of the agreement beginning on 7676
or after the first day of the twenty-fifth month after the 7677
agreement was entered into under this section. 7678

(6) "Person" has the same meaning as in section 5701.01 of 7679
the Revised Code. 7680

(7) "Project site," "related member," and "tax credit 7681
authority" have the same meanings as in sections 122.17 and 7682
122.171 of the Revised Code. 7683

(8) "Taxpayer" means any person subject to the taxes 7684
imposed under Chapters 5739. and 5741. of the Revised Code. 7685

(B) The tax credit authority may completely or partially 7686
exempt from the taxes levied under Chapters 5739. and 5741. of 7687
the Revised Code the sale, storage, use, or other consumption of 7688
computer data center equipment used or to be used at an eligible 7689
computer data center. Any such exemption shall extend to charges 7690
for the delivery, installation, or repair of the computer data 7691
center equipment subject to the exemption under this section. 7692

(C) A taxpayer that proposes a capital improvement project 7693
for an eligible computer data center in this state may apply to 7694
the tax credit authority to enter into an agreement under this 7695

section authorizing a complete or partial exemption from the 7696
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7697
on computer data center equipment purchased by the applicant or 7698
any other taxpayer that operates a computer data center business 7699
at the project site and used or to be used at the eligible 7700
computer data center. The director of development ~~services~~ shall 7701
prescribe the form of the application. After receipt of an 7702
application, the authority shall forward copies of the 7703
application to ~~the director of budget and management and the tax~~ 7704
~~commissioner, each of whom~~ who shall review the application to 7705
determine the economic impact that the proposed eligible 7706
computer data center would have on the state and any affected 7707
political subdivisions and submit to the authority a summary of 7708
their determinations. The authority shall also forward a copy of 7709
the application to the director of development ~~services~~ who 7710
shall review the application to determine the economic impact 7711
that the proposed eligible computer data center would have on 7712
the state and the affected political subdivisions and shall 7713
submit a summary of their determinations and recommendations to 7714
the authority. 7715

(D) Upon review and consideration of such determinations 7716
and recommendations, the tax credit authority , before October 7717
1, 2025, may enter into an agreement with the applicant and any 7718
other taxpayer that operates a computer data center business at 7719
the project site for a complete or partial exemption from the 7720
taxes imposed under Chapters 5739. and 5741. of the Revised Code 7721
on computer data center equipment used or to be used at an 7722
eligible computer data center if the authority determines all of 7723
the following: 7724

(1) The capital investment project for the eligible 7725
computer data center will increase payroll and the amount of 7726

income taxes to be withheld from employee compensation pursuant 7727
to section 5747.06 of the Revised Code. 7728

(2) The applicant is economically sound and has the 7729
ability to complete or effect the completion of the proposed 7730
capital investment project. 7731

(3) The applicant intends to and has the ability to 7732
maintain operations at the project site for the term of the 7733
agreement. 7734

(4) Receiving the exemption is a major factor in the 7735
applicant's decision to begin, continue with, or complete the 7736
capital investment project. 7737

(E) An agreement entered into under this section shall 7738
include all of the following: 7739

(1) A detailed description of the capital investment 7740
project that is the subject of the agreement, including the 7741
amount of the investment, the period over which the investment 7742
has been or is being made, the annual compensation to be paid by 7743
each taxpayer subject to the agreement to its employees at the 7744
project site, and the anticipated amount of income taxes to be 7745
withheld from employee compensation pursuant to section 5747.06 7746
of the Revised Code. 7747

(2) The percentage of the exemption from the taxes imposed 7748
under Chapters 5739. and 5741. of the Revised Code for the 7749
computer data center equipment used or to be used at the 7750
eligible computer data center, the length of time the computer 7751
data center equipment will be exempted, and the first date on 7752
which the exemption applies. 7753

(3) A requirement that the computer data center remain an 7754
eligible computer data center during the term of the agreement 7755

and that the applicant maintain operations at the eligible 7756
computer data center during that term. An applicant does not 7757
violate the requirement described in division (E)(3) of this 7758
section if the applicant ceases operations at the eligible 7759
computer data center during the term of the agreement but 7760
resumes those operations within eighteen months after the date 7761
of cessation. The agreement shall provide that, in such a case, 7762
the applicant and any other taxpayer that operates a computer 7763
data center business at the project site shall not claim the tax 7764
exemption authorized in the agreement for any purchase of 7765
computer data center equipment made during the period in which 7766
the applicant did not maintain operations at the eligible 7767
computer data center. 7768

(4) A requirement that, for each year of the term of the 7769
agreement beginning on or after the first day of the twenty- 7770
fifth month after the date the agreement was entered into, one 7771
or more taxpayers operating a computer data center business at 7772
the project site will, in the aggregate, pay annual compensation 7773
that is subject to the withholding obligation imposed under 7774
section 5747.06 of the Revised Code of at least one million five 7775
hundred thousand dollars to employees at the eligible computer 7776
data center. 7777

(5) A requirement that each taxpayer subject to the 7778
agreement annually report to the director of development 7779
~~services~~ employment, tax withholding, capital investment, and 7780
other information required by the director to perform the 7781
director's duties under this section. 7782

(6) A requirement that the director of development 7783
~~services~~ annually review the annual reports of each taxpayer 7784
subject to the agreement to verify the information reported 7785

under division (E) (5) of this section and compliance with the 7786
agreement. Upon verification, the director shall issue a 7787
certificate to each such taxpayer stating that the information 7788
has been verified and that the taxpayer remains eligible for the 7789
exemption specified in the agreement. 7790

(7) A provision providing that the taxpayers subject to 7791
the agreement may not relocate a substantial number of 7792
employment positions from elsewhere in this state to the project 7793
site unless the director of development ~~services~~ determines that 7794
the appropriate taxpayer notified the legislative authority of 7795
the county, township, or municipal corporation from which the 7796
employment positions would be relocated. For purposes of this 7797
paragraph, the movement of an employment position from one 7798
political subdivision to another political subdivision shall be 7799
considered a relocation of an employment position unless the 7800
movement is confined to the project site. The transfer of an 7801
employment position from one political subdivision to another 7802
political subdivision shall not be considered a relocation of an 7803
employment position if the employment position in the first 7804
political subdivision is replaced by another employment 7805
position. 7806

(8) A waiver by each taxpayer subject to the agreement of 7807
any limitations periods relating to assessments or adjustments 7808
resulting from the taxpayer's failure to comply with the 7809
agreement. 7810

(F) The term of an agreement under this section shall be 7811
determined by the tax credit authority, and the amount of the 7812
exemption shall not exceed one hundred per cent of such taxes 7813
that would otherwise be owed in respect to the exempted computer 7814
data center equipment. 7815

(G) If any taxpayer subject to an agreement under this 7816
section fails to meet or comply with any condition or 7817
requirement set forth in the agreement, the tax credit authority 7818
may amend the agreement to reduce the percentage of the 7819
exemption or term during which the exemption applies to the 7820
computer data center equipment used or to be used by the 7821
noncompliant taxpayer at an eligible computer data center. The 7822
reduction of the percentage or term may take effect in the 7823
current calendar year. 7824

(H) Financial statements and other information submitted 7825
to the department of development ~~services~~ or the tax credit 7826
authority by an applicant for or recipient of an exemption under 7827
this section, and any information taken for any purpose from 7828
such statements or information, are not public records subject 7829
to section 149.43 of the Revised Code. However, the chairperson 7830
of the authority may make use of the statements and other 7831
information for purposes of issuing public reports or in 7832
connection with court proceedings concerning tax exemption 7833
agreements under this section. Upon the request of the tax 7834
commissioner, the chairperson of the authority shall provide to 7835
the tax commissioner any statement or other information 7836
submitted by an applicant for or recipient of an exemption under 7837
this section. The tax commissioner shall preserve the 7838
confidentiality of the statement or other information. 7839

(I) The tax commissioner shall issue a direct payment 7840
permit under section 5739.031 of the Revised Code to each 7841
taxpayer subject to an agreement under this section. Such direct 7842
payment permit shall authorize the taxpayer to pay any sales and 7843
use taxes due on purchases of computer data center equipment 7844
used or to be used in an eligible computer data center and to 7845
pay any sales and use taxes due on purchases of tangible 7846

personal property or taxable services other than computer data 7847
center equipment used or to be used in an eligible computer data 7848
center directly to the tax commissioner. Each such taxpayer 7849
shall pay pursuant to such direct payment permit all sales tax 7850
levied on such purchases under sections 5739.02, 5739.021, 7851
5739.023, and 5739.026 of the Revised Code and all use tax 7852
levied on such purchases under sections 5741.02, 5741.021, 7853
5741.022, and 5741.023 of the Revised Code, consistent with the 7854
terms of the agreement entered into under this section. 7855

During the term of an agreement under this section each 7856
taxpayer subject to the agreement shall submit to the tax 7857
commissioner a return that shows the amount of computer data 7858
center equipment purchased for use at the eligible computer data 7859
center, the amount of tangible personal property and taxable 7860
services other than computer data center equipment purchased for 7861
use at the eligible computer data center, the amount of tax 7862
under Chapter 5739. or 5741. of the Revised Code that would be 7863
due in the absence of the agreement under this section, the 7864
exemption percentage for computer data center equipment 7865
specified in the agreement, and the amount of tax due under 7866
Chapter 5739. or 5741. of the Revised Code as a result of the 7867
agreement under this section. Each such taxpayer shall pay the 7868
tax shown on the return to be due in the manner and at the times 7869
as may be further prescribed by the tax commissioner. Each such 7870
taxpayer shall include a copy of the director of ~~development-~~ 7871
~~services'~~ development's certificate of verification issued under 7872
division (E) (6) of this section. Failure to submit a copy of the 7873
certificate with the return does not invalidate the claim for 7874
exemption if the taxpayer submits a copy of the certificate to 7875
the tax commissioner within the time prescribed by section 7876
5703.0510 of the Revised Code. 7877

(J) If the director of development ~~services~~ determines 7878
that one or more taxpayers received an exemption from taxes due 7879
on the purchase of computer data center equipment purchased for 7880
use at a computer data center that no longer complies with the 7881
requirement under division (E) (3) of this section, the director 7882
shall notify the tax credit authority and, if applicable, the 7883
taxpayer that applied to enter the agreement for the exemption 7884
under division (C) of this section of the noncompliance. After 7885
receiving such a notice, and after giving each taxpayer subject 7886
to the agreement an opportunity to explain the noncompliance, 7887
the authority may terminate the agreement and require each such 7888
taxpayer to pay to the state all or a portion of the taxes that 7889
would have been owed in regards to the exempt equipment in 7890
previous years, all as determined under rules adopted pursuant 7891
to division (K) of this section. In determining the portion of 7892
the taxes that would have been owed on the previously exempted 7893
equipment to be paid to this state by a taxpayer, the authority 7894
shall consider the effect of market conditions on the eligible 7895
computer data center, whether the taxpayer continues to maintain 7896
other operations in this state, and, with respect to agreements 7897
involving multiple taxpayers, the taxpayer's level of 7898
responsibility for the noncompliance. After making the 7899
determination, the authority shall certify to the tax 7900
commissioner the amount to be paid by each taxpayer subject to 7901
the agreement. The tax commissioner shall make an assessment for 7902
that amount against each such taxpayer under Chapter 5739. or 7903
5741. of the Revised Code. The time limitations on assessments 7904
under those chapters do not apply to an assessment under this 7905
division, but the tax commissioner shall make the assessment 7906
within one year after the date the authority certifies to the 7907
tax commissioner the amount to be paid by the taxpayer. 7908

(K) The director of development ~~services~~, after 7909
consultation with the tax commissioner and in accordance with 7910
Chapter 119. of the Revised Code, shall adopt rules necessary to 7911
implement this section. The rules may provide for recipients of 7912
tax exemptions under this section to be charged fees to cover 7913
administrative costs incurred in the administration of this 7914
section. The fees collected shall be credited to the tax 7915
incentives operating fund created in section 122.174 of the 7916
Revised Code. At the time the director gives public notice under 7917
division (A) of section 119.03 of the Revised Code of the 7918
adoption of the rules, the director shall submit copies of the 7919
proposed rules to the chairpersons of the standing committees on 7920
economic development in the senate and the house of 7921
representatives. 7922

(L) On or before the first day of August of each year, the 7923
director of development ~~services~~ shall submit a report to the 7924
governor, the president of the senate, and the speaker of the 7925
house of representatives on the tax exemption authorized under 7926
this section. The report shall include information on the number 7927
of agreements that were entered into under this section during 7928
the preceding calendar year, a description of the eligible 7929
computer data center that is the subject of each such agreement, 7930
and an update on the status of eligible computer data centers 7931
under agreements entered into before the preceding calendar 7932
year. 7933

(M) A taxpayer may be made a party to an existing 7934
agreement entered into under this section by the tax credit 7935
authority and another taxpayer or group of taxpayers. In such a 7936
case, the taxpayer shall be entitled to all benefits and bound 7937
by all obligations contained in the agreement and all 7938
requirements described in this section. When an agreement 7939

includes multiple taxpayers, each taxpayer shall be entitled to 7940
a direct payment permit as authorized in division (I) of this 7941
section. 7942

Sec. 122.1710. (A) As used in this section: 7943

(1) "Low-income individual" has the same meaning as "low- 7944
income person" in section ~~122.66~~ 5101.311 of the Revised Code. 7945

(2) "Microcredential" has the same meaning as in section 7946
122.178 of the Revised Code. 7947

(3) "OhioMeansJobs web site" has the same meaning as in 7948
section 6301.01 of the Revised Code. 7949

(4) "Partially unemployed" and "totally unemployed" have 7950
the same meanings as in section 4141.01 of the Revised Code. 7951

(5) "Training provider" means all of the following: 7952

(a) A state institution of higher education as defined in 7953
section 3345.011 of the Revised Code; 7954

(b) An Ohio technical center as defined in section 3333.94 7955
of the Revised Code; 7956

(c) A private business or institution that offers training 7957
to allow an individual to earn one or more microcredentials. 7958

(B) There is hereby created the individual microcredential 7959
assistance program to reimburse training providers for training 7960
costs for individuals to earn a microcredential. The department 7961
of development, in consultation with the governor's office of 7962
workforce transformation, shall administer the program. 7963

(C) A training provider seeking to participate in the 7964
program shall submit an application to the director of 7965
development. The training provider shall include in the 7966

application all of the following information: 7967

(1) The number of microcredentials the training provider 7968
will seek a reimbursement for and the names of the 7969
microcredentials; 7970

(2) The cost of the training for each microcredential; 7971

(3) The total amount of the reimbursement the training 7972
provider will seek; 7973

(4) The training provider's plan to provide opportunities 7974
for individuals who are low income, partially unemployed, or 7975
totally unemployed to participate in a training program and 7976
receive a microcredential; 7977

(5) Any other information the director requires. 7978

(D) (1) The director shall consider the following factors 7979
in determining whether to approve an application submitted under 7980
division (C) of this section: 7981

(a) The duration of the training program; 7982

(b) The cost of the training; 7983

(c) Whether approving an application will promote regional 7984
diversity in apportioning reimbursements uniformly across the 7985
state; 7986

(d) The training provider's commitment to providing 7987
opportunities for individuals who are low income, partially 7988
unemployed, or totally unemployed to participate in a training 7989
program and receive a microcredential. 7990

(2) In determining regional diversity under division (D) 7991
(1) (c) of this section, the director shall use the regions 7992
established under division (G) of section 122.178 of the Revised 7993

Code. 7994

(3) The director shall not approve an application 7995
submitted under this section if either of the following apply: 7996

(a) The microcredentials identified in the application are 7997
not included in the list the chancellor of higher education 7998
establishes under section 122.178 of the Revised Code. 7999

(b) The training provider has violated Chapter 4111. of 8000
the Revised Code within the four fiscal years immediately 8001
preceding the date of application. 8002

(4) The director shall notify a training provider in 8003
writing of the director's decision to approve or deny the 8004
training provider's application to participate in the program. 8005

(E) A participating training provider shall not charge an 8006
individual participating in a training program to earn a 8007
microcredential for which the training provider is seeking a 8008
reimbursement for either of the following: 8009

(1) Any costs associated with the individual's 8010
participation in the training program; 8011

(2) Any costs to the training provider resulting from an 8012
individual not completing the training program. 8013

(F) (1) Each participating training provider seeking 8014
reimbursement for training costs for one or more 8015
microcredentials earned by one or more individuals in a training 8016
program shall submit an application to the director after the 8017
individual or individuals have earned a microcredential. The 8018
training provider shall include in the reimbursement application 8019
all of the following information: 8020

(a) The actual cost for the training provider to provide 8021

each individual with the training; 8022

(b) Evidence that each individual earned a 8023
microcredential; 8024

(c) Any demographic information of each individual that 8025
the individual provides to the training provider, including race 8026
and gender. 8027

(2) The amount of the reimbursement shall be not more than 8028
three thousand dollars for each microcredential an individual 8029
receives. A participating training provider may not receive a 8030
reimbursement for any additional individual who earns a 8031
microcredential beyond the number of microcredentials included 8032
in the application under division (C) of this section. A 8033
participating training provider may receive a total 8034
reimbursement of five hundred thousand dollars in a fiscal year. 8035

(3) A training provider may request that an individual 8036
participating in the training provider's program provide 8037
demographic information to the training provider, including race 8038
and gender. An individual is not required to provide that 8039
information. 8040

(G) The director shall do both of the following regarding 8041
the operation of the program: 8042

(1) Create an application to participate in the program 8043
and an application for reimbursement; 8044

(2) Create and distribute a survey to each individual who 8045
successfully earned a microcredential because of a reimbursement 8046
to a training provider under this section inquiring as to the 8047
individual's occupation and wages at the time of completing the 8048
survey. 8049

(H) The director shall include on the internet web site 8050
maintained by the department, and the governor's office of 8051
workforce transformation shall include on the office's internet 8052
web site and the OhioMeansJobs web site, all of the content 8053
created under division (G) of this section. 8054

(I) The director may adopt rules in accordance with 8055
Chapter 119. of the Revised Code as the director considers 8056
necessary to implement this section, including establishing 8057
priority guidelines for approving applications under division 8058
(D) of this section. 8059

(J) Any personal information of an individual the director 8060
receives in connection with the individual microcredential 8061
assistance program created under this section is not a public 8062
record for purposes of section 149.43 of the Revised Code. 8063
However, the director may use the information as necessary to 8064
complete the reports required under section 122.1711 of the 8065
Revised Code. 8066

Sec. 122.41. The director of development ~~services is~~ 8067
invested with the powers and duties provided in Chapter 122. of 8068
the Revised Code, in order to promote the welfare of the people 8069
of the state, to stabilize the economy, to provide employment, 8070
to assist in the development within the state of industrial, 8071
commercial, distribution, and research activities required for 8072
the people of the state, and for their gainful employment, or 8073
otherwise to create or preserve jobs and employment 8074
opportunities, or improve the economic welfare of the people of 8075
the state, ~~and also to assist in the financing of air, water, or~~ 8076
~~thermal pollution control facilities and solid waste disposal~~ 8077
~~facilities by mortgage insurance as provided in section 122.451-~~ 8078
~~of the Revised Code.~~ It is hereby determined that the 8079

accomplishment of such purposes is essential so that the people 8080
of the state may maintain their present high standards in 8081
comparison with the people of other states and so that 8082
opportunities for employment and for favorable markets for the 8083
products of the state's natural resources, agriculture, and 8084
manufacturing shall be improved and that it is necessary for the 8085
state to establish the programs authorized pursuant to Chapter 8086
122. of the Revised Code and invest the director of development 8087
~~services~~ with the powers and duties provided in Chapter 122. of 8088
the Revised Code. The powers granted to the director by Chapter 8089
165. of the Revised Code are independent of and in addition and 8090
alternate to, and are not limited or restricted by, Chapter 122. 8091
of the Revised Code. 8092

Sec. 122.42. (A) The director of development shall do all 8093
of the following: 8094

(1) Receive applications for assistance under sections 8095
122.39 and 122.41 to 122.62 of the Revised Code; 8096

(2) Make a final determination whether to approve the 8097
application for assistance; 8098

(3) Transmit determinations to approve assistance to the 8099
controlling board together with any information the controlling 8100
board requires for the board's review and decision as to whether 8101
to approve the assistance; 8102

(4) Issue revenue bonds of the state through the treasurer 8103
of state, as necessary, payable solely from revenues and other 8104
sources as provided in sections 122.39 and 122.41 to 122.62 of 8105
the Revised Code. 8106

(B) The director may do all of the following: 8107

(1) Fix the rate of interest and charges to be made upon 8108

or with respect to moneys loaned by the director and the terms 8109
upon which mortgages and lease rentals may be guaranteed and the 8110
rates of charges to be made for the loans and guarantees and to 8111
make provisions for the operation of the funds established by 8112
the director in accordance with this section and ~~sections~~ 8113
section 122.54, 122.55, 122.56, and 122.57 of the Revised Code; 8114

(2) Loan moneys from the fund established in accordance 8115
with section 122.54 of the Revised Code pursuant to and in 8116
compliance with sections 122.39 and 122.41 to 122.62 of the 8117
Revised Code; 8118

(3) Acquire in the name of the director any property of 8119
any kind or character in accordance with sections 122.39 and 8120
122.41 to 122.62 of the Revised Code, by purchase, purchase at 8121
foreclosure, or exchange on such terms and in such manner as the 8122
director considers proper; 8123

(4) Make and enter into all contracts and agreements 8124
necessary or incidental to the performance of the director's 8125
duties and the exercise of the director's powers under sections 8126
122.39 and 122.41 to 122.62 of the Revised Code; 8127

(5) Maintain, protect, repair, improve, and insure any 8128
property which the director has acquired and dispose of the same 8129
by sale, exchange, or lease for the consideration and on the 8130
terms and in the manner as the director considers proper, but is 8131
not authorized to operate any such property as a business except 8132
as the lessor of the property; 8133

(6) (a) When the cost of any contract for the maintenance, 8134
protection, repair, or improvement of any property held by the 8135
director other than compensation for personal services involves 8136
an expenditure of more than one thousand dollars, the director 8137

shall make a written contract with the lowest responsive and 8138
responsible bidder in accordance with section 9.312 of the 8139
Revised Code after advertisement for not less than two 8140
consecutive weeks in a newspaper of general circulation in the 8141
county where such contract, or some substantial part of it, is 8142
to be performed, and in such other publications as the director 8143
determines, which notice shall state the general character of 8144
the work and the general character of the materials to be 8145
furnished, the place where plans and specifications may be 8146
examined, and the time and place of receiving bids. 8147

(b) Each bid for a contract for the construction, 8148
demolition, alteration, repair, or reconstruction of an 8149
improvement shall contain the full name of every person 8150
interested in it and meet the requirements of section 153.54 of 8151
the Revised Code. 8152

(c) Each bid for a contract, except as provided in 8153
division (B) (6) (b) of this section, shall contain the full name 8154
of every person interested in it and shall be accompanied by 8155
bond or certified check on a solvent bank, in such amount as the 8156
director considers sufficient, that if the bid is accepted a 8157
contract will be entered into and the performance of the 8158
proposal secured. 8159

(d) The director may reject any and all bids. 8160

(e) A bond with good and sufficient surety, approved by 8161
the director, shall be required of every contractor awarded a 8162
contract except as provided in division (B) (6) (b) of this 8163
section, in an amount equal to at least fifty per cent of the 8164
contract price, conditioned upon faithful performance of the 8165
contract. 8166

(7) Employ financial consultants, appraisers, consulting 8167
engineers, superintendents, managers, construction and 8168
accounting experts, attorneys, and other employees and agents as 8169
are necessary in the director's judgment and fix their 8170
compensation; 8171

(8) Assist qualified persons in the coordination and 8172
formation of a small business development company, having a 8173
statewide area of operation, conditional upon the company's 8174
agreeing to seek to obtain certification from the federal small 8175
business administration as a certified statewide development 8176
company and participation in the guaranteed loan program 8177
administered by the small business administration pursuant to 8178
the Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During 8179
the initial period of formation of the statewide small business 8180
development company, the director shall provide technical and 8181
financial expertise, legal and managerial assistance, and other 8182
services as are necessary and proper to enable the company to 8183
obtain and maintain federal certification and participation in 8184
the federal guaranteed loan program. The director may charge a 8185
fee, in such amount and on such terms and conditions as the 8186
director determines necessary and proper, for assistance and 8187
services provided pursuant to division (B)(8) of this section. 8188

Persons chosen by the director to receive assistance in 8189
the formation of a statewide small business development company 8190
pursuant to division (B)(8) of this section shall make a special 8191
effort to use their participation in the federal guaranteed loan 8192
program to assist small businesses which are minority business 8193
enterprises as defined in division (E) of section 122.71 of the 8194
Revised Code. The director, with the assistance of the minority 8195
business development division of the department of development, 8196
shall provide technical and financial expertise, legal and 8197

managerial assistance, and other services in such a manner to 8198
enable the development company to provide assistance to small 8199
businesses which are minority business enterprises, and shall 8200
make available to the development company information pertaining 8201
to assistance available to minority business enterprises under 8202
programs established pursuant to sections 122.71 to 122.83, 8203
122.87 to 122.89, 122.92 to 122.94, 122.921, and 125.081 of the 8204
Revised Code. 8205

(9) Receive and accept grants, gifts, and contributions of 8206
money, property, labor, and other things of value to be held, 8207
used, and applied only for the purpose for which such grants, 8208
gifts, and contributions are made, from individuals, private and 8209
public corporations, from the United States or any agency of the 8210
United States, from the state or any agency of the state, and 8211
from any political subdivision of the state, and may agree to 8212
repay any contribution of money or to return any property 8213
contributed or the value of the property at such times, in such 8214
amounts, and on such terms and conditions, excluding the payment 8215
of interest, as the director determines at the time such 8216
contribution is made, and may evidence such obligations by 8217
notes, bonds, or other written instruments; 8218

(10) Establish with the treasurer of state the ~~funds~~ fund 8219
provided in ~~sections~~ section 122.54, ~~122.55, 122.56, and 122.57~~ 8220
of the Revised Code, in addition to such funds as the director 8221
determines are necessary or proper; 8222

(11) Do all acts and things necessary or proper to carry 8223
out the powers expressly granted and the duties imposed in 8224
sections 122.39 and 122.41 to 122.62 and Chapter 163. of the 8225
Revised Code. 8226

(C) All expenses and obligations incurred by the director 8227

in carrying out the director's powers and in exercising the 8228
director's duties under sections 122.39 and 122.41 to 122.62 of 8229
the Revised Code, shall be payable solely from the proceeds of 8230
revenue bonds issued pursuant to those sections, from revenues 8231
or other receipts or income of the director, from grants, gifts, 8232
and contributions, or funds established in accordance with those 8233
sections. Those sections do not authorize the director to incur 8234
indebtedness or to impose liability on the state or any 8235
political subdivision of the state. 8236

(D) Financial statements and financial data submitted to 8237
the director by any corporation, partnership, or person in 8238
connection with a loan application, or any information taken 8239
from such statements or data for any purpose, shall not be open 8240
to public inspection. 8241

Sec. 122.47. At the request of the director of 8242
development, the treasurer of state shall issue revenue bonds of 8243
the state for the purpose of acquiring moneys for the purposes 8244
of this chapter, which moneys shall be credited by the treasurer 8245
of state as the director of development shall determine to and 8246
among the funds established in accordance with or pursuant to 8247
sections 122.35, 122.42, and 122.54, ~~122.55, 122.56, 122.561,~~ 8248
~~and 122.57~~ of the Revised Code. ~~The principal of and interest on~~ 8249
~~such~~ Such revenue bonds ~~shall be payable solely from the sinking~~ 8250
~~funds established in accordance with section 122.57 of the~~ 8251
~~Revised Code at the times and in the order and manner provided~~ 8252
~~in the bond issuing proceedings or in any trust agreements~~ 8253
~~securing such bonds, and shall be secured by the revenue bond~~ 8254
guaranty fund established in accordance with section 122.571 of 8255
the Revised Code and shall also be secured by moneys in the 8256
other funds established by the director to the extent and on the 8257
terms ~~he~~ the director specifies and by covenants of the director 8258

~~that he will~~ to so manage the loans and leases and fix interest 8259
rates, charges, and rentals so as to assure receipt of net 8260
income and revenue sufficient to provide for the payment of the 8261
principal of and the interest on the revenue bonds. 8262

Sec. 122.49. The proceeds of each issue of revenue bonds 8263
issued pursuant to sections 122.39 and 122.41 to 122.62 of the 8264
Revised Code shall be used for the making of loans authorized in 8265
sections 122.43 and 122.45 of the Revised Code, for the purchase 8266
and improvement of property authorized in section 122.46 of the 8267
Revised Code, ~~for insuring mortgage payments authorized in~~ 8268
~~section 122.451 of the Revised Code,~~ and for the crediting into 8269
and among the funds established in accordance with sections 8270
122.35, and 122.54, ~~122.55, 122.56, 122.561, and 122.57~~ of the 8271
Revised Code, but subject to such conditions, limitations, and 8272
covenants with the purchasers and holders of the bonds as shall 8273
be provided for in the bond authorization proceedings and in the 8274
trust agreement securing the same. 8275

Provision shall be made by the director of development 8276
~~services~~ for the payment of the expenses of the director in 8277
operating the assistance programs authorized under this chapter 8278
in such manner and to such extent as shall be determined by the 8279
director. 8280

Sec. 122.53. In the discretion of the treasurer of state, 8281
any bonds issued under sections 122.39 and 122.41 to 122.62 of 8282
the Revised Code, may be secured by a trust agreement between 8283
the treasurer of state and a corporate trustee, which trustee 8284
may be any trust company or bank having the powers of a trust 8285
company within or without the state. 8286

Any such trust agreement may pledge or assign payments of 8287
principal of and interest on loans, charges, fees, and other 8288

revenue to be received by the director of development ~~services,~~ 8289
all rentals received under leases made by the director, and all 8290
proceeds of the sale or other disposition of property held by 8291
the director, ~~and may provide for the holding in trust by the~~ 8292
~~trustee to the extent provided for in the proceedings~~ 8293
~~authorizing such bonds, of all such moneys and moneys otherwise~~ 8294
~~payable into the mortgage guarantee fund created by section~~ 8295
122.56 of the Revised Code, and all moneys otherwise payable 8296
~~into the mortgage insurance fund created by section 122.561 of~~ 8297
~~the Revised Code, and of moneys payable into the sinking fund or~~ 8298
~~funds referred to in section 122.57 of the Revised Code, but~~ 8299
shall not convey or mortgage any of the real or personal 8300
property held by the director or any part thereof. Any such 8301
trust agreement, or any proceedings providing for the issuance 8302
of such bonds, may contain such provisions for protecting and 8303
enforcing the rights and remedies of the bondholders as are 8304
reasonable and proper and not in violation of law, including 8305
covenants setting forth the duties of the director in relation 8306
to the acquisition of property, and the construction, 8307
improvement, maintenance, repair, operation, and insurance of 8308
facilities, the making of loans and leases and the terms and 8309
provisions thereof, and the custody, safeguarding, investment, 8310
and application of all moneys, and provisions for the employment 8311
of consulting engineers or other consultants in connection with 8312
the making of loans and leases and the construction or operation 8313
of any facility. Any bank or trust company incorporated under 8314
the laws of this state which may act as trustee or as depository 8315
of the proceeds of bonds or of revenue may furnish such 8316
indemnifying bonds or may pledge such securities as are required 8317
by the treasurer of state. Any such trust agreement may set 8318
forth the rights and remedies of the bondholders and of the 8319
trustee, and may restrict the individual right of action by 8320

bondholders as is customary in trust agreements or trust 8321
indentures securing bonds or debentures of corporations. Such 8322
trust agreement may contain such other provisions as the 8323
treasurer of state deems reasonable and proper for the security 8324
of the bondholders. All expenses incurred by the treasurer of 8325
state in carrying out the provisions of any such trust agreement 8326
shall be treated as a part of the cost of the operation of the 8327
assistance programs authorized pursuant to Chapter 122. of the 8328
Revised Code. Any such trust agreement may provide the method 8329
whereby general administrative overhead expense of the director 8330
with respect to those assistance programs shall be allocated 8331
among the funds established pursuant to Chapter 122. of the 8332
Revised Code with respect to the operating expenses of the 8333
director payable out of the income of the assistance programs. 8334

Sec. 122.571. ~~In addition to the separate sinking funds~~ 8335
~~created under section 122.57 of the Revised Code, there~~ There is 8336
hereby created the revenue bond guaranty fund to consist of all 8337
money allocated by the director of development to guarantee 8338
payment of interest on, principal of and redemption premium on, 8339
the revenue bonds issued by the director under Chapter 122. of 8340
the Revised Code, all grants, gifts, and contributions made to 8341
the director for such purpose, and all money and property 8342
provided by law for such purpose. 8343

Sec. 122.59. In the event of a default with respect to any 8344
loan or lease, the director of development shall take such 8345
action as ~~he~~ the director deems proper in the circumstances to 8346
enforce and protect the rights of the director, and such action 8347
as may be required by the provisions of any proceedings 8348
authorizing the revenue bonds or of any trust agreement securing 8349
such bonds, which may include any appropriate action at law or 8350
in equity, enforcement or waiver of any provision of any 8351

mortgage or security agreement or lease, or reinstatement of any 8352
forfeited or cancelled right, title, or privilege. 8353
~~Notwithstanding any such action, the director shall transfer~~ 8354
~~from the mortgage guarantee fund created by section 122.56 of~~ 8355
~~the Revised Code to the sinking fund or funds referred to in~~ 8356
~~section 122.57 of the Revised Code amounts not greater than the~~ 8357
~~amounts which would have been paid upon such loan or under such~~ 8358
~~lease but for such default, at the time or times when such~~ 8359
~~amounts would have been paid but for such defaults, to the~~ 8360
~~extent provided in the proceedings authorizing and the trust~~ 8361
~~agreements securing such bonds, to be held and applied as other~~ 8362
~~moneys in the sinking fund, and shall make such other transfers~~ 8363
~~and take such other action as shall be required of the director~~ 8364
~~by any such bond issuance proceedings or trust agreement.~~ 8365

Sec. 122.631. (A) As used in sections 122.631 to 122.633 8366
of the Revised Code: 8367

(1) "Qualified nonprofit developer" means a nonprofit 8368
corporation, as defined in section 1702.01 of the Revised Code, 8369
that is all of the following: 8370

(a) Incorporated in this state; 8371

(b) Engaged in community development activities primarily 8372
within an identified geographic area of operation in this state; 8373

(c) Has as its primary purpose the improvement of the 8374
physical, economic, or social environment by addressing critical 8375
problems in that geographic area of operation including housing. 8376

(2) "Electing subdivision," "county land reutilization 8377
corporation," and "land reutilization program" have the same 8378
meanings as in section 5722.01 of the Revised Code. 8379

~~(2)~~ (3) "Manufactured home" has the same meaning as in 8380

section 3781.06 of the Revised Code, and "mobile home" has the 8381
same meaning as in section 4501.01 of the Revised Code. 8382

~~(3)~~ (4) "Qualifying residential property" means single- 8383
family residential property, including a single unit of 8384
single-family residential property that has at least eight 8385
hundred square feet of habitable space and is either a stand- 8386
alone unit or in a multi-unit property containing not more than 8387
ten single-family residential units. "Qualifying residential 8388
property" excludes mobile homes but includes both of the 8389
following: 8390

(a) A manufactured home; 8391

(b) A single unit in a multi-unit property containing not 8392
more than ten units but excluding manufactured homes, that has 8393
at least one thousand square feet of habitable space per 8394
unit that has other nonresidential units or uses. Such 8395
nonresidential units or uses are not qualifying residential 8396
property. 8397

~~(4)~~ (5) "Qualifying median income" means eighty one hundred 8398
twenty per cent of median income for the county where qualifying 8399
residential property is located, as determined by the director 8400
of development pursuant to section 174.04 of the Revised Code. 8401

(6) "Qualifying financial literacy counseling" means a 8402
homeownership course with a curriculum that includes basic home 8403
maintenance training and financial literacy. 8404

(7) "Qualifying counseling provider" means an individual, 8405
business, nonprofit organization, or political subdivision, 8406
including an agency or instrumentality thereof, that is 8407
licensed, certified, or authorized to provide homeownership 8408
counseling and financial literacy as one of its primary 8409

functions, including housing counselors certified by the United 8410
States department of housing and urban development or the Ohio 8411
housing financing agency. 8412

(B) There is created in the department of development the 8413
welcome home Ohio (WHO) program to administer the grants 8414
authorized by this section and section ~~163.632~~ 122.632 of the 8415
Revised Code and the tax credits authorized by section 122.633 8416
of the Revised Code. The department shall create and maintain a 8417
list of qualifying residential property to which the deed 8418
restriction described in division (D) (4) of this section, or 8419
division (B) (4) of section 122.632, ~~or division (C) (4) of~~ 8420
~~section 122.633~~ of the Revised Code applies or a restrictive 8421
covenant described in division (C) (5) of section 122.633 of the 8422
Revised Code is recorded. That list is not a public record for 8423
purposes of section 149.43 of the Revised Code. 8424

(C) An electing subdivision ~~or, a~~ a county land 8425
reutilization corporation, or a qualified nonprofit developer 8426
may apply to the director of development for a grant from the 8427
welcome home Ohio fund, which is created in the state treasury, 8428
to pay or defer the cost of purchasing qualifying residential 8429
property for incorporation into the electing subdivision's or 8430
county land reutilization corporation's land reutilization 8431
program or the qualified nonprofit developer's housing program. 8432
Up to two thousand dollars of each grant may be used to fund the 8433
qualifying financial literacy counseling required under division 8434
(D) (6) of this section. To the extent that funding is available 8435
in that fund, the director may award grants to electing 8436
subdivisions ~~and,~~ and county land reutilization corporations, and 8437
qualified nonprofit developers that make such an application and 8438
agree to comply with division (D) of this section, with a 8439
maximum grant of one hundred thousand dollars per qualifying 8440

residential property. 8441

(D) The director of development shall require all 8442
applicants for a grant authorized by division (C) of this 8443
section to agree, as part of the application, to all of the 8444
following: 8445

(1) That grant funds shall only be used to pay the cost of 8446
purchasing qualifying residential property; 8447

(2) That qualifying residential property on which grant 8448
funds are spent shall be held until sold to an individual or 8449
individuals who, inclusively: 8450

(a) Have annual income that is not more than the 8451
qualifying median income; 8452

(b) Demonstrate the financial means to purchase the 8453
qualifying residential property; 8454

(c) Agree to maintain ownership of the qualifying 8455
residential property, occupy it as a primary residence, and not 8456
to rent any portion of the property to another individual for 8457
use as a dwelling, for at least ~~five~~three years following the 8458
date of purchase; 8459

(d) Agree not to sell the qualifying residential property, 8460
within ~~twenty~~fifteen years after the date of the sale, to any 8461
purchaser ~~except~~other than the electing subdivision, county 8462
land reutilization corporation, or qualified nonprofit developer 8463
or an individual or individuals who have annual income that is 8464
not more than the qualifying median income; 8465

(e) Agree to pay a penalty to the director of development 8466
for violation of the agreement required by division (D) (2) (c) of 8467
this section that, ~~subject to divisions (F) (2) and (3) of this~~ 8468

~~section, equals ninety thousand dollars~~the amount of the grant 8469
~~attributable to the property, less eighteen thousand dollars~~ 8470
~~one-third of that amount~~ multiplied by the number of full years 8471
the individual or individuals owned the property; 8472

(f) Agree that the director of development is a third- 8473
party beneficiary of the purchase agreement; 8474

(g) Agree to participate in the applicant's qualifying 8475
financial literacy program; 8476

(h) Agree to annually certify to the director of 8477
~~development or the director's designee~~, during the period 8478
described by division (D) (2) (c) of this section, that the 8479
individual or individuals own and occupy the qualifying 8480
residential property, and that no part of the property is being 8481
rented to another individual for use as a dwelling. 8482

(3) That qualifying residential property on which grant 8483
funds are spent shall be sold for not more than ~~one~~ two hundred 8484
~~eighty~~ twenty thousand dollars per property. 8485

(4) That qualifying residential property on which grant 8486
funds are spent shall not be sold without a deed restriction 8487
prohibiting the sale of the property to a person that is not the 8488
electing subdivision, county land reutilization corporation, or 8489
qualified nonprofit developer or an individual or individuals 8490
who have annual income that is not more than the qualifying 8491
median income for ~~twenty~~ fifteen years after the date of the 8492
property's first transfer from the applicant following the use 8493
of grant funds. The deed restriction is a covenant running with 8494
the land and is fully binding on subsequent purchasers of the 8495
property until it expires on the fifteenth anniversary of the 8496
property's first transfer from the applicant following the use 8497

of grant funds. The electing subdivision, county land 8498
reutilization corporation, or qualified nonprofit developer may 8499
include in the deed restriction a right of first refusal to 8500
repurchase the property for the purpose of ensuring that the 8501
property is ultimately sold to an individual or individuals who 8502
have annual income that is not more than the qualifying median 8503
income. 8504

(5) That the applicant shall repay all grant funds not 8505
expended to purchase qualifying residential property or to fund 8506
the qualifying financial literacy counseling required by 8507
division (D) (6) of this section and all grant funds expended to 8508
purchase qualifying residential property that is not sold to an 8509
individual or individuals who meet the requirements described in 8510
division (D) (2) of this section or that is sold without the deed 8511
restriction described in division (D) (4) of this section. 8512

(6) That the applicant shall provide qualifying financial 8513
literacy counseling, over a minimum of ~~one year~~ six months, 8514
delivered by a qualifying counseling provider, to each purchaser 8515
of qualifying residential property on which grant funds are 8516
spent. An applicant may provide information regarding its 8517
qualifying financial literacy program to the director of 8518
development for review as part of the application or prior to 8519
application. ~~Financial~~ Qualifying financial literacy counseling 8520
provided by the applicant to the same purchaser, in accordance 8521
with division (B) (6) of section 122.632 of the Revised Code or 8522
division ~~(C) (5)~~ (C) (6) of section 122.633 of the Revised Code, 8523
satisfies the requirements of division (D) (6) of this section. 8524

(7) That the applicant shall report to the department of 8525
development the date when the qualifying residential property 8526
that is the subject of the application is sold by the applicant. 8527

(E) The director of development has authority and standing 8528
to sue for the enforcement of a deed restriction described in 8529
division (D) (4) of this section. 8530

~~(F) (1) (F)~~ An electing subdivision or, a county land 8531
reutilization corporation, or a qualified nonprofit developer 8532
may apply for, and the director of development may award both a 8533
grant under this section for the purchase of qualifying 8534
residential property, and either a grant under section 122.632 8535
of the Revised Code, or a tax credit under section 122.633 of 8536
the Revised Code, to rehabilitate or construct the same 8537
qualifying residential property. 8538

~~(2) If an electing subdivision or county land~~ 8539
~~reutilization is awarded a grant under this section and a grant~~ 8540
~~under section 122.632 of the Revised Code for the same~~ 8541
~~qualifying residential property, and the individual or~~ 8542
~~individuals who purchase the property violate both of the~~ 8543
~~agreements required by division (D) (2) (c) of this section and~~ 8544
~~division (B) (2) (c) of section 122.632 of the Revised Code, only~~ 8545
~~the penalty described by division (B) (2) (c) of section 122.632~~ 8546
~~of the Revised Code applies.~~ 8547

~~(3) If an electing subdivision or county land~~ 8548
~~reutilization is awarded a grant under this section and a tax~~ 8549
~~credit under section 122.633 of the Revised Code for the same~~ 8550
~~qualifying residential property, and the individual or~~ 8551
~~individuals who purchase the property violate both of the~~ 8552
~~agreements required by division (D) (2) (c) of this section and~~ 8553
~~division (C) (2) (a) of section 122.633 of the Revised Code, only~~ 8554
~~the greater of the penalties described in divisions (D) (2) (c) of~~ 8555
~~this section and division (C) (2) (c) of section 122.633 of the~~ 8556
~~Revised Code applies.~~ 8557

(G) (1) The director may adopt rules in accordance with 8558
Chapter 119. Of the Revised Code as necessary to administer the 8559
grant program. Such rules may include the following: 8560

(a) Application forms, deadlines, and procedures; 8561

(b) Criteria for evaluating and prioritizing applications; 8562

(c) Guidelines for promoting an even geographic 8563
distribution of grants throughout the state; 8564

(d) Guidelines to determine the value of qualifying 8565
residential property located in a building with other uses and 8566
the total value of that building. 8567

(2) Any grants repaid under this section shall be credited 8568
to the welcome home Ohio fund. 8569

(3) An electing subdivision, a county land reutilization 8570
corporation, or a qualified nonprofit developer shall use all 8571
profits derived from the sale of qualifying residential property 8572
on which grant funds are spent, including profits derived from 8573
the resale of such property to a subsequent purchaser, for the 8574
electing subdivision's or county land reutilization 8575
corporation's land reutilization program or the qualified 8576
nonprofit developer's housing program. 8577

Sec. 122.632. (A) An electing subdivision~~or~~, a county 8578
land reutilization corporation, or a qualified nonprofit 8579
developer may apply to the director of development for a grant 8580
from the welcome home Ohio fund created in section 122.631 of 8581
the Revised Code to pay or defer the cost to rehabilitate or 8582
construct qualifying residential property held by the electing 8583
subdivision's or county land reutilization corporation's land 8584
reutilization program or the qualified nonprofit developer's 8585
housing program. To the extent that funding is available, in 8586

that fund the director may award grants to electing subdivisions 8587
~~and~~, county land reutilization corporations, and qualified 8588
nonprofit developers that make such an application and agree to 8589
comply with division (B) of this section, with a maximum grant 8590
of ~~thirty one~~ hundred thousand dollars per qualifying 8591
residential property. 8592

(B) The director of development shall require all 8593
applicants for a grant authorized by division (A) of this 8594
section to agree, as part of the application, to all of the 8595
following: 8596

(1) That grant funds shall ~~only~~ be used to pay the cost of 8597
rehabilitation or construction of qualifying residential 8598
property and all work will be completed according to all 8599
applicable construction and design standards; ~~—~~. Up to two 8600
thousand dollars of each grant may be used to fund the 8601
qualifying financial literacy counseling required under division 8602
(B) (6) of this section. If grant funds are spent to construct or 8603
rehabilitate a qualifying residential property described in 8604
division (A) (4) (b) of section 122.631 of the Revised Code, then 8605
no portion of the funds shall be spent to construct or 8606
rehabilitate portions of the building that are for 8607
nonresidential uses, except for common areas used by the 8608
occupants of the residential units and improvements that serve 8609
both the residential units and the other portions of the 8610
building. 8611

(2) That qualifying residential property on which grant 8612
funds are spent shall be held until sold to an individual or 8613
individuals who, inclusively: 8614

(a) Have annual income that is not more than the 8615
qualifying median income; 8616

(b) Demonstrate the financial means to purchase the 8617
qualifying residential property; 8618

(c) Agree to maintain ownership of the qualifying 8619
residential property, occupy it as a primary residence, and not 8620
to rent any portion of the property to another individual for 8621
use as a dwelling, for at least ~~five~~three years following the 8622
date of purchase; 8623

(d) Agree not to sell the qualifying residential property, 8624
within ~~twenty~~fifteen years after the date of the sale, to any 8625
purchaser ~~except~~other than the electing subdivision, county 8626
land reutilization corporation, or qualified nonprofit developer 8627
or an individual or individuals who have annual income that is 8628
not more than the qualifying median income; 8629

(e) Agree to pay a penalty to the director of development 8630
for violation of the agreement required by division (B) (2) (c) of 8631
this section that, ~~subject to division (F) (2) of section 122.631~~ 8632
~~of the Revised Code, equals ninety thousand dollars~~the amount of 8633
the grant attributable to the property, less eighteen thousand 8634
~~dollars~~one-third of that amount multiplied by the number of 8635
full years the individual or individuals owned the property. 8636

(f) Agree that the director of development is a third- 8637
party beneficiary of the purchase agreement; 8638

(g) Agree to participate in the applicant's qualifying 8639
financial literacy program; 8640

(h) Agree to annually certify to the director of 8641
development ~~or the director's designee~~, during the period 8642
described by division (B) (2) (c) of this section, that the 8643
individual or individuals own and occupy the qualifying 8644
residential property, and that no part of the property is being 8645

rented to another individual for use as a dwelling. 8646

(3) That qualifying residential property on which grant 8647
funds are spent shall be sold for not more than ~~one~~ two hundred 8648
~~eighty~~ twenty thousand dollars per property. 8649

(4) That qualifying residential property on which grant 8650
funds are spent shall not be sold without a deed restriction 8651
prohibiting the sale of the property to a person that is not the 8652
electing subdivision, county land reutilization corporation, or 8653
qualified nonprofit developer or an individual or individuals 8654
who have annual income that is not more than the median income 8655
for ~~twenty~~ fifteen years after the date of the property's first 8656
transfer from the applicant following the use of grant funds~~+~~. 8657
The deed restriction is a covenant running with the land and is 8658
fully binding on subsequent purchasers of the property until it 8659
expires on the fifteenth anniversary of the property's first 8660
transfer from the applicant following the use of grant funds. 8661
The electing subdivision, county land reutilization corporation, 8662
or qualified nonprofit developer may include in the deed 8663
restriction a right of first refusal to repurchase the property 8664
for the purpose of ensuring that the property is ultimately sold 8665
to an individual or individuals who have annual income that is 8666
not more than the qualifying median income. 8667

(5) That the applicant shall repay all grant funds 8668
expended on any expenses other than the construction or 8669
rehabilitation of qualifying residential property or financial 8670
literacy counseling required under division (B) (6) of this 8671
section, or on qualifying residential property that is not sold 8672
to an individual or individuals who meet the requirements 8673
described in division (B) (2) of this section or that is sold 8674
without the deed restriction described in division (B) (4) of 8675

this section; 8676

(6) That the applicant shall provide financial qualifying 8677
literacy counseling, over a minimum of ~~one year~~ six months, 8678
delivered by the qualifying counseling provider, to each 8679
purchaser of qualifying residential property on which grant 8680
funds are spent. An applicant may provide information regarding 8681
its qualifying financial literacy program to the director of 8682
development for review as part of the application or prior to 8683
application; 8684

(7) That the applicant shall report to the department of 8685
development the date when the qualifying residential property 8686
that is the subject of the application is sold by the applicant. 8687

(8) That, if grant funds are received, the qualifying 8688
residential property that is the subject of the application 8689
shall not be the subject of an application for a tax credit 8690
under section 122.633 of the Revised Code. 8691

(C) The director of development is granted authority and 8692
standing to sue for the enforcement of a deed restriction 8693
described in division (B) (4) of this section. 8694

(D) (1) The director may adopt rules in accordance with 8695
Chapter 119. of the Revised Code as necessary to administer the 8696
grant program. Such rules may include the following: 8697

(a) Application forms, deadlines, and procedures; 8698

(b) Criteria for evaluating and prioritizing applications; 8699

(c) Guidelines for promoting an even geographic 8700
distribution of grants throughout the state; 8701

(d) Guidelines to determine the value of qualifying 8702
residential property located in a building with other uses and 8703

the total value of that building. 8704

(2) Any grants repaid under this section shall be credited 8705
to the welcome home Ohio fund. 8706

(3) An electing subdivision, a county land reutilization 8707
corporation, or a qualified nonprofit developer shall use all 8708
profits derived from the sale of qualifying residential property 8709
on which grant funds are spent, including profits derived from 8710
the resale of such property to a subsequent purchaser, for the 8711
electing subdivision's or county land reutilization 8712
corporation's land reutilization program or the qualified 8713
nonprofit developer's housing program. 8714

Sec. 122.633. (A) As used in this section, "eligible 8715
developer" means any of the following: 8716

(1) A nonprofit corporation, as defined in section 1702.01 8717
of the Revised Code, based in this state with a primary activity 8718
of the development and preservation of affordable housing; 8719

(2) A limited partnership or domestic limited partnership, 8720
as defined in section 1782.01 of the Revised Code, in which a 8721
general partner is a nonprofit corporation based in this state, 8722
a primary activity of which is the development and preservation 8723
of affordable housing; 8724

(3) A limited liability company, as defined in section 8725
1706.01 of the Revised Code, in which the manager is a nonprofit 8726
corporation based in this state, a primary activity of which is 8727
the development and preservation of affordable housing; 8728

(4) A community improvement corporation, as defined in 8729
section 1724.01 of the Revised Code, or a community urban 8730
redevelopment corporation, as defined in section 1728.01 of the 8731
Revised Code. 8732

(B) An electing subdivision or eligible developer that 8733
rehabilitates or constructs a unit of qualifying residential 8734
property and sells the property to an individual or individuals 8735
for the individual's or individuals' occupancy may apply to the 8736
director of housing and development for a nonrefundable credit 8737
against the tax levied under section 5726.02 or 5747.02 of the 8738
Revised Code, provided the rehabilitation or construction and 8739
the sale comply with division (C) of this section. The credit 8740
application shall be made on forms prescribed by the director. 8741
The credit shall equal ninety thousand dollars or ~~one-third~~ 8742
ninety per cent of the cost to rehabilitate or construct the 8743
property, whichever is less. 8744

(C) An ~~application~~-applicant for a credit authorized by 8745
division ~~(C)~~-(B) of this section shall certify all of the 8746
following: 8747

(1) That the rehabilitation or construction of qualifying 8748
residential property that is the subject of the application was 8749
completed according to all applicable construction and design 8750
standards; 8751

(2) That each qualifying residential property that is the 8752
subject of the application was sold to an individual or 8753
individuals who have annual income that is not more than the 8754
qualifying median income, and demonstrated the financial means 8755
to purchase the qualifying residential property, ~~and agreed to~~ 8756
~~all of the following in the purchase agreement:~~; 8757

~~(a) To maintain~~ (3) That the applicant will pay a penalty 8758
to the director of housing and development if the individual or 8759
individuals who purchased the qualifying residential property 8760
that is the subject of the application, or subsequent purchasers 8761
of that property, do any of the following: 8762

(a) Fail to maintain ownership of the qualifying 8763
residential property, or occupy it as a primary residence, and 8764
not to rent for at least three years following the date of 8765
purchase; 8766

(b) Rent any portion of the property to another individual 8767
for use as a dwelling, for at least five within three years 8768
following the date of purchase; 8769

~~(b) Not to sell~~ (c) Sell the qualifying residential 8770
property to a purchaser other than the applicant or an 8771
individual or individuals who have annual income that is no more 8772
than the qualifying median income ~~for at least within~~ twenty 8773
years after the date of purchase; ~~—~~ 8774

~~(c) To pay a~~ The penalty to the director of development 8775
~~for violation of the agreement required by division (C) (2) (a) of~~ 8776
~~this section that, subject to division (F) (3) of section 122.631~~ 8777
~~of the Revised Code, equals shall equal~~ the total amount of the 8778
tax credit authorized by this section and attributable to the 8779
qualifying residential property ~~purchased by the individual,~~ 8780
reduced by ~~twenty per cent~~ one-twentieth of that amount for each 8781
full year ~~the individual or individuals owned the property; the~~ 8782
purchasers met the requirements of this section following the 8783
date the applicant initially sold the property. 8784

The director of development may waive a penalty otherwise 8785
required by division (C) (3) of this section if the purchaser or 8786
purchasers failed to maintain ownership or occupancy as a 8787
primary residence due to hardship. Such hardship may be caused 8788
by divorce, disability, illness, loss of income, or other 8789
occurrence, and must be supported by documentation suitable to 8790
the director. 8791

~~(d) That the director of development is a third party~~ 8792
~~beneficiary of the purchase agreement;~~ 8793

~~(e) To participate in the applicant's financial literacy~~ 8794
~~program;~~ 8795

~~(f) Agree to annually~~ (3) That the applicant will certify 8796
to the director of housing and development ~~or the director's~~ 8797
~~designee,~~ upon the request of the director anytime during the 8798
period described by ~~division (C) (2) (a)~~ divisions (C) (3) (a) and 8799
(b) of this section, that the individual or individuals who 8800
purchased the qualifying residential property that is the 8801
subject of the application still own and occupy the qualifying 8802
residential property, and that no part of the property is being 8803
rented to another individual for use as a dwelling. 8804

~~(3)~~ (4) That the qualifying residential property that is 8805
the subject of the application was sold for not more than ~~one~~ 8806
two hundred eighty-two thousand dollars; 8807

~~(4)~~ (5) That the applicant has in its possession an 8808
executed restrictive covenant for the qualifying residential 8809
property that is the subject of the application ~~was transferred~~ 8810
~~with a deed restriction prohibiting,~~ conditional and to be 8811
recorded upon the award of a tax credit authorized by division 8812
(B) of this section, that does both of the following: 8813

(a) Prohibits the sale of the property to a person other 8814
than the applicant or an individual or individuals who have 8815
annual income that is not more than the qualifying median income 8816
for at least twenty years after the date of transfer; 8817

(b) Names the director of housing and development as a 8818
third party beneficiary of the covenant. 8819

~~(5)~~ (6) That the applicant provides a minimum of ~~one year~~ 8820

six months of qualifying financial literacy counseling, 8821
delivered by a qualifying counseling provider, to and each 8822
purchaser of qualifying residential property that is the subject 8823
of the application has completed the counseling. An applicant 8824
may provide information regarding its qualifying financial 8825
literacy program to the director of housing and development for 8826
review as part of the application or prior to application~~+~~. 8827

~~(6)(7)~~ That the applicant ~~shall report to the department~~ 8828
~~of development the date when provided a no-interest loan,~~ 8829
secured by a mortgage, to the purchaser of the qualifying 8830
residential property that is the subject of the application ~~is~~ 8831
~~sold by the applicant and the applicant will hold the note and~~ 8832
mortgage until maturity. 8833

~~(7)(8)~~ That the qualifying residential property that is 8834
the subject of the application was not rehabilitated or 8835
constructed using grant funds received under section 122.632 of 8836
the Revised Code. 8837

~~(D) The director of development is granted authority and~~ 8838
~~standing to sue for the enforcement of a deed restriction~~ 8839
~~described in division (C) (4) of this section.~~ 8840

~~(E)(1)~~ (D)(1) Subject to division ~~(E)(2)~~ (D)(2) of this 8841
section, if the director determines that the applicant qualifies 8842
for a credit under this section, the director shall issue a tax 8843
credit certificate to the applicant identified with a unique 8844
number and listing the amount of the credit that is eligible to 8845
be transferred or claimed pursuant to division ~~(E)(3)~~ (D)(3) or 8846
~~(F)~~ (G) of this section. 8847

(2) The total amount of tax credits issued by the director 8848
under this section after the effective date of this amendment 8849

shall not exceed ~~twenty-five~~ twenty million dollars ~~in any~~ 8850
~~fiscal year~~, and no tax credits shall be issued after June 30, 8851
~~2025~~ 2027. 8852

(3) A person granted a certificate pursuant to division 8853
~~(E) (1)~~ (D) (1) of this section may claim the credit against the 8854
tax levied under section 5726.02 of the Revised Code or against 8855
the person's aggregate tax liability under section 5747.02 of 8856
the Revised Code for the taxable year in which the certificate 8857
is issued. The taxpayer shall claim the credit in the order 8858
prescribed by section 5726.98 or 5747.98 of the Revised Code, as 8859
applicable. Any unused amount may be carried forward for the 8860
following five taxable years. If the person is a pass-through 8861
entity, any taxpayer that is a direct or indirect investor in 8862
the pass-through entity on the last day of the entity's taxable 8863
year may claim the taxpayer's proportionate or distributive 8864
share of the credit against the taxpayer's aggregate amount of 8865
tax levied under section 5747.02 of the Revised Code. 8866

A taxpayer claiming a credit under this section shall 8867
submit a copy of the certificate with the taxpayer's return or 8868
report. 8869

~~(F)~~ (E) An applicant awarded a tax credit under this 8870
section may reacquire the qualifying residential property on 8871
which the credit was based without paying the penalty described 8872
in division (C) (3) of this section if all of the following 8873
conditions are met: 8874

(1) The individual or individuals who purchased the 8875
qualifying residential property do or intend to do any of the 8876
following: 8877

(a) Default on the note and mortgage held by the 8878

applicant; 8879

(b) Cease to own or occupy the property as a primary 8880
residence within three years following the date of purchase; 8881

(c) Rent any portion of the property to another individual 8882
for use as a dwelling within three years following the date of 8883
purchase; 8884

(d) Sell the qualifying residential property to a person 8885
other than an individual or individuals with an annual income 8886
that is not more than the qualifying median income. 8887

(2) The applicant retakes ownership of the qualified 8888
residential property through a purchase, deed in lieu of 8889
foreclosure, foreclosure, or other means that directly transfer 8890
the property to the applicant. 8891

(3) The applicant does not use funds from the claim or 8892
sale of a tax credit under this section or awarded pursuant to 8893
section 122.632 of the Revised Code to prepare the property for 8894
resale. 8895

(4) The applicant sells the qualified residential property 8896
to an individual or individuals who meet the requirements of 8897
division (C) (2) of this section within twelve months of the date 8898
the applicant retakes ownership of the property. 8899

(5) The applicant continues to perform all acts the 8900
applicant certified pursuant to division (C) of this section as 8901
if the applicant had not retaken ownership of the qualified 8902
residential property until the date that is twenty years from 8903
the applicant's initial sale of that property. 8904

(F) An eligible developer may apply for a tax credit 8905
authorized by this section for qualified residential property 8906

that was sold under any terms, whether contained in a purchase 8907
agreement, mortgage documents, or deed, that do not conflict 8908
with the requirements of this section. 8909

(G) A person granted a certificate pursuant to division 8910
~~(E) (1)~~ (D) (1) of this section may transfer the right to claim 8911
all or part of the credit reflected on the certificate to 8912
another person. 8913

To effectuate the transfer, the transferor shall notify 8914
the tax commissioner, in writing, that the transferor is 8915
transferring the right to claim all or part of the remaining 8916
credit stated on the certificate. The transferor shall identify 8917
in that notification the certificate's number, the name and the 8918
tax identification number of the transferee, the amount of the 8919
remaining credit transferred to the transferee, and, if 8920
applicable, the amount of remaining credit retained by the 8921
transferor. 8922

The transferee may claim the amount of the credit received 8923
under this division against the tax levied under section 5726.02 8924
of the Revised Code or against the person's aggregate tax 8925
liability under section 5747.02 of the Revised Code for the 8926
taxable year in the same manner and for the same taxable years 8927
as it may be claimed by a person under division ~~(E) (3)~~ (D) (3) of 8928
this section. 8929

Any person to which a credit has been transferred under 8930
this division may transfer the right to claim all or part of the 8931
transferred credit amount to any other person, in the same 8932
manner prescribed by this division for the initial transfer, 8933
including that any such transfer be reported by the transferor 8934
to the tax commissioner as described in this division. 8935

Transferring a credit under this division does not extend 8936
the taxable years for which the credit may be claimed or number 8937
of years for which the unclaimed credit amount may be carried 8938
forward. 8939

~~(G)~~—(H) The director may adopt rules in accordance with 8940
Chapter 119. of the Revised Code as necessary to administer the 8941
tax credits authorized by this section. Such rules may include 8942
the following: 8943

- (1) Application forms, deadlines, and procedures; 8944
- (2) Criteria for evaluating and prioritizing applications; 8945
- (3) Guidelines for promoting an even geographic 8946
distribution of credits throughout the state. 8947

Sec. 122.635. (A) As used in this section: 8948

(1) "Major economic development project" means a project 8949
in this state that is reasonably expected to create, retain, and 8950
attract jobs or otherwise improve the economic well-being of the 8951
area surrounding the project site, and that meets either of the 8952
following: 8953

(a) The project is reasonably expected to create at least 8954
seven hundred new permanent jobs; 8955

(b) At least seven hundred million dollars in private 8956
investments are committed to establish, expand, renovate, or 8957
occupy a facility as part of a single project at a designated 8958
project site, including investment in new buildings, additions 8959
or improvements to existing buildings, machinery, equipment, 8960
furniture, fixtures, and inventory. 8961

(2) "Major workforce housing project" means a project that 8962
reserves at least one hundred units, designed for residential 8963

occupancy by at least one hundred individuals or families living 8964
independently from each other. 8965

(3) "Pro-housing development policy" may include any of 8966
the following: 8967

(a) Having a process in place to increase the rate at 8968
which permits for housing developments are reviewed; 8969

(b) Having a pre-approval process in place for an 8970
expedited review of permits for a diverse range of housing 8971
developers; 8972

(c) Subsidizing or decreasing costs related to water or 8973
sewer connections and extensions for major workforce housing 8974
projects; 8975

(d) Acquiring and readying sites that are ready to be 8976
financed and built upon by developers; 8977

(e) Reducing or eliminating impact, inspection, and plan 8978
review fees for housing developers; 8979

(f) Adopting a zoning plan that includes promoting higher 8980
density, small lot size, and minimum setback requirements; 8981

(g) Developing a comprehensive plan that promotes diverse 8982
residential development options; 8983

(h) Having no or minimal parking requirements for 8984
developments that include residential units; 8985

(i) Conducting a traffic study, improving water or sewer 8986
infrastructure, improving roads, or permitting both rigid and 8987
flexible pavement types; 8988

(j) Developing partnerships to expand the provision of 8989
sewer and water services to new areas; 8990

(k) Promoting the use of non-traditional building 8991
structures such as modular or manufactured homes. 8992

(4) "Residential economic development district" means all 8993
parcels of land within a twenty-mile radius of a major economic 8994
development project. 8995

(B) A county, township, or municipal corporation that is 8996
fully or partially located within a residential economic 8997
development district may apply for a grant under this section in 8998
the form and manner prescribed by the department of development. 8999
The county, township, or municipal corporation may submit the 9000
application independently or in collaboration with a housing 9001
developer, port authority, council of government, or one or more 9002
other counties, townships, or municipal corporations. The 9003
application shall, at minimum, include documentation or other 9004
evidence that proves, to the satisfaction of the department, 9005
that the applicant has done or has imminent plans to do both of 9006
the following within the district: 9007

(1) Adopt and implement pro-housing development policies; 9008

(2) Approve a major workforce housing project. 9009

(C) The department shall review applications and award 9010
grants under this section on a rolling basis, to the extent that 9011
funds are available. The department shall evaluate applications 9012
and determine the amount of each grant awarded in accordance 9013
with scoring metrics that give preference to counties, 9014
townships, and municipal corporations that: 9015

(1) Adopt more pro-housing development policies in terms 9016
of both quantity and impact; 9017

(2) Allow for higher density, smaller lot size, smaller or 9018
no side yard setbacks, and minimal open space. 9019

(D) If a county, township, or municipal corporation is 9020
approved for a grant under this section based on imminent plans 9021
to adopt and implement pro-housing development policies and 9022
approve a major workforce housing project, the department shall 9023
confirm that the county, township, or municipal corporation 9024
follows through with those plans, as described in the grant 9025
application, before disbursing grant funds. A grant recipient 9026
shall use the funds only for the following purposes: 9027

(1) Providing capital for housing development through 9028
grants or loans; 9029

(2) Acquiring and readying sites for development; 9030

(3) Providing financial assistance for housing-related 9031
infrastructure projects including road improvements and water or 9032
sewer connections; 9033

(4) Addressing additional service or public safety needs 9034
due to increases in population; 9035

(5) Any other purpose deemed appropriate by the director 9036
of development. 9037

(E) The general assembly, in enacting this section, hereby 9038
declares its intent to encourage major workforce housing 9039
projects in areas of the state that otherwise would not attract 9040
such developments and to increase home ownership among Ohioans. 9041

Sec. 122.6510. (A) As used in this section, "federal act" 9042
means the "Small Business Liability Relief and Brownfields 9043
Revitalization Act," 115 Stat. 2356 (2002), 42 U.S.C. 9601 and 9044
9604. 9045

(B) There is hereby created in the state treasury the 9046
Brownfields Revolving Loan Fund. The Fund shall consist of all 9047

moneys received by the state from repayments of loans made under 9048
the terms of the federal act, and any other money transferred to 9049
the Fund. The Fund may be used to make grants and loans by the 9050
Director of Development Services. ~~All investment earnings of the~~ 9051
~~Fund shall be credited to the Fund.~~ 9052

(C) The Director shall administer moneys received into the 9053
Fund and comply with all requirements imposed by the federal act 9054
in administering the funds. 9055

(D) The Director may establish a schedule of fees and 9056
charges payable by loan recipients to the Director for the 9057
administration of this section. 9058

Sec. 122.6511. (A) As used in this section and section 9059
122.6512 of the Revised Code: 9060

(1) "Brownfield" means an abandoned, idled, or under-used 9061
industrial, commercial, or institutional property where 9062
expansion or redevelopment is complicated by known or potential 9063
releases of hazardous substances or petroleum. 9064

(2) "Lead entity" means a county, township, municipal 9065
corporation, port authority, conservancy district, park district 9066
or other similar park authority, county land reutilization 9067
corporation, or organization for profit. 9068

(3) "Remediation" means any action to contain, remove, or 9069
dispose of hazardous substances or petroleum at a brownfield. 9070
"Remediation" includes the acquisition of a brownfield, 9071
demolition performed at a brownfield, and the installation or 9072
upgrade of the minimum amount of infrastructure that is 9073
necessary to make a brownfield operational for economic 9074
development activity. "Remediation" also includes demolition and 9075
infrastructure development costs associated with a planned 9076

economic development project when a lead entity is an 9077
organization for profit, the organization for profit did not 9078
cause the environmental contamination at the brownfield, and the 9079
planned economic development project at the brownfield exists at 9080
the time of submission of the application for a grant under this 9081
section. 9082

(4) "County land reutilization corporation" has the same 9083
meaning as in section 1724.01 of the Revised Code. 9084

(5) "Demolition and infrastructure development costs" 9085
means demolition costs and costs associated with constructing, 9086
upgrading, or extending infrastructure necessary to make a 9087
brownfield operational for a planned economic development 9088
project, including any other investment in the brownfield. 9089

(6) "Planned economic development project" means a project 9090
to be developed at a brownfield where an organization for profit 9091
demonstrates all of the following: 9092

(a) Site control; 9093

(b) A plan for the development of the brownfield; 9094

(c) Documented support for the planned economic 9095
development project of the municipal corporation or township in 9096
which the brownfield is located. 9097

(7) "Site control" means holding fee simple title or a 9098
leasehold interest in a brownfield or being in contract to 9099
acquire a brownfield. 9100

(B) (1) There is hereby created the brownfield remediation 9101
program to award grants for the remediation of brownfield sites 9102
throughout Ohio. The program shall be administered by the 9103
director of development pursuant to this section and rules 9104

adopted pursuant to division (B) (2) of this section. 9105

(2) The director shall adopt rules, under Chapter 119. of 9106
the Revised Code, for the administration of the program. The 9107
rules shall include provisions for determining project and 9108
project sponsor eligibility, program administration, and any 9109
other provisions the director finds necessary. 9110

(C) (1) There is hereby created in the state treasury the 9111
brownfield remediation fund. The fund shall consist of moneys 9112
appropriated to it by the general assembly, ~~and investment~~ 9113
~~earnings on moneys in the fund shall be credited to the fund.~~ 9114

The director shall reserve funds from each appropriation 9115
to the fund to each county in the state. The amount reserved 9116
shall be one million dollars per county, or, if an appropriation 9117
is less than eighty-eight million dollars, a proportionate 9118
amount to each county. Amounts reserved pursuant to this section 9119
are reserved for one calendar year from the date of the 9120
appropriation. After one calendar year, the funds shall be 9121
available pursuant to division (D) of this section. 9122

~~(2) A (2) (a) Except as provided in division (C) (2) (b) of~~ 9123
~~this section, a lead entity may submit an initial a grant~~ 9124
~~application for the use of funds reserved under division (C) (1)~~ 9125
~~of this section for a planned economic development project to~~ 9126
~~the director. The lead entity may later submit an amended~~ 9127
~~application to the director, and the director may accept and~~ 9128
~~approve that application for use of funds up to the amount~~ 9129
~~reserved for that county.~~ 9130

(b) For fiscal year 2026, a lead entity may submit a grant 9131
application for the use of funds reserved under division (C) (1) 9132
of this section for any remediation project. 9133

(D) Funds from an appropriation not reserved under 9134
division (C) (1) of this section shall be available for grants to 9135
projects located anywhere in the state, and grants from those 9136
funds shall be awarded ~~to qualifying projects on a first-come,~~ 9137
~~first-served basis.~~ on a case by case basis. For each project, 9138
the director shall determine the economic merit of the project 9139
to the county, surrounding counties, and state. The director 9140
also shall ensure that projects are in different regions of the 9141
state. 9142

(E) ~~The~~ Except as provided in division (C) (2) (b) of this 9143
section, the amendments to this section by ~~this act~~ this act 9144
apply to new planned economic development projects that are 9145
applied for and awarded funding by the director of development 9146
on and after ~~the effective date of this amendment~~ the effective 9147
date of this amendment. Projects that are applied for or were 9148
applied for under this section prior to that date shall be 9149
governed by this section as it existed prior to that date. 9150

Sec. 122.6512. (A) (1) There is hereby created the building 9151
demolition and site revitalization program to award grants for 9152
the demolition of commercial and residential buildings and 9153
revitalization of surrounding properties on sites that are not 9154
brownfields. The program shall be administered by the director 9155
of development pursuant to this section and rules adopted 9156
pursuant to division (A) (2) of this section. 9157

(2) The director shall adopt rules, under Chapter 119. of 9158
the Revised Code, for the administration of the program. The 9159
rules shall include provisions for determining project and 9160
project sponsor eligibility, program administration, and any 9161
other provisions the director finds necessary. 9162

(3) The director shall ensure that the program is 9163

operational and accepting proposals for grants not later than 9164
ninety days after September 30, 2021. 9165

(4) To streamline funding through the program, each county 9166
shall have one lead entity designated in accordance with the 9167
following: 9168

(a) If the county has a population of less than one 9169
hundred thousand according to the most recent federal decennial 9170
census, the director shall select the lead entity from a list of 9171
recommendations made by the board of county commissioners of the 9172
county. The board shall submit a lead entity letter of intent 9173
and any other documentation required by the director in order 9174
for the director to select a lead entity for that county. 9175

(b) If the county has a population of one hundred thousand 9176
or more according to the most recent federal decennial census 9177
and the county does not have a county land reutilization 9178
corporation, the director shall select the lead entity from a 9179
list of recommendations made by the board of county 9180
commissioners of the county. The board shall submit a lead 9181
entity letter of intent and any other documentation required by 9182
the director in order for the director to select a lead entity 9183
for that county. 9184

(c) If the county has a population of one hundred thousand 9185
or more according to the most recent federal decennial census 9186
and the county has a county land reutilization corporation, the 9187
county land reutilization corporation is the lead entity for 9188
that county. 9189

(5) The lead entity of each county shall submit all grant 9190
applications for that county. The lead entity shall submit with 9191
a grant application any agreements executed between the lead 9192

entity with other recipients that will receive grant money 9193
through the lead entity, if applicable. Such recipients may 9194
include local governments, nonprofit organizations, community 9195
development corporations, regional planning commissions, county 9196
land reutilization corporations, and community action agencies. 9197

(B) (1) There is hereby created in the state treasury the 9198
building demolition and site revitalization fund. The fund shall 9199
consist of moneys appropriated to it by the general assembly, 9200
~~and investment earnings on moneys in the fund shall be credited~~ 9201
~~to the fund.~~ 9202

(2) The director shall reserve funds from each 9203
appropriation to the fund to each county in the state. The 9204
amount reserved shall be five hundred thousand dollars per 9205
county, or, if an appropriation is less than forty-four million 9206
dollars, a proportionate amount to each county. Amounts reserved 9207
pursuant to this section are reserved for one calendar year from 9208
the date of the appropriation. After one calendar year, the 9209
funds shall be available pursuant to division (B) (3) of this 9210
section. 9211

(3) Funds from an appropriation not reserved under 9212
division (B) (2) of this section shall be available for grants to 9213
projects located anywhere in the state, and grants from those 9214
funds shall be awarded to qualifying projects on a first-come, 9215
first-served basis. Grants awarded pursuant to this division 9216
shall be limited to seventy-five per cent of a project's total 9217
cost. 9218

Sec. 122.84. (A) As used in this section: 9219

(1) "Ohio qualified opportunity fund" means a qualified 9220
opportunity fund that holds one hundred per cent of its invested 9221

assets in qualified opportunity zone property situated in an 9222
Ohio opportunity zone. 9223

In the case of qualified opportunity zone property that is 9224
qualified opportunity zone stock or qualified opportunity zone 9225
partnership interest, the stock or interest is situated in an 9226
Ohio opportunity zone only if, during all of the qualified 9227
opportunity fund's holding period for such stock or interest, 9228
all of the use of the corporation's or partnership's tangible 9229
property was in an Ohio opportunity zone. In the case of 9230
qualified opportunity zone property that is qualified 9231
opportunity zone business property, the property is situated in 9232
an Ohio opportunity zone only if, during all of the fund's 9233
holding period for such property, all of the use of the property 9234
was in an Ohio opportunity zone. 9235

All terms used in division (A) of this section have the 9236
same meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 9237
substituted for "substantially all" wherever "substantially all" 9238
appears in the definition of those terms or in the definition of 9239
terms used in those terms. 9240

(2) "Ohio opportunity zone" means a qualified opportunity 9241
zone designated in this state under 26 U.S.C. 1400Z-1 before, 9242
on, or after, October 17, 2019, the effective date of the 9243
enactment of this section by H.B. 166 of the 133rd general 9244
assembly. 9245

(3) "Business day" means a day of the week excluding 9246
Saturday, Sunday, and a legal holiday as defined under section 9247
1.14 of the Revised Code. 9248

(4) "Investment period" means the six-month period from 9249
the first day of January to the thirtieth day of June, or from 9250

the first day of July to the thirty-first day of December. For 9251
the application round beginning on January 12, 2026, "investment 9252
period" also includes July 1, 2024, through December 31, 2024. 9253

(B) A person that invests in one or more Ohio qualified 9254
opportunity funds may apply to the director of development for a 9255
nonrefundable credit against the tax levied under section 9256
5725.18, 5726.02, 5729.03, or 5747.02 of the Revised Code. The 9257
application shall be made on forms prescribed by the director. 9258
The director shall accept and review applications submitted 9259
under this section during two annual periods, the first of which 9260
begins on the tenth day of January and ends ~~after the first day~~ 9261
~~of February~~ on the seventeenth day of January, and the second of 9262
which begins on the tenth day of July and ends ~~after the first~~ 9263
~~day of August~~ on the seventeenth day of July. If any of those 9264
dates fall on a day that is not a business day, then the 9265
application period begins on or ends after the next business 9266
day, as applicable. The credit shall equal ten per cent of the 9267
amount of the person's investment in the fund that the fund 9268
invested during the immediately preceding investment period in 9269
projects located in Ohio opportunity zones. 9270

The person shall include the following information with 9271
the person's application: 9272

(1) The amount of the person's investment in Ohio 9273
qualified opportunity funds, arranged according to the amount 9274
invested in each such fund if the person invested in more than 9275
one such fund; 9276

(2) A statement from an employee or officer of each Ohio 9277
qualified opportunity fund identified by the person under 9278
division (B)(1) of this section certifying the amount of the 9279
person's investment in the fund and the amount of that 9280

investment the fund invested in projects located in Ohio 9281
opportunity zones during the immediately preceding investment 9282
period. The statement shall describe each project funded by the 9283
investment and state each project's location and the portion of 9284
the person's investment invested in each such project. Unless 9285
the fund demonstrates otherwise to the director's satisfaction, 9286
the amount of a person's investment that the fund invested in a 9287
project located in an Ohio opportunity zone equals the same 9288
proportion of the amount of the fund's investment in the project 9289
as the person's investment in the fund bears to the total 9290
investment by all investors in that fund on the date the fund 9291
makes the investment in the project. 9292

The director shall review and process applications in the 9293
order in which applications are received. 9294

(C) (1) Subject to division (C) (2) of this section, if the 9295
director determines that the applicant qualifies for a credit 9296
under this section, the director shall issue, within sixty days 9297
after the last day on which an application may be submitted for 9298
that application period, a tax credit certificate to the person 9299
identified with a unique number and listing the amount of credit 9300
the director determines is eligible to be claimed or 9301
transferred. The director shall not issue any tax credit 9302
certificate after June 30, 2027. 9303

(2) The total amount of tax credits issued by the director 9304
shall not exceed: 9305

~~(a) Seventy-five million dollars for the fiscal biennium~~ 9306
~~beginning July 1, 2021, and ending June 30, 2023;~~ 9307

~~(b) Fifty fifty million dollars for fiscal year 2024;~~ 9308

~~(c) Twenty-five million dollars for each fiscal year~~ 9309

~~thereafter~~ years 2026 and 2027. 9310

If the tax credits issued in the first year of the fiscal 9311
biennium are less than the maximum allowed, the excess shall be 9312
carried forward to the second year of the fiscal biennium. 9313

The director shall not issue certificates to a single 9314
applicant in any fiscal biennium in an amount that exceeds two 9315
million dollars. 9316

The director may not issue a certificate under this 9317
section on the basis of any investment for which a small 9318
business investment certificate has been issued under section 9319
122.86 of the Revised Code. 9320

(3) The credit may be claimed by a person under section 9321
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9322
applicable. A person that is not subject to taxation under 9323
section 5725.18, 5726.02, 5729.03, or 5747.02 of the Revised 9324
Code shall not claim the credit but if the person is the 9325
applicant to which the certificate was initially issued, the 9326
person may transfer the right to claim the credit under division 9327
(D) of this section. 9328

(D) A taxpayer claiming a credit under this section shall 9329
submit a copy of the certificate with the taxpayer's return or 9330
report. 9331

(E) A person that holds a wholly or partially unclaimed 9332
certificate issued under this section may transfer the right to 9333
claim all or part of the remaining credit to any other person. 9334
To effectuate the transfer, the transferor must notify the tax 9335
commissioner, in writing, that the transferor is transferring 9336
the right to claim all or part of the remaining credit stated on 9337
the certificate. The transferor shall identify in that 9338

notification the certificate's number, the name and the tax 9339
identification number of the transferee, the amount of remaining 9340
credit transferred to the transferee, and, if applicable, the 9341
amount of remaining credit retained by the transferor. The 9342
transferee may claim the amount of credit received under this 9343
division pursuant to and in the manner required under divisions 9344
(C) (3) and (D) of this section. Transferring a credit under this 9345
division does not extend the taxable year or calendar year for 9346
which the credit may be claimed or number of years for which the 9347
unclaimed credit amount may be carried forward under section 9348
5725.38, 5726.61, 5729.21, or 5747.86 of the Revised Code, as 9349
applicable. 9350

Any person to which a credit has been transferred under 9351
this division may transfer the right to claim all or part of the 9352
transferred credit amount to any other person, in the same 9353
manner prescribed by this division for the initial transfer, 9354
including that any such transfer be reported by the transferor 9355
to the tax commissioner as described in this division. 9356

(F) On or before the first day of August each year, the 9357
director of development shall submit a report to the governor, 9358
the president and minority leader of the senate, and the speaker 9359
and minority leader of the house of representatives on the tax 9360
credit program authorized under this section. The report shall 9361
include the following information: 9362

(1) The number of projects funded by investments for which 9363
a tax credit application was submitted under this section during 9364
the preceding year, the Ohio opportunity zone in which each such 9365
project is located, the number of projects funded by investments 9366
for which certificates were allocated during the preceding year, 9367
a description of each such project, and the composition of an 9368

Ohio qualified opportunity fund's investments in each project 9369
funded by investments for which a tax credit application was 9370
submitted under this section; 9371

(2) The number of persons that invested in an Ohio 9372
qualified opportunity fund and applied for a tax credit based on 9373
the fund's investment in a project during the preceding year, 9374
the name of the fund in which each such investment was made, the 9375
number of persons allocated a credit for such investments under 9376
this section, and the dollar amount of those credits; 9377

(3) A map that shows the location of each Ohio opportunity 9378
zone and that indicates which zones include existing or pending 9379
projects that are, or will be, funded by tax credit-eligible 9380
investments. 9381

Sec. 122.85. (A) As used in this section and in sections 9382
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 9383

(1) "Tax credit-eligible production" means a motion 9384
picture or Broadway theatrical production certified by the 9385
director of development under division (B) of this section as 9386
qualifying the production company for a tax credit under section 9387
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code. 9388

(2) "Certificate owner" means a production company to 9389
which a tax credit certificate is issued. 9390

(3) "Production company" means an individual, corporation, 9391
partnership, limited liability company, or other form of 9392
business association that is registered with the secretary of 9393
state and that is producing a motion picture or Broadway 9394
theatrical production. 9395

(4) "Eligible expenditures" means expenditures made after 9396
June 30, 2009, for goods or services purchased and consumed in 9397

this state by a production company directly for the production 9398
of a tax credit-eligible production, for postproduction 9399
activities, or for advertising and promotion of the production. 9400

~~"Eligible expenditures" do not include qualified 9401~~
~~expenditures for which a production company receives a tax- 9402~~
~~credit under section 122.852 of the Revised Code.— 9403~~

"Eligible expenditures" include expenditures for cast and 9404
crew wages, accommodations, costs of set construction and 9405
operations, editing and related services, photography, sound 9406
synchronization, lighting, wardrobe, makeup and accessories, 9407
film processing, transfer, sound mixing, special and visual 9408
effects, music, location fees, and the purchase or rental of 9409
facilities and equipment. 9410

(5) "Motion picture" means entertainment content created 9411
in whole or in part within this state for distribution or 9412
exhibition to the general public, including, but not limited to, 9413
feature-length films; documentaries; long-form, specials, 9414
miniseries, series, and interstitial television programming; 9415
interactive web sites; sound recordings; videos; music videos; 9416
interactive television; interactive games; video games; 9417
commercials; any format of digital media; and any trailer, 9418
pilot, video teaser, or demo created primarily to stimulate the 9419
sale, marketing, promotion, or exploitation of future investment 9420
in either a product or a motion picture by any means and media 9421
in any digital media format, film, or videotape, provided the 9422
motion picture qualifies as a motion picture. "Motion picture" 9423
does not include any television program created primarily as 9424
news, weather, or financial market reports, a production 9425
featuring current events or sporting events, an awards show or 9426
other gala event, a production whose sole purpose is 9427

fundraising, a long-form production that primarily markets a 9428
product or service or in-house corporate advertising or other 9429
similar productions, a production for purposes of political 9430
advocacy, or any production for which records are required to be 9431
maintained under 18 U.S.C. 2257 with respect to sexually 9432
explicit content. 9433

(6) "Broadway theatrical production" means a prebroadway 9434
production, long run production, or tour launch that is 9435
directed, managed, and performed by a professional cast and crew 9436
and that is directly associated with New York city's broadway 9437
theater district. 9438

(7) "Prebroadway production" means a live stage production 9439
that is scheduled for presentation in New York city's broadway 9440
theater district after the original or adaptive version is 9441
performed in a qualified production facility. 9442

(8) "Long run production" means a live stage production 9443
that is scheduled to be performed at a qualified production 9444
facility for more than five weeks, with an average of at least 9445
six performances per week. 9446

(9) "Tour launch" means a live stage production for which 9447
the activities comprising the technical period are conducted at 9448
a qualified production facility before a tour of the original or 9449
adaptive version of the production begins. 9450

(10) "Qualified production facility" means a facility 9451
located in this state that is used in the development or 9452
presentation to the public of theater productions. 9453

(B) For the purpose of encouraging and developing strong 9454
film and theater industries in this state, the director of 9455
development may certify a motion picture or broadway theatrical 9456

production produced by a production company as a tax credit- 9457
eligible production. In the case of a television series, the 9458
director may certify the production of each episode of the 9459
series as a separate tax credit-eligible production. A 9460
production company shall apply for certification of a motion 9461
picture or Broadway theatrical production as a tax credit- 9462
eligible production on a form and in the manner prescribed by 9463
the director. Each application shall include the following 9464
information: 9465

(1) The name and telephone number of the production 9466
company; 9467

(2) The name and telephone number of the company's contact 9468
person; 9469

(3) A list of the first preproduction date through the 9470
last production and postproduction dates in Ohio and, in the 9471
case of a Broadway theatrical production, a list of each 9472
scheduled performance in a qualified production facility; 9473

(4) The Ohio production office or qualified production 9474
facility address and telephone number; 9475

(5) The total production budget; 9476

(6) The total budgeted eligible expenditures and the 9477
percentage that amount is of the total production budget of the 9478
motion picture or Broadway theatrical production; 9479

(7) In the case of a motion picture, the total percentage 9480
of the production being shot in Ohio; 9481

(8) The level of employment of cast and crew who reside in 9482
Ohio; 9483

(9) A synopsis of the script; 9484

- (10) In the case of a motion picture, the shooting script; 9485
- (11) A creative elements list that includes the names of 9486
the principal cast and crew and the producer and director; 9487
- (12) Documentation of financial ability to undertake and 9488
complete the motion picture or Broadway theatrical production, 9489
including documentation that shows that the company has secured 9490
funding equal to at least fifty per cent of the total production 9491
budget; 9492
- (13) Estimated value of the tax credit based upon total 9493
budgeted eligible expenditures; 9494
- (14) Estimated amount of state and local taxes to be 9495
generated in this state from the production; 9496
- (15) Estimated economic impact of the production in this 9497
state; 9498
- (16) Any other information considered necessary by the 9499
director. 9500
- Within ninety days after certification of a motion picture 9501
or Broadway theatrical production as a tax credit-eligible 9502
production, and any time thereafter upon the request of the 9503
director, the production company shall present to the director 9504
sufficient evidence of reviewable progress. If the production 9505
company fails to present sufficient evidence, the director may 9506
rescind the certification. If the production of a motion picture 9507
or Broadway theatrical production does not begin within ninety 9508
days after the date it is certified as a tax credit-eligible 9509
production, the director shall rescind the certification unless 9510
the director finds that the production company shows good cause 9511
for the delay, meaning that the production was delayed due to 9512
unforeseeable circumstances beyond the production company's 9513

control or due to action or inaction by a government agency. 9514
Upon rescission, the director shall notify the applicant that 9515
the certification has been rescinded. Nothing in this section 9516
prohibits an applicant whose tax credit-eligible production 9517
certification has been rescinded from submitting a subsequent 9518
application for certification. 9519

(C) (1) A production company whose motion picture or 9520
broadway theatrical production has been certified as a tax 9521
credit-eligible production may apply to the director of 9522
development on or after July 1, 2009, for a refundable credit 9523
against the tax imposed by section 5726.02, 5733.06, 5747.02, or 9524
5751.02 of the Revised Code. The director in consultation with 9525
the tax commissioner shall prescribe the form and manner of the 9526
application and the information or documentation required to be 9527
submitted with the application. 9528

The credit is determined as follows: 9529

(a) If the total budgeted eligible expenditures stated in 9530
the application submitted under division (B) of this section or 9531
the actual eligible expenditures as finally determined under 9532
division (D) of this section, whichever is least, is less than 9533
or equal to three hundred thousand dollars, no credit is 9534
allowed; 9535

(b) If the total budgeted eligible expenditures stated in 9536
the application submitted under division (B) of this section or 9537
the actual eligible expenditures as finally determined under 9538
division (D) of this section, whichever is least, is greater 9539
than three hundred thousand dollars, the credit equals thirty 9540
per cent of the least of such budgeted or actual eligible 9541
expenditure amounts. 9542

(2) Except as provided in division (C) (4) of this section, 9543
if the director of development approves a production company's 9544
application for a credit, the director shall issue a tax credit 9545
certificate to the company. The director in consultation with 9546
the tax commissioner shall prescribe the form and manner of 9547
issuing certificates. The director shall assign a unique 9548
identifying number to each tax credit certificate and shall 9549
record the certificate in a register devised and maintained by 9550
the director for that purpose. The certificate shall state the 9551
amount of the eligible expenditures on which the credit is based 9552
and the amount of the credit. Upon the issuance of a 9553
certificate, the director shall certify to the tax commissioner 9554
the name of the production company to which the certificate was 9555
issued, the amount of eligible expenditures shown on the 9556
certificate, the amount of the credit, and any other information 9557
required by the rules adopted to administer this section. 9558

(3) The amount of eligible expenditures for which a tax 9559
credit may be claimed is subject to inspection and examination 9560
by the tax commissioner or employees of the commissioner under 9561
section 5703.19 of the Revised Code and any other applicable 9562
law. Once the eligible expenditures are finally determined under 9563
section 5703.19 of the Revised Code and division (D) of this 9564
section, the credit amount is not subject to adjustment unless 9565
the director determines an error was committed in the 9566
computation of the credit amount. 9567

(4) No tax credit certificate may be issued before the 9568
completion of the tax credit-eligible production. The amount of 9569
tax credit allowed per fiscal year shall not exceed the sum of 9570
~~(a) fifty million dollars, (b) the difference between the~~ 9571
~~maximum credit amount for that fiscal year under section 122.852~~ 9572
~~of the Revised Code and the amount the director of development~~ 9573

~~elects to allow under this section pursuant to division (D) (1) of section 122.852 of the Revised Code, and (c) the difference~~ 9574
~~between the maximum amount of credits that could have been~~ 9575
~~awarded in the previous fiscal year under this section and the~~ 9576
~~amount actually awarded. Out of that sum, five million dollars~~ 9577
~~shall be reserved for Broadway theatrical productions, and the~~ 9578
~~balance may be allowed for any tax credit-eligible production.~~ 9579
~~For any fiscal year in which less than five million dollars of~~ 9580
~~tax credits are allowed for Broadway theatrical productions, the~~ 9581
~~amount of the five million dollars not allowed and added to the~~ 9582
~~maximum annual amount for the following fiscal year shall be~~ 9583
~~reserved for Broadway theatrical productions in the following~~ 9584
~~fiscal year.~~ 9585
9586

(5) The director shall review and approve applications for 9587
tax credits ~~in two rounds each fiscal year. The first round of~~ 9588
~~credits shall be awarded not later than the last day of July of~~ 9589
~~the fiscal year, and the second round of credits shall be~~ 9590
~~awarded not later than the last day of the ensuing January. The~~ 9591
~~amount of credits awarded in the first round of applications~~ 9592
~~each fiscal year shall not exceed one-half of the maximum~~ 9593
~~allowance for the fiscal year calculated under division (C) (4)~~ 9594
~~of this section, two million five hundred thousand dollars of~~ 9595
~~which shall be reserved for Broadway theatrical productions. For~~ 9596
~~each round, the director shall rank applications on the basis of~~ 9597
~~the extent of positive economic impact each tax credit-eligible~~ 9598
~~production is likely to have in this state and the effect on~~ 9599
~~developing a permanent workforce in motion picture or theatrical~~ 9600
~~production industries in the state. For the purpose of such~~ 9601
~~ranking, the on a rolling basis. The director shall give~~ 9602
priority to tax-credit eligible productions that are television 9603
series or miniseries due to the long-term commitment typically 9604

associated with such productions. ~~The economic impact ranking~~ 9605
~~shall be based on the production company's total expenditures in~~ 9606
~~this state directly associated with the tax credit-eligible~~ 9607
~~production. The effect on developing a permanent workforce in~~ 9608
~~the motion picture or theatrical production industries shall be~~ 9609
~~evaluated first by the number of new jobs created and second by~~ 9610
~~amount of payroll added with respect to employees in this state.~~ 9611

The director shall ~~approve productions in the order of~~ 9612
~~their ranking, from those with the greatest positive economic~~ 9613
~~impact and workforce development effect to those with the least~~ 9614
~~positive economic impact and workforce development effect~~ not 9615
issue a tax credit certificate under this section after June 30, 9616
2027. 9617

(D) A production company whose motion picture or Broadway 9618
theatrical production has been certified as a tax credit- 9619
eligible production shall engage, at the company's expense, an 9620
independent certified public accountant to examine the company's 9621
production, postproduction, and advertising and promotion 9622
expenditures to identify the expenditures that qualify as 9623
eligible expenditures. The certified public accountant shall 9624
issue a report to the company and to the director of development 9625
certifying the company's eligible expenditures and any other 9626
information required by the director. Upon receiving and 9627
examining the report, the director may disallow any expenditure 9628
the director determines is not an eligible expenditure. If the 9629
director disallows an expenditure, the director shall issue a 9630
written notice to the production company stating that the 9631
expenditure is disallowed and the reason for the disallowance. 9632
Upon examination of the report and disallowance of any 9633
expenditures, the director shall determine finally the lesser of 9634
the total budgeted eligible expenditures stated in the 9635

application submitted under division (B) of this section or the 9636
actual eligible expenditures for the purpose of computing the 9637
amount of the credit. 9638

(E) No credit shall be allowed under section 5726.55, 9639
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 9640
director has reviewed the report and made the determination 9641
prescribed by division (D) of this section. 9642

(F) This state reserves the right to refuse the use of 9643
this state's name in the credits of any tax credit-eligible 9644
motion picture production or program of any Broadway theatrical 9645
production. 9646

(G) (1) The director of development in consultation with 9647
the tax commissioner shall adopt rules for the administration of 9648
this section, including rules setting forth and governing the 9649
criteria for determining whether a motion picture or Broadway 9650
theatrical production is a tax credit-eligible production; 9651
activities that constitute the production or postproduction of a 9652
motion picture or Broadway theatrical production; reporting 9653
sufficient evidence of reviewable progress; expenditures that 9654
qualify as eligible expenditures; a schedule and deadlines for 9655
applications to be submitted and reviewed; a competitive process 9656
for approving credits based on likely economic impact in this 9657
state and development of a permanent workforce in motion picture 9658
or theatrical production industries in this state; consideration 9659
of geographic distribution of credits; and implementation of the 9660
program described in division (H) of this section. The rules 9661
shall be adopted under Chapter 119. of the Revised Code. 9662

(2) To cover the administrative costs of the program, the 9663
director shall require each applicant to pay an application fee 9664
equal to the lesser of ten thousand dollars or one per cent of 9665

the estimated value of the tax credit as stated in the 9666
application. The fees collected shall be credited to the tax 9667
incentives operating fund created in section 122.174 of the 9668
Revised Code. All grants, gifts, fees, and contributions made to 9669
the director for marketing and promotion of the motion picture 9670
industry within this state shall also be credited to the fund. 9671

(H) The director of development shall establish a program 9672
for the training of Ohio residents who are or wish to be 9673
employed in the film or multimedia industry. Under the program, 9674
the director shall: 9675

(1) Certify individuals as film and multimedia trainees. 9676
In order to receive such a certification, an individual must be 9677
an Ohio resident, have participated in relevant on-the-job 9678
training or have completed a relevant training course approved 9679
by the director, and have met any other requirements established 9680
by the director. 9681

(2) Accept applications from production companies that 9682
intend to hire and provide on-the-job training to one or more 9683
certified film and multimedia trainees who will be employed in 9684
the company's tax credit-eligible production; 9685

(3) Upon completion of a tax-credit eligible production, 9686
and upon the receipt of any salary information and other 9687
documentation required by the director, authorize a 9688
reimbursement payment to each production company whose 9689
application was approved under division (H) (2) of this section. 9690
The payment shall equal fifty per cent of the salaries paid to 9691
film and multimedia trainees employed in the production. 9692

Sec. 122.86. (A) As used in this section and section 9693
5747.81 of the Revised Code: 9694

(1) "Small business enterprise" means a corporation, pass- 9695
through entity, or other person satisfying all of the following: 9696

(a) At the time of a qualifying investment, the enterprise 9697
meets all of the following requirements: 9698

(i) Has no outstanding tax or other liabilities owed to 9699
the state; 9700

(ii) Is in good standing with the secretary of state, if 9701
the enterprise is required to be registered with the secretary; 9702

(iii) Is current with any court-ordered payments; 9703

(iv) Is not engaged in any illegal activity. 9704

(b) At the time of a qualifying investment, the 9705
enterprise's assets according to generally accepted accounting 9706
principles do not exceed fifty million dollars, or its annual 9707
sales do not exceed ten million dollars. When making this 9708
determination, the assets and annual sales of all of the 9709
enterprise's related or affiliated entities shall be included in 9710
the calculation. 9711

(c) At the time of a qualifying investment and for the 9712
two-year period immediately preceding the qualifying investment, 9713
the enterprise employs at least fifty full-time equivalent 9714
employees in this state for whom the enterprise is required to 9715
withhold income tax under section 5747.06 of the Revised Code, 9716
or more than one-half the enterprise's total number of full-time 9717
equivalent employees employed anywhere in the United States are 9718
employed in this state and are subject to that withholding 9719
requirement. 9720

(d) The enterprise, within six months after an eligible 9721
investor's qualifying investment is made, incurs cost for one or 9722

more of the following: 9723

(i) Tangible personal property, other than motor vehicles 9724
operated on public roads and highways, used in business and 9725
physically located in this state from the time of its 9726
acquisition by the enterprise until the end of the investor's 9727
holding period, including the installation of such tangible 9728
personal property; 9729

(ii) Motor vehicles operated on public roads and highways 9730
if, from the time of acquisition by the enterprise until the end 9731
of the investor's holding period, the motor vehicles are 9732
purchased in this state, registered in this state under Chapter 9733
4503. of the Revised Code, are used primarily for business 9734
purposes, and are necessary for the operation of the 9735
enterprise's business; 9736

(iii) Real property located in this state that is used in 9737
the business from the time of its acquisition by the enterprise 9738
until the end of the holding period; 9739

(iv) Leasehold improvements and construction costs for 9740
property located in this state that is used in the business from 9741
the time its improvement or construction was completed until the 9742
end of the holding period; 9743

(v) Compensation for new employees of the enterprise hired 9744
after the date the qualifying investment is made for whom the 9745
enterprise is required to withhold income tax under section 9746
5747.06 of the Revised Code. 9747

(2) "Qualifying investment" means an investment of money 9748
made ~~on or after July 1, 2019,~~ to acquire capital stock or other 9749
equity interest in a small business enterprise. "Qualifying 9750
investment" does not include either of the following: 9751

(a) Any investment of money an eligible investor derives, 9752
directly or indirectly, from a grant or loan from the federal 9753
government or the state or a political subdivision, including 9754
the third frontier program under Chapter 184. of the Revised 9755
Code; 9756

(b) Any investment of money which is the basis of a tax 9757
credit granted under any other section of the Revised Code. 9758

(3) "Eligible investor" means an individual, estate, or 9759
trust subject to the tax imposed by section 5747.02 of the 9760
Revised Code, or a pass-through entity in which such an 9761
individual, estate, or trust holds a direct or indirect 9762
ownership or other equity interest. To qualify as an eligible 9763
investor, the individual, estate, trust, or pass-through entity 9764
shall not owe any outstanding tax or other liability to the 9765
state at the time of a qualifying investment. 9766

(4) "Holding period" means the two-year period beginning 9767
on the day a qualifying investment is made. 9768

(5) "Pass-through entity" has the same meaning as in 9769
section 5733.04 of the Revised Code. 9770

(B) An eligible investor that makes a qualifying 9771
investment in a small business enterprise on or after July 1, 9772
2019, but on or before November 3, 2025, may apply to the 9773
director of development services to obtain an allocation for a 9774
small business investment certificate from the director. 9775
Alternatively, a small business enterprise may apply on behalf 9776
of eligible investors to obtain the allocation for those 9777
investors. The application must be submitted to the director 9778
within sixty days after the date of the qualifying investment, 9779
but within the same biennium as the qualifying investment. The 9780

director, in consultation with the tax commissioner, shall 9781
prescribe the form or manner in which an applicant shall apply 9782
for the certificate, devise the form of the certificate, and 9783
prescribe any records or other information an applicant shall 9784
furnish with the application to evidence the qualifying 9785
investment. The applicant shall pay an application fee equal to 9786
the greater of one-tenth of one per cent of the amount of the 9787
intended investment or one hundred dollars. 9788

The director of development services may reserve small 9789
business investment allocations to qualifying applicants in the 9790
order in which the director receives applications. An 9791
application is completed when the director has validated that an 9792
eligible investor has made a qualified investment and receives 9793
all required documentation needed to demonstrate the small 9794
business enterprise satisfies the requirements of division (A) 9795
(1) of this section. To qualify for an allocation, an eligible 9796
investor must satisfy both of the following, subject to the 9797
limitation on the amount of qualifying investments for which 9798
allocations may be issued under division (C) of this section: 9799

(1) The eligible investor makes a qualifying investment on 9800
or after July 1, 2019, but on or before November 3, 2025. 9801

(2) The eligible investor pledges not to sell or otherwise 9802
dispose of the qualifying investment before the conclusion of 9803
the applicable holding period. 9804

(C) (1) The amount of any eligible investor's qualifying 9805
investments for which small business investment allocations may 9806
be issued for a fiscal biennium shall not exceed ten million 9807
dollars. 9808

(2) The director of development services shall not issue a 9809

small business investment allocation to an eligible investor 9810
representing an amount of qualifying investment in excess of the 9811
amount of the investment indicated on the investor's 9812
application. 9813

(3) For any fiscal biennium beginning before July 1, 2019, 9814
the director of development services shall not issue small 9815
business investment allocations in a total amount that would 9816
cause the tax credits claimed in that biennium to exceed one 9817
hundred million dollars. For any fiscal biennium beginning on or 9818
after July 1, 2019, the director shall not issue small business 9819
investment allocations in a total amount that would cause the 9820
tax credits claimed in that biennium to exceed fifty million 9821
dollars. 9822

(4) The director of development services may issue a small 9823
business investment allocation only if both of the following 9824
apply at the time of issuance: 9825

(a) The small business enterprise meets all the 9826
requirements listed in divisions (A)(1)(a)(i) to (iv) of this 9827
section; 9828

(b) The eligible investor does not owe any outstanding tax 9829
or other liability to the state. 9830

(5) The director shall not issue a small business 9831
investment allocation on the basis of any investment for which 9832
an Ohio opportunity zone investment certificate has been issued 9833
under section 122.84 of the Revised Code. 9834

(D) Before the end of the applicable holding period of a 9835
qualifying investment, each enterprise in which a qualifying 9836
investment was made for which a small business investment 9837
allocation has been issued, upon the request of the director of 9838

development services, shall provide to the director records or 9839
other evidence satisfactory to the director that the enterprise 9840
is a small business enterprise for the purposes of this section. 9841
Each enterprise shall also provide annually to the director 9842
records or evidence regarding the number of jobs created or 9843
retained in the state. The director shall compile and maintain a 9844
register of small business enterprises qualifying under this 9845
section and shall certify the register to the tax commissioner. 9846
The director shall also compile and maintain a record of the 9847
number of jobs created or retained as a result of qualifying 9848
investments made pursuant to this section. 9849

(E) After the conclusion of the applicable holding period 9850
for a qualifying investment, a person to whom a small business 9851
investment allocation has been issued under this section shall 9852
receive a small business investment certification, which 9853
entitles the person to claim a credit as provided under section 9854
5747.81 of the Revised Code. However, no certificate may be 9855
issued if the director finds that any requirement under this 9856
section is not met. 9857

(F) The director of development services, in consultation 9858
with the tax commissioner, may adopt rules for the 9859
administration of this section, including rules governing the 9860
following: 9861

(1) Documents, records, or other information eligible 9862
investors shall provide to the director; 9863

(2) Any information a small business enterprise shall 9864
provide for the purposes of this section and section 5747.81 of 9865
the Revised Code; 9866

(3) Determination of the number of full-time equivalent 9867

employees of a small business enterprise; 9868

(4) Verification of a small business enterprise's 9869
investment; 9870

(5) Circumstances under which small business enterprises 9871
or eligible investors may be subverting the purposes of this 9872
section and section 5747.81 of the Revised Code. 9873

(G) Application fees paid under division (B) of this 9874
section shall be credited to the tax incentives operating fund 9875
created in section 122.174 of the Revised Code. 9876

Sec. 122.97. The director of development may allocate the 9877
state ceiling on the aggregate amount of private activity bonds 9878
issued in this state as provided in 26 U.S.C. 146. 9879

Sec. 122.98. (A) The general assembly finds that access to 9880
affordable housing in rural areas is an important part of 9881
fostering a robust and lasting population. Accordingly, it is 9882
declared to be the public policy of the state to increase the 9883
availability of single-family homes in the rural areas through 9884
the residential development revolving loan program, administered 9885
by the department of development. 9886

(B) An eligible borrower for a residential development 9887
loan is a county, or a township or municipal corporation that is 9888
fully or partially located in a county, that meets both of the 9889
following: 9890

(1) Has a population of not more than seventy-five 9891
thousand; 9892

(2) The number of privately-owned housing units authorized 9893
by building permit, according to the most recent data provided 9894
by the United States census bureau, is less than the average 9895

number of private housing units authorized by building permit 9896
for counties in this state. 9897

(C) An eligible borrower shall use the proceeds of a 9898
residential development loan exclusively to develop, repair, or 9899
upgrade water, sewer, transportation, electric, or gas 9900
infrastructure needed for the construction of single-family, 9901
residential dwellings that are part of a residential development 9902
project. An eligible borrower shall not use any portion of the 9903
proceeds for routine infrastructure maintenance or for 9904
developments, repairs, or upgrades that exceed the projected 9905
requirements of the residential development project. 9906

(D) The department shall not approve an application for a 9907
residential development loan unless the eligible borrower 9908
demonstrates, to the satisfaction of the department, that the 9909
residential development project served by the infrastructure 9910
developments, repairs, or upgrades meets all of the following: 9911

(1) Is fully located in a county that meets the criteria 9912
prescribed by divisions (B) (1) and (2) of this section; 9913

(2) Has a net density of at least four single-family, 9914
residential dwellings per acre; 9915

(3) Is zoned exclusively for single-family, residential 9916
use; 9917

(4) Does not currently, and will not upon its completion, 9918
include a qualified low-income building that receives a tax 9919
credit under 26 U.S.C. 42. 9920

(E) An eligible borrower shall, at minimum, include all of 9921
the following in the loan application: 9922

(1) A description of the infrastructure developments, 9923

repairs, or upgrades to be funded by the loan and an estimate of 9924
the total cost to complete those developments, repairs, or 9925
upgrades; 9926

(2) The loan amount requested by the eligible borrower, 9927
which shall not exceed either of the following amounts: 9928

(a) Fifty per cent of the total cost of the infrastructure 9929
developments, repairs, or upgrades; 9930

(b) Thirty thousand dollars per single-family, residential 9931
dwelling included in the residential development project served 9932
by the developments, repairs or upgrades. 9933

(3) Documentation sufficient to prove, to the satisfaction 9934
of the department, all of the following: 9935

(a) That the applicant is an eligible borrower under 9936
division (B) of this section; 9937

(b) That the infrastructure developments, repairs, or 9938
upgrades meet the requirements under division (C) of this 9939
section; 9940

(c) That the residential development project served by 9941
those developments, repairs, or upgrades meets the requirements 9942
under division (D) of this section. 9943

(4) Certification that the eligible borrower agrees to 9944
comply with all provisions of this section. 9945

(F) The department shall accept applications and make low- 9946
interest loans under this section on a rolling basis whenever 9947
funding is available. The department shall begin accepting 9948
applications for the first round of loans not later than January 9949
1, 2026. The director of development may establish a schedule of 9950
fees and charges to be paid by applicants and loan recipients as 9951

necessary to offset the cost of administering this section. 9952

(G) An eligible borrower that receives a loan under this 9953
section shall do all of the following: 9954

(1) Exempt the residential development project served by 9955
the infrastructure developments, repairs, or upgrades, from both 9956
of the following: 9957

(a) Any building or road standards of the eligible 9958
borrower that are more stringent than those prescribed by state 9959
law; 9960

(b) Ordinances, resolutions, rules, or restrictions of the 9961
eligible borrower concerning any of the following: 9962

(i) Minimum square footage for residential dwellings; 9963

(ii) Off-street parking; 9964

(iii) The existence, size, or placement of a garage. 9965

(2) Complete any required traffic reviews or studies for 9966
the residential development project within forty-five days after 9967
receiving the loan; 9968

(3) Provide a quarterly report to the director on the 9969
status of the work funded by the loan; 9970

(4) Repay the principal and interest of the loan in 9971
accordance with terms specified by the department. 9972

(H) The director shall develop and utilize scoring metrics 9973
in prioritizing applications, determining whether to approve 9974
low-interest loans, and determining the amount of such loans. 9975
The metrics must meet all of the following requirements: 9976

(1) Give higher priority to projects in locations with 9977
greater housing need and lack of private housing investment; 9978

(2) Consider the potential economic impact of the project 9979
and the regional distributive balance of the loans; 9980

(3) Not consider whether the project is located in an 9981
economically distressed area, including by weighting preference 9982
based on the poverty rate in the jurisdiction or census tract in 9983
which the project is located. 9984

(I) The department shall credit all principal, interest, 9985
and fees paid under this section by an eligible borrower to the 9986
residential development revolving loan fund created under 9987
section 122.981 of the Revised Code. 9988

Sec. 122.981. There is hereby created in the state 9989
treasury the residential development revolving loan fund. The 9990
fund shall consist of appropriations by the general assembly, 9991
money received as repayment for loans under section 122.98 of 9992
the Revised Code, fees collected in accordance with that 9993
section, and any other money transferred to the fund. All 9994
investment earnings of the fund shall be credited to the fund. 9995
The department of development shall use money in the fund 9996
exclusively to make low-interest loans under section 122.98 of 9997
the Revised Code and to offset the expenditures incurred by the 9998
department in administering that section. The aggregate amount 9999
of money used to offset the department's expenditures in any 10000
fiscal year shall not exceed five hundred thousand dollars. 10001

Sec. 123.10. (A) As used in this section and section 10002
123.11 of the Revised Code, "public exigency" means an injury or 10003
obstruction that occurs in any public works of the state and 10004
that materially impairs its immediate use or places in jeopardy 10005
property adjacent to it; an immediate danger of such an injury 10006
or obstruction; or an injury or obstruction, or an immediate 10007
danger of an injury or obstruction, that occurs in any public 10008

works of the state and that materially impairs its immediate use 10009
or places in jeopardy property adjacent to it. 10010

(B) When a declaration of public exigency is issued 10011
pursuant to division (C) of this section, the Ohio facilities 10012
construction commission, or the requesting director of the state 10013
agency, state institution of higher education as defined in 10014
division (A)(1) of section 3345.12 of the Revised Code, or other 10015
state instrumentality, as determined by the executive director 10016
of the commission, shall enter into contracts with proper 10017
persons for the performance of labor, the furnishing of 10018
materials, or the construction of any structures and buildings 10019
necessary to the maintenance, control, and management of the 10020
public works of the state or any part of those public works. Any 10021
contracts awarded for the work performed pursuant to the 10022
declaration of a public exigency may be awarded without 10023
competitive bidding or selection as set forth in Chapter 153. of 10024
the Revised Code. 10025

(C) The executive director of the Ohio facilities 10026
construction commission may issue a declaration of a public 10027
exigency on the executive director's own initiative or upon the 10028
request of the director of any state agency, a state institution 10029
of higher education as defined in division (A)(1) of section 10030
3345.12 of the Revised Code, or any other state instrumentality. 10031
The executive director's declaration shall identify the specific 10032
injury, obstruction, or danger that is the subject of the 10033
declaration and shall set forth a dollar limitation for the 10034
repair, removal, or prevention of that exigency under the 10035
declaration. 10036

Before any project to repair, remove, or prevent a public 10037
exigency under the executive director's declaration may begin, 10038

the executive director shall send notice of the project, in 10039
writing, to the director of budget and management and to the 10040
members of the controlling board. That notice shall detail the 10041
project to be undertaken to address the public exigency and 10042
shall include a copy of the executive director's declaration 10043
that establishes the monetary limitations on that project. 10044

Sec. 123.14. (A) Every two years, the department of 10045
administrative services shall conduct a comprehensive study and 10046
issue a report on all real property owned or leased by the state 10047
or a state agency. The director of administrative services shall 10048
deliver the report to the speaker of the house of 10049
representatives, the president of the senate, and the governor 10050
not later than the thirty-first day of January of every odd- 10051
numbered year. The study shall include all of the following: 10052

(1) A complete list of all the real property owned by the 10053
state or a state agency. The list shall be organized by who owns 10054
the real property, which shall include information regarding the 10055
nature of the real property, such as whether the real property 10056
includes structures, whether any structure is office space, the 10057
value of the real property, the cost of maintaining the real 10058
property, and what percentage of the real property is used or 10059
unused by the state or state agency. 10060

(2) A complete list of all the real property that the 10061
state or a state agency rents or leases, but does not own, and 10062
the cost of renting or leasing; 10063

(3) Which state agencies use the real property, whether 10064
owned or leased, and the square footage that is used, versus not 10065
used, organized by state agency; 10066

(4) How much of the real property identified in division 10067

(A) (3) of this section would be used if all employees of that 10068
agency worked in person, rather than remote. 10069

(B) As used in this section, "state agency" means every 10070
organized body, office, or agency established by the laws of the 10071
state for the exercise of any function of state government, 10072
including the nonprofit corporation formed under section 187.01 10073
of the Revised Code, but not including the courts or any 10074
judicial agency, any state-assisted institution of higher 10075
education, or any local agency. 10076

Sec. 123.28. As used in this section and in section 10077
123.281 of the Revised Code: 10078

(A) "Culture" means any of the following: 10079

(1) Visual, musical, dramatic, graphic, design, and other 10080
arts, including, but not limited to, architecture, dance, 10081
literature, motion pictures, music, painting, photography, 10082
sculpture, and theater, and the provision of training or 10083
education in these arts; 10084

(2) The presentation or making available, in museums or 10085
other indoor or outdoor facilities, of principles of science and 10086
their development, use, or application in business, industry, or 10087
commerce or of the history, heritage, development, presentation, 10088
and uses of the arts described in division (A) (1) of this 10089
section and of transportation; 10090

(3) The preservation, presentation, or making available of 10091
features of archaeological, architectural, environmental, or 10092
historical interest or significance in a state historical 10093
facility or a local historical facility. 10094

(B) "Cultural organization" means either of the following: 10095

(1) A governmental agency or Ohio nonprofit corporation, 10096
including the Ohio history connection, that provides programs or 10097
activities in areas directly concerned with culture; 10098

(2) A regional arts and cultural district as defined in 10099
section 3381.01 of the Revised Code. 10100

(C) "Cultural project" means all or any portion of an Ohio 10101
cultural facility for which the general assembly has made an 10102
appropriation or has specifically authorized the spending of 10103
money or the making of rental payments relating to the financing 10104
of construction. 10105

(D) "Cooperative use agreement" means a contract between 10106
the Ohio facilities construction commission and a cultural 10107
organization providing the terms and conditions of the 10108
cooperative use of an Ohio cultural facility. 10109

(E) "Costs of operation" means amounts required to manage 10110
an Ohio cultural facility that are incurred following the 10111
completion of construction of its cultural project, provided 10112
that both of the following apply: 10113

(1) Those amounts either: 10114

(a) Have been committed to a fund dedicated to that 10115
purpose; 10116

(b) Equal the principal of any endowment fund, the income 10117
from which is dedicated to that purpose. 10118

(2) The commission and the cultural organization have 10119
executed an agreement with respect to either of those funds. 10120

(F) "Governmental agency" means a state agency, a state 10121
institution of higher education as defined in section 3345.12 of 10122
the Revised Code, a municipal corporation, county, township, or 10123

school district, a port authority created under Chapter 4582. of 10124
the Revised Code, any other political subdivision or special 10125
district in this state established by or pursuant to law, or any 10126
combination of these entities; except where otherwise indicated, 10127
the United States or any department, division, or agency of the 10128
United States, or any agency, commission, or authority 10129
established pursuant to an interstate compact or agreement. 10130

(G) "Local contributions" means the value of an asset 10131
provided by or on behalf of a cultural organization from sources 10132
other than the state, the value and nature of which shall be 10133
approved by the Ohio facilities construction commission, in its 10134
sole discretion. "Local contributions" may include the value of 10135
the site where a cultural project is to be constructed. All 10136
"local contributions," except a contribution attributable to 10137
such a site, shall be for the costs of construction of a 10138
cultural project or the creation or expansion of an endowment 10139
for the costs of operation of a cultural facility. 10140

(H) "Local historical facility" means a site or facility, 10141
other than a state historical facility, of archaeological, 10142
architectural, environmental, or historical interest or 10143
significance, or a facility, including a storage facility, 10144
appurtenant to the operations of such a site or facility, that 10145
is owned by a cultural organization and is used for or in 10146
connection with cultural activities, including the presentation 10147
or making available of culture to the public. 10148

(I) "Manage," "operate," or "management" means the 10149
provision of, or the exercise of control over the provision of, 10150
activities: 10151

(1) Relating to culture for an Ohio cultural facility, 10152
including as applicable, but not limited to, providing for 10153

displays, exhibitions, specimens, and models; booking of 10154
artists, performances, or presentations; scheduling; and hiring 10155
or contracting for directors, curators, technical and scientific 10156
staff, ushers, stage managers, and others directly related to 10157
the cultural activities in the facility; but not including 10158
general building services; 10159

(2) Relating to sports and athletic events for an Ohio 10160
sports facility, including as applicable, but not limited to, 10161
providing for booking of athletes, teams, and events; 10162
scheduling; and hiring or contracting for staff, ushers, 10163
managers, and others directly related to the sports and athletic 10164
events in the facility; but not including general building 10165
services. 10166

(J) "Ohio cultural facility" means any of the following: 10167

(1) The theaters located in the state office tower at 77 10168
South High street in Columbus; 10169

(2) Any cultural facility in this state that is managed 10170
directly by, or is subject to a cooperative use or management 10171
agreement with, the Ohio facilities construction commission. 10172

(3) A state historical facility or a local historical 10173
facility. 10174

(K) "Construction" includes acquisition, including 10175
acquisition by lease-purchase, demolition, reconstruction, 10176
alteration, renovation, remodeling, enlargement, improvement, 10177
site improvements, and related equipping and furnishing. 10178

(L) "State historical facility" means a site or facility 10179
that has all of the following characteristics: 10180

(1) It is created, supervised, operated, protected, 10181

maintained, and promoted by the Ohio history connection pursuant 10182
to the Ohio history connection's performance of public functions 10183
under sections 149.30 and 149.302 of the Revised Code. 10184

(2) Its title must reside wholly or in part with the 10185
state, the Ohio history connection, or both the state and the 10186
Ohio history connection. 10187

(3) It is managed directly by or is subject to a 10188
cooperative use or management agreement with the Ohio facilities 10189
construction commission and is used for or in connection with 10190
cultural activities, including the presentation or making 10191
available of culture to the public. 10192

(M) "Ohio sports facility" means all or a portion of a 10193
stadium, arena, tennis facility, motorsports complex, or other 10194
capital facility in this state. A primary purpose of the 10195
facility shall be to provide a site or venue for the 10196
presentation to the public of motorsports events, professional 10197
tennis tournaments, or events of one or more major or minor 10198
league professional athletic or sports teams that are associated 10199
with the state or with a city or region of the state. The 10200
facility shall be, in the case of a motorsports complex, owned 10201
by the state or governmental agency, or in all other instances, 10202
owned by or located on real property owned by the state or a 10203
governmental agency, and includes all parking facilities, 10204
walkways, and other auxiliary facilities, equipment, 10205
furnishings, and real and personal property and interests and 10206
rights therein, that may be appropriate for or used for or in 10207
connection with the facility or its operation, for capital costs 10208
of which state funds are spent pursuant to this section and 10209
section 123.281 of the Revised Code. A facility constructed as 10210
an Ohio sports facility may be both an Ohio cultural facility 10211

and an Ohio sports facility. 10212

(N) "Motorsports" means sporting events in which motor 10213
vehicles are driven on a clearly demarcated tracked surface. 10214

(O) "Professional sports franchise" means a member of the 10215
following professional sports leagues: the national football 10216
league, women's national football conference, women's football 10217
alliance, women's football league association, national hockey 10218
league, professional women's hockey league, major league 10219
baseball, women's professional baseball league, major league 10220
soccer, national women's soccer league, national basketball 10221
association, or the women's national basketball association, or 10222
a successor of such an entity. 10223

(P) "Major sports facility" means a stadium, arena, 10224
complex, or other facility that a governmental agency owns, will 10225
own, or has or will have a sufficient ownership interest in, the 10226
primary purpose of which is to provide a site or venue for the 10227
presentation of home games of a professional sports franchise 10228
for a period of at least thirty years after completion of the 10229
construction of the stadium, arena, complex, or other facility. 10230

(Q) "Transformational major sports facility mixed-use 10231
project" means the following, as applicable: 10232

(1) A mixed-use project that meets all of the following 10233
criteria: 10234

(a) Includes the construction of a major sports facility; 10235

(b) Integrates some combination of retail, office, hotel, 10236
residential, recreation, structured parking, or other similar 10237
uses into one or more mixed-use developments; 10238

(c) Is expected to generate incremental state tax revenues 10239

pursuant to state taxes levied under Chapters 5739., 5741., 10240
5747., and 5751. of the Revised Code; 10241

(d) Has an initial total estimated construction cost, 10242
excluding any site acquisition cost, that is greater than one 10243
billion dollars. 10244

(2) In addition to the criteria under division (Q) (1) of 10245
this section, a transformational major sports facility mixed-use 10246
project may include any of the following: 10247

(a) Other projects supporting or relating to the major 10248
sports facility or the professional sports franchise 10249
constructing or using the major sports facility; 10250

(b) Any mixed-use project adjacent or otherwise relating 10251
to practice facilities for the professional sports franchise; 10252

(c) Conference centers, concert, or other entertainment 10253
venues and facilities; 10254

(d) Retail, food, restaurant, and beverage facilities, 10255
whether fixed or mobile; 10256

(e) Parks and other public open spaces or facilities; 10257

(f) Related on-site infrastructure necessary or desirable 10258
for all such elements for the transformational major sports 10259
facility mixed-use project. 10260

(R) "Transformational major sports facility mixed-use 10261
project district" means the geographic area encompassing, and 10262
including all of the area within the territorial boundaries of, 10263
the land upon which the transformational major sports facility 10264
mixed-use project is located, as determined by the office of 10265
budget and management, in consultation with the department of 10266
taxation, the Ohio facilities construction commission, and any 10267

applicable county or municipal offices in accordance with 10268
division (H) (5) (e) of section 123.281 of the Revised Code. 10269

(S) "Base professional sports franchise state tax 10270
revenues" means an amount or calculation either established by 10271
the general assembly or equal to all state tax revenues 10272
generated pursuant to state taxes levied under Chapters 5739., 10273
5741., 5747., and 5751. of the Revised Code that are 10274
attributable to the professional sports franchise and its 10275
operations at the professional sports franchise's existing 10276
facility, and collected by the department of taxation in the 10277
calendar year occurring immediately before the calendar year in 10278
which the professional sports franchise plays its initial 10279
regular season home game in the major sports facility, which 10280
shall be increased by three and one-half per cent per year each 10281
calendar year for up to sixteen years thereafter. 10282

(T) "Total major sports facility mixed-use project 10283
district state tax revenues" means the total aggregate state tax 10284
revenue generated in the territory of a transformational major 10285
sports facility mixed-use project district pursuant to state 10286
taxes levied under Chapters 5739., 5741., 5747., and 5751. of 10287
the Revised Code beginning in the calendar year in which a 10288
performance grant is eligible for disbursement under an 10289
appropriation and for sixteen years thereafter, including those 10290
state tax revenues attributable to the construction of, and the 10291
purchasing of or leasing of materials and items used in the 10292
construction of, a transformational major sports facility mixed- 10293
use project district received in the calendar year in which the 10294
performance grant is eligible for disbursement under an 10295
appropriation. 10296

(U) "Incremental major sports facility mixed-use project 10297

district state tax revenues" means the amount of state tax 10298
revenues received by the state determined by subtracting base 10299
professional sports franchise state tax revenues, as calculated 10300
for a given calendar year including any required three and one- 10301
half per cent annual increase, from total major sports facility 10302
mixed-use project district state tax revenues for such year. 10303

(V) "Total incremental major sports facility mixed-use 10304
project district state tax revenues" means the aggregate amount 10305
of incremental major sports facility mixed-use district state 10306
tax revenues beginning in the calendar year in which a 10307
performance grant is eligible for disbursement under an 10308
appropriation and for sixteen years thereafter. 10309

(W) "Affiliate" means a person that directly, or 10310
indirectly through one or more intermediaries, controls, is 10311
controlled by, is under common control with, or acts in concert 10312
with, or is a participant in a joint venture, partnership, 10313
consortium, or similar business arrangement with, a professional 10314
sports franchise or owner. 10315

(X) "Owner" means a person that has a controlling 10316
ownership interest in a professional sports franchise. 10317

(Y) "Person" means one or more individuals, receivers, 10318
assignees, trustees in bankruptcy, estates, firms, limited 10319
liability companies, partnerships, associations, joint-stock 10320
companies, joint ventures, clubs, societies, corporations, and 10321
combinations of individuals in any form. 10322

Sec. 123.281. (A) The Ohio facilities construction 10323
commission shall provide for the construction of a cultural 10324
project in conformity with Chapter 153. of the Revised Code, 10325
except for construction services provided on behalf of the state 10326

by a governmental agency or a cultural organization in 10327
accordance with divisions (B) and (C) of this section. 10328

(B) In order for a governmental agency or a cultural 10329
organization to provide construction services on behalf of the 10330
state for a cultural project, other than a state historical 10331
facility, for which the general assembly has made an 10332
appropriation or specifically authorized the spending of money 10333
or the making of rental payments relating to the financing of 10334
the construction, the governmental agency or cultural 10335
organization shall submit to the Ohio facilities construction 10336
commission a cooperative use agreement that includes, but is not 10337
limited to, provisions that: 10338

(1) Specify how the proposed project will support culture; 10339

(2) Specify that the governmental agency or cultural 10340
organization has local contributions amounting to not less than 10341
fifty per cent of the total state funding for the cultural 10342
project; 10343

(3) Specify that the funds shall be used only for 10344
construction; 10345

(4) Identify the facility to be constructed, renovated, 10346
remodeled, or improved; 10347

(5) Specify that the project scope meets the intent and 10348
purpose of the project appropriation and that the project can be 10349
completed and ready to support culture without exceeding 10350
appropriated funds; 10351

(6) Specify that the governmental agency or cultural 10352
organization shall hold the Ohio facilities construction 10353
commission harmless from all liability for the operation and 10354
maintenance costs of the facility; 10355

(7) Specify that the agreement or any actions taken under 10356
it are not subject to Chapter 123. or 153. of the Revised Code, 10357
except for sections 123.20, 123.201, 123.21, 123.28, 123.281, 10358
and 153.011 of the Revised Code, and are subject to Chapter 10359
4115. of the Revised Code; and 10360

(8) Provide that amendments to the agreement shall require 10361
the approval of the Ohio facilities construction commission. 10362

(C) In order for a cultural organization to provide 10363
construction services on behalf of the state for a state 10364
historical facility for which the general assembly has made an 10365
appropriation or specifically authorized the spending of money 10366
or the making of rental payments relating to the financing of 10367
the construction, the cultural organization shall submit to the 10368
Ohio facilities construction commission a cooperative use 10369
agreement that includes, but is not limited to, provisions that: 10370

(1) Specify how the proposed project will support culture; 10371

(2) Specify that the funds shall be used only for 10372
construction; 10373

(3) Specify that not more than three per cent of the funds 10374
may be used by the cultural organization to administer the 10375
project; 10376

(4) Identify the facility to be constructed, renovated, 10377
remodeled, or improved; 10378

(5) Specify that the project scope meets the intent and 10379
purpose of the project appropriation and that the project can be 10380
completed and ready to support culture without exceeding 10381
appropriated funds; 10382

(6) Specify that the cultural organization shall hold the 10383

Ohio facilities construction commission harmless from all 10384
liability for the operation and maintenance costs of the 10385
facility; 10386

(7) Specify that the agreement or any actions taken under 10387
it are not subject to Chapter 123., 153., or 4115. of the 10388
Revised Code, except for sections 123.20, 123.201, 123.21, 10389
123.28, and 123.281 of the Revised Code; and 10390

(8) Provide that amendments to the agreement shall require 10391
the approval of the Ohio facilities construction commission. 10392

(D) For an Ohio sports facility that is financed in part 10393
by obligations issued under Chapter 154. of the Revised Code, 10394
construction services shall be provided on behalf of the state 10395
by or at the direction of the governmental agency or nonprofit 10396
corporation that will own or be responsible for the management 10397
of the facility. Any construction services to be provided by a 10398
governmental agency or nonprofit corporation shall be specified 10399
in a cooperative use agreement between the Ohio facilities 10400
construction commission and the governmental agency or nonprofit 10401
corporation. The agreement and any actions taken under it are 10402
not subject to Chapter 123. or 153. of the Revised Code, except 10403
for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 10404
153.011 of the Revised Code, and are subject to Chapter 4115. of 10405
the Revised Code. 10406

(E) ~~State~~ Except as provided in division (H) of this 10407
section, state funds shall not be used to pay or reimburse more 10408
than fifteen per cent of the initial estimated construction cost 10409
of an Ohio sports facility, excluding any site acquisition cost, 10410
and no state funds, including any state bond proceeds, shall be 10411
spent on any Ohio sports facility under this chapter unless, 10412
with respect to that facility, all of the following apply: 10413

(1) The Ohio facilities construction commission has 10414
received a financial and development plan satisfactory to it, 10415
and provision has been made, by agreement or otherwise, 10416
satisfactory to the commission, for a contribution amounting to 10417
not less than eighty-five per cent of the total estimated 10418
construction cost of the facility, excluding any site 10419
acquisition cost, from sources other than the state. 10420

(2) The general assembly has specifically authorized the 10421
spending of money on, or made an appropriation for, the 10422
construction of the facility, or for rental payments relating to 10423
state financing of all or a portion of the costs of constructing 10424
the facility. Authorization to spend money, or an appropriation, 10425
for planning or determining the feasibility of or need for the 10426
facility does not constitute authorization to spend money on, or 10427
an appropriation for, costs of constructing the facility. 10428

(3) If state bond proceeds are being used for the Ohio 10429
sports facility, the state or a governmental agency owns or has 10430
sufficient property interests in the facility or in the site of 10431
the facility or in the portion or portions of the facility 10432
financed from proceeds of state bonds, which may include, but is 10433
not limited to, the right to use or to require the use of the 10434
facility for the presentation of sport and athletic events to 10435
the public at the facility. 10436

(F) In addition to the requirements of division (E) of 10437
this section, no state funds, including any state bond proceeds, 10438
shall be spent on any Ohio sports facility that is a motorsports 10439
complex, unless, with respect to that facility, both of the 10440
following apply: 10441

(1) Motorsports events shall be presented at the facility 10442
pursuant to a lease entered into with the owner of the facility. 10443

The term of the lease shall be for a period of not less than the 10444
greater of the useful life of the portion of the facility 10445
financed from proceeds of state bonds as determined using the 10446
guidelines for maximum maturities as provided under divisions 10447
(B) and (C) of section 133.20 of the Revised Code, or the period 10448
of time remaining to the date of payment or provision for 10449
payment of outstanding state bonds allocable to costs of the 10450
facility, all as determined by the director of budget and 10451
management and certified by the executive director of the Ohio 10452
facilities construction commission and to the treasurer of 10453
state. 10454

(2) Any motorsports organization that commits to using the 10455
facility for an established period of time shall give the 10456
political subdivision in which the facility is located not less 10457
than six months' advance notice if the organization intends to 10458
cease utilizing the facility prior to the expiration of that 10459
established period. Such a motorsports organization shall be 10460
liable to the state for any state funds used on the construction 10461
costs of the facility. 10462

(G) In addition to the requirements of division (E) of 10463
this section, no state bond proceeds shall be spent on any Ohio 10464
sports facility that is a tennis facility, unless the owner or 10465
manager of the facility provides contractual commitments from a 10466
national or international professional tennis organization in a 10467
form acceptable to the Ohio facilities construction commission 10468
that assures that one or more sanctioned professional tennis 10469
events will be presented at the facility during each year that 10470
the bonds remain outstanding. 10471

(H) State funds may be used as a performance grant to pay 10472
or reimburse up to twenty-five per cent of the initial estimated 10473

construction cost for a major sports facility if all of the 10474
following criteria are met: 10475

(1) The major sports facility upon completion will be a 10476
part of a transformational major sports facility mixed-use 10477
project. 10478

(2) The office of budget and management in consultation 10479
with the Ohio facilities construction commission has received a 10480
financial and development plan that satisfies the requirements 10481
of this section, and includes a contribution amounting to not 10482
less than seventy-five per cent of the total initial estimated 10483
construction cost of the major sports facility, excluding any 10484
site acquisition cost, from sources other than the state's 10485
performance grant, including a contribution from the 10486
professional sports franchise that plans to use the facility, or 10487
the owner or an authorized affiliate, of at least fifty per cent 10488
of the total estimated construction cost of the major sports 10489
facility. 10490

(3) The general assembly has specifically authorized, or 10491
made an appropriation for, the performance grant to aid in the 10492
construction of the major sports facility, provided that the 10493
grant's authorization or appropriation does not include planning 10494
or determining the feasibility of or need for the major sports 10495
facility as a cost of constructing the major sports facility. 10496
The performance grant is not subject to the review or 10497
authorization of the controlling board, and upon the office of 10498
budget and management's receipt of the escrow amount and of a 10499
certification of funds or other requisite proof the supplemental 10500
reserve amount has been established in accordance with division 10501
(H) (4) of this section, is eligible for disbursement in full or 10502
in part, for the payment or reimbursement of construction costs 10503

for the major sports facility, without regard to the other 10504
sources of contribution for the costs of construction of the 10505
major sports facility as described in division (H) (2) of this 10506
section and not on a pro rata basis. The state shall not incur 10507
debt to fund or assist a major sports facility receiving a 10508
performance grant under this section. 10509

(4) (a) The professional sports franchise planning to use 10510
the facility, or the owner or an authorized affiliate, has 10511
executed and filed with the office of budget and management an 10512
escrow amount equal to eight and one-third per cent of the total 10513
amount of the performance grant appropriated for the project, 10514
which shall be deposited in an interest-bearing account 10515
maintained within the state treasury, nonrefundable 10516
disbursements from which shall be as described in division (H) 10517
(5) of this section. Whatever remains of the amount in escrow 10518
after the sixteen-year period, including any interest earnings 10519
thereon, shall be returned to the professional sports franchise, 10520
owner, or affiliate upon certification by the office of budget 10521
and management, in consultation with the department of taxation, 10522
that the total incremental major sports facility mixed-use 10523
project district state tax revenues have achieved all required 10524
target amounts as described in division (H) (5) of this section. 10525

(b) The professional sports franchise planning to use the 10526
facility, or the owner or an authorized affiliate, shall 10527
establish a supplemental reserve, which may take the form of a 10528
line of credit or other commercially reasonable type of 10529
certifiable and available liquidity, in an amount equal to the 10530
initial escrow account deposit required by division (H) (4) (a) of 10531
this section. The supplemental reserve shall be available to 10532
replenish the escrow account required by division (H) (4) (a) of 10533
this section if nonrefundable disbursements from the escrow 10534

account are required under division (H) (5) (c) of this section. 10535
The supplemental reserve shall not be required to be replenished 10536
if drawn upon to replenish the escrow account required by 10537
division (H) (4) of this section. 10538

(5) The professional sports franchise planning to use the 10539
facility, or the owner or an authorized affiliate, has entered 10540
into an agreement with the office of budget and management that 10541
complies with this section and specifies all of the following: 10542

(a) The incremental major sports facility mixed-use 10543
project district state tax revenues meet target amounts, as 10544
determined by the office of budget and management, in 10545
consultation with the Ohio facilities construction commission 10546
and the department of taxation, the total amount of which 10547
collected over a sixteen-year period equals or exceeds the 10548
amount of the performance grant appropriated to the project. The 10549
minimum target amounts shall be as follows: 10550

(i) For the first four full calendar years beginning in 10551
the year in which the performance grant is eligible for 10552
disbursement under an appropriation, eleven and two-thirds per 10553
cent of the total appropriated amount; 10554

(ii) For the second four-year period, twenty-six and two- 10555
thirds per cent of the total appropriated amount; 10556

(iii) For the third four-year period, thirty and fifteen- 10557
eightieths per cent of the total appropriated amount; 10558

(iv) For the fourth four-year period, thirty and fifteen- 10559
eightieths per cent of the total appropriated amount. 10560

(b) Incremental major sports facility mixed-use project 10561
district state tax revenues in excess of the target amount shall 10562
be credited towards target amounts in future periods. 10563

(c) If the incremental major sports facility mixed-use 10564
project district state tax revenues do not achieve target 10565
amounts at the end of each four-year period as determined by the 10566
office of budget and management, in consultation with the 10567
department of taxation, the deficit shall be offset by any 10568
excess tax revenue credit from previous years under division (H) 10569
(5) (b) of this section. If a deficit remains, the office of 10570
budget and management shall take a nonrefundable amount of money 10571
equal to the remaining deficit amount from the escrow account 10572
described under division (H) (4) of this section and deposit it 10573
into the general revenue fund. If a deficit still remains, the 10574
office of budget and management shall take a nonrefundable 10575
amount of money equal to the remaining deficit amount for that 10576
period from the supplemental reserve established pursuant to 10577
division (H) (4) (b) of this section, to the extent available, and 10578
deposit the money into the general revenue fund. Beginning in 10579
the ninth calendar year after the performance grant is eligible 10580
for disbursement, and once annually thereafter until completion 10581
of the sixteenth year, the professional sports franchise, or the 10582
owner or an authorized affiliate, may request a determination by 10583
the office of budget and management, in consultation with the 10584
department of taxation, that the total incremental major sports 10585
facility mixed-use project district state tax revenues equals or 10586
exceeds the amount of the performance grant appropriated to the 10587
project. Once the total incremental major sports facility mixed- 10588
use project district state tax revenues equals or exceeds the 10589
amount of the performance grant appropriated to the project, 10590
whether at the conclusion of a designated four-year period under 10591
division (H) (5) (a) of this section or upon an annual request 10592
under this division, the professional sports franchise, or the 10593
owner or authorized affiliate, shall receive the remainder of 10594
the amount in escrow, principal and interest, as provided for 10595

under division (H) (4) (a) of this section. 10596

(d) If, prior to the expiration of the fourth four-year 10597
period described in division (H) (5) (a) of this section, the 10598
owner's share of the ownership interest in the professional 10599
sports franchise becomes less than a controlling ownership 10600
interest, all rights, privileges, responsibilities, and 10601
obligations of the owner provided under this section and the 10602
agreement with the office of budget and management shall be 10603
assigned to, and assumed by, any new owner with a controlling 10604
ownership interest. 10605

(e) Establishes the metes and bounds of, including all 10606
areas within, the proposed transformational major sports 10607
facility mixed-use project district, which shall meet all of the 10608
following requirements: 10609

(i) All territory in the district is contiguous. 10610

(ii) The office of budget and management receives a 10611
petition, accompanied by a description of the proposed 10612
transformational major sports facility mixed-use project 10613
district, signed by every record owner of a parcel of real 10614
property located in the district and the owner of every business 10615
that will operate in the district. 10616

(iii) A transformational major sports facility mixed-use 10617
project will be located on territory of the proposed 10618
transformational major sports facility mixed-use project 10619
district. 10620

(iv) Not more than one major sports facility mixed-use 10621
project may be located within a transformational major sports 10622
facility mixed-use project district. 10623

(v) For purposes of determining total incremental major 10624

sports facility mixed-use project district state tax revenues, 10625
the district's territorial boundary may not be enlarged after it 10626
is established with the office of budget and management, which 10627
may consult with the department of taxation, the Ohio facilities 10628
construction commission, and any applicable county or municipal 10629
offices to ensure each requirement in this division is met. 10630

(f) Every record owner of a parcel of real property 10631
located in the proposed transformational major sports facility 10632
mixed-use project district shall be required to comply with, and 10633
will cause every person that enters into a lease, license, use, 10634
or operating agreement for all or a portion of the building or 10635
facilities located in, a transformational major sports facility 10636
mixed-use project district to be subject to, reporting 10637
requirements as may be required by the department of taxation, 10638
in consultation with the office of budget and management and the 10639
Ohio facilities construction commission as described in division 10640
(J) of this section. Such requirement may be evidenced by an 10641
instrument that has been duly recorded in the land records of 10642
the county. 10643

(I) Every person who owns real property located in, enters 10644
into a lease, license, use, or operating agreement for all or a 10645
portion of the building and facilities located in, or purchases 10646
or leases materials and items used in construction in the 10647
territory of a transformational major sports facility mixed-use 10648
project district is subject to reporting requirements as may be 10649
required by the department of taxation, in consultation with the 10650
office of budget and management and the Ohio facilities 10651
construction commission. Compliance with these requirements may 10652
be evidenced by an instrument that is duly recorded with the 10653
county recorder. 10654

(J) Every person doing business in a transformational 10655
major sports facility mixed-use project district shall file tax 10656
returns and make tax payments pursuant to Chapters 5739., 5741., 10657
5747., and 5751. of the Revised Code using an electronic medium 10658
in a format prescribed by the department of taxation. Persons 10659
that pay salaries and wages to employees in the territory of a 10660
transformational major sports facility mixed-use project 10661
district shall register for a separate withholding account and 10662
shall remit the wages and salaries withheld from employees for 10663
activities performed in the territory of a transformational 10664
major sports facility mixed-use project district separately from 10665
all income taxes withheld by such employer. In addition, every 10666
person doing business in the territory of a transformational 10667
major sports facility mixed-use project district shall provide 10668
all of the following information to the department of taxation: 10669

(1) For persons that collect transformational major sports 10670
facility mixed-use project district tax revenues pursuant to 10671
Chapter 5739. of the Revised Code, tax collections generated 10672
from construction or transactions in the territory of a 10673
transformational major sports facility mixed-use project 10674
district on the returns filed pursuant to Chapter 5739. of the 10675
Revised Code as prescribed by the department of taxation; 10676

(2) For persons that generate transformational major 10677
sports facility mixed-use project district tax revenues under 10678
Chapters 5741., 5747., and 5751. of the Revised Code, estimated 10679
payments for corporate income taxes generated from the 10680
transformational major sports facility mixed-use project 10681
district and information regarding gross revenues generated from 10682
activities in the transformational major sports facility mixed- 10683
use project district and gross revenues from all activities in 10684
this state; 10685

(3) For persons that make payments to an independent 10686
contractor attributable to construction or transactions in the 10687
territory of a transformational major sports facility mixed-use 10688
project district, information regarding such payments by the 10689
thirty-first day of January of each year in a format prescribed 10690
by the department of taxation. 10691

(4) The department of taxation may disclose taxpayer 10692
information regarding transactions, real or personal property, 10693
income, or business of any person to the governmental agency 10694
that owns, or holds a sufficient ownership interest in, a major 10695
sports facility as may be necessary for the administration of 10696
the provisions authorized by this section. 10697

(K) The department of taxation shall develop forms 10698
necessary to implement and administer this section. 10699

Sec. 123.282. The Ohio cultural and sports facility 10700
performance grant fund is created in the state treasury. The 10701
fund shall consist of all money remitted by the director of 10702
commerce under division (I) of section 169.08 of the Revised 10703
Code and amounts appropriated by the general assembly. The money 10704
in the fund shall be used as performance grants for Ohio 10705
cultural facility, Ohio sports facility, and major sports 10706
facility projects in accordance with section 123.281 of the 10707
Revised Code. All investment earnings of the fund shall be 10708
credited to the fund. 10709

Sec. 123.30. (A) Except as provided in division (B) of 10710
this section, no state agency or any entity that manages the 10711
grounds or buildings under the control of a state agency shall 10712
display on the grounds or building any flag except for the 10713
official state flag, as described in section 5.01 of the Revised 10714
Code, the United States flag, or the POW/MIA flag as described 10715

in section 9.50 of the Revised Code. 10716

(B) Division (A) of this section does not apply to the 10717
Ohio statehouse or the grounds of the Ohio statehouse. 10718

Sec. 124.02. The director of administrative services and 10719
the state personnel board of review shall exercise all 10720
functions, powers, and duties that ~~formerly~~, on or before 10721
January 1, 1959, were by law actually devolved upon, vested in, 10722
and imposed upon the state civil service commission and the 10723
offices of commissioners and members and upon their employees, 10724
agents, and representatives. 10725

~~Whenever in any law or rule of this state or any political~~ 10726
~~subdivision, "state civil service commission," "commission,"~~ 10727
~~"commissioner" or "member," meaning the state civil service~~ 10728
~~commission or the offices of commissioners or members of said~~ 10729
~~commission, is used, such terms shall be construed as referring~~ 10730
~~to the department of administrative services, the director of~~ 10731
~~administrative services, the state personnel board of review, or~~ 10732
~~the members of the state personnel board of review, as this~~ 10733
~~chapter may require.~~ 10734

Sec. 124.07. (A) The director of administrative services 10735
shall appoint examiners, inspectors, clerks, and other 10736
assistants as necessary to carry out sections 124.01 to 124.64 10737
of the Revised Code. ~~The director may designate persons in or~~ 10738
~~out of the service of the state to serve as examiners or~~ 10739
~~assistants under the director's direction. An examiner or~~ 10740
~~assistant shall receive the compensation for each day actually~~ 10741
~~and necessarily spent in the discharge of duties as an examiner~~ 10742
~~or assistant that the director determines; provided that, if the~~ 10743
~~examiner or assistant is in the service of the state or any~~ 10744
~~political subdivision of the state, it shall be a part of the~~ 10745

~~examiner's or assistant's official duties to render those~~ 10746
~~services in connection with an examination without extra~~ 10747
~~compensation.~~ 10748

(B) Each state agency shall pay the cost of the services 10749
and facilities furnished to it by the department of 10750
administrative services that are necessary to provide and 10751
maintain payroll services as prescribed in section 125.21 of the 10752
Revised Code and state merit standards as prescribed in sections 10753
124.01 to 124.64 of the Revised Code for the agency. ~~If a state-~~ 10754
~~supported college or university or a municipal corporation~~ 10755
~~chooses to use the services and facilities furnished by the~~ 10756
~~department that are necessary to provide and maintain the~~ 10757
~~services and standards so prescribed, the state-supported~~ 10758
~~college or university or municipal corporation shall pay the~~ 10759
~~cost of the services and facilities that the department~~ 10760
~~furnishes to it.~~ The charges against a state agency, ~~a state-~~ 10761
~~supported college or university, or a municipal corporation~~ 10762
shall be computed on a reasonable cost basis in accordance with 10763
procedures prescribed by the director of budget and management. 10764
Any moneys the department receives from a state agency, ~~a state-~~ 10765
~~supported college or university, or a municipal corporation~~ 10766
under this division that are in excess of the amount necessary 10767
to pay the cost of furnishing the department's services and 10768
facilities during any fiscal year shall be either refunded to or 10769
credited for the ensuing fiscal year to the state agency, ~~the~~ 10770
~~state-supported college or university, or the municipal~~ 10771
~~corporation.~~ 10772

(C) ~~The director of administrative services may enter into~~ 10773
~~an agreement with any county, municipal corporation, or other~~ 10774
~~political subdivision to furnish services and facilities of the~~ 10775
~~department in the administration of a merit program or other~~ 10776

~~functions related to human resources that include, but are not~~ 10777
~~limited to, providing competitive examinations for positions in~~ 10778
~~the classified service. The agreement shall provide that the~~ 10779
~~department shall be reimbursed for the reasonable costs of those~~ 10780
~~services and facilities as determined by the director.~~ 10781

~~(D)~~ All moneys received by the department as reimbursement 10782
for a merit program or other human resources services performed 10783
and facilities furnished under this section, such as competitive 10784
examinations administered, shall be paid into the state treasury 10785
to the credit of the human resources services fund, which is 10786
hereby created. 10787

~~(E) In counties of the state in which are located cities~~ 10788
~~having municipal civil service commissions, the director of~~ 10789
~~administrative services may designate the municipal civil~~ 10790
~~service commission of the largest city within the county as the~~ 10791
~~director's agent for the purpose of carrying out the provisions~~ 10792
~~of sections 124.01 to 124.64 of the Revised Code, within the~~ 10793
~~county, that the director designates. Each municipal civil~~ 10794
~~service commission designated as an agent of the director shall~~ 10795
~~render to the director, at the end of each month, an itemized~~ 10796
~~statement of the cost incurred by the commission for work done~~ 10797
~~as the agent of the director, and the director, after approving~~ 10798
~~that statement, shall pay the total amount of it to the~~ 10799
~~treasurer of the municipal corporation in the same manner as~~ 10800
~~other expenses of the department of administrative services.~~ 10801

~~(F) The director of administrative services and the~~ 10802
~~examiners, inspectors, clerks, and assistants referred to in~~ 10803
~~this section shall receive, in addition to their salaries,~~ 10804
~~reimbursement for necessary traveling and other expenses~~ 10805
~~incurred in the actual discharge of their official duties. The~~ 10806

~~director may also incur the necessary expenses for stationery,~~ 10807
~~printing, and other supplies incident to the business of the~~ 10808
~~department.~~ 10809

Sec. 124.135. (A) State employees are entitled to paid 10810
leave when summoned for jury duty by a court of competent 10811
jurisdiction. 10812

(B) State employees are entitled to paid leave when 10813
subpoenaed to appear before any court, commission, board, or 10814
other legally constituted body authorized by law to compel the 10815
attendance of witnesses. This division does not apply if the 10816
state employee is a party to the action or proceeding involved 10817
or is subpoenaed as a result of secondary employment outside the 10818
service of the state. 10819

(C) A state employee shall not be required, as a condition 10820
of receiving paid leave under divisions (A) or (B) of this 10821
section, to remit to the employee's appointing authority or 10822
another officer, commission, board, or body any portion of the 10823
compensation or reimbursement paid to the employee for serving 10824
on a jury or for appearing in court pursuant to a subpoena. 10825

(D) Each full-time permanent state employee paid in 10826
accordance with section 124.152 of the Revised Code and those 10827
employees described in divisions (B)(2) and (4) of section 10828
124.14 of the Revised Code also may be entitled, in their 10829
appointing authority's discretion, to paid leave when appointed 10830
to serve on advisory boards or commissions or when soliciting 10831
for charities for which payroll deductions are made. 10832

Sec. 124.1310. (A) As used in this section: 10833

(1) "Emergency medical service," "EMT-basic," "EMT-I," 10834
"first responder," and "paramedic" have the same meanings as in 10835

section 4765.01 of the Revised Code. 10836

(2) "Volunteer firefighter" has the same meaning as in 10837
section 146.01 of the Revised Code. 10838

(B) A state employee who is an EMT-basic, EMT-I, first 10839
responder, paramedic, or volunteer firefighter shall receive 10840
~~forty one~~ hundred twenty hours of leave with pay each calendar 10841
year to use during those hours when the employee is absent from 10842
work in order to ~~provide~~ do either of the following: 10843

(1) Provide emergency medical service or fire-fighting 10844
service; 10845

(2) Attend a training or continuing education program that 10846
relates to providing emergency medical service or fire-fighting 10847
service. 10848

(C) An appointing authority shall compensate an employee 10849
who uses leave granted under this section at the employee's 10850
regular rate of pay for those regular work hours during which 10851
the employee is absent from work. 10852

Sec. 124.1312. (A) As used in this section: 10853

(1) "Foster caregiver" has the same meaning as in section 10854
5103.02 of the Revised Code. 10855

(2) "Kinship caregiver" has the same meaning as in section 10856
~~5101.85~~ 5180.50 of the Revised Code. 10857

(B) Each permanent full-time and permanent part-time 10858
employee paid in accordance with section 124.152 of the Revised 10859
Code and each employee listed in division (B) (2), (3), or (4) of 10860
section 124.14 of the Revised Code who works thirty or more 10861
hours per week, and who is a foster caregiver or kinship 10862
caregiver is eligible, on placement of a child in the employee's 10863

home, to a maximum of five days of caregiver leave with full pay 10864
in a calendar year. Caregiver leave eligibility begins on the 10865
day on which the child is placed with the prospective foster 10866
caregiver or kinship caregiver. 10867

(C) The average number of regular hours worked, which 10868
shall include all hours of holiday pay and other types of paid 10869
leave, during the three-month period immediately preceding the 10870
day caregiver leave begins shall be used to determine 10871
eligibility for leave under this section for part-time 10872
employees. If an employee has not worked for a three-month 10873
period, the number of hours for which the employee has been 10874
scheduled to work per week during the employee's period of 10875
employment shall be used to determine eligibility for leave 10876
under this section. 10877

(D) Use of caregiver leave does not affect an employee's 10878
eligibility for other forms of paid leave granted under this 10879
chapter and does not prohibit an employee from taking leave 10880
under the "Family and Medical Leave Act of 1993," 29 U.S.C. 10881
2601, except that caregiver leave shall be included in any leave 10882
time provided under that act. 10883

(E) The director of administrative services may adopt 10884
rules in accordance with Chapter 119. of the Revised Code 10885
governing caregiver leave established under this section. 10886

Sec. 124.152. (A) (1) Except as provided in division (A) (2) 10887
of this section, each exempt employee shall be paid a salary or 10888
wage in accordance with schedule E-1 or schedule E-2 of division 10889
(B) of this section. 10890

(2) Each exempt employee who holds a position in the 10891
unclassified civil service pursuant to division (A) (26) or (30) 10892

of section 124.11 of the Revised Code may be paid a salary or 10893
wage in accordance with schedule E-1 or schedule E-2 of division 10894
(B) of this section, as applicable. 10895

(B) (1) Each exempt employee who must be paid in accordance 10896
with schedule E-1 or schedule E-2 of this section shall be paid 10897
a salary or wage in accordance with the following schedule of 10898
rates as of the pay period that includes July 1, ~~2021~~2024: 10899

Schedule E-1 10900
10901

	1	2	3	4	5	6	7	8	9	10
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A Pay Ranges and Step Values

B

C		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
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D Range

10902

	1	2	3	4	5	6	7	8	9	10
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A	1	Hourly	12.14	12.69	13.21	13.80				
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			<u>13.52</u>	<u>14.13</u>	<u>14.72</u>	<u>15.37</u>				
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B		Annually	25251	26395	27476	28704				
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			<u>28122</u>	<u>29390</u>	<u>30618</u>	<u>31970</u>				
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C	2	Hourly	14.73	15.36	16.01	16.72				
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			<u>16.41</u>	<u>17.10</u>	<u>17.83</u>	<u>18.63</u>				
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D		Annually	30638	31948	33300	34777				
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			<u>34133</u>	<u>35568</u>	<u>37086</u>	<u>38750</u>	
E	3	Hourly	15.44	16.13	16.84	17.56	
			<u>17.20</u>	<u>17.97</u>	<u>18.76</u>	<u>19.56</u>	
F		Annually	32115	33550	35027	36524	
			<u>35776</u>	<u>37378</u>	<u>39021</u>	<u>40685</u>	
G	4	Hourly	16.20	16.93	17.75	18.51	
			<u>18.05</u>	<u>18.86</u>	<u>19.77</u>	<u>20.62</u>	
H		Annually	33696	35214	36920	38500	
			<u>37544</u>	<u>39229</u>	<u>41122</u>	<u>42890</u>	
I	5	Hourly	17.00	17.78	18.51	19.33	
			<u>18.94</u>	<u>19.80</u>	<u>20.62</u>	<u>21.54</u>	
J		Annually	35360	36982	38500	40206	
			<u>39395</u>	<u>41184</u>	<u>42890</u>	<u>44803</u>	
K	6	Hourly	17.91	18.66	19.47	20.27	
			<u>19.95</u>	<u>20.79</u>	<u>21.68</u>	<u>22.59</u>	
L		Annually	37252	38812	40497	42161	
			<u>41496</u>	<u>43243</u>	<u>45094</u>	<u>46987</u>	
M	7	Hourly	19.01	19.72	20.54	21.25	22.07
			<u>21.18</u>	<u>21.97</u>	<u>22.88</u>	<u>23.68</u>	<u>24.58</u>
N		Annually	39540	41017	42723	44200	45905

			<u>44054</u>	<u>45698</u>	<u>47590</u>	<u>49254</u>	<u>51126</u>		
O	8	Hourly	20.11	21.00	21.90	22.89	23.97		
			<u>22.40</u>	<u>23.39</u>	<u>24.40</u>	<u>25.50</u>	<u>26.70</u>		
P		Annually	41828	43680	45552	47611	49857		
			<u>46592</u>	<u>48651</u>	<u>50752</u>	<u>53040</u>	<u>55536</u>		
Q	9	Hourly	21.45	22.56	23.67	24.85	26.11		
			<u>23.89</u>	<u>25.14</u>	<u>26.37</u>	<u>27.69</u>	<u>29.09</u>		
R		Annually	44616	46924	49233	51688	54308		
			<u>49691</u>	<u>52291</u>	<u>54850</u>	<u>57595</u>	<u>60507</u>		
S	10	Hourly	23.13	24.41	25.72	27.20	28.64		
			<u>25.76</u>	<u>27.18</u>	<u>28.64</u>	<u>30.30</u>	<u>31.91</u>		
T		Annually	48110	50772	53497	56576	59571		
			<u>53581</u>	<u>56534</u>	<u>59571</u>	<u>63024</u>	<u>66373</u>		
U	11	Hourly	25.20	26.66	28.20	29.80	31.49		
			<u>28.08</u>	<u>29.69</u>	<u>31.42</u>	<u>33.19</u>	<u>35.07</u>		
V		Annually	52416	55452	58656	61984	65499		
			<u>58406</u>	<u>61755</u>	<u>65354</u>	<u>69035</u>	<u>72946</u>		
W	12	Hourly	27.80	29.36	30.93	32.64	34.46	36.34	37.82
			<u>30.96</u>	<u>32.71</u>	<u>34.46</u>	<u>36.36</u>	<u>38.38</u>	<u>40.48</u>	<u>42.13</u>
X		Annually	57824	61068	64334	67891	71676	75587	78665
			<u>62992</u>	<u>66651</u>	<u>70434</u>	<u>74341</u>	<u>78373</u>	<u>82530</u>	<u>86812</u>

			<u>64397</u>	<u>68037</u>	<u>71677</u>	<u>75629</u>	<u>79830</u>	<u>84198</u>	<u>87630</u>	<u>91749</u>
Y	13	Hourly	30.64	32.32	34.09	35.92	37.95	39.99	41.63	43.59
			<u>34.14</u>	<u>36.00</u>	<u>37.97</u>	<u>40.02</u>	<u>42.27</u>	<u>44.55</u>	<u>46.38</u>	<u>48.56</u>
Z		Annually	63731	67225	70907	74713	78936	83179	86590	90667
			<u>71011</u>	<u>74880</u>	<u>78978</u>	<u>83242</u>	<u>87922</u>	<u>92664</u>	<u>96470</u>	<u>101005</u>
AA	14	Hourly	33.69	35.61	37.52	39.56	41.80	44.13	45.95	48.10
			<u>37.53</u>	<u>39.67</u>	<u>41.80</u>	<u>44.07</u>	<u>46.56</u>	<u>49.15</u>	<u>51.19</u>	<u>53.58</u>
AB		Annually	70075	74068	78041	82284	86944	91790	95576	100048
			<u>78062</u>	<u>82514</u>	<u>86944</u>	<u>91666</u>	<u>96845</u>	<u>102232</u>	<u>106475</u>	<u>111446</u>
AC	15	Hourly	37.02	39.10	41.30	43.57	45.99	48.51	50.50	52.88
			<u>41.23</u>	<u>43.55</u>	<u>46.01</u>	<u>48.54</u>	<u>51.23</u>	<u>54.04</u>	<u>56.26</u>	<u>58.91</u>
AD		Annually	77001	81328	85904	90625	95659	100900	105040	109990
			<u>85758</u>	<u>90584</u>	<u>95701</u>	<u>100963</u>	<u>106558</u>	<u>112403</u>	<u>117021</u>	<u>122533</u>
AE	16	Hourly	40.81	43.08	45.45	48.00	50.63	53.53	55.73	58.34
			<u>45.45</u>	<u>47.99</u>	<u>50.62</u>	<u>53.47</u>	<u>56.40</u>	<u>59.63</u>	<u>62.08</u>	<u>64.98</u>
AF		Annually	84884	89606	94536	99840	105310	111342	115918	121347
			<u>94536</u>	<u>99819</u>	<u>105290</u>	<u>111218</u>	<u>117312</u>	<u>124030</u>	<u>129126</u>	<u>135158</u>
AG	17	Hourly	44.96	47.44	50.10	52.86	55.83	58.94	<u>69.27</u>	
			<u>50.09</u>	<u>52.85</u>	<u>55.81</u>	<u>58.88</u>	<u>62.19</u>	<u>65.66</u>		
AH		Annually	93516	98675	104208	109948	116126	122595	<u>144082</u>	

			<u>104187</u>	<u>109928</u>	<u>116085</u>	<u>122470</u>	<u>129355</u>	<u>136573</u>
AI	18	Hourly	49.55	52.29	55.24	58.28	61.50	64.94
			<u>55.20</u>	<u>58.25</u>	<u>61.54</u>	<u>64.92</u>	<u>68.51</u>	<u>72.35</u>
AJ		Annually	103064	108763	114899	121222	127920	135075
			<u>114816</u>	<u>121160</u>	<u>128003</u>	<u>135034</u>	<u>142501</u>	<u>150488</u>
AK	<u>19</u>	<u>Hourly</u>	<u>60.72</u>	<u>64.37</u>	<u>67.69</u>	<u>71.41</u>	<u>75.37</u>	<u>79.58</u>
AL		<u>Annually</u>	<u>126298</u>	<u>133890</u>	<u>140795</u>	<u>148533</u>	<u>156770</u>	<u>165526</u>

Schedule E-2

10903

10904

		1	2	3	4
A	Range			Minimum	Maximum
B	41	Hourly		16.23	48.99 <u>54.57</u>
C		Annually		33758	101899 <u>113506</u>
D	42	Hourly		17.89	54.09 <u>60.25</u>
E		Annually		37211	112507 <u>125320</u>
F	43	Hourly		19.70	59.56 <u>66.35</u>
G		Annually		40976	123884 <u>138008</u>
H	44	Hourly		21.73	65.08 <u>72.49</u>
I		Annually		45198	135366 <u>150779</u>
J	45	Hourly		24.01	71.05 <u>79.15</u>

K		Annually	49941	147784 <u>164632</u>
L	46	Hourly	26.43	77.65 <u>86.50</u>
M		Annually	54974	161512 <u>179920</u>
N	47	Hourly	29.14	84.75 <u>94.41</u>
O		Annually	60611	176280 <u>196373</u>
P	48	Hourly	32.14	92.45 <u>102.98</u>
Q		Annually	66851	192296 <u>214198</u>
R	49	Hourly	35.44	99.83 <u>111.20</u>
S		Annually	73715	207646 <u>231296</u>

(2) Each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates as of the pay period that includes July 1, ~~2022~~2025:

Schedule E-1

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8		
C	Range									
	1	2	3	4	5	6	7	8	9	10

10905
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A	1	Hourly	12.50	13.07	13.61	14.21
			<u>14.13</u>	<u>14.77</u>	<u>15.38</u>	<u>16.06</u>
B		Annually	26000	27185	28308	29556
			<u>29390</u>	<u>30722</u>	<u>31990</u>	<u>33405</u>
C	2	Hourly	15.17	15.82	16.49	17.22
			<u>17.15</u>	<u>17.87</u>	<u>18.63</u>	<u>19.47</u>
D		Annually	31553	32905	34299	35817
			<u>35672</u>	<u>37170</u>	<u>38750</u>	<u>40498</u>
E	3	Hourly	15.90	16.61	17.35	18.09
			<u>17.97</u>	<u>18.78</u>	<u>19.60</u>	<u>20.44</u>
F		Annually	33072	34548	36088	37627
			<u>37378</u>	<u>39062</u>	<u>40768</u>	<u>42515</u>
G	4	Hourly	16.69	17.44	18.28	19.07
			<u>18.86</u>	<u>19.71</u>	<u>20.66</u>	<u>21.55</u>
H		Annually	34715	36275	38022	39665
			<u>39229</u>	<u>40997</u>	<u>42973</u>	<u>44824</u>
I	5	Hourly	17.51	18.31	19.07	19.91
			<u>19.79</u>	<u>20.69</u>	<u>21.55</u>	<u>22.51</u>
J		Annually	36420	38084	39665	41412
			<u>41163</u>	<u>43035</u>	<u>44824</u>	<u>46821</u>

K	6	Hourly	18.45	19.22	20.05	20.88	
			<u>20.85</u>	<u>21.73</u>	<u>22.66</u>	<u>23.61</u>	
L		Annually	38376	39977	41704	43430	
			<u>43368</u>	<u>45198</u>	<u>47133</u>	<u>49109</u>	
M	7	Hourly	19.58	20.31	21.16	21.89	22.73
			<u>22.13</u>	<u>22.96</u>	<u>23.91</u>	<u>24.75</u>	<u>25.69</u>
N		Annually	40726	42244	44012	45531	47278
			<u>46030</u>	<u>47757</u>	<u>49733</u>	<u>51480</u>	<u>53435</u>
O	8	Hourly	20.71	21.63	22.56	23.58	24.69
			<u>23.41</u>	<u>24.44</u>	<u>25.50</u>	<u>26.65</u>	<u>27.90</u>
P		Annually	43076	44990	46924	49046	51355
			<u>48693</u>	<u>50835</u>	<u>53040</u>	<u>55432</u>	<u>58032</u>
Q	9	Hourly	22.09	23.24	24.38	25.60	26.89
			<u>24.97</u>	<u>26.27</u>	<u>27.56</u>	<u>28.94</u>	<u>30.40</u>
R		Annually	45947	48339	50710	53248	55931
			<u>51938</u>	<u>54642</u>	<u>57325</u>	<u>60195</u>	<u>63232</u>
S	10	Hourly	23.82	25.14	26.49	28.02	29.50
			<u>26.92</u>	<u>28.40</u>	<u>29.93</u>	<u>31.66</u>	<u>33.35</u>
T		Annually	49545	52291	55099	58281	61360
			<u>55994</u>	<u>59072</u>	<u>62254</u>	<u>65853</u>	<u>69368</u>

U	11 Hourly	25.96	27.46	29.05	30.69	32.43			
		<u>29.34</u>	<u>31.03</u>	<u>32.83</u>	<u>34.68</u>	<u>36.65</u>			
V	Annually	53996	57116	60424	63835	67454			
		<u>61027</u>	<u>64542</u>	<u>68286</u>	<u>72134</u>	<u>76232</u>			
W	12 Hourly	28.63	30.24	31.86	33.62	35.49	37.43	38.95	40.79
		<u>32.35</u>	<u>34.18</u>	<u>36.01</u>	<u>38.00</u>	<u>40.11</u>	<u>42.30</u>	<u>44.03</u>	<u>46.09</u>
X	Annually	59550	62889	66268	69929	73819	77854	81016	84843
		<u>67288</u>	<u>71094</u>	<u>74901</u>	<u>79040</u>	<u>83429</u>	<u>87984</u>	<u>91582</u>	<u>95867</u>
Y	13 Hourly	31.56	33.29	35.11	37.00	39.09	41.19	42.88	44.90
		<u>35.68</u>	<u>37.62</u>	<u>39.68</u>	<u>41.82</u>	<u>44.17</u>	<u>46.55</u>	<u>48.47</u>	<u>50.75</u>
Z	Annually	65644	69243	73028	76960	81307	85675	89190	93392
		<u>74214</u>	<u>78250</u>	<u>82534</u>	<u>86986</u>	<u>91874</u>	<u>96824</u>	<u>100818</u>	<u>105560</u>
AA	14 Hourly	34.70	36.68	38.65	40.75	43.05	45.45	47.33	49.54
		<u>39.22</u>	<u>41.46</u>	<u>43.68</u>	<u>46.05</u>	<u>48.66</u>	<u>51.36</u>	<u>53.49</u>	<u>55.99</u>
AB	Annually	72176	76294	80392	84760	89544	94536	98446	103043
		<u>81578</u>	<u>86237</u>	<u>90854</u>	<u>95784</u>	<u>101213</u>	<u>106829</u>	<u>111259</u>	<u>116459</u>
AC	15 Hourly	38.13	40.27	42.54	44.88	47.37	49.97	52.02	54.47
		<u>43.09</u>	<u>45.51</u>	<u>48.08</u>	<u>50.72</u>	<u>53.54</u>	<u>56.47</u>	<u>58.79</u>	<u>61.56</u>
AD	Annually	79310	83761	88483	93350	98529	103937	108201	113297
		<u>89627</u>	<u>94661</u>	<u>100006</u>	<u>105498</u>	<u>111363</u>	<u>117458</u>	<u>122283</u>	<u>128045</u>

AE 16 Hourly	42.03	44.37	46.81	49.44	52.15	55.14	57.40	60.09
	<u>47.50</u>	<u>50.15</u>	<u>52.90</u>	<u>55.88</u>	<u>58.94</u>	<u>62.31</u>	<u>64.87</u>	<u>67.90</u>
AF Annually	87422	92289	97364	102835	108472	114691	119392	124987
	<u>98800</u>	<u>104312</u>	<u>110032</u>	<u>116230</u>	<u>122595</u>	<u>129605</u>	<u>134930</u>	<u>141232</u>
AG 17 Hourly	46.31	48.86	51.60	54.45	57.50	60.71	<u>72.39</u>	
	<u>52.34</u>	<u>55.23</u>	<u>58.32</u>	<u>61.53</u>	<u>64.99</u>	<u>68.61</u>		
AH Annually	96324	101628	107328	113256	119600	126276	<u>150571</u>	
	<u>108867</u>	<u>114878</u>	<u>121306</u>	<u>127982</u>	<u>135179</u>	<u>142709</u>		
AI 18 Hourly	51.04	53.86	56.90	60.03	63.35	66.89		
	<u>57.68</u>	<u>60.87</u>	<u>64.31</u>	<u>67.84</u>	<u>71.59</u>	<u>75.61</u>		
AJ Annually	106163	112028	118352	124862	131768	139131		
	<u>119974</u>	<u>126610</u>	<u>133765</u>	<u>141107</u>	<u>148907</u>	<u>157269</u>		
AK <u>19 Hourly</u>	<u>63.45</u>	<u>67.27</u>	<u>70.74</u>	<u>74.62</u>	<u>78.76</u>	<u>83.16</u>		
AL <u>Annually</u>	<u>131976</u>	<u>139922</u>	<u>147139</u>	<u>155210</u>	<u>163821</u>	<u>172973</u>		

Schedule E-2

10912

10913

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	50.46 <u>57.03</u>
C		Annually	33758	104956 <u>118622</u>

D	42	Hourly	17.89	55.71 <u>62.96</u>
E		Annually	37211	1158761 <u>130957</u>
F	43	Hourly	19.70	61.35 <u>69.34</u>
G		Annually	40976	1276081 <u>144227</u>
H	44	Hourly	21.73	67.03 <u>75.75</u>
I		Annually	45198	1394221 <u>157560</u>
J	45	Hourly	24.01	73.18 <u>82.71</u>
K		Annually	49941	1522141 <u>172037</u>
L	46	Hourly	26.43	79.98 <u>90.39</u>
M		Annually	54974	1663581 <u>188011</u>
N	47	Hourly	29.14	87.29 <u>98.66</u>
O		Annually	60611	1815632 <u>205213</u>
P	48	Hourly	32.14	95.22 <u>107.61</u>
Q		Annually	66851	1980572 <u>223829</u>
R	49	Hourly	35.44	102.82 <u>116.20</u>
S		Annually	73715	2138652 <u>241696</u>

(3) Each exempt employee who must be paid in accordance 10914
with schedule E-1 or schedule E-2 of this section shall be paid 10915
a salary or wage in accordance with the following schedule of 10916
rates as of the pay period that includes July 1, ~~2023~~2026: 10917

Schedule E-1

10918

10919

	1	2	3	4	5	6	7	8	9	10
A	Pay Ranges and Step Values									
B			Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
C	Range									
D	1	Hourly	12.88	13.46	14.02	14.64				
			<u>14.55</u>	<u>15.21</u>	<u>15.84</u>	<u>16.54</u>				
E		Annually	26790	27996	29161	30451				
			<u>30264</u>	<u>31637</u>	<u>32947</u>	<u>34403</u>				
F	2	Hourly	15.63	16.29	16.98	17.74				
			<u>17.66</u>	<u>18.41</u>	<u>19.19</u>	<u>20.05</u>				
G		Annually	32510	33883	35318	36899				
			<u>36733</u>	<u>38293</u>	<u>39915</u>	<u>41704</u>				
H	3	Hourly	16.38	17.11	17.87	18.63				
			<u>18.51</u>	<u>19.34</u>	<u>20.19</u>	<u>21.05</u>				
I		Annually	34070	35588	37169	38750				
			<u>38501</u>	<u>40227</u>	<u>41995</u>	<u>43784</u>				
J	4	Hourly	17.19	17.96	18.83	19.64				
			<u>19.43</u>	<u>20.30</u>	<u>21.28</u>	<u>22.20</u>				

K		Annually	35755	37356	39166	40851	
			<u>40414</u>	<u>42224</u>	<u>44262</u>	<u>46176</u>	
L	5	Hourly	18.04	18.86	19.64	20.51	
			<u>20.38</u>	<u>21.31</u>	<u>22.20</u>	<u>23.19</u>	
M		Annually	37523	39228	40851	42660	
			<u>42390</u>	<u>44325</u>	<u>46176</u>	<u>48235</u>	
N	6	Hourly	19.00	19.80	20.65	21.51	
			<u>21.48</u>	<u>22.38</u>	<u>23.34</u>	<u>24.32</u>	
O		Annually	39520	41184	42952	44740	
			<u>44678</u>	<u>46550</u>	<u>48547</u>	<u>50586</u>	
P	7	Hourly	20.17	20.92	21.79	22.55	23.41
			<u>22.79</u>	<u>23.65</u>	<u>24.63</u>	<u>25.49</u>	<u>26.46</u>
Q		Annually	41953	43513	45323	46904	48692
			<u>47403</u>	<u>49192</u>	<u>51230</u>	<u>53019</u>	<u>55037</u>
R	8	Hourly	21.33	22.28	23.24	24.29	25.43
			<u>24.11</u>	<u>25.17</u>	<u>26.27</u>	<u>27.45</u>	<u>28.74</u>
S		Annually	44366	46342	48339	50523	52894
			<u>50149</u>	<u>52354</u>	<u>54642</u>	<u>57096</u>	<u>59779</u>
T	9	Hourly	22.75	23.94	25.11	26.37	27.70
			<u>25.72</u>	<u>27.06</u>	<u>28.39</u>	<u>29.81</u>	<u>31.31</u>

U		Annually	47320	49795	52228	54849	57616		
			<u>53498</u>	<u>56285</u>	<u>59051</u>	<u>62005</u>	<u>65125</u>		
V	10	Hourly	24.53	25.89	27.28	28.86	30.39		
			<u>27.73</u>	<u>29.25</u>	<u>30.83</u>	<u>32.61</u>	<u>34.35</u>		
W		Annually	51022	53851	56742	60028	63211		
			<u>57678</u>	<u>60840</u>	<u>64126</u>	<u>67829</u>	<u>71448</u>		
X	11	Hourly	26.74	28.28	29.92	31.61	33.40		
			<u>30.22</u>	<u>31.96</u>	<u>33.81</u>	<u>35.72</u>	<u>37.75</u>		
Y		Annually	55619	58822	62233	65748	69472		
			<u>62858</u>	<u>66477</u>	<u>70325</u>	<u>74298</u>	<u>78520</u>		
Z	12	Hourly	29.49	31.15	32.82	34.63	36.55	38.55	40.12
			<u>33.32</u>	<u>35.21</u>	<u>37.09</u>	<u>39.14</u>	<u>41.31</u>	<u>43.57</u>	<u>45.35</u>
AA		Annually	61339	64792	68265	72030	76024	80184	83449
			<u>69306</u>	<u>73237</u>	<u>77147</u>	<u>81411</u>	<u>85925</u>	<u>90626</u>	<u>94328</u>
AB	13	Hourly	32.51	34.29	36.16	38.11	40.26	42.43	44.17
			<u>36.75</u>	<u>38.75</u>	<u>40.87</u>	<u>43.07</u>	<u>45.50</u>	<u>47.95</u>	<u>49.92</u>
AC		Annually	67620	71323	75212	79268	83740	88254	91873
			<u>76440</u>	<u>80600</u>	<u>85010</u>	<u>89586</u>	<u>94640</u>	<u>99736</u>	<u>103834</u>
AD	14	Hourly	35.74	37.78	39.81	41.97	44.34	46.81	48.75
			<u>40.40</u>	<u>42.70</u>	<u>44.99</u>	<u>47.43</u>	<u>50.12</u>	<u>52.90</u>	<u>55.09</u>

AE		Annually	74339	78582	82804	87297	92227	97364	101400	106142
			<u>84032</u>	<u>88816</u>	<u>93579</u>	<u>98654</u>	<u>104250</u>	<u>110032</u>	<u>114587</u>	<u>119954</u>
AF	15	Hourly	39.27	41.48	43.82	46.23	48.79	51.47	53.58	56.10
			<u>44.38</u>	<u>46.88</u>	<u>49.52</u>	<u>52.24</u>	<u>55.15</u>	<u>58.16</u>	<u>60.55</u>	<u>63.41</u>
AG		Annually	81681	86278	91145	96158	101483	107057	111446	116688
			<u>92310</u>	<u>97510</u>	<u>103002</u>	<u>108659</u>	<u>114712</u>	<u>120973</u>	<u>125944</u>	<u>131893</u>
AH	16	Hourly	43.29	45.70	48.21	50.92	53.71	56.79	59.12	61.89
			<u>48.93</u>	<u>51.65</u>	<u>54.49</u>	<u>57.56</u>	<u>60.71</u>	<u>64.18</u>	<u>66.82</u>	<u>69.94</u>
AI		Annually	90043	95056	100276	105913	111716	118123	122969	128731
			<u>101774</u>	<u>107432</u>	<u>113339</u>	<u>119725</u>	<u>126277</u>	<u>133494</u>	<u>138986</u>	<u>145475</u>
AJ	17	Hourly	47.70	50.33	53.15	56.08	59.23	62.53	65.97	
			<u>53.91</u>	<u>56.89</u>	<u>60.07</u>	<u>63.38</u>	<u>66.94</u>	<u>70.67</u>	<u>74.56</u>	
AK		Annually	99216	104686	110552	116646	123198	130062	137217	
			<u>112133</u>	<u>118331</u>	<u>124946</u>	<u>131830</u>	<u>139235</u>	<u>146994</u>	<u>155085</u>	
AL	18	Hourly	52.57	55.48	58.61	61.83	65.25	68.90		
			<u>59.41</u>	<u>62.70</u>	<u>66.24</u>	<u>69.88</u>	<u>73.74</u>	<u>77.88</u>		
AM		Annually	109345	115398	121908	128606	135720	143312		
			<u>123573</u>	<u>130416</u>	<u>137779</u>	<u>145350</u>	<u>153379</u>	<u>161990</u>		
AN	19	Hourly	57.83	61.03	64.47	68.01	71.78	75.79		
			<u>65.35</u>	<u>69.29</u>	<u>72.86</u>	<u>76.86</u>	<u>81.12</u>	<u>85.65</u>		

AO Annually ~~120286~~ ~~126942~~ ~~134097~~ ~~141460~~ ~~149302~~ ~~157643~~
135928 144123 151549 159869 168730 178152

Schedule E-2

10920

10921

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	16.23	51.97 <u>58.74</u>
C		Annually	33758	108097 <u>122179</u>
D	42	Hourly	17.89	57.38 <u>64.85</u>
E		Annually	37211	119350 <u>134888</u>
F	43	Hourly	19.70	63.19 <u>71.42</u>
G		Annually	40976	131435 <u>148554</u>
H	44	Hourly	21.73	69.04 <u>78.02</u>
I		Annually	45198	143603 <u>162282</u>
J	45	Hourly	24.01	75.38 <u>85.19</u>
K		Annually	49941	156790 <u>177195</u>
L	46	Hourly	26.43	82.38 <u>93.10</u>
M		Annually	54974	171350 <u>193648</u>
N	47	Hourly	29.14	89.91 <u>101.62</u>

O		Annually	60611	187012 <u>2211370</u>
P	48	Hourly	32.14	98.08 <u>110.84</u>
Q		Annually	66851	204006 <u>230547</u>
R	49	Hourly	35.44	105.90 <u>119.69</u>
S		Annually	73715	220272 <u>248955</u>

(C) As used in this section: 10922

(1) "Exempt employee" means a permanent full-time or 10923
permanent part-time employee paid directly by warrant of the 10924
director of budget and management whose position is included in 10925
the job classification plan established under division (A) of 10926
section 124.14 of the Revised Code but who is not considered a 10927
public employee for the purposes of Chapter 4117. of the Revised 10928
Code. "Exempt employee" also includes a permanent full-time or 10929
permanent part-time employee of the secretary of state, auditor 10930
of state, treasurer of state, or attorney general who has not 10931
been placed in an appropriate bargaining unit by the state 10932
employment relations board. 10933

(2) "Base rate of pay" means the rate of pay established 10934
under schedule E-1 of this section, plus the supplement provided 10935
under division (E) of section 124.181 of the Revised Code, plus 10936
any supplements enacted into law that are added to schedule E-1 10937
of this section. 10938

~~(D) Notwithstanding any division of this section to the~~ 10939
~~contrary, or division (E) or (G) of section 124.15 of the~~ 10940
~~Revised Code with respect to requirements for step placement and~~ 10941
~~advancement, no exempt employee other than a captain or~~ 10942

~~equivalent officer in the state highway patrol shall be placed~~ 10943
~~in step value 7 in range 17 of schedule E-1 of division (B) (3)~~ 10944
~~of this section.~~ 10945

Sec. 124.184. (A) As used in this section: 10946

(1) "State agency" means every organized body, office, or 10947
agency established by the laws of the state for the exercise of 10948
any function of state government and includes the public 10949
employees retirement system, Ohio police and fire pension fund, 10950
state teachers retirement system, school employees retirement 10951
system, and state highway patrol retirement system. "State 10952
agency" does not include a state institution of higher education 10953
as defined in section 3345.011 of the Revised Code or the 10954
nonprofit corporation formed under section 187.01 of the Revised 10955
Code. 10956

(2) Notwithstanding the definition of "employee" in 10957
section 124.01 of the Revised Code, "state employee" means an 10958
individual holding a position subject to appointment, removal, 10959
promotion, or reduction by a state agency. 10960

(B) (1) Not later than October 15, 2025, each state agency 10961
shall develop a plan for the agency's state employees to report 10962
to the agency's worksite or another location designated by the 10963
agency during the time the employees are performing their duties 10964
for the agency. 10965

(2) Beginning January 1, 2026, a state agency shall 10966
require the agency's state employees to report to the agency's 10967
worksite or another location in accordance with the plan 10968
developed by the agency under division (B) (1) of this section. 10969
Except as provided in divisions (C) and (D) of this section, no 10970
state employee shall work from the employee's place of 10971

residence. 10972

(C) Nothing in this section precludes a state agency from 10973
permitting a state employee employed by the agency to work from 10974
the employee's place of residence as a reasonable accommodation 10975
under Title I of the "Americans with Disabilities Act of 1990," 10976
42 U.S.C. 12111, et seq. or Chapter 4112. of the Revised Code. 10977

(D) A state agency may adopt a policy allowing an 10978
appointing authority or the appointing authority's designee to 10979
approve a state employee to work from the employee's place of 10980
residence or other off-site location under any of the following 10981
circumstances: 10982

(1) During an occasional or emergent situation as required 10983
to complete a necessary or time-sensitive business function of 10984
the agency; 10985

(2) Rare occasions where a health order or weather 10986
emergency requires an individual to remain at the individual's 10987
place of residence or to shelter in place; 10988

(3) Occasions where the agency's worksite is or may be 10989
closed on a temporary or ongoing basis, including remodeling an 10990
existing building, natural disaster, utility outage, security 10991
threat, or other occurrence that has or will result in such a 10992
closure; 10993

(4) Except as provided in division (D) (5) of this section, 10994
the appointing authority or the appointing authority's designee 10995
determines that an employee, due to the employee's job 10996
classification or position, primarily performs the employee's 10997
duties for the agency in the field or another location 10998
designated by the agency that is not the employee's place of 10999
residence; 11000

(5) Where the appointing authority or the appointing 11001
authority's designee determines that an employee is in a 11002
computer-related occupation as provided in sections 13(a)(1) and 11003
(17) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 213, 11004
as defined in 29 C.F.R. 541.400; 11005

(6) Where the appointing authority or the appointing 11006
authority's designee grants an employee an accommodation for a 11007
temporary medical condition not covered under division (C) of 11008
this section; 11009

(7) Where the appointing authority or the appointing 11010
authority's designee determines that an employee's place of 11011
residence is forty or more miles from the agency's worksite; 11012

(8) Where the appointing authority or the appointing 11013
authority's designee determines that the agency does not have 11014
adequate space or equipment for an employee at the agency's 11015
worksite. 11016

Sec. 125.01. As used in this chapter: 11017

(A) "Order" means a copy of a contract or a statement of 11018
the nature of a contemplated expenditure, a description of the 11019
property or supplies to be purchased or service to be performed, 11020
other than a service performed by officers and regular employees 11021
of the state, and per diem of the national guard, and the total 11022
sum of the expenditure to be made therefor, if the sum is fixed 11023
and ascertained, otherwise the estimated sum thereof, and an 11024
authorization to pay for the contemplated expenditure, signed by 11025
the person instructed and authorized to pay upon receipt of a 11026
proper invoice. 11027

(B) "Invoice" means an itemized listing showing delivery 11028
of the supplies or performance of the service described in the 11029

order including all of the following: 11030

(1) The date of the purchase or rendering of the service; 11031

(2) An itemization of the things done, material supplied, 11032
or labor furnished; 11033

(3) The sum due pursuant to the contract or obligation. 11034

(C) "Products" means materials, supplies, merchandise, 11035
goods, wares, and foodstuffs. 11036

(D) "Produced" means the manufacturing, processing, 11037
mining, developing, and making of a thing into a new article 11038
with a distinct character in use through the application of 11039
input, within the state or a state bordering Ohio, of Buy Ohio 11040
products, labor, skill, or other services. "Produced" does not 11041
include the mere assembling or putting together of products or 11042
materials from outside of Ohio or a state bordering Ohio. 11043

(E) "Buy Ohio products" means products that are mined, 11044
excavated, produced, manufactured, raised, or grown in the state 11045
or a state bordering Ohio where the input of Buy Ohio products, 11046
labor, skill, or other services constitutes no less than twenty- 11047
five per cent of the manufactured cost. With respect to mined 11048
products, such products shall be mined or excavated in this 11049
state or a state bordering Ohio. "Buy Ohio products" includes 11050
any product that includes semiconductors produced by a company 11051
with a significant Ohio economic presence. 11052

(F) "Purchase" means to buy, rent, lease, lease purchase, 11053
or otherwise acquire supplies or services. "Purchase" also 11054
includes all functions that pertain to the obtaining of supplies 11055
or services, including description of requirements, selection 11056
and solicitation of sources, preparation and award of contracts, 11057
all phases of contract administration, and receipt and 11058

acceptance of the supplies and services and payment for them. 11059

(G) "Services" means the furnishing of labor, time, or 11060
effort by a person, not involving the delivery of a specific end 11061
product other than a report which, if provided, is merely 11062
incidental to the required performance. "Services" does not 11063
include services furnished pursuant to employment agreements or 11064
collective bargaining agreements. 11065

(H) "Supplies" means all property, including, but not 11066
limited to, equipment, materials, and other tangible assets, but 11067
excluding real property or an interest in real property. 11068

(I) "Competitive selection" means any of the following 11069
procedures for making purchases: 11070

(1) Competitive sealed bidding under section 125.07 of the 11071
Revised Code; 11072

(2) Competitive sealed proposals under section 125.071 of 11073
the Revised Code; 11074

(3) Reverse auctions under section 125.072 of the Revised 11075
Code; 11076

(4) Electronic procurement under section 125.073 of the 11077
Revised Code. 11078

(J) "Direct purchasing authority" means the authority of a 11079
state agency to make a purchase without competitive selection 11080
pursuant to sections 125.05 and 127.16 of the Revised Code. 11081

Sec. 125.041. (A) Nothing in sections 125.02, 125.04 to 11082
125.08, 125.12 to 125.16, 125.18, 125.31 to ~~125.76~~125.71, or 11083
125.831 of the Revised Code shall be construed as limiting the 11084
attorney general, auditor of state, secretary of state, or 11085
treasurer of state in any of the following: 11086

(1) Purchases for less than the dollar amounts for the 11087
purchase of supplies or services determined under section 125.05 11088
of the Revised Code; 11089

(2) Purchases that equal or exceed the dollar amounts for 11090
the purchase of supplies or services determined under section 11091
125.05 of the Revised Code with the approval of the controlling 11092
board, if that approval is required by section 127.16 of the 11093
Revised Code; 11094

(3) The final determination of the nature or quantity of 11095
any purchase of supplies or services under division (B) of 11096
section 125.02 or under division (G) of section 125.035 of the 11097
Revised Code; 11098

(4) The final determination and disposal of excess and 11099
surplus supplies; 11100

(5) The inventory of state property; 11101

(6) The purchase of printing; 11102

(7) Activities related to information technology 11103
development and use; 11104

(8) The fleet management program. 11105

(B) Nothing in this section shall be construed as 11106
preventing the attorney general, auditor of state, secretary of 11107
state, or treasurer of state from complying with or 11108
participating in any aspect of Chapter 125. of the Revised Code 11109
through the department of administrative services. 11110

Sec. 125.071. (A) In accordance with rules the director of 11111
administrative services shall adopt, the director may make 11112
purchases by competitive sealed proposal whenever the director 11113
determines that the use of competitive sealed bidding is not 11114

possible or not advantageous to the state. 11115

(B) Proposals shall be solicited through a request for 11116
proposals. The request for proposals shall state the relative 11117
importance of price and other evaluation factors. Notice of the 11118
request for proposals shall be given in accordance with rules 11119
the director shall adopt. 11120

(C) Proposals shall be opened so as to avoid disclosure of 11121
contents to competing offerors. 11122

~~In order to ensure fair and impartial evaluation, 11123~~
~~proposals and related documents submitted in response to a 11124~~
~~request for proposals are not available for public inspection 11125~~
~~and copying under section 149.43 of the Revised Code until after 11126~~
~~the award of the contract. 11127~~

(D) As provided in the request for proposals, and under 11128
rules the director shall adopt, discussions may be conducted 11129
with responsible offerors who submit proposals determined to be 11130
reasonably susceptible of being selected for award for the 11131
purpose of ensuring full understanding of, and responsiveness 11132
to, solicitation requirements. Offerors shall be accorded fair 11133
and equal treatment with respect to any opportunity for 11134
discussion regarding any clarification, correction, or revision 11135
of proposals. No disclosure of any information derived from 11136
proposals submitted by competing offerors shall occur when 11137
discussions are conducted. 11138

(E) Award may be made to the offerors whose proposals are 11139
determined to be the most advantageous to this state, taking 11140
into consideration factors such as price and the evaluation 11141
criteria set forth in the request for proposals. The contract 11142
file shall contain the basis on which the award is made. 11143

Sec. 125.11. (A) Subject to division (B) of this section, 11144
contracts awarded pursuant to a reverse auction under section 11145
125.072 of the Revised Code or pursuant to competitive sealed 11146
bidding, including contracts awarded under section 125.081 of 11147
the Revised Code, shall be awarded to the lowest responsive and 11148
responsible bidder in accordance with section 9.312 of the 11149
Revised Code, and contracts awarded pursuant to a competitive 11150
sealed proposal shall be awarded to the offeror determined to be 11151
the most advantageous to this state. 11152

(B) Prior to awarding a contract under division (A) of 11153
this section, the department of administrative services or the 11154
state agency responsible for evaluating a contract for the 11155
purchase of products or services shall evaluate the bids and 11156
offers received according to the criteria and procedures 11157
established pursuant to division (B) of section 125.09 of the 11158
Revised Code for determining if a product is mined, excavated, 11159
produced, manufactured, raised, or grown in the United States, 11160
in this state, or in a state bordering Ohio, whether the bid or 11161
offer was received from a Buy Ohio supplier, and whether the bid 11162
or offer was received from a certified veteran-friendly business 11163
enterprise. These requirements shall be applied where sufficient 11164
competition can be generated to ensure that compliance with 11165
these requirements will be in the best interest of the state 11166
unless otherwise prohibited. 11167

(C) In order to ensure fair and impartial evaluation, 11168
materials relating to a solicitation through competitive 11169
selection shall not be considered public records under section 11170
149.43 of the Revised Code until after the award of the contract 11171
based on the competitive selection. If all bids or proposals 11172
received in response to a solicitation through competitive 11173
selection are rejected, and notice is provided of an intent to 11174

reissue the solicitation through competitive selection, the 11175
materials relating to the original solicitation and the 11176
materials relating to the reissued solicitation shall not be 11177
considered public records under section 149.43 of the Revised 11178
Code until after the award of the contract based on the reissued 11179
solicitation through competitive selection. 11180

(D) Division (B) of this section applies to contracts for 11181
which competitive selection is waived by the controlling board. 11182

~~(D)~~ (E) Division (B) of this section does not apply to the 11183
purchase by the division of liquor control of spirituous liquor. 11184

Sec. 125.111. ~~(A)~~ Every contract for or on behalf of the 11185
state or any of its political subdivisions for any purchase 11186
shall contain provisions similar to those required by section 11187
153.59 of the Revised Code in the case of construction contracts 11188
by which the contractor agrees to both of the following: 11189

~~(1)~~ (A) That, in the hiring of employees for the 11190
performance of work under the contract or any subcontract, no 11191
contractor or subcontractor, by reason of race, color, religion, 11192
sex, age, disability or military status as defined in section 11193
4112.01 of the Revised Code, national origin, or ancestry, shall 11194
discriminate against any citizen of this state in the employment 11195
of a person qualified and available to perform the work to which 11196
the contract relates; 11197

~~(2)~~ (B) That no contractor, subcontractor, or person acting 11198
on behalf of any contractor or subcontractor, in any manner, 11199
shall discriminate against, intimidate, or retaliate against any 11200
employee hired for the performance of work under the contract on 11201
account of race, color, religion, sex, age, disability or 11202
military status as defined in section 4112.01 of the Revised 11203

Code, national origin, or ancestry. 11204

~~(B) All contractors from whom the state or any of its~~ 11205
~~political subdivisions make purchases shall have a written~~ 11206
~~affirmative action program for the employment and effective~~ 11207
~~utilization of economically disadvantaged persons, as referred~~ 11208
~~to in division (E)(1) of section 122.71 of the Revised Code.~~ 11209
~~Annually, each such contractor shall file a description of the~~ 11210
~~affirmative action program and a progress report on its~~ 11211
~~implementation with the department of development.~~ 11212

Sec. 125.183. (A) As used in this section: 11213

(1) "Covered application" means ~~all of the following:~~ 11214

~~(a) The TikTok application and service or any successor~~ 11215
~~application or service developed or provided by ByteDance~~ 11216
~~limited or an entity owned by ByteDance limited;~~ 11217

~~(b) The WeChat application and service or any successor~~ 11218
~~application or service developed or provided by Tencent holdings~~ 11219
~~limited or an entity owned by Tencent holdings limited;~~ 11220

~~(c) Any application or service owned by an entity located~~ 11221
~~in China, including QQ International (QQi), Qzone, Weibo, Xiao~~ 11222
~~HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian~~ 11223
~~Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little~~ 11224
~~Red Book, and Zhihuany application owned or controlled, directly~~ 11225
~~or indirectly, by an entity identified as a foreign adversary as~~ 11226
~~defined in 15 C.F.R. 791.2.~~ 11227

(2) "State agency" means every organized body, office, or 11228
agency established by the laws of this state for the exercise of 11229
any function of state government, other than any state-supported 11230
institution of higher education, the courts, or any judicial 11231
agency. "State agency" includes the general assembly, any 11232

legislative agency, and the capitol square review and advisory board. 11233
11234

(B) Subject to division (C) of this section, the state chief information officer shall do all of the following: 11235
11236

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 11237
11238

(2) Prohibit all of the following on equipment owned or leased by a state agency: 11239
11240

(a) The downloading, installation, or use of a covered application; 11241
11242

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 11243
11244
11245

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 11246
11247
11248

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B) (2) of this section. 11249
11250
11251

(C) Division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so. 11252
11253
11254
11255
11256

Sec. 125.31. (A) The department of administrative services shall have supervision of all public printing except as follows: 11257
11258

(1) Printing for the general assembly shall be the sole 11259

responsibility of the clerk of the senate and the clerk of the 11260
house of representatives unless the clerk of the senate or the 11261
clerk of the house of representatives chooses either of the 11262
options specified in section 101.523 or 101.524 of the Revised 11263
Code. 11264

(2) Printing for the Ohio arts council shall be under the 11265
supervision of the council. 11266

(3) Printing for the capitol square review and advisory 11267
board shall be under the supervision of the board. 11268

(4) Printing for state-supported institutions of higher 11269
education shall be under the supervision of the department of 11270
purchasing of each such institution or the department or officer 11271
within each institution that performs the functions of a 11272
department of purchasing. 11273

(B) The department of administrative services shall 11274
determine, except as otherwise specifically provided by law, the 11275
number of copies to be printed of each publication or document, 11276
the source of reproduction, the manner of binding, quality of 11277
paper, the general kind, size, and spacing of type to be used in 11278
all reports, publications, bulletins, documents, or pamphlets 11279
printed at public expense. 11280

The department shall not use its authority to curtail the 11281
release of public information by any elected state official. 11282

~~(C) For the purposes of sections 125.31 to 125.76 of the~~ 11283
~~Revised Code, all functions, powers, and duties assigned to the~~ 11284
~~department of administrative services are considered to be~~ 11285
~~assigned to the division of state printing within the department~~ 11286
~~of administrative services~~ Division (B) of this section does not 11287
apply to printing contracts requiring special security paper, of 11288

a unique nature, if compliance will result in acquiring a 11289
disproportionately inferior product or a price that exceeds by 11290
more than five per cent the lowest price submitted on a non-Ohio 11291
bid. 11292

Sec. 125.42. (A) No agency, officer, board, or commission, 11293
except the clerk of the senate and the clerk of the house of 11294
representatives, shall print or cause to be printed at the 11295
public expense, any report, bulletin, document, or pamphlet, 11296
unless such report, bulletin, document, or pamphlet is first 11297
submitted to, and the printing thereof approved by, the 11298
department of administrative services. If the department 11299
approves the printing, it shall determine the form of such 11300
printing and the number of copies. 11301

If such approval is given, the department shall cause the 11302
same to be printed and bound ~~as provided by sections 125.49,~~ 11303
~~125.51, and 125.56 of the Revised Code, except as otherwise~~ 11304
~~provided by section 125.45 of the Revised Code;~~ and when 11305
printed, such publications or forms shall be delivered to the 11306
ordering officer, board, commission, or department, or sold at a 11307
price not to exceed the total cost. 11308

(B) The department of administrative services annually 11309
shall set a maximum cost per page and a maximum total cost for 11310
the printing by any board, commission, council, or other public 11311
body of the state of any annual report or any other report that 11312
it is required by law to produce. No board, commission, council, 11313
or other public body of the state shall expend or incur the 11314
expenditure of any amount in excess of these maximum amounts 11315
without the prior approval of the department. This division does 11316
not apply to the general assembly or any court. 11317

Sec. 125.58. ~~The department of administrative services~~ 11318

~~shall promptly notify each successful offeror of the acceptance of the offeror's bid or proposal for state printing. If such offeror fails to execute the contract because of death or other cause, or if the offeror fails to execute the work required by the contract in a proper manner and with reasonable promptness, or the contract is abandoned, or its execution is temporarily suspended, the department may enter into a contract with another person for the prompt execution of the work for the lowest price which may be obtained. Before any work is relet in consequence of the misconduct or default of the contractor, the department shall give the contractor written notice thereof. The department of administrative services may set a daily penalty charge for late orders, provided the penalty schedule and amount are stated in the invitation to bid or request for proposals for the printing.~~

Sec. 126.024. Beginning with the state budget that is introduced following the effective date of this section, and subsequent state budgets thereafter, the director of budget and management, in consultation with the medicaid director, shall request and propose multiple medicaid health care services general revenue fund appropriation items. At a minimum, the directors shall propose a separate general revenue fund appropriation item for the different health care services included in the medicaid program, including all of the following:

- (A) Services provided under the care management system;
- (B) Nursing facility services;
- (C) Hospital services;
- (D) Behavioral health services;

<u>(E) Services provided under medicaid waiver components</u>	11348
<u>administered by the department of aging;</u>	11349
<u>(F) Prescription drug services;</u>	11350
<u>(G) Physician services;</u>	11351
<u>(H) Services provided under the Ohio home care waiver</u>	11352
<u>program;</u>	11353
<u>(I) Services provided under medicaid waiver components</u>	11354
<u>administered by the department of developmental disabilities;</u>	11355
<u>(J) Services provided under the medicaid waiver component</u>	11356
<u>known as the Ohio resilience through integrated systems and</u>	11357
<u>excellence (OhioRISE) waiver;</u>	11358
<u>(K) Any other medicaid health care services that the</u>	11359
<u>directors determine should have a separate general revenue fund</u>	11360
<u>appropriation item.</u>	11361
<u>Sec. 126.10. (A) For the purposes of this section:</u>	11362
<u>(1) "Agency" has the same meaning as in section 111.15 of</u>	11363
<u>the Revised Code.</u>	11364
<u>(2) "State program" means any program, initiative, or</u>	11365
<u>service administered or overseen by an agency.</u>	11366
<u>(B) Notwithstanding any provision of law to the contrary</u>	11367
<u>or any rules adopted under it, if the federal government</u>	11368
<u>reduces, discontinues, pauses, or otherwise suspends any federal</u>	11369
<u>program that provides federal funds for any corresponding state</u>	11370
<u>program, such program may be reduced, discontinued, paused, or</u>	11371
<u>suspended. This shall include any contract, agreement,</u>	11372
<u>memorandum of understanding, or any other covenant entered into</u>	11373
<u>by the state that is dependent on federal funding.</u>	11374

Sec. 126.14. The release of any money appropriated for the 11375
purchase of real estate shall be approved by the controlling 11376
board. The release of money appropriated for all other capital 11377
projects is also subject to the approval of the controlling 11378
board, except that the director of budget and management may 11379
~~approve the release of money appropriated for specific projects~~ 11380
~~in accordance with the requirements of this section and except~~ 11381
~~that the director of budget and management may approve the~~ 11382
release of unencumbered capital balances, for a project to 11383
repair, remove, or prevent a public exigency declared to exist 11384
by the executive director of the Ohio facilities construction 11385
commission under section 123.10 of the Revised Code in the 11386
amount designated in that declaration. 11387

~~Within sixty days after the effective date of any act~~ 11388
~~appropriating money for capital projects, the director shall~~ 11389
~~determine which appropriations are for general projects and~~ 11390
~~which are for specific projects. Specific projects may include~~ 11391
~~specific higher education projects that are to be funded from~~ 11392
~~general purpose appropriations from the higher education~~ 11393
~~improvement fund or the higher education improvement taxable~~ 11394
~~fund created in section 154.21 of the Revised Code. Upon~~ 11395
~~determining which projects are general and which are specific,~~ 11396
~~the director shall submit to the controlling board a list that~~ 11397
~~includes a brief description of and the estimated expenditures~~ 11398
~~for each specific project. The release of money for any specific~~ 11399
~~higher education projects that are to be funded from general~~ 11400
~~purpose appropriations from the higher education improvement~~ 11401
~~fund or the higher education improvement taxable fund but that~~ 11402
~~are not included on the list, and the release of money for any~~ 11403
~~specific higher education projects included on the list that~~ 11404
~~will exceed the estimated expenditures by more than ten per~~ 11405

~~cent, are subject to the approval of the controlling board.~~ 11406

~~The director may create new appropriation items and make 11407
transfers of appropriations to them for specific higher 11408
education projects included on the list that are to be funded 11409
from general purpose appropriations for basic renovations that 11410
are made from the higher education improvement fund or the 11411
higher education improvement taxable fund. 11412~~

Sec. 126.17. (A) As used in this section: 11413

"Direct cost" means a cost that can be identified 11414
specifically with a particular final cost objective or that can 11415
be directly assigned to such activities relatively easily with a 11416
high degree of accuracy. 11417

"Indirect cost" means a cost that is not readily 11418
identified with a particular project, function or activity, but 11419
is necessary for the general operation of the organization, and 11420
a cost not directly identified with a single, final cost 11421
objective, but identified with two or more final cost objectives 11422
or an intermediate cost objective. 11423

"State grant" means funding provided by a state agency to 11424
a state grant recipient for which the agency does not require 11425
repayment. 11426

"State grant recipient" means an entity that receives a 11427
state grant, whether for profit or nonprofit, a corporation, 11428
association, partnership, limited liability company, sole 11429
proprietorship, or other business entity. "State grant 11430
recipient" does not include an individual who receives state 11431
assistance that is not related to the individual's business. 11432

(B) The director of budget and management shall establish 11433
and administer a centralized reporting system to receive 11434

financial status reports submitted by state grant recipients. 11435
The system shall be operational not later than one year after 11436
the effective date of this section. The director shall adopt 11437
rules, under Chapter 119. of the Revised Code, to set forth the 11438
information to be included in the financial status reports, the 11439
frequency at which reports shall be submitted, and guidelines 11440
for determining direct and indirect costs. The information 11441
required shall be intended to assist the state in oversight of 11442
public funds, and in evaluation of the effectiveness of grant 11443
programs. It shall include all of the following: 11444

(1) An accounting of the expenditure of grant funds by a 11445
state grant recipient, which shall separately identify any 11446
amount expended by vendor and items purchased to directly 11447
benefit the public, and the amount of indirect costs; 11448

(2) A project progress report; 11449

(3) Confirmation that the state grant recipient is in 11450
compliance with any applicable laws or regulations. 11451

The centralized reporting system shall enable a state 11452
agency to report, to the director, information regarding a state 11453
grant. 11454

(C) A state agency shall inform a state grant recipient of 11455
the requirements of this section, and shall provide the name and 11456
contact information of each recipient, the amount of the grant, 11457
and other project-identifying information to the director of 11458
budget and management. 11459

(D) A state grant recipient shall comply with the 11460
reporting requirements established under this section, with 11461
respect to each state grant that is awarded on or after the date 11462
that is one year after the effective date of this section. 11463

Sec. 126.24. The OAKS support organization fund is hereby 11464
created in the state treasury for the purpose of paying the 11465
operating, development, and upgrade expenses of the state's 11466
enterprise resource planning system. The fund shall consist of 11467
transfers received pursuant to division (A)(2) of section 126.12 11468
of the Revised Code and agency payroll charge revenues that are 11469
designated to support the operating, development, and upgrade 11470
costs of the Ohio administrative knowledge system. ~~All-~~ 11471
~~investment earnings of the fund shall be credited to the fund.~~ 11472

Sec. 126.42. (A) Notwithstanding any provision of law to 11473
the contrary, the office of budget and management shall perform 11474
routine support for the following boards and commissions: 11475

- (1) Architects board; 11476
- (2) State chiropractic board; 11477
- (3) State cosmetology and barber board; 11478
- (4) Accountancy board; 11479
- (5) State dental board; 11480
- (6) Ohio occupational therapy, physical therapy, and 11481
athletic trainers board; 11482
- (7) State board of registration for professional engineers 11483
and surveyors; 11484
- (8) Board of embalmers and funeral directors; 11485
- (9) State board of psychology; 11486
- (10) Counselor, social worker, and marriage and family 11487
therapist board; 11488
- (11) State veterinary medical licensing board; 11489

(12) Commission on Hispanic-Latino affairs;	11490
(13) Commission on African-Americans;	11491
(14) Chemical dependency professionals board;	11492
(15) State vision professionals board;	11493
(16) State speech and hearing professionals board;	11494
<u>(17) New African immigrants commission.</u>	11495
(B) (1) For purposes of this section, the office of budget	11496
and management shall perform the following routine support	11497
services for the boards and commissions named in division (A) of	11498
this section unless the controlling board exempts a board or	11499
commission from this requirement on the recommendation of the	11500
office of budget and management:	11501
(a) Preparing and processing payroll and other personnel	11502
documents;	11503
(b) Preparing and processing vouchers, purchase orders,	11504
encumbrances, and other accounting documents;	11505
(c) Maintaining ledgers of accounts and balances;	11506
(d) Preparing and monitoring budgets and allotment plans	11507
in consultation with the boards and commissions;	11508
(e) Routine human resources and personnel services;	11509
(f) Other routine support services that the director of	11510
budget and management considers appropriate to achieve	11511
efficiency.	11512
(2) In addition to the routine support services listed in	11513
division (B) (1) of this section, the office of budget and	11514
management may perform other services which a board or	11515

commission named in division (A) of this section delegates to 11516
the office and the office accepts. 11517

(3) The office of budget and management may perform 11518
routine support services for any ~~professional or occupational~~ 11519
~~licensing~~ board or commission not named in division (A) of this 11520
section at the request of the board or commission. 11521

(C) The office of budget and management shall determine 11522
the fees to be charged to the boards and commissions, which 11523
shall be in proportion to the services performed for each board 11524
or commission. 11525

Sec. 126.60. (A) As used in this section: 11526

(1) "Agricultural water project" means a project that will 11527
improve water quality by reducing or aiding in the reduction of 11528
levels of phosphorus, nitrogen, or sediment, that result from 11529
agricultural practices, in the waters of the state. 11530
"Agricultural water project" includes a project involving 11531
research, technology, design, construction, best management 11532
practices, conservation, testing, or education. 11533

(2) "Community water project" means a project involving a 11534
public water system operated by a political subdivision that 11535
will improve water quality by reducing or aiding in the 11536
reduction of levels of phosphorus, nitrogen, or sediment in the 11537
waters of the state. "Community water project" includes a 11538
project involving research, technology, design, construction, 11539
best management practices, conservation, testing, or 11540
maintenance. 11541

(3) "Nature water project" means a project involving a 11542
natural water system that will improve water quality by reducing 11543
or aiding in the reduction of levels of phosphorus, nitrogen, or 11544

sediment in the waters of the state. "Nature water project" 11545
includes a project involving research, technology, design, 11546
construction, best management practices, conservation, or 11547
maintenance. "Nature water project" also includes the creation, 11548
maintenance, or restoration of wetlands, flood plains, flood 11549
control systems, and buffers throughout the state, including the 11550
western basin of Lake Erie. 11551

(B) (1) There is hereby created in the state treasury the 11552
H2Ohio fund consisting of money credited to it and any 11553
donations, gifts, bequests, and other money received for deposit 11554
in the fund. ~~All investment earnings of the fund shall be~~ 11555
~~credited to the fund.~~ All money credited or deposited in the 11556
fund shall be used for any of the following purposes: 11557

~~(1)~~ (a) Agriculture water projects; 11558

~~(2)~~ (b) Community water projects; 11559

~~(3)~~ (c) Nature water projects; 11560

~~(4)~~ (d) Awarding or allocating grants or money, issuing 11561
loans, or making purchases for the development and 11562
implementation of projects and programs, including remediation 11563
projects, that are designed to address water quality priorities; 11564

~~(5)~~ (e) Funding cooperative research, data gathering and 11565
monitoring, and demonstration projects related to water quality 11566
priorities; 11567

~~(6)~~ (f) Encouraging cooperation with and among leaders from 11568
state legislatures, state agencies, political subdivisions, 11569
business and industry, labor, agriculture, environmental 11570
organizations, institutions of higher education, and water 11571
conservation districts; 11572

~~(7)~~(g) Other purposes, policies, programs, and priorities 11573
identified by the Ohio Lake Erie commission in coordination with 11574
state agencies or boards responsible for water protection and 11575
water management, provided that the purposes, policies, 11576
programs, and priorities align with a statewide strategic vision 11577
and comprehensive periodic water protection and restoration 11578
strategy. 11579

(2) With respect to money credited or deposited in the 11580
fund, the department of natural resources shall not use more 11581
than two million five hundred thousand dollars in any fiscal 11582
year to purchase land or conservation easements or to issue 11583
grants for such purposes. 11584

(C) Not later than August 31, 2020, and annually 11585
thereafter, the Ohio Lake Erie commission, in coordination with 11586
state agencies or boards responsible for water protection and 11587
water management, shall do both of the following: 11588

(1) Prepare a report of the activities that were 11589
undertaken with respect to the fund during the immediately 11590
preceding fiscal year, including the revenues and expenses of 11591
the fund for the preceding fiscal year; 11592

(2) Submit the report to the general assembly and to the 11593
governor. 11594

(D) Within forty-five days after the report is submitted 11595
under division (C) of this section, the directors of the state 11596
agencies that contributed to the report and the executive 11597
director of the Lake Erie commission shall appear before both 11598
the house of representatives and senate committees that oversee 11599
state finance to testify on the report. 11600

Sec. 126.62. (A) The all Ohio future fund is hereby 11601

created in the state treasury. The fund shall consist of money 11602
credited to it and any donations, gifts, bequests, or other 11603
money received for deposit in the fund. ~~All investment earnings~~ 11604
~~of the fund shall be credited to the fund.~~ Money in the fund 11605
shall be used to promote economic development throughout the 11606
state, including infrastructure projects and other 11607
infrastructure improvements. 11608

(B) The director shall adopt rules in accordance with 11609
Chapter 119. of the Revised Code that establish requirements and 11610
procedures to provide financial assistance from the all Ohio 11611
future fund. The director shall consult with JobsOhio in 11612
adopting the rules. 11613

(C) No money shall be expended from the all Ohio future 11614
fund, pursuant to appropriation, until it has been released by 11615
the controlling board. 11616

Sec. 126.67. The targeted addiction assistance fund is 11617
created in the state treasury. The fund shall consist of money 11618
awarded to the state by court order that is intended to address 11619
the effects of the opioid crisis. 11620

Beginning January 15, 2027, any money received under the 11621
settlement agreement in State of Ohio v. McKesson Corp., Case 11622
No. CVH20180055 (C.P. Madison Co., settlement agreement of 11623
October 7, 2021) shall be certified by the attorney general and 11624
remitted to the office of budget and management for deposit in 11625
the fund. The director of budget and management shall notify the 11626
speaker of the house of representatives, the president of the 11627
senate, and the chairpersons of the finance committees of the 11628
house of representatives and senate when money is deposited into 11629
the fund. 11630

Sec. 127.12. There is hereby created a controlling board 11631
consisting of all of the following: 11632

(A) The director of budget and management or an employee 11633
of the office of budget and management designated by the 11634
director; 11635

(B) The chairperson or vice-chairperson of the finance- 11636
appropriations committee of the house of representatives, as 11637
designated by the speaker; 11638

(C) The chairperson or vice-chairperson of the finance 11639
committee of the senate, as designated by the president; 11640

(D) Two members of the house of representatives appointed 11641
by the speaker, one from the majority party and one from the 11642
minority party; 11643

(E) Two members of the senate appointed by the president, 11644
one from the majority party and one from the minority party. 11645

Notwithstanding section 101.26 of the Revised Code, the 11646
legislative members, when engaged in their duties as members of 11647
the controlling board, shall be paid at the per diem rate of one 11648
hundred fifty dollars, and their necessary traveling expenses, 11649
which shall be paid from the funds appropriated for the payment 11650
of expenses of legislative committees. 11651

(F) In the event of the absence, illness, disability, 11652
death, or resignation of a legislative member, the following 11653
persons may serve in the member's absence: for the chairperson 11654
or vice-chairperson of the finance-appropriations committee of 11655
the house of representatives, the speaker or a member of the 11656
house of representatives designated by the speaker; for the 11657
chairperson or vice-chairperson of the senate finance committee, 11658
the president or a member of the senate designated by the 11659

president; for a member of the board appointed by the speaker of 11660
the house of representatives, or the president of the senate, 11661
the speaker or the president, as the case may be, or a member of 11662
the house of representatives or of the senate of the same party 11663
as such controlling board member, designated by such speaker or 11664
president. 11665

As used in any statute, "controlling board," unless the 11666
context otherwise requires, means the controlling board created 11667
by this section. 11668

Sec. 127.13. The director of budget and management or ~~his~~ 11669
the director's designee shall be president of the controlling 11670
board. The president shall prepare the proposed agenda for the 11671
meetings of the board and shall provide, at least ~~seven~~-ten days 11672
prior to the meeting, copies of the proposed agenda and 11673
supporting documentation to the members of the board and to ~~the~~ 11674
~~legislative budget office of the~~ legislative service commission. 11675

The director shall designate an employee of the office of 11676
budget and management to serve as secretary of the controlling 11677
board. The secretary shall assist the president of the board and 11678
shall make and keep a record of each request received by the 11679
board and of its action thereon. The secretary shall certify a 11680
copy of the record of each action to each member of the board 11681
and to the director. 11682

The controlling board may adopt procedural rules for the 11683
conduct of the business of the board, may approve, disapprove, 11684
modify as to specific dollar amounts, or defer requests, and may 11685
require that a request from the senate, the house of 11686
representatives, the supreme court, or an elected member of the 11687
executive department as defined in Section 1 of Article III, 11688
Ohio Constitution, not currently before the controlling board be 11689

added to the agenda for a specified future meeting of the board, 11690
provided that such request has been previously submitted to the 11691
president for inclusion in the agenda for a board meeting. The 11692
controlling board also may adopt rules authorizing the president 11693
to act on its behalf in exigent circumstances affecting the 11694
public health, safety, or welfare. 11695

The affirmative vote of no fewer than four members of the 11696
controlling board shall be required for any action of the board. 11697
The board shall meet at least once a month. 11698

Sec. 127.16. (A) Upon the request of either a state agency 11699
or the director of budget and management and after the 11700
controlling board determines that an emergency or a sufficient 11701
economic reason exists, the controlling board may approve the 11702
making of a purchase without competitive selection as provided 11703
in division (B) of this section. 11704

(B) Except as otherwise provided in this section, no state 11705
agency, using money that has been appropriated to it directly, 11706
shall: 11707

(1) Make any purchase from a particular supplier, that 11708
would amount to fifty thousand dollars or more when combined 11709
with both the amount of all disbursements to the supplier during 11710
the fiscal year for purchases made by the agency and the amount 11711
of all outstanding encumbrances for purchases made by the agency 11712
from the supplier, unless the purchase is made by competitive 11713
selection or with the approval of the controlling board; 11714

(2) Lease real estate from a particular supplier, if the 11715
lease would amount to seventy-five thousand dollars or more when 11716
combined with both the amount of all disbursements to the 11717
supplier during the fiscal year for real estate leases made by 11718

the agency and the amount of all outstanding encumbrances for 11719
real estate leases made by the agency from the supplier, unless 11720
the lease is made by competitive selection or with the approval 11721
of the controlling board. 11722

(C) Any person who authorizes a purchase in violation of 11723
division (B) of this section shall be liable to the state for 11724
any state funds spent on the purchase, and the attorney general 11725
shall collect the amount from the person. 11726

(D) Nothing in division (B) of this section shall be 11727
construed as: 11728

(1) A limitation upon the authority of the director of 11729
transportation as granted in sections 5501.17, 5517.02, and 11730
5525.14 of the Revised Code; 11731

(2) Applying to medicaid provider agreements under the 11732
medicaid program; 11733

(3) Applying to the purchase of examinations from a sole 11734
supplier by a state licensing board under Title XLVII of the 11735
Revised Code; 11736

(4) Applying to entertainment contracts for the Ohio state 11737
fair entered into by the Ohio expositions commission, provided 11738
that the controlling board has given its approval to the 11739
commission to enter into such contracts and has approved a total 11740
budget amount for such contracts as agreed upon by commission 11741
action, and that the commission causes to be kept itemized 11742
records of the amounts of money spent under each contract and 11743
annually files those records with the clerk of the house of 11744
representatives and the clerk of the senate following the close 11745
of the fair; 11746

(5) Limiting the authority of the chief of the division of 11747

mineral resources management to contract for reclamation work 11748
with an operator mining adjacent land as provided in section 11749
1513.27 of the Revised Code; 11750

(6) Applying to investment transactions and procedures of 11751
any state agency, except that the agency shall file with the 11752
board the name of any person with whom the agency contracts to 11753
make, broker, service, or otherwise manage its investments, as 11754
well as the commission, rate, or schedule of charges of such 11755
person with respect to any investment transactions to be 11756
undertaken on behalf of the agency. The filing shall be in a 11757
form and at such times as the board considers appropriate. 11758

(7) Applying to purchases made with money for the per cent 11759
for arts program established by section 3379.10 of the Revised 11760
Code; 11761

(8) Applying to purchases made by the opportunities for 11762
Ohioans with disabilities agency of services, or supplies, that 11763
are provided to persons with disabilities, or to purchases made 11764
by the agency in connection with the eligibility determinations 11765
it makes for applicants of programs administered by the social 11766
security administration; 11767

(9) Applying to payments by the department of medicaid 11768
under section 5164.85 of the Revised Code for group health plan 11769
premiums, deductibles, coinsurance, and other cost-sharing 11770
expenses; 11771

(10) Applying to any agency of the legislative branch of 11772
the state government; 11773

(11) Applying to agreements or contracts entered into 11774
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 11775
of the Revised Code; 11776

(12) Applying to purchases of services by the adult parole	11777
authority under section 2967.14 of the Revised Code or by the	11778
department of youth services under section 5139.08 of the	11779
Revised Code;	11780
(13) Applying to dues or fees paid for membership in an	11781
organization or association;	11782
(14) Applying to purchases of utility services pursuant to	11783
section 9.30 of the Revised Code;	11784
(15) Applying to purchases made in accordance with rules	11785
adopted by the department of administrative services of motor	11786
vehicle, aviation, or watercraft fuel, or emergency repairs of	11787
such vehicles;	11788
(16) Applying to purchases of tickets for passenger air	11789
transportation;	11790
(17) Applying to purchases necessary to provide public	11791
notifications required by law or to provide notifications of job	11792
openings;	11793
(18) Applying to the judicial branch of state government;	11794
(19) Applying to purchases of liquor for resale by the	11795
division of liquor control;	11796
(20) Applying to purchases of motor courier and freight	11797
services made in accordance with department of administrative	11798
services rules;	11799
(21) Applying to purchases from the United States postal	11800
service and purchases of stamps and postal meter replenishment	11801
from vendors at rates established by the United States postal	11802
service;	11803

- (22) Applying to purchases of books, periodicals, 11804
pamphlets, newspapers, maintenance subscriptions, and other 11805
published materials; 11806
- (23) Applying to purchases from other state agencies, 11807
including state-assisted institutions of higher education or the 11808
Ohio history connection; 11809
- (24) Applying to purchases from a qualified nonprofit 11810
agency pursuant to sections 125.60 to 125.6012 ~~or 4115.31 to~~ 11811
~~4115.35~~ of the Revised Code; 11812
- (25) Applying to payments by the department of job and 11813
family services to the United States department of health and 11814
human services for printing and mailing notices pertaining to 11815
the tax refund offset program of the internal revenue service of 11816
the United States department of the treasury; 11817
- (26) Applying to contracts entered into by the department 11818
of developmental disabilities under section 5123.18 of the 11819
Revised Code; 11820
- (27) Applying to payments made by the department of mental 11821
health and addiction services under a physician recruitment 11822
program authorized by section 5119.185 of the Revised Code; 11823
- (28) Applying to contracts entered into with persons by 11824
the director of commerce for unclaimed funds collection and 11825
remittance efforts as provided in division (G) of section 169.03 11826
of the Revised Code. The director shall keep an itemized 11827
accounting of unclaimed funds collected by those persons and 11828
amounts paid to them for their services. 11829
- (29) Applying to purchases made by a state institution of 11830
higher education in accordance with the terms of a contract 11831
between the vendor and an inter-university purchasing group 11832

comprised of purchasing officers of state institutions of higher	11833
education;	11834
(30) Applying to the department of medicaid's purchases of	11835
health assistance services under the children's health insurance	11836
program;	11837
(31) Applying to payments by the attorney general from the	11838
reparations fund to hospitals and other emergency medical	11839
facilities for performing medical examinations to collect	11840
physical evidence pursuant to section 2907.28 of the Revised	11841
Code;	11842
(32) Applying to contracts with a contracting authority or	11843
administrative receiver under division (B) of section 5126.056	11844
of the Revised Code;	11845
(33) Applying to purchases of goods and services by the	11846
department of veterans services in accordance with the terms of	11847
contracts entered into by the United States department of	11848
veterans affairs;	11849
(34) Applying to payments by the superintendent of the	11850
bureau of criminal identification and investigation to the	11851
federal bureau of investigation for criminal records checks	11852
pursuant to section 109.572 of the Revised Code;	11853
(35) Applying to contracts entered into by the department	11854
of medicaid under section 5164.47 of the Revised Code;	11855
(36) Applying to contracts entered into under section	11856
5160.12 of the Revised Code;	11857
(37) Applying to payments to the Ohio history connection	11858
from other state agencies.	11859
(E) When determining whether a state agency has reached	11860

the cumulative purchase thresholds established in divisions (B) 11861
(1) and (2) of this section, the following purchases by such 11862
agency shall not be considered: 11863

(1) Purchases made through competitive selection or with 11864
controlling board approval; 11865

(2) Purchases listed in division (D) of this section; 11866

(3) For the purposes of the threshold of division (B) (1) 11867
of this section only, leases of real estate. 11868

(F) A state agency, when exercising direct purchasing 11869
authority under this section, shall utilize a selection process 11870
that complies with all applicable laws, rules, or regulations of 11871
the department of administrative services. 11872

(G) As used in this section, "competitive selection," 11873
"direct purchasing authority," "purchase," "supplies," and 11874
"services" have the same meanings as in section 125.01 of the 11875
Revised Code. 11876

Sec. 128.021. (A) Not later than January 1, 2014, and in 11877
accordance with Chapter 119. of the Revised Code, the steering 11878
committee shall adopt rules that establish technical and 11879
operational standards for public safety answering points 11880
eligible to receive disbursements under section 128.55 of the 11881
Revised Code. The rules shall incorporate industry standards and 11882
best practices for 9-1-1 services. Public safety answering 11883
points shall comply with the standards not later than two years 11884
after the effective date of the rules adopting the standards. A 11885
public safety answering point may be deemed compliant with rules 11886
for minimum staffing standards, if it can demonstrate compliance 11887
with all other rules for operational standards. 11888

(B) Not later than one year after September 29, 2015, and 11889

in accordance with Chapter 119. of the Revised Code, the 11890
steering committee shall conduct an assessment of the 11891
operational standards for public safety answering points 11892
developed under division (A) of this section and revise the 11893
standards as necessary to ensure that the operational standards 11894
contain the following: 11895

(1) Policies to ensure that public safety answering point 11896
personnel prioritize life-saving questions in responding to each 11897
call to a 9-1-1 system established under this chapter; 11898

(2) A requirement that all public safety answering point 11899
personnel complete proper training or provide proof of prior 11900
training to give instructions regarding emergency situations. 11901

(C) Upon the effective date of the amendments to this 11902
section by ~~this act~~ H.B. 33 of the 135th general assembly, 11903
October 3, 2023, all public safety answering points that answer 11904
9-1-1 calls for service ~~from wireless services~~ shall be subject 11905
to the public safety answering point operations rules. Public 11906
safety answering points not originally required to be compliant 11907
shall comply with the standards not later than two years after 11908
the effective date of the amendments to this section by ~~this act~~ 11909
H.B. 33 of the 135th general assembly, October 3, 2023. 11910

Sec. 128.41. (A) As used in this section, "communications 11911
service" means any wireless service, multiline telephone system, 11912
and voice over internet protocol system to which both of the 11913
following apply: 11914

(1) The service or system is registered to the 11915
subscriber's address within this state or the subscriber's 11916
primary place of using the service or system is in this state. 11917

(2) The service or system is capable of initiating a 11918

direct connection to 9-1-1. 11919

(B) After the expiration of the charge described in 11920
division (A)(1) of section 128.40 of the Revised Code and except 11921
as provided in sections 128.413 and 128.42 of the Revised Code, 11922
there is imposed a next generation 9-1-1 access fee of ~~forty-~~ 11923
sixty cents per month on each communications service, which 11924
shall be imposed as follows: 11925

(1) In the case of wireless telephone service, a 11926
subscriber shall pay a separate next generation 9-1-1 access fee 11927
for each wireless telephone number assigned to the subscriber. 11928

(2) In the case of a voice over internet protocol system, 11929
a subscriber shall pay a separate fee for each voice channel 11930
provided to the subscriber through the system. The number of 11931
voice channels shall be equal to the number of outbound calls 11932
the subscriber can maintain at the same time using the system, 11933
but excludes a direct inward dialing number that merely routes 11934
an inbound call. The maximum number of separate fees imposed on 11935
a subscriber's system shall not exceed one hundred voice 11936
channels per network. 11937

(3) In the case of a multiline telephone system, the 11938
subscriber shall pay a separate fee for each line. The maximum 11939
number of separate fees imposed on a single subscriber with a 11940
multiline telephone system shall not exceed one hundred per 11941
building with a unique street address or physically identifiable 11942
location. 11943

(C) If more than one communications service shares the 11944
same telephone number, then the next generation 9-1-1 access fee 11945
imposed shall not exceed ~~forty-~~sixty cents per month. 11946

Sec. 128.46. (A)(1) An entity required to collect a 11947

wireless 9-1-1 charge under section 128.40 of the Revised Code 11948
or the next generation 9-1-1 access fee under section 128.414 or 11949
128.421 of the Revised Code shall, on or before the twenty-third 11950
day of each month, except as provided in divisions (A) (2) and 11951
(3) of this section, do both of the following: 11952

(a) Make and file a return for the preceding month, in the 11953
form prescribed by the tax commissioner, showing the amount of 11954
the charges or fees due for that month; 11955

(b) Remit the full amount due, as shown on the return, 11956
with the exception of charges or fees equivalent to the amount 11957
authorized as a collection fee under division (B) of this 11958
section. 11959

(2) The commissioner may grant one or more thirty-day 11960
extensions for making and filing returns and remitting amounts 11961
due. 11962

(3) If a seller is required to collect prepaid wireless 9- 11963
1-1 charges under section 128.40 of the Revised Code or next 11964
generation 9-1-1 access fees under section 128.421 of the 11965
Revised Code in amounts that do not merit monthly returns, the 11966
commissioner may authorize the seller to make and file returns 11967
less frequently. The commissioner shall ascertain whether this 11968
authorization is warranted upon the basis of administrative 11969
costs to the state. 11970

(B) A wireless service provider, reseller, and seller may 11971
each retain as a collection fee three per cent of the total 11972
wireless 9-1-1 charges required to be collected under sections 11973
128.40, 128.41, and 128.42 of the Revised Code, and shall 11974
account to the tax commissioner for the amount retained. 11975

(C) The return required under division (A) (1) (a) of this 11976

section shall be filed electronically using the Ohio business 11977
gateway, as defined in section 718.01 of the Revised Code, or 11978
any other electronic means prescribed by the tax commissioner. 11979
Remittance of the amount due shall be made electronically in a 11980
manner approved by the commissioner. An entity required to file 11981
the return may apply to the commissioner on a form prescribed by 11982
the commissioner to be excused from either electronic 11983
requirement of this division. For good cause shown, the 11984
commissioner may excuse the entity from either or both of the 11985
requirements and may permit the entity to file returns or make 11986
remittances by nonelectronic means. 11987

(D) (1) Each subscriber or consumer on which a wireless 9- 11988
1-1 charge is imposed under section 128.40 of the Revised Code 11989
or on which a next generation 9-1-1 access fee is imposed under 11990
section 128.41 or 128.42 of the Revised Code is liable to the 11991
state for the amount of the charge. 11992

(2) An entity required to collect the wireless 9-1-1 11993
charge under section 128.40 of the Revised Code or the next 11994
generation 9-1-1 access fee under section 128.414 or 128.421 of 11995
the Revised Code is liable to the state for any amount that was 11996
required to be collected but that was not remitted, regardless 11997
of whether the amount was collected. 11998

(3) No provider of a prepaid wireless calling service 11999
shall be liable to the state for any wireless 9-1-1 charge 12000
imposed under section 128.40 of the Revised Code or any next 12001
generation 9-1-1 access fee imposed under section 128.42 of the 12002
Revised Code that was not collected or remitted. 12003

(E) (1) If the tax commissioner has reason to believe that 12004
an entity required to collect a wireless 9-1-1 charge under 12005
section 128.40 of the Revised Code or the next generation 9-1-1 12006

access fee under section 128.414 or 128.421 of the Revised Code 12007
has failed to bill, collect, or remit the charge or fee as 12008
required by this section and sections 128.40 to 128.422 of the 12009
Revised Code or has retained more than the amount authorized 12010
under division (B) of this section, and after written notice to 12011
the entity, the tax commissioner may audit the entity for the 12012
sole purpose of making such a determination. The audit may 12013
include, but is not limited to, a sample of the entity's 12014
billings, collections, remittances, or retentions for a 12015
representative period, and the tax commissioner shall make a 12016
good faith effort to reach agreement with the entity in 12017
selecting that sample. 12018

(2) Upon written notice to the entity, the tax 12019
commissioner, after completion of the audit, may make an 12020
assessment against the entity if, pursuant to the audit, the tax 12021
commissioner determines that the entity has failed to bill, 12022
collect, or remit the charge or fee as required by sections 12023
128.40 to 128.422 of the Revised Code or has retained more than 12024
the amount authorized under division (B) of this section. The 12025
assessment shall be in the amount of any remittance that was due 12026
and unpaid on the date notice of the audit was sent by the tax 12027
commissioner to the entity or, as applicable, in the amount of 12028
the excess amount under division (B) of this section retained by 12029
the entity as of that date. 12030

(3) The portion of any assessment consisting of charges or 12031
fees due and not paid within sixty days after the date that the 12032
assessment was made under division (E) (2) of this section shall 12033
bear interest from that date until paid at the rate per annum 12034
prescribed by section 5703.47 of the Revised Code. That interest 12035
may be collected by making an assessment under division (E) (2) 12036
of this section. 12037

(4) Unless the entity assessed files with the tax commissioner within sixty days after service of the notice of assessment, ~~either personally or by certified mail,~~ a written petition for reassessment, signed by the entity assessed or that entity's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due and payable from the entity assessed to the treasurer of state, for deposit to the next generation 9-1-1 fund, which is created under section 128.54 of the Revised Code. The petition shall indicate the objections of the entity assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the business of the assessed entity is conducted. If the entity assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed entity in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for 9-1-1 charges and fees" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the tax commissioner.

(6) If the commissioner determines that the commissioner

erroneously has refunded a 9-1-1 charge or fee to any person, 12069
the commissioner may make an assessment against that person for 12070
recovery of the erroneously refunded charge. 12071

(7) An assessment under division (E) of this section does 12072
not discharge a subscriber's or consumer's liability to 12073
reimburse the entity for a 9-1-1 charge or fee. If, after the 12074
date of service of the audit notice under division (E)(1) of 12075
this section, a subscriber or consumer pays a 9-1-1 charge or 12076
fee for the period covered by the assessment, the payment shall 12077
be credited against the assessment. 12078

Sec. 128.54. (A) (1) For the purpose of receiving, 12079
distributing, and accounting for amounts received from the 12080
wireless 9-1-1 charges imposed under section 128.40 of the 12081
Revised Code and the next generation 9-1-1 access fees imposed 12082
under sections 128.41 and 128.42 of the Revised Code, the 12083
following funds are created in the state treasury: 12084

(a) The 9-1-1 government assistance fund; 12085

(b) The 9-1-1 administrative fund; 12086

(c) The 9-1-1 program fund; 12087

(d) The next generation 9-1-1 fund. 12088

(2) Amounts remitted under section 128.46 of the Revised 12089
Code shall be paid to the treasurer of state for deposit as 12090
follows: 12091

(a) ~~Seventy-two~~ Eighty-one and one-third per cent to the 12092
9-1-1 government assistance fund. All interest earned on the 9- 12093
1-1 government assistance fund shall be credited to the fund. 12094

(b) ~~One~~ Two-thirds of one per cent to the 9-1-1 12095
administrative fund; 12096

(c) ~~Two~~ One and one-third per cent to the 9-1-1 program 12097
fund; 12098

(d) ~~Twenty-five~~ Sixteen and two-thirds per cent to the 12099
next generation 9-1-1 fund. 12100

(3) The tax commissioner shall use the 9-1-1 12101
administrative fund to defray the costs incurred in carrying out 12102
this chapter. 12103

(4) The steering committee shall use the 9-1-1 program 12104
fund to defray the costs incurred by the steering committee in 12105
carrying out this chapter. 12106

(5) Annually, the tax commissioner, after paying 12107
administrative costs under division (A) (3) of this section, 12108
shall transfer any excess remaining in the 9-1-1 administrative 12109
fund to the next generation 9-1-1 fund, created under this 12110
section. 12111

(B) At the direction of the steering committee, the tax 12112
commissioner shall transfer the funds remaining in the 9-1-1 12113
government assistance fund to the credit of the next generation 12114
9-1-1 fund. All interest earned on the next generation 9-1-1 12115
fund shall be credited to the fund. 12116

(C) From the funds created in division (A) (1) of this 12117
section, the director of budget and management shall, as funds 12118
are available, transfer to the tax refund fund, created under 12119
section 5703.052 of the Revised Code, amounts equal to the 12120
refunds certified by the tax commissioner under division (D) of 12121
section 128.47 of the Revised Code, in the same percentage as 12122
the certified refund amounts were deposited in those funds as 12123
specified in division (A) (2) of this section. 12124

(D) The department of administrative services may move 12125

funds between the next generation 9-1-1 fund and the 9-1-1 12126
government assistance fund to ensure funding remains sustainable 12127
for both funds. 12128

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 12129
125., 126., 127., and 131. of the Revised Code, and any statute 12130
that uses the terms in connection with state accounting or 12131
budgeting: 12132

(A) "Account" means any record, element, or summary in 12133
which financial transactions are identified and recorded as 12134
debit or credit transactions in order to summarize items of a 12135
similar nature or classification. 12136

(B) "Accounting procedure" means the arrangement of all 12137
processes which discover, record, and summarize financial 12138
information to produce financial statements and reports and to 12139
provide internal control. 12140

(C) "Accounting system" means the total structure of 12141
records and procedures which discover, record, classify, and 12142
report information on the financial position and operations of a 12143
governmental unit or any of its funds and organizational 12144
components. 12145

(D) "Allocation" means a portion of an appropriation which 12146
is designated for expenditure by specific organizational units 12147
or for special purposes, activities, or objects that do not 12148
relate to a period of time. 12149

(E) "Allotment" means all or part of an appropriation 12150
which may be encumbered or expended within a specific period of 12151
time. 12152

(F) "Appropriation" means an authorization granted by the 12153
general assembly to make expenditures and to incur obligations 12154

for specific purposes. 12155

(G) "Assets" means resources owned, controlled, or 12156
otherwise used or held by the state which have monetary value. 12157

(H) "Budget" means the plan of financial operation 12158
embodying an estimate of proposed expenditures and obligations 12159
for a given period and the proposed means of financing them. 12160

(I) "Check" means a negotiable financial instrument, 12161
payable upon demand, directing a financial institution to 12162
transfer money from the payer's account to the payee. 12163

(J) "Direct deposit" is a form of electronic funds 12164
transfer in which money is electronically deposited into the 12165
account of a person or entity at a financial institution. 12166

~~(J)~~ (K) "Disbursement" means a payment made for any 12167
purpose. 12168

~~(K)~~ (L) "Electronic benefit transfer" means the electronic 12169
delivery of benefits through automated teller machines, point of 12170
sale terminals, or other electronic media pursuant to section 12171
5101.33 of the Revised Code. 12172

~~(L)~~ (M) "Electronic funds transfer" means the electronic 12173
movement of funds via automated clearing house or wire transfer. 12174

~~(M)~~ (N) "Encumbrancing document" means a document reserving 12175
all or part of an appropriation. 12176

~~(N)~~ (O) "Expenditure" means a reduction of the balance of 12177
an appropriation after legal requirements have been met. 12178

~~(O)~~ (P) "Fund" means an independent fiscal and accounting 12179
entity with a self-balancing set of accounts recording cash or 12180
other resources, together with all related liabilities, 12181

obligations, reserves, and fund balances which are segregated 12182
for the purpose of carrying on specific activities or attaining 12183
certain objectives in accordance with special rules, 12184
restrictions, or limitations. 12185

~~(P)~~ (Q) "Lapse" means the automatic termination of an 12186
appropriation at the end of the fiscal period for which it was 12187
appropriated. 12188

~~(Q)~~ (R) "Reappropriation" means an appropriation of a 12189
previous appropriation that is continued in force in a 12190
succeeding appropriation period. "Reappropriation" shall be 12191
equated with and incorporated in the term "appropriation." 12192

~~(R)~~ (S) "Stored value card" means a payment card that may 12193
have money loaded and stored on the card and accessed through 12194
automated teller machines, point of sale terminals, or other 12195
electronic media. "Stored value card" does not include any 12196
payment card linked to, and that can access money in, an 12197
external account maintained by a financial institution. 12198

~~(S)~~ (T) "Voucher" means the document used to transmit a 12199
claim for payment and evidentiary matter related to the claim. 12200

~~(T)~~ (U) "Warrant" means an order drawn upon the treasurer 12201
of state by the director of budget and management, or an 12202
authorized person at a state entity that has a custodial account 12203
in the custody of the treasurer of state, directing the 12204
treasurer of state to pay a specified amount to one or more 12205
specified payees. A variety of payment instruments may be used, 12206
including but not limited to paper warrants or checks, stored 12207
value cards, direct deposit to the payee's bank account, or the 12208
drawdown of funds by electronic benefit transfer, and the 12209
resulting electronic transfer to or by the ultimate payees. 12210

The terms defined in this section shall be used, on all 12211
accounting forms, reports, formal rules, and budget requests 12212
produced by a state agency, only as defined in this section. 12213

Sec. 131.02. (A) Except as otherwise provided in section 12214
4123.37, section 5703.061, and division (K) of section 4123.511 12215
of the Revised Code, whenever any amount is payable to the 12216
state, the officer, employee, or agent responsible for 12217
administering the law under which the amount is payable shall 12218
immediately proceed to collect the amount or cause the amount to 12219
be collected and shall pay the amount into the state treasury or 12220
into the appropriate custodial fund in the manner set forth 12221
pursuant to section 113.08 of the Revised Code. 12222

Except as otherwise provided in this division, if the 12223
amount is not paid within forty-five days after payment is due, 12224
the officer, employee, or agent shall certify the amount due to 12225
the attorney general, in accordance with section 131.026 of the 12226
Revised Code and in the form and manner prescribed by the 12227
attorney general. In the case of an amount payable by a student 12228
enrolled in a state institution of higher education, the amount 12229
shall be certified, in accordance with section 131.026 of the 12230
Revised Code, within the later of forty-five days after the 12231
amount is due or the tenth day after the beginning of the next 12232
academic semester, quarter, or other session following the 12233
session for which the payment is payable. The attorney general 12234
may assess the collection cost to the amount certified in such 12235
manner and amount as prescribed by the attorney general. If an 12236
amount payable to a political subdivision is past due, the 12237
political subdivision may, with the approval of the attorney 12238
general, certify the amount to the attorney general pursuant to 12239
this section in accordance with section 131.026 of the Revised 12240
Code. 12241

For the purposes of this section, the attorney general and 12242
the officer, employee, or agent responsible for administering 12243
the law under which the amount is payable shall agree on the 12244
time a payment is due, and that agreed upon time shall be one of 12245
the following times: 12246

(1) If a law, including an administrative rule, of this 12247
state prescribes the time a payment is required to be made or 12248
reported, when the payment is required by that law to be paid or 12249
reported. 12250

(2) If the payment is for services rendered, when the 12251
rendering of the services is completed. 12252

(3) If the payment is reimbursement for a loss, when the 12253
loss is incurred. 12254

(4) In the case of a fine or penalty for which a law or 12255
administrative rule does not prescribe a time for payment, when 12256
the fine or penalty is first assessed. 12257

(5) If the payment arises from a legal finding, judgment, 12258
or adjudication order, when the finding, judgment, or order is 12259
rendered or issued. 12260

(6) If the payment arises from an overpayment of money by 12261
the state to another person, when the overpayment is discovered. 12262

(7) The date on which the amount for which an individual 12263
is personally liable under section 5735.35, section 5739.33, or 12264
division (G) of section 5747.07 of the Revised Code is 12265
determined. 12266

(8) Upon proof of claim being filed in a bankruptcy case. 12267

(9) Any other appropriate time determined by the attorney 12268
general and the officer, employee, or agent responsible for 12269

administering the law under which the amount is payable on the 12270
basis of statutory requirements or ordinary business processes 12271
of the agency, institution, or political subdivision to which 12272
the payment is owed. 12273

(B) (1) The Upon certification of an amount due in 12274
accordance with division (A) of this section and section 131.026 12275
of the Revised Code, the attorney general shall give immediate 12276
notice by mail or otherwise in the manner described in section 12277
131.026 of the Revised Code to the party indebted of the nature 12278
and amount of the indebtedness. 12279

(2) If the amount payable to this state arises from a tax 12280
levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the 12281
Revised Code, the notice also shall specify all of the 12282
following: 12283

(a) The assessment or case number; 12284

(b) The tax pursuant to which the assessment is made; 12285

(c) The reason for the liability, including, if 12286
applicable, that a penalty or interest is due; 12287

(d) An explanation of how and when interest will be added 12288
to the amount assessed; 12289

(e) That the attorney general and tax commissioner, acting 12290
together, have the authority, but are not required, to 12291
compromise the claim and accept payment over a reasonable time, 12292
if such actions are in the best interest of the state. 12293

(C) The attorney general shall collect the claim or secure 12294
a judgment and issue an execution for its collection. 12295

(D) Each claim shall bear interest, from the day on which 12296
the claim became due, at the rate per annum required by section 12297

5703.47 of the Revised Code. 12298

(E) The attorney general and the chief officer of the 12299
agency reporting a claim, acting together, may do any of the 12300
following if such action is in the best interests of the state: 12301

(1) Compromise the claim; 12302

(2) Extend for a reasonable period the time for payment of 12303
the claim by agreeing to accept monthly or other periodic 12304
payments. The agreement may require security for payment of the 12305
claim. 12306

(3) Add fees to recover the cost of processing checks or 12307
other draft instruments returned for insufficient funds and the 12308
cost of providing electronic payment options. 12309

(F) (1) Except as provided in division (F) (2) of this 12310
section, if the attorney general finds, after investigation, 12311
that any claim due and owing to the state is uncollectible, the 12312
attorney general, with the consent of the chief officer of the 12313
agency reporting the claim, may do the following: 12314

(a) Sell, convey, or otherwise transfer the claim to one 12315
or more private entities for collection; 12316

(b) Cancel the claim or cause it to be canceled. 12317

(2) The attorney general shall cancel or cause to be 12318
canceled an unsatisfied claim on the date that is forty years 12319
after the date the claim is certified, unless the attorney 12320
general has adopted a rule under division (F) (5) of this section 12321
shortening this time frame with respect to a subset of claims. 12322

(3) No initial action shall be commenced to collect any 12323
tax payable to the state that is administered by the tax 12324
commissioner, whether or not such tax is subject to division (B) 12325

of this section, or any penalty, interest, or additional charge 12326
on such tax, after the expiration of the period ending on the 12327
later of the dates specified in divisions (F) (3) (a) and (b) of 12328
this section, provided that such period shall be extended by the 12329
period of any stay to such collection or by any other period to 12330
which the parties mutually agree. If the initial action in aid 12331
of execution is commenced before the later of the dates 12332
specified in divisions (F) (3) (a) and (b) of this section, any 12333
and all subsequent actions may be pursued in aid of execution of 12334
judgment for as long as the debt exists. 12335

(a) Seven years after the assessment of the tax, penalty, 12336
interest, or additional charge is issued. 12337

(b) Four years after the assessment of the tax, penalty, 12338
interest, or additional charge becomes final. For the purposes 12339
of division (F) (3) (b) of this section, the assessment becomes 12340
final at the latest of the following: upon expiration of the 12341
period to petition for reassessment, or if applicable, to appeal 12342
a final determination of the commissioner or decision of the 12343
board of tax appeals or a court, or, if applicable, upon 12344
decision of the United States supreme court. 12345

For the purposes of division (F) (3) of this section, an 12346
initial action to collect a tax debt is commenced at the time 12347
when a certified copy of the tax commissioner's entry making an 12348
assessment final has been filed in the office of the clerk of 12349
court of common pleas in the county in which the taxpayer 12350
resides or has its principal place of business in this state, or 12351
in the office of the clerk of court of common pleas of Franklin 12352
county, as provided in section 5739.13, 5741.14, 5747.13, or 12353
5751.09 of the Revised Code or in any other applicable law 12354
requiring such a filing. If an assessment has not been issued 12355

and there is no time limitation on the issuance of an assessment 12356
under applicable law, an action to collect a tax debt commences 12357
when the action is filed in the courts of this state to collect 12358
the liability. 12359

(4) If information contained in a claim that is sold, 12360
conveyed, or transferred to a private entity pursuant to this 12361
section is confidential pursuant to federal law or a section of 12362
the Revised Code that implements a federal law governing 12363
confidentiality, such information remains subject to that law 12364
during and following the sale, conveyance, or transfer. 12365

(5) The attorney general may adopt rules to aid in the 12366
implementation of this section. 12367

Sec. 131.026. (A) For purposes of this section: 12368

(1) "Last known address" means the mailing address or the 12369
electronic mail address appearing in the official records of the 12370
officer, employee, or agent responsible for administering the 12371
law under which an amount is payable or of the attorney general. 12372

(2) "Traceable delivery service" means a delivery service 12373
provided by the United States postal service or a domestic 12374
commercial delivery service allowing the sender to track a sent 12375
item's progress and providing notice of a completed delivery to 12376
the sender. 12377

(B) Before an officer, employee, or agent responsible for 12378
administering the law under which an amount is due certifies the 12379
amount due to the attorney general under section 131.02 of the 12380
Revised Code, the officer, employee, or agent shall serve a 12381
notice to the debtor or the debtor's statutory agent in the 12382
manner described in this section. The officer, employee, or 12383
agent shall serve a notice not sooner than forty-five days, nor 12384

later than sixty days, after payment is due. 12385

(C) The notice shall include all of the following 12386
information: 12387

(1) The name of the debtor or statutory agent; 12388

(2) The nature and amount of the indebtedness; 12389

(3) The information required under division (B) (2) of 12390
section 131.02 of the Revised Code if the debt arises from a tax 12391
levied. 12392

(D) (1) An officer, employee, or agent responsible for 12393
administering the law under which an amount is payable or the 12394
attorney general may serve a notice required by this section or 12395
section 131.02 of the Revised Code through any of the following 12396
methods: 12397

(a) Electronic mail at the debtor's or debtor's statutory 12398
agent's last known address; 12399

(b) Facsimile transmission at the debtor's or debtor's 12400
statutory agent's facsimile number appearing in the official 12401
records of the officer, employee, or agent responsible for 12402
administering the law under which an amount is payable or of the 12403
attorney general; 12404

(c) Traceable delivery service at the debtor's or debtor's 12405
statutory agent's last known address; 12406

(d) Personal service at the debtor's or debtor's statutory 12407
agent's last known address. 12408

(2) Service of a notice required under this section or 12409
section 131.02 of the Revised Code is complete on the following 12410
dates: 12411

(a) For electronic mail, the date the receipt of the 12412
document is relayed electronically by a direct reply from the 12413
debtor or debtor's statutory agent to the officer, employee, or 12414
agent responsible for administering the law under which an 12415
amount is payable or to the attorney general or through 12416
electronic tracking software demonstrating that the recipient 12417
accessed the document. 12418

(b) For facsimile transmission, the date indicated on the 12419
facsimile transmission confirmation page. 12420

(c) For traceable delivery service, the date of delivery 12421
indicated on the notice of completed delivery provided by the 12422
United States postal service or domestic commercial delivery 12423
service. 12424

(d) For personal service, the date indicated on a document 12425
confirming physical delivery signed by the debtor, the debtor's 12426
statutory agent, an adult located at the debtor's or debtor's 12427
statutory agent's last known address, or the delivery person. 12428

(E) (1) Upon receipt of the notice, the debtor or statutory 12429
agent may satisfy the debt within thirty days of receiving the 12430
notice. If the debt is satisfied within those thirty days, the 12431
officer, employee, or agent shall not certify an amount due to 12432
the attorney general. 12433

(2) If the debtor or statutory agent does not satisfy the 12434
debt within thirty days after receiving the notice, the officer, 12435
employee, or agent shall certify the amount due to the attorney 12436
general. The attorney general shall collect the amount due in 12437
accordance with section 131.02 of the Revised Code. If the 12438
attorney general files a lien to collect the amount due, the 12439
attorney general shall not file the lien unless both of the 12440

following are included with the lien when filing: 12441

(1) A copy of the notice required under division (B) of 12442
this section; 12443

(2) Proof of service of the notice as described under 12444
division (D) of this section. 12445

(F) (1) Nothing in this section prevents or limits the 12446
attorney general or the appropriate authority from taking any 12447
action set forth under divisions (E) or (F) of section 131.02 of 12448
the Revised Code. 12449

(2) No amount that is payable under section 131.02 of the 12450
Revised Code is deemed uncollectible, discharged, relieved, or 12451
otherwise satisfied or non-payable because of any failure to 12452
comply with a specific time requirement provided for under this 12453
section. 12454

Sec. 131.35. (A) With respect to federal revenue received 12455
into any fund of the state, except for those funds listed in 12456
division (D) of section 127.14 of the Revised Code: 12457

(1) No state agency may make expenditures of any federal 12458
revenue, whether the revenue is advanced prior to expenditure or 12459
as reimbursement, unless such expenditures are made pursuant to 12460
specific appropriations of the general assembly, are authorized 12461
by the controlling board pursuant to division (A) (5) of this 12462
section, or are authorized by an executive order issued in 12463
accordance with section 107.17 of the Revised Code, and until an 12464
allotment has been approved by the director of budget and 12465
management. All federal revenue received by a state agency shall 12466
be reported to the director within fifteen days of the receipt 12467
of the revenue or the notification of award, whichever occurs 12468
first. The director shall prescribe the forms and procedures to 12469

be used when reporting the receipt of federal revenue. 12470

(2) If the federal revenue received is greater than the 12471
amount of the revenue appropriated by the general assembly for a 12472
specific purpose, the total appropriation of federal and state 12473
funds for such purpose shall remain at the amount designated by 12474
the general assembly, except that the expenditure of federal 12475
revenue received in excess of such specific appropriation may be 12476
authorized by the controlling board, subject to division (D) of 12477
this section. 12478

(3) To the extent that the expenditure of excess federal 12479
revenue is authorized, the controlling board may transfer a like 12480
amount of general revenue fund appropriation authority from the 12481
affected agency to the emergency purposes appropriation of the 12482
controlling board, if such action is permitted under federal 12483
regulations. 12484

(4) Additional funds may be created by the controlling 12485
board to receive revenues not anticipated in an appropriations 12486
act for the biennium in which such new revenues are received. 12487
Subject to division (D) of this section, expenditures from such 12488
additional funds may be authorized by the controlling board, but 12489
such authorization shall not extend beyond the end of the 12490
biennium in which such funds are created. 12491

(5) Controlling board authorization for a state agency to 12492
make an expenditure of federal revenue constitutes authority for 12493
the agency to participate in the federal program providing the 12494
revenue, and the agency is not required to obtain an executive 12495
order under section 107.17 of the Revised Code to participate in 12496
the federal program. 12497

(B) With respect to nonfederal revenue received into any 12498

fund of the state, except for any other fund listed in division 12499
(D) of section 127.14 of the Revised Code: 12500

(1) No state agency may make expenditures of any of the 12501
revenue unless the expenditures are made pursuant to specific 12502
appropriations of the general assembly. 12503

(2) If the revenue received into any fund is greater than 12504
the amount appropriated, the appropriation for that fund shall 12505
remain at the amount designated by the general assembly or, 12506
subject to division ~~(D)~~ (E) of this section, as increased and 12507
approved by the controlling board. 12508

(3) Additional funds may be created by the controlling 12509
board to receive revenues not anticipated in an appropriations 12510
act for the biennium in which such new revenues are received. 12511
Subject to division (D) of this section, expenditures from such 12512
additional funds may be authorized by the controlling board, but 12513
such authorization shall not extend beyond the end of the 12514
biennium in which such funds are created. 12515

(C) The controlling board shall not authorize more than 12516
ten per cent of additional spending from the occupational 12517
licensing and regulatory fund, created in section 4743.05 of the 12518
Revised Code, in excess of any appropriation made by the general 12519
assembly to a licensing agency except an appropriation for costs 12520
related to the examination or reexamination of applicants for a 12521
license. As used in this division, "licensing agency" and 12522
"license" have the same meanings as in section 4745.01 of the 12523
Revised Code. 12524

(D) If federal revenue is received in the waterways safety 12525
fund or wildlife fund, the controlling board, at the request of 12526
the director of natural resources, may approve the expenditure 12527

of the federal revenue for purposes for which the federal 12528
revenue was granted. 12529

(E) The amount of any expenditure authorized under 12530
division (A) (2) or (4) or (B) (2) or (3) of this section for a 12531
specific or related purpose or item in any fiscal year shall not 12532
exceed an amount greater than ~~one-half of one per cent of the~~ 12533
~~general revenue fund appropriations~~ one hundred million dollars 12534
for that fiscal year. 12535

Sec. 131.43. There is hereby created in the state treasury 12536
the budget stabilization fund. ~~All investment earnings of the~~ 12537
~~fund shall be credited to the fund.~~ It is the intent of the 12538
general assembly to maintain an amount of money in the budget 12539
stabilization fund that amounts to approximately ten per cent of 12540
the general revenue fund revenues for the preceding fiscal year. 12541
The governor shall include in the state budget the governor 12542
submits to the general assembly under section 107.03 of the 12543
Revised Code proposals for transfers between the general revenue 12544
fund and the budget stabilization fund for the ensuing fiscal 12545
biennium. The balance in the fund may be combined with the 12546
balance in the general revenue fund for purposes of cash 12547
management. 12548

Sec. 131.51. (A) On or before the seventh day of each 12549
month, the director of budget and management shall credit to the 12550
local government fund one and ~~seven-tenths~~ seventy-five one- 12551
hundredths per cent of the total tax revenue credited to the 12552
general revenue fund during the preceding month. In determining 12553
the total tax revenue credited to the general revenue fund 12554
during the preceding month, the director shall include amounts 12555
transferred from the fund during the preceding month under this 12556
~~division and division (B) of this section.~~ Money shall be 12557

distributed from the local government fund as required under 12558
sections 5747.50 and 5747.503 of the Revised Code during the 12559
same month in which it is credited to the fund. 12560

(B) On or before the seventh day of each month, the 12561
director of budget and management shall credit to the public 12562
library fund ~~one and seven-tenths per cent of the total tax-~~ 12563
~~revenue credited to the general revenue fund during the~~ 12564
~~preceding month. In determining the total tax revenue credited~~ 12565
~~to the general revenue fund during the preceding month, the~~ 12566
~~director shall include amounts transferred from the fund during~~ 12567
~~the preceding month under this division and division (A) of this~~ 12568
~~section, from the general revenue fund, one-twelfth of the~~ 12569
amount appropriated by the general assembly for the public 12570
library fund for the fiscal year. Money shall be distributed 12571
from the public library fund as required under section 5747.47 12572
of the Revised Code during the same month in which it is 12573
credited to the fund. 12574

(C) The director of budget and management shall develop a 12575
schedule identifying the specific tax revenue sources to be used 12576
to make the monthly transfers required under ~~divisions~~division 12577
(A) ~~and (B)~~ of this section. The director may, from time to 12578
time, revise the schedule as the director considers necessary. 12579

Sec. 133.18. (A) The taxing authority of a subdivision may 12580
by legislation submit to the electors of the subdivision the 12581
question of issuing any general obligation bonds, for one 12582
purpose, that the subdivision has power or authority to issue. 12583

(B) When the taxing authority of a subdivision desires or 12584
is required by law to submit the question of a bond issue to the 12585
electors, and subject to division (J) of this section, it shall 12586
pass legislation that does all of the following: 12587

(1) Declares the necessity and purpose of the bond issue; 12588

(2) States the date of the authorized election at which 12589
the question shall be submitted to the electors; 12590

(3) States the amount, approximate date, estimated net 12591
average rate of interest, and maximum number of years over which 12592
the principal of the bonds may be paid; 12593

(4) Declares the necessity of levying a tax outside the 12594
tax limitation to pay the debt charges on the bonds and any 12595
anticipatory securities. 12596

The estimated net average interest rate shall be 12597
determined by the taxing authority based on, among other 12598
factors, then existing market conditions, and may reflect 12599
adjustments for any anticipated direct payments expected to be 12600
received by the taxing authority from the government of the 12601
United States relating to the bonds and the effect of any 12602
federal tax credits anticipated to be available to owners of all 12603
or a portion of the bonds. The estimated net average rate of 12604
interest, and any statutory or charter limit on interest rates 12605
that may then be in effect and that is subsequently amended, 12606
shall not be a limitation on the actual interest rate or rates 12607
on the securities when issued. 12608

(C) The taxing authority shall certify a copy of the 12609
legislation passed under division (B) of this section to the 12610
county auditor. The county auditor shall promptly calculate and 12611
advise and, not later than ninety days before the election, 12612
confirm that advice by certification to the taxing authority the 12613
estimated average annual property tax levy, expressed in dollars 12614
for each one hundred thousand dollars of ~~the county auditor's~~ 12615
~~appraised~~ market value and in mills for each one dollar of 12616

taxable value, that the county auditor estimates to be required 12617
throughout the stated maturity of the bonds to pay the debt 12618
charges on the bonds. In calculating the estimated average 12619
annual property tax levy for this purpose, the county auditor 12620
shall assume that the bonds are issued in one series bearing 12621
interest and maturing in substantially equal principal amounts 12622
in each year over the maximum number of years over which the 12623
principal of the bonds may be paid as stated in that 12624
legislation, and that the amount of the tax valuation of the 12625
subdivision most recently certified by the county auditor under 12626
division (A) of section 319.28 of the Revised Code remains the 12627
same throughout the maturity of the bonds. If the subdivision is 12628
located in more than one county, the county auditor shall obtain 12629
the assistance of the county auditors of the other counties, and 12630
those county auditors shall provide assistance, in establishing 12631
the tax valuation of the subdivision for purposes of certifying 12632
the estimated average annual property tax levy. 12633

(D) After receiving the county auditor's advice under 12634
division (C) of this section, the taxing authority by 12635
legislation may determine to proceed with submitting the 12636
question of the issue of securities, and shall, not later than 12637
the ninetieth day before the day of the election, file the 12638
following with the board of elections: 12639

(1) Copies of the legislation provided for in divisions 12640
(B) and (D) of this section; 12641

(2) The amount of the estimated average annual property 12642
tax levy, expressed in dollars for each one hundred thousand 12643
dollars of ~~the county auditor's appraised market value~~ and in 12644
mills for each one dollar of taxable value, as estimated and 12645
certified to the taxing authority by the county auditor. 12646

(E) (1) The board of elections shall prepare the ballots 12647
and make other necessary arrangements for the submission of the 12648
question to the electors of the subdivision. If the subdivision 12649
is located in more than one county, the board shall inform the 12650
boards of elections of the other counties of the filings with 12651
it, and those other boards shall if appropriate make the other 12652
necessary arrangements for the election in their counties. The 12653
election shall be conducted, canvassed, and certified in the 12654
manner provided in Title XXXV of the Revised Code. 12655

(2) The election shall be held at the regular places for 12656
voting in the subdivision. If the electors of only a part of a 12657
precinct are qualified to vote at the election the board of 12658
elections may assign the electors in that part to an adjoining 12659
precinct, including an adjoining precinct in another county if 12660
the board of elections of the other county consents to and 12661
approves the assignment. Each elector so assigned shall be 12662
notified of that fact prior to the election by notice mailed by 12663
the board of elections, in such manner as it determines, prior 12664
to the election. 12665

(3) The board of elections shall publish a notice of the 12666
election once in a newspaper of general circulation in the 12667
subdivision, no later than ten days prior to the election. The 12668
notice shall state all of the following: 12669

(a) The principal amount of the proposed bond issue; 12670

(b) The stated purpose for which the bonds are to be 12671
issued; 12672

(c) The maximum number of years over which the principal 12673
of the bonds may be paid; 12674

(d) The estimated additional average annual property tax 12675

levy, expressed in dollars for each one hundred thousand dollars 12676
of ~~the county auditor's appraised market~~ value and in mills for 12677
each one dollar of taxable value, to be levied outside the tax 12678
limitation, as estimated and certified to the taxing authority 12679
by the county auditor; 12680

(e) The first calendar year in which the tax is expected 12681
to be due. 12682

(F) The form of the ballot to be used at the election 12683
shall be substantially either of the following, as applicable: 12684

(1) "Shall bonds be issued by the _____ (name of 12685
subdivision) for the purpose of _____ (purpose of the bond 12686
issue) in the principal amount of \$_____ (principal amount 12687
of the bond issue), to be repaid annually over a maximum period 12688
of _____ (the maximum number of years over which the 12689
principal of the bonds may be paid) years, and an annual levy of 12690
property taxes be made outside the _____ (as applicable, 12691
"ten-mill" or "___charter tax") limitation, estimated by the 12692
county auditor to average over the repayment period of the bond 12693
issue _____ mills for each \$1 of taxable value, which 12694
amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 12695
~~appraised market~~ value, commencing in _____ (first year the 12696
tax will be levied), first due in calendar year _____ 12697
(first calendar year in which the tax shall be due), to pay the 12698
annual debt charges on the bonds, and to pay debt charges on any 12699
notes issued in anticipation of those bonds? 12700

12701

	For the bond issue
	Against the bond issue

"

(2) In the case of an election held pursuant to 12702
legislation adopted under section 3375.43 or 3375.431 of the 12703
Revised Code: 12704

"Shall bonds be issued for _____ (name of library) 12705
for the purpose of _____ (purpose of the bond issue), in 12706
the principal amount of \$_____ (amount of the bond issue) 12707
by _____ (the name of the subdivision that is to issue the 12708
bonds and levy the tax) as the issuer of the bonds, to be repaid 12709
annually over a maximum period of _____ (the maximum number 12710
of years over which the principal of the bonds may be paid) 12711
years, and an annual levy of property taxes be made outside the 12712
ten-mill limitation, estimated by the county auditor to average 12713
over the repayment period of the bond issue _____ mills for 12714
each \$1 of taxable value, which amounts to \$_____ for each 12715
\$100,000 of ~~the county auditor's appraised market~~ value, 12716
commencing in _____ (first year the tax will be levied), 12717
first due in calendar year _____ (first calendar year in 12718
which the tax shall be due), to pay the annual debt charges on 12719
the bonds, and to pay debt charges on any notes issued in 12720
anticipation of those bonds? 12721
12722

	For the bond issue
	Against the bond issue

"

(G) The board of elections shall promptly certify the 12723
results of the election to the tax commissioner, the county 12724
auditor of each county in which any part of the subdivision is 12725
located, and the fiscal officer of the subdivision. The 12726
election, including the proceedings for and result of the 12727
election, is incontestable other than in a contest filed under 12728

section 3515.09 of the Revised Code in which the plaintiff 12729
prevails. 12730

(H) If a majority of the electors voting upon the question 12731
vote for it, the taxing authority of the subdivision may proceed 12732
under sections 133.21 to 133.33 of the Revised Code with the 12733
issuance of the securities and with the levy and collection of a 12734
property tax outside the tax limitation during the period the 12735
securities are outstanding sufficient in amount to pay the debt 12736
charges on the securities, including debt charges on any 12737
anticipatory securities required to be paid from that tax. If 12738
legislation passed under section 133.22 or 133.23 of the Revised 12739
Code authorizing those securities is filed with the county 12740
auditor on or before the last day of November, the amount of the 12741
voted property tax levy required to pay debt charges or 12742
estimated debt charges on the securities payable in the 12743
following year shall if requested by the taxing authority be 12744
included in the taxes levied for collection in the following 12745
year under section 319.30 of the Revised Code. 12746

(I) (1) If, before any securities authorized at an election 12747
under this section are issued, the net indebtedness of the 12748
subdivision exceeds that applicable to that subdivision or those 12749
securities, then and so long as that is the case none of the 12750
securities may be issued. 12751

(2) No securities authorized at an election under this 12752
section may be initially issued after the first day of the sixth 12753
January following the election, but this period of limitation 12754
shall not run for any time during which any part of the 12755
permanent improvement for which the securities have been 12756
authorized, or the issuing or validity of any part of the 12757
securities issued or to be issued, or the related proceedings, 12758

is involved or questioned before a court or a commission or 12759
other tribunal, administrative agency, or board. 12760

(3) Securities representing a portion of the amount 12761
authorized at an election that are issued within the applicable 12762
limitation on net indebtedness are valid and in no manner 12763
affected by the fact that the balance of the securities 12764
authorized cannot be issued by reason of the net indebtedness 12765
limitation or lapse of time. 12766

(4) Nothing in this division (I) shall be interpreted or 12767
applied to prevent the issuance of securities in an amount to 12768
fund or refund anticipatory securities lawfully issued. 12769

(5) The limitations of divisions (I) (1) and (2) of this 12770
section do not apply to any securities authorized at an election 12771
under this section if at least ten per cent of the principal 12772
amount of the securities, including anticipatory securities, 12773
authorized has theretofore been issued, or if the securities are 12774
to be issued for the purpose of participating in any federally 12775
or state-assisted program. 12776

(6) The certificate of the fiscal officer of the 12777
subdivision is conclusive proof of the facts referred to in this 12778
division. 12779

(J) If the subdivision is a school district, the board of 12780
education of that district shall adopt the legislation described 12781
in division (B) of this section by a vote of at least two-thirds 12782
of all its members. 12783

(K) As used in this section, "~~the county auditor's~~ 12784
~~appraised market value~~" has the same meaning as in section 12785
5705.01 of the Revised Code. 12786

Sec. 135.03. (A) As used in this section, "banking office" 12787

has the same meaning as in section 1101.01 of the Revised Code. 12788

(B) Any national bank, any bank doing business under 12789
authority granted by the superintendent of financial 12790
institutions, or any bank doing business under authority granted 12791
by the regulatory authority of another state of the United 12792
States, and which has a banking office located in this state, is 12793
eligible to become a public depository, subject to sections 12794
135.01 to 135.21 of the Revised Code. No bank shall receive or 12795
have on deposit at any one time public moneys, including public 12796
moneys as defined in section 135.31 of the Revised Code, in an 12797
aggregate amount in excess of thirty per cent of its total 12798
assets, as shown in its latest report to the comptroller of the 12799
currency, the superintendent of financial institutions, the 12800
federal deposit insurance corporation, or the board of governors 12801
of the federal reserve system. 12802

(C) Any federal savings association or any savings and 12803
loan association or savings bank doing business under authority 12804
granted by the regulatory authority of another state of the 12805
United States, and which has a banking office located in this 12806
state, and authorized to accept deposits is eligible to become a 12807
public depository, subject to sections 135.01 to 135.21 of the 12808
Revised Code. No savings association, savings and loan 12809
association, or savings bank shall receive or have on deposit at 12810
any one time public moneys, including public moneys as defined 12811
in section 135.31 of the Revised Code, in an aggregate amount in 12812
excess of thirty per cent of its total assets, as shown in its 12813
latest report to the former office of thrift supervision, the 12814
comptroller of the currency, the superintendent of financial 12815
institutions, the federal deposit insurance corporation, or the 12816
board of governors of the federal reserve system. 12817

Sec. 135.143. (A) The treasurer of state may invest or 12818
execute transactions for any part or all of the interim funds of 12819
the state in the following classifications of obligations: 12820

(1) United States treasury bills, notes, bonds, or any 12821
other obligations or securities issued by the United States 12822
treasury or any other obligation guaranteed as to principal and 12823
interest by the United States; 12824

(2) Bonds, notes, debentures, or any other obligations or 12825
securities issued by any federal government agency or 12826
instrumentality; 12827

(3) (a) Bonds, notes, and other obligations of the state of 12828
Ohio, including, but not limited to, any obligations issued by 12829
the treasurer of state, the Ohio public facilities commission, 12830
the Ohio housing finance agency, the Ohio water development 12831
authority, the Ohio turnpike infrastructure commission, the Ohio 12832
higher educational facility commission, and state institutions 12833
of higher education as defined in section 3345.011 of the 12834
Revised Code; 12835

(b) Bonds, notes, and other obligations of any state or 12836
political subdivision thereof rated in the three highest 12837
categories by at least one nationally recognized statistical 12838
rating organization and purchased through a registered 12839
securities broker or dealer, provided the treasurer of state is 12840
not the sole purchaser of the bonds, notes, or other obligations 12841
at original issuance. 12842

(4) (a) Written repurchase agreements with any eligible 12843
Ohio financial institution that is a member of the federal 12844
reserve system or federal home loan bank, any registered United 12845
States government securities dealer, or any counterparty rated 12846

in one of the three highest categories by at least one 12847
nationally recognized statistical rating organization or 12848
otherwise determined by the treasurer of state to have adequate 12849
capital and liquidity, under the terms of which agreement the 12850
treasurer of state purchases and the eligible financial 12851
institution, dealer, or counterparty agrees unconditionally to 12852
repurchase any of the securities that are listed in division (A) 12853
(1), (2), (3), (6), or (11) of this section. The market value of 12854
securities subject to these transactions must exceed the 12855
principal value of the repurchase agreement by an amount 12856
specified by the treasurer of state, and the securities must be 12857
delivered into the custody of the treasurer of state or the 12858
qualified trustee or agent designated by the treasurer of state. 12859
The agreement shall contain the requirement that for each 12860
transaction pursuant to the agreement, the participating 12861
institution, dealer, or counterparty shall provide all of the 12862
following information: 12863

(i) The par value of the securities; 12864
(ii) The type, rate, and maturity date of the securities; 12865
(iii) A numerical identifier generally accepted in the 12866
securities industry that designates the securities. 12867

(b) The treasurer of state also may sell any securities, 12868
listed in division (A) (1), (2), (6), or (11) of this section, 12869
regardless of maturity or time of redemption of the securities, 12870
under the same terms and conditions for repurchase, provided 12871
that the securities have been fully paid for and are owned by 12872
the treasurer of state at the time of the sale. 12873

(c) For purposes of division (A) (4) of this section, the 12874
treasurer of state shall only buy or sell securities listed in 12875

division (A) (11) of this section issued by entities that are 12876
organized under the laws of this state, any other state, or the 12877
United States. 12878

(5) Securities lending agreements with any eligible 12879
financial institution that is a member of the federal reserve 12880
system or federal home loan bank or any recognized United States 12881
government securities dealer, under the terms of which 12882
agreements the treasurer of state lends securities and the 12883
eligible financial institution or dealer agrees to 12884
simultaneously exchange similar securities or cash, equal value 12885
for equal value. 12886

Securities and cash received as collateral for a 12887
securities lending agreement are not interim funds of the state. 12888
The investment of cash collateral received pursuant to a 12889
securities lending agreement may be invested only in such 12890
instruments specified by the treasurer of state in accordance 12891
with a written investment policy. 12892

(6) Various forms of commercial paper issued by any entity 12893
that is organized under the laws of the United States or a 12894
state, which notes are rated in the two highest categories by 12895
two nationally recognized statistical rating organizations, 12896
provided that the total amount invested under this section in 12897
any commercial paper at any time shall not exceed forty per cent 12898
of the state's total average portfolio, as determined and 12899
calculated by the treasurer of state; 12900

(7) Bankers acceptances, maturing in two hundred seventy 12901
days or less, provided that the total amount invested in bankers 12902
acceptances at any time shall not exceed ten per cent of the 12903
state's total average portfolio, as determined and calculated by 12904
the treasurer of state; 12905

(8) Certificates of deposit, savings accounts, or deposit 12906
accounts in eligible institutions applying for interim moneys as 12907
provided in section 135.08 of the Revised Code, including linked 12908
deposits as authorized under section 135.61 of the Revised Code, 12909
. For interim funds invested in accordance with division (A) (8) 12910
of this section, the pledging requirements described in section 12911
135.18, 135.181, or 135.182 of the Revised Code may be reduced 12912
by up to ten per cent in accordance with rules adopted by the 12913
treasurer of state. 12914

(9) Negotiable certificates of deposit denominated in 12915
United States dollars issued by a nationally or state-chartered 12916
bank, a savings association or a federal savings association, a 12917
state or federal credit union, or a federally licensed or state- 12918
licensed branch of a foreign bank, which are rated in the two 12919
highest categories by two nationally recognized statistical 12920
rating organizations, provided that the total amount invested 12921
under this section in negotiable certificates of deposit at any 12922
time shall not exceed twenty-five per cent of the state's total 12923
average portfolio, as determined and calculated by the treasurer 12924
of state. Interim funds invested in accordance with division (A) 12925
(9) of this section are not limited to institutions applying for 12926
interim moneys under section 135.08 of the Revised Code, nor are 12927
they subject to any pledging requirements described in sections 12928
135.18, 135.181, or 135.182 of the Revised Code. 12929

(10) The state treasurer's investment pool authorized 12930
under section 135.45 of the Revised Code; 12931

(11) Debt interests, other than commercial paper described 12932
in division (A) (6) of this section, rated in the ~~three~~-four 12933
highest categories by two nationally recognized statistical 12934
rating organizations and issued by entities that are organized 12935

under the laws of the United States or a state, or issued by 12936
foreign nations diplomatically recognized by the United States 12937
government, or any instrument based on, derived from, or related 12938
to such interests, provided that: 12939

(a) The investments in debt interests other than 12940
commercial paper, when added to the investment in written 12941
repurchase agreements for securities listed in division (A) (3) 12942
or (11) of this section, shall not exceed in the aggregate 12943
twenty-five per cent of the state's portfolio. 12944

(b) The investments in debt interests rated in the fourth 12945
highest category shall not exceed in the aggregate ten per cent 12946
of the state's portfolio. 12947

(c) The investments in debt interests issued by foreign 12948
nations shall not exceed in the aggregate two per cent of the 12949
state's portfolio. 12950

The treasurer of state shall invest under division (A) (11) 12951
of this section in a debt interest issued by a foreign nation 12952
only if the debt interest is backed by the full faith and credit 12953
of that foreign nation, and provided that all interest and 12954
principal shall be denominated and payable in United States 12955
funds. 12956

~~(e)~~ (d) When added to the investment in commercial paper 12957
and negotiable certificates of deposit, the investments in the 12958
debt interests of a single issuer shall not exceed in the 12959
aggregate five per cent of the state's portfolio. 12960

~~(d)~~ (e) For purposes of division (A) (11) of this section, a 12961
debt interest is rated in the ~~three~~ four highest categories by 12962
two nationally recognized statistical rating organizations if 12963
either the debt interest itself or the issuer of the debt 12964

interest is rated, or is implicitly rated, in the ~~three~~four 12965
highest categories by two nationally recognized statistical 12966
rating organizations. 12967

~~(e)~~(f) For purposes of division (A) (11) of this section, 12968
the "state's portfolio" means the state's total average 12969
portfolio, as determined and calculated by the treasurer of 12970
state. 12971

(12) No-load money market mutual funds rated in the 12972
highest category by one nationally recognized statistical rating 12973
organization or consisting exclusively of obligations described 12974
in division (A) (1), (2), or (6) of this section and repurchase 12975
agreements secured by such obligations; 12976

(13) Obligations issued by, or on behalf of, an Ohio 12977
political subdivision under Chapter 133. of the Revised Code or 12978
Section 12 of Article XVIII, Ohio Constitution, and identified 12979
in an agreement described in division (G) of this section; 12980

(14) Obligations issued by the state of Ohio, any 12981
political subdivision thereof, or by or on behalf of any 12982
nonprofit corporation or association doing business in this 12983
state rated in the four highest categories by at least one 12984
nationally recognized statistical rating organization and 12985
identified in an agreement described in division (K) of this 12986
section. 12987

~~(B)~~(B) (1) On or before the tenth day of each month, the 12988
treasurer of state shall notify the state board of deposit that 12989
the following reports pertaining to the immediately preceding 12990
month have been posted to the web site maintained by the 12991
treasurer of state: 12992

~~(1)~~(a) The daily ledger report of state funds prepared in 12993

accordance with section 113.13 of the Revised Code; 12994

~~(2)~~ (b) The monthly portfolio report detailing the current 12995
inventory of all investments and deposits held within the 12996
classification of interim moneys; 12997

~~(3)~~ (c) The monthly activity report within the 12998
classification of interim moneys summarized by type of 12999
investment or deposit. 13000

(2) In the event the state board of deposit does not 13001
concur in such classification or in the investments or deposits 13002
made under this section, subject to division (B) (3) of this 13003
section, the board may order the treasurer of state to sell or 13004
liquidate any of the investments or deposits, and any such order 13005
shall specifically describe the investments or deposits and fix 13006
the date upon which they are to be sold or liquidated. 13007
Investments or deposits so ordered to be sold or liquidated 13008
shall be sold or liquidated for cash by the treasurer of state 13009
on the date fixed in such order at the then current market 13010
price. Neither the treasurer of state nor the members of the 13011
state board of deposit shall be held accountable for any loss 13012
occasioned by sales or liquidations of investments or deposits 13013
at prices lower than their cost. Any loss or expense incurred in 13014
making these sales or liquidations is payable as other expenses 13015
of the treasurer's office. 13016

(3) Unless expressly authorized by the laws of this state, 13017
the state board of deposit shall not order the treasurer of 13018
state to sell or liquidate investments or deposits with the 13019
primary purpose of influencing any environmental, social, 13020
personal, or ideological policy. 13021

(C) If any securities or obligations invested in by the 13022

treasurer of state pursuant to this section are registrable 13023
either as to principal or interest, or both, such securities or 13024
obligations shall be registered in the name of the treasurer of 13025
state. 13026

(D) The treasurer of state is responsible for the 13027
safekeeping of all securities or obligations under this section. 13028
Any such securities or obligations may be deposited for 13029
safekeeping as provided in section 113.05 of the Revised Code. 13030

(E) Interest earned on any investments or deposits 13031
authorized by this section shall be collected by the treasurer 13032
of state and credited by the treasurer of state to the proper 13033
fund of the state. 13034

(F) Whenever investments or deposits acquired under this 13035
section mature and become due and payable, the treasurer of 13036
state shall present them for payment according to their tenor, 13037
and shall collect the moneys payable thereon. The moneys so 13038
collected shall be treated as public moneys subject to sections 13039
135.01 to 135.21 of the Revised Code. 13040

(G) The treasurer of state and any entity issuing 13041
obligations referred to in division (A) (13) of this section, 13042
which obligations mature within one year from the original date 13043
of issuance, may enter into an agreement providing for: 13044

(1) The purchase of those obligations by the treasurer of 13045
state on terms and subject to conditions set forth in the 13046
agreement; 13047

(2) The payment to the treasurer of state of a reasonable 13048
fee as consideration for the agreement of the treasurer of state 13049
to purchase those obligations; provided, however, that the 13050
treasurer of state shall not be authorized to enter into any 13051

such agreement with a board of education of a school district 13052
that has an outstanding obligation with respect to a loan 13053
received under authority of section 3313.483 of the Revised 13054
Code. 13055

(H) For purposes of division (G) of this section, a fee 13056
shall not be considered reasonable unless it is set to recover 13057
only the direct costs, a reasonable estimate of the indirect 13058
costs associated with the purchasing of obligations under 13059
division (G) of this section and any reselling of the 13060
obligations or any interest in the obligations, including 13061
interests in a fund comprised of the obligations, and the 13062
administration thereof. No money from the general revenue fund 13063
shall be used to subsidize the purchase or resale of these 13064
obligations. 13065

(I) All money collected by the treasurer of state from the 13066
fee imposed by division (G) of this section shall be deposited 13067
to the credit of the state political subdivision obligations 13068
fund, which is hereby created in the state treasury. Money 13069
credited to the fund shall be used solely to pay the treasurer 13070
of state's direct and indirect costs associated with purchasing 13071
and reselling obligations under division (G) of this section. 13072

(J) As used in this section, "political subdivision" means 13073
a county, township, municipal corporation, school district, or 13074
other body corporate and politic responsible for governmental 13075
activities in a geographic area smaller than that of the state. 13076

(K) (1) The treasurer of state and any entity issuing 13077
obligations referred to in division (A) (14) of this section, 13078
which obligations require a conditional liquidity requirement, 13079
may enter into an agreement providing for the following: 13080

(a) The purchase of the obligations by the treasurer of 13081
state on terms and subject to conditions set forth in the 13082
agreement; 13083

(b) Payment to the treasurer of state of a fee as 13084
consideration for the agreement of the treasurer of state to 13085
purchase the obligations. 13086

(2) The treasurer of state shall not enter into agreements 13087
under division (K) (1) of this section for obligations that, in 13088
the aggregate, exceed ten per cent of the state's total average 13089
portfolio, as determined and calculated by the treasurer of 13090
state. 13091

(3) For purposes of division (A) (14) of this section, an 13092
obligation is rated in the four highest categories by at least 13093
one nationally recognized statistical rating organization if 13094
either the debt interest itself or the obligor of the debt 13095
interest is rated in the four highest categories by at least one 13096
nationally recognized statistical rating organization. 13097

(4) All money collected by the treasurer of state from the 13098
fee imposed by division (K) of this section shall be deposited 13099
to the credit of the state securities tender program fund, which 13100
is hereby created in the state treasury. The amount of income 13101
from the state securities tender program credited to the state 13102
securities tender program fund shall not exceed one per cent of 13103
the average par value of obligations subject to agreements under 13104
division (K) (1) of this section. All other such income shall be 13105
credited to the general revenue fund. The treasurer of state may 13106
use the state securities tender program fund solely for 13107
operations of the office of the treasurer of state. 13108

(L) (1) The treasurer of state and a state university or 13109

college issuing obligations under section 3345.12 of the Revised 13110
Code may enter into an agreement providing for the following: 13111

(a) The purchase of those obligations by the treasurer of 13112
state pursuant to division (A) (3) (a) of this section on terms 13113
and subject to conditions set forth in the agreement; 13114

(b) The department of higher education to withhold, in the 13115
event the state university or college does not pay bond service 13116
charges on the obligations when due, appropriated funds 13117
allocated to the state university or college in an amount 13118
sufficient to pay bond service charges on the obligations, less 13119
any amounts deposited for that purpose under the bond 13120
proceedings. Upon the request of the treasurer of state, the 13121
department of higher education shall promptly pay to the 13122
treasurer of state the amounts withheld. 13123

(2) For purposes of division (L) (1) of this section, 13124
"obligations," "state university or college," "bond service 13125
charges," and "bond proceedings" have the same meanings as in 13126
section 3345.12 of the Revised Code. 13127

(M) Unless expressly authorized by the laws of this state, 13128
the treasurer of state shall not do either of the following: 13129

(1) Make an investment decision with the primary purpose 13130
of influencing any environmental, social, personal, or 13131
ideological policy; 13132

(2) Permit any person or entity to which the treasurer of 13133
state delegates the management of the investment of state money 13134
to make investment decisions with state money with the primary 13135
purpose of influencing any environmental, social, personal, or 13136
ideological policy. 13137

Sec. 135.1411. Unless expressly authorized by the laws of 13138

this state, the treasurer or the governing board of a municipal 13139
corporation shall not do either of the following: 13140

(A) Make an investment decision with the primary purpose 13141
of influencing any environmental, social, personal, or 13142
ideological policy; 13143

(B) Permit any person or entity to which the treasurer or 13144
governing board delegates the management of the investment of 13145
public money to make investment decisions with public money with 13146
the primary purpose of influencing any environmental, social, 13147
personal, or ideological policy. 13148

Sec. 135.18. (A) Each institution designated as a public 13149
depository and awarded public deposits under sections 135.01 to 13150
135.21 of the Revised Code, except as provided in section 13151
~~135.144 or~~ 135.145 of the Revised Code, shall provide security 13152
for the repayment of all public deposits by selecting one of the 13153
following methods: 13154

(1) Securing all uninsured public deposits of each public 13155
depositor separately as set forth in divisions (B) to (J) of 13156
this section; 13157

(2) Securing all uninsured public deposits of every public 13158
depositor pursuant to section 135.181 or 135.182 of the Revised 13159
Code, as applicable, by establishing and pledging to the 13160
treasurer of state a single pool of collateral for the benefit 13161
of every public depositor at the public depository. 13162

(B) If a public depository elects to provide security 13163
pursuant to division (A)(1) of this section, the public 13164
depository shall pledge to the public depositor, as security for 13165
the repayment of all public moneys deposited in the public 13166
depository during the period of designation pursuant to an award 13167

made under sections 135.01 to 135.21 of the Revised Code, 13168
eligible securities of aggregate market value at all times equal 13169
to at least one hundred five per cent of the total amount of the 13170
public depositor's uninsured public deposits. 13171

(C) In order for a public depository to receive public 13172
moneys under this section, the public depository and the public 13173
depositor shall first execute an agreement that sets forth the 13174
entire arrangement among the parties and that meets the 13175
requirements described in 12 U.S.C. 1823(e). In addition, the 13176
agreement shall authorize the public depositor to obtain control 13177
of the collateral pursuant to division (D) of section 1308.24 of 13178
the Revised Code. 13179

(D) The following securities or other obligations shall be 13180
eligible for the purposes of this section: 13181

(1) Bonds, notes, or other obligations of the United 13182
States; or bonds, notes, or other obligations guaranteed as to 13183
principal and interest by the United States or those for which 13184
the faith of the United States is pledged for the payment of 13185
principal and interest thereon, by language appearing in the 13186
instrument specifically providing such guarantee or pledge and 13187
not merely by interpretation or otherwise; 13188

(2) Bonds, notes, debentures, letters of credit, or other 13189
obligations or securities issued by any federal government 13190
agency or instrumentality, or the export-import bank of 13191
Washington; bonds, notes, or other obligations guaranteed as to 13192
principal and interest by the United States or those for which 13193
the faith of the United States is pledged for the payment of 13194
principal and interest thereon, by interpretation or otherwise 13195
and not by language appearing in the instrument specifically 13196
providing such guarantee or pledge; 13197

(3) Obligations of or fully insured or fully guaranteed by	13198
the United States or any federal government agency or	13199
instrumentality;	13200
(4) Obligations partially insured or partially guaranteed	13201
by any federal agency or instrumentality;	13202
(5) Obligations of or fully guaranteed by the federal	13203
national mortgage association, federal home loan mortgage	13204
corporation, federal farm credit bank, or student loan marketing	13205
association;	13206
(6) Bonds and other obligations of this state;	13207
(7) Bonds and other obligations of any county, township,	13208
school district, municipal corporation, or other legally	13209
constituted taxing subdivision of this state, which is not at	13210
the time of such deposit, in default in the payment of principal	13211
or interest on any of its bonds or other obligations, for which	13212
the full faith and credit of the issuing subdivision is pledged;	13213
(8) Bonds of other states of the United States which have	13214
not during the ten years immediately preceding the time of such	13215
deposit defaulted in payments of either interest or principal on	13216
any of their bonds;	13217
(9) Shares of no-load money market mutual funds consisting	13218
exclusively of obligations described in division (D) (1) or (2)	13219
of this section and repurchase agreements secured by such	13220
obligations;	13221
(10) A surety bond issued by a corporate surety licensed	13222
by the state and authorized to issue surety bonds in this state	13223
pursuant to Chapter 3929. of the Revised Code, and qualified to	13224
provide surety bonds to the federal government pursuant to 96	13225
Stat. 1047 (1982), 31 U.S.C.A. 9304;	13226

(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of such county, municipal corporation, or other taxing subdivision, for which the full faith and credit of the issuer is pledged and, at the time of purchase of the bonds or other obligations, rated in one of the two highest categories by at least one nationally recognized statistical rating organization.

(E) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities required by division (D) of this section with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the public depositor's security interest in the securities. The trustee shall report to the public depositor information relating to the securities pledged to secure the public deposits in the manner and frequency required by the public depositor.

(F) The qualified trustee shall enter into a custodial agreement with the public depositor and public depository in which the trustee agrees to comply with entitlement orders originated by the public depositor without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the public depositor shall have the public depositor's security interest marked on the books of the federal reserve bank where the account for the collateral is maintained. If the public depository fails to pay over any part of the public deposits made by the public depositor therein as provided by law, the public depositor shall give written notice of this failure to the qualified trustee holding the securities pledged against its public deposits and, at the same time, shall send a copy of this

notice to the public depository. Upon receipt of this notice, 13258
the trustee shall transfer to the public depositor for sale, the 13259
securities that are necessary to produce an amount equal to the 13260
public deposits made by the public depositor and not paid over, 13261
less the portion of the deposits covered by any federal deposit 13262
insurance, plus any accrued interest due on the deposits. The 13263
public depositor shall sell any of the bonds or other securities 13264
so transferred. When a sale of bonds or other securities has 13265
been so made and upon payment to the public depositor of the 13266
purchase money, the public depositor shall transfer such bonds 13267
or securities whereupon the absolute ownership of such bonds or 13268
securities shall pass to the purchasers. Any surplus after 13269
deducting the amount due the public depositor and expenses of 13270
sale shall be paid to the public depository. 13271

(G) When the public depository has placed eligible 13272
securities described in division (D) (1) of this section with a 13273
trustee for safekeeping, the public depository may at any time 13274
substitute or exchange eligible securities described in division 13275
(D) (1) of this section having a current market value equal to or 13276
greater than the current market value of the securities then on 13277
deposit and for which they are to be substituted or exchanged, 13278
without specific authorization from any public depositor's 13279
governing board, boards, or treasurer of any such substitution 13280
or exchange. 13281

(H) When the public depository has placed eligible 13282
securities described in divisions (D) (2) to (9) of this section 13283
with a trustee for safekeeping, the public depository may at any 13284
time substitute or exchange eligible securities having a current 13285
market value equal to or greater than the current market value 13286
of the securities then on deposit and for which they are to be 13287
substituted or exchanged without specific authorization of any 13288

public depositor's governing board, boards, or treasurer of any 13289
such substitution or exchange only if one of the following 13290
applies: 13291

(1) The public depositor has authorized the public 13292
depository to make such substitution or exchange on a continuing 13293
basis during a specified period without prior approval of each 13294
substitution or exchange. The authorization may be effected by 13295
the public depositor sending to the trustee a written notice 13296
stating that substitution may be effected on a continuing basis 13297
during a specified period which shall not extend beyond the end 13298
of the period of designation during which the notice is given. 13299
The trustee may rely upon this notice and upon the period of 13300
authorization stated therein and upon the period of designation 13301
stated therein. 13302

(2) The public depository notifies the public depositor 13303
and the trustee of an intended substitution or exchange, and the 13304
public depositor does not object to the trustee as to the 13305
eligibility or market value of the securities being substituted 13306
within three business days after the date appearing on the 13307
notice of proposed substitution. The notice to the public 13308
depositor and to the trustee shall be given in writing and 13309
delivered electronically. The trustee may assume in any case 13310
that the notice has been delivered to the public depositor. In 13311
order for objections of the public depositor to be effective, 13312
receipt of the objections must be acknowledged in writing by the 13313
trustee. 13314

(3) The public depositor gives written authorization for a 13315
substitution or exchange of specific securities. 13316

(I) The public depository shall notify any public 13317
depositor of any substitution or exchange under division (H) (1) 13318

or (2) of this section. 13319

(J) Any federal reserve bank or branch thereof located in 13320
this state or federal home loan bank, without compliance with 13321
Chapter 1111. of the Revised Code and without becoming subject 13322
to any other law of this state relative to the exercise by 13323
corporations of trust powers generally, is qualified to act as 13324
trustee for the safekeeping of securities, under this section. 13325
Any institution mentioned in section 135.03 or 135.32 of the 13326
Revised Code that holds a certificate of qualification issued by 13327
the superintendent of financial institutions or any institution 13328
complying with sections 1111.04, 1111.05, and 1111.06 of the 13329
Revised Code, is qualified to act as trustee for the safekeeping 13330
of securities under this section, other than those belonging to 13331
itself or to an affiliate as defined in section 1101.01 of the 13332
Revised Code. 13333

Notwithstanding the fact that a public depository is 13334
required to pledge eligible securities in certain amounts to 13335
secure deposits of public moneys, a trustee has no duty or 13336
obligation to determine the eligibility, market value, or face 13337
value of any securities deposited with the trustee by a public 13338
depository. This applies in all situations including, without 13339
limitation, a substitution or exchange of securities. 13340

Any charges or compensation of a designated trustee for 13341
acting as such under this section shall be paid by the public 13342
depository and in no event shall be chargeable to the state or 13343
the subdivision or to any officer of the state or subdivision. 13344
The charges or compensation shall not be a lien or charge upon 13345
the securities deposited for safekeeping prior or superior to 13346
the rights to and interests in the securities of the public 13347
depositor. The treasurer and the treasurer's bonders or surety 13348

shall be relieved from any liability to the public depositor or 13349
to the public depository for the loss or destruction of any 13350
securities deposited with a qualified trustee pursuant to this 13351
section. 13352

Sec. 135.35. (A) The investing authority shall deposit or 13353
invest any part or all of the county's inactive moneys and shall 13354
invest all of the money in the county public library fund when 13355
required by section 135.352 of the Revised Code. The following 13356
classifications of securities and obligations are eligible for 13357
such deposit or investment: 13358

(1) United States treasury bills, notes, bonds, or any 13359
other obligation or security issued by the United States 13360
treasury, any other obligation guaranteed as to principal or 13361
interest by the United States, or any book entry, zero-coupon 13362
United States treasury security that is a direct obligation of 13363
the United States. 13364

Nothing in the classification of eligible securities and 13365
obligations set forth in divisions (A) (2) to (10) of this 13366
section shall be construed to authorize any investment in 13367
stripped principal or interest obligations of such eligible 13368
securities and obligations. 13369

(2) Bonds, notes, debentures, or any other obligations or 13370
securities issued by any federal government agency or 13371
instrumentality, including, but not limited to, the federal 13372
national mortgage association, federal home loan bank, federal 13373
farm credit bank, federal home loan mortgage corporation, and 13374
government national mortgage association. All federal agency 13375
securities shall be direct issuances of federal government 13376
agencies or instrumentalities. 13377

(3) Time certificates of deposit or savings or deposit 13378
accounts, including, but not limited to, passbook accounts, in 13379
any eligible institution mentioned in section 135.32 of the 13380
Revised Code; 13381

(4) Bonds and other obligations of this state or the 13382
political subdivisions of this state, provided the bonds or 13383
other obligations of political subdivisions mature within ten 13384
years from the date of settlement; 13385

(5) No-load money market mutual funds rated in the highest 13386
category at the time of purchase by at least one nationally 13387
recognized statistical rating organization or consisting 13388
exclusively of obligations described in division (A) (1), (2), or 13389
(6) of section 135.143 of the Revised Code and repurchase 13390
agreements secured by such obligations, provided that 13391
investments in securities described in this division are made 13392
only through eligible institutions mentioned in section 135.32 13393
of the Revised Code; 13394

(6) The Ohio subdivision's fund as provided in section 13395
135.45 of the Revised Code; 13396

(7) Securities lending agreements with any eligible 13397
institution mentioned in section 135.32 of the Revised Code that 13398
is a member of the federal reserve system or federal home loan 13399
bank or with any recognized United States government securities 13400
dealer meeting the description in division (J) (1) of this 13401
section, under the terms of which agreements the investing 13402
authority lends securities and the eligible institution or 13403
dealer agrees to simultaneously exchange similar securities or 13404
cash, equal value for equal value. 13405

Securities and cash received as collateral for a 13406

securities lending agreement are not inactive moneys of the 13407
county or moneys of a county public library fund. The investment 13408
of cash collateral received pursuant to a securities lending 13409
agreement may be invested only in instruments specified by the 13410
investing authority in the written investment policy described 13411
in division (K) of this section. 13412

(8) Up to forty per cent of the county's total average 13413
portfolio in either of the following investments: 13414

(a) Commercial paper notes issued by an entity that is 13415
defined in ~~division (D) of section 1705.01 or division (E)~~ (K) 13416
of section 1706.01 of the Revised Code and that has assets 13417
exceeding five hundred million dollars, to which notes all of 13418
the following apply: 13419

(i) The notes are rated at the time of purchase in the 13420
highest classification established by at least two nationally 13421
recognized statistical rating organizations. 13422

(ii) The aggregate value of the notes does not exceed ten 13423
per cent of the aggregate value of the outstanding commercial 13424
paper of the issuing corporation. 13425

(iii) The notes mature not later than two hundred seventy 13426
days after purchase. 13427

(iv) The investment in commercial paper notes of a single 13428
issuer shall not exceed in the aggregate five per cent of 13429
interim moneys available for investment at the time of purchase. 13430

(b) Bankers acceptances of banks that are insured by the 13431
federal deposit insurance corporation and that mature not later 13432
than one hundred eighty days after purchase. 13433

No investment shall be made pursuant to division (A) (8) of 13434

this section unless the investing authority has completed 13435
additional training for making the investments authorized by 13436
division (A) (8) of this section. The type and amount of 13437
additional training shall be approved by the treasurer of state 13438
and may be conducted by or provided under the supervision of the 13439
treasurer of state. 13440

(9) Up to fifteen per cent of the county's total average 13441
portfolio in notes issued by corporations that are incorporated 13442
under the laws of the United States and that are operating 13443
within the United States, or by depository institutions that are 13444
doing business under authority granted by the United States or 13445
any state and that are operating within the United States, 13446
provided both of the following apply: 13447

(a) The notes are rated in the three highest categories by 13448
at least two nationally recognized statistical rating 13449
organizations at the time of purchase. 13450

(b) The notes mature not later than three years after 13451
purchase. 13452

(10) Debt interests rated at the time of purchase in the 13453
three highest categories by two nationally recognized 13454
statistical rating organizations and issued by foreign nations 13455
diplomatically recognized by the United States government. All 13456
interest and principal shall be denominated and payable in 13457
United States funds. The investments made under division (A) (10) 13458
of this section shall not exceed in the aggregate two per cent 13459
of a county's total average portfolio. 13460

The investing authority shall invest under division (A) 13461
(10) of this section in a debt interest issued by a foreign 13462
nation only if the debt interest is backed by the full faith and 13463

credit of that foreign nation, there is no prior history of 13464
default, and the debt interest matures not later than five years 13465
after purchase. For purposes of division (A) (10) of this 13466
section, a debt interest is rated in the three highest 13467
categories by two nationally recognized statistical rating 13468
organizations if either the debt interest itself or the issuer 13469
of the debt interest is rated, or is implicitly rated, at the 13470
time of purchase in the three highest categories by two 13471
nationally recognized statistical rating organizations. 13472

(11) A current unpaid or delinquent tax line of credit 13473
authorized under division (G) of section 135.341 of the Revised 13474
Code, provided that all of the conditions for entering into such 13475
a line of credit under that division are satisfied, or bonds and 13476
other obligations of a county land reutilization corporation 13477
organized under Chapter 1724. of the Revised Code, if the county 13478
land reutilization corporation is located wholly or partly 13479
within the same county as the investing authority. 13480

(B) Nothing in the classifications of eligible obligations 13481
and securities set forth in divisions (A) (1) to (10) of this 13482
section shall be construed to authorize investment in a 13483
derivative, and no investing authority shall invest any county 13484
inactive moneys or any moneys in a county public library fund in 13485
a derivative. For purposes of this division, "derivative" means 13486
a financial instrument or contract or obligation whose value or 13487
return is based upon or linked to another asset or index, or 13488
both, separate from the financial instrument, contract, or 13489
obligation itself. Any security, obligation, trust account, or 13490
other instrument that is created from an issue of the United 13491
States treasury or is created from an obligation of a federal 13492
agency or instrumentality or is created from both is considered 13493
a derivative instrument. An eligible investment described in 13494

this section with a variable interest rate payment, based upon a 13495
single interest payment or single index comprised of other 13496
eligible investments provided for in division (A) (1) or (2) of 13497
this section, is not a derivative, provided that such variable 13498
rate investment has a maximum maturity of two years. A treasury 13499
inflation-protected security shall not be considered a 13500
derivative, provided the security matures not later than five 13501
years after purchase. 13502

(C) Except as provided in division (A) (4) or (D) of this 13503
section, any investment made pursuant to this section must 13504
mature within five years from the date of settlement, unless the 13505
investment is matched to a specific obligation or debt of the 13506
county or to a specific obligation or debt of a political 13507
subdivision of this state, and the investment is specifically 13508
approved by the investment advisory committee. 13509

(D) The investing authority may also enter into a written 13510
repurchase agreement with any eligible institution mentioned in 13511
section 135.32 of the Revised Code or any eligible securities 13512
dealer pursuant to division (J) of this section, under the terms 13513
of which agreement the investing authority purchases and the 13514
eligible institution or dealer agrees unconditionally to 13515
repurchase any of the securities listed in divisions (D) (1) to 13516
(5), except letters of credit described in division (D) (2), of 13517
section 135.18 of the Revised Code. The market value of 13518
securities subject to an overnight written repurchase agreement 13519
must exceed the principal value of the overnight written 13520
repurchase agreement by at least two per cent. A written 13521
repurchase agreement must exceed the principal value of the 13522
overnight written repurchase agreement, by at least two per 13523
cent. A written repurchase agreement shall not exceed thirty 13524
days, and the market value of securities subject to a written 13525

repurchase agreement must exceed the principal value of the 13526
written repurchase agreement by at least two per cent and be 13527
marked to market daily. All securities purchased pursuant to 13528
this division shall be delivered into the custody of the 13529
investing authority or the qualified custodian of the investing 13530
authority or an agent designated by the investing authority. A 13531
written repurchase agreement with an eligible securities dealer 13532
shall be transacted on a delivery versus payment basis. The 13533
agreement shall contain the requirement that for each 13534
transaction pursuant to the agreement the participating 13535
institution shall provide all of the following information: 13536

(1) The par value of the securities; 13537

(2) The type, rate, and maturity date of the securities; 13538

(3) A numerical identifier generally accepted in the 13539
securities industry that designates the securities. 13540

No investing authority shall enter into a written 13541
repurchase agreement under the terms of which the investing 13542
authority agrees to sell securities owned by the county to a 13543
purchaser and agrees with that purchaser to unconditionally 13544
repurchase those securities. 13545

(E) No investing authority shall make an investment under 13546
this section, unless the investing authority, at the time of 13547
making the investment, reasonably expects that the investment 13548
can be held until its maturity. The investing authority's 13549
written investment policy shall specify the conditions under 13550
which an investment may be redeemed or sold prior to maturity. 13551

(F) No investing authority shall pay a county's inactive 13552
moneys or moneys of a county public library fund into a fund 13553
established by another subdivision, treasurer, governing board, 13554

or investing authority, if that fund was established by the 13555
subdivision, treasurer, governing board, or investing authority 13556
for the purpose of investing or depositing the public moneys of 13557
other subdivisions. This division does not apply to the payment 13558
of public moneys into either of the following: 13559

(1) The Ohio subdivision's fund pursuant to division (A) 13560
(6) of this section; 13561

(2) A fund created solely for the purpose of acquiring, 13562
constructing, owning, leasing, or operating municipal utilities 13563
pursuant to the authority provided under section 715.02 of the 13564
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 13565

For purposes of division (F) of this section, 13566
"subdivision" includes a county. 13567

(G) The use of leverage, in which the county uses its 13568
current investment assets as collateral for the purpose of 13569
purchasing other assets, is prohibited. The issuance of taxable 13570
notes for the purpose of arbitrage is prohibited. Contracting to 13571
sell securities not owned by the county, for the purpose of 13572
purchasing such securities on the speculation that bond prices 13573
will decline, is prohibited. 13574

(H) Any securities, certificates of deposit, deposit 13575
accounts, or any other documents evidencing deposits or 13576
investments made under authority of this section shall be issued 13577
in the name of the county with the county treasurer or investing 13578
authority as the designated payee. If any such deposits or 13579
investments are registrable either as to principal or interest, 13580
or both, they shall be registered in the name of the treasurer. 13581

(I) The investing authority shall be responsible for the 13582
safekeeping of all documents evidencing a deposit or investment 13583

acquired under this section, including, but not limited to, 13584
safekeeping receipts evidencing securities deposited with a 13585
qualified trustee, as provided in section 135.37 of the Revised 13586
Code, and documents confirming the purchase of securities under 13587
any repurchase agreement under this section shall be deposited 13588
with a qualified trustee, provided, however, that the qualified 13589
trustee shall be required to report to the investing authority, 13590
auditor of state, or an authorized outside auditor at any time 13591
upon request as to the identity, market value, and location of 13592
the document evidencing each security, and that if the 13593
participating institution is a designated depository of the 13594
county for the current period of designation, the securities 13595
that are the subject of the repurchase agreement may be 13596
delivered to the treasurer or held in trust by the participating 13597
institution on behalf of the investing authority. 13598

Upon the expiration of the term of office of an investing 13599
authority or in the event of a vacancy in the office for any 13600
reason, the officer or the officer's legal representative shall 13601
transfer and deliver to the officer's successor all documents 13602
mentioned in this division for which the officer has been 13603
responsible for safekeeping. For all such documents transferred 13604
and delivered, the officer shall be credited with, and the 13605
officer's successor shall be charged with, the amount of moneys 13606
evidenced by such documents. 13607

(J) (1) All investments, except for investments in 13608
securities described in divisions (A) (5), (6), and (11) of this 13609
section, shall be made only through a member of the financial 13610
industry regulatory authority (FINRA), through a bank, savings 13611
bank, or savings and loan association regulated by the 13612
superintendent of financial institutions, or through an 13613
institution regulated by the comptroller of the currency, 13614

federal deposit insurance corporation, or board of governors of 13615
the federal reserve system. 13616

(2) Payment for investments shall be made only upon the 13617
delivery of securities representing such investments to the 13618
treasurer, investing authority, or qualified trustee. If the 13619
securities transferred are not represented by a certificate, 13620
payment shall be made only upon receipt of confirmation of 13621
transfer from the custodian by the treasurer, governing board, 13622
or qualified trustee. 13623

(K) (1) Except as otherwise provided in division (K) (2) of 13624
this section, no investing authority shall make an investment or 13625
deposit under this section, unless there is on file with the 13626
auditor of state a written investment policy approved by the 13627
investing authority. The policy shall require that all entities 13628
conducting investment business with the investing authority 13629
shall sign the investment policy of that investing authority. 13630
All brokers, dealers, and financial institutions, described in 13631
division (J) (1) of this section, initiating transactions with 13632
the investing authority by giving advice or making investment 13633
recommendations shall sign the investing authority's investment 13634
policy thereby acknowledging their agreement to abide by the 13635
policy's contents. All brokers, dealers, and financial 13636
institutions, described in division (J) (1) of this section, 13637
executing transactions initiated by the investing authority, 13638
having read the policy's contents, shall sign the investment 13639
policy thereby acknowledging their comprehension and receipt. 13640

(2) If a written investment policy described in division 13641
(K) (1) of this section is not filed on behalf of the county with 13642
the auditor of state, the investing authority of that county 13643
shall invest the county's inactive moneys and moneys of the 13644

county public library fund only in time certificates of deposits 13645
or savings or deposit accounts pursuant to division (A) (3) of 13646
this section, no-load money market mutual funds pursuant to 13647
division (A) (5) of this section, or the Ohio subdivision's fund 13648
pursuant to division (A) (6) of this section. 13649

(L) (1) The investing authority shall establish and 13650
maintain an inventory of all obligations and securities acquired 13651
by the investing authority pursuant to this section. The 13652
inventory shall include a description of each obligation or 13653
security, including type, cost, par value, maturity date, 13654
settlement date, and any coupon rate. 13655

(2) The investing authority shall also keep a complete 13656
record of all purchases and sales of the obligations and 13657
securities made pursuant to this section. 13658

(3) The investing authority shall maintain a monthly 13659
portfolio report and issue a copy of the monthly portfolio 13660
report describing such investments to the county investment 13661
advisory committee, detailing the current inventory of all 13662
obligations and securities, all transactions during the month 13663
that affected the inventory, any income received from the 13664
obligations and securities, and any investment expenses paid, 13665
and stating the names of any persons effecting transactions on 13666
behalf of the investing authority. 13667

(4) The monthly portfolio report shall be a public record 13668
and available for inspection under section 149.43 of the Revised 13669
Code. 13670

(5) The inventory and the monthly portfolio report shall 13671
be filed with the board of county commissioners. The monthly 13672
portfolio report also shall be filed with the treasurer of 13673

state. 13674

(M) An investing authority may enter into a written 13675
investment or deposit agreement that includes a provision under 13676
which the parties agree to submit to nonbinding arbitration to 13677
settle any controversy that may arise out of the agreement, 13678
including any controversy pertaining to losses of public moneys 13679
resulting from investment or deposit. The arbitration provision 13680
shall be set forth entirely in the agreement, and the agreement 13681
shall include a conspicuous notice to the parties that any party 13682
to the arbitration may apply to the court of common pleas of the 13683
county in which the arbitration was held for an order to vacate, 13684
modify, or correct the award. Any such party may also apply to 13685
the court for an order to change venue to a court of common 13686
pleas located more than one hundred miles from the county in 13687
which the investing authority is located. 13688

For purposes of this division, "investment or deposit 13689
agreement" means any agreement between an investing authority 13690
and a person, under which agreement the person agrees to invest, 13691
deposit, or otherwise manage, on behalf of the investing 13692
authority, a county's inactive moneys or moneys in a county 13693
public library fund, or agrees to provide investment advice to 13694
the investing authority. 13695

(N) (1) An investment held in the county portfolio on 13696
September 27, 1996, that was a legal investment under the law as 13697
it existed before September 27, 1996, may be held until 13698
maturity. 13699

(2) An investment held in the county portfolio on 13700
September 10, 2012, that was a legal investment under the law as 13701
it existed before September 10, 2012, may be held until 13702
maturity. 13703

(O) Unless expressly authorized by the laws of this state, 13704
an investing authority shall not do either of the following: 13705

(1) Make an investment decision with the primary purpose 13706
of influencing any environmental, social, personal, or 13707
ideological policy; 13708

(2) Permit any person or entity to which the investing 13709
authority delegates the management of the investment of public 13710
money to make investment decisions with public money with the 13711
primary purpose of influencing any environmental, social, 13712
personal, or ideological policy. 13713

Sec. 135.70. As used in sections 135.70 to 135.71 of the 13714
Revised Code: 13715

(A) "Closing costs" means a disbursement listed on a 13716
closing disclosure for the purchase of a home by an eligible 13717
participant. 13718

(B) "Closing disclosure" means the statement of receipts 13719
and disbursements for a transaction related to real estate, 13720
including a statement prescribed under the Real Estate 13721
Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as 13722
amended, and the regulations thereunder. 13723

(C) "Discount interest rate" means an interest rate below 13724
the prevailing interest rate that the treasurer of state 13725
determines eligible savings institutions are willing to pay to 13726
hold linked deposits. 13727

(D) "Eligible credit union" has the same meaning as in 13728
section 135.62 of the Revised Code. 13729

(E) "Eligible expenses" has the same meaning as in section 13730
5747.85 of the Revised Code. 13731

(F) "Eligible home costs" means the down payment, eligible expenses, and closing costs for the purchase of a home by an eligible participant, ~~or~~ the transfer of funds from one homeownership savings account to another homeownership savings account belonging to the eligible participant at a different eligible savings institution, or the withdrawal of funds from a homeownership savings account that are redeposited into the same or another homeownership savings account belonging to the eligible participant within sixty days of the initial withdrawal.

(G) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for which they have applied.

(H) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.

(I) "Eligible savings institution" means a financial institution that:

(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;

(2) Agrees to participate in the applicable linked deposit program;

(3) Is a public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code.

(J) "Home" means "primary residence" as defined by section 5747.85 of the Revised Code.

(K) "Homeownership savings account" means a linked deposit savings account opened exclusively for the purpose of paying

eligible home costs and in compliance with the requirements of 13760
section 135.71 of the Revised Code. 13761

(L) "Linked deposit" means a certificate of deposit, share 13762
certificate, other financial institution instrument, or portion 13763
of an existing deposit of interim funds made in accordance with 13764
section 135.09 of the Revised Code that is placed, purchased, or 13765
designated by the treasurer of state with an eligible savings 13766
institution; provided the institution agrees to pay the premium 13767
savings rate to approved eligible participants, in accordance 13768
with the deposit agreement required by section 135.703 of the 13769
Revised Code. 13770

(M) "Linked deposit program" means a program authorized 13771
under section 135.61 and sections 135.70 to 135.71 of the 13772
Revised Code and established by the treasurer of state pursuant 13773
to those sections. 13774

(N) "Linked deposit savings account" means an interest- 13775
bearing account that is opened by an eligible participant at an 13776
eligible savings institution exclusively for the purpose of the 13777
applicable linked deposit program. 13778

(O) "Other financial institution instrument" means a 13779
product that otherwise would pay the prevailing interest rate 13780
approved by the treasurer of state, for the purpose of providing 13781
eligible participants with the benefits of the applicable linked 13782
deposit program, and in accordance with the deposit agreement 13783
under section 135.703 of the Revised Code. 13784

(P) "Premium savings rate" means a rate, established under 13785
section 135.704 of the Revised Code, that reflects the 13786
percentage rate increase above the present savings rate, as 13787
determined by the eligible savings institution, applicable to 13788

each eligible participant. 13789

(Q) "Prevailing interest rate" means a current market 13790
interest rate selected by the treasurer of state that eligible 13791
savings institutions are willing to pay to hold deposits of the 13792
treasurer of state. 13793

(R) "Program period" means five years from the date the 13794
eligible participant opens a linked deposit savings account with 13795
the eligible savings institution. 13796

(S) "Treasurer of state's assessment rate" has the same 13797
meaning as in section 135.62 of the Revised Code. 13798

Sec. 135.71. (A) The general assembly finds that making 13799
homeownership more attainable is an important part of fostering 13800
a robust and lasting population across the state. However, 13801
individuals often struggle to accumulate the financial resources 13802
needed to purchase a home. Accordingly, it is declared to be the 13803
public policy of the state through the homeownership savings 13804
linked deposit program to make available premium rate savings 13805
accounts for the down payment and closing costs associated with 13806
the purchase of a home. 13807

(B) An eligible participant for the homeownership savings 13808
linked deposit program is an individual who is a resident of 13809
this state, or a member of the uniformed services, on active 13810
duty assignment, who is a resident of this state via a residency 13811
or domicile election in accordance with 50 U.S.C. 4001, and has 13812
applied for a homeownership savings account at an eligible 13813
savings institution. A member of the uniformed services, who is 13814
an eligible participant, may apply for a homeownership savings 13815
account at an eligible savings institution on or after the date 13816
affixed to the permanent change of station orders. As used in 13817

this division, "active duty" and "uniformed services" have the 13818
meanings defined in 10 U.S.C. 101. 13819

(C) An eligible participant shall certify on the 13820
application that the funds in the homeownership savings account 13821
shall be used exclusively for eligible home costs. 13822

(D) A homeownership savings account shall be owned by not 13823
more than one eligible participant and an eligible participant 13824
shall hold not more than one homeownership savings account per 13825
program period at any eligible savings institution. 13826

(E) The treasurer of state shall report to the tax 13827
commissioner any information in the treasurer of state's 13828
possession deemed necessary by the tax commissioner to properly 13829
administer section 5747.85 of the Revised Code. 13830

(F) Not later than January 31, 2027, the treasurer of 13831
state and the tax commissioner shall issue a report regarding 13832
the efficacy of the homeownership savings linked deposit 13833
program. The report shall include all of the following: 13834

(1) The number of homeownership savings accounts created; 13835

(2) The number of participating eligible savings 13836
institutions; 13837

(3) The total amount contributed into the accounts; 13838

(4) The average ~~yield~~ premium savings rate paid on the 13839
accounts; 13840

(5) Any other information the treasurer of state or tax 13841
commissioner deems relevant. 13842

The report shall be delivered to the governor, the speaker 13843
of the house of representatives, and the president of the 13844

senate. 13845

Sec. 141.04. (A) The annual salaries of the chief justice 13846
of the supreme court and of the justices and judges named in 13847
this section payable from the state treasury are as follows: 13848

(1) For the chief justice of the supreme court, the 13849
following amounts effective in the following years: 13850

(a) Beginning January 1, 2018, one hundred seventy-four 13851
thousand seven hundred dollars; 13852

(b) Beginning January 1, 2019, one hundred eighty-three 13853
thousand four hundred fifty dollars; 13854

(c) Beginning January 1, 2020, and in each calendar year 13855
thereafter through calendar year ~~2028~~2025 beginning on the 13856
first day of January, the annual compensation amount shall be 13857
increased by one and three-quarters per cent; 13858

(d) Beginning January 1, 2026, and in each calendar year 13859
thereafter through calendar year 2029 beginning on the first day 13860
of January, the annual compensation amount shall be increased by 13861
five per cent; 13862

(e) Beginning January 1, 2030, and in each calendar year 13863
thereafter beginning on the first day of January, the annual 13864
compensation amount shall be increased by the percentage 13865
increase, if any, in the consumer price index over the twelve- 13866
month period that ends on the thirtieth day of September of the 13867
immediately preceding year, rounded to the nearest one-tenth of 13868
one per cent, not to exceed three per cent. 13869

(2) For the justices of the supreme court, the following 13870
amounts effective in the following years: 13871

(a) Beginning January 1, 2018, one hundred sixty-four 13872

thousand dollars; 13873

(b) Beginning January 1, 2019, one hundred seventy-two 13874
thousand two hundred dollars; 13875

(c) Beginning January 1, 2020, and in each calendar year 13876
thereafter through calendar year ~~2028~~2025 beginning on the 13877
first day of January, the annual compensation amount shall be 13878
increased by one and three-quarters per cent; 13879

(d) Beginning January 1, 2026, and in each calendar year 13880
thereafter through calendar year 2029 beginning on the first day 13881
of January, the annual compensation amount shall be increased by 13882
five per cent; 13883

(e) Beginning January 1, 2030, and in each calendar year 13884
thereafter beginning on the first day of January, the annual 13885
compensation amount shall be increased by the percentage 13886
increase, if any, in the consumer price index over the twelve- 13887
month period that ends on the thirtieth day of September of the 13888
immediately preceding year, rounded to the nearest one-tenth of 13889
one per cent, not to exceed three per cent. 13890

(3) For the judges of the courts of appeals, the following 13891
amounts effective in the following years: 13892

(a) Beginning January 1, 2018, one hundred fifty-two 13893
thousand eight hundred fifty dollars; 13894

(b) Beginning January 1, 2019, one hundred sixty thousand 13895
five hundred dollars; 13896

(c) Beginning January 1, 2020, and in each calendar year 13897
thereafter through calendar year ~~2028~~2025 beginning on the 13898
first day of January, the annual compensation amount shall be 13899
increased by one and three-quarters per cent; 13900

(d) Beginning January 1, 2026, and in each calendar year 13901
thereafter through calendar year 2029 beginning on the first day 13902
of January, the annual compensation amount shall be increased by 13903
five per cent; 13904

(e) Beginning January 1, 2030, and in each calendar year 13905
thereafter beginning on the first day of January, the annual 13906
compensation amount shall be increased by the percentage 13907
increase, if any, in the consumer price index over the twelve- 13908
month period that ends on the thirtieth day of September of the 13909
immediately preceding year, rounded to the nearest one-tenth of 13910
one per cent, not to exceed three per cent. 13911

(4) For the judges of the courts of common pleas, the 13912
following amounts effective in the following years, reduced by 13913
an amount equal to the annual compensation paid to that judge 13914
from the county treasury pursuant to section 141.05 of the 13915
Revised Code: 13916

(a) Beginning January 1, 2018, one hundred forty thousand 13917
five hundred fifty dollars; 13918

(b) Beginning January 1, 2019, one hundred forty-seven 13919
thousand six hundred dollars; 13920

(c) Beginning January 1, 2020, and in each calendar year 13921
thereafter through calendar year ~~2028~~2025 beginning on the 13922
first day of January, the annual compensation amount shall be 13923
increased by one and three-quarters per cent; 13924

(d) Beginning January 1, 2026, and in each calendar year 13925
thereafter through calendar year 2029 beginning on the first day 13926
of January, the annual compensation amount shall be increased by 13927
five per cent; 13928

(e) Beginning January 1, 2030, and in each calendar year 13929

thereafter beginning on the first day of January, the annual 13930
compensation amount shall be increased by the percentage 13931
increase, if any, in the consumer price index over the twelve- 13932
month period that ends on the thirtieth day of September of the 13933
immediately preceding year, rounded to the nearest one-tenth of 13934
one per cent, not to exceed three per cent. 13935

(5) For the full-time judges of a municipal court or the 13936
part-time judges of a municipal court of a territory having a 13937
population of more than fifty thousand, the following amounts 13938
effective in the following years, reduced by an amount equal to 13939
the annual compensation paid to that judge pursuant to division 13940
(B) (1) (a) of section 1901.11 of the Revised Code from municipal 13941
corporations and counties: 13942

(a) Beginning January 1, 2018, one hundred thirty-two 13943
thousand one hundred fifty dollars; 13944

(b) Beginning January 1, 2019, one hundred thirty-eight 13945
thousand eight hundred dollars; 13946

(c) Beginning January 1, 2020, and in each calendar year 13947
thereafter through calendar year ~~2028~~2025 beginning on the 13948
first day of January, the annual compensation amount shall be 13949
increased by one and three-quarters per cent; 13950

(d) Beginning January 1, 2026, and in each calendar year 13951
thereafter through calendar year 2029 beginning on the first day 13952
of January, the annual compensation amount shall be increased by 13953
five per cent; 13954

(e) Beginning January 1, 2030, and in each calendar year 13955
thereafter beginning on the first day of January, the annual 13956
compensation amount shall be increased by the percentage 13957
increase, if any, in the consumer price index over the twelve- 13958

month period that ends on the thirtieth day of September of the 13959
immediately preceding year, rounded to the nearest one-tenth of 13960
one per cent, not to exceed three per cent. 13961

(6) For judges of a municipal court designated as part- 13962
time judges by section 1901.08 of the Revised Code, other than 13963
part-time judges to whom division (A)(5) of this section 13964
applies, and for judges of a county court, the following amounts 13965
effective in the following years, reduced by an amount equal to 13966
the annual compensation paid to that judge pursuant to division 13967
(A) of section 1901.11 of the Revised Code from municipal 13968
corporations and counties or pursuant to division (A) of section 13969
1907.16 of the Revised Code from counties: 13970

(a) Beginning January 1, 2018, seventy-six thousand fifty 13971
dollars; 13972

(b) Beginning January 1, 2019, seventy-nine thousand nine 13973
hundred dollars; 13974

(c) Beginning January 1, 2020, and in each calendar year 13975
thereafter through calendar year ~~2028~~2025 beginning on the 13976
first day of January, the annual compensation amount shall be 13977
increased by one and three-quarters per cent; 13978

(d) Beginning January 1, 2026, and in each calendar year 13979
thereafter through calendar year 2029 beginning on the first day 13980
of January, the annual compensation amount shall be increased by 13981
five per cent; 13982

(e) Beginning January 1, 2030, and in each calendar year 13983
thereafter beginning on the first day of January, the annual 13984
compensation amount shall be increased by the percentage 13985
increase, if any, in the consumer price index over the twelve- 13986
month period that ends on the thirtieth day of September of the 13987

immediately preceding year, rounded to the nearest one-tenth of 13988
one per cent, not to exceed three per cent. 13989

(B) Except as provided in sections 1901.122 and 1901.123 13990
of the Revised Code, except as otherwise provided in this 13991
division, and except for the compensation to which the judges 13992
described in division (A) (5) of this section are entitled 13993
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 13994
the Revised Code, the annual salary of the chief justice of the 13995
supreme court and of each justice or judge listed in division 13996
(A) of this section shall be paid in equal monthly installments 13997
from the state treasury. If the chief justice of the supreme 13998
court or any justice or judge listed in division (A) (2), (3), or 13999
(4) of this section delivers a written request to be paid 14000
biweekly to the administrative director of the supreme court 14001
prior to the first day of January of any year, the annual salary 14002
of the chief justice or the justice or judge that is listed in 14003
division (A) (2), (3), or (4) of this section shall be paid, 14004
during the year immediately following the year in which the 14005
request is delivered to the administrative director of the 14006
supreme court, biweekly from the state treasury. 14007

(C) Upon the death of the chief justice or a justice of 14008
the supreme court during that person's term of office, an amount 14009
shall be paid in accordance with section 2113.04 of the Revised 14010
Code, or to that person's estate. The amount shall equal the 14011
amount of the salary that the chief justice or justice would 14012
have received during the remainder of the unexpired term or an 14013
amount equal to the salary of office for two years, whichever is 14014
less. 14015

(D) Neither the chief justice of the supreme court nor any 14016
justice or judge of the supreme court, the court of appeals, the 14017

court of common pleas, or the probate court shall hold any other 14018
office of trust or profit under the authority of this state or 14019
the United States. 14020

(E) In addition to the salaries payable pursuant to this 14021
section, the chief justice of the supreme court and the justices 14022
of the supreme court shall be entitled to a vehicle allowance of 14023
five hundred dollars per month, payable from the state treasury. 14024
The allowance shall be increased on the first day of January of 14025
each odd-numbered year by an amount equal to the percentage 14026
increase, if any, in the consumer price index for the 14027
immediately preceding twenty-four month period for which 14028
information is available. 14029

(F) As used in this section: 14030

(1) "Consumer price index" ~~has the same meaning as in~~ 14031
~~section 101.27 of the Revised Code~~means the consumer price index 14032
prepared by the United States bureau of labor statistics (U.S. 14033
city average for urban wage earners and clerical workers: all 14034
items, 1982-1984=100), or, if that index is no longer published, 14035
a generally available comparable index. 14036

(2) "Salary" does not include any portion of the cost, 14037
premium, or charge for health, medical, hospital, dental, or 14038
surgical benefits, or any combination of those benefits, 14039
covering the chief justice of the supreme court or a justice or 14040
judge named in this section and paid on the chief justice's or 14041
the justice's or judge's behalf by a governmental entity. 14042

Sec. 145.012. (A) "Public employee," as defined in 14043
division (A) of section 145.01 of the Revised Code, does not 14044
include any person: 14045

(1) Who is employed by a private, temporary-help service 14046

and performs services under the direction of a public employer 14047
or is employed on a contractual basis as an independent 14048
contractor under a personal service contract with a public 14049
employer; 14050

(2) Who is an emergency employee serving on a temporary 14051
basis in case of fire, snow, earthquake, flood, or other similar 14052
emergency; 14053

(3) Who is employed in a program established pursuant to 14054
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 14055
U.S.C.A. 1501; 14056

(4) Who is an appointed member of either the motor vehicle 14057
salvage dealers board or the motor vehicle dealer's board whose 14058
rate and method of payment are determined pursuant to division 14059
(J) of section 124.15 of the Revised Code; 14060

(5) ~~Who~~ Whose only service as a public employee during a 14061
calendar year is employed as an precinct election worker 14062
official under section 3501.22 of the Revised Code and paid less 14063
than six hundred dollars per calendar year the person received 14064
compensation for that service, except for a under section 14065
3501.28 of the Revised Code during the calendar year in which 14066
more than one primary election and one general election are 14067
held, the person is paid six hundred dollars plus an amount not 14068
to exceed four hundred dollars for that service; 14069

(6) Who is employed as a firefighter in a position 14070
requiring satisfactory completion of a firefighter training 14071
course approved under former section 3303.07 or section 4765.55 14072
of the Revised Code or conducted under section 3737.33 of the 14073
Revised Code except for the following: 14074

(a) Any firefighter who has elected under section 145.013 14075

of the Revised Code to remain a contributing member of the 14076
public employees retirement system; 14077

(b) Any firefighter who was eligible to transfer from the 14078
public employees retirement system to the Ohio police and fire 14079
pension fund under section 742.51 or 742.515 of the Revised Code 14080
and did not elect to transfer; 14081

(c) Any firefighter who has elected under section 742.516 14082
of the Revised Code to transfer from the Ohio police and fire 14083
pension fund to the public employees retirement system. 14084

(7) Who is a member of the board of health of a city or 14085
general health district, which pursuant to sections 3709.051 and 14086
3709.07 of the Revised Code includes a combined health district, 14087
and whose compensation for attendance at meetings of the board 14088
is set forth in division (B) of section 3709.02 or division (B) 14089
of section 3709.05 of the Revised Code, as appropriate; 14090

(8) Who participates in an alternative retirement plan 14091
established under Chapter 3305. of the Revised Code; 14092

(9) Who is a member of the board of directors of a 14093
sanitary district established under Chapter 6115. of the Revised 14094
Code; 14095

(10) Who is an employee, officer, or governor-appointed 14096
member of the board of directors of the nonprofit corporation 14097
formed under section 187.01 of the Revised Code; 14098

(11) Who is employed by the nonprofit entity established 14099
to provide advocacy services and a client assistance program for 14100
people with disabilities under Section 319.20 of Am. Sub. H.B. 14101
153 of the 129th general assembly and whose employment begins on 14102
or after October 1, 2012. 14103

(B) No inmate of a correctional institution operated by 14104
the department of rehabilitation and correction, no patient in a 14105
hospital for persons with mental illnesses operated by the 14106
department of mental health and addiction services, no resident 14107
in an institution for persons with intellectual disabilities 14108
operated by the department of developmental disabilities, no 14109
resident admitted as a patient of a veterans' home operated 14110
under Chapter 5907. of the Revised Code, and no resident of a 14111
county home shall be considered as a public employee for the 14112
purpose of establishing membership or calculating service credit 14113
or benefits under this chapter. Nothing in this division shall 14114
be construed to affect any service credit attained by any person 14115
who was a public employee before becoming an inmate, patient, or 14116
resident at any institution listed in this division, or the 14117
payment of any benefit for which such a person or such a 14118
person's beneficiaries otherwise would be eligible. 14119

Sec. 145.054. (A) No person shall knowingly fail to file a 14120
complete and accurate campaign finance statement or independent 14121
expenditure statement in accordance with section 145.053 of the 14122
Revised Code. 14123

(B) No person, during the course of a person seeking 14124
nomination for, or during any campaign for, election to the 14125
public employees retirement board, shall knowingly and with 14126
intent to affect the nomination or the outcome of the campaign 14127
do any of the following by means of campaign materials, an 14128
advertisement on radio or television or in a newspaper or 14129
periodical, a public speech, press release, or otherwise: 14130

(1) With regard to a candidate, identify the candidate in 14131
a manner that implies that the candidate is a member of the 14132
board or use the term "re-elect" when the candidate is not 14133

currently a member of the board; 14134

(2) Make a false statement concerning the formal schooling 14135
or training completed or attempted by a candidate; a degree, 14136
diploma, certificate, scholarship, grant, award, prize, or honor 14137
received, earned, or held by a candidate; or the period of time 14138
during which a candidate attended any school, college, community 14139
technical school, or institution; 14140

(3) Make a false statement concerning the professional, 14141
occupational, or vocational licenses held by a candidate, or 14142
concerning any position the candidate held for which the 14143
candidate received a salary or wages; 14144

(4) Make a false statement that a candidate or board 14145
member has been indicted or convicted of a theft offense, 14146
extortion, or other crime involving financial corruption or 14147
moral turpitude; 14148

(5) Make a statement that a candidate has been indicted 14149
for any crime or has been the subject of a finding by the Ohio 14150
elections commission, the secretary of state, or the Ohio 14151
election integrity commission without disclosing the outcome of 14152
any legal proceedings resulting from the indictment or finding; 14153

(6) Make a false statement that a candidate or board 14154
member has a record of treatment or confinement for mental 14155
disorder; 14156

(7) Make a false statement that a candidate or board 14157
member has been subjected to military discipline for criminal 14158
misconduct or dishonorably discharged from the armed services; 14159

(8) Falsely identify the source of a statement, issue 14160
statements under the name of another person without 14161
authorization, or falsely state the endorsement of or opposition 14162

to a candidate by a person or publication; 14163

(9) Make a false statement concerning the voting record of 14164
a candidate or board member; 14165

(10) Post, publish, circulate, distribute, or otherwise 14166
disseminate a false statement concerning a candidate, either 14167
knowing the same to be false or with reckless disregard of 14168
whether it was false or not, if the statement is designed to 14169
promote the election, nomination, or defeat of the candidate. 14170

Sec. 145.055. ~~The secretary of state, or any person acting~~ 14171
~~on personal knowledge and subject to the penalties of perjury,~~ 14172
~~may file a~~ A complaint with the Ohio elections commission 14173
~~alleging a violation of section 145.054 of the Revised Code~~ may 14174
be filed in accordance with section 3517.16 of the Revised Code. 14175
~~The complaint shall be made on a form prescribed and provided by~~ 14176
~~the commission.~~ 14177

~~On receipt of a complaint under this section, the~~ 14178
~~commission shall hold a hearing open to the public to determine~~ 14179
~~whether the violation alleged in the complaint has occurred. The~~ 14180
~~commission may administer oaths and issue subpoenas to any~~ 14181
~~person in the state compelling the attendance of witnesses and~~ 14182
~~the production of relevant papers, books, accounts, and reports.~~ 14183
~~On the refusal of any person to obey a subpoena or to be sworn~~ 14184
~~or to answer as a witness, the commission may apply to the court~~ 14185
~~of common pleas of Franklin county under section 2705.03 of the~~ 14186
~~Revised Code. The court shall hold contempt proceedings in~~ 14187
~~accordance with Chapter 2705. of the Revised Code.~~ 14188

~~The commission shall provide the person accused of the~~ 14189
~~violation at least seven days prior notice of the time, date,~~ 14190
~~and place of the hearing. The accused may be represented by an~~ 14191

~~attorney and shall have an opportunity to present evidence, call
witnesses, and cross-examine witnesses.~~ 14192
14193

~~At the hearing, the commission shall determine whether the
violation alleged in the complaint has occurred. If the
commission determines that a violation of division (A) of
section 145.054 of the Revised Code has occurred, the commission
shall either impose a fine under section 145.99 of the Revised
Code or enter a finding that good cause has been shown not to
impose the fine. If the commission determines that a violation
of division (B) of section 145.054 of the Revised Code has
occurred, the commission shall impose the fine described in
section 145.99 of the Revised Code, refer the matter to the
appropriate prosecutor, or enter a finding that good cause has
been shown not to impose a fine or refer the matter to a
prosecutor.~~ 14194
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Sec. 145.09. The public employees retirement board shall 14207
elect from its membership a chairperson. The board shall appoint 14208
an executive director who shall serve as secretary to the board, 14209
an actuary, and other employees as necessary for the transaction 14210
of the business of the public employees retirement system. The 14211
compensation of all persons so appointed shall be fixed by the 14212
board. Such persons appointed by the board are not employees of 14213
the state and are not subject to Chapter 124. of the Revised 14214
Code. 14215

~~If the board provides health care coverage to employees of
the retirement system, it may permit employees of the Ohio
public employees deferred compensation board to participate.~~ 14216
14217
14218

Effective ninety days after September 15, 2004, the board 14219
may not employ a state retirement system investment officer, as 14220
defined in section 1707.01 of the Revised Code, who does not 14221

hold a valid state retirement system investment officer license 14222
issued by the division of securities in the department of 14223
commerce. 14224

Every expense voucher of an employee, officer, or board 14225
member of the public employees retirement system shall itemize 14226
all purchases and expenditures. 14227

The board shall perform other functions as required for 14228
the proper execution of this chapter, and may adopt rules in 14229
accordance with section 111.15 of the Revised Code for the 14230
proper administration and management of this chapter. 14231

The board may take all appropriate action to avoid payment 14232
by the system or its members of federal or state income taxes on 14233
contributions to the system or amounts earned on such 14234
contributions. 14235

Notice of proposed rules shall be given to interested 14236
parties and rules adopted by the board shall be published and 14237
otherwise made available. When it files a rule with the joint 14238
committee on agency rule review pursuant to section 111.15 of 14239
the Revised Code, the board shall submit to the Ohio retirement 14240
study council a copy of the full text of the rule, and if 14241
applicable, a copy of the rule summary and fiscal analysis 14242
required by division (B) of section 106.024 of the Revised Code. 14243

The board may sue and be sued, plead and be impleaded, 14244
contract and be contracted with. All of its business shall be 14245
transacted, all of its funds invested, all warrants for money 14246
drawn and payments made, and all of its cash and securities and 14247
other property shall be held in the name of the board, or in the 14248
name of its nominee, provided that nominees are authorized by 14249
retirement board resolution for the purpose of facilitating the 14250

ownership and transfer of investments. 14251

If the Ohio retirement study council establishes a uniform 14252
format for any report the board is required to submit to the 14253
council, the board shall submit the report in that format. 14254

Sec. 145.091. The public employees retirement system shall 14255
administer the PERS defined benefit plan ~~and~~, the PERS defined 14256
contribution plans, and the Ohio public employees deferred 14257
compensation program established under Chapter 148. of the 14258
Revised Code. 14259

Sec. 145.99. (A) Whoever violates division (A) of section 14260
145.054 of the Revised Code shall be fined not more than one 14261
hundred dollars for each day of the violation. 14262

(B) Whoever violates division (B) of section 145.054 of 14263
the Revised Code shall be imprisoned for not more than six 14264
months or fined not more than five thousand dollars, or both. 14265

~~(C) Fines imposed by the Ohio elections commission under~~ 14266
~~this section shall be paid into the Ohio elections commission~~ 14267
~~fund created under section 3513.10 of the Revised Code.~~ 14268

Sec. 148.01. (A) As used in this chapter: 14269

(1) "Eligible employee" means any public employee, as 14270
defined in division (A) of section 145.01 of the Revised Code; 14271
any person eligible to become a member of the public employees 14272
retirement system under section 145.20 of the Revised Code; any 14273
employee, as defined in division (C) of section 742.01, division 14274
(B) of section 3309.01, or division (A) of section 5505.01 of 14275
the Revised Code; any electing employee, as defined in section 14276
3305.01 of the Revised Code; and any member of the state 14277
teachers retirement system. 14278

(2) "Participant account" means any of the following 14279
accounts: 14280

(a) An account that is maintained by the ~~Ohio~~-public 14281
employees ~~deferred compensation retirement~~ board and that 14282
evidences moneys that have been deferred by, or on behalf of, a 14283
continuing member or participating employee and transmitted to 14284
the board by the retirement system of the continuing member or 14285
participating employee; 14286

(b) An account that is maintained by the governing board, 14287
administrator, depository, or trustee of a deferred compensation 14288
program of a municipal corporation and that evidences moneys 14289
that have been deferred by an officer or employee of that 14290
municipal corporation and transmitted to the governing board, 14291
administrator, depository, or trustee by the retirement system 14292
of the officer or employee or in another manner; 14293

(c) An account that is maintained by a governing board, as 14294
defined in section 148.06 of the Revised Code, and that 14295
evidences moneys that have been deferred by an officer or 14296
employee of a government unit, as defined in that section, and 14297
transmitted to the governing board by the retirement system of 14298
the officer or employee or in another manner. 14299

(3) "Participating employee" means any eligible employee 14300
who is having compensation deferred pursuant to either of the 14301
following: 14302

(a) An agreement that is entered into before the 14303
compensation is earned and that is with the eligible employee's 14304
employer and the ~~Ohio~~-public employees ~~deferred compensation~~- 14305
retirement board; 14306

(b) Automatic enrollment in the Ohio public employees 14307

deferred compensation program under section 148.042 of the 14308
Revised Code. 14309

(4) "Continuing member" means any former participating 14310
employee who is not currently having compensation deferred, or 14311
the former participating employee's beneficiary, to whom payment 14312
has not been made of all deferred compensation distributions. 14313

(B) Notwithstanding section 145.01 of the Revised Code, 14314
the definitions of that section are applicable to this chapter 14315
only to any extent necessary to fully understand the provisions 14316
of this chapter. Reference may also be had to Chapters 742., 14317
3305., 3307., 3309., and 5505. of the Revised Code for that 14318
purpose. 14319

Sec. 148.02. The Ohio public employees deferred 14320
compensation ~~board shall be comprised of a member of the house~~ 14321
~~of representatives and a member of the senate, who shall not be~~ 14322
~~of the same political party, each to be appointed to serve at~~ 14323
~~the pleasure of the member's respective leadership, and the~~ 14324
~~members of the public employees retirement board as constituted~~ 14325
~~by section 145.04 of the Revised Code, who are~~ program is hereby 14326
~~created as a separate legal entity for the purpose of~~ 14327
~~administering a deferred compensation system~~ for all eligible 14328
employees. The public employees retirement board created in 14329
section 145.04 of the Revised Code shall administer the program. 14330
The board may utilize its employees and property in the 14331
administration of the ~~system on behalf of the Ohio public~~ 14332
~~employees deferred compensation board,~~ program in consideration 14333
of a reasonable service charge to be applied in a 14334
nondiscriminatory manner to all amounts of compensation deferred 14335
under ~~this system~~ the program. 14336

The ~~Ohio public employees deferred compensation board~~ may 14337

exercise the same powers granted by section 145.09 of the 14338
Revised Code necessary to perform its functions under this 14339
chapter. The attorney general shall be the legal adviser of the 14340
board. The Ohio public employees deferred compensation receiving 14341
account, which is hereby created, shall be in the custody of the 14342
treasurer of state, but shall not be part of the state treasury. 14343
The Ohio public employees deferred compensation receiving 14344
account is a legal entity that is separate from the various 14345
funds created under Chapter 145. of the Revised Code. 14346

Sec. 148.021. Whenever the Ohio public employees deferred 14347
compensation board or the executive director of that board or a 14348
variation thereof is used, referred to, or designated in any 14349
statute, rule, contract, grant, or other document, the use, 14350
reference, or designation shall be deemed to refer to the public 14351
employees retirement board or the executive director of the 14352
public employees retirement system, as the case may be. 14353

Sec. 148.04. (A) The ~~Ohio public employees deferred~~ 14354
~~compensation retirement~~ board shall initiate, plan, expedite, 14355
and, subject to an appropriate assurance of the approval of the 14356
internal revenue service, promulgate and offer to all eligible 14357
employees, and thereafter administer on behalf of all 14358
participating employees and continuing members, and alter as 14359
required, a program for deferral of compensation, including a 14360
reasonable number of options to the employee for the investment 14361
of deferred funds, always in such form as will assure the 14362
desired tax treatment of such funds. The members of the board 14363
are the trustees of any deferred funds and shall discharge their 14364
duties with respect to the funds solely in the interest of and 14365
for the exclusive benefit of participating employees, continuing 14366
members, and their beneficiaries. With respect to such deferred 14367
funds, section 148.09 of the Revised Code shall apply to claims 14368

against participating employees or continuing members and their employers. 14369
14370

(B) Every employer of an eligible employee shall enroll 14371
the employee in a deferred compensation program offered by the 14372
board on the employee's application to participate, on the 14373
employee's election under section 148.041 of the Revised Code, 14374
or by automatic enrollment under section 148.042 of the Revised 14375
Code. 14376

(C) The board shall take all actions necessary to ensure 14377
that the program qualifies as an eligible deferred compensation 14378
plan under section 457(b) of the Internal Revenue Code of 1986, 14379
26 U.S.C. 457. The board shall, subject to any applicable 14380
provisions of the Ohio public employees deferred compensation 14381
program plan, undertake to obtain as favorable conditions of tax 14382
treatment as possible, both in the initial programs and any 14383
permitted alterations of them or additions to them, as to such 14384
matters as terms of distribution, designation of beneficiaries, 14385
withdrawal upon disability, financial hardship, or termination 14386
of public employment, and other optional provisions. 14387

The board may establish a designated Roth account feature 14388
or any other feature in which an employee may make tax-deferred 14389
or nontax-deferred contributions to an eligible government plan 14390
in accordance with 26 U.S.C. 457, as amended. 14391

(D) In no event shall the total of the amount of deferred 14392
compensation to be set aside under a deferred compensation 14393
program and the employee's nondeferred income for any year 14394
exceed the total annual salary or compensation under the 14395
existing salary schedule or classification plan applicable to 14396
the employee in that year. 14397

Such a deferred compensation program shall be in addition 14398
to any retirement or any other benefit program provided by law 14399
for employees of this state. The board shall adopt rules 14400
pursuant to Chapter 119. of the Revised Code to provide any 14401
necessary standards or conditions for the administration of its 14402
programs, including any limits on the portion of a participating 14403
employee's compensation that may be deferred in order to avoid 14404
adverse treatment of the program by the internal revenue service 14405
or the occurrence of deferral, withholding, or other deductions 14406
in excess of the compensation available for any pay period. 14407

Both of the following apply to a deferred compensation 14408
program established under this section: 14409

(1) Any income deferred under the program shall continue 14410
to be included as regular compensation for the purpose of 14411
computing the contributions to and benefits from the retirement 14412
system of an employee; 14413

(2) Any sums deferred shall not be included in the 14414
computation of any federal and state income taxes withheld on 14415
behalf of an employee. Sums contributed to a Roth account 14416
feature or other feature to which nontax-deferred contributions 14417
are made shall be included in the computation of any federal and 14418
state income taxes withheld on behalf of an employee. 14419

(E) This section does not limit the authority of any 14420
municipal corporation, county, township, park district, 14421
conservancy district, sanitary district, health district, public 14422
library, county law library, public institution of higher 14423
education, or school district to provide separate authorized 14424
plans or programs for deferring compensation of their officers 14425
and employees in addition to the program for the deferral of 14426
compensation offered by the board. Any municipal corporation, 14427

township, public institution of higher education, or school 14428
district that offers such plans or programs shall include a 14429
reasonable number of options to its officers or employees for 14430
the investment of the deferred funds, including annuities, 14431
variable annuities, regulated investment trusts, or other forms 14432
of investment approved by the municipal corporation, township, 14433
public institution of higher education, or school district, that 14434
will assure the desired tax treatment of the funds. 14435

Sec. 148.041. (A) Unless the employee will be 14436
automatically enrolled in the Ohio public employees deferred 14437
compensation program under section 148.042 of the Revised Code, 14438
whenever an eligible employee becomes employed in a position 14439
paid by warrant of the director of budget and management, the 14440
employee's employer shall do both of the following at the time 14441
the employee completes the employee's initial employment 14442
paperwork: 14443

(1) Provide to the employee materials provided by the ~~Ohio~~ 14444
public employees ~~deferred compensation retirement~~ board under 14445
division (D) of this section regarding the benefits of long-term 14446
savings through deferred compensation; 14447

(2) Except as otherwise provided in division (E) of this 14448
section, secure, in writing or by electronic means, the 14449
employee's election to participate or not participate in a 14450
deferred compensation program offered by the board. 14451

(B) An election regarding participation under this section 14452
shall be made in the manner prescribed by the board. 14453

(C) The employer shall forward each election completed 14454
under this section to the program not later than forty-five days 14455
after the date the employee's employment begins. 14456

(D) The board shall provide informational materials and 14457
participation forms to employers required to comply with this 14458
section. 14459

(E) If an eligible employee transfers employment from one 14460
position paid by warrant of the director of budget and 14461
management to another position paid by warrant of the director 14462
of budget and management and, at the time of transfer, is a 14463
participating employee, the employee's new employer shall not be 14464
required to secure the employee's election to participate or not 14465
participate under division (A) (2) of this section. 14466

Sec. 148.042. (A) As used in this section, "employing 14467
authority" means both of the following: 14468

(1) The supreme court, house of representatives, senate, 14469
legislative service commission, secretary of state, auditor of 14470
state, treasurer of state, or attorney general with respect to 14471
employees of those entities; 14472

(2) The director of administrative services, with respect 14473
to eligible employees employed in a position paid by warrant of 14474
the director of budget and management who are not employed by a 14475
person or entity listed in division (A) (1) of this section. 14476

(B) (1) An employing authority may elect to automatically 14477
enroll employees described in division (C) (1) of this section in 14478
the Ohio public employees deferred compensation program. An 14479
employing authority that elects automatic enrollment shall 14480
notify the ~~Ohio public employees deferred compensation~~ 14481
retirement board of that election. Automatic enrollment shall 14482
commence as soon as administratively practical for the board and 14483
the employing authority. 14484

(2) An employing authority that elects automatic 14485

enrollment may cease automatic enrollment by notifying the 14486
board. The employing authority shall specify in the notice the 14487
date on which automatic enrollment will cease, and that date 14488
must be at least ninety days after the date the employing 14489
authority sends the notice. An employee who commences employment 14490
after automatic enrollment ceases may elect to participate in 14491
the program in accordance with section 148.04 or 148.041 of the 14492
Revised Code. Cessation of automatic enrollment does not affect 14493
the enrollment of employees enrolled during an automatic 14494
enrollment period. 14495

An employing authority that ceases automatic enrollment 14496
may subsequently elect automatic enrollment by complying with 14497
division (B) (1) of this section. 14498

(C) (1) An eligible employee employed by an employing 14499
authority that has elected automatic enrollment shall be 14500
automatically enrolled in the program if one of the following 14501
applies to the employee: 14502

(a) The employee initially commences employment with the 14503
employing authority on or after the date automatic enrollment 14504
begins under division (B) of this section. 14505

(b) The employee separates from employment with an 14506
employing authority, becomes a continuing member, and, on or 14507
after the date automatic enrollment begins, commences employment 14508
with that employing authority or a different employing 14509
authority. 14510

(c) The employee is employed in a position paid by warrant 14511
of the director of budget and management and the employee 14512
transfers employment from an employing authority that has not 14513
elected to automatically enroll employees under this section to 14514

another position paid by warrant of the director of budget and 14515
management under an employing authority that has elected to 14516
automatically enroll employees, if the transfer occurs on or 14517
after the date automatic enrollment begins. 14518

(2) An employee who, at the time of transferring from one 14519
employing authority to another as described in division (C) (1) 14520
(c) of this section, is a participating employee shall not be 14521
automatically enrolled in the program by the employing authority 14522
to which the employee transfers. 14523

(D) The board shall establish the automatic deferral 14524
amounts and specify the investment options into which those 14525
deferred amounts will be invested for participating employees 14526
who are enrolled under this section. Deferral amounts shall not 14527
exceed the lesser of either ten per cent of an eligible 14528
employee's compensation or the maximum contribution that the 14529
employee is eligible to contribute under federal law. 14530

(E) An employing authority that elects to automatically 14531
enroll employees under this section shall provide those 14532
employees with notice of the employee's rights and obligations 14533
in the manner prescribed by the board. 14534

(F) An employing authority shall not elect to 14535
automatically enroll an eligible employee under this section, or 14536
elect to cease automatic enrollment, if that election conflicts 14537
with any collective bargaining agreement entered into between 14538
the employing authority and an exclusive representative as 14539
defined in section 4117.01 of the Revised Code. 14540

Sec. 148.05. (A) (1) As used in this division, "personal 14541
history record" means information maintained by the ~~Ohio~~-public 14542
employees ~~deferred compensation retirement~~ board on an 14543

individual who is a participating employee or continuing member 14544
that includes the address, telephone number, social security 14545
number, record of contributions, records of benefits, 14546
correspondence with the Ohio public employees deferred 14547
compensation program, or other information the board determines 14548
to be confidential. 14549

(2) The records of the board shall be open to public 14550
inspection, except that the following shall be excluded, except 14551
with the written authorization of the individual concerned: 14552

(a) Information pertaining to an individual's participant 14553
account; 14554

(b) The individual's personal history record. 14555

(B) (1) All medical reports, records, and recommendations 14556
of a participating employee or a continuing member that are in 14557
the possession of the board are privileged. 14558

(2) All tax information of a participating employee, 14559
continuing member, or former participant or member that is in 14560
the possession of the board shall be confidential to the extent 14561
the information is confidential under Title LVII or any other 14562
provision of the Revised Code. 14563

(C) Notwithstanding the exceptions to public inspection in 14564
division (A) (2) of this section, the board may furnish the 14565
following information: 14566

(1) If a participating employee, continuing member, or 14567
former participant or member is subject to an order issued under 14568
section 2907.15 of the Revised Code or is convicted of or pleads 14569
guilty to a violation of section 2921.41 of the Revised Code, on 14570
written request of a prosecutor as defined in section 2935.01 of 14571
the Revised Code, the board shall furnish to the prosecutor the 14572

information requested from the individual's personal history 14573
record or participant account. 14574

(2) Pursuant to a court or administrative order issued 14575
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 14576
Code, the board shall furnish to a court or child support 14577
enforcement agency the information required under that section. 14578

(3) Pursuant to an administrative subpoena issued by a 14579
state agency, the board shall furnish the information required 14580
by the subpoena. 14581

(4) The board shall comply with orders issued under 14582
section 3105.87 of the Revised Code. 14583

(D) A statement that contains information obtained from 14584
the program's records that is signed by the executive director 14585
or the director's designee and to which the board's official 14586
seal is affixed, or copies of the program's records to which the 14587
signature and seal are attached, shall be received as true 14588
copies of the board's records in any court or before any officer 14589
of this state. 14590

Sec. 148.10. (A) Notwithstanding any other provision of 14591
this chapter, any payment, other than a survivorship benefit, 14592
that is to be made to a person by a deferred compensation 14593
program pursuant to those sections or a deferred compensation 14594
program offered by a government unit, as defined in section 14595
148.06 of the Revised Code, or by a municipal corporation is 14596
subject to any withholding order issued pursuant to section 14597
2907.15 or division (C) (2) (b) of section 2921.41 of the Revised 14598
Code. The ~~Ohio public employees deferred compensation retirement~~ 14599
board, the governing board, as defined in section 148.06 of the 14600
Revised Code, that is associated with a government unit, and the 14601

governing board, administrator, depository, or trustee of a 14602
deferred compensation program of a municipal corporation shall 14603
comply with that withholding order in making payment. 14604

(B) Notwithstanding any other provision of this chapter, 14605
if a deferred compensation program receives a notice pursuant to 14606
section 2907.15 or division (D) of section 2921.41 of the 14607
Revised Code that a person who has a participant account has 14608
been charged with a violation of section 2907.02, 2907.03, 14609
2907.04, 2907.05, or 2921.41 of the Revised Code, no payment 14610
from that account shall be made prior to whichever of the 14611
following is applicable: 14612

(1) If the person is convicted of or pleads guilty to the 14613
violation and a motion for a withholding order for purposes of 14614
restitution has not been filed under section 2907.15 or division 14615
(C) (2) (b) (i) of section 2921.41 of the Revised Code, thirty days 14616
after the day on which the person is sentenced for the 14617
violation; 14618

(2) If the person is convicted of or pleads guilty to the 14619
violation and a motion for a withholding order for purposes of 14620
restitution has been filed under section 2907.15 or division (C) 14621
(2) (b) (i) of section 2921.41 of the Revised Code, the day on 14622
which the court decides the motion; 14623

(3) If the charge is dismissed or the person is found not 14624
guilty or not guilty by reason of insanity of the violation, the 14625
day on which the dismissal of the charge or the verdict is 14626
entered in the journal of the court. 14627

Sec. 149.011. As used in this chapter, except as otherwise 14628
provided: 14629

(A) "Public office" includes any state agency, public 14630

institution, political subdivision, or other organized body, 14631
office, agency, institution, or entity established by the laws 14632
of this state for the exercise of any function of government. 14633
"Public office" does not include the nonprofit corporation 14634
formed under section 187.01 of the Revised Code. 14635

(B) "State agency" includes every department, bureau, 14636
board, commission, office, or other organized body established 14637
by the constitution and laws of this state for the exercise of 14638
any function of state government, including any state-supported 14639
institution of higher education, the general assembly, any 14640
legislative agency, any court or judicial agency, or any 14641
political subdivision or agency of a political subdivision. 14642
"State agency" does not include the nonprofit corporation formed 14643
under section 187.01 of the Revised Code. 14644

(C) "Public money" includes all money received or 14645
collected by or due a public official, whether in accordance 14646
with or under authority of any law, ordinance, resolution, or 14647
order, under color of office, or otherwise. It also includes any 14648
money collected by any individual on behalf of a public office 14649
or as a purported representative or agent of the public office. 14650

(D) "Public official" includes all officers, employees, or 14651
duly authorized representatives or agents of a public office. 14652

(E) "Color of office" includes any act purported or 14653
alleged to be done under any law, ordinance, resolution, order, 14654
or other pretension to official right, power, or authority. 14655

(F) "Archive" includes any public record that is 14656
transferred to the state archives or other designated archival 14657
institutions because of the historical information contained on 14658
it. 14659

(G) "Records" includes any document, device, or item, 14660
regardless of physical form or characteristic, including an 14661
electronic record as defined in section 1306.01 of the Revised 14662
Code, created or received by or coming under the jurisdiction of 14663
any public office of the state or its political subdivisions, 14664
which serves to document the organization, functions, policies, 14665
decisions, procedures, operations, or other activities of the 14666
office. "Records" does not include personal notes or any 14667
document, device, or item, regardless of physical form or 14668
whether an assistive device or application was used, of a public 14669
official, or of the official's attorney, employee, or agent, 14670
that is used, maintained, and accessed solely by the individual 14671
who creates it or causes its creation. 14672

Sec. 149.10. All boards, commissions, agencies, 14673
institutions, and departments in the executive branch of state 14674
government shall submit to the auditor of state a copy of each 14675
formal internally or independently produced audit report, as 14676
well as any management study or report ~~which~~ that recommends 14677
changes ~~which~~ that would affect the auditing system. Pursuant to 14678
section 117.43 of the Revised Code, no such report shall be 14679
produced without the approval of the auditor of state. 14680

Sec. 149.30. The Ohio history connection, chartered by 14681
this state as a corporation not for profit to promote a 14682
knowledge of history and archaeology, especially of Ohio, and 14683
operated continuously in the public interest since 1885, may 14684
perform public functions as prescribed by law. 14685

The general assembly may appropriate money to the Ohio 14686
history connection each biennium to carry out the public 14687
functions of the Ohio history connection as enumerated in this 14688
section. An appropriation by the general assembly to the Ohio 14689

history connection constitutes an offer to contract with the 14690
Ohio history connection to carry out those public functions for 14691
which appropriations are made. An acceptance by the Ohio history 14692
connection of the appropriated funds constitutes an acceptance 14693
by the Ohio history connection of the offer and is considered an 14694
agreement by the Ohio history connection to perform those 14695
functions in accordance with the terms of the appropriation and 14696
the law and to expend the funds only for the purposes for which 14697
appropriated. The governor may request on behalf of the Ohio 14698
history connection, and the controlling board may release, 14699
additional funds to the Ohio history connection for survey, 14700
salvage, repair, or rehabilitation of an emergency nature for 14701
which funds have not been appropriated, and acceptance by the 14702
Ohio history connection of those funds constitutes an agreement 14703
on the part of the Ohio history connection to expend those funds 14704
only for the purpose for which released by the controlling 14705
board. 14706

The Ohio history connection shall faithfully expend and 14707
apply all moneys received from the state to the uses and 14708
purposes directed by law and for necessary administrative 14709
expenses. If the general assembly appropriates money to the Ohio 14710
history connection for grants or subsidies to other entities for 14711
their site-related programs, the Ohio history connection, except 14712
for good cause, shall distribute the money within ninety days of 14713
accepting a grant or subsidy application for the money. 14714

The Ohio history connection shall perform the public 14715
function of sending notice by ordinary or certified mail to the 14716
owner of any property at the time it is listed on the national 14717
register of historic places. The Ohio history connection shall 14718
accurately record all expenditures of such funds in conformity 14719
with generally accepted accounting principles. 14720

The auditor of state shall audit all funds and fiscal records of the Ohio history connection.

The public functions to be performed by the Ohio history connection shall include all of the following:

(A) Creating, supervising, operating, protecting, maintaining, and promoting for public use a system of state memorials, titles to which may reside wholly or in part with this state or wholly or in part with the Ohio history connection as provided in and in conformity to appropriate acts and resolves of the general assembly, and leasing for renewable periods of two years or less, with the advice and consent of the attorney general and the director of administrative services, lands and buildings owned by the state which are in the care, custody, and control of the Ohio history connection, all of which shall be maintained and kept for public use at reasonable hours;

(B) Making alterations and improvements, marking, and constructing, reconstructing, protecting, or restoring structures, earthworks, and monuments in its care, and equipping such facilities with appropriate educational maintenance facilities;

(C) Serving as the archives administration for the state and its political subdivisions as provided in sections 149.31 to 149.42 of the Revised Code;

(D) Administering a state historical museum, to be the headquarters of the society and its principal museum and library, which shall be maintained and kept for public use at reasonable hours;

(E) Establishing a marking system to identify all

designated historic and archaeological sites within the state 14750
and marking or causing to be marked historic sites and 14751
communities considered by the society to be historically or 14752
archaeologically significant; 14753

(F) Publishing books, pamphlets, periodicals, and other 14754
publications about history, archaeology, and natural science and 14755
offering one copy of each regular periodical issue to all public 14756
libraries in this state at a reasonable price, which shall not 14757
exceed one hundred ten per cent more than the total cost of 14758
publication; 14759

(G) Engaging in research in history, archaeology, and 14760
natural science and providing historical information upon 14761
request to all state agencies; 14762

(H) Collecting, preserving, and making available by all 14763
appropriate means and under approved safeguards all manuscript, 14764
print, or near-print library collections and all historical 14765
objects, specimens, and artifacts which pertain to the history 14766
of Ohio and its people, including the following original 14767
documents: Ohio Constitution of 1802; Ohio Constitution of 1851; 14768
proposed Ohio Constitution of 1875; design and the letters of 14769
patent and assignment of patent for the state flag; S.J.R. 13 14770
(1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); 14771
H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 14772
(1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); 14773
H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 14774
(1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 14775
(1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); 14776
S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); 14777
petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 14778
8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 14779

(1947); and H.J.R. 48 (1947); 14780

(I) Encouraging and promoting the organization and 14781
development of county and local historical societies; 14782

(J) Providing to Ohio schools such materials as the Ohio 14783
history connection may prepare to facilitate the instruction of 14784
Ohio history at a reasonable price, which shall not exceed one 14785
hundred ten per cent more than the total cost of preparation and 14786
delivery; 14787

(K) Providing advisory and technical assistance to local 14788
societies for the preservation and restoration of historic and 14789
archaeological sites; 14790

(L) Devising uniform criteria for the designation of 14791
historic and archaeological sites throughout the state and 14792
advising local historical societies of the criteria and their 14793
application; 14794

(M) Taking inventory, in cooperation with the Ohio arts 14795
council, the Ohio archaeological council, and the archaeological 14796
society of Ohio, of significant designated and undesignated 14797
state and local sites and keeping an active registry of all 14798
designated sites within the state; 14799

(N) Contracting with the owners or persons having an 14800
interest in designated historic or archaeological sites or 14801
property adjacent or contiguous to those sites, or acquiring, by 14802
purchase, gift, or devise, easements in those sites or in 14803
property adjacent or contiguous to those sites, in order to 14804
control or restrict the use of those historic or archaeological 14805
sites or adjacent or contiguous property for the purpose of 14806
restoring or preserving the historical or archaeological 14807
significance or educational value of those sites; 14808

(O) Constructing a monument honoring Governor James A. 14809
Rhodes, which shall stand on the northeast quadrant of the 14810
grounds surrounding the capitol building. The monument shall be 14811
constructed with private funds donated to the Ohio history 14812
connection and designated for this purpose. No public funds 14813
shall be expended to construct this monument. The department of 14814
administrative services shall cooperate with the Ohio history 14815
connection in carrying out this function and shall maintain the 14816
monument in a manner compatible with the grounds of the capitol 14817
building. 14818

(P) Commissioning a portrait of each departing governor, 14819
which shall be displayed in the capitol building. The Ohio 14820
history connection may accept private contributions designated 14821
for this purpose and, at the discretion of its board of 14822
trustees, also may apply for the same purpose funds appropriated 14823
by the general assembly to the Ohio history connection pursuant 14824
to this section. 14825

(Q) Being the custodian of the field notes, maps, records, 14826
documents, papers, and implements relating to or used in the 14827
survey of the public lands within the state, which were 14828
delivered to the executive of this state by the surveyor of the 14829
United States at Detroit, by order of the government of the 14830
United States, the records of field notes and other records of 14831
papers that have been added thereto, the records of deeds and 14832
other records or papers relating to the public lands originally 14833
deposited with the governor or secretary of state, and the 14834
records, maps, plats, papers, documents, and implements relating 14835
to the public lands in the Virginia military district in this 14836
state, from the United States land office at Chillicothe. These 14837
records and files shall be subject to inspection, and the Ohio 14838
history connection, on demand and tender of the proper fees, 14839

shall furnish certified copies of any of them. 14840

(R) Furnishing to the board of education of each school 14841
district copies of deeds, leases, field notes, records, and 14842
other papers and documents that are in the Ohio history 14843
connection's possession, relating to the lands appropriated by 14844
congress for the support of schools and ministerial purposes 14845
that have been allocated for the benefit of that district, and 14846
such copies, when certified by the Ohio history connection, 14847
shall be received as competent evidence and shall have the same 14848
force and effect as the originals. The Ohio history connection 14849
shall charge fees sufficient to defray the cost of preparing 14850
copies. 14851

(S) Submitting an annual report of its activities, 14852
programs, and operations to the governor within two months after 14853
the close of each fiscal year of the state. 14854

The Ohio history connection, with the help of local 14855
historical societies, may compile and maintain a registry of war 14856
relics, as defined in section 155.28 of the Revised Code, that 14857
are located on public property or on the property of a cemetery 14858
association. 14859

The Ohio history connection shall not sell, mortgage, 14860
transfer, or dispose of historical or archaeological sites to 14861
which it has title and in which the state has monetary interest 14862
except by action of the general assembly. 14863

Money or fines paid to the Ohio history connection under 14864
section 155.99 of the Revised Code shall be expended by the Ohio 14865
history connection only for the preservation of war relics. 14866

In consideration of the public functions performed by the 14867
Ohio history connection for the state, employees of the Ohio 14868

history connection shall be considered public employees within 14869
the meaning of section 145.01 of the Revised Code. 14870

Sec. 149.311. (A) As used in this section: 14871

(1) "Historic building" means a building, including its 14872
structural components, that is located in this state and that is 14873
either individually listed on the national register of historic 14874
places under 16 U.S.C. 470a, located in a registered historic 14875
district, and certified by the state historic preservation 14876
officer as being of historic significance to the district, or is 14877
individually listed as an historic landmark designated by a 14878
local government certified under 16 U.S.C. 470a(c). 14879

(2) "Qualified rehabilitation expenditures" means 14880
expenditures paid or incurred during the rehabilitation period, 14881
and before and after that period as determined under 26 U.S.C. 14882
47, by an owner or qualified lessee of an historic building to 14883
rehabilitate the building. "Qualified rehabilitation 14884
expenditures" includes architectural or engineering fees paid or 14885
incurred in connection with the rehabilitation, and expenses 14886
incurred in the preparation of nomination forms for listing on 14887
the national register of historic places. "Qualified 14888
rehabilitation expenditures" does not include any of the 14889
following: 14890

(a) The cost of acquiring, expanding, or enlarging an 14891
historic building; 14892

(b) Expenditures attributable to work done to facilities 14893
related to the building, such as parking lots, sidewalks, and 14894
landscaping; 14895

(c) New building construction costs. 14896

(3) "Owner" of an historic building means a person holding 14897

the fee simple interest in the building. "Owner" does not 14898
include the state or a state agency, or any political 14899
subdivision as defined in section 9.23 of the Revised Code. 14900

(4) "Qualified lessee" means a person subject to a lease 14901
agreement for an historic building and eligible for the federal 14902
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 14903
does not include the state or a state agency or political 14904
subdivision as defined in section 9.23 of the Revised Code. 14905

(5) "Certificate owner" means the owner or qualified 14906
lessee of an historic building to which a rehabilitation tax 14907
credit certificate was issued under this section. 14908

(6) "Registered historic district" means an historic 14909
district listed in the national register of historic places 14910
under 16 U.S.C. 470a, an historic district designated by a local 14911
government certified under 16 U.S.C. 470a(c), or a local 14912
historic district certified under 36 C.F.R. 67.8 and 67.9. 14913

(7) "Rehabilitation" means the process of repairing or 14914
altering an historic building or buildings, making possible an 14915
efficient use while preserving those portions and features of 14916
the building and its site and environment that are significant 14917
to its historic, architectural, and cultural values. 14918

(8) "Rehabilitation period" means one of the following: 14919

(a) If the rehabilitation initially was not planned to be 14920
completed in stages, a period chosen by the owner or qualified 14921
lessee not to exceed twenty-four months during which 14922
rehabilitation occurs; 14923

(b) If the rehabilitation initially was planned to be 14924
completed in stages, a period chosen by the owner or qualified 14925
lessee not to exceed sixty months during which rehabilitation 14926

occurs. Each stage shall be reviewed as a phase of a 14927
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 14928
successor to that section. 14929

(9) "State historic preservation officer" or "officer" 14930
means the state historic preservation officer appointed by the 14931
governor under 16 U.S.C. 470a. 14932

(10) "Catalytic project" means the rehabilitation of an 14933
historic building, the rehabilitation of which will foster 14934
economic development within two thousand five hundred feet of 14935
the historic building. 14936

(B) The owner or qualified lessee of an historic building 14937
may apply to the director of development for a rehabilitation 14938
tax credit certificate for qualified rehabilitation expenditures 14939
paid or incurred by such owner or qualified lessee after April 14940
4, 2007, for rehabilitation of an historic building. If the 14941
owner of an historic building enters a pass-through agreement 14942
with a qualified lessee for the purposes of the federal 14943
rehabilitation tax credit under 26 U.S.C. 47, the qualified 14944
rehabilitation expenditures paid or incurred by the owner after 14945
April 4, 2007, may be attributed to the qualified lessee. 14946

The form and manner of filing such applications shall be 14947
prescribed by rule of the director. Each application shall state 14948
the amount of qualified rehabilitation expenditures the 14949
applicant estimates will be paid or incurred and shall indicate 14950
whether the historic building was used as a theater before, and 14951
is intended to be used as a theater after, the rehabilitation. 14952
The director may require applicants to furnish documentation of 14953
such estimates. 14954

The director, after consultation with the tax commissioner 14955

and in accordance with Chapter 119. of the Revised Code, shall 14956
adopt rules that establish all of the following: 14957

(1) Forms and procedures by which applicants may apply for 14958
rehabilitation tax credit certificates; 14959

(2) Criteria for reviewing, evaluating, and approving 14960
applications for certificates within the limitations under 14961
division (D) of this section, criteria for assuring that the 14962
certificates issued encompass a mixture of high and low 14963
qualified rehabilitation expenditures, and criteria for issuing 14964
certificates under division (C) (3) (b) of this section; 14965

(3) Eligibility requirements for obtaining a certificate 14966
under this section; 14967

(4) The form of rehabilitation tax credit certificates; 14968

(5) Reporting requirements and monitoring procedures; 14969

(6) Procedures and criteria for conducting cost-benefit 14970
analyses of historic buildings that are the subjects of 14971
applications filed under this section. The purpose of a cost- 14972
benefit analysis shall be to determine whether rehabilitation of 14973
the historic building will result in a net revenue gain in state 14974
and local taxes once the building is used. 14975

(7) Any other rules necessary to implement and administer 14976
this section. 14977

(C) The director shall review the applications with the 14978
assistance of the state historic preservation officer and 14979
determine whether all of the following criteria are met: 14980

(1) That the building that is the subject of the 14981
application is an historic building and the applicant is the 14982
owner or qualified lessee of the building; 14983

(2) That the rehabilitation will satisfy standards 14984
prescribed by the United States secretary of the interior under 14985
16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a 14986
successor to that section; 14987

(3) That receiving a rehabilitation tax credit certificate 14988
under this section is a major factor in: 14989

(a) The applicant's decision to rehabilitate the historic 14990
building; or 14991

(b) To increase the level of investment in such 14992
rehabilitation. 14993

(4) The historic building that is the subject of the 14994
application is not, and will not upon completion of the 14995
rehabilitation project be, part of a qualified low-income 14996
housing project allocated a tax credit pursuant to section 42 of 14997
the Internal Revenue Code. 14998

An applicant shall demonstrate to the satisfaction of the 14999
state historic preservation officer and director that the 15000
rehabilitation will satisfy the standards described in division 15001
(C) (2) of this section before the applicant begins the physical 15002
rehabilitation of the historic building. 15003

(D) (1) If the director determines that an application 15004
meets the criteria in division (C) of this section, the director 15005
shall conduct a cost-benefit analysis for the historic building 15006
that is the subject of the application to determine whether 15007
rehabilitation of the historic building will result in a net 15008
revenue gain in state and local taxes once the building is used. 15009
The director shall consider the results of the cost-benefit 15010
analysis in determining whether to approve the application. The 15011
director shall also consider the potential economic impact and 15012

the regional distributive balance of the credits throughout the 15013
state. The director shall not consider whether the historic 15014
building is located in or will benefit an economically 15015
distressed area, including by weighting preference based on the 15016
poverty rate in the jurisdiction or census tract in which the 15017
building is located, nor shall the director consider or give 15018
weighted preference based on vacancy or underutilization of the 15019
building. The director may approve an application only after 15020
completion of the cost-benefit analysis. 15021

(2) A rehabilitation tax credit certificate shall not be 15022
issued for an amount greater than the estimated amount furnished 15023
by the applicant on the application for such certificate and 15024
approved by the director. The director shall not approve more 15025
than a total of ~~one hundred twenty-sixty~~ million dollars of 15026
rehabilitation tax credits for each of fiscal years ~~2023 and~~ 15027
~~2024, and sixty million dollars of rehabilitation tax credits~~ 15028
~~for each fiscal year thereafter~~ 2026 and 2027, but the director 15029
may reallocate unused tax credits from a prior fiscal year for 15030
new applicants and such reallocated credits shall not apply 15031
toward the dollar limit of this division. The director shall not 15032
approve rehabilitation tax credits after June 30, 2027. 15033

(3) For rehabilitations with a rehabilitation period not 15034
exceeding twenty-four months as provided in division (A) (8) (a) 15035
of this section, a rehabilitation tax credit certificate shall 15036
not be issued before the rehabilitation of the historic building 15037
is completed. 15038

(4) For rehabilitations with a rehabilitation period not 15039
exceeding sixty months as provided in division (A) (8) (b) of this 15040
section, a rehabilitation tax credit certificate shall not be 15041
issued before a stage of rehabilitation is completed. After all 15042

stages of rehabilitation are completed, if the director cannot 15043
determine that the criteria in division (C) of this section are 15044
satisfied for all stages of rehabilitations, the director shall 15045
certify this finding to the tax commissioner, and any 15046
rehabilitation tax credits received by the applicant shall be 15047
repaid by the applicant and may be collected by assessment as 15048
unpaid tax by the commissioner. 15049

(5) The director shall require the applicant to provide a 15050
third-party cost certification by a certified public accountant 15051
of the actual costs attributed to the rehabilitation of the 15052
historic building when qualified rehabilitation expenditures 15053
exceed two hundred thousand dollars. 15054

If an applicant whose application is approved for receipt 15055
of a rehabilitation tax credit certificate fails to provide to 15056
the director sufficient evidence of reviewable progress, 15057
including a viable financial plan, copies of final construction 15058
drawings, and evidence that the applicant has obtained all 15059
historic approvals within twelve months after the date the 15060
applicant received notification of approval, and if the 15061
applicant fails to provide evidence to the director that the 15062
applicant has secured and closed on financing for the 15063
rehabilitation within eighteen months after receiving 15064
notification of approval, the director may rescind the approval 15065
of the application. The director shall notify the applicant if 15066
the approval has been rescinded. Credits that would have been 15067
available to an applicant whose approval was rescinded shall be 15068
available for other qualified applicants. Nothing in this 15069
division prohibits an applicant whose approval has been 15070
rescinded from submitting a new application for a rehabilitation 15071
tax credit certificate. 15072

(6) The director may approve the application of, and issue
a rehabilitation tax credit certificate to, the owner of a
catalytic project, provided the application otherwise meets the
criteria described in divisions (C) and (D) of this section. The
director may not approve more than one application for a
rehabilitation tax credit certificate under division (D) (6) of
this section during each state fiscal biennium. The director
shall not approve an application for a rehabilitation tax credit
certificate under division (D) (6) of this section during the
state fiscal biennium beginning July 1, 2017, or during any
state fiscal biennium thereafter. The director shall consider
the following criteria in determining whether to approve an
application for a certificate under division (D) (6) of this
section:

(a) Whether the historic building is a catalytic project;

(b) The effect issuance of the certificate would have on
the availability of credits for other applicants that qualify
for a credit certificate within the credit dollar limit
described in division (D) (2) of this section;

(c) The number of jobs, if any, the catalytic project will
create.

(7) (a) The owner or qualified lessee of a historic
building may apply for a rehabilitation tax credit certificate
under both divisions (B) and (D) (6) of this section. In such a
case, the director shall consider each application at the time
the application is submitted.

(b) The director shall not issue more than one certificate
under this section with respect to the same qualified
rehabilitation expenditures.

(8) The director shall give consideration for tax credits 15102
awarded under this section to rehabilitations of historic 15103
buildings used as a theater before, and intended to be used as a 15104
theater after, the rehabilitation. In determining whether to 15105
approve an application for such a rehabilitation, the director 15106
shall consider the extent to which the rehabilitation will 15107
increase attendance at the theater and increase the theater's 15108
gross revenue. 15109

(9) The director shall rescind the approval of any 15110
application if the building that is the subject of the 15111
application is part of a qualified low-income housing project 15112
allocated a tax credit pursuant to section 42 of the Internal 15113
Revenue Code at any time before the building's rehabilitation is 15114
complete. 15115

(E) Issuance of a certificate represents a finding by the 15116
director of the matters described in divisions (C) (1), (2), and 15117
(3) of this section only; issuance of a certificate does not 15118
represent a verification or certification by the director of the 15119
amount of qualified rehabilitation expenditures for which a tax 15120
credit may be claimed under section 5725.151, 5725.34, 5726.52, 15121
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 15122
qualified rehabilitation expenditures for which a tax credit may 15123
be claimed is subject to inspection and examination by the tax 15124
commissioner or employees of the commissioner under section 15125
5703.19 of the Revised Code and any other applicable law. Upon 15126
the issuance of a certificate, the director shall certify to the 15127
tax commissioner, in the form and manner requested by the tax 15128
commissioner, the name of the applicant, the amount of qualified 15129
rehabilitation expenditures shown on the certificate, and any 15130
other information required by the rules adopted under this 15131
section. 15132

(F) (1) On or before the first day of August each year, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a report on the tax credit program established under this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The report shall present an overview of the program and shall include information on the number of rehabilitation tax credit certificates issued under this section during the preceding fiscal year, an update on the status of each historic building for which an application was approved under this section, the dollar amount of the tax credits granted under sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and any other information the director and commissioner consider relevant to the topics addressed in the report.

(2) On or before December 1, 2015, the director and tax commissioner jointly shall submit to the president of the senate and the speaker of the house of representatives a comprehensive report that includes the information required by division (F) (1) of this section and a detailed analysis of the effectiveness of issuing tax credits for rehabilitating historic buildings. The report shall be prepared with the assistance of an economic research organization jointly chosen by the director and commissioner.

(G) There is hereby created in the state treasury the historic rehabilitation tax credit operating fund. The director is authorized to charge reasonable application and other fees in connection with the administration of tax credits authorized by this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. Any such fees

collected shall be credited to the fund and used to pay 15164
reasonable costs incurred by the department of development in 15165
administering this section and sections 5725.151, 5725.34, 15166
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. 15167

The Ohio historic preservation office is authorized to 15168
charge reasonable fees in connection with its review and 15169
approval of applications under this section. Any such fees 15170
collected shall be credited to the fund and used to pay 15171
administrative costs incurred by the Ohio historic preservation 15172
office pursuant to this section. 15173

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15174
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15175
certificate owner of a tax credit certificate issued under 15176
division (D) (6) of this section may claim a tax credit equal to 15177
twenty-five per cent of the dollar amount indicated on the 15178
certificate for a total credit of not more than twenty-five 15179
million dollars. The credit claimed by such a certificate owner 15180
for any calendar year, tax year, or taxable year under section 15181
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 15182
Revised Code shall not exceed five million dollars. If the 15183
certificate owner is eligible for more than five million dollars 15184
in total credits, the certificate owner may carry forward the 15185
balance of the credit in excess of the amount claimed for that 15186
year for not more than five ensuing calendar years, tax years, 15187
or taxable years. If the credit claimed in any calendar year, 15188
tax year, or taxable year exceeds the tax otherwise due, the 15189
excess shall be refunded to the taxpayer. 15190

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15191
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 15192
apply to a tax credit approved under this section after 15193

September 13, 2022, and before July 1, 2024: 15194

(1) The certificate holder may claim a tax credit equal to 15195
thirty-five per cent of the dollar amount indicated on the tax 15196
credit certificate if any county, township, or municipal 15197
corporation within which the project is located has a population 15198
of less than three hundred thousand according to the 2020 15199
decennial census. The tax credit equals twenty-five per cent of 15200
the dollar amount indicated on the certificate if the project is 15201
not located within such a county, township, or municipal 15202
corporation. 15203

(2) The total tax credit claimed under section 5725.151, 15204
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised 15205
Code for any one project shall not exceed ten million dollars 15206
for any calendar year, tax year, or taxable year. 15207

(3) If the credit claimed in any calendar year, tax year, 15208
or taxable year exceeds the tax otherwise due, the excess shall 15209
be refunded to the taxpayer, subject to division (I)(2) of this 15210
section. 15211

(J) Notwithstanding sections 5725.151, 5725.34, 5726.52, 15212
5729.17, 5733.47, and 5747.76 of the Revised Code, the 15213
certificate owner of a tax credit certificate may claim a tax 15214
credit equal to thirty-five per cent of the dollar amount of 15215
qualified rehabilitation expenditures indicated on the 15216
certificate if the project for which the certificate was issued 15217
is located in a municipal corporation with a population of less 15218
than three hundred thousand or in the unincorporated area of a 15219
township. 15220

(K) The director of development, in consultation with the 15221
director of budget and management, shall develop and adopt a 15222

system of tracking any information necessary to anticipate the 15223
impact of credits issued under this section on tax revenues for 15224
current and future fiscal years. Such information may include 15225
the number of applications approved, the estimated 15226
rehabilitation expenditures and rehabilitation period associated 15227
with such applications, the number and amount of tax credit 15228
certificates issued, and any other information the director of 15229
budget and management requires for the purposes of this 15230
division. 15231

~~(K)~~ (L) For purposes of this section and Chapter 122:19-1 15232
of the Ohio Administrative Code, a tax credit certificate issued 15233
under this section is effective on the date that all historic 15234
buildings rehabilitated by the project are "placed in service," 15235
as that term is used in section 47 of the Internal Revenue Code. 15236

Sec. 149.38. (A) Except as otherwise provided in section 15237
307.847 of the Revised Code, there is hereby created in each 15238
county a county records commission, composed of a member of the 15239
board of county commissioners as chairperson, the prosecuting 15240
attorney, the auditor, the recorder, and the clerk of the court 15241
of common pleas. The commission shall appoint a secretary, who 15242
may or may not be a member of the commission and who shall serve 15243
at the pleasure of the commission. The commission may employ an 15244
archivist or records manager to serve under its direction. The 15245
commission shall meet upon the call of the chairperson. 15246

(B) (1) The functions of the county records commission 15247
shall be to provide rules for retention and disposal of records 15248
of the county, and to review applications for one-time disposal 15249
of obsolete records and schedules of records retention and 15250
disposition submitted by county offices. The commission may 15251
dispose of records pursuant to the procedure outlined in this 15252

section. The commission, at any time, may review any schedule it 15253
has previously approved and, for good cause shown, may revise 15254
that schedule, subject to division (D) of this section. 15255

(2) (a) As used in division (B) (2) of this section, "paper 15256
case records" means written reports of child abuse or neglect, 15257
written records of investigations, or other written records 15258
required to be prepared under section 2151.421, ~~5101.13,~~ 15259
5153.166, ~~or 5153.17,~~ or 5180.40 of the Revised Code. 15260

(b) A county public children services agency may submit to 15261
the county records commission applications for one-time 15262
disposal, or schedules of records retention and disposition, of 15263
paper case records that have been entered into permanently 15264
maintained and retrievable fields in the state automated child 15265
welfare information system established under section ~~5101.13~~ 15266
5180.40 of the Revised Code or entered into other permanently 15267
maintained and retrievable electronic files. The county records 15268
commission may dispose of the paper case records pursuant to the 15269
procedure outlined in this section. 15270

(C) (1) When the county records commission has approved any 15271
county application for one-time disposal of obsolete records or 15272
any schedule of records retention and disposition, the 15273
commission shall send that application or schedule to the Ohio 15274
history connection for its review. The Ohio history connection 15275
shall review the application or schedule within a period of not 15276
more than sixty days after its receipt of it. During the sixty- 15277
day review period, the Ohio history connection may select for 15278
its custody from the application for one-time disposal of 15279
obsolete records any records it considers to be of continuing 15280
historical value, and shall denote upon any schedule of records 15281
retention and disposition any records for which the Ohio history 15282

connection will require a certificate of records disposal prior 15283
to their disposal. 15284

(2) Upon completion of its review, the Ohio history 15285
connection shall forward the application for one-time disposal 15286
of obsolete records or the schedule of records retention and 15287
disposition to the auditor of state for the auditor's approval 15288
or disapproval. The auditor of state shall approve or disapprove 15289
the application or schedule within a period of not more than 15290
sixty days after receipt of it. 15291

(3) Before public records are to be disposed of pursuant 15292
to an approved schedule of records retention and disposition, 15293
the county records commission shall inform the Ohio history 15294
connection of the disposal through the submission of a 15295
certificate of records disposal for only the records required by 15296
the schedule to be disposed of and shall give the Ohio history 15297
connection the opportunity for a period of fifteen business days 15298
to select for its custody those records, from the certificate 15299
submitted, that it considers to be of continuing historical 15300
value. Upon the expiration of the fifteen-business-day period, 15301
the county records commission also shall notify the public 15302
libraries, county historical society, state universities, and 15303
other public or quasi-public institutions, agencies, or 15304
corporations in the county that have provided the commission 15305
with their name and address for these notification purposes, 15306
that the commission has informed the Ohio history connection of 15307
the records disposal and that the notified entities, upon 15308
written agreement with the Ohio history connection pursuant to 15309
section 149.31 of the Revised Code, may select records of 15310
continuing historical value, including records that may be 15311
distributed to any of the notified entities under section 149.31 15312
of the Revised Code. Any notified entity that notifies the 15313

county records commission of its intent to review and select 15314
records of continuing historical value from certificates of 15315
records disposal is responsible for the cost of any notice given 15316
and for the transportation of those records. 15317

(D) The rules of the county records commission shall 15318
include a rule that requires any receipts, checks, vouchers, or 15319
other similar records pertaining to expenditures from the 15320
delinquent tax and assessment collection fund created in section 15321
321.261 of the Revised Code, from the real estate assessment 15322
fund created in section 325.31 of the Revised Code, or from 15323
amounts allocated for the furtherance of justice to the county 15324
sheriff under section 325.071 of the Revised Code or to the 15325
prosecuting attorney under section 325.12 of the Revised Code to 15326
be retained for at least four years. 15327

(E) No person shall knowingly violate the rule adopted 15328
under division (D) of this section. Whoever violates that rule 15329
is guilty of a misdemeanor of the first degree. 15330

Sec. 149.43. (A) As used in this section: 15331

(1) "Public record" means records kept by any public 15332
office, including, but not limited to, state, county, city, 15333
village, township, and school district units, and records 15334
pertaining to the delivery of educational services by an 15335
alternative school in this state kept by the nonprofit or for- 15336
profit entity operating the alternative school pursuant to 15337
section 3313.533 of the Revised Code. "Public record" does not 15338
mean any of the following: 15339

(a) Medical records; 15340

(b) Records pertaining to probation and parole 15341
proceedings, to proceedings related to the imposition of 15342

community control sanctions and post-release control sanctions, 15343
or to proceedings related to determinations under section 15344
2967.271 of the Revised Code regarding the release or maintained 15345
incarceration of an offender to whom that section applies; 15346

(c) Records pertaining to actions under section 2151.85 15347
and division (C) of section 2919.121 of the Revised Code and to 15348
appeals of actions arising under those sections; 15349

(d) Records pertaining to adoption proceedings, including 15350
the contents of an adoption file maintained by the department of 15351
health under sections 3705.12 to 3705.124 of the Revised Code; 15352

(e) Information in a record contained in the putative 15353
father registry established by section 3107.062 of the Revised 15354
Code, regardless of whether the information is held by the 15355
department of ~~job and family services~~ children and youth or, 15356
pursuant to section 3111.69 of the Revised Code, the office of 15357
child support in the department of job and family services or a 15358
child support enforcement agency; 15359

(f) Records specified in division (A) of section 3107.52 15360
of the Revised Code; 15361

(g) Trial preparation records, prior to the conclusion of 15362
all direct appeals or, if no appeal is filed, prior to the 15363
expiration of the time during which an appeal may be filed, or, 15364
if no trial has occurred, until the civil or criminal action or 15365
proceeding has ended without the possibility of direct appeal or 15366
each agency, office, or official responsible for the matter has 15367
made a decision not to proceed with the matter; 15368

(h) Confidential law enforcement investigatory records; 15369

(i) Records containing information that is confidential 15370
under section 2710.03 or 4112.05 of the Revised Code; 15371

(j) DNA records stored in the DNA database pursuant to	15372
section 109.573 of the Revised Code;	15373
(k) Inmate records released by the department of	15374
rehabilitation and correction to the department of youth	15375
services or a court of record pursuant to division (E) of	15376
section 5120.21 of the Revised Code;	15377
(l) Records maintained by the department of youth services	15378
pertaining to children in its custody released by the department	15379
of youth services to the department of rehabilitation and	15380
correction pursuant to section 5139.05 of the Revised Code;	15381
(m) Intellectual property records;	15382
(n) Donor profile records;	15383
(o) Records maintained by the department of job and family	15384
services pursuant to section 3121.894 of the Revised Code;	15385
(p) Designated public service worker residential and	15386
familial information;	15387
(q) In the case of a county hospital operated pursuant to	15388
Chapter 339. of the Revised Code or a municipal hospital	15389
operated pursuant to Chapter 749. of the Revised Code,	15390
information that constitutes a trade secret, as defined in	15391
section 1333.61 of the Revised Code;	15392
(r) Information pertaining to the recreational activities	15393
of a person under the age of eighteen;	15394
(s) In the case of a child fatality review board acting	15395
under sections 307.621 to 307.629 of the Revised Code or a	15396
review conducted pursuant to guidelines established by the	15397
director of health under section 3701.70 of the Revised Code,	15398
records provided to the board or director, statements made by	15399

board members during meetings of the board or by persons 15400
participating in the director's review, and all work products of 15401
the board or director, and in the case of a child fatality 15402
review board, child fatality review data submitted by the board 15403
to the department of health or a national child death review 15404
database, other than the report prepared pursuant to division 15405
(A) of section 307.626 of the Revised Code; 15406

(t) Records provided to and statements made by the 15407
executive director of a public children services agency or a 15408
prosecuting attorney acting pursuant to section 5153.171 of the 15409
Revised Code other than the information released under that 15410
section; 15411

(u) Test materials, examinations, or evaluation tools used 15412
in an examination for licensure as a nursing home administrator 15413
that the board of executives of long-term services and supports 15414
administers under section 4751.15 of the Revised Code or 15415
contracts under that section with a private or government entity 15416
to administer; 15417

(v) Records the release of which is prohibited by state or 15418
federal law; 15419

(w) Proprietary information of or relating to any person 15420
that is submitted to or compiled by the Ohio venture capital 15421
authority created under section 150.01 of the Revised Code; 15422

(x) Financial statements and data any person submits for 15423
any purpose to the Ohio housing finance agency or the 15424
controlling board in connection with applying for, receiving, or 15425
accounting for financial assistance from the agency, and 15426
information that identifies any individual who benefits directly 15427
or indirectly from financial assistance from the agency; 15428

(y) Records listed in section 5101.29 of the Revised Code;	15429
(z) Discharges recorded with a county recorder under	15430
section 317.24 of the Revised Code, as specified in division (B)	15431
(2) of that section;	15432
(aa) Usage information including names and addresses of	15433
specific residential and commercial customers of a municipally	15434
owned or operated public utility;	15435
(bb) Records described in division (C) of section 187.04	15436
of the Revised Code that are not designated to be made available	15437
to the public as provided in that division;	15438
(cc) Information and records that are made confidential,	15439
privileged, and not subject to disclosure under divisions (B)	15440
and (C) of section 2949.221 of the Revised Code;	15441
(dd) Personal information, as defined in section 149.45 of	15442
the Revised Code;	15443
(ee) The confidential name, address, and other personally	15444
identifiable information of a program participant in the address	15445
confidentiality program established under sections 111.41 to	15446
111.47 of the Revised Code, including the contents of any	15447
application for absent voter's ballots, absent voter's ballot	15448
identification envelope statement of voter, or provisional	15449
ballot affirmation completed by a program participant who has a	15450
confidential voter registration record; records or portions of	15451
records pertaining to that program that identify the number of	15452
program participants that reside within a precinct, ward,	15453
township, municipal corporation, county, or any other geographic	15454
area smaller than the state; and any real property	15455
confidentiality notice filed under section 111.431 of the	15456
Revised Code and the information described in division (C) of	15457

that section. As used in this division, "confidential address" 15458
and "program participant" have the meaning defined in section 15459
111.41 of the Revised Code. 15460

(ff) Orders for active military service of an individual 15461
serving or with previous service in the armed forces of the 15462
United States, including a reserve component, or the Ohio 15463
organized militia, except that, such order becomes a public 15464
record on the day that is fifteen years after the published date 15465
or effective date of the call to order; 15466

(gg) The name, address, contact information, or other 15467
personal information of an individual who is less than eighteen 15468
years of age that is included in any record related to a traffic 15469
accident involving a school vehicle in which the individual was 15470
an occupant at the time of the accident; 15471

(hh) Protected health information, as defined in 45 C.F.R. 15472
160.103, that is in a claim for payment for a health care 15473
product, service, or procedure, as well as any other health 15474
claims data in another document that reveals the identity of an 15475
individual who is the subject of the data or could be used to 15476
reveal that individual's identity; 15477

(ii) Any depiction by photograph, film, videotape, or 15478
printed or digital image under either of the following 15479
circumstances: 15480

(i) The depiction is that of a victim of an offense the 15481
release of which would be, to a reasonable person of ordinary 15482
sensibilities, an offensive and objectionable intrusion into the 15483
victim's expectation of bodily privacy and integrity. 15484

(ii) The depiction captures or depicts the victim of a 15485
sexually oriented offense, as defined in section 2950.01 of the 15486

Revised Code, at the actual occurrence of that offense. 15487

(jj) Restricted portions of a body-worn camera or 15488
dashboard camera recording; 15489

(kk) In the case of a fetal-infant mortality review board 15490
acting under sections 3707.70 to 3707.77 of the Revised Code, 15491
records, documents, reports, or other information presented to 15492
the board or a person abstracting such materials on the board's 15493
behalf, statements made by review board members during board 15494
meetings, all work products of the board, and data submitted by 15495
the board to the department of health or a national infant death 15496
review database, other than the report prepared pursuant to 15497
section 3707.77 of the Revised Code. 15498

(ll) Records, documents, reports, or other information 15499
presented to the pregnancy-associated mortality review board 15500
established under section ~~3738.01~~5180.27 of the Revised Code, 15501
statements made by board members during board meetings, all work 15502
products of the board, and data submitted by the board to the 15503
department of health, other than the biennial reports prepared 15504
under section ~~3738.08~~5180.277 of the Revised Code; 15505

(mm) Except as otherwise provided in division (A) (1) (oo) 15506
of this section, telephone numbers for a victim, as defined in 15507
section 2930.01 of the Revised Code or a witness to a crime that 15508
are listed on any law enforcement record or report. 15509

(nn) A preneed funeral contract, as defined in section 15510
4717.01 of the Revised Code, and contract terms and personally 15511
identifying information of a preneed funeral contract, that is 15512
contained in a report submitted by or for a funeral home to the 15513
board of embalmers and funeral directors under division (C) of 15514
section 4717.13, division (J) of section 4717.31, or section 15515

4717.41 of the Revised Code. 15516

(oo) Telephone numbers for a party to a motor vehicle 15517
accident subject to the requirements of section 5502.11 of the 15518
Revised Code that are listed on any law enforcement record or 15519
report, except that the telephone numbers described in this 15520
division are not excluded from the definition of "public record" 15521
under this division on and after the thirtieth day after the 15522
occurrence of the motor vehicle accident. 15523

(pp) Records pertaining to individuals who complete 15524
training under section 5502.703 of the Revised Code to be 15525
permitted by a school district board of education or governing 15526
body of a community school established under Chapter 3314. of 15527
the Revised Code, a STEM school established under Chapter 3326. 15528
of the Revised Code, or a chartered nonpublic school to convey 15529
deadly weapons or dangerous ordnance into a school safety zone; 15530

(qq) Records, documents, reports, or other information 15531
presented to a domestic violence fatality review board 15532
established under section 307.651 of the Revised Code, 15533
statements made by board members during board meetings, all work 15534
products of the board, and data submitted by the board to the 15535
department of health, other than a report prepared pursuant to 15536
section 307.656 of the Revised Code; 15537

(rr) Records, documents, and information the release of 15538
which is prohibited under sections 2930.04 and 2930.07 of the 15539
Revised Code; 15540

(ss) Records of an existing qualified nonprofit 15541
corporation that creates a special improvement district under 15542
Chapter 1710. of the Revised Code that do not pertain to a 15543
purpose for which the district is created; 15544

(tt) Educational support services data, as defined in 15545
section 3319.325 of the Revised Code; 15546

(uu) Records of the past, current, and future work 15547
schedule of a designated public service worker. As used in 15548
division (A)(1)(uu) of this section, "work schedule" does not 15549
include the docket of cases of a court, judge, or magistrate; 15550

(vv) A request form or confirmation letter submitted to a 15551
public office under section 149.45 of the Revised Code; 15552

(ww) An affidavit or confirmation letter submitted under 15553
section 319.28 of the Revised Code; 15554

(xx) License or certificate application or renewal 15555
responses and supporting documentation submitted to the state 15556
medical board regarding an applicant's, or a license or 15557
certificate holder's, inability to practice according to 15558
acceptable and prevailing standards of care by reason of a 15559
medical condition; 15560

(yy) Images and data captured by an automated license 15561
plate recognition system that are maintained in a law 15562
enforcement database; 15563

(zz) Attorney work product record; 15564

(aaa) Any entry on the public calendar of an elected 15565
official that is for any date that is after the date the record 15566
is requested. 15567

A record that is not a public record under division (A)(1) 15568
of this section and that, under law, is permanently retained 15569
becomes a public record on the day that is seventy-five years 15570
after the day on which the record was created, or in the case of 15571
a record that is not a public record under division (A)(1)(uu) 15572

of this section that is retained, three years after the day on 15573
which the record was created, except for any record protected by 15574
the attorney-client privilege, a trial preparation record as 15575
defined in this section, a statement prohibiting the release of 15576
identifying information signed under section 3107.083 of the 15577
Revised Code, a denial of release form filed pursuant to section 15578
3107.46 of the Revised Code, or any record that is exempt from 15579
release or disclosure under section 149.433 of the Revised Code. 15580
If the record is a birth certificate and a biological parent's 15581
name redaction request form has been accepted under section 15582
3107.391 of the Revised Code, the name of that parent shall be 15583
redacted from the birth certificate before it is released under 15584
this paragraph. If any other section of the Revised Code 15585
establishes a time period for disclosure of a record that 15586
conflicts with the time period specified in this section, the 15587
time period in the other section prevails. 15588

~~(2)~~ (2) (a) "Confidential law enforcement investigatory 15589
record" means any record that pertains to a law enforcement 15590
matter of a criminal, quasi-criminal, civil, or administrative 15591
nature, but only to the extent that the release of the record 15592
would create a high probability of disclosure of any of the 15593
following: 15594

~~(a)~~ (i) The identity of a suspect who has not been charged 15595
with the offense to which the record pertains, or of an 15596
information source or witness to whom confidentiality has been 15597
reasonably promised; 15598

~~(b)~~ (ii) Information provided by an information source or 15599
witness to whom confidentiality has been reasonably promised, 15600
which information would reasonably tend to disclose the source's 15601
or witness's identity; 15602

~~(e)~~(iii) Specific confidential investigatory techniques or 15603
procedures or specific investigatory work product; 15604

~~(d)~~(iv) Information that would endanger the life or 15605
physical safety of law enforcement personnel, a crime victim, a 15606
witness, or a confidential information source. 15607

(b) As used in divisions (A) (2) and (18) of this section, 15608
"specific investigatory work product" means information 15609
assembled by law enforcement officials in connection with a 15610
probable or pending criminal or civil proceeding, with the 15611
exception of routine incident reports. "Specific investigatory 15612
work product" is not a public record prior to the conclusion of 15613
all direct appeals, or, if no appeal is filed, prior to the 15614
expiration of the time during which an appeal may be filed, or, 15615
if no trial has occurred, until the criminal or civil proceeding 15616
has ended without possibility of direct appeal or each agency, 15617
office, or official responsible for the matter has made a 15618
decision not to proceed with the matter. 15619

(3) "Medical record" means any document or combination of 15620
documents, except births, deaths, and the fact of admission to 15621
or discharge from a hospital, that pertains to the medical 15622
history, diagnosis, prognosis, or medical condition of a patient 15623
and that is generated and maintained in the process of medical 15624
treatment. 15625

(4) "Trial preparation record" means any record created by 15626
or for another party or by or for that party's representative, 15627
in reasonable anticipation of, or in defense of, a civil or 15628
criminal action or proceeding, that is not a confidential law 15629
enforcement investigatory record or attorney work product record 15630
and that contains factual information that is specifically 15631
compiled in reasonable anticipation of, or in defense of, a for 15632

~~that civil or criminal action or proceeding, including the~~ 15633
~~independent thought processes and personal trial preparation of~~ 15634
~~an attorney.~~ 15635

(5) "Intellectual property record" means a record, other 15636
than a financial or administrative record, that is produced or 15637
collected by or for faculty or staff of a state institution of 15638
higher learning in the conduct of or as a result of study or 15639
research on an educational, commercial, scientific, artistic, 15640
technical, or scholarly issue, regardless of whether the study 15641
or research was sponsored by the institution alone or in 15642
conjunction with a governmental body or private concern, and 15643
that has not been publicly released, published, or patented. 15644

(6) "Donor profile record" means all records about donors 15645
or potential donors to a public institution of higher education 15646
except the names and reported addresses of the actual donors and 15647
the date, amount, and conditions of the actual donation. 15648

(7) "Designated public service worker" means a peace 15649
officer, parole officer, probation officer, bailiff, prosecuting 15650
attorney, assistant prosecuting attorney, correctional employee, 15651
county or multicounty corrections officer, community-based 15652
correctional facility employee, designated Ohio national guard 15653
member, protective services worker, youth services employee, 15654
firefighter, EMT, medical director or member of a cooperating 15655
physician advisory board of an emergency medical service 15656
organization, state board of pharmacy employee, investigator of 15657
the bureau of criminal identification and investigation, 15658
emergency service telecommunicator, forensic mental health 15659
provider, mental health evaluation provider, regional 15660
psychiatric hospital employee, judge, magistrate, or federal law 15661
enforcement officer. 15662

(8) "Designated public service worker residential and 15663
familial information" means any information that discloses any 15664
of the following about a designated public service worker: 15665

(a) The address of the actual personal residence of a 15666
designated public service worker, except for the following 15667
information: 15668

(i) The address of the actual personal residence of a 15669
prosecuting attorney or judge; and 15670

(ii) The state or political subdivision in which a 15671
designated public service worker resides. 15672

(b) Information compiled from referral to or participation 15673
in an employee assistance program; 15674

(c) The social security number, the residential telephone 15675
number, any bank account, debit card, charge card, or credit 15676
card number, or the emergency telephone number of, or any 15677
medical information pertaining to, a designated public service 15678
worker; 15679

(d) The name of any beneficiary of employment benefits, 15680
including, but not limited to, life insurance benefits, provided 15681
to a designated public service worker by the designated public 15682
service worker's employer; 15683

(e) The identity and amount of any charitable or 15684
employment benefit deduction made by the designated public 15685
service worker's employer from the designated public service 15686
worker's compensation, unless the amount of the deduction is 15687
required by state or federal law; 15688

(f) The name, the residential address, the name of the 15689
employer, the address of the employer, the social security 15690

number, the residential telephone number, any bank account, 15691
debit card, charge card, or credit card number, or the emergency 15692
telephone number of the spouse, a former spouse, or any child of 15693
a designated public service worker; 15694

(g) A photograph of a peace officer who holds a position 15695
or has an assignment that may include undercover or plain 15696
clothes positions or assignments as determined by the peace 15697
officer's appointing authority. 15698

(9) As used in divisions (A) (7) and (15) to (17) of this 15699
section: 15700

"Peace officer" has the meaning defined in section 109.71 15701
of the Revised Code and also includes the superintendent and 15702
troopers of the state highway patrol; it does not include the 15703
sheriff of a county or a supervisory employee who, in the 15704
absence of the sheriff, is authorized to stand in for, exercise 15705
the authority of, and perform the duties of the sheriff. 15706

"Correctional employee" means any employee of the 15707
department of rehabilitation and correction who in the course of 15708
performing the employee's job duties has or has had contact with 15709
inmates and persons under supervision. 15710

"County or multicounty corrections officer" means any 15711
corrections officer employed by any county or multicounty 15712
correctional facility. 15713

"Designated Ohio national guard member" means a member of 15714
the Ohio national guard who is participating in duties related 15715
to remotely piloted aircraft, including, but not limited to, 15716
pilots, sensor operators, and mission intelligence personnel, 15717
duties related to special forces operations, or duties related 15718
to cybersecurity, and is designated by the adjutant general as a 15719

designated public service worker for those purposes. 15720

"Protective services worker" means any employee of a 15721
county agency who is responsible for child protective services, 15722
child support services, or adult protective services. 15723

"Youth services employee" means any employee of the 15724
department of youth services who in the course of performing the 15725
employee's job duties has or has had contact with children 15726
committed to the custody of the department of youth services. 15727

"Firefighter" means any regular, paid or volunteer, member 15728
of a lawfully constituted fire department of a municipal 15729
corporation, township, fire district, or village. 15730

"EMT" means EMTs-basic, EMTs-I, and paramedics that 15731
provide emergency medical services for a public emergency 15732
medical service organization. "Emergency medical service 15733
organization," "EMT-basic," "EMT-I," and "paramedic" have the 15734
meanings defined in section 4765.01 of the Revised Code. 15735

"Investigator of the bureau of criminal identification and 15736
investigation" has the meaning defined in section 2903.11 of the 15737
Revised Code. 15738

"Emergency service telecommunicator" means an individual 15739
employed by an emergency service provider as defined under 15740
section 128.01 of the Revised Code, whose primary responsibility 15741
is to be an operator for the receipt or processing of calls for 15742
emergency services made by telephone, radio, or other electronic 15743
means. 15744

"Forensic mental health provider" means any employee of a 15745
community mental health service provider or local alcohol, drug 15746
addiction, and mental health services board who, in the course 15747
of the employee's duties, has contact with persons committed to 15748

a local alcohol, drug addiction, and mental health services 15749
board by a court order pursuant to section 2945.38, 2945.39, 15750
2945.40, or 2945.402 of the Revised Code. 15751

"Mental health evaluation provider" means an individual 15752
who, under Chapter 5122. of the Revised Code, examines a 15753
respondent who is alleged to be a mentally ill person subject to 15754
court order, as defined in section 5122.01 of the Revised Code, 15755
and reports to the probate court the respondent's mental 15756
condition. 15757

"Regional psychiatric hospital employee" means any 15758
employee of the department of mental health and addiction 15759
services who, in the course of performing the employee's duties, 15760
has contact with patients committed to the department of mental 15761
health and addiction services by a court order pursuant to 15762
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 15763
Code. 15764

"Federal law enforcement officer" has the meaning defined 15765
in section 9.88 of the Revised Code. 15766

(10) "Information pertaining to the recreational 15767
activities of a person under the age of eighteen" means 15768
information that is kept in the ordinary course of business by a 15769
public office, that pertains to the recreational activities of a 15770
person under the age of eighteen years, and that discloses any 15771
of the following: 15772

(a) The address or telephone number of a person under the 15773
age of eighteen or the address or telephone number of that 15774
person's parent, guardian, custodian, or emergency contact 15775
person; 15776

(b) The social security number, birth date, or 15777

photographic image of a person under the age of eighteen; 15778

(c) Any medical record, history, or information pertaining 15779
to a person under the age of eighteen; 15780

(d) Any additional information sought or required about a 15781
person under the age of eighteen for the purpose of allowing 15782
that person to participate in any recreational activity 15783
conducted or sponsored by a public office or to use or obtain 15784
admission privileges to any recreational facility owned or 15785
operated by a public office. 15786

(11) "Community control sanction" has the meaning defined 15787
in section 2929.01 of the Revised Code. 15788

(12) "Post-release control sanction" has the meaning 15789
defined in section 2967.01 of the Revised Code. 15790

(13) "Redaction" means obscuring or deleting any 15791
information that is exempt from the duty to permit public 15792
inspection or copying from an item that otherwise meets the 15793
definition of a "record" in section 149.011 of the Revised Code. 15794

(14) "Designee," "elected official," and "future official" 15795
have the meanings defined in section 109.43 of the Revised Code. 15796

(15) "Body-worn camera" means a visual and audio recording 15797
device worn on the person of a correctional employee, youth 15798
services employee, or peace officer while the correctional 15799
employee, youth services employee, or peace officer is engaged 15800
in the performance of official duties. 15801

(16) "Dashboard camera" means a visual and audio recording 15802
device mounted on a peace officer's vehicle or vessel that is 15803
used while the peace officer is engaged in the performance of 15804
the peace officer's duties. 15805

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the decedent was engaged in the performance of official duties, unless, subject to division (H) (1) of this section, the consent of the decedent's executor or administrator has been obtained;

(d) Grievous bodily harm, unless the injury was effected by a correctional employee, youth services employee, or peace officer or, subject to division (H) (1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(e) An act of severe violence against a person that results in serious physical harm to the person, unless the act

and injury was effected by a correctional employee, youth 15835
services employee, or peace officer or, subject to division (H) 15836
(1) of this section, the consent of the injured person or the 15837
injured person's guardian has been obtained; 15838

(f) Grievous bodily harm to a correctional employee, youth 15839
services employee, peace officer, firefighter, paramedic, or 15840
other first responder, occurring while the injured person was 15841
engaged in the performance of official duties, unless, subject 15842
to division (H) (1) of this section, the consent of the injured 15843
person or the injured person's guardian has been obtained; 15844

(g) An act of severe violence resulting in serious 15845
physical harm against a correctional employee, youth services 15846
employee, peace officer, firefighter, paramedic, or other first 15847
responder, occurring while the injured person was engaged in the 15848
performance of official duties, unless, subject to division (H) 15849
(1) of this section, the consent of the injured person or the 15850
injured person's guardian has been obtained; 15851

(h) A person's nude body, unless, subject to division (H) 15852
(1) of this section, the person's consent has been obtained; 15853

(i) Protected health information, the identity of a person 15854
in a health care facility who is not the subject of a 15855
correctional, youth services, or law enforcement encounter, or 15856
any other information in a health care facility that could 15857
identify a person who is not the subject of a correctional, 15858
youth services, or law enforcement encounter; 15859

(j) Information that could identify the alleged victim of 15860
a sex offense, menacing by stalking, or domestic violence; 15861

(k) Information, that does not constitute a confidential 15862
law enforcement investigatory record, that could identify a 15863

person who provides sensitive or confidential information to the 15864
department of rehabilitation and correction, the department of 15865
youth services, or a law enforcement agency when the disclosure 15866
of the person's identity or the information provided could 15867
reasonably be expected to threaten or endanger the safety or 15868
property of the person or another person; 15869

(l) Personal information of a person who is not arrested, 15870
cited, charged, or issued a written warning by a peace officer; 15871

(m) Proprietary correctional, youth services, or police 15872
contingency plans or tactics that are intended to prevent crime 15873
and maintain public order and safety; 15874

(n) A personal conversation unrelated to work between 15875
correctional employees, youth services employees, or peace 15876
officers or between a correctional employee, youth services 15877
employee, or peace officer and an employee of a law enforcement 15878
agency; 15879

(o) A conversation between a correctional employee, youth 15880
services employee, or peace officer and a member of the public 15881
that does not concern correctional, youth services, or law 15882
enforcement activities; 15883

(p) The interior of a residence, unless the interior of a 15884
residence is the location of an adversarial encounter with, or a 15885
use of force by, a correctional employee, youth services 15886
employee, or peace officer; 15887

(q) Any portion of the interior of a private business that 15888
is not open to the public, unless an adversarial encounter with, 15889
or a use of force by, a correctional employee, youth services 15890
employee, or peace officer occurs in that location. 15891

As used in division (A) (17) of this section: 15892

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	15893 15894
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	15895 15896
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	15897 15898
"Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.	15899 15900
"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.	15901 15902 15903 15904
"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.	15905 15906
"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.	15907 15908
<u>(18) "Attorney work product record" means a record that is not specific investigatory work product or a trial preparation record and that is created by an attorney, or by the agent of an attorney, in reasonable anticipation of or for litigation, trial, or administrative proceedings, when acting in an official capacity on behalf of the state, a political subdivision of the state, a state agency, a public official, or a public employee, that documents the independent thought processes, mental impressions, legal theories, strategies, analysis, or reasoning of an attorney or the agent of an attorney.</u>	15909 15910 15911 15912 15913 15914 15915 15916 15917 15918
<u>(19) "Elected official" means a person who is elected or appointed to an elective office of the state or a political</u>	15919 15920

subdivision. 15921

(20) "Public calendar" means a calendar or appointment 15922
book maintained by an elected official to schedule the elected 15923
official's activities in relation to the elected official's 15924
position as an elected official. "Public calendar" does not 15925
include a personal calendar or appointment book maintained 15926
solely for an elected official's personal convenience that does 15927
not serve to document the elected official's official activities 15928
or functions or the official activities or functions of the 15929
elected official's public office. 15930

(B) (1) Upon request by any person and subject to division 15931
(B) (8) of this section, all public records responsive to the 15932
request shall be promptly prepared and made available for 15933
inspection to the requester at all reasonable times during 15934
regular business hours. Subject to division (B) (8) of this 15935
section, upon request by any person, a public office or person 15936
responsible for public records shall make copies of the 15937
requested public record available to the requester at cost and 15938
within a reasonable period of time. 15939

When considering whether a state or local law enforcement 15940
agency or a prosecuting attorney's office promptly prepared a 15941
video record for inspection or ~~provided~~ produced a copy of a 15942
video record ~~for production~~ within a reasonable period of time, 15943
in addition to any other factors, a court shall consider the 15944
time required for a state or local law enforcement agency or a 15945
prosecuting attorney's office to retrieve, download, review, 15946
redact, seek legal advice regarding, and produce the video 15947
record. ~~Notwithstanding~~ Except as specified in division (B) (11) 15948
of this section, notwithstanding any other requirement set forth 15949
in Chapter 149. of the Revised Code, a state or local law 15950

enforcement agency or a prosecuting attorney's office may charge 15951
a requester the actual cost associated with preparing a video 15952
record for inspection or production, not to exceed seventy-five 15953
dollars per hour of video produced, nor seven hundred fifty 15954
dollars total. As used in this division, "actual cost," with 15955
respect to video records only, means all costs incurred by the 15956
state or local law enforcement agency or a prosecuting 15957
attorney's office in reviewing, blurring or otherwise obscuring, 15958
redacting, uploading, or producing the video records, including 15959
but not limited to the storage medium on which the record is 15960
produced, staff time, and any other relevant overhead necessary 15961
to comply with the request. A state or local law enforcement 15962
agency or a prosecuting attorney's office may include in its 15963
public records policy the requirement that a requester pay the 15964
estimated actual cost before beginning the process of preparing 15965
a video record for inspection or production. Where a state or 15966
local law enforcement agency or a prosecuting attorney's office 15967
imposes such a requirement, its obligation to produce a video or 15968
make it available for inspection begins once the estimated 15969
actual cost is paid in full by the requester. A state or local 15970
law enforcement agency or a prosecuting attorney's office shall 15971
provide the requester with the estimated actual cost within five 15972
business days of receipt of the public records request. If the 15973
actual cost exceeds the estimated actual cost, a state or local 15974
law enforcement agency or a prosecuting attorney's office may 15975
charge a requester for the difference upon fulfilling a request 15976
for video records if the requester is notified in advance that 15977
the actual cost may be up to twenty per cent higher than the 15978
estimated actual cost. A state or local law enforcement agency 15979
or a prosecuting attorney's office shall not charge a requester 15980
a difference that exceeds twenty per cent of the estimated 15981
actual cost. 15982

If a public record contains information that is exempt 15983
from the duty to permit public inspection or to copy the public 15984
record, the public office or the person responsible for the 15985
public record shall make available all of the information within 15986
the public record that is not exempt. When making that public 15987
record available for public inspection or copying that public 15988
record, the public office or the person responsible for the 15989
public record shall notify the requester of any redaction or 15990
make the redaction plainly visible. A redaction shall be deemed 15991
a denial of a request to inspect or copy the redacted 15992
information, except if federal or state law authorizes or 15993
requires a public office to make the redaction. When the auditor 15994
of state receives a request to inspect or to make a copy of a 15995
record that was provided to the auditor of state for purposes of 15996
an audit, but the original public office has asserted to the 15997
auditor of state that the record is not a public record, the 15998
auditor of state may handle the requests by directing the 15999
requestor to the original public office that provided the record 16000
to the auditor of state. 16001

(2) To facilitate broader access to public records, a 16002
public office or the person responsible for public records shall 16003
organize and maintain public records in a manner that they can 16004
be made available for inspection or copying in accordance with 16005
division (B) of this section. A public office also shall have 16006
available a copy of its current records retention schedule at a 16007
location readily available to the public. If a requester makes 16008
an ambiguous or overly broad request or has difficulty in making 16009
a request for copies or inspection of public records under this 16010
section such that the public office or the person responsible 16011
for the requested public record cannot reasonably identify what 16012
public records are being requested, the public office or the 16013

person responsible for the requested public record may deny the 16014
request but shall provide the requester with an opportunity to 16015
revise the request by informing the requester of the manner in 16016
which records are maintained by the public office and accessed 16017
in the ordinary course of the public office's or person's 16018
duties. 16019

(3) If a request is ultimately denied, in part or in 16020
whole, the public office or the person responsible for the 16021
requested public record shall provide the requester with an 16022
explanation, including legal authority, setting forth why the 16023
request was denied. If the initial request was provided in 16024
writing, the explanation also shall be provided to the requester 16025
in writing. The explanation shall not preclude the public office 16026
or the person responsible for the requested public record from 16027
relying upon additional reasons or legal authority in defending 16028
an action commenced under division (C) of this section. 16029

(4) Unless specifically required or authorized by state or 16030
federal law or in accordance with division (B) of this section, 16031
no public office or person responsible for public records may 16032
limit or condition the availability of public records by 16033
requiring disclosure of the requester's identity or the intended 16034
use of the requested public record. Any requirement that the 16035
requester disclose the requester's identity or the intended use 16036
of the requested public record constitutes a denial of the 16037
request. 16038

(5) A public office or person responsible for public 16039
records may ask a requester to make the request in writing, may 16040
ask for the requester's identity, and may inquire about the 16041
intended use of the information requested, but may do so only 16042
after disclosing to the requester that a written request is not 16043

mandatory, that the requester may decline to reveal the 16044
requester's identity or the intended use, and when a written 16045
request or disclosure of the identity or intended use would 16046
benefit the requester by enhancing the ability of the public 16047
office or person responsible for public records to identify, 16048
locate, or deliver the public records sought by the requester. 16049

(6) If any person requests a copy of a public record in 16050
accordance with division (B) of this section, the public office 16051
or person responsible for the public record may require the 16052
requester to pay in advance the cost involved in providing the 16053
copy of the public record in accordance with the choice made by 16054
the requester under this division. The public office or the 16055
person responsible for the public record shall permit the 16056
requester to choose to have the public record duplicated upon 16057
paper, upon the same medium upon which the public office or 16058
person responsible for the public record keeps it, or upon any 16059
other medium upon which the public office or person responsible 16060
for the public record determines that it reasonably can be 16061
duplicated as an integral part of the normal operations of the 16062
public office or person responsible for the public record. When 16063
the requester makes a choice under this division, the public 16064
office or person responsible for the public record shall provide 16065
a copy of it in accordance with the choice made by the 16066
requester. Nothing in this section requires a public office or 16067
person responsible for the public record to allow the requester 16068
of a copy of the public record to make the copies of the public 16069
record. 16070

(7) (a) Upon a request made in accordance with division (B) 16071
of this section and subject to division (B) (6) of this section, 16072
a public office or person responsible for public records shall 16073
transmit a copy of a public record to any person by United 16074

States mail or by any other means of delivery or transmission 16075
within a reasonable period of time after receiving the request 16076
for the copy. The public office or person responsible for the 16077
public record may require the person making the request to pay 16078
in advance the cost of postage if the copy is transmitted by 16079
United States mail or the cost of delivery if the copy is 16080
transmitted other than by United States mail, and to pay in 16081
advance the costs incurred for other supplies used in the 16082
mailing, delivery, or transmission. 16083

(b) Any public office may adopt a policy and procedures 16084
that it will follow in transmitting, within a reasonable period 16085
of time after receiving a request, copies of public records by 16086
United States mail or by any other means of delivery or 16087
transmission pursuant to division (B) (7) of this section. A 16088
public office that adopts a policy and procedures under division 16089
(B) (7) of this section shall comply with them in performing its 16090
duties under that division. 16091

(c) In any policy and procedures adopted under division 16092
(B) (7) of this section: 16093

(i) A public office may limit the number of records 16094
requested by a person that the office will physically deliver by 16095
United States mail or by another delivery service to ten per 16096
month, unless the person certifies to the office in writing that 16097
the person does not intend to use or forward the requested 16098
records, or the information contained in them, for commercial 16099
purposes; 16100

(ii) A public office that chooses to provide some or all 16101
of its public records on a web site that is fully accessible to 16102
and searchable by members of the public at all times, other than 16103
during acts of God outside the public office's control or 16104

maintenance, and that charges no fee to search, access, 16105
download, or otherwise receive records provided on the web site, 16106
may limit to ten per month the number of records requested by a 16107
person that the office will deliver in a digital format, unless 16108
the requested records are not provided on the web site and 16109
unless the person certifies to the office in writing that the 16110
person does not intend to use or forward the requested records, 16111
or the information contained in them, for commercial purposes. 16112

(iii) For purposes of division (B) (7) of this section, 16113
"commercial" shall be narrowly construed and does not include 16114
reporting or gathering news, reporting or gathering information 16115
to assist citizen oversight or understanding of the operation or 16116
activities of government, or nonprofit educational research. 16117

(8) A public office or person responsible for public 16118
records is not required to permit a person who is incarcerated 16119
pursuant to a criminal conviction or a juvenile adjudication to 16120
inspect or to obtain a copy of any public record concerning a 16121
criminal investigation or prosecution or concerning what would 16122
be a criminal investigation or prosecution if the subject of the 16123
investigation or prosecution were an adult, unless the request 16124
to inspect or to obtain a copy of the record is for the purpose 16125
of acquiring information that is subject to release as a public 16126
record under this section and the judge who imposed the sentence 16127
or made the adjudication with respect to the person, or the 16128
judge's successor in office, finds that the information sought 16129
in the public record is necessary to support what appears to be 16130
a justiciable claim of the person. As used in this division, 16131
"public record concerning a criminal investigation or 16132
prosecution or concerning what would be a criminal investigation 16133
or prosecution if the subject of the investigation were an 16134
adult" includes, but is not limited to, personnel files and 16135

payroll and attendance records of designated public service workers. 16136
16137

(9) (a) Upon written request made and signed by a 16138
journalist, a public office, or person responsible for public 16139
records, having custody of the records of the agency employing a 16140
specified designated public service worker shall disclose to the 16141
journalist the address of the actual personal residence of the 16142
designated public service worker and, if the designated public 16143
service worker's spouse, former spouse, or child is employed by 16144
a public office, the name and address of the employer of the 16145
designated public service worker's spouse, former spouse, or 16146
child, and any past, current, and future work schedules of the 16147
designated public service worker. The request shall include the 16148
journalist's name and title and the name and address of the 16149
journalist's employer and shall state that disclosure of the 16150
information sought would be in the public interest. 16151

(b) Division (B) (9) (a) of this section also applies to 16152
journalist requests for: 16153

(i) Customer information maintained by a municipally owned 16154
or operated public utility, other than social security numbers 16155
and any private financial information such as credit reports, 16156
payment methods, credit card numbers, and bank account 16157
information; 16158

(ii) Information about minors involved in a school vehicle 16159
accident as provided in division (A) (1) (gg) of this section, 16160
other than personal information as defined in section 149.45 of 16161
the Revised Code; 16162

(iii) A request form submitted to a public office under 16163
section 149.45 of the Revised Code; 16164

(iv) An affidavit submitted under section 319.28 of the Revised Code.

(c) As used in division (B) (9) of this section, "journalist" means a person engaged in, connected with, or employed by any news medium, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar medium, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating information for the general public.

(10) Upon a request made by a victim, victim's attorney, or victim's representative, as that term is used in section 2930.02 of the Revised Code, a public office or person responsible for public records shall transmit a copy of a depiction of the victim as described in division (A) (1) (ii) of this section to the victim, victim's attorney, or victim's representative.

(11) A state or local law enforcement agency or a prosecuting attorney's office shall not charge a fee for preparing a video record for inspection, or producing a copy of a video record, when the requester of the video record is a victim, as defined in Ohio Constitution, Article I, Section 10a, who reasonably asserts that the video recording relates to the act or omission that caused the victim's harm or loss, or who is the legal counsel or insurer of the victim.

(C) (1) If a person allegedly is aggrieved by the failure of a public office or the person responsible for public records to promptly prepare a public record and to make it available to the person for inspection in accordance with division (B) of this section or by any other failure of a public office or the person responsible for public records to comply with an

obligation in accordance with division (B) of this section, the 16195
person allegedly aggrieved may serve pursuant to Rule 4 of the 16196
Ohio Rules of Civil Procedure a complaint, on a form prescribed 16197
by the clerk of the court of claims, to the public office or 16198
person responsible for public records allegedly responsible for 16199
the alleged failure. Upon receipt of the complaint of the person 16200
allegedly aggrieved, the public office or person responsible for 16201
public records has three business days to cure or otherwise 16202
address the failure alleged in the complaint. The person 16203
allegedly aggrieved shall not file a complaint with a court or 16204
commence a mandamus action under this section within the three- 16205
day period. Upon the expiration of the three-day period, the 16206
person allegedly aggrieved may, subject to the requirements of 16207
division (C) (2) of this section, do only one of the following, 16208
and not both: 16209

(a) File a complaint with the clerk of the court of claims 16210
or the clerk of the court of common pleas under section 2743.75 16211
of the Revised Code; 16212

(b) Commence a mandamus action to obtain a judgment that 16213
orders the public office or the person responsible for the 16214
public record to comply with division (B) of this section, that 16215
awards court costs and reasonable attorney's fees to the person 16216
that instituted the mandamus action, and, if applicable, that 16217
includes an order fixing statutory damages under division (C) (3) 16218
of this section. The mandamus action may be commenced in the 16219
court of common pleas of the county in which division (B) of 16220
this section allegedly was not complied with, in the supreme 16221
court pursuant to its original jurisdiction under Section 2 of 16222
Article IV, Ohio Constitution, or in the court of appeals for 16223
the appellate district in which division (B) of this section 16224
allegedly was not complied with pursuant to its original 16225

jurisdiction under Section 3 of Article IV, Ohio Constitution. 16226

(2) Upon filing a complaint or mandamus action with a 16227
court under divisions (C) (1) (a) or (b) of this section, a person 16228
allegedly aggrieved shall file with the court, in conjunction 16229
with the person's complaint or petition, a written affirmation 16230
stating that the person properly transmitted a complaint to the 16231
public office or person responsible for public records, the 16232
failure alleged in the complaint has not been cured or otherwise 16233
resolved to the person's satisfaction, and that the complaint 16234
was transmitted to the public office or person responsible for 16235
public records at least three business days before the filing of 16236
the suit. If the person fails to file an affirmation pursuant to 16237
this division, the suit shall be dismissed. 16238

(3) If a requester transmits a written request by hand 16239
delivery, electronic submission, or certified mail to inspect or 16240
receive copies of any public record in a manner that fairly 16241
describes the public record or class of public records to the 16242
public office or person responsible for the requested public 16243
records, except as otherwise provided in this section, the 16244
requester shall be entitled to recover the amount of statutory 16245
damages set forth in this division if a court determines that 16246
the public office or the person responsible for public records 16247
failed to comply with an obligation in accordance with division 16248
(B) of this section. Statutory damages are not available 16249
pursuant to this section to a person committed to the custody of 16250
the department of rehabilitation and correction or the United 16251
States bureau of prisons, or a child committed to the department 16252
of youth services as permitted in Chapter 2152. of the Revised 16253
Code. 16254

The amount of statutory damages shall be fixed at one 16255

hundred dollars for each business day during which the public 16256
office or person responsible for the requested public records 16257
failed to comply with an obligation in accordance with division 16258
(B) of this section, beginning with the day on which the 16259
requester files a mandamus action to recover statutory damages, 16260
up to a maximum of one thousand dollars. The award of statutory 16261
damages shall not be construed as a penalty, but as compensation 16262
for injury arising from lost use of the requested information. 16263
The existence of this injury shall be conclusively presumed. The 16264
award of statutory damages shall be in addition to all other 16265
remedies authorized by this section. 16266

The court may reduce an award of statutory damages or not 16267
award statutory damages if the court determines both of the 16268
following: 16269

(a) That, based on the ordinary application of statutory 16270
law and case law as it existed at the time of the conduct or 16271
threatened conduct of the public office or person responsible 16272
for the requested public records that allegedly constitutes a 16273
failure to comply with an obligation in accordance with division 16274
(B) of this section and that was the basis of the mandamus 16275
action, a well-informed public office or person responsible for 16276
the requested public records reasonably would believe that the 16277
conduct or threatened conduct of the public office or person 16278
responsible for the requested public records did not constitute 16279
a failure to comply with an obligation in accordance with 16280
division (B) of this section; 16281

(b) That a well-informed public office or person 16282
responsible for the requested public records reasonably would 16283
believe that the conduct or threatened conduct of the public 16284
office or person responsible for the requested public records 16285

would serve the public policy that underlies the authority that 16286
is asserted as permitting that conduct or threatened conduct. 16287

(4) In a mandamus action filed under division (C) (1) of 16288
this section, the following apply: 16289

(a) (i) If the court orders the public office or the person 16290
responsible for the public record to comply with division (B) of 16291
this section, the court shall determine and award to the relator 16292
all court costs, which shall be construed as remedial and not 16293
punitive. 16294

(ii) If the court makes a determination described in 16295
division (C) (4) (b) (iii) of this section, the court shall 16296
determine and award to the relator all court costs, which shall 16297
be construed as remedial and not punitive. 16298

(b) If the court renders a judgment that orders the public 16299
office or the person responsible for the public record to comply 16300
with division (B) of this section or if the court determines any 16301
of the following, the court may award reasonable attorney's fees 16302
to the relator, subject to division (C) (5) of this section: 16303

(i) The public office or the person responsible for the 16304
public records failed to respond affirmatively or negatively to 16305
the public records request in accordance with the time allowed 16306
under division (B) of this section. 16307

(ii) The public office or the person responsible for the 16308
public records promised to permit the relator to inspect or 16309
receive copies of the public records requested within a 16310
specified period of time but failed to fulfill that promise 16311
within that specified period of time. 16312

(iii) The public office or the person responsible for the 16313
public records acted in bad faith when the office or person 16314

voluntarily made the public records available to the relator for 16315
the first time after the relator commenced the mandamus action, 16316
but before the court issued any order concluding whether or not 16317
the public office or person was required to comply with division 16318
(B) of this section. No discovery may be conducted on the issue 16319
of the alleged bad faith of the public office or person 16320
responsible for the public records. This division shall not be 16321
construed as creating a presumption that the public office or 16322
the person responsible for the public records acted in bad faith 16323
when the office or person voluntarily made the public records 16324
available to the relator for the first time after the relator 16325
commenced the mandamus action, but before the court issued any 16326
order described in this division. 16327

(c) The court shall not award attorney's fees to the 16328
relator if the court determines both of the following: 16329

(i) That, based on the ordinary application of statutory 16330
law and case law as it existed at the time of the conduct or 16331
threatened conduct of the public office or person responsible 16332
for the requested public records that allegedly constitutes a 16333
failure to comply with an obligation in accordance with division 16334
(B) of this section and that was the basis of the mandamus 16335
action, a well-informed public office or person responsible for 16336
the requested public records reasonably would believe that the 16337
conduct or threatened conduct of the public office or person 16338
responsible for the requested public records did not constitute 16339
a failure to comply with an obligation in accordance with 16340
division (B) of this section; 16341

(ii) That a well-informed public office or person 16342
responsible for the requested public records reasonably would 16343
believe that the conduct or threatened conduct of the public 16344

office or person responsible for the requested public records 16345
would serve the public policy that underlies the authority that 16346
is asserted as permitting that conduct or threatened conduct. 16347

(5) All of the following apply to any award of reasonable 16348
attorney's fees awarded under division (C) (4) (b) of this 16349
section: 16350

(a) The fees shall be construed as remedial and not 16351
punitive. 16352

(b) The fees awarded shall not exceed the total of the 16353
reasonable attorney's fees incurred before the public record was 16354
made available to the relator and the fees described in division 16355
(C) (5) (c) of this section. 16356

(c) Reasonable attorney's fees shall include reasonable 16357
fees incurred to produce proof of the reasonableness and amount 16358
of the fees and to otherwise litigate entitlement to the fees. 16359

(d) The court may reduce the amount of fees awarded if the 16360
court determines that, given the factual circumstances involved 16361
with the specific public records request, an alternative means 16362
should have been pursued to more effectively and efficiently 16363
resolve the dispute that was subject to the mandamus action 16364
filed under division (C) (1) of this section. 16365

(6) If the court does not issue a writ of mandamus under 16366
division (C) of this section and the court determines at that 16367
time that the bringing of the mandamus action was frivolous 16368
conduct as defined in division (A) of section 2323.51 of the 16369
Revised Code, the court may award to the public office all court 16370
costs, expenses, and reasonable attorney's fees, as determined 16371
by the court. 16372

(D) Chapter 1347. of the Revised Code does not limit the 16373

provisions of this section. 16374

(E) (1) To ensure that all employees of public offices are 16375
appropriately educated about a public office's obligations under 16376
division (B) of this section, all elected officials or their 16377
appropriate designees shall attend training approved by the 16378
attorney general as provided in section 109.43 of the Revised 16379
Code. A future official may satisfy the requirements of this 16380
division by attending the training before taking office, 16381
provided that the future official may not send a designee in the 16382
future official's place. 16383

(2) All public offices shall adopt a public records policy 16384
in compliance with this section for responding to public records 16385
requests. In adopting a public records policy under this 16386
division, a public office may obtain guidance from the model 16387
public records policy developed and provided to the public 16388
office by the attorney general under section 109.43 of the 16389
Revised Code. Except as otherwise provided in this section, the 16390
policy may not limit the number of public records that the 16391
public office will make available to a single person, may not 16392
limit the number of public records that it will make available 16393
during a fixed period of time, and may not establish a fixed 16394
period of time before it will respond to a request for 16395
inspection or copying of public records, unless that period is 16396
less than eight hours. 16397

The public office shall distribute the public records 16398
policy adopted by the public office under this division to the 16399
employee of the public office who is the records custodian or 16400
records manager or otherwise has custody of the records of that 16401
office. The public office shall require that employee to 16402
acknowledge receipt of the copy of the public records policy. 16403

The public office shall create a poster that describes its public records policy and shall post the poster in a conspicuous place in the public office and in all locations where the public office has branch offices. The public office may post its public records policy on the internet web site of the public office if the public office maintains an internet web site. A public office that has established a manual or handbook of its general policies and procedures for all employees of the public office shall include the public records policy of the public office in the manual or handbook.

(F) (1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.

(2) As used in division (F) (1) of this section:

(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or database by a person who intends to use or

forward the copies for surveys, marketing, solicitation, or 16434
resale for commercial purposes. "Bulk commercial special 16435
extraction request" does not include a request by a person who 16436
gives assurance to the bureau that the person making the request 16437
does not intend to use or forward the requested copies for 16438
surveys, marketing, solicitation, or resale for commercial 16439
purposes. 16440

(c) "Commercial" means profit-seeking production, buying, 16441
or selling of any good, service, or other product. 16442

(d) "Special extraction costs" means the cost of the time 16443
spent by the lowest paid employee competent to perform the task, 16444
the actual amount paid to outside private contractors employed 16445
by the bureau, or the actual cost incurred to create computer 16446
programs to make the special extraction. "Special extraction 16447
costs" include any charges paid to a public agency for computer 16448
or records services. 16449

(3) For purposes of divisions (F) (1) and (2) of this 16450
section, "surveys, marketing, solicitation, or resale for 16451
commercial purposes" shall be narrowly construed and does not 16452
include reporting or gathering news, reporting or gathering 16453
information to assist citizen oversight or understanding of the 16454
operation or activities of government, or nonprofit educational 16455
research. 16456

(G) A request by a defendant, counsel of a defendant, or 16457
any agent of a defendant in a criminal action that public 16458
records related to that action be made available under this 16459
section shall be considered a demand for discovery pursuant to 16460
the Criminal Rules, except to the extent that the Criminal Rules 16461
plainly indicate a contrary intent. The defendant, counsel of 16462
the defendant, or agent of the defendant making a request under 16463

this division shall serve a copy of the request on the 16464
prosecuting attorney, director of law, or other chief legal 16465
officer responsible for prosecuting the action. 16466

(H) (1) Any portion of a body-worn camera or dashboard 16467
camera recording described in divisions (A) (17) (b) to (h) of 16468
this section may be released by consent of the subject of the 16469
recording or a representative of that person, as specified in 16470
those divisions, only if either of the following applies: 16471

(a) The recording will not be used in connection with any 16472
probable or pending criminal proceedings; 16473

(b) The recording has been used in connection with a 16474
criminal proceeding that was dismissed or for which a judgment 16475
has been entered pursuant to Rule 32 of the Rules of Criminal 16476
Procedure, and will not be used again in connection with any 16477
probable or pending criminal proceedings. 16478

(2) If a public office denies a request to release a 16479
restricted portion of a body-worn camera or dashboard camera 16480
recording, as defined in division (A) (17) of this section, any 16481
person may file a mandamus action pursuant to this section or a 16482
complaint with the clerk of the court of claims pursuant to 16483
section 2743.75 of the Revised Code, requesting the court to 16484
order the release of all or portions of the recording. If the 16485
court considering the request determines that the filing 16486
articulates by clear and convincing evidence that the public 16487
interest in the recording substantially outweighs privacy 16488
interests and other interests asserted to deny release, the 16489
court shall order the public office to release the recording. 16490

Sec. 153.01. (A) Whenever any building or structure for 16491
the use of the state or any institution supported in whole or in 16492

part by the state or in or upon the public works of the state 16493
that is administered by the Ohio facilities construction 16494
commission or by any other state officer or state agency 16495
authorized by law to administer a project, including an 16496
educational institution listed in section 3345.50 of the Revised 16497
Code, is to be erected or constructed, whenever additions, 16498
alterations, or structural or other improvements are to be made, 16499
or whenever heating, cooling, or ventilating plants or other 16500
equipment is to be installed or material supplied therefor, the 16501
estimated cost of which amounts to two hundred thousand dollars 16502
or more, or the amount determined pursuant to section 153.53 of 16503
the Revised Code or more, each officer, board, or other 16504
authority upon which devolves the duty of constructing, 16505
erecting, altering, or installing the same, referred to in 16506
sections 153.01 to 153.60 of the Revised Code as the public 16507
authority, shall cause to be made, by an architect or engineer 16508
whose contract of employment shall be prepared and approved by 16509
the attorney general, the following: 16510

(1) Full and accurate plans, suitable for the use of 16511
mechanics and other builders in the construction, improvement, 16512
addition, alteration, or installation; 16513

(2) Details to scale and full-sized, so drawn and 16514
represented as to be easily understood; 16515

(3) Definite and complete specifications of the work to be 16516
performed, together with directions that will enable a competent 16517
mechanic or other builder to carry them out and afford bidders 16518
all needful information; 16519

(4) A full and accurate estimate of each item of expense 16520
and the aggregate cost of those items of expense; 16521

(5) A life-cycle cost analysis; 16522

(6) Further data as may be required by the Ohio facilities 16523
construction commission. 16524

In preparing these plans, details, specifications, 16525
estimates, analyses, or other data, the public authority may 16526
require the architect or engineer to use a building information 16527
model system, as long as the system is based on a nationally 16528
recognized standard for building information models. As used in 16529
this division, "building information model" means a digital 16530
representation of physical and functional characteristics of a 16531
facility, and electronic files used to design and coordinate the 16532
project, whether it is a single model or multiple models used in 16533
the aggregate. 16534

(B) (1) Division (A) of this section shall not be required 16535
with respect to a construction management contract entered into 16536
with a construction manager at risk as described in section 16537
9.334 of the Revised Code or a design-build contract entered 16538
into with a design-build firm as described in section 153.693 of 16539
the Revised Code. 16540

(2) Nothing in this chapter shall interfere with the power 16541
of the director of transportation to prepare plans for, acquire 16542
rights-of-way for, construct, or maintain roads, highways, or 16543
bridges, or to let contracts for those purposes. 16544

Sec. 153.07. The notice provided for in section 153.06 of 16545
the Revised Code shall be published by electronic means~~once each~~ 16546
~~week for three consecutive weeks in a newspaper of general~~ 16547
~~circulation, or as provided in section 7.16 of the Revised Code,~~ 16548
and may be published in other news media in the county where the 16549
activity for which bids are submitted is to occur ~~and in such~~ 16550

~~other newspapers as ordered by the Ohio facilities construction-~~ 16551
~~commission, the last publication to.~~ 16552
The notice shall invite 16553
interested parties to submit proposals for consideration and 16554
shall be published at least eightfourteen days preceding the 16555
day for opening the bids, and in such form and with such 16556
phraseology a manner as prescribed by the commission orders. 16557
Copies of the plans, details, estimates of cost, and 16558
specifications shall be available electronically and open to 16559
public inspection at all business hours between the day of the 16560
first publication and the day for opening the bids, at the 16561
office of the commission where the bids are received, and such 16562
other place as may be designated in such notice.

Sec. 153.08. On the day and at the place named in the 16563
notice provided for in section 153.06 of the Revised Code, the 16564
owner referred to in section 153.01 of the Revised Code shall 16565
open the bids and shall publicly, with the assistance of the 16566
architect or engineer, immediately proceed to tabulate the bids. 16567
For a bid filed electronically, the public bid opening may be 16568
broadcast by electronic means pursuant to rules established by 16569
the Ohio facilities construction commission. A bid shall be 16570
invalid and not considered unless a bid guaranty meeting the 16571
requirements of section 153.54 of the Revised Code and in the 16572
form approved by the commission is filed with such bid. For a 16573
bid that is not filed electronically, the bid and bid guaranty 16574
shall be filed in one sealed envelope. If the bid and bid 16575
guaranty are filed electronically, they must be received 16576
electronically before the deadline published pursuant to section 16577
153.06 of the Revised Code. For all bids filed electronically, 16578
the original, unaltered bid guaranty shall be made available to 16579
the public authority after the public bid opening, which may be 16580
achieved by means of an electronic verification and security 16581

system established under rules adopted by the Ohio facilities 16582
construction commission under Chapter 119. of the Revised Code. 16583
After investigation, which shall be completed within thirty 16584
days, the contract shall be awarded by such owner to the lowest 16585
responsive and responsible bidder in accordance with section 16586
9.312 of the Revised Code. 16587

No contract shall be entered into until the industrial 16588
commission has certified that the person so awarded the contract 16589
has complied with sections 4123.01 to 4123.94 of the Revised 16590
Code, until, if the bidder so awarded the contract is a foreign 16591
corporation, the secretary of state has certified that such 16592
corporation is authorized to do business in this state, until, 16593
if the bidder so awarded the contract is a person nonresident of 16594
this state, such person has filed with the secretary of state a 16595
power of attorney designating the secretary of state as its 16596
agent for the purpose of accepting service of summons in any 16597
action brought under section 153.05 of the Revised Code or under 16598
sections 4123.01 to 4123.94 of the Revised Code, and until the 16599
contract and bond, if any, are submitted to the attorney general 16600
and the attorney general's approval certified thereon. 16601

~~No contract shall be entered into unless the bidder 16602~~
~~possesses a valid certificate of compliance with affirmative 16603~~
~~action programs issued pursuant to section 9.47 of the Revised 16604~~
~~Code and dated no earlier than one hundred eighty days prior to 16605~~
~~the date fixed for the opening of bids for a particular project. 16606~~

Sec. 153.09. If in the opinion of the owner referred to in 16607
section 153.01 of the Revised Code, the award of a contract to 16608
the lowest responsive and responsible bidder is not in the best 16609
interests of the state, the owner may accept another bid so 16610
opened or reject all bids, and advertise for other bids. Such 16611

advertisement shall be for such time, in such form, and ~~in~~ by 16612
such ~~newspaper~~ electronic media as the Ohio facilities 16613
construction commission directs. All contracts shall provide 16614
that such owner may make any change in work or materials on the 16615
conditions and in the manner provided in sections 153.10 and 16616
153.11 of the Revised Code. 16617

Sec. 153.12. (A) With respect to award of any contract for 16618
the construction, reconstruction, improvement, enlargement, 16619
alteration, repair, painting, or decoration of a public 16620
improvement made by the state, or any county, township, 16621
municipal corporation, school district, or other political 16622
subdivision, or any public board, commission, authority, 16623
instrumentality, or special purpose district of or in the state 16624
or a political subdivision or that is authorized by state law, 16625
the award, and execution of the contract, shall be made within 16626
sixty days after the date on which the bids are opened. The 16627
failure to award and execute the contract within sixty days 16628
invalidates the entire bid proceedings and all bids submitted, 16629
unless the time for awarding and executing the contract is 16630
extended by mutual consent of the owner or its representatives 16631
and the bidder whose bid the owner accepts and with respect to 16632
whom the owner subsequently awards and executes a contract. The 16633
public owners referred to in this section shall include, in the 16634
plans and specifications for the project for which bids are 16635
solicited, the estimate of cost. The bid for which the award is 16636
to be made shall be opened at the time and place named in the 16637
advertisement for bids, unless extended by the owner or its 16638
representative or unless, within seventy-two hours prior to the 16639
published time for the opening of bids, excluding Saturdays, 16640
Sundays, and legal holidays, any modification of the plans or 16641
specifications and estimates of cost for the project for which 16642

bids are solicited is issued and mailed or otherwise furnished 16643
to persons who have obtained plans or specifications for the 16644
project, for which the time for opening of bids shall be 16645
extended one week, with no further advertising of bids required. 16646
The contractor, upon request, is entitled to a notice to proceed 16647
with the work by the owner or its representative upon execution 16648
of the contract. No contract to which this section applies shall 16649
be entered into if the price of the contract, or, if the project 16650
involves multiple contracts where the total price of all 16651
contracts for the project, is in excess of ten per cent, in the 16652
case of a contract made by the state or a public board, 16653
commission, authority, or instrumentality of the state, or 16654
twenty per cent, in the case of a contract made by a county, 16655
township, municipal corporation, school district, special 16656
purpose district, or other political subdivision or a public 16657
board, commission, authority, or instrumentality of the 16658
political subdivision, above the entire estimate thereof, nor 16659
shall the entire cost of the construction, reconstruction, 16660
repair, painting, decorating, improvement, alteration, addition, 16661
or installation, including changes and estimates of expenses for 16662
architects or engineers, exceed in the aggregate the amount 16663
authorized by law. 16664

The unit or lump sum price stated in the contract shall be 16665
used in determining the amount to be paid and shall constitute 16666
full and final compensation for all the work. 16667

Partial payment to the contractor for work performed under 16668
the lump sum price shall be based on a schedule prepared by the 16669
contractor and approved by the architect or engineer who shall 16670
apportion the lump sum price to the major components entering 16671
into or forming a part of the work under the lump sum price. 16672

Partial payments to the contractor for labor performed 16673
under either a unit or lump sum price contract shall be made at 16674
~~the a rate of ninety-two not less than ninety-six~~ per cent of 16675
the estimates prepared by the contractor and approved by the 16676
architect or engineer. ~~All labor performed after the job is~~ 16677
~~fifty per cent completed shall be paid for at the rate of one~~ 16678
~~hundred per cent of the estimates submitted by the contractor~~ 16679
~~and approved by the architect or engineer. No subcontract shall~~ 16680
be paid at a rate lower than the rate being paid to the 16681
contractor by the public authority. 16682

The amounts and time of payments of any public 16683
improvements contract made by the state or any county, township, 16684
municipal corporation, school district, or other political 16685
subdivision, or any public board, commission, authority, 16686
instrumentality, or special purpose district of or in the state 16687
or a political subdivision or that is authorized by state law, 16688
except as provided in section 5525.19 of the Revised Code, shall 16689
be governed by this section and sections 153.13 and 153.14 of 16690
the Revised Code. If the time for awarding the contract is 16691
extended by mutual consent, or if the owner or its 16692
representative fails to issue a timely notice to proceed as 16693
required by this section, the owner or its representative shall 16694
issue a change order authorizing delay costs to the contractor, 16695
which does not invalidate the contract. The amount of such a 16696
change order to the owner shall be determined in accordance with 16697
the provisions of the contract for change orders or force 16698
accounts or, if no such provision is set forth in the contract, 16699
the cost to the owner shall be the contractor's actual costs 16700
including wages, labor costs other than wages, wage taxes, 16701
materials, equipment costs and rentals, insurance, and 16702
subcontracts attributable to the delay, plus a reasonable sum 16703

for overhead. In the event of a dispute between the owner and 16704
the contractor concerning such change order, procedures shall be 16705
commenced under the applicable terms of the contract, or, if the 16706
contract contains no provision for resolving the dispute, it 16707
shall be resolved pursuant to the procedures for arbitration in 16708
Chapter 2711. of the Revised Code, except as provided in 16709
division (B) of this section. Nothing in this division shall be 16710
construed as a limitation upon the authority of the director of 16711
transportation granted in Chapter 5525. of the Revised Code. 16712

(B) If a dispute arises between the state and a contractor 16713
concerning the terms of a public improvement contract let by the 16714
state or concerning a breach of the contract, and after 16715
administrative remedies provided for in such contract and any 16716
alternative dispute resolution procedures provided in accordance 16717
with guidelines established by the executive director of the 16718
Ohio facilities construction commission are exhausted, the 16719
contractor may bring an action to the court of claims in 16720
accordance with Chapter 2743. of the Revised Code. The state or 16721
the contractor may request the chief justice of the supreme 16722
court to appoint a referee or panel of referees in accordance 16723
with division (C)(3) of section 2743.03 of the Revised Code. As 16724
used in this division, "dispute" means a disagreement between 16725
the state and the contractor concerning a public improvement 16726
contract let by the state. 16727

Sec. 153.13. At the time named in the contract for payment 16728
to the person with whom it is made, the owner referred to in 16729
section 153.01 or 153.12 of the Revised Code shall approve a 16730
full, accurate, and detailed estimate of the various kinds of 16731
labor performed and material furnished under the contract, with 16732
the amount due for each kind of labor and material and the 16733
materials and amount due in the aggregate, which estimate shall 16734

be based upon actual measurement of such labor and materials, 16735
and shall give the amounts of the preceding estimate, and the 16736
amount of labor performed and materials furnished since the last 16737
estimate. ~~From the date the contract is fifty per cent complete,~~ 16738
~~as evidenced by payments in the amount of at least fifty per~~ 16739
~~cent of the contract to the person with whom the owner has~~ 16740
~~contracted, except in the case of contracts the total cost of~~ 16741
~~which is less than fifteen thousand dollars, all funds retained~~ 16742
~~pursuant to sections 153.12 and 153.14 of the Revised Code for~~ 16743
~~the faithful performance of work shall be deposited in the~~ 16744
~~escrow account designated in section 153.63 of the Revised Code.~~ 16745
~~After the contract is fifty per cent complete, no further funds~~ 16746
~~shall be retained.~~ When the major portion of the project is 16747
substantially completed and occupied, or in use, or otherwise 16748
accepted, and there exists no other reason to withhold 16749
retainage, the retained percentages held in connection with such 16750
portion and interest thereon accrued shall, within thirty days 16751
of substantial completion of, occupation of, use of, or 16752
acceptance of the project, be ~~released from escrow and~~ paid to 16753
the primary contractor, withholding only that amount reasonably 16754
necessary to assure final completion of the project. ~~Funds in~~ 16755
~~the escrow account not heretofore paid, with accumulated~~ 16756
~~interest, shall be paid to the person with whom the owner has~~ 16757
~~contracted thirty days from the date of completion or either~~ 16758
~~acceptance or occupancy by the owner. Such payments shall be in~~ 16759
~~accordance with division (A) (2) of section 153.63 of the Revised~~ 16760
~~Code.~~ Any retained funds withheld after substantial completion 16761
of, occupation of, use of, or acceptance of the project, and 16762
pending final completion of the project, and interest thereon 16763
accrued shall be paid to the primary contractor not later than 16764
thirty days after the date of final completion of the project. 16765
Nothing in this section shall be construed as a limitation upon 16766

the authority of the director of transportation granted in 16767
Chapter 5525. of the Revised Code. 16768

Sec. 153.14. For the construction of those projects, 16769
improvements, and public buildings over which the Ohio 16770
facilities construction commission has general supervision 16771
pursuant to section 123.21 of the Revised Code, the estimates 16772
referred to in section 153.13 of the Revised Code shall be filed 16773
with the executive director by the owner referred to in section 16774
153.01 or 153.12 of the Revised Code. Upon completion of a 16775
project referred to in section 153.13 of the Revised Code or any 16776
divisible part thereof, the maintenance and repair of such 16777
project or divisible part shall be assumed by the owner referred 16778
to in section 153.01 or 153.12 of the Revised Code. 16779

In addition to all other payments on account of work 16780
performed, there shall be allowed by the owner referred to in 16781
section 153.01 or 153.12 of the Revised Code and paid to the 16782
contractor a sum at the rate of ninety-two per cent of the 16783
invoice costs, not to exceed the bid price in a unit price 16784
contract, of material delivered on the site of the work, or a 16785
railroad station, siding, or other point in the vicinity of the 16786
work, or other approved storage site, provided such materials 16787
have been inspected and found to meet the specifications. The 16788
balance of such invoiced value shall be paid when such material 16789
is incorporated into and becomes a part of such building, 16790
construction, addition, improvement, alteration, or 16791
installation. When an estimate is allowed on account of material 16792
delivered on the site of the work or in the vicinity thereof or 16793
under the possession and control of the contractor but not yet 16794
incorporated therein, such material shall become the property of 16795
the owner under the contract, but if such material is stolen, 16796
destroyed, or damaged by casualty before being used, the 16797

contractor shall be required to replace it at the contractor's 16798
own expense. 16799

When the rate of work and amounts involved are so large 16800
that it is considered advisable by the owner or contractor, 16801
estimates and payments shall be made twice each month. 16802

Payment on approved estimates filed with the owner or its 16803
representative shall be made within thirty days. Upon the 16804
failure of the owner or its representative to make such payments 16805
within thirty days, or upon an unauthorized withholding of 16806
retainage, there shall be allowed to the contractor, in addition 16807
to any other remedies allowed by law, interest on such moneys 16808
not paid within thirty days. Interest on the unauthorized 16809
withholding of retainage shall be in addition to any interest 16810
earned ~~in the escrow account set forth as described~~ in section 16811
153.13 of the Revised Code. The rate of such interest shall be 16812
the average of the prime rate established at the commercial 16813
banks in the city of over one hundred thousand population that 16814
is nearest the construction project. Nothing in this section 16815
shall be construed as a limitation upon the authority of the 16816
director of transportation granted in Chapter 5525. of the 16817
Revised Code. 16818

Sec. 153.501. (A) A public authority may accept a 16819
subcontract awarded by a construction manager at risk, a design- 16820
build firm, or a general contracting firm, or may reject any 16821
such subcontract if the public authority determines that the 16822
bidder is not responsible. 16823

(B) A public authority may authorize a construction 16824
manager at risk or design-build firm to utilize a design-assist 16825
firm on any public improvement project without transferring any 16826
design liability to the design-assist firm. 16827

(C) If the construction manager at risk or design-build firm intends and is permitted by the public authority to self-perform a portion of the work to be performed, the construction manager at risk or design-build firm shall submit a sealed bid to the public authority for the portion of the work prior to accepting and opening any bids for the same work, except when the public authority requests a guaranteed maximum price proposal due at the time of selection.

Sec. 153.502. (A) Each construction manager at risk and design-build firm shall establish criteria by which it will prequalify prospective bidders on subcontracts awarded for work to be performed under the construction management or design-build contract. The criteria established by a construction manager at risk or design-build firm shall be subject to the approval of the public authority involved in the project and shall be consistent with the rules adopted by the Ohio facilities construction commission pursuant to section 153.503 of the Revised Code.

(B) For each subcontract to be awarded, the construction manager at risk or design-build firm shall identify at least three prospective bidders that are prequalified to bid on that subcontract, except that the construction manager at risk or design-build firm shall identify fewer than three if the construction manager at risk or design-build firm establishes to the satisfaction of the public authority that fewer than three prequalified bidders are available. The public authority shall verify that each prospective bidder meets the prequalification criteria and, subject to division (E) of this section, may eliminate any bidder it determines is not qualified.

(C) Once the prospective bidders are prequalified and

found acceptable by the public authority, the construction 16858
manager at risk or design-build firm shall solicit proposals 16859
from each of those bidders. The solicitation and selection of a 16860
subcontractor shall be conducted under an open book pricing 16861
method. As used in this division, "open book pricing method" has 16862
the same meaning as in section 9.33 of the Revised Code, in the 16863
case of a construction manager at risk, and the same meaning as 16864
in section 153.65 of the Revised Code, in the case of a design- 16865
build firm. 16866

(D) A construction manager at risk or design-build firm 16867
shall not be required to award a subcontract to a low bidder. 16868

(E) Except as provided in section 307.921 of the Revised 16869
Code, no public authority shall eliminate a bidder as 16870
unqualified on the basis that the bidder has not complied with 16871
an affirmative action program or a diversity, equity, and 16872
inclusion program. This division shall not be construed to 16873
affect any set-aside programs for minority business enterprises 16874
or EDGE business enterprises, as defined in sections 122.921 and 16875
122.922 of the Revised Code, respectively. 16876

Sec. 153.54. (A) Except with respect to a contract 16877
described in section 9.334 or 153.693 of the Revised Code, each 16878
person bidding for a contract with the state or any political 16879
subdivision, district, institution, or other agency thereof, 16880
excluding therefrom the department of transportation, for any 16881
public improvement shall file with the bid, a bid guaranty in 16882
the form of ~~either~~ any of the following: 16883

(1) A bond in accordance with division (B) of this section 16884
for the full amount of the bid; 16885

(2) A certified check, cashier's check, or letter of 16886

credit pursuant to Chapter 1305. of the Revised Code, in 16887
accordance with division (C) of this section. Any such letter of 16888
credit is revocable only at the option of the beneficiary state, 16889
political subdivision, district, institution, or agency. The 16890
amount of the certified check, cashier's check, or letter of 16891
credit shall be equal to ten per cent of the bid; 16892

(3) An electronic verification through an electronic 16893
verification and security system described in section 153.08 of 16894
the Revised Code, if the state or any political subdivision, 16895
district, institution, or other agency thereof accepts bids 16896
electronically pursuant to section 153.08 of the Revised Code. 16897

(B) A bid guaranty filed pursuant to division (A)(1) of 16898
this section shall be conditioned to: 16899

(1) Provide that, if the bid is accepted, the bidder, 16900
after the awarding or the recommendation for the award of the 16901
contract, whichever the contracting authority designates, will 16902
enter into a proper contract in accordance with the bid, plans, 16903
details, and specifications. If for any reason, other than as 16904
authorized by section 9.31 of the Revised Code or division (G) 16905
of this section, the bidder fails to enter into the contract, 16906
and the contracting authority awards the contract to the next 16907
lowest bidder, the bidder and the surety on the bidder's bond 16908
are liable to the state, political subdivision, district, 16909
institution, or agency for the difference between the bid and 16910
that of the next lowest bidder, or for a penal sum not to exceed 16911
ten per cent of the amount of the bond, whichever is less. If 16912
the state, political subdivision, district, institution, or 16913
agency does not award the contract to the next lowest bidder but 16914
resubmits the project for bidding, the bidder failing to enter 16915
into the contract and the surety on the bidder's bond, except as 16916

provided in division (G) of this section, are liable to the 16917
state, political subdivision, district, institution, or agency 16918
for a penal sum not to exceed ten per cent of the amount of the 16919
bid or the costs in connection with the resubmission of printing 16920
new contract documents, required advertising, and printing and 16921
mailing notices to prospective bidders, whichever is less. 16922

(2) Indemnify the state, political subdivision, district, 16923
institution, or agency against all damage suffered by failure to 16924
perform the contract according to its provisions and in 16925
accordance with the plans, details, and specifications therefor 16926
and to pay all lawful claims of subcontractors, material 16927
suppliers, and laborers for labor performed or material 16928
furnished in carrying forward, performing, or completing the 16929
contract; and agree and assent that this undertaking is for the 16930
benefit of any subcontractor, material supplier, or laborer 16931
having a just claim, as well as for the state, political 16932
subdivision, district, institution, or agency. 16933

(C) (1) A bid guaranty filed pursuant to division (A) (2) of 16934
this section shall be conditioned to provide that if the bid is 16935
accepted, the bidder, after the awarding or the recommendation 16936
for the award of the contract, whichever the contracting 16937
authority designates, will enter into a proper contract in 16938
accordance with the bid, plans, details, specifications, and 16939
bills of material. If for any reason, other than as authorized 16940
by section 9.31 of the Revised Code or division (G) of this 16941
section, the bidder fails to enter into the contract, and the 16942
contracting authority awards the contract to the next lowest 16943
bidder, the bidder is liable to the state, political 16944
subdivision, district, institution, or agency for the difference 16945
between the bidder's bid and that of the next lowest bidder, or 16946
for a penal sum not to exceed ten per cent of the amount of the 16947

bid, whichever is less. If the state, political subdivision, 16948
district, institution, or agency does not award the contract to 16949
the next lowest bidder but resubmits the project for bidding, 16950
the bidder failing to enter into the contract, except as 16951
provided in division (G) of this section, is liable to the 16952
state, political subdivision, district, institution, or agency 16953
for a penal sum not to exceed ten per cent of the amount of the 16954
bid or the costs in connection with the resubmission, of 16955
printing new contract documents, required advertising, and 16956
printing and mailing notices to prospective bidders, whichever 16957
is less. 16958

If the bidder enters into the contract, the bidder, at the 16959
time the contract is entered to, shall file a bond for the 16960
amount of the contract to indemnify the state, political 16961
subdivision, district, institution, or agency against all damage 16962
suffered by failure to perform the contract according to its 16963
provisions and in accordance with the plans, details, and 16964
specifications and to pay all lawful claims of subcontractors, 16965
material suppliers, and laborers for labor performed or material 16966
furnished in carrying forward, performing, or completing the 16967
contract; and agree and assent that this undertaking is for the 16968
benefit of any subcontractor, material supplier, or laborer 16969
having a just claim, as well as for the state, political 16970
subdivision, district, institution, or agency. 16971

(2) A construction manager who enters into a contract 16972
pursuant to sections 9.33 to 9.333 of the Revised Code, if 16973
required by the public authority at the time the construction 16974
manager enters into the contract, shall file a letter of credit 16975
pursuant to Chapter 1305. of the Revised Code, bond, certified 16976
check, or cashier's check, for the value of the construction 16977
management contract to indemnify the state, political 16978

subdivision, district, institution, or agency against all damage 16979
suffered by the construction manager's failure to perform the 16980
contract according to its provisions, and shall agree and assent 16981
that this undertaking is for the benefit of the state, political 16982
subdivision, district, institution, or agency. A letter of 16983
credit provided by the construction manager is revocable only at 16984
the option of the beneficiary state, political subdivision, 16985
district, institution, or agency. 16986

(D) Where the state, political subdivision, district, 16987
institution, or agency accepts a bid but the bidder fails or 16988
refuses to enter into a proper contract in accordance with the 16989
bid, plans, details, and specifications within ten days after 16990
the awarding of the contract, the bidder and the surety on any 16991
bond, except as provided in division (G) of this section, are 16992
liable for the amount of the difference between the bidder's bid 16993
and that of the next lowest bidder, but not in excess of the 16994
liability specified in division (B)(1) or (C) of this section. 16995
Where the state, political subdivision, district, institution, 16996
or agency then awards the bid to such next lowest bidder and 16997
such next lowest bidder also fails or refuses to enter into a 16998
proper contract in accordance with the bid, plans, details, and 16999
specifications within ten days after the awarding of the 17000
contract, the liability of such next lowest bidder, except as 17001
provided in division (G) of this section, is the amount of the 17002
difference between the bids of such next lowest bidder and the 17003
third lowest bidder, but not in excess of the liability 17004
specified in division (B)(1) or (C) of this section. Liability 17005
on account of an award to any lowest bidder beyond the third 17006
lowest bidder shall be determined in like manner. 17007

(E) Notwithstanding division (C) of this section, where 17008
the state, political subdivision, district, institution, or 17009

agency resubmits the project for bidding, each bidder whose bid 17010
was accepted but who failed or refused to enter into a proper 17011
contract, except as provided in division (G) of this section, is 17012
liable for an equal share of a penal sum in connection with the 17013
resubmission, of printing new contract documents, required 17014
advertising, and printing and mailing notices to prospective 17015
bidders, but no bidder's liability shall exceed the amount of 17016
the bidder's bid guaranty. 17017

(F) All bid guaranties filed pursuant to this section 17018
shall be payable to the state, political subdivision, district, 17019
institution, or agency, be for the benefit of the state, 17020
political subdivision, district, institution, or agency or any 17021
person having a right of action thereon, and be deposited with, 17022
and held by, the board, officer, or agent contracting on behalf 17023
of the state, political subdivision, district, institution, or 17024
agency. All bonds filed pursuant to this section shall be issued 17025
by a surety company authorized to do business in this state as 17026
surety approved by the board, officer, or agent awarding the 17027
contract on behalf of the state, political subdivision, 17028
district, institution, or agency. 17029

(G) A bidder for a contract with the state or any 17030
political subdivision, district, institution, or other agency 17031
thereof, excluding therefrom the Ohio department of 17032
transportation, for a public improvement costing less than one- 17033
half million dollars may withdraw the bid from consideration if 17034
the bidder's bid for some other contract with the state or any 17035
political subdivision, district, institution, or other agency 17036
thereof, excluding therefrom the department of transportation, 17037
for the public improvement costing less than one-half million 17038
dollars has already been accepted, if the bidder certifies in 17039
good faith that the total amount of all the bidder's current 17040

contracts is less than one-half million dollars, and if the 17041
surety certifies in good faith that the bidder is unable to 17042
perform the subsequent contract because to do so would exceed 17043
the bidder's bonding capacity. If a bid is withdrawn under 17044
authority of this division, the contracting authority may award 17045
the contract to the next lowest bidder or reject all bids and 17046
resubmit the project for bidding, and neither the bidder nor the 17047
surety on the bidder's bond are liable for the difference 17048
between the bidder's bid and that of the next lowest bidder, for 17049
a penal sum, or for the costs of printing new contract 17050
documents, required advertising, and printing and mailing 17051
notices to prospective bidders. 17052

(H) Bid guaranties filed pursuant to division (A) of this 17053
section shall be returned to all unsuccessful bidders 17054
immediately after the contract is executed. The bid guaranty 17055
filed pursuant to division (A) (2) of this section shall be 17056
returned to the successful bidder upon filing of the bond 17057
required in division (C) of this section. 17058

(I) For the purposes of this section and sections 153.56, 17059
153.57, and 153.571 of the Revised Code, "public improvement," 17060
"subcontractor," "material supplier," "laborer," and "materials" 17061
have the same meanings as in section 1311.25 of the Revised 17062
Code. 17063

Sec. 153.59. Every contract for or on behalf of the state, 17064
or any township, county, or municipal corporation of the state, 17065
for the construction, alteration, or repair of any public 17066
building or public work in the state shall contain provisions by 17067
which the contractor agrees to both of the following: 17068

(A) That, in the hiring of employees for the performance 17069
of work under the contract or any subcontract, no contractor, 17070

subcontractor, or any person acting on a contractor's or 17071
subcontractor's behalf, by reason of race, creed, sex, 17072
disability or military status as defined in section 4112.01 of 17073
the Revised Code, or color, shall discriminate against any 17074
citizen of the state in the employment of labor or workers who 17075
is qualified and available to perform the work to which the 17076
employment relates; 17077

(B) That no contractor, subcontractor, or any person on a 17078
contractor's or subcontractor's behalf, in any manner, shall 17079
discriminate against or intimidate any employee hired for the 17080
performance of work under the contract on account of race, 17081
creed, sex, disability or military status as defined in section 17082
4112.01 of the Revised Code, or color. 17083

~~The department of development shall ensure that no capital 17084
moneys appropriated by the general assembly for any purpose 17085
shall be expended unless the project for which those moneys are 17086
appropriated provides for an affirmative action program for the 17087
employment and effective utilization of disadvantaged persons 17088
whose disadvantage may arise from cultural, racial, or ethnic 17089
background, or other similar cause, including, but not limited 17090
to, race, religion, sex, disability or military status as 17091
defined in section 4112.01 of the Revised Code, national origin, 17092
or ancestry. 17093~~

In awarding contracts for capital improvement projects, 17094
the department of development shall ensure that equal 17095
consideration be given to contractors, subcontractors, or joint 17096
venturers who qualify as a minority business enterprise. As used 17097
in this section, "minority business enterprise" means a business 17098
enterprise that is owned or controlled by one or more socially 17099
or economically disadvantaged persons who are residents of this 17100

state. "Socially or economically disadvantaged persons" means 17101
persons, regardless of marital status, who are members of groups 17102
whose disadvantage may arise from discrimination on the basis of 17103
race, religion, sex, disability or military status as defined in 17104
section 4112.01 of the Revised Code, national origin, ancestry, 17105
or other similar cause. 17106

Sec. 153.63. (A) Any money which is due from the public 17107
owner referred to in section ~~153.12~~1311.28 of the Revised Code 17108
under a contract entered into under this chapter or entered into 17109
under other applicable sections of the Revised Code for the 17110
construction, reconstruction, improvement, enlargement, 17111
alteration, repair, painting, or decoration of a public 17112
improvement shall, on the day it is due, be paid to the 17113
contractor or deposited in an escrow account, whichever is 17114
applicable, with one or more banks or building and loan 17115
associations in the state selected by mutual agreement between 17116
the contractor and the public owner. The agreement shall contain 17117
the following provisions: 17118

(1) The money shall be deposited in a savings account or 17119
the escrow agent shall promptly invest all of the escrowed 17120
principal in obligations selected by the escrow agent, as 17121
stipulated in the agreement. 17122

(2) The escrow agent shall hold the escrowed principal and 17123
income until receipt of notice from the public owner and the 17124
contractor, or until receipt of an arbitration order or an order 17125
of the court of claims specifying the amount of the escrowed 17126
principal to be released and the person to whom it is to be 17127
released. Upon receipt of the notice or order, the agent shall 17128
promptly pay such amount of principal and a proportionate amount 17129
of the escrowed income to the person indicated. 17130

(3) The escrow agent shall be compensated for its services 17131
as agreed to by the public owner and the contractor from the 17132
income from the escrow account. 17133

The agreement may include other provisions not 17134
inconsistent with this section, including, but not limited to 17135
granting authority for the escrow agent to commingle the 17136
escrowed funds with funds held pursuant to other escrow 17137
agreements and limiting the liability of the escrow agent. 17138

(B) When the public owner, as defined in division (B) of 17139
section 2743.01 of the Revised Code, and the contractor disagree 17140
as to the conditions under which money is to be paid under this 17141
section, the parties shall apply for a decision by arbitration 17142
under the procedures of Chapter 2711. of the Revised Code. When 17143
an application is made, neither party shall initiate, and no 17144
court shall permit the maintenance of, an action in court for 17145
decision of the same issues sought to be determined in the 17146
arbitration application. The award made by the arbitrator may 17147
include the costs of arbitration. The arbitration shall be 17148
binding on all parties. 17149

(C) When the public owner, as defined in division (A) of 17150
section 2743.01 of the Revised Code, and the contractor disagree 17151
as to the conditions under which money is to be paid under this 17152
section the contractor shall file an action in the court of 17153
claims. 17154

(D) If the money required to be paid or deposited under 17155
division (A) of this section is not paid or deposited, the 17156
governmental entity shall pay to the contractor an amount equal 17157
to eight per cent annual interest compounded daily. 17158

Sec. 153.693. ~~(A)~~ (A) (1) For every design-build contract, 17159

the public authority planning to contract for design-build 17160
services, in consultation with the criteria architect or 17161
engineer, shall evaluate the statements of qualifications 17162
submitted by design-build firms specifically regarding the 17163
project, including the design-build firm's proposed architect or 17164
engineer of record. 17165

(2) For projects valued at less than four million dollars, 17166
the public authority may require the design-build firm to submit 17167
a statement along with a pricing proposal described in division 17168
(B) (2) (h) of this section. The public authority shall provide 17169
each design-build firm who desires to submit both a statement 17170
and a proposal a pre-proposal meeting to explore the proposals 17171
further, in which the public authority shall provide the design- 17172
build firm with a description of the project, including the 17173
scope and nature of the proposed services and potential 17174
technical approaches. After and only after the public authority 17175
ranks and selects firms under division (B) (1) of this section, 17176
the public authority shall review the pricing proposals 17177
submitted by selected firms under this division, and proceed 17178
under division (B) (3) of this section, continuing the selection 17179
process from there. 17180

(B) Following this evaluation, the public authority shall: 17181

(1) Select and rank not fewer than three firms which it 17182
considers to be the most qualified to provide the required 17183
design-build services, except that the public authority shall 17184
select and rank fewer than three firms when the public authority 17185
determines in writing that fewer than three qualified firms are 17186
available; 17187

(2) Provide each selected design-build firm with all of 17188
the following: 17189

(a) A description of the project and project delivery;	17190
(b) The design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17191 17192
(c) A preliminary project schedule;	17193
(d) A description of any preconstruction services;	17194
(e) A description of the proposed design services;	17195
(f) A description of a guaranteed maximum price, including the estimated level of design on which such guaranteed maximum price is based;	17196 17197 17198
(g) The form of the design-build services contract;	17199
(h) <u>A-Except for projects under division (A) (2) of this</u> <u>section, a request for a pricing proposal that shall be divided</u> into a design services fee and a preconstruction and design- build services fee. The pricing proposal of each design-build firm shall include at least all of the following:	17200 17201 17202 17203 17204
(i) A list of key personnel and consultants for the project;	17205 17206
(ii) Design concepts adhering to the design criteria produced by the criteria architect or engineer under section 153.692 of the Revised Code;	17207 17208 17209
(iii) The design-build firm's statement of general conditions and estimated contingency requirements;	17210 17211
(iv) A preliminary project schedule.	17212
(3) Evaluate the pricing proposal submitted by each selected firm and, at its discretion, hold discussions with each firm to further investigate its pricing proposal, including the scope and nature of the firm's proposed services and potential	17213 17214 17215 17216

technical approaches; 17217

(4) Rank the selected firms based on the public 17218
authority's evaluation of the value of each firm's pricing 17219
proposal, with such evaluation considering each firm's proposed 17220
costs and qualifications; 17221

(5) Enter into contract negotiations for design-build 17222
services with the design-build firm whose pricing proposal the 17223
public authority determines to be the best value under this 17224
section. 17225

~~(B)~~ (C) In complying with division ~~(A)~~ (5) ~~(B)~~ (5) of this 17226
section, contract negotiations shall be directed toward: 17227

(1) Ensuring that the design-build firm and the public 17228
authority mutually understand the essential requirements 17229
involved in providing the required design-build services, the 17230
provisions for the use of contingency funds, and the terms of 17231
the contract, including terms related to the possible 17232
distribution of savings in the final costs of the project; 17233

(2) Ensuring that the design-build firm shall be able to 17234
provide the necessary personnel, equipment, and facilities to 17235
perform the design-build services within the time required by 17236
the design-build construction contract; 17237

(3) Agreeing upon a procedure and schedule for determining 17238
a guaranteed maximum price using an open book pricing method 17239
that shall represent the total maximum amount to be paid by the 17240
public authority to the design-build firm for the project and 17241
that shall include the costs of all work, the cost of its 17242
general conditions, the contingency, and the fee payable to the 17243
design-build firm. 17244

~~(C)~~ (D) If the public authority fails to negotiate a 17245

contract with the design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, the public authority shall inform the design-build firm in writing of the termination of negotiations. The public authority may then do the following:

(1) Negotiate a contract with a design-build firm ranked next highest under this section following the negotiation procedure described in this section;

(2) If negotiations fail with the design-build firm under division ~~(C)~~ ~~(1)~~ (D) (1) of this section, negotiate a contract with the design-build firm ranked next highest under this section following the negotiation procedure described in this section and continue negotiating with the design-build firms selected under this section in the order of their ranking until a contract is negotiated.

~~(D)~~ (E) If the public authority fails to negotiate a contract with a design-build firm whose pricing proposal the public authority determines to be the best value as determined under this section, it may select additional design-build firms to provide pricing proposals to the public authority pursuant to this section or may select an alternative delivery method for the project.

~~(E)~~ (F) The public authority may provide a stipend for pricing proposals received from design-build firms.

~~(F)~~ (G) Nothing in this section affects a public authority's right to accept or reject any or all proposals in whole or in part.

Sec. 155.33. (A) (1) Beginning on ~~the effective date of~~ this amendment April 7, 2023, and ending on the effective date

of the rules adopted under section 155.34 of the Revised Code, a 17275
state agency shall lease, in good faith, a formation within a 17276
parcel of land that is owned or controlled by the state agency 17277
for the exploration for and development and production of oil or 17278
natural gas. The lease shall be on terms that are just and 17279
reasonable, as determined by custom and practice in the oil and 17280
gas industry, and shall include at least the terms required 17281
under ~~divisions (A)(1)(a) to (d)~~ division (A) of section 155.34 17282
of the Revised Code as that division existed prior to the 17283
effective date of this amendment. The person seeking to lease 17284
the formation shall submit to the state agency the proof 17285
described in divisions (D)(5)(a) and (b) of this section before 17286
entering into the lease. On and after the effective date of the 17287
rules adopted under section 155.34 of the Revised Code, a 17288
formation within a parcel of land that is owned or controlled by 17289
a state agency may be leased for the exploration for and 17290
development and production of oil or natural gas only in 17291
accordance with divisions (A)(2) to (H) of this section and 17292
those rules. 17293

(2) On and after the effective date of rules adopted under 17294
section 155.34 of the Revised Code, any person or state agency 17295
that is interested in leasing a formation within a parcel of 17296
land that is owned or controlled by a state agency for the 17297
exploration for and the development and production of oil or 17298
natural gas may submit to the oil and gas land management 17299
commission a nomination that shall include all of the following: 17300

(a) The name of the person making the nomination and the 17301
person's address, telephone number, and email address; 17302

(b) An identification of the formation and parcel of land 17303
proposed to be leased that specifies all of the following: 17304

(i) The percentage of the interest owned or controlled by the state agency, and whether that interest is divided, undivided, or partial;

(ii) The source deed by book and page numbers, including the description and acreage of the parcel and an identification of the county, section, township, and range in which the parcel is located;

(iii) A plat map depicting the area in which the parcel is located.

(c) If the person making the nomination is not a state agency, a nomination fee of one hundred fifty dollars;

(d) The proposed lease bonus that applies to the nomination and any additional proposed gross landowner royalty that applies to the nomination that is in addition to the amount required under division (A) (1) (b) of section 155.34 of the Revised Code;

(e) If the person making the nomination is not a state agency, proof of both of the following:

(i) That the person has obtained the insurance and financial assurance required under section 1509.07 of the Revised Code;

(ii) That the person has registered with and obtained an identification number from the division of oil and gas resources management under section 1509.31 of the Revised Code.

(3) In order to encourage the submission of nominations and the responsible and reasonable development of the state's natural resources, only the information submitted under division (A) (2) (b) of this section may be disclosed to the public until a

person is selected under division (F) of this section. Until a 17333
person is selected under division (F) of this section, all other 17334
information submitted under division (A) (2) of this section is 17335
confidential, shall not be disclosed by the commission, and is 17336
not a public record subject to inspection or copying under 17337
section 149.43 of the Revised Code. 17338

(4) When a nomination is not submitted by a state agency, 17339
the nomination is the opening bid for purposes of division (D) 17340
of this section. However, the person submitting the nomination 17341
may supplement or amend that bid by providing additional 17342
information in accordance with that division. 17343

(B) (1) Not less than thirty days, but not more than one 17344
hundred twenty days following the receipt of a nomination, the 17345
commission shall conduct a meeting for the purpose of 17346
determining whether to approve or disapprove the nomination for 17347
the purpose of leasing a formation within the parcel of land 17348
that is identified in the nomination. 17349

In making its decision to approve or disapprove the 17350
nomination, the commission shall consider all of the following: 17351

(a) The economic benefits, including the potential income 17352
from an oil or natural gas operation, that would result if the 17353
lease of a formation that is the subject of the nomination were 17354
approved; 17355

(b) Whether the proposed oil or gas operation is 17356
compatible with the current uses of the parcel of land that is 17357
the subject of the nomination; 17358

(c) The environmental impact that would result if the 17359
lease of a formation that is the subject of the nomination were 17360
approved; 17361

(d) Any potential adverse geological impact that would 17362
result if the lease of a formation that is the subject of the 17363
nomination were approved; 17364

(e) Any potential impact to visitors or users of a parcel 17365
of land that is the subject of the nomination; 17366

(f) Any potential impact to the operations or equipment of 17367
a state agency that is a state university or college if the 17368
lease of a formation within a parcel of land owned or controlled 17369
by the university or college that is the subject of the 17370
nomination were executed; 17371

(g) Any comments or objections to the nomination submitted 17372
to the commission by the state agency that owns or controls the 17373
parcel of land on which the proposed oil or natural gas 17374
operation would take place; 17375

(h) Any comments or objections to the nomination submitted 17376
to the commission by residents of this state or other users of 17377
the parcel of land that is the subject of the nomination; 17378

(i) Any special terms and conditions the state agency 17379
included in its comments or objections that the state agency 17380
believes are appropriate for the lease of the parcel of land 17381
because of specific conditions related to that parcel of land. 17382

(2) The commission shall approve or disapprove a 17383
nomination not later than two calendar quarters following the 17384
receipt of the nomination. The commission shall post notice of 17385
the commission's decision on the commission's web site and send 17386
notice of the decision by email and by certified mail to the 17387
person that submitted the nomination and to the state agency 17388
that owns or controls the formation within the parcel of land 17389
that is the subject of the nomination. 17390

(C) Each calendar quarter, the commission shall proceed to
advertise for bids for a lease for a formation within a parcel
of land that was the subject of a nomination approved during the
previous calendar quarter. The commission shall publish the
advertisement on its web site for a period of time established
by the commission. The advertisement shall include all of the
following:

(1) An identification of each formation and parcel of land
proposed to be leased that includes all of the information
specified in division (A) (2) (b) of this section;

(2) The deadline for the submission of bids;

(3) A statement that each bid must contain all of the
items required under division (D) of this section;

(4) A statement that a standard lease form that is
consistent with the practices of the oil and natural gas
industries and adopted by rule by the commission will be used
for the lease of a formation within the parcel of land;

(5) Any special terms and conditions that may apply to the
lease because of specific conditions related to the parcel of
land;

(6) The amount of the bid fee that is required to be
submitted with a bid;

(7) Any other information that the commission considers
pertinent to the advertisement for bids.

(D) A person interested in leasing a formation within a
parcel of land owned or controlled by a state agency for the
exploration for and development and production of oil or natural
gas may submit a bid to the commission on a parcel by parcel

basis that contains all of the following: 17419

(1) A bid fee of twenty-five dollars; 17420

(2) The name of the person making the bid and the person's 17421
address, telephone number, and email address; 17422

(3) An identification of the formation and parcel of land 17423
for which the bid is being submitted, including all of the 17424
information specified in division (A) (2) (b) of this section; 17425

(4) The proposed lease bonus that applies to the bid and 17426
any additional proposed gross landowner royalty that applies to 17427
the bid that is in addition to the amount required under 17428
division (A) (1) (b) of section 155.34 of the Revised Code; 17429

(5) Proof of both of the following: 17430

(a) That the person has obtained the insurance and 17431
financial assurance required under section 1509.07 of the 17432
Revised Code; 17433

(b) That the person has registered with and obtained an 17434
identification number from the division of oil and gas resources 17435
management under section 1509.31 of the Revised Code. 17436

(6) Any other information that the person believes is 17437
relevant to the bid. 17438

(E) In order to encourage the submission of bids and the 17439
responsible and reasonable development of the state's natural 17440
resources, the information that is contained in a bid submitted 17441
to the commission under this section is confidential, shall not 17442
be disclosed by the commission, and is not a public record 17443
subject to inspection and copying under section 149.43 of the 17444
Revised Code until a person is selected under division (F) of 17445
this section. 17446

The commission shall select the person who submits the 17447
highest and best bid, taking into account the financial 17448
responsibility of the prospective lessee and the ability of the 17449
prospective lessee to perform its obligations under the lease. 17450
After the commission selects a person, the commission shall 17451
notify the applicable state agency and send the person's bid to 17452
the agency. The state agency shall enter into a lease with the 17453
person selected by the commission. The state agency shall fully 17454
execute the lease not later than thirty days after the 17455
commission selects the person with the highest and best bid. 17456

(G) (1) Except as otherwise provided in section 155.37 of 17457
the Revised Code, all money received by a state agency from 17458
signing fees, rentals, and royalty payments for leases entered 17459
into under this section shall be paid by the state agency into 17460
the state treasury to the credit of the state land royalty fund 17461
created in section 131.50 of the Revised Code. 17462

(2) All money received from nomination fees and bid fees 17463
shall be paid into the state treasury to the credit of the oil 17464
and gas land management commission administration fund created 17465
in section 155.35 of the Revised Code. 17466

(H) Notwithstanding any other provision of this section to 17467
the contrary, a nature preserve as defined in section 1517.01 of 17468
the Revised Code that is owned or controlled by a state agency 17469
shall not be nominated or leased under this section for the 17470
purpose of exploring for and developing and producing oil and 17471
natural gas resources. 17472

(I) Except as otherwise provided in this chapter, the 17473
commission and any state agency shall not require as part of a 17474
bid or lease either of the following: 17475

(1) Any royalty payment in excess of the amount specified 17476
in division (A) (1) (b) of section 155.34 of the Revised Code; 17477

(2) Any additional payment that the commission or agency 17478
is not specifically authorized or required to charge under this 17479
section. 17480

Sec. 155.34. (A) ~~Not later than one hundred twenty days~~ 17481
~~after September 30, 2021, the~~ The oil and gas land management 17482
commission shall adopt rules in accordance with Chapter 119. of 17483
the Revised Code establishing both of the following: 17484

(1) A standard lease form that shall be used by a state 17485
agency for leases entered into under this chapter, is consistent 17486
with the practices of the oil and natural gas industries, and 17487
contains all of the following: 17488

(a) A prohibition against the use of the surface of the 17489
parcel of land for oil and gas development unless the state 17490
agency, in its sole discretion, chooses to negotiate and execute 17491
a written surface use agreement established under this section; 17492

(b) A one-eighth gross landowner royalty; 17493

(c) A shut-in royalty provision; 17494

(d) A primary term of five years; 17495

~~(d)~~ (e) An option for the lessee to extend the primary term 17496
of the lease for an additional ~~three~~ five years by tendering to 17497
the state agency the same bonus paid when first entering into 17498
the lease.—; 17499

(f) A provision that states: "Notwithstanding any other 17500
provision of this Lease to the contrary, Lessee is entitled to 17501
pay any advanced delay rentals/bonus amounts owed under this 17502
Lease within sixty (60) calendar days after Lessee receives a 17503

copy of this Lease executed by Lessor." 17504

(g) A provision that states: "Notwithstanding any other 17505
provision of this Lease to the contrary, in the event that a 17506
parcel subject to this Lease was acquired or improved through, 17507
or is otherwise encumbered by, a federal grant program, the 17508
Primary Term of the Lease shall be tolled until the requirements 17509
of the program, and any related grant documents, have been fully 17510
satisfied by Lessor and Lessor notifies Lessee in writing of 17511
same." 17512

(h) A provision that states: "Notwithstanding any other 17513
provision of this Lease to the contrary, in the event that a 17514
parcel subject to this Lease was acquired or improved through, 17515
or is otherwise encumbered by, a federal grant program, Lessee 17516
may defer payment of all sums otherwise due and owing under this 17517
Lease until the requirements of the program, and any related 17518
grant documents, have been fully satisfied by Lessor and Lessor 17519
notifies Lessee in writing of same." 17520

(i) A provision that states: "Notwithstanding any other 17521
provision of this Lease to the contrary, in the event that 17522
litigation of any kind or character is filed by a third party 17523
that may adversely impact Lessee's ability to conduct operations 17524
under the Lease, including an appeal before a court or the oil 17525
and gas commission, the Primary Term of the Lease shall be 17526
tolled until such time as there is a final, nonappealable order 17527
entered in such litigation." 17528

(j) A provision that states: "Notwithstanding any other 17529
provision of this Lease to the contrary, in the event that 17530
litigation of any kind or character is filed by a third party 17531
that may adversely impact Lessee's ability to conduct operations 17532
under the Lease, including an appeal before a court or the oil 17533

and gas commission, Lessee may defer payment of all sums 17534
otherwise due and owing under this Lease until a final, 17535
nonappealable order is entered in such litigation." 17536

(2) Any other procedures necessary to implement sections 17537
155.30 to 155.36 of the Revised Code, subject to division (I) of 17538
section 155.33 of the Revised Code. 17539

(B) ~~Not later than one hundred twenty days after September~~ 17540
~~30, 2021, the~~ The commission shall establish a standard surface 17541
use agreement that a state agency shall use to authorize the use 17542
of the surface of a leased parcel of land. 17543

(C) Section 121.95 of the Revised Code does not apply to 17544
rules adopted under this section and the commission is not 17545
subject to any requirements of that section. 17546

Sec. 163.01. As used in sections 163.01 to 163.22 of the 17547
Revised Code: 17548

(A) "Public agency" means any governmental corporation, 17549
unit, organization, instrumentality, or officer authorized by 17550
law to appropriate property in the courts of this state. 17551

(B) "Private agency" means any corporation, firm, 17552
partnership, voluntary association, joint-stock association, or 17553
company that is not a public agency and that is authorized by 17554
law to appropriate property in the courts of this state. 17555

(C) "Agency" means any public agency or private agency. 17556

(D) "Court" means the court of common pleas or the probate 17557
court of any county in which the property sought to be 17558
appropriated is located in whole or in part. 17559

(E) "Owner" means any individual, partnership, 17560
association, or corporation having any estate, title, or 17561

interest in any real property sought to be appropriated. 17562

(F) "Real property," "land," or "property" includes any 17563
estate, title, or interest in any real property that is 17564
authorized to be appropriated by the agency in question, unless 17565
the context otherwise requires. 17566

(G) "Public utility" has the same meaning as in section 17567
4905.02 of the Revised Code and also includes a public utility 17568
owned or operated by one or more municipal corporations, an 17569
electric cooperative, and an agency holding a certificate of 17570
public convenience and necessity granted by the federal energy 17571
regulatory commission. 17572

(H) (1) "Public use" does not include any taking that is 17573
for conveyance to a private commercial enterprise, economic 17574
development, or solely for the purpose of increasing public 17575
revenue, unless the property is conveyed or leased to one of the 17576
following: 17577

(a) A public utility, municipal power agency, or common 17578
carrier; 17579

(b) A private entity that occupies a port authority 17580
transportation facility or an incidental area within a publicly 17581
owned and occupied project; 17582

(c) A private entity when the agency that takes the 17583
property establishes by a preponderance of the evidence that the 17584
property is a blighted parcel or is included in a blighted area. 17585

(2) "Public use" does not include any taking of property 17586
for use as a trail for hiking, bicycling, horseback riding, ski 17587
touring, canoeing, or other nonmotorized forms of recreational 17588
travel. This division does not apply to regional transit 17589
authorities acting pursuant to section 306.36 of the Revised 17590

Code. 17591

(3) All of the following are presumed to be public uses: 17592
utility facilities, roads, sewers, water lines, public schools, 17593
public institutions of higher education, private institutions of 17594
higher education that are authorized to appropriate property 17595
under section 3333.08 of the Revised Code, public parks, 17596
government buildings, port authority transportation facilities, 17597
projects by an agency that is a public utility, and similar 17598
facilities and uses of land. 17599

(I) "Electric cooperative" has the same meaning as in 17600
section 4928.01 of the Revised Code. 17601

(J) "Good faith offer" means the written offer that an 17602
agency that is appropriating property must make to the owner of 17603
the property pursuant to division (B) of section 163.04 of the 17604
Revised Code before commencing an appropriation proceeding. 17605

(K) "Goodwill" means the calculable benefits that accrue 17606
to a business as a result of its location, reputation for 17607
dependability, skill or quality, and any other circumstances 17608
that result in probable retention of old, or acquisition of new, 17609
patronage. 17610

(L) "Municipal power agency" has the same meaning as in 17611
section 3734.058 of the Revised Code. 17612

(M) "Port authority transportation facility" means any 17613
facility developed, controlled, or operated by a port authority 17614
for the purpose of providing passenger, cargo, or freight 17615
transportation services, such as airports, maritime ports, rail 17616
facilities, transit facilities, and support facilities directly 17617
related to any airport, maritime port, rail facility, or transit 17618
facility. 17619

Sec. 164.01. As used in this chapter: 17620

(A) "Capital improvement" or "capital improvement project" 17621
or "project" means the acquisition, construction, 17622
reconstruction, improvement, planning, and equipping of roads 17623
and bridges, appurtenances to roads and bridges to enhance the 17624
safety of animal-drawn vehicles, pedestrians, and bicycles, 17625
waste water treatment systems, water supply systems, solid waste 17626
disposal facilities, and storm water and sanitary collection, 17627
storage, and treatment facilities, including real property, 17628
interests in real property, facilities, and equipment related or 17629
incidental to those facilities. 17630

(B) "Local subdivision" means any county, municipal 17631
corporation, township, sanitary district, or regional water and 17632
sewer district. 17633

(C) "Bond proceedings" means the resolutions, orders, 17634
trust agreements, indentures, and other agreements, credit 17635
facilities and credit enhancement facilities, and amendments and 17636
supplements to the foregoing, or any one or more or combination 17637
thereof, authorizing, awarding, or providing for the terms and 17638
conditions applicable to or providing for the security or 17639
liquidity of obligations, and the provisions contained in those 17640
obligations. 17641

(D) "Bond service charges" means principal, including any 17642
mandatory sinking fund or redemption requirements for retirement 17643
of obligations, interest and other accreted amounts, and any 17644
redemption premium payable on obligations. If not prohibited by 17645
the applicable bond proceedings, bond service charges include 17646
costs of credit enhancement facilities that are related to, and 17647
represent or are intended to provide a source of payment of or 17648
limitation on, other bond service charges. 17649

(E) "Bond service fund" means the fund, and any accounts 17650
in that fund, created by section 164.10 of the Revised Code, 17651
including all moneys and investments, and earnings from 17652
investments, credited and to be credited to that fund and 17653
accounts as provided in the bond proceedings. 17654

(F) "Cost of capital improvement projects" means the costs 17655
of acquiring, constructing, reconstructing, expanding, 17656
improving, and engineering capital improvement projects, and 17657
related financing costs. 17658

(G) "Credit enhancement facilities" means letters of 17659
credit, lines of credit, stand-by, contingent, or firm 17660
securities purchase agreements, interest rate hedges including, 17661
without limitation, interest rate swaps, insurance or surety 17662
arrangements, reserve or guarantee funds, and guarantees, and 17663
other arrangements that provide for contingent or direct payment 17664
of bond service charges, for security or additional security in 17665
the event of nonpayment or default in respect of obligations, or 17666
for making or providing funds for making payment of bond service 17667
charges to, and at the option and on demand of, holders of 17668
obligations or at the option of the issuer under put or similar 17669
arrangements, or for otherwise supporting the credit or 17670
liquidity of obligations, and includes credit, reimbursement, 17671
marketing, remarketing, indexing, carrying, purchase, and 17672
subrogation agreements, and other agreements and arrangements 17673
for reimbursement of the person providing the credit enhancement 17674
facility and the security for that reimbursement. As used in 17675
this division, obligations include debt obligations of local 17676
subdivisions. 17677

(H) "Financing costs" means all costs and expenses 17678
relating to the authorization, issuance, sale, delivery, 17679

authentication, deposit, custody, clearing, registration, 17680
transfer, exchange, fractionalization, replacement, and 17681
servicing of obligations, including, without limitation, costs 17682
and expenses for or relating to, or payment obligations under, 17683
publication and printing, postage and express delivery, official 17684
statements, offering circulars, and informational statements, 17685
travel and transportation, paying agents, bond registrars, 17686
authenticating agents, remarketing agents, custodians, clearing 17687
agencies or corporations, securities depositories, financial 17688
advisory services, certifications, audits, federal or state 17689
regulatory agencies, accounting services, legal services and 17690
obtaining approving legal opinions and other legal opinions, 17691
credit ratings, original issue discount, credit facilities, and 17692
credit enhancement facilities. Financing costs may be paid from 17693
any moneys lawfully available for the purpose, including, unless 17694
otherwise provided in the bond proceedings, from the proceeds of 17695
the obligations to which they relate and from the same sources 17696
from which bond service charges on the obligations are paid and 17697
as though bond service charges. 17698

(I) "Issuer" means the treasurer of state, or the officer 17699
who by law performs the functions of that officer. 17700

(J) "Obligations" means bonds, notes, or other evidences 17701
of obligation of the state, including any interest coupons 17702
pertaining thereto, issued pursuant to sections 164.09 to 164.12 17703
of the Revised Code. 17704

(K) "Special funds" or "funds" means, except where the 17705
context does not permit, the bond service fund, and any other 17706
funds, including reserve funds, created under the bond 17707
proceedings and stated to be special funds in those proceedings, 17708
including all moneys and investments, and earnings from 17709

investments, credited and to be credited to the ~~particular~~ fund. 17710
Special funds do not include the state capital improvements fund 17711
created by section 164.08 of the Revised Code or, if so provided 17712
in the bond proceedings, a rebate fund or account established 17713
for purposes of federal tax laws. 17714

(L) "Net proceeds" means amounts received from the sale of 17715
obligations pursuant to this chapter, excluding amounts used to 17716
refund or retire outstanding obligations, and does not include 17717
amounts required to be deposited in special funds pursuant to 17718
the applicable bond proceedings, or financing costs paid from 17719
such amounts received. 17720

(M) "Local debt support" means ~~a full or partial pledge of~~ 17721
~~support for any local bond issue, the payment of all or a part~~ 17722
~~of the premium for bond insurance obtained from a private~~ 17723
~~insurer,~~ the subsidization of the interest rate on a loan 17724
obtained by ~~the~~ a subdivision, ~~or a source of revenue pledged in~~ 17725
~~support of revenue bonds issued by a subdivision.~~ 17726

(N) "Principal amount" refers to the aggregate of the 17727
amount as stated or provided for in the bond proceedings 17728
authorizing the obligations as the amount on which interest or 17729
interest equivalent is initially calculated. 17730

Sec. 164.05. (A) The director of the Ohio public works 17731
commission shall do all of the following: 17732

(1) Approve requests for financial assistance from 17733
district public works integrating committees and enter into 17734
agreements with one or more local subdivisions to provide loans, 17735
grants, and local debt support for a capital improvement project 17736
if the director determines that: 17737

(a) The project is an eligible project pursuant to this 17738

chapter; 17739

(b) The financial assistance for the project has been 17740
properly approved and requested by the district committee of the 17741
district which includes the recipient of the loan or grant; 17742

(c) The amount of the financial assistance, when added to 17743
all other financial assistance provided during the fiscal year 17744
for projects within the district, does not exceed that 17745
district's allocation of money from the state capital 17746
improvements fund for that fiscal year; 17747

(d) The district committee has provided such documentation 17748
and other evidence as the director may require that the district 17749
committee has satisfied the requirements of section 164.06 or 17750
164.14 of the Revised Code; 17751

(e) The portion of a district's annual allocation which 17752
the director approves in the form of loans and local debt 17753
support for eligible projects is consistent with divisions (E) 17754
and (F) of this section. 17755

(2) Authorize payments to local subdivisions or their 17756
contractors for costs incurred for capital improvement projects 17757
which have been approved pursuant to this chapter. All requests 17758
for payments shall be submitted to the director on forms and in 17759
accordance with procedures specified in rules adopted by the 17760
director pursuant to division (A) (4) of this section. 17761

(3) Retain the services of or employ financial 17762
consultants, engineers, accountants, attorneys, and such other 17763
employees as the director determines are necessary to carry out 17764
the director's duties under this chapter and fix the 17765
compensation for their services. From among these employees, the 17766
director shall appoint a deputy with the necessary 17767

qualifications to act as the director when the director is 17768
absent or temporarily unable to carry out the duties of office. 17769

(4) Adopt rules establishing the procedures for making 17770
applications, reviewing, approving, and rejecting projects for 17771
which assistance is authorized under this chapter, and any other 17772
rules needed to implement the provisions of this chapter. Such 17773
rules shall be adopted under Chapter 119. of the Revised Code. 17774

(5) Provide information and other assistance to local 17775
subdivisions and district public works integrating committees in 17776
developing their requests for financial assistance for capital 17777
improvements under this chapter and encourage cooperation and 17778
coordination of requests and the development of multisubdivision 17779
projects in order to maximize the benefits that may be derived 17780
by districts from each year's allocation; 17781

(6) Require local subdivisions, to the extent practicable, 17782
to use Ohio products, materials, services, and labor in 17783
connection with any capital improvement project financed in 17784
whole or in part under this chapter; 17785

(7) Notify the director of budget and management of all 17786
approved projects, and supply all information necessary to track 17787
approved projects through the state accounting system; 17788

(8) Appoint the administrator of the Ohio small government 17789
capital improvements commission; 17790

(9) Do all other acts, enter into contracts, and execute 17791
all instruments necessary or appropriate to carry out this 17792
chapter; 17793

(10) Develop a standardized methodology for evaluating 17794
local subdivision capital improvement needs that a district 17795
public works integrating committee shall consider when 17796

addressing a subdivision's project application; 17797

(11) Establish a program to provide local subdivisions 17798
with technical assistance in preparing project applications. The 17799
program shall be designed to assist local subdivisions that lack 17800
the financial or technical resources to prepare project 17801
applications on their own. 17802

(B) When the director of the Ohio public works commission 17803
decides to conditionally approve or disapprove projects, the 17804
director's decisions and the reasons for which they are made 17805
shall be made in writing. These written decisions shall be 17806
conclusive for the purposes of the validity and enforceability 17807
of such determinations. 17808

(C) Fees, charges, rates of interest, times of payment of 17809
interest and principal, and other terms, conditions, and 17810
provisions of and security for financial assistance provided 17811
pursuant to the provisions of this chapter shall be such as the 17812
director determines to be appropriate. If any payments required 17813
by a loan agreement entered into pursuant to this chapter are 17814
not paid, the funds which would otherwise be apportioned to the 17815
local subdivision from the county undivided local government 17816
fund, pursuant to sections 5747.51 to 5747.53 of the Revised 17817
Code, may, at the direction of the director of the Ohio public 17818
works commission, be reduced by the amount payable. The county 17819
treasurer shall, at the direction of the director, pay the 17820
amount of such reductions to the state capital improvements 17821
revolving loan fund. The director may renegotiate a loan 17822
repayment schedule with a local subdivision whose payments from 17823
the county undivided local government fund could be reduced 17824
pursuant to this division, but such a renegotiation may occur 17825
only one time with respect to any particular loan agreement. 17826

(D) Grants approved for the repair and replacement of 17827
existing infrastructure pursuant to this chapter shall not 17828
exceed ninety per cent of the estimated total cost of the 17829
capital improvement project. Grants approved for new or expanded 17830
infrastructure shall not exceed fifty per cent of the estimated 17831
cost of the new or expansion elements of the capital improvement 17832
project. A local subdivision share of the estimated cost of a 17833
capital improvement may consist of any of the following: 17834

(1) The reasonable value, as determined by the director or 17835
the administrator, of labor, materials, and equipment that will 17836
be contributed by the local subdivision in performing the 17837
capital improvement project; 17838

(2) Moneys received by the local subdivision in any form 17839
from an authority, commission, or agency of the United States 17840
for use in performing the capital improvement project; 17841

(3) Loans made to the local subdivision under this 17842
chapter; 17843

(4) Engineering costs incurred by the local subdivision in 17844
performing engineering activities related to the project. 17845

A local subdivision share of the cost of a capital 17846
improvement shall not include any amounts awarded to it from the 17847
local transportation improvement program fund created in section 17848
164.14 of the Revised Code. 17849

(E) ~~Not more than ten per cent of a~~ A district public 17850
works integrating ~~committee's~~ committee may determine how much 17851
of its annual allocation share pursuant to section 164.08 of the 17852
Revised Code ~~may be~~ is awarded to subdivisions ~~only~~ in the form 17853
of interest-free, low-interest, market rate of interest, or 17854
blended-rate loans and in the form of local debt support. 17855

~~(F) Not more than ten per cent of a district public works integrating committee's annual allocation pursuant to section 164.08 of the Revised Code may be awarded to subdivisions in the form of local debt support.~~ 17856
17857
17858
17859

~~(G)~~ For the period commencing July 1, 1993, and ending 17860
June 30, 1999, and for each five-year period thereafter, the 17861
total amount of financial assistance awarded under sections 17862
164.01 to 164.08 of the Revised Code for capital improvement 17863
projects located wholly or partially within a county shall be 17864
equal to at least thirty per cent of the amount of what the 17865
county would have been allocated from the obligations authorized 17866
to be sold under this chapter during each period, if such 17867
amounts had been allocable to each county on a per capita basis. 17868

~~(H)~~ (G) The amount of the annual allocations made pursuant 17869
to divisions (B) (1) and (4) of section 164.08 of the Revised 17870
Code which can be used for new or expanded infrastructure is 17871
limited to twenty per cent. 17872

~~(I)~~ (H) No project shall be approved under this section 17873
unless the project is designed to have a useful life of at least 17874
seven years. In addition, the average useful life of all 17875
projects for which grants or loans are awarded in each district 17876
during a program year shall not be less than twenty years. 17877

Sec. 164.06. (A) Each district public works integrating 17878
committee shall evaluate materials submitted to it by the local 17879
subdivisions located in the district concerning capital 17880
improvements for which assistance is sought from the state 17881
capital improvements fund and shall, pursuant to division (B) of 17882
this section, select the requests for financial assistance that 17883
will be formally submitted by the district to the director of 17884
the Ohio public works commission. In order to provide for the 17885

efficient use of the district's state capital improvements fund 17886
allocation each year, a district committee shall assist its 17887
subdivisions in the preparation and coordination of project 17888
plans. 17889

(B) In selecting the requests for assistance for capital 17890
improvement projects which will be submitted to the director, 17891
and in determining the nature, amount, and terms of the 17892
assistance that will be requested, a district public works 17893
integrating committee shall give priority to capital improvement 17894
projects for the repair or replacement of existing 17895
infrastructure and which would be unlikely to be undertaken 17896
without assistance under this chapter, and shall specifically 17897
consider all of the following factors: 17898

(1) The infrastructure repair and replacement needs of the 17899
district; 17900

(2) The age and condition of the system to be repaired or 17901
replaced; 17902

(3) Whether the project would generate revenue in the form 17903
of user fees or assessments; 17904

(4) The importance of the project to the health and safety 17905
of the citizens of the district; 17906

(5) The cost of the project and whether it is consistent 17907
with division ~~(C)~~(F) of section 164.05 of the Revised Code and 17908
the district's allocation for grants, loans, and local debt 17909
support for that year; 17910

(6) The effort and ability of the benefited local 17911
subdivisions to assist in financing the project; 17912

(7) The availability of federal or other funds for the 17913

project; 17914

(8) The overall economic health of the particular local 17915
subdivision; 17916

(9) The adequacy of the planning for the project and the 17917
readiness of the applicant to proceed should the project be 17918
approved; 17919

(10) Any other factors relevant to a particular project. 17920

(C) When applying the methodology under division (A) (10) 17921
of section 164.05 of the Revised Code, a district public works 17922
integrating committee may require a subdivision to submit 17923
information on its capital infrastructure as part of an 17924
application for assistance in financing a capital improvement 17925
project under this section. 17926

(D) In addition to reviewing and selecting the projects 17927
for which approval will be sought from the director of the Ohio 17928
public works commission for financial assistance from the state 17929
capital improvements fund, each district public works 17930
integrating committee shall appoint a subcommittee of its 17931
members that will represent the interests of villages and 17932
townships and that will review and select the capital 17933
improvement projects which will be submitted by the subcommittee 17934
to the administrator of the Ohio small government capital 17935
improvements commission for consideration of assistance from the 17936
portion of the net proceeds of obligations issued and sold by 17937
the treasurer of state which is allocated pursuant to division 17938
(B) (1) of section 164.08 of the Revised Code. In reviewing and 17939
approving the projects selected by its subcommittee, the 17940
administrator, and the Ohio small government capital 17941
improvements commission shall be guided by the provisions of 17942

division (B) of this section, and shall also take into account 17943
the fact that villages and townships may have different public 17944
infrastructure needs than larger subdivisions. 17945

Sec. 164.08. (A) Except as provided in sections 151.01 and 17946
151.08 or section 164.09 of the Revised Code, the net proceeds 17947
of obligations issued and sold by the treasurer of state 17948
pursuant to section 164.09 of the Revised Code before September 17949
30, 2000, or pursuant to sections 151.01 and 151.08 of the 17950
Revised Code, for the purpose of financing or assisting in the 17951
financing of the cost of public infrastructure capital 17952
improvement projects of local subdivisions, as provided for in 17953
Section 2k, 2m, 2p, or 2s of Article VIII, Ohio Constitution, 17954
and this chapter, shall be paid into the state capital 17955
improvements fund, which is hereby created in the state 17956
treasury. Investment earnings on moneys in the fund shall be 17957
credited to the fund. 17958

(B) Beginning July 1, 2016, each program year the amount 17959
of obligations authorized by the general assembly in accordance 17960
with sections 151.01 and 151.08 or section 164.09 of the Revised 17961
Code, excluding the proceeds of refunding or renewal 17962
obligations, shall be allocated by the director of the Ohio 17963
public works commission as follows: 17964

(1) First, ~~ten~~twelve per cent of the amount of 17965
obligations authorized shall be allocated to provide financial 17966
assistance to villages and to townships with populations in the 17967
unincorporated areas of the township of less than five thousand 17968
persons, for capital improvements in accordance with section 17969
164.051 and division (D) of section 164.06 of the Revised Code. 17970
As used in division (B) (1) of this section, "capital 17971
improvements" includes resurfacing and improving roads. 17972

(2) Following the allocation required by division (B) (1) 17973
of this section, the director may allocate two per cent of the 17974
authorized obligations to provide financial assistance to local 17975
subdivisions for capital improvement projects which in the 17976
judgment of the director of the Ohio public works commission are 17977
necessary for the immediate preservation of the health, safety, 17978
and welfare of the citizens of the local subdivision requesting 17979
assistance. Starting July 1, 2021, the director may allocate up 17980
to six per cent of authorized obligations as provided in this 17981
division. 17982

(3) The director shall determine the amount of the 17983
remaining obligations authorized to be issued and sold that each 17984
county would receive if such amounts were allocated on a per 17985
capita basis each year. If a county's per capita share for the 17986
year would be less than three hundred thousand dollars, the 17987
director shall allocate to the district in which that county is 17988
located an amount equal to the difference between three hundred 17989
thousand dollars and the county's per capita share. 17990

(4) After making the allocation required by division (B) 17991
(3) of this section, the director shall allocate the remaining 17992
amount to each district on a per capita basis. 17993

(C) (1) There is hereby created in the state treasury the 17994
state capital improvements revolving loan fund, into which shall 17995
be deposited all repayments of loans made to local subdivisions 17996
for capital improvements pursuant to this chapter. Investment 17997
earnings on moneys in the fund shall be credited to the fund. 17998

(2) There may also be deposited in the state capital 17999
improvements revolving loan fund moneys obtained from federal or 18000
private grants, or from other sources, which are to be used for 18001
any of the purposes authorized by this chapter. Such moneys 18002

shall be allocated each year in accordance with division (B) (4) 18003
of this section. 18004

(3) Moneys deposited into the state capital improvements 18005
revolving loan fund shall be used to make loans for the purpose 18006
of financing or assisting in the financing of the cost of 18007
capital improvement projects of local subdivisions. 18008

(4) Investment earnings credited to the state capital 18009
improvements revolving loan fund that exceed the amounts 18010
required to meet estimated federal arbitrage rebate requirements 18011
shall be used to pay costs incurred by the public works 18012
commission in administering this section. Investment earnings 18013
credited to the state capital improvements revolving loan fund 18014
that exceed the amounts required to pay for the administrative 18015
costs and estimated rebate requirements shall be allocated to 18016
each district on a per capita basis. 18017

(5) Each program year, loan repayments received and on 18018
deposit in the state capital improvements revolving loan fund 18019
shall be allocated as follows: 18020

(a) Each district public works integrating committee shall 18021
be allocated an amount equal to the sum of all loan repayments 18022
made to the state capital improvements revolving loan fund by 18023
local subdivisions that are part of the district. Moneys not 18024
used in a program year may be used in the next program year in 18025
the same manner and for the same purpose as originally 18026
allocated. 18027

(b) Loan repayments made pursuant to projects approved 18028
under division (B) (1) of this section shall be used to make 18029
loans in accordance with section 164.051 and division (D) of 18030
section 164.06 of the Revised Code. Allocations for this purpose 18031

made pursuant to division (C)(5) of this section shall be in 18032
addition to the allocation provided in division (B)(1) of this 18033
section. 18034

(c) Loan repayments made pursuant to projects approved 18035
under division (B)(2) of this section shall be used to make 18036
loans in accordance with division (B)(2) of this section. 18037
Allocations for this purpose made pursuant to division (C)(5) of 18038
this section shall be in addition to the allocation provided in 18039
division (B)(2) of this section. 18040

(d) Loans made from the state capital improvements 18041
revolving loan fund shall not be limited in their usage by 18042
divisions (E), (F), and (G), ~~and (H)~~ of section 164.05 of the 18043
Revised Code. 18044

(D) Investment earnings credited to the state capital 18045
improvements fund that exceed the amounts required to meet 18046
estimated federal arbitrage rebate requirements shall be used to 18047
pay costs incurred by the public works commission in 18048
administering sections 164.01 to 164.12 of the Revised Code. 18049

(E) The director of the Ohio public works commission shall 18050
notify the director of budget and management of the amounts 18051
allocated pursuant to this section and such information shall be 18052
entered into the state accounting system. The director of budget 18053
and management shall establish appropriation line items as 18054
needed to track these allocations. 18055

(F) If the amount of a district's allocation in a program 18056
year exceeds the amount of financial assistance approved for the 18057
district by the commission for that year, the remaining portion 18058
of the district's allocation shall be added to the district's 18059
allocation pursuant to division (B) of this section for the next 18060

succeeding year for use in the same manner and for the same 18061
purposes as it was originally allocated, except that any portion 18062
of a district's allocation which was available for use on new or 18063
expanded infrastructure pursuant to division ~~(H)~~ (G) of section 18064
164.05 of the Revised Code shall be available in succeeding 18065
years only for the repair and replacement of existing 18066
infrastructure. 18067

(G) When an allocation based on population is made by the 18068
director pursuant to division (B) of this section, the director 18069
shall use the most recent decennial census statistics, and shall 18070
not make any reallocations based upon a change in a district's 18071
population. 18072

Sec. 164.14. (A) The local transportation improvement 18073
program fund is hereby created in the state treasury. The fund 18074
shall consist of moneys credited to it pursuant to sections 18075
117.16 and 5735.051 of the Revised Code, and, subject to the 18076
limitations of section 5735.05 of the Revised Code, shall be 18077
used to make grants to local subdivisions for projects that have 18078
been approved by district public works integrating committees 18079
and the Ohio public works commission in accordance with this 18080
section. The fund shall be administered by the Ohio public works 18081
commission, and shall be allocated each fiscal year on a per 18082
capita basis to district public works integrating committees in 18083
accordance with the most recent decennial census statistics. 18084
Money in the fund may be used to pay reasonable costs incurred 18085
by the commission in administering this section. Investment 18086
earnings on moneys credited to the fund shall be retained by the 18087
fund. 18088

(B) Grants awarded under this section may provide up to 18089
one hundred per cent of the estimated total cost of the project. 18090

(C) No grant shall be awarded for a project under this 18091
section unless the project is designed to have a useful life of 18092
at least seven years, except that the average useful life of all 18093
such projects for which grants are awarded in each district 18094
during a fiscal year shall be not less than twenty years. 18095

(D) For the period beginning on July 1, 1989, and ending 18096
on June 30, 1994, and for each succeeding five-year period, at 18097
least one-third of the total amount of money allocated to each 18098
district from the local transportation improvement program fund 18099
shall be awarded as follows: 18100

(1) Forty-two and eight-tenths per cent for projects of 18101
municipal corporations; 18102

(2) Thirty-seven and two-tenths per cent for projects of 18103
counties; 18104

(3) Twenty per cent for projects of townships, except that 18105
the requirement of division (D) (3) of this section shall not 18106
apply in districts where the combined population of the 18107
townships in the district is less than five per cent of the 18108
population of the district. 18109

(E) Each district public works integrating committee shall 18110
review, and approve or disapprove requests submitted to it by 18111
local subdivisions for assistance from the local transportation 18112
improvement program fund. In reviewing projects submitted to it, 18113
a district public works integrating committee shall consider the 18114
following factors: 18115

(1) Whether the project is of critical importance to the 18116
safety of the residents of the local subdivision; 18117

(2) Whether the project would alleviate serious traffic 18118
problems or hazards or would respond to needs caused by rapid 18119

growth and development; 18120

(3) Whether the project would assist the local subdivision 18121
in attaining the transportation infrastructure needed to pursue 18122
significant and specific economic development opportunities; 18123

(4) The availability of other sources of funding for the 18124
project; 18125

(5) The adequacy of the planning for the project and the 18126
readiness of the local subdivision to proceed should the project 18127
be approved; 18128

(6) The local subdivision's ability to pay for and history 18129
of investing in bridge and highway improvements; 18130

(7) The impact of the project on the multijurisdictional 18131
highway and bridge needs of the district; 18132

(8) The requirements of divisions (A), (B), (C), and (D) 18133
of this section; 18134

(9) The condition of the infrastructure system proposed 18135
for improvement; 18136

(10) Any other factors related to the safety, orderly 18137
growth, or economic development of the district or local 18138
subdivision that the district public works integrating committee 18139
considers relevant. 18140

A district public works integrating committee or its 18141
executive committee may appoint a subcommittee to assist it in 18142
carrying out its responsibilities under this section. 18143

(F) Every project approved by a district public works 18144
integrating committee shall be submitted to the Ohio public 18145
works commission for its review and approval or disapproval. The 18146

commission shall not approve any project that fails to meet the 18147
requirements of this section. 18148

(G) Grants awarded from the local transportation 18149
improvement program fund shall not be limited in their usage by 18150
divisions (D), (E), (F), and (G), ~~and (H)~~ of section 164.05 of 18151
the Revised Code. 18152

(H) As used in this section, "local subdivision" means a 18153
county, municipal corporation, or township. 18154

(I) The director of the Ohio public works commission shall 18155
notify the director of budget and management of the amounts 18156
allocated pursuant to this section, and the allocation 18157
information shall be entered into the state accounting system. 18158
The director of budget and management shall establish 18159
appropriation line items as needed to track these allocations. 18160

Sec. 165.04. The bond proceedings may contain provisions 18161
which shall be part of the contract with the bondholders as to: 18162

(A) Pledging the rentals, revenues, and other income, 18163
charges, and moneys therein designated for the payment of the 18164
principal of and interest on the bonds and all other payments 18165
required to be made by the bond proceedings; 18166

(B) Acquisition by gift or purchase, construction, 18167
reconstruction, enlargement, improvement, furnishing, equipment, 18168
operation, alteration, maintenance, insurance, and repair of the 18169
pledged facilities and the duties of the issuing authority with 18170
respect thereto; 18171

(C) Provisions regarding the purposes to which the 18172
proceeds of the bonds may be applied; 18173

(D) Terms of the bonds; 18174

(E) Maintenance, collection, use and disposition of 18175
rentals, revenues, and other income, charges, and moneys 18176
received from the lease, sale, or other disposition of the 18177
pledged facilities; 18178

(F) Terms and conditions under which additional bonds may 18179
be issued secured by a pledge of rentals, revenues, and other 18180
income, charges, and moneys received from or a mortgage on the 18181
same pledged facilities; 18182

(G) Terms of any trust agreement or indenture of mortgage 18183
securing the bonds including authorization to enter into such 18184
agreement or indenture; 18185

(H) The deposit, application, safeguarding, and investment 18186
of funds of the issuer received or held under the bond 18187
proceedings, to which Chapters 131. and 135. and sections 18188
~~122.57,~~ 122.571, 122.58, and 321.44 of the Revised Code are not 18189
applicable. 18190

(I) Any other appropriate agreements with the bondholders 18191
with respect to the pledged facilities and the rentals, 18192
revenues, and other income, charges, and moneys received 18193
therefrom. 18194

Sec. 166.03. (A) There is hereby created the facilities 18195
establishment fund within the state treasury, consisting of 18196
proceeds from the issuance of obligations as specified under 18197
section 166.08 of the Revised Code; the moneys received by the 18198
state from the sources specified in section 166.09 of the 18199
Revised Code; service charges imposed under sections 166.06 and 18200
166.07 of the Revised Code; any grants, gifts, or contributions 18201
of moneys received by the director of development to be used for 18202
loans made under section 166.07 of the Revised Code or for the 18203

payment of the allowable costs of project facilities; and all 18204
other moneys appropriated or transferred to the fund. Moneys in 18205
the loan guarantee fund in excess of the loan guarantee reserve 18206
requirement, but subject to the provisions and requirements of 18207
any guarantee contracts, may be transferred to the facilities 18208
establishment fund by the treasurer of state upon the order of 18209
the director of development. Moneys received by the state under 18210
Chapter 122. of the Revised Code, to the extent allocable to the 18211
utilization of moneys derived from proceeds of the sale of 18212
obligations pursuant to section 166.08 of the Revised Code, 18213
shall be credited to the facilities establishment fund. ~~All~~ 18214
~~investment earnings on the cash balance in the fund shall be~~ 18215
~~credited to the fund.~~ 18216

(B) All moneys appropriated or transferred to the 18217
facilities establishment fund may be released at the request of 18218
the director of development for payment of allowable costs or 18219
the making of loans under section 166.07 of the Revised Code, 18220
for transfer to the loan guarantee fund established in section 18221
166.06 of the Revised Code, or for use for the purpose of or 18222
transfer to the funds established by sections 122.35, 122.42, 18223
122.54, ~~122.55, 122.56, 122.561, 122.57, 122.601,~~ and 122.80 of 18224
the Revised Code and, until July 1, 2003, the fund established 18225
by section 166.031 of the Revised Code, and, until July 1, 2007, 18226
the fund established by section 122.26 of the Revised Code, but 18227
only for such of those purposes as are within the authorization 18228
of Section 13 of Article VIII, Ohio Constitution, in all cases 18229
subject to the approval of the controlling board. 18230

(C) The department of development, in the administration 18231
of the facilities establishment fund, is encouraged to utilize 18232
and promote the utilization of, to the maximum practicable 18233
extent, the other existing programs, business incentives, and 18234

tax incentives that department is required or authorized to 18235
administer or supervise. 18236

Sec. 166.08. (A) As used in this chapter: 18237

(1) "Bond proceedings" means the resolution, order, trust 18238
agreement, indenture, lease, and other agreements, amendments 18239
and supplements to the foregoing, or any one or more or 18240
combination thereof, authorizing or providing for the terms and 18241
conditions applicable to, or providing for the security or 18242
liquidity of, obligations issued pursuant to this section, and 18243
the provisions contained in such obligations. 18244

(2) "Bond service charges" means principal, including 18245
mandatory sinking fund requirements for retirement of 18246
obligations, and interest, and redemption premium, if any, 18247
required to be paid by the state on obligations. 18248

(3) "Bond service fund" means the applicable fund and 18249
accounts therein created for and pledged to the payment of bond 18250
service charges, which may be, or may be part of, the economic 18251
development bond service fund created by division (S) of this 18252
section including all moneys and investments, and earnings from 18253
investments, credited and to be credited thereto. 18254

(4) "Issuing authority" means the treasurer of state, or 18255
the officer who by law performs the functions of such officer. 18256

(5) "Obligations" means bonds, notes, or other evidence of 18257
obligation including interest coupons pertaining thereto, issued 18258
pursuant to this section. 18259

(6) "Pledged receipts" means all receipts of the state 18260
representing the gross profit on the sale of spirituous liquor, 18261
as referred to in division (B) (4) of section 4301.10 of the 18262
Revised Code, after paying all costs and expenses of the 18263

division of liquor control and providing an adequate working 18264
capital reserve for the division of liquor control as provided 18265
in that division, but excluding the sum required by the second 18266
paragraph of section 4301.12 of the Revised Code, as in effect 18267
on May 2, 1980, to be paid into the state treasury; moneys 18268
accruing to the state from the lease, sale, or other 18269
disposition, or use, of project facilities, and from the 18270
repayment, including interest, of loans made from proceeds 18271
received from the sale of obligations; accrued interest received 18272
from the sale of obligations; income from the investment of the 18273
special funds; and any gifts, grants, donations, and pledges, 18274
and receipts therefrom, available for the payment of bond 18275
service charges. 18276

(7) "Special funds" or "funds" means, except where the 18277
context does not permit, the bond service fund, and any other 18278
funds, including reserve funds, created under the bond 18279
proceedings, and the economic development bond service fund 18280
created by division (S) of this section to the extent provided 18281
in the bond proceedings, including all moneys and investments, 18282
and earnings from investment, credited and to be credited 18283
thereto. 18284

(B) Subject to the limitations provided in section 166.11 18285
of the Revised Code, the issuing authority, upon the 18286
certification by the director of development or, prior to ~~the~~ 18287
~~effective date of this amendment~~ September 29, 2017, upon 18288
certification by the Ohio air quality development authority 18289
regarding eligible advanced energy projects, to the issuing 18290
authority of the amount of moneys or additional moneys needed in 18291
the facilities establishment fund, the loan guarantee fund, the 18292
innovation Ohio loan fund, the innovation Ohio loan guarantee 18293
fund, the research and development loan fund, the logistics and 18294

distribution infrastructure fund, the advanced energy research 18295
and development fund, or the advanced energy research and 18296
development taxable fund, as applicable, for the purpose of 18297
paying, or making loans for, allowable costs from the facilities 18298
establishment fund, allowable innovation costs from the 18299
innovation Ohio loan fund, allowable costs from the research and 18300
development loan fund, allowable costs from the logistics and 18301
distribution infrastructure fund, allowable costs from the 18302
advanced energy research and development fund, or allowable 18303
costs from the advanced energy research and development taxable 18304
fund, as applicable, or needed for capitalized interest, for 18305
funding reserves, and for paying costs and expenses incurred in 18306
connection with the issuance, carrying, securing, paying, 18307
redeeming, or retirement of the obligations or any obligations 18308
refunded thereby, including payment of costs and expenses 18309
relating to letters of credit, lines of credit, insurance, put 18310
agreements, standby purchase agreements, indexing, marketing, 18311
remarketing and administrative arrangements, interest swap or 18312
hedging agreements, and any other credit enhancement, liquidity, 18313
remarketing, renewal, or refunding arrangements, all of which 18314
are authorized by this section, or providing moneys for the loan 18315
guarantee fund or the innovation Ohio loan guarantee fund, as 18316
provided in this chapter or needed for the purposes of funds 18317
established in accordance with or pursuant to sections 122.35, 18318
122.42, 122.54, ~~122.55, 122.56, 122.561, 122.57,~~ and 122.80 of 18319
the Revised Code which are within the authorization of Section 18320
13 of Article VIII, Ohio Constitution, or, prior to ~~the~~ 18321
~~effective date of this amendment~~ September 29, 2017, with 18322
respect to certain eligible advanced energy projects, Section 2p 18323
of Article VIII, Ohio Constitution, shall issue obligations of 18324
the state under this section in the required amount; provided 18325
that such obligations may be issued to satisfy the covenants in 18326

contracts of guarantee made under section 166.06 or 166.15 of 18327
the Revised Code, notwithstanding limitations otherwise 18328
applicable to the issuance of obligations under this section. 18329
The proceeds of such obligations, except for the portion to be 18330
deposited in special funds, including reserve funds, as may be 18331
provided in the bond proceedings, shall as provided in the bond 18332
proceedings be deposited by the director of development to the 18333
facilities establishment fund, the loan guarantee fund, the 18334
innovation Ohio loan guarantee fund, the innovation Ohio loan 18335
fund, the research and development loan fund, or the logistics 18336
and distribution infrastructure fund, or be deposited by the 18337
Ohio air quality development authority prior to ~~the effective~~ 18338
~~date of this amendment~~ September 29, 2017, to the advanced 18339
energy research and development fund or the advanced energy 18340
research and development taxable fund. Bond proceedings for 18341
project financing obligations may provide that the proceeds 18342
derived from the issuance of such obligations shall be deposited 18343
into such fund or funds provided for in the bond proceedings 18344
and, to the extent provided for in the bond proceedings, such 18345
proceeds shall be deemed to have been deposited into the 18346
facilities establishment fund and transferred to such fund or 18347
funds. The issuing authority may appoint trustees, paying 18348
agents, and transfer agents and may retain the services of 18349
financial advisors, accounting experts, and attorneys, and 18350
retain or contract for the services of marketing, remarketing, 18351
indexing, and administrative agents, other consultants, and 18352
independent contractors, including printing services, as are 18353
necessary in the issuing authority's judgment to carry out this 18354
section. The costs of such services are allowable costs payable 18355
from the facilities establishment fund or the research and 18356
development loan fund, allowable innovation costs payable from 18357
the innovation Ohio loan fund, allowable costs payable from the 18358

logistics and distribution infrastructure fund, or allowable 18359
costs payable prior to ~~the effective date of this amendment~~ 18360
September 29, 2017, from the advanced energy research and 18361
development fund or the advanced energy research and development 18362
taxable fund, as applicable. 18363

(C) The holders or owners of such obligations shall have 18364
no right to have moneys raised by taxation obligated or pledged, 18365
and moneys raised by taxation shall not be obligated or pledged, 18366
for the payment of bond service charges. Such holders or owners 18367
shall have no rights to payment of bond service charges from any 18368
moneys accruing to the state from the lease, sale, or other 18369
disposition, or use, of project facilities, or from payment of 18370
the principal of or interest on loans made, or fees charged for 18371
guarantees made, or from any money or property received by the 18372
director, treasurer of state, or the state under Chapter 122. of 18373
the Revised Code, or from any other use of the proceeds of the 18374
sale of the obligations, and no such moneys may be used for the 18375
payment of bond service charges, except for accrued interest, 18376
capitalized interest, and reserves funded from proceeds received 18377
upon the sale of the obligations and except as otherwise 18378
expressly provided in the applicable bond proceedings pursuant 18379
to written directions by the director. The right of such holders 18380
and owners to payment of bond service charges is limited to all 18381
or that portion of the pledged receipts and those special funds 18382
pledged thereto pursuant to the bond proceedings in accordance 18383
with this section, and each such obligation shall bear on its 18384
face a statement to that effect. 18385

(D) Obligations shall be authorized by resolution or order 18386
of the issuing authority and the bond proceedings shall provide 18387
for the purpose thereof and the principal amount or amounts, and 18388
shall provide for or authorize the manner or agency for 18389

determining the principal maturity or maturities, not exceeding 18390
twenty-five years from the date of issuance, the interest rate 18391
or rates or the maximum interest rate, the date of the 18392
obligations and the dates of payment of interest thereon, their 18393
denomination, and the establishment within or without the state 18394
of a place or places of payment of bond service charges. 18395
Sections 9.98 to 9.983 of the Revised Code are applicable to 18396
obligations issued under this section, subject to any applicable 18397
limitation under section 166.11 of the Revised Code. The purpose 18398
of such obligations may be stated in the bond proceedings in 18399
terms describing the general purpose or purposes to be served. 18400
The bond proceedings also shall provide, subject to the 18401
provisions of any other applicable bond proceedings, for the 18402
pledge of all, or such part as the issuing authority may 18403
determine, of the pledged receipts and the applicable special 18404
fund or funds to the payment of bond service charges, which 18405
pledges may be made either prior or subordinate to other 18406
expenses, claims, or payments, and may be made to secure the 18407
obligations on a parity with obligations theretofore or 18408
thereafter issued, if and to the extent provided in the bond 18409
proceedings. The pledged receipts and special funds so pledged 18410
and thereafter received by the state are immediately subject to 18411
the lien of such pledge without any physical delivery thereof or 18412
further act, and the lien of any such pledges is valid and 18413
binding against all parties having claims of any kind against 18414
the state or any governmental agency of the state, irrespective 18415
of whether such parties have notice thereof, and shall create a 18416
perfected security interest for all purposes of Chapter 1309. of 18417
the Revised Code, without the necessity for separation or 18418
delivery of funds or for the filing or recording of the bond 18419
proceedings by which such pledge is created or any certificate, 18420
statement or other document with respect thereto; and the pledge 18421

of such pledged receipts and special funds is effective and the 18422
money therefrom and thereof may be applied to the purposes for 18423
which pledged without necessity for any act of appropriation. 18424
Every pledge, and every covenant and agreement made with respect 18425
thereto, made in the bond proceedings may therein be extended to 18426
the benefit of the owners and holders of obligations authorized 18427
by this section, and to any trustee therefor, for the further 18428
security of the payment of the bond service charges. 18429

(E) The bond proceedings may contain additional provisions 18430
as to: 18431

(1) The redemption of obligations prior to maturity at the 18432
option of the issuing authority at such price or prices and 18433
under such terms and conditions as are provided in the bond 18434
proceedings; 18435

(2) Other terms of the obligations; 18436

(3) Limitations on the issuance of additional obligations; 18437

(4) The terms of any trust agreement or indenture securing 18438
the obligations or under which the same may be issued; 18439

(5) The deposit, investment and application of special 18440
funds, and the safeguarding of moneys on hand or on deposit, 18441
without regard to Chapter 131. or 135. of the Revised Code, but 18442
subject to any special provisions of this chapter, with respect 18443
to particular funds or moneys, provided that any bank or trust 18444
company which acts as depository of any moneys in the special 18445
funds may furnish such indemnifying bonds or may pledge such 18446
securities as required by the issuing authority; 18447

(6) Any or every provision of the bond proceedings being 18448
binding upon such officer, board, commission, authority, agency, 18449
department, or other person or body as may from time to time 18450

have the authority under law to take such actions as may be 18451
necessary to perform all or any part of the duty required by 18452
such provision; 18453

(7) Any provision that may be made in a trust agreement or 18454
indenture; 18455

(8) Any other or additional agreements with the holders of 18456
the obligations, or the trustee therefor, relating to the 18457
obligations or the security therefor, including the assignment 18458
of mortgages or other security obtained or to be obtained for 18459
loans under section 122.43, 166.07, or 166.16 of the Revised 18460
Code. 18461

(F) The obligations may have the great seal of the state 18462
or a facsimile thereof affixed thereto or printed thereon. The 18463
obligations and any coupons pertaining to obligations shall be 18464
signed or bear the facsimile signature of the issuing authority. 18465
Any obligations or coupons may be executed by the person who, on 18466
the date of execution, is the proper issuing authority although 18467
on the date of such bonds or coupons such person was not the 18468
issuing authority. If the issuing authority whose signature or a 18469
facsimile of whose signature appears on any such obligation or 18470
coupon ceases to be the issuing authority before delivery 18471
thereof, such signature or facsimile is nevertheless valid and 18472
sufficient for all purposes as if the former issuing authority 18473
had remained the issuing authority until such delivery; and if 18474
the seal to be affixed to obligations has been changed after a 18475
facsimile of the seal has been imprinted on such obligations, 18476
such facsimile seal shall continue to be sufficient as to such 18477
obligations and obligations issued in substitution or exchange 18478
therefor. 18479

(G) All obligations are negotiable instruments and 18480

securities under Chapter 1308. of the Revised Code, subject to 18481
the provisions of the bond proceedings as to registration. The 18482
obligations may be issued in coupon or in registered form, or 18483
both, as the issuing authority determines. Provision may be made 18484
for the registration of any obligations with coupons attached 18485
thereto as to principal alone or as to both principal and 18486
interest, their exchange for obligations so registered, and for 18487
the conversion or reconversion into obligations with coupons 18488
attached thereto of any obligations registered as to both 18489
principal and interest, and for reasonable charges for such 18490
registration, exchange, conversion, and reconversion. 18491

(H) Obligations may be sold at public sale or at private 18492
sale, as determined in the bond proceedings. 18493

Obligations issued to provide moneys for the loan 18494
guarantee fund or the innovation Ohio loan guarantee fund may, 18495
as determined by the issuing authority, be sold at private sale, 18496
and without publication of a notice of sale. 18497

(I) Pending preparation of definitive obligations, the 18498
issuing authority may issue interim receipts or certificates 18499
which shall be exchanged for such definitive obligations. 18500

(J) In the discretion of the issuing authority, 18501
obligations may be secured additionally by a trust agreement or 18502
indenture between the issuing authority and a corporate trustee 18503
which may be any trust company or bank having a place of 18504
business within the state. Any such agreement or indenture may 18505
contain the resolution or order authorizing the issuance of the 18506
obligations, any provisions that may be contained in any bond 18507
proceedings, and other provisions which are customary or 18508
appropriate in an agreement or indenture of such type, 18509
including, but not limited to: 18510

(1) Maintenance of each pledge, trust agreement, 18511
indenture, or other instrument comprising part of the bond 18512
proceedings until the state has fully paid the bond service 18513
charges on the obligations secured thereby, or provision 18514
therefor has been made; 18515

(2) In the event of default in any payments required to be 18516
made by the bond proceedings, or any other agreement of the 18517
issuing authority made as a part of the contract under which the 18518
obligations were issued, enforcement of such payments or 18519
agreement by mandamus, the appointment of a receiver, suit in 18520
equity, action at law, or any combination of the foregoing; 18521

(3) The rights and remedies of the holders of obligations 18522
and of the trustee, and provisions for protecting and enforcing 18523
them, including limitations on rights of individual holders of 18524
obligations; 18525

(4) The replacement of any obligations that become 18526
mutilated or are destroyed, lost, or stolen; 18527

(5) Such other provisions as the trustee and the issuing 18528
authority agree upon, including limitations, conditions, or 18529
qualifications relating to any of the foregoing. 18530

(K) Any holders of obligations or trustees under the bond 18531
proceedings, except to the extent that their rights are 18532
restricted by the bond proceedings, may by any suitable form of 18533
legal proceedings, protect and enforce any rights under the laws 18534
of this state or granted by such bond proceedings. Such rights 18535
include the right to compel the performance of all duties of the 18536
issuing authority, the director of development, the Ohio air 18537
quality development authority, or the division of liquor control 18538
required by this chapter or the bond proceedings; to enjoin 18539

unlawful activities; and in the event of default with respect to 18540
the payment of any bond service charges on any obligations or in 18541
the performance of any covenant or agreement on the part of the 18542
issuing authority, the director of development, the Ohio air 18543
quality development authority, or the division of liquor control 18544
in the bond proceedings, to apply to a court having jurisdiction 18545
of the cause to appoint a receiver to receive and administer the 18546
pledged receipts and special funds, other than those in the 18547
custody of the treasurer of state, which are pledged to the 18548
payment of the bond service charges on such obligations or which 18549
are the subject of the covenant or agreement, with full power to 18550
pay, and to provide for payment of bond service charges on, such 18551
obligations, and with such powers, subject to the direction of 18552
the court, as are accorded receivers in general equity cases, 18553
excluding any power to pledge additional revenues or receipts or 18554
other income or moneys of the issuing authority or the state or 18555
governmental agencies of the state to the payment of such 18556
principal and interest and excluding the power to take 18557
possession of, mortgage, or cause the sale or otherwise dispose 18558
of any project facilities. 18559

Each duty of the issuing authority and the issuing 18560
authority's officers and employees, and of each governmental 18561
agency and its officers, members, or employees, undertaken 18562
pursuant to the bond proceedings or any agreement or lease, 18563
lease-purchase agreement, or loan made under authority of this 18564
chapter, and in every agreement by or with the issuing 18565
authority, is hereby established as a duty of the issuing 18566
authority, and of each such officer, member, or employee having 18567
authority to perform such duty, specifically enjoined by the law 18568
resulting from an office, trust, or station within the meaning 18569
of section 2731.01 of the Revised Code. 18570

The person who is at the time the issuing authority, or 18571
the issuing authority's officers or employees, are not liable in 18572
their personal capacities on any obligations issued by the 18573
issuing authority or any agreements of or with the issuing 18574
authority. 18575

(L) The issuing authority may authorize and issue 18576
obligations for the refunding, including funding and retirement, 18577
and advance refunding with or without payment or redemption 18578
prior to maturity, of any obligations previously issued by the 18579
issuing authority. Such obligations may be issued in amounts 18580
sufficient for payment of the principal amount of the prior 18581
obligations, any redemption premiums thereon, principal 18582
maturities of any such obligations maturing prior to the 18583
redemption of the remaining obligations on a parity therewith, 18584
interest accrued or to accrue to the maturity dates or dates of 18585
redemption of such obligations, and any allowable costs 18586
including expenses incurred or to be incurred in connection with 18587
such issuance and such refunding, funding, and retirement. 18588
Subject to the bond proceedings therefor, the portion of 18589
proceeds of the sale of obligations issued under this division 18590
to be applied to bond service charges on the prior obligations 18591
shall be credited to an appropriate account held by the trustee 18592
for such prior or new obligations or to the appropriate account 18593
in the bond service fund for such obligations. Obligations 18594
authorized under this division shall be deemed to be issued for 18595
those purposes for which such prior obligations were issued and 18596
are subject to the provisions of this section pertaining to 18597
other obligations, except as otherwise provided in this section; 18598
provided that, unless otherwise authorized by the general 18599
assembly, any limitations imposed by the general assembly 18600
pursuant to this section with respect to bond service charges 18601

applicable to the prior obligations shall be applicable to the 18602
obligations issued under this division to refund, fund, advance 18603
refund or retire such prior obligations. 18604

(M) The authority to issue obligations under this section 18605
includes authority to issue obligations in the form of bond 18606
anticipation notes and to renew the same from time to time by 18607
the issuance of new notes. The holders of such notes or interest 18608
coupons pertaining thereto shall have a right to be paid solely 18609
from the pledged receipts and special funds that may be pledged 18610
to the payment of the bonds anticipated, or from the proceeds of 18611
such bonds or renewal notes, or both, as the issuing authority 18612
provides in the resolution or order authorizing such notes. Such 18613
notes may be additionally secured by covenants of the issuing 18614
authority to the effect that the issuing authority and the state 18615
will do such or all things necessary for the issuance of such 18616
bonds or renewal notes in appropriate amount, and apply the 18617
proceeds thereof to the extent necessary, to make full payment 18618
of the principal of and interest on such notes at the time or 18619
times contemplated, as provided in such resolution or order. For 18620
such purpose, the issuing authority may issue bonds or renewal 18621
notes in such principal amount and upon such terms as may be 18622
necessary to provide funds to pay when required the principal of 18623
and interest on such notes, notwithstanding any limitations 18624
prescribed by or for purposes of this section. Subject to this 18625
division, all provisions for and references to obligations in 18626
this section are applicable to notes authorized under this 18627
division. 18628

The issuing authority in the bond proceedings authorizing 18629
the issuance of bond anticipation notes shall set forth for such 18630
bonds an estimated interest rate and a schedule of principal 18631
payments for such bonds and the annual maturity dates thereof, 18632

and for purposes of any limitation on bond service charges 18633
prescribed under division (A) of section 166.11 of the Revised 18634
Code, the amount of bond service charges on such bond 18635
anticipation notes is deemed to be the bond service charges for 18636
the bonds anticipated thereby as set forth in the bond 18637
proceedings applicable to such notes, but this provision does 18638
not modify any authority in this section to pledge receipts and 18639
special funds to, and covenant to issue bonds to fund, the 18640
payment of principal of and interest and any premium on such 18641
notes. 18642

(N) Obligations issued under this section are lawful 18643
investments for banks, societies for savings, savings and loan 18644
associations, deposit guarantee associations, trust companies, 18645
trustees, fiduciaries, insurance companies, including domestic 18646
for life and domestic not for life, trustees or other officers 18647
having charge of sinking and bond retirement or other special 18648
funds of political subdivisions and taxing districts of this 18649
state, the commissioners of the sinking fund of the state, the 18650
administrator of workers' compensation, the state teachers 18651
retirement system, the public employees retirement system, the 18652
school employees retirement system, and the Ohio police and fire 18653
pension fund, notwithstanding any other provisions of the 18654
Revised Code or rules adopted pursuant thereto by any 18655
governmental agency of the state with respect to investments by 18656
them, and are also acceptable as security for the deposit of 18657
public moneys. 18658

(O) Unless otherwise provided in any applicable bond 18659
proceedings, moneys to the credit of or in the special funds 18660
established by or pursuant to this section may be invested by or 18661
on behalf of the issuing authority only in notes, bonds, or 18662
other obligations of the United States, or of any agency or 18663

instrumentality of the United States, obligations guaranteed as 18664
to principal and interest by the United States, obligations of 18665
this state or any political subdivision of this state, and 18666
certificates of deposit of any national bank located in this 18667
state and any bank, as defined in section 1101.01 of the Revised 18668
Code, subject to inspection by the superintendent of banks. If 18669
the law or the instrument creating a trust pursuant to division 18670
(J) of this section expressly permits investment in direct 18671
obligations of the United States or an agency of the United 18672
States, unless expressly prohibited by the instrument, such 18673
moneys also may be invested in no-front-end-load money market 18674
mutual funds consisting exclusively of obligations of the United 18675
States or an agency of the United States and in repurchase 18676
agreements, including those issued by the fiduciary itself, 18677
secured by obligations of the United States or an agency of the 18678
United States; and in common trust funds established in 18679
accordance with section 1111.20 of the Revised Code and 18680
consisting exclusively of any such securities, notwithstanding 18681
division (A)(4) of that section. The income from such 18682
investments shall be credited to such funds as the issuing 18683
authority determines, and such investments may be sold at such 18684
times as the issuing authority determines or authorizes. 18685

(P) Provision may be made in the applicable bond 18686
proceedings for the establishment of separate accounts in the 18687
bond service fund and for the application of such accounts only 18688
to the specified bond service charges on obligations pertinent 18689
to such accounts and bond service fund and for other accounts 18690
therein within the general purposes of such fund. Unless 18691
otherwise provided in any applicable bond proceedings, moneys to 18692
the credit of or in the several special funds established 18693
pursuant to this section shall be disbursed on the order of the 18694

treasurer of state, provided that no such order is required for 18695
the payment from the bond service fund when due of bond service 18696
charges on obligations. 18697

(Q) The issuing authority may pledge all, or such portion 18698
as the issuing authority determines, of the pledged receipts to 18699
the payment of bond service charges on obligations issued under 18700
this section, and for the establishment and maintenance of any 18701
reserves, as provided in the bond proceedings, and make other 18702
provisions therein with respect to pledged receipts as 18703
authorized by this chapter, which provisions are controlling 18704
notwithstanding any other provisions of law pertaining thereto. 18705

(R) The issuing authority may covenant in the bond 18706
proceedings, and any such covenants are controlling 18707
notwithstanding any other provision of law, that the state and 18708
applicable officers and governmental agencies of the state, 18709
including the general assembly, so long as any obligations are 18710
outstanding, shall: 18711

(1) Maintain statutory authority for and cause to be 18712
charged and collected wholesale and retail prices for spirituous 18713
liquor sold by the state or its agents so that the pledged 18714
receipts are sufficient in amount to meet bond service charges, 18715
and the establishment and maintenance of any reserves and other 18716
requirements provided for in the bond proceedings, and, as 18717
necessary, to meet covenants contained in contracts of guarantee 18718
made under section 166.06 of the Revised Code; 18719

(2) Take or permit no action, by statute or otherwise, 18720
that would impair the exemption from federal income taxation of 18721
the interest on the obligations. 18722

(S) There is hereby created the economic development bond 18723

service fund, which shall be in the custody of the treasurer of 18724
state but shall be separate and apart from and not a part of the 18725
state treasury. All moneys received by or on account of the 18726
issuing authority or state agencies and required by the 18727
applicable bond proceedings, consistent with this section, to be 18728
deposited, transferred, or credited to a bond service fund or 18729
the economic development bond service fund, and all other moneys 18730
transferred or allocated to or received for the purposes of the 18731
fund, shall be deposited and credited to such fund and to any 18732
separate accounts therein, subject to applicable provisions of 18733
the bond proceedings, but without necessity for any act of 18734
appropriation. During the period beginning with the date of the 18735
first issuance of obligations and continuing during such time as 18736
any such obligations are outstanding, and so long as moneys in 18737
the pertinent bond service funds are insufficient to pay all 18738
bond services charges on such obligations becoming due in each 18739
year, a sufficient amount of the gross profit on the sale of 18740
spirituous liquor included in pledged receipts are committed and 18741
shall be paid to the bond service fund or economic development 18742
bond service fund in each year for the purpose of paying the 18743
bond service charges becoming due in that year without necessity 18744
for further act of appropriation for such purpose and 18745
notwithstanding anything to the contrary in Chapter 4301. of the 18746
Revised Code. The economic development bond service fund is a 18747
trust fund and is hereby pledged to the payment of bond service 18748
charges to the extent provided in the applicable bond 18749
proceedings, and payment thereof from such fund shall be made or 18750
provided for by the treasurer of state in accordance with such 18751
bond proceedings without necessity for any act of appropriation. 18752

(T) The obligations, the transfer thereof, and the income 18753
therefrom, including any profit made on the sale thereof, shall 18754

at all times be free from taxation within the state. 18755

Sec. 169.01. As used in this chapter, unless the context 18756
otherwise requires: 18757

(A) "Financial organization" means any bank, trust 18758
company, savings bank, safe deposit company, mutual savings bank 18759
without mutual stock, savings and loan association, credit 18760
union, or investment company. 18761

(B) (1) "Unclaimed funds" means any moneys, rights to 18762
moneys, or intangible property, described in section 169.02 of 18763
the Revised Code, when, as shown by the records of the holder, 18764
the owner has not, within the times provided in section 169.02 18765
of the Revised Code, done any of the following: 18766

(a) Increased, decreased, or adjusted the amount of such 18767
funds; 18768

(b) Assigned, paid premiums, or encumbered such funds; 18769

(c) Presented an appropriate record for the crediting of 18770
such funds or received payment of such funds by check, draft, or 18771
otherwise; 18772

(d) Corresponded with the holder concerning such funds; 18773

(e) Otherwise indicated an interest in or knowledge of 18774
such funds; 18775

(f) Transacted business with the holder. 18776

(2) "Unclaimed funds" does not include any of the 18777
following: 18778

(a) Money received or collected under section 9.39 of the 18779
Revised Code; 18780

(b) Any payment or credit due to a business association 18781

from a business association representing sums payable to 18782
suppliers, or payment for services rendered, in the course of 18783
business, including, but not limited to, checks or memoranda, 18784
overpayments, unidentified remittances, nonrefunded overcharges, 18785
discounts, refunds, and rebates; 18786

(c) Any payment or credit received by a business 18787
association from a business association for tangible goods sold, 18788
or services performed, in the course of business, including, but 18789
not limited to, checks or memoranda, overpayments, unidentified 18790
remittances, nonrefunded overcharges, discounts, refunds, and 18791
rebates; 18792

(d) Either of the following: 18793

(i) Any credit or obligation due a retail customer that is 18794
represented by a gift certificate, gift card, merchandise 18795
credit, or merchandise credit card, redeemable only for goods or 18796
services, including gift cards issued by financial organizations 18797
or business associations; 18798

(ii) Any electronic payment device that is issued by a 18799
financial organization or a business association that has no 18800
expiration date and meets all of the following conditions: 18801

(I) It is purchased or loaded on a prepaid basis for the 18802
future purchase or delivery of goods or services. 18803

(II) It is redeemable upon presentation to a single 18804
merchant or service provider or an affiliated group of merchants 18805
or service providers. 18806

(III) It is not redeemable for cash in whole or in part. 18807

(e) Any open-loop prepaid card that is issued by a 18808
financial organization or a business association for which the 18809

underlying funds do not expire. For purposes of division (B) (2) 18810
(e) of this section, "open-loop prepaid card" means an 18811
electronic payment device that meets all of the following 18812
conditions: 18813

(i) It is purchased or loaded on a prepaid basis for the 18814
future purchase or delivery of any goods or services. 18815

(ii) It can be used to purchase goods and services at 18816
multiple unaffiliated merchants or service providers. 18817

(iii) It is not redeemable for cash in whole or in part. 18818

(f) Any rewards card. For purposes of division (B) (2) (f) 18819
of this section, "rewards card" includes any loyalty, incentive, 18820
or promotional type program that is issued by a financial 18821
organization or a business association whether represented by a 18822
card or electronic record, which program is established for the 18823
purposes of providing cardholder awards, rewards, rebates, or 18824
other amounts to reward the cardholder for the cardholder's 18825
relationship with the entity sponsoring the rewards card, 18826
provided that no direct money was paid by the cardholder for the 18827
rewards card. "Rewards card" includes both of the following: 18828

(i) Cards or electronic records consisting of points, 18829
cash, or other tokens of value given to a cardholder as a reward 18830
or incentive for engaging in a transaction or a series of 18831
transactions; 18832

(ii) The unpaid portion of a rewards card when the rewards 18833
card is partially loaded by the cardholder with the remaining 18834
portion funded as a reward or incentive. 18835

A minimal annual fee charged to the cardholder for joining 18836
any such loyalty, incentive, or promotional type program shall 18837
not be considered direct money paid by the cardholder for the 18838

rewards card. For purposes of division (B) (2) (f) of this 18839
section, "cardholder" means the holder of a rewards card, 18840
regardless of whether the rewards card is represented by a card 18841
or by an electronic record. 18842

For purposes of division (B) (2) of this section, "business 18843
association" means any corporation, joint venture, business 18844
trust, limited liability company, partnership, association, or 18845
other business entity composed of one or more individuals, 18846
whether or not the entity is for profit. 18847

(C) "Owner" means any person, or the person's legal 18848
representative, entitled to receive or having a legal or 18849
equitable interest in or claim against moneys, rights to moneys, 18850
or other intangible property, subject to this chapter. 18851

(D) (1) "Holder" means any person that has possession, 18852
custody, or control of moneys, rights to moneys, or other 18853
intangible property, or that is indebted to another, if any of 18854
the following applies: 18855

(a) Such person resides in this state; 18856

(b) Such person is formed under the laws of this state; 18857

(c) Such person is formed under the laws of the United 18858
States and has an office or principal place of business in this 18859
state; 18860

(d) The records of such person indicate that the last 18861
known address of the owner of such moneys, rights to moneys, or 18862
other intangible property is in this state; 18863

(e) The records of such person do not indicate the last 18864
known address of the owner of the moneys, rights to moneys, or 18865
other intangible property and the entity originating or issuing 18866

the moneys, rights to moneys, or other intangible property in 18867
this state or any political subdivision of this state, or is 18868
incorporated, organized, created, or otherwise located in this 18869
state. Division (D) (1) (e) of this section applies to all moneys, 18870
rights to moneys, or other intangible property that is in the 18871
possession, custody, or control of such person on or after July 18872
22, 1994, whether the moneys, rights to moneys, or other 18873
intangible property becomes unclaimed funds prior to or on or 18874
after that date. 18875

(2) "Holder" does not mean any hospital granted tax-exempt 18876
status under section 501(c) (3) of the Internal Revenue Code or 18877
any hospital owned or operated by the state or by any political 18878
subdivision. Any entity in order to be exempt from the 18879
definition of "holder" pursuant to this division shall make a 18880
reasonable, good-faith effort to contact the owner of the 18881
unclaimed funds. 18882

(E) "Person" includes a natural person; corporation, 18883
whether for profit or not for profit; copartnership; 18884
unincorporated nonprofit association; public authority; estate; 18885
trust; two or more persons having a joint or common interest; 18886
eleemosynary organization; fraternal or cooperative association; 18887
other legal or community entity; the United States government, 18888
including any district, territory, possession, officer, agency, 18889
department, authority, instrumentality, board, bureau, or court; 18890
or any state or political subdivision thereof, including any 18891
officer, agency, board, bureau, commission, division, 18892
department, authority, court, or instrumentality. 18893

(F) "Mortgage funds" means ~~the mortgage insurance fund~~ 18894
~~created by section 122.561 of the Revised Code, and the housing~~ 18895
guarantee fund created by division (D) of section 128.11 of the 18896

Revised Code. 18897

(G) "Lawful claims" means any vested right a holder of 18898
unclaimed funds has against the owner of such unclaimed funds. 18899

(H) "Public utility" means any entity defined as such by 18900
division (A) of section 745.01 or by section 4905.02 of the 18901
Revised Code. 18902

(I) "Deposit" means to place money in the custody of a 18903
financial organization for the purpose of establishing an 18904
income-bearing account by purchase or otherwise. 18905

(J) "Income-bearing account" means a time or savings 18906
account, whether or not evidenced by a certificate of deposit, 18907
or an investment account through which investments are made 18908
solely in obligations of the United States or its agencies or 18909
instrumentalities or guaranteed as to principal and interest by 18910
the United States or its agencies or instrumentalities, debt 18911
securities rated as investment grade by at least two nationally 18912
recognized rating services, debt securities which the director 18913
of commerce has determined to have been issued for the safety 18914
and welfare of the residents of this state, and equity interests 18915
in mutual funds that invest solely in some or all of the above- 18916
listed securities and involve no general liability, without 18917
regard to whether income earned on such accounts, securities, or 18918
interests is paid periodically or at the end of a term. 18919

(K) "Director of commerce" may be read as the "division of 18920
unclaimed funds" or the "superintendent of unclaimed funds." 18921

(L) "Attorney unclaimed funds" means any unclaimed funds, 18922
as defined in division (B) (1) of this section, that are any of 18923
the following: 18924

(1) Funds held in interest on lawyer trust accounts 18925

pursuant to section 4705.09 of the Revised Code; 18926

(2) Funds held in an interest on trust accounts pursuant 18927
to section 3953.231 of the Revised Code; 18928

(3) Residual settlement funds whether for named or unnamed 18929
plaintiffs, received by the division of unclaimed funds, and 18930
held, paid out, or allocated by the division pursuant to or 18931
consistent with the terms and conditions of the court order 18932
authorizing the settlement fund. 18933

Sec. 169.05. (A) Every holder required to file a report 18934
under section 169.03 of the Revised Code shall, at the time of 18935
filing, pay to the director of commerce ten per cent of the 18936
aggregate amount of unclaimed funds as shown on the report, 18937
except for aggregate amounts of fifty dollars or less in which 18938
case one hundred per cent shall be paid. The funds may be 18939
deposited by the director in the state treasury to the credit of 18940
the unclaimed funds trust fund, which is hereby created, or 18941
placed with a financial organization. Any interest earned on 18942
money in the trust fund shall be credited to the trust fund. The 18943
remainder of the aggregate amount of unclaimed funds as shown on 18944
the report, plus earnings accrued to date of payment to the 18945
director, shall, at the option of the director, be retained by 18946
the holder or paid to the director for deposit as agent for the 18947
mortgage funds with a financial organization as defined in 18948
section 169.01 of the Revised Code, with the funds to be in 18949
income-bearing accounts to the credit of the mortgage funds, or 18950
the holder may enter into an agreement with the director 18951
specifying the obligations of the United States in which funds 18952
are to be invested, and agree to pay the interest on the 18953
obligations to the state. Holders retaining any funds not in 18954
obligations of the United States shall enter into an agreement 18955

with the director specifying the classification of income- 18956
bearing account in which the funds will be held and pay the 18957
state interest on the funds at a rate equal to the prevailing 18958
market rate for similar funds. Moneys that the holder is 18959
required to pay to the director rather than to retain may be 18960
deposited with the treasurer of state, or placed with a 18961
financial organization. 18962

Securities and other intangible property transferred to 18963
the director shall, within a reasonable time, be converted to 18964
cash and the proceeds deposited as provided for other funds. 18965

~~One-half of the~~ The funds evidenced by agreements, in 18966
income-bearing accounts, or on deposit with the treasurer of 18967
state shall be allocated on the records of the director ~~to the~~ 18968
~~mortgage insurance fund created by section 122.561 of the~~ 18969
~~Revised Code. Out of the remaining half,~~ after allocation of 18970
sufficient moneys to the minority business bonding fund to meet 18971
the provisions of division (B) of this section, ~~the remainder~~ 18972
~~shall be allocated on the records of the director to the housing~~ 18973
~~development fund created by division (A) of section 175.11 of~~ 18974
~~the Revised Code.~~ 18975

(B) The director shall serve as agent for the director of 18976
development and as agent for the Ohio housing finance agency in 18977
making deposits and withdrawals and maintaining records 18978
pertaining to the minority business bonding fund created by 18979
section 122.88 of the Revised Code, ~~the mortgage insurance fund,~~ 18980
and the housing development fund created by section 175.11 of 18981
the Revised Code. ~~Funds from the mortgage insurance fund are~~ 18982
~~available to the director of development when those funds are to~~ 18983
~~be disbursed to prevent or cure, or upon the occurrence of, a~~ 18984
~~default of a mortgage insured pursuant to section 122.451 of the~~ 18985

~~Revised Code.~~ Funds from the housing development fund are 18986
available upon request to the Ohio housing finance agency, in an 18987
amount not to exceed the funds allocated on the records of the 18988
director, for the purposes of section 175.05 of the Revised 18989
Code. Funds from the minority business bonding fund are 18990
available to the director of development upon request to pay 18991
obligations on bonds the director writes pursuant to section 18992
122.88 of the Revised Code; except that, unless the general 18993
assembly authorizes additional amounts, the total maximum amount 18994
of moneys that may be allocated to the minority business bonding 18995
fund under this division is ten million dollars. 18996

When funds are to be disbursed, the appropriate agency 18997
shall call upon the director to transfer the necessary funds to 18998
it. The director shall first withdraw the funds paid by the 18999
holders and deposited with the treasurer of state or in a 19000
financial institution as agent for the funds. Whenever these 19001
funds are inadequate to meet the request, the director shall 19002
provide for a withdrawal of funds, within a reasonable time and 19003
in the amount necessary to meet the request, from financial 19004
institutions in which the funds were retained or placed by a 19005
holder and from other holders who have retained funds, in an 19006
equitable manner as the director prescribes. In the event that 19007
the amount to be withdrawn from any one holder is less than five 19008
hundred dollars, the amount to be withdrawn is at the director's 19009
discretion. The director shall then transfer to the agency the 19010
amount of funds requested. 19011

Funds deposited in the unclaimed funds trust fund are 19012
subject to call by the director when necessary to pay claims the 19013
director allows under section 169.08 of the Revised Code, in 19014
accordance with the director's rules, to defray the necessary 19015
costs of making publications this chapter requires and to pay 19016

other operating and administrative expenses the department of 19017
commerce incurs in the administration and enforcement of this 19018
chapter. 19019

The unclaimed funds trust fund shall be assessed a 19020
proportionate share of the administrative costs of the 19021
department of commerce in accordance with procedures the 19022
director of commerce prescribes. The assessment shall be paid 19023
from the unclaimed funds trust fund to the division of 19024
administration fund. 19025

(C) Earnings on the accounts in financial organizations to 19026
the credit of the mortgage funds shall, at the option of the 19027
financial organization, be credited to the accounts at times and 19028
at rates as earnings are paid on other accounts of the same 19029
classification held in the financial organization or paid to the 19030
director. The director shall be notified annually, and at other 19031
times as the director may request, of the amount of the earnings 19032
credited to the accounts. Interest on unclaimed funds a holder 19033
retains shall be paid to the director or credited as specified 19034
in the agreement under which the organization retains the funds. 19035
Interest payable to the director under an agreement to invest 19036
unclaimed funds in income-bearing accounts or obligations of the 19037
United States shall be paid annually by the holder to the 19038
director. Any earnings or interest the director receives under 19039
this division shall be deposited in and credited to the mortgage 19040
funds. 19041

Sec. 169.08. (A) The Except as otherwise provided in 19042
division (I) of this section, the director of commerce shall pay 19043
to the owner or other person who has established the right to 19044
payment under this section, funds from the unclaimed funds trust 19045
fund in an amount equal to the amount of property delivered or 19046

reported to the director, or equal to the net proceeds if the securities or other property have been sold, together with interest earned by the state if required to be paid under division (D) of this section. Any person claiming a property interest in unclaimed funds delivered or reported to the state under Chapter 169. of the Revised Code, including the office of child support in the department of job and family services, pursuant to section 3123.88 of the Revised Code, may file a claim thereto on the form prescribed by the director~~of~~
~~commerce.~~

(B) The director shall consider matters relevant to any claim filed under division (A) of this section and shall hold a formal hearing if requested or considered necessary and receive evidence concerning such claim. A finding and decision in writing on each claim filed shall be prepared, stating the substance of any evidence received or heard and the reasons for allowance or disallowance of the claim. The evidence and decision shall be a public record. No-Except as otherwise provided in division (I) of this section, no statute of limitations shall bar the allowance of a claim.

(C) For the purpose of conducting any hearing, the director may require the attendance of such witnesses and the production of such books, records, and papers as the director desires, and the director may take the depositions of witnesses residing within or without this state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the director may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees of the

sheriff shall be the same as that allowed in the court of common 19078
pleas in criminal cases. Witnesses shall be paid the fees and 19079
mileage provided for under section 119.094 of the Revised Code. 19080
Fees and mileage shall be paid from the unclaimed funds trust 19081
fund. 19082

(D) ~~Interest~~ Except as otherwise provided in division (I) 19083
of this section, interest earned by the state shall be payable 19084
to claimants of unclaimed funds held by the state in accordance 19085
with final court orders derived from the *Sogg v. Zurz*, 121 Ohio 19086
St.3d 449 (2009), line of cases and final settlement agreement 19087
determining payment of interest on unclaimed funds. For 19088
properties received by the state on or before July 26, 1991, 19089
interest shall be paid at a rate of six per cent per annum from 19090
the date the state received the property up to and including 19091
July 26, 1991. No interest shall be payable on any properties 19092
for the period from July 27, 1991, up to and including August 2, 19093
2000. For properties held by the state on August 3, 2000, or 19094
after, interest shall be paid at the applicable required rate 19095
per annum for the period held from August 3, 2000, or the date 19096
of receipt, whichever is later, up to and including the date the 19097
claim is paid. 19098

(E) Claims shall be paid from the trust fund. If the 19099
amount available in the trust fund is not sufficient to pay 19100
pending claims, or other amounts disbursable from the trust 19101
fund, the treasurer of state shall certify such fact to the 19102
director, who shall then withdraw such amount of funds from the 19103
mortgage accounts as the director determines necessary to 19104
reestablish the trust fund to a level required to pay 19105
anticipated claims but not more than ten per cent of the net 19106
unclaimed funds reported to date. 19107

The director may withdraw the funds paid to the director 19108
by the holders and deposited by the director with the treasurer 19109
of state or in a financial institution as agent for such funds. 19110
Whenever these funds are inadequate to meet the requirements for 19111
the trust fund, the director shall provide for a withdrawal of 19112
funds, within a reasonable time, in such amount as is necessary 19113
to meet the requirements, from financial institutions in which 19114
such funds were retained or placed by a holder and from other 19115
holders who have retained funds, in an equitable manner as 19116
prescribed by the director. In the event that the amount to be 19117
withdrawn from any one such holder is less than five hundred 19118
dollars, the amount to be withdrawn shall be at the discretion 19119
of the director. Such funds may be reimbursed in the amounts 19120
withdrawn when the trust fund has a surplus over the amount 19121
required to pay anticipated claims. Whenever the trust fund has 19122
a surplus over the amount required to pay anticipated claims, 19123
the director may transfer such surplus to the mortgage accounts. 19124

(F) (1) If a claim which is allowed under this section 19125
relates to funds which have been retained by the reporting 19126
holder, and if the funds, on deposit with the treasurer of state 19127
pursuant to this chapter, are insufficient to pay claims, the 19128
director may notify such holder in writing of the payment of the 19129
claim and such holder shall immediately reimburse the state in 19130
the amount of such claim. The reimbursement shall be credited to 19131
the unclaimed funds trust fund. 19132

(2) If a claim that is allowed under this section relates 19133
to attorney unclaimed funds that have been recovered by the Ohio 19134
access to justice foundation, pursuant to division (A) of 19135
section 169.052 of the Revised Code and division (A) of this 19136
section, the director shall notify the Ohio access to justice 19137
foundation in writing of the payment of the claim and the Ohio 19138

access to justice foundation shall immediately reimburse the 19139
unclaimed funds trust fund in the amount of such claim inclusive 19140
of interest as required by division (D) of this section. The 19141
reimbursement shall be credited to the unclaimed funds trust 19142
fund. 19143

(G) Any person, including the office of child support, 19144
adversely affected by a decision of the director may appeal such 19145
decision in the manner provided in Chapter 119. of the Revised 19146
Code. 19147

In the event the claimant prevails, the claimant shall be 19148
reimbursed for reasonable attorney's fees and costs. 19149

(H) Notwithstanding anything to the contrary in this 19150
chapter, any holder who has paid moneys to or entered into an 19151
agreement with the director pursuant to section 169.05 of the 19152
Revised Code on certified checks, cashiers' checks, bills of 19153
exchange, letters of credit, drafts, money orders, or travelers' 19154
checks, may make payment to any person entitled thereto, 19155
including the office of child support, and upon surrender of the 19156
document, except in the case of travelers' checks, and proof of 19157
such payment, the director shall reimburse the holder for such 19158
payment without interest. 19159

(I) (1) Unclaimed funds and interest earned thereon that 19160
are first reported to the director under section 169.03 of the 19161
Revised Code on or before January 1, 2016, are deemed abandoned 19162
and escheat to the state on January 1, 2026, if no valid claim 19163
is filed by the owner or another person claiming a right to 19164
payment on or before that date. 19165

(2) Unclaimed funds and interest first reported to the 19166
director after January 1, 2016, are deemed abandoned and escheat 19167

to the state on the tenth anniversary of that reporting date if 19168
no valid claim is filed by the owner or another person claiming 19169
a right to payment on or before the tenth anniversary of that 19170
reporting date. 19171

(3) (a) All property rights, legal title to, and ownership 19172
of unclaimed funds and interest vest solely in the state on the 19173
date the unclaimed funds and interest are deemed abandoned and 19174
escheat to the state. 19175

(b) Notwithstanding division (I) (3) (a) of this section, 19176
the former owner or other person claiming a property interest in 19177
unclaimed funds that are deemed abandoned and escheat to the 19178
state may file a claim for payment of an equivalent amount, 19179
together with interest earned by the state if required under 19180
division (D) of this section, at any time on or before January 19181
1, 2036. Upon providing sufficient proof of the validity of the 19182
owner's or other person's claim, the director shall pay the 19183
claim less any expenses and costs incurred by the state in 19184
securing full title and ownership of the unclaimed funds. 19185

(c) If payment is made on a claim under division (I) (3) (b) 19186
of this section, no action thereafter shall be maintained by any 19187
other claimant against the state for or on account of the 19188
payment of the claim. 19189

(d) The director shall pay claims under division (I) (3) (b) 19190
of this section from the unclaimed funds trust fund and shall 19191
not seek reimbursement for such claims from the Ohio cultural 19192
and sports facility performance grant fund created under section 19193
123.282 of the Revised Code or deduct the amount of such claims 19194
from future remissions to that fund required by division (I) (4) 19195
of this section. 19196

(e) Any claim filed after the date the unclaimed funds and 19197
interest are deemed abandoned and escheat to the state and after 19198
January 1, 2036, is void. 19199

(4) On the first days of January and July each year, 19200
beginning in 2026, the director shall remit or cause to be 19201
remitted all unclaimed funds and interest that are deemed 19202
abandoned and escheat to the state to the state treasury to the 19203
credit of the Ohio cultural and sports facility performance 19204
grant fund created under section 123.282 of the Revised Code. 19205
The director shall notify the director of budget and management 19206
of all funds and interest remitted under this division. 19207

(5) If unclaimed funds and interest that are deemed 19208
abandoned and escheat to the state are retained or invested by a 19209
holder pursuant to an agreement under division (A) of section 19210
169.05 of the Revised Code, the director shall notify the holder 19211
and the holder shall pay the funds and interest to the director 19212
in a form and manner determined by the director. 19213

(6) The director of commerce shall develop guidelines and 19214
procedures to implement division (I) of this section including 19215
procedures addressing both of the following: 19216

(a) Repayment of unclaimed funds and interest that are 19217
invested in non-liquid assets; 19218

(b) Ensuring that the balance of the unclaimed funds trust 19219
fund is sufficient to meet the state's financial obligations 19220
under this chapter. 19221

Sec. 169.13. (A) (1) All agreements to pay a fee, 19222
compensation, commission, or other remuneration to locate, 19223
deliver, recover, or assist in the recovery of unclaimed funds 19224
reported under section 169.03 of the Revised Code, entered into 19225

within two years immediately after the date a report is filed 19226
under division (D) of section 169.03 of the Revised Code, are 19227
invalid. 19228

(2) A person interested in entering into an agreement to 19229
locate, deliver, recover, or assist in the recovery of unclaimed 19230
funds for remuneration shall not initiate any contact with an 19231
owner during the two-year period immediately after the date a 19232
report is filed under division (D) of section 169.03 of the 19233
Revised Code. Failure to comply with this requirement is grounds 19234
for the invalidation of any such agreement between the person 19235
and the owner. 19236

(B) An agreement entered into any time after such two-year 19237
period is valid only if all of the following conditions are met: 19238

(1) The aggregate fee, compensation, commission, or other 19239
remuneration agreed upon is not in excess of ten per cent of the 19240
amount recovered and paid to the owner by the director of budget 19241
and management; 19242

(2) The agreement is in writing, signed by the owner, and 19243
notarized and discloses all of the following items: 19244

(a) The name, address, and telephone number of the owner, 19245
as shown by the records of the person or entity in possession of 19246
the unclaimed funds or contents of a safe deposit box; 19247

(b) The name, address, and telephone number of the owner 19248
if the owner's name, address, or telephone number are different 19249
from the name, address, or telephone number of the owner as 19250
shown by the records of the person or entity in possession of 19251
the unclaimed funds or contents of a safe deposit box; 19252

(c) The nature and value of the unclaimed funds or 19253
contents of a safe deposit box; 19254

(d) The amount the owner will receive after the fee or 19255
compensation has been subtracted; 19256

(e) The name and address of the person or entity in 19257
possession of the unclaimed funds or contents of a safe deposit 19258
box; 19259

(f) That the director of budget and management will pay 19260
the unclaimed funds directly to the owner or the director of 19261
commerce shall deliver the contents of a safe deposit box 19262
directly to the owner; 19263

(g) That the person agreeing to locate, deliver, recover, 19264
or assist in the recovery of the unclaimed funds or contents of 19265
a safe deposit box is not an employee or agent of the director 19266
of commerce; 19267

(h) That the director of commerce is not a party to the 19268
agreement; 19269

(i) That the person agreeing to locate, deliver, recover, 19270
or assist in the recovery of the unclaimed funds or contents of 19271
a safe deposit box holds a valid certificate of registration 19272
issued by the director under section 169.16 of the Revised Code; 19273

(j) The number designated on that certificate of 19274
registration and the date the certificate of registration 19275
expires. 19276

(3) No agreement described in division (B)(2) of this 19277
section shall include a power of attorney for the payment of the 19278
unclaimed funds or delivery of the contents of a safe deposit 19279
box to any person other than the owner of the unclaimed funds or 19280
contents of a safe deposit box. 19281

(4) If the agreement involves recovery of the contents of 19282

a safe deposit box, the agreement stipulates that the person 19283
receiving any fee, compensation, commission, or other 19284
remuneration for engaging in any activity for the purpose of 19285
locating, delivering, recovering, or assisting in the recovery 19286
of unclaimed funds or other items stored in a safe deposit box 19287
on behalf of any other person shall do all of the following: 19288

(a) Make arrangements to have an appraiser and the 19289
director of commerce view the contents of the safe deposit box 19290
together, at a time mutually agreeable to the appraiser and 19291
director; 19292

(b) State that the value of the property in the safe 19293
deposit box is the amount established by the appraiser who 19294
viewed the safe deposit box contents; 19295

(c) Base the fee, compensation, commission, or other 19296
remuneration for locating, delivering, recovering, or assisting 19297
in the recovery of unclaimed funds or other items stored in a 19298
safe deposit box on the appraised value established by the 19299
appraiser who viewed the safe deposit box contents. 19300

(C) No person shall receive a fee, compensation, 19301
commission, or other remuneration, or engage in any activity for 19302
the purpose of locating, delivering, recovering, or assisting in 19303
the recovery of unclaimed funds or contents of a safe deposit 19304
box, under an agreement that is invalid under this section. 19305

(D) A person who receives any fee, compensation, 19306
commission, or other remuneration for engaging in any activity 19307
for the purpose of locating, delivering, recovering, or 19308
assisting in the recovery of unclaimed funds or other items 19309
stored in a safe deposit box on behalf of any other person 19310
cannot function as an appraiser of the contents of the safe 19311

deposit box for purposes of division (B)(4) of this section. 19312

(E) The director shall not recognize or make any delivery 19313
and the ~~auditor of state~~ office of budget and management shall 19314
not make any payment pursuant to any power of attorney between 19315
an owner of the unclaimed funds or contents of a safe deposit 19316
box and the person with whom the owner entered into an agreement 19317
pursuant to division (B)(2) of this section to locate, deliver, 19318
recover, or assist in the recovery of the unclaimed funds or 19319
contents of a safe deposit box if that power of attorney is 19320
entered into on or after March 23, 2007, and that power of 19321
attorney specifically provides for the payment of unclaimed 19322
funds or delivery of the contents of a safe deposit box to any 19323
person other than the owner of the unclaimed funds or contents 19324
of a safe deposit box. Nothing in this section shall be 19325
construed as prohibiting the payment of unclaimed funds or 19326
delivery of the contents of a safe deposit box to the legal 19327
representative of the owner of the unclaimed funds or contents 19328
of the safe deposit box. Notwithstanding the definition of 19329
"owner" specified in division (C) of section 169.01 of the 19330
Revised Code, for purposes of the payment of unclaimed funds or 19331
delivery of the contents of the safe deposit box, a person with 19332
whom an owner entered into an agreement under division (B)(2) of 19333
this section is not a legal representative. 19334

Sec. 173.38. (A) As used in this section: 19335

(1) "Applicant" means a person who is under final 19336
consideration for employment with a responsible party in a full- 19337
time, part-time, or temporary direct-care position or is 19338
referred to a responsible party by an employment service for 19339
such a position. "Applicant" does not include a person being 19340
considered for a direct-care position as a volunteer. 19341

(2) "Area agency on aging" has the same meaning as in 19342
section 173.14 of the Revised Code. 19343

~~(3) "Chief administrator of a responsible party" includes~~ 19344
~~a consumer when the consumer is a responsible party.~~ 19345

~~(4)~~ "Community-based long-term care services" means 19346
community-based long-term care services, as defined in section 19347
173.14 of the Revised Code, that are provided under a program 19348
the department of aging administers. 19349

~~(5)~~ (4) "Consumer" means an individual who receives 19350
community-based long-term care services. 19351

~~(6)~~ (5) "Criminal records check" has the same meaning as in 19352
section 109.572 of the Revised Code. 19353

~~(7)~~ ~~(a)~~ (6) (a) "Direct-care position" means an employment 19354
position in which an employee has either or both of the 19355
following: 19356

(i) In-person contact with one or more consumers; 19357

(ii) Access to one or more consumers' personal property or 19358
records. 19359

(b) "Direct-care position" does not include a any of the 19360
following: 19361

(i) A person whose sole duties are transporting 19362
individuals under Chapter 306. of the Revised Code; 19363

(ii) An attorney licensed to practice law in this state; 19364

(iii) A person who is not licensed to practice law in this 19365
state, but, at the direction of an attorney licensed to practice 19366
law in this state, assists the attorney in the attorney's 19367
provision of legal services. 19368

~~(8)~~ (7) "Disqualifying offense" means any of the offenses
listed or described in divisions (A) (3) (a) to (e) of section
109.572 of the Revised Code.

~~(9)~~ (8) "Employee" means a person employed by a responsible
party in a full-time, part-time, or temporary direct-care
position and a person who works in such a position due to being
referred to a responsible party by an employment service.
"Employee" does not include a person who works in a direct-care
position as a volunteer.

~~(10)~~ (9) "PASSPORT administrative agency" has the same
meaning as in section 173.42 of the Revised Code.

~~(11)~~ (10) "Provider" has the same meaning as in section
173.39 of the Revised Code.

~~(12)~~ (11) "Responsible party" means the following:

(a) An area agency on aging in the case of either of the
following:

(i) A person who is an applicant because the person is
under final consideration for employment with the agency in a
full-time, part-time, or temporary direct-care position or is
referred to the agency by an employment service for such a
position;

(ii) A person who is an employee because the person is
employed by the agency in a full-time, part-time, or temporary
direct-care position or works in such a position due to being
referred to the agency by an employment service.

(b) A PASSPORT administrative agency in the case of either
of the following:

(i) A person who is an applicant because the person is

under final consideration for employment with the agency in a 19397
full-time, part-time, or temporary direct-care position or is 19398
referred to the agency by an employment service for such a 19399
position; 19400

(ii) A person who is an employee because the person is 19401
employed by the agency in a full-time, part-time, or temporary 19402
direct-care position or works in such a position due to being 19403
referred to the agency by an employment service. 19404

(c) A provider in the case of either of the following: 19405

(i) A person who is an applicant because the person is 19406
under final consideration for employment with the provider in a 19407
full-time, part-time, or temporary direct-care position or is 19408
referred to the provider by an employment service for such a 19409
position; 19410

(ii) A person who is an employee because the person is 19411
employed by the provider in a full-time, part-time, or temporary 19412
direct-care position or works in such a position due to being 19413
referred to the provider by an employment service. 19414

(d) A subcontractor in the case of either of the 19415
following: 19416

(i) A person who is an applicant because the person is 19417
under final consideration for employment with the subcontractor 19418
in a full-time, part-time, or temporary direct-care position or 19419
is referred to the subcontractor by an employment service for 19420
such a position; 19421

(ii) A person who is an employee because the person is 19422
employed by the subcontractor in a full-time, part-time, or 19423
temporary direct-care position or works in such a position due 19424
to being referred to the subcontractor by an employment service. 19425

~~(e) A consumer in the case of either of the following:~~ 19426

~~(i) A person who is an applicant because the person is~~ 19427
~~under final consideration for employment with the consumer in a~~ 19428
~~full-time, part-time, or temporary direct-care position for~~ 19429
~~which the consumer, as the employer of record, is to direct the~~ 19430
~~person in the provision of community-based long-term care~~ 19431
~~services the person is to provide the consumer or is referred to~~ 19432
~~the consumer by an employment service for such a position;~~ 19433

~~(ii) A person who is an employee because the person is~~ 19434
~~employed by the consumer in a full-time, part-time, or temporary~~ 19435
~~direct-care position for which the consumer, as the employer of~~ 19436
~~record, directs the person in the provision of community-based~~ 19437
~~long-term care services the person provides to the consumer or~~ 19438
~~who works in such a position due to being referred to the~~ 19439
~~consumer by an employment service.~~ 19440

~~(13)~~ (12) "Subcontractor" has the meaning specified in 19441
rules adopted under this section. 19442

~~(14)~~ (13) "Volunteer" means a person who serves in a 19443
direct-care position without receiving or expecting to receive 19444
any form of remuneration other than reimbursement for actual 19445
expenses. 19446

~~(15)~~ (14) "Waiver agency" has the same meaning as in 19447
section 5164.342 of the Revised Code. 19448

(B) This section does not apply to any individual of the 19449
following: 19450

(1) A person who is subject to a database review or 19451
criminal records check under section 173.381 or 3740.11 of the 19452
Revised Code ~~or to any individual;~~ 19453

(2) A person who is subject to a criminal records check 19454
under section 3721.121 of the Revised Code; 19455

(3) A participant-directed provider, but only if the 19456
director of aging has conducted a database review of the 19457
provider in the same manner that other database reviews are 19458
conducted under this section; 19459

(4) An ambulette driver employed by an organization 19460
licensed under Chapter 4766. of the Revised Code. 19461

(C) No responsible party shall employ an applicant or 19462
continue to employ an employee in a direct-care position if any 19463
of the following apply: 19464

(1) A review of the databases listed in division (E) of 19465
this section reveals any of the following: 19466

(a) That the applicant or employee is included in one or 19467
more of the databases listed in divisions (E) (1) to (5) of this 19468
section; 19469

(b) That there is in the state nurse aide registry 19470
established under section 3721.32 of the Revised Code a 19471
statement detailing findings by the director of health that the 19472
applicant or employee abused, neglected, or exploited a long- 19473
term care facility or residential care facility resident or 19474
misappropriated property of such a resident; 19475

(c) That the applicant or employee is included in one or 19476
more of the databases, if any, specified in rules adopted under 19477
this section and the rules prohibit the responsible party from 19478
employing an applicant or continuing to employ an employee 19479
included in such a database in a direct-care position. 19480

(2) After the applicant or employee is provided, pursuant 19481

to division (F) (2) (a) of this section, a copy of the form 19482
prescribed pursuant to division (C) (1) of section 109.572 of the 19483
Revised Code and the standard impression sheet prescribed 19484
pursuant to division (C) (2) of that section, the applicant or 19485
employee fails to complete the form or provide the applicant's 19486
or employee's fingerprint impressions on the standard impression 19487
sheet. 19488

(3) Unless the applicant or employee meets standards 19489
specified in rules adopted under this section, the applicant or 19490
employee is found by a criminal records check required by this 19491
section to have been convicted of, pleaded guilty to, or been 19492
found eligible for intervention in lieu of conviction for a 19493
disqualifying offense. 19494

(D) Except as provided by division (G) of this section, 19495
the chief administrator of a responsible party shall inform each 19496
applicant of both of the following at the time of the 19497
applicant's initial application for employment or referral to 19498
the responsible party by an employment service for a direct-care 19499
position: 19500

(1) That a review of the databases listed in division (E) 19501
of this section will be conducted to determine whether the 19502
responsible party is prohibited by division (C) (1) of this 19503
section from employing the applicant in the direct-care 19504
position; 19505

(2) That, unless the database review reveals that the 19506
applicant may not be employed in the direct-care position, a 19507
criminal records check of the applicant will be conducted and 19508
the applicant is required to provide a set of the applicant's 19509
fingerprint impressions as part of the criminal records check. 19510

(E) As a condition of employing any applicant in a direct-care position, the chief administrator of a responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to the "Social Security Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5;

(3) The registry of developmental disabilities employees established under section 5123.52 of the Revised Code;

(4) The internet-based sex offender and child-victim offender database established under division (A) (11) of section 2950.13 of the Revised Code;

(5) The internet-based database of inmates established under section 5120.66 of the Revised Code;

(6) The state nurse aide registry established under 19540
section 3721.32 of the Revised Code; 19541

(7) Any other database, if any, specified in rules adopted 19542
under this section. 19543

(F) (1) As a condition of employing any applicant in a 19544
direct-care position, the chief administrator of a responsible 19545
party shall request that the superintendent of the bureau of 19546
criminal identification and investigation conduct a criminal 19547
records check of the applicant. If rules adopted under this 19548
section so require, the chief administrator of a responsible 19549
party shall request that the superintendent conduct a criminal 19550
records check of an employee at times specified in the rules as 19551
a condition of continuing to employ the employee in a direct- 19552
care position. However, the chief administrator is not required 19553
to request the criminal records check of the applicant or 19554
employee if division (G) of this section applies or the 19555
responsible party is prohibited by division (C) (1) of this 19556
section from employing the applicant or continuing to employ the 19557
employee in a direct-care position. If an applicant or employee 19558
for whom a criminal records check request is required by this 19559
section does not present proof of having been a resident of this 19560
state for the five-year period immediately prior to the date the 19561
criminal records check is requested or provide evidence that 19562
within that five-year period the superintendent has requested 19563
information about the applicant or employee from the federal 19564
bureau of investigation in a criminal records check, the chief 19565
administrator shall request that the superintendent obtain 19566
information from the federal bureau of investigation as part of 19567
the criminal records check. Even if an applicant or employee for 19568
whom a criminal records check request is required by this 19569
section presents proof of having been a resident of this state 19570

for the five-year period, the chief administrator may request 19571
that the superintendent include information from the federal 19572
bureau of investigation in the criminal records check. 19573

(2) The chief administrator shall do all of the following: 19574

(a) Provide to each applicant and employee for whom a 19575
criminal records check request is required by this section a 19576
copy of the form prescribed pursuant to division (C)(1) of 19577
section 109.572 of the Revised Code and a standard impression 19578
sheet prescribed pursuant to division (C)(2) of that section; 19579

(b) Obtain the completed form and standard impression 19580
sheet from the applicant or employee; 19581

(c) Forward the completed form and standard impression 19582
sheet to the superintendent. 19583

(3) A responsible party shall pay to the bureau of 19584
criminal identification and investigation the fee prescribed 19585
pursuant to division (C)(3) of section 109.572 of the Revised 19586
Code for each criminal records check the responsible party 19587
requests under this section. A responsible party may charge an 19588
applicant a fee not exceeding the amount the responsible party 19589
pays to the bureau under this section if both of the following 19590
apply: 19591

(a) The responsible party notifies the applicant at the 19592
time of initial application for employment of the amount of the 19593
fee and that, unless the fee is paid, the applicant will not be 19594
considered for employment. 19595

(b) The medicaid program does not pay the responsible 19596
party for the fee it pays to the bureau under this section. 19597

(G) Divisions (D) to (F) of this section do not apply with 19598

regard to an applicant or employee if the applicant or employee 19599
is referred to a responsible party by an employment service that 19600
supplies full-time, part-time, or temporary staff for direct- 19601
care positions and both of the following apply: 19602

(1) The chief administrator of the responsible party 19603
receives from the employment service confirmation that a review 19604
of the databases listed in division (E) of this section was 19605
conducted of the applicant or employee. 19606

(2) The chief administrator of the responsible party 19607
receives from the employment service, applicant, or employee a 19608
report of the results of a criminal records check of the 19609
applicant or employee that has been conducted by the 19610
superintendent within the one-year period immediately preceding 19611
the following: 19612

(a) In the case of an applicant, the date of the 19613
applicant's referral by the employment service to the 19614
responsible party; 19615

(b) In the case of an employee, the date by which the 19616
responsible party would otherwise have to request a criminal 19617
records check of the employee under division (F) of this 19618
section. 19619

(H) (1) A responsible party may employ conditionally an 19620
applicant for whom a criminal records check request is required 19621
by this section prior to obtaining the results of the criminal 19622
records check if the responsible party is not prohibited by 19623
division (C) (1) of this section from employing the applicant in 19624
a direct-care position and either of the following applies: 19625

(a) The chief administrator of the responsible party 19626
requests the criminal records check in accordance with division 19627

(F) of this section before conditionally employing the 19628
applicant. 19629

(b) The applicant is referred to the responsible party by 19630
an employment service, the employment service or the applicant 19631
provides the chief administrator of the responsible party a 19632
letter that is on the letterhead of the employment service, the 19633
letter is dated and signed by a supervisor or another designated 19634
official of the employment service, and the letter states all of 19635
the following: 19636

(i) That the employment service has requested the 19637
superintendent to conduct a criminal records check regarding the 19638
applicant; 19639

(ii) That the requested criminal records check is to 19640
include a determination of whether the applicant has been 19641
convicted of, pleaded guilty to, or been found eligible for 19642
intervention in lieu of conviction for a disqualifying offense; 19643

(iii) That the employment service has not received the 19644
results of the criminal records check as of the date set forth 19645
on the letter; 19646

(iv) That the employment service promptly will send a copy 19647
of the results of the criminal records check to the chief 19648
administrator of the responsible party when the employment 19649
service receives the results. 19650

(2) If a responsible party employs an applicant 19651
conditionally pursuant to division (H) (1) (b) of this section, 19652
the employment service, on its receipt of the results of the 19653
criminal records check, promptly shall send a copy of the 19654
results to the chief administrator of the responsible party. 19655

(3) A responsible party that employs an applicant 19656

conditionally pursuant to division (H) (1) (a) or (b) of this 19657
section shall terminate the applicant's employment if the 19658
results of the criminal records check, other than the results of 19659
any request for information from the federal bureau of 19660
investigation, are not obtained within the period ending sixty 19661
days after the date the request for the criminal records check 19662
is made. Regardless of when the results of the criminal records 19663
check are obtained, if the results indicate that the applicant 19664
has been convicted of, pleaded guilty to, or been found eligible 19665
for intervention in lieu of conviction for a disqualifying 19666
offense, the responsible party shall terminate the applicant's 19667
employment unless the applicant meets standards specified in 19668
rules adopted under this section that permit the responsible 19669
party to employ the applicant and the responsible party chooses 19670
to employ the applicant. Termination of employment under this 19671
division shall be considered just cause for discharge for 19672
purposes of division (D) (2) of section 4141.29 of the Revised 19673
Code if the applicant makes any attempt to deceive the 19674
responsible party about the applicant's criminal record. 19675

(I) The report of any criminal records check conducted 19676
pursuant to a request made under this section is not a public 19677
record for the purposes of section 149.43 of the Revised Code 19678
and shall not be made available to any person other than the 19679
following: 19680

(1) The applicant or employee who is the subject of the 19681
criminal records check or the applicant's or employee's 19682
representative; 19683

(2) The chief administrator of the responsible party 19684
requesting the criminal records check or the administrator's 19685
representative; 19686

(3) The administrator of any other facility, agency, or
program that provides community-based long-term care services
that is owned or operated by the same entity that owns or
operates the responsible party that requested the criminal
records check;

(4) The employment service that requested the criminal
records check;

(5) The director of aging or a person authorized by the
director to monitor a responsible party's compliance with this
section;

(6) The medicaid director and the staff of the department
of medicaid who are involved in the administration of the
medicaid program if any of the following apply:

(a) In the case of a criminal records check requested by a
provider or subcontractor, the provider or subcontractor also is
a waiver agency;

(b) In the case of a criminal records check requested by
an employment service, the employment service makes the request
for an applicant or employee the employment service refers to a
provider or subcontractor that also is a waiver agency;

~~(c) The criminal records check is requested by a consumer
who is acting as a responsible party.~~

(7) A court or hearing officer involved in a case dealing
with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant
or employee;

(c) A civil or criminal action regarding the medicaid 19714
program or a program the department of aging administers. 19715

(8) Pursuant to a lawful subpoena or valid court order, 19716
any necessary individual not identified in division (I) (7) of 19717
this section who is involved in a case dealing with any issue, 19718
matter, or action described in division (I) (7) (a), (b), or (c) 19719
of this section. 19720

(J) In a tort or other civil action for damages that is 19721
brought as the result of an injury, death, or loss to person or 19722
property caused by an applicant or employee who a responsible 19723
party employs in a direct-care position, all of the following 19724
shall apply: 19725

(1) If the responsible party employed the applicant or 19726
employee in good faith and reasonable reliance on the report of 19727
a criminal records check requested under this section, the 19728
responsible party shall not be found negligent solely because of 19729
its reliance on the report, even if the information in the 19730
report is determined later to have been incomplete or 19731
inaccurate. 19732

(2) If the responsible party employed the applicant in 19733
good faith on a conditional basis pursuant to division (H) of 19734
this section, the responsible party shall not be found negligent 19735
solely because it employed the applicant prior to receiving the 19736
report of a criminal records check requested under this section. 19737

(3) If the responsible party in good faith employed the 19738
applicant or employee because the applicant or employee meets 19739
standards specified in rules adopted under this section, the 19740
responsible party shall not be found negligent solely because 19741
the applicant or employee has been convicted of, pleaded guilty 19742

to, or been found eligible for intervention in lieu of 19743
conviction for a disqualifying offense. 19744

(K) The director of aging shall adopt rules in accordance 19745
with Chapter 119. of the Revised Code to implement this section. 19746

(1) The rules may do the following: 19747

(a) Require employees to undergo database reviews and 19748
criminal records checks under this section; 19749

(b) If the rules require employees to undergo database 19750
reviews and criminal records checks under this section, exempt 19751
one or more classes of employees from the requirements; 19752

(c) For the purpose of division (E) (7) of this section, 19753
specify other databases that are to be checked as part of a 19754
database review conducted under this section. 19755

(2) The rules shall specify all of the following: 19756

(a) The meaning of the term "subcontractor"; 19757

(b) The procedures for conducting database reviews under 19758
this section; 19759

(c) If the rules require employees to undergo database 19760
reviews and criminal records checks under this section, the 19761
times at which the database reviews and criminal records checks 19762
are to be conducted; 19763

(d) If the rules specify other databases to be checked as 19764
part of the database reviews, the circumstances under which a 19765
responsible party is prohibited from employing an applicant or 19766
continuing to employ an employee who is found by a database 19767
review to be included in one or more of those databases; 19768

(e) Standards that an applicant or employee must meet for 19769

a responsible party to be permitted to employ the applicant or 19770
continue to employ the employee in a direct-care position if the 19771
applicant or employee is found by a criminal records check 19772
required by this section to have been convicted of, pleaded 19773
guilty to, or been found eligible for intervention in lieu of 19774
conviction for a disqualifying offense. 19775

Sec. 173.381. (A) As used in this section: 19776

(1) "Community-based long-term care services" means 19777
community-based long-term care services, as defined in section 19778
173.14 of the Revised Code, that are provided under a program 19779
the department of aging administers. 19780

(2) "Community-based long-term care services certificate" 19781
means a certificate issued under section 173.391 of the Revised 19782
Code. 19783

(3) "Community-based long-term care services contract or 19784
grant" means a contract or grant awarded under section 173.392 19785
of the Revised Code. 19786

(4) "Criminal records check" has the same meaning as in 19787
section 109.572 of the Revised Code. 19788

(5) "Disqualifying offense" means any of the offenses 19789
listed or described in divisions (A)(3)(a) to (e) of section 19790
109.572 of the Revised Code. 19791

(6) "Provider" has the same meaning as in section 173.39 19792
of the Revised Code. 19793

(7) "Self-employed provider" means a provider who works 19794
for the provider's self and has no employees. 19795

(B) This section does not apply to any ~~individual who is~~ 19796
~~subject to a database review or criminal records check under of~~ 19797

the following: 19798

(1) An applicant as defined in section 3740.11 of the 19799
Revised Code or an employee as defined in section 3740.01 of the 19800
Revised Code; 19801

(2) An ambulette driver employed by an organization 19802
licensed under Chapter 4766. of the Revised Code; 19803

(3) An attorney licensed to practice law in this state; 19804

(4) A person who is not licensed to practice law in this 19805
state, but who, at the direction of an attorney licensed to 19806
practice law in this state, assists the attorney in the 19807
attorney's provision of legal services. 19808

(C) (1) The department of aging or its designee shall take 19809
the following actions when the circumstances specified in 19810
division (C) (2) of this section apply: 19811

(a) Refuse to issue a community-based long-term care 19812
services certificate to a self-employed provider; 19813

(b) Revoke a self-employed provider's community-based 19814
long-term care services certificate; 19815

(c) Refuse to award a community-based long-term care 19816
services contract or grant to a self-employed provider; 19817

(d) Terminate a self-employed provider's community-based 19818
long-term care services contract or grant awarded on or after 19819
September 15, 2014. 19820

(2) The following are the circumstances that require the 19821
department of aging or its designee to take action under 19822
division (C) (1) of this section: 19823

(a) A review of the databases listed in division (E) of 19824

this section reveals any of the following: 19825

(i) That the self-employed provider is included in one or 19826
more of the databases listed in divisions (E) (1) to (5) of this 19827
section; 19828

(ii) That there is in the state nurse aide registry 19829
established under section 3721.32 of the Revised Code a 19830
statement detailing findings by the director of health that the 19831
self-employed provider abused, neglected, or exploited a long- 19832
term care facility or residential care facility resident or 19833
misappropriated property of such a resident; 19834

(iii) That the self-employed provider is included in one 19835
or more of the databases, if any, specified in rules adopted 19836
under this section and the rules require the department or its 19837
designee to take action under division (C) (1) of this section if 19838
a self-employed provider is included in such a database. 19839

(b) After the self-employed provider is provided, pursuant 19840
to division (F) (2) (a) of this section, a copy of the form 19841
prescribed pursuant to division (C) (1) of section 109.572 of the 19842
Revised Code and the standard impression sheet prescribed 19843
pursuant to division (C) (2) of that section, the self-employed 19844
provider fails to complete the form or provide the self-employed 19845
provider's fingerprint impressions on the standard impression 19846
sheet. 19847

(c) Unless the self-employed provider meets standards 19848
specified in rules adopted under this section, the self-employed 19849
provider is found by a criminal records check required by this 19850
section to have been convicted of, pleaded guilty to, or been 19851
found eligible for intervention in lieu of conviction for a 19852
disqualifying offense. 19853

(D) The department of aging or its designee shall inform 19854
each self-employed provider of both of the following at the time 19855
of the self-employed provider's initial application for a 19856
community-based long-term care services certificate or initial 19857
bid for a community-based long-term care services contract or 19858
grant: 19859

(1) That a review of the databases listed in division (E) 19860
of this section will be conducted to determine whether the 19861
department or its designee is required by division (C) of this 19862
section to refuse to issue or award a community-based long-term 19863
care services certificate or community-based long-term care 19864
services contract or grant to the self-employed provider; 19865

(2) That, unless the database review reveals that the 19866
department or its designee is required to refuse to issue or 19867
award a community-based long-term care services certificate or 19868
community-based long-term care services contract or grant to the 19869
self-employed provider, a criminal records check of the self- 19870
employed provider will be conducted and the self-employed 19871
provider is required to provide a set of the self-employed 19872
provider's fingerprint impressions as part of the criminal 19873
records check. 19874

(E) As a condition of issuing or awarding a community- 19875
based long-term care services certificate or community-based 19876
long-term care services contract or grant to a self-employed 19877
provider, the department of aging or its designee shall conduct 19878
a database review of the self-employed provider in accordance 19879
with rules adopted under this section. If rules adopted under 19880
this section so require, the department or its designee shall 19881
conduct a database review of a self-employed provider in 19882
accordance with the rules as a condition of not revoking or 19883

terminating the self-employed provider's community-based long- 19884
term care services certificate or community-based long-term care 19885
services contract or grant. A database review shall determine 19886
whether the self-employed provider is included in any of the 19887
following: 19888

(1) The excluded parties list system that is maintained by 19889
the United States general services administration pursuant to 19890
subpart 9.4 of the federal acquisition regulation and available 19891
at the federal web site known as the system for award 19892
management; 19893

(2) The list of excluded individuals and entities 19894
maintained by the office of inspector general in the United 19895
States department of health and human services pursuant to the 19896
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 19897

(3) The registry of developmental disabilities employees 19898
established under section 5123.52 of the Revised Code; 19899

(4) The internet-based sex offender and child-victim 19900
offender database established under division (A) (11) of section 19901
2950.13 of the Revised Code; 19902

(5) The internet-based database of inmates established 19903
under section 5120.66 of the Revised Code; 19904

(6) The state nurse aide registry established under 19905
section 3721.32 of the Revised Code; 19906

(7) Any other database, if any, specified in rules adopted 19907
under this section. 19908

(F) (1) As a condition of issuing or awarding a community- 19909
based long-term care services certificate or community-based 19910
long-term care services contract or grant to a self-employed 19911

provider, the department of aging or its designee shall request 19912
that the superintendent of the bureau of criminal identification 19913
and investigation conduct a criminal records check of the self- 19914
employed provider. If rules adopted under this section so 19915
require, the department or its designee shall request that the 19916
superintendent conduct a criminal records check of a self- 19917
employed provider at times specified in the rules as a condition 19918
of not revoking or terminating the self-employed provider's 19919
community-based long-term care services certificate or 19920
community-based long-term care services contract or grant. 19921
However, the department or its designee is not required to 19922
request the criminal records check of the self-employed provider 19923
if the department or its designee, because of circumstances 19924
specified in division (C)(2)(a) of this section, is required to 19925
refuse to issue or award a community-based long-term care 19926
services certificate or community-based long-term care services 19927
contract or grant to the self-employed provider or to revoke or 19928
terminate the self-employed provider's certificate or contract 19929
or grant. 19930

If a self-employed provider for whom a criminal records 19931
check request is required by this section does not present proof 19932
of having been a resident of this state for the five-year period 19933
immediately prior to the date the criminal records check is 19934
requested or provide evidence that within that five-year period 19935
the superintendent has requested information about the self- 19936
employed provider from the federal bureau of investigation in a 19937
criminal records check, the department or its designee shall 19938
request that the superintendent obtain information from the 19939
federal bureau of investigation as part of the criminal records 19940
check. Even if a self-employed provider for whom a criminal 19941
records check request is required by this section presents proof 19942

of having been a resident of this state for the five-year 19943
period, the department or its designee may request that the 19944
superintendent include information from the federal bureau of 19945
investigation in the criminal records check. 19946

(2) The department or its designee shall do all of the 19947
following: 19948

(a) Provide to each self-employed provider for whom a 19949
criminal records check request is required by this section a 19950
copy of the form prescribed pursuant to division (C) (1) of 19951
section 109.572 of the Revised Code and a standard impression 19952
sheet prescribed pursuant to division (C) (2) of that section; 19953

(b) Obtain the completed form and standard impression 19954
sheet from the self-employed provider; 19955

(c) Forward the completed form and standard impression 19956
sheet to the superintendent. 19957

(3) The department or its designee shall pay to the bureau 19958
of criminal identification and investigation the fee prescribed 19959
pursuant to division (C) (3) of section 109.572 of the Revised 19960
Code for each criminal records check of a self-employed provider 19961
the department or its designee requests under this section. The 19962
department or its designee may charge the self-employed provider 19963
a fee that does not exceed the amount the department or its 19964
designee pays to the bureau. 19965

(G) The report of any criminal records check of a self- 19966
employed provider conducted pursuant to a request made under 19967
this section is not a public record for the purposes of section 19968
149.43 of the Revised Code and shall not be made available to 19969
any person other than the following: 19970

(1) The self-employed provider or the self-employed 19971

provider's representative; 19972

(2) The department of aging, the department's designee, or 19973
a representative of the department or its designee; 19974

(3) The medicaid director and the staff of the department 19975
of medicaid who are involved in the administration of the 19976
medicaid program if the self-employed provider is to provide, or 19977
provides, community-based long-term care services under a 19978
component of the medicaid program that the department of aging 19979
administers; 19980

(4) A court or hearing officer involved in a case dealing 19981
with any of the following: 19982

(a) A refusal to issue or award a community-based long- 19983
term services certificate or community-based long-term care 19984
services contract or grant to the self-employed provider; 19985

(b) A revocation or termination of the self-employed 19986
provider's community-based long-term care services certificate 19987
or community-based long-term care services contract or grant; 19988

(c) A civil or criminal action regarding a program the 19989
department of aging administers. 19990

(5) Pursuant to a lawful subpoena or valid court order, 19991
any necessary individual not identified in division (G) (4) of 19992
this section who is involved in a case dealing with any issue, 19993
matter, or action described in division (G) (4) (a), (b), or (c) 19994
of this section. 19995

(H) In a tort or other civil action for damages that is 19996
brought as the result of an injury, death, or loss to person or 19997
property caused by a self-employed provider, both of the 19998
following shall apply: 19999

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require self-employed providers who have been issued or awarded community-based long-term care services certificates or community-based long-term care services contracts or grants to undergo database reviews and criminal records checks under this section;

(b) If the rules require self-employed providers who have 20030
been issued or awarded community-based long-term care services 20031
certificates or community-based long-term care services 20032
contracts or grants to undergo database reviews and criminal 20033
records checks under this section, exempt one or more classes of 20034
such self-employed providers from the requirements; 20035

(c) For the purpose of division (E)(7) of this section, 20036
specify other databases that are to be checked as part of a 20037
database review conducted under this section. 20038

(2) The rules shall specify all of the following: 20039

(a) The procedures for conducting database reviews under 20040
this section; 20041

(b) If the rules require self-employed providers who have 20042
been issued or awarded community-based long-term care services 20043
certificates or community-based long-term care services 20044
contracts or grants to undergo database reviews and criminal 20045
records checks under this section, the times at which the 20046
database reviews and criminal records checks are to be 20047
conducted; 20048

(c) If the rules specify other databases to be checked as 20049
part of the database reviews, the circumstances under which the 20050
department of aging or its designee is required to refuse to 20051
issue or award a community-based long-term care services 20052
certificate or community-based long-term care services contract 20053
or grant to a self-employed provider or to revoke or terminate a 20054
self-employed provider's certificate or contract or grant when 20055
the self-employed provider is found by a database review to be 20056
included in one or more of those databases; 20057

(d) Standards that a self-employed provider must meet for 20058

the department or its designee to be permitted to issue or award 20059
a community-based long-term care services certificate or 20060
community-based long-term care services contract or grant to the 20061
self-employed provider or not to revoke or terminate the self- 20062
employed provider's certificate or contract or grant if the 20063
self-employed provider is found by a criminal records check 20064
required by this section to have been convicted of, pleaded 20065
guilty to, or been found eligible for intervention in lieu of 20066
conviction for a disqualifying offense. 20067

Sec. 173.391. (A) Subject to section 173.381 of the 20068
Revised Code and except as provided in division (I) of this 20069
section, the department of aging or its designee shall do all of 20070
the following in accordance with Chapter 119. of the Revised 20071
Code: 20072

(1) Certify a provider to provide services, including 20073
community-based long-term care services, under a program the 20074
department administers if the provider satisfies the 20075
requirements for certification established by rules adopted 20076
under division (B) of this section and pays the fee, if any, 20077
established by rules adopted under division (G) of this section; 20078

(2) When required to do so by rules adopted under division 20079
(B) of this section, take one or more of the following 20080
disciplinary actions against a provider certified under division 20081
(A) (1) of this section: 20082

(a) Issue a written warning; 20083

(b) Require the submission of both of the following: a 20084
plan of correction ~~or~~ and evidence of compliance with 20085
requirements identified by the department; 20086

(c) Suspend referrals; 20087

(d) Remove clients;	20088
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	20089 20090
(f) Suspend the certification;	20091
(g) Revoke the certification;	20092
(h) Impose another sanction.	20093
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A) (1) of this section or a disciplinary action under divisions (A) (2) (e) to (h) of this section.	20094 20095 20096 20097 20098 20099
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A) (2) of this section in individual situations. The rules shall establish procedures for all of the following:	20100 20101 20102 20103 20104 20105
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	20106 20107
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	20108 20109 20110
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A) (2) of this section and which disciplinary action to take;	20111 20112 20113 20114

(4) Determining what constitutes another sanction for
purposes of division (A) (2) (h) of this section. 20115
20116

(C) The procedures established in rules adopted under 20117
division (B) (2) of this section shall require that all of the 20118
following be considered as part of an evaluation described in 20119
division (B) (2) of this section: 20120

(1) The provider's experience and financial 20121
responsibility; 20122

(2) The provider's ability to comply with standards for 20123
the services, including community-based long-term care services, 20124
that the provider provides under a program the department 20125
administers; 20126

(3) The provider's ability to meet the needs of the 20127
individuals served; 20128

(4) Any other factor the director considers relevant. 20129

(D) The rules adopted under division (B) (3) of this 20130
section shall specify that the reasons disciplinary action may 20131
be taken under division (A) (2) of this section include good 20132
cause, including misfeasance, malfeasance, nonfeasance, 20133
confirmed abuse or neglect, financial irresponsibility, or other 20134
conduct the director determines is injurious, or poses a threat, 20135
to the health or safety of individuals being served. 20136

(E) Subject to division (F) of this section, the 20137
department is not required to hold hearings under division (A) 20138
(3) of this section if any of the following conditions apply: 20139

(1) Rules adopted by the director of aging pursuant to 20140
this chapter require the provider to be a party to a provider 20141
agreement; hold a license, certificate, or permit; or maintain a 20142

certification, any of which is required or issued by a state or 20143
federal government entity other than the department of aging, 20144
and either of the following is the case: 20145

(a) The provider agreement has not been entered into or 20146
the license, certificate, permit, or certification has not been 20147
obtained or maintained. 20148

(b) The provider agreement, license, certificate, permit, 20149
or certification has been denied, revoked, not renewed, or 20150
suspended or has been otherwise restricted. 20151

(2) The provider's certification under this section has 20152
been denied, suspended, or revoked for any of the following 20153
reasons: 20154

(a) A government entity of this state, other than the 20155
department of aging, has terminated or refused to renew any of 20156
the following held by, or has denied any of the following sought 20157
by, a provider: a provider agreement, license, certificate, 20158
permit, or certification. Division (E) (2) (a) of this section 20159
applies regardless of whether the provider has entered into a 20160
provider agreement in, or holds a license, certificate, permit, 20161
or certification issued by, another state. 20162

(b) The provider or a principal owner or manager of the 20163
provider who provides direct care has entered a guilty plea for, 20164
or has been convicted of, an offense materially related to the 20165
medicaid program. 20166

(c) ~~A~~ The provider or a principal owner or manager of the 20167
provider who provides direct care has entered a guilty plea for, 20168
been convicted of, or been found eligible for intervention in 20169
lieu of conviction for an offense listed or described in 20170
divisions (A) (3) (a) to (e) of section 109.572 of the Revised 20171

Code, but only if the provider, principal owner, or manager does 20172
not meet standards specified by the director in rules adopted 20173
under section 173.38 of the Revised Code. 20174

(d) The department or its designee is required by section 20175
173.381 of the Revised Code to deny or revoke the provider's 20176
certification. 20177

(e) The United States department of health and human 20178
services has taken adverse action against the provider and that 20179
action impacts the provider's participation in the medicaid 20180
program. 20181

(f) The provider has failed to enter into or renew a 20182
provider agreement with either of the following: the department 20183
or the PASSPORT administrative agency, as that term is defined 20184
in section 173.42 of the Revised Code, that administers programs 20185
on behalf of the department of aging in the region of the state 20186
in which the provider is certified to provide services. 20187

(g) The provider has not billed or otherwise submitted a 20188
claim to the department for payment under the medicaid program 20189
in at least two years. 20190

(h) The provider denied or failed to provide the 20191
department or its designee access to the provider's facilities 20192
during the provider's normal business hours for purposes of 20193
conducting an audit or structural compliance review. 20194

(i) The provider has ceased doing business. 20195

(j) The provider has voluntarily relinquished its 20196
certification for any reason. 20197

(3) The provider's provider agreement with the department 20198
of medicaid has been suspended under section 5164.36 of the 20199

Revised Code. 20200

(4) The provider's provider agreement with the department 20201
of medicaid is denied or revoked because the provider or its 20202
owner, officer, authorized agent, associate, manager, or 20203
employee has been convicted of an offense that caused the 20204
provider agreement to be suspended under section 5164.36 of the 20205
Revised Code. 20206

(F) If the department does not hold hearings when any 20207
condition described in division (E) of this section applies, the 20208
department shall send a notice to the provider describing a 20209
decision not to certify the provider under division (A) (1) of 20210
this section or the disciplinary action the department is taking 20211
under divisions (A) (2) (e) to (h) of this section. The notice 20212
shall be sent to the provider's address that is on record with 20213
the department and may be sent by regular or electronic mail. 20214

(G) The director of aging may adopt rules in accordance 20215
with Chapter 119. of the Revised Code establishing a fee to be 20216
charged by the department of aging or its designee for 20217
certification issued under division (A) of this section. 20218

(H) Any amounts collected by the department or its 20219
designee under this section shall be deposited in the state 20220
treasury to the credit of the provider certification fund, which 20221
is hereby created. Money credited to the fund shall be used to 20222
pay for services, including community-based long-term care 20223
services, to pay for administrative costs associated with 20224
provider certification under this section, and to pay for 20225
administrative costs related to the publication of the Ohio 20226
long-term care consumer guide. 20227

(I) The director shall certify a provider in accordance 20228

with Chapter 4796. of the Revised Code if either of the 20229
following applies: 20230

(1) The provider is licensed or certified in another 20231
state. 20232

(2) The provider has satisfactory work experience, a 20233
government certification, or a private certification as 20234
described in that chapter as a provider of community-based long- 20235
term care services under a state program in a state that does 20236
not issue that license or certificate. 20237

Sec. 173.525. (A) (1) In addition to any other eligibility 20238
requirement of this chapter, to be eligible to serve as a 20239
personal care aide under the PASSPORT program, an individual 20240
must successfully complete thirty hours of pre-service training 20241
acceptable to the department of aging. 20242

To maintain eligibility, each personal care aide must 20243
successfully complete six hours of in-service training 20244
acceptable to the department. Such training must be completed 20245
every twelve months. 20246

(2) In administering the PASSPORT program, the department 20247
shall not require a personal care aide to do ~~either~~ any of the 20248
following: 20249

(a) Complete more than thirty hours of pre-service 20250
training; 20251

(b) Complete more than six hours of in-service training in 20252
a twelve-month period.— 20253

~~(B) The department shall not require an individual serving 20254
as a home health aide under the PASSPORT program to complete; 20255~~

(c) Complete more hours of pre-service training or annual 20256

in-service training than required by federal law. 20257

~~(C)~~ (B) Only the following may supervise a ~~home health aide~~ 20258
~~or~~ personal care aide under the PASSPORT program: 20259

(1) A registered nurse; 20260

(2) A licensed practical nurse under the direction of a 20261
chiropractor, dentist, optometrist, physician, physician 20262
assistant, podiatrist, or registered nurse. 20263

Sec. 174.03. (A) The department of development ~~and the~~ 20264
~~Ohio housing finance agency~~ shall ~~each~~ develop programs under 20265
which, in accordance with rules adopted under this section, ~~they~~ 20266
the department may make grants, loans, loan guarantees, and loan 20267
subsidies to counties, municipal corporations, townships, local 20268
housing authorities, and nonprofit organizations and may make 20269
loans, loan guarantees, and loan subsidies to private developers 20270
and private lenders to assist in activities that provide housing 20271
and housing assistance for specifically targeted low- and 20272
moderate-income families and individuals. There is no minimum 20273
housing project size for awards under this division for any 20274
project that is developed for a special needs population and 20275
that is supported by a social service agency where the housing 20276
project is located. Activities for which grants, loans, loan 20277
guarantees, and loan subsidies may be made under this section 20278
include all of the following: 20279

(1) Acquiring, financing, constructing, leasing, 20280
rehabilitating, remodeling, improving, and equipping publicly or 20281
privately owned housing; 20282

(2) Providing supportive services related to housing and 20283
the homeless, including housing counseling. Not more than twenty 20284
per cent of the current year appropriation authority for the 20285

low- and moderate-income housing trust fund that remains after 20286
the award of funds made pursuant to divisions (A) (1) and ~~(A) (2)~~ 20287
(2) of section 174.02 of the Revised Code, shall be awarded in 20288
any fiscal year for supportive services. 20289

(3) Providing rental assistance payments or other project 20290
operating subsidies that lower tenant rents; 20291

(4) Improving the quality of life of tenants by providing 20292
education for tenants and residents of manufactured home 20293
communities regarding their rights and responsibilities, 20294
planning and implementing activities designed to improve 20295
conflict resolution and the capacity of tenants to negotiate and 20296
mediate with landlords, and developing tenant and resident 20297
councils and organizations; 20298

(5) Promoting capacity building initiatives related to the 20299
creation of county housing trust funds. 20300

(B) Grants, loans, loan guarantees, and loan subsidies may 20301
be made to counties, municipal corporations, townships, and 20302
nonprofit organizations for the additional purposes of providing 20303
technical assistance, design and finance services and 20304
consultation, and payment of pre-development and administrative 20305
costs related to any of the activities listed above. 20306

(C) In developing programs under this section, the 20307
department ~~and the agency~~ shall invite, accept, and consider 20308
public comment, and recommendations from the housing trust fund 20309
advisory committee created under section 174.06 of the Revised 20310
Code, on how the programs should be designed to most effectively 20311
benefit low- and moderate-income families and individuals. The 20312
programs developed under this section shall respond collectively 20313
to housing and housing assistance needs of low- and moderate- 20314

income families and individuals statewide. 20315

(D) ~~The department and the agency,~~ in accordance with 20316
Chapter 119. of the Revised Code, shall ~~each~~ adopt rules to 20317
administer programs developed under this section. The rules 20318
shall prescribe procedures and forms that counties, municipal 20319
corporations, townships, local housing authorities, and 20320
nonprofit organizations shall use in applying for grants, loans, 20321
loan guarantees, and loan subsidies and that private developers 20322
and private lenders shall use in applying for loans, loan 20323
guarantees, and loan subsidies; eligibility criteria for the 20324
receipt of funds; procedures for reviewing and granting or 20325
denying applications; procedures for paying out funds; 20326
conditions on the use of funds; procedures for monitoring the 20327
use of funds; and procedures under which a recipient shall be 20328
required to repay funds that are improperly used. The rules 20329
shall do both of the following: 20330

(1) Require each recipient of a grant or loan made from 20331
the low- and moderate-income housing trust fund for activities 20332
that provide, or assist in providing, a rental housing project, 20333
to reasonably ensure that the rental housing project will remain 20334
affordable to those families and individuals targeted for the 20335
rental housing project for the useful life of the rental housing 20336
project or for thirty years, whichever is longer; 20337

(2) Require each recipient of a grant or loan made from 20338
the low- and moderate-income housing trust fund for activities 20339
that provide, or assist in providing, a housing project to 20340
prepare and implement a plan to reasonably assist any families 20341
and individuals displaced by the housing project in obtaining 20342
decent affordable housing. 20343

(E) In prescribing eligibility criteria and conditions for 20344

the use of funds, ~~neither the department nor the agency is~~ not 20345
limited to the criteria and conditions specified in this section 20346
and ~~each~~ may prescribe additional eligibility criteria and 20347
conditions that relate to the purposes for which grants, loans, 20348
loan guarantees, and loan subsidies may be made. However, the 20349
department ~~and agency are~~ is limited by the following 20350
specifically targeted low- and moderate-income guidelines: 20351

(1) Not less than seventy-five per cent of the money 20352
granted and loaned under this section in any fiscal year shall 20353
be for activities that provide affordable housing and housing 20354
assistance to families and individuals whose incomes are equal 20355
to or less than fifty per cent of the median income for the 20356
county in which they live, as determined by the department under 20357
section 174.04 of the Revised Code. 20358

(2) Any money granted and loaned under this section in any 20359
fiscal year that is not granted or loaned pursuant to division 20360
(F)(1) of this section shall be for activities that provide 20361
affordable housing and housing assistance to families and 20362
individuals whose incomes are equal to or less than eighty per 20363
cent of the median income for the county in which they live, as 20364
determined by the department under section 174.04 of the Revised 20365
Code. 20366

(F) In making grants, loans, loan guarantees, and loan 20367
subsidies under this section, the department ~~and the agency~~ 20368
shall give preference to viable projects and activities that 20369
benefit those families and individuals whose incomes are equal 20370
to or less than thirty-five per cent of the median income for 20371
the county in which they live, as determined by the department 20372
under section 174.04 of the Revised Code. 20373

(G) The department ~~and the agency~~ shall monitor the 20374

programs developed under this section to ensure that money 20375
granted and loaned under this section is not used in a manner 20376
that violates division (H) of section 4112.02 of the Revised 20377
Code or discriminates against families with children. 20378

Sec. 174.05. ~~(A)~~ Annually, the department of development 20379
shall submit a report to the president of the senate and the 20380
speaker of the house of representatives describing the 20381
activities of the department under sections 174.01 to 174.07 of 20382
the Revised Code during the previous state fiscal year. 20383

~~(B) Annually, the Ohio housing finance agency shall submit 20384
a report to the president of the senate and the speaker of the 20385
house of representatives describing the activities of the agency 20386
under sections 174.02, 174.03, and 174.05 of the Revised Code 20387
during the previous state fiscal year. 20388~~

Sec. 174.07. The department of development, ~~on its own and 20389
on the behalf of the Ohio housing finance agency and the Ohio 20390
department of aging,~~ shall obtain controlling board approval 20391
prior to making any grant, loan, loan guarantee, or loan subsidy 20392
greater than fifty thousand dollars from or allocated from the 20393
low- and moderate-income housing trust fund. 20394

Sec. 175.02. (A) ~~There is hereby created the~~ The Ohio 20395
housing finance agency, a body corporate and politic, performing 20396
essential governmental functions of the state is established as 20397
a division of the department of development. The agency shall be 20398
under the supervision and control of an executive director, who 20399
is appointed by and serves at the pleasure of the director of 20400
development. The mission of the agency includes but is not 20401
limited to assisting with the financing, refinancing, 20402
production, development, and preservation of safe, decent, and 20403
affordable housing for occupancy by low- and moderate-income 20404

persons; provision of rental assistance and housing services for 20405
low- and ~~moderate-income~~-moderate-income persons; allocating all 20406
state and federal funds in accordance with applicable state and 20407
federal laws, including Section 42 of the Internal Revenue Code; 20408
and promoting community development, economic stability, and 20409
growth within Ohio. To accomplish this mission, the agency shall 20410
work with persons eligible for its programs, nonprofit 20411
organizations and for-profit housing development entities, 20412
public entities, and lending institutions. The agency may review 20413
conformity with its programs and monitor a recipient's use of 20414
funds it provides to assure compliance. 20415

(B) It is hereby declared to be the public purpose of this 20416
state to improve and promote the public health, safety, 20417
convenience, welfare, and prosperity of the people of the state 20418
by the production and preservation of housing in accordance with 20419
applicable state and federal laws. 20420

Sec. 175.04. (A) ~~The governor shall appoint a chairperson~~ 20421
~~from among the voting members. The agency members shall elect a~~ 20422
~~voting member as vice-chairperson. The agency members may~~ 20423
~~appoint other officers, who need not be members of the agency,~~ 20424
~~as the agency deems necessary.~~ 20425

~~(B) Six voting members of the agency constitute a quorum~~ 20426
~~and the affirmative vote of six voting members is necessary for~~ 20427
~~any action the agency takes. No vacancy in agency membership~~ 20428
~~impairs the right of a quorum to exercise all of the agency's~~ 20429
~~rights and perform all the agency's duties. Agency meetings may~~ 20430
~~be held at any place within the state. Meetings shall comply~~ 20431
~~with section 121.22 of the Revised Code.~~ 20432

~~(C)~~ The agency shall maintain accounting records in 20433
accordance with generally accepted accounting principals and 20434

other required accounting standards. 20435

~~(D)~~ (B) The agency shall develop policies and guidelines 20436
for the administration of its programs and annually shall 20437
conduct at least one public hearing to obtain input from any 20438
interested party regarding the administration of its programs. 20439
The hearing shall be held at a time and place as the 20440
agency executive director determines ~~and when a quorum of the~~ 20441
~~agency is present.~~ 20442

~~(E)~~ (C) The agency ~~shall may,~~ at the direction of the 20443
executive director, appoint committees and subcommittees 20444
~~comprised of members of the agency to~~ handle matters it deems 20445
appropriate. 20446

(1) The agency shall adopt an annual plan to address this 20447
state's housing needs. The agency ~~shall may,~~ at the direction of 20448
the executive director, appoint an annual plan committee to 20449
develop the plan and present it to the agency for consideration. 20450

(2) ~~The~~ If the agency appoints an annual plan committee in 20451
accordance with division (C) (1) of this section, the committee 20452
shall select an advisory board from a list of interested 20453
individuals the executive director provides or on ~~its the~~ 20454
committee's own recommendation. The Upon selection of an 20455
advisory board, the board shall provide input on the plan at 20456
committee meetings prior to the annual public hearing. At the 20457
public hearing, the committee shall discuss advisory board 20458
comments. The advisory board may include, but is not limited to, 20459
persons who represent state agencies, local governments, public 20460
corporations, nonprofit organizations, community development 20461
corporations, housing advocacy organizations for low- and 20462
moderate-income persons, realtors, syndicators, investors, 20463
lending institutions as recommended by a statewide banking 20464

organization, and other entities participating in the agency's 20465
programs. 20466

Each agency program that allows for loans to be made to 20467
finance housing for owner occupancy that benefits other than 20468
low- and moderate-income households, or for loans to be made to 20469
individuals under bonds issued pursuant to division (B) of 20470
section 175.08 of the Revised Code, shall be presented to the 20471
advisory board, if an advisory board is selected, and included 20472
in the annual plan as approved by the agency and the director of 20473
development before the program's implementation. 20474

~~(F)~~ (D) The agency executive director shall prepare an 20475
annual financial report describing ~~its~~ the activities of the 20476
agency during the reporting year and submit that report in 20477
accordance with division ~~(H)~~ (F) of this section and to the 20478
governor, the speaker of the house of representatives, and the 20479
president of the senate within three months after the end of the 20480
reporting year. The report shall include the agency's audited 20481
financial statements, prepared in accordance with generally 20482
accepted accounting principles and appropriate accounting 20483
standards. 20484

~~(G)~~ (E) The agency executive director shall prepare an 20485
annual report of ~~its~~ the agency's programs describing how the 20486
programs have met this state's housing needs. The ~~agency~~ 20487
executive director shall submit the report in accordance with 20488
division ~~(H)~~ (F) of this section and to the governor, the speaker 20489
of the house of representatives, and the president of the senate 20490
within three months after the end of the reporting year. 20491

~~(H) (1)~~ (F) (1) The agency executive director shall submit, ~~—~~ 20492
~~within a time frame agreed to by the agency and the chairs,~~ the 20493
annual financial report described in division ~~(F)~~ (D) of this 20494

section and the annual report of programs described in division 20495
~~(G)~~ (E) of this section to the chairs of the committees dealing 20496
with housing issues in the house of representatives and the 20497
senate. 20498

(2) Within forty-five days of issuance of the annual 20499
financial report, the ~~agency's~~ executive director shall request 20500
to appear in person before the committees described in division 20501
~~(H) (1)~~ (F) (1) of this section to testify in regard to the 20502
financial report and the report of programs. The testimony shall 20503
include each of the following: 20504

(a) An overview of the annual plan adopted pursuant to 20505
division ~~(E) (1)~~ (C) (1) of this section; 20506

(b) An evaluation of whether the objectives in the annual 20507
plan were met through a comparison of the annual plan with the 20508
annual financial report and report of programs; 20509

(c) A complete listing by award and amount of all business 20510
and contractual relationships in excess of one hundred thousand 20511
dollars between the agency and other entities and organizations 20512
that participated in agency programs during the fiscal year 20513
reported by the agency's annual financial report and report of 20514
programs; 20515

(d) A complete listing by award and amount of the low- 20516
income housing tax credit syndication and direct investor 20517
entities for projects that received tax credit reservations and 20518
IRS Form 8609 during the fiscal year. 20519

Sec. 175.05. (A) The Ohio housing finance agency shall, at 20520
the direction of the director of development, do all of the 20521
following related to the agency's operation: 20522

(1) Adopt bylaws for the conduct of ~~its~~ the agency's 20523

business; 20524

(2) Employ and fix the compensation of the executive 20525
director who serves at the pleasure of the ~~agency~~ director of 20526
development to administer the agency's programs and activities. 20527
The executive director may employ and fix the compensation of 20528
employees in the unclassified civil service as necessary to 20529
carry out this chapter and may employ other personnel who are 20530
governed by collective bargaining law and classified under that 20531
law. The executive director shall carry out all duties as 20532
described in section 175.053 of the Revised Code. 20533

(3) Establish an operating budget for the agency and 20534
administer funds appropriated for the agency's use; 20535

(4) Notwithstanding any other provision of the Revised 20536
Code, hold all moneys, funds, properties, and assets the agency 20537
acquires or that are directly or indirectly within the agency's 20538
control, including proceeds from the sale of bonds, revenues, 20539
and otherwise, in trust for the purpose of exercising its powers 20540
and carrying out its duties pursuant to this chapter. 20541
Notwithstanding any other provision of the Revised Code other 20542
than section 175.051 of the Revised Code, at no time shall the 20543
agency's moneys, funds, properties, or assets be considered 20544
public moneys, public funds, public properties, or public assets 20545
or subject to Chapters 131. and 135. of the Revised Code. 20546

(5) Maintain a principal office and other offices within 20547
the state. 20548

(B) The Ohio housing finance agency may do any of the 20549
following related to the agency's operation: 20550

(1) Except as otherwise provided in section 174.04 of the 20551
Revised Code, determine income limits for low- and moderate- 20552

income persons and establish periodic reviews of income limits. 20553
In determining income limits, the agency shall take into 20554
consideration the amount of income available for housing, family 20555
size, the cost and condition of available housing, ability to 20556
pay the amounts the private market charges for decent, safe, and 20557
sanitary housing without federal subsidy or state assistance, 20558
and the income eligibility standards of federal programs. Income 20559
limits may vary from area to area within the state. 20560

(2) Provide technical information, advice, and assistance 20561
related to obtaining federal and state aid to assist in the 20562
planning, construction, rehabilitation, refinancing, and 20563
operation of housing; 20564

(3) Provide information, assistance, or instruction 20565
concerning agency programs, eligibility requirements, 20566
application procedures, and other related matters; 20567

(4) Procure or require the procurement of insurance and 20568
pay the premium against loss in connection with the agency's 20569
operations, to include the repayment of a loan, in amounts and 20570
from insurers, including the federal government, as the agency 20571
determines; 20572

(5) Contract with, retain, or designate financial 20573
consultants, accountants, and other consultants and independent 20574
contractors, other than attorneys, whom the agency determines 20575
are necessary or appropriate; 20576

(6) Charge, alter, and collect interest and other charges 20577
for program services including, but not limited to, the 20578
allocation of loan funds, the purchase of mortgage loans, and 20579
the provision of services that include processing, inspecting, 20580
and monitoring of housing units financed and the financial 20581

records for those units; 20582

(7) Conduct or authorize studies and analyses of housing 20583
needs and conditions to the extent that those activities are not 20584
carried out by other agencies in a manner that is satisfactory 20585
for the agency's needs; 20586

(8) (a) Acquire by gift, purchase, foreclosure, investment, 20587
or other means, and hold, assign, pledge, lease, transfer, or 20588
otherwise dispose of real and personal property or any interest 20589
in that property in the exercise of its powers and the 20590
performance of its duties; 20591

(b) Any instrument by which real property is acquired 20592
pursuant to this section shall identify the state agency that 20593
has the use and benefit of the real property as specified in 20594
section 5301.012 of the Revised Code. 20595

(9) (a) Borrow money, receive gifts, grants, loans, or 20596
other assistance from any federal, state, local, or other 20597
government source, including the housing development fund and 20598
the housing trust fund, and enter into contracts in connection 20599
with those sources of assistance; 20600

(b) Receive assistance or contributions from any 20601
nongovernment source to include money, property, labor, or 20602
things of value, to be held, used, and applied only for the 20603
purposes for which the grants and contributions are made and 20604
within the purposes of this chapter. 20605

(10) Sue and be sued in its own name with respect to its 20606
contracts, obligations, and covenants, or the enforcement of 20607
this chapter. Any actions against the agency shall be brought in 20608
a court of competent jurisdiction located in Franklin county, 20609
Ohio. 20610

(11) Enter into any contract, commitment, or agreement and	20611
execute any instrument necessary or incidental to the	20612
performance of duties and the execution of powers;	20613
 (12) Adopt an official seal;	20614
 (13) (a) Contract with any private or government entity to	20615
administer programs for which the agency receives sufficient	20616
revenues for its services or the agency supports with	20617
uncommitted agency resources that pay the agency's operating	20618
costs;	20619
 (b) Administer state and federal programs for which the	20620
governor designates the agency to act as administrator. The	20621
agency may charge administrative fees to the state, the federal	20622
government, or a program recipient.	20623
 (14) Notwithstanding any other provision of the Revised	20624
Code, establish, maintain, administer, and close funds and	20625
accounts as convenient or appropriate to the agency's	20626
operations;	20627
 (15) Establish a policy to permit the investment of agency	20628
funds in securities and obligations;	20629
 (16) Establish rules and procedures that the agency	20630
determines are appropriate to appeal the agency's actions and	20631
decisions;	20632
 (17) Serve housing needs in instances that the agency	20633
determines necessary as a public purpose;	20634
 (18) Provide coverage for its employees under Chapters	20635
145., 4123., and 4141. of the Revised Code;	20636
 (19) Adopt rules pursuant to Chapter 119. of the Revised	20637
Code;	20638

(20) Do anything necessary or appropriate to exercise the powers of this chapter and carry out the purposes of this chapter and Section 14, Article VIII and Section 16, Article VIII, Ohio Constitution.

(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code.

Sec. 175.053. The executive director employed by the agency pursuant to division (A)(2) of section 175.05 of the Revised Code shall do all of the following:

(A) File financial disclosure statements as described in section 102.02 of the Revised Code;

(B) Ensure policies and procedures are developed and maintained for the operation and administration of the agency's programs and activities that encourage competition and minimize concentration. Policies and procedures shall address all applicable requirements described in the Revised Code and federal regulations.

(C) Provide an update, during the testimony described in division ~~(H)(2)~~ (F)(2) of section 175.04 of the Revised Code, on any audits performed during the fiscal year.

Sec. 175.08. (A) The Ohio housing finance agency may use the proceeds of bonds to carry out the agency's lawful purposes.

(B) The agency is the sole entity in the state that may issue bonds pursuant to Section 143(a) of the Internal Revenue Code or any similar provision of law. When the agency issues bonds to fund its homeownership program, it shall take all diligent measures to maximize the distribution of mortgage loans

statewide, especially in underserved areas of the state, 20668
including but not limited to attempting to involve qualified 20669
lending institutions throughout the state. 20670

(C) Bonds issued pursuant to this chapter need not comply 20671
with any provision of the Revised Code not in this chapter that 20672
applies to the issuance of bonds or notes. Notwithstanding any 20673
other provision of the Revised Code, the deposit, application, 20674
safeguarding, and investment of agency funds received or held 20675
under the agency's bond proceedings are not subject to Chapters 20676
131. and 135. of the Revised Code and at no time are those funds 20677
public moneys or public funds. 20678

(D) (1) Bonds issued pursuant to this chapter do not 20679
constitute a debt or the pledge of the faith and credit of this 20680
state or any political subdivision of this state. The holders or 20681
owners of the agency's bonds have no right to require the 20682
general assembly or the taxing authority of any political 20683
subdivision to levy taxes for the payment of the principal or 20684
interest on the agency's bonds. Money raised by taxation shall 20685
not be obligated or pledged for the payment of the principal or 20686
interest on bonds the agency issues pursuant to this chapter. 20687

(2) Bonds issued pursuant to this chapter are payable 20688
solely from the revenues and security interests pledged for 20689
their payment as authorized by this chapter, except for bonds 20690
the agency issues in anticipation of the issuance of bonds and 20691
bonds that are refunded by refunding bonds. Refunding bonds are 20692
payable solely from revenues and security interests pledged for 20693
their payment as authorized by this chapter. 20694

(E) (1) Any pledge on bonds is valid and binding from the 20695
time the pledge is made, and the revenues and security interests 20696
pledged and received are immediately subject to the lien of the 20697

pledge without any physical delivery or further act. The lien of 20698
the pledge is valid and binding as against all parties having 20699
claims of any kind in tort, contract, or otherwise against the 20700
agency, irrespective of whether the parties have notice of the 20701
lien of the pledge. 20702

(2) Any resolution or trust agreement by which a pledge is 20703
created need not be filed or recorded except in the records of 20704
the agency. Any bond shall contain on its face a statement to 20705
the effect that the bond, as to both principal and interest, is 20706
not a debt of this state or any political subdivision of this 20707
state, but is payable solely from the revenues and security 20708
interests pledged for its payment. 20709

(F) The agency may issue bonds for any term, at any 20710
interest rate, use any method of calculating interest including 20711
a variable interest rate, and include any provision or condition 20712
authorized pursuant to resolutions the agency adopts. The agency 20713
may authorize bonds of any denomination, form, registration 20714
privilege, medium of payment, place of payment, and term of 20715
redemption. 20716

(G) The agency may sell bonds at public or private sale, 20717
for an amount not less than the price that the agency 20718
establishes. The ~~agency chairperson or vice chairperson~~ 20719
executive director and any other officer that the agency 20720
designates shall execute the bonds manually or by facsimile 20721
signature. The agency may affix or print the agency's official 20722
seal or a facsimile on the bonds. Any coupons attached to the 20723
bonds shall bear the signature or facsimile signature of the 20724
chairperson or vice chairperson and any other officer the agency 20725
designates. If an officer whose signature appears on bonds or 20726
coupons ceases to be an officer before the delivery of the 20727

bonds, that signature or facsimile is sufficient for all 20728
purposes as if the officer had remained in office. If the agency 20729
changes its seal after a facsimile is imprinted on the bonds, 20730
the imprinted facsimile seal is sufficient for all purposes. The 20731
agency may execute bonds in book entry form in any manner 20732
appropriate to that form. 20733

(H) (1) Any resolution that authorizes bonds or an issue of 20734
bonds may do any of the following: 20735

(a) Pledge any of the agency's revenues and security 20736
interests to secure the payment of bonds or any issue of bonds; 20737

(b) Specify the use, investment, and disposition of the 20738
agency's revenues; 20739

(c) Agree to establish, alter, and collect fees and other 20740
charges in an amount that pledged revenues are sufficient to pay 20741
the costs of operation and pay the principal and interest on 20742
bonds secured by the pledge of the revenues; 20743

(d) Provide reserves that the resolution or trust 20744
agreement requires; 20745

(e) Set aside reserve funds or sinking funds and regulate 20746
and dispose of those funds; 20747

(f) Credit the proceeds of the sale of bonds to and among 20748
the funds referred to or provided for in the trust agreement or 20749
the resolution that authorized the issuance of bonds; 20750

(g) Establish limits on the purposes to which the proceeds 20751
of the sale of bonds may be applied and pledge those proceeds to 20752
secure the payment of the bonds or any issue of bonds; 20753

(h) Agree to do all things necessary for the 20754
authorization, issuance, and sale of bonds in amounts necessary 20755

for the timely retirement of notes issued in anticipation of the	20756
issuance of bonds;	20757
(i) Establish limits on the issuance of additional bonds;	20758
(j) Establish the terms upon which additional bonds may be	20759
issued and secured;	20760
(k) Provide for the refunding of outstanding bonds;	20761
(l) Establish procedures for amending or abrogating the	20762
terms of any contract with bondholders;	20763
(m) Establish limits on the amount of moneys the agency	20764
may expend for operating, administrative, or other expenses;	20765
(n) Secure bonds by a trust agreement in accordance with	20766
section 175.06 of the Revised Code;	20767
(o) Establish rules and procedures to address matters that	20768
affect the security or protection of the bonds.	20769
(2) Any resolution authorizing bonds or an issue of bonds	20770
is subject to any agreement with bondholders that exists at the	20771
time of the resolution. The provisions of any resolution	20772
authorizing bonds becomes part of the contract with the	20773
bondholders.	20774
(I) No agency member nor any person executing agency bonds	20775
is liable personally on the bonds or is subject to any personal	20776
liability by reason of the issuance of the bonds.	20777
(J) Bonds issued pursuant to this chapter are deemed to be	20778
negotiable instruments, subject only to the provisions of the	20779
bonds for registration, and possessing the qualities and	20780
incidents of negotiable instruments, notwithstanding whether	20781
those bonds are of the form or character otherwise to be	20782

negotiable instruments. 20783

Sec. 175.15. The department of development, including the 20784
Ohio housing finance agency ~~and the Ohio development services~~ 20785
~~agency,~~ shall include pregnancy as a priority in its housing 20786
assistance programs and local emergency shelter programs. ~~In~~ 20787
~~consultation with the Ohio development services agency, the~~ The 20788
Ohio housing finance agency may adopt rules in accordance with 20789
Chapter 119. of the Revised Code that are necessary to implement 20790
the requirements of this section. 20791

Sec. 175.16. (A) As used in this section: 20792

(1) "Federal credit" means the tax credit authorized under 20793
section 42 of the Internal Revenue Code. 20794

(2) "Credit period," "qualified low-income building," and 20795
"qualified basis" have the same meanings as in section 42 of the 20796
Internal Revenue Code. 20797

(3) "Qualified project" means a qualified low-income 20798
building that is located in Ohio, is placed in service on or 20799
after July 1, 2023, and for which the director reserves a tax 20800
credit under division (B) of this section before July 1, 2027. 20801

(4) "Pass-through entity" has the same meaning as in 20802
section 5733.04 of the Revised Code. 20803

(5) "Project owner" means a person holding a fee simple 20804
interest or a leasehold interest pursuant to a ground lease in 20805
the land on which a qualified project sits. 20806

(6) "Reserved credit amount" means the amount determined 20807
by the director and stipulated in the notice sent to each owner 20808
of a qualified project under division (B) of this section. 20809

(7) "Annual credit amount" means the amount computed by 20810

the director under division (D) of this section prior to issuing 20811
an eligibility certificate. 20812

(8) "Equity owner" means a direct or indirect owner of a 20813
project owner, provided the project owner is a pass-through 20814
entity, as determined under applicable state law governing such 20815
an entity. 20816

(9) "Person" has the same meaning as in section 5701.01 of 20817
the Revised Code. 20818

(10) "Eligibility certificate" means a certificate issued 20819
by the director to each owner of a qualified project under 20820
division (D) of this section stating the amount of credit that 20821
may be claimed for each year of the credit period. 20822

(11) "Qualified allocation plan" means the plan developed 20823
by the Ohio housing finance agency, as required under section 20824
175.06 of the Revised Code, for evaluating and selecting 20825
projects for the federal credit pursuant to the mandates and 20826
requirements within section 42 of the Internal Revenue Code. 20827

(12) "Internal Revenue Code" has the same meaning as in 20828
section 5747.01 of the Revised Code. 20829

(13) "Designated reporter" means the project owner or one 20830
of the project owner's equity owners designated pursuant to 20831
division (I)(1) of this section. 20832

(14) "Director" means the executive director of the Ohio 20833
housing finance agency. 20834

(B) Except as otherwise provided by this division, the 20835
director, upon allocating a federal credit and issuing a binding 20836
reservation or letter of eligibility, pursuant to the Ohio 20837
housing finance agency's qualified allocation plan, for a 20838

qualified low-income building that is located in this state and 20839
placed in service on or after July 1, 2023, may reserve a tax 20840
credit under this section for the project owners so long as 20841
doing so will not result in exceeding the annual credit cap 20842
prescribed by division (C) of this section. The director shall 20843
not reserve a tax credit under this section after June 30, 2027. 20844

The director shall send written notice of the reservation 20845
to each project owner. The notice shall state the aggregate 20846
credit amount reserved for all years of the qualified project's 20847
credit period and stipulate that receipt of the credit is 20848
contingent upon issuance of an eligibility certificate and 20849
filing the information described in division (I) of this 20850
section. Upon receipt of that notice, the owner shall provide 20851
the identity of the owner's designated reporter to the director. 20852

The director shall determine the credit amount reserved 20853
for each qualified project. The reserved credit amount shall not 20854
exceed the amount necessary, when combined with the federal 20855
credit, to ensure the financial feasibility of the qualified 20856
project. 20857

The director shall reserve credits in a manner that 20858
ensures that a qualified project is creating additional housing 20859
units that would not have otherwise been created with other 20860
state, federal, or private financing. The director may assess 20861
application, processing, and reporting fees to cover the cost of 20862
administering the tax credit authorized under this section. 20863

(C) The aggregate amount of credits reserved by the 20864
director under division (B) of this section in a fiscal year 20865
shall not exceed the sum of (1) one hundred million dollars, (2) 20866
the amount, if any, by which the credit cap prescribed by this 20867
division for the preceding fiscal year exceeds the credits 20868

reserved by the director in that year, and (3) the amount of tax 20869
credits recaptured or otherwise disallowed under division (G) of 20870
this section in the preceding fiscal year. 20871

For the purpose of computing and determining compliance 20872
with the credit cap prescribed by this division, the credit 20873
amount reserved for the project owners of a qualified project is 20874
the full amount for all years of the qualified project's credit 20875
period. 20876

(D) Immediately after approving the final cost 20877
certification for a qualified project for which a tax credit 20878
under this section is reserved, or upon otherwise determining 20879
the qualified basis of the qualified project and the date it was 20880
placed into service as required by section 42(m) of the Internal 20881
Revenue Code, the director shall compute the annual credit 20882
amount and issue an eligibility certificate to each project 20883
owner. The director shall send copies of all eligibility 20884
certificates issued each calendar year to the tax commissioner 20885
and the superintendent of insurance. 20886

The annual credit amount shall equal the lesser of the 20887
following: 20888

(1) The amount of the federal credit that would be awarded 20889
to the project owners for the first year of the credit period if 20890
not for the adjustment required under section 42(f)(2) of the 20891
Internal Revenue Code; 20892

(2) One-tenth of the reserved credit amount stated in the 20893
notice issued under division (B) of this section. 20894

(E) Each eligibility certificate shall state the annual 20895
credit amount, the years that comprise the credit period, the 20896
name, address, and taxpayer identification number of each 20897

project owner, each owner's designated reporter, the date the
certificate is issued, a unique identifying number, and any
additional information prescribed by a rule adopted under
division (H) of this section. A project owner, if the project
owner is a pass-through entity, shall provide a copy of the
eligibility certificate and any information described in
division (I) of this section to each equity owner that has been
allocated a credit under division (F)(2) of this section, if
requested.

(F)(1) For each year of a qualified project's credit
period, the project owner or an equity owner may claim a
nonrefundable credit against the tax imposed by section 5725.18,
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal
to all or a portion of the annual credit amount stated on the
eligibility certificate. The credit shall be claimed in the
manner prescribed by section 5725.36, 5726.58, 5729.19, or
5747.83 of the Revised Code, as applicable.

(2) If a project owner is a pass-through entity, the
annual credit amount for any year of a qualified project's
credit period may be allocated by the project owner among one or
more equity owners and may be applied by those equity owners
against more than one tax, but the total credits claimed in
connection with that year of the qualified project's credit
period by all project owners and equity owners against all taxes
shall not exceed the annual credit amount stated on the
eligibility certificate.

(3) A project owner or equity owner may claim the credit
authorized by this section after the date the qualified project
is placed into service but not before the director issues the
project owner an eligibility certificate under division (D) of

this section and the applicable report required by division (I) 20928
of this section is filed by the designated reporter. 20929

(4) A project owner or equity owner that claims a tax 20930
credit under division (F)(1) of this section shall submit a copy 20931
of the eligibility certificate with the project owner's or 20932
equity owner's tax return or report. Upon request of the tax 20933
commissioner or the superintendent of insurance, any project 20934
owner or equity owner claiming a tax credit under this section 20935
shall provide the commissioner or superintendent other 20936
documentation that may be necessary to verify that the project 20937
owner or equity owner is entitled to claim the credit. 20938

(5) A project owner that is a pass-through entity may 20939
allocate the credit authorized by this section to its equity 20940
owners under division (F)(2) of this section in any manner 20941
agreed to by such persons regardless of whether such equity 20942
owners are eligible for an allocation of the federal credit, 20943
whether the allocation of the credit under the terms of the 20944
agreement has substantial economic effect within the meaning of 20945
section 704(b) of the Internal Revenue Code, and whether any 20946
such person is deemed a partner of the project owner or equity 20947
owner for federal income tax purposes as long as the equity 20948
owner acquired its ownership interest prior to claiming the 20949
credit. The allocation shall be allowed without regard to any 20950
provision of the Internal Revenue Code, or regulation 20951
promulgated pursuant to it, that may be interpreted as contrary 20952
to the allocation, including, without limitation, the treatment 20953
of the allocation as a disguised sale. 20954

An equity owner may assign all or any part of its interest 20955
in a qualified project, including its interest in the tax 20956
credits authorized by this section, to one or more other equity 20957

owners, and each assignee shall be able to claim the credit so 20958
long as its interest is acquired prior to the filing of its tax 20959
return or report or amended tax return or report claiming the 20960
credit and the assignee's ownership interest is identified in 20961
the report required by division (I) of this section. 20962

(6) Nothing in this section or section 5725.36, 5726.58, 20963
5729.19, or 5747.83 of the Revised Code allows the assignment or 20964
transfer of any carryforward of the credit authorized under this 20965
section once the annual credit amount is claimed. 20966

(G) If any portion of the federal credit allocated to a 20967
qualified project is recaptured under section 42(j) of the 20968
Internal Revenue Code or is otherwise disallowed, the director 20969
shall recapture a proportionate amount of the tax credit claimed 20970
pursuant to this section in connection with the same qualified 20971
project. 20972

If the director determines to recapture such a tax credit, 20973
the director shall certify the name of each project owner and 20974
the amount to be recaptured to the tax commissioner and to the 20975
superintendent of insurance. The commissioner or superintendent 20976
shall determine the taxpayer or taxpayers that claimed the 20977
credit, the tax against which the credit was claimed, and the 20978
amount to be recaptured and make an assessment against the 20979
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 20980
5747. of the Revised Code, as applicable, for the amount of the 20981
tax credit to be recaptured. The time limitations on assessments 20982
under those chapters do not bar an assessment made under this 20983
division. 20984

(H) The director, in consultation with the tax 20985
commissioner and superintendent of insurance, shall adopt any 20986
rules necessary to implement this section in accordance with 20987

Chapter 119. of the Revised Code. 20988

(I) (1) For each calendar year, a designated reporter shall 20989
provide the tax commissioner ~~and the superintendent of~~ 20990
~~insurance~~, in the form prescribed by the tax commissioner in 20991
consultation with the superintendent of insurance, all of the 20992
following: 20993

(a) The name, address, and taxpayer identification number 20994
of each project owner and equity owner that has been allocated a 20995
portion of the annual credit awarded on the eligibility 20996
certificate for that year; 20997

(b) The amount of the annual credit allocated to each such 20998
project owner and equity owner for such year and the tax against 20999
which the credit will be claimed; 21000

(c) The total of the amounts listed for each project owner 21001
and equity owner under division (I) (1) (b) of this section, 21002
demonstrating that the total does not exceed the amount listed 21003
on the eligibility certificate for that year. 21004

(2) A designated reporter shall notify the tax 21005
commissioner ~~and the superintendent of insurance~~ of any changes 21006
to the information reported in division (I) (1) of this section 21007
in the time and manner prescribed by the commissioner ~~and~~ 21008
~~superintendent~~. 21009

(3) No credit allocated under this section may be claimed 21010
by a project owner or equity owner for a year unless that owner 21011
and the amount of the credit allocated to that owner appear on 21012
the report required by division (I) (1) of this section for that 21013
year. 21014

The tax commissioner shall provide a copy of the report, 21015
and any subsequent changes to the report, submitted by the 21016

designated reporter under division (I) of this section to the 21017
superintendent of insurance in the time and manner agreed to by 21018
the commissioner and superintendent. 21019

Sec. 175.17. (A) As used in this section: 21020

(1) "Qualified project" means a project to develop single- 21021
family dwellings in this state that satisfies any qualifications 21022
established by the director under division (I) of this section. 21023

(2) "Pass-through entity" has the same meaning as in 21024
section 5733.04 of the Revised Code. 21025

(3) "Reserved credit amount" means the amount determined 21026
by the director and stipulated in the notice sent under division 21027
(B) of this section. 21028

(4) "Annual credit amount" means the amount computed by 21029
the director under division (D) of this section before issuing 21030
an eligibility certificate. 21031

(5) "Equity owner" means any person who directly or 21032
indirectly, through one or more pass-through entities, is a 21033
member, partner, or shareholder of a pass-through entity. 21034

(6) "Person" has the same meaning as in section 5701.01 of 21035
the Revised Code. 21036

(7) "Eligibility certificate" means a certificate issued 21037
by the director to a project development owner under division 21038
(D) of this section. 21039

(8) "Project development owner" means a unit of government 21040
that owns a qualified project. 21041

(9) "Affordability period" means the period that commences 21042
on the date of sale of a single-family dwelling constructed as 21043

part of a qualified project to the initial qualified buyer and 21044
continues through subsequent qualified buyers for ten years. 21045

(10) "Designated reporter" means the project development 21046
owner or one of the owner's direct or indirect partners, 21047
members, or shareholders, as selected by the owner under 21048
division (B) of this section. 21049

(11) "Project development investor" means any person that 21050
contributes capital to a qualified project in exchange for an 21051
allocation of a tax credit under this section. 21052

(12) "Credit period" means the ten-year period that begins 21053
in the year the eligibility certificate is issued. 21054

(13) "Director" means the executive director of the Ohio 21055
housing finance agency. 21056

(14) "Unit of government" means a county, township, 21057
municipal corporation, regional planning commission, community 21058
improvement corporation, economic development corporation, or 21059
county land reutilization corporation organized under Chapter 21060
1724. of the Revised Code, or port authority. 21061

(15) "Project development team" means the group of 21062
entities that develops, constructs, reports, appraises, 21063
finances, and services the associated properties of a qualified 21064
project in partnership with the project development owner. 21065

(B) (1) A project development owner may submit an 21066
application to the director for a credit reservation under this 21067
section on a form and in a manner that the director shall 21068
prescribe. On the application, the project development owner 21069
shall provide all of the following: 21070

(a) The name and address of the project development 21071

owner's designated reporter; 21072

(b) The names and addresses of all members of the project 21073
development team; 21074

(c) An estimate of the qualified project's development 21075
costs; 21076

(d) Any other information as the director may require 21077
pursuant to division (I) of this section. 21078

The director shall competitively evaluate and approve 21079
applications and award tax credit reservations under this 21080
section for a qualified project in accordance with the plan 21081
adopted under division (I) (1) of this section. The director 21082
shall determine the credit amount reserved for each qualified 21083
project, which shall not exceed the difference between the total 21084
estimated development costs included with the application and 21085
the appraised market value of all homes in the finished project, 21086
as estimated by the director. The director shall not reserve a 21087
credit under this section if doing so would exceed the annual 21088
limit prescribed by division (B) (3) of this section. 21089

(2) The director shall send written notice of the tax 21090
credit reservation to the project development owner of an 21091
approved qualified project. The notice shall state the aggregate 21092
credit amount reserved for all years of the qualified project's 21093
credit period and stipulate that receipt of the credit is 21094
contingent upon issuance of an eligibility certificate and 21095
filing the information required by division (H) of this section. 21096

(3) The amount of credits reserved by the director under 21097
division (B) of this section in a fiscal year shall not exceed 21098
the sum of (a) fifty million dollars, (b) the amount, if any, by 21099
which the credit allocation prescribed by this division for the 21100

preceding fiscal year exceeds the credits reserved by the 21101
director in that year, and (c) the amount of tax credits 21102
recaptured, assessed, and collected by the tax commissioner or 21103
superintendent of insurance, and disallowed or subject to 21104
reduction under this section in the preceding fiscal year. For 21105
the purpose of computing and determining compliance with the 21106
credit allocation prescribed by division (B)(3) of this section, 21107
the credit amount reserved for the project development owner is 21108
the full amount for all years of the qualified project's credit 21109
period. 21110

(4) The director shall not reserve a tax credit under this 21111
section after June 30, 2027. 21112

(C) The project development owner shall maintain ownership 21113
of a qualified project and associated single-family dwellings 21114
until the dwellings are sold to qualified buyers. The project 21115
development team shall service the associated properties of a 21116
qualified project for the duration of the applicable 21117
affordability period. 21118

The qualified buyer of a single-family home constructed as 21119
part of a qualified project for which a tax credit was reserved 21120
under this section shall occupy the home as the buyer's primary 21121
residence during the affordability period. 21122

(D) Upon completion of a qualified project for which a tax 21123
credit was reserved under this section, the project development 21124
owner shall notify the director and provide a final development 21125
cost certification for approval. After receipt of this notice, 21126
the director shall appraise the project's dwellings. Immediately 21127
after approving the final cost certification, the director shall 21128
compute the amount of the tax credit that may be claimed in each 21129
year and issue an eligibility certificate to the project 21130

development owner. That annual amount, which shall be stated on 21131
the certificate, shall equal one-tenth of the reserved credit 21132
amount stated in the notice issued under division (B) of this 21133
section, subject to any reduction or increase as the result of 21134
the approval of the final cost certification and the appraisal 21135
conducted under this division. 21136

(E) Each eligibility certificate shall state the annual 21137
credit amount, the years that comprise the credit period, the 21138
name, address, and the taxpayer identification number of the 21139
project development owner, the project development owner's 21140
designated reporter, and all members of the project development 21141
team along with the date the certificate is issued, a unique 21142
identifying number, and any additional information the director 21143
may require by rule. The director shall certify a copy of each 21144
eligibility certificate to the tax commissioner and the 21145
superintendent of insurance. 21146

(F) (1) For each year of a qualified project's credit 21147
period, a project development owner may claim a nonrefundable 21148
credit against the tax imposed by section 5725.18, 5726.02, 21149
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or 21150
a portion of the annual credit amount listed on the eligibility 21151
certificate. The credit shall be claimed in the manner 21152
prescribed by section 5725.37, 5726.60, 5729.20, or 5747.84 of 21153
the Revised Code. 21154

(2) A project development owner may or, if the owner is 21155
not subject to any tax against which the credit authorized under 21156
this section may be claimed, shall allocate all or a portion of 21157
the annual credit amount for any year of a qualified project's 21158
credit period among one or more project development investors. 21159
Such allocated credits may be applied by those project 21160

development investors or the equity owners of such an investor 21161
that is a pass-through entity against more than one tax, as 21162
applicable, but the total credits claimed for that year of the 21163
qualified project's credit period by all project development 21164
investors and equity owners shall not exceed the annual credit 21165
amount stated on the eligibility certificate. 21166

(3) A project development investor or the equity owner of 21167
such an investor that is a pass-through entity may claim the 21168
credit authorized by this section after the date the director 21169
issues an eligibility certificate under division (D) of this 21170
section and the applicable annual report required by division 21171
(H) of this section is filed by the designated reporter. 21172

(4) A project development investor or equity owner that 21173
claims a tax credit under division (F) (2) of this section shall 21174
submit a copy of the eligibility certificate with the investor's 21175
or equity owner's tax return. Upon request of the tax 21176
commissioner or the superintendent of insurance, any project 21177
development investor or equity owner claiming a tax credit under 21178
that division shall provide the tax commissioner or 21179
superintendent other documentation that may be necessary to 21180
verify that the project development investor or equity owner is 21181
entitled to claim the credit. 21182

(G) The director may disallow or recapture any portion of 21183
a credit if the project development owner or the project 21184
development owner's qualified project does not or ceases to 21185
qualify for the credit. If the director determines to recapture 21186
such a tax credit, the director shall certify the name of the 21187
project development owner, and the amount to be recaptured to 21188
the tax commissioner and to the superintendent of insurance. The 21189
tax commissioner or superintendent shall determine the taxpayer 21190

or taxpayers that claimed the credit, the tax against which the 21191
credit was claimed, and the amount to be recaptured and make an 21192
assessment against the taxpayer or taxpayers under Chapter 21193
5725., 5726., 5729., or 5747. of the Revised Code, as 21194
applicable, for the amount to be recaptured. The time 21195
limitations on assessments under those chapters do not bar an 21196
assessment made under this division. 21197

(H) For each calendar year, a designated reporter shall 21198
provide the following information to the ~~director-tax~~ 21199
commissioner on a form prescribed by the ~~director~~-commissioner 21200
in consultation with ~~the tax commissioner~~ and the superintendent 21201
of insurance: 21202

(1) A list of each project development investor or equity 21203
owner that has been allocated a portion of the annual credit 21204
awarded in an eligibility certificate for that year, including 21205
the investor or owner's name, address, taxpayer identification 21206
number, and the tax against which the credit will be claimed by 21207
each. 21208

(2) For each project development investor or equity owner, 21209
the amount of annual credit that has been allocated for that 21210
year. 21211

(3) An aggregate list of the credit amount allocated for a 21212
qualified project demonstrating that the aggregate annual amount 21213
of the credits allocated does not exceed the aggregate annual 21214
credit awarded in the eligibility certificate. 21215

A designated reporter shall notify the ~~director-tax~~ 21216
commissioner of any changes to the information reported under 21217
division (H) of this section in the time and manner prescribed 21218
by the ~~director~~-commissioner. The ~~director~~-commissioner shall 21219

provide a copy of the report, and any subsequent changes to the 21220
report, submitted by the designated reporter under division (H) 21221
of this section to ~~the tax commissioner and the~~ superintendent 21222
of insurance in the time and manner ~~prescribed~~ agreed to by the 21223
commissioner and superintendent. 21224

No credits allocated under this section may be claimed 21225
unless the credits are listed on the report required by division 21226
(H) of this section. 21227

(I) (1) The director shall adopt a plan for competitively 21228
awarding tax credits under this section. The plan shall 21229
establish the criteria and metrics under which projects will be 21230
assessed for qualification and may allocate tax credits in a 21231
pooled manner. 21232

(2) The director may assess application, processing, and 21233
reporting fees to cover the cost of administering this section. 21234

(3) The director, in consultation with the tax 21235
commissioner and the superintendent of insurance, shall adopt 21236
any rules necessary to implement this section in accordance with 21237
Chapter 119. of the Revised Code. Such rules may include all of 21238
the following: 21239

(a) Supplementary definitions as may be necessary to 21240
administer this section. 21241

(b) Underwriting criteria to assess the risk associated 21242
with any application and determine appropriate criteria to deny 21243
an application based upon risk. 21244

(c) Criteria by which a project development owner shall be 21245
responsible for any or all risk associated with a qualified 21246
project such as homeowner abandonment, default, foreclosure, or 21247
other such risks. 21248

(d) Criteria to maintain the affordability of each of a 21249
qualified project's single-family dwellings during the 21250
affordability period, which may include a deed restriction held 21251
by the project development owner for some or all of the amount 21252
of the tax credit or any appreciated value of the property. 21253

(e) Requirements that the project development owner 21254
provide certain capital assets or other investments that 21255
contribute to the affordability of the project. 21256

(f) Criteria to be used in determining whether an 21257
individual is a qualified buyer. 21258

(g) Criteria regarding the purchase, ownership, and sale 21259
of completed qualified project single-family dwellings. 21260

(h) The manner of determining the project's development 21261
costs and the appraised market value of qualified project 21262
single-family dwellings. 21263

(i) Any other qualifications a project must meet to 21264
qualify as a qualified project. 21265

Sec. 176.05. (A) (1) Notwithstanding any provision of law 21266
to the contrary, the rate of wages payable for the various 21267
occupations covered by sections 4115.03 to 4115.16 of the 21268
Revised Code to persons employed on a project who are not any of 21269
the following shall be determined according to this section: 21270

(a) Qualified volunteers; 21271

(b) Persons required to participate in a work activity, 21272
developmental activity, or alternative work activity under 21273
sections 5107.40 to 5107.69 of the Revised Code except those 21274
engaged in paid employment or subsidized employment pursuant to 21275
the activity; 21276

(c) Supplemental nutrition assistance program benefit 21277
recipients required to participate in employment and training 21278
activities established by rules adopted under section 5101.54 of 21279
the Revised Code. 21280

An association representing the general contractors or 21281
subcontractors that engage in the business of residential 21282
construction in a certain locality shall negotiate with the 21283
applicable building and construction trades council in that 21284
locality an agreement or understanding that sets forth the 21285
residential prevailing rate of wages, payable on projects in 21286
that locality, for each of the occupations employed on those 21287
projects. 21288

(2) Notwithstanding any residential prevailing rate of 21289
wages established prior to July 1, 1995, if, by October 1, 1995, 21290
the parties are unable to agree under division (A) (1) of this 21291
section as to the rate of wages payable for each occupation 21292
covered by sections 4115.03 to 4115.16 of the Revised Code, the 21293
director of commerce shall establish the rate of wages payable 21294
for each occupation. 21295

(3) The residential prevailing rate of wages established 21296
under division (A) (1) or (2) of this section shall not be equal 21297
to or greater than the prevailing rate of wages determined by 21298
the director pursuant to sections 4115.03 to 4115.16 of the 21299
Revised Code for any of the occupations covered by those 21300
sections. 21301

(B) Except for the prevailing rate of wages determined by 21302
the director pursuant to sections 4115.03 to 4115.16 of the 21303
Revised Code, those sections and section 4115.99 of the Revised 21304
Code apply to projects. 21305

(C) The residential prevailing rate of wages established 21306
under division (A) of this section is not payable to any 21307
individual or member of that individual's family who provides 21308
labor in exchange for acquisition of the property for 21309
homeownership or who provides labor in place of or as a 21310
supplement to any rental payments for the property. 21311

(D) For the purposes of this section: 21312

(1) "Project" means any construction, rehabilitation, 21313
remodeling, or improvement of residential housing, whether on a 21314
single or multiple site for which a person, as defined in 21315
section 1.59 of the Revised Code, or municipal corporation, 21316
county, or township receives financing, that is financed in 21317
whole or in part from state moneys or pursuant to this chapter, 21318
section 133.51 or 307.698 of the Revised Code, or Chapter 174. 21319
or 175. of the Revised Code, except for any of the following: 21320

(a) The single-family mortgage revenue bonds homeownership 21321
program under Chapter 175. of the Revised Code, including owner- 21322
occupied dwellings of one to four units; 21323

(b) Projects consisting of fewer than six units developed 21324
by any entity that is not a nonprofit organization exempt from 21325
federal income tax under section 501(c)(3) of the Internal 21326
Revenue Code; 21327

(c) Projects of fewer than twenty-five units developed by 21328
any nonprofit organization that is exempt from federal income 21329
tax under section 501(c)(3) of the Internal Revenue Code; 21330

(d) Programs undertaken by any municipal corporation, 21331
county, or township, including lease-purchase programs, using 21332
mortgage revenue bond financing; 21333

(e) Projects to develop, repair, or upgrade water, sewer, 21334

transportation, electric, or gas infrastructure needed for the 21335
construction of single-family, residential dwellings that are 21336
part of a residential development project using funds provided 21337
under the residential development revolving loan program 21338
established under section 122.98 of the Revised Code; 21339

(f) Any individual project, that is sponsored or developed 21340
by a nonprofit organization that is exempt from federal income 21341
tax under section 501(c)(3) of the Internal Revenue Code, for 21342
which the federal government or any of its agencies furnishes by 21343
loan, grant, low-income housing tax credit, or insurance more 21344
than twelve per cent of the costs of the project. For purposes 21345
of division ~~(D)(2)(e)~~ (D)(1)(f) of this section, the value of the 21346
low-income housing tax credits shall be calculated as the 21347
proceeds from the sale of the tax credits, less the costs of the 21348
sale. 21349

As used in division ~~(D)(1)(e)~~ (D)(1)(f) of this section, 21350
"sponsored" means that a general partner of a limited 21351
partnership owning the project or a managing member of a limited 21352
liability company owning the project is either a nonprofit 21353
organization that is exempt from federal income tax under 21354
section 501(c)(3) of the Internal Revenue Code or a person, as 21355
defined in section 1.59 of the Revised Code, or a limited 21356
liability company in which such a nonprofit organization 21357
maintains controlling interest. For purposes of this division, a 21358
general partner of a limited partnership that is a nonprofit 21359
organization described under this division is not required to be 21360
the sole general partner in the limited partnership, and a 21361
managing member of a limited liability company that is a 21362
nonprofit organization described under this division is not 21363
required to be the sole managing member in the limited liability 21364
company. 21365

Nothing in division ~~(D) (1) (e)~~ (D) (1) (f) of this section 21366
shall be construed as permitting unrelated projects to be 21367
combined for the sole purpose of determining the total 21368
percentage of project costs furnished by the federal government 21369
or any of its agencies. 21370

(2) A "project" is a "public improvement" and the state or 21371
a political subdivision that undertakes or participates in the 21372
financing of a project is a "public authority," as both of the 21373
last two terms are defined in section 4115.03 of the Revised 21374
Code. 21375

(3) "Qualified volunteers" are volunteers who are working 21376
without compensation for a nonprofit organization that is exempt 21377
from federal income tax under section 501(c)(3) of the Internal 21378
Revenue Code, and that is providing housing or housing 21379
assistance only to families and individuals in a county whose 21380
incomes are not greater than one hundred forty per cent of the 21381
median income of that county as determined under section 174.04 21382
of the Revised Code. 21383

Sec. 303.12. (A) (1) Amendments to the zoning resolution 21384
may be initiated by motion of the county rural zoning 21385
commission, by the passage of a resolution by the board of 21386
county commissioners, or by the filing of an application by one 21387
or more of the owners or lessees of property within the area 21388
proposed to be changed or affected by the proposed amendment 21389
with the county rural zoning commission. The board of county 21390
commissioners may require that the owner or lessee of property 21391
filing an application to amend the zoning resolution pay a fee 21392
to defray the cost of advertising, mailing, filing with the 21393
county recorder, and other expenses. If the board of county 21394
commissioners requires such a fee, it shall be required 21395

generally, for each application. The board of county 21396
commissioners, upon the passage of such a resolution, shall 21397
certify it to the county rural zoning commission. 21398

(2) Upon the adoption of a motion by the county rural 21399
zoning commission, the certification of a resolution by the 21400
board of county commissioners to the commission, or the filing 21401
of an application by property owners or lessees as described in 21402
division (A) (1) of this section with the commission, the 21403
commission shall set a date for a public hearing, which date 21404
shall not be less than twenty nor more than forty days from the 21405
date of adoption of such a motion, the date of the certification 21406
of such a resolution, or the date of the filing of such an 21407
application. Notice of the hearing shall be given by the 21408
commission by one publication at least ten days before the date 21409
of the hearing, using at least one of the following methods: 21410

(a) In the print or digital edition of one or more 21411
newspapers of general circulation in each township affected by 21412
the proposed amendment; 21413

(b) On the official public notice web site established 21414
under section 125.182 of the Revised Code; 21415

(c) On the web site and social media account of the 21416
county. 21417

(B) If the proposed amendment intends to rezone or 21418
redistrict ten or fewer parcels of land, as listed on the county 21419
auditor's current tax list, written notice of the hearing shall 21420
be mailed by the county rural zoning commission, by first class 21421
mail, at least ten days before the date of the public hearing to 21422
all owners of property within and contiguous to and directly 21423
across the street from the area proposed to be rezoned or 21424

redistricted to the addresses of those owners appearing on the 21425
county auditor's current tax list. The failure of delivery of 21426
that notice shall not invalidate any such amendment. 21427

(C) If the proposed amendment intends to rezone or 21428
redistrict ten or fewer parcels of land as listed on the county 21429
auditor's current tax list, the published and mailed notices 21430
shall set forth the time, date, and place of the public hearing 21431
and include all of the following: 21432

(1) The name of the county rural zoning commission that 21433
will be conducting the hearing; 21434

(2) A statement indicating that the motion, resolution, or 21435
application is an amendment to the zoning resolution; 21436

(3) A list of the addresses of all properties to be 21437
rezoned or redistricted by the proposed amendment and of the 21438
names of owners of these properties, as they appear on the 21439
county auditor's current tax list; 21440

(4) The present zoning classification of property named in 21441
the proposed amendment and the proposed zoning classification of 21442
that property; 21443

(5) The time and place where the motion, resolution, or 21444
application proposing to amend the zoning resolution will be 21445
available for examination for a period of at least ten days 21446
prior to the hearing; 21447

(6) The name of the person responsible for giving notice 21448
of the public hearing by publication, by mail, or by both 21449
publication and mail; 21450

(7) A statement that, after the conclusion of the hearing, 21451
the matter will be submitted to the board of county 21452

commissioners for its action; 21453

(8) Any other information requested by the commission. 21454

(D) If the proposed amendment alters the text of the 21455
zoning resolution, or rezones or redistricts more than ten 21456
parcels of land as listed on the county auditor's current tax 21457
list, the published notice shall set forth the time, date, and 21458
place of the public hearing and include all of the following: 21459

(1) The name of the county rural zoning commission that 21460
will be conducting the hearing on the proposed amendment; 21461

(2) A statement indicating that the motion, application, 21462
or resolution is an amendment to the zoning resolution; 21463

(3) The time and place where the text and maps of the 21464
proposed amendment will be available for examination for a 21465
period of at least ten days prior to the hearing; 21466

(4) The name of the person responsible for giving notice 21467
of the hearing by publication; 21468

(5) A statement that, after the conclusion of the hearing, 21469
the matter will be submitted to the board of county 21470
commissioners for its action; 21471

(6) Any other information requested by the commission. 21472

Hearings shall be held in the county court house or in a 21473
public place designated by the commission. 21474

(E) Within five days after the adoption of the motion 21475
described in division (A) of this section, the certification of 21476
the resolution described in division (A) of this section, or the 21477
filing of the application described in division (A) of this 21478
section, the county rural zoning commission shall transmit a 21479

copy of it together with text and map pertaining to it to the 21480
county or regional planning commission, if there is such a 21481
commission. 21482

The county or regional planning commission shall recommend 21483
the approval or denial of the proposed amendment or the approval 21484
of some modification of it and shall submit its recommendation 21485
to the county rural zoning commission. The recommendation shall 21486
be considered at the public hearing held by the county rural 21487
zoning commission on the proposed amendment. 21488

The county rural zoning commission, within thirty days 21489
after the hearing, shall recommend the approval or denial of the 21490
proposed amendment, or the approval of some modification of it, 21491
and shall submit that recommendation together with the motion, 21492
application, or resolution involved, the text and map pertaining 21493
to the proposed amendment, and the recommendation of the county 21494
or regional planning commission on it to the board of county 21495
commissioners. 21496

The board of county commissioners, upon receipt of that 21497
recommendation, shall set a time for a public hearing on the 21498
proposed amendment, which date shall be not more than thirty 21499
days from the date of the receipt of that recommendation. Notice 21500
of the hearing shall be given by the board by one publication at 21501
least ten days before the date of the hearing, using at least 21502
one of the following methods: 21503

(1) In the print or digital edition of one or more 21504
newspapers of general circulation in the county; 21505

(2) On the official public notice web site established 21506
under section 125.182 of the Revised Code; 21507

(3) On the web site and social media account of the 21508

county. 21509

(F) If the proposed amendment intends to rezone or 21510
redistrict ten or fewer parcels of land as listed on the county 21511
auditor's current tax list, the published notice shall set forth 21512
the time, date, and place of the public hearing and include all 21513
of the following: 21514

(1) The name of the board of county commissioners that 21515
will be conducting the hearing; 21516

(2) A statement indicating that the motion, application, 21517
or resolution is an amendment to the zoning resolution; 21518

(3) A list of the addresses of all properties to be 21519
rezoned or redistricted by the proposed amendment and of the 21520
names of owners of those properties, as they appear on the 21521
county auditor's current tax list; 21522

(4) The present zoning classification of property named in 21523
the proposed amendment and the proposed zoning classification of 21524
that property; 21525

(5) The time and place where the motion, application, or 21526
resolution proposing to amend the zoning resolution will be 21527
available for examination for a period of at least ten days 21528
prior to the hearing; 21529

(6) The name of the person responsible for giving notice 21530
of the hearing by publication, by mail, or by both publication 21531
and mail; 21532

(7) Any other information requested by the board. 21533

(G) If the proposed amendment alters the text of the 21534
zoning resolution, or rezones or redistricts more than ten 21535
parcels of land as listed on the county auditor's current tax 21536

list, the published notice shall set forth the time, date, and 21537
place of the public hearing and include all of the following: 21538

(1) The name of the board of county commissioners that 21539
will be conducting the hearing on the proposed amendment; 21540

(2) A statement indicating that the motion, application, 21541
or resolution is an amendment to the zoning resolution; 21542

(3) The time and place where the text and maps of the 21543
proposed amendment will be available for examination for a 21544
period of at least ten days prior to the hearing; 21545

(4) The name of the person responsible for giving notice 21546
of the hearing by publication; 21547

(5) Any other information requested by the board. 21548

(H) Within twenty days after its public hearing, the board 21549
of county commissioners shall either adopt or deny the 21550
recommendation of the county rural zoning commission or adopt 21551
some modification of it. If the board denies or modifies the 21552
commission's recommendation, a majority vote of the board shall 21553
be required. 21554

The Except as provided in division (I) of this section, 21555
the proposed amendment, if adopted by the board, shall become 21556
effective in thirty days after the date of its adoption, unless, 21557
within thirty days after the adoption, there is presented to the 21558
board of county commissioners a petition, signed by a number of 21559
qualified voters residing in the unincorporated area of the 21560
township or part of that unincorporated area included in the 21561
zoning plan equal to not less than eight per cent of the total 21562
vote cast for all candidates for governor in that area at the 21563
most recent general election at which a governor was elected, 21564
requesting the board to submit the amendment to the electors of 21565

that area for approval or rejection at a special election to be 21566
held on the day of the next primary or general election 21567
occurring at least ninety days after the petition is submitted. 21568
Each part of this petition shall contain the number and the full 21569
and correct title, if any, of the zoning amendment resolution, 21570
motion, or application, furnishing the name by which the 21571
amendment is known and a brief summary of its contents. In 21572
addition to meeting the requirements of this section, each 21573
petition shall be governed by the rules specified in section 21574
3501.38 of the Revised Code. 21575

The form of a petition calling for a zoning referendum and 21576
the statement of the circulator shall be substantially as 21577
follows: 21578

"PETITION FOR ZONING REFERENDUM 21579

(if the proposal is identified by a particular name or number, 21580
or both, these should be inserted here) _____ 21581

A proposal to amend the zoning map of the unincorporated 21582
area of _____ Township, _____ County, 21583
Ohio, adopted _____ (date) _____ (followed by brief 21584
summary of the proposal). 21585

To the Board of County Commissioners of _____ 21586
County, Ohio: 21587

We, the undersigned, being electors residing in the 21588
unincorporated area of _____ Township, included within 21589
the _____ County Zoning Plan, equal to not less than 21590
eight per cent of the total vote cast for all candidates for 21591
governor in the area at the preceding general election at which 21592
a governor was elected, request the Board of County 21593
Commissioners to submit this amendment of the zoning resolution 21594

to the electors of _____ Township residing within the 21595
unincorporated area of the township included in the 21596
_____ County Zoning Resolution, for approval or 21597
rejection at a special election to be held on the day of the 21598
next primary or general election to be held on 21599
_____ (date) _____, pursuant to section 303.12 of the Revised 21600
Code. 21601

Street Address Date of 21602
Signature or R.F.D. Township Precinct County Signing 21603

_____ 21604
_____ 21605

STATEMENT OF CIRCULATOR 21606

I, _____ (name of circulator) _____, 21607
declare under penalty of election falsification that I am an 21608
elector of the state of Ohio and reside at the address appearing 21609
below my signature; that I am the circulator of the foregoing 21610
part petition containing _____ (number) _____ signatures; that I 21611
have witnessed the affixing of every signature; that all signers 21612
were to the best of my knowledge and belief qualified to sign; 21613
and that every signature is to the best of my knowledge and 21614
belief the signature of the person whose signature it purports 21615
to be or of an attorney in fact acting pursuant to section 21616
3501.382 of the Revised Code. 21617

(Signature of circulator) 21618
21619

(Address of circulator's 21620
permanent residence in this 21621
21622

state) 21623

21624

(City, village, or township, 21625

and zip code) 21626

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 21627

FELONY OF THE FIFTH DEGREE." 21628

No amendment for which such a referendum vote has been 21629

requested shall be put into effect unless a majority of the vote 21630

cast on the issue is in favor of the amendment. Upon 21631

certification by the board of elections that the amendment has 21632

been approved by the voters, it shall take immediate effect. 21633

Within five working days after an amendment's effective 21634

date, the board of county commissioners shall file the text and 21635

maps of the amendment in the office of the county recorder and 21636

with the regional or county planning commission, if one exists. 21637

The failure to file any amendment, or any text and maps, 21638

or duplicates of any of these documents, with the office of the 21639

county recorder or the county or regional planning commission as 21640

required by this section does not invalidate the amendment and 21641

is not grounds for an appeal of any decision of the board of 21642

zoning appeals. 21643

(I) If a proposed amendment establishes or modifies 21644

planned-unit development regulations, the following apply in 21645

lieu of the contrary provisions of division (H) of this section: 21646

(1) The petition shall be signed by a number of registered 21647

electors residing in the territory where the planned-unit 21648

development regulations apply or will apply equal to not less 21649

than thirty-five per cent of the total vote cast for all 21650

candidates for governor in that territory at the most recent 21651
general election at which a governor was elected. 21652

(2) The board of elections shall determine the sufficiency 21653
and validity of the petition not later than thirty days after 21654
the petition is certified to the board of elections by the board 21655
of county commissioners. 21656

(3) If the board of elections determines there is an 21657
insufficient number of valid signatures, the board immediately 21658
shall notify the person who presented the petition. The person 21659
may submit additional signatures not later than ten days after 21660
the notification. 21661

Sec. 305.02. (A) If a vacancy in the office of county 21662
commissioner, prosecuting attorney, county auditor, county 21663
treasurer, clerk of the court of common pleas, sheriff, county 21664
recorder, or county engineer, ~~or coroner~~ occurs more than forty 21665
days before the next general election for state and county 21666
officers, a successor shall be elected at such election for the 21667
unexpired term unless such term expires within one year 21668
immediately following the date of such general election. 21669

In either event, the vacancy shall be filled as provided 21670
in this section and the appointee shall hold office until a 21671
successor is elected and qualified. 21672

(B) If a vacancy occurs from any cause in any of the 21673
offices named in division (A) of this section, then not later 21674
than forty-five days after the vacancy occurs, a person shall be 21675
appointed to hold the office and to perform the duties thereof 21676
until a successor is elected and has qualified. The appointment 21677
shall be made as follows: 21678

(1) If the last occupant of the office was elected as a 21679

partisan candidate, the county central committee of the 21680
political party that nominated the last occupant of the office 21681
for the current term shall make the appointment. However, if 21682
such vacancy occurs because of the death, resignation, or 21683
inability to take the office of an officer-elect whose term has 21684
not yet begun, and the officer-elect was elected as a partisan 21685
candidate, an appointment to take such office at the beginning 21686
of the term shall be made by the central committee of the 21687
political party that nominated the officer-elect as a candidate 21688
for that office for that term. 21689

A county central committee that makes an appointment under 21690
division (B)(1) of this section shall meet for that purpose not 21691
less than five nor more than forty-five days after the vacancy 21692
occurs. Not less than four days before the date of such meeting 21693
the chairperson or secretary of such central committee shall 21694
send by first class mail to every member of such central 21695
committee a written notice which shall state the time and place 21696
of such meeting and the purpose thereof. A majority of the 21697
members of the central committee present at such meeting may 21698
make the appointment. 21699

(2) If the last occupant of the office or the officer- 21700
elect was elected to serve the current term as an independent 21701
candidate, the board of county commissioners shall make the 21702
appointment, except where the vacancy is in the office of county 21703
commissioner, in which case the prosecuting attorney and the 21704
remaining commissioners or a majority of them shall make the 21705
appointment. 21706

(C) Appointments made under this section shall be 21707
certified by the appointing county central committee or by the 21708
board of county commissioners to the county board of elections 21709

and to the secretary of state, and the persons so appointed and 21710
certified shall be entitled to all remuneration provided by law 21711
for the offices to which they are appointed. 21712

(D) The board of county commissioners may appoint a person 21713
to hold any of the offices named in division (A) of this section 21714
as an acting officer and to perform the duties thereof between 21715
the occurrence of the vacancy and the time when the officer 21716
appointed under division (B) of this section qualifies and takes 21717
the office. 21718

(E) A person appointed prosecuting attorney or assistant 21719
prosecuting attorney shall give bond and take the oath of office 21720
prescribed by section 309.03 of the Revised Code for the 21721
prosecuting attorney. 21722

Sec. 305.021. (A) When there is a vacancy in the county 21723
engineer's office as a result of death or resignation and the 21724
vacancy cannot be filled by election or appointment as provided 21725
in section 305.02 of the Revised Code, or if no one runs for the 21726
office of county engineer and, for that reason, the office is 21727
vacant, the board of county commissioners may contract with 21728
another county's county engineer to exercise the powers and 21729
perform the acts, duties, or functions of the county engineer. 21730
Notwithstanding any contrary provision of the Revised Code or 21731
the common law, the same person may serve as the county engineer 21732
of more than one county, including adjacent counties, under this 21733
section. 21734

(B) A county engineer with whom the board contracts shall 21735
receive supplemental compensation for services rendered under 21736
the contract in an amount equal to that is not less than eighty 21737
per cent nor more than one hundred per cent of the compensation 21738
specified in sections 325.14 and 325.18 of the Revised Code for 21739

the population range of the county in which the engineer is 21740
contracted to perform services, prorated for the duration of the 21741
contract. The supplemental compensation shall have no effect on 21742
the compensation a county engineer receives for serving as 21743
county engineer in the county in which the engineer holds 21744
office. The duration of the contract shall not extend beyond the 21745
last day of the term for which there was a vacancy. 21746

Sec. 305.03. ~~(A) (1)~~ (A) Whenever any county officer, ~~except~~ 21747
~~the county auditor or county treasurer,~~ fails to perform the 21748
duties of office for ~~ninety~~ thirty consecutive days, except in 21749
case of sickness or injury as provided in divisions (B) and (C) 21750
of this section, the office shall be deemed vacant. Performing 21751
the duties of office includes a county officer appearing in 21752
person at the officer's principal office location on at least 21753
one out of thirty consecutive days. 21754

~~(2) Whenever any county auditor or county treasurer fails~~ 21755
~~to perform the duties of office for thirty consecutive days,~~ 21756
~~except in case of sickness or injury as provided in divisions~~ 21757
~~(B) and (C) of this section, the office shall be deemed vacant.~~ 21758

(B) Whenever any county officer is absent because of 21759
sickness or injury, the officer shall cause to be filed with the 21760
board of county commissioners a certificate from a physician, 21761
certified nurse-midwife, clinical nurse specialist, or certified 21762
nurse practitioner of the officer's sickness or injury. If the 21763
certificate is not filed with the board within ten days after 21764
the expiration of thirty consecutive days, ~~in the case of a~~ 21765
~~county auditor or county treasurer, or within ten days after the~~ 21766
~~expiration of ninety consecutive days of absence, in the case of~~ 21767
~~all other county officers,~~ the office shall be deemed vacant. 21768

(C) Whenever a county officer files a certificate under 21769

division (B) of this section, but continues to be absent for an 21770
additional thirty days commencing immediately after the last day 21771
on which this certificate may be filed under division (B) of 21772
this section, the office shall be deemed vacant. 21773

(D) If at any time two county commissioners in a county 21774
are absent and have filed a certificate under division (B) of 21775
this section, the county ~~coroner~~auditor, in addition to 21776
performing the duties of ~~coroner~~auditor, shall serve as county 21777
commissioner until at least one of the absent commissioners 21778
returns to office or until the office of at least one of the 21779
absent commissioners is deemed vacant under this section and the 21780
vacancy is filled. If the ~~coroner~~auditor so requests, the 21781
~~coroner~~auditor shall be paid a per diem rate for the ~~coroner's~~ 21782
auditor's service as a commissioner. That per diem rate shall be 21783
the annual salary specified by law for a county commissioner of 21784
that county whose term of office began in the same year as the 21785
coroner's term of office began, divided by the number of days in 21786
the year. 21787

While the ~~coroner~~auditor is serving as a county 21788
commissioner, the ~~coroner~~auditor shall be considered an acting 21789
county commissioner and shall perform the duties of the office 21790
of county commissioner until at least one of the absent 21791
commissioners returns to office or until the office of at least 21792
one of the absent commissioners is deemed vacant. Before 21793
assuming the office of acting county commissioner, the ~~coroner~~ 21794
auditor shall take an oath of office as provided in sections 21795
3.22 and 3.23 of the Revised Code. The ~~coroner's~~auditor's 21796
service as an acting county commissioner does not constitute the 21797
holding of an incompatible public office or employment in 21798
violation of any statutory or common law prohibition against the 21799
simultaneous holding of more than one public office or 21800

employment. 21801

The ~~coroner~~-auditor shall give a new bond in the same 21802
amount and signed and approved as provided in section 305.04 of 21803
the Revised Code. The bond shall be conditioned for the faithful 21804
discharge of the ~~coroner's~~-auditor's duties as acting county 21805
commissioner and for the payment of any loss or damage that the 21806
county may sustain by reason of the ~~coroner's~~-auditor's failure 21807
in those duties. The bond, along with the oath of office and 21808
approval of the probate judge indorsed on it, shall be deposited 21809
and paid for as provided for the bonds in section 305.04 of the 21810
Revised Code. 21811

(E) Any vacancy declared under this section shall be 21812
filled in the manner provided by section 305.02 of the Revised 21813
Code. 21814

(F) This section shall not apply to a county officer while 21815
in the active military service of the United States. 21816

Sec. 306.32. Any county, or any two or more counties, 21817
municipal corporations, or townships, or any combination of 21818
these, may create a regional transit authority by the adoption 21819
of a resolution or ordinance by the board of county 21820
commissioners of each county, the legislative authority of each 21821
municipal corporation, and the board of township trustees of 21822
each township which is to create or to join in the creation of 21823
the regional transit authority. The resolution or ordinance 21824
shall state: 21825

(A) The necessity for the creation of a regional transit 21826
authority; 21827

(B) The counties, municipal corporations, or townships 21828
which are to create or to join in the creation of the regional 21829

transit authority; 21830

(C) The official name by which the regional transit 21831
authority shall be known; 21832

(D) The place in which the principal office of the 21833
regional transit authority will be located or the manner in 21834
which it may be selected; 21835

(E) The number, term, and compensation, or method for 21836
establishing compensation, of the members of the board of 21837
trustees of the regional transit authority. Compensation shall 21838
not exceed fifty dollars for each board and committee meeting 21839
attended by a member, except that if compensation is provided 21840
annually it shall not exceed six thousand dollars for the 21841
president of the board or four thousand eight hundred dollars 21842
for each other board member. 21843

(F) The manner in which vacancies on the board of trustees 21844
of the regional transit authority shall be filled; 21845

(G) The manner and to what extent the expenses of the 21846
regional transit authority shall be apportioned among the 21847
counties, municipal corporations, and townships creating it; 21848

(H) The purposes, including the kinds of transit 21849
facilities, for which the regional transit authority is 21850
organized. 21851

The regional transit authority provided for in the 21852
resolution or ordinance shall be deemed to be created upon the 21853
adoption of the resolution or ordinance by the board of county 21854
commissioners of each county, the legislative authority of each 21855
municipal corporation, and the board of township trustees of 21856
each township enumerated in the resolution or ordinance. 21857

The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township which has created or joined or proposes to join the regional transit authority.

After each county, municipal corporation, and township which has created or joined or proposes to join the regional transit authority has adopted its resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the regional transit authority, a copy of each resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the regional transit authority. The inclusion is effective when all such filing has been completed, unless the regional transit authority to which territory is to be added has authority to levy an ad valorem tax on property, or a sales tax, within its territorial boundaries, in which event the inclusion shall become effective on the sixtieth day after the last such filing is accomplished, unless, prior to the expiration of the sixty-day period, qualified electors residing in the area proposed to be added to the regional transit authority, equal in number to at least ten per cent of the qualified electors from the area who voted for governor at the last gubernatorial election, file a petition of referendum against the inclusion. Any petition of referendum filed under this section shall be filed at the office of the

secretary of the board of trustees of the regional transit 21889
authority. The person presenting the petition shall be given a 21890
receipt containing on it the time of the day, the date, and the 21891
purpose of the petition. The secretary of the board of trustees 21892
of the regional transit authority shall cause the appropriate 21893
board or boards of elections to check the sufficiency of 21894
signatures on any petition of referendum filed under this 21895
section and, if found to be sufficient, shall present the 21896
petition to the board of trustees at a meeting of said board 21897
which occurs not later than thirty days following the filing of 21898
said petition. Upon presentation to the board of trustees of a 21899
petition of referendum against the proposed inclusion, the board 21900
of trustees shall promptly certify the proposal to the board or 21901
boards of elections for the purpose of having the proposal 21902
placed on the ballot at the next general or primary election 21903
which occurs not less than ninety days after the date of the 21904
meeting of said board, or at a special election, the date of 21905
which shall be specified in the certification, which date shall 21906
be not less than ninety days after the date of such meeting of 21907
the board. Signatures on a petition of referendum may be 21908
withdrawn up to and including the meeting of the board of 21909
trustees certifying the proposal to the appropriate board or 21910
boards of elections. If territory of more than one county, 21911
municipal corporation, or township is to be added to the 21912
regional transit authority, the electors of the territories of 21913
the counties, municipal corporations, or townships which are to 21914
be added shall vote as a district, and the majority affirmative 21915
vote shall be determined by the vote cast in the district as a 21916
whole. 21917

If the proposal would extend the levy of an existing 21918
property tax to the territory to be added to the regional 21919

transit authority, the board of trustees of the regional transit 21920
authority and the county auditor shall proceed in the same 21921
manner as required for a tax levy under section 5705.03 of the 21922
Revised Code, except that the levy's annual collections shall be 21923
estimated assuming that the additional territory has been added 21924
to the regional transit authority. 21925

Upon certification of a proposal to the appropriate board 21926
or boards of elections pursuant to this section, the board or 21927
boards of election shall make the necessary arrangements for the 21928
submission of the question to the electors of the territory to 21929
be added to the regional transit authority qualified to vote on 21930
the question, and the election shall be held, canvassed, and 21931
certified in the manner provided for the submission of tax 21932
levies under section 5705.191 of the Revised Code, except that 21933
the question appearing on the ballot shall read: 21934

"Shall the territory within the _____ 21935
(Name or names of political subdivisions to be joined) be added 21936
to _____ (Name) regional transit 21937
authority?" and shall a(n) _____ (here insert type of tax 21938
or taxes) at a rate not to exceed _____ (here insert maximum tax 21939
rate or rates) be levied for all transit purposes?" 21940

If the tax is a tax on property, the ballot shall express 21941
the levy's estimated annual collections, and the rate shall be 21942
expressed numerically in mills for each one dollar of taxable 21943
value and the effective rate shall be expressed numerically in 21944
dollars for each one hundred thousand dollars of ~~the county~~ 21945
~~auditor's appraised market~~ value. 21946

If the question is approved by at least a majority of the 21947
electors voting on the question, the joinder is immediately 21948
effective, and the regional transit authority may extend the 21949

levy of the tax against all the taxable property within the 21950
territory which has been added. If the question is approved at a 21951
general election or at a special election occurring prior to the 21952
general election but after the fifteenth day of July, the 21953
regional transit authority may amend its budget and resolution 21954
adopted pursuant to section 5705.34 of the Revised Code, and the 21955
levy shall be placed on the current tax list and duplicate and 21956
collected as other taxes are collected from all taxable property 21957
within the territorial boundaries of the regional transit 21958
authority, including the territory within each political 21959
subdivision added as a result of the election. 21960

The territorial boundaries of a regional transit authority 21961
shall be coextensive with the territorial boundaries of the 21962
counties, municipal corporations, and townships included within 21963
the regional transit authority, provided that the same area may 21964
be included in more than one regional transit authority so long 21965
as the regional transit authorities are not organized for 21966
purposes as provided for in the resolutions or ordinances 21967
creating the same, and any amendments to them, relating to the 21968
same kinds of transit facilities; and provided further, that if 21969
a regional transit authority includes only a portion of an 21970
entire county, a regional transit authority for the same 21971
purposes may be created in the remaining portion of the same 21972
county by resolution of the board of county commissioners acting 21973
alone or in conjunction with municipal corporations and 21974
townships as provided in this section. 21975

No regional transit authority shall be organized after 21976
January 1, 1975, to include any area already included in a 21977
regional transit authority, except that any regional transit 21978
authority organized after June 29, 1974, and having territorial 21979
boundaries entirely within a single county shall, upon adoption 21980

by the board of county commissioners of the county of a 21981
resolution creating a regional transit authority including 21982
within its territorial jurisdiction the existing regional 21983
transit authority and for purposes including the purposes for 21984
which the existing regional transit authority was created, be 21985
dissolved and its territory included in such new regional 21986
transit authority. Any resolution creating such a new regional 21987
transit authority shall make adequate provision for satisfaction 21988
of the obligations of the dissolved regional transit authority. 21989

As used in this section, "~~the county auditor's appraised~~ 21990
market value" and "effective rate" have the same meanings as in 21991
section 5705.01 of the Revised Code. 21992

Sec. 306.322. (A) As used in this section: 21993

(1) "Political subdivision" means a county, a municipal 21994
corporation, or a township. 21995

(2) "Governing body" means a board of county commissioners 21996
of a county, a legislative authority of a municipal corporation, 21997
or a board of trustees of a township. 21998

(B) For any regional transit authority that levies a 21999
property tax and that includes in its membership political 22000
subdivisions that are located in a county having a population of 22001
at least four hundred thousand according to the most recent 22002
federal census, the procedures of this section apply until 22003
December 31, 2022, and are in addition to and an alternative to 22004
those established in sections 306.32, 306.321, and 306.54 of the 22005
Revised Code for joining to the regional transit authority 22006
additional political subdivisions. 22007

(C) Any political subdivision may adopt a resolution or 22008
ordinance proposing to join a regional transit authority 22009

described in division (B) of this section. In its resolution or ordinance, the political subdivision may propose joining the regional transit authority for a limited period of three years or without a time limit.

(D) The political subdivision proposing to join the regional transit authority shall submit a copy of its resolution or ordinance to the governing body of each political subdivision comprising the regional transit authority. Within thirty days of receiving the resolution or ordinance for inclusion in the regional transit authority, the governing body of each political subdivision shall consider the question of whether to include the additional political subdivision in the regional transit authority, shall adopt a resolution or ordinance approving or rejecting the inclusion of the additional political subdivision, and shall present its resolution or ordinance to the board of trustees of the regional transit authority.

If the board of trustees of the regional transit authority proposes to extend the levy of an existing property tax to the territory to be added to the regional transit authority, the board and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the regional transit authority.

(E) If a majority of the political subdivisions comprising the regional transit authority approve the inclusion of the additional political subdivision under division (D) of this section, the board of trustees of the regional transit authority may proceed as provided in division (K) of this section or as provided in divisions (F) to (J) of this section, as applicable.

(F) Not later than the tenth day following the day on 22040
which the last ordinance or resolution is presented under 22041
division (D) of this section, the board of trustees of the 22042
regional transit authority shall notify the political 22043
subdivision proposing to join the regional transit authority 22044
that it may certify the proposal to the board of elections for 22045
the purpose of having the proposal placed on the ballot at the 22046
next general election or at a special election conducted on the 22047
day of the next primary election that occurs not less than 22048
ninety days after the resolution or ordinance is certified to 22049
the board of elections. 22050

(G) Upon certification of a proposal to the board of 22051
elections pursuant to division (F) of this section, the board of 22052
elections shall make the necessary arrangements for the 22053
submission of the question to the electors of the territory to 22054
be included in the regional transit authority qualified to vote 22055
on the question, and the election shall be held, canvassed, and 22056
certified in the same manner as regular elections for the 22057
election of officers of the political subdivision proposing to 22058
join the regional transit authority, except that, if the 22059
resolution proposed the inclusion without a time limitation the 22060
question appearing on the ballot shall read: 22061

"Shall the territory within the _____ 22062
(Name or names of political subdivisions to be joined) be added 22063
to _____ (Name) regional transit 22064
authority and shall a(n) _____ (here insert type of tax or 22065
taxes) at a rate of taxation not to exceed _____ (here insert 22066
maximum tax rate or rates) be levied for all transit purposes?" 22067

If the resolution proposed the inclusion with a three-year 22068
time limitation, the question appearing on the ballot shall 22069

read: 22070

"Shall the territory within the _____ 22071
(Name or names of political subdivisions to be joined) be added 22072
to _____ (Name) regional transit 22073
authority for three years and shall a(n) _____ (here insert 22074
type of tax or taxes) at a rate of taxation not to exceed _____ 22075
(here insert maximum tax rate or rates) be levied for all 22076
transit purposes for three years?" 22077

In either case, if the tax is a tax on property, the 22078
ballot shall express the levy's estimated annual collections, 22079
and the rate shall be expressed numerically in mills for each 22080
one dollar of taxable value and the effective rate shall be 22081
expressed numerically in dollars for each one hundred thousand 22082
dollars of ~~the county auditor's appraised~~ market value. 22083

(H) If the question is approved by at least a majority of 22084
the electors voting on the question, the addition of the new 22085
territory is effective six months from the date of the 22086
certification of its passage, and the regional transit authority 22087
may extend the levy of the tax against all the taxable property 22088
within the territory that was added. If the question is approved 22089
at a general election or at a special election occurring prior 22090
to the general election but after the fifteenth day of July, the 22091
regional transit authority may amend its budget and resolution 22092
adopted pursuant to section 5705.34 of the Revised Code, and the 22093
levy shall be placed on the current tax list and duplicate and 22094
collected as other taxes are collected from all taxable property 22095
within the territorial boundaries of the regional transit 22096
authority, including the territory within the political 22097
subdivision added as a result of the election. If the budget of 22098
the regional transit authority is amended pursuant to this 22099

paragraph, the county auditor shall prepare and deliver an 22100
amended certificate of estimated resources to reflect the change 22101
in anticipated revenues of the regional transit authority. 22102

(I) If the question is approved by at least a majority of 22103
the electors voting on the question, the board of trustees of 22104
the regional transit authority immediately shall amend the 22105
resolution or ordinance creating the regional transit authority 22106
to include the additional political subdivision. 22107

(J) If the question approved by a majority of the electors 22108
voting on the question added the political subdivision for three 22109
years, the territory of the additional political subdivision in 22110
the regional transit authority shall be removed from the 22111
territory of the regional transit authority three years after 22112
the date the territory was added, as determined in the effective 22113
date of the election, and shall no longer be a part of that 22114
authority without any further action by either the political 22115
subdivisions that were included in the authority prior to 22116
submitting the question to the electors or of the political 22117
subdivision added to the authority as a result of the election. 22118
The regional transit authority reduced to its territory as it 22119
existed prior to the inclusion of the additional political 22120
subdivision shall be entitled to levy and collect any property 22121
taxes that it was authorized to levy and collect prior to the 22122
enlargement of its territory and for which authorization has not 22123
expired, as if the enlargement had not occurred. 22124

(K) (1) If a majority of the political subdivisions 22125
comprising the regional transit authority approve the inclusion 22126
of the additional political subdivision without a time limit 22127
under division (D) of this section, the board of trustees of the 22128
regional transit authority may adopt a resolution to submit to 22129

the electors of the regional transit authority, as it would be 22130
enlarged by the inclusion, the question of including the 22131
political subdivision in the regional transit authority, of 22132
levying a tax under sections 5739.023 and 5741.022 of the 22133
Revised Code throughout the territorial boundaries of the 22134
regional transit authority as so enlarged, and of repealing the 22135
property tax levied by the regional transit authority under 22136
section 306.49 of the Revised Code. 22137

The resolution shall state all of the following: 22138

(a) The date on which the political subdivision is to be 22139
included in the regional transit authority; 22140

(b) The rate of the tax to be levied under sections 22141
5739.023 and 5741.022 of the Revised Code, the number of years 22142
it is to be levied or that it is to be levied for a continuing 22143
period of time, and the date on which it shall first be levied, 22144
all as provided under section 5739.023 of the Revised Code; 22145

(c) The last tax year that the property tax is to be 22146
levied under section 306.49 of the Revised Code. 22147

(2) Except as otherwise provided in division (K) (5) of 22148
this section, the political subdivision shall not be joined to 22149
the regional transit authority before the first day sales and 22150
use tax is levied by the regional transit authority under 22151
sections 5739.023 and 5741.022 of the Revised Code. Sales and 22152
use tax shall not be levied under those sections on or before 22153
the last day of the last tax year the regional transit authority 22154
levies property tax under section 306.49 of the Revised Code. 22155

(3) The board of trustees of the regional transit 22156
authority shall certify the resolution to the board of elections 22157
for the purpose of having the proposal placed on the ballot at 22158

the next general election or at a special election conducted on 22159
the day of the next primary election that occurs not less than 22160
ninety days after the resolution is certified to the board of 22161
elections. The election shall be held, canvassed, and certified, 22162
as provided in section 306.70 of the Revised Code, except that 22163
the question appearing on the ballot shall read: 22164

"Shall the territory within the _____ (Name or 22165
names of political subdivisions to be joined) be added to 22166
_____ (Name) regional transit authority, shall sales 22167
and use tax at a rate not exceeding _____ (Insert tax rate) 22168
be levied for all transit purposes throughout the territory of 22169
the regional transit authority, and shall the existing property 22170
tax levied for transit purposes be repealed?" 22171

(4) If the question is approved, the sales and use tax may 22172
be levied and collected as is otherwise provided under sections 22173
5739.023 and 5741.022 of the Revised Code on and after the date 22174
stated in the resolution. 22175

(5) The board of trustees shall appropriate from the first 22176
moneys received from the sales and use tax in each year the full 22177
amount required in order to pay the principal of and interest on 22178
any notes of the regional transit authority issued pursuant to 22179
section 306.49 of the Revised Code in anticipation of the 22180
collection of the property tax. The board of trustees shall not 22181
thereafter levy and collect the property tax unless and to the 22182
extent that the levy and collection is necessary to pay the 22183
principal of and interest on notes issued in anticipation of the 22184
property tax in order to avoid impairing the obligation of the 22185
contract between the regional transit authority and the note 22186
holders. Such property tax shall be levied only in the territory 22187
of the authority as it existed before the political subdivision 22188

was joined to the authority. 22189

(6) If the question is approved after the fifteenth day of 22190
July in any calendar year, the regional transit authority may 22191
amend its budget for the current and next fiscal year, and any 22192
resolution adopted pursuant to section 5705.34 of the Revised 22193
Code, to reflect the imposition of the sales and use tax, and 22194
shall amend its budget for the next fiscal year, and any 22195
resolution adopted pursuant to section 5705.34 of the Revised 22196
Code, to comply with division (K) (5) of this section. If the 22197
budget of the regional transit authority is amended pursuant to 22198
this division, the county auditor shall prepare and deliver an 22199
amended certificate of estimated resources to reflect the change 22200
in anticipated revenues of the regional transit authority. 22201

(7) If the question is approved, the board of trustees of 22202
the regional transit authority immediately shall amend the 22203
resolution or ordinance creating the regional transit authority 22204
to include the additional political subdivision. 22205

(L) As used in this section, "~~the county auditor's~~ 22206
~~appraised market value~~" and "effective rate" have the same 22207
meanings as in section 5705.01 of the Revised Code. 22208

Sec. 306.43. (A) The board of trustees of a regional 22209
transit authority or any officer or employee designated by such 22210
board may make any contract for the purchase of goods or 22211
services, the cost of which does not exceed one hundred thousand 22212
dollars. When an expenditure, other than for the acquisition of 22213
real estate, the discharge of claims, or the acquisition of 22214
goods or services under the circumstances described in division 22215
(H) of this section, is expected to exceed one hundred thousand 22216
dollars, such expenditure shall be made through full and open 22217
competition by the use of competitive procedures. The regional 22218

transit authority shall use the competitive procedure, as set 22219
forth in divisions (B), (C), (D), and (E) of this section, that 22220
is most appropriate under the circumstances of the procurement. 22221

(B) Competitive sealed bidding is the preferred method of 22222
procurement and a regional transit authority shall use that 22223
method if all of the following conditions exist: 22224

(1) A clear, complete, and adequate description of the 22225
goods, services, or work is available; 22226

(2) Time permits the solicitation, submission, and 22227
evaluation of sealed bids; 22228

(3) The award will be made on the basis of price and other 22229
price-related factors; 22230

(4) It is not necessary to conduct discussions with 22231
responding offerors about their bids; 22232

(5) There is a reasonable expectation of receiving more 22233
than one sealed bid. 22234

A regional transit authority shall publish a notice 22235
calling for bids once a week for no less than two consecutive 22236
weeks in a newspaper of general circulation within the 22237
territorial boundaries of the regional transit authority, or as 22238
provided in section 7.16 of the Revised Code. A regional transit 22239
authority may require that a bidder for any contract other than 22240
a construction contract provide a bid guaranty in the form, 22241
quality, and amount considered appropriate by the regional 22242
transit authority. The board may let the contract to the lowest 22243
responsive and responsible bidder. Where fewer than two 22244
responsive bids are received, a regional transit authority may 22245
negotiate price with the sole responsive bidder or may rescind 22246
the solicitation and procure under division (H) (2) of this 22247

section. 22248

(C) A regional transit authority may use two-step 22249
competitive bidding, consisting of a technical proposal and a 22250
separate, subsequent sealed price bid from those submitting 22251
acceptable technical proposals, if both of the following 22252
conditions exist: 22253

(1) A clear, complete, and adequate description of the 22254
goods, services, or work is not available, but definite criteria 22255
exist for the evaluation of technical proposals; 22256

(2) It is necessary to conduct discussions with responding 22257
offerors. 22258

A regional transit authority shall publish a notice 22259
calling for technical proposals once a week for no less than two 22260
consecutive weeks in a newspaper of general circulation within 22261
the territorial boundaries of the regional transit authority, or 22262
as provided in section 7.16 of the Revised Code. A regional 22263
transit authority may require a bid guaranty in the form, 22264
quality, and amount the regional transit authority considers 22265
appropriate. The board may let the contract to the lowest 22266
responsive and responsible bidder. Where fewer than two 22267
responsive and responsible bids are received, a regional transit 22268
authority may negotiate price with the sole responsive and 22269
responsible bidder or may rescind the solicitation and procure 22270
under division (H) (2) of this section. 22271

(D) A regional transit authority shall make a procurement 22272
by competitive proposals if competitive sealed bidding or two- 22273
step competitive bidding is not appropriate. 22274

A regional transit authority shall publish a notice 22275
calling for proposals once a week for no less than two 22276

consecutive weeks in a newspaper of general circulation within 22277
the territorial boundaries of the regional transit authority, or 22278
as provided in section 7.16 of the Revised Code. A regional 22279
transit authority may require a proposal guaranty in the form, 22280
quality, and amount considered appropriate by the regional 22281
transit authority. The board may let the contract to the 22282
proposer making the offer considered most advantageous to the 22283
authority. Where fewer than two competent proposals are 22284
received, a regional transit authority may negotiate price and 22285
terms with the sole proposer or may rescind the solicitation and 22286
procure under division (H) (2) of this section. 22287

(E) (1) A regional transit authority shall procure the 22288
services of an architect or engineer in the manner prescribed by 22289
the "Federal Mass Transportation Act of 1987," Public Law No. 22290
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 22291
1608 and the services of a construction manager in the manner 22292
prescribed by sections 9.33 to 9.332 of the Revised Code. 22293

(2) A regional transit authority may procure revenue 22294
rolling stock in the manner prescribed by division (B), (C), or 22295
(D) of this section. 22296

(3) All contracts for construction in excess of one 22297
hundred thousand dollars shall be made only after the regional 22298
transit authority has published a notice calling for bids once a 22299
week for two consecutive weeks in a newspaper of general 22300
circulation within the territorial boundaries of the regional 22301
transit authority, or as provided in section 7.16 of the Revised 22302
Code. The board may award a contract to the lowest responsive 22303
and responsible bidder. Where only one responsive and 22304
responsible bid is received, the regional transit authority may 22305
negotiate price with the sole responsive bidder or may rescind 22306

the solicitation. The regional transit authority shall award 22307
construction contracts in accordance with sections 153.12 to 22308
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 22309
this section shall not apply to the award of contracts for 22310
construction. 22311

(F) All contracts involving expenditures in excess of one 22312
hundred thousand dollars shall be in writing and shall be 22313
accompanied by or shall refer to plans and specifications for 22314
the work to be done. The plans and specifications shall at all 22315
times be made and considered part of the contract. For all 22316
contracts other than construction contracts, a regional transit 22317
authority may require performance, payment, or maintenance 22318
guaranties or any combination of such guaranties in the form, 22319
quality, and amount it considers appropriate. The contract shall 22320
be approved by the board and signed on behalf of the regional 22321
transit authority and by the contractor. 22322

(G) In making a contract, a regional transit authority may 22323
give preference to goods produced in the United States in 22324
accordance with the Buy America requirements in the "Surface 22325
Transportation Assistance Act of 1982," Public Law No. 97-424, 22326
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, 22327
and the rules adopted thereunder. The regional transit authority 22328
also may give preference to providers of goods produced in and 22329
services provided in labor surplus areas as defined by the 22330
United States department of labor in 41 U.S.C.A. 401 note, 22331
Executive Order No. 12073, August 16, 1978, 43 Fed. Reg. 36873, 22332
as amended. 22333

(H) Competitive procedures under this section are not 22334
required in any of the following circumstances: 22335

(1) The board of trustees of a regional transit authority, 22336

by a two-thirds affirmative vote of its members, determines that 22337
a real and present emergency exists under any of the following 22338
conditions, and the board enters its determination and the 22339
reasons for it in its proceedings: 22340

(a) Affecting safety, welfare, or the ability to deliver 22341
transportation services; 22342

(b) Arising out of an interruption of contracts essential 22343
to the provision of daily transit services; 22344

(c) Involving actual physical damage to structures, 22345
supplies, equipment, or property. 22346

(2) The purchase consists of goods or services, or any 22347
combination thereof, and after reasonable inquiry the board or 22348
any officer or employee the board designates finds that only one 22349
source of supply is reasonably available. 22350

(3) The expenditure is for a renewal or renegotiation of a 22351
lease or license for telecommunications or electronic data 22352
processing equipment, services, or systems, or for the upgrade 22353
of such equipment, services, or systems, or for the maintenance 22354
thereof as supplied by the original source or its successors or 22355
assigns. 22356

(4) The purchase of goods or services is made from another 22357
political subdivision, public agency, public transit system, 22358
regional transit authority, the state, or the federal 22359
government, or as a third-party beneficiary under a state or 22360
federal procurement contract, or as a participant in a 22361
department of administrative services contract under division 22362
(B) of section 125.04 of the Revised Code. 22363

(5) The sale and leaseback or lease and leaseback of 22364
transit facilities is made as provided in division (AA) of 22365

section 306.35 of the Revised Code. 22366

(6) The purchase substantially involves services of a 22367
personal, professional, highly technical, or scientific nature, 22368
including but not limited to the services of an attorney, 22369
physician, surveyor, appraiser, investigator, court reporter, 22370
adjuster, advertising consultant, or licensed broker, or 22371
involves the special skills or proprietary knowledge required 22372
for the servicing of specialized equipment owned by the regional 22373
transit authority. 22374

(7) Services or supplies are available from a qualified 22375
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 22376
125.601 of the Revised Code. 22377

(8) The purchase consists of the product or services of a 22378
public utility. 22379

(9) The purchase is for the services of individuals with 22380
disabilities to work in the authority's commissaries or 22381
cafeterias, and those individuals are supplied by a nonprofit 22382
corporation or association whose purpose is to assist 22383
individuals with disabilities, whether or not that corporation 22384
or association is funded entirely or in part by the federal 22385
government, or the purchase is for services provided by a 22386
nonprofit corporation or association whose purpose is to assist 22387
individuals with disabilities, whether or not that corporation 22388
or association is funded entirely or in part by the federal 22389
government. For purposes of division (H) (9) of this section, 22390
"disability" has the same meaning as in section 4112.01 of the 22391
Revised Code. 22392

(I) A regional transit authority may enter into blanket 22393
purchase agreements for purchases of maintenance, operating, or 22394

repair goods or services where the item cost does not exceed 22395
five hundred dollars and the annual expenditure does not exceed 22396
one hundred thousand dollars. 22397

(J) Nothing contained in this section prohibits a regional 22398
transit authority from participating in intergovernmental 22399
cooperative purchasing arrangements. 22400

(K) Except as otherwise provided in this chapter, a 22401
regional transit authority shall make a sale or other 22402
disposition of property through full and open competition. 22403
Except as provided in division (L) of this section, all 22404
dispositions of personal property and all grants of real 22405
property for terms exceeding five years shall be made by public 22406
auction or competitive procedure. 22407

(L) The competitive procedures required by division (K) of 22408
this section are not required in any of the following 22409
circumstances: 22410

(1) The grant is a component of a joint development 22411
between public and private entities and is intended to enhance 22412
or benefit public transit. 22413

(2) The grant of a limited use or of a license affecting 22414
land is made to an owner of abutting real property. 22415

(3) The grant of a limited use is made to a public 22416
utility. 22417

(4) The grant or disposition is to a department of the 22418
federal or state government, to a political subdivision of the 22419
state, or to any other governmental entity. 22420

(5) Used equipment is traded on the purchase of equipment 22421
and the value of the used equipment is a price-related factor in 22422

the basis for award for the purchase. 22423

(6) The value of the personal property is such that 22424
competitive procedures are not appropriate and the property 22425
either is sold at its fair market value or is disposed of by 22426
gift to a nonprofit entity having the general welfare or 22427
education of the public as one of its principal objects. 22428

(M) The board of trustees of a regional transit authority, 22429
when making a contract funded exclusively by state or local 22430
moneys or any combination thereof, shall make a good faith 22431
effort to use disadvantaged business enterprise participation to 22432
the same extent required under Section 105(f) of the "Surface 22433
Transportation Assistance Act of 1982," Public Law No. 97-424, 22434
96 Stat. 2100, and Section 106(c) of the "Surface Transportation 22435
and Uniform Relocation Assistance Act of 1987," Public Law No. 22436
100-17, 101 Stat. 145, and the rules adopted thereunder. 22437

(N) As used in this section: 22438

(1) "Goods" means all things, including specially 22439
manufactured goods, that are movable at the time of 22440
identification to the contract for sale other than the money in 22441
which the price is to be paid, investment securities, and things 22442
in action. "Goods" also includes other identified things 22443
attached to realty as described in section 1302.03 of the 22444
Revised Code. 22445

(2) "Services" means the furnishing of labor, time, or 22446
effort by a contractor, not involving the delivery of goods or 22447
reports other than goods or reports that are merely incidental 22448
to the required performance, including but not limited to 22449
insurance, bonding, or routine operation, routine repair, or 22450
routine maintenance of existing structures, buildings, real 22451

property, or equipment, but does not include employment 22452
agreements, collective bargaining agreements, or personal 22453
services. 22454

(3) "Construction" means the process of building, 22455
altering, repairing, improving, painting, decorating, or 22456
demolishing any structure or building, or other improvements of 22457
any kind to any real property owned or leased by a regional 22458
transit authority. 22459

(4) "Full and open competition" has the same meaning as in 22460
the "Office of Federal Procurement Policy Act," Public Law No. 22461
98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 22462

(5) A bidder is "responsive" if, applying the criteria of 22463
division (A) of section 9.312 of the Revised Code, the bidder is 22464
"responsive" as described in that section. 22465

(6) A bidder is "responsible" if, applying the criteria of 22466
division (B) of section 9.312 of the Revised Code and of the 22467
"Office of Federal Procurement Policy Act," Public Law No. 98- 22468
369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the 22469
bidder is "responsible" as described in those sections. 22470

Sec. 307.05. As used in this section, "emergency medical 22471
service organization" has the same meaning as in section 4765.01 22472
of the Revised Code. 22473

A board of county commissioners may operate an ambulance 22474
service organization or emergency medical service organization, 22475
or, in counties with a population of ~~forty~~sixty thousand or 22476
less, may operate a nonemergency patient transport service 22477
organization, or may enter into a contract with one or more 22478
counties, townships, municipal corporations, nonprofit 22479
corporations, joint emergency medical services districts, fire 22480

and ambulance districts, or private ambulance owners, regardless 22481
of whether such counties, townships, municipal corporations, 22482
nonprofit corporations, joint emergency medical services 22483
districts, fire and ambulance districts, or private ambulance 22484
owners are located within or without the state, in order to 22485
furnish or obtain the services of ambulance service 22486
organizations, to furnish or obtain additional services from 22487
ambulance service organizations in times of emergency, to 22488
furnish or obtain the services of emergency medical service 22489
organizations, or, in counties with a population of ~~forty-sixty~~ 22490
thousand or less, to furnish or obtain services of nonemergency 22491
patient transport service organizations, or may enter into a 22492
contract with any such entity to furnish or obtain the 22493
interchange of services from ambulance or emergency medical 22494
service organizations, or, within counties with a population of 22495
~~forty-sixty~~ thousand or less, to furnish or obtain the 22496
interchange of services from nonemergency patient transport 22497
service organizations, within the territories of the contracting 22498
subdivisions. Except in the case of a contract with a joint 22499
emergency medical services district to obtain the services of 22500
emergency medical service organizations, such contracts shall 22501
not be entered into with a public agency or nonprofit 22502
corporation that receives more than half of its operating funds 22503
from governmental entities with the intention of directly 22504
competing with the operation of other ambulance service 22505
organizations, nonemergency patient transport service 22506
organizations, or emergency medical service organizations in the 22507
county unless the public agency or nonprofit corporation is 22508
awarded the contract after submitting the lowest and best bid to 22509
the board of county commissioners. Any county wishing to 22510
commence operation of a nonemergency patient transport service 22511
organization or wishing to enter into a contract for the first 22512

time to furnish or obtain services from a nonemergency patient 22513
transport service organization on or after March 1, 1993, 22514
including a county in which a private provider has been 22515
providing the service, shall demonstrate the need for public 22516
funding for the service to, and obtain approval from, the state 22517
board of emergency medical, fire, and transportation services or 22518
its immediate successor board prior to operating or funding the 22519
organization. 22520

When such an organization is operated by the board, the 22521
organization may be administered by the board, by the county 22522
sheriff, or by another county officer or employee designated by 22523
the board. All rules, including the determining of reasonable 22524
rates, necessary for the establishment, operation, and 22525
maintenance of such an organization shall be adopted by the 22526
board. 22527

A contract for services of an ambulance service, 22528
nonemergency patient transport service, or emergency medical 22529
service organization shall include the terms, conditions, and 22530
stipulations as agreed to by the parties to the contract. It may 22531
provide for a fixed annual charge to be paid at the times agreed 22532
upon and stipulated in the contract, or for compensation based 22533
upon a stipulated price for each run, call, or emergency or the 22534
number of persons or pieces of apparatus employed, or the 22535
elapsed time of service required in such run, call, or 22536
emergency, or any combination thereof. 22537

Sec. 307.673. This section applies only in a county in 22538
which a tax is levied under section 307.697, 4301.421, 5743.024, 22539
or 5743.323 of the Revised Code on July 19, 1995. 22540

(A) As used in this section: 22541

(1) "County taxes" means taxes levied by a board of county commissioners under ~~division~~ divisions (D) and (E) of section 307.697, ~~division~~ divisions (B) and (C) of section 4301.421, ~~division~~ divisions (C) and (D) of section 5743.024, and ~~section~~ sections 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code.

(2) "Corporation" means a nonprofit corporation organized under the laws of this state and that includes among the purposes for which it is incorporated the authority to acquire, construct, renovate, repair, equip, lease, manage, or operate a sports facility.

(3) "Cooperative agreement" means an agreement entered into pursuant to this section.

(4) "Cost of a sports facility" means the cost of acquiring, constructing, renovating, repairing, equipping, or improving one or more sports facilities, including reconstructing, rehabilitating, remodeling, and enlarging; the cost of equipping and furnishing such a facility; and all financing costs pertaining thereto, including the cost of engineering, architectural, and other professional services, designs, plans, specifications and surveys, and estimates of costs; the costs of refinancing obligations issued by, or reimbursement of money advanced by, the parties to the cooperative agreement or other persons, the proceeds of which obligations were used to pay the costs of the sports facility; the cost of tests and inspections; the cost of any indemnity or surety bonds and premiums on insurance, all related direct and administrative costs pertaining thereto, fees and expenses of trustees, depositories, and paying agents for the obligations, capitalized interest on the obligations, amounts necessary to

establish reserves as required by the obligation proceedings, 22572
the reimbursement of money advanced or applied by the parties to 22573
the cooperative agreement or other persons for the payment of 22574
any item of costs of the sports facility, and all other expenses 22575
necessary or incident to planning or determining the feasibility 22576
or practicability with respect to the sports facility; and any 22577
other such expenses as may be necessary or incident to the 22578
acquisition, construction, reconstruction, rehabilitation, 22579
remodeling, renovation, repair, enlargement, improvement, 22580
equipping, and furnishing of the sports facility, the financing 22581
of the sports facility, placing the sports facility in use and 22582
operation, including any one, part of, or combination of such 22583
classes of costs and expenses. 22584

(5) "Financing costs" has the same meaning as in section 22585
133.01 of the Revised Code. 22586

(6) "Obligations" means obligations issued or incurred to 22587
pay the cost of a sports facility, including bonds, notes, 22588
certificates of indebtedness, commercial paper, and other 22589
instruments in writing, anticipatory securities as defined in 22590
section 133.01 of the Revised Code, issued or incurred by an 22591
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 22592
this section, or otherwise, to evidence the issuer's obligation 22593
to repay borrowed money, or to pay interest, by, or to pay at 22594
any future time other money obligations of, the issuer of the 22595
obligations, including obligations of an issuer or lessee to 22596
make payments under an installment sale, lease, lease-purchase, 22597
or similar agreement. 22598

(7) "Owner" means any person that owns or operates a 22599
professional athletic or sports team, that is party to a 22600
cooperative agreement, or that has a lease or other agreement 22601

with a party to a cooperative agreement, and that commits to use 22602
the sports facility that is the subject of the cooperative 22603
agreement for all of the team's home games for the period 22604
specified in that agreement. 22605

(8) "Payments," when used with reference to obligations, 22606
means payments of the principal, including any mandatory sinking 22607
fund deposits and mandatory redemption payments, interest and 22608
any redemption premium, and lease rentals, lease-purchase 22609
payments and other amounts payable under obligations in the form 22610
of installment sale, lease, lease-purchase, or similar 22611
agreements. 22612

(9) "Person" has the same meaning as defined in section 22613
133.01 of the Revised Code. 22614

(10) "Port authority" means a port authority created under 22615
Chapter 4582. of the Revised Code. 22616

(11) "Sports facility" means a facility, including a 22617
stadium, that is intended to house or provide a site for one or 22618
more major league professional athletic or sports teams or 22619
activities, together with all spectator facilities, parking 22620
facilities, walkways, and auxiliary facilities, real and 22621
personal property, property rights, easements, leasehold 22622
estates, and interests that may be appropriate for, or used in 22623
connection with, the operation of the sports facility. 22624

(B) The board of county commissioners of a county, the 22625
legislative authority of a municipal corporation, a port 22626
authority, a corporation, and an owner, or any combination 22627
thereof, may enter into one or more cooperative agreements under 22628
which the parties enter into one or more of the agreements 22629
described in divisions (B) (1) to (5) of this section. 22630

- (1) The board of county commissioners agrees to do one or more of the following:
- (a) Levy a tax under division (D) or (E) of section 307.697, division (B) or (C) of section 4301.421, division (C) or (D) of section 5743.024, ~~and or~~ section 5743.323, 5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code and make available all or a portion of the revenue from those taxes for the payment of the cost of the sports facility or to make payments on obligations;
- (b) Issue or incur obligations of the county pursuant to Chapter 133. of the Revised Code or this section;
- (c) Make available all or a portion of the revenue from those taxes or of the proceeds from the issuance of those obligations to the municipal corporation, port authority, corporation, or otherwise for the payment of the cost of a sports facility or the payment of obligations;
- (d) Acquire, construct, renovate, repair, equip, lease to or from another person, and operate, directly or by a lease or management contract with another person, one or more sports facilities;
- (e) To the extent provided in the cooperative agreement or a lease with respect to a sports facility, authorize the municipal corporation, port authority, corporation, or owner to administer contracts for designing, planning, acquiring, constructing, renovating, repairing, or equipping a sports facility.
- (2) The port authority agrees to do one or more of the following:
- (a) Issue or incur obligations of the port authority

pursuant to Chapter 133. or 4582. of the Revised Code or this 22660
section; 22661

(b) Make available all or a portion of the proceeds from 22662
the issuance of those obligations to the municipal corporation, 22663
county, or corporation for the payment of the cost of a sports 22664
facility or the payment of obligations; 22665

(c) Acquire, construct, renovate, repair, equip, lease to 22666
or from another person, and operate, directly or by a lease or 22667
management contract with another person, one or more sports 22668
facilities; 22669

(d) To the extent provided in the cooperative agreement or 22670
a lease with respect to a sports facility, authorize the 22671
municipal corporation, county, corporation, or owner to 22672
administer contracts for designing, planning, acquiring, 22673
constructing, renovating, repairing, or equipping a sports 22674
facility. 22675

(3) The legislative authority of the municipal corporation 22676
agrees to do one or more of the following: 22677

(a) Make available the revenue from taxes levied by the 22678
legislative authority for the payment of the cost of a sports 22679
facility or to make payments on obligations; 22680

(b) Issue or incur obligations of the municipal 22681
corporation pursuant to Chapter 133. of the Revised Code or 22682
otherwise; 22683

(c) Make available all or a portion of the proceeds from 22684
the issuance of those obligations to the county, port authority, 22685
corporation, or otherwise for the payment of the cost of a 22686
sports facility or the payment of obligations; 22687

(d) Acquire, construct, renovate, repair, equip, lease to 22688
or from another person, and operate, directly or by a lease or 22689
management contract with another person, one or more sports 22690
facilities; 22691

(e) To the extent provided in the cooperative agreement or 22692
a lease with respect to a sports facility, authorize the county, 22693
port authority, corporation, or owner to administer contracts 22694
for designing, planning, acquiring, constructing, renovating, 22695
repairing, or equipping a sports facility. 22696

(4) The corporation agrees to do one or more of the 22697
following: 22698

(a) Issue or incur obligations; 22699

(b) Make available all or a portion of the proceeds from 22700
the issuance of those obligations to the county, port authority, 22701
municipal corporation, or otherwise for the payment of the cost 22702
of a sports facility or the payment of obligations; 22703

(c) Acquire, construct, renovate, repair, equip, lease to 22704
or from another person, and operate, directly or by a lease or 22705
management contract with another person, one or more sports 22706
facilities; 22707

(d) To the extent provided in the cooperative agreement or 22708
a lease with respect to a sports facility, agree that the 22709
corporation will administer contracts for designing, planning, 22710
acquiring, constructing, renovating, repairing, or equipping a 22711
sports facility. 22712

(5) The owner agrees to do one or more of the following: 22713

(a) Use the sports facility that is the subject of the 22714
cooperative agreement for all of the home games of the owner's 22715

professional athletic or sports team for a specified period; 22716

(b) Administer contracts for designing, planning, 22717
acquiring, constructing, renovating, repairing, or equipping a 22718
sports facility. 22719

(C) Any obligations may be secured by a trust agreement 22720
between the issuer of obligations and a corporate trustee that 22721
is a trust company or bank having the powers of a trust company 22722
in or outside this state and authorized to exercise corporate 22723
trust powers in this state. Proceeds from the issuance of any 22724
obligations or the taxes levied and collected by any party to 22725
the cooperative agreement may be deposited with and administered 22726
by a trustee pursuant to the trust agreement. 22727

(D) Any contract for the acquisition, construction, 22728
renovation, repair, or equipping of a sports facility entered 22729
into, assigned, or assumed under this section shall provide that 22730
all laborers and mechanics employed in the acquisition, 22731
construction, renovation, repair, or equipping of the sports 22732
facility shall be paid at the prevailing rates of wages of 22733
laborers and mechanics for the class of work called for, as 22734
those wages are determined in accordance with Chapter 4115. of 22735
the Revised Code. 22736

Sec. 307.696. (A) As used in this section: 22737

(1) "County taxes" means taxes levied by the county 22738
pursuant to sections 307.697, 4301.421, 5743.024, ~~and 5743.323,~~ 22739
5743.511, 5743.521, 5743.621, and 5743.631 of the Revised Code. 22740

(2) "Corporation" means a nonprofit corporation that is 22741
organized under the laws of this state for the purposes of 22742
operating or constructing and operating a sports facility in the 22743
county and that may also be organized under the laws of this 22744

state for the additional purposes of conducting redevelopment 22745
and economic development activities within the host municipal 22746
corporation. 22747

(3) "Sports facility" means a sports facility that is 22748
intended to house major league professional athletic teams, 22749
including a stadium, together with all parking facilities, 22750
walkways, and other auxiliary facilities, real and personal 22751
property, property rights, easements, and interests that may be 22752
appropriate for, or used in connection with, the operation of 22753
the facility. 22754

(4) "Construction" includes, but is not limited to, 22755
providing fixtures, furnishings, and equipment and providing for 22756
capital repairs and improvements. 22757

(5) "Debt service charges" means the interest, principal, 22758
premium, if any, carrying and redemption charges, and expenses 22759
on bonds issued by either the county or the corporation to: 22760

(a) Construct a sports facility or provide for related 22761
redevelopment or economic development as provided in this 22762
section; 22763

(b) Acquire real and personal property, property rights, 22764
easements, or interests that may be appropriate for, or used in 22765
connection with, the operation of the facility; and 22766

(c) Make site improvements to real property, including, 22767
but not limited to, demolition, excavation, and installation of 22768
footers, pilings, and foundations. 22769

(6) "Host municipal corporation" means the municipal 22770
corporation within the boundaries of which the sports facility 22771
is located, and with which a national football league, major 22772
league baseball, or national basketball association sports 22773

franchise is associated on March 20, 1990. 22774

(B) A board of county commissioners of a county that 22775
levies a tax under section 307.697, 4301.421, or 5743.024 of the 22776
Revised Code may enter into an agreement with a corporation 22777
operating in the county, and, if there is a host municipal 22778
corporation all or a part of which is located in the county, 22779
shall enter into an agreement with a corporation operating in 22780
the county and the host municipal corporation, under which: 22781

(1) (a) The corporation agrees to construct and operate a 22782
sports facility in the county and to pledge and contribute all 22783
or any part of the revenues derived from its operation, as 22784
specified in the agreement, for the purposes described in 22785
division (C) (1) of this section; and 22786

(b) The board agrees to levy county taxes and pledge and 22787
contribute any part or all of the revenues therefrom, as 22788
specified in the agreement, for the purposes described in 22789
division (C) (1) of this section; or 22790

(2) (a) The corporation agrees to operate a sports facility 22791
constructed by the county and to pledge and contribute all or 22792
any part of the revenues derived from its operation, as 22793
specified in the agreement, for the purposes described in 22794
division (C) (2) of this section; and 22795

(b) The board agrees to issue revenue bonds of the county, 22796
use the proceeds from the sale of the bonds to construct a 22797
sports facility in the county, and to levy county taxes and 22798
pledge and contribute all or any part of the revenues therefrom, 22799
as specified in the agreement, for the purposes described in 22800
division (C) (2) of this section; and, if applicable 22801

(3) The host municipal corporation agrees to expend the 22802

unused pledges and contributions and surplus revenues as 22803
described in divisions (C) (1) and (2) of this section for 22804
redevelopment and economic development purposes related to the 22805
sports facility. 22806

(C) (1) The primary purpose of the pledges and 22807
contributions described in division (B) (1) of this section is 22808
payment of debt service charges. To the extent the pledges and 22809
contributions are not used by the county or corporation for 22810
payment of debt service charges, the county or corporation, 22811
pursuant to the agreement provided for in division (B) of this 22812
section, shall provide the unused pledges and contributions, 22813
together with surplus revenues of the sports facility not needed 22814
for debt service charges or the operation and maintenance of the 22815
sports facility, to the host municipal corporation, or a 22816
nonprofit corporation, which may be the corporation acting on 22817
behalf of the host municipal corporation, for redevelopment and 22818
economic development purposes related to the sports facility. If 22819
the county taxes are also levied for the purpose of making 22820
permanent improvements, the agreement shall include a schedule 22821
of annual pledges and contributions by the county for the 22822
payment of debt service charges. The county's pledge and 22823
contribution provided for in the agreement shall be for the 22824
period stated in the agreement but not to exceed twenty years. 22825
The agreement shall provide that any such bonds and notes shall 22826
be secured by a trust agreement between the corporation or other 22827
bond issuer and a corporate trustee that is a trust company or 22828
bank having the powers of a trust company within or without the 22829
state, and the trust agreement shall pledge or assign to the 22830
retirement of the bonds or notes, all moneys paid by the county 22831
for that purpose under this section. A county tax, all or any 22832
part of the revenues from which are pledged under an agreement 22833

entered into by a board of county commissioners under this 22834
section shall not be subject to diminution by initiative or 22835
referendum, or diminution by statute, unless provision is made 22836
therein for an adequate substitute therefor reasonably 22837
satisfactory to the trustee under the trust agreement that 22838
secures the bonds and notes. 22839

(2) The primary purpose of the pledges and contributions 22840
described in division (B) (2) of this section is payment of debt 22841
service charges. To the extent the pledges and contributions are 22842
not used by the county for payment of debt service charges, the 22843
county or corporation, pursuant to the agreement provided for in 22844
division (B) of this section, shall provide the unused pledges 22845
and contributions, together with surplus revenues of the sports 22846
facility not needed for debt service charges or the operation 22847
and maintenance of the sports facility, to the host municipal 22848
corporation, or a nonprofit corporation, which may be the 22849
corporation, acting on behalf of the host municipal corporation, 22850
for redevelopment and economic development purposes related to 22851
the sports facility. The corporation's pledge and contribution 22852
provided for in the agreement shall be until all of the bonds 22853
issued for the construction of the facility have been retired. 22854

(D) A pledge of money by a county under this section shall 22855
not be indebtedness of the county for purposes of Chapter 133. 22856
of the Revised Code. 22857

(E) If the terms of the agreement so provide, the board of 22858
county commissioners may acquire, make site improvements to, 22859
including, but not limited to, demolition, excavation, and 22860
installation of footers, pilings, and foundations, and lease 22861
real property for the sports facility to a corporation that 22862
constructs a sports facility under division (B) (1) of this 22863

section. The agreement shall specify the term, which shall not 22864
exceed thirty years and shall be on such terms as are set forth 22865
in the agreement. The purchase, improvement, and lease may be 22866
the subject of an agreement between the county and a municipal 22867
corporation located within the county pursuant to section 153.61 22868
or 307.15 of the Revised Code, and are not subject to the 22869
limitations of sections 307.02 and 307.09 of the Revised Code. 22870

(F) The corporation shall not enter into any construction 22871
contract or contract for the purchase of services for use in 22872
connection with the construction of a sports facility prior to 22873
the corporation's adoption and implementation of a policy on the 22874
set aside of contracts for bidding by or award to minority 22875
business enterprises, as defined in division (E)(1) of section 22876
122.71 of the Revised Code. Sections 4115.03 to 4115.16 of the 22877
Revised Code apply to a sports facility constructed under this 22878
section. 22879

(G) Not more than one-half of the total costs, including 22880
debt service charges and cost of operation, of a project 22881
undertaken pursuant to an agreement entered into under division 22882
(B) of this section shall be paid from county taxes. Nothing in 22883
this section authorizes the use of revenues from county taxes or 22884
proceeds from the sale of bonds issued by the board of county 22885
commissioners for payment of costs of operation of a sports 22886
facility. 22887

(H) Division (G) of this section and the twenty-year 22888
limitation prescribed in division (C)(1) of this section do not 22889
apply in the case of taxes levied pursuant to division (E) of 22890
section 307.697 of the Revised Code, division (C) of section 22891
4301.421 of the Revised Code, division (D) of section 5743.024 22892
of the Revised Code, division (C) of section 5743.323 of the 22893

Revised Code, and sections 5743.511, 5743.521, 5743.621, and 22894
5743.631 of the Revised Code. Notwithstanding anything to the 22895
contrary in this section or any other section of the Revised 22896
Code, revenue from the taxes levied pursuant to those provisions 22897
shall be equally divided by the county among the sports 22898
facilities that exist within the boundaries of the county during 22899
the period that the taxes are levied. Unless documented by an 22900
agreement with the applicable owner of a sports facility, such 22901
division of revenue shall be made directly by the county 22902
treasurer by payment to the respective owners of the sports 22903
facilities. 22904

Sec. 307.697. (A) For the purpose of section 307.696 of 22905
the Revised Code and to pay any or all of the charge the board 22906
of elections makes against the county to hold the election on 22907
the question of levying the tax, or for those purposes and to 22908
provide revenues to the county for permanent improvements, the 22909
board of county commissioners of a county may levy a tax not to 22910
exceed three dollars on each gallon of spirituous liquor sold to 22911
or purchased by liquor permit holders for resale, and sold at 22912
retail by the state or pursuant to a transfer agreement entered 22913
into under Chapter 4313. of the Revised Code, in the county. The 22914
tax shall be levied on the number of gallons so sold. The tax 22915
may be levied for any number of years not exceeding twenty. 22916

The tax shall be levied pursuant to a resolution of the 22917
board of county commissioners approved by a majority of the 22918
electors in the county voting on the question of levying the 22919
tax, which resolution shall specify the rate of the tax, the 22920
number of years the tax will be levied, and the purposes for 22921
which the tax is levied. The election may be held on the date of 22922
a general or special election held not sooner than ninety days 22923
after the date the board certifies its resolution to the board 22924

of elections. If approved by the electors, the tax takes effect 22925
on the first day of the month specified in the resolution but 22926
not sooner than the first day of the month that is at least 22927
sixty days after the certification of the election results by 22928
the board of elections. A copy of the resolution levying the tax 22929
shall be certified to the division of liquor control at least 22930
sixty days prior to the date on which the tax is to become 22931
effective. 22932

(B) A resolution under this section may be joined on the 22933
ballot as a single question with a resolution adopted under 22934
section 4301.421 or 5743.024 of the Revised Code to levy a tax 22935
for the same purposes, and for the purpose of paying the 22936
expenses of administering that tax. 22937

(C) The form of the ballot in an election held pursuant to 22938
this section or section 4301.421 or 5743.024 of the Revised Code 22939
shall be as follows or in any other form acceptable to the 22940
secretary of state: 22941

"For the purpose of paying not more than one-half of the 22942
costs of providing a public sports facility together with 22943
related redevelopment and economic development projects, shall 22944
(an) excise tax(es) be levied by _____ county at the rate 22945
of _____ (dollars on each gallon of spirituous liquor sold in 22946
the county, cents per gallon on the sale of beer at wholesale in 22947
the county, cents per gallon on the sale of wine and mixed 22948
beverages at wholesale in the county, cents per gallon on the 22949
sale of cider at wholesale in the county, or mills per cigarette 22950
on the sale of cigarettes at wholesale in the county), for 22951
_____ years? 22952

22953

	Yes
--	-----

	No	"
--	----	---

For an election in which questions under this section or 22954
section 4301.421 or 5743.024 of the Revised Code are joined as a 22955
single question, the form of the ballot shall be as above, 22956
except each of the proposed taxes shall be listed. 22957

(D) The board of county commissioners of a county in which 22958
a tax is imposed under this section on September 29, 2013, the 22959
effective date of the amendment of this section by H.B. 59 of 22960
the 130th general assembly, may levy a tax for the purpose of 22961
section 307.673 of the Revised Code regardless of whether or not 22962
the cooperative agreement authorized under that section has been 22963
entered into prior to the day the resolution adopted under 22964
division (D)(1) or (2) of this section is adopted, for the 22965
purpose of reimbursing a county for costs incurred in the 22966
construction of a sports facility pursuant to an agreement 22967
entered into by the county under section 307.696 of the Revised 22968
Code, or for the purpose of paying the costs of capital repairs 22969
of and improvements to a sports facility, or both. The tax shall 22970
be levied and approved in one of the manners prescribed by 22971
division (D)(1) or (2) of this section. 22972

(1) The tax may be levied pursuant to a resolution adopted 22973
by a majority of the members of the board of county 22974
commissioners not later than forty-five days after July 19, 22975
1995. A board of county commissioners approving a tax under 22976
division (D)(1) of this section may approve a tax under division 22977
(B)(1) of section 4301.421 or division (C)(1) of section 22978
5743.024 of the Revised Code at the same time. Subject to the 22979
resolution being submitted to a referendum under sections 305.31 22980
to 305.41 of the Revised Code, the resolution shall take effect 22981
immediately, but the tax levied pursuant to the resolution shall 22982

not be levied prior to the day following the last day that any 22983
tax previously levied pursuant to this division may be levied. 22984

(2) The tax may be levied pursuant to a resolution adopted 22985
by a majority of the members of the board of county 22986
commissioners not later than September 1, 2015, and approved by 22987
a majority of the electors of the county voting on the question 22988
of levying the tax. The board of county commissioners shall 22989
certify a copy of the resolution to the board of elections 22990
immediately upon adopting a resolution under division (D) (2) of 22991
this section. The election may be held on the date of a general 22992
or special election held not sooner than ninety days after the 22993
date the board certifies its resolution to the board of 22994
elections. The form of the ballot shall be as prescribed by 22995
division (C) of this section, except that the phrase "paying not 22996
more than one-half of the costs of providing a sports facility 22997
together with related redevelopment and economic development 22998
projects" shall be replaced by the phrase "paying the costs of 22999
constructing, renovating, improving, or repairing a sports 23000
facility and reimbursing a county for costs incurred by the 23001
county in the construction of a sports facility," and the phrase 23002
", beginning _____ (here insert the earliest date the tax 23003
would take effect)" shall be appended after "years." A board of 23004
county commissioners submitting the question of a tax under 23005
division (D) (2) of this section may submit the question of a tax 23006
under division (B) (2) of section 4301.421 or division (C) (2) of 23007
section 5743.024 of the Revised Code as a single question, and 23008
the form of the ballot shall include each of the proposed taxes. 23009

If approved by a majority of electors voting on the 23010
question, the tax shall take effect on the day specified on the 23011
ballot, which shall not be earlier than the day following the 23012
last day that any tax previously levied pursuant to this 23013

division may be levied. 23014

The rate of a tax levied pursuant to division (D) (1) or 23015
(2) of this section shall not exceed the rate specified in 23016
division (A) of this section. A tax levied pursuant to division 23017
(D) (1) or (2) of this section may be levied for any number of 23018
years not exceeding twenty. 23019

A board of county commissioners adopting a resolution 23020
under division (D) (1) or (2) of this section shall certify a 23021
copy of the resolution to the division of liquor control 23022
immediately upon adoption of the resolution. 23023

(E) The board of county commissioners of a county whose 23024
population is greater than one million one hundred thousand but 23025
less than one million three hundred thousand may levy a tax 23026
under this division for the purpose of section 307.673 of the 23027
Revised Code regardless of whether or not the cooperative 23028
agreement authorized under that section has been entered into 23029
prior to the day the resolution adopted under division (E) of 23030
this section is adopted, for the purpose of reimbursing a county 23031
for costs incurred in the construction of a sports facility 23032
pursuant to an agreement entered into by the county under 23033
section 307.696 of the Revised Code, or for the purpose of 23034
paying the costs of constructing, equipping, furnishing, 23035
maintaining, renovating, improving, or repairing a sports 23036
facility. The tax may be levied for any number of years or for a 23037
continuing period of time. 23038

The tax may be levied pursuant to a resolution adopted by 23039
the board of county commissioners and approved by a majority of 23040
the electors of the county voting on the question of levying the 23041
tax. The board of county commissioners shall certify a copy of 23042
the resolution to the board of elections immediately after its 23043

adoption. The election may be held on the date of a general or 23044
special election held not sooner than ninety days after the date 23045
the board certifies its resolution to the board of elections. 23046
The form of the ballot shall be as follows: 23047

"For the purpose of _____ (state the purpose or 23048
purposes), shall an excise tax be levied by _____ county at 23049
the rate of _____ dollars on each gallon of spirituous liquor 23050
sold in the county for _____ (number of years or a continuing 23051
period of time), the tax beginning on _____ (the earliest 23052
date the tax would take effect)? 23053
23054

	<u>Yes</u>
	<u>No</u>

"

A board of county commissioners submitting the question of 23055
a tax under division (E) of this section, may submit the 23056
question of a tax under section 5743.511, division (C) of 23057
section 4301.421, or division (D) of section 5743.024 of the 23058
Revised Code, or all, as a single question, provided that each 23059
tax is for the same purpose and period of time and the form of 23060
the ballot states the rate of each of the proposed taxes. 23061

If approved by a majority of electors voting on the 23062
question, the tax shall take effect on the date specified in the 23063
resolution but not sooner than the first day of the month that 23064
is at least sixty days after the certification of the election 23065
results by the board of elections. The tax levied under division 23066
(E) of this section may be approved and take effect before the 23067
expiration of the tax levied under division (D) of this section. 23068
The tax levied under division (E) of this section shall 23069
supersede and replace any tax levied under division (D) of this 23070

section, and the tax levied under division (D) of this section 23071
shall no longer be levied once the tax levied under division (E) 23072
of this section takes effect. 23073

The rate of a tax levied pursuant to division (E) of this 23074
section shall not exceed six dollars on each gallon of 23075
spirituous liquor sold to or purchased by liquor permit holders 23076
for resale, and sold at retail by the state or pursuant to a 23077
transfer agreement entered into under Chapter 4313. of the 23078
Revised Code, in the county. The tax shall be levied on the 23079
number of gallons so sold. 23080

A board of county commissioners adopting a resolution 23081
under division (E) of this section shall certify a copy of the 23082
resolution to the division of liquor control and to the tax 23083
commissioner immediately upon adoption of the resolution. 23084

(F) No tax shall be levied under division (A) of this 23085
section on or after September 23, 2008. This division does not 23086
apply to a tax levied under division (D) or (E) of this section, 23087
and does not prevent the collection of any tax levied under this 23088
section before September 23, 2008, so long as that tax remains 23089
effective. 23090

Sec. 307.86. Anything to be purchased, leased, leased with 23091
an option or agreement to purchase, or constructed, including, 23092
but not limited to, any product, structure, construction, 23093
reconstruction, improvement, maintenance, repair, or service, 23094
except the services of an accountant, architect, attorney at 23095
law, physician, professional engineer, construction project 23096
manager, consultant, surveyor, or appraiser, by or on behalf of 23097
the county or contracting authority, as defined in section 23098
307.92 of the Revised Code, at a cost in excess of the amount 23099
specified in section 9.17 of the Revised Code, except as 23100

otherwise provided in division (D) of section 713.23 and in 23101
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 23102
307.861, 339.05, 340.036, ~~4115.31 to 4115.35~~, 5119.44, 5513.01, 23103
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 23104
obtained through competitive bidding. No purchase, lease, 23105
project, or other transaction subject to this section shall be 23106
divided into component parts, separate projects, or separate 23107
items of work in order to avoid the requirements of this 23108
section. However, competitive bidding is not required when any 23109
of the following applies: 23110

(A) The board of county commissioners, by a unanimous vote 23111
of its members, makes a determination that a real and present 23112
emergency exists, and that determination and the reasons for it 23113
are entered in the minutes of the proceedings of the board, when 23114
any of the following applies: 23115

(1) The estimated cost is less than one hundred twenty- 23116
five thousand dollars. 23117

(2) There is actual physical disaster to structures, radio 23118
communications equipment, or computers. 23119

(3) The product to be purchased is personal protective 23120
equipment and the purchase is completed during the period of the 23121
emergency declared by Executive Order 2020-01D, issued on March 23122
9, 2020. 23123

For purposes of this division: 23124

"Personal protective equipment" means equipment worn to 23125
minimize exposure to hazards that cause workplace injuries and 23126
illnesses. 23127

"Unanimous vote" means all three members of a board of 23128
county commissioners when all three members are present, or two 23129

members of the board if only two members, constituting a quorum, 23130
are present. 23131

Whenever a contract of purchase, lease, or construction is 23132
exempted from competitive bidding under division (A)(1) of this 23133
section because the estimated cost is less than one hundred 23134
twenty-five thousand dollars, but the estimated cost is the 23135
amount specified in section 9.17 of the Revised Code or more, 23136
the county or contracting authority shall solicit informal 23137
estimates from no fewer than three persons who could perform the 23138
contract, before awarding the contract. With regard to each such 23139
contract, the county or contracting authority shall maintain a 23140
record of such estimates, including the name of each person from 23141
whom an estimate is solicited. The county or contracting 23142
authority shall maintain the record for the longer of at least 23143
one year after the contract is awarded or the amount of time the 23144
federal government requires. 23145

(B)(1) The purchase consists of supplies or a replacement 23146
or supplemental part or parts for a product or equipment owned 23147
or leased by the county, and the only source of supply for the 23148
supplies, part, or parts is limited to a single supplier. 23149

(2) The purchase consists of services related to 23150
information technology, such as programming services, that are 23151
proprietary or limited to a single source. 23152

(C) The purchase is from the federal government, the 23153
state, another county or contracting authority of another 23154
county, or a board of education, educational service center, 23155
township, or municipal corporation. 23156

(D) The purchase is made by a county department of job and 23157
family services under section 329.04 of the Revised Code and 23158

consists of family services duties or workforce development 23159
activities or is made by a county board of developmental 23160
disabilities under section 5126.05 of the Revised Code and 23161
consists of program services, such as direct and ancillary 23162
client services, child care, case management services, 23163
residential services, and family resource services. 23164

(E) The purchase consists of criminal justice services, 23165
social services programs, family services, or workforce 23166
development activities by the board of county commissioners from 23167
nonprofit corporations or associations under programs funded by 23168
the federal government or by state grants. 23169

(F) The purchase consists of any form of an insurance 23170
policy or contract authorized to be issued under Title XXXIX of 23171
the Revised Code or any form of health care plan authorized to 23172
be issued under Chapter 1751. of the Revised Code, or any 23173
combination of such policies, contracts, plans, or services that 23174
the contracting authority is authorized to purchase, and the 23175
contracting authority does all of the following: 23176

(1) Determines that compliance with the requirements of 23177
this section would increase, rather than decrease, the cost of 23178
the purchase; 23179

(2) Requests issuers of the policies, contracts, plans, or 23180
services to submit proposals to the contracting authority, in a 23181
form prescribed by the contracting authority, setting forth the 23182
coverage and cost of the policies, contracts, plans, or services 23183
as the contracting authority desires to purchase; 23184

(3) Negotiates with the issuers for the purpose of 23185
purchasing the policies, contracts, plans, or services at the 23186
best and lowest price reasonably possible. 23187

(G) The purchase consists of computer hardware, software, 23188
or consulting services that are necessary to implement a 23189
computerized case management automation project administered by 23190
the Ohio prosecuting attorneys association and funded by a grant 23191
from the federal government. 23192

(H) Child care services are purchased for provision to 23193
county employees. 23194

(I) (1) Property, including land, buildings, and other real 23195
property, is leased for offices, storage, parking, or other 23196
purposes, and all of the following apply: 23197

(a) The contracting authority is authorized by the Revised 23198
Code to lease the property. 23199

(b) The contracting authority develops requests for 23200
proposals for leasing the property, specifying the criteria that 23201
will be considered prior to leasing the property, including the 23202
desired size and geographic location of the property. 23203

(c) The contracting authority receives responses from 23204
prospective lessors with property meeting the criteria specified 23205
in the requests for proposals by giving notice in a manner 23206
substantially similar to the procedures established for giving 23207
notice under section 307.87 of the Revised Code. 23208

(d) The contracting authority negotiates with the 23209
prospective lessors to obtain a lease at the best and lowest 23210
price reasonably possible considering the fair market value of 23211
the property and any relocation and operational costs that may 23212
be incurred during the period the lease is in effect. 23213

(2) The contracting authority may use the services of a 23214
real estate appraiser to obtain advice, consultations, or other 23215
recommendations regarding the lease of property under this 23216

division. 23217

(J) The purchase is made pursuant to section 5139.34 or 23218
sections 5139.41 to 5139.46 of the Revised Code and is of 23219
programs or services that provide case management, treatment, or 23220
prevention services to any felony or misdemeanor delinquent, 23221
unruly youth, or status offender under the supervision of the 23222
juvenile court, including, but not limited to, community 23223
residential care, day treatment, services to children in their 23224
home, or electronic monitoring. 23225

(K) The purchase is made by a public children services 23226
agency pursuant to section 307.92 or 5153.16 of the Revised Code 23227
and consists of family services, programs, or ancillary services 23228
that provide case management, prevention, or treatment services 23229
for children at risk of being or alleged to be abused, 23230
neglected, or dependent children. 23231

(L) The purchase is to obtain the services of emergency 23232
medical service organizations under a contract made by the board 23233
of county commissioners pursuant to section 307.05 of the 23234
Revised Code with a joint emergency medical services district. 23235

(M) The county contracting authority determines that the 23236
use of competitive sealed proposals would be advantageous to the 23237
county and the contracting authority complies with section 23238
307.862 of the Revised Code. 23239

(N) The purchase consists of used supplies and is made at 23240
a public auction. 23241

Any issuer of policies, contracts, plans, or services 23242
listed in division (F) of this section and any prospective 23243
lessor under division (I) of this section may have the issuer's 23244
or prospective lessor's name and address, or the name and 23245

address of an agent, placed on a special notification list to be 23246
kept by the contracting authority, by sending the contracting 23247
authority that name and address. The contracting authority shall 23248
send notice to all persons listed on the special notification 23249
list. Notices shall state the deadline and place for submitting 23250
proposals. The contracting authority shall mail the notices at 23251
least six weeks prior to the deadline set by the contracting 23252
authority for submitting proposals. Every five years the 23253
contracting authority may review this list and remove any person 23254
from the list after mailing the person notification of that 23255
action. 23256

Any contracting authority that negotiates a contract under 23257
division (F) of this section shall request proposals and 23258
negotiate with issuers in accordance with that division at least 23259
every three years from the date of the signing of such a 23260
contract, unless the parties agree upon terms for extensions or 23261
renewals of the contract. Such extension or renewal periods 23262
shall not exceed six years from the date the initial contract is 23263
signed. 23264

Any real estate appraiser employed pursuant to division 23265
(I) of this section shall disclose any fees or compensation 23266
received from any source in connection with that employment. 23267

As used in division (N) of this section, "supplies" means 23268
any personal property including equipment, materials, and other 23269
tangible assets. 23270

Sec. 307.985. Each board of county commissioners shall 23271
develop a written transportation work plan that establishes 23272
policies regarding the transportation needs of low income 23273
residents of the county seeking or striving to retain 23274
employment. In developing the transportation work plan, the 23275

board shall consult with all of the following: 23276

(A) The county department of job and family services; 23277

(B) If a regional transit authority created under section 23278
306.32 of the Revised Code serves the county, the regional 23279
transit authority; 23280

(C) If a community action agency, as defined in section 23281
~~122.66~~ 5101.311 of the Revised Code, serves the county, the 23282
community action agency; 23283

(D) As designated by the board of county commissioners, 23284
representatives of private ~~non-profit~~ nonprofit and government 23285
entities that work with issues related to economic development, 23286
employment, and persons with physical disabilities; 23287

(E) Other individuals designated by the board of county 23288
commissioners. 23289

Sec. 308.13. (A) The board of trustees of a regional 23290
airport authority or any officer or employee designated by such 23291
board may make without competitive bidding any contract for any 23292
purchase, lease, lease with option or agreement to purchase any 23293
property, or any construction contract for any work, the cost of 23294
which shall not exceed the amount specified in section 9.17 of 23295
the Revised Code. Any purchase, lease, lease with option or 23296
agreement to purchase, or construction contract in excess of the 23297
amount specified in section 9.17 of the Revised Code shall 23298
require that a notice calling for bids be published once a week 23299
for not less than two consecutive weeks preceding the day of the 23300
opening of the bids in a newspaper of general circulation within 23301
the territorial boundaries of the regional airport authority. 23302
The regional airport authority also may cause notice to be 23303
inserted in trade papers or other publications designated by it 23304

or to be distributed by electronic means, including posting the
notice on the internet site on the world wide web of the
regional airport authority. If the contracting authority posts
the notice on that internet web site, the requirement that a
second notice be published in a newspaper of general circulation
within the territorial boundaries of the regional airport
authority does not apply provided the first notice published in
that newspaper meets all of the following requirements:

(1) It is published at least two weeks prior to the day of
the opening of the bids.

(2) It includes a statement that the notice is posted on
the internet site on the world wide web of the regional airport
authority.

(3) It includes the internet address of the internet site
on the world wide web of the regional airport authority.

(4) It includes instructions describing how the notice may
be accessed on the internet site on the world wide web of the
regional airport authority.

No purchase, lease, project, or other transaction subject
to this section shall be divided into component parts, separate
projects, or separate items of work in order to avoid the
requirements of this section.

If the bid is for a contract for the construction,
demolition, alteration, repair, or reconstruction of an
improvement, it shall meet the requirements of section 153.54 of
the Revised Code. If the bid is for any other contract
authorized by this section, it shall be accompanied by a good
and approved bond with ample security conditioned on the
carrying out of the contract as determined by the board. The

board may let the contract to the lowest and best bidder. Such 23334
contract shall be in writing and shall be accompanied by or 23335
shall refer to plans and specifications for the work to be done, 23336
as approved by the board. The plans and specifications at all 23337
times shall be made and considered part of the contract. The 23338
contract shall be approved by the board and signed by its chief 23339
executive officer and by the contractor, and shall be executed 23340
in duplicate. 23341

(B) The competitive bidding procedures described in 23342
division (A) of this section do not apply in any of the 23343
following circumstances: 23344

(1) The board of trustees of a regional airport authority, 23345
by a majority vote of its members present at any meeting, 23346
determines that a real and present emergency exists under any of 23347
the following conditions, and the board enters its determination 23348
and the reasons for it in its proceedings: 23349

(a) Affecting safety, welfare, or the ability to deliver 23350
services; 23351

(b) Arising out of an interruption of contracts essential 23352
to the provision of daily air services and other services 23353
related to the airport; 23354

(c) Involving actual physical damage to structures, 23355
supplies, equipment, or property requiring immediate repair or 23356
replacement. 23357

(2) The purchase consists of goods or services, or any 23358
combination thereof, and after reasonable inquiry the board or 23359
any officer or designee of the board finds that only one source 23360
of supply is reasonably available. 23361

(3) The expenditure is for a renewal or renegotiation of a 23362

lease or license for telecommunications or informational 23363
technology equipment, services, or systems, or for the upgrade 23364
of such equipment, services, or systems, or for the maintenance 23365
thereof as supplied by the original source or its successors or 23366
assigns. 23367

(4) The purchase of goods or services is made from another 23368
political subdivision, public agency, public transit system, 23369
regional transit authority, the state, or the federal 23370
government, or as a third-party beneficiary under a state or 23371
federal procurement contract, or as a participant in a 23372
department of administrative services contract under division 23373
(B) of section 125.04 of the Revised Code or under an approved 23374
purchasing plan of this state. 23375

(5) The purchase substantially involves services of a 23376
personal, professional, highly technical, or scientific nature, 23377
including the services of an attorney, physician, engineer, 23378
architect, surveyor, appraiser, investigator, adjuster, 23379
advertising consultant, or licensed broker, or involves the 23380
special skills or proprietary knowledge required for the 23381
operation of the airport owned by the regional transit 23382
authority. 23383

(6) Services or supplies are available from a qualified 23384
nonprofit agency pursuant to sections ~~4115.31~~ 125.60 to ~~4115.35~~ 23385
125.6012 of the Revised Code. 23386

(7) The purchase consists of the product or services of a 23387
public utility. 23388

Sec. 311.14. Upon retiring from office, the sheriff shall 23389
pay over to ~~his~~ the sheriff's successor in office all moneys 23390
received by such sheriff and remaining in ~~his~~ the sheriff's 23391

hands. ~~He~~ The sheriff shall deliver to ~~his~~ the sheriff's 23392
successor all evidences of indebtedness and all books, blanks, 23393
and stationery belonging to ~~his~~ the sheriff's office. Each 23394
sheriff shall demand and receive such books and papers from ~~his~~ the sheriff's predecessor. Before leaving office, the sheriff 23395
shall prepare a certificate of transition for the successor 23396
sheriff in the form and substance prescribed by the auditor of 23397
state. The certificate shall contain an inventory of items 23398
delivered in accordance with this section, sections 311.13 and 23399
311.15 of the Revised Code, and other information prescribed by 23400
the auditor of state. Before prescribing the inventory of items, 23401
accounts, and other information to be contained in the 23402
certificate of transition, the auditor of state shall solicit 23403
input from county sheriffs. 23404
23405

Sec. 313.01. (A) A coroner shall be ~~elected~~ appointed 23406
quadrennially in each county, ~~who~~ by the board of county 23407
commissioners and shall hold office for a term of four years, 23408
beginning on the first Monday of January ~~next~~ after 23409
election appointment. 23410

(B) As used in the Revised Code, unless the context 23411
otherwise requires: 23412

(1) "Coroner" means the coroner or medical examiner of the 23413
county in which death occurs or the dead human body is found. 23414

(2) "Deputy coroner" means the deputy coroner or deputy 23415
medical examiner of the county in which death occurs or the dead 23416
human body is found. 23417

Sec. 313.02. (A) (1) Except as provided in division (A) (2) 23418
of this section, to be eligible to the office of coroner, a 23419
person shall be a physician who is licensed under Chapter 4731. 23420

of the Revised Code to practice medicine and surgery or 23421
osteopathic medicine and surgery, and who is in good standing in 23422
the person's profession. For a county other than a charter 23423
county, the person also shall have been licensed under Chapter 23424
4731. of the Revised Code to practice medicine and surgery or 23425
osteopathic medicine and surgery for a period of at least two 23426
years immediately preceding ~~election or~~ appointment as coroner. 23427

(2) Division (A)(1) of this section does not prohibit a 23428
person elected to the office of coroner who holds that office on 23429
~~the effective date of this amendment~~ April 9, 2025, but who does 23430
not meet the eligibility conditions described in that division, 23431
from doing any of the following after that date: 23432

(a) Continuing to hold the office of coroner of that 23433
county until the person's term of office expires; 23434

(b) Seeking ~~reelection~~ appointment as coroner of that 23435
county for one or more subsequent terms of office and, if 23436
~~reelected~~ appointed, continuing to hold the office for the 23437
duration of any subsequent term. 23438

(B)(1) ~~Beginning in calendar year 2000 and in each fourth-~~ 23439
~~year thereafter, each~~ Each newly elected ~~appointed~~ coroner, 23440
~~after the general election but~~ prior to commencing the term of 23441
office to which ~~elected~~ appointed, shall attend and successfully 23442
complete sixteen hours of continuing education at programs 23443
sponsored by the Ohio state coroners association. Within ninety 23444
days after appointment to the office of coroner under section 23445
~~305.02-313.04~~ 313.04 of the Revised Code, the newly appointed coroner 23446
shall attend and successfully complete sixteen hours of 23447
continuing education at programs sponsored by the association. 23448
Hours of continuing education completed under the requirement 23449
described in division (B)(1) of this section shall not be 23450

counted toward fulfilling the continuing education requirement 23451
described in division (B) (2) of this section. 23452

As used in division (B) (1) of this section, "newly ~~elected~~ 23453
appointed coroner" means a person who did not hold the office of 23454
coroner on the date the person was ~~elected~~ appointed coroner. 23455

(2) Except as otherwise provided in division (B) (2) of 23456
this section, beginning in calendar year 2001, each coroner, 23457
during the coroner's four-year term, shall attend and 23458
successfully complete thirty-two hours of continuing education 23459
at programs sponsored by the Ohio state coroners association. 23460
Except as otherwise provided in division (B) (2) of this section, 23461
each coroner shall attend and successfully complete twenty-four 23462
of these thirty-two hours at statewide meetings, and eight of 23463
these thirty-two hours at regional meetings, sponsored by the 23464
association. The association may approve attendance at 23465
continuing education programs it does not sponsor but, if 23466
attendance is approved, successful completion of hours at these 23467
programs shall be counted toward fulfilling only the twenty- 23468
four-hour requirement described in division (B) (2) of this 23469
section. 23470

(3) Upon successful completion of a continuing education 23471
program required by division (B) (1) or (2) of this section, the 23472
person who successfully completes the program shall receive from 23473
the association or the sponsoring organization a certificate 23474
indicating that the person successfully completed the program. 23475

Sec. 313.04. (A) When the coroner is absent temporarily 23476
from the county, or when on duty with the armed services of the 23477
United States, the state militia, or the American red cross, or 23478
when unable to discharge the duties of the office of coroner, 23479
such coroner may appoint a person with the necessary 23480

qualifications to act as coroner during such absence, service, 23481
or disability. 23482

~~When there is a~~ (B) If a vacancy occurs in the coroner's 23483
office for any cause, the board of county commissioners shall 23484
appoint a successor to hold the office and to perform the duties 23485
for the remainder of the term. 23486

(C) For the period of time between the occurrence of the 23487
vacancy in the coroner's office ~~as a result of death or~~ 23488
~~resignation and the vacancy cannot be filled by election or~~ 23489
~~appointment as provided in~~ and the time when a coroner is 23490
appointed under division (B) of this section ~~305.02 of the~~ 23491
~~Revised Code, or if no one runs for the office of coroner and,~~ 23492
~~for that reason, the office is vacant,~~ the board of county 23493
commissioners may contract with another county's coroner to 23494
exercise the powers and perform the acts, duties, or functions 23495
of the coroner. In addition to the applicable amounts of 23496
compensation specified in sections 325.15 and 325.18 of the 23497
Revised Code, the coroner with whom the board contracts may 23498
receive a supplemental payment for services rendered. The 23499
duration of the contract shall not extend beyond the last day of 23500
the term for which there was a vacancy. 23501

Sec. 317.20. (A) When, in the opinion of the board of 23502
county commissioners, sectional indexes are needed and it so 23503
directs, in addition to the indexes provided for in section 23504
317.18 of the Revised Code, the board may provide for making, in 23505
books prepared for that purpose, sectional indexes to the 23506
records of all real estate in the county beginning with some 23507
designated year and continuing through the period of years that 23508
the board specifies. The sectional indexes shall place under the 23509
heads of the original surveyed sections or surveys, parts of a 23510

section or survey, squares, subdivisions, permanent parcel 23511
numbers provided for under section 319.28 of the Revised Code, 23512
or lots, on the left-hand page or on the upper portion of that 23513
page of the index book, the name of the grantor, then the name 23514
of the grantee, then the number and page of the record in which 23515
the instrument is found recorded, then the character of the 23516
instrument, and then a pertinent description of the interest in 23517
property conveyed by the deed, lease, or assignment of lease, 23518
and shall place under similar headings on the right-hand page or 23519
on the lower portion of that page of the index book, beginning 23520
at the bottom, all the mortgages, liens, notices provided for in 23521
sections 5301.51, 5301.52, and 5301.56 of the Revised Code, or 23522
other encumbrances affecting the real estate. 23523

(B) The compensation for the services rendered under this 23524
section shall be paid from the general revenue fund of the 23525
county, and no additional levy shall be made in consequence of 23526
the services. 23527

(C) If the board of county commissioners decides to have 23528
sectional indexes made, it shall advertise for three consecutive 23529
weeks for sealed proposals to do the work provided for in this 23530
section, using at least one of the following methods: 23531

(1) In the print or digital edition of a newspaper of 23532
general circulation within the county; 23533

(2) On the official public notice web site established 23534
under section 125.182 of the Revised Code; 23535

(3) On the web site and social media account of the 23536
county. 23537

The board shall contract with the lowest and best bidder, 23538
and shall require the successful bidder to give a bond for the 23539

faithful performance of the contract in the sum that the board 23540
fixes. ~~The work shall be done to the acceptance of the auditor~~ 23541
~~of state upon allowance by the board.~~ The board may reject any 23542
and all bids for the work, provided that no more than five cents 23543
shall be paid for each entry of each tract or lot of land. 23544

(D) When the sectional indexes are brought up and 23545
completed, the county recorder shall maintain the indexes and 23546
comply with division (E) of this section in connection with 23547
registered land. 23548

(E) (1) As used in division (E) of this section, "housing 23549
accommodations" and "restrictive covenant" have the same 23550
meanings as in section 4112.01 of the Revised Code. 23551

(2) In connection with any transfer of registered land 23552
that occurs on and after March 30, 1999, in accordance with 23553
Chapters 5309. and 5310. of the Revised Code, the county 23554
recorder shall delete from the sectional indexes maintained 23555
under this section all references to any restrictive covenant 23556
that appears to apply to the transferred registered land, if any 23557
inclusion of the restrictive covenant in a transfer, rental, or 23558
lease of housing accommodations, any honoring or exercising of 23559
the restrictive covenant, or any attempt to honor or exercise 23560
the restrictive covenant constitutes an unlawful discriminatory 23561
practice under division (H) (9) of section 4112.02 of the Revised 23562
Code. 23563

Sec. 319.04. (A) Each county auditor who is elected to a 23564
full term of office shall attend and successfully complete at 23565
least sixteen hours of continuing education courses during the 23566
first year of the auditor's term of office, and complete at 23567
least another eight hours of such courses by the end of that 23568
term. Each such county auditor shall include at least two hours 23569

of ethics and substance-abuse training in the total twenty-four 23570
hours of required courses. To be counted toward the twenty-four 23571
hours required by this section, a course must be approved by the 23572
county auditors association of Ohio. Any county auditor who 23573
teaches an approved course shall be entitled to credit for the 23574
course in the same manner as if the county auditor had attended 23575
the course. 23576

That association shall record and, upon request, verify 23577
the completion of required course work for each county auditor, 23578
and issue a statement to each county auditor of the number of 23579
hours of continuing education the county auditor has 23580
successfully completed. Each year the association shall send a 23581
list of the continuing education courses, and the number of 23582
hours each county auditor has successfully completed, to the 23583
auditor of state and the tax commissioner, and shall provide a 23584
copy of this list to any other individual who requests it. 23585

~~The auditor of state shall issue a certificate of~~ 23586
~~completion to each county auditor who completes the continuing~~ 23587
~~education courses required by this section. The auditor of state~~ 23588
association shall issue a "notice of "failure to complete" to 23589
any county auditor required to complete continuing education 23590
courses under this section who fails to successfully complete at 23591
least sixteen hours of continuing education courses during the 23592
first year of the county auditor's term of office or to complete 23593
a total of at least twenty-four hours of such courses by the end 23594
of that term. This notice is for informational purposes only and 23595
does not affect any individual's ability to hold the office of 23596
county auditor. 23597

The county auditor shall retain the documentation of any 23598
initial or continuing education courses completed. The auditor 23599

of state shall audit for compliance with this section. 23600

(B) Each board of county commissioners shall approve, from 23601
money appropriated to the county auditor, a reasonable amount 23602
requested by the county auditor of its county to cover the costs 23603
the county auditor must incur to meet the requirements of 23604
division (A) of this section, including registration fees, 23605
lodging and meal expenses, and travel expenses. 23606

Sec. 319.202. Before the county auditor indorses any real 23607
property conveyance or manufactured or mobile home conveyance 23608
presented to the auditor pursuant to section 319.20 of the 23609
Revised Code or registers any manufactured or mobile home 23610
conveyance pursuant to section 4503.061 of the Revised Code, the 23611
grantee or the grantee's representative shall submit, either 23612
electronically or three written copies of, a statement, in the 23613
form prescribed by the tax commissioner, and other information 23614
as the county auditor may require, declaring the value of real 23615
property or manufactured or mobile home conveyed, except that 23616
when the transfer is exempt under division (G)(3) of section 23617
319.54 of the Revised Code only a statement of the reason for 23618
the exemption shall be required. Each statement submitted under 23619
this section shall contain the information required under 23620
divisions (A)~~and~~, (B), and (C) of this section. 23621

(A) Each statement submitted under this section shall 23622
include or otherwise be accompanied by a statement advising the 23623
grantee of the eligibility requirements for the reduction in 23624
taxes authorized under division (B) of section 323.152 of the 23625
Revised Code and of the duty imposed by division (C)(1) of 23626
section 323.153 of the Revised Code on the grantee to notify the 23627
county auditor if the grantee no longer qualifies for the 23628
reduction. 23629

(B) Each statement submitted under this section shall 23630
either: 23631

(1) Contain an affirmation by the grantee that the grantor 23632
has been asked by the grantee or the grantee's representative 23633
whether to the best of the grantor's knowledge either the 23634
preceding or the current year's taxes on the real property or 23635
the current or following year's taxes on the manufactured or 23636
mobile home conveyed will be reduced under division (A) of 23637
section 323.152 or under section 4503.065 of the Revised Code 23638
and that the grantor indicated that to the best of the grantor's 23639
knowledge the taxes will not be so reduced; or 23640

(2) Be accompanied by a sworn or affirmed instrument 23641
stating: 23642

(a) To the best of the grantor's knowledge the real 23643
property or the manufactured or mobile home that is the subject 23644
of the conveyance is eligible for and will receive a reduction 23645
in taxes for or payable in the current year under division (A) 23646
of section 323.152 or under section 4503.065 of the Revised Code 23647
and that the reduction or reductions will be reflected in the 23648
grantee's taxes; 23649

(b) The estimated amount of such reductions that will be 23650
reflected in the grantee's taxes; 23651

(c) That the grantor and the grantee have considered and 23652
accounted for the total estimated amount of such reductions to 23653
the satisfaction of both the grantee and the grantor. The 23654
auditor shall indorse the instrument, return it to the grantee 23655
or the grantee's representative, and provide a copy of the 23656
indorsed instrument to the grantor or the grantor's 23657
representative. 23658

~~(B)~~ (C) Each statement submitted under this section shall 23659
either: 23660

(1) Contain an affirmation by the grantee that the grantor 23661
has been asked by the grantee or the grantee's representative 23662
whether to the best of the grantor's knowledge the real property 23663
conveyed qualified for the current agricultural use valuation 23664
under section 5713.30 of the Revised Code either for the 23665
preceding or the current year and that the grantor indicated 23666
that to the best of the grantor's knowledge the property 23667
conveyed was not so qualified; or 23668

(2) Be accompanied by a sworn or affirmed instrument 23669
stating: 23670

(a) To the best of the grantor's knowledge the real 23671
property conveyed was qualified for the current agricultural use 23672
valuation under section 5713.30 of the Revised Code either for 23673
the preceding or the current year; 23674

(b) To the extent that the property will not continue to 23675
qualify for the current agricultural use valuation either for 23676
the current or the succeeding year, that the property will be 23677
subject to a recoupment charge equal to the tax savings in 23678
accordance with section 5713.34 of the Revised Code; 23679

(c) That the grantor and the grantee have considered and 23680
accounted for the total estimated amount of such recoupment, if 23681
any, to the satisfaction of both the grantee and the grantor. 23682
The auditor shall indorse the instrument, forward it to the 23683
grantee or the grantee's representative, and provide a copy of 23684
the indorsed instrument to the grantor or the grantor's 23685
representative. 23686

~~(C)~~ (D) The grantor shall pay the fee required by division 23687

(G) (3) of section 319.54 of the Revised Code; and, in the event 23688
the board of county commissioners of the county has levied a 23689
real property or a manufactured home transfer tax pursuant to 23690
Chapter 322. of the Revised Code, the amount required by the 23691
real property or manufactured home transfer tax so levied. If 23692
the conveyance is exempt from the fee provided for in division 23693
(G) (3) of section 319.54 of the Revised Code and the tax, if 23694
any, levied pursuant to Chapter 322. of the Revised Code, the 23695
reason for such exemption shall be shown on the statement. 23696
"Value" means, in the case of any deed or certificate of title 23697
not a gift in whole or part, the amount of the full 23698
consideration therefor, paid or to be paid for the real estate 23699
or manufactured or mobile home described in the deed or title, 23700
including the amount of any mortgage or vendor's lien thereon. 23701
If property sold under a land installment contract is conveyed 23702
by the seller under such contract to a third party and the 23703
contract has been of record at least twelve months prior to the 23704
date of conveyance, "value" means the unpaid balance owed to the 23705
seller under the contract at the time of the conveyance, but the 23706
statement shall set forth the amount paid under such contract 23707
prior to the date of conveyance. In the case of a gift in whole 23708
or part, "value" means the estimated price the real estate or 23709
manufactured or mobile home described in the deed or certificate 23710
of title would bring in the open market and under the then 23711
existing and prevailing market conditions in a sale between a 23712
willing seller and a willing buyer, both conversant with the 23713
property and with prevailing general price levels. No person 23714
shall willfully falsify the value of property conveyed. 23715

~~(D)~~ (E) The auditor shall indorse each conveyance on its 23716
face to indicate the amount of the conveyance fee and compliance 23717
with this section and if the property is residential rental 23718

property include a statement that the grantee shall file with 23719
the county auditor the information required under division (A) 23720
or (C) of section 5323.02 of the Revised Code. The auditor shall 23721
retain the original copy of the statement of value, forward to 23722
the tax commissioner one copy on which shall be noted the most 23723
recent assessed value of the property, and furnish one copy to 23724
the grantee or the grantee's representative. 23725

~~(E)~~ (F) In order to achieve uniform administration and 23726
collection of the transfer fee required by division (G) (3) of 23727
section 319.54 of the Revised Code, the tax commissioner shall 23728
adopt and promulgate rules for the administration and 23729
enforcement of the levy and collection of such fee. 23730

~~(F)~~ (G) As used in this section, "residential rental 23731
property" has the same meaning as in section 5323.01 of the 23732
Revised Code. 23733

Sec. 319.301. (A) The reductions required by division (D) 23734
of this section do not apply to any of the following: 23735

(1) Taxes levied at whatever rate is required to produce a 23736
specified amount of tax money, including a tax levied under 23737
section 5705.199 or 5748.09 of the Revised Code, or an amount to 23738
pay debt charges; 23739

(2) Taxes levied within the one per cent limitation 23740
imposed by Section 2 of Article XII, Ohio Constitution; 23741

(3) Taxes provided for by the charter of a municipal 23742
corporation. 23743

(B) As used in this section: 23744

(1) "Real property" includes real property owned by a 23745
railroad. 23746

(2) "Carryover property" means all real property on the 23747
current year's tax list except: 23748

(a) Land and improvements that were not taxed by the 23749
district in both the preceding year and the current year; 23750

(b) Land and improvements that were not in the same class 23751
in both the preceding year and the current year. 23752

(3) "Effective tax rate" means with respect to each class 23753
of property: 23754

(a) The sum of the total taxes that would have been 23755
charged and payable for current expenses against real property 23756
in that class if each of the district's taxes were reduced for 23757
the current year under division (D) (1) of this section without 23758
regard to the application of division (E) (3) of this section 23759
divided by 23760

(b) The taxable value of all real property in that class. 23761

(4) "Taxes charged and payable" means the taxes charged 23762
and payable prior to any reduction required by section 319.302 23763
of the Revised Code. 23764

(C) The tax commissioner shall make the determinations 23765
required by this section each year, without regard to whether a 23766
taxing district has territory in a county to which section 23767
5715.24 of the Revised Code applies for that year. Separate 23768
determinations shall be made for each of the two classes 23769
established pursuant to section 5713.041 of the Revised Code. 23770

(D) With respect to each tax authorized to be levied by 23771
each taxing district, the tax commissioner, annually, shall do 23772
both of the following: 23773

(1) Determine by what percentage, if any, the sums levied 23774

by such tax against the carryover property in each class would 23775
have to be reduced for the tax to levy the same number of 23776
dollars against such property in that class in the current year 23777
as were charged against such property by such tax in the 23778
preceding year subsequent to the reduction made under this 23779
section but before the reduction made under section 319.302 of 23780
the Revised Code. In the case of a tax levied for the first time 23781
that is not a renewal of an existing tax, the commissioner shall 23782
determine by what percentage the sums that would otherwise be 23783
levied by such tax against carryover property in each class 23784
would have to be reduced to equal the amount that would have 23785
been levied if the full rate thereof had been imposed against 23786
the total taxable value of such property in the preceding tax 23787
year. ~~A tax or portion of a tax that is designated a replacement~~ 23788
~~levy under section 5705.192 of the Revised Code is not a renewal~~ 23789
~~of an existing tax for purposes of this division.~~ 23790

(2) Certify each percentage determined in division (D) (1) 23791
of this section, as adjusted under division (E) of this section, 23792
and the class of property to which that percentage applies to 23793
the auditor of each county in which the district has territory. 23794
The auditor, after complying with section 319.30 of the Revised 23795
Code, shall reduce the sum to be levied by such tax against each 23796
parcel of real property in the district by the percentage so 23797
certified for its class. Certification shall be made by the 23798
first day of September except in the case of a tax levied for 23799
the first time, in which case certification shall be made within 23800
fifteen days of the date the county auditor submits the 23801
information necessary to make the required determination. 23802

(E) (1) As used in division (E) (2) of this section, 23803
"pre-1982 joint vocational taxes" means, with respect to a class 23804
of property, the difference between the following amounts: 23805

(a) The taxes charged and payable in tax year 1981 against 23806
the property in that class for the current expenses of the joint 23807
vocational school district of which the school district is a 23808
part after making all reductions under this section; 23809

(b) Two-tenths of one per cent of the taxable value of all 23810
real property in that class. 23811

If the amount in division (E) (1) (b) of this section 23812
exceeds the amount in division (E) (1) (a) of this section, the 23813
pre-1982 joint vocational taxes shall be zero. 23814

As used in divisions (E) (2) and (3) of this section, 23815
"taxes charged and payable" has the same meaning as in division 23816
(B) (4) of this section and excludes any tax charged and payable 23817
in 1985 or thereafter under ~~sections 5705.194 to 5705.197 or~~ 23818
~~section 5705.199,~~ 5705.213, 5705.219, or 5748.09 of the Revised 23819
Code. 23820

(2) If in the case of a school district other than a joint 23821
vocational or cooperative education school district any 23822
percentage required to be used in division (D) (2) of this 23823
section for either class of property could cause the total taxes 23824
charged and payable for current expenses to be less than two per 23825
cent of the taxable value of all real property in that class 23826
that is subject to taxation by the district, the commissioner 23827
shall determine what percentages would cause the district's 23828
total taxes charged and payable for current expenses against 23829
that class, after all reductions that would otherwise be made 23830
under this section, to equal, when combined with the pre-1982 23831
joint vocational taxes against that class, the lesser of the 23832
following: 23833

(a) The sum of the rates at which those taxes are 23834

authorized to be levied; 23835

(b) Two per cent of the taxable value of the property in 23836
that class. The auditor shall use such percentages in making the 23837
reduction required by this section for that class. 23838

(3) If in the case of a joint vocational school district 23839
any percentage required to be used in division (D) (2) of this 23840
section for either class of property could cause the total taxes 23841
charged and payable for current expenses for that class to be 23842
less than two-tenths of one per cent of the taxable value of 23843
that class, the commissioner shall determine what percentages 23844
would cause the district's total taxes charged and payable for 23845
current expenses for that class, after all reductions that would 23846
otherwise be made under this section, to equal that amount. The 23847
auditor shall use such percentages in making the reductions 23848
required by this section for that class. 23849

(F) No reduction shall be made under this section in the 23850
rate at which any tax is levied. 23851

(G) The commissioner may order a county auditor to furnish 23852
any information the commissioner needs to make the 23853
determinations required under division (D) or (E) of this 23854
section, and the auditor shall supply the information in the 23855
form and by the date specified in the order. If the auditor 23856
fails to comply with an order issued under this division, except 23857
for good cause as determined by the commissioner, the 23858
commissioner shall withhold from such county or taxing district 23859
therein fifty per cent of state revenues to local governments 23860
pursuant to section 5747.50 of the Revised Code or shall direct 23861
the department of education and workforce to withhold therefrom 23862
fifty per cent of state revenues to school districts pursuant to 23863
Chapter 3317. of the Revised Code. The commissioner shall 23864

withhold the distribution of such revenues until the county 23865
auditor has complied with this division, and the department 23866
shall withhold the distribution of such revenues until the 23867
commissioner has notified the department that the county auditor 23868
has complied with this division. 23869

(H) If the commissioner is unable to certify a tax 23870
reduction factor for either class of property in a taxing 23871
district located in more than one county by the last day of 23872
November because information required under division (G) of this 23873
section is unavailable, the commissioner may compute and certify 23874
an estimated tax reduction factor for that district for that 23875
class. The estimated factor shall be based upon an estimate of 23876
the unavailable information. Upon receipt of the actual 23877
information for a taxing district that received an estimated tax 23878
reduction factor, the commissioner shall compute the actual tax 23879
reduction factor and use that factor to compute the taxes that 23880
should have been charged and payable against each parcel of 23881
property for the year for which the estimated reduction factor 23882
was used. The amount by which the estimated factor resulted in 23883
an overpayment or underpayment in taxes on any parcel shall be 23884
added to or subtracted from the amount due on that parcel in the 23885
ensuing tax year. 23886

A percentage or a tax reduction factor determined or 23887
computed by the commissioner under this section shall be used 23888
solely for the purpose of reducing the sums to be levied by the 23889
tax to which it applies for the year for which it was determined 23890
or computed. It shall not be used in making any tax computations 23891
for any ensuing tax year. 23892

(I) In making the determinations under division (D) (1) of 23893
this section, the tax commissioner shall take account of changes 23894

in the taxable value of carryover property resulting from 23895
complaints filed under section 5715.19 of the Revised Code for 23896
determinations made for the tax year in which such changes are 23897
reported to the commissioner. Such changes shall be reported to 23898
the commissioner on the first abstract of real property filed 23899
with the commissioner under section 5715.23 of the Revised Code 23900
following the date on which the complaint is finally determined 23901
by the board of revision or by a court or other authority with 23902
jurisdiction on appeal. The tax commissioner shall account for 23903
such changes in making the determinations only for the tax year 23904
in which the change in valuation is reported. Such a valuation 23905
change shall not be used to recompute the percentages determined 23906
under division (D) (1) of this section for any prior tax year. 23907

Sec. 319.302. (A) (1) Real property that is not intended 23908
primarily for use in a business activity shall qualify for a 23909
partial exemption from real property taxation. For purposes of 23910
this partial exemption, "business activity" includes all uses of 23911
real property, except farming; leasing property for farming; 23912
occupying or holding property improved with single-family, two- 23913
family, or three-family dwellings; leasing property improved 23914
with single-family, two-family, or three-family dwellings; or 23915
holding vacant land that the county auditor determines will be 23916
used for farming or to develop single-family, two-family, or 23917
three-family dwellings. For purposes of this partial exemption, 23918
"farming" does not include land used for the commercial 23919
production of timber that is receiving the tax benefit under 23920
section 5713.23 or 5713.31 of the Revised Code and all 23921
improvements connected with such commercial production of 23922
timber. 23923

(2) Each year, the county auditor shall review each parcel 23924
of real property to determine whether it qualifies for the 23925

partial exemption provided for by this section as of the first 23926
day of January of the current tax year. 23927

(B) After complying with section 319.301 of the Revised 23928
Code, the county auditor shall reduce the remaining sums to be 23929
levied by qualifying levies against each parcel of real property 23930
that is listed on the general tax list and duplicate of real and 23931
public utility property for the current tax year and that 23932
qualifies for partial exemption under division (A) of this 23933
section, and against each manufactured and mobile home that is 23934
taxed pursuant to division (D) (2) of section 4503.06 of the 23935
Revised Code and that is on the manufactured home tax list for 23936
the current tax year, by ten per cent, to provide a partial 23937
exemption for that parcel or home. For the purposes of this 23938
division: 23939

(1) "Qualifying levy" means a levy approved at an election 23940
held before September 29, 2013; a levy within the ten-mill 23941
limitation; a levy provided for by the charter of a municipal 23942
corporation that was levied on the tax list for tax year 2013; a 23943
subsequent renewal of any such levy; or a subsequent substitute 23944
for such a levy under section 5705.199 of the Revised Code. 23945

(2) "Qualifying levy" does not include any replacement 23946
imposed under section 5705.192 of the Revised Code, as it 23947
existed before the effective date of this amendment, of any levy 23948
described in division (B) (1) of this section. 23949

(C) Except as otherwise provided in sections 323.152, 23950
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 23951
amount of the taxes remaining after any such reduction shall be 23952
the real and public utility property taxes charged and payable 23953
on each parcel of real property, including property that does 23954
not qualify for partial exemption under division (A) of this 23955

section, and the manufactured home tax charged and payable on 23956
each manufactured or mobile home, and shall be the amounts 23957
certified to the county treasurer for collection. Upon receipt 23958
of the real and public utility property tax duplicate, the 23959
treasurer shall certify to the tax commissioner the total amount 23960
by which the real property taxes were reduced under this 23961
section, as shown on the duplicate. Such reduction shall not 23962
directly or indirectly affect the determination of the principal 23963
amount of notes that may be issued in anticipation of any tax 23964
levies or the amount of bonds or notes for any planned 23965
improvements. If after application of sections 5705.31 and 23966
5705.32 of the Revised Code and other applicable provisions of 23967
law, including divisions (F) and (I) of section 321.24 of the 23968
Revised Code, there would be insufficient funds for payment of 23969
debt charges on bonds or notes payable from taxes reduced by 23970
this section, the reduction of taxes provided for in this 23971
section shall be adjusted to the extent necessary to provide 23972
funds from such taxes. 23973

(D) The tax commissioner may adopt rules governing the 23974
administration of the partial exemption provided for by this 23975
section. 23976

(E) The determination of whether property qualifies for 23977
partial exemption under division (A) of this section is solely 23978
for the purpose of allowing the partial exemption under division 23979
(B) of this section. 23980

Sec. 321.03. (A) At the request of the county treasurer, a 23981
board of county commissioners may enter into a contract with any 23982
financial institution under which the financial institution, in 23983
accordance with the terms of the contract, receives at a post 23984
office box any type of payment or fee owed or payable to the 23985

county, opens the mail delivered to that box, processes the 23986
checks and other payments received in such mail and deposits 23987
them into the treasurer's account, and provides the county 23988
treasurer daily receipt information with respect to such 23989
payments. The contract may provide for the financial institution 23990
to receive at the post office box those payments and fees 23991
specifically named in the contract or all payments and fees 23992
payable to the county, including, but not limited to, utility, 23993
sewer, water, refuse collection, waste disposal, and airport 23994
fees, but in any case excluding taxes. The contract shall not be 23995
entered into unless: 23996

~~(A) There is attached to the contract a certification by~~ 23997
~~the auditor of state that the financial institution and the~~ 23998
~~treasurer have given assurances satisfactory to the auditor of~~ 23999
~~state that the records of the financial institution, to the~~ 24000
~~extent that they relate to payments covered by the contract,~~ 24001
~~shall be subject to examination by the auditor of state to the~~ 24002
~~same extent as if the services that the financial institution~~ 24003
~~has agreed to perform were being performed by the treasurer.~~ 24004

~~(B)~~ (1) The contract is awarded in accordance with sections 24005
307.86 to 307.92 of the Revised Code. 24006

~~(C)~~ (2) The treasurer's surety bond includes within its 24007
coverage any loss that might occur as the result of the 24008
contract. 24009

~~(D)~~ (3) The provisions of the contract do not conflict with 24010
accounting and reporting requirements prescribed by the auditor 24011
of state. 24012

(B) The records of the financial institution are subject 24013
to examination by the auditor of state to the same extent as if 24014

the services that the financial institution has agreed to 24015
perform were being performed by the treasurer. 24016

Sec. 323.131. (A) Each tax bill prepared and mailed or 24017
delivered under section 323.13 of the Revised Code shall be in 24018
the form and contain the information required by the tax 24019
commissioner. The commissioner may prescribe different forms for 24020
each county and may authorize the county auditor to make up tax 24021
bills and tax receipts to be used by the county treasurer. For 24022
any county in which the board of county commissioners has 24023
granted a partial property tax exemption on homesteads under 24024
section 323.158 of the Revised Code, the commissioner shall 24025
require that the tax bills for those homesteads include a notice 24026
of the amount of the tax reduction that results from the partial 24027
exemption. In addition to the information required by the 24028
commissioner, each tax bill shall contain the following 24029
information: 24030

(1) The taxes levied and the taxes charged and payable 24031
against the property; 24032

(2) The effective tax rate. The words "effective tax rate" 24033
shall appear in boldface type. 24034

(3) The following notices: 24035

(a) "Notice: If the taxes are not paid within sixty days 24036
from the date they are certified delinquent, the property is 24037
subject to foreclosure for tax delinquency." Failure to provide 24038
such notice has no effect upon the validity of any tax 24039
foreclosure to which a property is subjected. 24040

(b) "Notice: If the taxes charged against this parcel have 24041
been reduced by the 2-1/2 per cent tax reduction for residences 24042
occupied by the owner but the property is not a residence 24043

occupied by the owner, the owner must notify the county 24044
auditor's office not later than March 31 of the year following 24045
the year for which the taxes are due. Failure to do so may 24046
result in the owner being convicted of a fourth degree 24047
misdemeanor, which is punishable by imprisonment up to 30 days, 24048
a fine up to \$250, or both, and in the owner having to repay the 24049
amount by which the taxes were erroneously or illegally reduced, 24050
plus any interest that may apply. 24051

If the taxes charged against this parcel have not been 24052
reduced by the 2-1/2 per cent tax reduction and the parcel 24053
includes a residence occupied by the owner, the parcel may 24054
qualify for the tax reduction. To obtain an application for the 24055
tax reduction or further information, the owner may contact the 24056
county auditor's office at _____ (insert the address and 24057
telephone number of the county auditor's office). 24058

(4) For a tract or lot on the real property tax suspension 24059
list under section 319.48 of the Revised Code, the following 24060
notice: "Notice: The taxes shown due on this bill are for the 24061
current year only. Delinquent taxes, penalties, and interest 24062
also are due on this property. Contact the county treasurer to 24063
learn the total amount due." 24064

(5) For a property, the tax liability of which has been 24065
reduced under section 5705.316 of the Revised Code for the 24066
current tax year, the following notice: "Notice: The school 24067
district taxes shown due on this bill are reduced only for the 24068
current year due to the school district's excess carry-over 24069
balance." 24070

The tax bill shall not contain or be mailed or delivered 24071
with any information or material that is not required by this 24072
section or that is not authorized by section 321.45 of the 24073

Revised Code or by the tax commissioner. 24074

(B) If the property is residential rental property, the 24075
tax bill shall contain a statement that the owner of the 24076
residential rental property shall file with the county auditor 24077
the information required under division (A) or (C) of section 24078
5323.02 of the Revised Code. 24079

(C) Each county auditor and treasurer shall post on their 24080
respective web sites, or on the county's web site, the 24081
percentage of property taxes charged by each taxing unit and, in 24082
the case of the county as a taxing unit, the percentage of taxes 24083
charged by the county for each of the county purposes for which 24084
taxes are charged. 24085

(D) As used in this section, "residential rental property" 24086
has the same meaning as in section 5323.01 of the Revised Code. 24087

Sec. 323.152. In addition to the reduction in taxes 24088
required under section 319.302 of the Revised Code, taxes shall 24089
be reduced as provided in divisions (A) and (B) of this section. 24090

(A) (1) (a) Division (A) (1) of this section applies to any 24091
of the following persons: 24092

(i) A person who is permanently and totally disabled; 24093

(ii) A person who is sixty-five years of age or older; 24094

(iii) A person who is the surviving spouse of a deceased 24095
person who was permanently and totally disabled or sixty-five 24096
years of age or older and who applied and qualified for a 24097
reduction in taxes under this division in the year of death, 24098
provided the surviving spouse is at least fifty-nine but not 24099
sixty-five or more years of age on the date the deceased spouse 24100
dies. 24101

(b) Real property taxes on a homestead owned and occupied, 24102
or a homestead in a housing cooperative occupied, by a person to 24103
whom division (A) (1) of this section applies shall be reduced 24104
for each year for which an application for the reduction has 24105
been approved. The reduction shall equal one of the following 24106
amounts, as applicable to the person: 24107

(i) If the person received a reduction under division (A) 24108
(1) of this section for tax year 2006, the greater of the 24109
reduction for that tax year or the amount computed under 24110
division (A) (1) (c) of this section; 24111

(ii) If the person received, for any homestead, a 24112
reduction under division (A) (1) of this section for tax year 24113
2013 or under division (A) of section 4503.065 of the Revised 24114
Code for tax year 2014 or the person is the surviving spouse of 24115
such a person and the surviving spouse is at least fifty-nine 24116
years of age on the date the deceased spouse dies, the amount 24117
computed under division (A) (1) (c) of this section. 24118

(iii) If the person is not described in division (A) (1) (b) 24119
(i) or (ii) of this section and the person's total income does 24120
not exceed ~~thirty-five~~ thirty-two thousand five hundred dollars, as 24121
adjusted under division (A) (1) (d) of this section, the amount 24122
computed under division (A) (1) (c) of this section. 24123

(c) The amount of the reduction under division (A) (1) (c) 24124
of this section equals the product of the following: 24125

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 24126
value of the property in money, as adjusted under division (A) 24127
(1) (d) of this section; 24128

(ii) The assessment percentage established by the tax 24129
commissioner under division (B) of section 5715.01 of the 24130

Revised Code, not to exceed thirty-five per cent; 24131

(iii) The effective tax rate used to calculate the taxes 24132
charged against the property for the current year, where 24133
"effective tax rate" is defined as in section 323.08 of the 24134
Revised Code; 24135

(iv) The quantity equal to one minus the sum of the 24136
percentage reductions in taxes received by the property for the 24137
current tax year under section 319.302 of the Revised Code and 24138
division (B) of section 323.152 of the Revised Code. 24139

(d) The tax commissioner shall adjust the total income 24140
threshold described in division (A) (1) (b) (iii) and the reduction 24141
amounts described in divisions (A) (1) (c) (i), (A) (2), and (A) (3) 24142
of this section by completing the following calculations in 24143
September of each year: 24144

(i) Determine the percentage increase in the gross 24145
domestic product deflator determined by the bureau of economic 24146
analysis of the United States department of commerce from the 24147
first day of January of the preceding calendar year to the last 24148
day of December of the preceding calendar year; 24149

(ii) Multiply that percentage increase by the total income 24150
threshold or reduction amount for the current tax year, as 24151
applicable; 24152

(iii) Add the resulting product to the total income 24153
threshold or the reduction amount, as applicable, for the 24154
current tax year; 24155

(iv) Round the resulting sum to the nearest multiple of 24156
one hundred dollars. 24157

The commissioner shall certify the amount resulting from 24158

each adjustment to each county auditor not later than the first 24159
day of December each year. The certified total income threshold 24160
amount applies to the following tax year for persons described 24161
in division (A) (1) (b) (iii) of this section. The certified 24162
reduction amount applies to the following tax year. The 24163
commissioner shall not make the applicable adjustment in any 24164
calendar year in which the amount resulting from the adjustment 24165
would be less than the total income threshold or the reduction 24166
amount for the current tax year. 24167

(2) (a) Real property taxes on a homestead owned and 24168
occupied, or a homestead in a housing cooperative occupied, by a 24169
disabled veteran shall be reduced for each year for which an 24170
application for the reduction has been approved. The reduction 24171
shall equal the product obtained by multiplying ~~fifty-fifty-nine~~ 24172
thousand dollars of the true value of the property in money, as 24173
adjusted under division (A) (1) (d) of this section, by the 24174
amounts described in divisions (A) (1) (c) (ii) to (iv) of this 24175
section. The reduction is in lieu of any reduction under section 24176
323.158 of the Revised Code or division (A) (1), (2) (b), or (3) 24177
of this section. The reduction applies to only one homestead 24178
owned and occupied by a disabled veteran. 24179

(b) Real property taxes on a homestead owned and occupied, 24180
or a homestead in a housing cooperative occupied, by the 24181
surviving spouse of a disabled veteran shall be reduced for each 24182
year an application for exemption is approved. The reduction 24183
shall equal to the amount of the reduction authorized under 24184
division (A) (2) (a) of this section. 24185

The reduction is in lieu of any reduction under section 24186
323.158 of the Revised Code or division (A) (1), (2) (a), or (3) 24187
of this section. The reduction applies to only one homestead 24188

owned and occupied by the surviving spouse of a disabled 24189
veteran. A homestead qualifies for a reduction in taxes under 24190
division (A) (2) (b) of this section beginning in one of the 24191
following tax years: 24192

(i) For a surviving spouse described in division (L) (1) of 24193
section 323.151 of the Revised Code, the year the disabled 24194
veteran dies; 24195

(ii) For a surviving spouse described in division (L) (2) 24196
of section 323.151 of the Revised Code, the first year on the 24197
first day of January of which the total disability rating 24198
described in division (F) of that section has been received for 24199
the deceased spouse. 24200

In either case, the reduction shall continue through the 24201
tax year in which the surviving spouse dies or remarries. 24202

(3) Real property taxes on a homestead owned and occupied, 24203
or a homestead in a housing cooperative occupied, by the 24204
surviving spouse of a public service officer killed in the line 24205
of duty shall be reduced for each year for which an application 24206
for the reduction has been approved. The reduction shall equal 24207
the product obtained by multiplying ~~fifty-fifty-nine~~ thousand 24208
dollars of the true value of the property in money, as adjusted 24209
under division (A) (1) (d) of this section, by the amounts 24210
described in divisions (A) (1) (c) (ii) to (iv) of this section. 24211
The reduction is in lieu of any reduction under section 323.158 24212
of the Revised Code or division (A) (1) or (2) of this section. 24213
The reduction applies to only one homestead owned and occupied 24214
by such a surviving spouse. A homestead qualifies for a 24215
reduction in taxes under division (A) (3) of this section for the 24216
tax year in which the public service officer dies through the 24217
tax year in which the surviving spouse dies or remarries. 24218

(B) To provide a partial exemption, real property taxes on 24219
any homestead, and manufactured home taxes on any manufactured 24220
or mobile home on which a manufactured home tax is assessed 24221
pursuant to division (D) (2) of section 4503.06 of the Revised 24222
Code, shall be reduced for each year for which an application 24223
for the reduction has been approved. The amount of the reduction 24224
shall equal two and one-half per cent of the amount of taxes to 24225
be levied by qualifying levies on the homestead or the 24226
manufactured or mobile home after applying section 319.301 of 24227
the Revised Code. For the purposes of this division, "qualifying 24228
levy" has the same meaning as in section 319.302 of the Revised 24229
Code. 24230

(C) The reductions granted by this section do not apply to 24231
special assessments or respread of assessments levied against 24232
the homestead, and if there is a transfer of ownership 24233
subsequent to the filing of an application for a reduction in 24234
taxes, such reductions are not forfeited for such year by virtue 24235
of such transfer. 24236

(D) The reductions in taxable value referred to in this 24237
section shall be applied solely as a factor for the purpose of 24238
computing the reduction of taxes under this section and shall 24239
not affect the total value of property in any subdivision or 24240
taxing district as listed and assessed for taxation on the tax 24241
lists and duplicates, or any direct or indirect limitations on 24242
indebtedness of a subdivision or taxing district. If after 24243
application of sections 5705.31 and 5705.32 of the Revised Code, 24244
including the allocation of all levies within the ten-mill 24245
limitation to debt charges to the extent therein provided, there 24246
would be insufficient funds for payment of debt charges not 24247
provided for by levies in excess of the ten-mill limitation, the 24248
reduction of taxes provided for in sections 323.151 to 323.159 24249

of the Revised Code shall be proportionately adjusted to the 24250
extent necessary to provide such funds from levies within the 24251
ten-mill limitation. 24252

(E) No reduction shall be made on the taxes due on the 24253
homestead of any person convicted of violating division (D) or 24254
(E) of section 323.153 of the Revised Code for a period of three 24255
years following the conviction. 24256

Sec. 323.611. (A) At the request of the county treasurer, 24257
a board of county commissioners may enter into a contract with 24258
any financial institution under which the financial institution, 24259
in accordance with the terms of the contract, receives real 24260
property and manufactured home tax payments at a post office 24261
box, opens the mail delivered to that box, processes the checks 24262
and other payments received in such mail and deposits them into 24263
the treasurer's account, and provides the county treasurer daily 24264
receipt information with respect to such payments. The contract 24265
shall not be entered into unless: 24266

~~(A) There is attached to the contract a certification by 24267
the auditor of state that the financial institution and the 24268
treasurer have given assurances satisfactory to the auditor of 24269
state that the records of the financial institution, to the 24270
extent that they relate to tax payments covered by the contract, 24271
shall be subject to audit by the auditor of state to the same 24272
extent as if the services for which the financial institution 24273
has agreed to perform were being performed by the treasurer;~~ 24274

~~(B)~~ (1) The contract is awarded in accordance with sections 24275
307.86 to 307.92 of the Revised Code; 24276

~~(C)~~ (2) The treasurer's surety bond includes within its 24277
coverage any loss that might occur as the result of the 24278

contract; 24279

~~(D)~~ (3) The provisions of the contract do not conflict with 24280
accounting and reporting requirements prescribed by the auditor 24281
of state. 24282

(B) The records of the financial institution are subject 24283
to examination by the auditor of state to the same extent as if 24284
the services that the financial institution has agreed to 24285
perform were being performed by the treasurer of state. 24286

Sec. 325.18. (A) As used in this section, "consumer price 24287
index" has the same meaning as in section 141.04 of the Revised 24288
Code. 24289

(B) (1) The salary amounts under sections 325.06 and 325.11 24290
of the Revised Code shall be increased as follows: 24291

(a) Beginning in calendar year 2020 and in each calendar 24292
year thereafter through calendar year 2024, the salary 24293
amounts under sections 325.06 and 325.11 of the Revised Code 24294
shall be increased by one and three-quarters per cent; 24295

(b) Beginning in calendar year 2026 and in each calendar 24296
year thereafter through calendar year 2029, by five per cent; 24297

(c) Beginning in calendar year 2030 and in each calendar 24298
year thereafter, by the percentage increase, if any, in the 24299
consumer price index over the twelve-month period that ends on 24300
the thirtieth day of September of the immediately preceding 24301
year, rounded to the nearest one-tenth of one per cent, not to 24302
exceed three per cent. 24303

~~(B)~~ (2) The salary amounts under sections 325.03, 325.04, 24304
325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code 24305
shall be increased as follows: 24306

(a) Beginning in calendar year 2021 and in each calendar year thereafter through calendar year ~~2028~~2025, ~~the salary amounts under sections 325.03, 325.04, 325.08, 325.09, 325.10, 325.14, and 325.15 of the Revised Code shall be increased by one and three-quarters per cent;~~

(b) Beginning in calendar year 2026 and in each calendar year thereafter through calendar year 2029, by five per cent;

(c) Beginning in calendar year 2030 and in each calendar year thereafter, by the percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent, not to exceed three per cent.

(C) Notwithstanding this section and sections 325.06, 325.11, 325.14, and 325.15 of the Revised Code, when computing a salary for any elected county officer under any of those sections, if the population range for the class under which the officer is to be compensated is not the same as the population range for that class for any other such elected county office, the class at which the officer's salary is determined shall be the highest class at which any officer from that same county is compensated under the population range applicable to that officer.

Sec. 325.25. ~~Upon~~ (A) Subject to division (B) of this section, upon notifying the board of county commissioners, any appointing authority of a county office, department, commission, board, or body, or of a common pleas court, county court, or county-operated municipal court as defined in section 1901.03 of the Revised Code, may establish a program to recognize outstanding employee performance. The program may include, but

is not limited to, cash awards, additional paid leave, or other 24337
additional benefits as the appointing authority considers 24338
appropriate, ~~so long as the~~. 24339

(B) (1) The costs of the program ~~do~~ shall not exceed the 24340
total amount of compensation fixed by the board of county 24341
commissioners for the office, department, commission, board, or 24342
body or for the common pleas court, county court, or county- 24343
operated municipal court. 24344

(2) Unless authorized in writing by the board of county 24345
commissioners, the total amount of cash awards shall not exceed, 24346
per employee in any calendar year, ten per cent of the 24347
compensation the employee receives that calendar year. 24348

Sec. 340.01. (A) As used in this chapter: 24349

(1) "Addiction," "addiction services," "alcohol and drug 24350
addiction services," "alcohol use disorder," "certifiable 24351
services and supports," "community addiction services provider," 24352
"community mental health services provider," "drug addiction," 24353
"gambling addiction services," "included opioid and co-occurring 24354
drug addiction services and recovery supports," "mental health 24355
services," "mental illness," "recovery housing residence," and 24356
"recovery supports" have the same meanings as in section 5119.01 24357
of the Revised Code. 24358

(2) "Medication-assisted treatment" means alcohol and drug 24359
addiction services that are accompanied by medication approved 24360
by the United States food and drug administration for the 24361
treatment of alcohol use disorder or drug addiction, prevention 24362
of relapse, or both. 24363

(B) An alcohol, drug addiction, and mental health service 24364
district shall be established in any county or combination of 24365

counties having a population of at least fifty thousand. With 24366
the approval of the director of ~~mental-behavioral health-and-~~ 24367
~~addiction services~~, any county or combination of counties having 24368
a population of less than fifty thousand may establish such a 24369
district. Districts comprising more than one county shall be 24370
known as joint-county districts. 24371

The board of county commissioners of any county 24372
participating in a joint-county district may submit a resolution 24373
requesting withdrawal from the district together with a 24374
comprehensive plan or plans that are in compliance with rules 24375
adopted by the director of ~~mental-behavioral health and-~~ 24376
~~addiction services~~ under section 5119.22 of the Revised Code to 24377
the board of alcohol, drug addiction, and mental health 24378
services, to the boards of county commissioners of each county 24379
in the district, and to the director. The plan or plans shall 24380
include all of the following: proposed bylaws for the operation 24381
of the newly established district; a list of potential board 24382
members; a list of the behavioral health services available in 24383
the newly established district, including inpatient, outpatient, 24384
prevention, and housing services; equitable adjustment and 24385
division of all services, assets, property, debts, and 24386
obligations of the former joint-county district; a plan ensuring 24387
no disruption in behavioral health services in the newly 24388
established district; and provision for the employment of an 24389
executive director of the newly established district. 24390

The director shall approve the plan not later than one 24391
year after the date the resolution was adopted by the board of 24392
county commissioners. No county participating in a joint-county 24393
district may withdraw from the district without the consent of 24394
the director of ~~mental-behavioral health and-addiction services-~~ 24395
nor earlier than one year after the submission of such 24396

resolution unless all of the participating counties agree to an 24397
earlier withdrawal. 24398

Any county withdrawing from a joint-county district shall 24399
continue to have levied against its tax list and duplicate any 24400
tax levied by the district during the period in which the county 24401
was a member of the district until such time as the levy expires 24402
or is renewed or replaced. 24403

(C) For any tax levied under section 5705.19 of the 24404
Revised Code by a board of a joint-county district formed on or 24405
after April 3, 2023, revenue from the tax shall only be expended 24406
for the benefit of the residents of the county from which the 24407
revenue is derived. For the purpose of this division, a joint- 24408
county district is not formed by virtue of a county joining or 24409
withdrawing from a district or if a joint-county service 24410
district merges with another joint-county district. 24411

Sec. 340.011. (A) This chapter shall be interpreted to 24412
accomplish all of the following: 24413

(1) Establish a unified system of treatment for persons 24414
with mental illnesses and persons with addictions; 24415

(2) Establish a community support system available for 24416
every alcohol, drug addiction, and mental health service 24417
district; 24418

(3) Protect the personal liberty of persons with mental 24419
illnesses so that they may be treated in the least restrictive 24420
environment; 24421

(4) Encourage the development of high quality, cost 24422
effective, and comprehensive services, including culturally 24423
sensitive services; 24424

(5) Foster the development of comprehensive community 24425
mental health services, based on recognized local needs, 24426
especially for persons with severe mental disabilities; 24427

(6) Ensure that services provided meet minimum standards 24428
established by the director of ~~mental-behavioral health-and-~~ 24429
~~addiction services;~~ 24430

(7) Promote the delivery of high quality and cost- 24431
effective addiction and mental health services; 24432

(8) Promote the participation of persons receiving mental 24433
health services and addiction services in the planning, 24434
delivery, and evaluation of these services. 24435

(B) Nothing in Chapter 340., 5119., or 5122. of the 24436
Revised Code shall be construed as requiring a board of county 24437
commissioners to provide resources beyond the total amount set 24438
forth in a budget and list of addiction services, mental health 24439
services, and recovery supports required by section 340.08 of 24440
the Revised Code and approved by the department of ~~mental-~~ 24441
~~behavioral health and addiction services~~ under section 5119.22 24442
of the Revised Code. 24443

Sec. 340.02. (A) For each alcohol, drug addiction, and 24444
mental health service district, there shall be appointed a board 24445
of alcohol, drug addiction, and mental health services. As 24446
provided in this section, the board shall consist of eighteen 24447
members, fifteen members, fourteen members, twelve members, or 24448
nine members. 24449

In a single-county district, the size of the board shall 24450
be determined by the board of county commissioners representing 24451
the county that constitutes the district. In a joint-county 24452
district, the size of the board shall be determined jointly by 24453

all of the boards of county commissioners representing the 24454
counties that constitute the district. 24455

The determination of board size shall be made by selecting 24456
one of the options described in division (B) of this section. 24457
After an option is selected and implemented, a subsequent 24458
determination of board size may be made, except that subsequent 24459
determinations shall not occur more frequently than once every 24460
four calendar years. 24461

If a selected option would result in a change in board 24462
size, before the option may be implemented the board of county 24463
commissioners or boards of county commissioners, as the case may 24464
be, shall send a representative to a meeting of the board of 24465
alcohol, drug addiction, and mental health services to solicit 24466
feedback about the matter. After considering any feedback 24467
received, the board or boards of county commissioners may 24468
proceed with implementing the change in board size. If the 24469
change results in a reduction of board members, the reduction 24470
shall be implemented by not filling vacancies as they occur. 24471

To implement a selected option that would result in the 24472
establishment of a new board of alcohol, drug addiction, and 24473
mental health services or in a change in size of an existing 24474
board, the board or boards of county commissioners, as the case 24475
may be, shall adopt a resolution specifying the board size that 24476
has been selected. The board or boards of county commissioners 24477
also shall notify the department of ~~mental-behavioral health and~~ 24478
~~addiction services~~ of the board size that has been selected. 24479

(B) (1) In the case of a board of alcohol, drug addiction, 24480
and mental health services that is established on or after ~~the~~ 24481
~~effective date of this amendment~~ October 3, 2023, any of the 24482
following options may be selected for purposes of division (A) 24483

of this section: 24484

(a) To establish the board as an eighteen-member board; 24485

(b) To establish the board as a fifteen-member board; 24486

(c) To establish the board as a fourteen-member board; 24487

(d) To establish the board as a twelve-member board; 24488

(e) To establish the board as a nine-member board; 24489

(f) To change the board's size after it has been 24490
established by selecting a number of members that is eighteen, 24491
fifteen, fourteen, twelve, or nine, as the case may be. 24492

(2) In the case of a board of alcohol, drug addiction, and 24493
mental health services that existed immediately prior to ~~the~~ 24494
~~effective date of this amendment~~ October 3, 2023, either of the 24495
following options may be selected for purposes of division (A) 24496
of this section: 24497

(a) To continue the board's operation as an eighteen- 24498
member or fourteen-member board, as a board of that size was 24499
authorized prior to ~~the effective date of this amendment~~ October 24500
3, 2023, in which case no further action is required; 24501

(b) To change the board's size by selecting a number of 24502
members that is eighteen, fifteen, fourteen, twelve, or nine as 24503
the case may be. 24504

(C) All members shall be residents of the service 24505
district. The membership shall, as nearly as possible, reflect 24506
the composition of the population of the service district as to 24507
race and sex. 24508

The director of ~~mental behavioral health and addiction~~ 24509
~~services~~ shall appoint one-third of the members of the board and 24510

the board of county commissioners shall appoint two-thirds of 24511
the members. In a joint-county district, the board of county 24512
commissioners of each participating county shall appoint members 24513
in as nearly as possible the same proportion as that county's 24514
population bears to the total population of the district, except 24515
that at least one member shall be appointed from each 24516
participating county. 24517

The director of ~~mental-behavioral health and addiction-~~ 24518
~~services~~ shall ensure that at least one member of the board is a 24519
clinician with experience in the delivery of mental health 24520
services, at least one member of the board is a person who has 24521
received or is receiving mental health services, at least one 24522
member of the board is a parent or other relative of such a 24523
person, at least one member of the board is a clinician with 24524
experience in the delivery of addiction services, at least one 24525
member of the board is a person who has received or is receiving 24526
addiction services, and at least one member of the board is a 24527
parent or other relative of such a person. A single member who 24528
meets both qualifications may fulfill the requirement for a 24529
clinician with experience in the delivery of mental health 24530
services and a clinician with experience in the delivery of 24531
addiction services. 24532

No member or employee of a board of alcohol, drug 24533
addiction, and mental health services shall serve as a member of 24534
the board of any provider with which the board of alcohol, drug 24535
addiction, and mental health services has entered into a 24536
contract for the provision of services or facilities. No member 24537
of a board of alcohol, drug addiction, and mental health 24538
services shall be an employee of any provider with which the 24539
board has entered into a contract for the provision of services 24540
or facilities. No person shall be an employee of a board and 24541

such a provider unless the board and provider both agree in 24542
writing. 24543

No person shall serve as a member of the board of alcohol, 24544
drug addiction, and mental health services whose spouse, child, 24545
parent, brother, sister, grandchild, stepparent, stepchild, 24546
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 24547
law, daughter-in-law, brother-in-law, or sister-in-law serves as 24548
a member of the board of any provider with which the board of 24549
alcohol, drug addiction, and mental health services has entered 24550
into a contract for the provision of services or facilities. No 24551
person shall serve as a member or employee of the board whose 24552
spouse, child, parent, brother, sister, stepparent, stepchild, 24553
stepbrother, stepsister, father-in-law, mother-in-law, son-in- 24554
law, daughter-in-law, brother-in-law, or sister-in-law serves as 24555
a county commissioner of a county or counties in the alcohol, 24556
drug addiction, and mental health service district. 24557

Each year each board member shall attend at least one 24558
inservice training session provided or approved by the 24559
department of ~~mental behavioral health and addiction services~~. 24560

Each member shall be appointed for a term of four years, 24561
commencing the first day of July, except that when a board is 24562
established on or after ~~the effective date of this amendment~~ 24563
October 3, 2023, the initial appointments shall be staggered 24564
among the members as equally as possible with terms of two 24565
years, three years, and four years. 24566

No member shall serve more than two consecutive four-year 24567
terms under the same appointing authority. A member may serve 24568
for three consecutive terms under the same appointing authority 24569
only if one of the terms is for less than two years. A member 24570
who has served two consecutive four-year terms or three 24571

consecutive terms totaling less than ten years is eligible for 24572
reappointment by the same appointing authority one year 24573
following the end of the second or third term, respectively. 24574

When a vacancy occurs, appointment for the expired or 24575
unexpired term shall be made in the same manner as an original 24576
appointment. The board shall notify the appointing authority 24577
either by certified mail or, if the board has record of an 24578
internet identifier of record associated with the authority, by 24579
ordinary mail and by that internet identifier of record of any 24580
vacancy and shall fill the vacancy within sixty days following 24581
that notice. As used in this paragraph, "internet identifier of 24582
record" has the same meaning as in section 9.312 of the Revised 24583
Code. 24584

Any member of the board may be removed from office by the 24585
appointing authority at will. Before a member may be removed at 24586
will, the member shall be informed in writing of the proposed 24587
removal and afforded an opportunity for a public hearing. Upon 24588
the absence of a member within one year from either four board 24589
meetings or from two board meetings without prior notice, the 24590
board shall notify the appointing authority, which may vacate 24591
the appointment and appoint another person to complete the 24592
member's term. 24593

Members of the board shall serve without compensation, but 24594
shall be reimbursed for actual and necessary expenses incurred 24595
in the performance of their official duties, as defined by rules 24596
of the department of ~~mental-behavioral health-and-addiction-~~ 24597
~~services.~~ 24598

Sec. 340.021. (A) In an alcohol, drug addiction, and 24599
mental health service district where the board of county 24600
commissioners has established an alcohol and drug addiction 24601

services board, the community mental health board established 24602
under former section 340.02 of the Revised Code shall serve as 24603
the entity responsible for providing mental health services in 24604
the county. A community mental health board has all the powers, 24605
duties, and obligations of a board of alcohol, drug addiction, 24606
and mental health services with regard to mental health 24607
services. An alcohol and drug addiction services board has all 24608
the powers, duties, and obligations of a board of alcohol, drug 24609
addiction, and mental health services with regard to addiction 24610
services. Any provision of the Revised Code that refers to a 24611
board of alcohol, drug addiction, and mental health services 24612
with regard to mental health services also refers to a community 24613
mental health board and any provision that refers to a board of 24614
alcohol, drug addiction, and mental health services with regard 24615
to alcohol and drug addiction services also refers to an alcohol 24616
and drug addiction services board. 24617

An alcohol and drug addiction services board shall consist 24618
of eighteen members or fourteen members, at the election of the 24619
board. Not later than January 1, 2014, each alcohol and drug 24620
addiction services board shall notify the department of ~~mental~~ 24621
behavioral health ~~and addiction services~~ of its election to 24622
operate as an eighteen-member board or to operate as a fourteen- 24623
member board. The election shall be final. Failure to provide 24624
notice of its election to the department on or before January 1, 24625
2014, shall constitute an election to continue to operate as an 24626
eighteen-member board. If an existing board provides timely 24627
notice of its election to operate as a fourteen-member board, 24628
the number of board members may decline from eighteen to 24629
fourteen by attrition as current members' terms expire. However, 24630
the composition of the board must reflect the requirements set 24631
forth in this section and in applicable provisions of section 24632

340.02 of the Revised Code for fourteen-member boards. For 24633
boards operating as eighteen-member boards, six members shall be 24634
appointed by the director of ~~mental-behavioral~~ health and- 24635
~~addiction services~~ and twelve members shall be appointed by the 24636
board of county commissioners. The director of ~~mental-behavioral~~ 24637
health and ~~addiction services~~ shall ensure that at least one 24638
member of the board is a person who has received or is receiving 24639
services for alcohol, drug, or gambling addiction, at least one 24640
member is a parent or relative of such a person, and at least 24641
one member is a clinician with experience in the delivery of 24642
addiction services. The membership of the board shall, as nearly 24643
as possible, reflect the composition of the population of the 24644
service district as to race and sex. Members shall be residents 24645
of the service district and shall be interested in alcohol, 24646
drug, or gambling addiction services. Requirements for 24647
membership, including prohibitions against certain family and 24648
business relationships, and terms of office shall be the same as 24649
those for members of boards of alcohol, drug addiction, and 24650
mental health services. 24651

A community mental health board shall consist of eighteen 24652
members or fourteen members, at the election of the board. Not 24653
later than January 1, 2014, each community mental health board 24654
shall notify the department of ~~mental-behavioral~~ health and- 24655
~~addiction services~~ of its election to operate as an eighteen- 24656
member board or to operate as a fourteen-member board. The 24657
election shall be final. Failure to provide notice of its 24658
election to the department on or before January 1, 2014, shall 24659
constitute an election to continue to operate as an eighteen- 24660
member board. If an existing board provides timely notice of its 24661
election to operate as a fourteen-member board, the number of 24662
board members may decline from eighteen to fourteen by attrition 24663

as current members' terms expire. However, the composition of 24664
the board must reflect the requirements set forth in this 24665
section and in applicable provisions of section 340.02 of the 24666
Revised Code for fourteen-member boards. For boards operating as 24667
eighteen-member boards, six members shall be appointed by the 24668
director of ~~mental behavioral health and addiction services~~ and 24669
twelve members shall be appointed by the board of county 24670
commissioners. The director of ~~mental behavioral health and~~ 24671
~~addiction services~~ shall ensure that at least one member of the 24672
board is a person who has received or is receiving mental health 24673
services, at least one member is a parent or relative of such a 24674
person, and at least one member is a clinician with experience 24675
in the delivery of mental health services. The membership of the 24676
board as nearly as possible shall reflect the composition of the 24677
population of the service district as to race and sex. Members 24678
shall be residents of the service district and shall be 24679
interested in mental health services. Requirements for 24680
membership, including prohibitions against certain family and 24681
business relationships, and terms of office shall be the same as 24682
those for members of boards of alcohol, drug addiction, and 24683
mental health services. 24684

(B) (1) If a board of county commissioners subject to 24685
division (A) of this section did not adopt a final resolution 24686
providing for a board of alcohol, drug addiction, and mental 24687
health services on or before July 1, 2007, the board of county 24688
commissioners may establish a board of alcohol, drug addiction, 24689
and mental health services on or after September 23, 2008. To 24690
establish the board, the board of county commissioners shall 24691
adopt a resolution providing for the board's establishment. The 24692
composition of the board, the procedures for appointing members, 24693
and all other matters related to the board and its members are 24694

subject to section 340.02 of the Revised Code, with the 24695
following exceptions: 24696

(a) For initial appointments to the board, the county's 24697
community mental health board and alcohol and drug addiction 24698
services board shall jointly recommend members of those boards 24699
for reappointment and shall submit the recommendations to the 24700
board of county commissioners and the director of ~~mental-~~ 24701
behavioral health ~~and addiction services~~. 24702

(b) The appointing authorities shall appoint the initial 24703
members from among the members jointly recommended under 24704
division (B)(1)(a) of this section unless the appointment is 24705
otherwise prohibited by law. 24706

(2) If a board of alcohol, drug addiction, and mental 24707
health services is established pursuant to division (B)(1) of 24708
this section, the board has the same rights, privileges, 24709
immunities, powers, and duties that were possessed by the 24710
county's community mental health board and alcohol and drug 24711
addiction services board. When the board is established, all 24712
property and obligations of the community mental health board 24713
and alcohol and drug addiction services board shall be 24714
transferred to the board of alcohol, drug addiction, and mental 24715
health services. 24716

Sec. 340.022. Notwithstanding the procedures established 24717
by section 340.02 of the Revised Code for determining the size 24718
of a board of alcohol, drug addiction, and mental health 24719
services, the size of a board shall be determined in accordance 24720
with this section in both of the following circumstances: 24721

(A)(1) If the director of ~~mental-behavioral health and-~~ 24722
~~addiction services~~ during the period beginning January 1, 2021, 24723

and ending December 31, 2022, grants approval to a board of 24724
county commissioners of a county with a population of at least 24725
seventy thousand but not more than eighty thousand, according to 24726
data from the 2010 federal census, to withdraw from a joint- 24727
county alcohol, drug addiction, and mental health service 24728
district pursuant to section 340.01 of the Revised Code, the 24729
size of the board shall be determined by the board of county 24730
commissioners representing the county that constitutes the 24731
single-county alcohol, drug addiction, and mental health service 24732
district created as a result of the withdrawal. The 24733
determination shall be made from among the options that may be 24734
selected under division (A)(2) of this section. Once an option 24735
is selected, the board of county commissioners shall adopt a 24736
resolution specifying the selection that has been made and shall 24737
notify the department of ~~mental behavioral health and addiction~~ 24738
~~services~~. After the resolution is adopted and the department is 24739
notified, the determination of size is final. 24740

(2) In the case of a board of alcohol, drug addiction, and 24741
mental health services that is established on or after the date 24742
the director grants the approval to withdraw described in 24743
division (A)(1) of this section, either of the following options 24744
may be selected by the board of county commissioners when making 24745
the determination required under that division: 24746

(a) To establish the board as an eighteen-member board; 24747

(b) To establish the board as a fourteen-member board. 24748

(3) When a board is established on or after September 30, 24749
2021, the initial appointments shall be staggered among the 24750
members as equally as possible with terms of two years, three 24751
years, and four years. 24752

(B) (1) If a county with a population of at least thirty-five thousand but not more than forty-five thousand, according to data from the 2010 federal census, joins an existing alcohol, drug addiction, and mental health service district during the period beginning on June 30, 2021, and ending June 30, 2023, the existing board of alcohol, drug addiction, and mental health services serving that district may elect to expand its membership to eighteen members if the existing board has fourteen members.

(2) The option to expand the board, as provided in division (B) (1) of this section, is available only during the twelve-month period beginning on the date the county with a population of at least thirty-five thousand but not more than forty-five thousand joins the alcohol, drug addiction, and mental health service district served by the board. The additional members shall be appointed in the manner specified in section 340.02 of the Revised Code.

Sec. 340.03. (A) Subject to rules issued by the director of ~~mental behavioral health and addiction services~~ after consultation with relevant constituencies as required by division (A) (10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall:

(1) Serve as the community addiction and mental health planning agency for the county or counties under its jurisdiction, and in so doing it shall:

(a) Evaluate the need for facility services, addiction services, mental health services, and recovery supports;

(b) In cooperation with other local and regional planning

and funding bodies and with relevant ethnic organizations, 24782
evaluate strengths and challenges and set priorities for 24783
addiction services, mental health services, and recovery 24784
supports. A board shall include treatment and prevention 24785
services when setting priorities for addiction services and 24786
mental health services. When a board sets priorities for 24787
addiction services, the board shall consult with the county 24788
commissioners of the counties in the board's service district 24789
regarding the services described in section 340.15 of the 24790
Revised Code and shall give priority to those services, except 24791
that those services shall not have a priority over services 24792
provided to pregnant women under programs developed in relation 24793
to the mandate established in section 5119.17 of the Revised 24794
Code. 24795

(c) In accordance with guidelines issued by the director 24796
of ~~mental-behavioral health and addiction services~~ under 24797
division (F) of section 5119.22 of the Revised Code, annually 24798
develop and submit to the department of ~~mental-behavioral health~~ 24799
~~and addiction services~~ a community addiction and mental health 24800
plan that addresses both of the following: 24801

(i) The needs of all residents of the service district 24802
currently receiving inpatient services in state-operated 24803
hospitals, the needs of other populations as required by state 24804
or federal law or programs, and the needs of all children 24805
subject to a determination made pursuant to section 121.38 of 24806
the Revised Code; 24807

(ii) The department's priorities for facility services, 24808
addiction services, mental health services, and recovery 24809
supports during the period for which the plan will be in effect. 24810
The department shall inform all of the boards of the 24811

department's priorities in a timely manner that enables the 24812
boards to know the department's priorities before the boards 24813
develop and submit the plans. 24814

In alcohol, drug addiction, and mental health service 24815
districts that have separate alcohol and drug addiction services 24816
and community mental health boards, the alcohol and drug 24817
addiction services board shall submit a community addiction plan 24818
and the community mental health board shall submit a community 24819
mental health plan. Each board shall consult with its 24820
counterpart in developing its plan and address the interaction 24821
between the local addiction and mental health systems and 24822
populations with regard to needs and priorities in developing 24823
its plan. 24824

The department shall approve or disapprove the plan, in 24825
whole or in part, in accordance with division (G) of section 24826
5119.22 of the Revised Code. Eligibility for state and federal 24827
funding shall be contingent upon an approved plan or relevant 24828
part of a plan. 24829

If a board determines that it is necessary to amend an 24830
approved plan, the board shall submit a proposed amendment to 24831
the director. The director shall approve or disapprove all or 24832
part of the amendment in accordance with division (H) of section 24833
5119.22 of the Revised Code. 24834

The board shall operate in accordance with the plan 24835
approved by the department. 24836

(d) Promote, arrange, and implement working agreements 24837
with social service agencies, both public and private, and with 24838
judicial agencies. 24839

(2) Investigate, or request another agency to investigate, 24840

any complaint alleging abuse or neglect of any person receiving 24841
addiction services, mental health services, or recovery supports 24842
from a community addiction services provider or community mental 24843
health services provider or alleging abuse or neglect of a 24844
resident receiving addiction services or with mental illness or 24845
severe mental disability residing in a residential facility 24846
licensed under section 5119.34 of the Revised Code. If the 24847
investigation substantiates the charge of abuse or neglect, the 24848
board shall take whatever action it determines is necessary to 24849
correct the situation, including notification of the appropriate 24850
authorities. Upon request, the board shall provide information 24851
about such investigations to the department. 24852

(3) For the purpose of section 5119.36 of the Revised 24853
Code, cooperate with the director of ~~mental~~-behavioral health 24854
~~and addiction services~~ in visiting and evaluating whether the 24855
certifiable services and supports of a community addiction 24856
services provider or community mental health services provider 24857
satisfy the certification standards established by rules adopted 24858
under that section. In addition, a board may provide input and 24859
recommendations to the department when an application for 24860
certification or the renewal of a certification has been 24861
submitted by a provider or when a provider is being investigated 24862
by the department, if the board, in either of those 24863
circumstances, is aware of information that would be beneficial 24864
to the department's consideration of the matter. 24865

(4) In accordance with criteria established under division 24866
(D) of section 5119.22 of the Revised Code, conduct program 24867
audits that review and evaluate the quality, effectiveness, and 24868
efficiency of addiction services, mental health services, and 24869
recovery supports provided by community addiction services 24870
providers and community mental health services providers under 24871

contract with the board and submit the board's findings and 24872
recommendations to the department of ~~mental-behavioral health-~~ 24873
~~and addiction services;~~ 24874

(5) In accordance with section 5119.34 of the Revised 24875
Code, review an application for a residential facility license 24876
and provide to the department of ~~mental-behavioral health and-~~ 24877
~~addiction services~~ any information about the applicant or 24878
facility that the board would like the department to consider in 24879
reviewing the application; 24880

(6) Audit, in accordance with rules adopted by the auditor 24881
of state pursuant to section 117.20 of the Revised Code, at 24882
least annually all programs, addiction services, mental health 24883
services, and recovery supports provided under contract with the 24884
board. In so doing, the board may contract for or employ the 24885
services of private auditors. A copy of the fiscal audit report 24886
shall be provided to the director of ~~mental-behavioral health-~~ 24887
~~and addiction services~~, the auditor of state, and the county 24888
auditor of each county in the board's district. 24889

(7) Recruit and promote local financial support for 24890
addiction services, mental health services, and recovery 24891
supports from private and public sources; 24892

(8) In accordance with guidelines issued by the department 24893
as necessary to comply with state and federal laws pertaining to 24894
financial assistance, approve fee schedules and related charges 24895
or adopt a unit cost schedule or other methods of payment for 24896
addiction services, mental health services, and recovery 24897
supports provided by community addiction services providers and 24898
community mental health services providers that have contracted 24899
with the board under section 340.036 of the Revised Code; 24900

(9) Submit to the director and the county commissioners of 24901
the county or counties served by the board, and make available 24902
to the public, an annual report of the addiction services, 24903
mental health services, and recovery supports under the 24904
jurisdiction of the board, including a fiscal accounting; 24905

(10) Establish a method for evaluating referrals for 24906
court-ordered treatment and affidavits filed pursuant to section 24907
5122.11 of the Revised Code in order to assist the probate 24908
division of the court of common pleas in determining whether 24909
there is probable cause that a respondent is subject to court- 24910
ordered treatment and whether alternatives to hospitalization 24911
are available and appropriate; 24912

(11) Designate the treatment services, provider, facility, 24913
or other placement for each person involuntarily committed to 24914
the board pursuant to Chapter 5122. of the Revised Code. The 24915
board shall provide the least restrictive and most appropriate 24916
alternative that is available for any person involuntarily 24917
committed to it and shall assure that the list of addiction 24918
services, mental health services, and recovery supports 24919
submitted and approved in accordance with division (B) of 24920
section 340.08 of the Revised Code are available to persons with 24921
severe mental disabilities residing within its service district. 24922
The board shall establish the procedure for authorizing payment 24923
for the services and supports, which may include prior 24924
authorization in appropriate circumstances. In accordance with 24925
section 340.037 of the Revised Code, the board may provide 24926
addiction services and mental health services directly to a 24927
person with a severe mental disability when life or safety is 24928
endangered and when no community addiction services provider or 24929
community mental health services provider is available to 24930
provide the service. 24931

(12) Ensure that housing built, subsidized, renovated, 24932
rented, owned, or leased by the board or a community addiction 24933
services provider or community mental health services provider 24934
has been approved as meeting minimum fire safety standards and 24935
that persons residing in the housing have access to appropriate 24936
and necessary services, including culturally relevant services, 24937
from a community addiction services provider or community mental 24938
health services provider. This division does not apply to 24939
residential facilities licensed pursuant to section 5119.34 of 24940
the Revised Code. 24941

(13) Establish a mechanism for obtaining advice and 24942
involvement of persons receiving addiction services, mental 24943
health services, or recovery supports on matters pertaining to 24944
services and supports in the alcohol, drug addiction, and mental 24945
health service district; 24946

(14) Perform the duties required by rules adopted under 24947
section 5119.22 of the Revised Code regarding referrals by the 24948
board or community mental health services providers under 24949
contract with the board of individuals with mental illness or 24950
severe mental disability to class two residential facilities 24951
licensed under section 5119.34 of the Revised Code and effective 24952
arrangements for ongoing mental health services for the 24953
individuals. The board is accountable in the manner specified in 24954
the rules for ensuring that the ongoing mental health services 24955
are effectively arranged for the individuals. 24956

(B) Each board of alcohol, drug addiction, and mental 24957
health services shall establish such rules, operating 24958
procedures, standards, and bylaws, and perform such other duties 24959
as may be necessary or proper to carry out the purposes of this 24960
chapter. 24961

(C) A board of alcohol, drug addiction, and mental health 24962
services may receive by gift, grant, devise, or bequest any 24963
moneys, lands, or property for the benefit of the purposes for 24964
which the board is established, and may hold and apply it 24965
according to the terms of the gift, grant, or bequest. All money 24966
received, including accrued interest, by gift, grant, or bequest 24967
shall be deposited in the treasury of the county, the treasurer 24968
of which is custodian of the alcohol, drug addiction, and mental 24969
health services funds to the credit of the board and shall be 24970
available for use by the board for purposes stated by the donor 24971
or grantor. 24972

(D) No member or employee of a board of alcohol, drug 24973
addiction, and mental health services shall be liable for injury 24974
or damages caused by any action or inaction taken within the 24975
scope of the member's official duties or the employee's 24976
employment, whether or not such action or inaction is expressly 24977
authorized by this section or any other section of the Revised 24978
Code, unless such action or inaction constitutes willful or 24979
wanton misconduct. Chapter 2744. of the Revised Code applies to 24980
any action or inaction by a member or employee of a board taken 24981
within the scope of the member's official duties or employee's 24982
employment. For the purposes of this division, the conduct of a 24983
member or employee shall not be considered willful or wanton 24984
misconduct if the member or employee acted in good faith and in 24985
a manner that the member or employee reasonably believed was in 24986
or was not opposed to the best interests of the board and, with 24987
respect to any criminal action or proceeding, had no reasonable 24988
cause to believe the conduct was unlawful. 24989

(E) The meetings held by any committee established by a 24990
board of alcohol, drug addiction, and mental health services 24991
shall be considered to be meetings of a public body subject to 24992

section 121.22 of the Revised Code. 24993

(F) (1) A board of alcohol, drug addiction, and mental 24994
health services may establish a rule, operating procedure, 24995
standard, or bylaw to allow the executive director of the board 24996
to execute both of the following types of contracts valued at 24997
twenty-five thousand dollars or less, as determined by the 24998
board, on behalf of the board without the board's prior 24999
approval: 25000

(a) Emergency contracts for clinical services or recovery 25001
support services; 25002

(b) Standard service contracts pertaining to the board's 25003
operations. 25004

(2) If a board establishes a rule, operating procedure, 25005
standard, or bylaw under division (F) (1) of this section, both 25006
of the following shall be the case: 25007

(a) The board shall define the scope of contracts 25008
described in divisions (F) (1) (a) and (b) of this section in that 25009
rule, operating procedure, standard, or bylaw. 25010

(b) The board shall disclose the existence of a contract 25011
executed pursuant to the rule, operating procedure, standard, or 25012
bylaw at the first board meeting that occurs after the contract 25013
was executed and ensure that a record of that disclosure is 25014
included in the written minutes of that meeting. 25015

Sec. 340.032. Subject to rules adopted by the director of 25016
~~mental-behavioral health and addiction services~~ after 25017
consultation with relevant constituencies as required by 25018
division (A) (10) of section 5119.21 of the Revised Code, each 25019
board of alcohol, drug addiction, and mental health services 25020
shall do all of the following: 25021

(A) Establish, to the extent resources are available, a	25022
community-based continuum of care that includes all of the	25023
following as essential elements:	25024
(1) Prevention and wellness management services;	25025
(2) At least both of the following outreach and engagement	25026
activities:	25027
(a) Locating persons in need of addiction services and	25028
persons in need of mental health services to inform them of	25029
available addiction services, mental health services, and	25030
recovery supports;	25031
(b) Helping persons who receive addiction services and	25032
persons who receive mental health services obtain services	25033
necessary to meet basic human needs for food, clothing, shelter,	25034
medical care, personal safety, and income.	25035
(3) Assessment services;	25036
(4) Care coordination;	25037
(5) Residential services;	25038
(6) At least the following outpatient services:	25039
(a) Nonintensive;	25040
(b) Intensive, such as partial hospitalization and	25041
assertive community treatment;	25042
(c) Withdrawal management;	25043
(d) Emergency and crisis.	25044
(7) Where appropriate, at least the following inpatient	25045
services:	25046
(a) Psychiatric care;	25047

(b) Medically managed alcohol or drug treatment.	25048
(8) At least all of the following recovery supports:	25049
(a) Peer support;	25050
(b) A wide range of housing and support services, including recovery housing residences;	25051 25052
(c) Employment, vocational, and educational opportunities;	25053
(d) Assistance with social, personal, and living skills;	25054
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	25055 25056
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	25057 25058 25059
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	25060 25061 25062
(10) Any additional elements the department of mental- <u>behavioral health-and-addiction services</u> , pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	25063 25064 25065 25066
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	25067 25068
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	25069 25070 25071
Sec. 340.034. All of the following apply to recovery housing residences required by section 340.033 of the Revised Code to be part of included opioid and co-occurring drug	25072 25073 25074

addiction services and recovery supports: 25075

(A) A recovery housing residence shall comply with the 25076
requirements of being monitored by the department of ~~mental~~ 25077
behavioral health and addiction services under sections 5119.39 25078
to 5119.396 of the Revised Code and any rules adopted under 25079
section 5119.397 of the Revised Code, but the residence is not 25080
subject to residential facility licensure by the department 25081
under section 5119.34 of the Revised Code. 25082

(B) A recovery housing residence shall not be operated by 25083
a board of alcohol, drug addiction, and mental health services 25084
unless any of the following applies: 25085

(1) The board operated the recovery housing residence on 25086
July 1, 2017. 25087

(2) The board utilizes local funds in the development or 25088
operation of the recovery housing residence. 25089

(3) The board determines that there is a need for the 25090
board to assume operation of the recovery housing residence, 25091
such as when an existing operator of the residence goes out of 25092
business and the board considers the assumption of operation of 25093
the residence to be in the best interest of the community. 25094

(C) A recovery housing residence shall have protocols for 25095
all of the following: 25096

(1) Administrative oversight; 25097

(2) Quality standards; 25098

(3) Policies and procedures, including house rules, for 25099
its residents to which the residents must agree to adhere. 25100

(D) Family members of a resident of a recovery housing 25101

residence may reside in the residence to the extent permitted by 25102
protocols of the residence. 25103

(E) A recovery housing residence shall not limit a 25104
resident's duration of stay to an arbitrary or fixed amount of 25105
time. Instead, each resident's duration of stay shall be 25106
determined by the resident's needs, progress, and willingness to 25107
abide by the residence's protocols, in collaboration with the 25108
residence's operator, and, if appropriate, in consultation and 25109
integration with a community addiction services provider. 25110

(F) A recovery housing residence may permit its residents 25111
to receive medication-assisted treatment. 25112

(G) A resident of a recovery housing residence may receive 25113
addiction services that are certified by the department under 25114
section 5119.36 of the Revised Code. 25115

Sec. 340.036. (A) Subject to division (B) of this section 25116
and rules adopted by the director of ~~mental-behavioral health~~ 25117
~~and addiction services~~ after consultation with relevant 25118
constituencies as required by division (A)(10) of section 25119
5119.21 of the Revised Code, each board of alcohol, drug 25120
addiction, and mental health services shall enter into contracts 25121
with all of the following: 25122

(1) Public and private facilities for the operation of 25123
facility services; 25124

(2) Community addiction services providers for addiction 25125
services and recovery supports; 25126

(3) Community mental health services providers for mental 25127
health services and recovery supports. 25128

(B) No board shall do any of the following: 25129

(1) Contract with a residential facility required to be 25130
licensed under section 5119.34 of the Revised Code unless the 25131
facility is so licensed; 25132

(2) Contract with a community addiction services provider 25133
or community mental health services provider for certifiable 25134
services and supports unless the certifiable services and 25135
supports are certified under section 5119.36 of the Revised 25136
Code; 25137

(3) Contract with a community addiction services provider 25138
or community mental health services provider for recovery 25139
supports that are required by the director to meet quality 25140
criteria or core competencies unless the recovery supports meet 25141
the criteria or competencies. 25142

(C) When a board contracts with a community addiction 25143
services provider or community mental health services provider 25144
for addiction services, mental health services, or recovery 25145
supports, all of the following apply: 25146

(1) The board shall consider both of the following: 25147

(a) The cost effectiveness and quality of the provider's 25148
services and supports; 25149

(b) Continuity of care. 25150

(2) The board may review cost elements, including salary 25151
costs, of the services and supports. 25152

(3) The board may establish, in a way that is most 25153
effective and efficient in meeting local needs, a utilization 25154
review process as part of the contract. 25155

(4) The board may contract with a government entity, for- 25156
profit entity, or nonprofit entity. Any such entity may be 25157

faith-based. 25158

(D) If a party to a contract entered into under this 25159
section proposes not to renew the contract or proposes 25160
substantial changes in contract terms, the other party shall be 25161
given written notice at least one hundred twenty days before the 25162
expiration date of the contract. During the first sixty days of 25163
this one-hundred-twenty-day period, both parties shall attempt 25164
to resolve any dispute through good faith collaboration and 25165
negotiation in order to continue to provide services and 25166
supports to persons in need. If the dispute has not been 25167
resolved sixty days before the expiration date of the contract, 25168
either party may notify the director of the unresolved dispute. 25169
The director may require both parties to submit the dispute to 25170
another entity with the cost to be shared by the parties. Not 25171
later than twenty days before the expiration date of the 25172
contract or a later date to which both parties agree, the other 25173
entity shall issue to the parties and director recommendations 25174
on how the dispute may be resolved. The director shall adopt 25175
rules establishing the procedures of this dispute resolution 25176
process. 25177

(E) Section 307.86 of the Revised Code does not apply to 25178
contracts entered into under this section. 25179

Sec. 340.037. (A) Subject to division (B) of this section 25180
and rules adopted by the director of ~~mental-behavioral~~ health 25181
~~and addiction services~~ after consultation with relevant 25182
constituencies as required by division (A)(10) of section 25183
5119.21 of the Revised Code, a board of alcohol, drug addiction, 25184
and mental health services may operate a facility or provide an 25185
addiction service or mental health service if both of the 25186
following apply: 25187

(1) The director gives the board prior approval;	25188
(2) There is no other qualified private or public	25189
facility, community addiction services provider, or community	25190
mental health services provider that is immediately available	25191
and willing to operate such a facility or provide the service.	25192
(B) (1) In an emergency situation, a board may operate a	25193
facility or provide an addiction service or mental health	25194
service in order to provide essential services for the duration	25195
of the emergency.	25196
(2) In a service district with a population of at least	25197
one hundred thousand but less than five hundred thousand, a	25198
board may operate a facility or provide an addiction service or	25199
mental health service for not longer than one year.	25200
(3) In a service district with a population of less than	25201
one hundred thousand, a board may operate a facility or provide	25202
an addiction service or mental health service for not longer	25203
than one year, except that the board may operate a facility or	25204
provide an addiction service or mental health service for more	25205
than one year with the prior approval of both of the following:	25206
(a) The director;	25207
(b) The board of county commissioners with jurisdiction	25208
over the service district or, if the service district is a	25209
joint-county district, a majority of the boards of county	25210
commissioners with jurisdiction over the district.	25211
(C) The director shall not do any of the following:	25212
(1) Except in an emergency situation, give a board	25213
approval to operate a facility or provide an addiction service	25214
or mental health service unless the director determines that it	25215

is not feasible to have the department operate the facility or 25216
provide the service; 25217

(2) Give a board that serves a service district with a 25218
population of less than one hundred thousand approval to operate 25219
a facility or provide an addiction service or mental health 25220
service unless the director determines that the board will 25221
provide greater administrative efficiency and more or better 25222
services than would be available if the board contracted with a 25223
private or public facility, community addiction services 25224
provider, or community mental health services provider; 25225

(3) Give a board approval to operate a facility previously 25226
operated by a person or other government entity unless the board 25227
has established to the director's satisfaction that the person 25228
or other government entity cannot effectively operate the 25229
facility or that the person or other government entity has 25230
requested the board to take over operation of the facility; 25231

(4) Give a board approval to provide an addiction service 25232
or mental health service previously provided by a community 25233
addiction services provider or community mental health services 25234
provider unless the board has established to the director's 25235
satisfaction that the provider cannot effectively provide the 25236
service or that the provider has requested the board to take 25237
over providing the service. 25238

(D) The director shall review and evaluate a board's 25239
operation of a facility and provision of addiction services or 25240
mental health services under this section. 25241

(E) Nothing in this section authorizes a board to 25242
administer or direct the daily operation of any facility, 25243
community addiction services provider, or community mental 25244

health services provider. However, a facility or provider may 25245
contract with a board to receive administrative services or 25246
staff direction from the board under the direction of the 25247
governing body of the facility or provider. 25248

Sec. 340.04. Each board of alcohol, drug addiction, and 25249
mental health services shall employ a qualified mental health or 25250
addiction services professional with experience in 25251
administration or a professional administrator with experience 25252
in mental health services or addiction services to serve as 25253
executive director of the board and shall prescribe the 25254
director's duties. 25255

The board shall fix the compensation of the executive 25256
director. In addition to such compensation, the director shall 25257
be reimbursed for actual and necessary expenses incurred in the 25258
performance of the director's official duties. The board, by 25259
majority vote of the full membership, may remove the director 25260
for cause at any time, contingent upon any written contract 25261
between the board and the executive director, upon written 25262
charges, after an opportunity has been afforded the director for 25263
a hearing before the board on request. 25264

The board may delegate to its executive director the 25265
authority to act in its behalf in the performance of its 25266
administrative duties. 25267

As used in this section, "mental health professional" and 25268
"addiction services professional" mean an individual who is 25269
qualified to work with persons with mental illnesses or persons 25270
receiving addiction services, pursuant to standards established 25271
by the director of ~~mental-behavioral health and addiction-~~ 25272
~~services~~ under Chapter 5119. of the Revised Code. 25273

Sec. 340.041. In addition to such other duties as may be 25274
lawfully imposed, the executive director of a board of alcohol, 25275
drug addiction, and mental health services shall: 25276

(A) Serve as executive officer of the board and, subject 25277
to the prior approval of the board for each contract, except 25278
contracts, if any, to which division (F) of section 340.03 of 25279
the Revised Code applies, execute contracts on its behalf; 25280

(B) Supervise addiction services, mental health services, 25281
recovery supports, and facilities provided, operated, 25282
contracted, or supported by the board to the extent of 25283
determining that services, supports, and facilities are being 25284
administered in conformity with this chapter and rules of the 25285
director of ~~mental-behavioral health-and-addiction services~~; 25286

(C) Provide consultation to community addiction services 25287
providers and community mental health services providers; 25288

(D) Recommend to the board the changes necessary to 25289
increase the effectiveness of addiction services, mental health 25290
services, and recovery supports and other matters necessary or 25291
desirable to carry out this chapter; 25292

(E) Employ and remove from office such employees and 25293
consultants in the classified civil service and, subject to the 25294
approval of the board, employ and remove from office such other 25295
employees and consultants as may be necessary for the work of 25296
the board, and fix their compensation and reimbursement within 25297
the limits set by the salary schedule and the budget approved by 25298
the board; 25299

(F) Encourage the development and expansion of preventive, 25300
treatment, and consultative services, as well as recovery 25301
supports, in the fields of addiction services and mental health 25302

services with emphasis on continuity of care; 25303

(G) Prepare for board approval an annual report of the 25304
addiction services, mental health services, recovery supports, 25305
and facilities under the jurisdiction of the board, including a 25306
fiscal accounting of all services and supports; 25307

(H) Conduct such studies as may be necessary and 25308
practicable for the promotion of mental health, promotion of 25309
addiction services, and the prevention of mental illness, 25310
emotional disorders, and addiction; 25311

(I) Authorize the county auditor, or in a joint-county 25312
district the county auditor designated as the auditor for the 25313
district, to issue warrants for the payment of board obligations 25314
approved by the board, provided that all payments from funds 25315
distributed to the board by the department of ~~mental-behavioral~~ 25316
health ~~and addiction services~~ are in accordance with the budget 25317
submitted pursuant to section 340.08 of the Revised Code, as 25318
approved by the department of ~~mental-behavioral~~ health ~~and~~ 25319
~~addiction services~~. 25320

Sec. 340.05. If a community addiction services provider or 25321
community mental health services provider receives a complaint 25322
alleging abuse or neglect of an individual with mental illness 25323
or severe mental disability, or an individual receiving 25324
addiction services, who resides in a residential facility 25325
licensed under section 5119.34 of the Revised Code, the provider 25326
shall report the complaint to the board of alcohol, drug 25327
addiction, and mental health services serving the alcohol, drug 25328
addiction, and mental health service district in which the 25329
residential facility is located. A board of alcohol, drug 25330
addiction, and mental health services that receives such a 25331
report from a community addiction services provider or community 25332

mental health services provider of such a complaint shall report 25333
the complaint to the director of ~~mental-behavioral health and~~ 25334
~~addiction services~~ for the purpose of the director conducting an 25335
investigation under section 5119.34 of the Revised Code. The 25336
board may enter the facility with or without the director and, 25337
if the health and safety of a resident is in immediate danger, 25338
take any necessary action to protect the resident. The board's 25339
action shall not violate any resident's rights specified in 25340
rules adopted by the department of ~~mental-behavioral health and~~ 25341
~~addiction services~~ under section 5119.34 of the Revised Code. 25342
The board shall immediately report to the director regarding the 25343
board's actions under this section. 25344

Sec. 340.07. The board of county commissioners of any 25345
county participating in an alcohol, drug addiction, and mental 25346
health service district or joint-county district, upon receipt 25347
from the board of alcohol, drug addiction, and mental health 25348
services of a resolution so requesting, may appropriate money to 25349
such board for the operation, lease, acquisition, construction, 25350
renovation, and maintenance of community addiction services 25351
providers, community mental health services providers, and 25352
facilities in accordance with the budget required by section 25353
340.08 of the Revised Code and approved by the department of 25354
~~mental-behavioral health and addiction services~~ pursuant to 25355
section 5119.22 of the Revised Code. 25356

Sec. 340.08. In accordance with rules or guidelines issued 25357
by the director of ~~mental-behavioral health and addiction~~ 25358
~~services~~, each board of alcohol, drug addiction, and mental 25359
health services shall do all of the following: 25360

(A) Submit to the department of ~~mental-behavioral health~~ 25361
~~and addiction services~~ a proposed budget of receipts and 25362

expenditures for all federal, state, and local moneys the board 25363
expects to receive. 25364

(1) The proposed budget shall identify funds the board has 25365
available for included opioid and co-occurring drug addiction 25366
services and recovery supports. 25367

(2) The proposed budget shall identify funds the board and 25368
public children services agencies in the board's service 25369
district have available to fund jointly the services described 25370
in section 340.15 of the Revised Code. 25371

(3) The board's proposed budget for expenditures of state 25372
and federal funds distributed to the board by the department 25373
shall be deemed an application for funds, and the department 25374
shall approve or disapprove the budget for these expenditures in 25375
whole or in part in accordance with division (G) of section 25376
5119.22 of the Revised Code. 25377

If a board determines that it is necessary to amend an 25378
approved budget, the board shall submit a proposed amendment to 25379
the director. The director shall approve or disapprove all or 25380
part of the amendment in accordance with division (H) of section 25381
5119.22 of the Revised Code. 25382

(B) Submit to the department a proposed list of addiction 25383
services, mental health services, and recovery supports the 25384
board intends to make available. The board shall include the 25385
services and supports required by section 340.032 of the Revised 25386
Code to be included in the community-based continuum of care and 25387
the services required by section 340.15 of the Revised Code. The 25388
board shall explain the manner in which the board intends to 25389
make such services and supports available. The list shall be 25390
compatible with the budget submitted pursuant to division (A) of 25391

this section. The department shall approve or disapprove the 25392
list in whole or in part in accordance with division (G) of 25393
section 5119.22 of the Revised Code. 25394

If a board determines that it is necessary to amend an 25395
approved list, the board shall submit a proposed amendment to 25396
the director. The director shall approve or disapprove all or 25397
part of the amendment in accordance with division (H) of section 25398
5119.22 of the Revised Code. 25399

(C) Enter into a continuity of care agreement with the 25400
state institution operated by the department of ~~mental~~ 25401
behavioral health and addiction services and designated as the 25402
institution serving the district encompassing the board's 25403
service district. The continuity of care agreement shall outline 25404
the department's and the board's responsibilities to plan for 25405
and coordinate with each other to address the needs of board 25406
residents who are patients in the institution, with an emphasis 25407
on managing appropriate hospital bed day use and discharge 25408
planning. The continuity of care agreement shall not require the 25409
board to provide addiction services, mental health services, or 25410
recovery supports other than those on the list of services and 25411
supports submitted by the board pursuant to division (B) of this 25412
section and approved by the department in accordance with 25413
division (G) of section 5119.22 of the Revised Code. 25414

(D) In conjunction with the department, operate a 25415
coordinated system for tracking and monitoring persons found not 25416
guilty by reason of insanity and committed pursuant to section 25417
2945.40 of the Revised Code who have been granted a conditional 25418
release and persons found incompetent to stand trial and 25419
committed pursuant to section 2945.39 of the Revised Code who 25420
have been granted a conditional release. The system shall do all 25421

of the following: 25422

(1) Centralize responsibility for the tracking of those 25423
persons; 25424

(2) Provide for uniformity in monitoring those persons; 25425

(3) Provide a mechanism to allow prompt rehospitization, 25426
reinstitutionalization, or detention when a violation of the 25427
conditional release or decompensation occurs. 25428

(E) Submit to the department a report summarizing all of 25429
the following: 25430

(1) Complaints and grievances received by the board 25431
concerning the rights of persons seeking or receiving addiction 25432
services, mental health services, or recovery supports; 25433

(2) Investigations of the complaints and grievances; 25434

(3) Outcomes of the investigations. 25435

(F) Provide to the department information to be submitted 25436
to the community behavioral health information system or systems 25437
established by the department under Chapter 5119. of the Revised 25438
Code. 25439

(G) Annually, and upon any change in membership, submit to 25440
the department a list of all current members of the board of 25441
alcohol, drug addiction, and mental health services, including 25442
the appointing authority for each member, and the member's 25443
specific qualification for appointment pursuant to section 25444
340.02 or 340.021 of the Revised Code, if applicable. 25445

(H) Submit to the department other information as is 25446
reasonably required for purposes of the department's operations, 25447
service evaluation, reporting activities, research, system 25448

administration, and oversight. 25449

(I) Annually update and publish on the board's web site a 25450
list of all opioid treatment programs licensed under section 25451
5119.37 of the Revised Code that are operating within the 25452
board's district, based on information obtained from any of the 25453
following: 25454

(1) The federal substance abuse and mental health services 25455
administration's opioid treatment program directory; 25456

(2) A resource directory created by the department of 25457
~~mental behavioral health and addiction services~~; 25458

(3) The list maintained by the department of ~~mental~~ 25459
~~behavioral health and addiction services~~ pursuant to division 25460
(P) of section 5119.37 of the Revised Code. 25461

Sec. 340.09. (A) Using funds the general assembly 25462
appropriates for these purposes, the department of ~~mental~~ 25463
~~behavioral health and addiction services~~ shall provide any 25464
county assistance for one or more of the following: 25465

(1) The operation of the board of alcohol, drug addiction, 25466
and mental health services serving the county; 25467

(2) The provision of addiction services, mental health 25468
services, and recovery supports included in the board's list of 25469
services and supports required by section 340.08 of the Revised 25470
Code and approved by the department under section 5119.22 of the 25471
Revised Code; 25472

(3) The provision of approved support functions; 25473

(4) The partnership in, or support for, approved 25474
community-based continuum of care-related activities. 25475

(B) Support functions may include the following:	25476
(1) Consultation;	25477
(2) Research;	25478
(3) Administrative;	25479
(4) Referral and information;	25480
(5) Training;	25481
(6) Service and program evaluation.	25482
Sec. 340.12. As used in this section, "disability" has the	25483
same meaning as in section 4112.01 of the Revised Code.	25484
No board of alcohol, drug addiction, and mental health	25485
services or any community addiction services provider or	25486
community mental health services provider under contract with	25487
such a board shall discriminate in the provision of addiction	25488
services, mental health services, or recovery supports under its	25489
authority, in employment, or under a contract on the basis of	25490
race, color, religion, ancestry, military status, sex, age,	25491
national origin, or disability.	25492
Each board, community addiction services provider, and	25493
community mental health services provider shall have a written	25494
affirmative action program. The affirmative action program shall	25495
include goals for the employment and effective utilization of,	25496
including contracts with, members of economically disadvantaged	25497
groups as defined in division (E) (1) of section 122.71 of the	25498
Revised Code in percentages reflecting as nearly as possible the	25499
composition of the alcohol, drug addiction, and mental health	25500
service district served by the board. Each board and provider	25501
shall file a description of the affirmative action program and a	25502
progress report on its implementation with the department of	25503

~~mental-behavioral health-and-addiction services.~~ 25504

Sec. 340.13. (A) As used in this section: 25505

(1) "Minority business enterprise" has the same meaning as 25506
in section 122.71 of the Revised Code. 25507

(2) "EDGE business enterprise" has the same meaning as in 25508
section 122.922 of the Revised Code. 25509

(B) Any minority business enterprise that desires to bid 25510
on a contract under division (C) of this section shall first 25511
apply to the department of development for certification as a 25512
minority business enterprise. Any EDGE business enterprise that 25513
desires to bid on a contract under division (D) of this section 25514
shall first apply to the department of development for 25515
certification as an EDGE business enterprise. The director of 25516
development shall approve the application of any minority 25517
business enterprise or EDGE business enterprise that complies 25518
with the rules adopted under section 122.71 or 122.922 of the 25519
Revised Code, respectively. The director shall prepare and 25520
maintain a list of minority business enterprises and EDGE 25521
business enterprises certified under those sections. 25522

(C) From the contracts to be awarded for the purchases of 25523
equipment, materials, supplies, or services, other than 25524
contracts entered into under section 340.036 of the Revised 25525
Code, each board of alcohol, drug addiction, and mental health 25526
services shall select a number of contracts with an aggregate 25527
value of approximately fifteen per cent of the total estimated 25528
value of contracts to be awarded in the current fiscal year. The 25529
board shall set aside the contracts so selected for bidding by 25530
minority business enterprises only. The bidding procedures for 25531
such contracts shall be the same as for all other contracts 25532

awarded under section 307.86 of the Revised Code, except that 25533
only minority business enterprises certified and listed pursuant 25534
to division (B) of this section shall be qualified to submit 25535
bids. 25536

(D) To the extent that a board is authorized to enter into 25537
contracts for construction, the board shall strive to attain a 25538
yearly contract dollar procurement goal the aggregate value of 25539
which equals approximately five per cent of the aggregate value 25540
of construction contracts for the current fiscal year for EDGE 25541
business enterprises only. 25542

(E) (1) In the case of contracts set aside under division 25543
(C) of this section, if no bid is submitted by a minority 25544
business enterprise, the contract shall be awarded according to 25545
normal bidding procedures. The board shall from time to time set 25546
aside such additional contracts as are necessary to replace 25547
those contracts previously set aside on which no minority 25548
business enterprise bid. 25549

(2) If a board, after having made a good faith effort, is 25550
unable to comply with the goal of procurement for contracting 25551
with EDGE business enterprises pursuant to division (D) of this 25552
section, the board may apply in writing, on a form prescribed by 25553
the department of administrative services, to the director of 25554
~~mental-behavioral health and addiction services~~ for a waiver or 25555
modification of the goal. 25556

(F) This section does not preclude any minority business 25557
enterprise or EDGE business enterprise from bidding on any other 25558
contract not specifically set aside for minority business 25559
enterprises or subject to procurement goals for EDGE business 25560
enterprises. 25561

(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental-behavioral health and addiction services~~ that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.036 of the Revised Code, and the total value of contracts entered into for construction.

(H) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 340.16. The department of ~~mental-behavioral health and addiction services~~ and the department of medicaid shall adopt rules that establish requirements and procedures for prior notification and service coordination between public children services agencies and boards of alcohol, drug addiction, and mental health services when a public children services agency refers a child in its custody to a board for services funded by the board. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 345.01. (A) As used in this chapter, "~~the county auditor's appraised market value~~" has the same meaning as in section 5705.01 of the Revised Code.

(B) The taxing authority of any municipal corporation, 25592
township, or county, at any time not less than one hundred days 25593
prior to a general election in any year, by a vote of two-thirds 25594
of all members of the taxing authority, may, and upon 25595
presentation to the clerk or fiscal officer, as the case may be, 25596
of the taxing authority of a petition signed by not less than 25597
two per cent of the electors of the political subdivision, as 25598
shown at the preceding general election held in the subdivision, 25599
shall, declare by resolution that the amount of taxes which may 25600
be raised within the ten-mill limitation will be insufficient to 25601
provide an adequate amount for the necessary requirements of the 25602
subdivision, and that it is necessary to levy taxes in excess of 25603
the limitation for either or both of the following purposes: 25604

(1) For purchasing a site, and for erecting, equipping, 25605
and furnishing, or for establishing a memorial to commemorate 25606
the services of all members and veterans of the armed forces of 25607
the United States; 25608

(2) For the operation and maintenance of a memorial, and 25609
for the functions related to it. 25610

The resolution shall be confined to the purposes set forth 25611
in this section, and shall specify the amount of increase in 25612
rate which it is necessary to levy, expressed both in mills for 25613
each one dollar of taxable value and in dollars for each one 25614
hundred thousand dollars of ~~the county auditor's appraised~~ 25615
market value, the purpose of the rate increase, and the number 25616
of years during which the increase shall be in effect. The 25617
increase may include a levy upon the tax duplicate of the 25618
current year. The number of years shall be any number not 25619
exceeding ten. The question of an increase in tax rate under 25620
divisions (B) (1) and (2) of this section may be submitted to the 25621

electors on one ballot. 25622

The total tax for the purposes included in this section 25623
shall not, in any year, exceed one mill of each dollar of 25624
taxable value. 25625

The resolution shall go into immediate effect upon its 25626
passage, and no publication of the resolution, other than that 25627
provided for in the notice of election, shall be necessary. 25628

Sec. 345.03. A copy of any resolution adopted under 25629
section 345.01 of the Revised Code shall be certified within 25630
five days by the taxing authority and not later than four p.m. 25631
of the ninetieth day before the day of the election, to the 25632
county board of elections, and such board shall submit the 25633
proposal to the electors of the subdivision at the succeeding 25634
general election. The board shall make the necessary 25635
arrangements for the submission of such question to the electors 25636
of the subdivision, and the election shall be conducted, 25637
canvassed, and certified in like manner as regular elections in 25638
such subdivision. 25639

Notice of the election shall be published once not less 25640
than two weeks prior to such election using at least one of the 25641
following methods: 25642

(A) In the print or digital edition of a newspaper of 25643
general circulation within the county; 25644

(B) On the official public notice web site established 25645
under section 125.182 of the Revised Code; 25646

(C) On the web site and social media account of the 25647
county. 25648

The notice shall set out the purpose of the proposed 25649

increase in rate, the levy's estimated annual collections, the 25650
amount of the increase expressed in dollars for each one hundred 25651
thousand dollars of ~~the county auditor's appraised market~~ value 25652
as well as in mills for each one dollar of taxable value, the 25653
number of years during which such increase will be in effect, 25654
and the time and place of holding such election. 25655

Sec. 345.04. The form of the ballot cast at a general 25656
election, as provided by sections 345.01 to 345.03 of the 25657
Revised Code, shall be: "An additional tax for the benefit of 25658
(name of subdivision) for the purpose of (state purpose stated 25659
in the resolution), that the county auditor estimates will 25660
collect \$_____ annually, at a rate not exceeding _____ mills for 25661
each \$1 of taxable value, which amounts to \$_____ for each 25662
\$100,000 of ~~the county auditor's appraised market~~ value, for 25663
(the number of years the levy is to run). 25664

	For the Tax Levy
	Against the Tax Levy

"

If the tax is to be placed on the current tax list, the 25666
form of the ballot shall be modified by adding, after the 25667
statement of the number of years the levy is to run, the phrase 25668
", commencing in _____ (first year the tax is to be 25669
levied), first due in calendar year _____ (first calendar 25670
year in which the tax shall be due)." 25671

The question covered by the resolution shall be submitted 25672
to the electors as a separate proposition, but it may be printed 25673
on the same ballot with any other proposition submitted at the 25674
same election other than the election of officers. More than one 25675
such question may be submitted at the same election. 25676

Sec. 501.09. The lessee of land appropriated for 25677
ministerial purposes which land is leased for ninety-nine years, 25678
renewable forever, or the lessee of such land the lease of which 25679
has been renewed for a like term may purchase the fee simple 25680
title to the land for an amount equal to the rent for one year. 25681
The receipt of all rents due and an amount equal to the rent for 25682
one year from a lessee is deemed an offer to purchase the land, 25683
which offer the board of education of the school district for 25684
whose benefit the land has been allocated shall accept. The 25685
school board shall cancel the lease and prepare a deed in fee 25686
simple to the land, which the governor shall execute and the 25687
secretary of state shall countersign. 25688

The lessee of land appropriated for school purposes which 25689
land is leased for ninety-nine years, renewable forever, or the 25690
lessee of land the lease of which has been renewed for a like 25691
term may purchase the fee simple title to the land for an amount 25692
equal to the quotient of the annual rent divided by five one- 25693
hundredths. Upon receipt of that amount, if all unpaid rent due 25694
from the lessee for past years has been paid, the school board 25695
shall cancel the lease, and the ~~auditor of state~~ department of 25696
administrative services shall prepare a deed in fee simple to 25697
the land, which the governor shall execute and the secretary of 25698
state shall countersign. 25699

Moneys received from the sale of any land shall be paid to 25700
the school district for whose benefit the land has been 25701
allocated. 25702

Sec. 501.11. When the successful bidder at the sale 25703
provided in this chapter makes payment to the school district 25704
selling the land, the school district shall certify receipt of 25705
such payment to the ~~auditor of state~~ department of administrative 25706

services. Following the payment to the school district, the 25707
~~auditor of state~~ department of administrative services shall 25708
prepare a deed, conveying such lands in fee simple to the 25709
successful bidder, and deliver it to the governor, together with 25710
~~his certificate, under the seal of the auditor of state, a~~ 25711
certification signed by the director of administrative services 25712
that all papers required by law have been properly filed, that 25713
the proceedings are according to law, and that the purchase 25714
money is fully paid. When signed by the governor, countersigned 25715
by the secretary of state, and sealed with the great seal of the 25716
state, such deed shall be returned to the ~~auditor of state who~~ 25717
department of administrative services, which shall deliver it to 25718
the grantee. 25719

Sec. 505.24. (A) In calendar year 2018, each township 25720
trustee is entitled to compensation in an amount for each day of 25721
service in the business of the township, to be paid from the 25722
township treasury as follows: 25723

(1) In townships having a budget of two hundred fifty 25724
thousand dollars or less, forty dollars and forty-one cents per 25725
day for not more than two hundred days; 25726

(2) In townships having a budget of more than two hundred 25727
fifty thousand but not more than five hundred thousand dollars, 25728
forty-six dollars and eighty cents per day for not more than two 25729
hundred days; 25730

(3) In townships having a budget of more than five hundred 25731
thousand but not more than seven hundred fifty thousand dollars, 25732
forty-nine dollars and sixty-three cents per day for not more 25733
than two hundred days; 25734

(4) In townships having a budget of more than seven 25735

hundred fifty thousand but not more than one million five 25736
hundred thousand dollars, fifty-six dollars and seventy-one 25737
cents per day for not more than two hundred days; 25738

(5) In townships having a budget of more than one million 25739
five hundred thousand but not more than three million five 25740
hundred thousand dollars, sixty-two dollars and thirty-nine 25741
cents per day for not more than two hundred days; 25742

(6) In townships having a budget of more than three 25743
million five hundred thousand but not more than six million 25744
dollars, sixty-eight dollars and six cents per day for not more 25745
than two hundred days; 25746

(7) In townships having a budget of more than six million 25747
but not more than ten million dollars, eighty-eight dollars and 25748
nineteen cents per day for not more than two hundred days; 25749

(8) In townships having a budget of more than ten million 25750
dollars, one hundred thirteen dollars and thirty-eight cents per 25751
day for not more than two hundred days. 25752

(B) The amounts paid as specified in division (A) of this 25753
section shall be increased as follows: 25754

(1) In calendar year 2019 and in each calendar year 25755
thereafter through calendar year 2028~~2025, the amounts paid as~~ 25756
~~specified in division (A) of this section shall be increased by~~ 25757
one and three-quarters per cent; 25758

(2) In calendar year 2026 and in each calendar year 25759
thereafter through calendar year 2029, by five per cent; 25760

(3) In calendar year 2030 and in each calendar year 25761
thereafter, by the percentage increase, if any, in the consumer 25762
price index as defined in section 141.04 of the Revised Code 25763

over the twelve-month period that ends on the thirtieth day of 25764
September of the immediately preceding year, rounded to the 25765
nearest one-tenth of one per cent, not to exceed three per cent. 25766

(C) Whenever members of a board of township trustees are 25767
compensated per diem and not by annual salary, the board shall 25768
establish, by resolution, a method by which each member of the 25769
board shall periodically notify the township fiscal officer of 25770
the number of days spent in the service of the township and the 25771
kinds of services rendered on those days. The per diem 25772
compensation shall be paid from the township general fund or 25773
from other township funds in such proportions as the kinds of 25774
services performed may require. The notice shall be filed with 25775
the township fiscal officer and preserved for inspection by any 25776
persons interested. 25777

By unanimous vote, a board of township trustees may adopt 25778
a method of compensation consisting of an annual salary to be 25779
paid in equal monthly payments. If the office of trustee is held 25780
by more than one person during any calendar year, each person 25781
holding the office shall receive payments for only those months, 25782
and any fractions of those months, during which the person holds 25783
the office. The amount of the annual salary approved by the 25784
board shall be no more than the maximum amount that could be 25785
received annually by a trustee if the trustee were paid on a per 25786
diem basis as specified in this division, and shall be paid from 25787
the township general fund or from other township funds in such 25788
proportions as the board may specify by resolution. Each trustee 25789
shall certify the percentage of time spent working on matters to 25790
be paid from the township general fund and from other township 25791
funds in such proportions as the kinds of services performed. A 25792
board of township trustees that has adopted a salary method of 25793
compensation may return to a method of compensation on a per 25794

diem basis as specified in this division by a majority vote. Any 25795
change in the method of compensation shall be effective on the 25796
first day of January of the year following the year during which 25797
the board has voted to change the method of compensation. 25798

Sec. 505.37. (A) The board of township trustees may 25799
establish all necessary rules to guard against the occurrence of 25800
fires and to protect the property and lives of the citizens 25801
against damage and accidents, and may purchase, lease, lease 25802
with an option to purchase, or otherwise provide any fire 25803
apparatus, mechanical resuscitators, underwater rescue and 25804
recovery equipment, or other fire equipment, appliances, 25805
materials, fire hydrants, and water supply for fire-fighting and 25806
fire and rescue purposes that seems advisable to the board. The 25807
board shall provide for the care and maintenance of such fire 25808
equipment, and, for these purposes, may purchase, lease, lease 25809
with an option to purchase, or construct and maintain necessary 25810
buildings, and it may establish and maintain lines of fire-alarm 25811
communications within the limits of the township. The board may 25812
employ one or more persons to maintain and operate such fire 25813
equipment, or it may enter into an agreement with a volunteer 25814
fire company for the use and operation of the equipment. The 25815
board may compensate the members of a volunteer fire company on 25816
any basis and in any amount that it considers equitable. 25817

When the estimated cost to purchase fire apparatus, 25818
mechanical resuscitators, underwater rescue and recovery 25819
equipment, or other fire equipment, appliances, materials, fire 25820
hydrants, buildings, or fire-alarm communications equipment or 25821
services exceeds the amount specified in section 9.17 of the 25822
Revised Code, the contract shall be let by competitive bidding. 25823
No purchase or other transaction subject to this section shall 25824
be divided into component parts in order to avoid the 25825

requirements of this section. When competitive bidding is 25826
required, the board shall advertise once a week for not less 25827
than two consecutive weeks using at least one of the following 25828
methods: 25829

(1) In the print or digital edition of a newspaper of 25830
general circulation within the township; 25831

(2) On the official public notice web site established 25832
under section 125.182 of the Revised Code; 25833

(3) On the web site and social media account of the 25834
township. 25835

The board may also cause notice to be inserted in trade 25836
papers or other publications designated by it or to be 25837
distributed by electronic means, including posting the notice on 25838
the board's internet web site. 25839

The advertisement shall include the time, date, and place 25840
where the clerk of the township, or the clerk's designee, will 25841
read bids publicly. The time, date, and place of bid openings 25842
may be extended to a later date by the board of township 25843
trustees, provided that written or oral notice of the change 25844
shall be given to all persons who have received or requested 25845
specifications not later than ninety-six hours prior to the 25846
original time and date fixed for the opening. The board may 25847
reject all the bids or accept the lowest and best bid, provided 25848
that the successful bidder meets the requirements of section 25849
153.54 of the Revised Code when the contract is for the 25850
construction, demolition, alteration, repair, or reconstruction 25851
of an improvement. 25852

(B) The boards of township trustees of any two or more 25853
townships, or the legislative authorities of any two or more 25854

political subdivisions, or any combination of these, may, 25855
through joint action, unite in the joint purchase, lease, lease 25856
with an option to purchase, maintenance, use, and operation of 25857
fire equipment described in division (A) of this section, or for 25858
any other purpose designated in sections 505.37 to 505.42 of the 25859
Revised Code, and may prorate the expense of the joint action on 25860
any terms that are mutually agreed upon. 25861

(C) The board of township trustees of any township may, by 25862
resolution, whenever it is expedient and necessary to guard 25863
against the occurrence of fires or to protect the property and 25864
lives of the citizens against damages resulting from their 25865
occurrence, create a fire district of any portions of the 25866
township that it considers necessary. The board may purchase, 25867
lease, lease with an option to purchase, or otherwise provide 25868
any fire apparatus, mechanical resuscitators, underwater rescue 25869
and recovery equipment, or other fire equipment, appliances, 25870
materials, fire hydrants, and water supply for fire-fighting and 25871
fire and rescue purposes, or may contract for the fire 25872
protection for the fire district as provided in section 9.60 of 25873
the Revised Code. The fire district so created shall be given a 25874
separate name by which it shall be known. 25875

Additional unincorporated territory of the township may be 25876
added to a fire district upon the board's adoption of a 25877
resolution authorizing the addition. A municipal corporation, or 25878
a portion of a municipal corporation, that is within or 25879
adjoining the township may be added to a fire district upon the 25880
board's adoption of a resolution authorizing the addition and 25881
the municipal legislative authority's adoption of a resolution 25882
or ordinance requesting the addition of the municipal 25883
corporation or a portion of the municipal corporation to the 25884
fire district. 25885

If the township fire district imposes a tax, additional 25886
unincorporated territory of the township or a municipal 25887
corporation or a portion of a municipal corporation that is 25888
within or adjoining the township shall become part of the fire 25889
district only after all of the following have occurred: 25890

(1) Adoption by the board of township trustees of a 25891
resolution approving the expansion of the territorial limits of 25892
the district and, if the resolution proposes to add a municipal 25893
corporation or a portion of a municipal corporation, adoption by 25894
the municipal legislative authority of a resolution or ordinance 25895
requesting the addition of the municipal corporation or a 25896
portion of the municipal corporation to the district; 25897

(2) Adoption by the board of township trustees of a 25898
resolution recommending the extension of the tax to the 25899
additional territory; 25900

(3) The board requests and obtains from the county auditor 25901
the information required for a tax levy under section 5705.03 of 25902
the Revised Code, in the manner prescribed in that section, 25903
except that the levy's annual collections shall be estimated 25904
assuming that the additional territory has been added to the 25905
fire district. 25906

(4) Approval of the tax by the electors of the territory 25907
proposed for addition to the district. 25908

Each resolution of the board adopted under division (C) (2) 25909
of this section shall state the name of the fire district, a 25910
description of the territory to be added, the rate, expressed in 25911
mills for each one dollar of taxable value, the effective rate, 25912
expressed in dollars for each one hundred thousand dollars of 25913
~~the county auditor's appraised market~~ value, and termination 25914

date of the tax, which shall be the rate, effective rate, and 25915
termination date of the tax currently in effect in the fire 25916
district. 25917

The board of trustees shall certify each resolution 25918
adopted under division (C)(2) of this section and the county 25919
auditor's certification under division (C)(3) of this section to 25920
the board of elections in accordance with section 5705.19 of the 25921
Revised Code. The election required under division (C)(4) of 25922
this section shall be held, canvassed, and certified in the 25923
manner provided for the submission of tax levies under section 25924
5705.25 of the Revised Code, except that the question appearing 25925
on the ballot shall read: 25926

"Shall the territory within _____ 25927
(description of the proposed territory to be added) be added to 25928
_____ (name) fire district, and a property 25929
tax, that the county auditor estimates will collect \$_____ 25930
annually, at a rate not exceeding _____ mills for each \$1 of 25931
taxable value, which amounts to \$_____ (here insert 25932
effective rate) for each \$100,000 of ~~the county auditor's~~ 25933
~~appraised market~~ value, be in effect for _____ (here insert 25934
the number of years the tax is to be in effect or "a continuing 25935
period of time," as applicable)?" 25936

If the question is approved by at least a majority of the 25937
electors voting on it, the joinder shall be effective as of the 25938
first day of July of the year following approval, and on that 25939
date, the township fire district tax shall be extended to the 25940
taxable property within the territory that has been added. If 25941
the territory that has been added is a municipal corporation or 25942
portion thereof and if it had adopted a tax levy for fire 25943
purposes, the levy is terminated on the effective date of the 25944

joinder in the area of the municipal corporation added to the 25945
district. 25946

Any municipal corporation may withdraw from a township 25947
fire district created under division (C) of this section by the 25948
adoption by the municipal legislative authority of a resolution 25949
or ordinance ordering withdrawal. On the first day of July of 25950
the year following the adoption of the resolution or ordinance 25951
of withdrawal, the withdrawing municipal corporation or the 25952
portion thereof ceases to be a part of the district, and the 25953
power of the fire district to levy a tax upon taxable property 25954
in the withdrawing municipal corporation or the portion thereof 25955
terminates, except that the fire district shall continue to levy 25956
and collect taxes for the payment of indebtedness within the 25957
territory of the fire district as it was composed at the time 25958
the indebtedness was incurred. 25959

Upon the withdrawal of any municipal corporation from a 25960
township fire district created under division (C) of this 25961
section, the county auditor shall ascertain, apportion, and 25962
order a division of the funds on hand, moneys and taxes in the 25963
process of collection except for taxes levied for the payment of 25964
indebtedness, credits, and real and personal property, either in 25965
money or in kind, on the basis of the valuation of the 25966
respective tax duplicates of the withdrawing municipal 25967
corporation and the remaining territory of the fire district. 25968

A board of township trustees may remove unincorporated 25969
territory of the township from the fire district upon the 25970
adoption of a resolution authorizing the removal. On the first 25971
day of July of the year following the adoption of the 25972
resolution, the unincorporated township territory described in 25973
the resolution ceases to be a part of the district, and the 25974

power of the fire district to levy a tax upon taxable property 25975
in that territory terminates, except that the fire district 25976
shall continue to levy and collect taxes for the payment of 25977
indebtedness within the territory of the fire district as it was 25978
composed at the time the indebtedness was incurred. 25979

As used in this section, "~~the county auditor's appraised~~ 25980
market value" and "effective rate" have the same meanings as in 25981
section 5705.01 of the Revised Code. 25982

(D) The board of township trustees of any township, the 25983
board of fire district trustees of a fire district created under 25984
section 505.371 of the Revised Code, or the legislative 25985
authority of any municipal corporation may purchase, lease, or 25986
lease with an option to purchase the necessary fire equipment 25987
described in division (A) of this section, buildings, and sites 25988
for the township, fire district, or municipal corporation and 25989
issue securities for that purpose with maximum maturities as 25990
provided in section 133.20 of the Revised Code. The board of 25991
township trustees, board of fire district trustees, or 25992
legislative authority may also construct any buildings necessary 25993
to house fire equipment and issue securities for that purpose 25994
with maximum maturities as provided in section 133.20 of the 25995
Revised Code. 25996

The board of township trustees, board of fire district 25997
trustees, or legislative authority may issue the securities of 25998
the township, fire district, or municipal corporation, signed by 25999
the board or designated officer of the municipal corporation and 26000
attested by the signature of the township fiscal officer, fire 26001
district clerk, or municipal clerk, covering any deferred 26002
payments and payable at the times provided, which securities 26003
shall bear interest not to exceed the rate determined as 26004

provided in section 9.95 of the Revised Code, and shall not be 26005
subject to Chapter 133. of the Revised Code. The legislation 26006
authorizing the issuance of the securities shall provide for 26007
levying and collecting annually by taxation, amounts sufficient 26008
to pay the interest on and principal of the securities. The 26009
securities shall be offered for sale on the open market or given 26010
to the vendor or contractor if no sale is made. 26011

Section 505.40 of the Revised Code does not apply to any 26012
securities issued, or any lease with an option to purchase 26013
entered into, in accordance with this division. 26014

(E) A board of township trustees of any township or a 26015
board of fire district trustees of a fire district created under 26016
section 505.371 of the Revised Code may purchase a policy or 26017
policies of liability insurance for the officers, employees, and 26018
appointees of the fire department, fire district, or joint fire 26019
district governed by the board that includes personal injury 26020
liability coverage as to the civil liability of those officers, 26021
employees, and appointees for false arrest, detention, or 26022
imprisonment, malicious prosecution, libel, slander, defamation 26023
or other violation of the right of privacy, wrongful entry or 26024
eviction, or other invasion of the right of private occupancy, 26025
arising out of the performance of their duties. 26026

When a board of township trustees cannot, by deed of gift 26027
or by purchase and upon terms it considers reasonable, procure 26028
land for a township fire station that is needed in order to 26029
respond in reasonable time to a fire or medical emergency, the 26030
board may appropriate land for that purpose under sections 26031
163.01 to 163.22 of the Revised Code. If it is necessary to 26032
acquire additional adjacent land for enlarging or improving the 26033
fire station, the board may purchase, appropriate, or accept a 26034

deed of gift for the land for these purposes. 26035

(F) As used in this division, "emergency medical service 26036
organization" has the same meaning as in section 4766.01 of the 26037
Revised Code. 26038

A board of township trustees, by adoption of an 26039
appropriate resolution, may choose to have the state board of 26040
emergency medical, fire, and transportation services license any 26041
emergency medical service organization it operates. If the board 26042
adopts such a resolution, Chapter 4766. of the Revised Code, 26043
except for sections 4766.06 and 4766.99 of the Revised Code, 26044
applies to the organization. All rules adopted under the 26045
applicable sections of that chapter also apply to the 26046
organization. A board of township trustees, by adoption of an 26047
appropriate resolution, may remove its emergency medical service 26048
organization from the jurisdiction of the state board of 26049
emergency medical, fire, and transportation services. 26050

Sec. 505.48. (A) The board of township trustees of any 26051
township may, by resolution adopted by two-thirds of the members 26052
of the board, create a township police district comprised of all 26053
or a portion of the unincorporated territory of the township as 26054
the resolution may specify. If the township police district does 26055
not include all of the unincorporated territory of the township, 26056
the resolution creating the district shall contain a complete 26057
and accurate description of the territory of the district and a 26058
separate and distinct name for the district. 26059

At any time not less than one hundred twenty days after a 26060
township police district is created and operative, the 26061
territorial limits of the district may be altered in the manner 26062
provided in division (B) of this section or, if applicable, as 26063
provided in section 505.482 of the Revised Code. 26064

(B) Except as otherwise provided in section 505.481 of the Revised Code, the territorial limits of a township police district may be altered by a resolution adopted by a two-thirds vote of the board of township trustees. If the township police district imposes a tax, any territory proposed for addition to the district shall become part of the district only after all of the following have occurred:

(1) Adoption by two-thirds vote of the board of township trustees of a resolution approving the expansion of the territorial limits of the district;

(2) Adoption by a two-thirds vote of the board of township trustees of a resolution recommending the extension of the tax to the additional territory;

(3) The board requests and obtains from the county auditor the information required for a tax levy under section 5705.03 of the Revised Code, in the same manner required under that section, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the township police district.

(4) Approval of the tax by the electors of the territory proposed for addition to the district.

Each resolution of the board adopted under division (B) (2) of this section shall state the name of the township police district, a description of the territory to be added, the rate, expressed in mills for each one dollar of taxable value, the effective rate, expressed in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value, and termination date of the tax, which shall be the rate, effective rate, and termination date of the tax currently in

effect in the district. 26094

The board of trustees shall certify each resolution 26095
adopted under division (B) (2) of this section and the county 26096
auditor's certification under division (B) (3) of this section to 26097
the board of elections in accordance with section 5705.19 of the 26098
Revised Code. The election required under division (B) (4) of 26099
this section shall be held, canvassed, and certified in the 26100
manner provided for the submission of tax levies under section 26101
5705.25 of the Revised Code, except that the question appearing 26102
on the ballot shall read: 26103

"Shall the territory within _____ 26104
(description of the proposed territory to be added) be added to 26105
_____ (name) township police district, and a property 26106
tax, that the county auditor estimates will collect \$_____ 26107
annually, at a rate not exceeding _____ mills for each \$1 26108
of taxable value, which amounts to \$_____ (here insert 26109
effective rate) for each \$100,000 of ~~the county auditor's~~ 26110
~~appraised market~~ value, be in effect for _____ (here insert 26111
the number of years the tax is to be in effect or "a continuing 26112
period of time," as applicable)?" 26113

If the question is approved by at least a majority of the 26114
electors voting on it, the joinder shall be effective as of the 26115
first day of January of the year following approval, and, on 26116
that date, the township police district tax shall be extended to 26117
the taxable property within the territory that has been added. 26118

As used in this section, "~~the county auditor's appraised~~ 26119
~~market value~~" and "effective rate" have the same meanings as in 26120
section 5705.01 of the Revised Code. 26121

Sec. 505.481. (A) If a township police district does not 26122

include all the unincorporated territory of the township, the 26123
remaining unincorporated territory of the township may be added 26124
to the district by a resolution adopted by a unanimous vote of 26125
the board of township trustees to place the issue of expansion 26126
of the district on the ballot for the electors of the entire 26127
unincorporated territory of the township. The resolution shall 26128
state whether the proposed township police district initially 26129
will hire personnel as provided in section 505.49 of the Revised 26130
Code or contract for the provision of police protection services 26131
or additional police protection services as provided in section 26132
505.43 or 505.50 of the Revised Code. If the board proposes to 26133
levy a tax throughout all of the unincorporated territory of the 26134
township, the board shall request and obtain from the county 26135
auditor the information required for a tax levy under section 26136
5705.03 of the Revised Code, except that the levy's annual 26137
collections shall be estimated assuming that the unincorporated 26138
territory has been added to the township police district. 26139

The ballot measure shall provide for the addition into a 26140
new district of all the unincorporated territory of the township 26141
not already included in the township police district and for the 26142
levy of any tax then imposed by the district throughout the 26143
unincorporated territory of the township. If the measure 26144
includes a tax, the measure shall state the rate of the tax, 26145
which need not be the same rate of any tax imposed by the 26146
existing district, to be imposed in the district resulting from 26147
approval of the measure, expressed in mills for each one dollar 26148
of taxable value, the effective rate, expressed in dollars for 26149
each one hundred thousand dollars of ~~the county auditor's~~ 26150
~~appraised market~~ value, the last year in which the tax will be 26151
levied or that it will be levied for a continuous period of 26152
time, and the county auditor's estimate of the levy's annual 26153

collections. 26154

(B) The election on the measure shall be held, canvassed, 26155
and certified in the manner provided for the submission of tax 26156
levies under section 5705.25 of the Revised Code, except that 26157
the question appearing on the ballot shall read substantially as 26158
follows: 26159

"Shall the unincorporated territory within _____ 26160
(name of the township) not already included within the 26161
_____ (name of township police district) be added to the 26162
township police district to create the _____ (name of new 26163
township police district) township police district?" 26164

The name of the proposed township police district shall be 26165
separate and distinct from the name of the existing township 26166
police district. 26167

If a tax is imposed in the existing township police 26168
district, the question shall be modified by adding, at the end 26169
of the question, the following: ", and shall a property tax be 26170
levied in the new township police district, replacing the tax in 26171
the existing township police district, that the county auditor 26172
estimates will collect \$_____ annually, at a rate not exceeding 26173
_____ mills for each \$1 of taxable value, which amounts to 26174
\$_____ (effective rate) for each \$100,000 of ~~the county~~ 26175
~~auditor's appraised market~~ value, for _____ (number of years 26176
the tax will be levied, or "a continuing period of time")." 26177

If the measure is not approved by a majority of the 26178
electors voting on it, the township police district shall 26179
continue to occupy its existing territory until altered as 26180
provided in this section or section 505.48 of the Revised Code, 26181
and any existing tax imposed under section 505.51 of the Revised 26182

Code shall remain in effect in the existing district at the 26183
existing rate and for as long as provided in the resolution 26184
under the authority of which the tax is levied. 26185

As used in this section, "~~the county auditor's appraised~~ 26186
market value" and "effective rate" have the same meanings as in 26187
section 5705.01 of the Revised Code." 26188

Sec. 507.09. (A) In calendar year 2018, the township 26189
fiscal officer shall be entitled to compensation as follows: 26190

(1) In townships having a budget of two hundred fifty 26191
thousand dollars or less, ten thousand nine hundred eighteen 26192
dollars; 26193

(2) In townships having a budget of more than two hundred 26194
fifty thousand but not more than five hundred thousand dollars, 26195
fourteen thousand thirty-nine dollars; 26196

(3) In townships having a budget of more than five hundred 26197
thousand but not more than seven hundred fifty thousand dollars, 26198
fifteen thousand five hundred ninety-seven dollars; 26199

(4) In townships having a budget of more than seven 26200
hundred fifty thousand but not more than one million five 26201
hundred thousand dollars, eighteen thousand seven hundred 26202
seventeen dollars; 26203

(5) In townships having a budget of more than one million 26204
five hundred thousand but not more than three million five 26205
hundred thousand dollars, twenty-one thousand eight hundred 26206
thirty-six dollars; 26207

(6) In townships having a budget of more than three 26208
million five hundred thousand but not more than six million 26209
dollars, twenty-three thousand three hundred ninety-six dollars; 26210

(7) In townships having a budget of more than six million 26211
but not more than ten million dollars, twenty-six thousand eight 26212
hundred fifty-two dollars; 26213

(8) In townships having a budget of more than ten million 26214
dollars, thirty-one thousand sixty-four dollars. 26215

(B) The compensation determined under division (A) of this 26216
section shall be increased as follows: 26217

(1) In calendar year 2019 and in each calendar year 26218
thereafter through calendar year 2028~~2025, the compensation~~ 26219
~~determined under division (A) of this section shall be increased~~ 26220
by one and three-quarters per cent; 26221

(2) In calendar year 2026 and in each calendar year 26222
thereafter through calendar year 2029, by five per cent; 26223

(3) In calendar year 2030 and in each calendar year 26224
thereafter, by the percentage increase, if any, in the consumer 26225
price index as defined in section 141.04 of the Revised Code 26226
over the twelve-month period that ends on the thirtieth day of 26227
September of the immediately preceding year, rounded to the 26228
nearest one-tenth of one per cent, not to exceed three per cent. 26229

(C) Any township fiscal officer may elect to receive less 26230
than the compensation the fiscal officer is entitled to under 26231
this section. Any township fiscal officer electing to do this 26232
shall so notify the board of township trustees in writing, and 26233
the board shall include this notice in the minutes of its next 26234
board meeting. 26235

(D) The compensation of the township fiscal officer shall 26236
be paid in equal monthly payments. If the office of township 26237
fiscal officer is held by more than one person during any 26238
calendar year, each person holding the office shall receive 26239

payments for only those months, and any fractions of those 26240
months, during which the person holds the office. 26241

A township fiscal officer may be compensated from the 26242
township general fund or from other township funds based on the 26243
proportion of time the township fiscal officer spends providing 26244
services related to each fund. A township fiscal officer must 26245
document the amount of time the township fiscal officer spends 26246
providing services related to each fund by certification 26247
specifying the percentage of time spent working on matters to be 26248
paid from the township general fund or from other township funds 26249
in such proportions as the kinds of services performed. 26250

Sec. 507.12. (A) To enhance the background and working 26251
knowledge of township fiscal officers in government accounting, 26252
budgeting and financing, financial report preparation, 26253
cybersecurity, ~~and~~ the rules adopted by the auditor of state, 26254
bulletins or other information published by the auditor of 26255
state, and any other subject deemed appropriate by the auditor 26256
of state, the auditor of state shall conduct education programs 26257
and continuing education courses for individuals elected or 26258
appointed for the first time to the office of township fiscal 26259
officer, and shall conduct continuing education courses for 26260
individuals who continue to hold the office in a subsequent 26261
term. The Ohio township association also may conduct such 26262
initial education programs and continuing education courses if 26263
approved by the auditor of state. The auditor of state, in 26264
conjunction with the Ohio township association, shall determine 26265
the manner and content of the initial education programs and 26266
continuing education courses. 26267

(B) A newly elected or appointed township fiscal officer 26268
shall complete at least six hours of initial education programs 26269

before commencing, or during the first year of, office. A 26270
township fiscal officer who participates in a training program 26271
held under section 117.44 of the Revised Code may apply those 26272
hours taken before commencing office to the six hours of initial 26273
education programs required under this division. 26274

(C) (1) In addition to the six hours of initial education 26275
required under division (B) of this section, a newly elected 26276
township fiscal officer shall complete at least a total of 26277
eighteen continuing education hours during the township fiscal 26278
officer's first term of office. 26279

(2) A township fiscal officer who is elected to a 26280
subsequent term of office shall complete twelve hours of 26281
continuing education courses in each subsequent term of office. 26282

(3) The auditor of state shall adopt rules specifying the 26283
initial education programs and continuing education courses that 26284
are required for a township fiscal officer who has been 26285
appointed to fill a vacancy. The requirements shall be 26286
proportionally equivalent, based on the time remaining in the 26287
vacated office, to the requirements for a newly elected township 26288
fiscal officer. 26289

(4) At least two hours of ethics instruction shall be 26290
included in the continuing education hours required by divisions 26291
(C) (1) and (2) of this section. 26292

(5) A township fiscal officer who participates in a 26293
training program or seminar established under section 109.43 of 26294
the Revised Code may apply the three hours of training to the 26295
continuing education hours required by divisions (C) (1) and (2) 26296
of this section. 26297

(D) (1) A certified public accountant who serves as a 26298

township fiscal officer may apply to the continuing education 26299
hours required by division (C) of this section any hours of 26300
continuing education completed under section 4701.11 of the 26301
Revised Code after being elected or appointed as a township 26302
fiscal officer. 26303

(2) A township fiscal officer may apply to the continuing 26304
education hours required by division (C) of this section any 26305
hours of continuing education completed under section 135.22 of 26306
the Revised Code after being elected or appointed as a township 26307
fiscal officer. 26308

(3) A township fiscal officer who teaches an approved 26309
continuing education course under division (C) of this section 26310
is entitled to credit for the course in the same manner as if 26311
the township fiscal officer had attended the course. 26312

(E) The auditor of state shall adopt rules for verifying 26313
the completion of initial education programs and continuing 26314
education courses required under this section. The auditor of 26315
state shall issue a certificate of completion to each township 26316
fiscal officer who completes the initial education programs and 26317
continuing education courses. The auditor of state shall issue a 26318
"failure to complete" notice to any township fiscal officer who 26319
is required to complete initial education programs and 26320
continuing education courses under this section, but who fails 26321
to do so. The notice is for informational purposes only and does 26322
not affect any individual's ability to hold the office of 26323
township fiscal officer. 26324

The township fiscal officer shall retain the documentation 26325
of any initial or continuing education courses completed. The 26326
auditor of state shall audit for compliance with this section. 26327

(F) Each board of township trustees shall approve a 26328
reasonable amount requested by the township fiscal officer to 26329
cover the costs the township fiscal officer is required to incur 26330
to meet the requirements of this section, including registration 26331
fees, lodging and meal expenses, and travel expenses. 26332

Sec. 511.28. A copy of any resolution for a tax levy 26333
adopted by the township board of park commissioners as provided 26334
in section 511.27 of the Revised Code shall be certified by the 26335
clerk of the board of park commissioners to the board of 26336
elections of the proper county, together with a certified copy 26337
of the resolution approving the levy, passed by the board of 26338
township trustees if such a resolution is required by division 26339
(C) of section 511.27 of the Revised Code, and the county 26340
auditor's certification, not less than ninety days before a 26341
general or primary election in any year. The board of elections 26342
shall submit the proposal to the electors as provided in section 26343
511.27 of the Revised Code at the succeeding general or primary 26344
election. A resolution to renew an existing levy may not be 26345
placed on the ballot unless the question is submitted at the 26346
general election held during the last year the tax to be renewed 26347
may be extended on the real and public utility property tax list 26348
and duplicate, or at any election held in the ensuing year. The 26349
board of park commissioners shall cause notice that the vote 26350
will be taken to be published once a week for two consecutive 26351
weeks prior to the election in a newspaper of general 26352
circulation, or as provided in section 7.16 of the Revised Code, 26353
in the county within which the park district is located. 26354
Additionally, if the board of elections operates and maintains a 26355
web site, the board of elections shall post that notice on its 26356
web site for thirty days prior to the election. The notice shall 26357
state the purpose of the proposed levy, the levy's estimated 26358

annual collections, the levy's annual rate or, if applicable, 26359
the levy's effective rate, expressed in dollars for each one 26360
hundred thousand dollars of ~~the county auditor's appraised~~ 26361
market value as well as the annual rate expressed in mills for 26362
each one dollar of taxable value, the number of consecutive 26363
years during which the levy shall be in effect, and the time and 26364
place of the election. 26365

The form of the ballots cast at the election shall be: "An 26366
additional tax for the benefit of (name of township park 26367
district) _____ for the purpose of (purpose stated in the 26368
order of the board) _____, that the county auditor 26369
estimates will collect \$_____ annually, at a rate not exceeding 26370
_____ mills for each \$1 of taxable value, which amounts to 26371
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 26372
market value, for (number of years the levy is to run) 26373
_____ 26374
_____ 26375

	FOR THE TAX LEVY	"
	AGAINST THE TAX LEVY	

If the levy submitted is a proposal to renew, increase, or 26376
decrease an existing levy, the form of the ballot specified in 26377
this section shall be changed by substituting for the words "An 26378
additional" at the beginning of the form, the words "A renewal 26379
of a" in the case of a proposal to renew an existing levy in the 26380
same amount; the words "A renewal of _____ mills and an 26381
increase of _____ mills for each \$1 of taxable value to 26382
constitute a" in the case of an increase; or the words "A 26383
renewal of part of an existing levy, being a reduction of 26384
_____ mills for each \$1 of taxable value, to constitute a" 26385

in the case of a decrease in the rate of the existing levy. 26386
Additionally, the effective rate, in lieu of the rate, shall be 26387
expressed for each one hundred thousand dollars of ~~the county~~ 26388
~~auditor's appraised~~ market value. 26389

If the tax is to be placed on the current tax list, the 26390
form of the ballot shall be modified by adding, after the 26391
statement of the number of years the levy is to run, the phrase 26392
", commencing in _____ (first year the tax is to be 26393
levied), first due in calendar year _____ (first calendar 26394
year in which the tax shall be due)." 26395

The question covered by the order shall be submitted as a 26396
separate proposition, but may be printed on the same ballot with 26397
any other proposition submitted at the same election, other than 26398
the election of officers. More than one such question may be 26399
submitted at the same election. 26400

As used in this section, "~~the county auditor's appraised~~ 26401
market value" and "effective rate" have the same meanings as in 26402
section 5705.01 of the Revised Code. 26403

Sec. 511.34. In townships composed of islands, and on one 26404
of which islands lands have been conveyed in trust for the 26405
benefit of the inhabitants of the island for use as a park, and 26406
a board of park trustees has been provided for the control of 26407
the park, the board of township trustees may create a tax 26408
district of the island to raise funds by taxation as provided 26409
under divisions (A) and (B) of this section. 26410

(A) For the care and maintenance of parks on the island, 26411
the board of township trustees annually may levy a tax, not to 26412
exceed one mill for each one dollar of taxable value, upon all 26413
the taxable property in the district. The tax shall be in 26414

addition to all other levies authorized by law, and subject to 26415
no limitation on tax rates except as provided in this division. 26416

The proceeds of the tax levy shall be expended by the 26417
board of township trustees for the purpose of the care and 26418
maintenance of the parks, and shall be paid out of the township 26419
treasury upon the orders of the board of park trustees. 26420

(B) For the purpose of acquiring additional land for use 26421
as a park, the board of township trustees may levy a tax in 26422
excess of the ten-mill limitation on all taxable property in the 26423
district. The tax shall be proposed by resolution adopted by 26424
two-thirds of the members of the board of township trustees. The 26425
resolution shall specify the purpose and rate of the tax and the 26426
number of years the tax will be levied, which shall not exceed 26427
five years, and which may include a levy on the current tax list 26428
and duplicate. The resolution shall go into immediate effect 26429
upon its passage, and no publication of the resolution is 26430
necessary other than that provided for in the notice of 26431
election. The board of township trustees shall certify a copy of 26432
the resolution to the proper board of elections not later than 26433
ninety days before the primary or general election in the 26434
township, and the board of elections shall submit the question 26435
of the tax to the voters of the district at the succeeding 26436
primary or general election. The board of elections shall make 26437
the necessary arrangements for the submission of the question to 26438
the electors of the district, and the election shall be 26439
conducted, canvassed, and certified in the same manner as 26440
regular elections in the township for the election of officers. 26441
Notice of the election shall be published in a newspaper of 26442
general circulation in the township once a week for two 26443
consecutive weeks, or as provided in section 7.16 of the Revised 26444
Code prior to the election. If the board of elections operates 26445

and maintains a web site, notice of the election also shall be 26446
posted on that web site for thirty days prior to the election. 26447
The notice shall state the purpose of the tax, the levy's 26448
estimated annual collections, the proposed rate of the tax 26449
expressed in dollars for each one hundred thousand dollars of 26450
~~the county auditor's appraised~~ market value and mills for each 26451
one dollar of taxable value, the number of years the tax will be 26452
in effect, the first year the tax will be levied, and the time 26453
and place of the election. 26454

The form of the ballots cast at an election held under 26455
this division shall be as follows: 26456

"An additional tax for the benefit of _____ (name of 26457
the township) for the purpose of acquiring additional park land, 26458
that the county auditor estimates will collect \$____ annually, 26459
at a rate of _____ mills for each \$1 of taxable value, which 26460
amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 26461
~~appraised~~ market value, for _____ (number of years the levy 26462
is to run) beginning in _____ (first year the tax will be 26463
levied). 26464

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

The question shall be submitted as a separate proposition 26466
but may be printed on the same ballot with any other proposition 26467
submitted at the same election other than the election of 26468
officers. More than one such question may be submitted at the 26469
same election. 26470

If the levy is approved by a majority of electors voting 26471

on the question, the board of elections shall certify the result 26472
of the election to the tax commissioner. In the first year of 26473
the levy, the tax shall be extended on the tax lists after the 26474
February settlement following the election. If the tax is to be 26475
placed on the tax lists of the current year as specified in the 26476
resolution, the board of elections shall certify the result of 26477
the election immediately after the canvass to the board of 26478
township trustees, which shall forthwith make the necessary levy 26479
and certify the levy to the county auditor, who shall extend the 26480
levy on the tax lists for collection. After the first year of 26481
the levy, the levy shall be included in the annual tax budget 26482
that is certified to the county budget commission. 26483

As used in this section, "~~the county auditor's appraised~~ 26484
market value" has the same meaning as in section 5705.01 of the 26485
Revised Code. 26486

Sec. 513.18. In the event any township, contiguous to a 26487
joint township hospital district, desires to become a part of 26488
such district in existence under sections 513.07 to 513.18 of 26489
the Revised Code, its board of township trustees, by a two- 26490
thirds favorable vote of the members of such board, after the 26491
existing joint township hospital board has, by a majority 26492
favorable vote of the members thereof, approved the terms under 26493
which such township proposes to join the district, shall become 26494
a part of the joint township district hospital board under such 26495
terms and with all the rights, privileges, and responsibilities 26496
enjoyed by and extended to the existing members of the hospital 26497
board under such sections, including representation on the board 26498
of hospital governors by the appointment of an elector of such 26499
township as a member thereof. 26500

If the terms under which such township proposes to join 26501

the hospital district involve a tax levy for the purpose of 26502
sharing the existing obligations, including bonded indebtedness, 26503
of the district or the necessary operating expenses of such 26504
hospital, such township shall not become a part of the district 26505
until its electors have approved such levy as provided in this 26506
section. In such a case, the board of township trustees and the 26507
county auditor shall proceed in the same manner as required for 26508
a tax levy under section 5705.03 of the Revised Code, except 26509
that the levy's annual collections shall be estimated assuming 26510
that the township has been added to the hospital district. 26511

Upon request of the board of township trustees of the 26512
township proposing to join such district, by resolution approved 26513
by a two-thirds vote of its members, the board of elections of 26514
the county in which the township lies shall place upon the 26515
ballot for submission to the electorate of such township at the 26516
next primary or general election occurring not less than ninety 26517
nor more than one hundred thirty-five days after such request is 26518
received from the board of township trustees the question of 26519
levying a tax, not to exceed one mill outside the ten-mill 26520
limitation, for a period of not to exceed five years, to provide 26521
funds for the payment of the township's share of the necessary 26522
expenses incurred in the operation of such hospital, or the 26523
question of levying a tax to pay the township's share of the 26524
existing obligations, including bonded indebtedness, of the 26525
district, or both questions may be submitted at the same primary 26526
or general election. The question appearing on the ballot shall 26527
read: 26528

"Shall _____ (name of township) be added to the _____ 26529
(name of joint township hospital district), and property tax be 26530
levied for the purpose of _____ (purpose of tax), that the 26531
county auditor estimates will collect \$_____ annually, at a 26532

rate not exceeding _____ mills for each \$1 of taxable value, 26533
which amounts to \$_____ (rate or effective rate, as applicable) 26534
for each \$100,000 of ~~the county auditor's appraised market~~ 26535
value, to be in effect for _____ (number of years the tax is to 26536
be in effect)?" 26537

If a majority of the electors voting on the propositions 26538
vote in favor thereof, the county auditor shall place such 26539
levies on the tax duplicate against the property in the 26540
township, which township shall thereby become a part of said 26541
joint township hospital district. 26542

As used in this section, "~~the county auditor's appraised-~~ 26543
~~market value~~" and "effective rate" have the same meanings as in 26544
section 5705.01 of the Revised Code." 26545

Sec. 519.12. (A) (1) Amendments to the zoning resolution 26546
may be initiated by motion of the township zoning commission, by 26547
the passage of a resolution by the board of township trustees, 26548
or by the filing of an application by one or more of the owners 26549
or lessees of property within the area proposed to be changed or 26550
affected by the proposed amendment with the township zoning 26551
commission. The board of township trustees may require that the 26552
owner or lessee of property filing an application to amend the 26553
zoning resolution pay a fee to defray the cost of advertising, 26554
mailing, filing with the county recorder, and other expenses. If 26555
the board of township trustees requires such a fee, it shall be 26556
required generally, for each application. The board of township 26557
trustees, upon the passage of such a resolution, shall certify 26558
it to the township zoning commission. 26559

(2) Upon the adoption of a motion by the township zoning 26560
commission, the certification of a resolution by the board of 26561
township trustees to the commission, or the filing of an 26562

application by property owners or lessees as described in 26563
division (A) (1) of this section with the commission, the 26564
commission shall set a date for a public hearing, which date 26565
shall not be less than twenty nor more than forty days from the 26566
date of the certification of such a resolution, the date of 26567
adoption of such a motion, or the date of the filing of such an 26568
application. Notice of the hearing shall be given by the 26569
commission by one publication at least ten days before the date 26570
of the hearing using at least one of the following methods: 26571

(a) In the print or digital edition of one or more 26572
newspapers of general circulation in the township; 26573

(b) On the official public notice web site established 26574
under section 125.182 of the Revised Code; 26575

(c) On the web site and social media account of the 26576
township. 26577

(B) If the proposed amendment intends to rezone or 26578
redistrict ten or fewer parcels of land, as listed on the county 26579
auditor's current tax list, written notice of the hearing shall 26580
be mailed by the township zoning commission, by first class 26581
mail, at least ten days before the date of the public hearing to 26582
all owners of property within and contiguous to and directly 26583
across the street from the area proposed to be rezoned or 26584
redistricted to the addresses of those owners appearing on the 26585
county auditor's current tax list. The failure of delivery of 26586
that notice shall not invalidate any such amendment. 26587

(C) If the proposed amendment intends to rezone or 26588
redistrict ten or fewer parcels of land as listed on the county 26589
auditor's current tax list, the published and mailed notices 26590
shall set forth the time, date, and place of the public hearing 26591

and include all of the following: 26592

(1) The name of the township zoning commission that will 26593
be conducting the hearing; 26594

(2) A statement indicating that the motion, resolution, or 26595
application is an amendment to the zoning resolution; 26596

(3) A list of the addresses of all properties to be 26597
rezoned or redistricted by the proposed amendment and of the 26598
names of owners of those properties, as they appear on the 26599
county auditor's current tax list; 26600

(4) The present zoning classification of property named in 26601
the proposed amendment and the proposed zoning classification of 26602
that property; 26603

(5) The time and place where the motion, resolution, or 26604
application proposing to amend the zoning resolution will be 26605
available for examination for a period of at least ten days 26606
prior to the hearing; 26607

(6) The name of the person responsible for giving notice 26608
of the hearing by publication, by mail, or by both publication 26609
and mail; 26610

(7) A statement that, after the conclusion of the hearing, 26611
the matter will be submitted to the board of township trustees 26612
for its action; 26613

(8) Any other information requested by the commission. 26614

(D) If the proposed amendment alters the text of the 26615
zoning resolution, or rezones or redistricts more than ten 26616
parcels of land as listed on the county auditor's current tax 26617
list, the published notice shall set forth the time, date, and 26618
place of the public hearing and include all of the following: 26619

(1) The name of the township zoning commission that will 26620
be conducting the hearing on the proposed amendment; 26621

(2) A statement indicating that the motion, application, 26622
or resolution is an amendment to the zoning resolution; 26623

(3) The time and place where the text and maps of the 26624
proposed amendment will be available for examination for a 26625
period of at least ten days prior to the hearing; 26626

(4) The name of the person responsible for giving notice 26627
of the hearing by publication; 26628

(5) A statement that, after the conclusion of the hearing, 26629
the matter will be submitted to the board of township trustees 26630
for its action; 26631

(6) Any other information requested by the commission. 26632

(E) (1) (a) Except as provided in division (E) (1) (b) of this 26633
section, within five days after the adoption of the motion 26634
described in division (A) of this section, the certification of 26635
the resolution described in division (A) of this section, or the 26636
filing of the application described in division (A) of this 26637
section, the township zoning commission shall transmit a copy of 26638
it together with text and map pertaining to it to the county or 26639
regional planning commission, if there is such a commission, for 26640
approval, disapproval, or suggestions. 26641

The county or regional planning commission shall recommend 26642
the approval or denial of the proposed amendment or the approval 26643
of some modification of it and shall submit its recommendation 26644
to the township zoning commission. The recommendation shall be 26645
considered at the public hearing held by the township zoning 26646
commission on the proposed amendment. 26647

(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E) (1) (a) of this section but may choose to comply with division (E) (1) (a) of this section.

(2) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.

(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;

(c) On the web site and social media account of the township.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth

the time, date, and place of the public hearing and include all 26677
of the following: 26678

(1) The name of the board of township trustees that will 26679
be conducting the hearing; 26680

(2) A statement indicating that the motion, application, 26681
or resolution is an amendment to the zoning resolution; 26682

(3) A list of the addresses of all properties to be 26683
rezoned or redistricted by the proposed amendment and of the 26684
names of owners of those properties, as they appear on the 26685
county auditor's current tax list; 26686

(4) The present zoning classification of property named in 26687
the proposed amendment and the proposed zoning classification of 26688
that property; 26689

(5) The time and place where the motion, application, or 26690
resolution proposing to amend the zoning resolution will be 26691
available for examination for a period of at least ten days 26692
prior to the hearing; 26693

(6) The name of the person responsible for giving notice 26694
of the hearing by publication, by mail, or by both publication 26695
and mail; 26696

(7) Any other information requested by the board. 26697

(G) If the proposed amendment alters the text of the 26698
zoning resolution, or rezones or redistricts more than ten 26699
parcels of land as listed on the county auditor's current tax 26700
list, the published notice shall set forth the time, date, and 26701
place of the public hearing and include all of the following: 26702

(1) The name of the board of township trustees that will 26703
be conducting the hearing on the proposed amendment; 26704

(2) A statement indicating that the motion, application, 26705
or resolution is an amendment to the zoning resolution; 26706

(3) The time and place where the text and maps of the 26707
proposed amendment will be available for examination for a 26708
period of at least ten days prior to the hearing; 26709

(4) The name of the person responsible for giving notice 26710
of the hearing by publication; 26711

(5) Any other information requested by the board. 26712

(H) Within twenty days after its public hearing, the board 26713
of township trustees shall either adopt or deny the 26714
recommendations of the township zoning commission or adopt some 26715
modification of them. If the board denies or modifies the 26716
commission's recommendations, a majority vote of the board shall 26717
be required. 26718

~~The~~ Except as provided in division (J) of this section, 26719
the proposed amendment, if adopted by the board, shall become 26720
effective in thirty days after the date of its adoption, unless, 26721
within thirty days after the adoption, there is presented to the 26722
board of township trustees a petition, signed by a number of 26723
registered electors residing in the unincorporated area of the 26724
township or part of that unincorporated area included in the 26725
zoning plan equal to not less than ~~fifteen~~ thirty-five per cent 26726
of the total vote cast for all candidates for governor in that 26727
area at the most recent general election at which a governor was 26728
elected, requesting the board of township trustees to submit the 26729
amendment to the electors of that area for approval or rejection 26730
at a special election to be held on the day of the next primary 26731
or general election that occurs at least ninety days after the 26732
petition is filed. Each part of this petition shall contain the 26733

number and the full and correct title, if any, of the zoning
amendment resolution, motion, or application, furnishing the
name by which the amendment is known and a brief summary of its
contents. In addition to meeting the requirements of this
section, each petition shall be governed by the rules specified
in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and
the statement of the circulator shall be substantially as
follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or
number, or both, these should be inserted here)

A proposal to amend the zoning map of the unincorporated
area of _____ Township, _____ County, Ohio,
adopted ____ (date) ____ (followed by brief summary of the
proposal).

To the Board of Township Trustees of _____
Township, _____ County, Ohio:

We, the undersigned, being electors residing in the
unincorporated area of _____ Township,
included within the _____ Township Zoning Plan, equal to
not less than fifteen per cent of the total vote cast for all
candidates for governor in the area at the preceding general
election at which a governor was elected, request the Board of
Township Trustees to submit this amendment of the zoning
resolution to the electors of _____ Township
residing within the unincorporated area of the township included
in the _____ Township Zoning Resolution, for

approval or rejection at a special election to be held on the 26763
day of the primary or general election to be held on 26764
____ (date) _____, pursuant to section 519.12 of the Revised 26765
Code. 26766

Street Address	Date of	
Signature or R.F.D.	Township	Precinct County Signing

STATEMENT OF CIRCULATOR

I, _____ (name of circulator) _____, declare 26772
under penalty of election falsification that I am an elector of 26773
the state of Ohio and reside at the address appearing below my 26774
signature; that I am the circulator of the foregoing part 26775
petition containing _____ (number) _____ signatures; that I 26776
have witnessed the affixing of every signature; that all signers 26777
were to the best of my knowledge and belief qualified to sign; 26778
and that every signature is to the best of my knowledge and 26779
belief the signature of the person whose signature it purports 26780
to be or of an attorney in fact acting pursuant to section 26781
3501.382 of the Revised Code. 26782

(Signature of circulator)

(Address of circulator's permanent
residence in this state)

(City, village, or township,

and zip code) 26790

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A 26791
FELONY OF THE FIFTH DEGREE." 26792

The petition shall be filed with the board of township 26793
trustees and shall be accompanied by an appropriate map of the 26794
area affected by the zoning proposal. Within two weeks after 26795
receiving a petition filed under this section, the board of 26796
township trustees shall certify the petition to the board of 26797
elections. A petition filed under this section shall be 26798
certified to the board of elections not less than ninety days 26799
prior to the election at which the question is to be voted upon. 26800

The board of elections shall determine the sufficiency and 26801
validity of each petition certified to it by a board of township 26802
trustees under this section. If the board of elections 26803
determines that a petition is sufficient and valid, the question 26804
shall be voted upon at a special election to be held on the day 26805
of the next primary or general election that occurs at least 26806
ninety days after the date the petition is filed with the board 26807
of township trustees, regardless of whether any election will be 26808
held to nominate or elect candidates on that day. 26809

No amendment for which such a referendum vote has been 26810
requested shall be put into effect unless a majority of the vote 26811
cast on the issue is in favor of the amendment. Upon 26812
certification by the board of elections that the amendment has 26813
been approved by the voters, it shall take immediate effect. 26814

(I) Within five working days after an amendment's 26815
effective date, the board of township trustees shall file the 26816
text and maps of the amendment in the office of the county 26817
recorder and with the county or regional planning commission, if 26818

one exists. 26819

The failure to file any amendment, or any text and maps, 26820
or duplicates of any of these documents, with the office of the 26821
county recorder or the county or regional planning commission as 26822
required by this section does not invalidate the amendment and 26823
is not grounds for an appeal of any decision of the board of 26824
zoning appeals. 26825

(J) If a proposed amendment establishes or modifies 26826
planned-unit development regulations, the following apply in 26827
lieu of the contrary provisions of division (H) of this section: 26828

(1) The board of elections shall determine the sufficiency 26829
and validity of the petition not later than thirty days after 26830
the petition is certified to the board of elections by the board 26831
of township trustees. 26832

(2) If the board of elections determines there is an 26833
insufficient number of valid signatures, the board immediately 26834
shall notify the person who presented the petition. The person 26835
may submit additional signatures not later than ten days after 26836
the notification. 26837

Sec. 523.06. If a merger agreement is entered into as 26838
required by section 523.04 of the Revised Code, this section 26839
does not apply. If a merger agreement is not entered into under 26840
section 523.04 of the Revised Code, the merger agreement shall 26841
contain all of the terms and conditions specified in this 26842
section. If a partial merger agreement is entered into under 26843
section 523.04 of the Revised Code, this section applies only to 26844
the extent any term or condition that is required by section 26845
523.04 of the Revised Code to be addressed in the merger 26846
agreement is not addressed therein. 26847

The terms and conditions of a merger agreement to which 26848
this section applies shall be as follows: 26849

(A) All members of each board of township trustees shall 26850
serve as board members of the new township. At the first general 26851
election for township officers occurring not less than ninety 26852
days after a merger is approved, the electors of the new 26853
township shall elect three township trustees with staggered 26854
terms of office. The first terms of office following the 26855
election shall be modified to an even number of years not to 26856
exceed four to allow subsequent elections for the office to be 26857
held in the same year as other township officers. 26858

(B) The township fiscal officer of the largest township, 26859
by population, shall be the township fiscal officer for the new 26860
township. At the first general election for township officers 26861
occurring not less than ninety days after the merger, the 26862
electors shall elect a township fiscal officer, whose first term 26863
of office shall be modified to an even number of years not to 26864
exceed four to allow subsequent elections for that office to be 26865
held in the same year as other township fiscal officers. 26866

(C) Voted property tax levies shall remain in effect for 26867
the parcels of real property to which they applied prior to the 26868
merger, and the merger shall not affect the proceeds of a tax 26869
levy pledged for the retirement of any debt obligation. Upon 26870
expiration of a property tax levy, the levy may only be ~~replaced~~ 26871
~~or~~ renewed by vote of the electors in the manner provided by 26872
law, to apply to real property within the boundaries of the new 26873
township. If the millage levied inside the ten-mill limitation 26874
of each township merged is different, the board of township 26875
trustees of the new township shall immediately equalize the 26876
millage for the entire new township. 26877

(D) For purposes of the retirement of all debt obligations 26878
of each township merged, the township fiscal officer shall 26879
continue to track parcels of real property and the tax revenue 26880
generated on those parcels by the tax districts that were in 26881
place prior to the merger, and shall provide that information on 26882
an annual basis to the board of township trustees of the new 26883
township. Debt obligations that existed at the time of the 26884
merger shall be retired from the revenue generated from the 26885
parcels of real property that made up the township that incurred 26886
the debt before the merger. 26887

(E) (1) With respect to any agreement entered into under 26888
Chapter 4117. of the Revised Code that covers any of the 26889
employees of the townships merged under this chapter, the state 26890
employment relations board, within one hundred twenty days after 26891
the date the merger is approved, shall designate the appropriate 26892
bargaining units for the employees of the new township in 26893
accordance with section 4117.06 of the Revised Code. 26894
Notwithstanding the recognition procedures prescribed in section 26895
4117.05 and division (A) of section 4117.07 of the Revised Code, 26896
the board shall conduct a representation election with respect 26897
to each bargaining unit designated under this division in 26898
accordance with divisions (B) and (C) of section 4117.07 of the 26899
Revised Code. If an exclusive representative is selected through 26900
this election, the exclusive representative shall negotiate and 26901
enter into an agreement with the new township in accordance with 26902
Chapter 4117. of the Revised Code. Until the parties reach an 26903
agreement, any agreement in effect on the date of the merger 26904
shall apply to the employees that were in the bargaining unit 26905
that is covered by the agreement. An agreement in existence on 26906
the date of the merger is terminated on the effective date of an 26907
agreement negotiated under this division. 26908

(2) If an exclusive representative is not selected, any 26909
agreement in effect on the date of the merger shall apply to the 26910
employees that were in the bargaining unit that is covered by 26911
the agreement and shall expire on its terms. 26912

(3) Each agreement entered into under Chapter 4117. of the 26913
Revised Code on or after ~~the effective date of this section~~ 26914
September 29, 2011, involving a new township shall contain a 26915
provision regarding the designation of an exclusive 26916
representative and bargaining units for the new township as 26917
described in division (E) of this section. 26918

(4) In addition to the laws listed in division (A) of 26919
section 4117.10 of the Revised Code that prevail over 26920
conflicting agreements between employee organizations and public 26921
employers, division (E) of this section prevails over any 26922
conflicting provisions of agreements between employee 26923
organizations and public employers that are entered into on or 26924
after ~~the effective date of this section~~ September 29, 2011, 26925
pursuant to Chapter 4117. of the Revised Code. 26926

(5) As used in division (E) of this section, "employee 26927
organization" and "exclusive representative" have the same 26928
meanings as in section 4117.01 of the Revised Code. 26929

(F) (1) If the boundaries of the new township are not 26930
coextensive with a special purpose district, the new township 26931
shall remain in the existing special purpose district as a 26932
successor to the original township, unless the special purpose 26933
district is dissolved. The board of township trustees of the new 26934
township may place a question on the ballot at the next general 26935
election held after the merger to conform the boundaries, 26936
dissolve the special purpose district, or absorb the special 26937
purpose district into the new township on the terms specified in 26938

the resolution that places the question on the ballot for 26939
approval of the electors of the new township. 26940

(2) As used in division (F) of this section, "special 26941
purpose district" means any geographic or political jurisdiction 26942
that is created under law by a township merged. 26943

(G) Zoning codes that existed at the time of the merger 26944
shall remain in effect after the merger, and the townships that 26945
existed before the merger shall be treated as administrative 26946
districts within the new township for the purposes of zoning. 26947

Sec. 703.331. (A) Not later than the last day of the year 26948
that is immediately after the year the results of a federal 26949
decennial census are released, the county auditor, county 26950
treasurer, and one member of the board of county commissioners 26951
selected by the board of county commissioners, jointly shall 26952
evaluate each village located within the county to determine if, 26953
over the approximate ten year period beginning the day the 26954
results of the preceding federal decennial census were released 26955
and ending the day the most recent federal decennial census 26956
results were released, both of the following are true: 26957

(1) The village itself provided, the village contracted 26958
with a private nongovernmental entity to provide, or the village 26959
contracted with a regional council of governments as defined in 26960
section 167.01 of the Revised Code that includes three or more 26961
political subdivisions at least two of which are municipal 26962
corporations to provide, at least five of the following 26963
services: 26964

(a) Police protection; 26965

(b) Fire-fighting services; 26966

(c) Garbage collection; 26967

(d) Water service;	26968
(e) Sewer service;	26969
(f) Emergency medical services;	26970
(g) Road maintenance;	26971
(h) Park services or other recreation services;	26972
(i) Human services;	26973
(j) A public library established and operated solely by the village;	26974 26975
<u>(k) Electric service.</u>	26976
(2) At each election at which an elected village position was voted upon, at least one candidate appeared on the ballot for each elected village position.	26977 26978 26979
If a village is located in more than one county, the village shall be evaluated only by the county officials of the county wherein the largest portion of the population of the village resides.	26980 26981 26982 26983
(B) Before beginning the evaluation, the county officials shall request, in writing, information from each village to assist the officials in making their determination. The request shall indicate the applicable evaluation period. Each village shall submit the information, in the manner requested by the county officials, not later than thirty days after receiving the request. The village shall include information about the services provided over the evaluation period, the manner by which such services were provided, a copy of the final appropriation budget or budgets applicable to the evaluation period, information on candidates on the ballot for village	26984 26985 26986 26987 26988 26989 26990 26991 26992 26993 26994

elected offices during the evaluation period, any documentation 26995
regarding the matters in division (A) of this section during the 26996
evaluation period, and any other information specifically 26997
requested by the county officials. After receiving the 26998
information, if necessary, the county officials may request 26999
additional information, which the village shall provide not 27000
later than ten days after receiving the request. The county 27001
officials shall base their finding on the information provided 27002
from the village. 27003

(C) The county officials shall notify the legislative 27004
authority of the village of the county officials' finding not 27005
later than the last day of the year that is immediately after 27006
the year the results of a federal decennial census are released. 27007

(D) If the county officials find a village failed to 27008
provide services or field candidates as specified in division 27009
(A) of this section, the county officials shall file the finding 27010
with the board of elections of the county in which the largest 27011
portion of the population of the village resides. The board of 27012
elections shall submit the question "Shall the village of 27013
_____ surrender its corporate powers?" for the approval or 27014
rejection of the electors of the village at the next general 27015
election, in any year, occurring after the period ending ninety 27016
days after the filing of the finding with the board. If the 27017
result of the election is in favor of the surrender, the board 27018
of elections shall certify the results to the secretary of 27019
state, the auditor of state, and the county recorder, who shall 27020
record it in their respective offices. 27021

(E) The procedure in this section is in addition to the 27022
procedure under section 703.33 of the Revised Code for the 27023
dissolution of a village. 27024

Sec. 703.34. (A) As used in this section, "condition for 27025
the dissolution of a village" means any of the following: 27026

(1) The village has been declared to be in a fiscal 27027
emergency under Chapter 118. of the Revised Code and has been in 27028
fiscal emergency for at least three consecutive years with 27029
little or no improvement on the conditions that caused the 27030
fiscal emergency declaration. 27031

(2) The village has failed to properly follow applicable 27032
election laws for at least two consecutive election cycles for 27033
any one elected office in the village. 27034

(3) The village has been declared during an audit 27035
conducted under section 117.11 of the Revised Code to be 27036
unauditable under section 117.41 of the Revised Code in at least 27037
two consecutive audits. 27038

(4) The village does not provide at least two services 27039
typically provided by municipal government, such as police or 27040
fire protection, garbage collection, water or sewer service, 27041
emergency medical services, road maintenance, or similar 27042
services. "Services" does not include any administrative service 27043
or legislative action. 27044

(5) The village has failed for any fiscal year to adopt 27045
the tax budget required by section 5705.28 of the Revised Code. 27046

(6) A village elected official has been convicted of theft 27047
in office, either under section 2921.41 of the Revised Code or 27048
an equivalent criminal statute at the federal level, at least 27049
two times in a period of ten years. The convicted official with 27050
respect to those convictions may be the same person or different 27051
persons. 27052

(B) If the auditor of state finds, in an audit report 27053

issued under division (A) or (B) of section 117.11 of the Revised Code of a village that has a population of one-five hundred ~~fifty~~ persons or less ~~and consists of less than two square miles~~, that the village meets at least two conditions for the dissolution of a village, the auditor of state shall send a certified copy of the report together with a letter to the attorney general requesting the attorney general to institute legal action to dissolve the village in accordance with division (C) of this section. The report and letter shall be sent to the attorney general within ten business days after the auditor of state's transmittal of the report to the village. The audit report transmitted to the village shall be accompanied by a notice to the village of the auditor's intent to refer the report to the attorney general for legal action in accordance with this section.

(C) Within twenty days of receipt of the auditor of state's report and letter, the attorney general may file a legal action in the court of common pleas on behalf of the state to request the dissolution of the village that is the subject of the audit report. If a legal action is filed, the court shall hold a hearing within ninety days after the date the attorney general files the legal action with the court. Notice of the hearing shall be filed with the attorney general, the clerk of the village that is the subject of the action, and each fiscal officer of a township located wholly or partly within the village.

At the hearing on dissolution, the court shall determine if the village has a population of one-five hundred ~~fifty~~ persons or less, ~~consists of less than two square miles~~, and meets at least two conditions for the dissolution of a village. If the court so finds, the court shall order the dissolution of

the village, which shall proceed in accordance with sections 27085
703.31 to 703.39 of the Revised Code. The attorney general shall 27086
file a certified copy of the court's order of dissolution with 27087
the secretary of state and the county recorder of the county in 27088
which the village is situated, who shall record it in their 27089
respective offices. 27090

(D) For purposes of this section, the population of a 27091
village shall be the population determined either at the last 27092
preceding federal decennial census or according to population 27093
estimates certified by the department of development between 27094
decennial censuses. 27095

(E) The procedure in this section is in addition to the 27096
procedure of section 703.33 of the Revised Code for the 27097
dissolution of a village. 27098

Sec. 717.051. Any multi-level off-street parking structure 27099
that is not tax exempt under section 717.05 of the Revised Code 27100
and is acquired in fee or by lease or constructed by a municipal 27101
corporation ~~that qualifies as an impacted city, as defined in~~ 27102
~~division (C) of section 1728.01 of the Revised Code, at the time~~ 27103
~~of the initial application for exemption provided for in this~~ 27104
~~section or so acquired or constructed by,~~ a county ~~within the~~ 27105
~~corporate boundaries of such an impacted city,~~ a new community 27106
authority, or a port authority, and the land on which the 27107
parking structure is situated, is hereby declared to be a public 27108
purpose and may, at the option of the ~~impacted city or municipal~~ 27109
corporation, the county, the new community authority, or the 27110
port authority, be made the subject of an application for 27111
exemption and shall be exempt from taxation for such period as 27112
the parking structure is owned or leased by such municipal 27113
corporation ~~or,~~ county ~~and is available to members of the~~ 27114

~~general public on a daily or monthly or other subscription~~ 27115
~~basis, provided such period of exemption shall not exceed twenty~~ 27116
~~years from September 30, 1974, or the date acquisition or~~ 27117
~~construction of such structure is completed, whichever shall~~ 27118
~~occur later, new community authority, or port authority.~~ 27119
Any such exemption shall be claimed and allowed in the same or 27120
similar manner as in the case of other real property exemptions. 27121
In the event that an exemption status changes during a tax year, 27122
the procedure for the apportionment of the taxes for said year 27123
shall be the same as in the case of other changes in the 27124
exemption status during the tax year. 27125

Sec. 718.01. Any term used in this chapter that is not 27126
otherwise defined in this chapter has the same meaning as when 27127
used in a comparable context in laws of the United States 27128
relating to federal income taxation or in Title LVII of the 27129
Revised Code, unless a different meaning is clearly required. 27130
Except as provided in section 718.81 of the Revised Code, if a 27131
term used in this chapter that is not otherwise defined in this 27132
chapter is used in a comparable context in both the laws of the 27133
United States relating to federal income tax and in Title LVII 27134
of the Revised Code and the use is not consistent, then the use 27135
of the term in the laws of the United States relating to federal 27136
income tax shall control over the use of the term in Title LVII 27137
of the Revised Code. 27138

Except as otherwise provided in section 718.81 of the 27139
Revised Code, as used in this chapter: 27140

(A) (1) "Municipal taxable income" means the following: 27141

(a) For a person other than an individual, income 27142
apportioned or sitused to the municipal corporation under 27143
section 718.02 of the Revised Code, as applicable, reduced by 27144

any pre-2017 net operating loss carryforward available to the 27145
person for the municipal corporation. 27146

(b) (i) For an individual who is a resident of a municipal 27147
corporation other than a qualified municipal corporation, income 27148
reduced by exempt income to the extent otherwise included in 27149
income, then reduced as provided in division (A) (2) of this 27150
section, and further reduced by any pre-2017 net operating loss 27151
carryforward available to the individual for the municipal 27152
corporation. 27153

(ii) For an individual who is a resident of a qualified 27154
municipal corporation, Ohio adjusted gross income reduced by 27155
income exempted, and increased by deductions excluded, by the 27156
qualified municipal corporation from the qualified municipal 27157
corporation's tax. If a qualified municipal corporation, on or 27158
before December 31, 2013, exempts income earned by individuals 27159
who are not residents of the qualified municipal corporation and 27160
net profit of persons that are not wholly located within the 27161
qualified municipal corporation, such individual or person shall 27162
have no municipal taxable income for the purposes of the tax 27163
levied by the qualified municipal corporation and may be 27164
exempted by the qualified municipal corporation from the 27165
requirements of section 718.03 of the Revised Code. 27166

(c) For an individual who is a nonresident of a municipal 27167
corporation, income reduced by exempt income to the extent 27168
otherwise included in income and then, as applicable, 27169
apportioned or situated to the municipal corporation under 27170
section 718.02 of the Revised Code, then reduced as provided in 27171
division (A) (2) of this section, and further reduced by any 27172
pre-2017 net operating loss carryforward available to the 27173
individual for the municipal corporation. 27174

(2) In computing the municipal taxable income of a 271175
taxpayer who is an individual, the taxpayer may subtract, as 271176
provided in division (A) (1) (b) (i) or (c) of this section, the 271177
amount of the individual's employee business expenses reported 271178
on the individual's form 2106 that the individual deducted for 271179
federal income tax purposes for the taxable year, subject to the 271180
limitation imposed by section 67 of the Internal Revenue Code. 271181
For the municipal corporation in which the taxpayer is a 271182
resident, the taxpayer may deduct all such expenses allowed for 271183
federal income tax purposes. For a municipal corporation in 271184
which the taxpayer is not a resident, the taxpayer may deduct 271185
such expenses only to the extent the expenses are related to the 271186
taxpayer's performance of personal services in that nonresident 271187
municipal corporation. 271188

(B) "Income" means the following: 271189

(1) (a) For residents, all income, salaries, qualifying 271190
wages, commissions, and other compensation from whatever source 271191
earned or received by the resident, including the resident's 271192
distributive share of the net profit of pass-through entities 271193
owned directly or indirectly by the resident and any net profit 271194
of the resident, except as provided in division (D) (5) of this 271195
section. 271196

(b) For the purposes of division (B) (1) (a) of this 271197
section: 271198

(i) Any net operating loss of the resident incurred in the 271199
taxable year and the resident's distributive share of any net 27200
operating loss generated in the same taxable year and 27201
attributable to the resident's ownership interest in a pass- 27202
through entity shall be allowed as a deduction, for that taxable 27203
year and the following five taxable years, against any other net 27204

profit of the resident or the resident's distributive share of 27205
any net profit attributable to the resident's ownership interest 27206
in a pass-through entity until fully utilized, subject to 27207
division (B) (1) (d) of this section; 27208

(ii) The resident's distributive share of the net profit 27209
of each pass-through entity owned directly or indirectly by the 27210
resident shall be calculated without regard to any net operating 27211
loss that is carried forward by that entity from a prior taxable 27212
year and applied to reduce the entity's net profit for the 27213
current taxable year. 27214

(c) Division (B) (1) (b) of this section does not apply with 27215
respect to any net profit or net operating loss attributable to 27216
an ownership interest in an S corporation unless shareholders' 27217
distributive shares of net profits from S corporations are 27218
subject to tax in the municipal corporation as provided in 27219
division (C) (14) (b) or (c) of this section. 27220

(d) Any amount of a net operating loss used to reduce a 27221
taxpayer's net profit for a taxable year shall reduce the amount 27222
of net operating loss that may be carried forward to any 27223
subsequent year for use by that taxpayer. In no event shall the 27224
cumulative deductions for all taxable years with respect to a 27225
taxpayer's net operating loss exceed the original amount of that 27226
net operating loss available to that taxpayer. 27227

(2) In the case of nonresidents, all income, salaries, 27228
qualifying wages, commissions, and other compensation from 27229
whatever source earned or received by the nonresident for work 27230
done, services performed or rendered, or activities conducted in 27231
the municipal corporation, including any net profit of the 27232
nonresident, but excluding the nonresident's distributive share 27233
of the net profit or loss of only pass-through entities owned 27234

directly or indirectly by the nonresident. 27235

(3) For taxpayers that are not individuals, net profit of 27236
the taxpayer; 27237

(4) Lottery, sweepstakes, gambling and sports winnings, 27238
winnings from games of chance, and prizes and awards. If the 27239
taxpayer is a professional gambler for federal income tax 27240
purposes, the taxpayer may deduct related wagering losses and 27241
expenses to the extent authorized under the Internal Revenue 27242
Code and claimed against such winnings. 27243

(C) "Exempt income" means all of the following: 27244

(1) The military pay or allowances of members of the armed 27245
forces of the United States or members of their reserve 27246
components, including the national guard of any state~~+~~. As used 27247
in division (C) (1) of this section, "armed forces" has the same 27248
meaning as in 10 U.S.C. 101. 27249

(2) (a) Except as provided in division (C) (2) (b) of this 27250
section, intangible income; 27251

(b) A municipal corporation that taxed any type of 27252
intangible income on March 29, 1988, pursuant to Section 3 of 27253
S.B. 238 of the 116th general assembly, may continue to tax that 27254
type of income if a majority of the electors of the municipal 27255
corporation voting on the question of whether to permit the 27256
taxation of that type of intangible income after 1988 voted in 27257
favor thereof at an election held on November 8, 1988. 27258

(3) Social security benefits, railroad retirement 27259
benefits, unemployment compensation, pensions, retirement 27260
benefit payments, payments from annuities, and similar payments 27261
made to an employee or to the beneficiary of an employee under a 27262
retirement program or plan, disability payments received from 27263

private industry or local, state, or federal governments or from 27264
charitable, religious or educational organizations, and the 27265
proceeds of sickness, accident, or liability insurance policies. 27266
As used in division (C) (3) of this section, "unemployment 27267
compensation" does not include supplemental unemployment 27268
compensation described in section 3402(o) (2) of the Internal 27269
Revenue Code. 27270

(4) The income of religious, fraternal, charitable, 27271
scientific, literary, or educational institutions to the extent 27272
such income is derived from tax-exempt real estate, tax-exempt 27273
tangible or intangible property, or tax-exempt activities. 27274

(5) Compensation paid under section 3501.28 or 3501.36 of 27275
the Revised Code to a person serving as a precinct election 27276
official to the extent that such compensation does not exceed 27277
one thousand dollars for the taxable year. Such compensation in 27278
excess of one thousand dollars for the taxable year may be 27279
subject to taxation by a municipal corporation. A municipal 27280
corporation shall not require the payer of such compensation to 27281
withhold any tax from that compensation. 27282

(6) Dues, contributions, and similar payments received by 27283
charitable, religious, educational, or literary organizations or 27284
labor unions, lodges, and similar organizations; 27285

(7) Alimony and child support received; 27286

(8) Compensation for personal injuries or for damages to 27287
property from insurance proceeds or otherwise, excluding 27288
compensation paid for lost salaries or wages or compensation 27289
from punitive damages; 27290

(9) Income of a public utility when that public utility is 27291
subject to the tax levied under section 5727.24 or 5727.30 of 27292

the Revised Code. Division (C) (9) of this section does not apply 27293
for purposes of Chapter 5745. of the Revised Code. 27294

(10) Gains from involuntary conversions, interest on 27295
federal obligations, items of income subject to a tax levied by 27296
the state and that a municipal corporation is specifically 27297
prohibited by law from taxing, and income of a decedent's estate 27298
during the period of administration except such income from the 27299
operation of a trade or business; 27300

(11) Compensation or allowances excluded from federal 27301
gross income under section 107 of the Internal Revenue Code; 27302

(12) Employee compensation that is not qualifying wages as 27303
defined in division (R) of this section; 27304

(13) Compensation paid to a person employed within the 27305
boundaries of a United States air force base under the 27306
jurisdiction of the United States air force that is used for the 27307
housing of members of the United States air force and is a 27308
center for air force operations, unless the person is subject to 27309
taxation because of residence or domicile. If the compensation 27310
is subject to taxation because of residence or domicile, tax on 27311
such income shall be payable only to the municipal corporation 27312
of residence or domicile. 27313

(14) (a) Except as provided in division (C) (14) (b) or (c) 27314
of this section, an S corporation shareholder's distributive 27315
share of net profits of the S corporation, other than any part 27316
of the distributive share of net profits that represents wages 27317
as defined in section 3121(a) of the Internal Revenue Code or 27318
net earnings from self-employment as defined in section 1402(a) 27319
of the Internal Revenue Code. 27320

(b) If, pursuant to division (H) of former section 718.01 27321

of the Revised Code as it existed before March 11, 2004, a 27322
majority of the electors of a municipal corporation voted in 27323
favor of the question at an election held on November 4, 2003, 27324
the municipal corporation may continue after 2002 to tax an S 27325
corporation shareholder's distributive share of net profits of 27326
an S corporation. 27327

(c) If, on December 6, 2002, a municipal corporation was 27328
imposing, assessing, and collecting a tax on an S corporation 27329
shareholder's distributive share of net profits of the S 27330
corporation to the extent the distributive share would be 27331
allocated or apportioned to this state under divisions (B) (1) 27332
and (2) of section 5733.05 of the Revised Code if the S 27333
corporation were a corporation subject to taxes imposed under 27334
Chapter 5733. of the Revised Code, the municipal corporation may 27335
continue to impose the tax on such distributive shares to the 27336
extent such shares would be so allocated or apportioned to this 27337
state only until December 31, 2004, unless a majority of the 27338
electors of the municipal corporation voting on the question of 27339
continuing to tax such shares after that date voted in favor of 27340
that question at an election held November 2, 2004. If a 27341
majority of those electors voted in favor of the question, the 27342
municipal corporation may continue after December 31, 2004, to 27343
impose the tax on such distributive shares only to the extent 27344
such shares would be so allocated or apportioned to this state. 27345

(d) A municipal corporation shall be deemed to have 27346
elected to tax S corporation shareholders' distributive shares 27347
of net profits of the S corporation in the hands of the 27348
shareholders if a majority of the electors of a municipal 27349
corporation voted in favor of a question at an election held 27350
under division (C) (14) (b) or (c) of this section. The municipal 27351
corporation shall specify by resolution or ordinance that the 27352

tax applies to the distributive share of a shareholder of an S 27353
corporation in the hands of the shareholder of the S 27354
corporation. 27355

(15) The income of individuals under eighteen years of 27356
age. 27357

(16) (a) Except as provided in divisions (C) (16) (b), (c), 27358
and (d) of this section, qualifying wages described in division 27359
(B) (1) or (E) of section 718.011 of the Revised Code to the 27360
extent the qualifying wages are not subject to withholding for 27361
the municipal corporation under either of those divisions. 27362

(b) The exemption provided in division (C) (16) (a) of this 27363
section does not apply with respect to the municipal corporation 27364
in which the employee resided at the time the employee earned 27365
the qualifying wages. 27366

(c) The exemption provided in division (C) (16) (a) of this 27367
section does not apply to qualifying wages that an employer 27368
elects to withhold under division (D) (2) of section 718.011 of 27369
the Revised Code. 27370

(d) The exemption provided in division (C) (16) (a) of this 27371
section does not apply to qualifying wages if both of the 27372
following conditions apply: 27373

(i) For qualifying wages described in division (B) (1) of 27374
section 718.011 of the Revised Code, the employee's employer 27375
withholds and remits tax on the qualifying wages to the 27376
municipal corporation in which the employee's principal place of 27377
work is situated, or, for qualifying wages described in division 27378
(E) of section 718.011 of the Revised Code, the employee's 27379
employer withholds and remits tax on the qualifying wages to the 27380
municipal corporation in which the employer's fixed location is 27381

located; 27382

(ii) The employee receives a refund of the tax described 27383
in division (C) (16) (d) (i) of this section on the basis of the 27384
employee not performing services in that municipal corporation. 27385

(17) (a) Except as provided in division (C) (17) (b) or (c) 27386
of this section, compensation that is not qualifying wages paid 27387
to a nonresident individual for personal services performed in 27388
the municipal corporation on not more than twenty days in a 27389
taxable year. 27390

(b) The exemption provided in division (C) (17) (a) of this 27391
section does not apply under either of the following 27392
circumstances: 27393

(i) The individual's base of operation is located in the 27394
municipal corporation. 27395

(ii) The individual is a professional athlete, 27396
professional entertainer, or public figure, and the compensation 27397
is paid for the performance of services in the individual's 27398
capacity as a professional athlete, professional entertainer, or 27399
public figure. For purposes of division (C) (17) (b) (ii) of this 27400
section, "professional athlete," "professional entertainer," and 27401
"public figure" have the same meanings as in section 718.011 of 27402
the Revised Code. 27403

(c) Compensation to which division (C) (17) of this section 27404
applies shall be treated as earned or received at the 27405
individual's base of operation. If the individual does not have 27406
a base of operation, the compensation shall be treated as earned 27407
or received where the individual is domiciled. 27408

(d) For purposes of division (C) (17) of this section, 27409
"base of operation" means the location where an individual owns 27410

or rents an office, storefront, or similar facility to which the 27411
individual regularly reports and at which the individual 27412
regularly performs personal services for compensation. 27413

(18) Compensation paid to a person for personal services 27414
performed for a political subdivision on property owned by the 27415
political subdivision, regardless of whether the compensation is 27416
received by an employee of the subdivision or another person 27417
performing services for the subdivision under a contract with 27418
the subdivision, if the property on which services are performed 27419
is annexed to a municipal corporation pursuant to section 27420
709.023 of the Revised Code on or after March 27, 2013, unless 27421
the person is subject to such taxation because of residence. If 27422
the compensation is subject to taxation because of residence, 27423
municipal income tax shall be payable only to the municipal 27424
corporation of residence. 27425

(19) In the case of a tax administered, collected, and 27426
enforced by a municipal corporation pursuant to an agreement 27427
with the board of directors of a joint economic development 27428
district under section 715.72 of the Revised Code, the net 27429
profits of a business, and the income of the employees of that 27430
business, exempted from the tax under division (Q) of that 27431
section. 27432

(20) All of the following: 27433

(a) Income derived from disaster work conducted in this 27434
state by an out-of-state disaster business during a disaster 27435
response period pursuant to a qualifying solicitation received 27436
by the business; 27437

(b) Income of a qualifying employee described in division 27438
(A) (14) (a) of section 5703.94 of the Revised Code, to the extent 27439

such income is derived from disaster work conducted in this 27440
state by the employee during a disaster response period pursuant 27441
to a qualifying solicitation received by the employee's 27442
employer; 27443

(c) Income of a qualifying employee described in division 27444
(A) (14) (b) of section 5703.94 of the Revised Code, to the extent 27445
such income is derived from disaster work conducted in this 27446
state by the employee during a disaster response period on 27447
critical infrastructure owned or used by the employee's 27448
employer. 27449

(21) Income the taxation of which is prohibited by the 27450
constitution or laws of the United States. 27451

Any item of income that is exempt income of a pass-through 27452
entity under division (C) of this section is exempt income of 27453
each owner of the pass-through entity to the extent of that 27454
owner's distributive or proportionate share of that item of the 27455
entity's income. 27456

(D) (1) "Net profit" for a person who is an individual 27457
means the individual's net profit required to be reported on 27458
schedule C, schedule E, or schedule F reduced by any net 27459
operating loss carried forward. For the purposes of division (D) 27460
(1) of this section, the net operating loss carried forward 27461
shall be calculated and deducted in the same manner as provided 27462
in division (D) (3) of this section. 27463

(2) "Net profit" for a person other than an individual 27464
means adjusted federal taxable income reduced by any net 27465
operating loss incurred by the person in a taxable year 27466
beginning on or after January 1, 2017, subject to the 27467
limitations of division (D) (3) of this section. 27468

(3) (a) The amount of such net operating loss shall be 27469
deducted from net profit to the extent necessary to reduce 27470
municipal taxable income to zero, with any remaining unused 27471
portion of the net operating loss carried forward to not more 27472
than five consecutive taxable years following the taxable year 27473
in which the loss was incurred, but in no case for more years 27474
than necessary for the deduction to be fully utilized. 27475

(b) No person shall use the deduction allowed by division 27476
(D) (3) of this section to offset qualifying wages. 27477

(c) (i) For taxable years beginning in 2018, 2019, 2020, 27478
2021, or 2022, a person may not deduct, for purposes of an 27479
income tax levied by a municipal corporation that levies an 27480
income tax before January 1, 2016, more than fifty per cent of 27481
the amount of the deduction otherwise allowed by division (D) (3) 27482
of this section. 27483

(ii) For taxable years beginning in 2023 or thereafter, a 27484
person may deduct, for purposes of an income tax levied by a 27485
municipal corporation that levies an income tax before January 27486
1, 2016, the full amount allowed by division (D) (3) of this 27487
section without regard to the limitation of division (D) (3) (c) 27488
(i) of this section. 27489

(d) Any pre-2017 net operating loss carryforward deduction 27490
that is available may be utilized before a taxpayer may deduct 27491
any amount pursuant to division (D) (3) of this section. 27492

(e) Nothing in division (D) (3) (c) (i) of this section 27493
precludes a person from carrying forward, for use with respect 27494
to any return filed for a taxable year beginning after 2018, any 27495
amount of net operating loss that was not fully utilized by 27496
operation of division (D) (3) (c) (i) of this section. To the 27497

extent that an amount of net operating loss that was not fully 27498
utilized in one or more taxable years by operation of division 27499
(D) (3) (c) (i) of this section is carried forward for use with 27500
respect to a return filed for a taxable year beginning in 2019, 27501
2020, 2021, or 2022, the limitation described in division (D) (3) 27502
(c) (i) of this section shall apply to the amount carried 27503
forward. 27504

(4) For the purposes of this chapter, and notwithstanding 27505
division (D) (2) of this section, net profit of a disregarded 27506
entity shall not be taxable as against that disregarded entity, 27507
but shall instead be included in the net profit of the owner of 27508
the disregarded entity. 27509

(5) For the purposes of this chapter, and notwithstanding 27510
any other provision of this chapter, the net profit of a 27511
publicly traded partnership that makes the election described in 27512
division (D) (5) of this section shall be taxed as if the 27513
partnership were a C corporation, and shall not be treated as 27514
the net profit or income of any owner of the partnership. 27515

A publicly traded partnership that is treated as a 27516
partnership for federal income tax purposes and that is subject 27517
to tax on its net profits in one or more municipal corporations 27518
in this state may elect to be treated as a C corporation for 27519
municipal income tax purposes. The publicly traded partnership 27520
shall make the election in every municipal corporation in which 27521
the partnership is subject to taxation on its net profits. The 27522
election shall be made on the annual tax return filed in each 27523
such municipal corporation. The publicly traded partnership 27524
shall not be required to file the election with any municipal 27525
corporation in which the partnership is not subject to taxation 27526
on its net profits, but division (D) (5) of this section applies 27527

to all municipal corporations in which an individual owner of 27528
the partnership resides. 27529

(E) "Adjusted federal taxable income," for a person 27530
required to file as a C corporation, or for a person that has 27531
elected to be taxed as a C corporation under division (D) (5) of 27532
this section, means a C corporation's federal taxable income 27533
before net operating losses and special deductions as determined 27534
under the Internal Revenue Code, adjusted as follows: 27535

(1) Deduct intangible income to the extent included in 27536
federal taxable income. The deduction shall be allowed 27537
regardless of whether the intangible income relates to assets 27538
used in a trade or business or assets held for the production of 27539
income. 27540

(2) Add an amount equal to five per cent of intangible 27541
income deducted under division (E) (1) of this section, but 27542
excluding that portion of intangible income directly related to 27543
the sale, exchange, or other disposition of property described 27544
in section 1221 of the Internal Revenue Code; 27545

(3) Add any losses allowed as a deduction in the 27546
computation of federal taxable income if the losses directly 27547
relate to the sale, exchange, or other disposition of an asset 27548
described in section 1221 or 1231 of the Internal Revenue Code; 27549

(4) (a) Except as provided in division (E) (4) (b) of this 27550
section, deduct income and gain included in federal taxable 27551
income to the extent the income and gain directly relate to the 27552
sale, exchange, or other disposition of an asset described in 27553
section 1221 or 1231 of the Internal Revenue Code; 27554

(b) Division (E) (4) (a) of this section does not apply to 27555
the extent the income or gain is income or gain described in 27556

section 1245 or 1250 of the Internal Revenue Code. 27557

(5) Add taxes on or measured by net income allowed as a 27558
deduction in the computation of federal taxable income; 27559

(6) In the case of a real estate investment trust or 27560
regulated investment company, add all amounts with respect to 27561
dividends to, distributions to, or amounts set aside for or 27562
credited to the benefit of investors and allowed as a deduction 27563
in the computation of federal taxable income; 27564

(7) Deduct, to the extent not otherwise deducted or 27565
excluded in computing federal taxable income, any income derived 27566
from a transfer agreement or from the enterprise transferred 27567
under that agreement under section 4313.02 of the Revised Code; 27568

(8) Deduct exempt income to the extent not otherwise 27569
deducted or excluded in computing adjusted federal taxable 27570
income. 27571

(9) Deduct any net profit of a pass-through entity owned 27572
directly or indirectly by the taxpayer and included in the 27573
taxpayer's federal taxable income unless an affiliated group of 27574
corporations includes that net profit in the group's federal 27575
taxable income in accordance with division (E) (3) (b) of section 27576
718.06 of the Revised Code. 27577

(10) Add any loss incurred by a pass-through entity owned 27578
directly or indirectly by the taxpayer and included in the 27579
taxpayer's federal taxable income unless an affiliated group of 27580
corporations includes that loss in the group's federal taxable 27581
income in accordance with division (E) (3) (b) of section 718.06 27582
of the Revised Code. 27583

If the taxpayer is not a C corporation, is not a 27584
disregarded entity that has made the election described in 27585

division (L) (2) of this section, is not a publicly traded 27586
partnership that has made the election described in division (D) 27587
(5) of this section, and is not an individual, the taxpayer 27588
shall compute adjusted federal taxable income under this section 27589
as if the taxpayer were a C corporation, except guaranteed 27590
payments and other similar amounts paid or accrued to a partner, 27591
former partner, shareholder, former shareholder, member, or 27592
former member shall not be allowed as a deductible expense 27593
unless such payments are a pension or retirement benefit payment 27594
paid to a retired partner, retired shareholder, or retired 27595
member or are in consideration for the use of capital and 27596
treated as payment of interest under section 469 of the Internal 27597
Revenue Code or United States treasury regulations. Amounts paid 27598
or accrued to a qualified self-employed retirement plan with 27599
respect to a partner, former partner, shareholder, former 27600
shareholder, member, or former member of the taxpayer, amounts 27601
paid or accrued to or for health insurance for a partner, former 27602
partner, shareholder, former shareholder, member, or former 27603
member, and amounts paid or accrued to or for life insurance for 27604
a partner, former partner, shareholder, former shareholder, 27605
member, or former member shall not be allowed as a deduction. 27606

Nothing in division (E) of this section shall be construed 27607
as allowing the taxpayer to add or deduct any amount more than 27608
once or shall be construed as allowing any taxpayer to deduct 27609
any amount paid to or accrued for purposes of federal self- 27610
employment tax. 27611

(F) "Schedule C" means internal revenue service schedule C 27612
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 27613
Code. 27614

(G) "Schedule E" means internal revenue service schedule E 27615

(form 1040) filed by a taxpayer pursuant to the Internal Revenue Code. 27616
27617

(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code. 27618
27619
27620

(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code. 27621
27622

(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code. 27623
27624
27625

(K) "Nonresident" means an individual that is not a resident. 27626
27627

(L) (1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L) (2) (a) of this section, a disregarded entity. 27628
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(2) (a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met: 27633
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27636
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(i) The limited liability company's single member is also a limited liability company. 27639
27640

(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004. 27641
27642
27643

(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.

(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.

(b) For purposes of division (L) (2) (a) (v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from

which the income or profits of the entity are given pass-through 27673
treatment for federal income tax purposes. "Pass-through entity" 27674
does not include a trust, estate, grantor of a grantor trust, or 27675
disregarded entity. 27676

(O) "S corporation" means a person that has made an 27677
election under subchapter S of Chapter 1 of Subtitle A of the 27678
Internal Revenue Code for its taxable year. 27679

(P) "Single member limited liability company" means a 27680
limited liability company that has one direct member. 27681

(Q) "Limited liability company" means a limited liability 27682
company formed under former Chapter 1705. of the Revised Code as 27683
that chapter existed prior to February 11, 2022, Chapter 1706. 27684
of the Revised Code, or the laws of another state. 27685

(R) "Qualifying wages" means wages, as defined in section 27686
3121(a) of the Internal Revenue Code, without regard to any wage 27687
limitations, adjusted as follows: 27688

(1) Deduct the following amounts: 27689

(a) Any amount included in wages if the amount constitutes 27690
compensation attributable to a plan or program described in 27691
section 125 of the Internal Revenue Code. 27692

(b) Any amount included in wages if the amount constitutes 27693
payment on account of a disability related to sickness or an 27694
accident paid by a party unrelated to the employer, agent of an 27695
employer, or other payer. 27696

(c) Any amount attributable to a nonqualified deferred 27697
compensation plan or program described in section 3121(v) (2) (C) 27698
of the Internal Revenue Code if the compensation is included in 27699
wages and the municipal corporation has, by resolution or 27700

ordinance adopted before January 1, 2016, exempted the amount 27701
from withholding and tax. 27702

(d) Any amount included in wages if the amount arises from 27703
the sale, exchange, or other disposition of a stock option, the 27704
exercise of a stock option, or the sale, exchange, or other 27705
disposition of stock purchased under a stock option and the 27706
municipal corporation has, by resolution or ordinance adopted 27707
before January 1, 2016, exempted the amount from withholding and 27708
tax. 27709

(e) Any amount included in wages that is exempt income. 27710

(2) Add the following amounts: 27711

(a) Any amount not included in wages solely because the 27712
employee was employed by the employer before April 1, 1986. 27713

(b) Any amount not included in wages because the amount 27714
arises from the sale, exchange, or other disposition of a stock 27715
option, the exercise of a stock option, or the sale, exchange, 27716
or other disposition of stock purchased under a stock option and 27717
the municipal corporation has not, by resolution or ordinance, 27718
exempted the amount from withholding and tax adopted before 27719
January 1, 2016. Division (R)(2)(b) of this section applies only 27720
to those amounts constituting ordinary income. 27721

(c) Any amount not included in wages if the amount is an 27722
amount described in section 401(k), 403(b), or 457 of the 27723
Internal Revenue Code. Division (R)(2)(c) of this section 27724
applies only to employee contributions and employee deferrals. 27725

(d) Any amount that is supplemental unemployment 27726
compensation benefits described in section 3402(o)(2) of the 27727
Internal Revenue Code and not included in wages. 27728

(e) Any amount received that is treated as self-employment 27729
income for federal tax purposes in accordance with section 27730
1402(a) (8) of the Internal Revenue Code. 27731

(f) Any amount not included in wages if all of the 27732
following apply: 27733

(i) For the taxable year the amount is employee 27734
compensation that is earned outside of the United States and 27735
that either is included in the taxpayer's gross income for 27736
federal income tax purposes or would have been included in the 27737
taxpayer's gross income for such purposes if the taxpayer did 27738
not elect to exclude the income under section 911 of the 27739
Internal Revenue Code; 27740

(ii) For no preceding taxable year did the amount 27741
constitute wages as defined in section 3121(a) of the Internal 27742
Revenue Code; 27743

(iii) For no succeeding taxable year will the amount 27744
constitute wages; and 27745

(iv) For any taxable year the amount has not otherwise 27746
been added to wages pursuant to either division (R) (2) of this 27747
section or section 718.03 of the Revised Code, as that section 27748
existed before the effective date of H.B. 5 of the 130th general 27749
assembly, March 23, 2015. 27750

(S) "Intangible income" means income of any of the 27751
following types: income yield, interest, capital gains, 27752
dividends, or other income arising from the ownership, sale, 27753
exchange, or other disposition of intangible property including, 27754
but not limited to, investments, deposits, money, or credits as 27755
those terms are defined in Chapter 5701. of the Revised Code, 27756
and patents, copyrights, trademarks, tradenames, investments in 27757

real estate investment trusts, investments in regulated 27758
investment companies, and appreciation on deferred compensation. 27759
"Intangible income" does not include prizes, awards, or other 27760
income associated with any lottery winnings, gambling winnings, 27761
or other similar games of chance. 27762

(T) "Taxable year" means the corresponding tax reporting 27763
period as prescribed for the taxpayer under the Internal Revenue 27764
Code. 27765

(U) (1) "Tax administrator" means, subject to division (U) 27766
(2) of this section, the individual charged with direct 27767
responsibility for administration of an income tax levied by a 27768
municipal corporation in accordance with this chapter, and also 27769
includes the following: 27770

(a) A municipal corporation acting as the agent of another 27771
municipal corporation; 27772

(b) A person retained by a municipal corporation to 27773
administer a tax levied by the municipal corporation, but only 27774
if the municipal corporation does not compensate the person in 27775
whole or in part on a contingency basis; 27776

(c) The central collection agency or the regional income 27777
tax agency or their successors in interest, or another entity 27778
organized to perform functions similar to those performed by the 27779
central collection agency and the regional income tax agency. 27780

(2) "Tax administrator" does not include the tax 27781
commissioner. 27782

(3) A private individual or entity serving in any position 27783
described in division (U) (1) (b) or (c) of this section shall 27784
have no access to criminal history record information. 27785

(V) "Employer" means a person that is an employer for federal income tax purposes.	27786 27787
(W) "Employee" means an individual who is an employee for federal income tax purposes.	27788 27789
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	27790 27791 27792 27793 27794
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	27795 27796
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	27797 27798
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	27799 27800 27801 27802
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	27803 27804 27805 27806
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	27807 27808 27809 27810 27811 27812
(DD) "Tax return preparer" means any individual described	27813

in section 7701(a)(36) of the Internal Revenue Code and 26 27814
C.F.R. 301.7701-15. 27815

(EE) "Ohio business gateway" means the online computer 27816
network system created under section 125.30 of the Revised Code 27817
or any successor electronic filing and payment system. 27818

(FF) "Local board of tax review" and "board of tax review" 27819
mean the entity created under section 718.11 of the Revised 27820
Code. 27821

(GG) "Net operating loss" means a loss incurred by a 27822
person in the operation of a trade or business. "Net operating 27823
loss" does not include unutilized losses resulting from basis 27824
limitations, at-risk limitations, or passive activity loss 27825
limitations. 27826

(HH) "Casino operator" and "casino facility" have the same 27827
meanings as in section 3772.01 of the Revised Code. 27828

(II) "Video lottery terminal" has the same meaning as in 27829
section 3770.21 of the Revised Code. 27830

(JJ) "Video lottery terminal sales agent" means a lottery 27831
sales agent licensed under Chapter 3770. of the Revised Code to 27832
conduct video lottery terminals on behalf of the state pursuant 27833
to section 3770.21 of the Revised Code. 27834

(KK) "Postal service" means the United States postal 27835
service. 27836

(LL) "Certified mail," "express mail," "United States 27837
mail," "postal service," and similar terms include any delivery 27838
service authorized pursuant to section 5703.056 of the Revised 27839
Code. 27840

(MM) "Postmark date," "date of postmark," and similar 27841

terms include the date recorded and marked in the manner 27842
described in division (B) (3) of section 5703.056 of the Revised 27843
Code. 27844

(NN) "Related member" means a person that, with respect to 27845
the taxpayer during all or any portion of the taxable year, is 27846
either a related entity, a component member as defined in 27847
section 1563(b) of the Internal Revenue Code, or a person to or 27848
from whom there is attribution of stock ownership in accordance 27849
with section 1563(e) of the Internal Revenue Code except, for 27850
purposes of determining whether a person is a related member 27851
under this division, "twenty per cent" shall be substituted for 27852
"5 percent" wherever "5 percent" appears in section 1563(e) of 27853
the Internal Revenue Code. 27854

(OO) "Related entity" means any of the following: 27855

(1) An individual stockholder, or a member of the 27856
stockholder's family enumerated in section 318 of the Internal 27857
Revenue Code, if the stockholder and the members of the 27858
stockholder's family own directly, indirectly, beneficially, or 27859
constructively, in the aggregate, at least fifty per cent of the 27860
value of the taxpayer's outstanding stock; 27861

(2) A stockholder, or a stockholder's partnership, estate, 27862
trust, or corporation, if the stockholder and the stockholder's 27863
partnerships, estates, trusts, or corporations own directly, 27864
indirectly, beneficially, or constructively, in the aggregate, 27865
at least fifty per cent of the value of the taxpayer's 27866
outstanding stock; 27867

(3) A corporation, or a party related to the corporation 27868
in a manner that would require an attribution of stock from the 27869
corporation to the party or from the party to the corporation 27870

under division (OO)(4) of this section, provided the taxpayer 27871
owns directly, indirectly, beneficially, or constructively, at 27872
least fifty per cent of the value of the corporation's 27873
outstanding stock; 27874

(4) The attribution rules described in section 318 of the 27875
Internal Revenue Code apply for the purpose of determining 27876
whether the ownership requirements in divisions (OO)(1) to (3) 27877
of this section have been met. 27878

(PP)(1) "Assessment" means a written finding by the tax 27879
administrator that a person has underpaid municipal income tax, 27880
or owes penalty and interest, or any combination of tax, 27881
penalty, or interest, to the municipal corporation that 27882
commences the person's time limitation for making an appeal to 27883
the local board of tax review pursuant to section 718.11 of the 27884
Revised Code, and has "ASSESSMENT" written in all capital 27885
letters at the top of such finding. 27886

(2) "Assessment" does not include an informal notice 27887
denying a request for refund issued under division (B)(3) of 27888
section 718.19 of the Revised Code, a billing statement 27889
notifying a taxpayer of current or past-due balances owed to the 27890
municipal corporation, a tax administrator's request for 27891
additional information, a notification to the taxpayer of 27892
mathematical errors, or a tax administrator's other written 27893
correspondence to a person or taxpayer that does not meet the 27894
criteria prescribed by division (PP)(1) of this section. 27895

(QQ) "Taxpayers' rights and responsibilities" means the 27896
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 27897
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 27898
Revised Code and the responsibilities of taxpayers to file, 27899
report, withhold, remit, and pay municipal income tax and 27900

otherwise comply with Chapter 718. of the Revised Code and 27901
resolutions, ordinances, and rules adopted by a municipal 27902
corporation for the imposition and administration of a municipal 27903
income tax. 27904

(RR) "Qualified municipal corporation" means a municipal 27905
corporation that, by resolution or ordinance adopted on or 27906
before December 31, 2011, adopted Ohio adjusted gross income, as 27907
defined by section 5747.01 of the Revised Code, as the income 27908
subject to tax for the purposes of imposing a municipal income 27909
tax. 27910

(SS) (1) "Pre-2017 net operating loss carryforward" means 27911
any net operating loss incurred in a taxable year beginning 27912
before January 1, 2017, to the extent such loss was permitted, 27913
by a resolution or ordinance of the municipal corporation that 27914
was adopted by the municipal corporation before January 1, 2016, 27915
to be carried forward and utilized to offset income or net 27916
profit generated in such municipal corporation in future taxable 27917
years. 27918

(2) For the purpose of calculating municipal taxable 27919
income, any pre-2017 net operating loss carryforward may be 27920
carried forward to any taxable year, including taxable years 27921
beginning in 2017 or thereafter, for the number of taxable years 27922
provided in the resolution or ordinance or until fully utilized, 27923
whichever is earlier. 27924

(TT) "Small employer" means any employer that had total 27925
revenue of less than five hundred thousand dollars during the 27926
preceding taxable year. For purposes of this division, "total 27927
revenue" means receipts of any type or kind, including, but not 27928
limited to, sales receipts; payments; rents; profits; gains, 27929
dividends, and other investment income; compensation; 27930

commissions; premiums; money; property; grants; contributions; 27931
donations; gifts; program service revenue; patient service 27932
revenue; premiums; fees, including premium fees and service 27933
fees; tuition payments; unrelated business revenue; 27934
reimbursements; any type of payment from a governmental unit, 27935
including grants and other allocations; and any other similar 27936
receipts reported for federal income tax purposes or under 27937
generally accepted accounting principles. "Small employer" does 27938
not include the federal government; any state government, 27939
including any state agency or instrumentality; any political 27940
subdivision; or any entity treated as a government for financial 27941
accounting and reporting purposes. 27942

(UU) "Audit" means the examination of a person or the 27943
inspection of the books, records, memoranda, or accounts of a 27944
person for the purpose of determining liability for a municipal 27945
income tax. 27946

(VV) "Publicly traded partnership" means any partnership, 27947
an interest in which is regularly traded on an established 27948
securities market. A "publicly traded partnership" may have any 27949
number of partners. 27950

(WW) "Tax commissioner" means the tax commissioner 27951
appointed under section 121.03 of the Revised Code. 27952

(XX) "Out-of-state disaster business," "qualifying 27953
solicitation," "qualifying employee," "disaster work," "critical 27954
infrastructure," and "disaster response period" have the same 27955
meanings as in section 5703.94 of the Revised Code. 27956

(YY) "Pension" means a retirement benefit plan, regardless 27957
of whether the plan satisfies the qualifications described under 27958
section 401(a) of the Internal Revenue Code, including amounts 27959

that are taxable under the "Federal Insurance Contributions 27960
Act," Chapter 21 of the Internal Revenue Code, excluding 27961
employee contributions and elective deferrals, and regardless of 27962
whether such amounts are paid in the same taxable year in which 27963
the amounts are included in the employee's wages, as defined by 27964
section 3121(a) of the Internal Revenue Code. 27965

(ZZ) "Retirement benefit plan" means an arrangement 27966
whereby an entity provides benefits to individuals either on or 27967
after their termination of service because of retirement or 27968
disability. "Retirement benefit plan" does not include wage 27969
continuation payments, severance payments, or payments made for 27970
accrued personal or vacation time. 27971

Sec. 718.031. As used in this section, "sports gaming 27972
facility" and "type B sports gaming proprietor" have the same 27973
meanings as in section 3775.01 of the Revised Code and "~~lottery-~~ 27974
~~sports gaming~~" has "video lottery terminal" and "video lottery 27975
sales agent" have the same ~~meaning~~ meanings as in section 27976
~~3770.23-3770.10~~ of the Revised Code. 27977

(A) A municipal corporation shall require the following 27978
persons to withhold and remit municipal income tax with respect 27979
to amounts other than qualifying wages as provided in this 27980
section: 27981

(1) A casino facility or a casino operator, as defined in 27982
Section 6(C)(9) of Article XV, Ohio Constitution, and section 27983
3772.01 of the Revised Code, respectively; 27984

(2) A video lottery sales agent conducting video lottery 27985
terminals on behalf of the state; 27986

(3) A type B sports gaming proprietor offering sports 27987
gaming at a sports gaming facility. 27988

(B) If a person's winnings at a casino facility or sports gaming facility are an amount for which reporting to the internal revenue service of the amount is required by section 6041 of the Internal Revenue Code, as amended, a casino operator or sports gaming proprietor shall deduct and withhold municipal income tax from the person's winnings at the rate of the tax imposed by the municipal corporation in which the casino facility or sports gaming facility is located.

(C) Amounts deducted and withheld by a casino operator or sports gaming proprietor are held in trust for the benefit of the municipal corporation to which the tax is owed.

(1) On or before the tenth day of each month, the casino operator or sports gaming proprietor shall file a return electronically with the tax administrator of the municipal corporation, providing the name, address, and social security number of the person from whose winnings amounts were deducted and withheld, the amount of each such deduction and withholding during the preceding calendar month, the amount of the winnings from which each such amount was withheld, the type of casino gaming or sports gaming that resulted in such winnings, and any other information required by the tax administrator. With this return, the casino operator or sports gaming proprietor shall remit electronically to the municipal corporation all amounts deducted and withheld during the preceding month.

(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall file an annual return electronically with the tax administrator of the municipal corporation in which the casino facility or sports gaming facility is located, indicating the total amount deducted and withheld during the preceding calendar year. The

casino operator or sports gaming proprietor shall remit 28019
electronically with the annual return any amount that was 28020
deducted and withheld and that was not previously remitted. If 28021
the name, address, or social security number of a person or the 28022
amount deducted and withheld with respect to that person was 28023
omitted on a monthly return for that reporting period, that 28024
information shall be indicated on the annual return. 28025

(3) Annually, on or before the thirty-first day of 28026
January, a casino operator or sports gaming proprietor shall 28027
issue an information return to each person with respect to whom 28028
an amount has been deducted and withheld during the preceding 28029
calendar year. The information return shall show the total 28030
amount of municipal income tax deducted from the person's 28031
winnings during the preceding year. The casino operator or 28032
sports gaming proprietor shall provide to the tax administrator 28033
a copy of each information return issued under this division. 28034
The administrator may require that such copies be transmitted 28035
electronically. 28036

(4) A casino operator or sports gaming proprietor that 28037
fails to file a return and remit the amounts deducted and 28038
withheld shall be personally liable for the amount withheld and 28039
not remitted. Such personal liability extends to any penalty and 28040
interest imposed for the late filing of a return or the late 28041
payment of tax deducted and withheld. 28042

(5) If a casino operator or sports gaming proprietor sells 28043
the casino facility or sports gaming facility, or otherwise 28044
quits the casino or sports gaming business, the amounts deducted 28045
and withheld along with any penalties and interest thereon are 28046
immediately due and payable. The successor shall withhold an 28047
amount of the purchase money that is sufficient to cover the 28048

amounts deducted and withheld along with any penalties and 28049
interest thereon until the predecessor casino operator or sports 28050
gaming proprietor produces either of the following: 28051

(a) A receipt from the tax administrator showing that the 28052
amounts deducted and withheld and penalties and interest thereon 28053
have been paid; 28054

(b) A certificate from the tax administrator indicating 28055
that no amounts are due. 28056

If the successor fails to withhold purchase money, the 28057
successor is personally liable for the payment of the amounts 28058
deducted and withheld and penalties and interest thereon. 28059

(6) The failure of a casino operator or sports gaming 28060
proprietor to deduct and withhold the required amount from a 28061
person's winnings does not relieve that person from liability 28062
for the municipal income tax with respect to those winnings. 28063

(D) If a person's prize award from a video lottery 28064
~~terminal or from lottery sports gaming offered in a video~~ 28065
~~lottery terminal facility~~ is an amount for which reporting to 28066
the internal revenue service is required by section 6041 of the 28067
Internal Revenue Code, as amended, the video lottery sales agent 28068
shall deduct and withhold municipal income tax from the person's 28069
prize award at the rate of the tax imposed by the municipal 28070
corporation in which the video lottery terminal facility is 28071
located. 28072

(E) Amounts deducted and withheld by a video lottery sales 28073
agent are held in trust for the benefit of the municipal 28074
corporation to which the tax is owed. 28075

(1) The video lottery sales agent shall issue to a person 28076
from whose prize award an amount has been deducted and withheld 28077

a receipt for the amount deducted and withheld, and shall obtain 28078
from the person receiving a prize award the person's name, 28079
address, and social security number in order to facilitate the 28080
preparation of returns required by this section. 28081

(2) On or before the tenth day of each month, the video 28082
lottery sales agent shall file a return electronically with the 28083
tax administrator of the municipal corporation providing the 28084
names, addresses, and social security numbers of the persons 28085
from whose prize awards amounts were deducted and withheld, the 28086
amount of each such deduction and withholding during the 28087
preceding calendar month, the amount of the prize award from 28088
which each such amount was withheld, and any other information 28089
required by the tax administrator. With the return, the video 28090
lottery sales agent shall remit electronically to the tax 28091
administrator all amounts deducted and withheld during the 28092
preceding month. 28093

(3) A video lottery sales agent shall maintain a record of 28094
all receipts issued under division (E) of this section and shall 28095
make those records available to the tax administrator upon 28096
request. Such records shall be maintained in accordance with 28097
section 5747.17 of the Revised Code and any rules adopted 28098
pursuant thereto. 28099

(4) Annually, on or before the thirty-first day of 28100
January, each video lottery ~~terminal~~-sales agent shall file an 28101
annual return electronically with the tax administrator of the 28102
municipal corporation in which the facility is located 28103
indicating the total amount deducted and withheld during the 28104
preceding calendar year. The video lottery sales agent shall 28105
remit electronically with the annual return any amount that was 28106
deducted and withheld and that was not previously remitted. If 28107

the name, address, or social security number of a person or the 28108
amount deducted and withheld with respect to that person was 28109
omitted on a monthly return for that reporting period, that 28110
information shall be indicated on the annual return. 28111

(5) Annually, on or before the thirty-first day of 28112
January, a video lottery sales agent shall issue an information 28113
return to each person with respect to whom an amount has been 28114
deducted and withheld during the preceding calendar year. The 28115
information return shall show the total amount of municipal 28116
income tax deducted and withheld from the person's prize award 28117
by the video lottery sales agent during the preceding year. A 28118
video lottery sales agent shall provide to the tax administrator 28119
of the municipal corporation a copy of each information return 28120
issued under this division. The tax administrator may require 28121
that such copies be transmitted electronically. 28122

(6) A video lottery sales agent who fails to file a return 28123
and remit the amounts deducted and withheld is personally liable 28124
for the amount deducted and withheld and not remitted. Such 28125
personal liability extends to any penalty and interest imposed 28126
for the late filing of a return or the late payment of tax 28127
deducted and withheld. 28128

(F) If a video lottery sales agent ceases to operate video 28129
lottery terminals, the amounts deducted and withheld along with 28130
any penalties and interest thereon are immediately due and 28131
payable. The successor of the video lottery sales agent that 28132
purchases the video lottery terminals from the agent shall 28133
withhold an amount from the purchase money that is sufficient to 28134
cover the amounts deducted and withheld and any penalties and 28135
interest thereon until the predecessor video lottery sales agent 28136
operator produces either of the following: 28137

(1) A receipt from the tax administrator showing that the 28138
amounts deducted and withheld and penalties and interest thereon 28139
have been paid; 28140

(2) A certificate from the tax administrator indicating 28141
that no amounts are due. 28142

If the successor fails to withhold purchase money, the 28143
successor is personally liable for the payment of the amounts 28144
deducted and withheld and penalties and interest thereon. 28145

(G) The failure of a video lottery sales agent to deduct 28146
and withhold the required amount from a person's prize award 28147
does not relieve that person from liability for the municipal 28148
income tax with respect to that prize award. 28149

(H) If a casino operator, sports gaming proprietor, or 28150
video lottery sales agent files a return late, fails to file a 28151
return, remits amounts deducted and withheld late, or fails to 28152
remit amounts deducted and withheld as required under this 28153
section, the tax administrator of a municipal corporation may 28154
impose the following applicable penalty: 28155

(1) For the late remittance of, or failure to remit, tax 28156
deducted and withheld under this section, a penalty equal to 28157
fifty per cent of the tax deducted and withheld; 28158

(2) For the failure to file, or the late filing of, a 28159
monthly or annual return, a penalty of five hundred dollars for 28160
each return not filed or filed late. Interest shall accrue on 28161
past due amounts deducted and withheld at the rate prescribed in 28162
section 5703.47 of the Revised Code. 28163

(I) Amounts deducted and withheld on behalf of a municipal 28164
corporation shall be allowed as a credit against payment of the 28165
tax imposed by the municipal corporation and shall be treated as 28166

taxes paid for purposes of section 718.08 of the Revised Code. 28167
This division applies only to the person for whom the amount is 28168
deducted and withheld. 28169

(J) The tax administrator shall prescribe the forms of the 28170
receipts and returns required under this section. 28171

Sec. 718.05. (A) An annual return with respect to the 28172
income tax levied by a municipal corporation shall be completed 28173
and filed by every taxpayer for any taxable year for which the 28174
taxpayer is liable for the tax. If the total credit allowed 28175
against the tax as described in division (D) of section 718.04 28176
of the Revised Code for the year is equal to or exceeds the tax 28177
imposed by the municipal corporation, no return shall be 28178
required unless the municipal ordinance or resolution levying 28179
the tax requires the filing of a return in such circumstances. 28180

(B) If an individual is deceased, any return or notice 28181
required of that individual shall be completed and filed by that 28182
decedent's executor, administrator, or other person charged with 28183
the property of that decedent. 28184

(C) If an individual is unable to complete and file a 28185
return or notice required by a municipal corporation in 28186
accordance with this chapter, the return or notice required of 28187
that individual shall be completed and filed by the individual's 28188
duly authorized agent, guardian, conservator, fiduciary, or 28189
other person charged with the care of the person or property of 28190
that individual. 28191

(D) Returns or notices required of an estate or a trust 28192
shall be completed and filed by the fiduciary of the estate or 28193
trust. 28194

(E) No municipal corporation shall deny spouses the 28195

ability to file a joint return. 28196

(F) (1) Each return required to be filed under this section 28197
shall contain the signature of the taxpayer or the taxpayer's 28198
duly authorized agent and of the person who prepared the return 28199
for the taxpayer, and shall include the taxpayer's social 28200
security number or taxpayer identification number. Each return 28201
shall be verified by a declaration under penalty of perjury. 28202

(2) A tax administrator may require a taxpayer who is an 28203
individual to include, with each annual return, amended return, 28204
or request for refund required under this section, copies of 28205
only the following documents: all of the taxpayer's Internal 28206
Revenue Service form W-2, "Wage and Tax Statements," including 28207
all information reported on the taxpayer's federal W-2, as well 28208
as taxable wages reported or withheld for any municipal 28209
corporation; the taxpayer's Internal Revenue Service form 1040 28210
or, in the case of a return or request required by a qualified 28211
municipal corporation, Ohio form IT-1040; and, with respect to 28212
an amended tax return or refund request, any other documentation 28213
necessary to support the refund request or the adjustments made 28214
in the amended return. An individual taxpayer who files the 28215
annual return required by this section electronically is not 28216
required to provide paper copies of any of the foregoing to the 28217
tax administrator unless the tax administrator requests such 28218
copies after the return has been filed. 28219

(3) A tax administrator may require a taxpayer that is not 28220
an individual to include, with each annual net profit return, 28221
amended net profit return, or request for refund required under 28222
this section, copies of only the following documents: the 28223
taxpayer's Internal Revenue Service form 1041, form 1065, form 28224
1120, form 1120-REIT, form 1120F, or form 1120S, and, with 28225

respect to an amended tax return or refund request, any other 28226
documentation necessary to support the refund request or the 28227
adjustments made in the amended return. 28228

A taxpayer that is not an individual and that files an 28229
annual net profit return electronically through the Ohio 28230
business gateway or in some other manner shall either mail the 28231
documents required under this division to the tax administrator 28232
at the time of filing or, if electronic submission is available, 28233
submit the documents electronically through the Ohio business 28234
gateway. The department of taxation shall publish a method of 28235
electronically submitting the documents required under this 28236
division through the Ohio business gateway on or before January 28237
1, 2016. The department shall transmit all documents submitted 28238
electronically under this division to the appropriate tax 28239
administrator. 28240

(4) After a taxpayer files a tax return, the tax 28241
administrator may request, and the taxpayer shall provide, any 28242
information, statements, or documents required by the municipal 28243
corporation to determine and verify the taxpayer's municipal 28244
income tax liability. The requirements imposed under division 28245
(F) of this section apply regardless of whether the taxpayer 28246
files on a generic form or on a form prescribed by the tax 28247
administrator. 28248

(G) (1) (a) Except as otherwise provided in this chapter, 28249
each individual income tax return required to be filed under 28250
this section shall be completed and filed as required by the tax 28251
administrator on or before the date prescribed for the filing of 28252
state individual income tax returns under division (G) of 28253
section 5747.08 of the Revised Code. The taxpayer shall complete 28254
and file the return or notice on forms prescribed by the tax 28255

administrator or on generic forms, together with remittance made 28256
payable to the municipal corporation or tax administrator. No 28257
remittance is required if the amount shown to be due is ten 28258
dollars or less. A municipal corporation shall not require a 28259
qualifying employee whose income consists exclusively of exempt 28260
income described in division (C) (20) (b) or (c) of section 718.01 28261
of the Revised Code to file a return under this section. 28262

(b) Except as otherwise provided in this chapter, each 28263
annual net profit return required to be filed under this section 28264
by a taxpayer that is not an individual shall be completed and 28265
filed as required by the tax administrator on or before the 28266
fifteenth day of the fourth month following the end of the 28267
taxpayer's taxable year unless the taxpayer's unextended federal 28268
income tax return is due after that date, in which case the 28269
annual net profit return shall be completed and filed on or 28270
before the taxpayer's federal income tax return due date. The 28271
taxpayer shall complete and file the return or notice on forms 28272
prescribed by the tax administrator or on generic forms, 28273
together with remittance made payable to the municipal 28274
corporation or tax administrator. No remittance is required if 28275
the amount shown to be due is ten dollars or less. 28276

(2) (a) Any taxpayer that has duly requested an automatic 28277
six-month extension for filing the taxpayer's federal income tax 28278
return shall automatically receive an extension for the filing 28279
of a municipal income tax return. The extended due date of the 28280
municipal income tax return for a taxpayer that is an individual 28281
shall be the fifteenth day of the tenth month after the last day 28282
of the taxable year to which the return relates. The extended 28283
due date of the municipal income tax return for a taxpayer that 28284
is not an individual shall be the fifteenth day of the eleventh 28285
month after the last day of the taxable year to which the return 28286

relates. 28287

(b) A taxpayer that has not requested or received a six- 28288
month extension for filing the taxpayer's federal income tax 28289
return may request that the tax administrator grant the taxpayer 28290
a six-month extension of the date for filing the taxpayer's 28291
municipal income tax return. If the request is received by the 28292
tax administrator on or before the date the municipal income tax 28293
return is due, the tax administrator shall grant the taxpayer's 28294
requested extension. 28295

(c) An extension of time to file under division (G) (2) of 28296
this section is not an extension of the time to pay any tax due 28297
unless the tax administrator grants an extension of that date. 28298

(3) If the tax commissioner extends for all taxpayers the 28299
date for filing state income tax returns under division (G) of 28300
section 5747.08 of the Revised Code, a taxpayer shall 28301
automatically receive an extension for the filing of a municipal 28302
income tax return. The extended due date of the municipal income 28303
tax return shall be the same as the extended due date of the 28304
state income tax return. 28305

(4) If the tax administrator considers it necessary in 28306
order to ensure the payment of the tax imposed by the municipal 28307
corporation in accordance with this chapter, the tax 28308
administrator may require taxpayers to file returns and make 28309
payments otherwise than as provided in this section, including 28310
taxpayers not otherwise required to file annual returns. 28311

(5) If a taxpayer receives an extension for the filing of 28312
a municipal income tax return under division (G) (2), (3), or (4) 28313
of this section, the tax administrator shall not make any 28314
inquiry or send any notice to the taxpayer with regard to the 28315

return on or before the date the taxpayer files the return or on 28316
or before the extended due date to file the return, whichever 28317
occurs first. 28318

If a tax administrator violates division (G) (5) of this 28319
section, the municipal corporation shall reimburse the taxpayer 28320
for any reasonable costs incurred to respond to such inquiry or 28321
notice, up to one hundred fifty dollars. 28322

Division (G) (5) of this section does not apply to an 28323
extension received under division (G) (2) of this section if the 28324
tax administrator has actual knowledge that the taxpayer failed 28325
to file for a federal extension as required to receive the 28326
extension under division (G) (2) (a) of this section or failed to 28327
file for an extension under division (G) (2) (b) of this section. 28328

(6) To the extent that any provision in this division 28329
conflicts with any provision in section 718.052 of the Revised 28330
Code, the provision in that section prevails. 28331

(H) (1) For taxable years beginning after 2015, a municipal 28332
corporation shall not require a taxpayer to remit tax with 28333
respect to net profits if the amount due is less than ten 28334
dollars. 28335

(2) Except as provided in division (H) (3) of this section, 28336
any taxpayer not required to remit tax to a municipal 28337
corporation for a taxable year pursuant to division (H) (1) of 28338
this section shall file with the municipal corporation an annual 28339
net profit return under division (F) (3) of this section. 28340

(3) A municipal corporation shall not require a person to 28341
file a net profit return under this section if the person's 28342
income consists exclusively of exempt income described in 28343
division (C) (20) (a) of section 718.01 of the Revised Code. 28344

(I) (1) If any report, claim, statement, or other document 28345
required to be filed, or any payment required to be made, within 28346
a prescribed period or on or before a prescribed date under this 28347
chapter is delivered after that period or that date by United 28348
States mail to the tax administrator or other municipal official 28349
with which the report, claim, statement, or other document is 28350
required to be filed, or to which the payment is required to be 28351
made, the date of the postmark stamped on the cover in which the 28352
report, claim, statement, or other document, or payment is 28353
mailed shall be deemed to be the date of delivery or the date of 28354
payment. "The date of postmark" means, in the event there is 28355
more than one date on the cover, the earliest date imprinted on 28356
the cover by the postal service. 28357

(2) If a payment under this chapter is made by electronic 28358
funds transfer, the payment shall be considered to be made on 28359
the date of the timestamp assigned by the first electronic 28360
system receiving that payment. 28361

(J) The amounts withheld by an employer, the agent of an 28362
employer, or an other payer as described in section 718.03 of 28363
the Revised Code shall be allowed to the recipient of the 28364
compensation as credits against payment of the tax imposed on 28365
the recipient by the municipal corporation, unless the amounts 28366
withheld were not remitted to the municipal corporation and the 28367
recipient colluded with the employer, agent, or other payer in 28368
connection with the failure to remit the amounts withheld. 28369

(K) Each return required by a municipal corporation to be 28370
filed in accordance with this section shall include a box that 28371
the taxpayer may check to authorize another person, including a 28372
tax return preparer who prepared the return, to communicate with 28373
the tax administrator about matters pertaining to the return. 28374

The return or instructions accompanying the return shall 28375
indicate that by checking the box the taxpayer authorizes the 28376
tax administrator to contact the preparer or other person 28377
concerning questions that arise during the examination or other 28378
review of the return and authorizes the preparer or other person 28379
only to provide the tax administrator with information that is 28380
missing from the return, to contact the tax administrator for 28381
information about the examination or other review of the return 28382
or the status of the taxpayer's refund or payments, and to 28383
respond to notices about mathematical errors, offsets, or return 28384
preparation that the taxpayer has received from the tax 28385
administrator and has shown to the preparer or other person. 28386

(L) The tax administrator of a municipal corporation shall 28387
accept for filing a generic form of any income tax return, 28388
report, or document required by the municipal corporation in 28389
accordance with this chapter, provided that the generic form, 28390
once completed and filed, contains all of the information 28391
required by ordinance, resolution, or rules adopted by the 28392
municipal corporation or tax administrator, and provided that 28393
the taxpayer or tax return preparer filing the generic form 28394
otherwise complies with the provisions of this chapter and of 28395
the municipal corporation ordinance or resolution governing the 28396
filing of returns, reports, or documents. 28397

(M) When income tax returns, reports, or other documents 28398
require the signature of a tax return preparer, the tax 28399
administrator shall accept a facsimile of such a signature in 28400
lieu of a manual signature. 28401

(N) (1) As used in this division, "worksite location" has 28402
the same meaning as in section 718.011 of the Revised Code. 28403

(2) A person may notify a tax administrator that the 28404

person does not expect to be a taxpayer with respect to the 28405
municipal corporation for a taxable year if both of the 28406
following conditions apply: 28407

(a) The person was required to file a tax return with the 28408
municipal corporation for the immediately preceding taxable year 28409
because the person performed services at a worksite location 28410
within that municipal corporation. 28411

(b) The person no longer provides services in the 28412
municipal corporation and does not expect to be subject to the 28413
municipal corporation's income tax for the taxable year. 28414

The person shall provide the notice in a signed affidavit 28415
that briefly explains the person's circumstances, including the 28416
location of the previous worksite location and the last date on 28417
which the person performed services or made any sales within the 28418
municipal corporation. The affidavit also shall include the 28419
following statement: "The affiant has no plans to perform any 28420
services within the municipal corporation, make any sales in the 28421
municipal corporation, or otherwise become subject to the tax 28422
levied by the municipal corporation during the taxable year. If 28423
the affiant does become subject to the tax levied by the 28424
municipal corporation for the taxable year, the affiant agrees 28425
to be considered a taxpayer and to properly register as a 28426
taxpayer with the municipal corporation if such a registration 28427
is required by the municipal corporation's resolutions, 28428
ordinances, or rules." The person shall sign the affidavit under 28429
penalty of perjury. 28430

(c) If a person submits an affidavit described in division 28431
(N) (2) of this section, the tax administrator shall not require 28432
the person to file any tax return for the taxable year unless 28433
the tax administrator possesses information that conflicts with 28434

the affidavit or if the circumstances described in the affidavit 28435
change. Nothing in division (N) of this section prohibits the 28436
tax administrator from performing an audit of the person. 28437

Sec. 718.12. (A) (1) (a) Civil actions to recover municipal 28438
income taxes and penalties and interest on municipal income 28439
taxes shall be brought within the later of: 28440

(i) Three years after the tax return, including any valid 28441
extension, was due or ~~the return was~~ filed, whichever is later; 28442
or 28443

(ii) One year after the conclusion of the qualifying 28444
deferral period, if any. 28445

(b) The time limit described in division (A) (1) (a) of this 28446
section may be extended at any time if both the tax 28447
administrator and the employer, agent of the employer, other 28448
payer, or taxpayer consent in writing to the extension. Any 28449
extension shall also extend for the same period of time the time 28450
limit described in division (C) of this section. 28451

(2) As used in this section, "qualifying deferral period" 28452
means a period of time beginning and ending as follows: 28453

(a) Beginning on the date a person who is aggrieved by an 28454
assessment files with a local board of tax review the request 28455
described in section 718.11 of the Revised Code. That date shall 28456
not be affected by any subsequent decision, finding, or holding 28457
by any administrative body or court that the local board of tax 28458
review with which the aggrieved person filed the request did not 28459
have jurisdiction to affirm, reverse, or modify the assessment 28460
or any part of that assessment. 28461

(b) Ending the later of the sixtieth day after the date on 28462
which the final determination of the local board of tax review 28463

becomes final or, if any party appeals from the determination of 28464
the local board of tax review, the sixtieth day after the date 28465
on which the final determination of the local board of tax 28466
review is either ultimately affirmed in whole or in part or 28467
ultimately reversed and no further appeal of either that 28468
affirmation, in whole or in part, or that reversal is available 28469
or taken. 28470

(B) Prosecutions for an offense made punishable under a 28471
resolution or ordinance imposing an income tax shall be 28472
commenced within three years after the commission of the 28473
offense, provided that in the case of fraud, failure to file a 28474
return, or the omission of twenty-five per cent or more of 28475
income required to be reported, prosecutions may be commenced 28476
within six years after the commission of the offense. 28477

(C) A claim for a refund of municipal income taxes shall 28478
be brought within the time limitation provided in section 718.19 28479
of the Revised Code. 28480

(D) Interest shall be allowed and paid on any overpayment 28481
by a taxpayer of any municipal income tax obligation from the 28482
date of the overpayment until the date of the refund of the 28483
overpayment, except that if any overpayment is refunded within 28484
ninety days after the final filing date of the annual return or 28485
ninety days after the completed return is filed, whichever is 28486
later, no interest shall be allowed on the refund. For the 28487
purpose of computing the payment of interest on amounts 28488
overpaid, no amount of tax for any taxable year shall be 28489
considered to have been paid before the date on which the return 28490
on which the tax is reported is due, without regard to any 28491
extension of time for filing that return. Interest shall be paid 28492
at the interest rate described in division (A) (5) of section 28493

718.27 of the Revised Code. 28494

(E) Within sixty days after the final determination of any 28495
federal or state tax liability affecting the taxpayer's 28496
municipal tax liability, that taxpayer shall make and file an 28497
amended municipal return showing income subject to the municipal 28498
income tax based upon such final determination of federal or 28499
state tax liability, and pay any additional municipal income tax 28500
shown due thereon or make a claim for refund of any overpayment, 28501
unless the tax or overpayment is less than ten dollars. 28502

(F) (1) Notwithstanding the fact that an appeal is pending, 28503
the petitioner may pay all or a portion of the assessment that 28504
is the subject of the appeal. The acceptance of a payment by the 28505
municipal corporation does not prejudice any claim for refund 28506
upon final determination of the appeal. 28507

(2) If upon final determination of the appeal an error in 28508
the assessment is corrected by the tax administrator, upon an 28509
appeal so filed or pursuant to a final determination of the 28510
local board of tax review created under section 718.11 of the 28511
Revised Code, of the Ohio board of tax appeals, or any court to 28512
which the decision of the Ohio board of tax appeals has been 28513
appealed, so that the amount due from the party assessed under 28514
the corrected assessment is less than the amount paid, there 28515
shall be issued to the appellant or to the appellant's assigns 28516
or legal representative a refund in the amount of the 28517
overpayment as provided by section 718.19 of the Revised Code, 28518
with interest on that amount as provided by division (D) of this 28519
section. 28520

(G) No civil action to recover municipal income tax or 28521
related penalties or interest shall be brought during either of 28522
the following time periods: 28523

(1) The period during which a taxpayer has a right to 28524
appeal the imposition of that tax or interest or those 28525
penalties; 28526

(2) The period during which an appeal related to the 28527
imposition of that tax or interest or those penalties is 28528
pending. 28529

Sec. 718.13. (A) Any information gained as a result of 28530
returns, investigations, hearings, or verifications required or 28531
authorized by this chapter or by a charter or ordinance of a 28532
municipal corporation levying an income tax pursuant to this 28533
chapter is confidential, and no person shall access or disclose 28534
such information except in accordance with a proper judicial 28535
order or in connection with the performance of that person's 28536
official duties or the official business of the municipal 28537
corporation as authorized by this chapter or the charter or 28538
ordinance authorizing the levy. The tax administrator of the 28539
municipal corporation or a designee thereof may furnish copies 28540
of returns filed or otherwise received under this chapter and 28541
other related tax information to the internal revenue service, 28542
the tax commissioner, and tax administrators of other municipal 28543
corporations. 28544

(B) This section does not prohibit a municipal corporation 28545
from publishing or disclosing statistics in a form that does not 28546
disclose information with respect to particular taxpayers. 28547

(C) A municipal corporation may provide tax information 28548
related to municipal income tax revenues derived from a 28549
transformational major sports facility mixed-use project 28550
district, as authorized under section 123.281 of the Revised 28551
Code, to the department of taxation and the fiscal officer of a 28552
governmental agency, as defined in division (F) of section 28553

123.28 of the Revised Code, that owns, or holds a sufficient 28554
ownership in, a major sports facility located within the 28555
territorial boundaries of a transformational major sports 28556
facility mixed-use project district. 28557

Sec. 718.19. (A) Upon receipt of a request for a refund, 28558
the tax administrator of a municipal corporation, in accordance 28559
with this section, shall refund to employers, agents of 28560
employers, other payers, or taxpayers, with respect to any 28561
income or withholding tax levied by the municipal corporation: 28562

(1) Overpayments of more than ten dollars; 28563

(2) Amounts paid erroneously if the refund requested 28564
exceeds ten dollars. 28565

(B) (1) Except as otherwise provided in this chapter, 28566
requests for refund shall be filed with the tax administrator, 28567
on the form prescribed by the tax administrator within three 28568
years after the tax return, including any valid extension, was 28569
due or paid, whichever is later. The tax administrator may 28570
require the requestor to file with the request any documentation 28571
that substantiates the requestor's claim for a refund. 28572

(2) On filing of the refund request, the tax administrator 28573
shall determine the amount of refund due and certify such amount 28574
to the appropriate municipal corporation official for payment. 28575
Except as provided in division (B) (3) of this section, the 28576
administrator shall issue an assessment to any taxpayer whose 28577
request for refund is fully or partially denied. The assessment 28578
shall state the amount of the refund that was denied, the 28579
reasons for the denial, and instructions for appealing the 28580
assessment. 28581

(3) If a tax administrator denies in whole or in part a 28582

refund request included within the taxpayer's originally filed 28583
annual income tax return, the tax administrator shall notify the 28584
taxpayer, in writing, of the amount of the refund that was 28585
denied, the reasons for the denial, and instructions for 28586
requesting an assessment that may be appealed under section 28587
718.11 of the Revised Code. 28588

(C) A request for a refund that is received after the last 28589
day for filing specified in division (B) of this section shall 28590
be considered to have been filed in a timely manner if any of 28591
the following situations exist: 28592

(1) The request is delivered by the postal service, and 28593
the earliest postal service postmark on the cover in which the 28594
request is enclosed is not later than the last day for filing 28595
the request. 28596

(2) The request is delivered by the postal service, the 28597
only postmark on the cover in which the request is enclosed was 28598
affixed by a private postal meter, the date of that postmark is 28599
not later than the last day for filing the request, and the 28600
request is received within seven days of such last day. 28601

(3) The request is delivered by the postal service, no 28602
postmark date was affixed to the cover in which the request is 28603
enclosed or the date of the postmark so affixed is not legible, 28604
and the request is received within seven days of the last day 28605
for making the request. 28606

(D) As used in this section, "withholding tax" has the 28607
same meaning as in section 718.27 of the Revised Code. 28608

Sec. 718.85. (A) (1) For each taxable year, every taxpayer 28609
shall file an annual return. Such return, along with the amount 28610
of tax shown to be due on the return less the amount paid for 28611

the taxable year under section 718.88 of the Revised Code, shall 28612
be submitted to the tax commissioner, on a form and in the 28613
manner prescribed by the commissioner, on or before the 28614
fifteenth day of the fourth month following the end of the 28615
taxpayer's taxable year unless a taxpayer's unextended federal 28616
income tax return is due after that date, in which case the 28617
annual return shall be submitted on or before the taxpayer's 28618
federal income tax return due date. 28619

(2) The remittance shall be made payable to the treasurer 28620
of state and in the form prescribed by the tax commissioner. If 28621
the amount payable with the tax return is ten dollars or less, 28622
no remittance is required. 28623

(B) The tax commissioner shall immediately forward to the 28624
treasurer of state all amounts the commissioner receives 28625
pursuant to sections 718.80 to 718.95 of the Revised Code. The 28626
treasurer shall credit such amounts to the municipal net profit 28627
tax fund which is hereby created in the state treasury. 28628

(C) (1) Each return required to be filed under this section 28629
shall contain the signature of the taxpayer or the taxpayer's 28630
duly authorized agent and of the person who prepared the return 28631
for the taxpayer, and shall include the taxpayer's 28632
identification number. Each return shall be verified by a 28633
declaration under penalty of perjury. 28634

(2) (a) The tax commissioner may require a taxpayer to 28635
include, with each annual tax return, amended return, or request 28636
for refund filed with the commissioner under sections 718.80 to 28637
718.95 of the Revised Code, copies of any relevant documents or 28638
other information. 28639

(b) A taxpayer that files an annual tax return 28640

electronically through the Ohio business gateway or in another 28641
manner as prescribed by the tax commissioner shall either submit 28642
the documents required under this division electronically as 28643
prescribed at the time of filing or, if electronic submission is 28644
not available, mail the documents to the tax commissioner. The 28645
department of taxation shall publish a method of electronically 28646
submitting the documents required under this division on or 28647
before January 1, 2019. 28648

(3) After a taxpayer files a tax return, the tax 28649
commissioner may request, and the taxpayer shall provide, any 28650
information, statements, or documents required to determine and 28651
verify the taxpayer's municipal income tax. 28652

(D) (1) (a) Any taxpayer that has duly requested an 28653
automatic extension for filing the taxpayer's federal income tax 28654
return shall automatically receive an extension for the filing 28655
of a tax return with the commissioner under this section. The 28656
extended due date of the return shall be the fifteenth day of 28657
the eleventh month after the last day of the taxable year to 28658
which the return relates. 28659

(b) A taxpayer that has not requested or received a six- 28660
month extension for filing the taxpayer's federal income tax 28661
return may request that the commissioner grant the taxpayer a 28662
~~six-month~~ seven-month extension of the date for filing the 28663
taxpayer's tax return. If the commissioner receives the request 28664
on or before the date the tax return is due, the commissioner 28665
shall grant the taxpayer's extension request. 28666

(c) An extension of time to file under division (D) (1) of 28667
this section is not an extension of the time to pay any tax due 28668
unless the tax commissioner grants an extension of that date. 28669

(2) If the commissioner considers it necessary in order to 28670
ensure payment of a tax imposed in accordance with section 28671
718.04 of the Revised Code, the commissioner may require 28672
taxpayers to file returns and make payments otherwise than as 28673
provided in this section, including taxpayers not otherwise 28674
required to file annual returns. 28675

(3) If a taxpayer receives an extension for the filing of 28676
a tax return under division (D)(1) or (2) of this section, the 28677
commissioner shall not make any inquiry or send any notice to 28678
the taxpayer with regard to the return on or before the date the 28679
taxpayer files the return or on or before the extended due date 28680
to file the return, whichever occurs first. 28681

Division (D)(3) of this section does not apply to an 28682
extension received under division (D)(1) of this section if the 28683
commissioner has actual knowledge that the taxpayer failed to 28684
file for a federal extension as required to receive the 28685
extension under division (D)(1)(a) of this section or failed to 28686
file for an extension under division (D)(1)(b) of this section. 28687

(E) Each return required to be filed in accordance with 28688
this section shall include a box that the taxpayer may check to 28689
authorize another person, including a tax return preparer who 28690
prepared the return, to communicate with the tax commissioner 28691
about matters pertaining to the return. The return or 28692
instructions accompanying the return shall indicate that by 28693
checking the box the taxpayer authorizes the commissioner to 28694
contact the preparer or other person concerning questions that 28695
arise during the examination or other review of the return and 28696
authorizes the preparer or other person only to provide the 28697
commissioner with information that is missing from the return, 28698
to contact the commissioner for information about the 28699

examination or other review of the return or the status of the 28700
taxpayer's refund or payments, and to respond to notices about 28701
mathematical errors, offsets, or return preparation that the 28702
taxpayer has received from the commissioner and has shown to the 28703
preparer or other person. 28704

(F) When income tax returns or other documents require the 28705
signature of a tax return preparer, the tax commissioner shall 28706
accept a facsimile or electronic version of such a signature in 28707
lieu of a manual signature. 28708

Sec. 718.88. (A) As used in this section: 28709

(1) "Combined tax liability" means the total amount of a 28710
taxpayer's income tax liabilities to all municipal corporations 28711
in this state for a taxable year. 28712

(2) "Estimated taxes" means the amount that the taxpayer 28713
reasonably estimates to be the taxpayer's combined tax liability 28714
for the current taxable year. 28715

(B) (1) Except as provided in division (B) (4) of this 28716
section, every taxpayer shall make a declaration of estimated 28717
taxes for the current taxable year, on the form prescribed by 28718
the tax commissioner, if the amount payable as estimated taxes 28719
is at least two hundred dollars. 28720

(2) Except as provided in division (B) (4) of this section, 28721
a taxpayer having a taxable year of less than twelve months 28722
shall make a declaration under rules prescribed by the 28723
commissioner. 28724

(3) The declaration of estimated taxes shall be filed on 28725
or before the fifteenth day of the fourth month after the 28726
beginning of the taxable year or on or before the fifteenth day 28727
of the fourth month after the taxpayer becomes subject to tax 28728

for the first time. 28729

(4) The tax commissioner may waive the requirement for 28730
filing a declaration of estimated taxes for any class of 28731
taxpayers after finding that the waiver is reasonable and proper 28732
in view of administrative costs and other factors. 28733

(C) Each taxpayer shall file the declaration of estimated 28734
taxes with, and remit estimated taxes to, the tax commissioner 28735
at the times and in the amounts prescribed in division (C) (1) of 28736
this section. Remitted taxes shall be made payable to the 28737
treasurer of state. 28738

(1) The required portion of the combined tax liability for 28739
the taxable year that shall be paid through estimated taxes 28740
shall be as follows: 28741

(a) On or before the fifteenth day of the fourth month 28742
after the beginning of the taxable year, twenty-two and one-half 28743
per cent of the combined tax liability for the taxable year; 28744

(b) On or before the fifteenth day of the sixth month 28745
after the beginning of the taxable year, forty-five per cent of 28746
the combined tax liability for the taxable year; 28747

(c) On or before the fifteenth day of the ninth month 28748
after the beginning of the taxable year, sixty-seven and one- 28749
half per cent of the combined tax liability for the taxable 28750
year; 28751

(d) On or before the fifteenth day of the twelfth month of 28752
the taxable year, ninety per cent of the combined tax liability 28753
for the taxable year. 28754

(2) If the taxpayer determines that its declaration of 28755
estimated taxes will not accurately reflect the taxpayer's tax 28756

liability for the taxable year, the taxpayer shall increase or 28757
decrease, as appropriate, its subsequent payments in equal 28758
installments to result in a more accurate payment of estimated 28759
taxes. 28760

(3) (a) Each taxpayer shall report on the declaration of 28761
estimated taxes the portion of the remittance that the taxpayer 28762
estimates that it owes to each municipal corporation for the 28763
taxable year. 28764

(b) Upon receiving a payment of estimated taxes under this 28765
section, the commissioner shall immediately forward the payment 28766
to the treasurer of state. The treasurer shall credit the 28767
payment in the same manner as in division (B) of section 718.85 28768
of the Revised Code. 28769

(D) (1) In the case of any underpayment of estimated taxes, 28770
~~there shall be added~~ the tax commissioner may add to the taxes 28771
an amount determined at the rate per annum prescribed by section 28772
5703.47 of the Revised Code upon the amount of underpayment for 28773
the period of underpayment, unless the underpayment is due to 28774
reasonable cause as described in division (E) of this section. 28775
The amount of the underpayment shall be determined as follows: 28776

(a) For the first payment of estimated taxes each year, 28777
twenty-two and one-half per cent of the combined tax liability, 28778
less the amount of taxes paid by the date prescribed for that 28779
payment; 28780

(b) For the second payment of estimated taxes each year, 28781
forty-five per cent of the combined tax liability, less the 28782
amount of taxes paid by the date prescribed for that payment; 28783

(c) For the third payment of estimated taxes each year, 28784
sixty-seven and one-half per cent of the combined tax liability, 28785

less the amount of taxes paid by the date prescribed for that 28786
payment; 28787

(d) For the fourth payment of estimated taxes each year, 28788
ninety per cent of the combined tax liability, less the amount 28789
of taxes paid by the date prescribed for that payment. 28790

(2) The period of the underpayment shall run from the day 28791
the estimated payment was required to be made to the date on 28792
which the payment is made. For purposes of this section, a 28793
payment of estimated taxes on or before any payment date shall 28794
be considered a payment of any previous underpayment only to the 28795
extent the payment of estimated taxes exceeds the amount of the 28796
payment presently due. 28797

(3) All amounts collected under this section shall be 28798
considered as taxes collected under sections 718.80 to 718.95 of 28799
the Revised Code and shall be credited and distributed to 28800
municipal corporations in accordance with section 718.83 of the 28801
Revised Code. 28802

(E) An underpayment of any portion of a combined tax 28803
liability shall be due to reasonable cause and the penalty 28804
imposed by this section shall not be added to the taxes for the 28805
taxable year if any of the following apply: 28806

(1) The amount of estimated taxes that were paid equals at 28807
least ninety per cent of the combined tax liability for the 28808
current taxable year, determined by annualizing the income 28809
received during the year up to the end of the month immediately 28810
preceding the month in which the payment is due. 28811

(2) The amount of estimated taxes that were paid equals at 28812
least one hundred per cent of the tax liability shown on the 28813
return of the taxpayer for the preceding taxable year, provided 28814

that the immediately preceding taxable year reflected a period 28815
of twelve months and the taxpayer filed a municipal income tax 28816
return for that year. 28817

Sec. 718.90. (A) If any taxpayer required to file a return 28818
under section 718.80 to 718.95 of the Revised Code fails to file 28819
the return within the time prescribed, files an incorrect 28820
return, or fails to remit the full amount of the tax due for the 28821
period covered by the return, the tax commissioner may make an 28822
assessment against the taxpayer for any deficiency for the 28823
period for which the return or tax is due, based upon any 28824
information in the commissioner's possession. 28825

The tax commissioner shall not make or issue an assessment 28826
against a taxpayer more than three years after the later of the 28827
date the return subject to assessment was required to be filed 28828
or the date the return was filed. Such time limit may be 28829
extended if both the taxpayer and the commissioner consent in 28830
writing to the extension. Any such extension shall extend the 28831
three-year time limit in section 718.91 of the Revised Code for 28832
the same period of time. There shall be no bar or limit to an 28833
assessment against a taxpayer that fails to file a return 28834
subject to assessment as required by sections 718.80 to 718.95 28835
of the Revised Code, or that files a fraudulent return. The 28836
commissioner shall give the taxpayer assessed written notice of 28837
the assessment as provided in section 5703.37 of the Revised 28838
Code. With the notice, the commissioner shall provide 28839
instructions on how to petition for reassessment and request a 28840
hearing on the petition. 28841

(B) Unless the taxpayer assessed files with the tax 28842
commissioner within sixty days after service of the notice of 28843
assessment, ~~either personally or by certified mail,~~ a written 28844

petition for reassessment signed by the authorized agent of the 28845
taxpayer assessed having knowledge of the facts, the assessment 28846
becomes final, and the amount of the assessment is due and 28847
payable from the taxpayer to the treasurer of state. The 28848
petition shall indicate the taxpayer's objections, but 28849
additional objections may be raised in writing if received by 28850
the commissioner prior to the date shown on the final 28851
determination. If the petition has been properly filed, the 28852
commissioner shall proceed under section 5703.60 of the Revised 28853
Code. 28854

(C) After an assessment becomes final, if any portion of 28855
the assessment remains unpaid, including accrued interest, a 28856
certified copy of the tax commissioner's entry making the 28857
assessment final may be filed in the office of the clerk of the 28858
court of common pleas in the county in which the taxpayer has an 28859
office or place of business in this state, the county in which 28860
the taxpayer's statutory agent is located, or Franklin county. 28861

Immediately upon the filing of the entry, the clerk shall 28862
enter a judgment against the taxpayer assessed in the amount 28863
shown on the entry. The judgment may be filed by the clerk in a 28864
loose-leaf book entitled "special judgments for municipal income 28865
taxes," and shall have the same effect as other judgments. 28866
Execution shall issue upon the judgment upon the request of the 28867
tax commissioner, and all laws applicable to sales on execution 28868
shall apply to sales made under the judgment. 28869

If the assessment is not paid in its entirety within sixty 28870
days after the day the assessment was issued, the portion of the 28871
assessment consisting of tax due shall bear interest at the rate 28872
per annum prescribed by section 5703.47 of the Revised Code from 28873
the day the commissioner issues the assessment until the 28874

assessment is paid or until it is certified to the attorney 28875
general for collection under section 131.02 of the Revised Code, 28876
whichever comes first. If the unpaid portion of the assessment 28877
is certified to the attorney general for collection, the entire 28878
unpaid portion of the assessment shall bear interest at the rate 28879
per annum prescribed by section 5703.47 of the Revised Code from 28880
the date of certification until the date it is paid in its 28881
entirety. Interest shall be paid in the same manner as the tax 28882
and may be collected by issuing an assessment under this 28883
section. 28884

(D) (1) Except as provided in division (D) (2) of this 28885
section, all money collected under this section shall be 28886
credited to the municipal net profit tax fund and distributed to 28887
the municipal corporation to which the money is owed based on 28888
the assessment issued under this section. 28889

(2) The attorney general may assess collection costs as 28890
authorized under section 109.08, 109.081, or 131.02 of the 28891
Revised Code on amounts collected under this section, which 28892
shall be credited to the attorney general claims fund created 28893
under section 109.081 of the Revised Code. 28894

(E) If the tax commissioner believes that collection of 28895
the tax will be jeopardized unless proceedings to collect or 28896
secure collection of the tax are instituted without delay, the 28897
commissioner may issue a jeopardy assessment against the 28898
taxpayer liable for the tax. Immediately upon the issuance of 28899
the jeopardy assessment, the commissioner shall file an entry 28900
with the clerk of the court of common pleas in the manner 28901
prescribed by division (C) of this section. Notice of the 28902
jeopardy assessment shall be served on the taxpayer assessed or 28903
the taxpayer's legal representative in the manner provided in 28904

section 5703.37 of the Revised Code within five days of the 28905
filing of the entry with the clerk. The total amount assessed is 28906
immediately due and payable, unless the taxpayer assessed files 28907
a petition for reassessment in accordance with division (B) of 28908
this section and provides security in a form satisfactory to the 28909
commissioner and in an amount sufficient to satisfy the unpaid 28910
balance of the assessment. Full or partial payment of the 28911
assessment does not prejudice the commissioner's consideration 28912
of the petition for reassessment. 28913

(F) Notwithstanding the fact that a petition for 28914
reassessment is pending, the taxpayer may pay all or a portion 28915
of the assessment that is the subject of the petition. The 28916
acceptance of a payment by the treasurer of state does not 28917
prejudice any claim for refund upon final determination of the 28918
petition. 28919

If upon final determination of the petition an error in 28920
the assessment is corrected by the tax commissioner, upon 28921
petition so filed or pursuant to a decision of the board of tax 28922
appeals or any court to which the determination or decision has 28923
been appealed, so that the amount due from the taxpayer under 28924
the corrected assessment is less than the portion paid, there 28925
shall be issued to the taxpayer, its assigns, or legal 28926
representative a refund in the amount of the overpayment as 28927
provided by section 718.91 of the Revised Code, with interest on 28928
that amount as provided by that section. 28929

Sec. 718.91. (A) An application to refund to a taxpayer 28930
amounts that were overpaid, paid illegally or erroneously, or 28931
paid on an illegal or erroneous assessment pursuant to sections 28932
718.80 to 718.95 of the Revised Code shall be filed with the tax 28933
commissioner within three years after the date of the illegal, 28934

erroneous, or excessive payment, the date the return was due 28935
including any valid extension, or within any additional period 28936
allowed by division (A) of section 718.90 of the Revised Code, 28937
whichever is later. The application shall be filed in the form 28938
prescribed by the tax commissioner. 28939

(B) (1) On the filing of a refund application, the tax 28940
commissioner shall determine the amount of refund to which the 28941
applicant is entitled. The amount determined shall be based on 28942
the amount overpaid per return or assessment. If the amount is 28943
greater than ten dollars and not less than that claimed, the 28944
commissioner shall certify that amount to the director of budget 28945
and management and the treasurer of state for payment from the 28946
tax refund fund created in section 5703.052 of the Revised Code. 28947
If the amount is greater than ten dollars but less than that 28948
claimed, the commissioner shall proceed in accordance with 28949
section 5703.70 of the Revised Code. 28950

(2) Upon issuance of a refund under this section, the 28951
commissioner shall notify each municipal corporation of the 28952
amount refunded to the taxpayer attributable to that municipal 28953
corporation, which shall be deducted from the municipal 28954
corporation's next distribution under section 718.83 of the 28955
Revised Code. 28956

(C) Any portion of a refund determined under division (B) 28957
of this section that is not issued within ninety days after such 28958
determination shall bear interest at the rate per annum 28959
prescribed by section 5703.47 of the Revised Code from the 28960
ninety-first day after such determination until the day the 28961
refund is paid or credited. On an illegal or erroneous 28962
assessment, interest shall be paid at that rate from the date of 28963
payment on the illegal or erroneous assessment until the day the 28964

refund is paid or credited. 28965

Sec. 731.14. All contracts made by the legislative 28966
authority of a village shall be executed in the name of the 28967
village and signed on its behalf by the mayor and clerk. Except 28968
where the contract is for equipment, services, materials, or 28969
supplies to be purchased under division (D) of section 713.23 or 28970
section 125.04 or 5513.01 of the Revised Code, ~~available from a~~ 28971
~~qualified nonprofit agency pursuant to sections 4115.31 to~~ 28972
~~4115.35 of the Revised Code,~~ or required to be purchased from a 28973
qualified nonprofit agency under sections 125.60 to 125.6012 of 28974
the Revised Code, when any expenditure, other than the 28975
compensation of persons employed in the village, exceeds the 28976
amount specified in section 9.17 of the Revised Code, such 28977
contracts shall be in writing and made with the lowest and best 28978
bidder after advertising once a week for not less than two 28979
consecutive weeks in a newspaper of general circulation within 28980
the village. The legislative authority may also cause notice to 28981
be inserted in trade papers or other publications designated by 28982
it or to be distributed by electronic means, including posting 28983
the notice on the legislative authority's internet web site. If 28984
the legislative authority posts the notice on its web site, it 28985
may eliminate the second notice otherwise required to be 28986
published in a newspaper of general circulation within the 28987
village, provided that the first notice published in such 28988
newspaper meets all of the following requirements: 28989

(A) It is published at least two weeks before the opening 28990
of bids. 28991

(B) It includes a statement that the notice is posted on 28992
the legislative authority's internet web site. 28993

(C) It includes the internet address of the legislative 28994

authority's internet web site. 28995

(D) It includes instructions describing how the notice may 28996
be accessed on the legislative authority's internet web site. 28997

The bids shall be opened and shall be publicly read by the 28998
clerk of the village or a person designated by the clerk at the 28999
time, date, and place specified in the advertisement to bidders 29000
or specifications. The time, date, and place of bid openings may 29001
be extended to a later date by the legislative authority of the 29002
village, provided that written or oral notice of the change 29003
shall be given to all persons who have received or requested 29004
specifications no later than ninety-six hours prior to the 29005
original time and date fixed for the opening. This section does 29006
not apply to those villages that have provided for the 29007
appointment of a village administrator under section 735.271 of 29008
the Revised Code. 29009

As used in this section, "personal protective equipment" 29010
means equipment worn to minimize exposure to hazards that cause 29011
workplace injuries and illnesses. 29012

Sec. 731.141. In those villages that have established the 29013
position of village administrator, as provided by section 29014
735.271 of the Revised Code, the village administrator shall 29015
make contracts, purchase supplies and materials, and provide 29016
labor for any work under the administrator's supervision 29017
involving not more than the amount specified in section 9.17 of 29018
the Revised Code. When an expenditure, other than the 29019
compensation of persons employed by the village, exceeds the 29020
amount specified in section 9.17 of the Revised Code, the 29021
expenditure shall first be authorized and directed by ordinance 29022
of the legislative authority of the village. When so authorized 29023
and directed, except where the contract is for equipment, 29024

services, materials, or supplies to be purchased under division 29025
(D) of section 713.23 or section 125.04 or 5513.01 of the 29026
Revised Code, ~~available from a qualified nonprofit agency~~ 29027
~~pursuant to sections 4115.31 to 4115.35 of the Revised Code, or~~ 29028
required to be purchased from a qualified nonprofit agency under 29029
sections 125.60 to 125.6012 of the Revised Code, the village 29030
administrator shall make a written contract with the lowest and 29031
best bidder after advertisement for not less than two nor more 29032
than four consecutive weeks in a newspaper of general 29033
circulation within the village or as provided in section 7.16 of 29034
the Revised Code. The bids shall be opened and shall be publicly 29035
read by the village administrator or a person designated by the 29036
village administrator at the time, date, and place as specified 29037
in the advertisement to bidders or specifications. The time, 29038
date, and place of bid openings may be extended to a later date 29039
by the village administrator, provided that written or oral 29040
notice of the change shall be given to all persons who have 29041
received or requested specifications no later than ninety-six 29042
hours prior to the original time and date fixed for the opening. 29043
All contracts shall be executed in the name of the village and 29044
signed on its behalf by the village administrator and the clerk. 29045
No expenditure subject to this section shall be divided into 29046
component parts, separate projects, or separate items of work in 29047
order to avoid the requirements of this section. 29048

The legislative authority of a village may provide, by 29049
ordinance, for central purchasing for all offices, departments, 29050
divisions, boards, and commissions of the village, under the 29051
direction of the village administrator, who shall make 29052
contracts, purchase supplies or materials, and provide labor for 29053
any work of the village in the manner provided by this section. 29054

Sec. 731.29. Any ordinance or other measure passed by the 29055

legislative authority of a municipal corporation shall be 29056
subject to the referendum except as provided by section 731.30 29057
of the Revised Code. No ordinance or other measure shall go into 29058
effect until thirty days after it is filed with the mayor of a 29059
city or passed by the legislative authority in a village, except 29060
as provided by such section. 29061

~~When~~ Except as provided in section 731.291 of the Revised 29062
Code, when a petition, signed by ten per cent of the number of 29063
electors who voted for governor at the most recent general 29064
election for the office of governor in the municipal 29065
corporation, is filed with the city auditor or village clerk 29066
within thirty days after any ordinance or other measure is filed 29067
with the mayor or passed by the legislative authority of a 29068
village, or in case the mayor has vetoed the ordinance or any 29069
measure and returned it to council, such petition may be filed 29070
within thirty days after the council has passed the ordinance or 29071
measure over the veto, ordering that such ordinance or measure 29072
be submitted to the electors of such municipal corporation for 29073
their approval or rejection, such auditor or clerk shall, after 29074
ten days, and not later than four p.m. of the ninetieth day 29075
before the day of election, transmit a certified copy of the 29076
text of the ordinance or measure to the board of elections. The 29077
auditor or clerk shall transmit the petition to the board 29078
together with the certified copy of the ordinance or measure. 29079
The board shall examine all signatures on the petition to 29080
determine the number of electors of the municipal corporation 29081
who signed the petition. The board shall return the petition to 29082
the auditor or clerk within ten days after receiving it, 29083
together with a statement attesting to the number of such 29084
electors who signed the petition. The board shall submit the 29085
ordinance or measure to the electors of the municipal 29086

corporation, for their approval or rejection, at the next 29087
general election occurring subsequent to ninety days after the 29088
auditor or clerk certifies the sufficiency and validity of the 29089
petition to the board of elections. 29090

No such ordinance or measure shall go into effect until 29091
approved by the majority of those voting upon it. Sections 29092
731.28 to 731.41 of the Revised Code do not prevent a municipal 29093
corporation, after the passage of any ordinance or other 29094
measure, from proceeding at once to give any notice or make any 29095
publication required by such ordinance or other measure. 29096

As used in this section, "certified copy" means a copy 29097
containing a written statement attesting that it is a true and 29098
exact reproduction of the original ordinance or other measure. 29099

Sec. 731.291. If a proposed ordinance establishes or 29100
modifies planned-unit development regulations, the following 29101
apply in lieu of the contrary provisions of section 731.29 of 29102
the Revised Code: 29103

(A) The petition shall be signed by a number of registered 29104
electors residing in the territory where the planned-unit 29105
development regulations apply or will apply equal to not less 29106
than thirty-five per cent of the total vote cast for all 29107
candidates for governor in that territory at the most recent 29108
general election at which a governor was elected. 29109

(B) The board of elections shall determine the sufficiency 29110
and validity of the petition not later than thirty days after 29111
the petition is certified to the board of elections by the 29112
auditor or clerk. 29113

(C) If the board of elections determines there is an 29114
insufficient number of valid signatures, the board immediately 29115

shall notify the person who presented the petition. The person 29116
may submit additional signatures not later than ten days after 29117
the notification. 29118

Sec. 733.81. (A) As used in this section, "fiscal officer" 29119
means the city auditor, city treasurer, village fiscal officer, 29120
village clerk-treasurer, village clerk, and, in the case of a 29121
municipal corporation having a charter that designates an 29122
officer who, by virtue of the charter, has duties and functions 29123
similar to those of the city or village officers referred to in 29124
this section, the officer so designated by the charter. 29125

(B) To enhance the background and working knowledge of 29126
fiscal officers in government accounting, budgeting and 29127
financing, financial report preparation, cybersecurity, ~~and the~~ 29128
rules adopted by the auditor of state, bulletins or other 29129
information published by the auditor of state, and any other 29130
subject deemed appropriate by the auditor of state, the auditor 29131
of state shall conduct education programs and continuing 29132
education courses for individuals elected or appointed for the 29133
first time to the office of fiscal officer, and shall conduct 29134
continuing education courses for individuals who continue to 29135
hold the office in a subsequent term. The Ohio municipal league 29136
also may conduct such initial education programs and continuing 29137
education courses if approved by the auditor of state. The 29138
auditor of state, in conjunction with the Ohio municipal league, 29139
shall determine the manner and content of the initial education 29140
programs and continuing education courses. 29141

(C) A newly elected or appointed fiscal officer shall 29142
complete at least six hours of initial education programs before 29143
commencing, or during the first year of, office. A fiscal 29144
officer who participates in a training program held under 29145

section 117.44 of the Revised Code may apply those hours taken 29146
before commencing office to the six hours of initial education 29147
programs required under this division. 29148

(D) (1) In addition to the six hours of initial education 29149
required under division (B) of this section, a newly elected or 29150
appointed fiscal officer shall complete at least a total of 29151
eighteen continuing education hours during the fiscal officer's 29152
first term of office. 29153

(2) An elected or appointed fiscal officer who retains 29154
office for a subsequent term shall complete twelve hours of 29155
continuing education courses in each subsequent term of office. 29156

(3) The auditor of state shall adopt rules consistent with 29157
division (B) of this section specifying the initial education 29158
~~programs and continuing education courses that are required~~ 29159
requirements for a fiscal officer who has been appointed. The 29160
requirements shall be proportionally equivalent, based on the 29161
time remaining in the vacated office, to the requirements for a 29162
newly elected or appointed fiscal officer. 29163

(4) At least two hours of ethics instruction shall be 29164
included in the continuing education hours required by divisions 29165
(D) (1) and (2) of this section. 29166

(5) A fiscal officer who participates in a training 29167
program or seminar established under section 109.43 of the 29168
Revised Code may apply the three hours of training to the 29169
continuing education hours required by divisions (D) (1) and (2) 29170
of this section. 29171

(E) (1) A certified public accountant who serves as a 29172
fiscal officer may apply to the continuing education hours 29173
required by division (D) of this section any hours of continuing 29174

education completed under section 4701.11 of the Revised Code 29175
after being elected or appointed as a fiscal officer. 29176

(2) A fiscal officer may apply to the continuing education 29177
hours required by division (D) of this section any hours of 29178
continuing education completed under section 135.22 of the 29179
Revised Code after being elected or appointed as a fiscal 29180
officer. 29181

(3) A fiscal officer who teaches an approved continuing 29182
education course under division (D) of this section is entitled 29183
to credit for the course in the same manner as if the fiscal 29184
officer had attended the course. 29185

(F) The auditor of state shall adopt rules for verifying 29186
the completion of initial education programs and continuing 29187
education courses required under this section for each category 29188
of fiscal officer. The auditor of state shall issue a 29189
certificate of completion to each fiscal officer who completes 29190
the initial education programs and continuing education courses. 29191
The auditor of state shall issue a "failure to complete" notice 29192
to any fiscal officer who is required to complete initial 29193
education programs and continuing education courses under this 29194
section, but who fails to do so. The notice is for informational 29195
purposes only and does not affect any individual's ability to 29196
hold the office to which the individual was elected or 29197
appointed. 29198

The fiscal officer shall retain the documentation of any 29199
initial or continuing education courses. The auditor of state 29200
shall audit for compliance with this section. 29201

(G) The legislative authority of a municipal corporation 29202
shall approve a reasonable amount requested by the fiscal 29203

officer to cover the costs the fiscal officer is required to 29204
incur to meet the requirements of this section, including 29205
registration fees, lodging and meal expenses, and travel 29206
expenses. 29207

Sec. 735.05. The director of public service may make any 29208
contract, purchase supplies or material, or provide labor for 29209
any work under the supervision of the department of public 29210
service involving not more than the amount specified in section 29211
9.17 of the Revised Code. When an expenditure within the 29212
department, other than the compensation of persons employed in 29213
the department, exceeds the amount specified in section 9.17 of 29214
the Revised Code, the expenditure shall first be authorized and 29215
directed by ordinance of the city legislative authority. When so 29216
authorized and directed, except where the contract is for 29217
equipment, services, materials, or supplies to be purchased 29218
under division (D) of section 713.23 or section 125.04 or 29219
5513.01 of the Revised Code or available from a qualified 29220
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29221
125.601 of the Revised Code, the director shall make a written 29222
contract with the lowest and best bidder after advertisement for 29223
not less than two nor more than four consecutive weeks in a 29224
newspaper of general circulation within the city or as provided 29225
in section 7.16 of the Revised Code. No expenditure subject to 29226
this section shall be divided into component parts, separate 29227
projects, or separate items of work in order to avoid the 29228
requirements of this section. 29229

Sec. 742.043. (A) No person shall knowingly fail to file a 29230
complete and accurate campaign finance statement or independent 29231
expenditure statement in accordance with section 742.042 of the 29232
Revised Code. 29233

(B) No person, during the course of a person seeking 29234
nomination for, and during any campaign for, election to the 29235
board of trustees of the police and fire pension fund, shall 29236
knowingly and with intent to affect the nomination or the 29237
outcome of the campaign do any of the following by means of 29238
campaign materials, an advertisement on radio or television or 29239
in a newspaper or periodical, a public speech, press release, or 29240
otherwise: 29241

(1) With regard to a candidate, identify the candidate in 29242
a manner that implies that the candidate is a member of the 29243
board or use the term "re-elect" when the candidate is not 29244
currently a member of the board; 29245

(2) Make a false statement concerning the formal schooling 29246
or training completed or attempted by a candidate; a degree, 29247
diploma, certificate, scholarship, grant, award, prize, or honor 29248
received, earned, or held by a candidate; or the period of time 29249
during which a candidate attended any school, college, community 29250
technical school, or institution; 29251

(3) Make a false statement concerning the professional, 29252
occupational, or vocational licenses held by a candidate, or 29253
concerning any position the candidate held for which the 29254
candidate received a salary or wages; 29255

(4) Make a false statement that a candidate or board 29256
member has been indicted or convicted of a theft offense, 29257
extortion, or other crime involving financial corruption or 29258
moral turpitude; 29259

(5) Make a statement that a candidate has been indicted 29260
for any crime or has been the subject of a finding by the Ohio 29261
elections commission, the secretary of state, or the Ohio 29262

election integrity commission without disclosing the outcome of 29263
any legal proceedings resulting from the indictment or finding; 29264

(6) Make a false statement that a candidate or board 29265
member has a record of treatment or confinement for mental 29266
disorder; 29267

(7) Make a false statement that a candidate or board 29268
member has been subjected to military discipline for criminal 29269
misconduct or dishonorably discharged from the armed services; 29270

(8) Falsely identify the source of a statement, issue 29271
statements under the name of another person without 29272
authorization, or falsely state the endorsement of or opposition 29273
to a candidate by a person or publication; 29274

(9) Make a false statement concerning the voting record of 29275
a candidate or board member; 29276

(10) Post, publish, circulate, distribute, or otherwise 29277
disseminate a false statement concerning a candidate, either 29278
knowing the same to be false or with reckless disregard of 29279
whether it was false or not, if the statement is designed to 29280
promote the election, nomination, or defeat of the candidate. 29281

Sec. 742.044. ~~The secretary of state, or any person acting~~ 29282
~~on personal knowledge and subject to the penalties of perjury,~~ 29283
~~may file a~~ A ~~complaint with the Ohio elections commission~~ 29284
alleging a violation of section 742.043 of the Revised Code may 29285
be filed in accordance with section 3517.16 of the Revised Code. 29286
~~The complaint shall be made on a form prescribed and provided by~~ 29287
~~the commission.~~ 29288

~~On receipt of a complaint under this section, the~~ 29289
~~commission shall hold a hearing open to the public to determine~~ 29290
~~whether the violation alleged in the complaint has occurred. The~~ 29291

~~commission may administer oaths and issue subpoenas to any~~ 29292
~~person in the state compelling the attendance of witnesses and~~ 29293
~~the production of relevant papers, books, accounts, and reports.~~ 29294
~~On the refusal of any person to obey a subpoena or to be sworn~~ 29295
~~or to answer as a witness, the commission may apply to the court~~ 29296
~~of common pleas of Franklin county under section 2705.03 of the~~ 29297
~~Revised Code. The court shall hold contempt proceedings in~~ 29298
~~accordance with Chapter 2705. of the Revised Code.~~ 29299

~~The commission shall provide the person accused of the~~ 29300
~~violation at least seven days prior notice of the time, date,~~ 29301
~~and place of the hearing. The accused may be represented by an~~ 29302
~~attorney and shall have an opportunity to present evidence, call~~ 29303
~~witnesses, and cross-examine witnesses.~~ 29304

~~At the hearing, the commission shall determine whether the~~ 29305
~~violation alleged in the complaint has occurred. If the~~ 29306
~~commission determines that a violation of division (A) of~~ 29307
~~section 742.043 of the Revised Code has occurred, the commission~~ 29308
~~shall either impose a fine under section 742.99 of the Revised~~ 29309
~~Code or enter a finding that good cause has been shown not to~~ 29310
~~impose the fine. If the commission determines that a violation~~ 29311
~~of division (B) of section 742.043 of the Revised Code has~~ 29312
~~occurred, the commission shall impose the fine described in~~ 29313
~~section 742.99 of the Revised Code, refer the matter to the~~ 29314
~~appropriate prosecutor, or enter a finding that good cause has~~ 29315
~~been shown not to impose a fine or refer the matter to a~~ 29316
~~prosecutor.~~ 29317

Sec. 742.99. (A) Whoever violates section 742.043 of the 29318
Revised Code shall be fined not more than one hundred dollars 29319
for each day of the violation. 29320

(B) Whoever violates division (B) of section 742.043 of 29321

the Revised Code shall be imprisoned for not more than six 29322
months or fined not more than five thousand dollars, or both. 29323

~~(C) Fines imposed by the Ohio elections commission under 29324
this section shall be paid into the Ohio elections commission 29325
fund created under section 3513.10 of the Revised Code. 29326~~

Sec. 749.31. Except where the contract is for equipment, 29327
services, materials, or supplies available from a qualified 29328
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 29329
125.601 of the Revised Code, the board of hospital trustees 29330
shall enter into a contract for work or supplies where the 29331
estimated cost exceeds fifty thousand dollars with the lowest 29332
and best bidder. Where the contract is for other than the 29333
construction, demolition, alteration, repair, or reconstruction 29334
of an improvement, the board shall enter into the contract when 29335
the bidder gives bond to the board, with such security as the 29336
board approves, that the bidder will perform the work and 29337
furnish materials or supplies in accordance with the contract. 29338
On the failure of such bidder within a reasonable time, to be 29339
fixed by the board, to enter into bond with such security, a 29340
contract may be made with the next lowest and best bidder, and 29341
so on until a contract is effected by a contractor giving such 29342
bond. The board may reject any bid. 29343

Sec. 755.181. The legislative authority of any municipal 29344
corporation, township, township park district, county, or school 29345
district desiring to join a joint recreation district created 29346
under section 755.14 of the Revised Code may, by resolution, 29347
petition the joint recreation district board of trustees for 29348
membership. If the joint recreation district does not impose a 29349
tax, the petitioning subdivision becomes a member upon approval 29350
by the joint recreation district's board of trustees. If the 29351

joint recreation district imposes a tax, the petitioning 29352
subdivision becomes a member after approval by the joint 29353
recreation district's board of trustees and after approval of 29354
the tax by the electors of the petitioning subdivision. In such 29355
a case, the joint recreation district's board of trustees and 29356
the county auditor shall proceed as required for a tax levy 29357
under section 5705.03 of the Revised Code, except that the 29358
levy's annual collections shall be estimated assuming that the 29359
subdivision's territory has been added to the joint recreation 29360
district. 29361

Upon certification by the board of trustees of the joint 29362
recreation district to the appropriate boards of election, the 29363
boards of election shall make the necessary arrangements for the 29364
submission of the question to the electors of the petitioning 29365
subdivision qualified to vote thereon. The election shall be 29366
held, canvassed, and certified in the manner provided for the 29367
submission of tax levies under section 5705.19 of the Revised 29368
Code, except that the question appearing on the ballot shall 29369
read: 29370

"Shall the territory within _____ (Name of the 29371
subdivision to be added) be added to _____ (Name) 29372
joint recreation district, and a property tax, that the county 29373
auditor estimates will collect \$_____ annually, at a rate not 29374
exceeding _____ mills for each \$1 of taxable value, 29375
which amounts to \$_____ (effective rate) for each 29376
\$100,000 of ~~the county auditor's appraised market~~ value, be in 29377
effect for _____ (here insert the number of years 29378
the tax is to be in effect)?" 29379

If the question is approved by at least a majority of the 29380
electors voting on it, the joinder shall be effective as of the 29381

first day of January of the year following approval, and on that 29382
date, the joint recreation district tax shall be extended to the 29383
taxable property within the territory that has been added. 29384

The legislative authority of any subdivision that is a 29385
member of a joint recreation district may withdraw from it upon 29386
certification of a resolution proclaiming a withdrawal to the 29387
joint recreation district's board of trustees. Any subdivision 29388
withdrawing from a joint recreation district shall continue to 29389
have levied against its tax duplicate any tax levied by the 29390
district on the effective date of the withdrawal until it 29391
expires or is renewed. Members of a joint recreation district's 29392
board of trustees who represent the withdrawing subdivision are 29393
deemed to have resigned their position upon certification of a 29394
withdrawal resolution. Upon the withdrawal of any subdivision 29395
from a joint recreation district, the county auditor shall 29396
ascertain, apportion, and order a division of the funds on hand, 29397
moneys and taxes in the process of collection, except for taxes 29398
levied for the payment of indebtedness, credits, and real and 29399
personal property, either in money or in kind, on the basis of 29400
the valuation of the respective tax duplicates of the 29401
withdrawing subdivision and the remaining territory of the joint 29402
recreation district. 29403

When the number of subdivisions comprising a joint 29404
recreation district is reduced to one, the joint recreation 29405
district ceases to exist, and the funds, credits, and property 29406
remaining after apportionments to withdrawing subdivisions shall 29407
be assumed by the one remaining subdivision. When a joint 29408
recreation district ceases to exist and indebtedness remains 29409
unpaid, the board of county commissioners shall continue to levy 29410
and collect taxes for the payment of that indebtedness within 29411
the territory of the joint recreation district as it was 29412

comprised at the time the indebtedness was incurred. 29413

As used in this section, "~~the county auditor's appraised~~ 29414
market value" and "effective rate" have the same meanings as in 29415
section 5705.01 of the Revised Code. 29416

Sec. 901.43. (A) As used in this section, "certificate of 29417
free sale" means a document issued by the director of 29418
agriculture that certifies to states and countries receiving the 29419
listed product that the product being exported is freely 29420
marketed without restriction in the United States. 29421

(B) ~~The director of agriculture~~ may authorize any 29422
department of agriculture laboratory to perform a laboratory 29423
service for any person, organization, political subdivision, 29424
state agency, federal agency, or other entity, whether public or 29425
private. The director shall adopt and enforce rules to provide 29426
for the rendering of a laboratory service. 29427

~~(B)~~ (C) The director may charge a reasonable fee for the 29428
performance of a laboratory service, except when the service is 29429
performed on an official sample taken by the director acting 29430
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 29431
Revised Code; by a board of health acting as the licensor of 29432
retail food establishments or food service operations under 29433
Chapter 3717. of the Revised Code; or by the director of health 29434
acting as the licensor of food service operations under Chapter 29435
3717. of the Revised Code. The director of agriculture shall 29436
adopt rules specifying what constitutes an official sample. 29437

The director shall publish a list of laboratory services 29438
offered, together with the fee for each service. 29439

~~(C)~~ (D) The director may enter into a contract with any 29440
person, organization, political subdivision, state agency, 29441

federal agency, or other entity for the provision of a 29442
laboratory service. 29443

~~(D) (1)~~ (E) (1) The director may adopt rules establishing 29444
standards for accreditation of laboratories and laboratory 29445
services and in doing so may adopt by reference existing or 29446
recognized standards or practices. 29447

(2) The director may inspect and accredit laboratories and 29448
laboratory services, and may charge a reasonable fee for the 29449
inspections and accreditation. 29450

~~(E) (1)~~ (F) (1) There is hereby created in the state treasury 29451
the animal and consumer protection laboratory fund. Moneys from 29452
the following sources shall be deposited into the state treasury 29453
to the credit of the fund: all moneys collected by the director 29454
under this section that are from fees generated by a laboratory 29455
service performed by the department and related to the diseases 29456
of animals, all moneys so collected that are from fees generated 29457
for the inspection and accreditation of laboratories and 29458
laboratory services related to the diseases of animals, all 29459
moneys collected by the director under this section that are 29460
from fees generated by a laboratory service performed by the 29461
consumer protection laboratory, all moneys so collected that are 29462
from fees generated for the inspection and accreditation of 29463
laboratories and laboratory services not related to weights and 29464
measures, money received by the director under sections 947.01 29465
to 947.06 of the Revised Code, and all moneys collected under 29466
~~Chapters 943. and Chapter~~ 953. of the Revised Code that are not 29467
credited to the animal and consumer protection fund created in 29468
section 943.26 of the Revised Code. The director may use the 29469
moneys held in the fund to pay the expenses necessary to operate 29470
the animal industry laboratory and the consumer protection 29471

laboratory, including the purchase of supplies and equipment. 29472

(2) All moneys collected by the director under this 29473
section that are from fees generated by a laboratory service 29474
performed by the weights and measures laboratory, and all moneys 29475
so collected that are from fees generated for the inspection and 29476
accreditation of laboratories and laboratory services related to 29477
weights and measures, shall be deposited in the state treasury 29478
to the credit of the weights and measures laboratory fund, which 29479
is hereby created in the state treasury. The moneys held in the 29480
fund may be used to pay the expenses necessary to operate the 29481
division of weights and measures, including the purchase of 29482
supplies and equipment. 29483

(G) (1) The director may authorize any department of 29484
agriculture division or program to issue a certificate of free 29485
sale to any person, organization, political subdivision, state 29486
agency, federal agency, or other entity, whether public or 29487
private. The director may charge a fee of fifty dollars for 29488
issuance of a certificate of free sale. The director shall adopt 29489
and enforce rules in accordance with Chapter 119. of the Revised 29490
Code to provide for the issuance of the certificates of free 29491
sale. 29492

(2) All money collected by the director under this section 29493
that is from fees related to the issuance of certificates of 29494
free sale shall be credited to the appropriate program fund 29495
administered by the department. 29496

Sec. 904.02. (A) There is hereby created the Ohio 29497
livestock care standards board consisting of the following 29498
members: 29499

(1) The director of agriculture, who shall be the 29500

chairperson of the board; 29501

(2) Ten members appointed by the governor with the advice 29502
and consent of the senate. The ten members shall be residents of 29503
this state and shall include the following: 29504

(a) One member representing family farms; 29505

(b) One member who is knowledgeable about food safety in 29506
this state; 29507

(c) Two members representing statewide organizations that 29508
represent farmers; 29509

(d) One member who is a veterinarian licensed under 29510
Chapter 4741. of the Revised Code; 29511

(e) The state veterinarian in the department of 29512
agriculture; 29513

(f) The dean of the agriculture department of a college or 29514
university located in this state; 29515

(g) Two members of the public representing consumers in 29516
this state; 29517

(h) One member representing a county humane society 29518
organized under Chapter 1717. of the Revised Code. 29519

(3) One member appointed by the speaker of the house of 29520
representatives who shall be a family farmer; 29521

(4) One member appointed by the president of the senate 29522
who shall be a family farmer. 29523

Not more than seven members appointed to the board at any 29524
given time shall be of the same political party. 29525

(B) (1) The governor, the speaker of the house of 29526

representatives, and the president of the senate shall make 29527
appointments to the board not later than forty-five days after 29528
~~the effective date of this section~~ March 31, 2010. 29529

(2) The following initial members of the board appointed 29530
by the governor shall be appointed for a term ending January 25, 29531
2011: 29532

(a) The member representing family farmers; 29533

(b) The dean of the agriculture department of a college or 29534
university located in this state; 29535

(c) The member who is a veterinarian licensed under 29536
Chapter 4741. of the Revised Code; 29537

(d) One of the members of the public representing 29538
consumers in this state. 29539

(3) The following initial members of the board shall be 29540
appointed for a term ending January 15, 2012: 29541

(a) The member appointed by the speaker of the house of 29542
representatives who is a family farmer; 29543

(b) One of the members representing a statewide 29544
organization that represents farmers; 29545

(c) The member representing a county humane society 29546
organized under Chapter 1717. of the Revised Code; 29547

(d) The member who is knowledgeable about food safety in 29548
this state. 29549

(4) The following initial members of the board shall be 29550
appointed for a term ending January 15, 2013: 29551

(a) The member appointed by the president of the senate 29552
who is a family farmer; 29553

(b) One of the members of the public representing 29554
consumers in this state; 29555

(c) One of the members representing a statewide 29556
organization that represents farmers. 29557

(C) After the initial terms served in accordance with 29558
division (B) of this section, terms of office shall be for three 29559
years with each term ending on the same day of the same month as 29560
did the term that it succeeds. However, the terms for the 29561
director of agriculture and the state veterinarian shall 29562
coincide with the length of time that the person holds the 29563
position of director or state veterinarian, as applicable. If 29564
the director or the state veterinarian resigns or that person's 29565
employment is terminated, the director or state veterinarian, as 29566
applicable, shall cease to serve on the board, and the successor 29567
of the director or state veterinarian shall then serve on the 29568
board in accordance with this section. Every other member shall 29569
hold office from the date of the member's appointment until the 29570
end of the term for which the member was appointed. 29571

Vacancies on the board shall be filled in the manner 29572
provided for original appointments. Any member appointed to fill 29573
a vacancy occurring prior to the expiration of the term for 29574
which the member's predecessor was appointed shall hold office 29575
for the remainder of that term. A member shall continue in 29576
office subsequent to the expiration date of the member's term 29577
until the member's successor takes office, or until a period of 29578
one hundred eighty days has elapsed, whichever occurs first. A 29579
member may be reappointed upon the expiration of the member's 29580
term. 29581

(D) The board shall hold at least three regular meetings 29582
each year and may hold additional meetings at times that the 29583

chairperson or a majority of the board members considers 29584
appropriate. At the three regular meetings held by the board 29585
each year, the board shall conduct a review of the rules 29586
governing the care and well-being of livestock that have been or 29587
are proposed to be adopted under section 904.03 of the Revised 29588
Code. 29589

At the first meeting of the board in each calendar year, 29590
the director shall designate one member of the board to serve as 29591
its vice-chairperson. A majority of the board constitutes a 29592
quorum. The board may act only if a quorum is present and only 29593
by majority vote of that quorum. A vacancy on the board does not 29594
impair the right of the other members to exercise all of the 29595
board's powers. 29596

(E) Serving as an appointed member of the board does not 29597
constitute holding a public office or position of employment 29598
under the laws of this state and does not constitute grounds for 29599
removal of public officers or employees from their offices or 29600
positions of employment. 29601

(F) Appointed members of the board shall receive no 29602
compensation for their services. Members shall be reimbursed for 29603
their actual and necessary expenses incurred in the performance 29604
of their duties as members. The expenses shall be paid from the 29605
~~Ohio livestock care standards~~ animal and consumer protection 29606
fund created in section ~~904.06~~ 943.26 of the Revised Code. The 29607
expenses shall be paid in accordance with the rules and 29608
requirements adopted by the department of administrative 29609
services that are applicable to state employees. 29610

(G) The board may create committees that it considers 29611
appropriate to make recommendations to the board. Committees may 29612
include non-board members. 29613

Sec. 904.04. (A) In order to assist the Ohio livestock 29614
care standards board in the administration and enforcement of 29615
this chapter, the director of agriculture shall do all of the 29616
following: 29617

(1) Hire all employees of the board, including an 29618
executive director. Employees of the board shall be in the 29619
unclassified civil service, serve at the pleasure of the 29620
director of agriculture, and be compensated with money from the 29621
~~Ohio livestock care standards~~ animal and consumer protection 29622
fund created in section ~~904.06~~ 943.26 of the Revised Code. 29623

(2) Enter into contracts on behalf of the board; 29624

(3) Do all of the following with regard to rules governing 29625
the care and well-being of livestock adopted by the board under 29626
section 904.03 of the Revised Code: 29627

(a) Process and submit the rules to the joint committee on 29628
agency rule review pursuant to Chapter 119. of the Revised Code; 29629

(b) Contract for surveys and analyses; 29630

(c) Perform any other activities that assist the board in 29631
adopting the rules. 29632

(4) Publish and distribute information related to 29633
livestock care, including educational materials, to livestock 29634
producers and members of the public; 29635

(5) Investigate complaints regarding violations of the 29636
rules adopted under section 904.03 of the Revised Code in 29637
accordance with the authority granted by this chapter, sections 29638
901.25 to 901.29 of the Revised Code, and rules adopted under 29639
this chapter and section 901.03 of the Revised Code; 29640

(6) Enforce the rules adopted under section 904.03 of the 29641

Revised Code and levy the civil penalties established by those 29642
rules. The director may apply to a court of competent 29643
jurisdiction for a temporary or permanent injunction or other 29644
appropriate relief for violations of this chapter and rules 29645
adopted under it. For purposes of this division, the court of 29646
competent jurisdiction shall be either the court of common pleas 29647
of Licking county or the court of common pleas of the county 29648
where the violation is occurring. Money collected from civil 29649
penalties levied under division (A)(6) of this section shall be 29650
deposited in the state treasury to the credit of the general 29651
revenue fund. 29652

(7) Perform any other duties necessary to assist the board 29653
in the administration and enforcement of this chapter. 29654

(B) With the consent of the premises owner and, if the 29655
premises owner is different from the livestock owner, the 29656
livestock owner, the director or the director's authorized 29657
representative may enter at all reasonable times on any premises 29658
for the purpose of determining compliance with the rules adopted 29659
under section 904.03 of the Revised Code. If the director or the 29660
director's authorized representative is denied access to the 29661
premises and the director or the director's authorized 29662
representative suspects that those rules are not being complied 29663
with, the director may apply for a search warrant authorizing 29664
access from a court of competent jurisdiction. The court shall 29665
issue the search warrant if there is probable cause. Probable 29666
cause may be based on hearsay, provided that there is 29667
substantial basis for believing the source is credible and there 29668
is factual basis for the information. 29669

Upon entry on premises in accordance with this division, 29670
the director or the director's authorized representative shall 29671

observe biosecurity measures in order to prevent spreading 29672
disease and infecting livestock. 29673

Sec. 905.32. (A) No person shall manufacture or distribute 29674
in this state any type of fertilizer until a license to 29675
manufacture or distribute has been obtained by the manufacturer 29676
or distributor from the department of agriculture upon payment 29677
of a ~~five-dollar~~ fifty-dollar fee: 29678

(1) For each fixed (permanent) location at which 29679
fertilizer is manufactured in this state; 29680

(2) For each mobile unit used to manufacture fertilizer in 29681
this state; 29682

(3) For each location out of the state from which 29683
fertilizer is distributed into this state; 29684

(4) For each location in this state from which fertilizer 29685
is distributed in this state. 29686

All licenses shall be valid for one year beginning on the 29687
first day of December of a calendar year through the thirtieth 29688
day of November of the following calendar year. A renewal 29689
application for a license shall be submitted no later than the 29690
thirtieth day of November each year. A person who submits a 29691
renewal application for a license after the thirtieth day of 29692
November shall include with the application a late filing fee of 29693
~~ten~~ twenty-five dollars. 29694

(B) An application for a license shall include: 29695

(1) The name and address of the licensee; 29696

(2) The name and address of each bulk distribution point 29697
in the state, not licensed for fertilizer manufacture and 29698
distribution. 29699

The name and address shown on the license shall be shown 29700
on all labels, pertinent invoices, and bulk storage for 29701
fertilizers distributed by the licensee in this state. 29702

(C) The licensee shall inform the director of agriculture 29703
in writing of additional distribution points established during 29704
the period of the license. 29705

(D) All money collected under this section shall be 29706
credited to the pesticide, fertilizer, and lime program fund 29707
created in section 921.22 of the Revised Code. 29708

Sec. 905.57. ~~(A) All information furnished to or procured-~~ 29709
~~by the director of agriculture under section 905.56 of the~~ 29710
~~Revised Code is for the exclusive use and information of the~~ 29711
~~director in the discharge of his official duties and is not open~~ 29712
~~to the public nor to be used in any court in any action or~~ 29713
~~proceeding therein unless the director is a party to such action~~ 29714
~~or proceeding, but such information may be consolidated in-~~ 29715
~~statistical tables and published by the director in statistical-~~ 29716
~~form, without disclosing details of information furnished by any~~ 29717
~~particular person.~~ 29718

~~(B)~~ No person shall willfully divulge any information 29719
secured while in the employ of the department of agriculture, 29720
with respect to the transactions, property, files, records, or 29721
papers of the department, or with respect to the business of any 29722
manufacturer, seller, or distributor of agricultural liming 29723
material to any person other than the director or the superior 29724
of such employee, or when called upon to testify in an action or 29725
proceeding to which the director is a party. 29726

Sec. 907.13. No person shall label agricultural, 29727
vegetable, or flower seed that is intended for sale in this 29728

state unless the person holds a valid seed labeler permit that 29729
has been issued by the director of agriculture in accordance 29730
with this section. 29731

A person who wishes to obtain a seed labeler permit shall 29732
file an application with the director on a form that the 29733
director provides and shall submit a permit fee in the amount of 29734
~~ten~~fifty dollars. Such a person who labels seed under more than 29735
one name or at more than one address shall obtain a separate 29736
seed labeler permit and pay a separate permit fee for each name 29737
and address. 29738

The applicant shall include the applicant's full name and 29739
address on the application together with any additional 29740
information that the director requires by rules adopted under 29741
section 907.10 of the Revised Code. If the applicant's address 29742
is not within this state or it does not represent a location in 29743
this state where the director can collect samples of the 29744
applicant's seed for analysis, then the applicant shall include 29745
on the application an address within this state where samples of 29746
the applicant's seed may be collected for those purposes or 29747
shall agree to provide the director or the director's authorized 29748
representative with seeds for sampling upon request. 29749

Upon receipt of a complete application accompanied by the 29750
~~ten-dollar~~fifty-dollar permit fee, the director shall issue a 29751
seed labeler's permit to the applicant. All seed labeler permits 29752
that are issued under this section shall expire on the thirty- 29753
first day of ~~December~~January of each year regardless of the 29754
date on which a permit was issued during ~~that year~~the previous 29755
one-year period. 29756

Each person who obtains a seed labeler permit shall label 29757
the seed that the person intends for sale in this state in 29758

accordance with the requirements established in sections 907.01 29759
to 907.17 of the Revised Code. Each person who holds a valid 29760
seed labeler permit shall keep the permit posted in a 29761
conspicuous place in the principal seed room from which the 29762
person sells seed and shall comply with the reporting and fee 29763
requirements that are established in section 907.14 of the 29764
Revised Code. 29765

All money collected under this section shall be credited 29766
to the commercial feed and seed fund created in section 923.46 29767
of the Revised Code. 29768

Sec. 907.14. (A) A person who holds a valid seed labeler 29769
permit issued under section 907.13 of the Revised Code shall 29770
report to the director of agriculture concerning the amount of 29771
seed that the person sells in this state. The report shall be 29772
made ~~semiannually~~annually on a form that the director 29773
prescribes and provides. ~~One semiannual~~The report shall be 29774
filed with the director prior to the first day of February of 29775
each year with respect to all sales that the person made during 29776
the period from the first day of ~~July~~January to the thirty- 29777
first day of December of the ~~preceding~~previous year. ~~The second~~ 29778
~~semiannual report shall be filed prior to the first day of~~ 29779
~~August of each year with respect to all sales that the person~~ 29780
~~made during the period from the first day of January to the~~ 29781
~~thirtieth day of June of that year.~~ 29782

(B) A person who holds a valid seed labeler permit shall 29783
include with each ~~semiannual~~annual report a seed fee based on 29784
the amount of the seed that the person sold during that 29785
reporting period as follows: 29786

(1) For soybeans and small grains, including barley, oats, 29787
rye, wheat, triticale, and spelt, four cents per one hundred 29788

pounds;	29789
(2) For corn and grain sorghum, five cents per one hundred	29790
pounds;	29791
(3) (a) For any of the following seed sold at wholesale or	29792
retail or on consignment or commission, two per cent of the	29793
wholesale value of the containers of seed or, if the seed is not	29794
sold wholesale, two per cent of the retail value of the	29795
containers of seed:	29796
(i) Vegetable and flower seed sold in containers, other	29797
than hermetically sealed containers, of eight ounces or less;	29798
(ii) Flower seed sold in hermetically sealed containers	29799
that contain fewer than three hundred seeds;	29800
(iii) Vegetable seed sold in hermetically sealed	29801
containers that contain fewer than one thousand seeds.	29802
(b) The fees established pursuant to divisions (B) (3) (a)	29803
(ii) and (iii) of this section apply to both of the following:	29804
(i) Seed sold in hermetically sealed containers that	29805
contain the amount of seeds specified in division (B) (3) (a) (ii)	29806
or (iii) of this section, as applicable;	29807
(ii) Seed sold in hermetically sealed containers that do	29808
not clearly state the number of seeds that they contain.	29809
(c) Except as otherwise provided in division (B) (3) (b) (ii)	29810
of this section, if the weight of seed in a container, or the	29811
quantity of seed in a container, exceeds the applicable weight	29812
or quantity specified in division (B) (3) (a) (i), (ii), or (iii)	29813
of this section, the fee established in division (B) (4) of this	29814
section applies.	29815

(4) For alfalfa, clover, grass, native grass, mixtures 29816
containing any of these, and all agricultural, vegetable, and 29817
flower seeds not specified in divisions (B) (1) to (3) of this 29818
section, ten cents per one hundred pounds. 29819

If the total amount of the seed fee that is due is less 29820
than ~~five-fifty~~ dollars, the person shall pay ~~the minimum seed~~ 29821
~~no fee, which is five dollars.~~ 29822

(C) For each failure to report in full the amount of seed 29823
sold or to submit the required seed fees in full by the due 29824
date, a person who holds a valid seed labeler permit shall pay a 29825
penalty of ten per cent of the amount due or fifty dollars, 29826
whichever is greater. Failure to pay either the fee or the 29827
penalty within thirty days after the due date is cause for 29828
suspension or revocation by the director of the seed labeler 29829
permit or refusal, without a hearing, to issue a subsequent seed 29830
labeler permit for which the person applies. 29831

(D) This section does not apply to governmental entities 29832
that donate seed for conservation purposes. 29833

(E) All money collected under this section shall be 29834
credited to the commercial feed and seed fund created in section 29835
923.46 of the Revised Code. 29836

Sec. 911.02. Each person, firm, partnership, or 29837
corporation that owns or operates a bakery shall register each 29838
bakery that it owns or operates with the director of 29839
agriculture. For the registration, the owner or operator of each 29840
bakery shall pay an annual fee of ~~thirty dollars for a~~ 29841
~~production capacity of one thousand pounds of bakery product per~~ 29842
~~hour or less and an annual fee of thirty dollars for each one~~ 29843
~~thousand pounds of bakery product per hour capacity, or part~~ 29844

~~thereof, in excess of one thousand pounds of bakery product per~~ 29845
~~hour~~ two hundred dollars. 29846

Any person who owns or operates a home bakery with only 29847
one oven, in a stove of ordinary home kitchen design and located 29848
in a home, used for the baking of baked goods to be sold, shall 29849
pay a sum of ten dollars annually for registration regardless of 29850
the capacity of the home bakery oven. The registration shall be 29851
renewed annually by the thirtieth day of September and shall be 29852
renewed according to the standard renewal procedure of Chapter 29853
4745. of the Revised Code. The registration of the bakery shall 29854
show the location, including municipal corporation, street, and 29855
number, the name of the owner, and the name of the operator. The 29856
application for registration shall be made on a form prescribed 29857
and provided by the director. All moneys received from 29858
registration fees and fines collected under sections 911.01 to 29859
911.20 of the Revised Code shall be deposited with the treasurer 29860
of state to the credit of the food safety fund created in 29861
section 915.24 of the Revised Code. All annual renewal 29862
registration fees required by this section shall be paid by the 29863
applicant for the renewal to the treasurer of state for deposit 29864
into the food safety fund. 29865

No bakery product that is manufactured in an out-of-state 29866
bakery shall be sold or offered for sale within this state 29867
unless the bakery is in compliance with sections 911.01 to 29868
911.20 of the Revised Code, and is registered, having paid the 29869
annual registration fee. 29870

Registration of out-of-state bakeries is not required if a 29871
reciprocal agreement is in effect whereby a bakery located in 29872
this state is not subject to a license or registration fee by 29873
the receiving state or a political subdivision thereof. 29874

Sec. 913.23. (A) The director of agriculture may issue 29875
licenses as required by sections 913.22 to 913.28 of the Revised 29876
Code, may make the inspections and registrations required by 29877
those sections, and may prescribe the form of application to be 29878
filed under this section. 29879

(B) No person shall manufacture or bottle for sale within 29880
this state any soft drink in closed containers unless the person 29881
has a license issued by the director. Upon receipt of an 29882
application for such a license, the director shall examine the 29883
products and the place of manufacture where the business is to 29884
be conducted, to determine whether the products and place comply 29885
with sections 913.22 to 913.28 of the Revised Code. Upon finding 29886
there is compliance, and upon payment of a license fee of two 29887
hundred dollars, the director shall issue a license authorizing 29888
the applicant to manufacture or bottle for sale such soft 29889
drinks, subject to sections 913.22 to 913.28 of the Revised 29890
Code. The license shall expire on the last day of March of each 29891
year unless renewed. 29892

(C) No soft drink that is manufactured or bottled out of 29893
the state shall be sold or offered for sale within this state 29894
unless the soft drink and the plant in which the soft drink is 29895
manufactured or bottled are found by the director to comply with 29896
sections 913.22 to 913.28 of the Revised Code, and are 29897
registered by the director, which shall be upon a like 29898
application as provided in division (B) of this section. 29899

An annual registration fee of two hundred dollars shall be 29900
paid to the director by each applicant under this division. The 29901
registration shall be renewed annually, and the registration fee 29902
paid with the application for annual renewal. 29903

Registration of out-of-state soft drink manufacturers or 29904

bottlers or syrup and extract manufacturers is not required if a 29905
reciprocal agreement is in effect whereby a soft drink 29906
manufacturer or bottler or syrup and extract manufacturer 29907
located in this state is not subject to a license or 29908
registration fee by another state or a political subdivision 29909
thereof. 29910

(D) ~~No person, other than a manufacturer or bottler~~ 29911
~~holding a soft drink plant license under this section, shall~~ 29912
~~sell, offer for sale, use, or have in the person's possession~~ 29913
~~with intent to sell, any soda water syrup or extract or soft~~ 29914
~~drink syrup, to be used in making, drawing, or dispensing soda~~ 29915
~~water or other soft drinks, without first registering the~~ 29916
~~person's name and address, the name and address of the~~ 29917
~~manufacturer of the syrup or extract, the number and variety of~~ 29918
~~such syrups or extracts intended to be sold, and the trade name~~ 29919
~~or brand of those products, with the director, together with~~ 29920
~~such samples of the syrups or extracts as the director requests~~ 29921
~~for analysis. The person also shall pay to the department of~~ 29922
~~agriculture at the time of making registration a license fee of~~ 29923
~~one hundred dollars. No license shall be granted by the director~~ 29924
~~unless the director determines that the syrup or extract is free~~ 29925
~~from all harmful drugs and other ingredients that, as used, may~~ 29926
~~be injurious to health. The registration shall be renewed~~ 29927
~~annually upon like terms. If any manufacturer, bottler, agent,~~ 29928
~~or seller is licensed or has registered the manufacturer's,~~ 29929
~~bottler's, agent's, or seller's name and product as required by~~ 29930
~~this section and has paid the manufacturer's, bottler's,~~ 29931
~~agent's, or seller's fee, the manufacturer's, bottler's,~~ 29932
~~agent's, or seller's distributor, retail agent, or retail seller~~ 29933
~~using the products shall not be required to pay that fee. This~~ 29934
~~section does not apply to local sellers of soft drinks as to~~ 29935

~~syrups and extracts made by themselves for their own use~~ 29936
~~exclusively.~~ 29937

~~(E)~~ All moneys received under sections 913.22 to 913.28 of 29938
the Revised Code shall be deposited with the treasurer of state 29939
to the credit of the food safety fund created in section 915.24 29940
of the Revised Code. 29941

~~(F)~~ (E) The director may revoke any license or registration 29942
issued under sections 913.22 to 913.28 of the Revised Code, 29943
whenever the director determines that those sections have been 29944
violated. When a license has been revoked, the licensee shall 29945
discontinue the manufacture and sale of soft drinks or other 29946
products for which the license was issued. When a registration 29947
has been revoked, the registrant shall discontinue the sale 29948
within this state of the registrant's products until those 29949
sections have been complied with and a new license or 29950
registration has been issued. The director may suspend any such 29951
license or registration temporarily, pending compliance with 29952
such conditions required by those sections as the director 29953
prescribes. 29954

Sec. 915.16. The license fee for an establishment is ~~fifty~~ 29955
two hundred dollars. Any operator operating in connection with a 29956
cold-storage warehouse holding a license under section 915.02 of 29957
the Revised Code is not required to secure an additional license 29958
under section 915.15 of the Revised Code so long as the operator 29959
continues to be licensed as a cold-storage warehouse; but the 29960
operator shall comply with sections 915.14 to 915.24 of the 29961
Revised Code, and all rules and regulations promulgated 29962
thereunder. The license issued shall be in such form as the 29963
department of agriculture prescribes. Licenses shall be valid 29964
until the last day of November following initial issuance or 29965

renewal and shall become invalid on that date unless renewed. 29966
The original license or a certified copy thereof shall be 29967
conspicuously displayed by the operator in the establishment. 29968

Sec. 915.24. (A) There is hereby created in the state 29969
treasury the food safety fund. All of the following moneys shall 29970
be credited to the fund: 29971

(1) Bakery registration fees and fines received under 29972
sections 911.02 to 911.20 of the Revised Code; 29973

(2) Cannery license fees and renewal fees received under 29974
sections 913.01 to 913.05 of the Revised Code; 29975

(3) Moneys received under sections 913.22 to 913.28 of the 29976
Revised Code; 29977

(4) License fees, fines, and penalties recovered for the 29978
violation of sections 915.01 to 915.12 of the Revised Code; 29979

(5) License fees collected under sections 915.14 to 915.23 29980
of the Revised Code; 29981

(6) License fees, other fees, and fines collected by or 29982
for the director of agriculture under Chapter 3717. of the 29983
Revised Code; 29984

(7) Fees collected under section 3715.04 of the Revised 29985
Code for the issuance of certificates of health and freesale; 29986

(8) Registration fees and other fees collected by the 29987
director of agriculture under section 3715.041 of the Revised 29988
Code; 29989

(9) Money received from contracts or cooperative 29990
agreements with any agency of the United States government, or 29991
any other public or private agency or organization, for either 29992

of the following: 29993

(a) The performance of the prescribed duties of the 29994
department of agriculture under this chapter and Chapters 911., 29995
913., 925., 3715., and 3717. of the Revised Code; 29996

(b) Accomplishing cooperative projects within the scope of 29997
such duties. 29998

(B) The director of agriculture shall use the moneys 29999
deposited into the food safety fund to administer and enforce 30000
the laws pursuant to which the moneys were collected. 30001

Sec. 923.42. (A) No person who manufactures commercial 30002
feed or customer-formula feed, or whose name appears on the 30003
label of any commercial feed or customer-formula feed as a 30004
distributor shall distribute in this state any type of 30005
commercial feed unless ~~he~~the person is registered ~~with the~~ 30006
~~director of agriculture on a form provided by the director that~~ 30007
~~identifies the manufacturer's or distributor's name, place of~~ 30008
~~business, and location of each manufacturing facility in this~~ 30009
~~state~~in accordance with this section. 30010

A manufacturer and distributor shall annually register, on 30011
a form prescribed by the director of agriculture, and pay a 30012
registration fee of fifty dollars. The person shall file the 30013
registration not later than February first of each year. A 30014
registration expires January thirty-first of the following year. 30015

~~(B) The director shall assign to each manufacturer or~~ 30016
~~distributor registered under division (A) of this section a~~ 30017
~~permanent registration number.~~ 30018

~~(C)~~ The director may revoke or suspend a registration or 30019
refuse to register a person upon a finding that the 30020
manufacturer, distributor, or person violated any provision of 30021

sections 923.41 to 923.55 of the Revised Code or any rule 30022
adopted under those sections. 30023

No registration shall be revoked, suspended, or refused 30024
until the manufacturer, distributor, or person has an 30025
opportunity to appear at an adjudication hearing conducted in 30026
accordance with Chapter 119. of the Revised Code. 30027

(C) For purposes of this section, "manufacturer" includes 30028
an exempt buyer. 30029

Sec. 923.44. (A) (1) Except as otherwise provided in 30030
divisions (A) (2), (3), and (4) of this section, the first 30031
distributor of a commercial feed shall pay the director of 30032
agriculture ~~a semiannual~~ an annual inspection fee at the rate of 30033
twenty-five cents per ton, ~~with a minimum payment of twenty-five~~ 30034
~~dollars,~~ on all commercial feeds distributed by the first 30035
distributor in this state. The department of agriculture shall 30036
not collect inspection fees on the first two hundred tons of 30037
commercial feed sold in a calendar year. 30038

(2) The ~~semiannual~~ annual inspection fee required under 30039
division (A) (1) of this section shall not be paid by the first 30040
distributor of a commercial feed if the distribution is made to 30041
an exempt buyer who shall be responsible for the fee. The 30042
director shall establish an exempt list consisting of those 30043
buyers who are responsible for the fee. 30044

(3) The ~~semiannual~~ annual inspection fee shall not be paid 30045
on a commercial feed if the fee has been paid by a previous 30046
distributor. 30047

(4) The ~~semiannual~~ annual inspection fee shall not be paid 30048
on customer-formula feed if the fee has been paid on the 30049
commercial feeds that are used as components in that customer- 30050

formula feed. 30051

(B) Each distributor or exempt buyer who is required to 30052
pay a fee under division (A) (1) or (2) of this section shall 30053
file ~~a semiannual~~ an annual statement with the director that 30054
includes the number of net tons of commercial feed distributed 30055
by the distributor or exempt buyer in this state, ~~within thirty~~ 30056
~~days after the thirtieth day of June and within thirty days~~ 30057
~~after the thirty-first day of December, respectively, of each~~ 30058
for the previous calendar year. The distributor or exempt buyer 30059
shall file the statement with the distributor's or exempt 30060
buyer's registration required under section 923.42 of the 30061
Revised Code. 30062

The inspection fee at the rate stated in division (A) (1) 30063
of this section shall accompany the statement. For a tonnage 30064
report that is not filed or payment of inspection fees that is 30065
not made ~~within fifteen days after~~ by the due date established 30066
in section 923.42 of the Revised Code, a penalty of ten per cent 30067
of the amount due, ~~with a minimum penalty of~~ or fifty dollars, 30068
whichever is greater, shall be assessed against the distributor 30069
or exempt buyer. The amount of fees due, plus penalty, shall 30070
constitute a debt and become the basis of a judgment against the 30071
distributor or exempt buyer. 30072

(C) No information furnished under this section shall be 30073
disclosed by an employee of the department of agriculture in 30074
such a way as to divulge the operation of any person required to 30075
make such a report. 30076

(D) All money collected under this section shall be 30077
credited to the commercial feed and seed fund created in section 30078
923.46 of the Revised Code. 30079

Sec. 923.51. No person shall commit any of the following	30080
acts or cause to be committed any of the following acts:	30081
(A) Adulterate commercial feed or distribute adulterated	30082
commercial feed;	30083
(B) Adulterate pet food or distribute adulterated pet	30084
food;	30085
(C) Misbrand commercial feed or distribute misbranded	30086
commercial feed;	30087
(D) Adulterate any agricultural commodity such as whole	30088
seed, hay, straw, stover, silage, cobs, husks, or hulls and feed	30089
it to animals or distribute any such commodity that is	30090
adulterated;	30091
(E) Remove or dispose of a commercial feed in violation of	30092
a withdrawal from distribution order or a condemnation and	30093
confiscation order issued under section 923.52 or 923.53 of the	30094
Revised Code or any rules adopted under those sections;	30095
(F) Use for the person's own advantage, or reveal except	30096
to the director of agriculture or the director's agent or to the	30097
courts when relevant in any judicial proceeding under sections	30098
923.41 to 923.55 of the Revised Code or any rules adopted under	30099
those sections, any information acquired under the authority of	30100
those sections of the Revised Code or rules adopted under those	30101
sections that as a trade secret is entitled to protection;	30102
(G) Fail or refuse to register as required under section	30103
923.42 of the Revised Code or any rule adopted under that	30104
section;	30105
(H) Fail to pay inspection fees or file semiannual <u>annual</u>	30106
reports as required under section 923.44 of the Revised Code or	30107

any rule adopted under that section. 30108

Sec. 924.01. As used in sections 924.01 to 924.16 and 30109
924.40 to 924.55 of the Revised Code: 30110

(A) "Agricultural commodity" means any food, fiber, feed, 30111
animal, or plant, or group of foods, fibers, feeds, animals, or 30112
plants that the director of agriculture determines to be of the 30113
same nature, in either a natural or a processed state. 30114

"Agricultural commodity" does not include any of the following: 30115

(1) Grain, as defined in section 924.20 of the Revised 30116
Code; 30117

(2) Soybeans; 30118

(3) Hemp, as defined in section 928.01 of the Revised 30119
Code; 30120

(4) Pork, as defined in section 924.212 of the Revised 30121
Code. 30122

(B) "Distributor" means any person who sells, offers for 30123
sale, markets, or distributes an agricultural commodity that the 30124
person has purchased or acquired directly from a producer, or 30125
that the person markets on behalf of a producer. 30126

(C) "Handler" means any person who is in the business of 30127
packing, grading, selling, offering for sale, or marketing any 30128
agricultural commodity in commercial quantities as defined in a 30129
marketing program. 30130

(D) "Marketing program" means a program that is 30131
established by order of the director pursuant to this chapter, 30132
to improve or expand the market for an agricultural commodity. 30133

(E) "Operating committee" means a committee established to 30134

administer a marketing program for an agricultural commodity. 30135

(F) "Person" means any natural person, partnership, sole 30136
proprietorship, limited liability company, corporation, society, 30137
agricultural cooperative as defined in section 1729.01 of the 30138
Revised Code, association, or fiduciary. 30139

(G) "Processor" means any person who is in the business of 30140
grading, packaging, packing, canning, freezing, dehydrating, 30141
fermenting, distilling, extracting, preserving, grinding, 30142
crushing, juicing, or in any other way preserving or changing 30143
the form of any agricultural commodity. 30144

(H) "Producer" means any person who is in the business of 30145
producing, or causing to be produced, any agricultural commodity 30146
for commercial sale, except that when used in reference to 30147
nursery stock, "producer" also means a distributor, processor, 30148
handler, or retailer of nursery stock. 30149

Sec. 924.212. (A) As used in this section: 30150

(1) "Pork" means the flesh of a porcine animal. 30151

(2) "Pork product" means a product produced or processed 30152
in whole or in part from pork. 30153

(3) "Producer" means a person who raises porcine animals 30154
in this state for sale in commerce. 30155

(B) The pork marketing program is established to promote 30156
the sale of pork and pork products. However, the pork marketing 30157
program shall not operate unless the national pork checkoff 30158
program created by the "Pork Promotion, Research, and Consumer 30159
Information Act of 1985," 7 U.S.C. 4801 et seq. is no longer in 30160
operation. Except as provided in this division and divisions (C) 30161
to (F) of this section, the procedures, requirements, and other 30162

provisions that are established under sections 924.20 to 924.30 30163
of the Revised Code and rules that apply to the grain marketing 30164
program apply to the pork marketing program. For purposes of 30165
that application, references in those sections to "grain" are 30166
deemed to be replaced with references to "pork." 30167

(C) Not later than one hundred twenty days after the 30168
national pork checkoff program is no longer in operation, the 30169
Ohio pork council, or its successor, shall do both of the 30170
following: 30171

(1) Accept the names of persons as nominees to serve on a 30172
pork marketing program operating committee. In accepting 30173
nominations and placing names on the ballot, the Ohio pork 30174
council, or its successor, shall follow the procedures 30175
established in rules. 30176

(2) Hold an election to determine the membership of the 30177
operating committee. In the election, eligible producers may 30178
cast votes in person or mail ballots to polling places 30179
designated by the director of agriculture. The Ohio pork 30180
council, or its successor, shall establish a three-day period 30181
during which eligible producers may vote in person during normal 30182
business hours at the designated polling places. The director or 30183
another appropriate person shall send a ballot by ordinary 30184
first-class mail to an eligible producer who requests a ballot. 30185
An eligible producer shall make such a request by calling a 30186
toll-free telephone number designated by the director, by 30187
contacting one of the designated polling places, or by any 30188
additional method that the director may provide. A ballot 30189
returned by mail is not valid if it is postmarked later than the 30190
third day of the election period established by the Ohio pork 30191
council or its successor. 30192

For the purposes of an election of members of the pork 30193
marketing program operating committee, the director shall cause 30194
a ballot request form to be published at least thirty days 30195
before the beginning of the election period in at least two 30196
appropriate periodicals designated by the director and shall 30197
make the form available for reproduction to any interested group 30198
or association. 30199

(D) The pork marketing program operating committee 30200
consists of the following twelve members: 30201

(1) The director of agriculture, who shall be an ex- 30202
officio, non-voting member, or the director's designee; 30203

(2) The executive vice-president of the Ohio pork council 30204
or its successor; 30205

(3) Four members appointed by the director of agriculture 30206
who are pork producers. When making such appointments, the 30207
director shall give consideration to Ohio pork producers who are 30208
representatives on the national pork board; 30209

(4) Six members elected in accordance with section 924.22 30210
of the Revised Code, except that the elections shall occur by 30211
district, with one member elected from each district. The 30212
districts are as follows: 30213

(a) District one: Allen, Defiance, Fulton, Henry, 30214
Paulding, Putnam, Van Wert, and Williams counties; 30215

(b) District two: Crawford, Erie, Hancock, Huron, Lucas, 30216
Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot 30217
counties; 30218

(c) District three: Auglaize, Mercer, Hardin, Logan, and 30219
Shelby counties; 30220

(d) District four: Ashland, Ashtabula, Carroll, 30221
Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, 30222
Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, 30223
Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, 30224
Union, and Wayne counties; 30225

(e) District five: Butler, Darke, Hamilton, Miami, 30226
Montgomery, and Preble counties; 30227

(f) District six: Adams, Athens, Belmont, Brown, 30228
Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, 30229
Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, 30230
Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, 30231
Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and 30232
Washington counties. 30233

Except for the director, or the director's designee, all 30234
members of the pork marketing program operating committee are 30235
voting members. 30236

(E) Following the election of the initial members of the 30237
operating committee, all future elections for the pork marketing 30238
program shall occur in accordance with the pork marketing 30239
program's by-laws drafted and adopted by the pork marketing 30240
program operating committee. Such by-laws shall be adopted by 30241
the operating committee within one year after the creation of 30242
the pork marketing program. 30243

(F) (1) With regard to the levying of assessments under 30244
section 924.26 of the Revised Code, the assessment on pork shall 30245
be the lesser of the following: 30246

(a) Twenty-five one hundredths of one per cent of the 30247
market value of the porcine animal, pork, or pork product sold 30248
or imported; 30249

(b) An amount established by the operating committee at 30250
the initial meeting of the operating committee through an 30251
initial order. The operating committee may increase the rate of 30252
an assessment after the initial order by not more than one-tenth 30253
of one per cent per year. 30254

(3) If assessments are levied under the national pork 30255
checkoff program created by the "Pork Promotion, Research, and 30256
Consumer Information Act of 1985," 7 U.S.C. 4801 et seq., no 30257
assessments shall be levied for purposes of the pork marketing 30258
program established under this section. 30259

(4) The operating committee may determine if a refund of 30260
an assessment is permitted. 30261

Sec. 924.30. (A) No person shall knowingly fail or refuse 30262
to withhold or remit an assessment levied under section 924.212 30263
or 924.26 of the Revised Code. 30264

(B) Before instituting an enforcement action for a 30265
violation of this section, the director of agriculture shall 30266
give the alleged violator an opportunity to present the alleged 30267
violator's views to the director as to why the action should not 30268
be instituted. 30269

Sec. 924.51. (A) There is hereby created the Ohio grape 30270
industries committee consisting of ~~nine~~ten members. The members 30271
shall be the director of agriculture or the director's designee, 30272
who shall chair the committee, the superintendent of liquor 30273
control or the superintendent's designee, ~~the chief of the~~ 30274
~~division of markets of the department of agriculture,~~ the 30275
viticulture extension specialist of the Ohio agricultural 30276
research and development center, who shall be a nonvoting 30277
member, and ~~five~~seven members who shall be residents of this 30278

state and appointed by the director of agriculture in accordance 30279
with division (B) of this section. At no time shall the director 30280
appoint more than ~~five~~seven members to the committee. 30281

(B) Of the ~~five~~seven members of the committee appointed 30282
by the director of agriculture, not less than ~~two~~three, but not 30283
more than ~~three~~four shall be persons who receive income from 30284
the production of grapes or grape products. Not less than 30285
~~two~~three, but not more than ~~three~~four members shall be persons 30286
who receive income from the production of wine from raw grape or 30287
fruit products in either raw fruit or fresh juice form. The 30288
terms for each appointed member of the committee shall be for 30289
three years, commencing on the first day of January and ending 30290
on the thirty-first day of December. No appointed member shall 30291
serve more than two consecutive terms. The director may remove 30292
any appointed member for cause. 30293

(C) Members shall be appointed to fill vacancies caused by 30294
death, resignation, or removal in the same manner prescribed for 30295
regular appointment to the committee. Any member appointed to 30296
fill a vacancy occurring prior to the expiration of the term for 30297
which the member's predecessor was appointed shall hold office 30298
for the remainder of the term. Any member shall continue in 30299
office subsequent to the expiration date of that member's term 30300
until that member's successor takes office, or until a period of 30301
one hundred eighty days has elapsed, whichever occurs first. 30302

(D) All members of the committee are entitled to their 30303
actual and necessary expenses incurred in the performance of 30304
their duties as members, payable from moneys received from the 30305
Ohio grape industries fund created under section 924.54 of the 30306
Revised Code. 30307

(E) A majority of the committee constitutes a quorum. 30308

Sec. 927.53. (A) Each collector or dealer who sells, 30309
offers, or exposes for sale, or distributes nursery stock within 30310
this state, or ships nursery stock to other states, shall pay an 30311
annual license fee of one hundred twenty-five dollars to the 30312
director of agriculture for each place of business the collector 30313
or dealer operates. 30314

(B) (1) Each dealer shall furnish the director, annually, 30315
an affidavit that the dealer will buy and sell only nursery 30316
stock which has been inspected and certified by an official 30317
state or federal inspector. 30318

(2) Each dealer's license expires on the thirty-first day 30319
of December of each year. Each licensed dealer shall apply for 30320
renewal of the dealer's license prior to the first day of 30321
January of each year and in accordance with the standard renewal 30322
procedure of sections 4745.01 to 4745.03 of the Revised Code. 30323

(C) Each licensed nurseryperson shall post conspicuously 30324
in the nurseryperson's principal place of business, the 30325
certificate which is issued to the nurseryperson in accordance 30326
with section 927.61 of the Revised Code. 30327

(D) Each licensed nurseryperson, or dealer, shall post 30328
conspicuously in each place of business, each certificate or 30329
license which is issued to the nurseryperson or dealer in 30330
compliance with this section or section 927.61 of the Revised 30331
Code. 30332

(E) (1) Each nurseryperson who produces, sells, offers for 30333
sale, or distributes woody nursery stock within the state, or 30334
ships woody nursery stock to other states, shall pay to the 30335
director an annual inspection fee of ~~one~~two hundred dollars 30336
plus ~~eleven~~fifteen dollars per acre, or fraction thereof, of 30337

growing nursery stock in intensive production areas and ~~seven-~~ 30338
ten dollars per acre, or fraction thereof, of growing nursery 30339
stock in nonintensive production areas, as applicable. 30340

(2) Each nurseryperson who limits production and sales of 30341
nursery stock to brambles, herbaceous, perennial, and other 30342
nonwoody plants, shall pay to the director an inspection fee of 30343
one hundred dollars, plus eleven dollars per acre, or fraction 30344
thereof, of growing nursery stock in intensive and nonintensive 30345
production areas. 30346

(F) The fees collected under this section shall be 30347
credited to the plant pest program fund created in section 30348
927.54 of the Revised Code. 30349

Sec. 928.02. (A) (1) The director of agriculture ~~shall~~ may 30350
establish a program to monitor and regulate hemp cultivation and 30351
shall establish a program to monitor and regulate hemp 30352
processing in this state. ~~Under the~~ 30353

(2) If the director establishes a program to monitor and 30354
regulate hemp cultivation in this state and subsequently intends 30355
to transfer authority to the United States department of 30356
agriculture to monitor and regulate hemp cultivation in this 30357
state, the director shall take whatever actions necessary to 30358
effectuate such transfer. 30359

(3) If the director implements a program to monitor and 30360
regulate hemp cultivation under division (A) (1) of this section, 30361
the director shall issue hemp cultivation licenses ~~and hemp-~~ 30362
~~processing licenses~~ in accordance with rules adopted under 30363
section 928.03 of the Revised Code. 30364

~~(2) As~~ (4) If the director implements a program to monitor 30365
and regulate hemp cultivation under division (A) (1) of this 30366

section and as authorized by the director, the department of 30367
agriculture or a university may cultivate ~~or process~~ hemp 30368
without a hemp cultivation license ~~or hemp processing license~~ 30369
for research purposes. 30370

(5) As authorized by the director, the department of 30371
agriculture or a university may process hemp without a hemp 30372
processing license for research purposes. 30373

(B) ~~Except~~ If the director implements a program to monitor 30374
and regulate hemp cultivation under division (A) (1) of this 30375
section and except as authorized under division ~~(A) (2)~~ (A) (4) or 30376
(E) of this section, any person that wishes to cultivate hemp 30377
shall apply for and obtain a hemp cultivation license from the 30378
director in accordance with rules adopted under section 928.03 30379
of the Revised Code. Except as authorized under division ~~(A) (2)~~ 30380
(A) (5) or (E) of this section, any person that wishes to process 30381
hemp shall apply for and obtain a hemp processing license from 30382
the director in accordance with those rules. Such licenses are 30383
valid for three years unless earlier suspended or revoked by the 30384
director. 30385

(C) The department, a university, or any person may, 30386
without a hemp cultivation license or hemp processing license, 30387
possess, buy, or sell hemp or a hemp product. 30388

(D) Notwithstanding any other provision of the Revised 30389
Code to the contrary, the addition of hemp or a hemp product to 30390
any other product does not adulterate that other product. 30391

(E) ~~The~~ If the director implements a program to monitor 30392
and regulate hemp cultivation under division (A) (1) of this 30393
section, the director shall issue a hemp cultivation license ~~or~~ 30394
~~hemp processing license~~ in accordance with Chapter 4796. of the 30395

Revised Code to an individual if either of the following 30396
applies: 30397

(1) The individual holds the applicable license in another 30398
state. 30399

(2) The individual has satisfactory work experience, a 30400
government certification, or a private certification as 30401
described in that chapter as a hemp cultivator ~~or hemp processor~~ 30402
in a state that does not issue the applicable license. 30403

(F) The director shall issue a hemp processing license in 30404
accordance with Chapter 4796. of the Revised Code to an 30405
individual if either of the following applies: 30406

(1) The individual holds the applicable license in another 30407
state. 30408

(2) The individual has satisfactory work experience, a 30409
government certification, or a private certification as 30410
described in that chapter as a hemp processor in a state that 30411
does not issue the applicable license. 30412

Sec. 928.03. The director of agriculture, in consultation 30413
with the governor and attorney general, shall adopt rules in 30414
accordance with Chapter 119. of the Revised Code establishing 30415
standards and procedures for the regulation of hemp processing. 30416
The director also shall adopt such rules, in consultation with 30417
the governor and attorney general, regarding hemp cultivation 30418
and processing~~if the director implements a program to monitor~~ 30419
and regulate hemp cultivation under division (A) (1) of section 30420
928.02 of the Revised Code. The rules shall include all of the 30421
following: 30422

(A) The form of an application for a hemp cultivation 30423
license and hemp processing license and the information required 30424

to be included in each license application; 30425

(B) The amount of an initial application fee that an 30426
applicant shall submit along with an application for a hemp 30427
cultivation license or a hemp processing license, and the amount 30428
of an annual license fee that a licensee shall submit for a hemp 30429
cultivation license or a hemp processing license. In adopting 30430
rules under division (B) of this section, the director shall 30431
ensure both of the following: 30432

(1) That the amount of the application fee and annual 30433
license fee does not exceed an amount sufficient to cover the 30434
costs incurred by the department of agriculture to administer 30435
and enforce this chapter; 30436

(2) That there is one uniform application fee and one 30437
uniform annual license fee that applies to all applicants for a 30438
hemp cultivation license. 30439

(C) Requirements and procedures concerning background 30440
investigations of each applicant for a hemp cultivation license 30441
and each applicant for a hemp processing license. The director 30442
shall include both of the following in the rules adopted under 30443
this division: 30444

(1) A requirement that each applicant comply with sections 30445
4776.01 to 4776.04 of the Revised Code; 30446

(2) Provisions that prohibit the director from issuing a 30447
hemp cultivation license or hemp processing license to an 30448
applicant that has not complied with those sections. 30449

(D) Requirements regarding the experience, equipment, 30450
facilities, or land necessary to obtain a hemp cultivation 30451
license; 30452

(E) Requirements and procedures regarding standards of 30453
financial responsibility for each applicant for a hemp 30454
processing license. 30455

(F) Procedures and requirements for the issuance, renewal, 30456
denial, suspension, and revocation of a hemp cultivation license 30457
and hemp processing license, including providing for a hearing 30458
under Chapter 119. of the Revised Code with regard to such a 30459
denial, suspension, or revocation; 30460

(G) Grounds for the denial, suspension, and revocation of 30461
a hemp cultivation license and of a hemp processing license, 30462
including a requirement that the director revoke a hemp 30463
cultivation license or hemp processing license, for a period of 30464
ten years, of any person who pleads guilty to or is convicted of 30465
a felony relating to a controlled substance; 30466

(H) A requirement that the director shall not issue a hemp 30467
cultivation license or hemp processing license to any person who 30468
has pleaded guilty to or been convicted of a felony relating to 30469
a controlled substance in the ten years immediately prior to the 30470
submission of the application for a license; 30471

(I) A requirement that any person that materially 30472
falsifies information in an application for a hemp cultivation 30473
license or hemp processing license is ineligible to receive 30474
either license; 30475

(J) A practice for maintaining relevant information 30476
regarding land on which hemp is cultivated by hemp cultivation 30477
licensees, including a legal description of the land, in 30478
accordance with applicable federal law; 30479

(K) Requirements prohibiting a hemp cultivation licensee 30480
and a hemp processing licensee from cultivating or processing 30481

marihuana; 30482

(L) A procedure for testing, using post-decarboxylation or 30483
other similarly reliable methods, delta-9 tetrahydrocannabinol 30484
concentration levels of plants and products for purposes of 30485
determining compliance with this chapter and rules adopted under 30486
it; 30487

(M) Requirements and procedures for the issuance, 30488
administration, and enforcement of corrective action plans 30489
issued under this chapter; 30490

(N) A procedure for conducting annual inspections of, at a 30491
minimum, a random sample of hemp cultivation license holders to 30492
verify that plants are not being cultivated in violation of this 30493
chapter or rules adopted under it; 30494

(O) A procedure for conducting annual inspections of, at a 30495
minimum, a random sample of hemp processing license holders to 30496
verify that such license holders are not operating in violation 30497
of this chapter or rules adopted under it; 30498

(P) A procedure for complying with enforcement procedures 30499
required under federal law; 30500

(Q) A procedure for the effective disposal of all of the 30501
following: 30502

(1) Plants, whether growing or not, cultivated in 30503
violation of this chapter or rules adopted under it; 30504

(2) Products derived from plants cultivated in violation 30505
of this chapter or rules adopted under it; 30506

(3) Products produced in violation of this chapter or 30507
rules adopted under it. 30508

(R) Requirements and procedures governing the production,	30509
storage, and disposal of hemp byproducts.	30510
For the purposes of this chapter and notwithstanding any	30511
provision of law to the contrary, "hemp product" includes a	30512
byproduct, produced as a result of processing hemp, that	30513
contains a delta-9 tetrahydrocannabinol concentration of more	30514
than three-tenths per cent, provided that the byproduct is	30515
produced, stored, and disposed of in accordance with rules	30516
adopted under division (R) of this section.	30517
(S) Procedures for sharing information regarding hemp	30518
cultivation license holders with the secretary of the USDA;	30519
(T) A setback distance requirement that specifies the	30520
distance that a hemp cultivation license holder shall locate	30521
hemp plants from a location where medical marijuana is being	30522
cultivated. The requirement does not apply to a hemp cultivation	30523
license holder with regard to a medical marijuana cultivator	30524
that locates medical marijuana within the established setback	30525
distance requirement after the hemp cultivation license holder	30526
begins operation.	30527
(U) Annual reporting requirements and procedures for hemp	30528
cultivation license holders and hemp processing license holders;	30529
(V) Recordkeeping and documentation maintenance	30530
requirements and procedures for hemp cultivation license holders	30531
and hemp processing license holders;	30532
(W) Fees for the laboratory testing of plants and	30533
products;	30534
(X) Standards for the testing and labeling of hemp and	30535
hemp products;	30536

(Y) Requirements prohibiting the processing of hemp in a 30537
building used as a personal residence or on land that is zoned 30538
for residential use; 30539

(Z) Production standards and manufacturing practices for 30540
processing hemp; 30541

(AA) Procedures and requirements for the transportation 30542
and storage of both hemp and hemp products; 30543

(BB) Any other requirements or procedures necessary to 30544
administer and enforce this chapter. 30545

Sec. 928.04. (A) Except as authorized under division ~~(A)~~ 30546
~~(2)~~ (A) (4) or (5) of section 928.02 of the Revised Code, no 30547
person shall cultivate hemp without a hemp cultivation license 30548
issued by the director of agriculture under this chapter, if the 30549
director implements a program to monitor and regulate hemp 30550
cultivation under division (A) (1) of section 928.02 of the 30551
Revised Code, or process hemp without a hemp processing license 30552
issued by the director of agriculture under this chapter. 30553

(B) No person who holds a hemp cultivation license or hemp 30554
processing license issued by the director under this chapter 30555
shall violate this chapter or rules adopted under it. 30556

(C) No person subject to a corrective action plan issued 30557
by the director of agriculture under section 928.05 of the 30558
Revised Code shall fail to comply with the plan. 30559

(D) No person shall transport hemp or a hemp product in 30560
violation of rules adopted under section 928.03 of the Revised 30561
Code. 30562

Sec. 935.06. (A) Not later than ninety days after receipt 30563
of an application under section 935.05 of the Revised Code, the 30564

director of agriculture shall issue or deny a wildlife shelter 30565
permit. The director shall issue a permit to an applicant only 30566
if all of the following apply: 30567

(1) The applicant is eighteen years of age or older. 30568

(2) The applicant has registered the dangerous wild animal 30569
or animals that are the subject of the application under section 30570
935.04 of the Revised Code. 30571

(3) The applicant is in compliance with the standards of 30572
care established in rules adopted under division (A) (2) of 30573
section 935.17 of the Revised Code. 30574

(4) The applicant has sterilized each male dangerous wild 30575
animal that is possessed by the applicant. However, a dangerous 30576
wild animal is not required to be sterilized if a veterinarian 30577
that is qualified to provide veterinary care to the dangerous 30578
wild animal determines that the sterilization is medically 30579
contraindicated and the applicant has submitted a copy of the 30580
veterinarian's written determination with the applicant's 30581
application. 30582

(5) The applicant has signed an affidavit attesting that 30583
the applicant will not allow members of the public to be in 30584
physical contact with a dangerous wild animal possessed by the 30585
applicant. Division (A) (5) of this section does not apply to an 30586
employee of the applicant or a volunteer who has entered into a 30587
written agreement with the applicant to work for or volunteer 30588
for the applicant and assists in the care of a dangerous wild 30589
animal or animals specified in division (C) (20) of section 30590
935.01 of the Revised Code possessed by the applicant if the 30591
care is provided under the direction of the applicant. 30592

(6) The applicant has not been convicted of or pleaded 30593

guilty to a a disqualifying offense as determined in accordance 30594
with section 9.79 of the Revised Code and a criminal records 30595
check performed in accordance with division (B) of this section. 30596

(7) The facility at which a dangerous wild animal or 30597
dangerous wild animals will be maintained under the permit 30598
consists of at least one acre. Division (A) (7) of this section 30599
does not apply to either of the following: 30600

(a) Dangerous wild animals specified in division (C) (20) 30601
of section 935.01 of the Revised Code; 30602

(b) An applicant to whom the director issues a written 30603
waiver stating that the acreage requirement does not apply to 30604
the applicant. 30605

(8) The applicant has signed an affidavit attesting that 30606
the facility at which a dangerous wild animal or dangerous wild 30607
animals will be maintained under the permit and the conditions 30608
in which each dangerous wild animal will be kept in that 30609
facility are in compliance with this chapter and rules. 30610

(9) The applicant has submitted a complete application 30611
that meets the requirements established in section 935.05 of the 30612
Revised Code. 30613

(10) The applicant has submitted the applicable fee under 30614
section 935.05 of the Revised Code. 30615

If a permit is issued, the director shall assign a unique 30616
identification number to the permit. 30617

(B) Prior to issuing or denying a wildlife shelter permit, 30618
the director shall submit a request to the bureau of criminal 30619
identification and investigation in the office of the attorney 30620
general for a criminal records check of the applicant for the 30621

permit. Upon receipt of a request, the superintendent of the 30622
bureau shall conduct a criminal records check in the manner 30623
described in division (B) of section 109.572 of the Revised Code 30624
to determine whether any information exists that indicates that 30625
the applicant previously has been convicted of or pleaded guilty 30626
to any of the following: 30627

(1) A felony drug abuse offense; 30628

(2) An offense of violence that is a felony; 30629

(3) A violation of section 959.13 or 959.131 of the 30630
Revised Code or of section 2927.21 of the Revised Code as that 30631
section existed prior to its repeal by S.B. 310 of the 129th 30632
general assembly. 30633

The applicant is responsible for paying all costs 30634
associated with the criminal records check. 30635

(C) If a permit application is denied, two hundred fifty 30636
dollars of the permit application fee shall be retained by the 30637
director as payment for the reasonable expense of processing the 30638
application, and the remainder of the fee shall be returned to 30639
the applicant. 30640

(D) Not later than the first day of December of each year, 30641
a permit holder shall apply to the director, on a form 30642
prescribed and provided by the director, for a renewal of the 30643
permit if the permit holder intends to retain possession of the 30644
dangerous wild animal or animals that are identified in the 30645
permit. Not later than thirty days after receipt of an 30646
application for renewal, the director shall renew or deny the 30647
renewal of the permit. The director shall renew the permit if 30648
the permit holder complies with this chapter and rules and pays 30649
a renewal fee in the same amount as the fee established for the 30650

initial permit in section 935.05 of the Revised Code. If a 30651
renewal permit is denied, two hundred fifty dollars of the 30652
renewal fee shall be retained by the director as payment for the 30653
reasonable expense of processing the application, and the 30654
remainder of the renewal fee shall be returned to the applicant. 30655

(E) If the director denies an application for a permit or 30656
a renewal of a permit, the director shall notify the person of 30657
the denial, the grounds for the denial, and the person's right 30658
to an adjudication under Chapter 119. of the Revised Code. 30659

(F) If a person does not appeal the determination of the 30660
director to deny an application for a permit or a renewal of a 30661
permit or if the determination of the director is affirmed under 30662
Chapter 119. of the Revised Code, not later than thirty days 30663
after the decision not to appeal or after the determination is 30664
affirmed, as applicable, the person shall transfer the dangerous 30665
wild animal or animals that the person possesses to a humane 30666
society, wildlife sanctuary, rescue facility, facility that is 30667
an accredited member of either the association of zoos and 30668
aquariums or the zoological association of America, or facility 30669
that is located in another state and that complies with that 30670
state's applicable laws. After the transfer has occurred, the 30671
person shall submit proof to the director that the dangerous 30672
wild animal or animals were transferred and shall specify the 30673
society, sanctuary, or facility to which the animal or animals 30674
were transferred. 30675

The person is responsible for all costs associated with 30676
the transfer of the dangerous wild animal or animals. 30677

(G) If a person that has been issued a wildlife shelter 30678
permit under this section or a wildlife propagation permit under 30679
section 935.07 of the Revised Code dies, the person's next of 30680

kin shall do one of the following: 30681

(1) If the next of kin wishes to possess the dangerous 30682
wild animal or animals, obtain a wildlife shelter permit under 30683
this section or a wildlife propagation permit under section 30684
935.07 of the Revised Code, as applicable. That next of kin 30685
shall comply with this chapter and rules, except that, with 30686
respect to the next of kin's initial permit, the person need not 30687
pay the applicable permit application fee. 30688

(2) If the deceased person has a last will and testament 30689
that specifies that the dangerous wild animal or animals 30690
possessed by the person are to be transferred to another person 30691
that has been issued a wildlife shelter permit, wildlife 30692
propagation permit, or rescue facility permit issued under this 30693
chapter, transfer the dangerous wild animal or animals to the 30694
applicable permit holder; 30695

(3) Transfer the dangerous wild animal or animals that 30696
were possessed by the deceased person in accordance with 30697
division (F) of this section. 30698

(H) All fees collected under this section shall be 30699
credited to the ~~dangerous and restricted animal~~ and consumer 30700
protection fund created in section ~~935.25~~ 943.26 of the Revised 30701
Code. 30702

Sec. 935.07. (A) A person that possesses a registered 30703
dangerous wild animal in this state on October 1, 2013, that 30704
wishes to continue to possess the dangerous wild animal on and 30705
after January 1, 2014, and that intends to propagate the animal 30706
solely for the purposes of a species survival program that 30707
complies with rules shall apply for a wildlife propagation 30708
permit under this section. An applicant need apply for only one 30709

permit regardless of the number of dangerous wild animals that 30710
the applicant possesses. 30711

(B) Except as otherwise provided in this section, an 30712
applicant for a wildlife propagation permit shall comply with 30713
the requirements and procedures established in sections 935.05 30714
and 935.06 of the Revised Code. The application fee for a 30715
wildlife propagation permit shall be one of the following, as 30716
applicable: 30717

(1) One thousand dollars if the applicant possesses not 30718
more than fifty dangerous wild animals; 30719

(2) Three thousand dollars if the applicant possesses more 30720
than fifty dangerous wild animals. 30721

(C) The facility at which a dangerous wild animal or 30722
dangerous wild animals will be maintained under a wildlife 30723
propagation permit shall consist of at least two acres. Division 30724
(C) of this section does not apply to either of the following: 30725

(1) Dangerous wild animals specified in division (C) (20) 30726
of section 935.01 of the Revised Code; 30727

(2) An applicant to whom the director of agriculture 30728
issues a written waiver stating that the acreage requirement 30729
does not apply to the applicant. 30730

(D) All fees collected under this section shall be 30731
credited to the ~~dangerous and restricted animal~~ and consumer 30732
protection fund created in section ~~935.25~~ 943.26 of the Revised 30733
Code. 30734

(E) Division (A) (4) of section 935.06 of the Revised Code 30735
does not apply to an applicant for a wildlife propagation 30736
permit. 30737

Sec. 935.09. (A) Not later than ninety days after receipt 30738
of an application under section 935.08 of the Revised Code, the 30739
director of agriculture shall issue or deny a restricted snake 30740
possession permit. The director shall issue a permit to an 30741
applicant only if all of the following apply: 30742

(1) The applicant is eighteen years of age or older. 30743

(2) The applicant has signed an affidavit attesting that 30744
the applicant will not allow members of the public to be in 30745
physical contact with a restricted snake possessed by the 30746
applicant. Division (A)(2) of this section does not apply to 30747
either of the following: 30748

(a) An applicant that displays a restricted snake or 30749
snakes specified in division (L)(1) of section 935.01 of the 30750
Revised Code to a primary or secondary school age student; 30751

(b) An employee of the applicant or a volunteer who has 30752
entered into a written agreement with the applicant to work for 30753
or volunteer for the applicant and assists in the care of a 30754
restricted snake or snakes possessed by the applicant if the 30755
care is provided under the direction of the applicant. 30756

(3) The applicant has not been convicted of or pleaded 30757
guilty to a felony drug abuse offense, an offense of violence 30758
that is a felony, or a violation of section 959.13 or 959.131 of 30759
the Revised Code or of section 2927.21 of the Revised Code as 30760
that section existed prior to its repeal by S.B. 310 of the 30761
129th general assembly, as determined by a criminal records 30762
check performed in accordance with division (B) of this section. 30763

(4) The applicant has signed an affidavit attesting that 30764
the facility at which a restricted snake or snakes will be 30765
maintained under the permit and the conditions in which each 30766

restricted snake will be kept in that facility are in compliance 30767
with this chapter and rules. 30768

(5) The applicant has submitted a complete application 30769
that meets the requirements established in section 935.08 of the 30770
Revised Code. 30771

(6) The applicant has submitted the application fee 30772
established in section 935.08 of the Revised Code. 30773

If a permit is issued, the director shall assign a unique 30774
identification number to the permit. 30775

(B) Prior to issuing or denying a restricted snake 30776
possession permit, the director shall submit a request to the 30777
bureau of criminal identification and investigation in the 30778
office of the attorney general for a criminal records check of 30779
the applicant for the permit. Upon receipt of a request, the 30780
superintendent of the bureau shall conduct a criminal records 30781
check in the manner described in division (B) of section 109.572 30782
of the Revised Code to determine whether any information exists 30783
that indicates that the applicant previously has been convicted 30784
of or pleaded guilty to any of the following: 30785

(1) A felony drug abuse offense; 30786

(2) An offense of violence that is a felony; 30787

(3) A violation of section 959.13 or 959.131 of the 30788
Revised Code or of section 2927.21 of the Revised Code as that 30789
section existed prior to its repeal by S.B. 310 of the 129th 30790
general assembly. 30791

The applicant is responsible for paying all costs 30792
associated with the criminal records check. 30793

(C) If a permit application is denied, seventy-five 30794

dollars of the permit application fee shall be retained by the 30795
director as payment for the reasonable expense of processing the 30796
application, and the remainder of the fee shall be returned to 30797
the applicant. 30798

(D) Not later than the first day of December of each year, 30799
a permit holder shall apply to the director, on a form 30800
prescribed and provided by the director, for a renewal of the 30801
permit if the permit holder intends to retain possession of the 30802
restricted snake or snakes that are identified in the permit. 30803
Not later than thirty days after receipt of an application for 30804
renewal, the director shall renew or deny the renewal of the 30805
permit. The director shall renew the permit if the permit holder 30806
complies with this chapter and rules and pays a renewal fee in 30807
the same amount as the fee established for the initial permit in 30808
section 935.08 of the Revised Code. If a renewal permit is 30809
denied, seventy-five dollars of the renewal fee shall be 30810
retained by the director as payment for the reasonable expense 30811
of processing the application, and the remainder of the renewal 30812
fee shall be returned to the applicant. 30813

(E) If the director denies an application for a permit or 30814
a renewal of a permit, the director shall notify the person of 30815
the denial, the grounds for the denial, and the person's right 30816
to an adjudication under Chapter 119. of the Revised Code. 30817

(F) If a person does not appeal the determination of the 30818
director to deny an application for a permit or a renewal of a 30819
permit or if the determination of the director is affirmed under 30820
Chapter 119. of the Revised Code, not later than thirty days 30821
after the decision not to appeal or after the determination is 30822
affirmed, as applicable, the person shall transfer the 30823
restricted snake or snakes that the person possesses to a humane 30824

society, wildlife sanctuary, facility that is an accredited 30825
member of either the association of zoos and aquariums or the 30826
zoological association of America, or facility that is located 30827
in another state and that complies with that state's applicable 30828
laws. After the transfer has occurred, the person shall submit 30829
proof to the director that the restricted snake or snakes were 30830
transferred and shall specify the society, sanctuary, or 30831
facility to which the snake or snakes were transferred. 30832

The person is responsible for all costs associated with 30833
the transfer of the restricted snake or snakes. 30834

(G) If a person that has been issued a restricted snake 30835
possession permit under this section or a restricted snake 30836
propagation permit under section 935.10 of the Revised Code 30837
dies, the person's next of kin shall do one of the following: 30838

(1) If the next of kin wishes to possess the restricted 30839
snake or snakes, obtain a restricted snake possession permit 30840
under this section or a restricted snake propagation permit 30841
under section 935.10 of the Revised Code, as applicable. That 30842
next of kin shall comply with this chapter and rules, except 30843
that, with respect to the next of kin's initial permit, the 30844
person need not pay the applicable permit application fee. 30845

(2) If the deceased person has a last will and testament 30846
that specifies that the restricted snake or snakes possessed by 30847
the person are to be transferred to another person that has been 30848
issued a restricted snake possession permit under this section 30849
or a restricted snake propagation permit issued under section 30850
935.10 of the Revised Code, transfer the restricted snake or 30851
snakes to the applicable permit holder; 30852

(3) Transfer the restricted snake or snakes that were 30853

possessed by the deceased person in accordance with division (F) 30854
of this section. 30855

(H) All fees collected under this section shall be 30856
credited to the ~~dangerous and restricted animal~~ and consumer 30857
protection fund created in section ~~935.25~~ 943.26 of the Revised 30858
Code. 30859

Sec. 935.10. (A) (1) A person that possesses a restricted 30860
snake in this state prior to January 1, 2014, that wishes to 30861
continue to possess the restricted snake on and after that date, 30862
and that intends to propagate, sell, trade, or otherwise 30863
transfer the snake shall obtain a restricted snake propagation 30864
permit under this section not later than January 1, 2014. 30865

(2) A person that acquires a restricted snake in this 30866
state on or after January 1, 2014, and that intends to 30867
propagate, sell, trade, or otherwise transfer the snake shall 30868
obtain a restricted snake propagation permit under this section 30869
not later than one hundred twenty days after acquiring the 30870
snake. 30871

(3) An applicant need apply for only one permit regardless 30872
of the number of restricted snakes that the applicant possesses. 30873

(B) Except as otherwise provided in this section, an 30874
applicant for a restricted snake propagation permit shall comply 30875
with the requirements and procedures established in sections 30876
935.08 and 935.09 of the Revised Code. The application fee for a 30877
restricted snake propagation permit shall be three hundred 30878
dollars. 30879

(C) If a permit application is denied, one hundred fifty 30880
dollars of the permit application fee shall be retained by the 30881
director of agriculture as payment for the reasonable expense of 30882

processing the application, and the remainder of the fee shall 30883
be returned to the applicant. 30884

(D) All fees collected under this section shall be 30885
credited to the ~~dangerous and restricted animal~~ and consumer 30886
protection fund created in section ~~935.25~~ 943.26 of the Revised 30887
Code. 30888

Sec. 935.16. (A) If a dangerous wild animal or restricted 30889
snake escapes, the person that possesses the animal or snake 30890
immediately shall notify both of the following: 30891

(1) The sheriff of the county and the chief law 30892
enforcement officer of the township or municipal corporation 30893
where the escape occurred; 30894

(2) The division of animal health in the department of 30895
agriculture by means of the twenty-four-hour telephone number 30896
that is maintained by the division. 30897

(B) (1) A law enforcement officer or natural resources law 30898
enforcement officer may destroy a dangerous wild animal or 30899
restricted snake that has escaped and that poses a threat to 30900
public safety. 30901

(2) A law enforcement officer or natural resources law 30902
enforcement officer that destroys an escaped dangerous wild 30903
animal or restricted snake pursuant to division (B) (1) of this 30904
section is not liable for damages in a civil action for any 30905
injury, death, or loss to person or property that allegedly 30906
arises from the destruction of the animal or snake. 30907

(C) The person that possesses a dangerous wild animal or 30908
restricted snake that escapes is responsible for all reasonable 30909
costs associated with the capture or destruction of the animal 30910
or snake. The person shall reimburse the political subdivision 30911

that employs the law enforcement officer who captured or 30912
destroyed the dangerous wild animal or restricted snake for the 30913
costs incurred in capturing or destroying the animal or snake. 30914
However, if the law enforcement officer is a state highway 30915
patrol trooper or if a natural resources law enforcement officer 30916
captured or destroyed the dangerous wild animal or restricted 30917
snake, the person shall reimburse the state highway patrol or 30918
department of natural resources, as applicable, for those costs. 30919

(D) (1) Except as provided in division (D) (2) of this 30920
section, money collected under division (C) of this section 30921
shall be credited to a special fund, which is hereby created in 30922
the applicable political subdivision. Money in the special fund 30923
shall be used exclusively for the administration and enforcement 30924
of this chapter and rules. 30925

(2) Money collected under division (C) of this section for 30926
costs incurred by a state highway patrol trooper or a natural 30927
resources law enforcement officer under this section shall be 30928
deposited in the state treasury to the credit of the ~~dangerous-~~ 30929
~~and restricted animal~~ and consumer protection fund created in 30930
section ~~935.25~~ 943.26 of the Revised Code. 30931

(3) If law enforcement officers from more than one 30932
jurisdiction assist in the capture or destruction of a dangerous 30933
wild animal or restricted snake, the money collected shall be 30934
proportionally distributed to each political subdivision's 30935
special fund and the dangerous and restricted animal fund, if 30936
applicable. 30937

Sec. 935.17. The director of agriculture shall adopt rules 30938
in accordance with Chapter 119. of the Revised Code that 30939
establish all of the following: 30940

(A) Both of the following concerning the registration of 30941
dangerous wild animals under section 935.04 of the Revised Code: 30942

(1) Any additional information that must be included with 30943
a registration; 30944

(2) Standards for the care and housing of registered 30945
dangerous wild animals, including standards for the proper care 30946
of each species of dangerous wild animal and caging and fencing 30947
of the animals. 30948

The director shall adopt rules under division (A) of this 30949
section not later than ninety days after ~~the effective date of~~ 30950
~~this section~~ September 5, 2012. 30951

(B) Standards for the care and well-being of dangerous 30952
wild animals specified in divisions (C)(1) to (19) of section 30953
935.01 of the Revised Code that are possessed by the holders of 30954
wildlife shelter permits and wildlife propagation permits issued 30955
under this chapter. The standards shall govern at least 30956
sanitation for, provision of health care for, and feeding, 30957
caging, housing, and fencing of dangerous wild animals. In 30958
adopting rules under this division, the director shall consider 30959
the following factors: 30960

(1) Best management practices for the care and well-being 30961
of dangerous wild animals; 30962

(2) Public health and safety; 30963

(3) Biosecurity; 30964

(4) The prevention of disease; 30965

(5) Animal morbidity and mortality data; 30966

(6) Generally accepted veterinary medical practices; 30967

(7) Standards adopted by the association of zoos and	30968
aquariums;	30969
(8) Standards adopted by the zoological association of	30970
America;	30971
(9) Standards established in the federal animal welfare	30972
act;	30973
(10) Ethical standards established by the American	30974
veterinary medical association;	30975
(11) Any other factors that the director considers	30976
necessary for the proper care and well-being of dangerous wild	30977
animals in this state.	30978
(C) Standards for the housing of dangerous wild animals	30979
specified in division (C) (20) of section 935.01 of the Revised	30980
Code that are possessed by the holders of wildlife shelter	30981
permits and wildlife propagation permits issued under this	30982
chapter;	30983
(D) All of the following concerning applications for	30984
permits issued under sections 935.06 and 935.07 of the Revised	30985
Code:	30986
(1) Any additional information that must be included with	30987
a permit application;	30988
(2) Criteria for determining what constitutes a species	30989
survival program for the purposes of division (A) of section	30990
935.07 of the Revised Code and requirements and procedures that	30991
are necessary to determine if a program meets those criteria;	30992
(3) The content of the examination specified in division	30993
(B) (6) of section 935.05 of the Revised Code. The rules shall	30994
require the examination to test an applicant's knowledge on	30995

topics that include proper diet, health care, exercise needs, 30996
and housing of the species of dangerous wild animal or animals 30997
that are the subject of the application. 30998

(4) Procedures and requirements concerning the 30999
administration of the examination specified in division (B) (6) 31000
of section 935.05 of the Revised Code. 31001

(E) All of the following concerning applications for 31002
permits issued under sections 935.09 and 935.10 of the Revised 31003
Code: 31004

(1) Any additional information that must be included with 31005
a permit application; 31006

(2) The content of the examination specified in division 31007
(B) (5) of section 935.08 of the Revised Code. The rules shall 31008
require the examination to test an applicant's knowledge on 31009
topics that include proper diet, health care, and housing of the 31010
species of restricted snake or snakes that are the subject of 31011
the application. 31012

(3) Procedures and requirements concerning the 31013
administration of the examination specified in division (B) (5) 31014
of section 935.08 of the Revised Code. 31015

(F) Both of the following concerning applications for 31016
permits issued under section 935.101 of the Revised Code: 31017

(1) Information that must be included in a permit 31018
application; 31019

(2) Criteria and procedures for the issuance or denial of 31020
a permit. 31021

(G) Standards for the care and well-being of dangerous 31022
wild animals that are possessed by the holders of permits issued 31023

under section 935.101 of the Revised Code. The standards shall 31024
govern at least sanitation for, provision of health care for, 31025
and feeding, caging, housing, and fencing of dangerous wild 31026
animals. In adopting the rules, the director may consider the 31027
standards of care and housing established in rules adopted under 31028
division (B) of this section and section 935.12 of the Revised 31029
Code. 31030

(H) Procedures and requirements governing the maintenance 31031
of records under section 935.15 of the Revised Code; 31032

(I) Standards for signs that are required to be posted and 31033
displayed in accordance with section 935.18 of the Revised Code; 31034

(J) The amount of civil penalties that may be assessed 31035
under section 935.24 of the Revised Code; 31036

~~(K) Procedures and requirements governing the distribution 31037
of money under division (B) (4) of section 935.25 of the Revised 31038
Code from the dangerous and restricted animal fund created in 31039
that section; 31040~~

~~(L) Any other provisions necessary to administer and 31041
enforce this chapter. 31042~~

Sec. 935.20. (A) On and after January 1, 2014, the 31043
director of agriculture immediately shall cause an investigation 31044
to be conducted if the director has reason to believe that one 31045
of the following may be occurring: 31046

(1) A dangerous wild animal is possessed by a person who 31047
has not been issued a wildlife shelter permit, wildlife 31048
propagation permit, or rescue facility permit under this 31049
chapter. 31050

(2) A restricted snake is possessed by a person that has 31051

not been issued a restricted snake possession permit or 31052
restricted snake propagation permit under this chapter. 31053

(3) A dangerous wild animal or restricted snake is being 31054
treated or kept in a manner that is in violation of this chapter 31055
or rules. 31056

For purposes of the investigation, the director or the 31057
director's designee may order the animal or snake that is the 31058
subject of the notification to be quarantined or may order the 31059
transfer of the animal or snake to a facility that is on the 31060
list maintained by the director under this section. If the 31061
director's designee orders the animal or snake to be quarantined 31062
or transferred, the designee shall provide a copy of the order 31063
to the director. 31064

(B) The director shall attempt to notify the person owning 31065
or possessing an animal or snake that has been ordered to be 31066
quarantined or transferred under division (A) of this section. 31067
The notice shall be delivered in person or by certified mail. 31068
The director also may post a copy of a quarantine order at two 31069
conspicuous locations on the premises where the animal or snake 31070
is quarantined. The director shall maintain a copy of an order 31071
issued under this section and evidence that the director 31072
attempted to notify the person owning or possessing the animal 31073
or snake. 31074

(C) A quarantine or transfer order issued under this 31075
section shall contain all of the following: 31076

(1) The name and address of the person owning or 31077
possessing the animal or snake, if known; 31078

(2) A description of the quarantined or transferred animal 31079
or snake; 31080

(3) A description of the premises affected by the quarantine or transfer; 31081
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(4) The reason for the quarantine or transfer; 31083

(5) Any terms and conditions of the quarantine or transfer; 31084
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(6) A notice that a person adversely affected by the order may request a hearing to review the order. 31086
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(D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order. 31088
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(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section shall be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the director shall certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens under this division shall be credited in accordance with division (J) of this section. 31095
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(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is infected with 31107
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or exposed to a dangerously contagious or infectious disease or 31110
is seriously injured, the state veterinarian shall so notify the 31111
director. The director may order the animal or snake to be 31112
humanely euthanized by a veterinarian if the state veterinarian 31113
has indicated that euthanization is medically necessary. 31114

(G) A quarantine or transfer order issued under this 31115
section shall remain in effect until one of the following 31116
occurs: 31117

(1) The director, after reviewing the results of the 31118
investigation conducted under division (A) of this section, 31119
issues a written notice of release. 31120

(2) A court of competent jurisdiction orders the 31121
quarantine or transfer order to be terminated in a proceeding 31122
conducted under division (H) of this section. 31123

(3) A court of competent jurisdiction orders the seizure 31124
of the dangerous wild animal or restricted snake in a proceeding 31125
conducted under division (H) of this section. 31126

(H) If, after reviewing the results of an investigation 31127
concerning a dangerous wild animal or restricted snake conducted 31128
under division (A) of this section and after resolution of any 31129
proceeding conducted under division (D) of this section, the 31130
director determines that a circumstance described in division 31131
(A) (1), (2), or (3) of this section is or was occurring, the 31132
director shall initiate, in a court of competent jurisdiction, a 31133
proceeding for the permanent seizure of the animal or snake, as 31134
applicable. If the court affirms the director's determination 31135
that a circumstance described in division (A) (1), (2), or (3) of 31136
this section is or was occurring, the court shall order the 31137
animal or snake seized and shall order the method of disposition 31138

of the animal or snake. The court may order the person owning or 31139
possessing the animal or snake to pay all reasonable costs 31140
associated with the seizure and, if applicable, the costs 31141
associated with the quarantine or transfer of the animal or 31142
snake, including the costs of transportation, housing, food, and 31143
veterinary care of the animal or snake. If the court does not 31144
affirm the director's determination, the court shall order the 31145
quarantine or transfer order to be terminated and the animal or 31146
snake to be returned to the person owning or possessing it, if 31147
applicable. 31148

(I) The director may authorize any of the following to 31149
conduct an investigation and order the quarantine or transfer of 31150
a dangerous wild animal or restricted snake under division (A) 31151
of this section: 31152

(1) Employees of the department of agriculture; 31153

(2) Natural resources law enforcement officers with the 31154
consent of the director of natural resources; 31155

(3) Employees of the department of health with the consent 31156
of the director of health; 31157

(4) Employees of a board of health with the consent of the 31158
board; 31159

(5) Humane society agents appointed under section 1717.06 31160
of the Revised Code with the consent of the humane society; 31161

(6) Law enforcement officers with the consent of the 31162
sheriff of the county or the chief law enforcement officer of 31163
the township or municipal corporation, as applicable, by whom 31164
the law enforcement officers are employed; 31165

(7) Law enforcement officers who are state highway patrol 31166

troopers with the consent of the superintendent of the state 31167
highway patrol. 31168

(J) Money collected for reimbursement of costs associated 31169
with the quarantine or transfer of dangerous wild animals and 31170
restricted snakes under this section shall be credited to one of 31171
the following funds, as applicable: 31172

(1) If the animal or snake was quarantined or transferred 31173
by an employee of the department of agriculture or the 31174
department of health, a natural resources law enforcement 31175
officer, or a law enforcement officer who is a state highway 31176
patrol trooper, the ~~dangerous and restricted animal~~ and consumer
protection fund created in section ~~935.25~~ 943.26 of the Revised 31177
Code; 31178
31179

(2) If the animal or snake was quarantined or transferred 31180
by an employee of a board of health, a special fund, which is 31181
hereby created in each health district, that shall be used 31182
exclusively for the administration and enforcement of this 31183
chapter and rules; 31184

(3) If the animal or snake was quarantined or transferred 31185
by a humane society agent, a special fund, which is hereby 31186
created in each county that has a humane society, that shall be 31187
used exclusively for the administration and enforcement of this 31188
chapter and rules; 31189

(4) If the animal or snake was quarantined or transferred 31190
by a law enforcement officer who is not a state highway patrol 31191
trooper, the special fund that is created in the political 31192
subdivision that employs the law enforcement officer in division 31193
(D) of section 935.16 of the Revised Code. 31194

(K) The director shall maintain a list of facilities 31195

inside and outside the state that the director determines are 31196
eligible to accept dangerous wild animals and restricted snakes 31197
for the purposes of this section. 31198

Sec. 935.24. (A) The attorney general, upon request of the 31199
director of agriculture, shall bring an action for injunction 31200
against any person who has violated, is violating, or is 31201
threatening to violate this chapter or rules. The court of 31202
common pleas in which an action for injunction is filed has 31203
jurisdiction to and shall grant preliminary and permanent 31204
injunctive relief upon a showing that the person against whom 31205
the action is brought has violated, is violating, or is 31206
threatening to violate this chapter or rules. 31207

(B) (1) The director may assess a civil penalty against any 31208
person that the director determines is not in compliance with 31209
this chapter or rules. 31210

(2) The director shall afford the person an opportunity 31211
for an adjudication under Chapter 119. of the Revised Code to 31212
challenge the director's determination that the person is not in 31213
compliance with this chapter or rules. However, the person may 31214
waive the right to an adjudication. 31215

(3) If the opportunity for an adjudication is waived or 31216
if, after an adjudication, the director determines that a 31217
violation has occurred or is occurring, the director may issue 31218
an order and assess a civil penalty in an amount established in 31219
rules against the violator. The order and the assessment of the 31220
civil penalty may be appealed in accordance with section 119.12 31221
of the Revised Code. 31222

(C) Notwithstanding any other section of the Revised Code, 31223
money resulting from any action taken under this section shall 31224

be credited to the ~~dangerous and restricted animal~~ and consumer
protection fund created in section ~~935.25~~ 943.26 of the Revised
Code. 31225
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Sec. 943.04. (A) Fees for the initial issuance of any 31228
license issued pursuant to sections 943.02, 943.03, and 943.031 31229
of the Revised Code, shall be paid to the department of 31230
agriculture. 31231

(B) All annual renewal fees for the licenses shall be paid 31232
by the applicant for the renewal of a license on or before the 31233
thirty-first day of March of each year to the treasurer of 31234
state. Except for license fees for small dealers, the fees ~~shall~~ 31235
~~be based on the number of head of livestock purchased, sold, or~~ 31236
~~exchanged, in this state, whichever is the greatest, during the~~ 31237
~~preceding calendar year. Those fees for dealers or brokers shall~~ 31238
~~be as follows:~~ 31239

~~Less than 1,000 head _____ \$50.00 per annum;~~ 31240

~~For 1,001 to 10,000 head _____ \$125.00 per annum;~~ 31241

~~For more than 10,000 head _____ \$250.00 per annum.~~ 31242

In the event a dealer or broker operates more than one 31243
place where livestock is purchased, sold, or exchanged, a fee 31244
shall be paid for each place, but only the original purchase, 31245
sale, or exchange shall be counted in computing the amount of 31246
the fee to be paid for each place operated by the dealer or 31247
broker. Shipment between yards owned or operated by the dealer 31248
or broker shall be exempt. 31249

A late fee of one hundred dollars shall be paid for each 31250
dealer or broker license renewal application that is received 31251
after the thirty-first day of March each year. 31252

(C) (1) A fee of ~~twenty-five~~ fifty dollars shall be paid by 31253
each small dealer. 31254

If a small dealer operates more than one place where 31255
livestock is purchased, sold, or exchanged, a fee shall be paid 31256
for each place, but only the original purchase, sale, or 31257
exchange shall be counted in computing the amount of fee to be 31258
paid for each place operated by the small dealer. Shipment 31259
between yards owned or operated by the small dealer shall be 31260
exempt. 31261

(2) A late fee of ~~twenty-five~~ one hundred dollars shall be 31262
paid for each small dealer license renewal application that is 31263
received after the thirty-first day of March each year. 31264

(D) A fee of ~~twenty~~ thirty dollars shall be paid by each 31265
licensed weigher and each employee that is appointed by a small 31266
dealer, dealer, or broker as provided in section 943.02 of the 31267
Revised Code. 31268

(E) ~~A fee of ten dollars shall be paid by each licensed~~ 31269
~~weigher.~~ 31270

~~(F)~~ All money collected under section 943.03 of the 31271
Revised Code and under this section shall be credited to the 31272
animal and consumer protection ~~laboratory~~ fund created in 31273
section ~~901.43~~ 943.26 of the Revised Code. 31274

Sec. 943.16. All fines imposed and collected under section 31275
943.99 of the Revised Code shall be credited to the animal and 31276
consumer protection ~~laboratory~~ fund created in section ~~901.43~~ 31277
943.26 of the Revised Code. 31278

Sec. 943.26. The animal and consumer protection fund is 31279
created in the state treasury. ~~Notwithstanding section 943.04 of~~ 31280
~~the Revised Code,~~ The fund shall consist of livestock dealer or 31281

broker fees and civil penalties collected under this chapter, 31282
all money collected through the issuance of licenses to captive 31283
whitetail deer licensees under this chapter ~~and all money~~ 31284
~~collected under section 942.04 of the Revised Code shall be~~ 31285
~~credited to the animal and consumer protection fund, which is~~ 31286
~~hereby created in the state treasury~~ and any other money 31287
credited to it under the Revised Code. The director of 31288
agriculture shall use money in the fund to administer ~~Chapter~~ 31289
~~942. and sections 943.20 to 943.26 of the Revised Code and rules~~ 31290
and Chapters 935. and 942. of the Revised Code and rules adopted 31291
under those chapters. 31292

Sec. 943.27. (A) The director of agriculture, after 31293
providing an opportunity for an adjudication hearing under 31294
Chapter 119. of the Revised Code, may assess a civil penalty 31295
against a person who has violated or is in violation of sections 31296
943.01 to 943.10 and 943.12 to 943.17 of the Revised Code. If 31297
the director assesses a civil penalty, the director shall do so 31298
as follows: 31299

(1) In an amount not exceeding five hundred dollars if, 31300
within five years of the violation, the director has not 31301
previously assessed a civil penalty against the person under 31302
this section; 31303

(2) In an amount not exceeding two thousand five hundred 31304
dollars if, within five years of the violation, the director has 31305
previously assessed one civil penalty against the person under 31306
this section; 31307

(3) In an amount not exceeding ten thousand dollars if, 31308
within five years of the violation, the director has previously 31309
assessed two or more civil penalties against the person under 31310
this section. 31311

(B) Money collected under division (A) of this section 31312
shall be deposited in the state treasury to the credit of the 31313
animal and consumer protection fund created in section 943.26 of 31314
the Revised Code. 31315

Sec. 943.99. ~~(A)~~ Whoever violates section 943.11 of the 31316
Revised Code is guilty of a felony of the fifth degree. 31317

~~(B) Whoever violates sections 943.01 to 943.10 and 943.12~~ 31318
~~to 943.17 of the Revised Code is guilty of a misdemeanor of the~~ 31319
~~first degree.~~ 31320

Sec. 955.201. (A) As used in this section and in section 31321
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 31322
corporation organized by that name under Chapter 1702. of the 31323
Revised Code that consists of humane societies, veterinarians, 31324
animal shelters, companion animal breeders, dog wardens, or 31325
similar individuals and entities. 31326

(B) The Ohio pet fund shall do all of the following: 31327

(1) Establish eligibility criteria for organizations that 31328
may receive financial assistance from the Ohio pet fund. Those 31329
organizations may include any of the following: 31330

(a) An animal shelter as defined in section 4729.01 of the 31331
Revised Code; 31332

(b) A local nonprofit veterinary association that operates 31333
a program for the sterilization of dogs and cats; 31334

(c) A charitable organization that is exempt from federal 31335
income taxation under subsection 501(c)(3) of the Internal 31336
Revenue Code and a purpose of which is to support programs for 31337
the sterilization of dogs and cats and educational programs 31338
concerning the proper veterinary care of those animals. 31339

(2) Establish procedures for applying for financial 31340
assistance from the Ohio pet fund. Application procedures shall 31341
require eligible organizations to submit detailed proposals that 31342
outline the intended uses of the moneys sought. 31343

(3) Establish eligibility criteria for sterilization and 31344
educational programs for which moneys from the Ohio pet fund may 31345
be used and, consistent with division (C) of this section, 31346
establish eligibility criteria for individuals who seek 31347
sterilization for their dogs and cats from eligible 31348
organizations; 31349

(4) Establish procedures for the disbursement of moneys 31350
the Ohio pet fund receives ~~from license plate contributions~~ 31351
pursuant to division (C) of section 4503.551 of the Revised Code 31352
and section 955.202 of the Revised Code; 31353

(5) Advertise or otherwise provide notification of the 31354
availability of financial assistance from the Ohio pet fund for 31355
eligible organizations; 31356

(6) Design markings to be inscribed on "pets" license 31357
plates under section 4503.551 of the Revised Code. 31358

(C) (1) The owner of a dog or cat is eligible for dog or 31359
cat sterilization services from an eligible organization when 31360
those services are subsidized in whole or in part by money from 31361
the Ohio pet fund if any of the following applies: 31362

(a) The income of the owner's family does not exceed one 31363
hundred fifty per cent of the federal poverty guideline. 31364

(b) The owner, or any member of the owner's family who 31365
resides with the owner, is a recipient or beneficiary of one of 31366
the following government assistance programs: 31367

(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program; 31368
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(ii) The Ohio works first program established by Chapter 5107. of the Revised Code; 31371
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(iii) The medicaid program; 31373

(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability; 31374
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(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code; 31377
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(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code; 31381
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(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended; 31386
31387
31388

(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended. 31389
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31391

(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following: 31392
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(i) A certificate of adoption showing that the dog or cat 31395

was adopted from a licensed animal shelter, a municipal, county, 31396
or regional pound, or a holding and impoundment facility that 31397
contracts with a municipal corporation; 31398

(ii) A certificate of adoption showing that the dog or cat 31399
was adopted through a nonprofit corporation operating an animal 31400
adoption referral service whose holding facility, if any, is 31401
licensed in accordance with state law or a municipal ordinance. 31402

(2) The Ohio pet fund shall determine the type of 31403
documentary evidence that must be presented by the owner of a 31404
dog or cat to show that the income of the owner's family does 31405
not exceed one hundred fifty per cent of the federal poverty 31406
guideline or that the owner is eligible under division (C)(1)(b) 31407
of this section. 31408

(D) As used in division (C) of this section, "federal 31409
poverty guideline" means the official poverty guideline as 31410
revised annually by the United States department of health and 31411
human services in accordance with section 673(2) of the "Omnibus 31412
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 31413
9902, as amended, for a family size equal to the size of the 31414
family of the person whose income is being determined. 31415

Sec. 955.202. The companion animal fund is created in the 31416
state treasury. The fund shall consist of money credited to it 31417
under section 5747.113 of the Revised Code, donations, gifts, 31418
bequests, and any other money received for the purposes of 31419
section 955.201 of the Revised Code. The Ohio pet fund shall use 31420
money in the fund for the purposes of that section. 31421

Sec. 956.07. (A) A person who is applying for an annual 31422
license to operate a high volume breeder or to act as or perform 31423
the functions of a dog broker under section 956.04 or 956.05 of 31424

the Revised Code, as applicable, shall include with the 31425
application for a license a nonrefundable license application 31426
fee. The application fees are as follows: 31427

(1) For a high volume breeder: 31428

(a) One hundred fifty dollars if the high volume breeder 31429
annually sells at least forty, but not more than sixty puppies 31430
to the public; 31431

(b) Two hundred fifty dollars if the high volume breeder 31432
annually sells at least sixty-one, but not more than one hundred 31433
fifty puppies to the public; 31434

(c) Three hundred fifty dollars if the high volume breeder 31435
annually sells at least one hundred fifty-one, but not more than 31436
two hundred fifty puppies to the public; 31437

(d) Five hundred dollars if the high volume breeder 31438
annually sells at least two hundred fifty-one, but not more than 31439
three hundred fifty puppies to the public; 31440

(e) Seven hundred fifty dollars if the high volume breeder 31441
annually sells three hundred fifty-one or more puppies to the 31442
public; 31443

(f) If divisions (A)(1)(a) to (e) of this section do not 31444
apply, one hundred and fifty dollars if either of the following 31445
applies: 31446

(i) The high volume breeder sells five or more adult dogs 31447
or puppies to a dog broker or pet store. 31448

(ii) The high volume breeder keeps, houses, and maintains, 31449
at any given time in a calendar year, more than forty puppies 31450
that are under four months of age, that have been bred on the 31451
premises of the establishment, and that have been primarily 31452

kept, housed, and maintained from birth on the premises of the 31453
establishment. 31454

(2) For a dog broker, five hundred dollars. 31455

(B) Money collected by the director of agriculture from 31456
each application fee submitted under this section shall be 31457
deposited in the state treasury to the credit of the ~~high volume~~ 31458
~~breeder kennel control license~~ commercial dog breeding fund 31459
created in section 956.18 of the Revised Code. The director 31460
shall use fifty dollars of the application fee submitted by a 31461
high volume breeder under this section or an amount equal to the 31462
fee charged for the registration of a kennel under section 31463
955.14 of the Revised Code in the county in which the high 31464
volume breeder is located or will be located, whichever is 31465
greater, to reimburse that county. The county auditor shall 31466
deposit the transferred money into that county's dog and kennel 31467
fund created under section 955.20 of the Revised Code. 31468

Sec. 956.10. (A) (1) At least once annually, the director 31469
of agriculture or the director's authorized representative shall 31470
inspect a high volume breeder that is subject to licensure under 31471
this chapter and rules adopted under section 956.03 of the 31472
Revised Code to ensure compliance with this chapter and rules 31473
adopted under it, including the standards of care established in 31474
rules adopted under that section. 31475

(2) The director or the director's authorized 31476
representative shall inspect a boarding kennel when the director 31477
or the director's authorized representative has received 31478
information that the boarding kennel is breeding dogs and may be 31479
subject to licensure under this chapter and rules adopted under 31480
section 956.03 of the Revised Code. 31481

(B) The director or the director's authorized
representative may do any of the following:

(1) Upon receiving a complaint, inspect a high volume
breeder that is subject to licensure under this chapter and
rules adopted under section 956.03 of the Revised Code to ensure
compliance with this chapter and rules adopted under it;

(2) Upon the request of a member of the public, a public
official, or an animal shelter for dogs, inspect any facility at
which a person is acting as or performing the functions of a dog
broker to ensure such compliance;

(3) Upon receiving a complaint, inspect an animal rescue
for dogs to ensure compliance with section 956.06 of the Revised
Code and applicable rules adopted under section 956.03 of the
Revised Code;

(4) Conduct an inspection under this section during
regular business hours without providing notice in advance.

(C) Inspections shall be conducted in accordance with
rules adopted under section 956.03 of the Revised Code. A record
of each inspection shall be made by the director or the
director's authorized representative who is responsible for the
inspection in accordance with those rules.

(D) The director or the director's authorized
representative, upon proper identification and upon stating the
purpose and necessity of an inspection, may enter at reasonable
times on any public or private property, real or personal, to
inspect or investigate and to examine or copy records in order
to determine compliance with this chapter and rules adopted
under it. The director, the director's authorized
representative, or the attorney general upon the request of the

director may apply to the appropriate court in the county in 31511
which inspection will occur for an appropriate court order or 31512
search warrant as necessary to achieve the purposes of this 31513
chapter and rules adopted under it. 31514

(E) No owner or operator of a high volume breeder, person 31515
acting as or performing the functions of a dog broker, owner or 31516
operator of a boarding kennel, or owner or operator of an animal 31517
rescue for dogs shall interfere with an inspection or refuse to 31518
allow the director or the director's authorized representative 31519
full access to all areas where dogs are kept or cared for. If 31520
entry is refused or inspection or investigation is refused, 31521
hindered, or thwarted by a high volume breeder or dog broker, 31522
the director may suspend or revoke the breeder's or broker's 31523
license in accordance with this chapter. 31524

(F) (1) The director may enter into a contract or agreement 31525
with a veterinarian to conduct inspections under this section. 31526
The veterinarian shall be considered the director's authorized 31527
representative for the purposes of this section. 31528

(2) A veterinarian with whom the director has entered into 31529
a contract or agreement under division (F) (1) of this section 31530
may inspect a high volume breeder with whom the veterinarian has 31531
established a veterinary-client-patient relationship as 31532
described in section 4741.04 of the Revised Code only every 31533
other year. 31534

(3) If the director determines that a veterinarian with 31535
whom the director has entered into a contract or agreement under 31536
division (F) (1) of this section has falsified any information 31537
submitted to the director pursuant to an inspection, the 31538
director shall inform the veterinary medical licensing board 31539
created by Chapter 4741. of the Revised Code of the 31540

falsification. 31541

(G) (1) If entry that is authorized by division (D) of this 31542
section is refused or if an inspection or investigation is 31543
refused, hindered, or thwarted by intimidation or otherwise and 31544
if the director, an authorized representative of the director, 31545
or the attorney general applies for and obtains a court order or 31546
a search warrant under division (D) of this section to conduct 31547
the inspection or investigation, the owner or operator of the 31548
premises where entry was refused or inspection or investigation 31549
was refused, hindered, or thwarted, if found guilty of violating 31550
this chapter or rules adopted under it, is liable to the 31551
director for all of the following: 31552

(a) The reasonable costs incurred by the director for the 31553
regular salaries and fringe benefit costs of personnel assigned 31554
to conduct the inspection or investigation from the time the 31555
court order or search warrant was issued until the court order 31556
or search warrant is executed; 31557

(b) The salary, fringe benefits, and travel expenses of 31558
the director, an authorized representative of the director, or 31559
the attorney general incurred in obtaining the court order or 31560
search warrant; and 31561

(c) Expenses necessarily incurred for the assistance of 31562
local law enforcement officers in executing the court order or 31563
search warrant. 31564

(2) In the application for a court order or a search 31565
warrant, the director, the director's authorized representative, 31566
or the attorney general may request and the court, in its order 31567
granting the court order or search warrant, may order the owner 31568
or operator of the premises, if found guilty of violating this 31569

chapter or rules adopted under it, to reimburse the director for 31570
any of the costs described in division (G)(1) of this section 31571
that the court finds reasonable. From money recovered under this 31572
division, the director shall do all of the following: 31573

(a) Reimburse the attorney general for the costs incurred 31574
by the attorney general in connection with proceedings for 31575
obtaining the court order or search warrant; 31576

(b) Reimburse the political subdivision in which the 31577
premises is located for the assistance of its law enforcement 31578
officers in executing the court order or search warrant; 31579

(c) Deposit the remainder in the state treasury to the 31580
credit of the ~~high volume breeder kennel control license~~ 31581
commercial dog breeding fund created in section 956.18 of the 31582
Revised Code. 31583

(H) A dog warden appointed under Chapter 955. of the 31584
Revised Code or an agent of a humane society entering on public 31585
or private property to make investigations and inspections in 31586
accordance with Chapter 955. or 1717. of the Revised Code, as 31587
applicable, shall report any violations of this chapter and 31588
rules adopted under it to the director or the director's 31589
authorized representative. 31590

Sec. 956.13. (A) The director of agriculture, after 31591
providing an opportunity for an adjudication hearing under 31592
Chapter 119. of the Revised Code, may assess a civil penalty 31593
against a person who has violated or is violating sections 31594
956.01 to 956.18 of the Revised Code or rules adopted under 31595
section 956.03 of the Revised Code. 31596

(B) A person who is assessed a civil penalty under this 31597
section is liable for a civil penalty of not more than two 31598

thousand five hundred dollars for a first violation, not more 31599
than five thousand dollars for a second violation, and not more 31600
than ten thousand dollars for a third or subsequent violation. 31601

Each day that a violation continues constitutes a separate 31602
violation. 31603

(C) Any person assessed a civil penalty under this section 31604
shall pay the amount prescribed to the department of 31605
agriculture. The department shall remit all money collected 31606
under this section to the treasurer of state for deposit in the 31607
~~high volume breeder kennel control license commercial dog~~ 31608
breeding fund created under section 956.18 of the Revised Code. 31609

Sec. 956.16. The director of agriculture, the director's 31610
authorized representative, or the attorney general may require 31611
the attendance of witnesses and the production of books, 31612
records, papers, and dogs that are needed either by the director 31613
or the attorney general or by any party to a hearing before the 31614
director and for that purpose may issue a subpoena for any 31615
witness or a subpoena duces tecum to compel the production of 31616
any books, records, papers, or dogs. The subpoena shall be 31617
served by personal service or by certified mail. If the subpoena 31618
is returned because of inability to deliver, or if no return is 31619
received within thirty days after the date of mailing, the 31620
subpoena may be served by ordinary mail. If no return of 31621
ordinary mail is received within thirty days after the date of 31622
mailing, service shall be deemed to have been made. If the 31623
subpoena is returned because of inability to deliver, the 31624
director or the attorney general may designate a person or 31625
persons to effect either personal or residence service on the 31626
witness. The person designated to effect personal or residence 31627
service under this section may be the sheriff of the county in 31628

which the witness resides or may be found or any other duly 31629
designated person. The fees and mileage of the person serving 31630
the subpoena shall be the same as those allowed by the courts of 31631
common pleas in criminal cases and shall be paid from the funds 31632
of the department of agriculture. Fees and mileage for the 31633
witness shall be the same as those allowed for witnesses by the 31634
courts of common pleas in criminal cases and, upon request of 31635
the witness following the hearing, shall be paid from the money 31636
in the ~~high volume breeder kennel control license commercial dog~~ 31637
breeding fund created in section 956.18 of the Revised Code. 31638

Sec. 956.18. (A) All money collected by the director of 31639
agriculture from ~~late renewal fees under section 956.06, license~~ 31640
~~fees under section 956.07, and civil penalties assessed under~~ 31641
~~section 956.13 of the Revised Code~~ fees and civil penalties 31642
under this chapter shall be deposited in the state treasury to 31643
the credit of the ~~high volume breeder kennel control license~~ 31644
commercial dog breeding fund, which is hereby created. The fund 31645
shall also consist of money appropriated to it. 31646

(B) The director shall use the money in the fund for the 31647
purpose of administering ~~sections 956.01 to 956.18 of the~~ 31648
~~Revised Code~~ this chapter and rules adopted under ~~section 956.03~~ 31649
~~of the Revised Code that apply to those sections~~ it. 31650

Sec. 956.21. (A) The director of agriculture may issue a 31651
pet store license to an owner or operator of a pet store when 31652
the owner or operator does all of the following: 31653

(1) Applies for a license in accordance with this section 31654
and rules adopted under section 956.03 of the Revised Code; 31655

(2) Affirms in writing that the owner or operator will 31656
maintain compliance with the applicable requirements established 31657

under section 959.20 of the Revised Code; 31658

(3) Submits with the application for a pet store license a 31659
fee of five hundred dollars. 31660

(B) The director of agriculture may deny, suspend, or 31661
revoke a license issued under this section for a violation of 31662
division (A), (B), or (C) of section 956.20 of the Revised Code 31663
or rules adopted under section 956.03 of the Revised Code. The 31664
denial, suspension, or revocation of a license is not effective 31665
until the licensee is given written notice of the violation, a 31666
reasonable amount of time to correct the violation, if possible, 31667
and an opportunity for a hearing. 31668

The director also may refuse to issue a license under 31669
division (B) of this section if the applicant has violated 31670
division (A), (B), or (C) of section 956.20 of the Revised Code 31671
or the rules adopted under section 956.03 of the Revised Code 31672
during the thirty-six-month period prior to submitting an 31673
application for the license. 31674

(C) Any license issued under this section is valid for a 31675
period of one year from the date of issuance. A pet store 31676
license must be renewed annually in the manner provided in rules 31677
adopted under section 956.03 of the Revised Code. 31678

(D) Money collected by the director of agriculture from 31679
each application fee submitted under this section shall be 31680
deposited in the state treasury to the credit of the ~~pet store~~ 31681
~~license-commercial dog breeding~~ fund created in section ~~956.181~~ 31682
956.18 of the Revised Code. 31683

(E) No owner, operator, or manager of a pet store shall 31684
negligently display, offer for sale, deliver, barter, auction, 31685
broker, give away, transfer, or sell any live dog from a pet 31686

store in this state unless a license has been issued for the pet 31687
store by the director of agriculture in accordance with this 31688
section and rules adopted under section 956.03 of the Revised 31689
Code. 31690

Sec. 956.22. (A) The director of agriculture, after 31691
providing an opportunity for an adjudication hearing under 31692
Chapter 119. of the Revised Code, may assess a civil penalty 31693
against a person who has violated or is violating division (A), 31694
(B), or (C) of section 956.20 of the Revised Code or division 31695
(E) of section 956.21 of the Revised Code. 31696

(B) The person who is assessed a civil penalty under this 31697
section is liable for a civil penalty of not more than two 31698
thousand five hundred dollars for a first violation, not more 31699
than five thousand dollars for a second violation, and not more 31700
than ten thousand dollars for a third or subsequent violation. 31701

(C) Any person assessed a civil penalty under this section 31702
shall pay the amount prescribed to the department of 31703
agriculture. The department shall remit all money collected 31704
under this section to the treasurer of state for deposit in the 31705
~~pet store license commercial dog breeding fund~~ created under 31706
section ~~956.181~~ 956.18 of the Revised Code. 31707

Sec. 956.23. The regulation of pet stores is a matter of 31708
general statewide interest that requires statewide regulation. 31709
Sections ~~956.181~~ 956.19 to 956.23 of the Revised Code and 31710
section 956.99 of the Revised Code constitute a comprehensive 31711
plan with respect to all aspects of the regulation of pet 31712
stores. Accordingly, it is the intent of the general assembly to 31713
preempt any local ordinance, resolution, or other law adopted to 31714
regulate the sale, delivery, barter, auction, broker, or 31715
transfer of a dog to a person from a pet store. 31716

Sec. 1310.251. (A) (1) As used in this section, "excess wear and use waiver" means a contractual agreement that is part of, or a separate addendum to, a lease agreement for use of a motor vehicle, under which the lessor agrees, with or without a separate charge, to do one or both of the following: 31717
31718
31719
31720
31721

(a) Cancel or waive all or part of amounts that may become due under a lessee's lease agreement as a result of excess wear and use of a motor vehicle; 31722
31723
31724

(b) Cancel or waive amounts due for excess mileage. 31725

(2) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code and also includes utility vehicles and under-speed vehicles as defined in that section. 31726
31727
31728

(B) The terms of a related motor vehicle lease shall not be conditioned upon the consumer's payment for any excess wear and use waiver. Excess wear and use waivers may be discounted or given at no extra charge in connection with the purchase of other noncredit related goods or services. 31729
31730
31731
31732
31733

(C) Notwithstanding any provision of the Revised Code to the contrary, an excess wear and use waiver is not an insurance product. 31734
31735
31736

Sec. 1311.252. (A) Prior to the performance of any labor or work or the furnishing of any materials in furtherance of a public improvement, the public authority shall prepare a notice of commencement in substantially the form specified in division (B) of this section which shall be made readily available to the public upon request. 31737
31738
31739
31740
31741
31742

(B) The notice of commencement required under division (A) of this section shall contain ~~in affidavit form~~ all of the following information: 31743
31744
31745

(1) The name, location, and a number, if any, used by the 31746
public authority to identify the public improvement sufficient 31747
to permit the public improvement to be identified; 31748

(2) The name and address of the public authority; 31749

(3) The name, address, and trade of all principal 31750
contractors; 31751

(4) The date the public authority first executed a 31752
contract with a principal contractor for the public improvement; 31753

(5) The name and address of the sureties for all principal 31754
contractors; 31755

(6) The name and address of the representative of the 31756
public authority upon whom service shall be made for the 31757
purposes of serving an affidavit pursuant to section 1311.26 of 31758
the Revised Code. 31759

(C) If the notice of commencement is not made available to 31760
the public prior to the commencement of work on the public 31761
improvement or if the notice of commencement furnished by the 31762
public authority contains incorrect information which the 31763
claimant relies upon to ~~his~~ the claimant's detriment, the 31764
unavailability of the notice or the incorrect notice shall not 31765
adversely affect the rights of any claimant under sections 31766
1311.25 to 1311.32 of the Revised Code. 31767

Sec. 1317.05. (A) Any retail seller who, in any retail 31768
installment contract, has agreed to purchase insurance for the 31769
retail buyer and to extend credit for the price thereof, 31770
excluding single interest insurance, shall, prior to the due 31771
date of the first installment of the retail installment 31772
contract, deliver to the retail buyer personally, or mail or 31773
cause to be mailed to the retail buyer at the retail buyer's 31774

address as shown on the retail installment contract, the policy 31775
of insurance, or in lieu thereof a certificate of insurance, or 31776
the retail buyer is not liable on the retail buyer's retail 31777
installment contract until the policy, or certificate of 31778
insurance, is received, or full refund is made of the insurance 31779
premium. 31780

If the premium for insurance of like kind and amount, as 31781
fixed in the published manual of a recognized standard rating 31782
bureau designated by the retail seller, is less than the amount 31783
charged the retail buyer as fixed in the written instrument in 31784
compliance with division (D) of section 1317.04 of the Revised 31785
Code, the retail buyer may deduct an amount equal to three times 31786
the difference from the amount owed the retail seller, or the 31787
retail seller's successor in interest. Sections 1317.01 to 31788
1317.11 of the Revised Code do not impair the authority of the 31789
superintendent of insurance to grant, renew, or revoke licenses, 31790
nor do said sections authorize anyone other than a licensee of 31791
the division of insurance to directly or indirectly receive any 31792
part of the amount charged for insurance in connection with any 31793
retail installment sale. 31794

(B) As used in this division, "debt cancellation or debt 31795
suspension product" means a contractual agreement in which a 31796
retail seller, or its assignee, agrees for a separate charge to 31797
cancel or waive all or a part of amounts due on a retail buyer's 31798
retail installment contract in the event of a total physical 31799
damage loss or unrecovered theft of the motor vehicle that is 31800
the subject of the contract. "Debt cancellation or debt 31801
suspension product" includes a guaranteed asset protection 31802
waiver, guaranteed auto protection waiver, or other similarly 31803
named agreement. A "debt cancellation or debt suspension 31804
product" may also provide, with or without a separate charge, a 31805

benefit that waives an amount, or provides a borrower with a 31806
credit, towards the purchase of a replacement motor vehicle. 31807

A debt cancellation or debt suspension product, and an 31808
addendum to a retail installment contract containing a debt 31809
cancellation or debt suspension product, shall be considered a 31810
part of the retail installment contract and shall remain a part 31811
of that contract upon the assignment, sale, or transfer of that 31812
contract. The charge for any optional debt cancellation or debt 31813
suspension product shall be listed as a specific good and shall 31814
not be considered a finance charge or interest. The purchase 31815
price and the terms of the debt cancellation or debt suspension 31816
product shall be disclosed in writing to the buyer. The 31817
extension of credit, terms of the credit, or the terms of the 31818
related motor vehicle sale or lease shall not be conditioned on 31819
the purchase of the debt cancellation or debt suspension 31820
product. Notwithstanding any other provision of law, a debt 31821
cancellation or debt suspension product shall not be considered 31822
insurance. 31823

(C) Single interest insurance shall be listed as a 31824
specific good in a retail installment contract. 31825

(D) As used in this section, "single interest insurance" 31826
means insurance that covers only the interest of the holder of 31827
the retail installment contract. 31828

Sec. 1317.06. (A) A retail seller at the time of making 31829
any retail installment sale may charge and contract for the 31830
payment of a finance charge by the retail buyer and collect and 31831
receive the same, which shall not exceed the greater of the 31832
following: 31833

(1) A base finance charge at the rate of eight dollars per 31834

one hundred dollars per year on the principal balance of the 31835
retail installment contract. On retail installment contracts 31836
providing for principal balances less than, nor not in multiples 31837
of one hundred dollars, or for installment payments extending 31838
for a period less than or greater than one year, said finance 31839
charge shall be computed proportionately. In addition to the 31840
base finance charge, the retail seller may charge and contract 31841
for a service charge of fifty cents per month for the first 31842
fifty dollar unit or fraction thereof, of the principal balance 31843
for each month of the term of the installment contract; and an 31844
additional service charge of twenty-five cents per month for 31845
each of the next five fifty dollar units or fraction thereof, of 31846
the principal balance for each month of the term of the 31847
installment contract. This paragraph applies only to retail 31848
installment contracts with a principal balance of seven hundred 31849
dollars or less. 31850

(2) A pre-computed base finance charge not in excess of 31851
the amount obtained by applying the rate of one and one-half per 31852
cent per month to the unpaid portion of the unpaid principal 31853
balance determined to be outstanding from time to time according 31854
to the terms and schedule of payments of the retail installment 31855
contract executed in connection with such retail installment 31856
sale. 31857

Such base finance charge and service charges may be 31858
computed on a basis of a full month for any fractional period in 31859
excess of ten days. For a fractional period of a month not in 31860
excess of ten days, there shall be no base finance charge or 31861
service charge. 31862

Sections 1317.01 to 1317.11 of the Revised Code do not 31863
apply to any sale in which the base finance and service charge 31864

does not exceed the sum of fifteen dollars. 31865

(B) Every retail seller may, at the time of making any 31866
retail installment sale, contract for the payment by the retail 31867
buyer of lawful delinquent charges as follows: 31868

(1) No charges shall be made for delinquent payments less 31869
than ten days late. 31870

(2) Five cents for each dollar for a delinquent payment 31871
that is more than ten days late may be charged, but in no event 31872
shall a delinquent charge for any one installment exceed three 31873
dollars. 31874

A provision for the payment of interest on any installment 31875
not paid in full on or before its scheduled due date at a rate 31876
not to exceed one and one-half per cent interest per month is 31877
not a delinquent charge and is expressly authorized. 31878

~~(C)~~ (C) (1) No retail installment contract arising out of a 31879
consumer transaction and requiring the payment of the charges 31880
authorized by this section shall be executed unless the combined 31881
total of the cash price and all finance charges and service 31882
charges is required to be paid according to a one of the 31883
following: 31884

(a) A schedule of substantially equal consecutive 31885
installments, except where the contract contains a provision 31886
allowing the buyer to refinance the contract under terms no less 31887
favorable than those of the original contract after making the 31888
refund credit required by section 1317.09 of the Revised Code; 31889

(b) A schedule of periodic installments in which no 31890
scheduled installment is more than fifty per cent greater than 31891
any other scheduled installment, except where the contract 31892
contains a provision allowing the buyer to refinance the 31893

contract under terms not less favorable than those of the 31894
original contract after making the refund credit required by 31895
section 1317.09 of the Revised Code. No— 31896

(2) No seller shall, pursuant to any provision in a retail 31897
installment contract arising out of a consumer transaction, 31898
accelerate any payments on account of a default in the making of 31899
an installment payment that has not continued for at least 31900
thirty days. Division (C) of this section does not apply to the 31901
extent that the payment schedule is adjusted to the seasonal or 31902
irregular income of the buyer. 31903

Sec. 1321.21. All fees, charges, penalties, and 31904
forfeitures collected under Chapters 1321., 1322., 4712., 4727., 31905
and 4728., sections 1315.21 to 1315.30, and sections 1349.25 to 31906
1349.37 of the Revised Code shall be paid to the superintendent 31907
of financial institutions and shall be deposited by the 31908
superintendent into the state treasury to the credit of the 31909
consumer finance fund, which is hereby created. The fund may be 31910
expended or obligated by the superintendent for the defrayment 31911
of the costs of administration of Chapters 1321., 1322., 4712., 31912
4727., and 4728., sections 1315.21 to 1315.30, and sections 31913
1349.25 to 1349.37 of the Revised Code by the division of 31914
financial institutions. All actual and necessary expenses 31915
incurred by the superintendent, including any services rendered 31916
by the department of commerce for the division's administration 31917
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 31918
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the 31919
Revised Code, shall be paid from the fund. The fund shall be 31920
assessed a proportionate share of the administrative costs of 31921
the department and the division. The proportionate share of the 31922
administrative costs of the division of financial institutions 31923
shall be determined in accordance with procedures prescribed by 31924

the superintendent. Such assessment shall be paid from the 31925
consumer finance fund to the division of administration fund or 31926
the financial institutions fund. 31927

~~Periodically, in accordance with a schedule the director 31928
establishes by rule, but at least once every three months, the 31929
director of budget and management shall transfer five per cent 31930
of all charges, penalties, and forfeitures received into the 31931
consumer finance fund to the financial literacy education fund 31932
created under section 121.085 of the Revised Code. 31933~~

Sec. 1347.08. (A) Every state or local agency that 31934
maintains a personal information system, upon the request and 31935
the proper identification of any person who is the subject of 31936
personal information in the system, shall: 31937

(1) Inform the person of the existence of any personal 31938
information in the system of which the person is the subject; 31939

(2) Except as provided in divisions (C) and (E) (2) of this 31940
section, permit the person, the person's legal guardian, or an 31941
attorney who presents a signed written authorization made by the 31942
person, to inspect all personal information in the system of 31943
which the person is the subject; 31944

(3) Inform the person about the types of uses made of the 31945
personal information, including the identity of any users 31946
usually granted access to the system. 31947

(B) Any person who wishes to exercise a right provided by 31948
this section may be accompanied by another individual of the 31949
person's choice. 31950

(C) (1) A state or local agency, upon request, shall 31951
disclose medical, psychiatric, or psychological information to a 31952
person who is the subject of the information or to the person's 31953

legal guardian, unless one of the following determines for the 31954
agency that the disclosure of the information is likely to have 31955
an adverse effect on the person: a physician, including such a 31956
person who specializes as a psychiatrist; an advanced practice 31957
registered nurse, including such a person who specializes as a 31958
psychiatric-mental health nurse practitioner or psychiatric 31959
clinical nurse specialist; or a psychologist. If such a 31960
determination is made, the information shall be released to one 31961
of the following who is designated by the person or by the 31962
person's legal guardian: a physician, including such a person 31963
who specializes as a psychiatrist; an advanced practice 31964
registered nurse, including such a person who specializes as a 31965
psychiatric-mental health nurse practitioner or psychiatric 31966
clinical nurse specialist; or a psychologist. 31967

(2) Upon the signed written request of a licensed attorney 31968
at law, a licensed physician, or an advanced practice registered 31969
nurse designated by the inmate, together with the signed written 31970
request of an inmate of a correctional institution under the 31971
administration of the department of rehabilitation and 31972
correction, the department shall disclose medical information to 31973
the designated attorney, physician, or advanced practice 31974
registered nurse as provided in division (C) of section 5120.21 31975
of the Revised Code. 31976

(D) If an individual who is authorized to inspect personal 31977
information that is maintained in a personal information system 31978
requests the state or local agency that maintains the system to 31979
provide a copy of any personal information that the individual 31980
is authorized to inspect, the agency shall provide a copy of the 31981
personal information to the individual. Each state and local 31982
agency may establish reasonable fees for the service of copying, 31983
upon request, personal information that is maintained by the 31984

agency. 31985

(E) (1) This section regulates access to personal 31986
information that is maintained in a personal information system 31987
by persons who are the subject of the information, but does not 31988
limit the authority of any person, including a person who is the 31989
subject of personal information maintained in a personal 31990
information system, to inspect or have copied, pursuant to 31991
section 149.43 of the Revised Code, a public record as defined 31992
in that section. 31993

(2) This section does not provide a person who is the 31994
subject of personal information maintained in a personal 31995
information system, the person's legal guardian, or an attorney 31996
authorized by the person, with a right to inspect or have 31997
copied, or require an agency that maintains a personal 31998
information system to permit the inspection of or to copy, a 31999
confidential law enforcement investigatory record or trial 32000
preparation record, as defined in divisions (A) (2) and (4) of 32001
section 149.43 of the Revised Code. 32002

(F) This section does not apply to any of the following: 32003

(1) The contents of an adoption file maintained by the 32004
department of health under sections 3705.12 to 3705.124 of the 32005
Revised Code; 32006

(2) Information contained in the putative father registry 32007
established by section 3107.062 of the Revised Code, regardless 32008
of whether the information is held by the department of ~~job and~~ 32009
~~family services~~ children and youth or, pursuant to section 32010
3111.69 of the Revised Code, the office of child support in the 32011
department of job and family services or a child support 32012
enforcement agency; 32013

(3) Papers, records, and books that pertain to an adoption 32014
and that are subject to inspection in accordance with section 32015
3107.17 of the Revised Code; 32016

(4) Records specified in division (A) of section 3107.52 32017
of the Revised Code; 32018

(5) Records that identify an individual described in 32019
division (A)(1) of section 3721.031 of the Revised Code, or that 32020
would tend to identify such an individual; 32021

(6) Files and records that have been expunged under 32022
division (D)(1) or (2) of section 3721.23 of the Revised Code; 32023

(7) Records that identify an individual described in 32024
division (A)(1) of section 3721.25 of the Revised Code, or that 32025
would tend to identify such an individual; 32026

(8) Records that identify an individual described in 32027
division (A)(1) of section 5165.88 of the Revised Code, or that 32028
would tend to identify such an individual; 32029

(9) Test materials, examinations, or evaluation tools used 32030
in an examination for licensure as a nursing home administrator 32031
that the board of executives of long-term services and supports 32032
administers under section 4751.15 of the Revised Code or 32033
contracts under that section with a private or government entity 32034
to administer; 32035

(10) Information contained in a database established and 32036
maintained pursuant to section ~~5101.13~~5180.40 of the Revised 32037
Code; 32038

(11) Information contained in a database established and 32039
maintained pursuant to section 5101.631 of the Revised Code. 32040

Sec. 1501.022. (A) As used in this section, "local 32041

government" means a municipal corporation or a township. 32042

(B) If the department of natural resources does not 32043
provide emergency response services, garbage and debris removal 32044
services, or snow removal services on state park land or at 32045
facilities owned or managed by the department, the director of 32046
natural resources shall enter into a contract with a local 32047
government for the local government to provide such services. 32048

(C) If the director requests a local government to provide 32049
any other service besides such services described in division 32050
(B) of this section on state park land or at facilities owned or 32051
managed by the department, the director shall enter into a 32052
contract with a local government for the local government to 32053
provide such services. 32054

(D) A contract entered into under this section shall 32055
include a term providing for the department to reimburse the 32056
local government for services provided and administrative costs 32057
associated with providing such services. 32058

Sec. 1501.47. The program support fund is created in the 32059
state treasury. The fund shall consist of payments from 32060
divisions within the department of natural resources and any 32061
other payments received by the department related to the 32062
purposes of the fund. The director of natural resources shall 32063
use the money in the fund to support centralized service support 32064
offices of the department. 32065

Sec. 1509.02. There is hereby created in the department of 32066
natural resources the division of oil and gas resources 32067
management, which shall be administered by the chief of the 32068
division of oil and gas resources management. The division has 32069
sole and exclusive authority to regulate the permitting, 32070

location, and spacing of oil and gas wells and production 32071
operations within the state, excepting only those activities 32072
regulated under federal laws for which oversight has been 32073
delegated to the environmental protection agency and activities 32074
regulated under sections 6111.02 to 6111.028 of the Revised 32075
Code. The regulation of oil and gas activities is a matter of 32076
general statewide interest that requires uniform statewide 32077
regulation, and this chapter and rules adopted under it 32078
constitute a comprehensive plan with respect to all aspects of 32079
the locating, drilling, well stimulation, completing, and 32080
operating of oil and gas wells within this state, including site 32081
construction and restoration, permitting related to those 32082
activities, and the disposal of wastes from those wells. In 32083
order to assist the division in the furtherance of its sole and 32084
exclusive authority as established in this section, the chief 32085
may enter into cooperative agreements with other state agencies 32086
for advice and consultation, including visitations at the 32087
surface location of a well on behalf of the division. Such 32088
cooperative agreements do not confer on other state agencies any 32089
authority to administer or enforce this chapter and rules 32090
adopted under it. In addition, such cooperative agreements shall 32091
not be construed to dilute or diminish the division's sole and 32092
exclusive authority as established in this section. Nothing in 32093
this section affects the authority granted to the director of 32094
transportation and local authorities in section 723.01 or 32095
4513.34 of the Revised Code, provided that the authority granted 32096
under those sections shall not be exercised in a manner that 32097
discriminates against, unfairly impedes, or obstructs oil and 32098
gas activities and operations regulated under this chapter. 32099

The chief shall not hold any other public office, nor 32100
shall the chief be engaged in any occupation or business that 32101

might interfere with or be inconsistent with the duties as 32102
chief. 32103

Money collected by the chief pursuant to sections 1509.06, 32104
1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 32105
1509.28, 1509.34, 1509.50, and 5749.02 of the Revised Code, all 32106
civil penalties paid under section 1509.33 of the Revised Code, 32107
and, notwithstanding any section of the Revised Code relating to 32108
the distribution or crediting of fines for violations of the 32109
Revised Code, all fines imposed under divisions (A) and (B) of 32110
section 1509.99 of the Revised Code and fines imposed under 32111
divisions (C) and (D) of section 1509.99 of the Revised Code for 32112
all violations prosecuted by the attorney general and for 32113
violations prosecuted by prosecuting attorneys that do not 32114
involve the transportation of brine by vehicle shall be 32115
deposited into the state treasury to the credit of the oil and 32116
gas well fund, which is hereby created. Fines imposed under 32117
divisions (C) and (D) of section 1509.99 of the Revised Code for 32118
violations prosecuted by prosecuting attorneys that involve the 32119
transportation of brine by vehicle and penalties associated with 32120
a compliance agreement entered into pursuant to this chapter 32121
shall be paid to the county treasury of the county where the 32122
violation occurred. 32123

The fund shall be used solely and exclusively for the 32124
purposes enumerated in division (B) of section 1509.071 of the 32125
Revised Code, payments to the oil and gas resolution and 32126
remediation fund created in section 1509.075 of the Revised 32127
Code, for the expenses of the division associated with the 32128
administration of this chapter and Chapter 1571. of the Revised 32129
Code and rules adopted under them, and for expenses that are 32130
critical and necessary for the protection of human health and 32131
safety and the environment related to oil and gas production in 32132

this state. The expenses of the division in excess of the moneys 32133
available in the fund shall be paid from general revenue fund 32134
appropriations to the department. 32135

Sec. 1509.07. (A) (1) (a) Except as provided in division (A) 32136
(1) (b) or (A) (2) of this section, an owner of any well, except 32137
an exempt Mississippian well or an exempt domestic well, shall 32138
obtain liability insurance coverage from a company authorized or 32139
approved to do business in this state in an amount of not less 32140
than one million dollars bodily injury coverage and property 32141
damage coverage to pay damages for injury to persons or damage 32142
to property caused by the drilling, operation, or plugging of 32143
all the owner's wells in this state. However, if any well is 32144
located within an urbanized area, the owner shall obtain 32145
liability insurance coverage in an amount of not less than three 32146
million dollars for bodily injury coverage and property damage 32147
coverage to pay damages for injury to persons or damage to 32148
property caused by the drilling, operation, or plugging of all 32149
of the owner's wells in this state. 32150

(b) A board of county commissioners of a county that is an 32151
owner of a well or a board of township trustees of a township 32152
that is an owner of a well may elect to satisfy the liability 32153
coverage requirements specified in division (A) (1) (a) of this 32154
section by participating in a joint self-insurance pool in 32155
accordance with the requirements established under section 32156
2744.081 of the Revised Code. Nothing in division (A) (1) (b) of 32157
this section shall be construed to allow an entity, other than a 32158
county or township, to participate in a joint self-insurance 32159
pool to satisfy the liability coverage requirements specified in 32160
division (A) (1) (a) of this section. 32161

(2) An owner of a horizontal well shall obtain liability 32162

insurance coverage from an insurer authorized to write such 32163
insurance in this state or from an insurer approved to write 32164
such insurance in this state under section 3905.33 of the 32165
Revised Code in an amount of not less than five million dollars 32166
bodily injury coverage and property damage coverage to pay 32167
damages for injury to persons or damage to property caused by 32168
the production operations of all the owner's wells in this 32169
state. The insurance policy shall include a reasonable level of 32170
coverage available for an environmental endorsement. 32171

(3) An owner shall maintain the coverage required under 32172
division (A)(1) or (2) of this section until all the owner's 32173
wells are plugged and abandoned or are transferred to an owner 32174
who has obtained insurance as required under this section and 32175
who is not under a notice of material and substantial violation 32176
or under a suspension order. The owner shall provide proof of 32177
liability insurance coverage to the chief of the division of oil 32178
and gas resources management upon request. Upon failure of the 32179
owner to provide that proof when requested, the chief may order 32180
the suspension of any outstanding permits and operations of the 32181
owner until the owner provides proof of the required insurance 32182
coverage. 32183

(B)(1) Except as otherwise provided in this section, an 32184
owner of any well, before being issued a permit under section 32185
1509.06 of the Revised Code or before operating or producing 32186
from a well, shall execute and file with the division of oil and 32187
gas resources management a surety bond conditioned on compliance 32188
with the restoration requirements of section 1509.072, the 32189
plugging requirements of section 1509.12, the permit provisions 32190
of section 1509.13 of the Revised Code, and all rules and orders 32191
of the chief relating thereto, in an amount set by rule of the 32192
chief. 32193

(2) The owner may deposit with the chief, instead of a 32194
surety bond, cash in an amount equal to the surety bond as 32195
prescribed pursuant to this section or negotiable certificates 32196
of deposit or irrevocable letters of credit, issued by any bank 32197
organized or transacting business in this state, having a cash 32198
value equal to or greater than the amount of the surety bond as 32199
prescribed pursuant to this section. Cash or certificates of 32200
deposit shall be deposited upon the same terms as those upon 32201
which surety bonds may be deposited. If the owner deposits cash, 32202
the cash shall be credited to the performance cash bond refunds 32203
fund created in section 1501.16 of the Revised Code. If the 32204
owner deposits certificates of deposit, the chief shall require 32205
the bank that issued any such certificate to pledge securities 32206
of a cash value equal to the amount of the certificate that is 32207
in excess of the amount insured by the federal deposit insurance 32208
corporation. The securities shall be security for the repayment 32209
of the certificate of deposit. 32210

Upon a deposit of cash, certificates of deposit, or 32211
letters of credit with the chief, the chief shall hold them in 32212
trust for the purposes for which they have been deposited. 32213

(3) Instead of a surety bond, the chief may accept proof 32214
of financial responsibility consisting of a sworn financial 32215
statement showing a net financial worth within this state equal 32216
to twice the amount of the bond for which it substitutes and, as 32217
may be required by the chief, a list of producing properties of 32218
the owner within this state or other evidence showing ability 32219
and intent to comply with the law and rules concerning 32220
restoration and plugging that may be required by rule of the 32221
chief. The owner of an exempt Mississippian well is not required 32222
to file scheduled updates of the financial documents, but shall 32223
file updates of those documents if requested to do so by the 32224

chief. The owner of a nonexempt Mississippian well shall file 32225
updates of the financial documents in accordance with a schedule 32226
established by rule of the chief. The chief, upon determining 32227
that an owner for whom the chief has accepted proof of financial 32228
responsibility instead of bond cannot demonstrate financial 32229
responsibility, shall order that the owner execute and file a 32230
bond or deposit cash, certificates of deposit, or irrevocable 32231
letters of credit as required by this section for the wells 32232
specified in the order within ten days of receipt of the order. 32233
If the order is not complied with, all wells of the owner that 32234
are specified in the order and for which no bond is filed or 32235
cash, certificates of deposit, or letters of credit are 32236
deposited shall be plugged. No owner shall fail or refuse to 32237
plug such a well. Each day on which such a well remains 32238
unplugged thereafter constitutes a separate offense. 32239

(4) The surety bond provided for in this section shall be 32240
executed by a surety company authorized to do business in this 32241
state. 32242

The chief shall not approve any bond until it is 32243
personally signed and acknowledged by both principal and surety, 32244
or as to either by the principal's or surety's attorney in fact, 32245
with a certified copy of the power of attorney attached thereto. 32246
The chief shall not approve a bond unless there is attached a 32247
certificate of the superintendent of insurance that the company 32248
is authorized to transact a fidelity and surety business in this 32249
state. 32250

All bonds shall be given in a form to be prescribed by the 32251
chief and shall run to the state as obligee. 32252

(5) An owner of an exempt Mississippian well or an exempt 32253
domestic well, in lieu of filing a surety bond, cash in an 32254

amount equal to the surety bond, certificates of deposit, 32255
irrevocable letters of credit, or a sworn financial statement, 32256
may file a one-time fee of fifty dollars, which shall be 32257
deposited in the oil and gas ~~well-plugging-resolution and~~ 32258
remediation fund created in section ~~1509.071~~ 1509.075 of the 32259
Revised Code. 32260

(C) An owner, operator, producer, or other person shall 32261
not operate a well or produce from a well at any time if the 32262
owner, operator, producer, or other person has not satisfied the 32263
requirements established in this section. 32264

Sec. 1509.071. (A) When the chief of the division of oil 32265
and gas resources management finds that an owner has failed to 32266
comply with a final nonappealable order issued or compliance 32267
agreement entered into under section 1509.04, the restoration 32268
requirements of section 1509.072, plugging requirements of 32269
section 1509.12, or permit provisions of section 1509.13 of the 32270
Revised Code, or rules and orders relating thereto, the chief 32271
shall make a finding of that fact and declare any surety bond 32272
filed to ensure compliance with those sections and rules 32273
forfeited in the amount set by rule of the chief. The chief 32274
thereupon shall certify the total forfeiture to the attorney 32275
general, who shall proceed to collect the amount of the 32276
forfeiture. In addition, the chief may require an owner, 32277
operator, producer, or other person who forfeited a surety bond 32278
to post a new surety bond in the amount of fifteen thousand 32279
dollars for a single well, thirty thousand dollars for two 32280
wells, or fifty thousand dollars for three or more wells. 32281

In lieu of total forfeiture, the surety or owner, at the 32282
surety's or owner's option, may cause the well to be properly 32283
plugged and abandoned and the area properly restored or pay to 32284

the treasurer of state the cost of plugging and abandonment. 32285

(B) (1) All moneys collected because of forfeitures of 32286
bonds as provided in this section shall be deposited in the 32287
state treasury to the credit of the oil and gas well fund 32288
created in section 1509.02 of the Revised Code. 32289

For purposes of promoting the competent management and 32290
conservation of the state's oil and natural gas resources and 32291
the proper and lawful plugging of historic oil and gas wells for 32292
which there is no known responsible owner, the chief annually 32293
shall spend not less than thirty per cent of the revenue 32294
credited to the oil and gas well fund during the previous fiscal 32295
year for both of the following purposes: 32296

(a) In accordance with division (E) of this section, to 32297
plug orphaned wells or to restore the land surface properly as 32298
required in section 1509.072 of the Revised Code; 32299

(b) In accordance with division (F) of this section, to 32300
correct conditions that the chief reasonably has determined are 32301
causing imminent health or safety risks at an orphaned well or 32302
associated with a well for which the owner has not initiated a 32303
corrective action within a reasonable period of time as 32304
determined by the chief after the chief has attempted to notify 32305
the owner. 32306

(2) Expenditures from the oil and gas well fund and oil 32307
and gas resolution and remediation fund shall be made only for 32308
lawful purposes. In addition Except as otherwise provided in 32309
divisions (B) (2) and (D) of section 1509.075 of the Revised 32310
Code, expenditures from the fund those funds shall not be made 32311
to purchase real property or to remove a structure in order to 32312
access a well. 32313

~~The director of budget and management, in consultation~~ 32314
~~with the chief, shall establish an accounting code for purposes~~ 32315
~~of tracking expenditures made as required under this division.~~ 32316

(C) (1) If a landowner discovers a well on the landowner's 32317
real property and the landowner is not the owner of the well, 32318
the landowner may report the existence of the well in writing to 32319
the chief. 32320

(2) If the chief receives a written report from a 32321
landowner of the discovery of a well previously unknown to the 32322
division, the chief shall inspect the well not later than thirty 32323
days after the date of receipt of the landowner's report. 32324

(3) The chief shall establish a scoring matrix for use in 32325
determining the priority of plugging wells or restoring land 32326
surfaces at orphaned well sites for purposes of this section. 32327
The matrix shall include a classification system that 32328
categorizes orphaned wells as high priority, medium priority, 32329
and low priority. 32330

(4) The chief shall use the matrix developed under 32331
division (C) (3) of this section to prioritize plugging and land 32332
restoration projects under this section. The chief may add 32333
additional orphaned wells to a project regardless of 32334
classification. 32335

(D) (1) After determining that a well is an orphaned well, 32336
the chief shall do all of the following: 32337

(a) Make a reasonable attempt to determine from the 32338
records in the office of the county recorder of the county in 32339
which the well is located the identity of the current owner of 32340
the land on which the well is located, the identity of each 32341
person owning a right or interest in the oil or gas mineral 32342

interests, and the identities of the persons having a lien upon 32343
any of the equipment appurtenant to the well. For purposes of 32344
division (D) (1) (a) of this section, the chief is not required to 32345
review records in the office of the county recorder that are 32346
older than forty years from the date on which the chief made the 32347
determination that the well is an orphaned well. 32348

(b) Mail notice to each person identified in division (D) 32349
(1) (a) of this section; 32350

(c) Include in the notice to each person having a lien 32351
upon any equipment appurtenant to the well, a statement 32352
informing the person that the well is to be plugged and offering 32353
the person the opportunity to remove that equipment from the 32354
well site at the person's own expense in order to avoid 32355
forfeiture of the equipment to this state; 32356

(d) Publish notice in a newspaper of general circulation 32357
in the county where the well is located that the well is to be 32358
plugged or post the notice on the department of natural 32359
resources web site. 32360

(2) If the current address of a person identified in 32361
division (D) (1) (a) of this section cannot be determined, or if a 32362
notice provided by mail to a person under division (D) (1) (b) of 32363
this section is returned undeliverable, the notice published 32364
under division (D) (1) (d) of this section constitutes sufficient 32365
notice to the person. 32366

(3) If none of the persons described in division (D) (1) (a) 32367
of this section removes equipment from the well within thirty 32368
days after the mailing of the notice or publication or posting 32369
of notice described in division (D) (1) (d) of this section, 32370
whichever is later, all equipment appurtenant to the well is 32371

hereby declared to be forfeited to this state without 32372
compensation and without the necessity for any action by the 32373
state for use to defray the cost of plugging the well and 32374
restoring the land surface at the well site. 32375

(E) The chief may expend money from the oil and gas well 32376
fund and the oil and gas resolution and remediation fund for the 32377
purpose of division (B) (1) (a) of this section, and such 32378
expenditures shall be made in accordance with either of the 32379
following: 32380

(1) The chief may make expenditures pursuant to contracts 32381
entered into by either the chief or another agency of the state 32382
with persons who agree to furnish the materials, equipment, 32383
work, and labor as specified and provided in such a contract for 32384
activities associated with the restoration or plugging of an 32385
orphaned well as determined by the chief. If another agency of 32386
the state enters into the contract, the chief shall prepare the 32387
scope of work for the restoration or plugging of the well. The 32388
activities may include excavation to uncover a well, methods to 32389
locate a well, analyzing the well, stabilizing or other work 32390
conducted prior to plugging the well, drilling out or cleanout 32391
of wellbores to remove material from a well, plugging 32392
operations, installation of vault and vent systems, including 32393
associated engineering certifications and permits, removal of 32394
associated equipment, restoration of property, replugging of 32395
previously plugged orphaned wells or wells for which final 32396
restoration was completed under section 1509.072 of the Revised 32397
Code and rules adopted under it, and repair of damage to 32398
property that is caused by such activities. The chief may make 32399
expenditures for salaries, maintenance, equipment, or other 32400
administrative purposes, for costs directly attributed to 32401
locating, analyzing, stabilizing, designing, plugging, 32402

remediating, or restoring an orphaned well, and for determining 32403
if a well is an orphaned well. 32404

Agents or employees of persons contracting with the chief 32405
to locate, analyze, stabilize, design, plug, remediate, or 32406
restore a well may enter upon any land, public or private, on 32407
which the well is located, or on adjacent parcels needed for 32408
access, for the purpose of performing the work. Prior to such 32409
entry, the chief shall give to the following persons written 32410
notice of the existence of a contract to locate, analyze, 32411
stabilize, design, plug, remediate, or restore a well, the names 32412
of the persons with whom the contract is made, and the date that 32413
the project will commence: the owner of the well, the owner of 32414
the land upon which the well is located, the owner of the land 32415
of an adjacent parcel that will be entered upon, and, if the 32416
well is located in the same township as or in a township 32417
adjacent to the excavations and workings of a mine and the owner 32418
or lessee of that mine has provided written notice identifying 32419
those townships to the chief at any time during the immediately 32420
preceding three years, the owner or lessee of the mine. The 32421
chief may include in the notice to the owner or lessee of the 32422
mine additional information, such as authorization to plug an 32423
orphaned well under section 1509.151 of the Revised Code. 32424

(2) (a) The owner of the land on which at least one 32425
orphaned well is located who has received notice under division 32426
(D) (1) (b) of this section may plug any such orphaned well and be 32427
reimbursed by the division of oil and gas resources management 32428
for the reasonable cost of plugging such wells. In order to plug 32429
the orphaned wells, the landowner shall submit an application to 32430
the chief on a form prescribed by the chief and approved by the 32431
technical advisory council on oil and gas created in section 32432
1509.38 of the Revised Code. The application, at a minimum, 32433

shall require the landowner to provide the same information as 32434
is required to be included in the application for a permit to 32435
plug and abandon under section 1509.13 of the Revised Code. 32436

The application shall be accompanied by a copy of a 32437
proposed contract to plug and abandon the orphaned wells 32438
prepared by a contractor regularly engaged in the business of 32439
plugging oil and gas wells. The proposed contract shall require 32440
the contractor to furnish all of the materials, equipment, work, 32441
and labor necessary to plug the orphaned wells properly and 32442
restore the site including the removal of all associated 32443
equipment and shall specify the price for doing the work. The 32444
contractor shall be insured. 32445

Expenditures made under division (E) (2) (a) of this section 32446
shall be consistent with the expenditures for activities 32447
described in division (E) (1) of this section. In addition, 32448
expenditures made under division (E) (2) of this section are not 32449
subject to section 127.16 of the Revised Code. The application 32450
constitutes an application for a permit to plug the well for the 32451
purposes of section 1509.13 of the Revised Code ~~and the~~ 32452
~~applicant is not required to submit the fee otherwise required~~ 32453
~~under that section.~~ 32454

(b) Within thirty days after receiving an application and 32455
accompanying proposed contract under division (E) (2) (a) of this 32456
section, the chief shall determine whether the plugging would 32457
comply with the applicable requirements of this chapter and 32458
applicable rules adopted and orders issued under it and whether 32459
the cost of the plugging under the proposed contract is 32460
reasonable. If the chief determines that the proposed plugging 32461
would comply with those requirements and that the proposed cost 32462
of the plugging is reasonable, the chief shall notify the 32463

landowner of that determination and issue to the landowner a 32464
permit to plug the well under section 1509.13 of the Revised 32465
Code. The chief may disapprove an application submitted under 32466
division (E) (2) (a) of this section if the chief determines that 32467
the proposed plugging would not comply with the applicable 32468
requirements of this chapter and applicable rules adopted and 32469
orders issued under it, that the cost of the plugging under the 32470
proposed contract is unreasonable, or that the proposed contract 32471
is not a bona fide, arm's length contract. 32472

(c) After receiving the chief's notice of the approval of 32473
the application and permit to plug and abandon a well under 32474
division (E) (2) (b) of this section, the landowner may enter into 32475
the proposed contract to plug the well. 32476

(d) Upon determining that the plugging has been completed 32477
in compliance with the applicable requirements of this chapter 32478
and applicable rules adopted and orders issued under it, the 32479
chief shall pay the contractor for the cost of the plugging and 32480
restoration as set forth in the proposed contract approved by 32481
the chief and changes or costs approved by the chief. The 32482
payment shall be paid from the oil and gas well fund or the oil 32483
and gas resolution and remediation fund. The chief shall only 32484
make payments for purposes of division (E) (2) of this section 32485
pursuant to a proper invoice as defined under section 125.01 of 32486
the Revised Code. 32487

(e) If the chief determines that the plugging was not 32488
completed in accordance with the applicable requirements, the 32489
chief shall not pay the contractor or landowner for the cost of 32490
the plugging. 32491

(f) If any equipment was removed from the well during the 32492
plugging and sold, the chief shall deduct the sale amount of the 32493

equipment from the payment to the contractor. 32494

(g) Changes made to a contract executed under division (E) 32495
(2) of this section due to unanticipated conditions may be 32496
presented to the chief in the form of a written request for 32497
approval of the additional costs prior to completion of the 32498
work. The chief shall determine if the changes are necessary to 32499
comply with this chapter and rules adopted and orders issued 32500
under it and if the cost of the changes are reasonable. The 32501
chief shall provide to the contractor a written decision 32502
regarding the proposed changes. If the chief determines that the 32503
changes are not necessary or that the costs are not reasonable, 32504
the chief may either deny the request or establish the amount of 32505
the cost that the chief approves. Work completed prior to 32506
receipt of written approval from the chief is not eligible for 32507
payment, unless waived by the chief. 32508

(3) The chief may establish an annual limit on the number 32509
of wells that may be plugged under division (E)(2) of this 32510
section or an annual limit on the expenditures to be made under 32511
that division. The chief may reject an application submitted 32512
under division (E)(2) of this section if the chief determines 32513
that the plugging of other wells take priority. 32514

(4) As used in division (E)(2) of this section, "plug" and 32515
"plugging" include the plugging of the well, replugging of a 32516
previously plugged orphaned well or a well for which final 32517
restoration was completed under section 1509.072 of the Revised 32518
Code and rules adopted under it, drilling out or cleanout of a 32519
well bore to remove material from a well, installation of 32520
casings, installation of a vault and vent, restoration, and the 32521
restoration of the land surface disturbed by the plugging. 32522

(F)(1) Expenditures from the oil and gas well fund or the 32523

oil and gas resolution and remediation fund for the purpose of 32524
division (B) (1) (b) of this section may be made pursuant to 32525
contracts entered into by either the chief or another agency of 32526
the state with persons who agree to furnish the materials, 32527
equipment, work, and labor as specified and provided in such a 32528
contract. The competitive bidding requirements of Chapter 153. 32529
of the Revised Code do not apply if the chief reasonably 32530
determines that a situation exists requiring immediate action 32531
for the correction of the applicable health or safety risk. A 32532
contract or purchase of materials for purposes of addressing the 32533
emergency situation is not subject to division (B) of section 32534
127.16 of the Revised Code. The chief, designated 32535
representatives of the chief, and agents or employees of persons 32536
contracting with the chief to locate, analyze, stabilize, 32537
design, plug, remediate, or restore a well under this division 32538
may enter upon any land, public or private, on which the well is 32539
located, or on parcels needed for access, for the purpose of 32540
performing the work. 32541

(2) The chief shall issue an order that requires the owner 32542
of a well to pay the actual documented costs of a corrective 32543
action that is described in division (B) (1) (b) of this section 32544
concerning the well. The chief shall transmit the money so 32545
recovered to the treasurer of state who shall deposit the money 32546
in the ~~state treasury to the credit of the oil and gas well-~~ 32547
resolution and remediation fund. 32548

(G) Contracts entered into by either the chief or another 32549
agency of the state under this section are not subject to any of 32550
the following: 32551

(1) Chapter 4115. of the Revised Code; 32552

(2) Chapter 153. of the Revised Code; 32553

(3) Section 4733.17 of the Revised Code. 32554

(H) The owner of land on which a well is located who has 32555
received notice under division (D) (1) (b) of this section, in 32556
lieu of plugging the well in accordance with division (E) (2) of 32557
this section, may cause ownership of the well to be transferred 32558
in accordance with section 1509.31 of the Revised Code. 32559

If a well is transferred, the owner to whom it is 32560
transferred shall comply with this chapter and rules adopted 32561
under it and shall take title to and possession of the equipment 32562
appurtenant to the well that has been identified by the chief as 32563
having been abandoned by the former owner of the well. 32564

(I) The chief may engage in cooperative projects under 32565
this section with any agency of this state, another state, or 32566
the United States; any other governmental agencies; any state 32567
university or college as defined in section 3345.27 of the 32568
Revised Code; or a nonprofit corporation that is exempt from 32569
federal income taxation under section 501(c) (3) of the "Internal 32570
Revenue Code of 1986," 26 U.S.C. 1, as amended. A contract 32571
entered into for purposes of a cooperative project is not 32572
subject to division (B) of section 127.16 of the Revised Code. 32573

(J) (1) On or before the close of each calendar quarter, 32574
the chief shall submit a written report to the technical 32575
advisory council established under section 1509.38 of the 32576
Revised Code describing the efforts of the division of oil and 32577
gas resources management to plug orphaned wells during the 32578
immediately preceding calendar quarter. The chief also shall 32579
include in the report all of the following information: 32580

(a) The total number of known orphaned wells in the state 32581
and the total number in each county of the state; 32582

(b) The total number of newly discovered orphaned wells 32583
during the immediately preceding calendar quarter; 32584

(c) The total number of wells plugged in accordance with 32585
this section during the immediately preceding calendar quarter; 32586

(d) The total number of wells plugged in accordance with 32587
this section and the estimated average and indirect costs of 32588
plugging activities conducted under this section prior to the 32589
date of the report; 32590

(e) The number of wells approved for plugging in 32591
accordance with this section and the estimated average and 32592
indirect costs of plugging activities conducted under this 32593
section during the immediately preceding calendar quarter. 32594

(2) Not later than the thirty-first day of March of each 32595
year, the chief and the technical advisory council shall jointly 32596
provide a report containing, at a minimum, the information 32597
required to be included in the quarterly reports during the 32598
previous one-year period to all of the following: 32599

(a) The speaker of the house of representatives; 32600

(b) The president of the senate; 32601

(c) The chair of the committee of the house of 32602
representatives responsible for energy and natural resources 32603
issues; 32604

(d) The chair of the committee of the senate responsible 32605
for energy and natural resources issues. 32606

Sec. 1509.075. (A) There is hereby created the oil and gas 32607
resolution and remediation fund, which shall be in the custody 32608
of the treasurer of state but shall not be part of the state 32609
treasury. The fund shall consist of moneys transferred to it 32610

from the oil and gas well fund and any money deposited into it 32611
under sections 1509.07 and 1509.071 of the Revised Code. 32612
Notwithstanding any provision of law to the contrary, at the 32613
beginning of each fiscal year, the treasurer of state shall 32614
transfer to the oil and gas resolution and remediation fund the 32615
amount of money in the oil and gas well fund that is in excess 32616
of the total amount appropriated to the oil and gas well fund 32617
for that fiscal year. 32618

(B) (1) Money in the oil and gas resolution and remediation 32619
fund shall be used by the chief of the division of oil and gas 32620
resources management for the plugging of orphaned wells under 32621
this chapter. 32622

(2) The chief may use money in the fund for expenses that 32623
are critical and necessary for the protection of human health 32624
and safety and the environment related to oil and gas production 32625
in this state. 32626

(3) The treasurer of state shall disburse moneys from the 32627
fund quarterly on order of the chief. 32628

(C) The treasurer of state may invest any portion of the 32629
oil and gas resolution and remediation fund not needed for 32630
immediate use in the same manner as, and subject to all 32631
provisions of law with respect to the investment of, state 32632
funds. 32633

(D) Interest earned on the fund shall be credited to the 32634
fund and reserved for use by the director of natural resources. 32635
The director may order the treasurer of state to disburse 32636
interest from the fund for any purpose of the department of 32637
natural resources, subject to the approval of the technical 32638
advisory council on oil and gas, as provided in section 1509.38 32639

of the Revised Code. The director shall provide the treasurer of 32640
state with written notice of the council's approval before the 32641
treasurer of state may disburse money from the fund. 32642

Sec. 1509.13. (A) (1) Except as otherwise provided in 32643
division (A) (2) of this section and division (E) (1) of section 32644
1509.071 of the Revised Code, no person shall plug and abandon a 32645
well without having a permit to do so issued by the chief of the 32646
division of oil and gas resources management. The permit shall 32647
be issued by the chief in accordance with this chapter and shall 32648
be valid for a period of twenty-four months from the date of 32649
issue. 32650

(2) The holder of a valid permit issued under section 32651
1509.06 of the Revised Code may receive approval from an oil and 32652
gas resources inspector to plug and abandon the well associated 32653
with that permit, without obtaining the permit required under 32654
division (A) of this section, if either of the following apply: 32655

(a) The well was drilled to total depth and the well 32656
cannot or will not be completed. 32657

(b) The well is a lost hole or dry hole. 32658

(3) A permit holder plugging a well pursuant to division 32659
(A) (2) (a) of this section shall plug the well within thirty days 32660
of receipt of approval from the oil and gas resources inspector. 32661

(4) A permit holder plugging a well pursuant to division 32662
(A) (2) (b) of this section shall plug the well immediately after 32663
determining that the well is a lost hole or dry hole in 32664
accordance with rules adopted under this chapter. 32665

(B) The application for a permit to plug and abandon shall 32666
be filed as many days in advance as will be necessary for an oil 32667
and gas resources inspector or, if the well is located in a coal 32668

bearing township, both a deputy mine inspector and an oil and 32669
gas resources inspector to be present at the plugging. The 32670
application shall be filed with the chief upon a form that the 32671
chief prescribes and shall contain the following information: 32672

(1) The name and address of the applicant; 32673

(2) The signature of the applicant or the applicant's 32674
authorized agent. When an authorized agent signs an application, 32675
it shall be accompanied by a certified copy of the appointment 32676
as that agent. 32677

(3) The location of the well identified by section or lot 32678
number, city, village, township, and county; 32679

(4) Designation of well by name and number; 32680

(5) The total depth of the well to be plugged; 32681

(6) The date and amount of last production from the well; 32682

(7) Other information that the chief may require. 32683

(C) ~~Except as otherwise provided in division (E) (2) (a) of~~ 32684
~~section 1509.071 of the Revised Code, the application shall be~~ 32685
~~accompanied by a nonrefundable fee of two hundred fifty dollars.~~ 32686
Unless waived by an oil and gas resources inspector, the owner 32687
of a well or the owner's authorized representative shall notify 32688
an oil and gas resources inspector at least twenty-four hours 32689
prior to the commencement of the plugging of a well. No well 32690
shall be plugged and abandoned without an oil and gas resources 32691
inspector present unless permission has been granted by the 32692
chief. The owner of a well that has produced oil or gas shall 32693
give written notice at the same time to the owner of the land 32694
upon which the well is located and to all lessors that receive 32695
gas from the well pursuant to an agreement. If the well 32696

penetrates or passes within one hundred feet of the excavations 32697
and workings of a mine, the owner of the well shall give written 32698
notice to the owner or lessee of that mine of the intention to 32699
abandon the well and of the time when the owner of the well will 32700
be prepared to commence plugging it. 32701

(D) An applicant may file a request with the chief for 32702
expedited review of an application for a permit to plug and 32703
abandon a well. The chief may refuse to accept a request for 32704
expedited review if, in the chief's judgment, acceptance of the 32705
request will prevent the issuance, within twenty-one days of 32706
filing, of permits for which applications filed under section 32707
1509.06 of the Revised Code are pending. In addition to a 32708
complete application for a permit that meets the requirements of 32709
this section ~~and the permit fee prescribed by this section, if~~ 32710
~~applicable~~, a request for expedited review shall be accompanied 32711
by a nonrefundable filing fee of five hundred dollars unless the 32712
chief has ordered the applicant to plug and abandon the well. 32713
When a request for expedited review is filed, the chief shall 32714
immediately begin to process the application and shall issue a 32715
permit within seven days of the filing of the request unless the 32716
chief, by order, denies the application. 32717

(E) (1) Except as otherwise provided in division (E) (2) of 32718
this section, any person undertaking the plugging of a well for 32719
which a permit has been issued under this section shall obtain 32720
insurance for bodily injury coverage and property damage 32721
coverage in the amount established under section 1509.07 of the 32722
Revised Code to pay for damages or injury to property or person, 32723
including damages caused by the plugging of the well. The person 32724
shall electronically submit proof of insurance to the chief upon 32725
the chief's request. 32726

(2) Division (E) (1) of this section does not apply to a 32727
person already required to maintain an insurance policy under 32728
section 1509.07 of the Revised Code. 32729

(F) This section does not apply to a well plugged or 32730
abandoned in compliance with section 1571.05 of the Revised 32731
Code. 32732

Sec. 1509.36. Any person adversely affected by an order by 32733
the chief of the division of oil and gas resources management 32734
may appeal to the oil and gas commission for an order vacating 32735
or modifying the order. 32736

The person so appealing to the commission shall be known 32737
as appellant and the chief shall be known as appellee. Appellant 32738
and appellee shall be deemed to be parties to the appeal. 32739

The appeal shall be in writing and shall set forth the 32740
order complained of and the grounds upon which the appeal is 32741
based. The appeal shall be filed with the commission within 32742
thirty days after the date upon which the person to whom the 32743
order was issued received the order and, for all other persons 32744
adversely affected by the order, within thirty days after the 32745
date of the order complained of. Notice of the filing of the 32746
appeal shall be filed with the chief within three days after the 32747
appeal is filed with the commission. 32748

Upon the filing of the appeal, the commission may decide 32749
the appeal, in whole or in part, without a hearing when, in its 32750
judgment, it is appropriate to do so. If the commission decides 32751
to hold a hearing, the commission promptly shall fix the time 32752
and place at which the hearing on the appeal will be held, and 32753
shall give the appellant and the chief at least ten days' 32754
written notice thereof by mail. The commission may postpone or 32755

continue any hearing upon its own motion or upon application of 32756
the appellant or of the chief. 32757

The filing of an appeal provided for in this section does 32758
not automatically suspend or stay execution of the order 32759
appealed from, but upon application by the appellant the 32760
commission may suspend or stay the execution pending 32761
determination of the appeal upon such terms as the commission 32762
considers proper. 32763

Either party to the appeal or any interested person who, 32764
pursuant to commission rules has been granted permission to 32765
appear, may submit such evidence as the commission considers 32766
admissible. 32767

For the purpose of conducting a hearing on an appeal, the 32768
commission may require the attendance of witnesses and the 32769
production of books, records, and papers, and it may, and at the 32770
request of any party it shall, issue subpoenas for witnesses or 32771
subpoenas duces tecum to compel the production of any books, 32772
records, or papers, directed to the sheriffs of the counties 32773
where the witnesses are found. The subpoenas shall be served and 32774
returned in the same manner as subpoenas in criminal cases are 32775
served and returned. The fees of sheriffs shall be the same as 32776
those allowed by the court of common pleas in criminal cases. 32777
Witnesses shall be paid the fees and mileage provided for under 32778
section 119.094 of the Revised Code. Such fees and mileage 32779
expenses incurred at the request of appellant shall be paid in 32780
advance by the appellant, and the remainder of those expenses 32781
shall be paid out of funds appropriated for the expenses of the 32782
division of oil and gas resources management. 32783

In case of disobedience or neglect of any subpoena served 32784
on any person, or the refusal of any witness to testify to any 32785

matter regarding which the witness may be lawfully interrogated, 32786
the court of common pleas of the county in which the 32787
disobedience, neglect, or refusal occurs, or any judge thereof, 32788
on application of the commission or any member thereof, shall 32789
compel obedience by attachment proceedings for contempt as in 32790
the case of disobedience of the requirements of a subpoena 32791
issued from that court or a refusal to testify therein. 32792
Witnesses at such hearings shall testify under oath, and any 32793
member of the commission may administer oaths or affirmations to 32794
persons who so testify. 32795

~~At~~ If a hearing occurs and at the request of any party to 32796
the appeal, a record of the testimony and other evidence 32797
submitted shall be taken by an official court reporter at the 32798
expense of the party making the request for the record. The 32799
record shall include all of the testimony and other evidence and 32800
the rulings on the admissibility thereof presented at the 32801
hearing. The commission shall pass upon the admissibility of 32802
evidence, but any party may at the time object to the admission 32803
of any evidence and except to the rulings of the commission 32804
thereon, and if the commission refuses to admit evidence the 32805
party offering same may make a proffer thereof, and such proffer 32806
shall be made a part of the record of the hearing. 32807

~~If upon completion of the hearing~~ the commission finds 32808
that the order appealed from was lawful and reasonable, it shall 32809
make a written order affirming the order appealed from; if the 32810
commission finds that the order was unreasonable or unlawful, it 32811
shall make a written order vacating the order appealed from and 32812
making the order that it finds the chief should have made. Every 32813
order made by the commission shall contain a written finding by 32814
the commission of the facts upon which the order is based. 32815

Notice of the making of the order shall be given forthwith 32816
to each party to the appeal by mailing a certified copy thereof 32817
to each such party by certified mail. 32818

The order of the commission is final unless vacated by the 32819
court of common pleas of Franklin county in an appeal as 32820
provided for in section 1509.37 of the Revised Code. Sections 32821
1509.01 to 1509.37 of the Revised Code, providing for appeals 32822
relating to orders by the chief or by the commission, or 32823
relating to rules adopted by the chief, do not constitute the 32824
exclusive procedure that any person who believes the person's 32825
rights to be unlawfully affected by those sections or any 32826
official action taken thereunder must pursue in order to protect 32827
and preserve those rights, nor do those sections constitute a 32828
procedure that that person must pursue before that person may 32829
lawfully appeal to the courts to protect and preserve those 32830
rights. 32831

Sec. 1509.38. (A) There is hereby created in the division 32832
of oil and gas resources management a technical advisory council 32833
on oil and gas, which shall consist of eight members to be 32834
appointed by the governor with the advice and consent of the 32835
senate. Three members shall be independent oil or gas producers, 32836
operators, or their representatives, operating and producing 32837
primarily in this state, three members shall be oil or gas 32838
producers, operators, or their representatives having 32839
substantial oil and gas producing operations in this state and 32840
at least one other state, one member shall represent the public, 32841
and one member shall represent persons having landowners' 32842
royalty interests in oil and gas production. All members shall 32843
be residents of this state, and all members, except the members 32844
representing the public and persons having landowners' royalty 32845
interests, shall have at least five years of practical or 32846

technical experience in oil or gas drilling and production. Not 32847
more than one member may represent any one company, producer, or 32848
operator. 32849

(B) Terms of office shall be for three years, commencing 32850
on the first day of February and ending on the thirty-first day 32851
of January. Each member shall hold office from the date of 32852
appointment until the end of the term for which the member was 32853
appointed. A vacancy in the office of a member shall be filled 32854
by the governor, with the advice and consent of the senate. Any 32855
member appointed to fill a vacancy occurring prior to the 32856
expiration of the term for which the member's predecessor was 32857
appointed shall hold office for the remainder of that term. Any 32858
member shall continue in office subsequent to the expiration 32859
date of the member's term until the member's successor takes 32860
office, or until a period of sixty days has elapsed, whichever 32861
occurs first. 32862

(C) The council shall select from among its members a 32863
chairperson, a vice-chairperson, and a secretary. All members 32864
are entitled to their actual and necessary expenses incurred in 32865
the performance of their duties as members, payable from the 32866
appropriations for the division. 32867

(D) The governor may remove any member for inefficiency, 32868
neglect of duty, or malfeasance in office. 32869

(E) The council shall hold at least one regular meeting in 32870
each quarter of a calendar year and shall keep a record of its 32871
proceedings. Special meetings may be called by the chairperson 32872
and shall be called by the chairperson upon receipt of a written 32873
request signed by two or more members of the council. A written 32874
notice of the time and place of each meeting shall be sent to 32875
each member of the council. Five members constitute a quorum, 32876

and no action of the council is valid unless five members 32877
concur. 32878

(F) The council, when requested by the chief of the 32879
division of oil and gas resources management, shall consult with 32880
and advise the chief and perform other duties that may be 32881
lawfully delegated to it by the chief. The council may 32882
participate in hearings held by the chief under this chapter and 32883
has powers of approval as provided in sections 1509.24 and 32884
1509.25 of the Revised Code. The council shall conduct the 32885
activities required, and exercise the authority granted, under 32886
Chapter 1510. of the Revised Code. 32887

(G) If the council receives a request from the director of 32888
natural resources to approve an expenditure from the oil and gas 32889
resolution and remediation fund for purposes of division (D) of 32890
section 1509.075 of the Revised Code, the council shall vote to 32891
approve or deny that expenditure. The council shall notify the 32892
director in writing of the approval or denial. 32893

(H) The council, upon receiving a request from the 32894
chairperson of the oil and gas commission under division (C) of 32895
section 1509.35 of the Revised Code, immediately shall prepare 32896
and provide to the chairperson a list of its members who may 32897
serve as temporary members of the oil and gas commission as 32898
provided in that division. 32899

Sec. 1513.371. The long-term abandoned mine reclamation 32900
fund is created in the state treasury. The fund shall be 32901
administered by the chief of the division of mineral resources 32902
management and consist of grants awarded by the United States 32903
secretary of the interior from the federal abandoned mine 32904
reclamation fund pursuant to the federal "Infrastructure 32905
Investment and Jobs Act," Pub. L. No. 177-58. All investment 32906

earnings of the fund shall be credited to the fund. 32907

The fund shall be used for abatement of the causes and 32908
treatment of the effects of acid mine drainage resulting from 32909
coal mine practices, including the following: 32910

(A) The costs of building, operating, maintaining, and 32911
rehabilitating acid mine drainage treatment systems; 32912

(B) The prevention, abatement, and control of subsidence; 32913

(C) The prevention, abatement, and control of coal mine 32914
fires. 32915

Sec. 1517.11. (A) There is hereby created in the state 32916
treasury the natural areas and preserves fund, which shall 32917
consist of moneys transferred into it under section 5747.113 of 32918
the Revised Code and of contributions made directly to it. Any 32919
person may contribute directly to the fund in addition to or 32920
independently of the income tax refund contribution system 32921
established in that section. 32922

(B) Moneys in the fund shall be disbursed pursuant to 32923
vouchers approved by the director of natural resources for use 32924
by the division of natural areas and preserves solely for the 32925
following purposes: 32926

~~(A)~~ (1) The acquisition of new or expanded natural areas 32927
and nature preserves and scenic river lands; 32928

~~(B)~~ (2) Facility development in natural areas and nature 32929
preserves and scenic river lands; 32930

~~(C)~~ (3) Special projects, including, but not limited to, 32931
biological inventories, research grants, and the production of 32932
interpretive material related to natural areas and nature 32933
preserves and scenic river lands; 32934

(D) (4) Routine maintenance for health and safety purposes.	32935
(C) Money in the fund also may be used for the purposes of administering a system of wild, scenic, and recreational rivers, scenic river lands, and facilities or improvements associated with such rivers and lands.	32936 32937 32938 32939
(D) Moneys appropriated from the fund shall not be used to fund salaries of permanent employees or administrative costs.	32940 32941
(E) All investment earnings of the fund shall be credited to the fund.	32942 32943
(F) The chief of the division of natural areas and preserves may sell any of the following:	32944 32945
(1) Items related to or that promote Ohio's native plants and animals, unique ecology and geology, and general ecological preservation and conservation such as pins, apparel, stickers, books, bulletins, maps, publications, calendars, and other educational articles and division branded merchandise;	32946 32947 32948 32949 32950
(2) Items pertaining to Ohio's ecology including native plants and seeds of native plants.	32951 32952
(G) All moneys received under division (F) of this section shall be paid into the state treasury to the credit of the natural areas and preserves fund created under this section.	32953 32954 32955
Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code:	32956 32957
(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department,	32958 32959 32960 32961 32962

agency, or instrumentality of it. 32963

(B) "Resident" means either of the following: 32964

(1) An individual who has resided in this state for not 32965
less than six months preceding the date of making application 32966
for a license or permit; 32967

(2) An individual who is a full-time student enrolled in 32968
an accredited Ohio public or private college or university and 32969
who resides in this state at the time the individual makes 32970
application for a license or permit and who attests to the 32971
individual's full-time student status in a manner determined by 32972
the chief of the division of wildlife. 32973

(C) "Nonresident" means any individual who does not 32974
qualify as a resident. 32975

(D) "Division rule" or "rule" means any rule adopted by 32976
the chief of the division of wildlife under section 1531.10 of 32977
the Revised Code unless the context indicates otherwise. 32978

(E) "Closed season" means that period of time during which 32979
the taking of wild animals protected by this chapter and Chapter 32980
1533. of the Revised Code is prohibited. 32981

(F) "Open season" means that period of time during which 32982
the taking of wild animals protected by this chapter and Chapter 32983
1533. of the Revised Code is permitted. 32984

(G) "Take or taking" includes pursuing, shooting, hunting, 32985
killing, trapping, angling, fishing with a trotline, or netting 32986
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 32987
wild bird, or wild quadruped, and any lesser act, such as 32988
wounding, or placing, setting, drawing, or using any other 32989
device for killing or capturing any wild animal, whether it 32990

results in killing or capturing the animal or not. "Take or 32991
taking" includes every attempt to kill or capture and every act 32992
of assistance to any other person in killing or capturing or 32993
attempting to kill or capture a wild animal. 32994

(H) "Possession" means both actual and constructive 32995
possession and any control of things referred to. 32996

(I) "Bag limit" means the number, measurement, or weight 32997
of any kind of crayfish, aquatic insects, fish, frogs, turtles, 32998
wild birds, and wild quadrupeds permitted to be taken. 32999

(J) "Transport and transportation" means carrying or 33000
moving or causing to be carried or moved. 33001

(K) "Sell and sale" means barter, exchange, or offer or 33002
expose for sale. 33003

(L) "Whole to include part" means that every provision 33004
relating to any wild animal protected by this chapter and 33005
Chapter 1533. of the Revised Code applies to any part of the 33006
wild animal with the same effect as it applies to the whole. 33007

(M) "Angling" means fishing with not more than two hand 33008
lines, not more than two units of rod and line, or a combination 33009
of not more than one hand line and one rod and line, either in 33010
hand or under control at any time while fishing. The hand line 33011
or rod and line shall have attached to it not more than three 33012
baited hooks, not more than three artificial fly rod lures, or 33013
one artificial bait casting lure equipped with not more than 33014
three sets of three hooks each. 33015

(N) "Trotline" means a device for catching fish that 33016
consists of a line having suspended from it, at frequent 33017
intervals, vertical lines with hooks attached. 33018

(O) "Fish" means a cold-blooded vertebrate having fins.	33019
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	33020 33021
(Q) "Wild birds" includes game birds and nongame birds.	33022
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	33023 33024
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	33025 33026 33027 33028 33029 33030
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	33031 33032
(U) "Wild quadrupeds" includes game quadrupeds, fur-bearing animals, and wild boar or feral swine.	33033 33034
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, elk, and black bears.	33035 33036 33037 33038
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	33039 33040 33041
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	33042 33043 33044 33045

(Y) "Hunting" means pursuing, shooting, killing, following 33046
after or on the trail of, lying in wait for, shooting at, or 33047
wounding wild birds or wild quadrupeds while employing any 33048
device commonly used to kill or wound wild birds or wild 33049
quadrupeds whether or not the acts result in killing or 33050
wounding. "Hunting" includes every attempt to kill or wound and 33051
every act of assistance to any other person in killing or 33052
wounding or attempting to kill or wound wild birds or wild 33053
quadrupeds. 33054

(Z) "Trapping" means securing or attempting to secure 33055
possession of a wild bird or wild quadruped by means of setting, 33056
placing, drawing, or using any device that is designed to close 33057
upon, hold fast, confine, or otherwise capture a wild bird or 33058
wild quadruped whether or not the means results in capture. 33059
"Trapping" includes every act of assistance to any other person 33060
in capturing wild birds or wild quadrupeds by means of the 33061
device whether or not the means results in capture. 33062

(AA) "Muskrat spear" means any device used in spearing 33063
muskrats. 33064

(BB) "Channels and passages" means those narrow bodies of 33065
water lying between islands or between an island and the 33066
mainland in Lake Erie. 33067

(CC) "Island" means a rock or land elevation above the 33068
waters of Lake Erie having an area of five or more acres above 33069
water. 33070

(DD) "Reef" means an elevation of rock, either broken or 33071
in place, or gravel shown by the latest United States chart to 33072
be above the common level of the surrounding bottom of the lake, 33073
other than the rock bottom, or in place forming the base or 33074

foundation rock of an island or mainland and sloping from the 33075
shore of it. "Reef" also means all elevations shown by that 33076
chart to be above the common level of the sloping base or 33077
foundation rock of an island or mainland, whether running from 33078
the shore of an island or parallel with the contour of the shore 33079
of an island or in any other way and whether formed by rock, 33080
broken or in place, or from gravel. 33081

(EE) "Fur farm" means any area used exclusively for 33082
raising fur-bearing animals or in addition thereto used for 33083
hunting game, the boundaries of which are plainly marked as 33084
such. 33085

(FF) "Waters" includes any lake, pond, reservoir, stream, 33086
channel, lagoon, or other body of water, or any part thereof, 33087
whether natural or artificial. 33088

(GG) "Crib" or "car" refers to that particular compartment 33089
of the net from which the fish are taken when the net is lifted. 33090

(HH) "Commercial fish" means those species of fish 33091
permitted to be taken, possessed, bought, or sold unless 33092
otherwise restricted by the Revised Code or division rule and 33093
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 33094
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 33095
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 33096
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 33097
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 33098
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus* 33099
punctatus), flathead catfish (*Pylodictis olivaris*), whitefish 33100
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 33101
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 33102
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius* 33103
auratus), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon* 33104

tergisus), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus* 33105
elongatus, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 33106
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 33107
and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., 33108
Minytrema sp., *Moxostoma* sp.), white bass (*Morone chrysops*), 33109
white perch (*Roccus americanus*), and yellow perch (*Perca* 33110
flavescens). When the common name of a fish is used in this 33111
chapter or Chapter 1533. of the Revised Code, it refers to the 33112
fish designated by the scientific name in this definition. 33113

(II) "Fishing" means taking or attempting to take fish by 33114
any method, and all other acts such as placing, setting, 33115
drawing, or using any device commonly used to take fish whether 33116
resulting in a taking or not. 33117

(JJ) "Fillet" means the pieces of flesh taken or cut from 33118
both sides of a fish, joined to form one piece of flesh. 33119

(KK) "Part fillet" means a piece of flesh taken or cut 33120
from one side of a fish. 33121

(LL) "Round" when used in describing fish means with head 33122
and tail intact. 33123

(MM) "Migrate" means the transit or movement of fish to or 33124
from one place to another as a result of natural forces or 33125
instinct and includes, but is not limited to, movement of fish 33126
induced or caused by changes in the water flow. 33127

(NN) "Spreader bar" means a rail or rigid bar placed 33128
across the entire width of the back, at the top and bottom of 33129
the cars in all trap, crib, and fyke nets for the purpose of 33130
keeping the meshes hanging squarely while the nets are fishing. 33131

(OO) "Fishing guide" means any person who, for 33132
consideration or hire, operates a boat, rents, leases, or 33133

otherwise furnishes angling devices, ice fishing shanties or 33134
shelters of any kind, or other fishing equipment, and 33135
accompanies, guides, directs, or assists any other person in 33136
order for the other person to engage in fishing. 33137

(PP) "Net" means fishing devices with meshes composed of 33138
twine or synthetic material and includes, but is not limited to, 33139
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 33140
seines, except minnow seines and minnow dip nets. 33141

(QQ) "Commercial fishing gear" means seines, trap nets, 33142
fyke nets, dip nets, carp aprons, trotlines, other similar gear, 33143
and any boat used in conjunction with that gear, but does not 33144
include gill nets. 33145

(RR) "Native wildlife" means any species of the animal 33146
kingdom indigenous to this state. 33147

(SS) "Gill net" means a single section of fabric or 33148
netting seamed to a float line at the top and a lead line at the 33149
bottom, which is designed to entangle fish in the net openings 33150
as they swim into it. 33151

(TT) "Tag fishing tournament" means a contest in which a 33152
participant pays a fee, or gives other valuable consideration, 33153
for a chance to win a prize by virtue of catching a tagged or 33154
otherwise specifically marked fish within a limited period of 33155
time. 33156

(UU) "Tenant" means an individual who resides on land for 33157
which the individual pays rent and whose annual income is 33158
primarily derived from agricultural production conducted on that 33159
land, as "agricultural production" is defined in section 929.01 33160
of the Revised Code. 33161

(VV) "Nonnative wildlife" means any wild animal not 33162

indigenous to this state, but does not include domestic deer. 33163

(WW) "Reptiles" includes common musk turtle (*sternotherus* 33164
odoratus), common snapping turtle (*Chelydra serpentina* 33165
serpentina), spotted turtle (*Clemmys guttata*), eastern box 33166
turtle (*Terrapene carolina carolina*), Blanding's turtle 33167
(*Emydoidea blandingii*), common map turtle (*Graptemys* 33168
geographica), ouachita map turtle (*Graptemys pseudogeographica* 33169
ouachitensis), midland painted turtle (*Chrysemys picta* 33170
marginata), red-eared slider (*Trachemys scripta elegans*), 33171
eastern spiny softshell turtle (*Apalone spinifera spinifera*), 33172
midland smooth softshell turtle (*Apalone mutica mutica*), 33173
northern fence lizard (*Sceloporus undulatus hyacinthinus*), 33174
ground skink (*Scincella lateralis*), five-lined skink (*Eumeces* 33175
fasciatus), broadhead skink (*Eumeces laticeps*), northern coal 33176
skink (*Eumeces anthracinus anthracinus*), European wall lizard 33177
(*Podarcis muralis*), queen snake (*Regina septemvittata*), 33178
Kirtland's snake (*Clonophis kirtlandii*), northern water snake 33179
(*Nerodia sipedon sipedon*), Lake Erie watersnake (*Nerodia sipedon* 33180
insularum), copperbelly water snake (*Nerodia erythrogaster* 33181
neglecta), northern brown snake (*Storeria dekayi dekayi*), 33182
midland brown snake (*Storeria dekayi wrightorum*), northern 33183
redbelly snake (*Storeria occipitomaculata occipitomaculata*), 33184
eastern garter snake (*Thamnophis sirtalis sirtalis*), eastern 33185
plains garter snake (*Thamnophis radix radix*), Butler's garter 33186
snake (*Thamnophis butleri*), shorthead garter snake (*Thamnophis* 33187
brachystoma), eastern ribbon snake (*Thamnophis sauritus* 33188
sauritus), northern ribbon snake (*Thamnophis sauritus* 33189
septentrionalis), eastern hognose snake (*Heterodon platirhinos*), 33190
eastern smooth earth snake (*Virginia valeriae valeriae*), 33191
northern ringneck snake (*Diadophis punctatus edwardsii*), midwest 33192
worm snake (*Carphophis amoenus helenae*), eastern worm snake 33193

(<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i>	33194
<i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough	33195
green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i>	33196
<i>vernalis vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>),	33197
eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake	33198
(<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i>	33199
<i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i>	33200
<i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i>	33201
<i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	33202
(XX) "Amphibians" includes eastern hellbender	33203
(<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus</i>	33204
<i>maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus</i>	33205
<i>viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma</i>	33206
<i>jeffersonianum</i>), spotted salamander (<i>Ambystoma maculatum</i>), blue-	33207
spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander	33208
(<i>Ambystoma texanum</i>), streamside salamander (<i>Ambystoma barbouri</i>),	33209
marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander	33210
(<i>Ambystoma tigrinum tigrinum</i>), northern dusky salamander	33211
(<i>Desmognathus fuscus fuscus</i>), mountain dusky salamander	33212
(<i>Desmognathus ochrophaeus</i>), redback salamander (<i>Plethodon</i>	33213
<i>cinereus</i>), ravine salamander (<i>Plethodon richmondi</i>), northern	33214
slimy salamander (<i>Plethodon glutinosus</i>), Wehrle's salamander	33215
(<i>Plethodon wehrlei</i>), four-toed salamander (<i>Hemidactylium</i>	33216
<i>scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	33217
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	33218
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	33219
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	33220
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	33221
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	33222
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern two-	33223
lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	33224

woodhousii fowleri), American toad (Bufo americanus), eastern 33225
spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog 33226
(Acris crepitans blanchardi), northern spring peeper (Pseudacris 33227
crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray 33228
treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris 33229
triseriata triseriata), mountain chorus frog (Pseudacris 33230
brachyphona), bullfrog (Rana catesbeiana), green frog (Rana 33231
clamitans melanota), northern leopard frog (Rana pipiens), 33232
pickerel frog (Rana palustris), southern leopard frog (Rana 33233
utricularia), and wood frog (Rana sylvatica). 33234

(YY) "Deer" means white-tailed deer (Oddocoileus 33235
virginianus). 33236

(ZZ) "Domestic deer" means nonnative deer that have been 33237
legally acquired or their offspring and that are held in private 33238
ownership for primarily agricultural purposes. 33239

(AAA) "Migratory game bird" includes waterfowl (Anatidae); 33240
doves (Columbidae); cranes (Gruidae); cormorants 33241
(Phalacrocoracidae); rails, coots, and gallinules (Rallidae); 33242
and woodcock and snipe (Scolopacidae). 33243

(BBB) "Accompany" means to go along with another person 33244
while staying within a distance from the person that enables 33245
uninterrupted, unaided visual and auditory communication. 33246

(CCC) "All-purpose vehicle" means any vehicle that is 33247
designed primarily for cross-country travel on land, water, or 33248
land and water and that is steered by wheels, caterpillar 33249
treads, or a combination of wheels and caterpillar treads and 33250
includes vehicles that operate on a cushion of air, vehicles 33251
commonly known as all-terrain vehicles, all-season vehicles, 33252
mini-bikes, and trail bikes. 33253

(DDD) "Wholly enclosed preserve" means an area of land 33254
that is surrounded by a fence that is at least six feet in 33255
height, unless otherwise specified in division rule, and is 33256
constructed of a woven wire mesh, or another enclosure that the 33257
division of wildlife may approve, where game birds, game 33258
quadrupeds, reptiles, amphibians, or fur-bearing animals are 33259
raised and may be sold under the authority of a commercial 33260
propagating license or captive white-tailed deer propagation 33261
license obtained under section 1533.71 of the Revised Code. 33262

(EEE) "Commercial bird shooting preserve" means an area of 33263
land where game birds are released and hunted by shooting as 33264
authorized by a commercial bird shooting preserve license 33265
obtained under section 1533.72 of the Revised Code. 33266

(FFF) "Wild animal hunting preserve" means an area of land 33267
where game, captive white-tailed deer, and nonnative wildlife, 33268
other than game birds, are released and hunted as authorized by 33269
a wild animal hunting preserve license obtained under section 33270
1533.721 of the Revised Code. 33271

(GGG) "Captive white-tailed deer" means legally acquired 33272
deer that are held in private ownership at a facility licensed 33273
under section 943.03 or 943.031 of the Revised Code and under 33274
section 1533.71 or 1533.721 of the Revised Code. 33275

(HHH) "Wild boar" or "feral swine" means either a hog, 33276
boar, or pig that appears to be untamed, undomesticated, or in a 33277
wild state. "Wild boar" or "feral swine" includes both of the 33278
following: 33279

(1) ~~Members~~ Except for *Sus scrofa domesticus* that is 33280
legally confined or held in captivity, members of the family 33281
suidae, including ~~both~~ all of the following: 33282

(a) Wild pig, wild hog, feral hog, and feral pig;	33283
(b) Old world swine, razorbacks, European wild boar, and Russian wild boar, and any hybrids or crossbreeds thereof;	33284 33285
<u>(c) Wild pig, wild hog, feral hog, or feral pig that appear contained in a wild animal hunting preserve licensed under section 1533.721 of the Revised Code or a wholly enclosed preserve for hunting or trapping.</u>	33286 33287 33288 33289
(2) Members of the family tayassuidae <u>tayassuidae</u> , including collared peccary and javelina, and any hybrids or crossbreeds of members of the family tayassuidae <u>tayassuidae</u> .	33290 33291 33292
Sec. 1533.10. (A) Except as provided in this section or division (A) (2) of section 1533.12 or section 1533.73 or 1533.731 of the Revised Code, no person shall hunt any wild bird or wild quadruped without a hunting license. Each day that any person hunts within the state without procuring such a license constitutes a separate offense.	33293 33294 33295 33296 33297 33298
(B) (1) Except as otherwise provided in this section, division (A) of section 1533.12 of the Revised Code, or in rules adopted under division (B) of that section, each applicant for a hunting license shall pay an annual fee for each annual license in accordance with the following schedule:	33299 33300 33301 33302 33303 33304

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A	Hunting license - resident	\$18.00
B	Hunting license - nonresident that is not a resident of a reciprocal state, ages 18 and older	\$174.00
C	Hunting license - nonresident that is a resident of a	\$18.00

	reciprocal state, ages 18 and older	
D	Apprentice hunting license - resident	\$18.00
E	Apprentice hunting license - nonresident that is not a resident of a reciprocal state	\$174.00
F	Apprentice hunting license - nonresident that is a resident of a reciprocal state	\$18.00
G	Youth hunting license - resident and nonresident	\$9.00
H	Apprentice youth hunting license - resident	\$9.00
I	Senior hunting license - resident	\$9.00
J	Apprentice senior hunting license - resident	\$9.00

(2) Apprentice resident hunting licenses, apprentice youth hunting licenses, apprentice senior hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted under it.	33305 33306 33307 33308 33309
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(3) As used in division (B) (1) of this section:	33310
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(a) "Youth" means an applicant who is under the age of eighteen years at the time of application for a license.	33311 33312
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(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.	33313 33314
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(c) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.	33315 33316
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(C) A resident of this state who owns lands in the state	33317
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and the owner's parents, children of any age, and grandchildren 33318
under eighteen years of age may hunt on the lands without a 33319
hunting license. A resident of any other state who owns real 33320
property in this state, and the spouse and children living with 33321
the property owner, may hunt on that property without a license, 33322
provided that the state of residence of the real property owner 33323
allows residents of this state owning real property in that 33324
state, and the spouse and children living with the property 33325
owner, to hunt without a license. If the owner of land in this 33326
state is a limited liability company or a limited liability 33327
partnership that consists of three or fewer individual members 33328
or partners, as applicable, an individual member or partner who 33329
is a resident of this state and the member's or partner's 33330
parents, children of any age, and grandchildren under eighteen 33331
years of age may hunt on the land owned by the limited liability 33332
company or limited liability partnership without a hunting 33333
license. In addition, if the owner of land in this state is a 33334
trust that has a total of three or fewer trustees and 33335
beneficiaries, an individual who is a trustee or beneficiary and 33336
who is a resident of this state and the individual's parents, 33337
children of any age, and grandchildren under eighteen years of 33338
age may hunt on the land owned by the trust without a hunting 33339
license. The tenant and children of the tenant, residing on 33340
lands in the state, may hunt on them without a hunting license. 33341

(D) The chief of the division of wildlife may issue a 33342
small game hunting license expiring three days from the 33343
effective date of the license to a nonresident of the state, the 33344
fee for which is thirty-nine dollars. No person shall take or 33345
possess deer, wild turkeys, fur-bearing animals, ducks, geese, 33346
brant, or any nongame animal while possessing only a small game 33347
hunting license. 33348

A small game hunting license or an apprentice nonresident
hunting license does not authorize the taking or possessing of
ducks, geese, or brant without having obtained, in addition to
the small game hunting license or the apprentice nonresident
hunting license, a wetlands habitat stamp as provided in section
1533.112 of the Revised Code. A small game hunting license or an
apprentice nonresident hunting license does not authorize the
taking or possessing of deer, wild turkeys, or fur-bearing
animals. A nonresident of the state who wishes to take or
possess deer, wild turkeys, or fur-bearing animals in this state
shall procure, respectively, a deer or wild turkey permit as
provided in section 1533.11 of the Revised Code or a fur taker
permit as provided in section 1533.111 of the Revised Code in
addition to a nonresident hunting license, an apprentice
nonresident hunting license, a special youth hunting license, or
an apprentice youth hunting license, as applicable, as provided
in this section.

(E) No person shall procure or attempt to procure a
hunting license by fraud, deceit, misrepresentation, or any
false statement.

(F) (1) This section does not authorize the taking and
possessing of deer or wild turkeys without first having
obtained, in addition to the hunting license required by this
section, a deer or wild turkey permit as provided in section
1533.11 of the Revised Code or the taking and possessing of
ducks, geese, or brant without first having obtained, in
addition to the hunting license required by this section, a
wetlands habitat stamp as provided in section 1533.112 of the
Revised Code.

(2) This section does not authorize the hunting or

trapping of fur-bearing animals without first having obtained, 33379
in addition to a hunting license required by this section, a fur 33380
taker permit as provided in section 1533.111 of the Revised 33381
Code. 33382

(G) (1) No hunting license shall be issued unless it is 33383
accompanied by a written explanation of the law in section 33384
1533.17 of the Revised Code and the penalty for its violation, 33385
including a description of terms of imprisonment and fines that 33386
may be imposed. 33387

(2) No hunting license, other than an apprentice hunting 33388
license, shall be issued unless the applicant presents to the 33389
agent authorized to issue the license a previously held hunting 33390
license or evidence of having held such a license in content and 33391
manner approved by the chief, a certificate of completion issued 33392
upon completion of a hunter education and conservation course 33393
approved by the chief, or evidence of equivalent training in 33394
content and manner approved by the chief. A previously held 33395
apprentice hunting license does not satisfy the requirement 33396
concerning the presentation of a previously held hunting license 33397
or evidence of it. 33398

(3) No person shall issue a hunting license, except an 33399
apprentice hunting license, to any person who fails to present 33400
the evidence required by this section. No person shall purchase 33401
or obtain a hunting license, other than an apprentice hunting 33402
license, without presenting to the issuing agent the evidence 33403
required by this section. Issuance of a hunting license in 33404
violation of the requirements of this section is an offense by 33405
both the purchaser of the illegally obtained hunting license and 33406
the clerk or agent who issued the hunting license. Any hunting 33407
license issued in violation of this section is void. 33408

(H) The chief, with approval of the wildlife council, 33409
shall adopt rules prescribing a hunter education and 33410
conservation course for first-time hunting license buyers, other 33411
than buyers of apprentice hunting licenses, and for volunteer 33412
instructors. The course shall consist of subjects including, but 33413
not limited to, hunter safety and health, use of hunting 33414
implements, hunting tradition and ethics, the hunter and 33415
conservation, the law in section 1533.17 of the Revised Code 33416
along with the penalty for its violation, including a 33417
description of terms of imprisonment and fines that may be 33418
imposed, and other law relating to hunting. Authorized personnel 33419
of the division or volunteer instructors approved by the chief 33420
shall conduct such courses with such frequency and at such 33421
locations throughout the state as to reasonably meet the needs 33422
of license applicants. The chief shall issue a certificate of 33423
completion to each person who successfully completes the course 33424
and passes an examination prescribed by the chief. 33425

Sec. 1533.11. (A) (1) Except as provided in this section or 33426
section 1533.731 of the Revised Code, no person shall hunt deer 33427
on lands of another without first obtaining an annual deer 33428
permit. Except as provided in this section, no person shall hunt 33429
wild turkeys on lands of another without first obtaining an 33430
annual wild turkey permit. A deer or wild turkey permit is valid 33431
during the hunting license year in which the permit is 33432
purchased. Except as provided in rules adopted under division 33433
(B) of section 1533.12 of the Revised Code, each applicant for a 33434
deer or wild turkey permit shall pay an annual fee for each 33435
permit in accordance with the following schedule: 33436
33437

A	Deer permit - resident	\$30.00
B	Deer permit - nonresident	\$74.00
		<u>\$210.00</u>
C	Youth deer permit - resident and nonresident	\$15.00
D	Senior deer permit - resident	\$11.00
E	Wild turkey permit - resident	\$30.00
F	Wild turkey permit - nonresident	\$37.00
G	Youth wild turkey permit - resident and nonresident	\$15.00
H	Senior wild turkey permit - resident	\$11.00

(2) As used in division (A) (1) of this section: 33438

(a) "Youth" means an applicant who is under the age of 33439
eighteen years at the time of application for a permit. 33440

(b) "Senior" means an applicant who is sixty-six years of 33441
age or older at the time of application for a permit. 33442

(3) The money received shall be paid into the state 33443
treasury to the credit of the wildlife fund, created in section 33444
1531.17 of the Revised Code, exclusively for the use of the 33445
division of wildlife in the acquisition and development of land 33446
for deer or wild turkey management, for investigating deer or 33447
wild turkey problems, and for the stocking, management, and 33448
protection of deer or wild turkey. 33449

(4) Every person, while hunting deer or wild turkey on 33450
lands of another, shall carry the person's deer or wild turkey 33451

permit and exhibit it to any enforcement officer so requesting. 33452
Failure to so carry and exhibit such a permit constitutes an 33453
offense under this section. 33454

(5) The chief of the division of wildlife shall adopt any 33455
additional rules the chief considers necessary to carry out this 33456
section and section 1533.10 of the Revised Code. 33457

(6) An owner who is a resident of this state or an owner 33458
who is exempt from obtaining a hunting license under section 33459
1533.10 of the Revised Code and the spouse, parents, children of 33460
any age, and grandchildren under eighteen years of age of the 33461
owner of lands in this state may hunt deer or wild turkey 33462
thereon without a deer or wild turkey permit. If the owner of 33463
land in this state is a limited liability company or a limited 33464
liability partnership that consists of three or fewer individual 33465
members or partners, as applicable, an individual member or 33466
partner who is a resident of this state and the member's or 33467
partner's parents, children of any age, and grandchildren under 33468
eighteen years of age may hunt deer or wild turkey on the land 33469
owned by the limited liability company or limited liability 33470
partnership without a deer or wild turkey permit. In addition, 33471
if the owner of land in this state is a trust that has a total 33472
of three or fewer trustees and beneficiaries, an individual who 33473
is a trustee or beneficiary and who is a resident of this state 33474
and the individual's parents, children of any age, and 33475
grandchildren under eighteen years of age may hunt deer or wild 33476
turkey on the land owned by the trust without a deer or wild 33477
turkey permit. The tenant and children of the tenant may hunt 33478
deer or wild turkey on lands where they reside without a deer or 33479
wild turkey permit. 33480

(B) A deer or wild turkey permit is not transferable. No 33481

person shall carry a deer or wild turkey permit issued in the 33482
name of another person. 33483

(C) The wildlife refunds fund is hereby created in the 33484
state treasury. The fund shall consist of money received from 33485
application fees for deer permits that are not issued. Money in 33486
the fund shall be used to make refunds of such application fees. 33487

(D) If the division establishes a system for the 33488
electronic submission of information regarding deer or wild 33489
turkey that are taken, the division shall allow the owner and 33490
the children of the owner of lands in this state to use the 33491
owner's name or address for purposes of submitting that 33492
information electronically via that system. 33493

Sec. 1533.111. (A) Except as provided in this section or 33494
division (A) (2) of section 1533.12 of the Revised Code, no 33495
person shall hunt or trap fur-bearing animals on land of another 33496
without first obtaining some type of an annual fur taker permit. 33497

(B) (1) Except as otherwise provided in rules adopted under 33498
division (B) of section 1533.12 of the Revised Code, each 33499
applicant for a fur taker permit or an apprentice fur taker 33500
permit shall pay an annual fee for each annual permit in 33501
accordance with the following schedule: 33502
33503

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A	Fur taker permit	\$14.00
B	Apprentice fur taker permit	\$14.00
C	Senior fur taker permit - resident only	\$7.00
D	Apprentice senior fur taker permit - resident only	\$7.00

E Special youth fur taker permit \$7.00

F Apprentice youth fur taker permit \$7.00

(2) As used in division (B) (1) of this section: 33504

(a) "Youth" means an applicant who is under the age of 33505
eighteen years at the time of application for a permit. 33506

(b) "Senior" means an applicant who is sixty-six years of 33507
age or older at the time of application for a permit. 33508

(C) Each type of fur taker permit is valid during the 33509
hunting license year in which the permit is purchased. The money 33510
received shall be paid into the state treasury to the credit of 33511
the fund established in section 1533.15 of the Revised Code. 33512
Apprentice fur taker permits and apprentice youth fur taker 33513
permits are subject to the requirements established under 33514
section 1533.102 of the Revised Code and rules adopted pursuant 33515
to it. 33516

(D) (1) No person shall issue a fur taker permit to an 33517
applicant unless it is accompanied by a written explanation of 33518
the law in section 1533.17 of the Revised Code and the penalty 33519
for its violation, including a description of terms of 33520
imprisonment and fines that may be imposed. 33521

(2) No person shall issue a fur taker permit, other than 33522
an apprentice fur taker permit or an apprentice youth fur taker 33523
permit, to an applicant unless the applicant presents to the 33524
agent authorized to issue a fur taker permit a previously held 33525
hunting license or trapping or fur taker permit or evidence of 33526
having held such a license or permit in content and manner 33527
approved by the chief of the division of wildlife, a certificate 33528
of completion issued upon completion of a trapper education 33529

course approved by the chief, or evidence of equivalent training 33530
in content and manner approved by the chief. A previously held 33531
apprentice hunting license, apprentice fur taker permit, or 33532
apprentice youth fur taker permit does not satisfy the 33533
requirement concerning the presentation of a previously held 33534
hunting license or fur taker permit or evidence of such a 33535
license or permit. 33536

(3) No person shall issue a fur taker permit, other than 33537
an apprentice fur taker permit or an apprentice youth fur taker 33538
permit, to any person who fails to present the evidence required 33539
by this section. No person shall purchase or obtain a fur taker 33540
permit, other than an apprentice fur taker permit or an 33541
apprentice youth fur taker permit, without presenting to the 33542
issuing agent the evidence required by this section. Issuance of 33543
a fur taker permit in violation of the requirements of this 33544
section is an offense by both the purchaser of the illegally 33545
obtained permit and the clerk or agent who issued the permit. 33546
Any fur taker permit issued in violation of this section is 33547
void. 33548

(E) The chief, with approval of the wildlife council, 33549
shall adopt rules prescribing a trapper education course for 33550
first-time fur taker permit buyers, other than buyers of 33551
apprentice fur taker permits or apprentice youth fur taker 33552
permits, and for volunteer instructors. The course shall consist 33553
of subjects that include, but are not limited to, trapping 33554
techniques, animal habits and identification, trapping tradition 33555
and ethics, the trapper and conservation, the law in section 33556
1533.17 of the Revised Code along with the penalty for its 33557
violation, including a description of terms of imprisonment and 33558
fines that may be imposed, and other law relating to trapping. 33559
Authorized personnel of the division of wildlife or volunteer 33560

instructors approved by the chief shall conduct the courses with 33561
such frequency and at such locations throughout the state as to 33562
reasonably meet the needs of permit applicants. The chief shall 33563
issue a certificate of completion to each person who 33564
successfully completes the course and passes an examination 33565
prescribed by the chief. 33566

(F) Every person, while hunting or trapping fur-bearing 33567
animals on lands of another, shall carry the person's fur taker 33568
permit with the person's signature written on the permit. 33569
Failure to carry such a signed permit constitutes an offense 33570
under this section. The chief shall adopt any additional rules 33571
the chief considers necessary to carry out this section. 33572

(G) An owner who is a resident of this state or an owner 33573
who is exempt from obtaining a hunting license under section 33574
1533.10 of the Revised Code and the spouse, parents, children of 33575
any age, and grandchildren under eighteen years of age of the 33576
owner of lands in this state may hunt or trap fur-bearing 33577
animals thereon without a fur taker permit. If the owner of land 33578
in this state is a limited liability company or a limited 33579
liability partnership that consists of three or fewer individual 33580
members or partners, as applicable, an individual member or 33581
partner who is a resident of this state and the member's or 33582
partner's parents, children of any age, and grandchildren under 33583
eighteen years of age may hunt or trap fur-bearing animals on 33584
the land owned by the limited liability company or limited 33585
liability partnership without a fur taker permit. In addition, 33586
if the owner of land in this state is a trust that has a total 33587
of three or fewer trustees and beneficiaries, an individual who 33588
is a trustee or beneficiary and who is a resident of this state 33589
and the individual's parents, children of any age, and 33590
grandchildren under eighteen years of age may hunt or trap fur- 33591

bearing animals on the land owned by the trust without a fur 33592
taker permit. The tenant and children of the tenant may hunt or 33593
trap fur-bearing animals on lands where they reside without a 33594
fur taker permit. 33595

(H) A fur taker permit is not transferable. No person 33596
shall carry a fur taker permit issued in the name of another 33597
person. 33598

(I) A fur taker permit entitles a nonresident to take from 33599
this state fur-bearing animals taken and possessed by the 33600
nonresident as provided by law or division rule. 33601

Sec. 1533.13. Hunting and fishing licenses, wetlands 33602
habitat stamps, deer and wild turkey permits, fur taker permits, 33603
and any other licenses, permits, or stamps that are required 33604
under this chapter or Chapter 1531. of the Revised Code and any 33605
reissued license, permit, or stamp may be issued by the clerk of 33606
the court of common pleas, village clerks, township fiscal 33607
officers, and other authorized agents designated by the chief of 33608
the division of wildlife. When required by the chief, a clerk, 33609
fiscal officer, or other agent shall give bond in the manner 33610
provided by the chief. All bonds, reports, ~~except records-~~ 33611
~~prescribed by the auditor of state,~~ and moneys received by those 33612
persons shall be handled under rules adopted by the director of 33613
natural resources. 33614

The premium of any bond prescribed by the chief under this 33615
section may be paid by the chief. Any person who is designated 33616
and authorized by the chief to issue licenses, stamps, and 33617
permits as provided in this section, except the clerk of the 33618
court of common pleas, a village clerk, and a township fiscal 33619
officer, shall pay to the chief a premium in an amount that 33620
represents the person's portion of the premium paid by the chief 33621

under this section, which amount shall be established by the 33622
chief and approved by the wildlife council created under section 33623
1531.03 of the Revised Code. The chief shall pay all moneys that 33624
the chief receives as premiums under this section into the state 33625
treasury to the credit of the wildlife fund created under 33626
section 1531.17 of the Revised Code. 33627

Every authorized agent, for the purpose of issuing hunting 33628
and fishing licenses, wetlands habitat stamps, deer and wild 33629
turkey permits, and fur taker permits, may administer oaths to 33630
and take affidavits from applicants for the licenses, stamps, or 33631
permits when required. An authorized agent may appoint deputies 33632
to perform any acts that the agent is authorized to perform, 33633
consistent with division rules. 33634

Every applicant for a hunting or fishing license, wetlands 33635
habitat stamp, deer or wild turkey permit, or fur taker permit, 33636
unless otherwise provided by division rule, shall provide the 33637
applicant's name, date of birth, weight, height, and place of 33638
residence and any other information that the chief may require. 33639
The clerk, fiscal officer, or other agent authorized to issue 33640
licenses, stamps, and permits shall charge each applicant a fee 33641
of one dollar or four per cent of the cost of the license, 33642
stamp, or permit, whichever is greater, for taking the 33643
information provided by the applicant and issuing the license, 33644
stamp, or permit. The application, license, stamp, permit, and 33645
other blanks required by this section shall be prepared and 33646
furnished by the chief, in the form the chief provides, to the 33647
clerk, fiscal officer, or other agent authorized to issue them. 33648
The licenses and permits shall be issued to applicants by the 33649
clerk, fiscal officer, or other agent. The record of licenses 33650
and permits kept by the clerks, fiscal officers, and other 33651
agents shall be uniform throughout the state ~~and in the form or~~ 33652

~~manner as the auditor of state prescribes~~ and shall be open at 33653
all reasonable hours to the inspection of any person. Unless 33654
otherwise provided by division rule, each annual hunting 33655
license, deer or wild turkey permit, and fur taker permit issued 33656
shall remain in force until the first day of March. Application 33657
for any such license or permit may be made and a license or 33658
permit issued prior to the date upon which it becomes effective. 33659

The chief may require an applicant who wishes to purchase 33660
a license, stamp, or permit by mail or telephone or via the 33661
internet to pay a nominal fee for postage and handling and 33662
credit card transactions. 33663

The court before whom a violator of any laws or division 33664
rules for the protection of wild animals is tried, as a part of 33665
the punishment, shall revoke the license, stamp, or permit of 33666
any person convicted. The license, stamp, or permit fee paid by 33667
that person shall not be returned to the person. The person 33668
shall not procure or use any other license, stamp, or permit or 33669
engage in hunting wild animals or trapping fur-bearing animals 33670
during the period of revocation as ordered by the court. 33671

No person under sixteen years of age shall engage in 33672
hunting unless accompanied by the person's parent or another 33673
adult person. 33674

Sec. 1533.131. The chief of the division of wildlife may 33675
sell gift certificates that may be used to obtain ~~hunting and~~ 33676
~~fishing~~, pay for, or purchase licenses, fur taker, deer, and 33677
~~wild turkey permits, and wetlands habitat stamps, user fees, and~~ 33678
conservation-related items provided for under this chapter or 33679
Chapter 1531. of the Revised Code. For the purposes of this 33680
~~section, the~~ The chief shall may adopt rules in accordance with 33681
section 1531.10 of the Revised Code ~~doing necessary to~~ 33682

administer this section, including all of the following: 33683

~~(A) Providing that a gift certificate may be used to~~ 33684
~~obtain a resident or nonresident hunting license under section~~ 33685
~~1533.10 of the Revised Code, a resident or nonresident fishing~~ 33686
~~license under section 1533.32 of the Revised Code, a fur taker~~ 33687
~~permit under section 1533.111 of the Revised Code, a deer or~~ 33688
~~wild turkey permit under section 1533.11 of the Revised Code, a~~ 33689
~~wetlands habitat stamp under section 1533.112 of the Revised~~ 33690
~~Code, or a combination of those licenses, permits, and~~ 33691
~~stamps.~~ Designating which licenses, permits, stamps, user fees, 33692
and conservation-related items may be obtained, paid for, or 33693
purchased with a gift certificate; 33694

(B) Prescribing the form for the gift certificates; 33695

(C) Authorizing persons who are designated and authorized 33696
under section 1533.13 of the Revised Code to sell licenses and 33697
permits under this chapter also to sell gift certificates under 33698
this section; 33699

~~(D) Establishing fees for the gift certificates, which~~ 33700
~~shall equal the total of the fee for a resident or nonresident~~ 33701
~~hunting license, a resident or nonresident fishing license, a~~ 33702
~~fur taker permit, a deer or wild turkey permit, a wetlands~~ 33703
~~habitat stamp, or a combination of those licenses, permits, and~~ 33704
~~stamp, as applicable, and the fee established under section~~ 33705
~~1533.13 of the Revised Code;~~ 33706

~~(E) Requiring gift certificates to expire one year after~~ 33707
~~the date of purchase.~~ 33708

Nothing in this section or rules adopted under it relieves 33709
an individual who receives a gift certificate for a hunting 33710
license from complying with the requirement established under 33711

section 1533.10 of the Revised Code to present, when applying 33712
for the license, a previously held hunting license or evidence 33713
of having held such a license in content and manner approved by 33714
the chief, a certificate of completion issued upon completion of 33715
a hunter education and conservation course approved by the 33716
chief, or evidence of equivalent training in content and manner 33717
approved by the chief. 33718

Nothing in this section or rules adopted under it relieves 33719
an individual who receives a gift certificate for a fur taker 33720
permit from complying with the requirements established under 33721
section 1533.111 of the Revised Code to present, when applying 33722
for the permit, a previously held hunting license or trapping or 33723
fur taker permit or evidence of having held such a license or 33724
permit in content and manner approved by the chief, a 33725
certificate of completion issued upon completion of a trapper 33726
education course approved by the chief, or evidence of 33727
equivalent training in content and manner approved by the chief. 33728

Sec. 1533.32. (A) Except as provided in this section or 33729
division (A)(2) or (C) of section 1533.12 of the Revised Code or 33730
as exempted at the discretion of the chief of the division of 33731
wildlife, no person, including nonresidents, shall take or catch 33732
any fish by angling in any of the waters in the state or engage 33733
in fishing in those waters without a license. No person shall 33734
take or catch frogs or turtles without a valid fishing license, 33735
except as provided in this section. Persons fishing in privately 33736
owned ponds, lakes, or reservoirs to or from which fish are not 33737
accustomed to migrate are exempt from the license requirements 33738
set forth in this section. Persons fishing in privately owned 33739
ponds, lakes, or reservoirs that are open to public fishing 33740
through an agreement or lease with the division of wildlife 33741
shall comply with the license requirements set forth in this 33742

section. 33743

(B) (1) Except as otherwise provided in rules adopted under 33744

division (B) of section 1533.12 of the Revised Code, each 33745

applicant for a fishing license shall pay a fee for each license 33746

in accordance with the following schedule: 33747

33748

1

2

A Annual fishing license - resident \$24.00

B Annual fishing license - nonresident that is ~~\$49.00~~
not a resident of a reciprocal state \$74.00

C Annual fishing license - nonresident that is \$24.00
a resident of a reciprocal state

D Annual senior fishing license - resident \$9.00

E Three-day tourist fishing license - ~~\$24.00~~
nonresident that is not a resident of a \$50.00
reciprocal state

F One-day fishing license - resident \$13.00

G One-day fishing license - nonresident that is \$26.00
not a resident of a reciprocal state

H One-day fishing license - nonresident that is \$13.00
a resident of a reciprocal state

(2) As used in division (B) (1) of this section: 33749

(a) "Reciprocal state" means a state that is a party to an 33750

agreement under section 1533.91 of the Revised Code. 33751

(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.

(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.

(C) (1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code.

(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the annual license upon presentation of the one-day license and payment of a fee in an amount equal to the difference between the fee for the annual license and the fee for the one-day license.

(3) Unless otherwise provided by division rule, each annual license shall begin on the date of issuance and expire a

year from the date of issuance. 33782

(4) Unless otherwise provided by division rule, each 33783
multi-year license issued in accordance with section 1533.321 of 33784
the Revised Code shall begin on the date of issuance and expire 33785
three years, five years, or ten years from the date of issuance, 33786
as applicable. 33787

(5) No person shall alter a fishing license or possess a 33788
fishing license that has been altered. 33789

(6) No person shall procure or attempt to procure a 33790
fishing license by fraud, deceit, misrepresentation, or any 33791
false statement. 33792

(7) A resident of this state who owns land over, through, 33793
upon, or along which any water flows or stands, except where the 33794
land is in or borders on state parks or state-owned lakes, 33795
together with the members of the immediate families of such 33796
owners, may take frogs and turtles and may take or catch fish of 33797
the kind permitted to be taken or caught therefrom without 33798
procuring a license provided for in this section. This exemption 33799
extends to tenants actually residing upon such lands and to the 33800
members of the immediate families of the tenants. A resident of 33801
any other state who owns land in this state over, through, upon, 33802
or along which any water flows or stands, except where the land 33803
is in or borders on state parks or state-owned lakes, and the 33804
spouse and children living with the owner, may take frogs and 33805
turtles and may take or catch fish of the kind permitted to be 33806
taken or caught from that water without obtaining a license 33807
under this section, provided that the state of residence of the 33808
owner allows residents of this state owning real property in 33809
that state, and the spouse and children living with such a 33810
property owner, to take frogs and turtles and take or catch fish 33811

without a license. If the owner of such land in this state is a 33812
limited liability company or a limited liability partnership 33813
that consists of three or fewer individual members or partners, 33814
as applicable, an individual member or partner who is a resident 33815
of this state and the member's or partner's children of any age 33816
may take frogs and turtles and may take or catch fish of the 33817
kind permitted to be taken or caught therefrom without procuring 33818
a license provided for in this section. In addition, if the 33819
owner of such land in this state is a trust that has a total of 33820
three or fewer trustees and beneficiaries, an individual who is 33821
a trustee or beneficiary and who is a resident of this state and 33822
the individual's children of any age may take frogs and turtles 33823
and may take or catch fish of the kind permitted to be taken or 33824
caught therefrom without procuring a license provided for in 33825
this section. Residents of state or county institutions, 33826
charitable institutions, and military homes in this state may 33827
take frogs and turtles without procuring the required license, 33828
provided that a member of the institution or home has an 33829
identification card, which shall be carried on that person when 33830
fishing. 33831

(8) Every fisher required to be licensed, while fishing or 33832
taking or attempting to take frogs or turtles, shall carry the 33833
license and exhibit it to any person. Failure to so carry and 33834
exhibit the license constitutes an offense under this section. 33835

Sec. 1545.041. (A) Any township park district created 33836
pursuant to section 511.18 of the Revised Code that includes 33837
park land located outside the township in which the park 33838
district was established may be converted under the procedures 33839
provided in this section into a park district to be operated and 33840
maintained as provided for in this chapter, provided that there 33841
is no existing park district created under section 1545.04 of 33842

the Revised Code in the county in which the township park 33843
district is located. The proposed park district shall include 33844
within its boundary all townships and municipal corporations in 33845
which lands owned by the township park district seeking 33846
conversion are located, and may include any other townships and 33847
municipal corporations in the county in which the township park 33848
district is located. 33849

(B) Conversion of a township park district into a park 33850
district operated and maintained under this chapter shall be 33851
initiated by a resolution adopted by the board of park 33852
commissioners of the park district. Any resolution initiating a 33853
conversion shall include the following: 33854

(1) The name of the township park district seeking 33855
conversion; 33856

(2) The name of the proposed park district; 33857

(3) An accurate description of the territory to be 33858
included in the proposed district; 33859

(4) An accurate map or plat of the proposed park district. 33860
The resolution may also include a proposed tax levy for the 33861
operation and maintenance of the proposed park district. If such 33862
a tax levy is proposed, the resolution shall specify the annual 33863
rate of the tax, expressed in dollars for each one hundred 33864
thousand dollars of ~~the county auditor's appraised~~ market value 33865
and in mills for each dollar of taxable value, and the number of 33866
consecutive years the levy will be in effect. The annual rate of 33867
such a tax may not be higher than the total combined millage of 33868
all levies then in effect for the benefit of the township park 33869
district named in the resolution. 33870

(C) Upon adoption of the resolution provided for in 33871

division (B) of this section, the board of park commissioners of 33872
the township park district seeking conversion under this section 33873
shall certify the resolution to the county auditor, who shall 33874
certify to the board the information required for a tax levy 33875
under section 5705.03 of the Revised Code, in the same manner as 33876
required under that section. 33877

The board shall certify the resolution and the county 33878
auditor's certification to the board of elections of the county 33879
in which the park district is located no later than four p.m. of 33880
the seventy-fifth day before the day of the election at which 33881
the question will be voted upon. Upon certification of the 33882
resolution to the board, the board of elections shall make the 33883
necessary arrangements to submit the question of conversion of 33884
the township park into a park district operated and maintained 33885
under Chapter 1545. of the Revised Code, to the electors 33886
qualified to vote at the next primary or general election who 33887
reside in the territory of the proposed park district. The 33888
question shall provide for a tax levy if such a levy is 33889
specified in the resolution. 33890

(D) The ballot submitted to the electors as provided in 33891
division (C) of this section shall contain the following 33892
language: 33893

"Shall the _____ (name of the township park 33894
district seeking conversion) be converted into a park district 33895
to be operated and maintained under Chapter 1545. of the Revised 33896
Code under the name of _____ (name of proposed park 33897
district), which park district shall include the following 33898
townships and municipal corporations: 33899

(Name townships and municipal corporations) 33900

Approval of the proposed conversion will result in the 33901
termination of all existing tax levies voted for the benefit of 33902
_____ (name of the township park district sought to be 33903
converted) and in the levy of a new tax for the operation and 33904
maintenance of _____ (name of proposed park district), 33905
that the county auditor estimates will collect \$_____ annually, 33906
at a rate not exceeding _____ mills for each \$1 of taxable 33907
value, which amounts to \$_____ for each \$100,000 of ~~the~~ 33908
~~county auditor's appraised market~~ value, for _____ (number of 33909
years the millage is to be imposed) years, commencing on the 33910
_____ (year) tax duplicate. 33911
33912

	For the proposed conversion	"
	Against the proposed conversion	

(E) If the proposed conversion is approved by at least a 33913
majority of the electors voting on the proposal, the township 33914
park district that seeks conversion shall become a park district 33915
subject to Chapter 1545. of the Revised Code effective the first 33916
day of January following approval by the voters. The park 33917
district shall have the name specified in the resolution, and 33918
effective the first day of January following approval by the 33919
voters, the following shall occur: 33920

(1) The indebtedness of the former township park district 33921
shall be assumed by the new park district; 33922

(2) All rights, assets, properties, and other interests of 33923
the former township park district shall become vested in the new 33924
park district, including the rights to any tax revenues 33925
previously vested in the former township park district; 33926
provided, that all tax levies in excess of the ten mill 33927

limitation approved for the benefit of the former township park 33928
district shall be removed from the tax lists after the February 33929
settlement next succeeding the conversion. Any tax levy approved 33930
in connection with the conversion shall be certified as provided 33931
in section 5705.25 of the Revised Code. 33932

(3) The members of the board of park commissioners of the 33933
former township park district shall be the members of the board 33934
of park commissioners of the new park district, with all the 33935
same powers and duties as if appointed under section 1545.05 of 33936
the Revised Code. The term of each such commissioner shall 33937
expire on the first day of January of the year following the 33938
year in which his term would have expired under section 511.19 33939
of the Revised Code. Thereafter, commissioners shall be 33940
appointed pursuant to section 1545.05 of the Revised Code. 33941

As used in this section, "~~the county auditor's appraised~~ 33942
market value" has the same meaning as in section 5705.01 of the 33943
Revised Code. 33944

Sec. 1545.21. (A) The board of park commissioners, by 33945
resolution, may submit to the electors of the park district the 33946
question of levying taxes for the use of the district. The 33947
resolution shall declare the necessity of levying such taxes, 33948
shall specify the purpose for which such taxes shall be used, 33949
the annual rate proposed, and the number of consecutive years 33950
the rate shall be levied. Such resolution shall be forthwith 33951
certified to the board of elections in each county in which any 33952
part of such district is located, not later than the ninetieth 33953
day before the day of the election, and the question of the levy 33954
of taxes as provided in such resolution shall be submitted to 33955
the electors of the district at a special election to be held on 33956
whichever of the following occurs first: 33957

(1) The day of the next general election; 33958

(2) The first Tuesday after the first Monday in May in any 33959
calendar year, except that if a presidential primary election is 33960
held in that calendar year, then the day of that election. 33961

A resolution to renew, renew and increase, or renew and 33962
decrease any existing levy shall not be placed on the ballot 33963
unless the question is submitted at the general election held 33964
during the last year the tax to be renewed may be extended on 33965
the tax list, or at any election described in division (A) (1) or 33966
(2) of this section in the ensuing year. Such a resolution may 33967
specify that the renewal, increase, or decrease of the existing 33968
levy shall be extended on the tax list for the tax year 33969
specified in the resolution, which may be the last year the 33970
existing levy may be extended on the list for the ensuing year. 33971
If the renewal, increase, or decrease is to be extended on the 33972
tax list for the last tax year the existing levy would otherwise 33973
be extended, the existing levy shall not be extended on the tax 33974
list for that last year unless the question of the renewal, 33975
increase, or decrease is not approved by a majority of electors 33976
voting on the question, in which case the existing levy shall be 33977
extended on the tax list for that last year. 33978

Except as otherwise prescribed in division (B) of this 33979
section, the ballot shall set forth the purpose for which the 33980
taxes shall be levied, the levy's estimated annual collections, 33981
the annual rate of levy, expressed in mills for each dollar of 33982
taxable value and in dollars for each one hundred thousand 33983
dollars of ~~the county auditor's appraised market~~ value, and the 33984
number of years of such levy. If the tax is to be placed on the 33985
current tax list, the form of the ballot shall state that the 33986
tax will be levied in the current tax year and shall indicate 33987

the first calendar year the tax will be due. 33988

~~(B)(1)~~ (B) If the resolution of the board of park 33989
commissioners provides that an existing levy will be renewed, 33990
increased, or decreased upon the passage of the ballot question, 33991
the form of the ballot shall be the same as prescribed for such 33992
levies in divisions (B) and (C) of section 5705.25 of the 33993
Revised Code. 33994

~~(2) If the resolution of the board of park commissioners~~ 33995
~~provides that an existing levy will be canceled upon the passage~~ 33996
~~of the new levy, the board shall request that the county~~ 33997
~~auditor, in addition to the information the auditor is required~~ 33998
~~to certify under section 5705.03 of the Revised Code, certify~~ 33999
~~the effective rate of the existing levy. In such an instance,~~ 34000
~~the ballot must include a statement that: "an existing levy of~~ 34001
~~___ mills (stating the original levy millage) for each \$1 of~~ 34002
~~taxable value, which amounts to \$___ (effective rate) for each~~ 34003
~~\$100,000 of the county auditor's appraised value, having ___~~ 34004
~~years remaining, will be canceled and replaced upon the passage~~ 34005
~~of this levy." In such case, the ballot may refer to the new~~ 34006
~~levy as a "replacement levy" if the new millage does not exceed~~ 34007
~~the original millage of the levy being canceled or as a~~ 34008
~~"replacement and additional levy" if the new millage exceeds the~~ 34009
~~original millage of the levy being canceled.~~ 34010

(C) If a majority of the electors voting upon the question 34011
of such levy vote in favor thereof, such taxes shall be levied 34012
and shall be in addition to the taxes authorized by section 34013
1545.20 of the Revised Code, and all other taxes authorized by 34014
law. The rate submitted to the electors at any one time shall 34015
not exceed two mills annually upon each dollar of taxable value 34016
unless the purpose of the levy includes providing operating 34017

revenues for one of Ohio's major metropolitan zoos, as defined 34018
in section 4503.74 of the Revised Code, in which case the rate 34019
shall not exceed three mills annually upon each dollar of 34020
taxable value. When a tax levy has been authorized as provided 34021
in this section or in section 1545.041 of the Revised Code, the 34022
board of park commissioners may issue bonds pursuant to section 34023
133.24 of the Revised Code in anticipation of the collection of 34024
such levy, provided that such bonds shall be issued only for the 34025
purpose of acquiring and improving lands. Such levy, when 34026
collected, shall be applied in payment of the bonds so issued 34027
and the interest thereon. The amount of bonds so issued and 34028
outstanding at any time shall not exceed one per cent of the 34029
total taxable value in such district. Such bonds shall bear 34030
interest at a rate not to exceed the rate determined as provided 34031
in section 9.95 of the Revised Code. 34032

(D) As used in this section, "~~the county auditor's~~ 34033
~~appraised market value~~" and "effective rate" have the same 34034
meanings as in section 5705.01 of the Revised Code. 34035

Sec. 1546.04. (A) Except as provided in this section, the 34036
chief of the division of parks and watercraft, with the approval 34037
of the director of natural resources, shall adopt rules in 34038
accordance with Chapter 119. of the Revised Code that are 34039
necessary for the proper management of state parks, bodies of 34040
water, and the lands adjacent to them under its jurisdiction and 34041
control, including rules: 34042

(1) Governing opening and closing times and dates of state 34043
parks; 34044

(2) Establishing fees and charges for use of facilities in 34045
state parks; 34046

- (3) Governing camps, camping, and fees for camps and camping; 34047
34048
- (4) Governing the application for and rental of, rental fees for, and the use of cottages; 34049
34050
- (5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds and parking on those lands; 34051
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- (6) Governing all advertising within state parks and requirements for the operation of places selling tangible personal property and food service sales on lands and waters under the control of the division. The rules shall establish uniform requirements for those operations and sales. 34054
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- (7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft over waters under the control of the division and establishing reasonable fees for the construction of, and annual use permits for, those structures and devices; 34059
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- (8) Governing state beaches, swimming, inflatable devices, and fees for them; 34065
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- (9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft left unattended for more than seven days on any lands or waters under the control of the division; 34067
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- (10) Governing the establishment and collection of check collection charges for checks that are returned to the division or dishonored for any reason; 34071
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34073
- (11) Governing natural resources officers in all parks and 34074

bodies of water and lands adjacent to those bodies under the 34075
supervision and control of the division as are necessary to the 34076
proper management of such parks and bodies of water. 34077

(B) The chief shall adopt rules in accordance with Chapter 34078
119. of the Revised Code establishing a discount program for all 34079
persons who are issued a golden buckeye card under section 34080
173.06 of the Revised Code. The discount program shall provide a 34081
discount for all park services and rentals, but shall not 34082
provide a discount for the purchase of merchandise. 34083

(C) The chief, with the approval of the director of 34084
natural resources, may adopt rules in accordance with Chapter 34085
119. of the Revised Code that establish all of the following: 34086

(1) Requirements governing the administration of state 34087
parks; 34088

(2) Requirements considered necessary by the chief to 34089
supplement the identification, operation, titling, use, 34090
registration, and numbering of watercraft or vessels as provided 34091
in Chapters 1547. and 1548. of the Revised Code; 34092

(3) Requirements governing the navigation of vessels on 34093
waters in this state, including rules regarding steering and 34094
sailing, the conduct of vessels in sight of one another or in 34095
restricted visibility, lights and shapes of lights used on 34096
vessels, and sound and light signals. As the chief considers 34097
necessary, the chief shall ensure that those rules are 34098
consistent with and equivalent to the regulations and 34099
interpretive rulings governing inland waters adopted or issued 34100
under the "Inland Navigational Rules Act of 1980," 94 Stat. 34101
3415, 33 U.S.C. 151, 1604, 1605, 1608, 2001 to 2008, and 2071 to 34102
2073. 34103

(4) Requirements and procedures governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers;

(5) Fees and charges for all of the following:

(a) Boating skill development classes and other educational classes;

(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;

(c) Inspections of vessels or motors conducted under Chapter 1547. or Chapter 1548. of the Revised Code.

(D) The chief shall not adopt rules under this section establishing fees or charges for parking a motor vehicle in a state park or for admission to a state park.

(E) If the chief adopts rules under this section for the issuance of a permit for preventing or limiting ice formation on the surface of water that is located in a state park on property owned or managed by the division, the chief shall not levy a fee for the issuance of the permit.

Sec. 1546.25. The park lodges, maintenance, and repair fund is created in the state treasury. The fund shall consist of money received from contractual agreements with service providers and concessionaires for state park lodges, restaurants, and marinas. The chief of the division of parks and watercraft shall use money in the fund to pay maintenance and repair costs for facilities operated by concessionaires and service providers at state park lodges, restaurants, and marinas.

Sec. 1546.26. The parks and watercraft holding fund is 34132
created in the state treasury. The fund shall consist of money 34133
received by the division of parks and watercraft from gift card 34134
sales, credit card sales, and sales conducted at field 34135
locations. 34136

With regard to gift card sales, the chief of the division 34137
of parks and watercraft shall transfer money in the parks and 34138
watercraft holding fund to the appropriate fund after gift 34139
certificates and gift cards are redeemed. 34140

Sec. 1547.54. (A) (1) Except as otherwise provided in 34141
section 1547.542 of the Revised Code, the owner of every 34142
watercraft requiring registration under this chapter shall file 34143
an application for a triennial registration certificate with the 34144
chief of the division of parks and watercraft on forms that 34145
shall be provided by the chief or by an electronic means 34146
approved by the chief. The application shall be signed by the 34147
following: 34148

(a) If the watercraft is owned by two persons under joint 34149
ownership with right of survivorship established under section 34150
2131.12 of the Revised Code, by both of those persons as owners 34151
of the watercraft. The signatures may be done by electronic 34152
signature if the owners themselves are renewing the registration 34153
and there are no changes in the registration information since 34154
the issuance of the immediately preceding registration 34155
certificate. In all other instances, the signatures shall be 34156
done manually. 34157

(b) If the watercraft is owned by a minor, by the minor 34158
and a parent or legal guardian. The signatures may be done by 34159
electronic signature if the parent or legal guardian and the 34160
minor themselves are renewing the registration and there are no 34161

changes in the registration information since the issuance of 34162
the immediately preceding registration certificate. In all other 34163
instances, the signatures shall be done manually. 34164

(c) In all other cases, by the owner of the watercraft. 34165
The signature may be done by electronic signature if the owner 34166
is renewing the registration personally and there are no changes 34167
in the registration information since the issuance of the 34168
immediately preceding registration certificate. In all other 34169
instances, the signatures shall be done manually. 34170

(2) An application for a triennial registration of a 34171
watercraft filed under division (A)(1) of this section shall be 34172
accompanied by the following fee: 34173

(a) For canoes, rowboats, and inflatable watercraft that 34174
are numbered under section 1547.53 of the Revised Code, twelve 34175
dollars; 34176

(b) For canoes, row boats, and inflatable watercraft that 34177
are not numbered under section 1547.53 of the Revised Code, 34178
seventeen dollars; 34179

(c) For class A watercraft, including motorized 34180
canoes, thirty dollars; 34181

(d) For class 1 watercraft, forty-five dollars; 34182

(e) For class 2 watercraft, sixty dollars; 34183

(f) For class 3 watercraft, seventy-five dollars; 34184

(g) For class 4 watercraft, ninety dollars. 34185

(3) For the purpose of registration, any watercraft 34186
operated by means of power, sail, or any other mechanical or 34187
electrical means of propulsion, except motorized canoes, shall be 34188

registered by length as prescribed in this section. 34189

(4) If an application for registration is filed by two 34190
persons as owners under division (A)(1)(a) of this section, the 34191
person who is listed first on the title shall serve as and 34192
perform the duties of the "owner" and shall be considered the 34193
person "in whose name the watercraft is registered" for purposes 34194
of divisions (B) to (R) of this section and for purposes of all 34195
other sections in this chapter. 34196

(B) All registration certificates issued under this 34197
section are valid for three years and are renewable on a 34198
triennial basis unless sooner terminated or discontinued in 34199
accordance with this chapter. The renewal date shall be printed 34200
on the registration certificate. A registration certificate may 34201
be renewed by the owner in the manner prescribed by the chief. 34202
All fees shall be charged according to a proration of the time 34203
remaining in the registration cycle to the nearest year. 34204

(C) In addition to the fees set forth in this section, the 34205
chief, or any authorized agent, shall charge an additional 34206
writing fee of three dollars for any registration certificate 34207
the chief or authorized agent issues. When the registration 34208
certificate is issued by an authorized agent, the additional 34209
writing fee of three dollars shall be retained by the issuing 34210
agent. When the registration certificate is issued by the chief, 34211
the additional writing fee of three dollars shall be deposited 34212
to the credit of the waterways safety fund established in 34213
section 1547.75 of the Revised Code. 34214

(D) In addition to the fees established in this section, 34215
watercraft that are not powercraft shall be charged a waterways 34216
conservation assessment fee of five dollars. The fee shall be 34217
collected at the time of the issuance of a triennial watercraft 34218

registration under division (A) (2) of this section and deposited 34219
in the state treasury and credited to a distinct account in the 34220
waterways safety fund created in section 1547.75 of the Revised 34221
Code. 34222

(E) (1) Upon receipt of the application in approved form, 34223
the chief shall enter the same upon the records of the office of 34224
the division of parks and watercraft, assign a number to the 34225
watercraft if a number is required under section 1547.53 of the 34226
Revised Code, and issue to the applicant a registration 34227
certificate. If a number is assigned by the chief, it shall be 34228
set forth on the certificate. The registration certificate, in 34229
physical or digital form, shall be on the watercraft for which 34230
it is issued and available at all times for inspection whenever 34231
the watercraft is in operation, except that livery operators may 34232
retain the registration certificate at the livery where it shall 34233
remain available for inspection at all times and except as 34234
otherwise provided in division (E) (2) of this section. 34235

(2) A person who is operating on the waters of this state 34236
a canoe, kayak, rowboat, or inflatable watercraft meeting the 34237
definition of a paddlecraft that has not been numbered under 34238
section 1547.53 of the Revised Code and who is stopped by a law 34239
enforcement officer in the enforcement of this chapter or rules 34240
shall present to the officer, not later than seventy-two hours 34241
after being stopped, a registration certificate, in physical or 34242
digital form. The registration certificate shall have been 34243
obtained under this section for the canoe, kayak, rowboat, or 34244
inflatable watercraft meeting the definition of a paddlecraft 34245
prior to the time that it was stopped. Failure of the person to 34246
present the registration certificate within seventy-two hours 34247
constitutes prima-facie evidence of a violation of this section. 34248

(F) No person shall issue or be issued a registration 34249
certificate for a watercraft that is required to be issued a 34250
certificate of title under Chapter 1548. of the Revised Code 34251
except upon presentation of a certificate of title for the 34252
watercraft as provided in that chapter, proof of current 34253
documentation by the United States coast guard, a renewal 34254
registration form provided by the division of parks and 34255
watercraft, or a certificate of registration issued under this 34256
section that has expired if there is no change in the ownership 34257
or description of the watercraft. 34258

(G) Whenever the ownership of a watercraft changes, a new 34259
application form together with the prescribed fee shall be filed 34260
with the chief or the chief's agent and a new registration 34261
certificate shall be issued. The application shall be signed 34262
manually by the person or persons specified in divisions (A) (1) 34263
(a) to (c) of this section and shall be accompanied by a two- 34264
dollar transfer fee. Any remaining time on the registration 34265
shall be transferred. An authorized agent of the chief shall 34266
charge an additional writing fee of three dollars, which shall 34267
be retained by the issuing agent. If the certificate is issued 34268
by the chief, an additional writing fee of three dollars for 34269
each certificate issued shall be collected and deposited to the 34270
credit of the waterways safety fund. 34271

(H) If an agency of the United States has in force an 34272
overall system of identification numbering for watercraft or 34273
certain types of watercraft within the United States, the 34274
numbering system employed by the division shall be in conformity 34275
with that system. 34276

(I) (1) The chief may assign any registration certificates 34277
to any authorized agent for the assignment of the registration 34278

certificates. If a person accepts that authorization, the person 34279
may be assigned a block of numbers and certificates that upon 34280
assignment, in conformity with this chapter and Chapter 1548. of 34281
the Revised Code and with rules, shall be valid as if assigned 34282
directly by the division. Any person so designated as an agent 34283
by the chief shall post with the division security as may be 34284
required by the director of natural resources. The chief may 34285
issue an order temporarily or permanently restricting or 34286
suspending an agent's authorization without a hearing if the 34287
chief finds that the agent has violated this chapter or Chapter 34288
1548. of the Revised Code, rules, or any agreements prescribed 34289
by the chief. 34290

(2) A clerk of the court of common pleas may apply for 34291
designation as an authorized agent of the chief. The division 34292
shall accept the clerk's bond that is required under section 34293
2303.02 of the Revised Code for any security that is required 34294
for agents under this division, provided that the bond includes 34295
a rider or other provision specifically covering the clerk's 34296
duties as an authorized agent of the chief. 34297

(J) All records of the division made or kept pursuant to 34298
this section shall be public records. Those records shall be 34299
available for inspection at reasonable hours and in a manner 34300
compatible with normal operations of the division. 34301

(K) The owner shall furnish the division notice within 34302
fifteen days of the following: 34303

(1) The transfer, other than through the creation of a 34304
security interest in any watercraft, of all or any part of the 34305
owner's interest or, if the watercraft is owned by two persons 34306
under joint ownership with right of survivorship established 34307
under section 2131.12 of the Revised Code, of all or any part of 34308

the joint interest of either of the two persons. The transfer 34309
shall not terminate the registration certificate. 34310

(2) Any change in the address appearing on the 34311
certificate. As a part of the notification, the owner shall 34312
furnish the chief with the owner's new address. 34313

(3) The destruction or abandonment of the watercraft. 34314

(L) The chief may issue duplicate registration 34315
certificates or duplicate tags to owners of currently registered 34316
watercraft, the fee for which shall be four dollars. 34317

(M) If the chief finds that a registration certificate 34318
previously issued to an owner is in error to a degree that would 34319
impair its basic purpose and use, the chief may issue a 34320
corrected certificate to the owner without charge. 34321

(N) No authorized agent shall issue and no person shall 34322
receive or accept from an authorized agent a registration 34323
certificate assigned to the authorized agent under division (I) 34324
of this section unless the exact month, day, and year of issue 34325
are plainly written on the certificate by the agent. 34326
Certificates issued with incorrect dates of issue are void from 34327
the time they are issued. 34328

(O) The chief, in accordance with Chapter 119. of the 34329
Revised Code, shall adopt rules governing the renewal of 34330
watercraft registrations by electronic means. 34331

(P) As used in this section: 34332

(1) "Disabled veteran" means a person who is included in 34333
either of the following categories: 34334

(a) Because of a service-connected disability, has been or 34335
is awarded funds for the purchase of a motor vehicle under the 34336

"Disabled Veterans' and Servicemen's Automobile Assistance Act 34337
of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 34338

(b) Has a service-connected disability rated at one 34339
hundred per cent by the veterans administration. 34340

(2) "Prisoner of war" means any regularly appointed, 34341
enrolled, enlisted, or inducted member of the military forces of 34342
the United States who was captured, separated, and incarcerated 34343
by an enemy of the United States at any time, and any regularly 34344
appointed, enrolled, or enlisted member of the military forces 34345
of Great Britain, France, Australia, Belgium, Brazil, Canada, 34346
China, Denmark, Greece, the Netherlands, New Zealand, Norway, 34347
Poland, South Africa, or the republics formerly associated with 34348
the Union of Soviet Socialist Republics or Yugoslavia who was a 34349
citizen of the United States at the time of the appointment, 34350
enrollment, or enlistment, and was captured, separated, and 34351
incarcerated by an enemy of this country during World War II. 34352

(Q) Any disabled veteran, congressional medal of honor 34353
awardee, or prisoner of war may apply to the chief for a 34354
certificate of registration, or for a renewal of the certificate 34355
of registration, without the payment of any fee required by this 34356
section. The application for a certificate of registration shall 34357
be accompanied by evidence of disability or by documentary 34358
evidence in support of a congressional medal of honor that the 34359
chief requires by rule. The application for a certificate of 34360
registration by any person who has been a prisoner of war shall 34361
be accompanied by written evidence in the form of a record of 34362
separation, a letter from one of the armed forces of a country 34363
listed in division (P) (2) of this section, or other evidence 34364
that the chief may require by rule, that the person was 34365
honorably discharged or is currently residing in this state on 34366

active duty with one of the branches of the armed forces of the 34367
United States, or was a prisoner of war and was honorably 34368
discharged or received an equivalent discharge or release from 34369
one of the armed forces of a country listed in division (P) (2) 34370
of this section. 34371

(R) Annually by the fifteenth day of January, the director 34372
of natural resources shall determine the amount of fees that 34373
would have been collected in the prior calendar year for each 34374
certificate of registration issued or renewed pursuant to 34375
division (Q) of this section and shall certify the total amount 34376
of foregone revenue to the director of budget and management for 34377
reimbursement. The director of budget and management shall 34378
transfer the amount certified from the general revenue fund to 34379
the waterways safety fund. 34380

Sec. 1548.06. (A) (1) Application for a certificate of 34381
title for a watercraft or outboard motor shall be made upon a 34382
form prescribed by the chief of the division of parks and 34383
watercraft and shall be sworn to before a notary public or other 34384
officer empowered to administer oaths. The application shall be 34385
filed with the clerk of any court of common pleas. An 34386
application for a certificate of title may be filed 34387
electronically by any electronic means approved by the chief in 34388
any county with the clerk of the court of common pleas of that 34389
county. The application shall be accompanied by the fee 34390
prescribed in section 1548.10 of the Revised Code. The fee shall 34391
be retained by the clerk who issues the certificate of title and 34392
shall be distributed in accordance with that section. If a clerk 34393
of a court of common pleas, other than the clerk of the court of 34394
common pleas of an applicant's county of residence, issues a 34395
certificate of title to the applicant, the clerk shall transmit 34396
data related to the transaction to the automated title 34397

processing system. 34398

(2) If a certificate of title previously has been issued 34399
for the watercraft or outboard motor, the application for a 34400
certificate of title also shall be accompanied by the 34401
certificate of title duly assigned unless otherwise provided in 34402
this chapter. If a certificate of title previously has not been 34403
issued for the watercraft or outboard motor in this state, the 34404
application, unless otherwise provided in this chapter, shall be 34405
accompanied by a manufacturer's or importer's certificate; by a 34406
sworn statement of ownership if the watercraft or outboard motor 34407
was purchased by the applicant on or before October 9, 1963, or 34408
if the watercraft is less than fourteen feet long with a 34409
permanently affixed mechanical means of propulsion and was 34410
purchased by the applicant on or before January 1, 2000; or by a 34411
certificate of title, bill of sale, or other evidence of 34412
ownership required by the law of another state from which the 34413
watercraft or outboard motor was brought into this state. 34414
Evidence of ownership of a watercraft or outboard motor for 34415
which an Ohio certificate of title previously has not been 34416
issued and which watercraft or outboard motor does not have 34417
permanently affixed to it a manufacturer's serial number shall 34418
be accompanied by the certificate of assignment of a hull 34419
identification number assigned by the chief as provided in 34420
section 1548.07 of the Revised Code. 34421

(3) The clerk shall retain the evidence of title presented 34422
by the applicant and on which the certificate of title is 34423
issued, except that, if an application for a certificate of 34424
title is filed electronically, by a vendor on behalf of a 34425
purchaser of a watercraft or outboard motor, the clerk shall 34426
retain the completed electronic record to which the vendor 34427
converted the certificate of title application and other 34428

required documents. The chief, after consultation with the 34429
attorney general, shall adopt rules that govern the location at 34430
which, and the manner in which, are stored the actual 34431
application and all other documents relating to the sale of a 34432
watercraft or outboard motor when a vendor files the application 34433
for a certificate of title electronically on behalf of a 34434
purchaser. 34435

(B) The clerk shall use reasonable diligence in 34436
ascertaining whether the facts in the application are true by 34437
checking the application and documents accompanying it or the 34438
electronic record to which a vendor converted the application 34439
and accompanying documents with the records of watercraft and 34440
outboard motors in the clerk's office. If the clerk is satisfied 34441
that the applicant is the owner of the watercraft or outboard 34442
motor and that the application is in the proper form, the clerk 34443
shall issue a physical certificate of title over the clerk's 34444
signature and sealed with the clerk's seal unless the applicant 34445
specifically requests the clerk not to issue a physical 34446
certificate of title and instead to issue an electronic 34447
certificate of title. However, if the evidence indicates and an 34448
investigation shows that one or more Ohio titles already exist 34449
for the watercraft or outboard motor, the chief may cause the 34450
redundant title or titles to be canceled. 34451

(C) In the case of the sale of a watercraft or outboard 34452
motor by a vendor to a general purchaser or user, the 34453
certificate of title shall be obtained in the name of the 34454
purchaser by the vendor upon application signed by the 34455
purchaser. In all other cases, the certificate shall be obtained 34456
by the purchaser. In all cases of transfer of watercraft or 34457
outboard motors, the application for certificate of title shall 34458
be filed within thirty days after the later of the date of 34459

purchase or assignment of ownership of the watercraft or 34460
outboard motor. If the application for certificate of title is 34461
not filed within thirty days after the later of the date of 34462
purchase or assignment of ownership of the watercraft or 34463
outboard motor, the clerk shall charge a late penalty fee of 34464
five dollars in addition to the fee prescribed by section 34465
1548.10 of the Revised Code. The clerk shall retain the entire 34466
amount of each late penalty fee. 34467

(D) The clerk shall refuse to accept an application for 34468
certificate of title unless the applicant either tenders with 34469
the application payment of all taxes levied by or pursuant to 34470
Chapter 5739. or 5741. of the Revised Code based on the 34471
applicant's county of residence less, in the case of a sale by a 34472
vendor, any discount to which the vendor is entitled under 34473
section 5739.12 of the Revised Code, or submits any of the 34474
following: 34475

(1) A receipt issued by the tax commissioner or a clerk of 34476
courts showing payment of the tax; 34477

(2) A copy of the unit certificate of exemption completed 34478
by the purchaser at the time of sale as provided in section 34479
5739.03 of the Revised Code; 34480

(3) An exemption certificate, in a form prescribed by the 34481
tax commissioner, that specifies why the purchase is not subject 34482
to the tax imposed by Chapter 5739. or 5741. of the Revised 34483
Code. 34484

Payment of the tax shall be in accordance with rules 34485
issued by the tax commissioner, and the clerk shall issue a 34486
receipt in the form prescribed by the tax commissioner to any 34487
applicant who tenders payment of the tax with the application 34488

for the certificate of title. 34489

(E) (1) For receiving and disbursing the taxes paid to the 34490
clerk by a resident of the clerk's county, the clerk may retain 34491
a poundage fee of one and one one-hundredth per cent of the 34492
taxes collected, which shall be paid into the certificate of 34493
title administration fund created by section 325.33 of the 34494
Revised Code. The clerk shall not retain a poundage fee from 34495
payments of taxes by persons who do not reside in the clerk's 34496
county. 34497

(2) A clerk, however, may retain from the taxes paid to 34498
the clerk an amount equal to the poundage fees associated with 34499
certificates of title issued by other clerks of courts of common 34500
pleas to applicants who reside in the first clerk's county. The 34501
chief of the division of parks and watercraft, in consultation 34502
with the tax commissioner and the clerks of the courts of common 34503
pleas, shall develop a report from the automated title 34504
processing system that informs each clerk of the amount of the 34505
poundage fees that the clerk is permitted to retain from those 34506
taxes because of certificates of title issued by the clerks of 34507
other counties to applicants who reside in the first clerk's 34508
county. 34509

(F) In the case of casual sales of watercraft or outboard 34510
motors that are subject to the tax imposed by Chapter 5739. or 34511
5741. of the Revised Code, the purchase price for the purpose of 34512
determining the tax shall be the purchase price on an affidavit 34513
executed and filed with the clerk by the vendor on a form to be 34514
prescribed by the chief, which shall be prima-facie evidence of 34515
the price for the determination of the tax. In addition to the 34516
information required by section 1548.08 of the Revised Code, 34517
each certificate of title shall contain in bold lettering the 34518

following notification and statements: "WARNING TO TRANSFEROR 34519
AND TRANSFEREE (SELLER AND BUYER). You are required by law to 34520
state the true selling price. A false statement is a violation 34521
of section 2921.13 of the Revised Code and is punishable by six 34522
months imprisonment or a fine of up to one thousand dollars, or 34523
both. All transfers are audited by the department of taxation. 34524
The seller and buyer must provide any information requested by 34525
the department of taxation. The buyer may be assessed any 34526
additional tax found to be due." 34527

(G) Each county clerk of courts shall forward to the ~~tax-~~ 34528
~~commissioner-registrar~~ of motor vehicles, in a manner prescribed 34529
by the tax commissioner, all sales and use tax collections 34530
resulting from sales of titled watercraft and outboard motors 34531
during a calendar week on or before the Friday following the 34532
close of that week. If, on any Friday, the offices of the clerk 34533
of courts or the state are not open for business, the tax shall 34534
be forwarded to the ~~commissioner-registrar~~ on or before the next 34535
day on which the offices are open. Every remittance of tax under 34536
this division shall be accompanied by a remittance report in 34537
such form as the commissioner, in consultation with the director 34538
of public safety, prescribes. If the tax due for any week is not 34539
remitted by a clerk of courts as required under this division, 34540
the clerk shall forfeit the poundage fees for the sales made 34541
during that week. The commissioner may require the clerks of 34542
courts to transmit tax collections and remittance reports 34543
electronically. 34544

(H) For purposes of a transfer of a certificate of title, 34545
if the clerk is satisfied that a secured party has discharged a 34546
lien but has not canceled the lien notation with a clerk, the 34547
clerk may cancel the lien notation on the automated title 34548
processing system and notify the clerk of the county of origin. 34549

(I) Every clerk shall have the capability to transact by 34550
electronic means all procedures and transactions relating to the 34551
issuance of watercraft or outboard motor certificates of title 34552
that are described in the Revised Code as being accomplished by 34553
electronic means. 34554

Sec. 1701.04. (A) Any person, singly or jointly with 34555
others, and without regard to residence, domicile, or state of 34556
incorporation, may form a corporation by signing and filing with 34557
the secretary of state articles of incorporation that shall set 34558
forth all of the following: 34559

(1) The name of the corporation, which shall be in 34560
compliance with division (A) of section 1701.05 of the Revised 34561
Code; 34562

(2) The place in this state where the principal office of 34563
the corporation is to be located; 34564

(3) The authorized number and the par value per share of 34565
shares with par value, and the authorized number of shares 34566
without par value, except that the articles of a banking, safe 34567
deposit, trust, or insurance corporation shall not authorize 34568
shares without par value; the express terms, if any, of the 34569
shares; and, if the shares are classified, the designation of 34570
each class, the authorized number and par value per share, if 34571
any, of the shares of each class, and the express terms of the 34572
shares of each class; 34573

(4) If the corporation is to have an initial stated 34574
capital, the amount of that stated capital. 34575

(B) The articles also may set forth any of the following: 34576

(1) The names of the individuals who are to serve as 34577
initial directors; 34578

(2) The purpose or purposes for which the corporation is 34579
formed, but in the absence of a statement of the purpose or 34580
purposes or except as expressly set forth in such statement, the 34581
purpose for which any corporation is formed is to engage in any 34582
lawful act or activity for which a corporation may be formed 34583
under this chapter, and all lawful acts and activities of the 34584
corporation are within the purposes of the corporation; 34585

(3) Any priority or other method for balancing the 34586
purposes for which the corporation is formed; 34587

(4) Any lawful provision for the purpose of defining, 34588
limiting, or regulating the exercise of the authority of the 34589
corporation, the incorporators, the directors, the officers, the 34590
shareholders, or the holders of any class of shares; 34591

(5) Any provision that may be set forth in the 34592
regulations; 34593

(6) A provision specifying the period of existence of the 34594
corporation if it is to be otherwise than perpetual; 34595

(7) A provision eliminating the right of every shareholder 34596
to vote cumulatively in the election of directors; 34597

(8) Any additional provision permitted by this chapter. 34598

(C) A written appointment of a statutory agent for the 34599
purposes set forth in section 1701.07 of the Revised Code shall 34600
be filed with the articles, unless the corporation belongs to 34601
one of the classes mentioned in division ~~(O)~~ (N) of that section. 34602

(D) The legal existence of the corporation begins upon the 34603
filing of the articles or on a later date specified in the 34604
articles that is not more than ninety days after filing, and, 34605
unless the articles otherwise provide, its period of existence 34606

shall be perpetual. 34607

Sec. 1701.07. (A) Every corporation shall have and 34608
maintain an agent, sometimes referred to as the "statutory 34609
agent," upon whom any process, notice, or demand required or 34610
permitted by statute to be served upon a corporation may be 34611
served. The agent shall be one of the following: 34612

(1) A natural person who is a resident of this state; 34613

(2) A domestic or foreign corporation, nonprofit 34614
corporation, limited liability company, partnership, limited 34615
partnership, limited liability partnership, limited partnership 34616
association, professional association, business trust, or 34617
unincorporated nonprofit association that has a business address 34618
in this state. If the agent is an entity other than a domestic 34619
corporation, the agent shall meet the requirements of Title XVII 34620
of the Revised Code for an entity of the agent's type to 34621
transact business or exercise privileges in this state. 34622

(B) The secretary of state shall not accept original 34623
articles for filing unless there is filed with the articles a 34624
written appointment of an agent that is signed by the 34625
incorporators of the corporation or a majority of them and a 34626
written acceptance of the appointment that is signed by the 34627
agent. In all other cases, the corporation shall appoint the 34628
agent and shall file in the office of the secretary of state a 34629
written appointment of the agent that is signed by any 34630
authorized officer of the corporation and a written acceptance 34631
of the appointment that is either the original acceptance signed 34632
by the agent or a photocopy, facsimile, or similar reproduction 34633
of the original acceptance signed by the agent. 34634

(C) (1) The written appointment of an agent shall set forth 34635

the name and address in this state of the agent, including the 34636
street and number of the agent's primary residence in this state 34637
or, if the agent is not a natural person, the agent's usual 34638
place of business in this state, and shall otherwise be in such 34639
form as the secretary of state prescribes. The secretary of 34640
state shall keep a record of the names of corporations, and the 34641
names and addresses of their respective agents. 34642

(2) As used in division (C)(1) of this section, "usual 34643
place of business" means a place in this state that is 34644
customarily open during normal business hours and where an 34645
individual is generally present who is authorized to perform the 34646
services of a registered agent, including accepting service of 34647
process and other notifications for the person serving as a 34648
statutory agent. "Usual place of business" does not include a 34649
post office box, regardless of whether that post office box has 34650
an associated street address. 34651

(D) If any agent dies, removes from the state, or resigns, 34652
the corporation shall forthwith appoint another agent and file 34653
with the secretary of state, on a form prescribed by the 34654
secretary of state, a written appointment of the agent. 34655

(E) If the agent changes the agent's address from that 34656
appearing upon the record in the office of the secretary of 34657
state, the corporation or the agent shall forthwith file with 34658
the secretary of state, on a form prescribed by the secretary of 34659
state, a written statement setting forth the new address. 34660

(F) An agent may resign by filing with the secretary of 34661
state, on a form prescribed by the secretary of state, a written 34662
notice to that effect that is signed by the agent and by sending 34663
a copy of the notice to the corporation at the current or last 34664
known address of its principal office on or prior to the date 34665

the notice is filed with the secretary of state. The notice 34666
shall set forth the name of the corporation, the name and 34667
current address of the agent, the current or last known address, 34668
including the street and number or other particular description, 34669
of the corporation's principal office, the resignation of the 34670
agent, and a statement that a copy of the notice has been sent 34671
to the corporation within the time and in the manner prescribed 34672
by this division. Upon the expiration of thirty days after the 34673
filing, the authority of the agent shall terminate. 34674

(G) A corporation may revoke the appointment of an agent 34675
by filing with the secretary of state, on a form prescribed by 34676
the secretary of state, a written appointment of another agent 34677
and a statement that the appointment of the former agent is 34678
revoked. 34679

(H) Any process, notice, or demand required or permitted 34680
by statute to be served upon a corporation may be served upon 34681
the corporation by delivering a copy of it to its agent, if a 34682
natural person, or by delivering a copy of it at the address of 34683
its agent in this state, as the address appears upon the record 34684
in the office of the secretary of state. If (1) the agent cannot 34685
be found, or (2) the agent no longer has that address, or (3) 34686
the corporation has failed to maintain an agent as required by 34687
this section, and if in any such case the party desiring that 34688
the process, notice, or demand be served, or the agent or 34689
representative of the party, shall have filed with the secretary 34690
of state an affidavit stating that one of the foregoing 34691
conditions exists and stating the most recent address of the 34692
corporation that the party after diligent search has been able 34693
to ascertain, then service of process, notice, or demand upon 34694
the secretary of state, as the agent of the corporation, may be 34695
initiated by delivering to the secretary of state or at the 34696

secretary of state's office quadruplicate copies of such 34697
process, notice, or demand and by paying to the secretary of 34698
state a fee of five dollars. The secretary of state shall 34699
forthwith give notice of the delivery to the corporation at its 34700
principal office as shown upon the record in the secretary of 34701
state's office and at any different address shown on its last 34702
franchise tax report filed in this state, or to the corporation 34703
at any different address set forth in the above mentioned 34704
affidavit, and shall forward to the corporation at said 34705
addresses, by certified mail, with request for return receipt, a 34706
copy of the process, notice, or demand; and thereupon service 34707
upon the corporation shall be deemed to have been made. 34708

(I) The secretary of state shall keep a record of each 34709
process, notice, and demand delivered to the secretary of state 34710
or at the secretary of state's office under this section or any 34711
other law of this state that authorizes service upon the 34712
secretary of state, and shall record the time of the delivery 34713
and the action thereafter with respect thereto. 34714

(J) This section does not limit or affect the right to 34715
serve any process, notice, or demand upon a corporation in any 34716
other manner permitted by law. 34717

(K) ~~Every corporation shall state in each annual report~~ 34718
~~filed by it with the department of taxation the name and address~~ 34719
~~of its statutory agent.~~ 34720

~~(L)~~ Except when an original appointment of an agent is 34721
filed with the original articles, a written appointment of an 34722
agent or a written statement filed by a corporation with the 34723
secretary of state shall be signed by any authorized officer of 34724
the corporation or by the incorporators of the corporation or a 34725
majority of them if no directors have been elected. 34726

~~(M)~~—(L) For filing a written appointment of an agent other 34727
than one filed with original articles, and for filing a 34728
statement of change of address of an agent, the secretary of 34729
state shall charge and collect the fee specified in division (R) 34730
of section 111.16 of the Revised Code. 34731

~~(N)~~—(M) Upon the failure of a corporation to appoint 34732
another agent or to file a statement of change of address of an 34733
agent, the secretary of state shall give notice thereof by 34734
ordinary or electronic mail to the corporation at the electronic 34735
mail address provided to the secretary of state, or at the 34736
address set forth in the notice of resignation or on the last 34737
franchise tax return filed in this state by the corporation. 34738
Unless the default is cured within thirty days after the mailing 34739
by the secretary of state of the notice or within any further 34740
period of time that the secretary of state grants, upon the 34741
expiration of that period of time from the date of the mailing, 34742
the articles of the corporation shall be canceled without 34743
further notice or action by the secretary of state. The 34744
secretary of state shall make a notation of the cancellation on 34745
the secretary of state's records. 34746

A corporation whose articles have been canceled may be 34747
reinstated by filing, within two years of the cancellation, on a 34748
form prescribed by the secretary of state, an application for 34749
reinstatement and the required appointment of agent or required 34750
statement, and by paying the filing fee specified in division 34751
(Q) of section 111.16 of the Revised Code. The rights, 34752
privileges, and franchises of a corporation whose articles have 34753
been reinstated are subject to section 1701.922 of the Revised 34754
Code. The secretary of state shall furnish the tax commissioner 34755
a monthly list of all corporations canceled and reinstated under 34756
this division. 34757

~~(O)~~—(N) This section does not apply to banks, trust 34758
companies, insurance companies, or any corporation defined under 34759
the laws of this state as a public utility for taxation 34760
purposes. 34761

Sec. 1703.041. (A) Every foreign corporation for profit 34762
that is licensed to transact business in this state, and every 34763
foreign nonprofit corporation that is licensed to exercise its 34764
privileges in this state, shall have and maintain an agent, 34765
sometimes referred to as the "designated agent," upon whom 34766
process against the corporation may be served within this state. 34767
The agent shall be one of the following: 34768

(1) A natural person who is a resident of this state; 34769

(2) A domestic or foreign corporation, nonprofit 34770
corporation, limited liability company, partnership, limited 34771
partnership, limited liability partnership, limited partnership 34772
association, professional association, business trust, or 34773
unincorporated nonprofit association that has a business address 34774
in this state. If the agent is an entity other than a domestic 34775
corporation, the agent shall meet the requirements of Title XVII 34776
of the Revised Code for an entity of the agent's type to 34777
transact business or exercise privileges in this state. 34778

(B) (1) The written appointment of a designated agent shall 34779
set forth the name and address of the agent, including the 34780
street and number of the agent's primary residence in this state 34781
or, if the agent is not a natural person, the agent's usual 34782
place of business in this state, and shall otherwise be in such 34783
form as the secretary of state prescribes. The secretary of 34784
state shall keep a record of the names of such foreign 34785
corporations and the names and addresses of their respective 34786
agents. 34787

(2) As used in division (B)(1) of this section, "usual place of business" means a place in this state that is customarily open during normal business hours and where an individual is generally present who is authorized to perform the services of a registered agent, including accepting service of process and other notifications for the person serving as a statutory agent. "Usual place of business" does not include a post office box, regardless of whether that post office box has an associated street address.

(C) If the designated agent dies, removes from the state, or resigns, the foreign corporation shall forthwith appoint another agent and file in the office of the secretary of state, on a form prescribed by the secretary of state, a written appointment of the new agent.

(D) If the designated agent changes the agent's address from that appearing upon the record in the office of the secretary of state, the foreign corporation or the designated agent in its behalf shall forthwith file with the secretary of state, on a form prescribed by the secretary of state, a written statement setting forth the agent's new address.

(E) A designated agent may resign by filing with the secretary of state, on a form prescribed by the secretary of state, a signed statement to that effect. The secretary of state shall forthwith mail a copy of the statement to the foreign corporation at its principal office as shown by the record in the secretary of state's office. Upon the expiration of sixty days after the filing, the authority of the agent shall terminate.

(F) A foreign corporation may revoke the appointment of a designated agent by filing with the secretary of state, on a

form prescribed by the secretary of state, a written appointment 34818
of another agent and a statement that the appointment of the 34819
former agent is revoked. 34820

(G) Process may be served upon a foreign corporation by 34821
delivering a copy of it to its designated agent, if a natural 34822
person, or by delivering a copy of it at the address of its 34823
agent in this state, as the address appears upon the record in 34824
the office of the secretary of state. 34825

(H) This section does not limit or affect the right to 34826
serve process upon a foreign corporation in any other manner 34827
permitted by law. 34828

~~(I) Every foreign corporation for profit shall state in 34829~~
~~each annual report filed by it with the department of taxation 34830~~
~~the name and address of its designated agent in this state. 34831~~

Sec. 1707.01. As used in this chapter: 34832

(A) Whenever the context requires it, "division" or 34833
"division of securities" may be read as "director of commerce" 34834
or as "commissioner of securities." 34835

(B) "Security" means any certificate or instrument, or any 34836
oral, written, or electronic agreement, understanding, or 34837
opportunity, that represents title to or interest in, or is 34838
secured by any lien or charge upon, the capital, assets, 34839
profits, property, or credit of any person or of any public or 34840
governmental body, subdivision, or agency. It includes shares of 34841
stock, certificates for shares of stock, an uncertificated 34842
security, membership interests in limited liability companies, 34843
voting-trust certificates, warrants and options to purchase 34844
securities, subscription rights, interim receipts, interim 34845
certificates, promissory notes, all forms of commercial paper, 34846

evidences of indebtedness, bonds, debentures, land trust 34847
certificates, fee certificates, leasehold certificates, 34848
syndicate certificates, endowment certificates, interests in or 34849
under profit-sharing or participation agreements, interests in 34850
or under oil, gas, or mining leases, preorganization or 34851
reorganization subscriptions, preorganization certificates, 34852
reorganization certificates, interests in any trust or pretended 34853
trust, any investment contract, any life settlement interest, 34854
any instrument evidencing a promise or an agreement to pay 34855
money, warehouse receipts for intoxicating liquor, and the 34856
currency of any government other than those of the United States 34857
and Canada, but sections 1707.01 to 1707.50 of the Revised Code 34858
do not apply to the sale of real estate. 34859

(C) (1) "Sale" has the full meaning of "sale" as applied by 34860
or accepted in courts of law or equity, and includes every 34861
disposition, or attempt to dispose, of a security or of an 34862
interest in a security. "Sale" also includes a contract to sell, 34863
an exchange, an attempt to sell, an option of sale, a 34864
solicitation of a sale, a solicitation of an offer to buy, a 34865
subscription, or an offer to sell, directly or indirectly, by 34866
agent, circular, pamphlet, advertisement, or otherwise. 34867

(2) "Sell" means any act by which a sale is made. 34868

(3) The use of advertisements, circulars, or pamphlets in 34869
connection with the sale of securities in this state exclusively 34870
to the purchasers specified in division (D) of section 1707.03 34871
of the Revised Code is not a sale when the advertisements, 34872
circulars, and pamphlets describing and offering those 34873
securities bear a readily legible legend in substance as 34874
follows: "This offer is made on behalf of dealers licensed under 34875
sections 1707.01 to 1707.50 of the Revised Code, and is confined 34876

in this state exclusively to institutional investors and 34877
licensed dealers." 34878

(4) The offering of securities by any person in 34879
conjunction with a licensed dealer by use of advertisement, 34880
circular, or pamphlet is not a sale if that person does not 34881
otherwise attempt to sell securities in this state. 34882

(5) Any security given with, or as a bonus on account of, 34883
any purchase of securities is conclusively presumed to 34884
constitute a part of the subject of that purchase and has been 34885
"sold." 34886

(6) "Sale" by an owner, pledgee, or mortgagee, or by a 34887
person acting in a representative capacity, includes sale on 34888
behalf of such party by an agent, including a licensed dealer or 34889
salesperson. 34890

(D) "Person," except as otherwise provided in this 34891
chapter, means a natural person, firm, partnership, limited 34892
partnership, partnership association, syndicate, joint-stock 34893
company, unincorporated association, trust or trustee except 34894
where the trust was created or the trustee designated by law or 34895
judicial authority or by a will, and a corporation or limited 34896
liability company organized under the laws of any state, any 34897
foreign government, or any political subdivision of a state or 34898
foreign government. 34899

(E) (1) "Dealer," except as otherwise provided in this 34900
chapter, means every person, other than a salesperson, who 34901
engages or professes to engage, in this state, for either all or 34902
part of the person's time, directly or indirectly, either in the 34903
business of the sale of securities for the person's own account, 34904
or in the business of the purchase or sale of securities for the 34905

account of others in the reasonable expectation of receiving a 34906
commission, fee, or other remuneration as a result of engaging 34907
in the purchase and sale of securities. "Dealer" does not mean 34908
any of the following: 34909

(a) Any issuer, including any officer, director, employee, 34910
or trustee of, or member or manager of, or partner in, or any 34911
general partner of, any issuer, that sells, offers for sale, or 34912
does any act in furtherance of the sale of a security that 34913
represents an economic interest in that issuer, provided no 34914
commission, fee, or other similar remuneration is paid to or 34915
received by the issuer for the sale; 34916

(b) Any licensed attorney, public accountant, or firm of 34917
such attorneys or accountants, whose activities are incidental 34918
to the practice of the attorney's, accountant's, or firm's 34919
profession; 34920

(c) Any person that, for the account of others, engages in 34921
the purchase or sale of securities that are issued and 34922
outstanding before such purchase and sale, if a majority or more 34923
of the equity interest of an issuer is sold in that transaction, 34924
and if, in the case of a corporation, the securities sold in 34925
that transaction represent a majority or more of the voting 34926
power of the corporation in the election of directors; 34927

(d) Any person that brings an issuer together with a 34928
potential investor and whose compensation is not directly or 34929
indirectly based on the sale of any securities by the issuer to 34930
the investor; 34931

(e) Any bank; 34932

(f) Any person that the division of securities by rule 34933
exempts from the definition of "dealer" under division (E)(1) of 34934

this section. 34935

(2) "Licensed dealer" means a dealer licensed under this 34936
chapter. 34937

(F) (1) "Salesman" or "salesperson" means every natural 34938
person, other than a dealer, who is employed, authorized, or 34939
appointed by a dealer to sell securities within this state. 34940

(2) The general partners of a partnership, and the 34941
executive officers of a corporation or unincorporated 34942
association, licensed as a dealer are not salespersons within 34943
the meaning of this definition, nor are clerical or other 34944
employees of an issuer or dealer that are employed for work to 34945
which the sale of securities is secondary and incidental; but 34946
the division of securities may require a license from any such 34947
partner, executive officer, or employee if it determines that 34948
protection of the public necessitates the licensing. 34949

(3) "Licensed salesperson" means a salesperson licensed 34950
under this chapter. 34951

(G) "Issuer" means every person who has issued, proposes 34952
to issue, or issues any security. 34953

(H) "Director" means each director or trustee of a 34954
corporation, each trustee of a trust, each general partner of a 34955
partnership, except a partnership association, each manager of a 34956
partnership association, and any person vested with managerial 34957
or directory power over an issuer not having a board of 34958
directors or trustees. 34959

(I) "Incorporator" means any incorporator of a corporation 34960
and any organizer of, or any person participating, other than in 34961
a representative or professional capacity, in the organization 34962
of an unincorporated issuer. 34963

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser.

(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation.

(L) (1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade names, licenses, franchises, any other assets treated as intangible according to generally accepted accounting principles, and securities, accounts receivable, or contract rights having no readily determinable value.

(2) "Tangible property" means all property other than intangible property and includes securities, accounts receivable, and contract rights, when the securities, accounts receivable, or contract rights have a readily determinable value.

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised

Code; in the case of a foreign corporation, it means those 34994
utilities defined as public utilities by the laws of its 34995
domicile; and in the case of any other foreign issuer, it means 34996
those utilities defined as public utilities by the laws of the 34997
situs of its principal place of business. The term always 34998
includes railroads whether or not they are so defined as public 34999
utilities. 35000

(N) "State" means any state of the United States, any 35001
territory or possession of the United States, the District of 35002
Columbia, and any province of Canada. 35003

(O) "Bank" means any bank, trust company, savings and loan 35004
association, savings bank, or credit union that is incorporated 35005
or organized under the laws of the United States, any state of 35006
the United States, Canada, or any province of Canada and that is 35007
subject to regulation or supervision by that country, state, or 35008
province. 35009

(P) "Include," when used in a definition, does not exclude 35010
other things or persons otherwise within the meaning of the term 35011
defined. 35012

(Q) (1) "Registration by description" means that the 35013
requirements of section 1707.08 of the Revised Code have been 35014
complied with. 35015

(2) "Registration by qualification" means that the 35016
requirements of sections 1707.09 and 1707.11 of the Revised Code 35017
have been complied with. 35018

(3) "Registration by coordination" means that there has 35019
been compliance with section 1707.091 of the Revised Code. 35020
Reference in this chapter to registration by qualification also 35021
includes registration by coordination unless the context 35022

otherwise indicates. 35023

(R) "Intoxicating liquor" includes all liquids and 35024
compounds that contain more than three and two-tenths per cent 35025
of alcohol by weight and are fit for use for beverage purposes. 35026

(S) "Institutional investor" means any of the following, 35027
whether acting for itself or for others in a fiduciary capacity: 35028

(1) A bank or international banking institution; 35029

(2) An insurance company; 35030

(3) A separate account of an insurance company; 35031

(4) An investment company as defined in the "Investment 35032
Company Act of 1940," 15 U.S.C. 80a-3; 35033

(5) A broker-dealer registered under the "Securities 35034
Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by 35035
the division of securities as a dealer; 35036

(6) An employee pension, profit-sharing, or benefit plan 35037
if the plan has total assets in excess of ten million dollars or 35038
its investment decisions are made by a named fiduciary, as 35039
defined in the "Employee Retirement Income Security Act of 35040
1974," 29 U.S.C. 1001, that is one of the following: 35041

(a) A broker-dealer registered under the "Securities 35042
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35043

(b) An investment adviser registered or exempt from 35044
registration under the "Investment Advisers Act of 1940," 15 35045
U.S.C. 80b-3; 35046

(c) An investment adviser registered under this chapter, a 35047
bank, or an insurance company. 35048

(7) A plan established and maintained by a state, a 35049

political subdivision of a state, or an agency or 35050
instrumentality of a state or a political subdivision of a state 35051
for the benefit of its employees, if the plan has total assets 35052
in excess of ten million dollars or its investment decisions are 35053
made by a duly designated public official or by a named 35054
fiduciary, as defined in the "Employee Retirement Income 35055
Security Act of 1974," 29 U.S.C. 1001, that is one of the 35056
following: 35057

(a) A broker-dealer registered under the "Securities 35058
Exchange Act of 1934," 15 U.S.C. 78o, as amended; 35059

(b) An investment adviser registered or exempt from 35060
registration under the "Investment Advisers Act of 1940," 15 35061
U.S.C. 80b-3; 35062

(c) An investment adviser registered under this chapter, a 35063
bank, or an insurance company. 35064

(8) A trust, if it has total assets in excess of ten 35065
million dollars, its trustee is a bank, and its participants are 35066
exclusively plans of the types identified in division (S) (6) or 35067
(7) of this section, regardless of the size of their assets, 35068
except a trust that includes as participants self-directed 35069
individual retirement accounts or similar self-directed plans; 35070

(9) An organization described in section 501(c) (3) of the 35071
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 35072
corporation, Massachusetts trust or similar business trust, 35073
limited liability company, or partnership, not formed for the 35074
specific purpose of acquiring the securities offered, with total 35075
assets in excess of ten million dollars; 35076

(10) A small business investment company licensed by the 35077
small business administration under section 301(c) of the "Small 35078

Business Investment Act of 1958," 15 U.S.C. 681(c), with total 35079
assets in excess of ten million dollars; 35080

(11) A private business development company as defined in 35081
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 35082
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 35083
dollars; 35084

(12) A federal covered investment adviser acting for its 35085
own account; 35086

(13) A "qualified institutional buyer" as defined in 17 35087
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 35088

(14) A "major U.S. institutional investor" as defined in 35089
17 C.F.R. 240.15a-6(b)(4)(i); 35090

(15) Any other person, other than an individual, of 35091
institutional character with total assets in excess of ten 35092
million dollars not organized for the specific purpose of 35093
evading this chapter; 35094

(16) Any other person specified by rule adopted or order 35095
issued under this chapter. 35096

(T) A reference to a statute of the United States or to a 35097
rule, regulation, or form promulgated by the securities and 35098
exchange commission or by another federal agency means the 35099
statute, rule, regulation, or form as it exists at the time of 35100
the act, omission, event, or transaction to which it is applied 35101
under this chapter. 35102

(U) "Securities and exchange commission" means the 35103
securities and exchange commission established by the Securities 35104
Exchange Act of 1934. 35105

(V) (1) "Control bid" means the purchase of or offer to 35106

purchase any equity security of a subject company from a 35107
resident of this state if either of the following applies: 35108

(a) After the purchase of that security, the offeror would 35109
be directly or indirectly the beneficial owner of more than ten 35110
per cent of any class of the issued and outstanding equity 35111
securities of the issuer. 35112

(b) The offeror is the subject company, there is a pending 35113
control bid by a person other than the issuer, and the number of 35114
the issued and outstanding shares of the subject company would 35115
be reduced by more than ten per cent. 35116

(2) For purposes of division (V) (1) of this section, 35117
"control bid" does not include any of the following: 35118

(a) A bid made by a dealer for the dealer's own account in 35119
the ordinary course of business of buying and selling 35120
securities; 35121

(b) An offer to acquire any equity security solely in 35122
exchange for any other security, or the acquisition of any 35123
equity security pursuant to an offer, for the sole account of 35124
the offeror, in good faith and not for the purpose of avoiding 35125
the provisions of this chapter, and not involving any public 35126
offering of the other security within the meaning of Section 4 35127
of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 35128
U.S.C.A. 77d(2), as amended; 35129

(c) Any other offer to acquire any equity security, or the 35130
acquisition of any equity security pursuant to an offer, for the 35131
sole account of the offeror, from not more than fifty persons, 35132
in good faith and not for the purpose of avoiding the provisions 35133
of this chapter. 35134

(W) "Offeror" means a person who makes, or in any way 35135

participates or aids in making, a control bid and includes 35136
persons acting jointly or in concert, or who intend to exercise 35137
jointly or in concert any voting rights attached to the 35138
securities for which the control bid is made and also includes 35139
any subject company making a control bid for its own securities. 35140

(X) (1) "Investment adviser" means any person who, for 35141
compensation, engages in the business of advising others, either 35142
directly or through publications or writings, as to the value of 35143
securities or as to the advisability of investing in, 35144
purchasing, or selling securities, or who, for compensation and 35145
as a part of regular business, issues or promulgates analyses or 35146
reports concerning securities. 35147

(2) "Investment adviser" does not mean any of the 35148
following: 35149

(a) Any attorney, accountant, engineer, or teacher, whose 35150
performance of investment advisory services described in 35151
division (X) (1) of this section is solely incidental to the 35152
practice of the attorney's, accountant's, engineer's, or 35153
teacher's profession; 35154

(b) A publisher of any bona fide newspaper, news magazine, 35155
or business or financial publication of general and regular 35156
circulation; 35157

(c) A person who acts solely as an investment adviser 35158
representative; 35159

(d) A bank holding company, ~~as defined in the "Bank~~ 35160
~~Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841,~~ that 35161
is not an investment company; 35162

(e) A bank, or any receiver, conservator, or other 35163
liquidating agent of a bank; 35164

(f) Any licensed dealer or licensed salesperson whose 35165
performance of investment advisory services described in 35166
division (X)(1) of this section is solely incidental to the 35167
conduct of the dealer's or salesperson's business as a licensed 35168
dealer or licensed salesperson and who receives no special 35169
compensation for the services; 35170

(g) Any person, the advice, analyses, or reports of which 35171
do not relate to securities other than securities that are 35172
direct obligations of, or obligations guaranteed as to principal 35173
or interest by, the United States, or securities issued or 35174
guaranteed by corporations in which the United States has a 35175
direct or indirect interest, and that have been designated by 35176
the secretary of the treasury as exempt securities as defined in 35177
the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 35178
78c; 35179

(h) Any person that is excluded from the definition of 35180
investment adviser pursuant to section 202(a)(11)(A) to (E) of 35181
the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), 35182
or that has received an order from the securities and exchange 35183
commission under section 202(a)(11)(F) of the "Investment 35184
Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that 35185
the person is not within the intent of section 202(a)(11) of the 35186
Investment Advisers Act of 1940. 35187

(i) A person who acts solely as a state retirement system 35188
investment officer or as a bureau of workers' compensation chief 35189
investment officer; 35190

(j) Any other person that the division designates by rule, 35191
if the division finds that the designation is necessary or 35192
appropriate in the public interest or for the protection of 35193
investors or clients and consistent with the purposes fairly 35194

intended by the policy and provisions of this chapter. 35195

(Y) (1) "Subject company" means an issuer that satisfies 35196
both of the following: 35197

(a) Its principal place of business or its principal 35198
executive office is located in this state, or it owns or 35199
controls assets located within this state that have a fair 35200
market value of at least one million dollars. 35201

(b) More than ten per cent of its beneficial or record 35202
equity security holders are resident in this state, more than 35203
ten per cent of its equity securities are owned beneficially or 35204
of record by residents in this state, or more than one thousand 35205
of its beneficial or record equity security holders are resident 35206
in this state. 35207

(2) The division of securities may adopt rules to 35208
establish more specific application of the provisions set forth 35209
in division (Y) (1) of this section. Notwithstanding the 35210
provisions set forth in division (Y) (1) of this section and any 35211
rules adopted under this division, the division, by rule or in 35212
an adjudicatory proceeding, may make a determination that an 35213
issuer does not constitute a "subject company" under division 35214
(Y) (1) of this section if appropriate review of control bids 35215
involving the issuer is to be made by any regulatory authority 35216
of another jurisdiction. 35217

(Z) "Beneficial owner" includes any person who directly or 35218
indirectly through any contract, arrangement, understanding, or 35219
relationship has or shares, or otherwise has or shares, the 35220
power to vote or direct the voting of a security or the power to 35221
dispose of, or direct the disposition of, the security. 35222
"Beneficial ownership" includes the right, exercisable within 35223

sixty days, to acquire any security through the exercise of any 35224
option, warrant, or right, the conversion of any convertible 35225
security, or otherwise. Any security subject to any such option, 35226
warrant, right, or conversion privilege held by any person shall 35227
be deemed to be outstanding for the purpose of computing the 35228
percentage of outstanding securities of the class owned by that 35229
person, but shall not be deemed to be outstanding for the 35230
purpose of computing the percentage of the class owned by any 35231
other person. A person shall be deemed the beneficial owner of 35232
any security beneficially owned by any relative or spouse or 35233
relative of the spouse residing in the home of that person, any 35234
trust or estate in which that person owns ten per cent or more 35235
of the total beneficial interest or serves as trustee or 35236
executor, any corporation or entity in which that person owns 35237
ten per cent or more of the equity, and any affiliate or 35238
associate of that person. 35239

(AA) "Offeree" means the beneficial or record owner of any 35240
security that an offeror acquires or offers to acquire in 35241
connection with a control bid. 35242

(BB) "Equity security" means any share or similar 35243
security, or any security convertible into any such security, or 35244
carrying any warrant or right to subscribe to or purchase any 35245
such security, or any such warrant or right, or any other 35246
security that, for the protection of security holders, is 35247
treated as an equity security pursuant to rules of the division 35248
of securities. 35249

(CC) (1) "Investment adviser representative" means a 35250
supervised person of an investment adviser, provided that the 35251
supervised person has more than five clients who are natural 35252
persons other than excepted persons defined in division (EE) of 35253

this section, and that more than ten per cent of the supervised 35254
person's clients are natural persons other than excepted persons 35255
defined in division (EE) of this section. "Investment adviser 35256
representative" does not mean any of the following: 35257

(a) A supervised person that does not on a regular basis 35258
solicit, meet with, or otherwise communicate with clients of the 35259
investment adviser; 35260

(b) A supervised person that provides only investment 35261
advisory services described in division (X)(1) of this section 35262
by means of written materials or oral statements that do not 35263
purport to meet the objectives or needs of specific individuals 35264
or accounts; 35265

(c) Any other person that the division designates by rule, 35266
if the division finds that the designation is necessary or 35267
appropriate in the public interest or for the protection of 35268
investors or clients and is consistent with the provisions 35269
fairly intended by the policy and provisions of this chapter. 35270

(2) For the purpose of the calculation of clients in 35271
division (CC)(1) of this section, a natural person and the 35272
following persons are deemed a single client: Any minor child of 35273
the natural person; any relative, spouse, or relative of the 35274
spouse of the natural person who has the same principal 35275
residence as the natural person; all accounts of which the 35276
natural person or the persons referred to in division (CC)(2) of 35277
this section are the only primary beneficiaries; and all trusts 35278
of which the natural person or persons referred to in division 35279
(CC)(2) of this section are the only primary beneficiaries. 35280
Persons who are not residents of the United States need not be 35281
included in the calculation of clients under division (CC)(1) of 35282
this section. 35283

(3) If subsequent to March 18, 1999, amendments are 35284
enacted or adopted defining "investment adviser representative" 35285
for purposes of the Investment Advisers Act of 1940 or 35286
additional rules or regulations are promulgated by the 35287
securities and exchange commission regarding the definition of 35288
"investment adviser representative" for purposes of the 35289
Investment Advisers Act of 1940, the division of securities 35290
shall, by rule, adopt the substance of the amendments, rules, or 35291
regulations, unless the division finds that the amendments, 35292
rules, or regulations are not necessary for the protection of 35293
investors or in the public interest. 35294

(DD) "Supervised person" means a natural person who is any 35295
of the following: 35296

(1) A partner, officer, or director of an investment 35297
adviser, or other person occupying a similar status or 35298
performing similar functions with respect to an investment 35299
adviser; 35300

(2) An employee of an investment adviser; 35301

(3) A person who provides investment advisory services 35302
described in division (X) (1) of this section on behalf of the 35303
investment adviser and is subject to the supervision and control 35304
of the investment adviser. 35305

(EE) "Excepted person" means a natural person to whom any 35306
of the following applies: 35307

(1) Immediately after entering into the investment 35308
advisory contract with the investment adviser, the person has at 35309
least seven hundred fifty thousand dollars under the management 35310
of the investment adviser. 35311

(2) The investment adviser reasonably believes either of 35312

the following at the time the investment advisory contract is 35313
entered into with the person: 35314

(a) The person has a net worth, together with assets held 35315
jointly with a spouse, of more than one million five hundred 35316
thousand dollars. 35317

(b) The person is a qualified purchaser as defined in 35318
division (FF) of this section. 35319

(3) Immediately prior to entering into an investment 35320
advisory contract with the investment adviser, the person is 35321
either of the following: 35322

(a) An executive officer, director, trustee, general 35323
partner, or person serving in a similar capacity, of the 35324
investment adviser; 35325

(b) An employee of the investment adviser, other than an 35326
employee performing solely clerical, secretarial, or 35327
administrative functions or duties for the investment adviser, 35328
which employee, in connection with the employee's regular 35329
functions or duties, participates in the investment activities 35330
of the investment adviser, provided that, for at least twelve 35331
months, the employee has been performing such nonclerical, 35332
nonsecretarial, or nonadministrative functions or duties for or 35333
on behalf of the investment adviser or performing substantially 35334
similar functions or duties for or on behalf of another company. 35335

If subsequent to March 18, 1999, amendments are enacted or 35336
adopted defining "excepted person" for purposes of the 35337
Investment Advisers Act of 1940 or additional rules or 35338
regulations are promulgated by the securities and exchange 35339
commission regarding the definition of "excepted person" for 35340
purposes of the Investment Advisers Act of 1940, the division of 35341

securities shall, by rule, adopt the substance of the 35342
amendments, rules, or regulations, unless the division finds 35343
that the amendments, rules, or regulations are not necessary for 35344
the protection of investors or in the public interest. 35345

(FF) (1) "Qualified purchaser" means either of the 35346
following: 35347

(a) A natural person who owns not less than five million 35348
dollars in investments as defined by rule by the division of 35349
securities; 35350

(b) A natural person, acting for the person's own account 35351
or accounts of other qualified purchasers, who in the aggregate 35352
owns and invests on a discretionary basis, not less than twenty- 35353
five million dollars in investments as defined by rule by the 35354
division of securities. 35355

(2) If subsequent to March 18, 1999, amendments are 35356
enacted or adopted defining "qualified purchaser" for purposes 35357
of the Investment Advisers Act of 1940 or additional rules or 35358
regulations are promulgated by the securities and exchange 35359
commission regarding the definition of "qualified purchaser" for 35360
purposes of the Investment Advisers Act of 1940, the division of 35361
securities shall, by rule, adopt the amendments, rules, or 35362
regulations, unless the division finds that the amendments, 35363
rules, or regulations are not necessary for the protection of 35364
investors or in the public interest. 35365

(GG) (1) "Purchase" has the full meaning of "purchase" as 35366
applied by or accepted in courts of law or equity and includes 35367
every acquisition of, or attempt to acquire, a security or an 35368
interest in a security. "Purchase" also includes a contract to 35369
purchase, an exchange, an attempt to purchase, an option to 35370

purchase, a solicitation of a purchase, a solicitation of an 35371
offer to sell, a subscription, or an offer to purchase, directly 35372
or indirectly, by agent, circular, pamphlet, advertisement, or 35373
otherwise. 35374

(2) "Purchase" means any act by which a purchase is made. 35375

(3) Any security given with, or as a bonus on account of, 35376
any purchase of securities is conclusively presumed to 35377
constitute a part of the subject of that purchase. 35378

(HH) "Life settlement interest" means the entire interest 35379
or any fractional interest in an insurance policy or certificate 35380
of insurance, or in an insurance benefit under such a policy or 35381
certificate, that is the subject of a life settlement contract. 35382

For purposes of this division, "life settlement contract" 35383
means an agreement for the purchase, sale, assignment, transfer, 35384
devise, or bequest of any portion of the death benefit or 35385
ownership of any life insurance policy or contract, in return 35386
for consideration or any other thing of value that is less than 35387
the expected death benefit of the life insurance policy or 35388
contract. "Life settlement contract" includes a viatical 35389
settlement contract as defined in section 3916.01 of the Revised 35390
Code, but does not include any of the following: 35391

(1) A loan by an insurer under the terms of a life 35392
insurance policy, including, but not limited to, a loan secured 35393
by the cash value of the policy; 35394

(2) An agreement with a bank that takes an assignment of a 35395
life insurance policy as collateral for a loan; 35396

(3) The provision of accelerated benefits as defined in 35397
section 3915.21 of the Revised Code; 35398

(4) Any agreement between an insurer and a reinsurer;	35399
(5) An agreement by an individual to purchase an existing	35400
life insurance policy or contract from the original owner of the	35401
policy or contract, if the individual does not enter into more	35402
than one life settlement contract per calendar year;	35403
(6) The initial purchase of an insurance policy or	35404
certificate of insurance from its owner by a viatical settlement	35405
provider, as defined in section 3916.01 of the Revised Code,	35406
that is licensed under Chapter 3916. of the Revised Code.	35407
(II) "State retirement system" means the public employees	35408
retirement system, Ohio police and fire pension fund, state	35409
teachers retirement system, school employees retirement system,	35410
and state highway patrol retirement system.	35411
(JJ) "State retirement system investment officer" means an	35412
individual employed by a state retirement system as a chief	35413
investment officer, assistant investment officer, or the person	35414
in charge of a class of assets or in a position that is	35415
substantially equivalent to chief investment officer, assistant	35416
investment officer, or person in charge of a class of assets.	35417
(KK) "Bureau of workers' compensation chief investment	35418
officer" means an individual employed by the administrator of	35419
workers' compensation as a chief investment officer or in a	35420
position that is substantially equivalent to a chief investment	35421
officer.	35422
(LL) <u>"Bank holding company" has the same meaning as in the</u>	35423
<u>"Bank Holding Company Act of 1956," 12 U.S.C. 1841.</u>	35424
(MM) <u>"Savings and loan holding company" has the same</u>	35425
<u>meaning as in 12 U.S.C. 1467a.</u>	35426

Sec. 1707.14. (A) No person shall act as a dealer, unless 35427
the person is licensed as a dealer by the division of 35428
securities, except when at least one of the following cases 35429
applies: 35430

(1) When the person is transacting business through or 35431
with a licensed dealer; 35432

(2) When the securities are the subject matter of one or 35433
more transactions enumerated in divisions (B) to (L), (O) to 35434
(R), and (U) to (Y) of section 1707.03, or in section 1707.06 of 35435
the Revised Code, except when a commission, discount, or other 35436
remuneration is paid or given in consideration with transactions 35437
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 35438
1707.03, or in section 1707.06 of the Revised Code; 35439

~~(3)~~(3)(a) When the person is an issuer selling securities 35440
issued by it or by its subsidiary, if such securities are 35441
specified under division (G) or (I) of section 1707.02, or under 35442
section 1707.04 of the Revised Code; 35443

(b) As used in division (A) (3) of this section, "person" 35444
includes a bank holding company and a savings and loan holding 35445
company. 35446

(4) When the person is participating in transactions 35447
exempt, under section 1707.34 of the Revised Code, from this 35448
chapter; 35449

(5) When the person has no place of business in this 35450
state, is registered with the securities and exchange 35451
commission, and the only transactions effected in this state are 35452
with institutional investors. 35453

(B) Each dealer that in any twelve-month or shorter 35454
period, alone or with any other dealer with which it is 35455

affiliated, has total revenues of one hundred fifty thousand 35456
dollars or more derived from the business of buying, selling, or 35457
otherwise dealing in securities, and that at any time during 35458
such period has one hundred or more retail securities customers, 35459
shall be registered as a broker or dealer with the securities 35460
and exchange commission under the Securities Exchange Act of 35461
1934, except the following entities: 35462

(1) A bank; 35463

(2) A dealer that enters into and is in compliance with an 35464
undertaking accepted by the division, in which the dealer agrees 35465
that it will not engage in any transaction involving the buying, 35466
selling, or otherwise dealing in securities with any natural 35467
person in this state, except for transactions involving either 35468
of the following: 35469

(a) Securities of corporations or associations that have 35470
qualified for treatment as nonprofit organizations pursuant to 35471
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 35472
Stat. 2085, 26 U.S.C.A. 501, as amended; 35473

(b) Securities or transactions that are described in 35474
divisions (A) (1) to (4) of this section. 35475

(C) Every dealer that must be registered as a broker or 35476
dealer with the securities and exchange commission pursuant to 35477
division (B) of this section shall become so registered no later 35478
than ninety days after the date on which the dealer meets the 35479
requirements for such registration. 35480

(D) The division by rule may exempt any dealer from 35481
complying with the licensing or registration requirements of 35482
this section, if the division finds that such licensing or 35483
registration is not necessary for the protection of investors or 35484

in the public interest. 35485

(E) As used in division (B) of this section, "retail securities customer" means a person that purchases from or through or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer: 35486 35487 35488 35489 35490 35491

(1) A husband and wife; 35492

(2) A minor child and the minor child's parent or legal guardian; 35493 35494

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust. 35495 35496

Sec. 1707.47. (A) As used in this section and section 1707.471 of the Revised Code: 35497 35498

(1) "Claimant" means a person that files an application for restitution assistance on behalf of a victim. 35499 35500

(2) "Final order" means a final administrative order issued by the division of securities or a final court order in a civil or criminal proceeding initiated by the division. 35501 35502 35503

(3) "Victim" means a purchaser identified in a final order that has suffered a pecuniary loss as the result of a violation of this chapter or any rules adopted thereunder, or, in the case of a deceased purchaser so identified, the purchaser's surviving spouse or dependent children. 35504 35505 35506 35507 35508

(B) There is hereby created in the state treasury the Ohio investor recovery fund, which shall consist of all cash transfers from the division of securities fund, created in section 1707.37 of the Revised Code, ~~not to exceed an aggregate~~ 35509 35510 35511 35512

~~total of two million five hundred thousand dollars in any fiscal~~ 35513
~~year.~~ Money in the Ohio investor recovery fund shall be used for 35514
the purposes identified in division (C) of this section. 35515

(C) The division shall use the Ohio investor recovery fund 35516
only to pay awards of restitution assistance and any expenses 35517
incurred in administering this section. 35518

(D) (1) If the Ohio investor recovery fund is reduced below 35519
two hundred fifty thousand dollars due to payment in full of 35520
restitution assistance awards that become final during a month, 35521
the division shall suspend payment of further claims that become 35522
final during that month and the following two months. 35523

(2) At the end of the suspension period described in 35524
division (D) (1) of this section, the division shall pay the 35525
suspended claims. If the Ohio investor recovery fund would be 35526
exhausted by payment in full of the suspended claims, the amount 35527
paid to each claimant shall be prorated according to the amount 35528
remaining in the Ohio investor recovery fund at the end of the 35529
suspension period. 35530

(E) The state shall not be liable for a determination made 35531
by the division under this section except to the extent that 35532
money is available in the Ohio investor recovery fund on the 35533
date the award is calculated. 35534

(F) The following victims are eligible for restitution 35535
assistance: 35536

(1) A natural person who is a resident of this state; 35537

(2) A person, other than a natural person, that is 35538
domiciled in Ohio. 35539

(G) The division shall not award restitution assistance as 35540

follows: 35541

(1) To more than one claimant per victim; 35542

(2) To a claimant on behalf of a victim that has received 35543
the full amount of restitution owed from the person ordered to 35544
pay restitution to the victim in the final order before the 35545
application for restitution assistance from the fund is filed; 35546

(3) To a claimant if the final order identifies no 35547
pecuniary loss to the victim on whose behalf the application is 35548
made; 35549

(4) To a claimant on behalf of a victim that assisted in 35550
the commission of the violation of this chapter; 35551

(5) If the portion of the final order giving rise to a 35552
restitution order or otherwise establishing a pecuniary loss to 35553
the victim is overturned on appeal. 35554

(H) If, after the division has made a restitution 35555
assistance award from the Ohio investor recovery fund under this 35556
section, the restitution award in the final order is overturned 35557
on appeal and all legal remedies have been exhausted, then the 35558
claimant shall forfeit the restitution assistance award. 35559

Sec. 1711.30. Before issuing bonds under section 1711.28 35560
of the Revised Code, the board of county commissioners, by 35561
resolution, shall submit to the qualified electors of the county 35562
at the next general election for county officers, held not less 35563
than ninety days after receiving from the county agricultural 35564
society the notice provided for in section 1711.25 of the 35565
Revised Code, the question of issuing and selling such bonds in 35566
such amount and denomination as are necessary for the purpose in 35567
view, and shall certify a copy of such resolution to the county 35568
board of elections. 35569

The county board of elections shall place the question of 35570
issuing and selling such bonds upon the ballot and make all 35571
other necessary arrangements for the submission, at the time 35572
fixed by such resolution, of such question to such electors. The 35573
votes cast at such election upon such question must be counted, 35574
canvassed, and certified in the same manner, except as provided 35575
by law, as votes cast for county officers. Fifteen days' notice 35576
of such submission shall be given by the county board of 35577
elections, by publication once a week for two consecutive weeks 35578
in a newspaper of general circulation in the county or as 35579
provided in section 7.16 of the Revised Code, stating the amount 35580
of bonds to be issued, the purpose for which they are to be 35581
issued, and the time and places of holding such election. If the 35582
resolution proposes the levy of a tax under section 1711.29 of 35583
the Revised Code, the notice shall include the rate of the tax 35584
in both mills for each one dollar of taxable value and in 35585
dollars for each one hundred thousand dollars of ~~the county~~ 35586
~~auditor's appraised market~~ value. 35587

The question must be stated on the ballot as follows: "For 35588
the issue of county fair bonds, yes"; "For the issue of county 35589
fair bonds, no." 35590

If the resolution proposes the levy of a tax under section 35591
1711.29 of the Revised Code, the question appearing on the 35592
ballot shall include the rate of the tax in both mills for each 35593
one dollar of taxable value and in dollars for each one hundred 35594
thousand dollars of ~~the county auditor's appraised market~~ value. 35595

If the majority of those voting upon the question of 35596
issuing the bonds vote in favor thereof, then and only then 35597
shall they be issued and the tax provided for in section 1711.29 35598
of the Revised Code be levied. 35599

As used in this section, "~~the county auditor's appraised~~
market value" has the same meaning as in section 5705.01 of the
Revised Code.

Sec. 1713.03. The chancellor of higher education shall
establish standards for certificates of authorization to be
issued to institutions as defined in section 1713.01 of the
Revised Code, to private institutions exempt from regulation
under Chapter 3332. of the Revised Code as prescribed in section
3333.046 of the Revised Code, and to schools holding
certificates of registration issued by the state board of career
colleges and schools pursuant to division (C) of section 3332.05
of the Revised Code. A certificate of authorization may permit
an institution or school to award one or more types of degrees.

The standards for a certificate of authorization may
include, for various types of institutions, schools, or degrees,
minimum qualifications for faculty, library, laboratories, and
other facilities as adopted and published by the chancellor. The
standards shall be adopted by the chancellor pursuant to Chapter
119. of the Revised Code.

An institution or school shall apply to the chancellor for
a certificate of authorization on forms containing such
information as is prescribed by the chancellor. Each institution
or school with a certificate of authorization shall file an
annual report with the chancellor in such form and containing
such information as the chancellor prescribes. The annual report
shall include disclosure of any contract entered with an online
program manager, as described in section 1713.032 of the Revised
Code.

The chancellor shall adopt a rule under Chapter 119. of
the Revised Code establishing fees to pay the cost of reviewing

an application for a certificate of authorization, which the 35630
institution or school shall pay when it applies for a 35631
certificate of authorization, and establishing fees, which an 35632
institution or school shall pay, for any further reviews the 35633
chancellor determines necessary upon examining an institution's 35634
or school's annual report. 35635

Sec. 1713.032. (A) As used in this section: 35636

(1) "Online program manager" means an entity that is not 35637
an institution of higher education as defined under "The Higher 35638
Education Act of 1965," 20 U.S.C. 1001, that enters into an 35639
agreement with a private institution of higher education to 35640
provide marketing and recruitment services and at least one 35641
additional service, including course design, technology, or 35642
faculty training, to support an online degree program. 35643

(2) "Private institution of higher education" means a 35644
private institution of higher education with a certificate of 35645
authorization, or seeking authorization, from the chancellor of 35646
higher education under Chapter 1713. of Revised Code. 35647

(B) If a private institution of higher education enters a 35648
contract with an online program manager, the institution shall 35649
ensure the contract is in compliance with relevant program 35650
standards and requirements. 35651

(C) A private institution of higher education that enters 35652
into a contract with an online program manager shall post on 35653
each online degree program web site it maintains that it 35654
utilizes an online program manager for services. The institution 35655
shall require the online program manager to identify itself when 35656
providing services to students. 35657

(D) A contract between a private institution of higher 35658

education and an online program manager is not a public record 35659
for purposes of section 149.43 of the Revised Code. 35660

(E) A private institution of higher education shall not 35661
permit an online program manager to control, make decisions 35662
regarding, administer, or disburse student financial aid. 35663

Sec. 1713.033. Each institution or school with a 35664
certificate of authorization issued under this chapter annually 35665
shall certify to the chancellor of higher education, on a date 35666
and in the form and manner determined by the chancellor, a plan 35667
to preserve student records indefinitely if the institution or 35668
school was to cease operations. The plan shall include the 35669
designation and signed confirmation of an official custodian of 35670
student records. If the chancellor determines it necessary, the 35671
chancellor may require an institution or school to produce an 35672
executed agreement with the designated custodian of student 35673
records, paid in full, to ensure the institution's or school's 35674
plan can be implemented. 35675

The chancellor may consult with the higher learning 35676
commission, the state board of career colleges and schools, and 35677
other appropriate entities to establish plans, processes, and 35678
procedures for institutions and schools to provide indefinite 35679
access to student records. 35680

Sec. 1713.041. (A) Each institution or school authorized 35681
to offer courses or degrees under a certificate of authorization 35682
annually shall provide to the chancellor of higher education all 35683
of the following: 35684

(1) Verification of current accreditation status and a 35685
copy of the most recent institutional report from the 35686
institution's accrediting organization; 35687

(2) A plan to preserve student records indefinitely in the 35688
event of closure of the institution or discontinuation of 35689
service. The plan shall include a method by which students and 35690
alumni of the institution may retrieve student records by 35691
request. The plan also shall include a designation and signed 35692
confirmation of an official custodian of student records. 35693
Student records preserved under the plan shall include, but not 35694
be limited to: 35695

(a) Academic transcripts; 35696

(b) Financial aid documents; 35697

(c) International student forms; 35698

(d) Tax information. 35699

(3) The following program information: 35700

(a) A list of current degree programs offered by the 35701
institution in this state; 35702

(b) The results of any external degree program evaluations 35703
conducted in the last year; 35704

(c) A list of any degree programs that have been 35705
eliminated in the last year; 35706

(4) The latest financial statement for the most recent 35707
fiscal year compiled and audited by an independent certified 35708
public accountant, including any management letters provided by 35709
the independent auditor; 35710

(5) Any other information requested by the chancellor. 35711

(B) If an institution or school fails to submit the 35712
information required under division (A) of this section or if 35713
the chancellor finds that the information submitted under that 35714

division is insufficient, the chancellor may suspend, withdraw, 35715
or revoke an institution or school's institutional authorization 35716
or a program's authorization. 35717

(C) Each institution or school shall immediately notify 35718
the chancellor if the institution or school does any of the 35719
following: 35720

(1) Receives notice from the federal government or an 35721
institutional accrediting organization that the institution or 35722
school is subject to heightened reporting standards or special 35723
monitoring status, such as the United States department of 35724
education's heightened cash monitoring process; 35725

(2) Receives preliminary or final accreditation findings; 35726

(3) Becomes the subject of an investigation by a 35727
government agency related to the institution's academic quality, 35728
financial stability, or student consumer protection; 35729

(4) Fails to make any payments to applicable retirement 35730
systems; 35731

(5) Fails to make any scheduled payroll payments; 35732

(6) Fails to make any payments to vendors when due as a 35733
result of a cash deficiency or a substantial deficiency in the 35734
payment processing system of the institution; 35735

(7) Fails to make any scheduled payment of principal or 35736
interest for short- or long-term debt; 35737

(8) Makes budget revisions resulting in a substantially 35738
reduced ending fund balance or larger deficit; 35739

(9) Becomes aware of significant negative variance between 35740
the most recently adopted annual budget and actual revenues or 35741

expenses as projected at the end of the fiscal year. 35742

Sec. 1901.123. (A) (1) ~~Subject to reimbursement under~~ 35743
~~division (B) of this section, the~~ The treasurer of the county in 35744
which a county-operated municipal court or other municipal court 35745
is located shall pay the per diem compensation to which an 35746
acting judge appointed pursuant to division (A) (2) (a), (B) (1), 35747
or (C) (1) of section 1901.121 of the Revised Code is entitled 35748
pursuant to division (A) (1) of section 1901.122 of the Revised 35749
Code. 35750

(2) The treasurer of the county in which a county-operated 35751
municipal court or other municipal court is located shall pay 35752
the per diem compensation to which an assigned judge assigned 35753
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 35754
of section 1901.121 of the Revised Code is entitled pursuant to 35755
division (B) (1) or (4) of section 1901.122 of the Revised Code. 35756

(3) Subject to reimbursement under division (B) of this 35757
section, the treasurer of the county in which a county-operated 35758
municipal court or other municipal court is located shall pay 35759
the per diem compensation to which an assigned judge assigned 35760
pursuant to division (A) (1), (A) (2) (b), (B) (2), (C) (2), or (D) 35761
of section 1901.121 of the Revised Code is entitled pursuant to 35762
division (B) (2) of section 1901.122 of the Revised Code. 35763

(4) Subject to reimbursement under division (C) of this 35764
section, the supreme court shall pay the per diem compensation 35765
to which an assigned judge assigned pursuant to division (A) (1), 35766
(A) (2) (b), (B) (2), (C) (2), or (D) of section 1901.121 of the 35767
Revised Code is entitled pursuant to division (B) (3) of section 35768
1901.122 of the Revised Code. 35769

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 35770

(3) of this section, is required to pay the per diem 35771
compensation to which an ~~acting judge or~~ assigned judge is 35772
entitled, shall submit to the administrative director of the 35773
supreme court quarterly requests for reimbursements of the state 35774
portion of the per diem amounts so paid. The requests shall 35775
include verifications of the payment of those amounts and an 35776
affidavit from the ~~acting judge or~~ assigned judge stating the 35777
days and hours worked. The administrative director shall cause 35778
reimbursements of the state portion of the per diem amounts paid 35779
to be issued to the county if the administrative director 35780
verifies that those amounts were, in fact, so paid. If the 35781
county fails to submit a request within one year after the per 35782
diem compensation was paid, the administrative director shall 35783
refuse to cause reimbursement to be issued. 35784

(C) If the supreme court, pursuant to division (A) (4) of 35785
this section, is required to pay the per diem compensation to 35786
which an assigned judge is entitled, annually, on the first day 35787
of August, the administrative director of the supreme court 35788
shall issue a billing to the county treasurer of any county to 35789
which such a judge was assigned to a municipal court for 35790
reimbursement of the county or local portion of the per diem 35791
compensation previously paid by the supreme court for the 35792
twelve-month period preceding the last day of June. The county 35793
or local portion of the per diem compensation shall be that part 35794
of each per diem paid by the state which is proportional to the 35795
county or local shares of the total compensation of a resident 35796
judge of such court. The county treasurer shall forward the 35797
payment within thirty days. After forwarding the payment, the 35798
county treasurer shall seek reimbursement from the applicable 35799
local municipalities as appropriate. 35800

Sec. 1901.26. (A) Subject to division (E) of this section, 35801

costs in a municipal court shall be fixed and taxed as follows: 35802

(1) (a) The municipal court shall require an advance 35803
deposit for the filing of any new civil action or proceeding 35804
when required by division (C) of this section, subject to its 35805
waiver pursuant to that division, and in all other cases, by 35806
rule, shall establish a schedule of fees and costs to be taxed 35807
in any civil or criminal action or proceeding. 35808

(b) (i) The legislative authority of a municipal 35809
corporation may by ordinance establish a schedule of fees to be 35810
taxed as costs in any civil, criminal, or traffic action or 35811
proceeding in a municipal court for the performance by officers 35812
or other employees of the municipal corporation's police 35813
department or marshal's office of any of the services specified 35814
in sections 311.17 and 509.15 of the Revised Code. No fee in the 35815
schedule shall be higher than the fee specified in section 35816
311.17 of the Revised Code for the performance of the same 35817
service by the sheriff. If a fee established in the schedule 35818
conflicts with a fee for the same service established in another 35819
section of the Revised Code or a rule of court, the fee 35820
established in the other section of the Revised Code or the rule 35821
of court shall apply. 35822

(ii) When an officer or employee of a municipal police 35823
department or marshal's office performs in a civil, criminal, or 35824
traffic action or proceeding in a municipal court a service 35825
specified in section 311.17 or 509.15 of the Revised Code for 35826
which a taxable fee has been established under this or any other 35827
section of the Revised Code, the applicable legal fees and any 35828
other extraordinary expenses, including overtime, provided for 35829
the service shall be taxed as costs in the case. The clerk of 35830
the court shall pay those legal fees and other expenses, when 35831

collected, into the general fund of the municipal corporation 35832
that employs the officer or employee. 35833

(iii) If a bailiff of a municipal court performs in a 35834
civil, criminal, or traffic action or proceeding in that court a 35835
service specified in section 311.17 or 509.15 of the Revised 35836
Code for which a taxable fee has been established under this 35837
section or any other section of the Revised Code, the fee for 35838
the service is the same and is taxable to the same extent as if 35839
the service had been performed by an officer or employee of the 35840
police department or marshal's office of the municipal 35841
corporation in which the court is located. The clerk of that 35842
court shall pay the fee, when collected, into the general fund 35843
of the entity or entities that fund the bailiff's salary, in the 35844
same prorated amount as the salary is funded. 35845

(iv) Division (A) (1) (b) of this section does not authorize 35846
or require any officer or employee of a police department or 35847
marshal's office of a municipal corporation or any bailiff of a 35848
municipal court to perform any service not otherwise authorized 35849
by law. 35850

(2) The municipal court, by rule, may require an advance 35851
deposit for the filing of any civil action or proceeding and 35852
publication fees as provided in section 2701.09 of the Revised 35853
Code. The court shall waive the requirement for advance deposit 35854
for a party that the court determines qualifies as an indigent 35855
litigant as set forth in section 2323.311 of the Revised Code. 35856

(3) When a jury trial is demanded in any civil action or 35857
proceeding, the party making the demand may be required to make 35858
an advance deposit as fixed by rule of court, unless the court 35859
determines that the party qualifies as an indigent litigant as 35860
set forth in section 2323.311 of the Revised Code. If a jury is 35861

called, the fees of a jury shall be taxed as costs. 35862

(4) In any civil or criminal action or proceeding, each 35863
witness shall receive twelve dollars for each full day's 35864
attendance and six dollars for each half day's attendance. Each 35865
witness in a municipal court that is not a county-operated 35866
municipal court also shall receive fifty and one-half cents for 35867
each mile necessarily traveled to and from the witness's place 35868
of residence to the action or proceeding. 35869

(5) A reasonable charge for driving, towing, carting, 35870
storing, keeping, and preserving motor vehicles and other 35871
personal property recovered or seized in any proceeding may be 35872
taxed as part of the costs in a trial of the cause, in an amount 35873
that shall be fixed by rule of court. 35874

(6) Chattel property seized under any writ or process 35875
issued by the court shall be preserved pending final disposition 35876
for the benefit of all persons interested and may be placed in 35877
storage when necessary or proper for that preservation. The 35878
custodian of any chattel property so stored shall not be 35879
required to part with the possession of the property until a 35880
reasonable charge, to be fixed by the court, is paid. 35881

(7) The municipal court, as it determines, may refund all 35882
deposits and advance payments of fees and costs, including those 35883
for jurors and summoning jurors, when they have been paid by the 35884
losing party. 35885

(8) Charges for the publication of legal notices required 35886
by statute or order of court may be taxed as part of the costs, 35887
as provided by section 7.13 of the Revised Code. 35888

(B) (1) (a) The municipal court may determine that, for the 35889
efficient operation of the court, additional funds are necessary 35890

to acquire and pay for special projects of the court including, 35891
but not limited to, the acquisition of additional facilities or 35892
the rehabilitation of existing facilities, the acquisition of 35893
equipment, the hiring and training of staff, community service 35894
programs, mediation or dispute resolution services, the 35895
employment of magistrates, the training and education of judges, 35896
acting judges, and magistrates, and other related services. Upon 35897
that determination, the court by rule may charge a fee, in 35898
addition to all other court costs, on the filing of each 35899
criminal cause, civil action or proceeding, or judgment by 35900
confession. Fees collected by a court for special projects of 35901
the court under this division shall not be used for training or 35902
education that takes place outside of the state. 35903

(b) If the municipal court offers a special program or 35904
service in cases of a specific type, the municipal court by rule 35905
may assess an additional charge in a case of that type, over and 35906
above court costs, to cover the special program or service. The 35907
municipal court shall adjust the special assessment 35908
periodically, but not retroactively, so that the amount assessed 35909
in those cases does not exceed the actual cost of providing the 35910
service or program. 35911

(c) Any fee or charge assessed under division (B) (1) (a) or 35912
(b) of this section on the filing of a civil action or 35913
proceeding shall be waived if the court determines that the 35914
person on whom the fee or charge is assessed qualifies as an 35915
indigent litigant as set forth in section 2323.311 of the 35916
Revised Code. 35917

(d) All moneys collected under division (B) of this 35918
section shall be paid to the county treasurer if the court is a 35919
county-operated municipal court or to the city treasurer if the 35920

court is not a county-operated municipal court for deposit into 35921
either a general special projects fund or a fund established for 35922
a specific special project. Moneys from a fund of that nature 35923
shall be disbursed upon an order of the court in an amount no 35924
greater than the actual cost to the court of a project. If a 35925
specific fund is terminated because of the discontinuance of a 35926
program or service established under division (B) of this 35927
section, the municipal court may order that moneys remaining in 35928
the fund be transferred to an account established under this 35929
division for a similar purpose. 35930

(2) As used in division (B) of this section: 35931

(a) "Criminal cause" means a charge alleging the violation 35932
of a statute or ordinance, or subsection of a statute or 35933
ordinance, that requires a separate finding of fact or a 35934
separate plea before disposition and of which the defendant may 35935
be found guilty, whether filed as part of a multiple charge on a 35936
single summons, citation, or complaint or as a separate charge 35937
on a single summons, citation, or complaint. "Criminal cause" 35938
does not include separate violations of the same statute or 35939
ordinance, or subsection of the same statute or ordinance, 35940
unless each charge is filed on a separate summons, citation, or 35941
complaint. 35942

(b) "Civil action or proceeding" means any civil 35943
litigation that must be determined by judgment entry. 35944

(C) The municipal court shall collect in all its divisions 35945
except the small claims division the sum of twenty-six dollars 35946
as additional filing fees in each new civil action or proceeding 35947
for the charitable public purpose of providing financial 35948
assistance to legal aid societies that operate within the state 35949
and to support the office of the state public defender. The 35950

municipal court shall collect in its small claims division the 35951
sum of eleven dollars as additional filing fees in each new 35952
civil action or proceeding for the charitable public purpose of 35953
providing financial assistance to legal aid societies that 35954
operate within the state and to support the office of the state 35955
public defender. This division does not apply to any execution 35956
on a judgment, proceeding in aid of execution, or other post- 35957
judgment proceeding arising out of a civil action. The filing 35958
fees required to be collected under this division shall be in 35959
addition to any other court costs imposed in the action or 35960
proceeding and shall be collected at the time of the filing of 35961
the action or proceeding. The court shall not waive the payment 35962
of the additional filing fees in a new civil action or 35963
proceeding unless the court waives the advanced payment of all 35964
filing fees in the action or proceeding for the party that the 35965
court determines is qualified as an indigent litigant as set 35966
forth in section 2323.311 of the Revised Code. All such moneys 35967
collected during a month except for an amount equal to up to one 35968
per cent of those moneys retained to cover administrative costs 35969
shall be transmitted on or before the twentieth day of the 35970
following month by the clerk of the court to the treasurer of 35971
state in a manner prescribed by the treasurer of state or by the 35972
Ohio access to justice foundation. The treasurer of state shall 35973
deposit four per cent of the funds collected under this division 35974
to the credit of the civil case filing fee fund established 35975
under section 120.07 of the Revised Code and ninety-six per cent 35976
of the funds collected under this division to the credit of the 35977
legal aid fund established under section 120.52 of the Revised 35978
Code. 35979

The court may retain up to one per cent of the moneys it 35980
collects under this division to cover administrative costs, 35981

including the hiring of any additional personnel necessary to 35982
implement this division. If the court fails to transmit to the 35983
treasurer of state the moneys the court collects under this 35984
division in a manner prescribed by the treasurer of state or by 35985
the Ohio access to justice foundation, the court shall forfeit 35986
the moneys the court retains under this division to cover 35987
administrative costs, including the hiring of any additional 35988
personnel necessary to implement this division, and shall 35989
transmit to the treasurer of state all moneys collected under 35990
this division, including the forfeited amount retained for 35991
administrative costs, for deposit in the legal aid fund. 35992

(D) In the Cleveland municipal court, reasonable charges 35993
for investigating titles of real estate to be sold or disposed 35994
of under any writ or process of the court may be taxed as part 35995
of the costs. 35996

(E) Under the circumstances described in sections 2969.21 35997
to 2969.27 of the Revised Code, the clerk of the municipal court 35998
shall charge the fees and perform the other duties specified in 35999
those sections. 36000

(F) As used in this section: 36001

(1) "Full day's attendance" means a day on which a witness 36002
is required or requested to be present at an action or 36003
proceeding before and after twelve noon, regardless of whether 36004
the witness actually testifies. 36005

(2) "Half day's attendance" means a day on which a witness 36006
is required or requested to be present at an action or 36007
proceeding either before or after twelve noon, but not both, 36008
regardless of whether the witness actually testifies. 36009

Sec. 1901.31. The clerk and deputy clerks of a municipal 36010

court shall be selected, be compensated, give bond, and have 36011
powers and duties as follows: 36012

(A) There shall be a clerk of the court who is appointed 36013
or elected as follows: 36014

(1) (a) Except in the Akron, Barberton, Toledo, Columbiana 36015
county, Hamilton county, Miami county, Montgomery county, 36016
Portage county, and Wayne county municipal courts and through 36017
December 31, 2008, the Cuyahoga Falls municipal court, if the 36018
population of the territory equals or exceeds one hundred 36019
thousand at the regular municipal election immediately preceding 36020
the expiration of the term of the present clerk, the clerk shall 36021
be nominated and elected by the qualified electors of the 36022
territory in the manner that is provided for the nomination and 36023
election of judges in section 1901.07 of the Revised Code. 36024

The clerk so elected shall hold office for a term of six 36025
years, which term shall commence on the first day of January 36026
following the clerk's election and continue until the clerk's 36027
successor is elected and qualified. 36028

(b) In the Hamilton county municipal court, the clerk of 36029
courts of Hamilton county shall be the clerk of the municipal 36030
court and may appoint an assistant clerk who shall receive the 36031
compensation, payable out of the treasury of Hamilton county in 36032
semimonthly installments, that the board of county commissioners 36033
prescribes. The clerk of courts of Hamilton county, acting as 36034
the clerk of the Hamilton county municipal court and assuming 36035
the duties of that office, shall receive compensation at one- 36036
fourth the rate that is prescribed for the clerks of courts of 36037
common pleas as determined in accordance with the population of 36038
the county and the rates set forth in sections 325.08 and 325.18 36039
of the Revised Code. This compensation shall be paid from the 36040

county treasury in semimonthly installments and is in addition 36041
to the annual compensation that is received for the performance 36042
of the duties of the clerk of courts of Hamilton county, as 36043
provided in sections 325.08 and 325.18 of the Revised Code. 36044

(c) In the Portage county and Wayne county municipal 36045
courts, the clerks of courts of Portage county and Wayne county 36046
shall be the clerks, respectively, of the Portage county and 36047
Wayne county municipal courts and may appoint a chief deputy 36048
clerk for each branch that is established pursuant to section 36049
1901.311 of the Revised Code and assistant clerks as the judges 36050
of the municipal court determine are necessary, all of whom 36051
shall receive the compensation that the legislative authority 36052
prescribes. The clerks of courts of Portage county and Wayne 36053
county, acting as the clerks of the Portage county and Wayne 36054
county municipal courts and assuming the duties of these 36055
offices, shall receive compensation payable from the county 36056
treasury in semimonthly installments at one-fourth the rate that 36057
is prescribed for the clerks of courts of common pleas as 36058
determined in accordance with the population of the county and 36059
the rates set forth in sections 325.08 and 325.18 of the Revised 36060
Code. 36061

(d) In the Montgomery county and Miami county municipal 36062
courts, the clerks of courts of Montgomery county and Miami 36063
county shall be the clerks, respectively, of the Montgomery 36064
county and Miami county municipal courts. The clerks of courts 36065
of Montgomery county and Miami county, acting as the clerks of 36066
the Montgomery county and Miami county municipal courts and 36067
assuming the duties of these offices, shall receive compensation 36068
at one-fourth the rate that is prescribed for the clerks of 36069
courts of common pleas as determined in accordance with the 36070
population of the county and the rates set forth in sections 36071

325.08 and 325.18 of the Revised Code. This compensation shall 36072
be paid from the county treasury in semimonthly installments and 36073
is in addition to the annual compensation that is received for 36074
the performance of the duties of the clerks of courts of 36075
Montgomery county and Miami county, as provided in sections 36076
325.08 and 325.18 of the Revised Code. 36077

(e) Except as otherwise provided in division (A) (1) (e) of 36078
this section, in the Akron municipal court, candidates for 36079
election to the office of clerk of the court shall be nominated 36080
by primary election. The primary election shall be held on the 36081
day specified in the charter of the city of Akron for the 36082
nomination of municipal officers. Notwithstanding any contrary 36083
provision of section 3513.05 or 3513.257 of the Revised Code, 36084
the declarations of candidacy and petitions of partisan 36085
candidates and the nominating petitions of independent 36086
candidates for the office of clerk of the Akron municipal court 36087
shall be signed by at least fifty qualified electors of the 36088
territory of the court. 36089

The candidates shall file a declaration of candidacy and 36090
petition, or a nominating petition, whichever is applicable, not 36091
later than four p.m. of the ninetieth day before the day of the 36092
primary election, in the form prescribed by section 3513.07 or 36093
3513.261 of the Revised Code. The declaration of candidacy and 36094
petition, or the nominating petition, shall conform to the 36095
applicable requirements of section 3513.05 or 3513.257 of the 36096
Revised Code. 36097

If no valid declaration of candidacy and petition is filed 36098
by any person for nomination as a candidate of a particular 36099
political party for election to the office of clerk of the Akron 36100
municipal court, a primary election shall not be held for the 36101

purpose of nominating a candidate of that party for election to 36102
that office. If only one person files a valid declaration of 36103
candidacy and petition for nomination as a candidate of a 36104
particular political party for election to that office, a 36105
primary election shall not be held for the purpose of nominating 36106
a candidate of that party for election to that office, and the 36107
candidate shall be issued a certificate of nomination in the 36108
manner set forth in section 3513.02 of the Revised Code. 36109

Declarations of candidacy and petitions, nominating 36110
petitions, and certificates of nomination for the office of 36111
clerk of the Akron municipal court shall contain a designation 36112
of the term for which the candidate seeks election. At the 36113
following regular municipal election, all candidates for the 36114
office shall be submitted to the qualified electors of the 36115
territory of the court in the manner that is provided in section 36116
1901.07 of the Revised Code for the election of the judges of 36117
the court. The clerk so elected shall hold office for a term of 36118
six years, which term shall commence on the first day of January 36119
following the clerk's election and continue until the clerk's 36120
successor is elected and qualified. 36121

(f) Except as otherwise provided in division (A) (1) (f) of 36122
this section, in the Barberton municipal court, candidates for 36123
election to the office of clerk of the court shall be nominated 36124
by primary election. The primary election shall be held on the 36125
day specified in the charter of the city of Barberton for the 36126
nomination of municipal officers. Notwithstanding any contrary 36127
provision of section 3513.05 or 3513.257 of the Revised Code, 36128
the declarations of candidacy and petitions of partisan 36129
candidates and the nominating petitions of independent 36130
candidates for the office of clerk of the Barberton municipal 36131
court shall be signed by at least fifty qualified electors of 36132

the territory of the court. 36133

The candidates shall file a declaration of candidacy and 36134
petition, or a nominating petition, whichever is applicable, not 36135
later than four p.m. of the ninetieth day before the day of the 36136
primary election, in the form prescribed by section 3513.07 or 36137
3513.261 of the Revised Code. The declaration of candidacy and 36138
petition, or the nominating petition, shall conform to the 36139
applicable requirements of section 3513.05 or 3513.257 of the 36140
Revised Code. 36141

If no valid declaration of candidacy and petition is filed 36142
by any person for nomination as a candidate of a particular 36143
political party for election to the office of clerk of the 36144
Barberton municipal court, a primary election shall not be held 36145
for the purpose of nominating a candidate of that party for 36146
election to that office. If only one person files a valid 36147
declaration of candidacy and petition for nomination as a 36148
candidate of a particular political party for election to that 36149
office, a primary election shall not be held for the purpose of 36150
nominating a candidate of that party for election to that 36151
office, and the candidate shall be issued a certificate of 36152
nomination in the manner set forth in section 3513.02 of the 36153
Revised Code. 36154

Declarations of candidacy and petitions, nominating 36155
petitions, and certificates of nomination for the office of 36156
clerk of the Barberton municipal court shall contain a 36157
designation of the term for which the candidate seeks election. 36158
At the following regular municipal election, all candidates for 36159
the office shall be submitted to the qualified electors of the 36160
territory of the court in the manner that is provided in section 36161
1901.07 of the Revised Code for the election of the judges of 36162

the court. The clerk so elected shall hold office for a term of 36163
six years, which term shall commence on the first day of January 36164
following the clerk's election and continue until the clerk's 36165
successor is elected and qualified. 36166

(g) (i) Through December 31, 2008, except as otherwise 36167
provided in division (A) (1) (g) (i) of this section, in the 36168
Cuyahoga Falls municipal court, candidates for election to the 36169
office of clerk of the court shall be nominated by primary 36170
election. The primary election shall be held on the day 36171
specified in the charter of the city of Cuyahoga Falls for the 36172
nomination of municipal officers. Notwithstanding any contrary 36173
provision of section 3513.05 or 3513.257 of the Revised Code, 36174
the declarations of candidacy and petitions of partisan 36175
candidates and the nominating petitions of independent 36176
candidates for the office of clerk of the Cuyahoga Falls 36177
municipal court shall be signed by at least fifty qualified 36178
electors of the territory of the court. 36179

The candidates shall file a declaration of candidacy and 36180
petition, or a nominating petition, whichever is applicable, not 36181
later than four p.m. of the ninetieth day before the day of the 36182
primary election, in the form prescribed by section 3513.07 or 36183
3513.261 of the Revised Code. The declaration of candidacy and 36184
petition, or the nominating petition, shall conform to the 36185
applicable requirements of section 3513.05 or 3513.257 of the 36186
Revised Code. 36187

If no valid declaration of candidacy and petition is filed 36188
by any person for nomination as a candidate of a particular 36189
political party for election to the office of clerk of the 36190
Cuyahoga Falls municipal court, a primary election shall not be 36191
held for the purpose of nominating a candidate of that party for 36192

election to that office. If only one person files a valid 36193
declaration of candidacy and petition for nomination as a 36194
candidate of a particular political party for election to that 36195
office, a primary election shall not be held for the purpose of 36196
nominating a candidate of that party for election to that 36197
office, and the candidate shall be issued a certificate of 36198
nomination in the manner set forth in section 3513.02 of the 36199
Revised Code. 36200

Declarations of candidacy and petitions, nominating 36201
petitions, and certificates of nomination for the office of 36202
clerk of the Cuyahoga Falls municipal court shall contain a 36203
designation of the term for which the candidate seeks election. 36204
At the following regular municipal election, all candidates for 36205
the office shall be submitted to the qualified electors of the 36206
territory of the court in the manner that is provided in section 36207
1901.07 of the Revised Code for the election of the judges of 36208
the court. The clerk so elected shall hold office for a term of 36209
six years, which term shall commence on the first day of January 36210
following the clerk's election and continue until the clerk's 36211
successor is elected and qualified. 36212

(ii) Division (A)(1)(g)(i) of this section shall have no 36213
effect after December 31, 2008. 36214

(h) Except as otherwise provided in division (A)(1)(h) of 36215
this section, in the Toledo municipal court, candidates for 36216
election to the office of clerk of the court shall be nominated 36217
by primary election. The primary election shall be held on the 36218
day specified in the charter of the city of Toledo for the 36219
nomination of municipal officers. Notwithstanding any contrary 36220
provision of section 3513.05 or 3513.257 of the Revised Code, 36221
the declarations of candidacy and petitions of partisan 36222

candidates and the nominating petitions of independent 36223
candidates for the office of clerk of the Toledo municipal court 36224
shall be signed by at least fifty qualified electors of the 36225
territory of the court. 36226

The candidates shall file a declaration of candidacy and 36227
petition, or a nominating petition, whichever is applicable, not 36228
later than four p.m. of the ninetieth day before the day of the 36229
primary election, in the form prescribed by section 3513.07 or 36230
3513.261 of the Revised Code. The declaration of candidacy and 36231
petition, or the nominating petition, shall conform to the 36232
applicable requirements of section 3513.05 or 3513.257 of the 36233
Revised Code. 36234

If no valid declaration of candidacy and petition is filed 36235
by any person for nomination as a candidate of a particular 36236
political party for election to the office of clerk of the 36237
Toledo municipal court, a primary election shall not be held for 36238
the purpose of nominating a candidate of that party for election 36239
to that office. If only one person files a valid declaration of 36240
candidacy and petition for nomination as a candidate of a 36241
particular political party for election to that office, a 36242
primary election shall not be held for the purpose of nominating 36243
a candidate of that party for election to that office, and the 36244
candidate shall be issued a certificate of nomination in the 36245
manner set forth in section 3513.02 of the Revised Code. 36246

Declarations of candidacy and petitions, nominating 36247
petitions, and certificates of nomination for the office of 36248
clerk of the Toledo municipal court shall contain a designation 36249
of the term for which the candidate seeks election. At the 36250
following regular municipal election, all candidates for the 36251
office shall be submitted to the qualified electors of the 36252

territory of the court in the manner that is provided in section 36253
1901.07 of the Revised Code for the election of the judges of 36254
the court. The clerk so elected shall hold office for a term of 36255
six years, which term shall commence on the first day of January 36256
following the clerk's election and continue until the clerk's 36257
successor is elected and qualified. 36258

(i) In the Columbiana county municipal court, the clerk of 36259
courts of Columbiana county shall be the clerk of the municipal 36260
court, may appoint a chief deputy clerk for each branch office 36261
that is established pursuant to section 1901.311 of the Revised 36262
Code, and may appoint any assistant clerks that the judges of 36263
the court determine are necessary. All of the chief deputy 36264
clerks and assistant clerks shall receive the compensation that 36265
the legislative authority prescribes. The clerk of courts of 36266
Columbiana county, acting as the clerk of the Columbiana county 36267
municipal court and assuming the duties of that office, shall 36268
receive in either biweekly installments or semimonthly 36269
installments, as determined by the payroll administrator, 36270
compensation payable from the county treasury at one-fourth the 36271
rate that is prescribed for the clerks of courts of common pleas 36272
as determined in accordance with the population of the county 36273
and the rates set forth in sections 325.08 and 325.18 of the 36274
Revised Code. 36275

(2) (a) Except for the Alliance, Auglaize county, Brown 36276
county, Holmes county, Perry county, Putnam county, Lima, 36277
Lorain, Massillon, and Youngstown municipal courts, in a 36278
municipal court for which the population of the territory is 36279
less than one hundred thousand, the clerk shall be appointed by 36280
the court, and the clerk shall hold office until the clerk's 36281
successor is appointed and qualified. 36282

(b) In the Alliance, Lima, Lorain, Massillon, and 36283
Youngstown municipal courts, the clerk shall be elected for a 36284
term of office as described in division (A) (1) (a) of this 36285
section. 36286

(c) In the Auglaize county, Brown county, Holmes county, 36287
Perry county, and Putnam county municipal courts, the clerks of 36288
courts of Auglaize county, Brown county, Holmes county, Perry 36289
county, and Putnam county shall be the clerks, respectively, of 36290
the Auglaize county, Brown county, Holmes county, Perry county, 36291
and Putnam county municipal courts and may appoint a chief 36292
deputy clerk for each branch office that is established pursuant 36293
to section 1901.311 of the Revised Code, and assistant clerks as 36294
the judge of the court determines are necessary, all of whom 36295
shall receive the compensation that the legislative authority 36296
prescribes. The clerks of courts of Auglaize county, Brown 36297
county, Holmes county, Perry county, and Putnam county, acting 36298
as the clerks of the Auglaize county, Brown county, Holmes 36299
county, Perry county, and Putnam county municipal courts and 36300
assuming the duties of these offices, shall receive compensation 36301
payable from the county treasury in semimonthly installments at 36302
one-fourth the rate that is prescribed for the clerks of courts 36303
of common pleas as determined in accordance with the population 36304
of the county and the rates set forth in sections 325.08 and 36305
325.18 of the Revised Code. 36306

(3) During the temporary absence of the clerk due to 36307
illness, vacation, or other proper cause, the court may appoint 36308
a temporary clerk, who shall be paid the same compensation, have 36309
the same authority, and perform the same duties as the clerk. 36310

(B) Except in the Hamilton county, Montgomery county, 36311
Miami county, Portage county, and Wayne county municipal courts, 36312

if a vacancy occurs in the office of the clerk of the Alliance, 36313
Lima, Lorain, Massillon, or Youngstown municipal court or occurs 36314
in the office of the clerk of a municipal court for which the 36315
population of the territory equals or exceeds one hundred 36316
thousand because the clerk ceases to hold the office before the 36317
end of the clerk's term or because a clerk-elect fails to take 36318
office, the vacancy shall be filled, until a successor is 36319
elected and qualified, by a person chosen by the residents of 36320
the territory of the court who are members of the county central 36321
committee of the political party by which the last occupant of 36322
that office or the clerk-elect was nominated. Not less than five 36323
nor more than fifteen days after a vacancy occurs, those members 36324
of that county central committee shall meet to make an 36325
appointment to fill the vacancy. At least four days before the 36326
date of the meeting, the chairperson or a secretary of the 36327
county central committee shall notify each such member of that 36328
county central committee by first class mail of the date, time, 36329
and place of the meeting and its purpose. A majority of all such 36330
members of that county central committee constitutes a quorum, 36331
and a majority of the quorum is required to make the 36332
appointment. If the office so vacated was occupied or was to be 36333
occupied by a person not nominated at a primary election, or if 36334
the appointment was not made by the committee members in 36335
accordance with this division, the court shall make an 36336
appointment to fill the vacancy. A successor shall be elected to 36337
fill the office for the unexpired term at the first municipal 36338
election that is held more than one hundred thirty-five days 36339
after the vacancy occurred. 36340

(C) (1) ~~In a municipal court, other than the Auglaize~~ 36341
~~county, the Brown county, the Holmes county, the Perry county,~~ 36342
~~the Putnam county, and the Lorain municipal courts, for which~~ 36343

~~the population of the territory is less than one hundred~~ 36344
~~thousand, the~~ A clerk who is elected under division (A) of this 36345
section shall receive an annual compensation at the rate that is 36346
prescribed for the clerks of courts of common pleas, as 36347
determined using the population of the territory of the court 36348
and the rates set forth in sections 325.08 and 325.18 of the 36349
Revised Code. 36350

(2) A clerk of the municipal court who is appointed under 36351
division (A) of this section shall receive the following: 36352

(a) An annual compensation that the presiding judge of the 36353
court prescribes, if the revenue of the court for the preceding 36354
calendar year, as certified by the auditor or chief fiscal 36355
officer of the municipal corporation in which the court is 36356
located or, in the case of a county-operated municipal court, 36357
the county auditor, is equal to or greater than the 36358
expenditures, including any debt charges, for the operation of 36359
the court payable under this chapter from the city treasury or, 36360
in the case of a county-operated municipal court, the county 36361
treasury for that calendar year, as also certified by the 36362
auditor or chief fiscal officer. 36363

(b) If the revenue of a the municipal court, other than 36364
~~the Auglaize county, the Brown county, the Columbiana county,~~ 36365
~~the Perry county, the Putnam county, and the Lorain municipal~~ 36366
~~courts, for which the population of the territory is less than~~ 36367
~~one hundred thousand~~ for the preceding calendar year as so 36368
certified is not equal to or greater than those expenditures for 36369
the operation of the court for that calendar year as so 36370
certified, the clerk of a municipal court shall receive the 36371
annual compensation that the legislative authority prescribes. 36372
~~As~~ 36373

As used in this division, "revenue" means the total of all 36374
costs and fees that are collected and paid to the city treasury 36375
or, in a county-operated municipal court, the county treasury by 36376
the clerk of the municipal court under division (F) of this 36377
section and all interest received and paid to the city treasury 36378
or, in a county-operated municipal court, the county treasury in 36379
relation to the costs and fees under division (G) of this 36380
section. 36381

~~(2) In a municipal court, other than the Columbiana-~~ 36382
~~county, Hamilton county, Montgomery county, Miami county,~~ 36383
~~Portage county, and Wayne county municipal courts, for which the~~ 36384
~~population of the territory is one hundred thousand or more, and~~ 36385
~~in the Lorain municipal court, the clerk of the municipal court-~~ 36386
~~shall receive annual compensation in a sum equal to eighty-five~~ 36387
~~per cent of the salary of a judge of the court.~~ 36388

(3) The clerk of another court who is serving as the clerk 36389
of a municipal court as required under this section and for whom 36390
compensation is otherwise provided under this section shall not 36391
receive compensation under this division. 36392

(4) Except as otherwise provided in this section, the 36393
compensation of a clerk ~~described in division (C) (1) or (2) of~~ 36394
~~this section and of the clerk of the Columbiana county municipal~~ 36395
~~court~~ is payable in either semimonthly installments or biweekly 36396
installments, as determined by the payroll administrator, from 36397
the same sources and in the same manner as provided in section 36398
1901.11 of the Revised Code, except that the compensation of the 36399
clerk of the Carroll county municipal court is payable in 36400
biweekly installments. 36401

(D) Before entering upon the duties of the clerk's office, 36402
the clerk of a municipal court shall give bond of not less than 36403

six thousand dollars to be determined by the judges of the 36404
court, conditioned upon the faithful performance of the clerk's 36405
duties. 36406

(E) The clerk of a municipal court may do all of the 36407
following: administer oaths, take affidavits, and issue 36408
executions upon any judgment rendered in the court, including a 36409
judgment for unpaid costs; issue, sign, and attach the seal of 36410
the court to all writs, process, subpoenas, and papers issuing 36411
out of the court; and approve all bonds, sureties, 36412
recognizances, and undertakings fixed by any judge of the court 36413
or by law. The clerk may refuse to accept for filing any 36414
pleading or paper submitted for filing by a person who has been 36415
found to be a vexatious litigator under section 2323.52 of the 36416
Revised Code and who has failed to obtain leave to proceed under 36417
that section. The clerk shall do all of the following: file and 36418
safely keep all journals, records, books, and papers belonging 36419
or appertaining to the court; record the proceedings of the 36420
court; perform all other duties that the judges of the court may 36421
prescribe; and keep a book showing all receipts and 36422
disbursements, which book shall be open for public inspection at 36423
all times. 36424

The clerk shall prepare and maintain a general index, a 36425
docket, and other records that the court, by rule, requires, all 36426
of which shall be the public records of the court. In the 36427
docket, the clerk shall enter, at the time of the commencement 36428
of an action, the names of the parties in full, the names of the 36429
counsel, and the nature of the proceedings. Under proper dates, 36430
the clerk shall note the filing of the complaint, issuing of 36431
summons or other process, returns, and any subsequent pleadings. 36432
The clerk also shall enter all reports, verdicts, orders, 36433
judgments, and proceedings of the court, clearly specifying the 36434

relief granted or orders made in each action. The court may 36435
order an extended record of any of the above to be made and 36436
entered, under the proper action heading, upon the docket at the 36437
request of any party to the case, the expense of which record 36438
may be taxed as costs in the case or may be required to be 36439
prepaid by the party demanding the record, upon order of the 36440
court. 36441

(F) The clerk of a municipal court shall receive, collect, 36442
and issue receipts for all costs, fees, fines, bail, and other 36443
moneys payable to the office or to any officer of the court. The 36444
clerk shall on or before the twentieth day of the month 36445
following the month in which they are collected disburse to the 36446
proper persons or officers, and take receipts for, all costs, 36447
fees, fines, bail, and other moneys that the clerk collects. 36448
Subject to sections 307.515 and 4511.193 of the Revised Code and 36449
to any other section of the Revised Code that requires a 36450
specific manner of disbursement of any moneys received by a 36451
municipal court and except for the Hamilton county, Lawrence 36452
county, and Ottawa county municipal courts, the clerk shall pay 36453
all fines received for violation of municipal ordinances into 36454
the treasury of the municipal corporation the ordinance of which 36455
was violated and shall pay all fines received for violation of 36456
township resolutions adopted pursuant to section 503.52 or 36457
503.53 or Chapter 504. of the Revised Code into the treasury of 36458
the township the resolution of which was violated. Subject to 36459
sections 1901.024 and 4511.193 of the Revised Code, in the 36460
Hamilton county, Lawrence county, and Ottawa county municipal 36461
courts, the clerk shall pay fifty per cent of the fines received 36462
for violation of municipal ordinances and fifty per cent of the 36463
fines received for violation of township resolutions adopted 36464
pursuant to section 503.52 or 503.53 or Chapter 504. of the 36465

Revised Code into the treasury of the county. Subject to 36466
sections 307.515, 4511.19, and 5503.04 of the Revised Code and 36467
to any other section of the Revised Code that requires a 36468
specific manner of disbursement of any moneys received by a 36469
municipal court, the clerk shall pay all fines collected for the 36470
violation of state laws into the county treasury. Except in a 36471
county-operated municipal court, the clerk shall pay all costs 36472
and fees the disbursement of which is not otherwise provided for 36473
in the Revised Code into the city treasury. The clerk of a 36474
county-operated municipal court shall pay the costs and fees the 36475
disbursement of which is not otherwise provided for in the 36476
Revised Code into the county treasury. Moneys deposited as 36477
security for costs shall be retained pending the litigation. The 36478
clerk shall keep a separate account of all receipts and 36479
disbursements in civil and criminal cases, which shall be a 36480
permanent public record of the office. On the expiration of the 36481
term of the clerk, the clerk shall deliver the records to the 36482
clerk's successor. The clerk shall have other powers and duties 36483
as are prescribed by rule or order of the court. 36484

(G) All moneys paid into a municipal court shall be noted 36485
on the record of the case in which they are paid and shall be 36486
deposited in a state or national bank, as defined in section 36487
1101.01 of the Revised Code, that is selected by the clerk. Any 36488
interest received upon the deposits shall be paid into the city 36489
treasury, except that, in a county-operated municipal court, the 36490
interest shall be paid into the treasury of the county in which 36491
the court is located. 36492

On the first Monday in January of each year, the clerk 36493
shall make a list of the titles of all cases in the court that 36494
were finally determined more than one year past in which there 36495
remains unclaimed in the possession of the clerk any funds, or 36496

any part of a deposit for security of costs not consumed by the 36497
costs in the case. The clerk shall give notice of the moneys to 36498
the parties who are entitled to the moneys or to their attorneys 36499
of record. All the moneys remaining unclaimed that are for 36500
restitution payments for crime victims shall be sent to the 36501
reparations fund created under section 2743.191 of the Revised 36502
Code, with a list from the clerk or other officer responsible 36503
for the collection and distribution of restitution payments 36504
specifying the amounts and individual identifying information of 36505
the funds. All other moneys remaining unclaimed on the first day 36506
of April of each year shall be paid by the clerk to the city 36507
treasurer, except that, in a county-operated municipal court, 36508
the moneys shall be paid to the treasurer of the county in which 36509
the court is located. The treasurer shall pay any part of the 36510
moneys at any time to the person who has the right to the moneys 36511
upon proper certification of the clerk. 36512

(H) Deputy clerks of a municipal court other than the 36513
Carroll county municipal court may be appointed by the clerk and 36514
shall receive the compensation, payable in either biweekly 36515
installments or semimonthly installments, as determined by the 36516
payroll administrator, out of the city treasury, that the clerk 36517
may prescribe, except that the compensation of any deputy clerk 36518
of a county-operated municipal court shall be paid out of the 36519
treasury of the county in which the court is located. The judge 36520
of the Carroll county municipal court may appoint deputy clerks 36521
for the court, and the deputy clerks shall receive the 36522
compensation, payable in biweekly installments out of the county 36523
treasury, that the judge may prescribe. Each deputy clerk shall 36524
take an oath of office before entering upon the duties of the 36525
deputy clerk's office and, when so qualified, may perform the 36526
duties appertaining to the office of the clerk. The clerk may 36527

require any of the deputy clerks to give bond of not less than 36528
three thousand dollars, conditioned for the faithful performance 36529
of the deputy clerk's duties. 36530

(I) For the purposes of this section, whenever the 36531
population of the territory of a municipal court falls below one 36532
hundred thousand but not below ninety thousand, and the 36533
population of the territory prior to the most recent regular 36534
federal census exceeded one hundred thousand, the legislative 36535
authority of the municipal corporation may declare, by 36536
resolution, that the territory shall be considered to have a 36537
population of at least one hundred thousand. 36538

(J) The clerk or a deputy clerk shall be in attendance at 36539
all sessions of the municipal court, although not necessarily in 36540
the courtroom, and may administer oaths to witnesses and jurors 36541
and receive verdicts. 36542

Sec. 1907.143. (A) (1) ~~Subject to reimbursement under~~ 36543
~~division (B) of this section, the~~ The treasurer of the county in 36544
which a county court is located shall pay the per diem 36545
compensation to which an acting judge appointed pursuant to 36546
division (A) (2) (a), (B) (1), or (C) (1) of section 1907.141 of the 36547
Revised Code is entitled pursuant to division (A) of section 36548
1907.142 of the Revised Code. 36549

(2) The treasurer of the county in which a county court is 36550
located shall pay the per diem compensation to which an assigned 36551
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 36552
or (C) (2) of section 1907.141 of the Revised Code is entitled 36553
pursuant to division (B) (1) or (4) of section 1907.142 of the 36554
Revised Code. 36555

(3) Subject to reimbursement under division (B) of this 36556

section, the treasurer of the county in which a county court is 36557
located shall pay the per diem compensation to which an assigned 36558
judge assigned pursuant to division (A) (1), (A) (2) (b), (B) (2), 36559
or (C) (2) of section 1907.141 of the Revised Code is entitled 36560
pursuant to division (B) (2) of section 1907.142 of the Revised 36561
Code. 36562

(4) Subject to reimbursement under division (C) of this 36563
section, the supreme court shall pay the per diem compensation 36564
to which an assigned judge assigned pursuant to division (A) (1), 36565
(A) (2) (b), (B) (2), or (C) (2) of section 1907.141 of the Revised 36566
Code is entitled pursuant to division (B) (3) of section 1907.142 36567
of the Revised Code. 36568

(B) A county that, pursuant to division ~~(A) (1) or (3)~~ (A) 36569
(3) of this section, is required to pay the per diem 36570
compensation to which an ~~acting judge or~~ assigned judge is 36571
entitled, shall submit to the administrative director of the 36572
supreme court quarterly requests for reimbursements of the state 36573
portion of the per diem amounts so paid. The requests shall 36574
include verifications of the payment of those amounts and an 36575
affidavit from the ~~acting judge or~~ assigned judge stating the 36576
days and hours worked. The administrative director shall cause 36577
reimbursements of the state portion of the per diem amounts paid 36578
to be issued to the county if the administrative director 36579
verifies that those amounts were, in fact, so paid. If the 36580
county fails to submit a request within one year after the per 36581
diem compensation was paid, the administrative director shall 36582
refuse to cause reimbursement to be issued. 36583

(C) If the supreme court, pursuant to division (A) (4) of 36584
this section, is required to pay the per diem compensation to 36585
which an assigned judge is entitled, annually, on the first day 36586

of August, the administrative director of the supreme court 36587
shall issue a billing to the county treasurer of any county to 36588
which such a judge was assigned to a county court for 36589
reimbursement of the county portion of the per diem compensation 36590
previously paid by the supreme court for the twelve-month period 36591
preceding the last day of June. The county portion of the per 36592
diem compensation shall be that part of each per diem paid by 36593
the state which is proportional to the county shares of the 36594
total compensation of a resident judge of such court. The county 36595
treasurer shall forward the payment within thirty days. After 36596
forwarding the payment, the county treasurer shall seek 36597
reimbursement from the applicable local municipalities as 36598
appropriate. 36599

Sec. 1907.24. (A) Subject to division (C) of this section, 36600
a county court shall fix and tax fees and costs as follows: 36601

(1) The county court shall require an advance deposit for 36602
the filing of any new civil action or proceeding when required 36603
by division (C) of this section, subject to its waiver pursuant 36604
to that division, and, in all other cases, shall establish a 36605
schedule of fees and costs to be taxed in any civil or criminal 36606
action or proceeding. 36607

(2) The county court by rule may require an advance 36608
deposit for the filing of a civil action or proceeding and 36609
publication fees as provided in section 2701.09 of the Revised 36610
Code. The court shall waive an advance deposit requirement for a 36611
party that the court determines qualifies as an indigent 36612
litigant as set forth in section 2323.311 of the Revised Code. 36613

(3) When a party demands a jury trial in a civil action or 36614
proceeding, the county court may require the party to make an 36615
advance deposit as fixed by rule of court, unless the court 36616

determines that the party qualifies as an indigent litigant as 36617
set forth in section 2323.311 of the Revised Code. If a jury is 36618
called, the county court shall tax the fees of a jury as costs. 36619

(4) In a civil or criminal action or proceeding, the 36620
county court shall fix the fees of witnesses in accordance with 36621
sections 2335.06 and 2335.08 of the Revised Code. 36622

(5) A county court may tax as part of the costs in a trial 36623
of the cause, in an amount fixed by rule of court, a reasonable 36624
charge for driving, towing, carting, storing, keeping, and 36625
preserving motor vehicles and other personal property recovered 36626
or seized in a proceeding. 36627

(6) The court shall preserve chattel property seized under 36628
a writ or process issued by the court pending final disposition 36629
for the benefit of all interested persons. The court may place 36630
the chattel property in storage when necessary or proper for its 36631
preservation. The custodian of chattel property so stored shall 36632
not be required to part with the possession of the property 36633
until a reasonable charge, to be fixed by the court, is paid. 36634

(7) The county court, as it determines, may refund all 36635
deposits and advance payments of fees and costs, including those 36636
for jurors and summoning jurors, when they have been paid by the 36637
losing party. 36638

(8) The court may tax as part of costs charges for the 36639
publication of legal notices required by statute or order of 36640
court, as provided by section 7.13 of the Revised Code. 36641

(B) (1) (a) The county court may determine that, for the 36642
efficient operation of the court, additional funds are necessary 36643
to acquire and pay for special projects of the court including, 36644
but not limited to, the acquisition of additional facilities or 36645

the rehabilitation of existing facilities, the acquisition of 36646
equipment, the hiring and training of staff, community service 36647
programs, mediation or dispute resolution services, the 36648
employment of magistrates, the training and education of judges, 36649
acting judges, and magistrates, and other related services. Upon 36650
that determination, the court by rule may charge a fee, in 36651
addition to all other court costs, on the filing of each 36652
criminal cause, civil action or proceeding, or judgment by 36653
confession. Fees collected by a court for special projects of 36654
the court under this division shall not be used for training or 36655
education that takes place outside of the state. 36656

(b) If the county court offers a special program or 36657
service in cases of a specific type, the county court by rule 36658
may assess an additional charge in a case of that type, over and 36659
above court costs, to cover the special program or service. The 36660
county court shall adjust the special assessment periodically, 36661
but not retroactively, so that the amount assessed in those 36662
cases does not exceed the actual cost of providing the service 36663
or program. 36664

(c) Any fee or charge assessed under division (B) (1) (a) or 36665
(b) of this section on the filing of a civil action or 36666
proceeding shall be waived if the court determines that the 36667
person on whom the fee or charge is assessed qualifies as an 36668
indigent litigant as set forth in section 2323.311 of the 36669
Revised Code. 36670

(d) All moneys collected under division (B) of this 36671
section shall be paid to the county treasurer for deposit into 36672
either a general special projects fund or a fund established for 36673
a specific special project. Moneys from a fund of that nature 36674
shall be disbursed upon an order of the court in an amount no 36675

greater than the actual cost to the court of a project. If a 36676
specific fund is terminated because of the discontinuance of a 36677
program or service established under division (B) of this 36678
section, the county court may order that moneys remaining in the 36679
fund be transferred to an account established under this 36680
division for a similar purpose. 36681

(2) As used in division (B) of this section: 36682

(a) "Criminal cause" means a charge alleging the violation 36683
of a statute or ordinance, or subsection of a statute or 36684
ordinance, that requires a separate finding of fact or a 36685
separate plea before disposition and of which the defendant may 36686
be found guilty, whether filed as part of a multiple charge on a 36687
single summons, citation, or complaint or as a separate charge 36688
on a single summons, citation, or complaint. "Criminal cause" 36689
does not include separate violations of the same statute or 36690
ordinance, or subsection of the same statute or ordinance, 36691
unless each charge is filed on a separate summons, citation, or 36692
complaint. 36693

(b) "Civil action or proceeding" means any civil 36694
litigation that must be determined by judgment entry. 36695

(C) Subject to division (E) of this section, the county 36696
court shall collect in all its divisions except the small claims 36697
division the sum of twenty-six dollars as additional filing fees 36698
in each new civil action or proceeding for the charitable public 36699
purpose of providing financial assistance to legal aid societies 36700
that operate within the state and to support the office of the 36701
state public defender. Subject to division (E) of this section, 36702
the county court shall collect in its small claims division the 36703
sum of eleven dollars as additional filing fees in each new 36704
civil action or proceeding for the charitable public purpose of 36705

providing financial assistance to legal aid societies that 36706
operate within the state and to support the office of the state 36707
public defender. This division does not apply to any execution 36708
on a judgment, proceeding in aid of execution, or other post- 36709
judgment proceeding arising out of a civil action. The filing 36710
fees required to be collected under this division shall be in 36711
addition to any other court costs imposed in the action or 36712
proceeding and shall be collected at the time of the filing of 36713
the action or proceeding. The court shall not waive the payment 36714
of the additional filing fees in a new civil action or 36715
proceeding unless the court waives the advanced payment of all 36716
filing fees in the action or proceeding for the party that the 36717
court determines is qualified as an indigent litigant as set 36718
forth in section 2323.311 of the Revised Code. All such moneys 36719
collected during a month except for an amount equal to up to one 36720
per cent of those moneys retained to cover administrative costs 36721
shall be transmitted on or before the twentieth day of the 36722
following month by the clerk of the court to the treasurer of 36723
state in a manner prescribed by the treasurer of state or by the 36724
Ohio access to justice foundation. The treasurer of state shall 36725
deposit four per cent of the funds collected under this division 36726
to the credit of the civil case filing fee fund established 36727
under section 120.07 of the Revised Code and ninety-six per cent 36728
of the funds collected under this division to the credit of the 36729
legal aid fund established under section 120.52 of the Revised 36730
Code. 36731

The court may retain up to one per cent of the moneys it 36732
collects under this division to cover administrative costs, 36733
including the hiring of any additional personnel necessary to 36734
implement this division. If the court fails to transmit to the 36735
treasurer of state the moneys the court collects under this 36736

division in a manner prescribed by the treasurer of state or by 36737
the Ohio access to justice foundation, the court shall forfeit 36738
the moneys the court retains under this division to cover 36739
administrative costs, including the hiring of any additional 36740
personnel necessary to implement this division, and shall 36741
transmit to the treasurer of state all moneys collected under 36742
this division, including the forfeited amount retained for 36743
administrative costs, for deposit in the legal aid fund. 36744

(D) The county court shall establish by rule a schedule of 36745
fees for miscellaneous services performed by the county court or 36746
any of its judges in accordance with law. If judges of the court 36747
of common pleas perform similar services, the fees prescribed in 36748
the schedule shall not exceed the fees for those services 36749
prescribed by the court of common pleas. 36750

(E) Under the circumstances described in sections 2969.21 36751
to 2969.27 of the Revised Code, the clerk of the county court 36752
shall charge the fees and perform the other duties specified in 36753
those sections. 36754

Sec. 2101.11. ~~(A)(1)~~ (A)(1)(a) The probate judge shall have 36755
the care and custody of the files, papers, books, and records 36756
belonging to the probate court. The probate judge is authorized 36757
to perform the duties of clerk of the judge's court. The probate 36758
judge may appoint deputy clerks, court reporters, a bailiff, and 36759
any other necessary employees, each of whom shall take an oath 36760
of office before entering upon the duties of the employee's 36761
appointment and, when so qualified, may perform the duties 36762
appertaining to the office of clerk of the court. 36763

(b) Not later than eighteen months after the effective 36764
date of this amendment, the general docket of the probate court 36765
shall be available online on the clerk of court's web site for 36766

remote access and printing by the public of the information in 36767
that docket, including all individual documents in each case 36768
file, pertaining to probate cases filed on or after the 36769
effective date of this amendment. Nothing in this division shall 36770
be construed as making available online any of the following: 36771

(i) Internal documents such as notes, electronic mails, 36772
drafts, recommendations, advice, or research of judicial 36773
officers and court staff; 36774

(ii) Any document or any information in a case file the 36775
public access to which the court has ordered restricted under 36776
the Rules of Superintendence for the Courts of Ohio. 36777

(2) (a) The probate judge shall provide for one or more 36778
probate court investigators to perform the duties that are 36779
established for a probate court investigator by the Revised Code 36780
or the probate judge. The probate judge may provide for an 36781
investigator in any of the following manners, as the court 36782
determines is appropriate: 36783

(i) By appointing a person as a full-time or part-time 36784
employee of the probate court to serve as investigator, or by 36785
designating a current full-time or part-time employee of the 36786
probate court to serve as investigator; 36787

(ii) By contracting with a person to serve and be 36788
compensated as investigator only when needed by the probate 36789
court, as determined by the court, and by designating that 36790
person as a probate court investigator during the times when the 36791
person is performing the duties of an investigator for the 36792
court; 36793

(iii) By entering into an agreement with another 36794
department or agency of the county, including, but not limited 36795

to, the sheriff's department or the county department of job and 36796
family services, pursuant to which an employee of the other 36797
department or agency will serve and perform the duties of 36798
investigator for the court, upon request of the probate judge, 36799
and designating that employee as a probate court investigator 36800
during the times when the person is performing the duties of an 36801
investigator for the court. 36802

(b) Each person appointed or otherwise designated as a 36803
probate court investigator shall take an oath of office before 36804
entering upon the duties of the person's appointment. When so 36805
qualified, an investigator may perform the duties that are 36806
established for a probate court investigator by the Revised Code 36807
or the probate judge. 36808

(c) Except as otherwise provided in this division, a 36809
probate court investigator shall hold at least a bachelor's 36810
degree in social work, psychology, education, special education, 36811
or a related human services field. A probate judge may waive the 36812
education requirement of this division for a person the judge 36813
appoints or otherwise designates as a probate court investigator 36814
if the judge determines that the person has experience in family 36815
services work that is equivalent to the required education. 36816

(d) Within one year after appointment or designation, a 36817
probate court investigator shall attend an orientation course of 36818
at least six hours, and each calendar year after the calendar 36819
year of appointment or designation, a probate court investigator 36820
shall satisfactorily complete at least six hours of continuing 36821
education. 36822

(e) For purposes of divisions (A) (4), (B), and (C) of this 36823
section, a person designated as a probate court investigator 36824
under division (A) (2) (a) (ii) or (iii) of this section shall be 36825

considered an appointee of the probate court at any time that 36826
the person is performing the duties established under the 36827
Revised Code or by the probate judge for a probate court 36828
investigator. 36829

(3) (a) The probate judge may provide for one or more 36830
persons to perform the duties of an assessor under sections 36831
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, and 3107.12 of 36832
the Revised Code or may enter into agreements with public 36833
children services agencies, private child placing agencies, or 36834
private noncustodial agencies under which the agency provides 36835
for one or more persons to perform the duties of an assessor. A 36836
probate judge who provides for an assessor shall do so in either 36837
of the following manners, as the judge considers appropriate: 36838

(i) By appointing a person as a full-time or part-time 36839
employee of the probate court to serve as assessor, or by 36840
designating a current full-time or part-time employee of the 36841
probate court to serve as assessor; 36842

(ii) By contracting with a person to serve and be 36843
compensated as assessor only when needed by the probate court, 36844
as determined by the court, and by designating that person as an 36845
assessor during the times when the person is performing the 36846
duties of an assessor for the court. 36847

(b) Each person appointed or designated as a probate court 36848
assessor shall take an oath of office before entering on the 36849
duties of the person's appointment. 36850

(c) A probate court assessor must meet the qualifications 36851
for an assessor established by section 3107.014 of the Revised 36852
Code. 36853

(d) A probate court assessor shall perform additional 36854

duties, including duties of an investigator under division (A) 36855
(2) of this section, when the probate judge assigns additional 36856
duties to the assessor. 36857

(e) For purposes of divisions (A) (4), (B), and (C) of this 36858
section, a person designated as a probate court assessor shall 36859
be considered an appointee of the probate court at any time that 36860
the person is performing assessor duties. 36861

(4) Each appointee of the probate judge may administer 36862
oaths in all cases when necessary, in the discharge of official 36863
duties. 36864

(B) (1) (a) Subject to the appropriation made by the board 36865
of county commissioners pursuant to this division, each 36866
appointee of a probate judge under division (A) of this section 36867
shall receive such compensation and expenses as the judge 36868
determines and shall serve during the pleasure of the judge. The 36869
compensation of each appointee shall be paid in semimonthly 36870
installments by the county treasurer from the county treasury, 36871
upon the warrants of the county auditor, certified to by the 36872
judge. 36873

(b) Except as otherwise provided in the Revised Code, the 36874
total compensation paid to all appointees of the probate judge 36875
in any calendar year shall not exceed the total fees earned by 36876
the probate court during the preceding calendar year, unless the 36877
board of county commissioners approves otherwise. 36878

(2) The probate judge annually shall submit a written 36879
request for an appropriation to the board of county 36880
commissioners that shall set forth estimated administrative 36881
expenses of the court, including the salaries of appointees as 36882
determined by the judge and any other costs, fees, and expenses, 36883

including, but not limited to, those enumerated in section 36884
5123.96 of the Revised Code, that the judge considers reasonably 36885
necessary for the operation of the court. The board shall 36886
conduct a public hearing with respect to the written request 36887
submitted by the judge and shall appropriate such sum of money 36888
each year as it determines, after conducting the public hearing 36889
and considering the written request of the judge, is reasonably 36890
necessary to meet all the administrative expenses of the court, 36891
including the salaries of appointees as determined by the judge 36892
and any other costs, fees, and expenses, including, but not 36893
limited to, the costs, fees, and expenses enumerated in section 36894
5123.96 of the Revised Code. 36895

If the judge considers the appropriation made by the board 36896
pursuant to this division insufficient to meet all the 36897
administrative expenses of the court, the judge shall commence 36898
an action under Chapter 2731. of the Revised Code in the court 36899
of appeals for the judicial district for a determination of the 36900
duty of the board of county commissioners to appropriate the 36901
amount of money in dispute. The court of appeals shall give 36902
priority to the action filed by the probate judge over all cases 36903
pending on its docket. The burden shall be on the probate judge 36904
to prove that the appropriation requested is reasonably 36905
necessary to meet all administrative expenses of the court. If, 36906
prior to the filing of an action under Chapter 2731. of the 36907
Revised Code or during the pendency of the action, the judge 36908
exercises the judge's contempt power in order to obtain the sum 36909
of money in dispute, the judge shall not order the imprisonment 36910
of any member of the board of county commissioners 36911
notwithstanding sections 2705.02 to 2705.06 of the Revised Code. 36912

(C) The probate judge may require any of the judge's 36913
appointees to give bond in the sum of not less than one thousand 36914

dollars, conditioned for the honest and faithful performance of 36915
the appointee's duties. The sureties on the bonds shall be 36916
approved in the manner provided in section 2101.03 of the 36917
Revised Code. 36918

The judge shall not be personally liable for the default, 36919
malfeasance, or nonfeasance of any appointee. 36920

All bonds required to be given in the probate court, on 36921
being accepted and approved by the probate judge, shall be filed 36922
in the judge's office. 36923

Sec. 2101.16. (A) Except as provided in section 2101.164 36924
of the Revised Code, the fees enumerated in this division shall 36925
be charged and collected, if possible, by the probate judge and 36926
shall be in full for all services rendered in the respective 36927
proceedings: 36928
36929

	1	2	3
A	(1)	Account, in addition to advertising charges	
B		_____	\$12.00
C		Waivers and proof of notice of hearing on account, per page, minimum one dollar	
D		_____	\$1.00
E	(2)	Account of distribution, in addition to advertising charges	
F		_____	\$7.00
G	(3)	Adoption of child, petition for	

H	_____	\$20.00
I	(4) Alter or cancel contract for sale or purchase of real property, complaint to	
J	_____	\$20.00
K	(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section	
L	_____	\$5.00
M	(6) Appropriation suit, per day, hearing in	
N	_____	\$20.00
O	(7) Birth, application for registration of	
P	_____	\$7.00
Q	(8) Birth record, application to correct	
R	_____	\$5.00
S	(9) Bond, application for new or additional	
T	_____	\$5.00
U	(10) Bond, application for release of surety or reduction of	
V	_____	\$5.00
W	(11) Bond, receipt for securities deposited in lieu of	

X	_____	\$5.00
Y	(12) Certified copy of journal entry, record, or proceeding, per page, minimum fee one dollar	
Z	_____	\$1.00
AA	(13) Citation and issuing citation, application for	
AB	_____	\$5.00
AC	(14) Change of name, petition for	
AD	_____	\$20.00
AE	(15) Claim, application of administrator or executor for allowance of administrator's or executor's own	
AF	_____	\$10.00
AG	(16) Claim, application to compromise or settle	
AH	_____	\$10.00
AI	(17) Claim, authority to present	
AJ	_____	\$10.00
AK	(18) Commissioner, appointment of	
AL	_____	\$5.00
AM	(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for	

AN	_____	\$5.00
AO	(20) Competency, application to procure adjudication of	
AP	_____	\$20.00
AQ	(21) Complete contract, application to	
AR	_____	\$10.00
AS	(22) Concealment of assets, citation for	
AT	_____	\$10.00
AU	(23) Construction of will, complaint for	
AV	_____	\$20.00
AW	(24) Continue decedent's business, application to	
AX	_____	\$10.00
AY	Monthly reports of operation	
AZ	_____	\$5.00
BA	(25) Declaratory judgment, complaint for	
BB	_____	\$20.00
BC	(26) Deposit of will	
BD	_____	\$5.00
BE	(27) Designation of heir	

BF	_____	\$20.00
BG	(28) Distribution in kind, application, assent, and order for	
BH	_____	\$5.00
BI	(29) Distribution under section 2109.36 of the Revised Code, application for an order of	
BJ	_____	\$7.00
BK	(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars	
BL	_____	\$15.00
BM	(31) Exceptions to any proceeding named in this section, contest of appointment or	
BN	_____	\$10.00
BO	(32) Election of surviving partner to purchase assets of partnership, proceedings relating to	
BP	_____	\$10.00
BQ	(33) Election of surviving spouse under will	
BR	_____	\$5.00
BS	(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of	

BT	_____	\$35.00
BU	(35) Foreign will, application to record	
BV	_____	\$10.00
BW	Record of foreign will, additional, per page	
BX	_____	\$1.00
BY	(36) Forms when supplied by the probate court, not to exceed	
BZ	_____	\$10.00
CA	(37) Heirship, complaint to determine	
CB	_____	\$20.00
CC	(38) Injunction proceedings	
CD	_____	\$20.00
CE	(39) Improve real property, petition to	
CF	_____	\$20.00
CG	(40) Inventory with appraisement	
CH	_____	\$10.00
CI	(41) Inventory without appraisement	
CJ	_____	\$7.00
CK	(42) Investment or expenditure of funds, application for	

CL	_____	\$10.00
CM	(43) Invest in real property, application to	
CN	_____	\$10.00
CO	(44) Lease for oil, gas, coal, or other mineral, petition to	
CP	_____	\$20.00
CQ	(45) Lease or lease and improve real property, petition to	
CR	_____	\$20.00
CS	(46) Marriage license	
CT	_____	\$10.00
CU	Certified abstract of each marriage	
CV	_____	\$2.00
CW	(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of	
CX	_____	\$10.00
CY	(48) Mortgage or mortgage and repair or improve real property, complaint to	
CZ	_____	\$20.00
DA	(49) Newly discovered assets, report of	
DB	_____	\$7.00

DC	(50) Nonresident executor or administrator to bar creditors' claims, proceedings by	
DD	_____	\$20.00
DE	(51) Power of attorney or revocation of power, bonding company	
DF	_____	\$10.00
DG	(52) Presumption of death, petition to establish	
DH	_____	\$20.00
DI	(53) Probating will	
DJ	_____	\$15.00
DK	Proof of notice to beneficiaries	
DL	_____	\$5.00
DM	(54) Purchase personal property, application of surviving spouse to	
DN	_____	\$10.00
DO	(55) Purchase real property at appraised value, petition of surviving spouse to	
DP	_____	\$20.00
DQ	(56) Receipts in addition to advertising charges, application and order to record	

DR	_____	\$5.00
DS	Record of those receipts, additional, per page	
DT	_____	\$1.00
DU	(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	
DV	_____	\$1.00
DW	(58) Release of estate by mortgagee or other lienholder	
DX	_____	\$5.00
DY	(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	
DZ	_____	\$60.00
EA	(60) Removal of fiduciary, application for	
EB	_____	\$10.00
EC	(61) Requalification of executor or administrator	
ED	_____	\$10.00
EE	(62) Resignation of fiduciary	
EF	_____	\$5.00
EG	(63) Sale bill, public sale of personal property	

EH	_____	\$10.00
EI	(64) Sale of personal property and report, application for	
EJ	_____	\$10.00
EK	(65) Sale of real property, petition for	
EL	_____	\$25.00
EM	(66) Terminate guardianship, petition to	
EN	_____	\$10.00
EO	(67) Transfer of real property, application, entry, and certificate for	
EP	_____	\$7.00
EQ	(68) Unclaimed money, application to invest	
ER	_____	\$7.00
ES	(69) Vacate approval of account or order of distribution, motion to	
ET	_____	\$10.00
EU	(70) Writ of execution	
EV	_____	\$5.00
EW	(71) Writ of possession	
EX	_____	\$5.00

EY	(72) Wrongful death, application and settlement of claim for	
EZ	_____	\$20.00
FA	(73) Year's allowance, petition to review	
FB	_____	\$7.00
FC	(74) Guardian's report, filing and review of	
FD	_____	\$5.00
FE	(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for	
FF	_____	\$25.00

(B) (1) In relation to an application for the appointment 36930
of a guardian or the review of a report of a guardian under 36931
section 2111.49 of the Revised Code, the probate court, pursuant 36932
to court order or in accordance with a court rule, may direct 36933
that the applicant or the estate pay any or all of the expenses 36934
of an investigation conducted pursuant to section 2111.041 or 36935
division (A) (2) of section 2111.49 of the Revised Code. If the 36936
investigation is conducted by a public employee or investigator 36937
who is paid by the county, the fees for the investigation shall 36938
be paid into the county treasury. If the court finds that an 36939
alleged incompetent or a ward is indigent, the court may waive 36940
the costs, fees, and expenses of an investigation. 36941

(2) In relation to the appointment or functioning of a 36942
guardian for a minor or the guardianship of a minor, the probate 36943
court may direct that the applicant or the estate pay any or all 36944
of the expenses of an investigation conducted pursuant to 36945

section 2111.042 of the Revised Code. If the investigation is 36946
conducted by a public employee or investigator who is paid by 36947
the county, the fees for the investigation shall be paid into 36948
the county treasury. If the court finds that the guardian or 36949
applicant is indigent, the court may waive the costs, fees, and 36950
expenses of an investigation. 36951

(3) In relation to the filing of an affidavit of mental 36952
illness for a person with a mental illness subject to court 36953
order, the court may waive the fee under division (A) (75) of 36954
this section if the court finds that the affiant is indigent or 36955
for good cause shown. 36956

(C) Thirty dollars of the thirty-five-dollar fee collected 36957
pursuant to division (A) (34) of this section and twenty dollars 36958
of the sixty-dollar fee collected pursuant to division (A) (59) 36959
of this section shall be deposited by the county treasurer in 36960
the indigent guardianship fund created pursuant to section 36961
2111.51 of the Revised Code. 36962

(D) The fees of witnesses, jurors, sheriffs, coroners, and 36963
constables for services rendered in the probate court or by 36964
order of the probate judge shall be the same as provided for 36965
similar services in the court of common pleas. 36966

(E) The probate court, by rule, may require an advance 36967
deposit for costs, not to exceed one hundred twenty-five 36968
dollars, at the time application is made for an appointment as 36969
executor or administrator or at the time a will is presented for 36970
probate. 36971

(F) (1) The "putative father registry fund" is hereby 36972
created in the state treasury. The department of ~~job and family~~ 36973
~~services~~ children and youth shall use the money in the fund to 36974

fund the department's costs of performing its duties related to 36975
the putative father registry established under section 3107.062 36976
of the Revised Code. 36977

(2) If the department determines that money in the 36978
putative father registry fund is more than is needed for its 36979
duties related to the putative father registry, the department 36980
may use the surplus moneys in the fund as permitted in division 36981
(D) of section 2151.3527 or section 5103.155 of the Revised 36982
Code. 36983

Sec. 2108.34. (A) There is hereby created in the state 36984
treasury the second chance trust fund. The fund shall consist of 36985
voluntary contributions deposited as provided in sections 36986
4501.028 and 4503.721 of the Revised Code. ~~All investment~~ 36987
~~earnings of the fund shall be credited to the fund.~~ 36988

(B) The director of health shall use the money in the fund 36989
only for the following purposes: 36990

(1) Development and implementation of a campaign that 36991
explains and promotes the second chance trust fund; 36992

(2) Development and implementation of local and statewide 36993
public education programs about organ, tissue, and eye donation, 36994
including the informational material required to be provided 36995
under section 4501.028 of the Revised Code; 36996

(3) Development and implementation of local and statewide 36997
donor awareness programs in schools; 36998

(4) Development and implementation of local and statewide 36999
programs to recognize donor families; 37000

(5) Development and distribution of materials promoting 37001
organ, tissue, and eye donation; 37002

(6) Cooperation with the Ohio Supreme Court, Ohio State	37003
Bar Association, and law schools of this state to more	37004
effectively educate attorneys about the donation of anatomical	37005
gifts and to encourage them to assist their clients in donating	37006
anatomical gifts through anatomical gift declarations, durable	37007
powers of attorney for health care, and any other appropriate	37008
means;	37009
(7) Cooperation with the state medical board, state	37010
medical, osteopathic, and ophthalmological associations, and	37011
colleges of medicine and osteopathic medicine in this state to	37012
more effectively educate physicians about the donation of	37013
anatomical gifts and to encourage them to assist their patients	37014
in making declarations of anatomical gifts;	37015
(8) Development of statewide hospital training programs to	37016
encourage and facilitate compliance with sections 2108.14 and	37017
2108.15 of the Revised Code;	37018
(9) Reimbursement of the bureau of motor vehicles for the	37019
administrative costs incurred in the performance of duties under	37020
section 4501.028 of the Revised Code;	37021
(10) Reimbursement of the department of health for	37022
administrative costs incurred in the performance of duties under	37023
this section and section 2108.35 of the Revised Code;	37024
(11) Reimbursement of members of the second chance fund	37025
advisory committee for actual and necessary expenses incurred in	37026
the performance of official duties.	37027
(C) The director shall make the materials developed under	37028
division (B) (5) of this section available to other state	37029
agencies.	37030
(D) The director shall consider recommendations made by	37031

the second chance trust fund advisory committee pursuant to 37032
section 2108.35 of the Revised Code. The director shall 37033
determine the appropriateness of and approve or disapprove 37034
projects recommended by the advisory committee for funding and 37035
approve or disapprove the disbursement of money from the second 37036
chance trust fund. 37037

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 37038
section, any person having knowledge of a child who appears to 37039
have violated section 2151.87 of the Revised Code or to be a 37040
juvenile traffic offender or to be an unruly, abused, neglected, 37041
or dependent child may file a sworn complaint with respect to 37042
that child in the juvenile court of the county in which the 37043
child has a residence or legal settlement or in which the 37044
violation, unruliness, abuse, neglect, or dependency allegedly 37045
occurred. If an alleged abused, neglected, or dependent child is 37046
taken into custody pursuant to division (D) of section 2151.31 37047
of the Revised Code or is taken into custody pursuant to 37048
division (A) of section 2151.31 of the Revised Code without the 37049
filing of a complaint and placed into shelter care pursuant to 37050
division (C) of that section, a sworn complaint shall be filed 37051
with respect to the child before the end of the next day after 37052
the day on which the child was taken into custody. The sworn 37053
complaint may be upon information and belief, and, in addition 37054
to the allegation that the child committed the violation or is 37055
an unruly, abused, neglected, or dependent child, the complaint 37056
shall allege the particular facts upon which the allegation that 37057
the child committed the violation or is an unruly, abused, 37058
neglected, or dependent child is based. 37059

(2) Any person having knowledge of a child who appears to 37060
be an unruly child for being an habitual truant may file a sworn 37061
complaint with respect to that child and the parent, guardian, 37062

or other person having care of the child in the juvenile court 37063
of the county in which the child has a residence or legal 37064
settlement or in which the child is supposed to attend public 37065
school. The sworn complaint may be upon information and belief 37066
and shall contain the following allegations: 37067

(a) That the child is an unruly child for being an 37068
habitual truant and, in addition, the particular facts upon 37069
which that allegation is based; 37070

(b) That the parent, guardian, or other person having care 37071
of the child has failed to cause the child's attendance at 37072
school in violation of section 3321.38 of the Revised Code and, 37073
in addition, the particular facts upon which that allegation is 37074
based. 37075

(B) If a child, before arriving at the age of eighteen 37076
years, allegedly commits an act for which the child may be 37077
adjudicated an unruly child and if the specific complaint 37078
alleging the act is not filed or a hearing on that specific 37079
complaint is not held until after the child arrives at the age 37080
of eighteen years, the court has jurisdiction to hear and 37081
dispose of the complaint as if the complaint were filed and the 37082
hearing held before the child arrived at the age of eighteen 37083
years. 37084

(C) If the complainant in a case in which a child is 37085
alleged to be an abused, neglected, or dependent child desires 37086
permanent custody of the child or children, temporary custody of 37087
the child or children, whether as the preferred or an 37088
alternative disposition, or the placement of the child in a 37089
planned permanent living arrangement, the complaint shall 37090
contain a prayer specifically requesting permanent custody, 37091
temporary custody, or the placement of the child in a planned 37092

permanent living arrangement. 37093

(D) Any person with standing under applicable law may file 37094
a complaint for the determination of any other matter over which 37095
the juvenile court is given jurisdiction by section 2151.23 of 37096
the Revised Code. The complaint shall be filed in the county in 37097
which the child who is the subject of the complaint is found or 37098
was last known to be found. 37099

(E) A public children services agency, acting pursuant to 37100
a complaint or an action on a complaint filed under this 37101
section, is not subject to the requirements of section 3127.23 37102
of the Revised Code. 37103

(F) Upon the filing of a complaint alleging that a child 37104
is an unruly child, the court may hold the complaint in abeyance 37105
pending the child's successful completion of actions that 37106
constitute a method to divert the child from the juvenile court 37107
system. The method may be adopted by a county pursuant to 37108
divisions (D) and (E) of section 121.37 of the Revised Code or 37109
it may be another method that the court considers satisfactory. 37110
If the child completes the actions to the court's satisfaction, 37111
the court may dismiss the complaint. If the child fails to 37112
complete the actions to the court's satisfaction, the court may 37113
consider the complaint. 37114

(G) Upon the filing of a complaint that a child is an 37115
unruly child that is based solely on a child being an habitual 37116
truant, the court shall consider an alternative to adjudication, 37117
including actions that constitute a method to divert the child 37118
from the juvenile court system, using the Rules of Juvenile 37119
Procedure, or by any other means if such an alternative is 37120
available to the court and the child has not already 37121
participated or failed to complete one of the available 37122

alternatives. The court shall consider the complaint only as a 37123
matter of last resort. 37124

(H) If a complaint that a child is an unruly child based 37125
on the child being an habitual truant proceeds to consideration 37126
by the court, the prosecution shall bear the burden of proving 37127
beyond a reasonable doubt the following: 37128

(1) That the child is of compulsory school age, as defined 37129
in section 3321.01 of the Revised Code; 37130

(2) That the child was absent without legitimate excuse 37131
for absence from the public school the child was supposed to 37132
attend for thirty or more consecutive hours, forty-two or more 37133
hours in one school month, or seventy-two or more hours in a 37134
school year. 37135

The child may assert as an affirmative defense the fact 37136
that the child did participate in, or made satisfactory progress 37137
on, ~~the absence intervention plan~~ any interventions or other 37138
alternatives to adjudication as described in ~~division (C) of~~ 37139
section 3321.191 of the Revised Code. 37140

Sec. 2151.311. (A) A person taking a child into custody 37141
shall, with all reasonable speed and in accordance with division 37142
(C) of this section, either: 37143

(1) Release the child to the child's parents, guardian, or 37144
other custodian, unless the child's detention or shelter care 37145
appears to be warranted or required as provided in section 37146
2151.31 of the Revised Code; 37147

(2) Bring the child to the court or deliver the child to a 37148
place of detention or shelter care designated by the court and 37149
promptly give notice thereof, together with a statement of the 37150
reason for taking the child into custody, to a parent, guardian, 37151

or other custodian and to the court. 37152

(B) If a parent, guardian, or other custodian fails, when 37153
requested by the court, to bring the child before the court as 37154
provided by this section, the court may issue its warrant 37155
directing that the child be taken into custody and brought 37156
before the court. 37157

(C) (1) Before taking any action required by division (A) 37158
of this section, a person taking a child into custody may hold 37159
the child for processing purposes in a county, multicounty, or 37160
municipal jail or workhouse, or other place where an adult 37161
convicted of crime, under arrest, or charged with crime is held 37162
for either of the following periods of time: 37163

(a) For a period not to exceed six hours, if all of the 37164
following apply: 37165

(i) The child is alleged to be a delinquent child for the 37166
commission of an act that would be a felony if committed by an 37167
adult; 37168

(ii) The child remains beyond the range of touch of all 37169
adult detainees; 37170

(iii) The child is visually supervised by jail or 37171
workhouse personnel at all times during the detention; 37172

(iv) The child is not handcuffed or otherwise physically 37173
secured to a stationary object during the detention. 37174

(b) For a period not to exceed three hours, if all of the 37175
following apply: 37176

(i) The child is alleged to be a delinquent child for the 37177
commission of an act that would be a misdemeanor if committed by 37178
an adult, is alleged to be a delinquent child for violating a 37179

court order regarding the child's adjudication as an unruly 37180
child for being an habitual truant, or is alleged to be an 37181
unruly child or a juvenile traffic offender; 37182

(ii) The child remains beyond the range of touch of all 37183
adult detainees; 37184

(iii) The child is visually supervised by jail or 37185
workhouse personnel at all times during the detention; 37186

(iv) The child is not handcuffed or otherwise physically 37187
secured to a stationary object during the detention. 37188

(2) If a child has been transferred to an adult court for 37189
prosecution for the alleged commission of a criminal offense, 37190
subsequent to the transfer, the child may be held as described 37191
in division (F) of section 2152.26 or division ~~(B)~~ (C) of section 37192
5120.16 of the Revised Code. 37193

(D) If a person who is alleged to be or has been 37194
adjudicated a delinquent child or who is in any other category 37195
of persons identified in this section is confined under 37196
authority of this section in a place specified in division (C) 37197
of this section, the fact of the person's admission to and 37198
confinement in that place is restricted as described in division 37199
(G) of section 2152.26 of the Revised Code. 37200

(E) As used in division (C) (1) of this section, 37201
"processing purposes" means all of the following: 37202

(1) Fingerprinting, photographing, or fingerprinting and 37203
photographing the child in a secure area of the facility; 37204

(2) Interrogating the child, contacting the child's parent 37205
or guardian, arranging for placement of the child, or arranging 37206
for transfer or transferring the child, while holding the child 37207

in a nonsecure area of the facility. 37208

Sec. 2151.316. (A) The department of children and youth 37209
shall adopt rules in accordance with Chapter 119. of the Revised 37210
Code to establish and enforce a foster youth bill of rights for 37211
individuals who are in the temporary or permanent custody of a 37212
public children services agency or a planned permanent living 37213
arrangement or in the Title IV-E eligible care and placement 37214
responsibility of a juvenile court or other governmental agency 37215
that provides Title IV-E reimbursable placement services and who 37216
are subject to out-of-home care or placed with a kinship 37217
caregiver as defined in section ~~5101.85~~5180.50 of the Revised 37218
Code. 37219

(B) If the rights of an individual, as established under 37220
division (A) of this section, conflict with the rights of a 37221
resource family or resource caregiver, as established in section 37222
5103.163 of the Revised Code, the rights of the individual shall 37223
preempt the rights of the resource family or resource caregiver. 37224

(C) The rights established by rules under this section 37225
shall not create grounds for a civil action against the 37226
department, the recommending agency, or the custodial agency. 37227

Sec. 2151.3527. (A) The director of children and youth 37228
shall promulgate forms designed to gather pertinent medical 37229
information concerning a deserted child and the child's parents. 37230
The forms shall clearly and unambiguously state on each page 37231
that the information requested is to facilitate medical care for 37232
the child, that the forms may be fully or partially completed or 37233
left blank, that completing the forms or parts of the forms is 37234
completely voluntary, and that no adverse legal consequence will 37235
result from failure to complete any part of the forms. 37236

(B) The director shall promulgate written materials to be 37237
made available to the parents of a child delivered pursuant to 37238
section 2151.3516 of the Revised Code. The materials shall 37239
describe services available to assist parents and newborns and 37240
shall include information directly relevant to situations that 37241
might cause parents to desert a child and information on the 37242
procedures for a person to follow in order to reunite with a 37243
child the person delivered under section 2151.3516 of the 37244
Revised Code, including notice that the person will be required 37245
to submit to a DNA test, at that person's expense, to prove that 37246
the person is the parent of the child. 37247

(C) The director of ~~job and family services~~ children and 37248
youth shall distribute the medical information forms and written 37249
materials promulgated pursuant to this section to all of the 37250
following: 37251

(1) Entities permitted to receive a deserted child as 37252
specified in section 2151.3517 of the Revised Code; 37253

(2) Public children services agencies; 37254

(3) Other public or private agencies that, in the 37255
discretion of the director, are best able to disseminate the 37256
forms and materials to the persons who are most in need of the 37257
forms and materials. 37258

(D) If the department ~~of job and family services~~ 37259
determines that money in the putative father registry fund 37260
created under section 2101.16 of the Revised Code is more than 37261
is needed for its duties related to the putative father 37262
registry, the department may use surplus moneys in the fund for 37263
costs related to the development, distribution, and publication 37264
of forms and materials promulgated pursuant to divisions (A) and 37265

(B) of this section. 37266

(E) The department ~~of job and family services~~ shall 37267
develop an educational plan, in collaboration with the Ohio 37268
family and children first cabinet council, for informing at-risk 37269
populations who are most likely to voluntarily deliver a child 37270
under section 2151.3516 of the Revised Code concerning the 37271
provisions of sections 2151.3515 to 2151.3533 of the Revised 37272
Code. 37273

Sec. 2151.416. (A) Each agency that is required by section 37274
2151.412 of the Revised Code to prepare a case plan for a child 37275
shall complete a semiannual administrative review of the case 37276
plan no later than six months after the earlier of the date on 37277
which the complaint in the case was filed or the child was first 37278
placed in shelter care. After the first administrative review, 37279
the agency shall complete semiannual administrative reviews no 37280
later than every six months. If the court issues an order 37281
pursuant to section 2151.414 or 2151.415 of the Revised Code, 37282
the agency shall complete an administrative review no later than 37283
six months after the court's order and continue to complete 37284
administrative reviews no later than every six months after the 37285
first review, except that the court hearing held pursuant to 37286
section 2151.417 of the Revised Code may take the place of any 37287
administrative review that would otherwise be held at the time 37288
of the court hearing. When conducting a review, the child's 37289
health and safety shall be the paramount concern. 37290

(B) Each administrative review required by division (A) of 37291
this section shall be conducted by a review panel of at least 37292
three persons, including, but not limited to, both of the 37293
following: 37294

(1) A caseworker with day-to-day responsibility for, or 37295

familiarity with, the management of the child's case plan; 37296

(2) A person who is not responsible for the management of 37297
the child's case plan or for the delivery of services to the 37298
child or the parents, guardian, or custodian of the child. 37299

(C) Each semiannual administrative review shall include, 37300
but not be limited to, a joint meeting by the review panel with 37301
the parents, guardian, or custodian of the child, the guardian 37302
ad litem of the child, and the child's foster care provider and 37303
shall include an opportunity for those persons to submit any 37304
written materials to be included in the case record of the 37305
child. If a parent, guardian, custodian, guardian ad litem, or 37306
foster care provider of the child cannot be located after 37307
reasonable efforts to do so or declines to participate in the 37308
administrative review after being contacted, the agency does not 37309
have to include them in the joint meeting. 37310

(D) The agency shall prepare a written summary of the 37311
semiannual administrative review that shall include, but not be 37312
limited to, all of the following: 37313

(1) A conclusion regarding the safety and appropriateness 37314
of the child's foster care placement; 37315

(2) The extent of the compliance with the case plan of all 37316
parties; 37317

(3) The extent of progress that has been made toward 37318
alleviating the circumstances that required the agency to assume 37319
temporary custody of the child; 37320

(4) An estimated date by which the child may be returned 37321
to and safely maintained in the child's home or placed for 37322
adoption or legal custody; 37323

- (5) An updated case plan that includes any changes that the agency is proposing in the case plan; 37324
37325
- (6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review; 37326
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37328
- (7) The names of all persons who participated in the administrative review; 37329
37330
- (8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section ~~5101.85~~ 5180.50 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code. 37331
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- (E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change. 37339
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- (1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after 37350
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the court receives the request. The court shall give notice of 37353
the date, time, and location of the hearing to all parties and 37354
the guardian ad litem. The agency may implement the proposed 37355
change after the hearing, if the court approves it. The agency 37356
shall not implement the proposed change unless it is approved by 37357
the court. 37358

(2) If the court does not receive a timely request for a 37359
hearing, the court may approve the proposed change without a 37360
hearing. If the court approves the proposed change without a 37361
hearing, it shall journalize the case plan with the change not 37362
later than fourteen days after the change is filed with the 37363
court. If the court does not approve the proposed change to the 37364
case plan, it shall schedule a review hearing to be held 37365
pursuant to section 2151.417 of the Revised Code no later than 37366
thirty days after the expiration of the fourteen-day time period 37367
and give notice of the date, time, and location of the hearing 37368
to all parties and the guardian ad litem of the child. If, 37369
despite the requirements of this division and division (D) of 37370
section 2151.417 of the Revised Code, the court neither approves 37371
and journalizes the proposed change nor conducts a hearing, the 37372
agency may implement the proposed change not earlier than 37373
fifteen days after it is submitted to the court. 37374

(F) The director of children and youth may adopt rules 37375
pursuant to Chapter 119. of the Revised Code for procedures and 37376
standard forms for conducting administrative reviews pursuant to 37377
this section. 37378

(G) The juvenile court that receives the written summary 37379
of the administrative review, upon determining, either from the 37380
written summary, case plan, or otherwise, that the custody or 37381
care arrangement is not in the best interest of the child, may 37382

terminate the custody of an agency and place the child in the 37383
custody of another institution or association certified by the 37384
department of children and youth under section 5103.03 of the 37385
Revised Code. 37386

Sec. 2151.4115. ~~(A)~~—As used in sections 2151.4116 to 37387
2151.4122 of the Revised Code: 37388

~~(1)~~—(A) "Kinship caregiver" has the same meaning as used 37389
in section ~~5101.85~~—5180.50 of the Revised Code. 37390

~~(2)~~—(B) "Search technology" means any locate-and-research 37391
tool, search engine, electronic database, or social media search 37392
tool available to a public children services agency or a private 37393
child placing agency. 37394

Sec. 2151.421. (A) (1) (a) No person described in division 37395
(A) (1) (b) of this section who is acting in an official or 37396
professional capacity and knows, or has reasonable cause to 37397
suspect based on facts that would cause a reasonable person in a 37398
similar position to suspect, that a child under eighteen years 37399
of age, or a person under twenty-one years of age with a 37400
developmental disability or physical impairment, has suffered or 37401
faces a threat of suffering any physical or mental wound, 37402
injury, disability, or condition of a nature that reasonably 37403
indicates abuse or neglect of the child shall fail to 37404
immediately report that knowledge or reasonable cause to suspect 37405
to the entity or persons specified in this division. Except as 37406
otherwise provided in this division or section 5120.173 of the 37407
Revised Code, the person making the report shall make it to the 37408
public children services agency or a peace officer in the county 37409
in which the child resides or in which the abuse or neglect is 37410
occurring or has occurred. If the person making the report is a 37411
peace officer, the officer shall make it to the public children 37412

services agency in the county in which the child resides or in 37413
which the abuse or neglect is occurring or has occurred. In the 37414
circumstances described in section 5120.173 of the Revised Code, 37415
the person making the report shall make it to the entity 37416
specified in that section. 37417

(b) Division (A)(1)(a) of this section applies to any 37418
person who is an attorney; health care professional; 37419
practitioner of a limited branch of medicine as specified in 37420
section 4731.15 of the Revised Code; licensed school 37421
psychologist; independent marriage and family therapist or 37422
marriage and family therapist; coroner; administrator or 37423
employee of a child care center; administrator or employee of a 37424
residential camp, child day camp, or private, nonprofit 37425
therapeutic wilderness camp; administrator or employee of a 37426
certified child care agency or other public or private children 37427
services agency; school teacher; school employee; school 37428
authority; peace officer; humane society agent; dog warden, 37429
deputy dog warden, or other person appointed to act as an animal 37430
control officer for a municipal corporation or township in 37431
accordance with state law, an ordinance, or a resolution; 37432
person, other than a cleric, rendering spiritual treatment 37433
through prayer in accordance with the tenets of a well- 37434
recognized religion; employee of a county department of job and 37435
family services who is a professional and who works with 37436
children and families; superintendent or regional administrator 37437
employed by the department of youth services; superintendent, 37438
board member, or employee of a county board of developmental 37439
disabilities; investigative agent contracted with by a county 37440
board of developmental disabilities; employee of the department 37441
of developmental disabilities; employee of a facility or home 37442
that provides respite care in accordance with section 5123.171 37443

of the Revised Code; employee of an entity that provides 37444
homemaker services; employee of a qualified organization as 37445
defined in section 2151.90 of the Revised Code; a host family as 37446
defined in section 2151.90 of the Revised Code; foster 37447
caregiver; a person performing the duties of an assessor 37448
pursuant to Chapter 3107. or 5103. of the Revised Code; third 37449
party employed by a public children services agency to assist in 37450
providing child or family related services; court appointed 37451
special advocate; or guardian ad litem. 37452

(c) If two or more health care professionals, after 37453
providing health care services to a child, determine or suspect 37454
that the child has been or is being abused or neglected, the 37455
health care professionals may designate one of the health care 37456
professionals to report the abuse or neglect. A single report 37457
made under this division shall meet the reporting requirements 37458
of division (A)(1) of this section. 37459

(2) Except as provided in division (A)(3) of this section, 37460
an attorney, physician, or advanced practice registered nurse is 37461
not required to make a report pursuant to division (A)(1) of 37462
this section concerning any communication the attorney, 37463
physician, or advanced practice registered nurse receives from a 37464
client or patient in an attorney-client, physician-patient, or 37465
advanced practice registered nurse-patient relationship, if, in 37466
accordance with division (A) or (B) of section 2317.02 of the 37467
Revised Code, the attorney, physician, or advanced practice 37468
registered nurse could not testify with respect to that 37469
communication in a civil or criminal proceeding. 37470

(3) The client or patient in an attorney-client, 37471
physician-patient, or advanced practice registered nurse-patient 37472
relationship described in division (A)(2) of this section is 37473

deemed to have waived any testimonial privilege under division 37474
(A) or (B) of section 2317.02 of the Revised Code with respect 37475
to any communication the attorney, physician, or advanced 37476
practice registered nurse receives from the client or patient in 37477
that relationship, and the attorney, physician, or advanced 37478
practice registered nurse shall make a report pursuant to 37479
division (A)(1) of this section with respect to that 37480
communication, if all of the following apply: 37481

(a) The client or patient, at the time of the 37482
communication, is a child under eighteen years of age or is a 37483
person under twenty-one years of age with a developmental 37484
disability or physical impairment. 37485

(b) The attorney, physician, or advanced practice 37486
registered nurse knows, or has reasonable cause to suspect based 37487
on facts that would cause a reasonable person in similar 37488
position to suspect that the client or patient has suffered or 37489
faces a threat of suffering any physical or mental wound, 37490
injury, disability, or condition of a nature that reasonably 37491
indicates abuse or neglect of the client or patient. 37492

(c) The abuse or neglect does not arise out of the 37493
client's or patient's attempt to have an abortion without the 37494
notification of her parents, guardian, or custodian in 37495
accordance with section 2151.85 of the Revised Code. 37496

(4) (a) No cleric and no person, other than a volunteer, 37497
designated by any church, religious society, or faith acting as 37498
a leader, official, or delegate on behalf of the church, 37499
religious society, or faith who is acting in an official or 37500
professional capacity, who knows, or has reasonable cause to 37501
believe based on facts that would cause a reasonable person in a 37502
similar position to believe, that a child under eighteen years 37503

of age, or a person under twenty-one years of age with a 37504
developmental disability or physical impairment, has suffered or 37505
faces a threat of suffering any physical or mental wound, 37506
injury, disability, or condition of a nature that reasonably 37507
indicates abuse or neglect of the child, and who knows, or has 37508
reasonable cause to believe based on facts that would cause a 37509
reasonable person in a similar position to believe, that another 37510
cleric or another person, other than a volunteer, designated by 37511
a church, religious society, or faith acting as a leader, 37512
official, or delegate on behalf of the church, religious 37513
society, or faith caused, or poses the threat of causing, the 37514
wound, injury, disability, or condition that reasonably 37515
indicates abuse or neglect shall fail to immediately report that 37516
knowledge or reasonable cause to believe to the entity or 37517
persons specified in this division. Except as provided in 37518
section 5120.173 of the Revised Code, the person making the 37519
report shall make it to the public children services agency or a 37520
peace officer in the county in which the child resides or in 37521
which the abuse or neglect is occurring or has occurred. In the 37522
circumstances described in section 5120.173 of the Revised Code, 37523
the person making the report shall make it to the entity 37524
specified in that section. 37525

(b) Except as provided in division (A) (4) (c) of this 37526
section, a cleric is not required to make a report pursuant to 37527
division (A) (4) (a) of this section concerning any communication 37528
the cleric receives from a penitent in a cleric-penitent 37529
relationship, if, in accordance with division (C) of section 37530
2317.02 of the Revised Code, the cleric could not testify with 37531
respect to that communication in a civil or criminal proceeding. 37532

(c) The penitent in a cleric-penitent relationship 37533
described in division (A) (4) (b) of this section is deemed to 37534

have waived any testimonial privilege under division (C) of 37535
section 2317.02 of the Revised Code with respect to any 37536
communication the cleric receives from the penitent in that 37537
cleric-penitent relationship, and the cleric shall make a report 37538
pursuant to division (A) (4) (a) of this section with respect to 37539
that communication, if all of the following apply: 37540

(i) The penitent, at the time of the communication, is a 37541
child under eighteen years of age or is a person under twenty- 37542
one years of age with a developmental disability or physical 37543
impairment. 37544

(ii) The cleric knows, or has reasonable cause to believe 37545
based on facts that would cause a reasonable person in a similar 37546
position to believe, as a result of the communication or any 37547
observations made during that communication, the penitent has 37548
suffered or faces a threat of suffering any physical or mental 37549
wound, injury, disability, or condition of a nature that 37550
reasonably indicates abuse or neglect of the penitent. 37551

(iii) The abuse or neglect does not arise out of the 37552
penitent's attempt to have an abortion performed upon a child 37553
under eighteen years of age or upon a person under twenty-one 37554
years of age with a developmental disability or physical 37555
impairment without the notification of her parents, guardian, or 37556
custodian in accordance with section 2151.85 of the Revised 37557
Code. 37558

(d) Divisions (A) (4) (a) and (c) of this section do not 37559
apply in a cleric-penitent relationship when the disclosure of 37560
any communication the cleric receives from the penitent is in 37561
violation of the sacred trust. 37562

(e) As used in divisions (A) (1) and (4) of this section, 37563

"cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code. 37564
37565

(B) Anyone who knows, or has reasonable cause to suspect 37566
based on facts that would cause a reasonable person in similar 37567
circumstances to suspect, that a child under eighteen years of 37568
age, or a person under twenty-one years of age with a 37569
developmental disability or physical impairment, has suffered or 37570
faces a threat of suffering any physical or mental wound, 37571
injury, disability, or other condition of a nature that 37572
reasonably indicates abuse or neglect of the child may report or 37573
cause reports to be made of that knowledge or reasonable cause 37574
to suspect to the entity or persons specified in this division. 37575
Except as provided in section 5120.173 of the Revised Code, a 37576
person making a report or causing a report to be made under this 37577
division shall make it or cause it to be made to the public 37578
children services agency or to a peace officer. In the 37579
circumstances described in section 5120.173 of the Revised Code, 37580
a person making a report or causing a report to be made under 37581
this division shall make it or cause it to be made to the entity 37582
specified in that section. 37583

(C) Any report made pursuant to division (A) or (B) of 37584
this section shall be made forthwith either by telephone, in 37585
person, or electronically and shall be followed by a written 37586
report, if requested by the receiving agency or officer. The 37587
written report shall contain: 37588

(1) The names and addresses of the child and the child's 37589
parents or the person or persons having custody of the child, if 37590
known; 37591

(2) The child's age and the nature and extent of the 37592
child's injuries, abuse, or neglect that is known or reasonably 37593

suspected or believed, as applicable, to have occurred or of the 37594
threat of injury, abuse, or neglect that is known or reasonably 37595
suspected or believed, as applicable, to exist, including any 37596
evidence of previous injuries, abuse, or neglect; 37597

(3) Any other information, including, but not limited to, 37598
results and reports of any medical examinations, tests, or 37599
procedures performed under division (D) of this section, that 37600
might be helpful in establishing the cause of the injury, abuse, 37601
or neglect that is known or reasonably suspected or believed, as 37602
applicable, to have occurred or of the threat of injury, abuse, 37603
or neglect that is known or reasonably suspected or believed, as 37604
applicable, to exist. 37605

(D) (1) Any person, who is required by division (A) of this 37606
section to report child abuse or child neglect that is known or 37607
reasonably suspected or believed to have occurred, may take or 37608
cause to be taken color photographs of areas of trauma visible 37609
on a child and, if medically necessary for the purpose of 37610
diagnosing or treating injuries that are suspected to have 37611
occurred as a result of child abuse or child neglect, perform or 37612
cause to be performed radiological examinations and any other 37613
medical examinations of, and tests or procedures on, the child. 37614

(2) The results and any available reports of examinations, 37615
tests, or procedures made under division (D) (1) of this section 37616
shall be included in a report made pursuant to division (A) of 37617
this section. Any additional reports of examinations, tests, or 37618
procedures that become available shall be provided to the public 37619
children services agency, upon request. 37620

(3) If a health care professional provides health care 37621
services in a hospital, children's advocacy center, or emergency 37622
medical facility to a child about whom a report has been made 37623

under division (A) of this section, the health care professional 37624
may take any steps that are reasonably necessary for the release 37625
or discharge of the child to an appropriate environment. Before 37626
the child's release or discharge, the health care professional 37627
may obtain information, or consider information obtained, from 37628
other entities or individuals that have knowledge about the 37629
child. Nothing in division (D) (3) of this section shall be 37630
construed to alter the responsibilities of any person under 37631
sections 2151.27 and 2151.31 of the Revised Code. 37632

(4) A health care professional may conduct medical 37633
examinations, tests, or procedures on the siblings of a child 37634
about whom a report has been made under division (A) of this 37635
section and on other children who reside in the same home as the 37636
child, if the professional determines that the examinations, 37637
tests, or procedures are medically necessary to diagnose or 37638
treat the siblings or other children in order to determine 37639
whether reports under division (A) of this section are warranted 37640
with respect to such siblings or other children. The results of 37641
the examinations, tests, or procedures on the siblings and other 37642
children may be included in a report made pursuant to division 37643
(A) of this section. 37644

(5) Medical examinations, tests, or procedures conducted 37645
under divisions (D) (1) and (4) of this section and decisions 37646
regarding the release or discharge of a child under division (D) 37647
(3) of this section do not constitute a law enforcement 37648
investigation or activity. 37649

(E) (1) When a peace officer receives a report made 37650
pursuant to division (A) or (B) of this section, upon receipt of 37651
the report, the peace officer who receives the report shall 37652
refer the report to the appropriate public children services 37653

agency, in accordance with requirements specified under division 37654
(B) (6) of section 2151.4221 of the Revised Code, unless an 37655
arrest is made at the time of the report that results in the 37656
appropriate public children services agency being contacted 37657
concerning the possible abuse or neglect of a child or the 37658
possible threat of abuse or neglect of a child. 37659

(2) When a public children services agency receives a 37660
report pursuant to this division or division (A) or (B) of this 37661
section, upon receipt of the report, the public children 37662
services agency shall do all of the following: 37663

(a) Comply with section 2151.422 of the Revised Code; 37664

(b) If the county served by the agency is also served by a 37665
children's advocacy center and the report alleges sexual abuse 37666
of a child or another type of abuse of a child that is specified 37667
in the memorandum of understanding that creates the center as 37668
being within the center's jurisdiction, comply regarding the 37669
report with the protocol and procedures for referrals and 37670
investigations, with the coordinating activities, and with the 37671
authority or responsibility for performing or providing 37672
functions, activities, and services stipulated in the 37673
interagency agreement entered into under section 2151.428 of the 37674
Revised Code relative to that center; 37675

(c) Unless an arrest is made at the time of the report 37676
that results in the appropriate law enforcement agency being 37677
contacted concerning the possible abuse or neglect of a child or 37678
the possible threat of abuse or neglect of a child, and in 37679
accordance with requirements specified under division (B) (6) of 37680
section 2151.4221 of the Revised Code, notify the appropriate 37681
law enforcement agency of the report, if the public children 37682
services agency received either of the following: 37683

(i) A report of abuse of a child; 37684

(ii) A report of neglect of a child that alleges a type of 37685
neglect identified by the department of children and youth in 37686
rules adopted under division (L)(2) of this section. 37687

(F) No peace officer shall remove a child about whom a 37688
report is made pursuant to this section from the child's 37689
parents, stepparents, or guardian or any other persons having 37690
custody of the child without consultation with the public 37691
children services agency, unless, in the judgment of the 37692
officer, and, if the report was made by a physician or advanced 37693
practice registered nurse, the physician or nurse, immediate 37694
removal is considered essential to protect the child from 37695
further abuse or neglect. The agency that must be consulted 37696
shall be the agency conducting the investigation of the report 37697
as determined pursuant to section 2151.422 of the Revised Code. 37698

(G) (1) Except as provided in section 2151.422 of the 37699
Revised Code or in an interagency agreement entered into under 37700
section 2151.428 of the Revised Code that applies to the 37701
particular report, the public children services agency shall 37702
investigate, within twenty-four hours, each report of child 37703
abuse or child neglect that is known or reasonably suspected or 37704
believed to have occurred and of a threat of child abuse or 37705
child neglect that is known or reasonably suspected or believed 37706
to exist that is referred to it under this section to determine 37707
the circumstances surrounding the injuries, abuse, or neglect or 37708
the threat of injury, abuse, or neglect, the cause of the 37709
injuries, abuse, neglect, or threat, and the person or persons 37710
responsible. The investigation shall be made in cooperation with 37711
the law enforcement agency and in accordance with the memorandum 37712
of understanding prepared under sections 2151.4220 to 2151.4234 37713

of the Revised Code. A representative of the public children 37714
services agency shall, at the time of initial contact with the 37715
person subject to the investigation, inform the person of the 37716
specific complaints or allegations made against the person. The 37717
information shall be given in a manner that is consistent with 37718
division (I)(1) of this section and protects the rights of the 37719
person making the report under this section. 37720

A failure to make the investigation in accordance with the 37721
memorandum is not grounds for, and shall not result in, the 37722
dismissal of any charges or complaint arising from the report or 37723
the suppression of any evidence obtained as a result of the 37724
report and does not give, and shall not be construed as giving, 37725
any rights or any grounds for appeal or post-conviction relief 37726
to any person. The public children services agency shall report 37727
each case to the uniform statewide automated child welfare 37728
information system that the department of children and youth 37729
shall maintain in accordance with section ~~5101.13~~ 5180.40 of the 37730
Revised Code. The public children services agency shall submit a 37731
report of its investigation, in writing, to the law enforcement 37732
agency. 37733

(2) The public children services agency shall make any 37734
recommendations to the county prosecuting attorney or city 37735
director of law that it considers necessary to protect any 37736
children that are brought to its attention. 37737

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 37738
(I) (3) of this section, any person, health care professional, 37739
hospital, institution, school, health department, or agency 37740
shall be immune from any civil or criminal liability for injury, 37741
death, or loss to person or property that otherwise might be 37742
incurred or imposed as a result of any of the following: 37743

(i) Participating in the making of reports pursuant to 37744
division (A) of this section or in the making of reports in good 37745
faith, pursuant to division (B) of this section; 37746

(ii) Participating in medical examinations, tests, or 37747
procedures under division (D) of this section; 37748

(iii) Providing information used in a report made pursuant 37749
to division (A) of this section or providing information in good 37750
faith used in a report made pursuant to division (B) of this 37751
section; 37752

(iv) Participating in a judicial proceeding resulting from 37753
a report made pursuant to division (A) of this section or 37754
participating in good faith in a proceeding resulting from a 37755
report made pursuant to division (B) of this section. 37756

(b) Immunity under division (H) (1) (a) (ii) of this section 37757
shall not apply when a health care provider has deviated from 37758
the standard of care applicable to the provider's profession. 37759

(c) Notwithstanding section 4731.22 of the Revised Code, 37760
the physician-patient privilege shall not be a ground for 37761
excluding evidence regarding a child's injuries, abuse, or 37762
neglect, or the cause of the injuries, abuse, or neglect in any 37763
judicial proceeding resulting from a report submitted pursuant 37764
to this section. 37765

(2) In any civil or criminal action or proceeding in which 37766
it is alleged and proved that participation in the making of a 37767
report under this section was not in good faith or participation 37768
in a judicial proceeding resulting from a report made under this 37769
section was not in good faith, the court shall award the 37770
prevailing party reasonable attorney's fees and costs and, if a 37771
civil action or proceeding is voluntarily dismissed, may award 37772

reasonable attorney's fees and costs to the party against whom 37773
the civil action or proceeding is brought. 37774

(I) (1) Except as provided in divisions (I) (4) and (N) of 37775
this section and sections 2151.423 and 2151.4210 of the Revised 37776
Code, a report made under this section is confidential. The 37777
information provided in a report made pursuant to this section 37778
and the name of the person who made the report shall not be 37779
released for use, and shall not be used, as evidence in any 37780
civil action or proceeding brought against the person who made 37781
the report. Nothing in this division shall preclude the use of 37782
reports of other incidents of known or suspected abuse or 37783
neglect in a civil action or proceeding brought pursuant to 37784
division (M) of this section against a person who is alleged to 37785
have violated division (A) (1) of this section, provided that any 37786
information in a report that would identify the child who is the 37787
subject of the report or the maker of the report, if the maker 37788
of the report is not the defendant or an agent or employee of 37789
the defendant, has been redacted. In a criminal proceeding, the 37790
report is admissible in evidence in accordance with the Rules of 37791
Evidence and is subject to discovery in accordance with the 37792
Rules of Criminal Procedure. 37793

(2) (a) Except as provided in division (I) (2) (b) of this 37794
section, no person shall permit or encourage the unauthorized 37795
dissemination of the contents of any report made under this 37796
section. 37797

(b) A health care professional that obtains the same 37798
information contained in a report made under this section from a 37799
source other than the report may disseminate the information, if 37800
its dissemination is otherwise permitted by law. 37801

(3) A person who knowingly makes or causes another person 37802

to make a false report under division (B) of this section that 37803
alleges that any person has committed an act or omission that 37804
resulted in a child being an abused child or a neglected child 37805
is guilty of a violation of section 2921.14 of the Revised Code. 37806

(4) If a report is made pursuant to division (A) or (B) of 37807
this section and the child who is the subject of the report dies 37808
for any reason at any time after the report is made, but before 37809
the child attains eighteen years of age, the public children 37810
services agency or peace officer to which the report was made or 37811
referred, on the request of the child fatality review board, the 37812
suicide fatality review committee, or the director of health 37813
pursuant to guidelines established under section 3701.70 of the 37814
Revised Code, shall submit a summary sheet of information 37815
providing a summary of the report to the review board or review 37816
committee of the county in which the deceased child resided at 37817
the time of death or to the director. On the request of the 37818
review board, review committee, or director, the agency or peace 37819
officer may, at its discretion, make the report available to the 37820
review board, review committee, or director. If the county 37821
served by the public children services agency is also served by 37822
a children's advocacy center and the report of alleged sexual 37823
abuse of a child or another type of abuse of a child is 37824
specified in the memorandum of understanding that creates the 37825
center as being within the center's jurisdiction, the agency or 37826
center shall perform the duties and functions specified in this 37827
division in accordance with the interagency agreement entered 37828
into under section 2151.428 of the Revised Code relative to that 37829
advocacy center. 37830

(5) Not later than five business days after the 37831
determination of a disposition, a public children services 37832
agency shall advise a person alleged to have inflicted abuse or 37833

neglect on a child who is the subject of a report made pursuant 37834
to this section, including a report alleging sexual abuse of a 37835
child or another type of abuse of a child referred to a 37836
children's advocacy center pursuant to an interagency agreement 37837
entered into under section 2151.428 of the Revised Code, in 37838
writing of the disposition of the investigation. The agency 37839
shall not provide to the person any information that identifies 37840
the person who made the report, statements of witnesses, or 37841
police or other investigative reports. The written notice of 37842
disposition shall be made in a form designated by the department 37843
of ~~job and family services~~ children and youth and shall inform 37844
the person of the right to appeal the disposition. 37845

(J) Any report that is required by this section, other 37846
than a report that is made to the state highway patrol as 37847
described in section 5120.173 of the Revised Code, shall result 37848
in protective services and emergency supportive services being 37849
made available by the public children services agency on behalf 37850
of the children about whom the report is made. The agency 37851
required to provide the services shall be the agency conducting 37852
the investigation of the report pursuant to section 2151.422 of 37853
the Revised Code. If a ~~child-family~~ is determined to ~~be a~~ 37854
~~candidate for benefit from~~ prevention services, the agency also 37855
~~shall~~ may make efforts to prevent neglect or abuse, to enhance a 37856
child's welfare, and to preserve the family unit intact by 37857
referring a report for assessment and provision of services to 37858
an agency providing prevention services, if appropriate 37859
prevention services are available from a local provider or other 37860
reasonable source. 37861

(K) (1) Except as provided in division (K) (4) or (5) of 37862
this section, a person who is required to make a report under 37863
division (A) of this section may make a reasonable number of 37864

requests of the public children services agency that receives or 37865
is referred the report, or of the children's advocacy center 37866
that is referred the report if the report is referred to a 37867
children's advocacy center pursuant to an interagency agreement 37868
entered into under section 2151.428 of the Revised Code, to be 37869
provided with the following information: 37870

(a) Whether the agency or center has initiated an 37871
investigation of the report; 37872

(b) Whether the agency or center is continuing to 37873
investigate the report; 37874

(c) Whether the agency or center is otherwise involved 37875
with the child who is the subject of the report; 37876

(d) The general status of the health and safety of the 37877
child who is the subject of the report; 37878

(e) Whether the report has resulted in the filing of a 37879
complaint in juvenile court or of criminal charges in another 37880
court. 37881

(2) (a) A person may request the information specified in 37882
division (K)(1) of this section only if, at the time the report 37883
is made, the person's name, address, and telephone number are 37884
provided to the person who receives the report. 37885

(b) When a peace officer or employee of a public children 37886
services agency receives a report pursuant to division (A) or 37887
(B) of this section the recipient of the report shall inform the 37888
person of the right to request the information described in 37889
division (K)(1) of this section. The recipient of the report 37890
shall include in the initial child abuse or child neglect report 37891
that the person making the report was so informed and, if 37892
provided at the time of the making of the report, shall include 37893

the person's name, address, and telephone number in the report. 37894

(c) If the person making the report provides the person's 37895
name and contact information on making the report, the public 37896
children services agency that received or was referred the 37897
report shall send a written notice via United States mail or 37898
electronic mail, in accordance with the person's preference, to 37899
the person not later than seven calendar days after receipt of 37900
the report. The notice shall provide the status of the agency's 37901
investigation into the report made, who the person may contact 37902
at the agency for further information, and a description of the 37903
person's rights under division (K) (1) of this section. 37904

(d) Each request is subject to verification of the 37905
identity of the person making the report. If that person's 37906
identity is verified, the agency shall provide the person with 37907
the information described in division (K) (1) of this section a 37908
reasonable number of times, except that the agency shall not 37909
disclose any confidential information regarding the child who is 37910
the subject of the report other than the information described 37911
in those divisions. 37912

(3) A request made pursuant to division (K) (1) of this 37913
section is not a substitute for any report required to be made 37914
pursuant to division (A) of this section. 37915

(4) If an agency other than the agency that received or 37916
was referred the report is conducting the investigation of the 37917
report pursuant to section 2151.422 of the Revised Code, the 37918
agency conducting the investigation shall comply with the 37919
requirements of division (K) of this section. 37920

(5) A health care professional who made a report under 37921
division (A) of this section, or on whose behalf such a report 37922

was made as provided in division (A)(1)(c) of this section, may 37923
authorize a person to obtain the information described in 37924
division (K)(1) of this section if the person requesting the 37925
information is associated with or acting on behalf of the health 37926
care professional who provided health care services to the child 37927
about whom the report was made. 37928

(6) If the person making the report provides the person's 37929
name and contact information on making the report, the public 37930
children services agency that received or was referred the 37931
report shall send a written notice via United States mail or 37932
electronic mail, in accordance with the person's preference, to 37933
the person not later than seven calendar days after the agency 37934
closes the investigation into the case reported by the person. 37935
The notice shall notify the person that the agency has closed 37936
the investigation. 37937

(L)(1) The director of children and youth shall adopt 37938
rules in accordance with Chapter 119. of the Revised Code to 37939
implement this section. The department of children and youth may 37940
enter into a plan of cooperation with any other governmental 37941
entity to aid in ensuring that children are protected from abuse 37942
and neglect. The department shall make recommendations to the 37943
attorney general that the department determines are necessary to 37944
protect children from child abuse and child neglect. 37945

(2) The director of children and youth shall adopt rules 37946
in accordance with Chapter 119. of the Revised Code to identify 37947
the types of neglect of a child that a public children services 37948
agency shall be required to notify law enforcement of pursuant 37949
to division (E)(2)(c)(ii) of this section. 37950

(M) Whoever violates division (A) of this section is 37951
liable for compensatory and exemplary damages to the child who 37952

would have been the subject of the report that was not made. A 37953
person who brings a civil action or proceeding pursuant to this 37954
division against a person who is alleged to have violated 37955
division (A) (1) of this section may use in the action or 37956
proceeding reports of other incidents of known or suspected 37957
abuse or neglect, provided that any information in a report that 37958
would identify the child who is the subject of the report or the 37959
maker of the report, if the maker is not the defendant or an 37960
agent or employee of the defendant, has been redacted. 37961

(N) (1) As used in this division: 37962

(a) "Out-of-home care" includes a nonchartered nonpublic 37963
school if the alleged child abuse or child neglect, or alleged 37964
threat of child abuse or child neglect, described in a report 37965
received by a public children services agency allegedly occurred 37966
in or involved the nonchartered nonpublic school and the alleged 37967
perpetrator named in the report holds a certificate, permit, or 37968
license issued by the state board of education under section 37969
3301.071 or Chapter 3319. of the Revised Code. 37970

(b) "Administrator, director, or other chief 37971
administrative officer" means the superintendent of the school 37972
district if the out-of-home care entity subject to a report made 37973
pursuant to this section is a school operated by the district. 37974

(2) No later than the end of the day following the day on 37975
which a public children services agency receives a report of 37976
alleged child abuse or child neglect, or a report of an alleged 37977
threat of child abuse or child neglect, that allegedly occurred 37978
in or involved an out-of-home care entity, the agency shall 37979
provide written notice of the allegations contained in and the 37980
person named as the alleged perpetrator in the report to the 37981
administrator, director, or other chief administrative officer 37982

of the out-of-home care entity that is the subject of the report 37983
unless the administrator, director, or other chief 37984
administrative officer is named as an alleged perpetrator in the 37985
report. If the administrator, director, or other chief 37986
administrative officer of an out-of-home care entity is named as 37987
an alleged perpetrator in a report of alleged child abuse or 37988
child neglect, or a report of an alleged threat of child abuse 37989
or child neglect, that allegedly occurred in or involved the 37990
out-of-home care entity, the agency shall provide the written 37991
notice to the owner or governing board of the out-of-home care 37992
entity that is the subject of the report. The agency shall not 37993
provide witness statements or police or other investigative 37994
reports. 37995

(3) No later than three days after the day on which a 37996
public children services agency that conducted the investigation 37997
as determined pursuant to section 2151.422 of the Revised Code 37998
makes a disposition of an investigation involving a report of 37999
alleged child abuse or child neglect, or a report of an alleged 38000
threat of child abuse or child neglect, that allegedly occurred 38001
in or involved an out-of-home care entity, the agency shall send 38002
written notice of the disposition of the investigation to the 38003
administrator, director, or other chief administrative officer 38004
and the owner or governing board of the out-of-home care entity. 38005
The agency shall not provide witness statements or police or 38006
other investigative reports. 38007

(0) As used in this section: 38008

(1) "Children's advocacy center" and "sexual abuse of a 38009
child" have the same meanings as in section 2151.425 of the 38010
Revised Code. 38011

(2) "Health care professional" means an individual who 38012

provides health-related services. "Health care professional" 38013
includes all of the following: a physician, including a hospital 38014
intern or resident; a dentist; a podiatrist; a registered nurse, 38015
including such a nurse who is an advanced practice registered 38016
nurse; a licensed practical nurse; a home care nurse; a licensed 38017
psychologist; a speech-language pathologist; an audiologist; a 38018
person engaged in social work or the practice of professional 38019
counseling; and an employee of a home health agency. "Health 38020
care professional" does not include a practitioner of a limited 38021
branch of medicine as specified in section 4731.15 of the 38022
Revised Code, licensed school psychologist, independent marriage 38023
and family therapist or marriage and family therapist, or 38024
coroner. 38025

(3) "Investigation" means the public children services 38026
agency's response to an accepted report of child abuse or 38027
neglect through either an alternative response or a traditional 38028
response. 38029

(4) "Peace officer" means a sheriff, deputy sheriff, 38030
constable, police officer of a township or joint police 38031
district, marshal, deputy marshal, municipal police officer, or 38032
a state highway patrol trooper. 38033

Sec. 2151.423. A public children services agency shall 38034
disclose confidential information discovered during an 38035
investigation conducted pursuant to section 2151.421 or 2151.422 38036
of the Revised Code to any federal, state, or local government 38037
entity, including any appropriate military authority or any 38038
~~agency providing~~ prevention services provider to the 38039
~~child~~family, that needs the information to carry out its 38040
responsibilities to protect children from abuse or neglect. 38041

Information disclosed pursuant to this section is 38042

confidential and is not subject to disclosure pursuant to 38043
section 149.43 or 1347.08 of the Revised Code by the agency to 38044
whom the information was disclosed. The agency receiving the 38045
information shall maintain the confidentiality of information 38046
disclosed pursuant to this section. 38047

Sec. 2151.424. (A) If a child has been placed in a 38048
certified foster home or is in the custody of, or has been 38049
placed with, a kinship caregiver as defined in section ~~5101.85~~ 38050
5180.50 of the Revised Code, a court, prior to conducting any 38051
hearing pursuant to division (F) (2) or (3) of section 2151.412 38052
or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 38053
2151.416, or 2151.417 of the Revised Code with respect to the 38054
child, shall notify the foster caregiver or kinship caregiver of 38055
the date, time, and place of the hearing. At the hearing, the 38056
foster caregiver or kinship caregiver shall have the right to be 38057
heard. 38058

(B) If a public children services agency or private child 38059
placing agency has permanent custody of a child and a petition 38060
to adopt the child has been filed under Chapter 3107. of the 38061
Revised Code, the agency, prior to conducting a review under 38062
section 2151.416 of the Revised Code, or a court, prior to 38063
conducting a hearing under division (F) (2) or (3) of section 38064
2151.412 or section 2151.416 or 2151.417 of the Revised Code, 38065
shall notify the prospective adoptive parent of the date, time, 38066
and place of the review or hearing. At the review or hearing, 38067
the prospective adoptive parent shall have the right to be 38068
heard. 38069

(C) The notice and the opportunity to be heard do not make 38070
the foster caregiver, kinship caregiver, or prospective adoptive 38071
parent a party in the action or proceeding pursuant to which the 38072

review or hearing is conducted. 38073

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of 38074
the Revised Code, "emancipated young adult" and "representative" 38075
have the same meanings as in section ~~5101.141~~ 5180.42 of the 38076
Revised Code. 38077

Sec. 2151.451. (A) The juvenile court of the county, to 38078
which either of the following applies regarding an emancipated 38079
young adult described under division (A)(1) of section ~~5101.141~~ 38080
5180.428 of the Revised Code, may exercise jurisdiction over the 38081
emancipated young adult for purposes of sections 2151.45 to 38082
2151.455 of the Revised Code: 38083

(1) The county in which the emancipated young adult 38084
resides; 38085

(2) The county in which the emancipated young adult 38086
resided when the custody, arrangement, or care and placement 38087
described in division (A)(3)(a) of section ~~5101.141~~ 5180.42 of 38088
the Revised Code terminated. 38089

(B) A juvenile court, on its own motion or the motion of 38090
any party, may transfer a proceeding under sections 2151.45 to 38091
2151.455 of the Revised Code to a juvenile court with 38092
jurisdiction as provided in this section. 38093

Sec. 2151.452. A juvenile court shall do both of the 38094
following regarding an emancipated young adult described under 38095
division (A)(1) of section ~~5101.141~~ 5180.428 of the Revised 38096
Code: 38097

(A) Not later than one hundred eighty days after the 38098
voluntary participation agreement becomes effective, make a 38099
determination as to whether the emancipated young adult's best 38100
interest is served by continuing the care and placement with the 38101

department of children and youth or its representative. 38102

(B) Not later than twelve months after the effective date 38103
of the voluntary participation agreement, and at least once 38104
every twelve months thereafter, make a determination that the 38105
department or its representative has made reasonable efforts to 38106
finalize a permanency plan to prepare the emancipated young 38107
adult for independence. 38108

Sec. 2151.453. If any determination required under section 38109
2151.452 of the Revised Code is not timely made, the federal 38110
payments for foster care under division (A) (1) of section 38111
~~5101.1411~~ 5180.428 of the Revised Code for the emancipated young 38112
adult shall be suspended. The payments shall resume upon a 38113
subsequent determination that reasonable efforts have been made 38114
to prepare the emancipated young adult for independence, but 38115
only if both of the following apply: 38116

(A) The emancipated young adult complies with division (A) 38117
(1) of section ~~5101.1411~~ 5180.428 of the Revised Code. 38118

(B) There has been a timely determination of best interest 38119
under division (A) of section 2151.452 of the Revised Code. 38120

Sec. 2152.26. (A) Except as provided in divisions (B) and 38121
(F) of this section, a child alleged to be or adjudicated a 38122
delinquent child or a juvenile traffic offender may be held only 38123
in the following places: 38124

(1) A certified foster home or a home approved by the 38125
court; 38126

(2) A facility operated by a certified child welfare 38127
agency; 38128

(3) Any other suitable place designated by the court. 38129

(B) In addition to the places listed in division (A) of 38130
this section, a child alleged to be or adjudicated a delinquent 38131
child or a person described in division (C) (7) of section 38132
2152.02 of the Revised Code may be held in a detention facility 38133
for delinquent children that is under the direction or 38134
supervision of the court or other public authority or of a 38135
private agency and approved by the court, and a child 38136
adjudicated a delinquent child may be held in accordance with 38137
division (F) (2) of this section in a facility of a type 38138
specified in that division. 38139

(C) (1) Except as provided under division (C) (1) of section 38140
2151.311 of the Revised Code or division (A) (5) of section 38141
2152.21 of the Revised Code, a child alleged to be or 38142
adjudicated a juvenile traffic offender may not be held in any 38143
of the following facilities: 38144

(a) A state correctional institution, county, multicounty, 38145
or municipal jail or workhouse, or other place in which an adult 38146
convicted of crime, under arrest, or charged with a crime is 38147
held. 38148

(b) A secure correctional facility. 38149

(2) Except as provided under this section, sections 38150
2151.56 to 2151.59, and divisions (A) (5) and (6) of section 38151
2152.21 of the Revised Code, a child alleged to be or 38152
adjudicated a juvenile traffic offender may not be held for more 38153
than twenty-four hours in a detention facility. 38154

(D) Except as provided in division (F) of this section or 38155
in division (C) of section 2151.311, in division (C) (2) of 38156
section 5139.06 and section 5120.162, or in division ~~(B)~~ (C) of 38157
section 5120.16 of the Revised Code, a child who is alleged to 38158

be or is adjudicated a delinquent child or a person described in 38159
division (C) (7) of section 2152.02 of the Revised Code may not 38160
be held in a state correctional institution, county, 38161
multicounty, or municipal jail or workhouse, or other place 38162
where an adult convicted of crime, under arrest, or charged with 38163
crime is held. 38164

(E) Unless the detention is pursuant to division (F) of 38165
this section or division (C) of section 2151.311, division (C) 38166
(2) of section 5139.06 and section 5120.162, or division ~~(B)~~ (C) 38167
of section 5120.16 of the Revised Code, the official in charge 38168
of the institution, jail, workhouse, or other facility shall 38169
inform the court immediately when a person who is or appears to 38170
be under the age of eighteen years, or a person who is charged 38171
with a violation of an order of a juvenile court or a violation 38172
of probation or parole conditions imposed by a juvenile court 38173
and who is or appears to be between the ages of eighteen and 38174
twenty-one years, is received at the facility and shall deliver 38175
the person to the court upon request or transfer the person to a 38176
detention facility designated by the court. 38177

(F) (1) If a case is transferred to another court for 38178
criminal prosecution pursuant to section 2152.12 of the Revised 38179
Code and the alleged offender is a person described in division 38180
(C) (7) of section 2152.02 of the Revised Code, the person may 38181
not be transferred for detention pending the criminal 38182
prosecution in a jail or other facility except under the 38183
circumstances described in division (F) (4) of this section. Any 38184
child held in accordance with division (F) (3) of this section 38185
shall be confined in a manner that keeps the child beyond the 38186
sight and sound of all adult detainees. The child shall be 38187
supervised at all times during the detention. 38188

(2) If a person is adjudicated a delinquent child or juvenile traffic offender or is a person described in division (C) (7) of section 2152.02 of the Revised Code and the court makes a disposition of the person under this chapter, at any time after the person attains twenty-one years of age, the person may be held under that disposition or under the circumstances described in division (F) (4) of this section in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held.

(3) (a) A person alleged to be a delinquent child may be held in places other than those specified in division (A) of this section, including, but not limited to, a county, multicounty, or municipal jail, if the delinquent act that the child allegedly committed would be a felony if committed by an adult, and if either of the following applies:

(i) The person attains twenty-one years of age before the person is arrested or apprehended for that act.

(ii) The person is arrested or apprehended for that act before the person attains twenty-one years of age, but the person attains twenty-one years of age before the court orders a disposition in the case.

(b) If, pursuant to division (F) (3) (a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4) (a) Any person whose case is transferred for criminal

prosecution pursuant to section 2152.10 or 2152.12 of the 38218
Revised Code or any person who has attained the age of eighteen 38219
years but has not attained the age of twenty-one years and who 38220
is being held in a place specified in division (B) of this 38221
section may be held under that disposition or charge in places 38222
other than those specified in division (B) of this section, 38223
including a county, multicounty, or municipal jail or workhouse, 38224
or other place where an adult under arrest or charged with crime 38225
is held if the juvenile court, upon its own motion or upon 38226
motion by the prosecutor and after notice and hearing, 38227
establishes by a preponderance of the evidence and makes written 38228
findings of either of the following: 38229

(i) With respect to a person whose case is transferred for 38230
criminal prosecution pursuant to either specified section or who 38231
has attained the age of eighteen years but who has not attained 38232
the age of twenty-one years and is being so held, that the youth 38233
is a threat to the safety and security of the facility; 38234

(ii) With respect to a person who has attained the age of 38235
eighteen years but who has not attained the age of twenty-one 38236
years and is being so held, that the best interests of the youth 38237
require that the youth be held in a place other than a place 38238
specified in division (B) of this section, including a county, 38239
multicounty, or municipal jail or workhouse, or other place 38240
where an adult under arrest or charged with crime is held. 38241

(b) In determining for purposes of division (F) (4) (a) (i) 38242
of this section whether a youth is a threat to the safety and 38243
security of the facility, evidence that the youth is a threat to 38244
the safety and security of the facility may include, but is not 38245
limited to, whether the youth has done any of the following: 38246

(i) Injured or created an imminent danger to the life or 38247

health of another youth or staff member in the facility or 38248
program by violent behavior; 38249

(ii) Escaped from the facility or program in which the 38250
youth is being held on more than one occasion; 38251

(iii) Established a pattern of disruptive behavior as 38252
verified by a written record that the youth's behavior is not 38253
conducive to the established policies and procedures of the 38254
facility or program in which the youth is being held. 38255

(c) If a prosecutor submits a motion requesting that a 38256
person be held in a place other than those specified in division 38257
(B) of this section or if the court submits its own motion, the 38258
juvenile court shall hold a hearing within five days of the 38259
filing of the motion, and, in determining whether a place other 38260
than those specified in division (B) of this section is the 38261
appropriate place of confinement for the person, the court shall 38262
consider the following factors: 38263

(i) The age of the person; 38264

(ii) Whether the person would be deprived of contact with 38265
other people for a significant portion of the day or would not 38266
have access to recreational facilities or age-appropriate 38267
educational opportunities in order to provide physical 38268
separation from adults; 38269

(iii) The person's current emotional state, intelligence, 38270
and developmental maturity, including any emotional and 38271
psychological trauma, and the risk to the person in an adult 38272
facility, which may be evidenced by mental health or 38273
psychological assessments or screenings made available to the 38274
prosecuting attorney and the defense counsel; 38275

(iv) Whether detention in a juvenile facility would 38276

adequately serve the need for community protection pending the 38277
outcome of the criminal proceeding; 38278

(v) The relative ability of the available adult and 38279
juvenile detention facilities to meet the needs of the person, 38280
including the person's need for age-appropriate mental health 38281
and educational services delivered by individuals specifically 38282
trained to deal with youth; 38283

(vi) Whether the person presents an imminent risk of self- 38284
inflicted harm or an imminent risk of harm to others within a 38285
juvenile facility; 38286

(vii) Any other factors the juvenile court considers to be 38287
relevant. 38288

(d) If the juvenile court determines that a place other 38289
than those specified in division (B) of this section is the 38290
appropriate place for confinement of a person pursuant to 38291
division (F) (4) (a) of this section, the person may petition the 38292
juvenile court for a review hearing thirty days after the 38293
initial confinement decision, thirty days after any subsequent 38294
review hearing, or at any time after the initial confinement 38295
decision upon an emergency petition by the youth due to the 38296
youth facing an imminent danger from others or the youth's self. 38297
Upon receipt of the petition, the juvenile court has discretion 38298
over whether to conduct the review hearing and may set the 38299
matter for a review hearing if the youth has alleged facts or 38300
circumstances that, if true, would warrant reconsideration of 38301
the youth's placement in a place other than those specified in 38302
division (B) of this section based on the factors listed in 38303
division (F) (4) (c) of this section. 38304

(e) Upon the admission of a person described in division 38305

(F) (4) (a) of this section to a place other than those specified 38306
in division (B) of this section, the facility shall advise the 38307
person of the person's right to request a review hearing as 38308
described in division (F) (4) (d) of this section. 38309

(f) Any person transferred under division (F) (4) (a) of 38310
this section to a place other than those specified in division 38311
(B) of this section shall be confined in a manner that keeps 38312
those under eighteen years of age beyond sight and sound of all 38313
adult detainees. Those under eighteen years of age shall be 38314
supervised at all times during the detention. 38315

(G) (1) If a person who is alleged to be or has been 38316
adjudicated a delinquent child or who is in any other category 38317
of persons identified in this section or section 2151.311 of the 38318
Revised Code is confined under authority of any Revised Code 38319
section in a place other than a place specified in division (B) 38320
of this section, including a county, multicounty, or municipal 38321
jail or workhouse, or other place where an adult under arrest or 38322
charged with crime is held, subject to division (G) (2) of this 38323
section, all identifying information, other than the person's 38324
county of residence, age, gender, and race and the charges 38325
against the person, that relates to the person's admission to 38326
and confinement in that place is not a public record open for 38327
inspection or copying under section 149.43 of the Revised Code 38328
and is confidential and shall not be released to any person 38329
other than to a court, to a law enforcement agency for law 38330
enforcement purposes, or to a person specified by court order. 38331

(2) Division (G) (1) of this section does not apply with 38332
respect to a person whose case is transferred for criminal 38333
prosecution pursuant to section 2152.10 or 2152.12 of the 38334
Revised Code, who is convicted of or pleads guilty to an offense 38335

in that case, who is confined after that conviction or guilty plea in a place other than a place specified in division (B) of this section, and to whom one of the following applies:

(a) The case was transferred other than pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code.

(b) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, and the person is sentenced for the offense pursuant to division (B) (4) of section 2152.121 of the Revised Code.

(c) The case was transferred pursuant to division (A) (1) (a) (i) or (A) (1) (b) (ii) of section 2152.12 of the Revised Code, the person is sentenced for the offense pursuant to division (B) (3) of section 2152.121 of the Revised Code by the court in which the person was convicted of or pleaded guilty to the offense, and the sentence imposed by that court is invoked pursuant to division (B) (3) (b) of section 2152.121 of the Revised Code.

Sec. 2303.12. (A) As used in this section:

(1) "Case file" means the compendium of original documents filed in a civil or criminal action or proceeding in the court of common pleas, including the pleadings, motions, orders, and judgments of the court on a case by case basis.

(2) "General docket" means the appearance docket, trial docket, journal, execution docket, and case files in relation to those dockets and journal.

(B) The clerk of the court of common pleas shall keep records as indicated by the Rules of Superintendence for the Courts of Ohio. They shall be called the appearance docket,

trial docket and printed duplicates of the trial docket for the 38365
use of the court and the officers thereof, journal, and 38366
execution docket. The clerk shall also keep a record in book 38367
form or the clerk may prepare a record by using any photostatic, 38368
photographic, miniature photographic, film, microfilm, or 38369
microphotographic process, electrostatic process, perforated 38370
tape, magnetic tape, or other electromagnetic means, electronic 38371
data processing, machine readable media, graphic or video 38372
display, or any combination thereof, which correctly and 38373
accurately copies or reproduces every case file and other 38374
original document, paper, or instrument in writing. The clerk 38375
shall keep an index to the trial docket and to the printed 38376
duplicates of the trial docket and of the journal direct, and to 38377
the appearance docket, record, and execution docket, direct and 38378
reverse. All clerks keeping records and information by the 38379
methods described in this section shall keep and make readily 38380
available to the public the machine and equipment necessary to 38381
reproduce the records and information in a readable form. 38382

(C) The clerk of the court of common pleas shall keep 38383
confidential information that is subject to a real property 38384
confidentiality notice under section 111.431 of the Revised 38385
Code, in accordance with that section. 38386

(D) (1) Subject to division (D) (2) of this section, ~~not the~~ 38387
clerk of court shall do both of the following: 38388

(a) Not later than eighteen months after the effective 38389
date of this amendment April 6, 2023, the clerk of court shall 38390
make available online on the clerk of court's web site the 38391
general docket of the court for remote access and printing by 38392
the public of the information in that docket, including all 38393
individual documents in each case file, pertaining to civil 38394

cases filed on or after ~~the effective date of this amendment~~ 38395
April 6, 2023. 38396

(b) Not later than eighteen months after the effective 38397
date of this amendment, the clerk of court shall make available 38398
online on the clerk of court's web site the general docket of 38399
the court for remote access and printing by the public of the 38400
information in that docket, including all individual documents 38401
in each case file, pertaining to criminal cases filed on or 38402
after the effective date of this amendment. 38403

(2) The clerk of court is not required to make available 38404
online under division (D) (1) of this section either of the 38405
following: 38406

(a) The general docket of the division of domestic 38407
relations, or the juvenile court, ~~or the probate court;~~ 38408

(b) If the court does not have a division of domestic 38409
relations, the general docket in civil cases pertaining to 38410
domestic relations. 38411

(E) Nothing in division (D) of this section shall be 38412
construed as making available online any of the following: 38413

(1) Internal documents such as notes, emails, drafts, 38414
recommendations, advice, or research of judicial officers and 38415
court staff; 38416

(2) Any document or any information in a case file the 38417
public access to which the court has ordered restricted under 38418
the Rules of Superintendence for the Courts of Ohio. 38419

Sec. 2303.201. (A) (1) The court of common pleas of any 38420
county may determine that for the efficient operation of the 38421
court additional funds are required to computerize the court, to 38422

make available computerized legal research services, or to do 38423
both. Upon making a determination that additional funds are 38424
required for either or both of those purposes, the court shall 38425
~~authorize~~ do one of the following: 38426

(a) If the court of common pleas of a county has complied 38427
with the requirements in division (D)(1) of section 2303.12 of 38428
the Revised Code, authorize and direct the clerk of the court of 38429
common pleas to charge one additional fee, not to exceed six 38430
dollars, on the filing of each cause of action or appeal under 38431
divisions (A), (Q), and (U) of section 2303.20 of the Revised 38432
Code; 38433

(b) If the court of common pleas of a county has not 38434
complied with the requirements in division (D)(1) of section 38435
2303.12 of the Revised Code, authorize and direct the clerk of 38436
the court of common pleas to charge one additional fee, not to 38437
exceed three dollars, on the filing of each cause of action or 38438
appeal under divisions (A), (Q), and (U) of section 2303.20 of 38439
the Revised Code. 38440

(2) All fees collected under division (A)(1) of this 38441
section shall be paid to the county treasurer. The treasurer 38442
shall place the funds from the fees in a separate fund to be 38443
disbursed either upon an order of the court, subject to an 38444
appropriation by the board of county commissioners, or upon an 38445
order of the court, subject to the court making an annual report 38446
available to the public listing the use of all such funds, in an 38447
amount not greater than the actual cost to the court of 38448
procuring and maintaining computerization of the court, 38449
computerized legal research services, or both. 38450

(3) If the court determines that the funds in the fund 38451
described in division (A)(2) of this section are more than 38452

sufficient to satisfy the purpose for which the additional fee 38453
described in division (A)(1) of this section was imposed, the 38454
court may declare a surplus in the fund and, subject to an 38455
appropriation by the board of county commissioners, expend those 38456
surplus funds, or upon an order of the court, subject to the 38457
court making an annual report available to the public listing 38458
the use of all such funds, expend those surplus funds, for other 38459
appropriate technological expenses of the court. 38460

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38461
section, the clerk of the court of common pleas of any county 38462
may determine that, for the efficient operation of the office of 38463
the clerk of the court of common pleas, additional funds are 38464
required to make technological advances in or to computerize the 38465
office of the clerk of the court of common pleas ~~and, upon.~~ 38466
Upon making that determination, authorize the court shall do one 38467
of the following: 38468

(i) If the court of common pleas of a county has complied 38469
with the requirements in division (D)(1) of section 2303.12 of 38470
the Revised Code, authorize and direct that an additional fee, 38471
not to exceed twenty dollars, on the filing of each cause of 38472
action or appeal, on the filing, docketing, and endorsing of 38473
each certificate of judgment, or on the docketing and indexing 38474
of each aid in execution or petition to vacate, revive, or 38475
modify a judgment under divisions (A), (P), (Q), (T), and (U) of 38476
section 2303.20 of the Revised Code and not to exceed one dollar 38477
each for the services described in divisions (B), (C), (D), (F), 38478
(H), and (L) of section 2303.20 of the Revised Code, be charged; 38479

(ii) If the court of common pleas of a county has not 38480
complied with the requirements in division (D)(1) of section 38481
2303.12 of the Revised Code, authorize and direct that an 38482

additional fee, not to exceed ten dollars, on the filing of each 38483
cause of action or appeal, on the filing, docketing, and 38484
endorsing of each certificate of judgment, or on the docketing 38485
and indexing of each aid in execution or petition to vacate, 38486
revive, or modify a judgment under divisions (A), (P), (Q), (T), 38487
and (U) of section 2303.20 of the Revised Code and not to exceed 38488
fifty cents each for the services described in divisions (B), 38489
(C), (D), (F), (H), and (L) of section 2303.20 of the Revised 38490
Code, be charged. 38491

(b) In a county in which the clerk of the court of common 38492
pleas is appointed, the court may make the determination 38493
described in division (B)(1)(a) of this section and, upon that 38494
determination, may include such a computerization fee in the 38495
schedule of fees and costs. 38496

(2) Subject to division (B)(3) of this section, all moneys 38497
collected under division (B)(1)(a) of this section shall be paid 38498
to the county treasurer to be disbursed, subject to an 38499
appropriation made by the board of county commissioners, in an 38500
amount no greater than the actual cost to the court of procuring 38501
and maintaining technology and computer systems for the office 38502
of the clerk of the court of common pleas. 38503

(3) If the court or the clerk of the court of common pleas 38504
of a county makes the determination described in division (B)(1) 38505
(a) of this section, the board of county commissioners of that 38506
county may issue one or more general obligation bonds for the 38507
purpose of procuring and maintaining the technology and computer 38508
systems for the office of the clerk of the court of common 38509
pleas. In addition to the purposes stated in division (B)(1)(a) 38510
of this section for which the moneys collected under that 38511
division may be expended, the moneys additionally may be 38512

expended to pay debt charges on and financing costs related to 38513
any general obligation bonds issued pursuant to division (B) (3) 38514
of this section as they become due. General obligation bonds 38515
issued pursuant to division (B) (3) of this section are Chapter 38516
133. securities. 38517

(C) The court of common pleas shall collect the sum of 38518
twenty-six dollars as additional filing fees in each new civil 38519
action or proceeding for the charitable public purpose of 38520
providing financial assistance to legal aid societies that 38521
operate within the state and to support the office of the state 38522
public defender. This division does not apply to a juvenile 38523
division of a court of common pleas, except that an additional 38524
filing fee of fifteen dollars shall apply to custody, 38525
visitation, and parentage actions; to a probate division of a 38526
court of common pleas, except that the additional filing fees 38527
shall apply to name change, guardianship, adoption, and 38528
decedents' estate proceedings; or to an execution on a judgment, 38529
proceeding in aid of execution, or other post-judgment 38530
proceeding arising out of a civil action. The filing fees 38531
required to be collected under this division shall be in 38532
addition to any other filing fees imposed in the action or 38533
proceeding and shall be collected at the time of the filing of 38534
the action or proceeding. The court shall not waive the payment 38535
of the additional filing fees in a new civil action or 38536
proceeding unless the court waives the advanced payment of all 38537
filing fees in the action or proceeding. All such moneys 38538
collected during a month except for an amount equal to up to one 38539
per cent of those moneys retained to cover administrative costs 38540
shall be transmitted on or before the twentieth day of the 38541
following month by the clerk of the court to the treasurer of 38542
state in a manner prescribed by the treasurer of state or by the 38543

Ohio access to justice foundation. The treasurer of state shall 38544
deposit four per cent of the funds collected under this division 38545
to the credit of the civil case filing fee fund established 38546
under section 120.07 of the Revised Code and ninety-six per cent 38547
of the funds collected under this division to the credit of the 38548
legal aid fund established under section 120.52 of the Revised 38549
Code. 38550

The court may retain up to one per cent of the moneys it 38551
collects under this division to cover administrative costs, 38552
including the hiring of any additional personnel necessary to 38553
implement this division. If the court fails to transmit to the 38554
treasurer of state the moneys the court collects under this 38555
division in a manner prescribed by the treasurer of state or by 38556
the Ohio access to justice foundation, the court shall forfeit 38557
the moneys the court retains under this division to cover 38558
administrative costs, including the hiring of any additional 38559
personnel necessary to implement this division, and shall 38560
transmit to the treasurer of state all moneys collected under 38561
this division, including the forfeited amount retained for 38562
administrative costs, for deposit in the legal aid fund. 38563

(D) On and after the thirtieth day after December 9, 1994, 38564
the court of common pleas shall collect the sum of thirty-two 38565
dollars as additional filing fees in each new action or 38566
proceeding for annulment, divorce, or dissolution of marriage 38567
for the purpose of funding shelters for victims of domestic 38568
violence pursuant to sections 3113.35 to 3113.39 of the Revised 38569
Code. The filing fees required to be collected under this 38570
division shall be in addition to any other filing fees imposed 38571
in the action or proceeding and shall be collected at the time 38572
of the filing of the action or proceeding. The court shall not 38573
waive the payment of the additional filing fees in a new action 38574

or proceeding for annulment, divorce, or dissolution of marriage 38575
unless the court waives the advanced payment of all filing fees 38576
in the action or proceeding. On or before the twentieth day of 38577
each month, all moneys collected during the immediately 38578
preceding month pursuant to this division shall be deposited by 38579
the clerk of the court into the county treasury in the special 38580
fund used for deposit of additional marriage license fees as 38581
described in section 3113.34 of the Revised Code. Upon their 38582
deposit into the fund, the moneys shall be retained in the fund 38583
and expended only as described in section 3113.34 of the Revised 38584
Code. 38585

(E) (1) The court of common pleas may determine that, for 38586
the efficient operation of the court, additional funds are 38587
necessary to acquire and pay for special projects of the court, 38588
including, but not limited to, the acquisition of additional 38589
facilities or the rehabilitation of existing facilities, the 38590
acquisition of equipment, the hiring and training of staff, 38591
community service programs, mediation or dispute resolution 38592
services, the employment of magistrates, the training and 38593
education of judges, acting judges, and magistrates, and other 38594
related services. Upon that determination, the court by rule may 38595
charge a fee, in addition to all other court costs, on the 38596
filing of each criminal cause, civil action or proceeding, or 38597
judgment by confession. Fees collected by a court for special 38598
projects of the court under this division shall not be used for 38599
training or education that takes place outside of the state. 38600

If the court of common pleas offers or requires a special 38601
program or additional services in cases of a specific type, the 38602
court by rule may assess an additional charge in a case of that 38603
type, over and above court costs, to cover the special program 38604
or service. The court shall adjust the special assessment 38605

periodically, but not retroactively, so that the amount assessed 38606
in those cases does not exceed the actual cost of providing the 38607
service or program. 38608

All moneys collected under division (E) of this section 38609
shall be paid to the county treasurer for deposit into either a 38610
general special projects fund or a fund established for a 38611
specific special project. Moneys from a fund of that nature 38612
shall be disbursed upon an order of the court, subject to an 38613
appropriation by the board of county commissioners, in an amount 38614
no greater than the actual cost to the court of a project. If a 38615
specific fund is terminated because of the discontinuance of a 38616
program or service established under division (E) of this 38617
section, the court may order, subject to an appropriation by the 38618
board of county commissioners, that moneys remaining in the fund 38619
be transferred to an account established under this division for 38620
a similar purpose. 38621

(2) As used in division (E) of this section: 38622

(a) "Criminal cause" means a charge alleging the violation 38623
of a statute or ordinance, or subsection of a statute or 38624
ordinance, that requires a separate finding of fact or a 38625
separate plea before disposition and of which the defendant may 38626
be found guilty, whether filed as part of a multiple charge on a 38627
single summons, citation, or complaint or as a separate charge 38628
on a single summons, citation, or complaint. "Criminal cause" 38629
does not include separate violations of the same statute or 38630
ordinance, or subsection of the same statute or ordinance, 38631
unless each charge is filed on a separate summons, citation, or 38632
complaint. 38633

(b) "Civil action or proceeding" means any civil 38634
litigation that must be determined by judgment entry. 38635

Sec. 2303.26. The clerk of the court of common pleas shall 38636
exercise the powers conferred and perform the duties enjoined 38637
upon the clerk by statute and by the common law; and in the 38638
performance of official duties the clerk shall be under the 38639
direction of the court. The clerk shall not restrict, prohibit, 38640
or otherwise modify the rights of parties to seek service on 38641
party defendants allowed by the Rules of Civil Procedure, either 38642
singularly or concurrently. 38643

In furtherance of the performance of the duties enjoined 38644
upon the clerk by statute, common law, and the Rules of 38645
Superintendence for the Courts of Ohio, the clerk of the court 38646
of common pleas shall be responsible for determining the best 38647
means and methods for storing, maintaining, and retrieving all 38648
papers delivered to the clerk, whether delivered in writing or 38649
in electronic form, in compliance with Rule 26 of the Rules of 38650
Superintendence for the Courts of Ohio. Once determined by the 38651
clerk of court of common pleas, the clerk shall be responsible 38652
for implementing the means and methods for storage, maintenance, 38653
and retrieval. 38654

Sec. 2329.66. (A) Every person who is domiciled in this 38655
state may hold property exempt from execution, garnishment, 38656
attachment, or sale to satisfy a judgment or order, as follows: 38657

(1) (a) In the case of a judgment or order regarding money 38658
owed for health care services rendered or health care supplies 38659
provided to the person or a dependent of the person, one parcel 38660
or item of real or personal property that the person or a 38661
dependent of the person uses as a residence. Division (A) (1) (a) 38662
of this section does not preclude, affect, or invalidate the 38663
creation under this chapter of a judgment lien upon the exempted 38664
property but only delays the enforcement of the lien until the 38665

property is sold or otherwise transferred by the owner or in 38666
accordance with other applicable laws to a person or entity 38667
other than the surviving spouse or surviving minor children of 38668
the judgment debtor. Every person who is domiciled in this state 38669
may hold exempt from a judgment lien created pursuant to 38670
division (A) (1) (a) of this section the person's interest, not to 38671
exceed one hundred twenty-five thousand dollars, in the exempted 38672
property. 38673

(b) In the case of all other judgments and orders, the 38674
person's interest, not to exceed one hundred twenty-five 38675
thousand dollars, in one parcel or item of real or personal 38676
property that the person or a dependent of the person uses as a 38677
residence. 38678

(c) For purposes of divisions (A) (1) (a) and (b) of this 38679
section, "parcel" means a tract of real property as identified 38680
on the records of the auditor of the county in which the real 38681
property is located. 38682

(2) The person's interest, not to exceed three thousand 38683
two hundred twenty-five dollars, in one motor vehicle; 38684

(3) The person's interest, not to exceed four hundred 38685
dollars, in cash on hand, money due and payable, money to become 38686
due within ninety days, tax refunds, and money on deposit with a 38687
bank, savings and loan association, credit union, public 38688
utility, landlord, or other person, other than personal 38689
earnings. 38690

(4) (a) The person's interest, not to exceed five hundred 38691
twenty-five dollars in any particular item or ten thousand seven 38692
hundred seventy-five dollars in aggregate value, in household 38693
furnishings, household goods, wearing apparel, appliances, 38694

books, animals, crops, musical instruments, firearms, and 38695
hunting and fishing equipment that are held primarily for the 38696
personal, family, or household use of the person; 38697

(b) The person's aggregate interest in one or more items 38698
of jewelry, not to exceed one thousand three hundred fifty 38699
dollars, held primarily for the personal, family, or household 38700
use of the person or any of the person's dependents. 38701

(5) The person's interest, not to exceed an aggregate of 38702
two thousand twenty-five dollars, in all implements, 38703
professional books, or tools of the person's profession, trade, 38704
or business, including agriculture; 38705

(6) (a) The person's interest in a beneficiary fund set 38706
apart, appropriated, or paid by a benevolent association or 38707
society, as exempted by section 2329.63 of the Revised Code; 38708

(b) The person's interest in contracts of life or 38709
endowment insurance or annuities, as exempted by section 3911.10 38710
of the Revised Code; 38711

(c) The person's interest in a policy of group insurance 38712
or the proceeds of a policy of group insurance, as exempted by 38713
section 3917.05 of the Revised Code; 38714

(d) The person's interest in money, benefits, charity, 38715
relief, or aid to be paid, provided, or rendered by a fraternal 38716
benefit society, as exempted by section 3921.18 of the Revised 38717
Code; 38718

(e) The person's interest in the portion of benefits under 38719
policies of sickness and accident insurance and in lump sum 38720
payments for dismemberment and other losses insured under those 38721
policies, as exempted by section 3923.19 of the Revised Code. 38722

(7) The person's professionally prescribed or medically	38723
necessary health aids;	38724
(8) The person's interest in a burial lot, including, but	38725
not limited to, exemptions under section 517.09 or 1721.07 of	38726
the Revised Code;	38727
(9) The person's interest in the following:	38728
(a) Moneys paid or payable for maintenance or rights, as	38729
exempted by section 3304.19 of the Revised Code;	38730
(b) Workers' compensation, as exempted by section 4123.67	38731
of the Revised Code;	38732
(c) Unemployment compensation benefits, as exempted by	38733
section 4141.32 of the Revised Code;	38734
(d) Cash assistance payments under the Ohio works first	38735
program, as exempted by section 5107.75 of the Revised Code;	38736
(e) Benefits and services under the prevention, retention,	38737
and contingency program, as exempted by section 5108.08 of the	38738
Revised Code;	38739
(f) Payments under section 24 or 32 of the "Internal	38740
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended.	38741
(10) (a) Except in cases in which the person was convicted	38742
of or pleaded guilty to a violation of section 2921.41 of the	38743
Revised Code and in which an order for the withholding of	38744
restitution from payments was issued under division (C) (2) (b) of	38745
that section, in cases in which an order for withholding was	38746
issued under section 2907.15 of the Revised Code, in cases in	38747
which an order for forfeiture was issued under division (A) or	38748
(B) of section 2929.192 of the Revised Code, and in cases in	38749
which an order was issued under section 2929.193 or 2929.194 of	38750

the Revised Code, and only to the extent provided in the order, 38751
and except as provided in sections 3105.171, 3105.63, 3119.80, 38752
3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the 38753
person's rights to or interests in a pension, benefit, annuity, 38754
retirement allowance, or accumulated contributions, the person's 38755
rights to or interests in a participant account in any deferred 38756
compensation program offered by the ~~Ohio~~ public employees 38757
~~deferred compensation-retirement~~ board, a government unit, or a 38758
municipal corporation, or the person's other accrued or accruing 38759
rights or interests, as exempted by section 143.11, 145.56, 38760
146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the 38761
Revised Code, and the person's rights to or interests in 38762
benefits from the Ohio public safety officers death benefit 38763
fund; 38764

(b) Except as provided in sections 3119.80, 3119.81, 38765
3121.02, 3121.03, and 3123.06 of the Revised Code, the person's 38766
rights to receive or interests in receiving a payment or other 38767
benefits under any pension, annuity, or similar plan or 38768
contract, not including a payment or benefit from a stock bonus 38769
or profit-sharing plan or a payment included in division (A) (6) 38770
(b) or (10) (a) of this section, on account of illness, 38771
disability, death, age, or length of service, to the extent 38772
reasonably necessary for the support of the person and any of 38773
the person's dependents, except if all the following apply: 38774

(i) The plan or contract was established by or under the 38775
auspices of an insider that employed the person at the time the 38776
person's rights or interests under the plan or contract arose. 38777

(ii) The payment is on account of age or length of 38778
service. 38779

(iii) The plan or contract is not qualified under the 38780

"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as
amended.

(c) Except for any portion of the assets that were
deposited for the purpose of evading the payment of any debt and
except as provided in sections 3119.80, 3119.81, 3121.02,
3121.03, and 3123.06 of the Revised Code, the person's rights or
interests in the assets held in, or to directly or indirectly
receive any payment or benefit under, any individual retirement
account, individual retirement annuity, "Roth IRA," account
opened pursuant to a program administered by a state under
section 529 or 529A of the "Internal Revenue Code of 1986," 100
Stat. 2085, 26 U.S.C. 1, as amended, or education individual
retirement account that provides payments or benefits by reason
of illness, disability, death, retirement, or age or provides
payments or benefits for purposes of education or qualified
disability expenses, to the extent that the assets, payments, or
benefits described in division (A)(10)(c) of this section are
attributable to or derived from any of the following or from any
earnings, dividends, interest, appreciation, or gains on any of
the following:

(i) Contributions of the person that were less than or
equal to the applicable limits on deductible contributions to an
individual retirement account or individual retirement annuity
in the year that the contributions were made, whether or not the
person was eligible to deduct the contributions on the person's
federal tax return for the year in which the contributions were
made;

(ii) Contributions of the person that were less than or
equal to the applicable limits on contributions to a Roth IRA or
education individual retirement account in the year that the

contributions were made; 38811

(iii) Contributions of the person that are within the 38812
applicable limits on rollover contributions under subsections 38813
219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3) 38814
(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 38815
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended; 38816

(iv) Contributions by any person into any plan, fund, or 38817
account that is formed, created, or administered pursuant to, or 38818
is otherwise subject to, section 529 or 529A of the "Internal 38819
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 38820

(d) Except for any portion of the assets that were 38821
deposited for the purpose of evading the payment of any debt and 38822
except as provided in sections 3119.80, 3119.81, 3121.02, 38823
3121.03, and 3123.06 of the Revised Code, the person's rights or 38824
interests in the assets held in, or to receive any payment 38825
under, any Keogh or "H.R. 10" plan that provides benefits by 38826
reason of illness, disability, death, retirement, or age, to the 38827
extent reasonably necessary for the support of the person and 38828
any of the person's dependents. 38829

(e) The person's rights to or interests in any assets held 38830
in, or to directly or indirectly receive any payment or benefit 38831
under, any individual retirement account, individual retirement 38832
annuity, "Roth IRA," account opened pursuant to a program 38833
administered by a state under section 529 or 529A of the 38834
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 38835
amended, or education individual retirement account that a 38836
decedent, upon or by reason of the decedent's death, directly or 38837
indirectly left to or for the benefit of the person, either 38838
outright or in trust or otherwise, including, but not limited 38839
to, any of those rights or interests in assets or to receive 38840

payments or benefits that were transferred, conveyed, or 38841
otherwise transmitted by the decedent by means of a will, trust, 38842
exercise of a power of appointment, beneficiary designation, 38843
transfer or payment on death designation, or any other method or 38844
procedure. 38845

(f) The exemptions under divisions (A)(10)(a) to (e) of 38846
this section also shall apply or otherwise be available to an 38847
alternate payee under a qualified domestic relations order 38848
(QDRO) or other similar court order. 38849

(g) A person's interest in any plan, program, instrument, 38850
or device described in divisions (A)(10)(a) to (e) of this 38851
section shall be considered an exempt interest even if the plan, 38852
program, instrument, or device in question, due to an error made 38853
in good faith, failed to satisfy any criteria applicable to that 38854
plan, program, instrument, or device under the "Internal Revenue 38855
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 38856

(11) The person's right to receive spousal support, child 38857
support, an allowance, or other maintenance to the extent 38858
reasonably necessary for the support of the person and any of 38859
the person's dependents; 38860

(12) The person's right to receive, or moneys received 38861
during the preceding twelve calendar months from, any of the 38862
following: 38863

(a) An award of reparations under sections 2743.51 to 38864
2743.72 of the Revised Code, to the extent exempted by division 38865
(D) of section 2743.66 of the Revised Code; 38866

(b) A payment on account of the wrongful death of an 38867
individual of whom the person was a dependent on the date of the 38868
individual's death, to the extent reasonably necessary for the 38869

support of the person and any of the person's dependents; 38870

(c) Except in cases in which the person who receives the 38871
payment is an inmate, as defined in section 2969.21 of the 38872
Revised Code, and in which the payment resulted from a civil 38873
action or appeal against a government entity or employee, as 38874
defined in section 2969.21 of the Revised Code, a payment, not 38875
to exceed twenty thousand two hundred dollars, on account of 38876
personal bodily injury, not including pain and suffering or 38877
compensation for actual pecuniary loss, of the person or an 38878
individual for whom the person is a dependent; 38879

(d) A payment in compensation for loss of future earnings 38880
of the person or an individual of whom the person is or was a 38881
dependent, to the extent reasonably necessary for the support of 38882
the debtor and any of the debtor's dependents. 38883

(13) Except as provided in sections 3119.80, 3119.81, 38884
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 38885
earnings of the person owed to the person for services in an 38886
amount equal to the greater of the following amounts: 38887

(a) If paid weekly, thirty times the current federal 38888
minimum hourly wage; if paid biweekly, sixty times the current 38889
federal minimum hourly wage; if paid semimonthly, sixty-five 38890
times the current federal minimum hourly wage; or if paid 38891
monthly, one hundred thirty times the current federal minimum 38892
hourly wage that is in effect at the time the earnings are 38893
payable, as prescribed by the "Fair Labor Standards Act of 38894
1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended; 38895

(b) Seventy-five per cent of the disposable earnings owed 38896
to the person. 38897

(14) The person's right in specific partnership property, 38898

as exempted by the person's rights in a partnership pursuant to 38899
section 1776.50 of the Revised Code, except as otherwise set 38900
forth in section 1776.50 of the Revised Code; 38901

(15) A seal and official register of a notary public, as 38902
exempted by section 147.04 of the Revised Code; 38903

(16) The person's interest in a tuition unit or a payment 38904
under section 3334.09 of the Revised Code pursuant to a tuition 38905
payment contract, as exempted by section 3334.15 of the Revised 38906
Code; 38907

(17) Any other property that is specifically exempted from 38908
execution, attachment, garnishment, or sale by federal statutes 38909
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 38910
11 U.S.C.A. 101, as amended; 38911

(18) The person's aggregate interest in any property, not 38912
to exceed one thousand seventy-five dollars, except that 38913
division (A)(18) of this section applies only in bankruptcy 38914
proceedings. 38915

(B) On April 1, 2010, and on the first day of April in 38916
each third calendar year after 2010, the Ohio judicial 38917
conference shall adjust each dollar amount set forth in this 38918
section to reflect any increase in the consumer price index for 38919
all urban consumers, as published by the United States 38920
department of labor, or, if that index is no longer published, a 38921
generally available comparable index, for the three-year period 38922
ending on the thirty-first day of December of the preceding 38923
year. Any adjustments required by this division shall be rounded 38924
to the nearest twenty-five dollars. 38925

The Ohio judicial conference shall prepare a memorandum 38926
specifying the adjusted dollar amounts. The judicial conference 38927

shall transmit the memorandum to the director of the legislative 38928
service commission, and the director shall publish the 38929
memorandum in the register of Ohio. (Publication of the 38930
memorandum in the register of Ohio shall continue until the next 38931
memorandum specifying an adjustment is so published.) The 38932
judicial conference also may publish the memorandum in any other 38933
manner it concludes will be reasonably likely to inform persons 38934
who are affected by its adjustment of the dollar amounts. 38935

(C) As used in this section: 38936

(1) "Disposable earnings" means net earnings after the 38937
garnishee has made deductions required by law, excluding the 38938
deductions ordered pursuant to section 3119.80, 3119.81, 38939
3121.02, 3121.03, or 3123.06 of the Revised Code. 38940

(2) "Insider" means: 38941

(a) If the person who claims an exemption is an 38942
individual, a relative of the individual, a relative of a 38943
general partner of the individual, a partnership in which the 38944
individual is a general partner, a general partner of the 38945
individual, or a corporation of which the individual is a 38946
director, officer, or in control; 38947

(b) If the person who claims an exemption is a 38948
corporation, a director or officer of the corporation; a person 38949
in control of the corporation; a partnership in which the 38950
corporation is a general partner; a general partner of the 38951
corporation; or a relative of a general partner, director, 38952
officer, or person in control of the corporation; 38953

(c) If the person who claims an exemption is a 38954
partnership, a general partner in the partnership; a general 38955
partner of the partnership; a person in control of the 38956

partnership; a partnership in which the partnership is a general 38957
partner; or a relative in, a general partner of, or a person in 38958
control of the partnership; 38959

(d) An entity or person to which or whom any of the 38960
following applies: 38961

(i) The entity directly or indirectly owns, controls, or 38962
holds with power to vote, twenty per cent or more of the 38963
outstanding voting securities of the person who claims an 38964
exemption, unless the entity holds the securities in a fiduciary 38965
or agency capacity without sole discretionary power to vote the 38966
securities or holds the securities solely to secure to debt and 38967
the entity has not in fact exercised the power to vote. 38968

(ii) The entity is a corporation, twenty per cent or more 38969
of whose outstanding voting securities are directly or 38970
indirectly owned, controlled, or held with power to vote, by the 38971
person who claims an exemption or by an entity to which division 38972
(C) (2) (d) (i) of this section applies. 38973

(iii) A person whose business is operated under a lease or 38974
operating agreement by the person who claims an exemption, or a 38975
person substantially all of whose business is operated under an 38976
operating agreement with the person who claims an exemption. 38977

(iv) The entity operates the business or all or 38978
substantially all of the property of the person who claims an 38979
exemption under a lease or operating agreement. 38980

(e) An insider, as otherwise defined in this section, of a 38981
person or entity to which division (C) (2) (d) (i), (ii), (iii), or 38982
(iv) of this section applies, as if the person or entity were a 38983
person who claims an exemption; 38984

(f) A managing agent of the person who claims an 38985

exemption. 38986

(3) "Participant account" has the same meaning as in 38987
section 148.01 of the Revised Code. 38988

(4) "Government unit" has the same meaning as in section 38989
148.06 of the Revised Code. 38990

(D) For purposes of this section, "interest" shall be 38991
determined as follows: 38992

(1) In bankruptcy proceedings, as of the date a petition 38993
is filed with the bankruptcy court commencing a case under Title 38994
11 of the United States Code; 38995

(2) In all cases other than bankruptcy proceedings, as of 38996
the date of an appraisal, if necessary under section 2329.68 of 38997
the Revised Code, or the issuance of a writ of execution. 38998

An interest, as determined under division (D) (1) or (2) of 38999
this section, shall not include the amount of any lien otherwise 39000
valid pursuant to section 2329.661 of the Revised Code. 39001

Sec. 2501.16. (A) Each court of appeals may appoint one or 39002
more official reporters, law clerks, secretaries, and any other 39003
employees that the court considers necessary for its efficient 39004
operation. 39005

The clerk of the court of common pleas, acting as the 39006
clerk of the court of appeals for the county, shall perform the 39007
duties otherwise performed and collect the fees otherwise 39008
collected by the clerk of the court of common pleas, as set 39009
forth in section 2303.03 of the Revised Code, and shall maintain 39010
the files and records of the court. The clerk of the court of 39011
common pleas, acting as the clerk of the court of appeals for 39012
the county, may refuse to accept for filing any pleading or 39013

paper submitted for filing by a person who has been found to be 39014
a vexatious litigator under section 2323.52 of the Revised Code 39015
and who has failed to obtain leave from the court of appeals to 39016
proceed under that section. The overhead expenses pertaining to 39017
the office of the clerk of the court of common pleas that result 39018
from the clerk's acting as clerk of the court of appeals for the 39019
county, other than wages and salaries, shall be paid from the 39020
funds provided under sections 2501.18 and 2501.181 of the 39021
Revised Code. 39022

Each officer and employee appointed pursuant to this 39023
section shall take an oath of office, serve at the pleasure of 39024
the court, and perform any duties that the court directs. Each 39025
reporter shall have the powers that are vested in official 39026
reporters of the court of common pleas under sections 2301.18 to 39027
2301.26 of the Revised Code. Whenever an opinion, per curiam, or 39028
report of a case has been prepared in accordance with section 39029
2503.20 of the Revised Code, the official reporter immediately 39030
shall forward one copy of the opinion, per curiam, or report to 39031
the reporter of the supreme court, without expense to the 39032
reporter. 39033

(B) The court of appeals may determine that, for the 39034
efficient operation of the court, additional funds are necessary 39035
to acquire and pay for special projects of the court, including, 39036
but not limited to, the acquisition of additional facilities or 39037
the rehabilitation of existing facilities, the acquisition of 39038
equipment, the hiring and training of staff, the employment of 39039
magistrates, the training and education of judges, acting 39040
judges, and magistrates, community service programs, and other 39041
related services. Upon that determination, the court by rule may 39042
charge a fee, in addition to all other court costs, on the 39043
filing of each case or cause over which the court has 39044

jurisdiction. Fees collected by a court for special projects of 39045
the court under this division shall not be used for training or 39046
education that takes place outside of the state. 39047

If the court of appeals offers a special program or 39048
service in cases of a specific type, the court by rule may 39049
assess an additional charge in a case of that type, over and 39050
above court costs, to cover the special program or service. The 39051
court shall adjust the special assessment periodically, but not 39052
retroactively, so that the amount assessed in those cases does 39053
not exceed the actual cost of providing the service or program. 39054

All moneys collected under division (B) of this section 39055
shall be paid to the county treasurer of the county selected as 39056
the principal seat of that court of appeals for deposit into 39057
either a general special projects fund or a fund established for 39058
a specific special project. Moneys from a fund of that nature 39059
shall be disbursed upon an order of the court in an amount no 39060
greater than the actual cost to the court of a project. If a 39061
specific fund is terminated because of the discontinuance of a 39062
program or service established under division (B) of this 39063
section, the court may order that moneys remaining in the fund 39064
be transferred to an account established under this division for 39065
a similar purpose. 39066

Sec. 2743.03. (A) (1) There is hereby created a court of 39067
claims. Except as provided under section 107.43 of the Revised 39068
Code, the court of claims is a court of record and has 39069
exclusive, original jurisdiction of all civil actions against 39070
the state permitted by the waiver of immunity contained in 39071
section 2743.02 of the Revised Code and exclusive jurisdiction 39072
of the causes of action of all parties in civil actions that are 39073
removed to the court of claims. The court shall have full equity 39074

powers in all actions within its jurisdiction and may entertain 39075
and determine all counterclaims, cross-claims, and third-party 39076
claims. 39077

(2) If the claimant in a civil action as described in 39078
division (A)(1) of this section also files a claim for a 39079
declaratory judgment, injunctive relief, or other equitable 39080
relief against the state that arises out of the same 39081
circumstances that gave rise to the civil action described in 39082
division (A)(1) of this section, the court of claims has 39083
exclusive, original jurisdiction to hear and determine that 39084
claim in that civil action. This division does not affect, and 39085
shall not be construed as affecting, the original jurisdiction 39086
of another court of this state to hear and determine a civil 39087
action in which the sole relief that the claimant seeks against 39088
the state is a declaratory judgment, injunctive relief, or other 39089
equitable relief. 39090

(3) In addition to its exclusive, original jurisdiction as 39091
conferred by divisions (A)(1) and (2) of this section, the court 39092
of claims has exclusive, original jurisdiction as follows: 39093

(a) As described in division (F) of section 2743.02, 39094
division (B) of section 3335.03, and division (C) of section 39095
5903.02 of the Revised Code; 39096

(b) Under section 2743.75 of the Revised Code to hear 39097
complaints alleging a denial of access to public records in 39098
violation of division (B) of section 149.43 of the Revised Code, 39099
regardless of whether the public office or person responsible 39100
for public records is an office or employee of the state or of a 39101
political subdivision; 39102

(c) Under section 118.29 of the Revised Code to appoint a 39103

receiver. 39104

(B) The court of claims shall sit in Franklin county, its 39105
hearings shall be public, and it shall consist of incumbent 39106
justices or judges of the supreme court, courts of appeals, or 39107
courts of common pleas, or retired justices or judges eligible 39108
for active duty pursuant to division (C) of Section 6 of Article 39109
IV, Ohio Constitution, sitting by temporary assignment of the 39110
chief justice of the supreme court. The chief justice may direct 39111
the court to sit in any county for cases on removal upon a 39112
showing of substantial hardship and whenever justice dictates. 39113

(C) (1) A civil action against the state shall be heard and 39114
determined by a single judge. Upon application by the claimant 39115
or the state, the chief justice of the supreme court may assign 39116
a panel of three judges to hear and determine a civil action 39117
presenting novel or complex issues of law or fact. Concurrence 39118
of two members of the panel is necessary for any judgment or 39119
order. 39120

(2) Whenever the chief justice of the supreme court 39121
believes an equitable resolution of a case will be expedited, 39122
the chief justice may appoint magistrates in accordance with 39123
Civil Rule 53 to hear the case. 39124

(3) When any dispute under division (B) of section 153.12 39125
of the Revised Code is brought to the court of claims, upon 39126
request of either party to the dispute, the chief justice of the 39127
supreme court shall appoint a single referee or a panel of three 39128
referees. The referees need not be attorneys, but shall be 39129
persons knowledgeable about construction contract law, a member 39130
of the construction industry panel of the American arbitration 39131
association, or an individual or individuals deemed qualified by 39132
the chief justice to serve. No person shall serve as a referee 39133

if that person has been employed by an affected state agency or 39134
a contractor or subcontractor involved in the dispute at any 39135
time in the preceding five years. Proceedings governing referees 39136
shall be in accordance with Civil Rule 53, except as modified by 39137
this division. The referee or panel of referees shall submit its 39138
report, which shall include a recommendation and finding of 39139
fact, to the judge assigned to the case by the chief justice, 39140
within thirty days of the conclusion of the hearings. Referees 39141
appointed pursuant to this division shall be compensated on a 39142
per diem basis at the same rate as is paid to judges of the 39143
court and also shall be paid their expenses. If a single referee 39144
is appointed or a panel of three referees is appointed, then, 39145
with respect to one referee of the panel, the compensation and 39146
expenses of the referee shall not be taxed as part of the costs 39147
in the case but shall be included in the budget of the court. If 39148
a panel of three referees is appointed, the compensation and 39149
expenses of the two remaining referees shall be taxed as costs 39150
of the case. 39151

All costs of a case shall be apportioned among the 39152
parties. The court may not require that any party deposit with 39153
the court cash, bonds, or other security in excess of two 39154
hundred dollars to guarantee payment of costs without the prior 39155
approval in each case of the chief justice. 39156

(4) An appeal from a decision of the attorney general 39157
pursuant to sections 2743.51 to 2743.72 of the Revised Code 39158
shall be heard and determined by the court of claims. 39159

(D) The Rules of Civil Procedure shall govern practice and 39160
procedure in all actions in the court of claims, except insofar 39161
as inconsistent with this chapter. The supreme court may 39162
promulgate rules governing practice and procedure in actions in 39163

the court as provided in Section 5 of Article IV, Ohio 39164
Constitution. 39165

(E) (1) A party who files a counterclaim against the state 39166
or makes the state a third-party defendant in an action 39167
commenced in any court, other than the court of claims, shall 39168
file a petition for removal in the court of claims. The petition 39169
shall state the basis for removal, be accompanied by a copy of 39170
all process, pleadings, and other papers served upon the 39171
petitioner, and shall be signed in accordance with Civil Rule 39172
11. A petition for removal based on a counterclaim shall be 39173
filed within twenty-eight days after service of the counterclaim 39174
of the petitioner. A petition for removal based on third-party 39175
practice shall be filed within twenty-eight days after the 39176
filing of the third-party complaint of the petitioner. 39177

(2) Within seven days after filing a petition for removal, 39178
the petitioner shall give written notice to the parties, and 39179
shall file a copy of the petition with the clerk of the court in 39180
which the action was brought originally. The filing effects the 39181
removal of the action to the court of claims, and the clerk of 39182
the court where the action was brought shall forward all papers 39183
in the case to the court of claims. The court of claims shall 39184
adjudicate all civil actions removed. The court may remand a 39185
civil action to the court in which it originated upon a finding 39186
that the removal petition does not justify removal, or upon a 39187
finding that the state is no longer a party. 39188

(3) Bonds, undertakings, or security and injunctions, 39189
attachments, sequestrations, or other orders issued prior to 39190
removal remain in effect until dissolved or modified by the 39191
court of claims. 39192

Sec. 2907.15. (A) As used in this section: 39193

(1) "Public retirement system" means the public employees 39194
retirement system, state teachers retirement system, school 39195
employees retirement system, Ohio police and fire pension fund, 39196
state highway patrol retirement system, or a municipal 39197
retirement system of a municipal corporation of this state. 39198

(2) "Government deferred compensation program" means such 39199
a program offered by the ~~Ohio~~ public employees ~~deferred-~~ 39200
~~compensation-retirement~~ board; a municipal corporation; or a 39201
~~governmental-government~~ unit, as defined in section 148.06 of 39202
the Revised Code. 39203

(3) "Deferred compensation program participant" means a 39204
"participating employee" or "continuing member," as defined in 39205
section 148.01 of the Revised Code, or any other public employee 39206
who has funds in a government deferred compensation program. 39207

(4) "Alternative retirement plan" means an alternative 39208
retirement plan provided pursuant to Chapter 3305. of the 39209
Revised Code. 39210

(5) "Prosecutor" has the same meaning as in section 39211
2935.01 of the Revised Code. 39212

In any case in which a sentencing court orders restitution 39213
to the victim under section 2929.18 or 2929.28 of the Revised 39214
Code for a violation of section 2907.02, 2907.03, 2907.04, or 39215
2907.05 of the Revised Code and in which the offender is a 39216
government deferred compensation program participant, is an 39217
electing employee, as defined in section 3305.01 of the Revised 39218
Code, or is a member of, or receiving a pension, benefit, or 39219
allowance, other than a survivorship benefit, from, a public 39220
retirement system and committed the offense against a child, 39221
student, patient, or other person with whom the offender had 39222

contact in the context of the offender's public employment, at 39223
the request of the victim the prosecutor shall file a motion 39224
with the sentencing court specifying the government deferred 39225
compensation program, alternative retirement plan, or public 39226
retirement system and requesting that the court issue an order 39227
requiring the government deferred compensation program, 39228
alternative retirement plan, or public retirement system to 39229
withhold the amount required as restitution from one or more of 39230
the following: any payment to be made from a government deferred 39231
compensation program, any payment or benefit under an 39232
alternative retirement plan, or under a pension, annuity, 39233
allowance, or any other benefit, other than a survivorship 39234
benefit, that has been or is in the future granted to the 39235
offender; from any payment of accumulated employee contributions 39236
standing to the offender's credit with the government deferred 39237
compensation program, alternative retirement plan, or public 39238
retirement system; or from any payment of any other amounts to 39239
be paid to the offender pursuant to Chapter 145., 148., 742., 39240
3307., 3309., or 5505. of the Revised Code on withdrawal of 39241
contributions. The motion may be filed at any time subsequent to 39242
the conviction of the offender or entry of a guilty plea. On the 39243
filing of the motion, the clerk of the court in which the motion 39244
is filed shall notify the offender and the government deferred 39245
compensation program, alternative retirement plan, or public 39246
retirement system, in writing, of all of the following: that the 39247
motion was filed; that the offender will be granted a hearing on 39248
the issuance of the requested order if the offender files a 39249
written request for a hearing with the clerk prior to the 39250
expiration of thirty days after the offender receives the 39251
notice; that, if a hearing is requested, the court will schedule 39252
a hearing as soon as possible and notify the offender and the 39253
government deferred compensation program, alternative retirement 39254

plan, or public retirement system of the date, time, and place 39255
of the hearing; that, if a hearing is conducted, it will be 39256
limited to a consideration of whether the offender can show good 39257
cause why the order should not be issued; that, if a hearing is 39258
conducted, the court will not issue the order if the court 39259
determines, based on evidence presented at the hearing by the 39260
offender, that there is good cause for the order not to be 39261
issued; that the court will issue the order if a hearing is not 39262
requested or if a hearing is conducted but the court does not 39263
determine, based on evidence presented at the hearing by the 39264
offender, that there is good cause for the order not to be 39265
issued; and that, if the order is issued, the government 39266
deferred compensation program, alternative retirement plan, or 39267
public retirement system specified in the motion will be 39268
required to withhold the amount required as restitution from 39269
payments to the offender. 39270

(B) In any case in which a motion requesting the issuance 39271
of a withholding order as described in division (A) of this 39272
section is filed, the offender may receive a hearing on the 39273
motion by delivering a written request for a hearing to the 39274
court prior to the expiration of thirty days after the 39275
offender's receipt of the notice provided pursuant to division 39276
(A) of this section. If the offender requests a hearing within 39277
the prescribed time, the court shall schedule a hearing as soon 39278
as possible after the request is made and notify the offender 39279
and the government deferred compensation program, alternative 39280
retirement plan, or public retirement system of the date, time, 39281
and place of the hearing. A hearing scheduled under this 39282
division shall be limited to a consideration of whether there is 39283
good cause, based on evidence presented by the offender, for the 39284
requested order not to be issued. If the court determines, based 39285

on evidence presented by the offender, that there is good cause 39286
for the order not to be issued, the court shall deny the motion 39287
and shall not issue the order. Good cause for not issuing the 39288
order includes a determination by the court that the order would 39289
severely impact the offender's ability to support the offender's 39290
dependents. 39291

If the offender does not request a hearing within the 39292
prescribed time or the court conducts a hearing but does not 39293
determine, based on evidence presented by the offender, that 39294
there is good cause for the order not to be issued, the court 39295
shall order the government deferred compensation program, 39296
alternative retirement plan, or public retirement system to 39297
withhold the amount required as restitution from one or more of 39298
the following: any payments to be made from a government 39299
deferred compensation program, any payment or benefit under an 39300
alternative retirement plan, or under a pension, annuity, 39301
allowance, or under any other benefit, other than a survivorship 39302
benefit, that has been or is in the future granted to the 39303
offender; from any payment of accumulated employee contributions 39304
standing to the offender's credit with the government deferred 39305
compensation program, alternative retirement plan, or public 39306
retirement system; or from any payment of any other amounts to 39307
be paid to the offender upon withdrawal of contributions 39308
pursuant to Chapter 145., 148., 742., 3307., 3309., or 5505. of 39309
the Revised Code and to continue the withholding for that 39310
purpose, in accordance with the order, out of each payment to be 39311
made on or after the date of issuance of the order, until 39312
further order of the court. On receipt of an order issued under 39313
this division, the government deferred compensation program, 39314
alternative retirement plan, or public retirement system shall 39315
withhold the amount required as restitution, in accordance with 39316

the order, from any such payments and immediately forward the 39317
amount withheld to the clerk of the court in which the order was 39318
issued for payment to the person to whom restitution is to be 39319
made. The order shall not apply to any portion of payments made 39320
from a government deferred compensation program, alternative 39321
retirement plan, or public retirement system to a person other 39322
than the offender pursuant to a previously issued domestic court 39323
order. 39324

(C) Service of a notice required by division (A) or (B) of 39325
this section shall be effected in the same manner as provided in 39326
the Rules of Civil Procedure for the service of process. 39327

(D) Upon the filing of charges under section 2907.02, 39328
2907.03, 2907.04, or 2907.05 of the Revised Code against a 39329
person who is a deferred compensation program participant, an 39330
electing employee participating in an alternative retirement 39331
plan, or a member of, or receiving a pension benefit, or 39332
allowance, other than a survivorship benefit, from a public 39333
retirement system for an offense against a child, student, 39334
patient, or other person with whom the offender had contact in 39335
the context of the offender's public employment, the prosecutor 39336
shall send written notice that charges have been filed against 39337
that person to the appropriate government deferred compensation 39338
program, alternative retirement plan, or public retirement 39339
system. The notice shall specifically identify the person 39340
charged. 39341

Sec. 2913.401. (A) As used in this section: 39342

(1) "Medicaid services" has the same meaning as in section 39343
5164.01 of the Revised Code. 39344

(2) "Property" means any real or personal property or 39345

other asset in which a person has any legal title or interest. 39346

(B) No person shall knowingly do any of the following in 39347
an application for enrollment in the medicaid program or in a 39348
document that requires a disclosure of assets for the purpose of 39349
determining eligibility for the medicaid program: 39350

(1) Make or cause to be made a false or misleading 39351
statement; 39352

(2) Conceal an interest in property; 39353

(3) (a) Except as provided in division (B) (3) (b) of this 39354
section, fail to disclose a transfer of property that occurred 39355
during the period beginning thirty-six months before submission 39356
of the application or document and ending on the date the 39357
application or document was submitted; 39358

(b) Fail to disclose a transfer of property that occurred 39359
during the period beginning sixty months before submission of 39360
the application or document and ending on the date the 39361
application or document was submitted and that was made to an 39362
irrevocable trust a portion of which is not distributable to the 39363
applicant for or recipient of medicaid or to a revocable trust. 39364

(C) (1) Whoever violates this section is guilty of medicaid 39365
eligibility fraud. Except as otherwise provided in this 39366
division, a violation of this section is a misdemeanor of the 39367
first degree. If the value of the medicaid services paid as a 39368
result of the violation is one thousand dollars or more and is 39369
less than seven thousand five hundred dollars, a violation of 39370
this section is a felony of the fifth degree. If the value of 39371
the medicaid services paid as a result of the violation is seven 39372
thousand five hundred dollars or more and is less than one 39373
hundred fifty thousand dollars, a violation of this section is a 39374

felony of the fourth degree. If the value of the medicaid 39375
services paid as a result of the violation is one hundred fifty 39376
thousand dollars or more, a violation of this section is a 39377
felony of the third degree. 39378

(2) In addition to imposing a sentence under division (C) 39379
(1) of this section, the court ~~shall~~may order that a person who 39380
is guilty of medicaid eligibility fraud make restitution in the 39381
~~full~~ amount of two hundred per cent of any medicaid services 39382
paid on behalf of an applicant for or recipient of medicaid for 39383
which the applicant or recipient was not eligible, plus interest 39384
at the rate applicable to judgments on unreimbursed amounts from 39385
the date on which the medicaid services were paid to the date on 39386
which restitution is made. 39387

(3) The remedies and penalties provided in this section 39388
are not exclusive and do not preclude the use of any other 39389
criminal or civil remedy for any act that is in violation of 39390
this section. 39391

(D) This section does not apply to a person who fully 39392
disclosed in an application for medicaid or in a document that 39393
requires a disclosure of assets for the purpose of determining 39394
eligibility for medicaid all of the interests in property of the 39395
applicant for or recipient of medicaid, all transfers of 39396
property by the applicant for or recipient of medicaid, and the 39397
circumstances of all those transfers. 39398

(E) Any amounts of medicaid services recovered as 39399
restitution under this section and any interest on those amounts 39400
shall be credited to the general revenue fund, and any 39401
applicable federal share shall be returned to the appropriate 39402
agency or department of the United States. 39403

Sec. 2915.01. As used in this chapter: 39404

(A) "Bookmaking" means the business of receiving or paying 39405
off bets. 39406

(B) "Bet" means the hazarding of anything of value upon 39407
the result of an event, undertaking, or contingency, but does 39408
not include a bona fide business risk. 39409

(C) "Scheme of chance" means a slot machine unless 39410
authorized under Chapter 3772. of the Revised Code, lottery 39411
unless authorized under Chapter 3770. of the Revised Code, 39412
numbers game, pool conducted for profit, or other scheme in 39413
which a participant gives a valuable consideration for a chance 39414
to win a prize, but does not include bingo, a skill-based 39415
amusement machine, or a pool not conducted for profit. "Scheme 39416
of chance" includes the use of an electronic device to reveal 39417
the results of a game entry if valuable consideration is paid, 39418
directly or indirectly, for a chance to win a prize. Valuable 39419
consideration is deemed to be paid for a chance to win a prize 39420
in the following instances: 39421

(1) Less than fifty per cent of the goods or services sold 39422
by a scheme of chance operator in exchange for game entries are 39423
used or redeemed by participants at any one location; 39424

(2) Less than fifty per cent of participants who purchase 39425
goods or services at any one location do not accept, use, or 39426
redeem the goods or services sold or purportedly sold; 39427

(3) More than fifty per cent of prizes at any one location 39428
are revealed to participants through an electronic device 39429
simulating a game of chance or a "casino game" as defined in 39430
section 3772.01 of the Revised Code; 39431

(4) The good or service sold by a scheme of chance 39432

operator in exchange for a game entry cannot be used or redeemed 39433
in the manner advertised; 39434

(5) A participant pays more than fair market value for 39435
goods or services offered by a scheme of chance operator in 39436
order to receive one or more game entries; 39437

(6) A participant may use the electronic device to 39438
purchase additional game entries; 39439

(7) A participant may purchase additional game entries by 39440
using points or credits won as prizes while using the electronic 39441
device; 39442

(8) A scheme of chance operator pays out in prize money 39443
more than twenty per cent of the gross revenue received at one 39444
location; or 39445

(9) A participant makes a purchase or exchange in order to 39446
obtain any good or service that may be used to facilitate play 39447
on the electronic device. 39448

As used in this division, "electronic device" means a 39449
mechanical, video, digital, or electronic machine or device that 39450
is capable of displaying information on a screen or other 39451
mechanism and that is owned, leased, or otherwise possessed by 39452
any person conducting a scheme of chance, or by that person's 39453
partners, affiliates, subsidiaries, or contractors. "Electronic 39454
device" does not include an electronic instant bingo system. 39455

(D) "Game of chance" means poker, craps, roulette, or 39456
other game in which a player gives anything of value in the hope 39457
of gain, the outcome of which is determined largely by chance, 39458
but does not include bingo. 39459

(E) "Game of chance conducted for profit" means any game 39460

of chance designed to produce income for the person who conducts 39461
or operates the game of chance, but does not include bingo. 39462

(F) "Gambling device" means any of the following: 39463

(1) A book, totalizer, or other equipment for recording 39464
bets; 39465

(2) A ticket, token, or other device representing a 39466
chance, share, or interest in a scheme of chance or evidencing a 39467
bet; 39468

(3) A deck of cards, dice, gaming table, roulette wheel, 39469
slot machine, or other apparatus designed for use in connection 39470
with a game of chance; 39471

(4) Any equipment, device, apparatus, or paraphernalia 39472
specially designed for gambling purposes; 39473

(5) Bingo supplies sold or otherwise provided, or used, in 39474
violation of this chapter. 39475

(G) "Gambling offense" means any of the following: 39476

(1) A violation of this chapter; 39477

(2) A violation of an existing or former municipal 39478
ordinance or law of this or any other state or the United States 39479
substantially equivalent to any provision of this chapter or a 39480
violation of section 2915.06 of the Revised Code as it existed 39481
prior to July 1, 1996; 39482

(3) An offense under an existing or former municipal 39483
ordinance or law of this or any other state or the United 39484
States, of which gambling is an element; 39485

(4) A conspiracy or attempt to commit, or complicity in 39486
committing, any offense under division (G)(1), (2), or (3) of 39487

this section. 39488

(H) Except as otherwise provided in this chapter, 39489
"charitable organization" means either of the following: 39490

(1) An organization that is exempt from federal income 39491
taxation under subsection 501(a) and described in subsection 39492
501(c) (3) of the Internal Revenue Code; 39493

(2) A volunteer rescue service organization, volunteer 39494
firefighter's organization, veteran's organization, fraternal 39495
organization, or sporting organization that is exempt from 39496
federal income taxation under subsection 501(c) (4), (c) (7), (c) 39497
(8), (c) (10), or (c) (19) of the Internal Revenue Code. 39498

To qualify as a "charitable organization," an organization 39499
shall have been in continuous existence as such in this state 39500
for a period of two years immediately preceding either the 39501
making of an application for a bingo license under section 39502
2915.08 of the Revised Code or the conducting of any game of 39503
chance as provided in division (D) of section 2915.02 of the 39504
Revised Code. 39505

(I) "Religious organization" means any church, body of 39506
communicants, or group that is not organized or operated for 39507
profit and that gathers in common membership for regular worship 39508
and religious observances. 39509

(J) "Veteran's organization" means any individual post or 39510
state headquarters of a national veteran's association or an 39511
auxiliary unit of any individual post of a national veteran's 39512
association, which post, state headquarters, or auxiliary unit 39513
is incorporated as a nonprofit corporation and either has 39514
received a letter from the state headquarters of the national 39515
veteran's association indicating that the individual post or 39516

auxiliary unit is in good standing with the national veteran's 39517
association or has received a letter from the national veteran's 39518
association indicating that the state headquarters is in good 39519
standing with the national veteran's association. As used in 39520
this division, "national veteran's association" means any 39521
veteran's association that has been in continuous existence as 39522
such for a period of at least five years and either is 39523
incorporated by an act of the United States congress or has a 39524
national dues-paying membership of at least five thousand 39525
persons. 39526

(K) "Volunteer firefighter's organization" means any 39527
organization of volunteer firefighters, as defined in section 39528
146.01 of the Revised Code, that is organized and operated 39529
exclusively to provide financial support for a volunteer fire 39530
department or a volunteer fire company and that is recognized or 39531
ratified by a county, municipal corporation, or township. 39532

(L) "Fraternal organization" means any society, order, 39533
state headquarters, or association within this state, except a 39534
college or high school fraternity, that is not organized for 39535
profit, that is a branch, lodge, or chapter of a national or 39536
state organization, that exists exclusively for the common 39537
business or sodality of its members. 39538

(M) "Volunteer rescue service organization" means any 39539
organization of volunteers organized to function as an emergency 39540
medical service organization, as defined in section 4765.01 of 39541
the Revised Code. 39542

(N) "Charitable bingo game" means any bingo game described 39543
in division (O) (1) or (2) of this section that is conducted by a 39544
charitable organization that has obtained a license pursuant to 39545
section 2915.08 of the Revised Code and the proceeds of which 39546

are used for a charitable purpose. 39547

(O) "Bingo" means either of the following: 39548

(1) A game with all of the following characteristics: 39549

(a) The participants use bingo cards or sheets, including 39550
paper formats and electronic representation or image formats, 39551
that are divided into twenty-five spaces arranged in five 39552
horizontal and five vertical rows of spaces, with each space, 39553
except the central space, being designated by a combination of a 39554
letter and a number and with the central space being designated 39555
as a free space. 39556

(b) The participants cover the spaces on the bingo cards 39557
or sheets that correspond to combinations of letters and numbers 39558
that are announced by a bingo game operator. 39559

(c) A bingo game operator announces combinations of 39560
letters and numbers that appear on objects that a bingo game 39561
operator selects by chance, either manually or mechanically, 39562
from a receptacle that contains seventy-five objects at the 39563
beginning of each game, each object marked by a different 39564
combination of a letter and a number that corresponds to one of 39565
the seventy-five possible combinations of a letter and a number 39566
that can appear on the bingo cards or sheets. 39567

(d) The winner of the bingo game includes any participant 39568
who properly announces during the interval between the 39569
announcements of letters and numbers as described in division 39570
(O) (1) (c) of this section, that a predetermined and preannounced 39571
pattern of spaces has been covered on a bingo card or sheet 39572
being used by the participant. 39573

(2) Instant bingo, electronic instant bingo, and raffles. 39574

(P) "Conduct" means to back, promote, organize, manage, 39575
carry on, sponsor, or prepare for the operation of bingo or a 39576
game of chance, a scheme of chance, or a sweepstakes. 39577

(Q) "Bingo game operator" means any person, except 39578
security personnel, who performs work or labor at the site of 39579
bingo, including, but not limited to, collecting money from 39580
participants, handing out bingo cards or sheets or objects to 39581
cover spaces on bingo cards or sheets, selecting from a 39582
receptacle the objects that contain the combination of letters 39583
and numbers that appear on bingo cards or sheets, calling out 39584
the combinations of letters and numbers, distributing prizes, 39585
selling or redeeming instant bingo tickets or cards, selling or 39586
redeeming electronic instant bingo tickets, credits, or 39587
vouchers, accessing an electronic instant bingo system other 39588
than as a participant, supervising the operation of a punch 39589
board, selling raffle tickets, selecting raffle tickets from a 39590
receptacle and announcing the winning numbers in a raffle, and 39591
preparing, selling, and serving food or beverages. "Bingo game 39592
operator" does not include a person who is installing, 39593
maintaining, updating, or repairing an electronic instant bingo 39594
system. 39595

(R) "Participant" means any person who plays bingo. 39596

(S) "Bingo session" means a period that includes both of 39597
the following: 39598

(1) Not to exceed five continuous hours for the conduct of 39599
one or more games described in division (O) (1) of this section, 39600
instant bingo, and electronic instant bingo; 39601

(2) A period for the conduct of instant bingo and 39602
electronic instant bingo for not more than two hours before and 39603

not more than two hours after the period described in division 39604
(S) (1) of this section. 39605

(T) "Gross receipts" means all money or assets, including 39606
admission fees, that a person receives from bingo without the 39607
deduction of any amounts for prizes paid out or for the expenses 39608
of conducting bingo. "Gross receipts" does not include any money 39609
directly taken in from the sale of food or beverages by a 39610
charitable organization conducting bingo, or by a bona fide 39611
auxiliary unit or society of a charitable organization 39612
conducting bingo, provided all of the following apply: 39613

(1) The auxiliary unit or society has been in existence as 39614
a bona fide auxiliary unit or society of the charitable 39615
organization for at least two years prior to conducting bingo. 39616

(2) The person who purchases the food or beverage receives 39617
nothing of value except the food or beverage and items 39618
customarily received with the purchase of that food or beverage. 39619

(3) The food and beverages are sold at customary and 39620
reasonable prices. 39621

(U) "Security personnel" includes any person who either is 39622
a sheriff, deputy sheriff, marshal, deputy marshal, township 39623
constable, or member of an organized police department of a 39624
municipal corporation or has successfully completed a peace 39625
officer's training course pursuant to sections 109.71 to 109.79 39626
of the Revised Code and who is hired to provide security for the 39627
premises on which bingo is conducted. 39628

(V) "Charitable purpose" means that the net profit of 39629
bingo, other than instant bingo or electronic instant bingo, is 39630
used by, or is given, donated, or otherwise transferred to, any 39631
of the following: 39632

(1) Any organization that is described in subsection 39633
509(a) (1), 509(a) (2), or 509(a) (3) of the Internal Revenue Code 39634
and is either a governmental unit or an organization that is tax 39635
exempt under subsection 501(a) and described in subsection 39636
501(c) (3) of the Internal Revenue Code; 39637

(2) A veteran's organization that is a post, chapter, or 39638
organization of veterans, or an auxiliary unit or society of, or 39639
a trust or foundation for, any such post, chapter, or 39640
organization organized in the United States or any of its 39641
possessions, at least seventy-five per cent of the members of 39642
which are veterans and substantially all of the other members of 39643
which are individuals who are spouses, widows, or widowers of 39644
veterans, or such individuals, provided that no part of the net 39645
earnings of such post, chapter, or organization inures to the 39646
benefit of any private shareholder or individual, and further 39647
provided that the net profit is used by the post, chapter, or 39648
organization for the charitable purposes set forth in division 39649
(B) (12) of section 5739.02 of the Revised Code, is used for 39650
awarding scholarships to or for attendance at an institution 39651
mentioned in division (B) (12) of section 5739.02 of the Revised 39652
Code, is donated to a governmental agency, or is used for 39653
nonprofit youth activities, the purchase of United States or 39654
Ohio flags that are donated to schools, youth groups, or other 39655
bona fide nonprofit organizations, promotion of patriotism, or 39656
disaster relief; 39657

(3) A fraternal organization that has been in continuous 39658
existence in this state for fifteen years and that uses the net 39659
profit exclusively for religious, charitable, scientific, 39660
literary, or educational purposes, or for the prevention of 39661
cruelty to children or animals, if contributions for such use 39662
would qualify as a deductible charitable contribution under 39663

subsection 170 of the Internal Revenue Code; 39664

(4) A volunteer firefighter's organization that uses the 39665
net profit for the purposes set forth in division (K) of this 39666
section. 39667

(W) "Internal Revenue Code" means the "Internal Revenue 39668
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter 39669
amended. 39670

(X) "Youth athletic organization" means any organization, 39671
not organized for profit, that is organized and operated 39672
exclusively to provide financial support to, or to operate, 39673
athletic activities for persons who are twenty-one years of age 39674
or younger by means of sponsoring, organizing, operating, or 39675
contributing to the support of an athletic team, club, league, 39676
or association. 39677

(Y) "Youth athletic park organization" means any 39678
organization, not organized for profit, that satisfies both of 39679
the following: 39680

(1) It owns, operates, and maintains playing fields that 39681
satisfy both of the following: 39682

(a) The playing fields are used for athletic activities by 39683
one or more organizations, not organized for profit, each of 39684
which is organized and operated exclusively to provide financial 39685
support to, or to operate, athletic activities for persons who 39686
are eighteen years of age or younger by means of sponsoring, 39687
organizing, operating, or contributing to the support of an 39688
athletic team, club, league, or association. 39689

(b) The playing fields are not used for any profit-making 39690
activity at any time during the year. 39691

(2) It uses the proceeds of bingo it conducts exclusively 39692
for the operation, maintenance, and improvement of its playing 39693
fields of the type described in division (Y)(1) of this section. 39694

(Z) "Bingo supplies" means bingo cards or sheets; instant 39695
bingo tickets or cards; electronic bingo aids; raffle tickets; 39696
punch boards; seal cards; instant bingo ticket dispensers; 39697
electronic instant bingo systems; and devices for selecting or 39698
displaying the combination of bingo letters and numbers or 39699
raffle tickets. Items that are "bingo supplies" are not gambling 39700
devices if sold or otherwise provided, and used, in accordance 39701
with this chapter. For purposes of this chapter, "bingo 39702
supplies" are not to be considered equipment used to conduct a 39703
bingo game. 39704

(AA) "Instant bingo" means a form of bingo that shall use 39705
folded or banded tickets or paper cards with perforated break- 39706
open tabs, a face of which is covered or otherwise hidden from 39707
view to conceal a number, letter, or symbol, or set of numbers, 39708
letters, or symbols, some of which have been designated in 39709
advance as prize winners, and may also include games in which 39710
some winners are determined by the random selection of one or 39711
more bingo numbers by the use of a seal card or bingo blower. 39712
"Instant bingo" also includes a punch board game. In all 39713
"instant bingo" the prize amount and structure shall be 39714
predetermined. "Instant bingo" does not include electronic 39715
instant bingo or any device that is activated by the insertion 39716
of a coin, currency, token, or an equivalent, and that contains 39717
as one of its components a video display monitor that is capable 39718
of displaying numbers, letters, symbols, or characters in 39719
winning or losing combinations. 39720

(BB) "Seal card" means a form of instant bingo that uses 39721

instant bingo tickets in conjunction with a board or placard 39722
that contains one or more seals that, when removed or opened, 39723
reveal predesignated winning numbers, letters, or symbols. 39724

(CC) "Raffle" means a form of bingo in which the one or 39725
more prizes are won by one or more persons who have purchased a 39726
raffle ticket. The one or more winners of the raffle are 39727
determined by drawing a ticket stub or other detachable section 39728
from a receptacle containing ticket stubs or detachable sections 39729
corresponding to all tickets sold for the raffle. "Raffle" does 39730
not include the drawing of a ticket stub or other detachable 39731
section of a ticket purchased to attend a professional sporting 39732
event if both of the following apply: 39733

(1) The ticket stub or other detachable section is used to 39734
select the winner of a free prize given away at the professional 39735
sporting event; and 39736

(2) The cost of the ticket is the same as the cost of a 39737
ticket to the professional sporting event on days when no free 39738
prize is given away. 39739

(DD) "Punch board" means a form of instant bingo that uses 39740
a board containing a number of holes or receptacles of uniform 39741
size in which are placed, mechanically and randomly, serially 39742
numbered slips of paper that may be punched or drawn from the 39743
hole or receptacle. A player may punch or draw the numbered 39744
slips of paper from the holes or receptacles and obtain the 39745
prize established for the game if the number drawn corresponds 39746
to a winning number or, if the punch board includes the use of a 39747
seal card, a potential winning number. 39748

(EE) "Gross profit" means gross receipts minus the amount 39749
actually expended for the payment of prize awards. 39750

(FF) "Net profit" means gross profit minus expenses.	39751
(GG) "Expenses" means the reasonable amount of gross	39752
profit actually expended for all of the following:	39753
(1) The purchase or lease of bingo supplies;	39754
(2) The annual license fee required under section 2915.08	39755
of the Revised Code;	39756
(3) Bank fees and service charges for a bingo session or	39757
game account described in section 2915.10 of the Revised Code;	39758
(4) Audits and accounting services;	39759
(5) Safes;	39760
(6) Cash registers;	39761
(7) Hiring security personnel;	39762
(8) Advertising bingo;	39763
(9) Renting premises in which to conduct a bingo session;	39764
(10) Tables and chairs;	39765
(11) Expenses for maintaining and operating a charitable	39766
organization's facilities, including, but not limited to, a post	39767
home, club house, lounge, tavern, or canteen and any grounds	39768
attached to the post home, club house, lounge, tavern, or	39769
canteen;	39770
(12) Payment of real property taxes and assessments that	39771
are levied on a premises on which bingo is conducted;	39772
(13) Any other product or service directly related to the	39773
conduct of bingo that is authorized in rules adopted by the	39774
attorney general under division (F) (1) of section 2915.08 of the	39775
Revised Code.	39776

(HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.

(II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.

(KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:

(1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;

(2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.

(LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.

(MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O) (1) of this section plus the annual net profit derived from the conduct of bingo described in division (O) (2) of this section.

(NN) "Instant bingo ticket dispenser" means a mechanical 39805
device that dispenses an instant bingo ticket or card as the 39806
sole item of value dispensed and that has the following 39807
characteristics: 39808

(1) It is activated upon the insertion of United States 39809
currency. 39810

(2) It performs no gaming functions. 39811

(3) It does not contain a video display monitor or 39812
generate noise. 39813

(4) It is not capable of displaying any numbers, letters, 39814
symbols, or characters in winning or losing combinations. 39815

(5) It does not simulate or display rolling or spinning 39816
reels. 39817

(6) It is incapable of determining whether a dispensed 39818
bingo ticket or card is a winning or nonwinning ticket or card 39819
and requires a winning ticket or card to be paid by a bingo game 39820
operator. 39821

(7) It may provide accounting and security features to aid 39822
in accounting for the instant bingo tickets or cards it 39823
dispenses. 39824

(8) It is not part of an electronic network and is not 39825
interactive. 39826

(OO) (1) "Electronic bingo aid" means an electronic device 39827
used by a participant to monitor bingo cards or sheets purchased 39828
at the time and place of a bingo session and that does all of 39829
the following: 39830

(a) It provides a means for a participant to input numbers 39831

and letters announced by a bingo caller. 39832

(b) It compares the numbers and letters entered by the 39833
participant to the bingo faces previously stored in the memory 39834
of the device. 39835

(c) It identifies a winning bingo pattern. 39836

(2) "Electronic bingo aid" does not include any device 39837
into which a coin, currency, token, or an equivalent is inserted 39838
to activate play. 39839

(PP) "Deal" means a single game of instant bingo tickets, 39840
or a single game of electronic instant bingo tickets, all with 39841
the same serial number. 39842

(QQ) (1) "Slot machine" means either of the following: 39843

(a) Any mechanical, electronic, video, or digital device 39844
that is capable of accepting anything of value, directly or 39845
indirectly, from or on behalf of a player who gives the thing of 39846
value in the hope of gain; 39847

(b) Any mechanical, electronic, video, or digital device 39848
that is capable of accepting anything of value, directly or 39849
indirectly, from or on behalf of a player to conduct bingo or a 39850
scheme or game of chance. 39851

(2) "Slot machine" does not include a skill-based 39852
amusement machine, an instant bingo ticket dispenser, or an 39853
electronic instant bingo system. 39854

(RR) ~~"Net profit from the proceeds of the sale of instant~~ 39855
~~bingo or electronic instant bingo" means gross profit minus the~~ 39856
~~ordinary, necessary, and reasonable expense expended for the~~ 39857
~~purchase of bingo supplies for the purpose of conducting instant~~ 39858
~~bingo or electronic instant bingo, and, in the case of instant~~ 39859

~~bingo or electronic instant bingo conducted by a veteran's,~~ 39860
~~fraternal, or sporting organization, minus the payment by that~~ 39861
~~organization of real property taxes and assessments levied on a~~ 39862
~~premises on which instant bingo or electronic instant bingo is~~ 39863
~~conducted.~~ 39864

~~(SS)~~ "Charitable instant bingo organization" means an 39865
organization that is exempt from federal income taxation under 39866
subsection 501(a) and described in subsection 501(c) (3) of the 39867
Internal Revenue Code and is a charitable organization as 39868
defined in this section. A "charitable instant bingo 39869
organization" does not include a charitable organization that is 39870
exempt from federal income taxation under subsection 501(a) and 39871
described in subsection 501(c) (3) of the Internal Revenue Code 39872
and that is created by a veteran's organization, a fraternal 39873
organization, or a sporting organization in regards to bingo 39874
conducted or assisted by a veteran's organization, a fraternal 39875
organization, or a sporting organization pursuant to section 39876
2915.13 of the Revised Code. 39877

~~(TT)~~ (SS) "Game flare" means the board or placard, or 39878
electronic representation of a board or placard, that 39879
accompanies each deal of instant bingo or electronic instant 39880
bingo tickets and that includes the following information for 39881
the game: 39882

- (1) The name of the game; 39883
- (2) The manufacturer's name or distinctive logo; 39884
- (3) The form number; 39885
- (4) The ticket count; 39886
- (5) The prize structure, including the number of winning 39887
tickets by denomination and the respective winning symbol or 39888

number combinations for the winning tickets; 39889

(6) The cost per play; 39890

(7) The serial number of the game. 39891

~~(UU) (1)~~ (TT) (1) "Skill-based amusement machine" means a 39892
mechanical, video, digital, or electronic device that rewards 39893
the player or players, if at all, only with merchandise prizes 39894
or with redeemable vouchers redeemable only for merchandise 39895
prizes, provided that with respect to rewards for playing the 39896
game all of the following apply: 39897

(a) The wholesale value of a merchandise prize awarded as 39898
a result of the single play of a machine does not exceed ten 39899
dollars; 39900

(b) Redeemable vouchers awarded for any single play of a 39901
machine are not redeemable for a merchandise prize with a 39902
wholesale value of more than ten dollars; 39903

(c) Redeemable vouchers are not redeemable for a 39904
merchandise prize that has a wholesale value of more than ten 39905
dollars times the fewest number of single plays necessary to 39906
accrue the redeemable vouchers required to obtain that prize; 39907
and 39908

(d) Any redeemable vouchers or merchandise prizes are 39909
distributed at the site of the skill-based amusement machine at 39910
the time of play. 39911

A card for the purchase of gasoline is a redeemable 39912
voucher for purposes of division ~~(UU) (1)~~ (TT) (1) of this section 39913
even if the skill-based amusement machine for the play of which 39914
the card is awarded is located at a place where gasoline may not 39915
be legally distributed to the public or the card is not 39916

redeemable at the location of, or at the time of playing, the 39917
skill-based amusement machine. 39918

(2) A device shall not be considered a skill-based 39919
amusement machine and shall be considered a slot machine if it 39920
pays cash or one or more of the following apply: 39921

(a) The ability of a player to succeed at the game is 39922
impacted by the number or ratio of prior wins to prior losses of 39923
players playing the game. 39924

(b) Any reward of redeemable vouchers is not based solely 39925
on the player achieving the object of the game or the player's 39926
score; 39927

(c) The outcome of the game, or the value of the 39928
redeemable voucher or merchandise prize awarded for winning the 39929
game, can be controlled by a source other than any player 39930
playing the game. 39931

(d) The success of any player is or may be determined by a 39932
chance event that cannot be altered by player actions. 39933

(e) The ability of any player to succeed at the game is 39934
determined by game features not visible or known to the player. 39935

(f) The ability of the player to succeed at the game is 39936
impacted by the exercise of a skill that no reasonable player 39937
could exercise. 39938

(3) All of the following apply to any machine that is 39939
operated as described in division ~~(UU)(1)~~ (TT)(1) of this 39940
section: 39941

(a) As used in division ~~(UU)~~ (TT) of this section, "game" 39942
and "play" mean one event from the initial activation of the 39943
machine until the results of play are determined without payment 39944

of additional consideration. An individual utilizing a machine 39945
that involves a single game, play, contest, competition, or 39946
tournament may be awarded redeemable vouchers or merchandise 39947
prizes based on the results of play. 39948

(b) Advance play for a single game, play, contest, 39949
competition, or tournament participation may be purchased. The 39950
cost of the contest, competition, or tournament participation 39951
may be greater than a single noncontest, competition, or 39952
tournament play. 39953

(c) To the extent that the machine is used in a contest, 39954
competition, or tournament, that contest, competition, or 39955
tournament has a defined starting and ending date and is open to 39956
participants in competition for scoring and ranking results 39957
toward the awarding of redeemable vouchers or merchandise prizes 39958
that are stated prior to the start of the contest, competition, 39959
or tournament. 39960

(4) For purposes of division ~~(UU)(1)~~ (TT)(1) of this 39961
section, the mere presence of a device, such as a pin-setting, 39962
ball-releasing, or scoring mechanism, that does not contribute 39963
to or affect the outcome of the play of the game does not make 39964
the device a skill-based amusement machine. 39965

~~(VV)~~ (UU) "Merchandise prize" means any item of value, but 39966
shall not include any of the following: 39967

- (1) Cash, gift cards, or any equivalent thereof; 39968
- (2) Plays on games of chance, state lottery tickets, or 39969
bingo; 39970
- (3) Firearms, tobacco, or alcoholic beverages; or 39971
- (4) A redeemable voucher that is redeemable for any of the 39972

items listed in division ~~(VV) (1)~~ (UU) (1), (2), or (3) of this 39973
section. 39974

~~(WW)~~ (VV) "Redeemable voucher" means any ticket, token, 39975
coupon, receipt, or other noncash representation of value. 39976

~~(XX)~~ (WW) "Pool not conducted for profit" means a scheme 39977
in which a participant gives a valuable consideration for a 39978
chance to win a prize and the total amount of consideration 39979
wagered is distributed to a participant or participants. 39980

~~(YY)~~ (XX) "Sporting organization" means a hunting, 39981
fishing, or trapping organization, other than a college or high 39982
school fraternity or sorority, that is not organized for profit, 39983
that is affiliated with a state or national sporting 39984
organization, including but not limited to, the league of Ohio 39985
sportsmen, and that has been in continuous existence in this 39986
state for a period of three years. 39987

~~(ZZ)~~ (YY) "Community action agency" has the same meaning 39988
as in section ~~122.66~~ 5101.311 of the Revised Code. 39989

~~(AAA) (1)~~ (ZZ) (1) "Sweepstakes terminal device" means a 39990
mechanical, video, digital, or electronic machine or device that 39991
is owned, leased, or otherwise possessed by any person 39992
conducting a sweepstakes, or by that person's partners, 39993
affiliates, subsidiaries, or contractors, that is intended to be 39994
used by a sweepstakes participant, and that is capable of 39995
displaying information on a screen or other mechanism. A device 39996
is a sweepstakes terminal device if any of the following apply: 39997

(a) The device uses a simulated game terminal as a 39998
representation of the prizes associated with the results of the 39999
sweepstakes entries. 40000

(b) The device utilizes software such that the simulated 40001

game influences or determines the winning of or value of the	40002
prize.	40003
(c) The device selects prizes from a predetermined finite	40004
pool of entries.	40005
(d) The device utilizes a mechanism that reveals the	40006
content of a predetermined sweepstakes entry.	40007
(e) The device predetermines the prize results and stores	40008
those results for delivery at the time the sweepstakes entry	40009
results are revealed.	40010
(f) The device utilizes software to create a game result.	40011
(g) The device reveals the prize incrementally, even	40012
though the device does not influence the awarding of the prize	40013
or the value of any prize awarded.	40014
(h) The device determines and associates the prize with an	40015
entry or entries at the time the sweepstakes is entered.	40016
(2) As used in this division and in section 2915.02 of the	40017
Revised Code:	40018
(a) "Enter" means the act by which a person becomes	40019
eligible to receive any prize offered in a sweepstakes.	40020
(b) "Entry" means one event from the initial activation of	40021
the sweepstakes terminal device until all the sweepstakes prize	40022
results from that activation are revealed.	40023
(c) "Prize" means any gift, award, gratuity, good,	40024
service, credit, reward, or any other thing of value that may be	40025
transferred to a person, whether possession of the prize is	40026
actually transferred, or placed on an account or other record as	40027
evidence of the intent to transfer the prize.	40028

(d) "Sweepstakes terminal device facility" means any 40029
location in this state where a sweepstakes terminal device is 40030
provided to a sweepstakes participant, except as provided in 40031
division (G) of section 2915.02 of the Revised Code. 40032

~~(BBB)~~ (AAA) "Sweepstakes" means any game, contest, 40033
advertising scheme or plan, or other promotion where 40034
consideration is not required for a person to enter to win or 40035
become eligible to receive any prize, the determination of which 40036
is based upon chance. "Sweepstakes" does not include bingo as 40037
authorized under this chapter, pari-mutuel wagering as 40038
authorized by Chapter 3769. of the Revised Code, lotteries 40039
conducted by the state lottery commission as authorized by 40040
Chapter 3770. of the Revised Code, and casino gaming as 40041
authorized by Chapter 3772. of the Revised Code. 40042

~~(CCC) (1)~~ (BBB) (1) "Electronic instant bingo" means a form 40043
of bingo that consists of an electronic or digital 40044
representation of instant bingo in which a participant wins a 40045
prize if the participant's electronic instant bingo ticket 40046
contains a combination of numbers or symbols that was designated 40047
in advance as a winning combination, and to which all of the 40048
following apply: 40049

(a) Each deal has a predetermined, finite number of 40050
winning and losing tickets and a predetermined prize amount and 40051
deal structure, provided that there may be multiple winning 40052
combinations in each deal and multiple winning tickets. 40053

(b) Each electronic instant bingo ticket within a deal has 40054
a unique serial number that is not regenerated. 40055

(c) Each electronic instant bingo ticket within a deal is 40056
sold for the same price. 40057

(d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.

(e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.

(f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.

(2) "Electronic instant bingo" shall not include any of the following:

(a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:

(i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;

(ii) Horse racing;

(iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.

(b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

(c) Any device that includes a coin or token slot, tray, 40086
or hopper and the ability to dispense coins, cash, tokens, or 40087
anything of value other than a credit ticket voucher. 40088

~~(DDD)~~ (CCC) "Electronic instant bingo system" means both 40089
of the following: 40090

(1) A mechanical, electronic, digital, or video device and 40091
associated software to which all of the following apply: 40092

(a) It is used by not more than one player at a time to 40093
play electronic instant bingo on a single screen that is 40094
physically connected to the device; 40095

(b) It is located on the premises of the principal place 40096
of business of a veteran's ~~or~~, fraternal, or sporting 40097
organization that holds a type II or type III bingo license to 40098
conduct electronic instant bingo at that location issued under 40099
section 2915.08 of the Revised Code. 40100

(2) Any associated equipment or software used to manage, 40101
monitor, or document any aspect of electronic instant bingo. 40102

Sec. 2915.02. (A) No person shall do any of the following: 40103

(1) Engage in bookmaking, or knowingly engage in conduct 40104
that facilitates bookmaking; 40105

(2) Establish, promote, or operate or knowingly engage in 40106
conduct that facilitates any game of chance conducted for profit 40107
or any scheme of chance; 40108

(3) Knowingly procure, transmit, exchange, or engage in 40109
conduct that facilitates the procurement, transmission, or 40110
exchange of information for use in establishing odds or 40111
determining winners in connection with bookmaking or with any 40112
game of chance conducted for profit or any scheme of chance; 40113

(4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood; 40114
40115

(5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either: 40116
40117
40118

(a) Give to another person any item described in division-
~~(VV) (1)~~ (UU) (1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or 40119
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40121
40122

(b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars. 40123
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(6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section; 40129
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(7) With purpose to violate division (A) (1), (2), (3), (4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device. 40134
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40136

(B) For purposes of division (A) (1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A) (2) of this section, a person facilitates a game of chance conducted 40137
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for profit or a scheme of chance if the person in any way 40143
knowingly aids in the conduct or operation of any such game or 40144
scheme, including, without limitation, playing any such game or 40145
scheme. 40146

(C) This section does not prohibit conduct in connection 40147
with gambling expressly permitted by law. 40148

(D) This section does not apply to any of the following: 40149

(1) Games of chance, if all of the following apply: 40150

(a) The games of chance are not craps for money or 40151
roulette for money. 40152

(b) The games of chance are conducted by a charitable 40153
organization that is, and has received from the internal revenue 40154
service a determination letter that is currently in effect, 40155
stating that the organization is⁷ exempt from federal income 40156
taxation under subsection 501(a) and described in subsection 40157
501(c) (3) of the Internal Revenue Code. 40158

(c) The games of chance are conducted at festivals of the 40159
charitable organization that are conducted not more than a total 40160
of five days a calendar year, and are conducted on premises 40161
owned by the charitable organization for a period of no less 40162
than one year immediately preceding the conducting of the games 40163
of chance, on premises leased from a governmental unit, or on 40164
premises that are leased from a veteran's or fraternal 40165
organization and that have been owned by the lessor veteran's or 40166
fraternal organization for a period of no less than one year 40167
immediately preceding the conducting of the games of chance. 40168

A charitable organization shall not lease premises from a 40169
veteran's or fraternal organization to conduct a festival 40170
described in division (D) (1) (c) of this section if the veteran's 40171

or fraternal organization already has leased the premises twelve 40172
times during the preceding year to charitable organizations for 40173
that purpose. If a charitable organization leases premises from 40174
a veteran's or fraternal organization to conduct a festival 40175
described in division (D) (1) (c) of this section, the charitable 40176
organization shall not pay a rental rate for the premises per 40177
day of the festival that exceeds the rental rate per bingo 40178
session that a charitable organization may pay under division 40179
(B) (1) of section 2915.09 of the Revised Code when it leases 40180
premises from another charitable organization to conduct bingo 40181
games. 40182

(d) All of the money or assets received from the games of 40183
chance after deduction only of prizes paid out during the 40184
conduct of the games of chance are used by, or given, donated, 40185
or otherwise transferred to, any organization that is described 40186
in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of the Internal 40187
Revenue Code and is either a governmental unit or an 40188
organization that is tax exempt under subsection 501(a) and 40189
described in subsection 501(c) (3) of the Internal Revenue Code; 40190

(e) The games of chance are not conducted during, or 40191
within ten hours of, a bingo game conducted for amusement 40192
purposes only pursuant to section 2915.12 of the Revised Code. 40193

No person shall receive any commission, wage, salary, 40194
reward, tip, donation, gratuity, or other form of compensation, 40195
directly or indirectly, for operating or assisting in the 40196
operation of any game of chance. 40197

(2) Any tag fishing tournament operated under a permit 40198
issued under section 1533.92 of the Revised Code, as "tag 40199
fishing tournament" is defined in section 1531.01 of the Revised 40200
Code; 40201

(3) Bingo conducted by a charitable organization that 40202
holds a license issued under section 2915.08 of the Revised 40203
Code. 40204

(E) Division (D) of this section shall not be construed to 40205
authorize the sale, lease, or other temporary or permanent 40206
transfer of the right to conduct games of chance, as granted by 40207
that division, by any charitable organization that is granted 40208
that right. 40209

(F) Any person desiring to conduct, or participate in the 40210
conduct of, a sweepstakes with the use of a sweepstakes terminal 40211
device at a sweepstakes terminal device facility shall first 40212
register with the office of the attorney general and obtain an 40213
annual certificate of registration by providing a filing fee of 40214
two hundred dollars and all information as required by rule 40215
adopted under division (H) of this section. Not later than the 40216
tenth day of each month, each sweepstakes terminal device 40217
operator shall file a sweepstakes terminal device monthly report 40218
with the attorney general and provide a filing fee of fifty 40219
dollars and all information required by rule adopted under 40220
division (H) of this section. All information provided to the 40221
attorney general under this division shall be available to law 40222
enforcement upon request. 40223

(G) A person may apply to the attorney general, on a form 40224
prescribed by the attorney general, for a certificate of 40225
compliance that the person is not operating a sweepstakes 40226
terminal device facility. The form shall require the person to 40227
include the address of the business location where sweepstakes 40228
terminal devices will be used and to make the following 40229
certifications: 40230

(1) That the person will not use more than two sweepstakes 40231

terminal devices at the business location; 40232

(2) That the retail value of sweepstakes prizes to be 40233
awarded at the business location using sweepstakes terminal 40234
devices during a reporting period will be less than three per 40235
cent of the gross revenue received at the business location 40236
during the reporting period; 40237

(3) That no other form of gaming except lottery ticket 40238
sales as authorized under Chapter 3770. of the Revised Code will 40239
be conducted at the business location or in an adjoining area of 40240
the business location; 40241

(4) That any sweepstakes terminal device at the business 40242
location will not allow any deposit of any money, coin, or 40243
token, or the use of any credit card, debit card, prepaid card, 40244
or any other method of similar payment to be used, directly or 40245
indirectly, to participate in a sweepstakes; 40246

(5) That notification of any prize will not take place on 40247
the same day as a participant's sweepstakes entry; and 40248

(6) That the person consents to provide any other 40249
information to the attorney general as required by rule adopted 40250
under division (H) of this section. 40251

The filing fee for a certificate of compliance is two 40252
hundred fifty dollars. The attorney general may charge up to an 40253
additional two hundred fifty dollars for reasonable expenses 40254
resulting from any investigation related to an application for a 40255
certificate of compliance. 40256

A certificate of compliance is effective for one year. The 40257
certificate holder may reapply for a certificate of compliance. 40258
A person issued a certificate of compliance shall file 40259
semiannual reports with the attorney general stating the number 40260

of sweepstakes terminal devices at the business location and 40261
that the retail value of prizes awarded at the business location 40262
using sweepstakes terminal devices is less than three per cent 40263
of the gross revenue received at the business location. 40264

(H) The attorney general shall adopt rules setting forth: 40265

(1) The required information to be submitted by persons 40266
conducting a sweepstakes with the use of a sweepstakes terminal 40267
device at a sweepstakes terminal device facility as described in 40268
division (F) of this section; and 40269

(2) The requirements pertaining to a certificate of 40270
compliance under division (G) of this section, which shall 40271
provide for a person to file a consolidated application and a 40272
consolidated semiannual report if a person has more than one 40273
business location. 40274

The attorney general shall issue a certificate of 40275
registration or a certificate of compliance to all persons who 40276
have successfully satisfied the applicable requirements of this 40277
section. The attorney general shall post online a registry of 40278
all properly registered and certified sweepstakes terminal 40279
device operators. 40280

(I) The attorney general may refuse to issue an annual 40281
certificate of registration or certificate of compliance to any 40282
person or, if one has been issued, the attorney general may 40283
revoke a certificate of registration or a certificate of 40284
compliance if the applicant has provided any information to the 40285
attorney general as part of a registration, certification, 40286
monthly report, semiannual report, or any other information that 40287
is materially false or misleading, or if the applicant or any 40288
officer, partner, or owner of five per cent or more interest in 40289

the applicant has violated any provision of this chapter. 40290

(J) The attorney general may take any necessary and 40291
reasonable action to determine a violation of this chapter, 40292
including requesting documents and information, performing 40293
inspections of premises, or requiring the attendance of any 40294
person at an examination under oath. 40295

(K) Whoever violates this section is guilty of gambling, a 40296
misdemeanor of the first degree. If the offender previously has 40297
been convicted of any gambling offense, gambling is a felony of 40298
the fifth degree. Notwithstanding this division, failing to file 40299
a sweepstakes terminal device monthly report as required by 40300
division (F) of this section or the semiannual report required 40301
by division (G) of this section is a misdemeanor of the first 40302
degree. 40303

Sec. 2915.06. (A) No person shall give to another person 40304
any item described in division—~~(VV) (1)~~ (UU) (1), (2), (3), or (4) 40305
of section 2915.01 of the Revised Code in exchange for a noncash 40306
prize, toy, or novelty received as a reward for playing or 40307
operating a skill-based amusement machine or for a free or 40308
reduced-price game won on a skill-based amusement machine. 40309

(B) Whoever violates division (A) of this section is 40310
guilty of skill-based amusement machine prohibited conduct. A 40311
violation of division (A) of this section is a misdemeanor of 40312
the first degree for each redemption of a prize that is involved 40313
in the violation. If the offender previously has been convicted 40314
of a violation of division (A) of this section, a violation of 40315
that division is a felony of the fifth degree for each 40316
redemption of a prize that is involved in the violation. The 40317
maximum fine authorized to be imposed for a felony of the fifth 40318
degree shall be imposed upon the offender. 40319

Sec. 2915.08. (A) (1) Except as otherwise permitted under 40320
section 2915.092 of the Revised Code, annually before the first 40321
day of January, a charitable organization that desires to 40322
conduct bingo shall apply to the attorney general for one or 40323
more of the following types of licenses to conduct bingo, as 40324
appropriate: 40325

(a) A type I license to conduct bingo as described in 40326
division (O) (1) of section 2915.01 of the Revised Code; 40327

(b) A type II license to conduct instant bingo, electronic 40328
instant bingo, or both at a bingo session; 40329

(c) A type III license to conduct instant bingo, 40330
electronic instant bingo, or both other than at a bingo session, 40331
in accordance with sections 2915.093 to 2915.095 or sections 40332
2915.13 to 2915.15 of the Revised Code, as applicable. 40333

(2) A veteran's organization~~or~~, fraternal organization, 40334
or sporting organization that is authorized under section 40335
2915.14 of the Revised Code to conduct electronic instant bingo 40336
may be issued only one license to conduct electronic instant 40337
bingo at any one time. The organization may conduct electronic 40338
instant bingo under that license at only one location specified 40339
on the license, which shall be the organization's principal 40340
place of business. 40341

(B) The application shall be accompanied by a license fee 40342
as follows: 40343

(1) If the charitable organization was not licensed to 40344
conduct bingo under this chapter before July 1, 2003, a fee 40345
established by the attorney general by rule adopted pursuant to 40346
section 111.15 of the Revised Code. 40347

(2) If the charitable organization was licensed to conduct 40348

bingo under this chapter before July 1, 2003, the following 40349
applicable fee: 40350

(a) For a type I license for a charitable organization 40351
that wishes to conduct bingo during twenty-six or more weeks in 40352
any calendar year, a license fee of two hundred dollars; 40353

(b) For a type II or type III license for a charitable 40354
organization that previously has not been licensed under this 40355
chapter to conduct instant bingo or electronic instant bingo and 40356
that wishes to conduct bingo during twenty-six or more weeks in 40357
any calendar year, a license fee of five hundred dollars; 40358

(c) For a type II or type III license for a charitable 40359
organization that previously has been licensed under this 40360
chapter to conduct instant bingo or electronic instant bingo and 40361
that desires to conduct bingo during twenty-six or more weeks in 40362
any calendar year, a license fee that is based upon the gross 40363
profits received by the charitable organization from the 40364
operation of instant bingo or electronic instant bingo during 40365
the one-year period ending on the thirty-first day of October of 40366
the year immediately preceding the year for which the license is 40367
sought, and that is one of the following: 40368

(i) Five hundred dollars, if the total is fifty thousand 40369
dollars or less; 40370

(ii) One thousand two hundred fifty dollars plus one- 40371
fourth per cent of the gross profit, if the total is more than 40372
fifty thousand dollars but less than two hundred fifty thousand 40373
one dollars; 40374

(iii) Two thousand two hundred fifty dollars plus one-half 40375
per cent of the gross profit, if the total is more than two 40376
hundred fifty thousand dollars but less than five hundred 40377

thousand one dollars; 40378

(iv) Three thousand five hundred dollars plus one per cent 40379
of the gross profit, if the total is more than five hundred 40380
thousand dollars but less than one million one dollars; 40381

(v) Five thousand dollars plus one per cent of the gross 40382
profit, if the total is one million one dollars or more. 40383

~~(e)~~(d) For a type I, type II, or type III license for a 40384
charitable organization that desires to conduct bingo during 40385
fewer than twenty-six weeks in any calendar year, a reduced 40386
license fee established by the attorney general by rule adopted 40387
pursuant to section 111.15 of the Revised Code. 40388

(C) The application shall be in the form prescribed by the 40389
attorney general, shall be signed and sworn to by the applicant, 40390
and shall contain all of the following: 40391

(1) The name and post-office address of the applicant; 40392

(2) A statement that the applicant is a charitable 40393
organization and that it has been in continuous existence as a 40394
charitable organization in this state for two years immediately 40395
preceding the making of the application; 40396

(3) The location at which the organization will conduct 40397
bingo, which location shall be within the county in which the 40398
principal place of business of the applicant is located, the 40399
days of the week and the times on each of those days when bingo 40400
will be conducted, whether the organization owns, leases, or 40401
subleases the premises, and a copy of the rental agreement if it 40402
leases or subleases the premises; 40403

(4) A statement of the applicant's previous history, 40404
record, and association that is sufficient to establish that the 40405

applicant is a charitable organization, and a copy of a 40406
determination letter that is issued by the Internal Revenue 40407
Service and states that the organization is tax exempt under 40408
subsection 501(a) and described in subsection 501(c) (3), 501(c) 40409
(4), 501(c) (7), 501(c) (8), 501(c) (10), or 501(c) (19) of the 40410
Internal Revenue Code; 40411

(5) A statement as to whether the applicant has ever had 40412
any previous application refused, whether it previously has had 40413
a license revoked or suspended, and the reason stated by the 40414
attorney general for the refusal, revocation, or suspension; 40415

(6) A statement of the charitable purposes for which the 40416
net profit derived from bingo described in division (O) (1) of 40417
section 2915.01 of the Revised Code will be used, or a statement 40418
of how the net profit derived from instant bingo or electronic 40419
instant bingo will be distributed in accordance with section 40420
2915.101 of the Revised Code, as applicable; 40421

(7) Other necessary and reasonable information that the 40422
attorney general may require by rule adopted pursuant to section 40423
111.15 of the Revised Code; 40424

(8) If the applicant is a charitable trust as defined in 40425
section 109.23 of the Revised Code, a statement as to whether it 40426
has registered with the attorney general pursuant to section 40427
109.26 of the Revised Code or filed annual reports pursuant to 40428
section 109.31 of the Revised Code, and, if it is not required 40429
to do either, the exemption in section 109.26 or 109.31 of the 40430
Revised Code that applies to it; 40431

(9) If the applicant is a charitable organization as 40432
defined in section 1716.01 of the Revised Code, a statement as 40433
to whether it has filed with the attorney general a registration 40434

statement pursuant to section 1716.02 of the Revised Code and a 40435
financial report pursuant to section 1716.04 of the Revised 40436
Code, and, if it is not required to do both, the exemption in 40437
section 1716.03 of the Revised Code that applies to it; 40438

(10) In the case of an applicant seeking to qualify as a 40439
youth athletic park organization, a statement issued by a board 40440
or body vested with authority under Chapter 755. of the Revised 40441
Code for the supervision and maintenance of recreation 40442
facilities in the territory in which the organization is 40443
located, certifying that the playing fields owned by the 40444
organization were open for use to all residents of that 40445
territory, regardless of race, color, creed, religion, sex, or 40446
national origin, for athletic activities by youth athletic 40447
organizations that do not discriminate on the basis of race, 40448
color, creed, religion, sex, or national origin, and that the 40449
fields were not used for any profit-making activity at any time 40450
during the year. That type of board or body is authorized to 40451
issue the statement upon request and shall issue the statement 40452
if it finds that the applicant's playing fields were so used. 40453

(D) The attorney general, within thirty days after 40454
receiving a timely filed application from a charitable 40455
organization that has been issued a license under this section 40456
that has not expired and has not been revoked or suspended, 40457
shall send a temporary permit to the applicant specifying the 40458
date on which the application was filed with the attorney 40459
general and stating that, pursuant to section 119.06 of the 40460
Revised Code, the applicant may continue to conduct bingo until 40461
a new license is granted or, if the application is rejected, 40462
until fifteen days after notice of the rejection is mailed to 40463
the applicant. The temporary permit does not affect the validity 40464
of the applicant's application and does not grant any rights to 40465

the applicant except those rights specifically granted in 40466
section 119.06 of the Revised Code. The issuance of a temporary 40467
permit by the attorney general pursuant to this division does 40468
not prohibit the attorney general from rejecting the applicant's 40469
application because of acts that the applicant committed, or 40470
actions that the applicant failed to take, before or after the 40471
issuance of the temporary permit. 40472

(E) Within thirty days after receiving an initial license 40473
application from a charitable organization to conduct bingo, the 40474
attorney general shall conduct a preliminary review of the 40475
application and notify the applicant regarding any deficiencies. 40476
Once an application is deemed complete, or beginning on the 40477
thirtieth day after the application is filed, if the attorney 40478
general failed to notify the applicant of any deficiencies, the 40479
attorney general shall have an additional sixty days to conduct 40480
an investigation and either grant, grant with limits, 40481
restrictions, or probationary conditions, or deny the 40482
application based on findings established and communicated in 40483
accordance with divisions (F) and (I) of this section. As an 40484
option to granting, granting with limits, restrictions, or 40485
probationary conditions, or denying an initial license 40486
application, the attorney general may grant a temporary license 40487
and request additional time to conduct the investigation if the 40488
attorney general has cause to believe that additional time is 40489
necessary to complete the investigation and has notified the 40490
applicant in writing about the specific concerns raised during 40491
the investigation. 40492

(F) (1) The attorney general shall adopt rules to enforce 40493
sections 2915.01, 2915.02, and 2915.07 to 2915.15 of the Revised 40494
Code to ensure that bingo is conducted in accordance with those 40495
sections and to maintain proper control over the conduct of 40496

bingo. Except as otherwise provided in this section, the rules 40497
shall be adopted pursuant to Chapter 119. of the Revised Code. 40498
The attorney general shall license charitable organizations to 40499
conduct bingo in conformance with this chapter and with the 40500
licensing provisions of Chapter 119. of the Revised Code. 40501

(2) If any of the following applies to an organization, 40502
the attorney general may refuse to grant a license to the 40503
organization, may revoke or suspend the organization's license, 40504
or may place limits, restrictions, or probationary conditions on 40505
the organization's license for a limited or indefinite period, 40506
as determined by the attorney general: 40507

(a) The organization fails or has failed at any time to 40508
meet any requirement of section 109.26, 109.31, or 1716.02, or 40509
sections 2915.07 to 2915.15 of the Revised Code, or violates or 40510
has violated any provision of sections 2915.02 or 2915.07 to 40511
2915.13 of the Revised Code or any rule adopted by the attorney 40512
general pursuant to this chapter. 40513

(b) The organization makes or has made an incorrect or 40514
false statement that is material to the granting of the license 40515
in an application filed under this section. 40516

(c) The organization submits or has submitted any 40517
incorrect or false information relating to an application if the 40518
information is material to the granting of the license. 40519

(d) The organization maintains or has maintained any 40520
incorrect or false information that is material to the granting 40521
of the license in the records required to be kept pursuant to 40522
section 2915.10 of the Revised Code, if applicable. 40523

(e) The attorney general has good cause to believe that 40524
the organization will not conduct bingo in accordance with 40525

sections 2915.07 to 2915.15 of the Revised Code or with any rule 40526
adopted by the attorney general pursuant to this chapter. 40527

(3) If the attorney general has good cause to believe that 40528
any director or officer of the organization has breached the 40529
director's or officer's fiduciary duty to, or committed theft or 40530
any other type of misconduct related to, the organization or any 40531
other charitable organization that has been issued a bingo 40532
license under this chapter, the attorney general may refuse to 40533
grant a license to the organization, may impose limits, 40534
restrictions, or probationary conditions on the license, or may 40535
revoke or suspend the organization's license for a period not to 40536
exceed five years. 40537

(4) The attorney general may impose a civil fine on an 40538
organization licensed or permitted under this chapter for 40539
failure to comply with any restrictions, limits, or probationary 40540
conditions on its license, and for failure to comply with this 40541
chapter or any rule adopted under this chapter, according to a 40542
schedule of fines that the attorney general shall adopt in 40543
accordance with Chapter 119. of the Revised Code. 40544

(5) For the purposes of division (F) of this section, any 40545
action of an officer, trustee, agent, representative, or bingo 40546
game operator of an organization is an action of the 40547
organization. 40548

(G) The attorney general may grant licenses to charitable 40549
organizations that are branches, lodges, or chapters of national 40550
charitable organizations. 40551

(H) The attorney general shall send notice of any of the 40552
following actions in writing to the prosecuting attorney and 40553
sheriff of the county in which the charitable organization is 40554

located and to any other law enforcement agency in that county 40555
that so requests, of all of the following: 40556

(1) The issuance of a license under this section; 40557

(2) The issuance of an amended license under this section; 40558

(3) The rejection of an application for and refusal to 40559
grant a license under this section; 40560

(4) The revocation of any license previously issued under 40561
this section; 40562

(5) The suspension of any license previously issued under 40563
this section; 40564

(6) The placing of any limits, restrictions, or 40565
probationary conditions placed on a license issued under this 40566
section. 40567

(I) A license issued by the attorney general under this 40568
section shall set forth the information contained on the 40569
application of the charitable organization that the attorney 40570
general determines is relevant, including, but not limited to, 40571
the location at which the organization will conduct bingo, 40572
whether the license is a type I, type II, or type III license, 40573
and the days of the week and the times on each of those days 40574
when bingo will be conducted. If the attorney general refuses to 40575
grant, places limits, restrictions, or probationary conditions 40576
on, or revokes or suspends a license, the attorney general shall 40577
notify the applicant in writing and specifically identify the 40578
reason for the refusal, revocation, limit, restriction, 40579
probationary condition, or suspension in narrative form and, if 40580
applicable, by identifying the section of the Revised Code 40581
violated. The failure of the attorney general to give the 40582
written notice of the reasons for the refusal, revocation, 40583

limit, restriction, probationary condition, or suspension or a 40584
mistake in the written notice does not affect the validity of 40585
the attorney general's refusal to grant, or the revocation or 40586
suspension of, or limit, restriction, probationary condition on, 40587
a license. If the attorney general fails to give the written 40588
notice or if there is a mistake in the written notice, the 40589
applicant may bring an action to compel the attorney general to 40590
comply with this division or to correct the mistake, but the 40591
attorney general's order refusing to grant, or placing a limit, 40592
restriction, or probationary condition on, or revoking or 40593
suspending, a license shall not be enjoined during the pendency 40594
of the action. 40595

(J) (1) (a) Except as otherwise provided in division (J) (2) 40596
of this section, a charitable organization that has been issued 40597
a license under this section but that cannot conduct bingo at 40598
the location, or on the day of the week or at the time, 40599
specified on the license due to circumstances that make it 40600
impractical to do so, or that desires to conduct instant bingo 40601
other than at a bingo session at additional locations not 40602
identified on the license, may apply in writing, together with 40603
an application fee of two hundred fifty dollars, to the attorney 40604
general, at least thirty days prior to a change in or addition 40605
of a location, day of the week, or time, and request an amended 40606
license. 40607

(b) As applicable, the application shall describe the 40608
causes making it impractical for the organization to conduct 40609
bingo in conformity with its license and shall indicate the 40610
location, days of the week, and times on each of those days when 40611
it desires to conduct bingo and, as applicable, shall indicate 40612
the additional locations at which it desires to conduct instant 40613
bingo other than at a bingo session. 40614

(c) Except as otherwise provided in division (J) (3) of 40615
this section, the attorney general shall issue the amended 40616
license in accordance with division (I) of this section, and the 40617
organization shall surrender its original license to the 40618
attorney general. 40619

(2) (a) A charitable organization that has been issued a 40620
license under this section to conduct electronic instant bingo 40621
but that cannot conduct electronic instant bingo at the 40622
location, or on the day of the week or at the time, specified on 40623
the license due to circumstances that make it impractical to do 40624
so, may apply in writing, together with an application fee of 40625
two hundred fifty dollars, to the attorney general, at least 40626
thirty days prior to a change in a location, day of the week, or 40627
time, and request an amended license. A charitable organization 40628
may not apply for an amended license to conduct electronic 40629
instant bingo at any additional location. 40630

(b) The application shall describe the causes making it 40631
impractical for the organization to conduct electronic instant 40632
bingo in conformity with its license and shall indicate the 40633
location, days of the week, and times on each of those days when 40634
it desires to conduct electronic instant bingo. 40635

(c) Except as otherwise provided in division (J) (3) of 40636
this section, the attorney general shall issue the amended 40637
license in accordance with division (I) of this section, and the 40638
organization shall surrender its original license to the 40639
attorney general. 40640

(3) The attorney general may refuse to grant an amended 40641
license under division (J) (1) or (2) of this section according 40642
to the terms of division (F) of this section. 40643

(K) The attorney general may enter into a written contract 40644
with any other state agency to delegate to that state agency the 40645
powers prescribed to the attorney general under Chapter 2915. of 40646
the Revised Code. 40647

(L) The attorney general, by rule adopted pursuant to 40648
section 111.15 of the Revised Code, may adopt rules to determine 40649
the requirements for a charitable organization that is exempt 40650
from federal income taxation under subsection 501(a) and 40651
described in subsection 501(c)(3) of the Internal Revenue Code 40652
to be in good standing in the state. 40653

Sec. 2915.101. Except as otherwise provided by law, a 40654
charitable organization that conducts instant bingo or 40655
electronic instant bingo shall distribute the ~~net profit from~~ 40656
~~the proceeds of the sale of instant bingo or electronic instant~~ 40657
~~bingo as follows:~~ proceeds in accordance with this section. 40658

(A) (1) If a veteran's organization, a fraternal 40659
organization, or a sporting organization ~~conducted the~~ conducts 40660
~~instant bingo or electronic instant bingo,~~ the organization 40661
shall distribute the ~~net gross profit from the proceeds of the~~ 40662
~~sale of instant bingo or electronic instant bingo,~~ as follows: 40663

(a) For the first ~~two hundred fifty~~ three hundred thirty 40664
thousand dollars, or a greater amount prescribed by the attorney 40665
general to adjust for changes in prices as measured by the 40666
consumer price index as defined in section 325.18 of the Revised 40667
Code and other factors affecting the organization's expenses, ~~as~~ 40668
~~defined in division (GG) of section 2915.01 of the Revised Code,~~ 40669
or less of ~~net gross profit from the proceeds of the sale of~~ 40670
~~instant bingo or electronic instant bingo~~ generated in a 40671
calendar year: 40672

(i) At least twenty-five per cent shall be distributed to 40673
an organization described in division (V) (1) of section 2915.01 40674
of the Revised Code or to a department or agency of the federal 40675
government, the state, or any political subdivision. 40676

(ii) Not more than seventy-five per cent may be deducted 40677
and retained by the organization for reimbursement of or for the 40678
organization's expenses, ~~as defined in division (GG) of section~~ 40679
~~2915.01 of the Revised Code,~~ in conducting the instant bingo ~~or~~ 40680
~~electronic instant bingo game.~~ 40681

(b) For any ~~net gross~~ profit from the proceeds of the sale 40682
of instant bingo ~~or electronic instant bingo~~ of more than ~~two~~ 40683
~~hundred fifty three~~ hundred thirty thousand dollars or an 40684
adjusted amount generated in a calendar year: 40685

(i) A minimum of fifty per cent shall be distributed to an 40686
organization described in division (V) (1) of section 2915.01 of 40687
the Revised Code or to a department or agency of the federal 40688
government, the state, or any political subdivision. 40689

(ii) Five per cent may be distributed for the 40690
organization's own charitable purposes or to a community action 40691
agency. 40692

(iii) Forty-five per cent may be deducted and retained by 40693
the organization for reimbursement of or for the organization's 40694
expenses, ~~as defined in division (GG) of section 2915.01 of the~~ 40695
~~Revised Code,~~ in conducting the instant bingo ~~or electronic~~ 40696
~~instant bingo game.~~ 40697

(2) If a veteran's organization, a fraternal organization, 40698
or a sporting organization does not distribute the full 40699
percentages specified in divisions (A) (1) (a) and (b) of this 40700
section for the purposes specified in those divisions, the 40701

organization shall distribute the balance of the ~~net gross~~ 40702
profit ~~from the proceeds of the sale of instant bingo or~~ 40703
~~electronic instant bingo~~ not distributed or retained for those 40704
purposes to an organization described in division (V) (1) of 40705
section 2915.01 of the Revised Code. 40706

~~(B)~~ (B) (1) If a veteran's organization, a fraternal 40707
organization, or a sporting organization conducts electronic 40708
instant bingo, the organization shall distribute the gross 40709
profit as follows: 40710

(a) For the first three hundred thirty thousand dollars, 40711
or a greater amount prescribed by the attorney general to adjust 40712
for changes in prices as measured by the consumer price index as 40713
defined in section 325.18 of the Revised Code and other factors 40714
affecting the organization's expenses, or less of gross profit 40715
from the proceeds of the sale of electronic instant bingo 40716
generated in a calendar year: 40717

(i) At least twenty-five per cent shall be distributed to 40718
an organization described in division (V) (1) of section 2915.01 40719
of the Revised Code or to a department or agency of the federal 40720
government, the state, or any political subdivision. 40721

(ii) Not more than seventy-five per cent may be deducted 40722
and retained by the organization for reimbursement of or for the 40723
organization's expenses in conducting the electronic instant 40724
bingo game. 40725

(b) For any gross profit from the proceeds of the sale of 40726
electronic instant bingo of more than three hundred thirty 40727
thousand dollars or an adjusted amount generated in a calendar 40728
year: 40729

(i) A minimum of fifty per cent shall be distributed to an 40730

organization described in division (V) (1) of section 2915.01 of 40731
the Revised Code or to a department or agency of the federal 40732
government, the state, or any political subdivision. 40733

(ii) Five per cent may be distributed for the 40734
organization's own charitable purposes or to a community action 40735
agency. 40736

(iii) Forty-five per cent may be deducted and retained by 40737
the organization for reimbursement of or for the organization's 40738
expenses in conducting the electronic instant bingo game. 40739

(2) If a veteran's organization, a fraternal organization, 40740
or a sporting organization does not distribute the full 40741
percentages specified in divisions (B) (1) (a) and (b) of this 40742
section for the purposes specified in those divisions, the 40743
organization shall distribute the balance of the gross profit 40744
not distributed or retained for those purposes to an 40745
organization described in division (V) (1) of section 2915.01 of 40746
the Revised Code. 40747

(C) If a charitable organization other than a veteran's 40748
organization, a fraternal organization, or a sporting 40749
organization ~~conducted the~~ conducts instant bingo or electronic 40750
instant bingo, the organization shall distribute one hundred per 40751
cent of the net profit ~~from the proceeds of the sale of instant~~ 40752
~~bingo or electronic instant bingo~~ to an organization described 40753
in division (V) (1) of section 2915.01 of the Revised Code or to 40754
a department or agency of the federal government, the state, or 40755
any political subdivision. 40756

~~(C)~~ (D) Nothing in this section prohibits a veteran's 40757
organization, a fraternal organization, or a sporting 40758
organization from distributing any ~~net~~ gross profit ~~from the~~ 40759

~~proceeds of the sale of instant bingo or electronic instant~~ 40760
~~bingo~~ to an organization that is described in subsection 501(c) 40761
(3) of the Internal Revenue Code when the organization that is 40762
described in subsection 501(c) (3) of the Internal Revenue Code 40763
is one that makes donations to other organizations and permits 40764
donors to advise or direct such donations so long as the 40765
donations comply with requirements established in or pursuant to 40766
subsection 501(c) (3) of the Internal Revenue Code. 40767

Sec. 2915.13. (A) Subject to the requirements of sections 40768
2915.14 and 2915.15 of the Revised Code concerning electronic 40769
instant bingo, a veteran's organization, a fraternal 40770
organization, or a sporting organization authorized to conduct a 40771
bingo session pursuant to this chapter may conduct instant 40772
bingo, electronic instant bingo, or both other than at a bingo 40773
session under a type III license issued under section 2915.08 of 40774
the Revised Code if all of the following apply: 40775

(1) The veteran's organization, fraternal organization, or 40776
sporting organization limits the sale of instant bingo or 40777
electronic instant bingo to ~~twelve~~sixteen hours during any day, 40778
provided that the sale does not begin earlier than ~~ten~~eight 40779
a.m. and ends not later than two a.m. 40780

(2) The veteran's organization, fraternal organization, or 40781
sporting organization limits the sale of instant bingo or 40782
electronic instant bingo to its own premises and to its own 40783
members and invited guests. 40784

(3) The veteran's organization, fraternal organization, or 40785
sporting organization is raising money for an organization that 40786
is described in subsection 509(a) (1), 509(a) (2), or 509(a) (3) of 40787
the Internal Revenue Code and is either a governmental unit or 40788
an organization that maintains its principal place of business 40789

in this state, that is exempt from federal income taxation under 40790
subsection 501(a) and described in subsection 501(c)(3) of the 40791
Internal Revenue Code, and that is in good standing in this 40792
state and executes a written contract with that organization as 40793
required in division (B) of this section. 40794

(B) If a veteran's organization, fraternal organization, 40795
or sporting organization authorized to conduct instant bingo or 40796
electronic instant bingo pursuant to division (A) of this 40797
section is raising money for another organization that is 40798
described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of 40799
the Internal Revenue Code and is either a governmental unit or 40800
an organization that maintains its principal place of business 40801
in this state, that is exempt from federal income taxation under 40802
subsection 501(a) and described in subsection 501(c)(3) of the 40803
Internal Revenue Code, and that is in good standing in this 40804
state, the veteran's organization, fraternal organization, or 40805
sporting organization shall execute a written contract with the 40806
organization that is described in subsection 509(a)(1), 509(a) 40807
(2), or 509(a)(3) of the Internal Revenue Code and is either a 40808
governmental unit or an organization that maintains its 40809
principal place of business in this state, that is exempt from 40810
federal income taxation under subsection 501(a) and described in 40811
subsection 501(c)(3) of the Internal Revenue Code, and that is 40812
in good standing in this state in order to conduct instant bingo 40813
or electronic instant bingo. That contract shall include a 40814
statement of the percentage of the ~~net proceeds~~ gross profit 40815
that the veteran's, fraternal, or sporting organization will be 40816
distributing to the organization that is described in subsection 40817
509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code 40818
and is either a governmental unit or an organization that 40819
maintains its principal place of business in this state, that is 40820

exempt from federal income taxation under subsection 501(a) and 40821
described in subsection 501(c) (3) of the Internal Revenue Code, 40822
and that is in good standing in this state under section 40823
2915.101 of the Revised Code. 40824

(C) (1) If a veteran's organization, fraternal 40825
organization, or sporting organization authorized to conduct 40826
instant bingo or electronic instant bingo pursuant to division 40827
(A) of this section has been issued a liquor permit under 40828
Chapter 4303. of the Revised Code, that permit may be subject to 40829
suspension, revocation, or cancellation if the veteran's 40830
organization, fraternal organization, or sporting organization 40831
violates a provision of this chapter. 40832

(2) No veteran's organization, fraternal organization, or 40833
sporting organization that enters into a written contract 40834
pursuant to division (B) of this section shall violate any 40835
provision of this chapter or permit, aid, or abet any other 40836
person in violating any provision of this chapter. 40837

(D) A veteran's organization, fraternal organization, or 40838
sporting organization shall give all required proceeds earned 40839
from the conduct of instant bingo or electronic instant bingo to 40840
the organization with which the veteran's organization, 40841
fraternal organization, or sporting organization has entered 40842
into a written contract. 40843

(E) Whoever violates this section is guilty of illegal 40844
instant bingo or electronic instant bingo conduct. Except as 40845
otherwise provided in this division, illegal instant bingo or 40846
electronic instant bingo conduct is a misdemeanor of the first 40847
degree. If the offender previously has been convicted of a 40848
violation of this section, illegal instant bingo or electronic 40849
instant bingo conduct is a felony of the fifth degree. 40850

Sec. 2915.14. (A) No charitable organization shall conduct 40851
electronic instant bingo unless all of the following are true: 40852

(1) The organization is a veteran's organization described 40853
in division (J) of section 2915.01 of the Revised Code, ~~or is a~~ 40854
fraternal organization described in division (L) of section 40855
2915.01 of the Revised Code, or a sporting organization 40856
described in division (XX) of section 2915.01 of the Revised 40857
Code, and the organization qualified as a veteran's organization 40858
~~or,~~ fraternal organization, or sporting organization as 40859
applicable, on or before June 30, 2021. 40860

(2) The organization is a veteran's organization described 40861
in subsection 501(c)(4) of the Internal Revenue Code or is, and 40862
has received from the internal revenue service a determination 40863
letter that is currently in effect stating that the organization 40864
is, exempt from federal income taxation under subsection 501(a), 40865
and is described in subsection 501(c)(7), 501(c)(8), 501(c)(10), 40866
or 501(c)(19) of the Internal Revenue Code. 40867

(3) The organization has not conducted a raffle in 40868
violation of division (B) of section 2915.092 of the Revised 40869
Code using an electronic raffle machine, as described in Ohio 40870
Veterans and Fraternal Charitable Coalition v. DeWine, Case No. 40871
13-CV-13610 (C.P. Franklin Co. February 23, 2018), at any time 40872
on or after January 1, 2022. 40873

(B) No charitable organization that conducts electronic 40874
instant bingo shall do any of the following: 40875

(1) Possess an electronic instant bingo system that was 40876
not obtained in accordance with this chapter or with any rule 40877
adopted under this chapter; 40878

(2) Conduct electronic instant bingo on any day, at any 40879

time, or on any premises not specified on the organization's 40880
type II or type III license issued under section 2915.08 of the 40881
Revised Code; 40882

(3) Hold more than one valid license to conduct electronic 40883
instant bingo at any one time; 40884

(4) Conduct electronic instant bingo on more than one 40885
premises or on any premises other than the charitable 40886
organization's principal place of business; 40887

(5) Operate more than ten electronic bingo systems at the 40888
premises on which the charitable organization conducts 40889
electronic instant bingo under its license; 40890

(6) Fail to display both of the following conspicuously at 40891
the premises on which the charitable organization conducts 40892
electronic instant bingo: 40893

(a) The charitable organization's bingo license; 40894

(b) The serial number of each deal of electronic instant 40895
bingo tickets being sold. 40896

(7) Permit any person the charitable organization knows, 40897
or should have known, to be under eighteen years of age to play 40898
electronic instant bingo; 40899

(8) Sell or provide to any person an electronic instant 40900
bingo ticket for a price different from the price displayed on 40901
the game flare for that deal, except that the charitable 40902
organization may give a participant who wins an electronic 40903
instant bingo game an electronic instant bingo ticket as a prize 40904
in place of a cash prize; 40905

(9) Fail, once an electronic instant bingo deal is begun, 40906
to continue to sell tickets in that deal until all prizes have 40907

been awarded; 40908

(10) Permit any person whom the organization knows, or 40909
should have known, has been convicted of a felony or gambling 40910
offense in any jurisdiction to be a bingo game operator in the 40911
conduct of electronic instant bingo; 40912

(11) Permit a bingo game operator to play electronic 40913
instant bingo; 40914

(12) (a) Except as otherwise provided in division (B) (12) 40915
(b) of this section, pay compensation to a bingo game operator 40916
for conducting electronic instant bingo. 40917

(b) Division (B) (12) (a) of this section does not prohibit 40918
an employee of a veteran's organization or fraternal 40919
organization from redeeming electronic instant bingo tickets or 40920
vouchers for the organization's members or invited guests, so 40921
long as no portion of the employee's compensation is paid from 40922
any bingo receipts. 40923

(13) Pay consulting fees to any person in relation to 40924
electronic instant bingo. 40925

(C) No person shall sell, offer to sell, or otherwise 40926
provide or offer to provide an electronic instant bingo system 40927
to any person for use in this state unless the electronic 40928
instant bingo system has been approved under section 2915.15 of 40929
the Revised Code. 40930

(D) The attorney general shall adopt rules under Chapter 40931
119. of the Revised Code to ensure the integrity of electronic 40932
instant bingo, including, but not limited to, rules governing 40933
all of the following: 40934

(1) The requirements to receive a license or endorsement 40935

to conduct electronic instant bingo; 40936

(2) The location and number of electronic instant bingo 40937
systems in use, which shall not exceed ten at the single 40938
licensed location per organization; 40939

(3) The times when electronic instant bingo may be 40940
offered; 40941

(4) Signage requirements in facilities where electronic 40942
instant bingo is offered; 40943

(5) Electronic instant bingo device and system 40944
specifications, including reveal features and game themes; 40945

(6) Procedures and standards for the review, approval, 40946
inspection, and monitoring of electronic instant bingo systems, 40947
as described in section 2915.15 of the Revised Code; 40948

(7) Procedures and standards for the review and approval 40949
of any changes to technology, systems, or games licensed or 40950
permitted under this chapter; 40951

(8) The fees to be charged under section 2915.15 of the 40952
Revised Code for review, approval, inspection, and monitoring of 40953
electronic instant bingo systems; 40954

(9) Procedures allowing the attorney general to seek a 40955
summary suspension of a license to conduct electronic instant 40956
bingo or a license to manufacture or distribute electronic 40957
instant bingo systems if the attorney general has good cause to 40958
believe that the person or organization licensed to conduct 40959
electronic instant bingo, or the person or organization licensed 40960
to manufacture or distribute electronic instant bingo systems, 40961
or any of the organization's employees, officers, directors, 40962
agents, representatives, or partners, has violated this chapter 40963

or a rule adopted under this chapter. 40964

(E) Whoever knowingly violates division (A), (B), or (C) 40965
of this section or a rule adopted under division (D) of this 40966
section is guilty of illegal electronic instant bingo conduct. 40967
Illegal electronic instant bingo conduct is a misdemeanor of the 40968
first degree, except that if the offender previously has been 40969
convicted of a violation of division (A) or (B) of this section 40970
or of a rule adopted under division (D) of this section, illegal 40971
instant bingo conduct is a felony of the fifth degree. 40972

Sec. 2919.171. (A) (1) A physician who performs or induces 40973
or attempts to perform or induce an abortion on a pregnant woman 40974
shall submit a report to the department of health in accordance 40975
with the forms, rules, and regulations adopted by the department 40976
that includes all of the information the physician is required 40977
to certify in writing or determine under section 2919.17, 40978
section 2919.18, divisions (A) and (C) of section 2919.192, 40979
division (C) of section 2919.193, division (B) of section 40980
2919.195, or division (A) of section 2919.196 of the Revised 40981
Code. 40982

(2) If a person other than the physician described in 40983
division (A) (1) of this section makes or maintains a record 40984
required by sections 2919.192 to 2919.196 of the Revised Code on 40985
the physician's behalf or at the physician's direction, that 40986
person shall comply with the reporting requirement described in 40987
division (A) (1) of this section as if the person were the 40988
physician described in that division. 40989

(B) By ~~September 30~~ the first day of March of each year, 40990
the department of health shall issue a public report that 40991
provides statistics for the previous calendar year compiled from 40992
all of the reports covering that calendar year submitted to the 40993

department in accordance with this section for each of the items 40994
listed in division (A) of this section. The report shall also 40995
provide the statistics for each previous calendar year in which 40996
a report was filed with the department pursuant to this section, 40997
adjusted to reflect any additional information that a physician 40998
provides to the department in a late or corrected report. The 40999
department shall ensure that none of the information included in 41000
the report could reasonably lead to the identification of any 41001
pregnant woman upon whom an abortion is performed. 41002

(C) (1) The physician shall submit the report described in 41003
division (A) of this section to the department of health within 41004
fifteen days after the woman is discharged. If the physician 41005
fails to submit the report more than thirty days after that 41006
fifteen-day deadline, the physician shall be subject to a late 41007
fee of five hundred dollars for each additional thirty-day 41008
period or portion of a thirty-day period the report is overdue. 41009
A physician who is required to submit to the department of 41010
health a report under division (A) of this section and who has 41011
not submitted a report or has submitted an incomplete report 41012
more than one year following the fifteen-day deadline may, in an 41013
action brought by the department of health, be directed by a 41014
court of competent jurisdiction to submit a complete report to 41015
the department of health within a period of time stated in a 41016
court order or be subject to contempt of court. 41017

(2) If a physician fails to comply with the requirements 41018
of this section, other than filing a late report with the 41019
department of health, or fails to submit a complete report to 41020
the department of health in accordance with a court order, the 41021
physician is subject to division (B) (43) of section 4731.22 of 41022
the Revised Code. 41023

(3) No person shall falsify any report required under this section. Whoever violates this division is guilty of abortion report falsification, a misdemeanor of the first degree.

(D) The department of health shall adopt rules pursuant to section 111.15 of the Revised Code to assist in compliance with this section.

Sec. 2919.19. (A) As used in this section and sections 2919.191 to ~~2919.1910~~ 2919.199 of the Revised Code:

(1) "Conception" means fertilization.

(2) "Contraceptive" means a drug, device, or chemical that prevents conception.

(3) "DNA" means deoxyribonucleic acid.

(4) "Fetal heartbeat" means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac.

(5) "Fetus" means the human offspring developing during pregnancy from the moment of conception and includes the embryonic stage of development.

(6) "Gestational age" means the age of an unborn human individual as calculated from the first day of the last menstrual period of a pregnant woman.

(7) "Gestational sac" means the structure that comprises the extraembryonic membranes that envelop the fetus and that is typically visible by ultrasound after the fourth week of pregnancy.

(8) "Intrauterine pregnancy" means a pregnancy in which the fetus is attached to the placenta within the uterus of the

pregnant woman. 41051

(9) "Medical emergency" has the same meaning as in section 41052
2919.16 of the Revised Code. 41053

(10) "Physician" has the same meaning as in section 41054
2305.113 of the Revised Code. 41055

(11) "Pregnancy" means the human female reproductive 41056
condition that begins with fertilization, when the woman is 41057
carrying the developing human offspring, and that is calculated 41058
from the first day of the last menstrual period of the woman. 41059

(12) "Serious risk of the substantial and irreversible 41060
impairment of a major bodily function" has the same meaning as 41061
in section 2919.16 of the Revised Code. 41062

(13) "Spontaneous miscarriage" means the natural or 41063
accidental termination of a pregnancy and the expulsion of the 41064
fetus, typically caused by genetic defects in the fetus or 41065
physical abnormalities in the pregnant woman. 41066

(14) "Standard medical practice" means the degree of 41067
skill, care, and diligence that a physician of the same medical 41068
specialty would employ in like circumstances. As applied to the 41069
method used to determine the presence of a fetal heartbeat for 41070
purposes of section 2919.192 of the Revised Code, "standard 41071
medical practice" includes employing the appropriate means of 41072
detection depending on the estimated gestational age of the 41073
fetus and the condition of the woman and her pregnancy. 41074

(15) "Unborn human individual" means an individual 41075
organism of the species homo sapiens from fertilization until 41076
live birth. 41077

(B) (1) It is the intent of the general assembly that a 41078

court judgment or order suspending enforcement of any provision 41079
of this section or sections 2919.171 or 2919.191 to 2919.1913 of 41080
the Revised Code is not to be regarded as tantamount to repeal 41081
of that provision. 41082

(2) Upon the issuance of any court order or judgment 41083
restoring, expanding, or clarifying the authority of states to 41084
prohibit or regulate abortion entirely or in part, or the 41085
effective date of an amendment to the United States Constitution 41086
restoring, expanding, or clarifying the authority of states to 41087
prohibit or regulate abortion entirely or in part, the attorney 41088
general may apply to the pertinent state or federal court for 41089
either or both of the following: 41090

(a) A declaration that any one or more sections specified 41091
in division (B) (1) of this section are constitutional; 41092

(b) A judgment or order lifting an injunction against the 41093
enforcement of any one or more sections specified in division 41094
(B) (1) of this section. 41095

(3) If the attorney general fails to apply for the relief 41096
described in division (B) (2) of this section within the thirty- 41097
day period after an event described in that division occurs, any 41098
county prosecutor, with standing, may apply to the appropriate 41099
state or federal court for such relief. 41100

(4) If any provision of this section or sections 2919.171 41101
or 2919.191 to 2919.1913 of the Revised Code is held invalid, or 41102
if the application of such provision to any person or 41103
circumstance is held invalid, the invalidity of that provision 41104
does not affect any other provisions or applications of this 41105
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41106
Revised Code that can be given effect without the invalid 41107

provision or application, and to this end the provisions of this 41108
section and sections 2919.171 and 2919.191 to 2919.1913 of the 41109
Revised Code are severable as provided in section 1.50 of the 41110
Revised Code. In particular, it is the intent of the general 41111
assembly that any invalidity or potential invalidity of a 41112
provision of this section or sections 2919.171 or 2919.191 to 41113
2919.1913 of the Revised Code is not to impair the immediate and 41114
continuing enforceability of the remaining provisions. It is 41115
furthermore the intent of the general assembly that the 41116
provisions of this section and sections 2919.171 or 2919.191 to 41117
2919.1913 of the Revised Code are not to have the effect of 41118
repealing or limiting any other laws of this state, except as 41119
specified by this section and sections 2919.171 and 2919.191 to 41120
2919.1913 of the Revised Code. 41121

Sec. 2921.13. (A) No person shall knowingly make a false 41122
statement, or knowingly swear or affirm the truth of a false 41123
statement previously made, when any of the following applies: 41124

(1) The statement is made in any official proceeding. 41125

(2) The statement is made with purpose to incriminate 41126
another. 41127

(3) The statement is made with purpose to mislead a public 41128
official in performing the public official's official function. 41129

(4) The statement is made with purpose to secure the 41130
payment of unemployment compensation; Ohio works first; 41131
prevention, retention, and contingency benefits and services; 41132
disability financial assistance; retirement benefits or health 41133
care coverage from a state retirement system; economic 41134
development assistance, as defined in section 9.66 of the 41135
Revised Code; or other benefits administered by a governmental 41136

agency or paid out of a public treasury. 41137

(5) The statement is made with purpose to secure the 41138
issuance by a governmental agency of a license, permit, 41139
authorization, certificate, registration, release, or provider 41140
agreement. 41141

(6) The statement is sworn or affirmed before a notary 41142
public or another person empowered to administer oaths. 41143

(7) The statement is in writing on or in connection with a 41144
report or return that is required or authorized by law. 41145

(8) The statement is in writing and is made with purpose 41146
to induce another to extend credit to or employ the offender, to 41147
confer any degree, diploma, certificate of attainment, award of 41148
excellence, or honor on the offender, or to extend to or bestow 41149
upon the offender any other valuable benefit or distinction, 41150
when the person to whom the statement is directed relies upon it 41151
to that person's detriment. 41152

(9) The statement is made with purpose to commit or 41153
facilitate the commission of a theft offense. 41154

(10) The statement is knowingly made to a probate court in 41155
connection with any action, proceeding, or other matter within 41156
its jurisdiction, either orally or in a written document, 41157
including, but not limited to, an application, petition, 41158
complaint, or other pleading, or an inventory, account, or 41159
report. 41160

(11) The statement is made on an account, form, record, 41161
stamp, label, or other writing that is required by law. 41162

(12) The statement is made in connection with the purchase 41163
of a firearm, as defined in section 2923.11 of the Revised Code, 41164

and in conjunction with the furnishing to the seller of the 41165
firearm of a fictitious or altered driver's or commercial 41166
driver's license or permit, a fictitious or altered 41167
identification card, or any other document that contains false 41168
information about the purchaser's identity. 41169

(13) The statement is made in a document or instrument of 41170
writing that purports to be a judgment, lien, or claim of 41171
indebtedness and is filed or recorded with the secretary of 41172
state, a county recorder, or the clerk of a court of record. 41173

(14) The statement is made in an application filed with a 41174
county sheriff pursuant to section 2923.125 of the Revised Code 41175
in order to obtain or renew a concealed handgun license or is 41176
made in an affidavit submitted to a county sheriff to obtain a 41177
concealed handgun license on a temporary emergency basis under 41178
section 2923.1213 of the Revised Code. 41179

(15) The statement is required under section 5743.71 of 41180
the Revised Code in connection with the person's purchase of 41181
cigarettes or tobacco products in a delivery sale. 41182

(16) The statement is made to the department of children 41183
and youth in connection with the Ohio adoption grant program for 41184
the purpose of qualifying for or obtaining an adoption grant 41185
under sections 5101.19 to 5101.194 of the Revised Code. 41186

(B) No person, in connection with the purchase of a 41187
firearm, as defined in section 2923.11 of the Revised Code, 41188
shall knowingly furnish to the seller of the firearm a 41189
fictitious or altered driver's or commercial driver's license or 41190
permit, a fictitious or altered identification card, or any 41191
other document that contains false information about the 41192
purchaser's identity. 41193

(C) No person, in an attempt to obtain a concealed handgun license under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B) (3) of that section.

(D) It is no defense to a charge under division (A) (6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(F) (1) Whoever violates division (A) (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), ~~or~~ (15), or (16) of this section is guilty of falsification. Except as otherwise provided in this division, falsification is a misdemeanor of the first degree.

(2) Whoever violates division (A) (9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is one thousand dollars or more and is less than seven thousand five hundred dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen

is one hundred fifty thousand dollars or more, falsification in 41224
a theft offense is a felony of the third degree. 41225

(3) Whoever violates division (A) (12) or (B) of this 41226
section is guilty of falsification to purchase a firearm, a 41227
felony of the fifth degree. 41228

(4) Whoever violates division (A) (14) or (C) of this 41229
section is guilty of falsification to obtain a concealed handgun 41230
license, a felony of the fourth degree. 41231

(5) Whoever violates division (A) of this section in 41232
removal proceedings under section 319.26, 321.37, 507.13, or 41233
733.78 of the Revised Code is guilty of falsification regarding 41234
a removal proceeding, a felony of the third degree. 41235

(G) A person who violates this section is liable in a 41236
civil action to any person harmed by the violation for injury, 41237
death, or loss to person or property incurred as a result of the 41238
commission of the offense and for reasonable attorney's fees, 41239
court costs, and other expenses incurred as a result of 41240
prosecuting the civil action commenced under this division. A 41241
civil action under this division is not the exclusive remedy of 41242
a person who incurs injury, death, or loss to person or property 41243
as a result of a violation of this section. 41244

Sec. 2921.41. (A) No public official or party official 41245
shall commit any theft offense, as defined in division (K) of 41246
section 2913.01 of the Revised Code, when either of the 41247
following applies: 41248

(1) The offender uses the offender's office in aid of 41249
committing the offense or permits or assents to its use in aid 41250
of committing the offense; 41251

(2) The property or service involved is owned by this 41252

state, any other state, the United States, a county, a municipal 41253
corporation, a township, or any political subdivision, 41254
department, or agency of any of them, is owned by a political 41255
party, or is part of a political campaign fund. 41256

(B) Whoever violates this section is guilty of theft in 41257
office. Except as otherwise provided in this division, theft in 41258
office is a felony of the fifth degree. If the value of property 41259
or services stolen is one thousand dollars or more and is less 41260
than seven thousand five hundred dollars, theft in office is a 41261
felony of the fourth degree. If the value of property or 41262
services stolen is seven thousand five hundred dollars or more 41263
and is less than one hundred fifty thousand dollars, theft in 41264
office is a felony of the third degree. If the value of property 41265
or services stolen is one hundred fifty thousand dollars or more 41266
and is less than seven hundred fifty thousand dollars, theft in 41267
office is a felony of the second degree. If the value of 41268
property or services stolen is seven hundred fifty thousand 41269
dollars or more, theft in office is a felony of the first 41270
degree. 41271

(C) (1) A public official or party official who pleads 41272
guilty to theft in office and whose plea is accepted by the 41273
court or a public official or party official against whom a 41274
verdict or finding of guilt for committing theft in office is 41275
returned is forever disqualified from holding any public office, 41276
employment, or position of trust in this state. 41277

(2) (a) (i) A court that imposes sentence for a violation of 41278
this section based on conduct described in division (A) (2) of 41279
this section shall require the public official or party official 41280
who is convicted of or pleads guilty to the offense to make 41281
restitution for all of the property or the service that is the 41282

subject of the offense, in addition to the term of imprisonment 41283
and any fine imposed. The total amount of restitution imposed 41284
under this division shall include costs of auditing the public 41285
entities specified in division (A) (2) of this section that own 41286
the property or service involved in the conduct described in 41287
that division that is a violation of this section, but, except 41288
as otherwise provided in a negotiated plea agreement, shall not 41289
exceed the amount of the restitution imposed for all of the 41290
property or the service that is the subject of the offense. 41291

(ii) A court that imposes sentence for a violation of this 41292
section based on conduct described in division (A) (1) of this 41293
section and that determines at trial that this state or a 41294
political subdivision of this state if the offender is a public 41295
official, or a political party in the United States or this 41296
state if the offender is a party official, suffered actual loss 41297
as a result of the offense shall require the offender to make 41298
restitution to the state, political subdivision, or political 41299
party for all of the actual loss experienced, in addition to the 41300
term of imprisonment and any fine imposed. The total amount of 41301
restitution imposed under this division shall include costs of 41302
auditing the state, political subdivision, or political party 41303
that suffered the actual loss based on conduct described in that 41304
division that is a violation of this section, but, except as 41305
otherwise provided in a negotiated plea agreement, shall not 41306
exceed the amount of the restitution imposed for all of the 41307
actual loss suffered. 41308

(b) (i) In any case in which a sentencing court is required 41309
to order restitution under division (C) (2) (a) of this section 41310
and in which the offender, at the time of the commission of the 41311
offense or at any other time, was a member of the public 41312
employees retirement system, the Ohio police and fire pension 41313

fund, the state teachers retirement system, the school employees 41314
retirement system, or the state highway patrol retirement 41315
system; was an electing employee, as defined in section 3305.01 41316
of the Revised Code, participating in an alternative retirement 41317
plan provided pursuant to Chapter 3305. of the Revised Code; was 41318
a participating employee or continuing member, as defined in 41319
section 148.01 of the Revised Code, in a deferred compensation 41320
program offered by the ~~Ohio~~ public employees ~~deferred-~~ 41321
~~compensation-retirement~~ board; was an officer or employee of a 41322
municipal corporation who was a participant in a deferred 41323
compensation program offered by that municipal corporation; was 41324
an officer or employee of a government unit, as defined in 41325
section 148.06 of the Revised Code, who was a participant in a 41326
deferred compensation program offered by that government unit, 41327
or was a participating employee, continuing member, or 41328
participant in any deferred compensation program described in 41329
this division and a member of a retirement system specified in 41330
this division or a retirement system of a municipal corporation, 41331
the entity to which restitution is to be made may file a motion 41332
with the sentencing court specifying any retirement system, any 41333
provider as defined in section 3305.01 of the Revised Code, and 41334
any deferred compensation program of which the offender was a 41335
member, electing employee, participating employee, continuing 41336
member, or participant and requesting the court to issue an 41337
order requiring the specified retirement system, the specified 41338
provider under the alternative retirement plan, or the specified 41339
deferred compensation program, or, if more than one is specified 41340
in the motion, the applicable combination of these, to withhold 41341
the amount required as restitution from any payment that is to 41342
be made under a pension, annuity, or allowance, under an option 41343
in the alternative retirement plan, under a participant account, 41344
as defined in section 148.01 of the Revised Code, or under any 41345

other type of benefit, other than a survivorship benefit, that 41346
has been or is in the future granted to the offender, from any 41347
payment of accumulated employee contributions standing to the 41348
offender's credit with that retirement system, that provider of 41349
the option under the alternative retirement plan, or that 41350
deferred compensation program, or, if more than one is specified 41351
in the motion, the applicable combination of these, and from any 41352
payment of any other amounts to be paid to the offender upon the 41353
offender's withdrawal of the offender's contributions pursuant 41354
to Chapter 145., 148., 742., 3307., 3309., or 5505. of the 41355
Revised Code. A motion described in this division may be filed 41356
at any time subsequent to the conviction of the offender or 41357
entry of a guilty plea. Upon the filing of the motion, the clerk 41358
of the court in which the motion is filed shall notify the 41359
offender, the specified retirement system, the specified 41360
provider under the alternative retirement plan, or the specified 41361
deferred compensation program, or, if more than one is specified 41362
in the motion, the applicable combination of these, in writing, 41363
of all of the following: that the motion was filed; that the 41364
offender will be granted a hearing on the issuance of the 41365
requested order if the offender files a written request for a 41366
hearing with the clerk prior to the expiration of thirty days 41367
after the offender receives the notice; that, if a hearing is 41368
requested, the court will schedule a hearing as soon as possible 41369
and notify the offender, any specified retirement system, any 41370
specified provider under an alternative retirement plan, and any 41371
specified deferred compensation program of the date, time, and 41372
place of the hearing; that, if a hearing is conducted, it will 41373
be limited only to a consideration of whether the offender can 41374
show good cause why the requested order should not be issued; 41375
that, if a hearing is conducted, the court will not issue the 41376
requested order if the court determines, based on evidence 41377

presented at the hearing by the offender, that there is good 41378
cause for the requested order not to be issued; that the court 41379
will issue the requested order if a hearing is not requested or 41380
if a hearing is conducted but the court does not determine, 41381
based on evidence presented at the hearing by the offender, that 41382
there is good cause for the requested order not to be issued; 41383
and that, if the requested order is issued, any retirement 41384
system, any provider under an alternative retirement plan, and 41385
any deferred compensation program specified in the motion will 41386
be required to withhold the amount required as restitution from 41387
payments to the offender. 41388

(ii) In any case in which a sentencing court is required 41389
to order restitution under division (C)(2)(a) of this section 41390
and in which a motion requesting the issuance of a withholding 41391
order as described in division (C)(2)(b)(i) of this section is 41392
filed, the offender may receive a hearing on the motion by 41393
delivering a written request for a hearing to the court prior to 41394
the expiration of thirty days after the offender's receipt of 41395
the notice provided pursuant to division (C)(2)(b)(i) of this 41396
section. If a request for a hearing is made by the offender 41397
within the prescribed time, the court shall schedule a hearing 41398
as soon as possible after the request is made and shall notify 41399
the offender, the specified retirement system, the specified 41400
provider under the alternative retirement plan, or the specified 41401
deferred compensation program, or, if more than one is specified 41402
in the motion, the applicable combination of these, of the date, 41403
time, and place of the hearing. A hearing scheduled under this 41404
division shall be limited to a consideration of whether there is 41405
good cause, based on evidence presented by the offender, for the 41406
requested order not to be issued. If the court determines, based 41407
on evidence presented by the offender, that there is good cause 41408

for the order not to be issued, the court shall deny the motion 41409
and shall not issue the requested order. If the offender does 41410
not request a hearing within the prescribed time or if the court 41411
conducts a hearing but does not determine, based on evidence 41412
presented by the offender, that there is good cause for the 41413
order not to be issued, the court shall order the specified 41414
retirement system, the specified provider under the alternative 41415
retirement plan, or the specified deferred compensation program, 41416
or, if more than one is specified in the motion, the applicable 41417
combination of these, to withhold the amount required as 41418
restitution under division (C) (2) (a) of this section from any 41419
payments to be made under a pension, annuity, or allowance, 41420
under a participant account, as defined in section 148.01 of the 41421
Revised Code, under an option in the alternative retirement 41422
plan, or under any other type of benefit, other than a 41423
survivorship benefit, that has been or is in the future granted 41424
to the offender, from any payment of accumulated employee 41425
contributions standing to the offender's credit with that 41426
retirement system, that provider under the alternative 41427
retirement plan, or that deferred compensation program, or, if 41428
more than one is specified in the motion, the applicable 41429
combination of these, and from any payment of any other amounts 41430
to be paid to the offender upon the offender's withdrawal of the 41431
offender's contributions pursuant to Chapter 145., 148., 742., 41432
3307., 3309., or 5505. of the Revised Code, and to continue the 41433
withholding for that purpose, in accordance with the order, out 41434
of each payment to be made on or after the date of issuance of 41435
the order, until further order of the court. Upon receipt of an 41436
order issued under this division, the public employees 41437
retirement system, the Ohio police and fire pension fund, the 41438
state teachers retirement system, the school employees 41439
retirement system, the state highway patrol retirement system, a 41440

municipal corporation retirement system, the provider under the 41441
alternative retirement plan, and the deferred compensation 41442
program offered by the ~~Ohio~~-public employees ~~deferred-~~ 41443
~~compensation-retirement~~ board, a municipal corporation, or a 41444
government unit, as defined in section 148.06 of the Revised 41445
Code, whichever are applicable, shall withhold the amount 41446
required as restitution, in accordance with the order, from any 41447
such payments and immediately shall forward the amount withheld 41448
to the clerk of the court in which the order was issued for 41449
payment to the entity to which restitution is to be made. 41450

(iii) Service of a notice required by division (C) (2) (b) 41451
(i) or (ii) of this section shall be effected in the same manner 41452
as provided in the Rules of Civil Procedure for the service of 41453
process. 41454

(c) Consistent with the ruling of the supreme court of the 41455
United States in Kelly v. Robinson, 479 U.S. 36 (1986), 41456
restitution imposed under division (C) (2) (a) of this section is 41457
not dischargeable under Chapter 7 of the United States 41458
Bankruptcy Code pursuant to 11 U.S.C. 523, as amended. 41459

(D) Upon the filing of charges against a person under this 41460
section, the prosecutor, as defined in section 2935.01 of the 41461
Revised Code, who is assigned the case shall send written notice 41462
that charges have been filed against that person to the public 41463
employees retirement system, the Ohio police and fire pension 41464
fund, the state teachers retirement system, the school employees 41465
retirement system, the state highway patrol retirement system, 41466
the provider under an alternative retirement plan, any municipal 41467
corporation retirement system in this state, and the deferred 41468
compensation program offered by the ~~Ohio~~-public employees 41469
~~deferred compensation-retirement~~ board, a municipal corporation, 41470

or a government unit, as defined in section 148.06 of the Revised Code. The written notice shall specifically identify the person charged.

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, ~~except for those exempted in~~ unless division (D) (4) of this

section applies to the testing equipment; 41500

(6) A scale or balance for weighing or measuring a 41501
controlled substance; 41502

(7) A diluent or adulterant, such as quinine 41503
hydrochloride, mannitol, mannite, dextrose, or lactose, for 41504
cutting a controlled substance; 41505

(8) A separation gin or sifter for removing twigs and 41506
seeds from, or otherwise cleaning or refining, marihuana; 41507

(9) A blender, bowl, container, spoon, or mixing device 41508
for compounding a controlled substance; 41509

(10) A capsule, balloon, envelope, or container for 41510
packaging small quantities of a controlled substance; 41511

(11) A container or device for storing or concealing a 41512
controlled substance; 41513

(12) A hypodermic syringe, needle, or instrument for 41514
parenterally injecting a controlled substance into the human 41515
body; 41516

(13) An object, instrument, or device for ingesting, 41517
inhaling, or otherwise introducing into the human body, 41518
marihuana, cocaine, hashish, or hashish oil, such as a metal, 41519
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 41520
without a screen, permanent screen, hashish head, or punctured 41521
metal bowl; water pipe; carburetion tube or device; smoking or 41522
carburetion mask; roach clip or similar object used to hold 41523
burning material, such as a marihuana cigarette, that has become 41524
too small or too short to be held in the hand; miniature cocaine 41525
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 41526
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 41527

(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;

(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;

(3) The proximity of the equipment, product, or material to any controlled substance;

(4) The existence of any residue of a controlled substance on the equipment, product, or material;

(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;

(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;

- (8) National or local advertising concerning the use of the equipment, product, or material; 41556
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- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale; 41558
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- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise; 41560
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- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community; 41563
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- (12) Expert testimony concerning the use of the equipment, product, or material. 41565
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- (C) (1) Subject to divisions (D) (2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia. 41567
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- (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia. 41570
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- (3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for use as drug paraphernalia. 41574
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- (D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose 41581
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conduct is in accordance with Chapters 3719., 4715., 4723., 41584
4729., 4730., 4731., 4741., and 4772. of the Revised Code. This 41585
section shall not be construed to prohibit the possession or use 41586
of a hypodermic as authorized by section 3719.172 of the Revised 41587
Code. 41588

(2) Division (C)(1) of this section does not apply to a 41589
person's use, or possession with purpose to use, any drug 41590
paraphernalia that is equipment, a product, or material of any 41591
kind that is used by the person, intended by the person for use, 41592
or designed for use in storing, containing, concealing, 41593
injecting, ingesting, inhaling, or otherwise introducing into 41594
the human body marihuana. 41595

(3) Division (B)(2) of section 2925.11 of the Revised Code 41596
applies with respect to a violation of division (C)(1) of this 41597
section when a person seeks or obtains medical assistance for 41598
another person who is experiencing a drug overdose, a person 41599
experiences a drug overdose and seeks medical assistance for 41600
that overdose, or a person is the subject of another person 41601
seeking or obtaining medical assistance for that overdose. 41602

(4) Division (C)(1) of this section does not apply to a 41603
person's use, or possession with purpose to use, ~~any~~ drug 41604
testing strips to determine the presence of fentanyl or a 41605
fentanyl-related compound or any other equipment, product, or 41606
material approved by the state board of pharmacy, in rules 41607
adopted under section 4729.261 of the Revised Code, as a type of 41608
instrument that demonstrates efficacy in reducing drug poisoning 41609
by determining the presence of a specific compound or group of 41610
compounds. 41611

(E) Notwithstanding Chapter 2981. of the Revised Code, any 41612
drug paraphernalia that was used, possessed, sold, or 41613

manufactured in a violation of this section shall be seized, 41614
after a conviction for that violation shall be forfeited, and 41615
upon forfeiture shall be disposed of pursuant to division (B) of 41616
section 2981.12 of the Revised Code. 41617

(F) (1) Whoever violates division (C) (1) of this section is 41618
guilty of illegal use or possession of drug paraphernalia, a 41619
misdemeanor of the fourth degree. 41620

(2) Except as provided in division (F) (3) of this section, 41621
whoever violates division (C) (2) of this section is guilty of 41622
dealing in drug paraphernalia, a misdemeanor of the second 41623
degree. 41624

(3) Whoever violates division (C) (2) of this section by 41625
selling drug paraphernalia to a juvenile is guilty of selling 41626
drug paraphernalia to juveniles, a misdemeanor of the first 41627
degree. 41628

(4) Whoever violates division (C) (3) of this section is 41629
guilty of illegal advertising of drug paraphernalia, a 41630
misdemeanor of the second degree. 41631

(G) (1) If the offender is a professionally licensed 41632
person, in addition to any other sanction imposed for a 41633
violation of this section, the court immediately shall comply 41634
with section 2925.38 of the Revised Code. 41635

If the offender has a driver's or commercial driver's 41636
license or permit, section 2929.33 of the Revised Code applies. 41637

(2) Any offender who received a mandatory suspension of 41638
the offender's driver's or commercial driver's license or permit 41639
under this section prior to September 13, 2016, may file a motion 41640
with the sentencing court requesting the termination of the 41641
suspension. However, an offender who pleaded guilty to or was 41642

convicted of a violation of section 4511.19 of the Revised Code 41643
or a substantially similar municipal ordinance or law of another 41644
state or the United States that arose out of the same set of 41645
circumstances as the violation for which the offender's license 41646
or permit was suspended under this section shall not file such a 41647
motion. 41648

Upon the filing of a motion under division (G) (2) of this 41649
section, the sentencing court, in its discretion, may terminate 41650
the suspension. 41651

Sec. 2933.32. (A) As used in this section: 41652

(1) "Body cavity search" means an inspection of the anal 41653
or vaginal cavity of a person that is conducted visually, 41654
manually, by means of any instrument, apparatus, or object, or 41655
in any other manner ~~while the person is detained or arrested for~~ 41656
~~the alleged commission of a misdemeanor or traffic offense.~~ 41657

(2) "Medical practitioner" has the same meaning as in 41658
section 4743.10 of the Revised Code. 41659

(3) "Strip search" means an inspection of the genitalia, 41660
buttocks, breasts, or undergarments of a person that is preceded 41661
by the removal or rearrangement of some or all of the person's 41662
clothing that directly covers the person's genitalia, buttocks, 41663
breasts, or undergarments and that is conducted visually, 41664
manually, by means of any instrument, apparatus, or object, or 41665
in any other manner while the person is detained or arrested for 41666
the alleged commission of a misdemeanor or traffic offense. 41667
"Strip search" does not mean the visual observation of a person 41668
who was afforded a reasonable opportunity to secure release on 41669
bail or recognizance, who fails to secure such release, and who 41670
is to be integrated with the general population of any detention 41671

facility, while the person is changing into clothing that is 41672
required to be worn by inmates in the facility. 41673

(B) (1) Except as authorized by this division, no law 41674
enforcement officer, other employee of a law enforcement agency, 41675
physician, or registered nurse or licensed practical nurse shall 41676
conduct or cause to be conducted a body cavity search or a strip 41677
search. 41678

(2) A body cavity search or strip search may be conducted 41679
if a law enforcement officer or employee of a law enforcement 41680
agency has probable cause to believe that the person is 41681
concealing evidence of the commission of a criminal offense, 41682
including fruits or tools of a crime, contraband, or a deadly 41683
weapon, as defined in section 2923.11 of the Revised Code, that 41684
could not otherwise be discovered. In determining probable cause 41685
for purposes of this section, a law enforcement officer or 41686
employee of a law enforcement agency shall consider the nature 41687
of the offense with which the person to be searched is charged, 7 41688
and the circumstances of the person's arrest, ~~and, if known, the~~ 41689
~~prior conviction record of the person.~~ 41690

(3) A body cavity search or strip search may be conducted 41691
for any legitimate medical or hygienic reason. 41692

(4) Unless there is a legitimate medical reason or medical 41693
emergency justifying a warrantless search, a body cavity search 41694
shall be conducted only after a search warrant is issued that 41695
authorizes the search. In any case, a body cavity search shall 41696
be conducted under sanitary conditions and only by a physician, 41697
or a registered nurse or licensed practical nurse, who is 41698
registered or licensed to practice in this state. 41699

(5) Unless there is a legitimate medical reason or medical 41700

emergency that makes obtaining written authorization 41701
impracticable, a body cavity search or strip search shall be 41702
conducted only after a law enforcement officer or employee of a 41703
law enforcement agency obtains a written authorization for the 41704
search from the person in command of the law enforcement agency, 41705
or from a person specifically designated by the person in 41706
command to give a written authorization for either type of 41707
search. 41708

(6) A body cavity search or strip search shall be 41709
conducted by a person or persons who are of the same sex as the 41710
person who is being searched and the search shall be conducted 41711
in a manner and in a location that permits only the person or 41712
persons who are physically conducting the search and the person 41713
who is being searched to observe the search. 41714

(C) (1) Upon completion of a body cavity search or strip 41715
search pursuant to this section, the person or persons who 41716
conducted the search shall prepare a written report concerning 41717
the search that shall include all of the following: 41718

(a) The written authorization for the search obtained from 41719
the person in command of the law enforcement agency or ~~his~~ that 41720
person's designee, if required by division (B) (5) of this 41721
section; 41722

(b) The name of the person who was searched; 41723

(c) The name of the person or persons who conducted the 41724
search, the time and date of the search, and the place at which 41725
the search was conducted; 41726

(d) A list of the items, if any, recovered during the 41727
search; 41728

(e) The facts upon which the law enforcement officer or 41729

employee of the law enforcement agency based ~~his~~ the officer's 41730
or employee's probable cause for the search, including, but not 41731
limited to, the officer or employee's review of the nature of 41732
the offense with which the searched person is charged, and the 41733
circumstances of his the person's arrest, ~~and, if known, his~~ 41734
~~prior conviction record;~~ 41735

(f) If the body cavity search was conducted before or 41736
without the issuance of a search warrant pursuant to division 41737
(B) (4) of this section, or if the body cavity or strip search 41738
was conducted before or without the granting of written 41739
authorization pursuant to division (B) (5) of this section, the 41740
legitimate medical reason or medical emergency that justified 41741
the warrantless search or made obtaining written authorization 41742
impracticable. 41743

(2) A copy of the written report required by division (C) 41744
(1) of this section shall be kept on file in the law enforcement 41745
agency, and another copy of it shall be given to the person who 41746
was searched. 41747

(D) (1) This section does not preclude the prosecution of a 41748
law enforcement officer or employee of a law enforcement agency 41749
for the violation of any other section of the Revised Code. 41750

(2) This section does not limit, and shall not be 41751
construed to limit, any statutory or common law rights of a 41752
person to obtain injunctive relief or to recover damages in a 41753
civil action. 41754

(3) If a person is subjected to a body cavity search or 41755
strip search in violation of this section, any person may 41756
commence a civil action to recover compensatory damages for any 41757
injury, death, or loss to person or property or any indignity 41758

arising from the violation. In the civil action, the court may
award punitive damages to the plaintiffs if they prevail in the
action, and it may award reasonable attorney's fees to the
parties who prevail in the action.

(4) This section does not apply to body cavity searches or
strip searches of persons who have been sentenced to serve a
term of imprisonment and who are serving that term in a
detention facility, as defined in section 2921.01 of the Revised
Code.

(E) (1) Whoever violates division (B) of this section is
guilty of conducting an unauthorized search, a misdemeanor of
the first degree.

(2) Whoever violates division (C) of this section is
guilty of failure to prepare a proper search report, a
misdemeanor of the fourth degree.

(F) A medical practitioner is not required, and a court or
other person shall not order a medical practitioner, to perform
any medical procedure that is inconsistent with the medical
practitioner's expert medical opinion.

Sec. 2967.28. (A) As used in this section:

(1) "Monitored time" means the monitored time sanction
specified in section 2929.17 and defined in section 2929.01 of
the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same
meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section
contained in Chapter 2907. of the Revised Code that is a felony.

(4) "Risk reduction sentence" means a prison term imposed

by a court, when the court recommends pursuant to section 41787
2929.143 of the Revised Code that the offender serve the 41788
sentence under section 5120.036 of the Revised Code, and the 41789
offender may potentially be released from imprisonment prior to 41790
the expiration of the prison term if the offender successfully 41791
completes all assessment and treatment or programming required 41792
by the department of rehabilitation and correction under section 41793
5120.036 of the Revised Code. 41794

(5) "Victim's immediate family" has the same meaning as in 41795
section 2967.12 of the Revised Code. 41796

(6) "Minor drug possession offense" has the same meaning 41797
as in section 2925.11 of the Revised Code. 41798

(7) "Single validated risk assessment tool" means the 41799
single validated risk assessment tool selected by the department 41800
of rehabilitation and correction under section 5120.114 of the 41801
Revised Code. 41802

(B) Each sentence to a prison term, other than a term of 41803
life imprisonment, for a felony of the first degree, for a 41804
felony of the second degree, for a felony sex offense, or for a 41805
felony of the third degree that is an offense of violence and is 41806
not a felony sex offense shall include a requirement that the 41807
offender be subject to a period of post-release control imposed 41808
by the parole board after the offender's release from 41809
imprisonment. For post-release control to be imposed, the 41810
offender must be committed to the department of rehabilitation 41811
and correction as set forth in section 5120.16 of the Revised 41812
Code. This division applies with respect to all prison terms of 41813
a type described in this division, including a term of any such 41814
type that is a risk reduction sentence. If a court imposes a 41815
sentence including a prison term of a type described in this 41816

division on or after July 11, 2006, the failure of a sentencing 41817
court to notify the offender pursuant to division (B) (2) (d) of 41818
section 2929.19 of the Revised Code of this requirement or to 41819
include in the judgment of conviction entered on the journal a 41820
statement that the offender's sentence includes this requirement 41821
does not negate, limit, or otherwise affect the mandatory period 41822
of supervision that is required for the offender under this 41823
division. This division applies with respect to all prison terms 41824
of a type described in this division, including a non-life 41825
felony indefinite prison term. Section 2929.191 of the Revised 41826
Code applies if, prior to July 11, 2006, a court imposed a 41827
sentence including a prison term of a type described in this 41828
division and failed to notify the offender pursuant to division 41829
(B) (2) (d) of section 2929.19 of the Revised Code regarding post- 41830
release control or to include in the judgment of conviction 41831
entered on the journal or in the sentence pursuant to division 41832
(D) (1) of section 2929.14 of the Revised Code a statement 41833
regarding post-release control. Unless reduced by the parole 41834
board pursuant to division (D) of this section when authorized 41835
under that division, a period of post-release control required 41836
by this division for an offender shall be of one of the 41837
following periods: 41838

(1) For a felony sex offense, five years; 41839

(2) For a felony of the first degree that is not a felony 41840
sex offense, up to five years, but not less than two years; 41841

(3) For a felony of the second degree that is not a felony 41842
sex offense, up to three years, but not less than eighteen 41843
months; 41844

(4) For a felony of the third degree that is an offense of 41845
violence and is not a felony sex offense, up to three years, but 41846

not less than one year.

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(C) Any sentence to a prison term for a felony of the
third, fourth, or fifth degree that is not subject to division
(B) (1) or (4) of this section shall include a requirement that
the offender be subject to a period of post-release control of
up to two years after the offender's release from imprisonment,
if the parole board, in accordance with division (D) of this
section, determines that a period of post-release control is
necessary for that offender. For post-release control to be
imposed, the offender must be committed to the department of
rehabilitation and correction as set forth in section 5120.16 of
the Revised Code. This division applies with respect to all
prison terms of a type described in this division, including a
term of any such type that is a risk reduction sentence. Section
2929.191 of the Revised Code applies if, prior to July 11, 2006,
a court imposed a sentence including a prison term of a type
described in this division and failed to notify the offender
pursuant to division (B) (2) (e) of section 2929.19 of the Revised
Code regarding post-release control or to include in the
judgment of conviction entered on the journal or in the sentence
pursuant to division (D) (2) of section 2929.14 of the Revised
Code a statement regarding post-release control. Pursuant to an
agreement entered into under section 2967.29 of the Revised
Code, a court of common pleas or parole board may impose
sanctions or conditions on an offender who is placed on post-
release control under this division.

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(D) (1) Before the prisoner is released from imprisonment,
the parole board or, pursuant to an agreement under section
2967.29 of the Revised Code, the court shall impose on a
prisoner described in division (B) of this section, shall impose
on a prisoner described in division (C) of this section who is

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to be released before the expiration of the prisoner's stated 41878
prison term under a risk reduction sentence, may impose on a 41879
prisoner described in division (C) of this section who is not to 41880
be released before the expiration of the prisoner's stated 41881
prison term under a risk reduction sentence, and shall impose on 41882
a prisoner described in division (B) (2) (b) of section 5120.031 41883
or in division (B) (1) of section 5120.032 of the Revised Code, 41884
one or more post-release control sanctions to apply during the 41885
prisoner's period of post-release control. Whenever the board or 41886
court imposes one or more post-release control sanctions on a 41887
prisoner, the board or court, in addition to imposing the 41888
sanctions, also shall include as a condition of the post-release 41889
control that the offender not leave the state without permission 41890
of the court or the offender's parole or probation officer and 41891
that the offender abide by the law. The board or court may 41892
impose any other conditions of release under a post-release 41893
control sanction that the board or court considers appropriate, 41894
and the conditions of release may include any community 41895
residential sanction, community nonresidential sanction, or 41896
financial sanction that the sentencing court was authorized to 41897
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 41898
Revised Code. Prior to the release of a prisoner for whom it 41899
will impose one or more post-release control sanctions under 41900
this division, the parole board or court shall review the 41901
prisoner's criminal history, results from the single validated 41902
risk assessment tool, and the record of the prisoner's conduct 41903
while imprisoned. The parole board or court shall consider any 41904
recommendation regarding post-release control sanctions for the 41905
prisoner made by the office of victims' services. After 41906
considering those materials, the board or court shall determine, 41907
for a prisoner described in division (B) of this section, 41908
division (B) (2) (b) of section 5120.031, or division (B) (1) of 41909

section 5120.032 of the Revised Code and for a prisoner 41910
described in division (C) of this section who is to be released 41911
before the expiration of the prisoner's stated prison term under 41912
a risk reduction sentence, which post-release control sanction 41913
or combination of post-release control sanctions is reasonable 41914
under the circumstances or, for a prisoner described in division 41915
(C) of this section who is not to be released before the 41916
expiration of the prisoner's stated prison term under a risk 41917
reduction sentence, whether a post-release control sanction is 41918
necessary and, if so, which post-release control sanction or 41919
combination of post-release control sanctions is reasonable 41920
under the circumstances. In the case of a prisoner convicted of 41921
a felony of the fourth or fifth degree other than a felony sex 41922
offense, the board or court shall presume that monitored time is 41923
the appropriate post-release control sanction unless the board 41924
or court determines that a more restrictive sanction is 41925
warranted. A post-release control sanction imposed under this 41926
division takes effect upon the prisoner's release from 41927
imprisonment. 41928

Regardless of whether the prisoner was sentenced to the 41929
prison term prior to, on, or after July 11, 2006, prior to the 41930
release of a prisoner for whom it will impose one or more post- 41931
release control sanctions under this division, the parole board 41932
shall notify the prisoner that, if the prisoner violates any 41933
sanction so imposed or any condition of post-release control 41934
described in division (B) of section 2967.131 of the Revised 41935
Code that is imposed on the prisoner, the parole board may 41936
impose a prison term of up to one-half of the stated prison term 41937
originally imposed on the prisoner. 41938

At least thirty days before the prisoner is released from 41939
imprisonment under post-release control, except as otherwise 41940

provided in this paragraph, the department of rehabilitation and 41941
correction shall notify the victim and the victim's immediate 41942
family of the date on which the prisoner will be released, the 41943
period for which the prisoner will be under post-release control 41944
supervision, and the terms and conditions of the prisoner's 41945
post-release control regardless of whether the victim or 41946
victim's immediate family has requested the notification. The 41947
notice described in this paragraph shall not be given to a 41948
victim or victim's immediate family if the victim or the 41949
victim's immediate family has requested pursuant to division (B) 41950
(2) of section 2930.03 of the Revised Code that the notice not 41951
be provided to the victim or the victim's immediate family. At 41952
least thirty days before the prisoner is released from 41953
imprisonment and regardless of whether the victim or victim's 41954
immediate family has requested that the notice described in this 41955
paragraph be provided or not be provided to the victim or the 41956
victim's immediate family, the department also shall provide 41957
notice of that nature to the prosecuting attorney in the case 41958
and the law enforcement agency that arrested the prisoner if any 41959
officer of that agency was a victim of the offense. 41960

If the notice given under the preceding paragraph to the 41961
victim or the victim's immediate family is based on an offense 41962
committed prior to March 22, 2013, and if the department of 41963
rehabilitation and correction has not previously successfully 41964
provided any notice to the victim or the victim's immediate 41965
family under division (B), (C), or (D) of section 2930.16 of the 41966
Revised Code with respect to that offense and the offender who 41967
committed it, the notice also shall inform the victim or the 41968
victim's immediate family that the victim or the victim's 41969
immediate family may request that the victim or the victim's 41970
immediate family not be provided any further notices with 41971

respect to that offense and the offender who committed it and 41972
shall describe the procedure for making that request. The 41973
department may give the notices to which the preceding paragraph 41974
applies by any reasonable means, including regular mail, 41975
telephone, and electronic mail. If the department attempts to 41976
provide notice to any specified person under the preceding 41977
paragraph but the attempt is unsuccessful because the department 41978
is unable to locate the specified person, is unable to provide 41979
the notice by its chosen method because it cannot determine the 41980
mailing address, electronic mail address, or telephone number at 41981
which to provide the notice, or, if the notice is sent by mail, 41982
the notice is returned, the department shall make another 41983
attempt to provide the notice to the specified person. If the 41984
second attempt is unsuccessful, the department shall make at 41985
least one more attempt to provide the notice. If the notice is 41986
based on an offense committed prior to March 22, 2013, in each 41987
attempt to provide the notice to the victim or victim's 41988
immediate family, the notice shall include the opt-out 41989
information described in this paragraph. The department, in the 41990
manner described in division (D)(2) of section 2930.16 of the 41991
Revised Code, shall keep a record of all attempts to provide the 41992
notice, and of all notices provided, under this paragraph and 41993
the preceding paragraph. The record shall be considered as if it 41994
was kept under division (D)(2) of section 2930.16 of the Revised 41995
Code. This paragraph, the preceding paragraph, and the notice- 41996
related provisions of divisions (E)(2) and (K) of section 41997
2929.20, division (D)(1) of section 2930.16, division (H) of 41998
section 2967.12, division (E)(1)(b) of section 2967.19 as it 41999
existed prior to ~~the effective date of this amendment~~ April 4, 42000
2023, division (A)(3)(b) of section 2967.26, and division (A)(2) 42001
of section 5149.101 of the Revised Code enacted in the act in 42002
which this paragraph and the preceding paragraph were enacted, 42003

shall be known as "Roberta's Law." 42004

(2) If a prisoner who is placed on post-release control 42005
under this section is released before the expiration of the 42006
definite term that is the prisoner's stated prison term or the 42007
expiration of the minimum term that is part of the prisoner's 42008
indefinite prison term imposed under a non-life felony 42009
indefinite prison term by reason of credit earned under section 42010
2967.193 or 2967.194 or a reduction under division (F) of 42011
section 2967.271 of the Revised Code and if the prisoner earned 42012
sixty or more days of credit, the adult parole authority may 42013
supervise the offender with an active global positioning system 42014
device for the first fourteen days after the offender's release 42015
from imprisonment. This division does not prohibit or limit the 42016
imposition of any post-release control sanction otherwise 42017
authorized by this section. 42018

(3) After a prisoner is released from imprisonment and 42019
during the period of post-release control applicable to the 42020
releasee, the adult parole authority or, pursuant to an 42021
agreement under section 2967.29 of the Revised Code, the court 42022
may review the releasee's behavior under the post-release 42023
control sanctions imposed upon the releasee under this section. 42024
The authority or court may determine, based upon the review and 42025
in accordance with the standards established under division (E) 42026
of this section, that the releasee has satisfactorily complied 42027
with the sanctions imposed, and if such a determination is made, 42028
the authority may recommend a less restrictive sanction, reduce 42029
the period of post-release control, or, no sooner than the 42030
minimum period of time required under section 2967.16 of the 42031
Revised Code, recommend that the parole board or court terminate 42032
the duration of the period of post-release control. In no case 42033
shall the board or court reduce the duration of the period of 42034

control imposed for a felony sex offense described in division 42035
(B) (1) of this section. 42036

(4) The department of rehabilitation and correction shall 42037
develop factors that the parole board or court shall consider in 42038
determining under division (D) (3) of this section whether to 42039
terminate the period of control imposed on a releasee. 42040

(E) The department of rehabilitation and correction, in 42041
accordance with Chapter 119. of the Revised Code, shall adopt 42042
rules that do all of the following: 42043

(1) Establish standards for the imposition by the parole 42044
board of post-release control sanctions under this section that 42045
are consistent with the overriding purposes and sentencing 42046
principles set forth in section 2929.11 of the Revised Code and 42047
that are appropriate to the needs of releasees; 42048

(2) Establish standards that provide for a period of post- 42049
release control of up to two years for all prisoners described 42050
in division (C) of this section who are to be released before 42051
the expiration of their stated prison term under a risk 42052
reduction sentence and standards by which the parole board can 42053
determine which prisoners described in division (C) of this 42054
section who are not to be released before the expiration of 42055
their stated prison term under a risk reduction sentence should 42056
be placed under a period of post-release control; 42057

(3) Establish standards to be used by the parole board in 42058
reducing or terminating the duration of the period of post- 42059
release control imposed by the court when authorized under 42060
division (D) of this section, in imposing a more restrictive 42061
post-release control sanction than monitored time on a prisoner 42062
convicted of a felony of the fourth or fifth degree other than a 42063

felony sex offense, or in imposing a less restrictive control 42064
sanction on a releasee based on results from the single 42065
validated risk assessment tool and on the releasee's activities 42066
including, but not limited to, remaining free from criminal 42067
activity and from the abuse of alcohol or other drugs, 42068
successfully participating in approved rehabilitation programs, 42069
maintaining employment, and paying restitution to the victim or 42070
meeting the terms of other financial sanctions; 42071

(4) Establish standards to be used by the adult parole 42072
authority in modifying a releasee's post-release control 42073
sanctions pursuant to division (D) (2) of this section; 42074

(5) Establish standards to be used by the adult parole 42075
authority or parole board in imposing further sanctions under 42076
division (F) of this section on releasees who violate post- 42077
release control sanctions, including standards that do the 42078
following: 42079

(a) Classify violations according to the degree of 42080
seriousness; 42081

(b) Define the circumstances under which formal action by 42082
the parole board is warranted; 42083

(c) Govern the use of evidence at violation hearings; 42084

(d) Ensure procedural due process to an alleged violator; 42085

(e) Prescribe nonresidential community control sanctions 42086
for most misdemeanor and technical violations; 42087

(f) Provide procedures for the return of a releasee to 42088
imprisonment for violations of post-release control. 42089

(F) (1) Whenever the parole board imposes one or more post- 42090
release control sanctions on an offender under this section, the 42091

offender upon release from imprisonment shall be under the 42092
general jurisdiction of the adult parole authority and generally 42093
shall be supervised by the field services section through its 42094
staff of parole and field officers as described in section 42095
5149.04 of the Revised Code, as if the offender had been placed 42096
on parole. If the offender upon release from imprisonment 42097
violates the post-release control sanction or any conditions 42098
described in division (A) of section 2967.131 of the Revised 42099
Code that are imposed on the offender, the public or private 42100
person or entity that operates or administers the sanction or 42101
the program or activity that comprises the sanction shall report 42102
the violation directly to the adult parole authority or to the 42103
officer of the authority who supervises the offender. The 42104
authority's officers may treat the offender as if the offender 42105
were on parole and in violation of the parole, and otherwise 42106
shall comply with this section. 42107

(2) If the adult parole authority or, pursuant to an 42108
agreement under section 2967.29 of the Revised Code, the court 42109
determines that a releasee has violated a post-release control 42110
sanction or any conditions described in division (A) of section 42111
2967.131 of the Revised Code imposed on the releasee and that a 42112
more restrictive sanction is appropriate, the authority or court 42113
may impose a more restrictive sanction on the releasee, in 42114
accordance with the standards established under division (E) of 42115
this section or in accordance with the agreement made under 42116
section 2967.29 of the Revised Code, or may report the violation 42117
to the parole board for a hearing pursuant to division (F) (3) of 42118
this section. The authority or court may not, pursuant to this 42119
division, increase the duration of the releasee's post-release 42120
control or impose as a post-release control sanction a 42121
residential sanction that includes a prison term, but the 42122

authority or court may impose on the releasee any other 42123
residential sanction, nonresidential sanction, or financial 42124
sanction that the sentencing court was authorized to impose 42125
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 42126
Revised Code. 42127

(3) The parole board or, pursuant to an agreement under 42128
section 2967.29 of the Revised Code, the court may hold a 42129
hearing on any alleged violation by a releasee of a post-release 42130
control sanction or any conditions described in division (A) of 42131
section 2967.131 of the Revised Code that are imposed upon the 42132
releasee. Except as otherwise provided in this division, if 42133
after the hearing the board or court finds that the releasee 42134
violated the sanction or condition, the board or court may 42135
increase the duration of the releasee's post-release control up 42136
to the maximum duration authorized by division (B) or (C) of 42137
this section or impose a more restrictive post-release control 42138
sanction. If a releasee was acting pursuant to division (B) (2) 42139
(b) of section 2925.11 or a related provision of section 42140
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 42141
doing violated the conditions of a post-release control sanction 42142
based on a minor drug possession offense, as defined in that 42143
section, or violated section 2925.12, division (C) (1) of section 42144
2925.14, or section 2925.141 of the Revised Code, the board or 42145
the court shall not impose any of the penalties described in 42146
this division based on the violation. When appropriate, the 42147
board or court may impose as a post-release control sanction a 42148
residential sanction that includes a prison term. The board or 42149
court shall consider a prison term as a post-release control 42150
sanction imposed for a violation of post-release control when 42151
the violation involves a deadly weapon or dangerous ordnance, 42152
physical harm or attempted serious physical harm to a person, or 42153

sexual misconduct. Unless a releasee's stated prison term was 42154
reduced pursuant to section 5120.032 of the Revised Code, the 42155
period of a prison term that is imposed as a post-release 42156
control sanction under this division shall not exceed nine 42157
months, and the maximum cumulative prison term for all 42158
violations under this division shall not exceed one-half of the 42159
definite prison term that was the stated prison term originally 42160
imposed on the offender as part of this sentence or, with 42161
respect to a stated non-life felony indefinite prison term, one- 42162
half of the minimum prison term that was imposed as part of that 42163
stated prison term originally imposed on the offender. If a 42164
releasee's stated prison term was reduced pursuant to section 42165
5120.032 of the Revised Code, the period of a prison term that 42166
is imposed as a post-release control sanction under this 42167
division and the maximum cumulative prison term for all 42168
violations under this division shall not exceed the period of 42169
time not served in prison under the sentence imposed by the 42170
court. The period of a prison term that is imposed as a post- 42171
release control sanction under this division shall not count as, 42172
or be credited toward, the remaining period of post-release 42173
control. If, during the period of the releasee's post-release 42174
control, the releasee serves as a post-release control sanction 42175
the maximum prison time available as a sanction, the post- 42176
release control shall terminate. 42177

If an offender is imprisoned for a felony committed while 42178
under post-release control supervision and is again released on 42179
post-release control for a period of time, the maximum 42180
cumulative prison term for all violations under this division 42181
shall not exceed one-half of the total stated prison terms of 42182
the earlier felony, reduced by any prison term administratively 42183
imposed by the parole board or court, plus one-half of the total 42184

stated prison term of the new felony. 42185

(G) (1) If an offender is simultaneously subject to a 42186
period of parole under an indefinite or life sentence and a 42187
period of post-release control, or is simultaneously subject to 42188
two periods of post-release control, the period of supervision 42189
that expires last shall determine the length and form of 42190
supervision for all the periods and the related sentences. 42191

(2) An offender shall receive credit for post-release 42192
control supervision during the period of parole, and shall not 42193
be eligible for final release under section 2967.16 of the 42194
Revised Code until the post-release control period otherwise 42195
would have ended. 42196

(3) If the period of parole ends prior to the end of the 42197
period of post-release control, the requirements of parole 42198
supervision shall be satisfied during the post-release control 42199
period. 42200

(H) (1) A period of post-release control shall not be 42201
imposed consecutively to any other post-release control period. 42202

(2) The period of post-release control for a releasee who 42203
commits a felony while under post-release control for an earlier 42204
felony shall be the longer of the period of post-release control 42205
specified for the new felony under division (B) or (C) of this 42206
section or the time remaining under the period of post-release 42207
control imposed for the earlier felony as determined by the 42208
parole board or court. 42209

Sec. 2969.13. All moneys that are collected pursuant to 42210
section 2929.32 of the Revised Code and required to be deposited 42211
in the crime victims recovery fund shall be credited ~~by the~~ 42212
~~treasurer of state~~ to the fund. Any interest earned on the money 42213

in the fund shall be credited to the fund. 42214

Sec. 3101.08. An ordained or licensed minister of any 42215
religious society or congregation within this state who is 42216
licensed to solemnize marriages, the governor or a former 42217
governor of this state, a judge of a county court in accordance 42218
with section 1907.18 of the Revised Code, a judge of a municipal 42219
court in accordance with section 1901.14 of the Revised Code, a 42220
probate judge in accordance with section 2101.27 of the Revised 42221
Code, the mayor of a municipal corporation anywhere within this 42222
state, the superintendent of Ohio deaf and blind education 42223
services, or any religious society in conformity with the rules 42224
of its church, may join together as husband and wife any persons 42225
who are not prohibited by law from being joined in marriage. 42226

Sec. 3105.171. (A) As used in this section: 42227

(1) "Distributive award" means any payment or payments, in 42228
real or personal property, that are payable in a lump sum or 42229
over time, in fixed amounts, that are made from separate 42230
property or income, and that are not made from marital property 42231
and do not constitute payments of spousal support, as defined in 42232
section 3105.18 of the Revised Code. 42233

(2) "During the marriage" means whichever of the following 42234
is applicable: 42235

(a) Except as provided in division (A) (2) (b) of this 42236
section, the period of time from the date of the marriage 42237
through the date of the final hearing in an action for divorce 42238
or in an action for legal separation; 42239

(b) If the court determines that the use of either or both 42240
of the dates specified in division (A) (2) (a) of this section 42241
would be inequitable, the court may select dates that it 42242

considers equitable in determining marital property. If the 42243
court selects dates that it considers equitable in determining 42244
marital property, "during the marriage" means the period of time 42245
between those dates selected and specified by the court. 42246

(3) (a) "Marital property" means, subject to division (A) 42247
(3) (b) of this section, all of the following: 42248

(i) All real and personal property that currently is owned 42249
by either or both of the spouses, including, but not limited to, 42250
the retirement benefits of the spouses, and that was acquired by 42251
either or both of the spouses during the marriage; 42252

(ii) All interest that either or both of the spouses 42253
currently has in any real or personal property, including, but 42254
not limited to, the retirement benefits of the spouses, and that 42255
was acquired by either or both of the spouses during the 42256
marriage; 42257

(iii) Except as otherwise provided in this section, all 42258
income and appreciation on separate property, due to the labor, 42259
monetary, or in-kind contribution of either or both of the 42260
spouses that occurred during the marriage; 42261

(iv) A participant account, as defined in section 148.01 42262
of the Revised Code, of either of the spouses, to the extent of 42263
the following: the moneys that have been deferred by a 42264
continuing member or participating employee, as defined in that 42265
section, and that have been transmitted to the ~~Ohio~~-public 42266
employees ~~deferred compensation~~-retirement board during the 42267
marriage and any income that is derived from the investment of 42268
those moneys during the marriage; the moneys that have been 42269
deferred by an officer or employee of a municipal corporation 42270
and that have been transmitted to the governing board, 42271

administrator, depository, or trustee of the deferred 42272
compensation program of the municipal corporation during the 42273
marriage and any income that is derived from the investment of 42274
those moneys during the marriage; or the moneys that have been 42275
deferred by an officer or employee of a government unit, as 42276
defined in section 148.06 of the Revised Code, and that have 42277
been transmitted to the governing board, as defined in that 42278
section, during the marriage and any income that is derived from 42279
the investment of those moneys during the marriage. 42280

(b) "Marital property" does not include any separate 42281
property. 42282

(4) "Passive income" means income acquired other than as a 42283
result of the labor, monetary, or in-kind contribution of either 42284
spouse. 42285

(5) "Personal property" includes both tangible and 42286
intangible personal property. 42287

(6) (a) "Separate property" means all real and personal 42288
property and any interest in real or personal property that is 42289
found by the court to be any of the following: 42290

(i) An inheritance by one spouse by bequest, devise, or 42291
descent during the course of the marriage; 42292

(ii) Any real or personal property or interest in real or 42293
personal property that was acquired by one spouse prior to the 42294
date of the marriage; 42295

(iii) Passive income and appreciation acquired from 42296
separate property by one spouse during the marriage; 42297

(iv) Any real or personal property or interest in real or 42298
personal property acquired by one spouse after a decree of legal 42299

separation issued under section 3105.17 of the Revised Code; 42300

(v) Any real or personal property or interest in real or 42301
personal property that is excluded by a valid antenuptial or 42302
postnuptial agreement; 42303

(vi) Compensation to a spouse for the spouse's personal 42304
injury, except for loss of marital earnings and compensation for 42305
expenses paid from marital assets; 42306

(vii) Any gift of any real or personal property or of an 42307
interest in real or personal property that is made after the 42308
date of the marriage and that is proven by clear and convincing 42309
evidence to have been given to only one spouse. 42310

(b) The commingling of separate property with other 42311
property of any type does not destroy the identity of the 42312
separate property as separate property, except when the separate 42313
property is not traceable. 42314

(B) In divorce proceedings, the court shall, and in legal 42315
separation proceedings upon the request of either spouse, the 42316
court may, determine what constitutes marital property and what 42317
constitutes separate property. In either case, upon making such 42318
a determination, the court shall divide the marital and separate 42319
property equitably between the spouses, in accordance with this 42320
section. For purposes of this section, the court has 42321
jurisdiction over all property, excluding the social security 42322
benefits of a spouse other than as set forth in division (F) (9) 42323
of this section, in which one or both spouses have an interest. 42324

(C) (1) Except as provided in this division or division (E) 42325
of this section, the division of marital property shall be 42326
equal. If an equal division of marital property would be 42327
inequitable, the court shall not divide the marital property 42328

equally but instead shall divide it between the spouses in the 42329
manner the court determines equitable. In making a division of 42330
marital property, the court shall consider all relevant factors, 42331
including those set forth in division (F) of this section. 42332

(2) Each spouse shall be considered to have contributed 42333
equally to the production and acquisition of marital property. 42334

(3) The court shall provide for an equitable division of 42335
marital property under this section prior to making any award of 42336
spousal support to either spouse under section 3105.18 of the 42337
Revised Code and without regard to any spousal support so 42338
awarded. 42339

(4) If the marital property includes a participant 42340
account, as defined in section 148.01 of the Revised Code, the 42341
court shall not order the division or disbursement of the moneys 42342
and income described in division (A)(3)(a)(iv) of this section 42343
to occur in a manner that is inconsistent with the law, rules, 42344
or plan governing the deferred compensation program involved or 42345
prior to the time that the spouse in whose name the participant 42346
account is maintained commences receipt of the moneys and income 42347
credited to the account in accordance with that law, rules, and 42348
plan. 42349

(D) Except as otherwise provided in division (E) of this 42350
section or by another provision of this section, the court shall 42351
disburse a spouse's separate property to that spouse. If a court 42352
does not disburse a spouse's separate property to that spouse, 42353
the court shall make written findings of fact that explain the 42354
factors that it considered in making its determination that the 42355
spouse's separate property should not be disbursed to that 42356
spouse. 42357

(E) (1) The court may make a distributive award to 42358
facilitate, effectuate, or supplement a division of marital 42359
property. The court may require any distributive award to be 42360
secured by a lien on the payor's specific marital property or 42361
separate property. 42362

(2) The court may make a distributive award in lieu of a 42363
division of marital property in order to achieve equity between 42364
the spouses, if the court determines that a division of the 42365
marital property in kind or in money would be impractical or 42366
burdensome. 42367

(3) The court shall require each spouse to disclose in a 42368
full and complete manner all marital property, separate 42369
property, and other assets, debts, income, and expenses of the 42370
spouse. 42371

(4) If a spouse has engaged in financial misconduct, 42372
including, but not limited to, the dissipation, destruction, 42373
concealment, nondisclosure, or fraudulent disposition of assets, 42374
the court may compensate the offended spouse with a distributive 42375
award or with a greater award of marital property. 42376

(5) If a spouse has substantially and willfully failed to 42377
disclose marital property, separate property, or other assets, 42378
debts, income, or expenses as required under division (E) (3) of 42379
this section, the court may compensate the offended spouse with 42380
a distributive award or with a greater award of marital property 42381
not to exceed three times the value of the marital property, 42382
separate property, or other assets, debts, income, or expenses 42383
that are not disclosed by the other spouse. 42384

(F) In making a division of marital property and in 42385
determining whether to make and the amount of any distributive 42386

award under this section, the court shall consider all of the	42387
following factors:	42388
(1) The duration of the marriage;	42389
(2) The assets and liabilities of the spouses;	42390
(3) The desirability of awarding the family home, or the	42391
right to reside in the family home for reasonable periods of	42392
time, to the spouse with custody of the children of the	42393
marriage;	42394
(4) The liquidity of the property to be distributed;	42395
(5) The economic desirability of retaining intact an asset	42396
or an interest in an asset;	42397
(6) The tax consequences of the property division upon the	42398
respective awards to be made to each spouse;	42399
(7) The costs of sale, if it is necessary that an asset be	42400
sold to effectuate an equitable distribution of property;	42401
(8) Any division or disbursement of property made in a	42402
separation agreement that was voluntarily entered into by the	42403
spouses;	42404
(9) Any retirement benefits of the spouses, excluding the	42405
social security benefits of a spouse except as may be relevant	42406
for purposes of dividing a public pension;	42407
(10) Any other factor that the court expressly finds to be	42408
relevant and equitable.	42409
(G) In any order for the division or disbursement of	42410
property or a distributive award made pursuant to this section,	42411
the court shall make written findings of fact that support the	42412
determination that the marital property has been equitably	42413

divided and shall specify the dates it used in determining the 42414
meaning of "during the marriage." 42415

(H) Except as otherwise provided in this section, the 42416
holding of title to property by one spouse individually or by 42417
both spouses in a form of co-ownership does not determine 42418
whether the property is marital property or separate property. 42419

(I) A division or disbursement of property or a 42420
distributive award made under this section is not subject to 42421
future modification by the court except upon the express written 42422
consent or agreement to the modification by both spouses. 42423

(J) The court may issue any orders under this section that 42424
it determines equitable, including, but not limited to, either 42425
of the following types of orders: 42426

(1) An order granting a spouse the right to use the 42427
marital dwelling or any other marital property or separate 42428
property for any reasonable period of time; 42429

(2) An order requiring the sale or encumbrancing of any 42430
real or personal property, with the proceeds from the sale and 42431
the funds from any loan secured by the encumbrance to be applied 42432
as determined by the court. 42433

Sec. 3105.63. (A) (1) A petition for dissolution of 42434
marriage shall be signed by both spouses and shall have attached 42435
and incorporated a separation agreement agreed to by both 42436
spouses. The separation agreement shall provide for a division 42437
of all property; spousal support; if there are minor children of 42438
the marriage, the allocation of parental rights and 42439
responsibilities for the care of the minor children, the 42440
designation of a residential parent and legal custodian of the 42441
minor children, child support, and parenting time rights; and, 42442

if the spouses so desire, an authorization for the court to 42443
modify the amount or terms of spousal support, or the division 42444
of property, provided in the separation agreement. If there are 42445
minor children of the marriage, the spouses may address the 42446
allocation of the parental rights and responsibilities for the 42447
care of the minor children by including in the separation 42448
agreement a plan under which both parents will have shared 42449
rights and responsibilities for the care of the minor children. 42450
The spouses shall file the plan with the petition for 42451
dissolution of marriage and shall include in the plan the 42452
provisions described in division (G) of section 3109.04 of the 42453
Revised Code. 42454

(2) The division of property in the separation agreement 42455
shall include any participant account, as defined in section 42456
148.01 of the Revised Code, of either of the spouses, to the 42457
extent of the following: 42458

(a) The moneys that have been deferred by a continuing 42459
member or participating employee, as defined in that section, 42460
and that have been transmitted to the ~~Ohio~~ public employees 42461
~~deferred compensation retirement~~ board during the marriage and 42462
any income that is derived from the investment of those moneys 42463
during the marriage; 42464

(b) The moneys that have been deferred by an officer or 42465
employee of a municipal corporation and that have been 42466
transmitted to the governing board, administrator, depository, 42467
or trustee of the deferred compensation program of the municipal 42468
corporation during the marriage and any income that is derived 42469
from the investment of those moneys during the marriage; 42470

(c) The moneys that have been deferred by an officer or 42471
employee of a government unit, as defined in section 148.06 of 42472

the Revised Code, and that have been transmitted to the 42473
governing board, as defined in that section, during the marriage 42474
and any income that is derived from the investment of those 42475
moneys during the marriage. 42476

(3) The separation agreement shall not require or permit 42477
the division or disbursement of the moneys and income described 42478
in division (A) (2) of this section to occur in a manner that is 42479
inconsistent with the law, rules, or plan governing the deferred 42480
compensation program involved or prior to the time that the 42481
spouse in whose name the participant account is maintained 42482
commences receipt of the moneys and income credited to the 42483
account in accordance with that law, rules, and plan. 42484

(B) An amended separation agreement may be filed at any 42485
time prior to or during the hearing on the petition for 42486
dissolution of marriage. Upon receipt of a petition for 42487
dissolution of marriage, the court may cause an investigation to 42488
be made pursuant to the Rules of Civil Procedure. 42489

(C) (1) If a petition for dissolution of marriage contains 42490
an authorization for the court to modify the amount or terms of 42491
spousal support provided in the separation agreement, the 42492
modification shall be in accordance with section 3105.18 of the 42493
Revised Code. 42494

(2) If a petition for dissolution of marriage contains an 42495
authorization for the court to modify the division of property 42496
provided in the separation agreement, the modification shall be 42497
made with the express written consent or agreement of both 42498
spouses. 42499

Sec. 3107.01. As used in sections 3107.01 to 3107.20 of 42500
the Revised Code: 42501

(A) "Adoption" means to create the legal relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, and which do not expressly exclude an adopted person from their operation or effect.

(B) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

(C) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.

(D) "Best interest" means the factors a court uses to determine the best interest of a child as set forth in section 3107.161 of the Revised Code.

(E) "Child" means a son or daughter, whether by birth or by adoption.

(F) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.

(G) "Date of placement" means the date on which a child is living with the child's prospective adoptive parent and becomes eligible for adoption pursuant to statutory authority, judgment decree or court order, or as otherwise authorized by law.

(H) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(I) "Identifying information" means any of the following

with regard to a person: first name, last name, maiden name, 42530
alias, social security number, address, telephone number, place 42531
of employment, number used to identify the person for the 42532
purpose of the statewide education management information system 42533
established pursuant to section 3301.0714 of the Revised Code, 42534
and any other number federal or state law requires or permits to 42535
be used to identify the person. 42536

(J) "Kinship caregiver" has the same meaning as in section 42537
~~5101.85~~ 5180.50 of the Revised Code. 42538

(K) "Legal custodian" has the same meaning as in section 42539
5103.16 of the Revised Code. 42540

(L) "Legal custody" has the same meaning as in section 42541
2151.011 of the Revised Code. 42542

(M) "Minor" means a person under the age of eighteen 42543
years. 42544

(N) "Parent" means a legally recognized natural or 42545
adoptive parent of a child. 42546

(O) "Party" means a petitioner, adoptee, or any other 42547
person or agency that is part of an adoption proceeding and 42548
whose consent to the adoption is necessary but has not been 42549
obtained. 42550

(P) "Permanent custody" has the same meaning as in section 42551
2151.011 of the Revised Code. 42552

(Q) "Placement" means the act by a public children 42553
services agency, a private child placing agency, or a parent who 42554
is utilizing an agency or attorney that is intended to arrange 42555
for the care or custody of a child in accordance with Chapter 42556
5103. of the Revised Code. 42557

(R) "Planned permanent living arrangement" has the same 42558
meaning as in section 2151.011 of the Revised Code. 42559

(S) "Putative father" means a man, including one under age 42560
eighteen, who may be a child's father and to whom all of the 42561
following apply: 42562

(1) He is not married to the child's mother at the time of 42563
the child's conception or birth; 42564

(2) He has not adopted the child; 42565

(3) He has not been determined, prior to the date a 42566
petition to adopt the child is filed, to have a parent and child 42567
relationship with the child by a court proceeding pursuant to 42568
sections 3111.01 to 3111.18 of the Revised Code, a court 42569
proceeding in another state, an administrative agency proceeding 42570
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42571
an administrative agency proceeding in another state; 42572

(4) He has not acknowledged paternity of the child 42573
pursuant to sections 3111.21 to 3111.35 of the Revised Code. 42574

Sec. 3107.012. (A) A foster caregiver may use the 42575
application prescribed under division (B) of this section to 42576
obtain the services of an agency to arrange an adoption for the 42577
foster caregiver if the foster caregiver seeks to adopt the 42578
foster caregiver's foster child who ~~has resided~~ resides in the 42579
foster caregiver's home ~~for at least six months prior to the~~ 42580
~~date the foster caregiver submits the application to the agency.~~ 42581

(B) The department of children and youth shall prescribe 42582
an application for a foster caregiver to use under division (A) 42583
of this section. The application shall not require that the 42584
foster caregiver provide any information the foster caregiver 42585
already provided the department, or undergo an inspection the 42586

foster caregiver already underwent, to obtain a foster home 42587
certificate under section 5103.03 of the Revised Code. 42588

(C) An agency that receives an application prescribed 42589
under division (B) of this section from a foster caregiver 42590
authorized to use the application shall not require, as a 42591
condition of the agency accepting or approving the application, 42592
that the foster caregiver undergo a criminal records check under 42593
section 2151.86 of the Revised Code as a prospective adoptive 42594
parent. The agency shall inform the foster caregiver, in 42595
accordance with division (G) of section 2151.86 of the Revised 42596
Code, that the foster caregiver must undergo the criminal 42597
records check before a court may issue a final decree of 42598
adoption or interlocutory order of adoption under section 42599
3107.14 of the Revised Code. 42600

Sec. 3107.031. Except as otherwise provided in this 42601
section, an assessor shall conduct a home study for the purpose 42602
of ascertaining whether a person seeking to adopt a minor is 42603
suitable to adopt. A written report of the home study shall be 42604
filed with the court at least ten days before the petition for 42605
adoption is heard. 42606

A person seeking to adopt a minor who knowingly makes a 42607
false statement that is included in the written report of a home 42608
study conducted pursuant to this section is guilty of the 42609
offense of falsification under section 2921.13 of the Revised 42610
Code, and such a home study shall not be filed with the court. 42611
If such a home study is filed with the court, the court may 42612
strike the home study from the court's records. 42613

The report shall contain the opinion of the assessor as to 42614
whether the person who is the subject of the report is suitable 42615
to adopt a minor, any multiple children assessment required 42616

under section 3107.032 of the Revised Code, and other 42617
information and documents specified in rules adopted by the 42618
director of children and youth under section 3107.033 of the 42619
Revised Code. The assessor shall not consider the person's age 42620
when determining whether the person is suitable to adopt if the 42621
person is old enough to adopt as provided by section 3107.03 of 42622
the Revised Code. 42623

An assessor may request departments or agencies within or 42624
outside this state to assist in the home study as may be 42625
appropriate and to make a written report to be included with and 42626
attached to the report to the court. The assessor shall make 42627
similar home studies and reports on behalf of other assessors 42628
designated by the courts of this state or another place. 42629

Upon order of the court, the costs of the home study and 42630
other proceedings shall be paid by the person seeking to adopt, 42631
and, if the home study is conducted by a public agency or public 42632
employee, the part of the cost representing any services and 42633
expenses shall be taxed as costs and paid into the state 42634
treasury or county treasury, as the court may direct. 42635

On request, the assessor shall provide the person seeking 42636
to adopt a copy of the report of the home study. The assessor 42637
shall delete from that copy any provisions concerning the 42638
opinion of other persons, excluding the assessor, of the 42639
person's suitability to adopt a minor. 42640

This section does not apply to a foster caregiver seeking 42641
to adopt the foster caregiver's foster child if the foster child 42642
~~has resided~~ resides in the foster caregiver's home ~~for at least~~ 42643
~~six months prior to the date and~~ the foster caregiver submits an 42644
application prescribed under division (B) of section 3107.012 of 42645
the Revised Code to the agency arranging the adoption. 42646

Sec. 3107.033. The director of children and youth shall 42647
adopt rules in accordance with Chapter 119. of the Revised Code 42648
specifying both of the following: 42649

(A) The manner in which a home study is to be conducted 42650
and the information and documents to be included in a home study 42651
report, which shall include, pursuant to section 3107.034 of the 42652
Revised Code, a summary report of a search of the uniform 42653
statewide automated child welfare information system established 42654
in section ~~5101.13~~5180.40 of the Revised Code and a report of a 42655
check of a central registry of another state if a request for a 42656
check of a central registry of another state is required under 42657
division (A) of section 3107.034 of the Revised Code. The 42658
director shall ensure that rules adopted under this section 42659
align the home study content, time period, and process with any 42660
foster care home study content, time period, and process 42661
required by rules adopted under section 5103.03 of the Revised 42662
Code. 42663

(B) A procedure under which a person whose application for 42664
adoption has been denied as a result of a search of the uniform 42665
statewide automated child welfare information system established 42666
in section ~~5101.13~~5180.40 of the Revised Code as part of the 42667
home study may appeal the denial to the agency that employed the 42668
assessor who filed the report. 42669

Sec. 3107.034. (A) Whenever a prospective adoptive parent 42670
or a person eighteen years of age or older who resides with a 42671
prospective adoptive parent has resided in another state within 42672
the five-year period immediately prior to the date on which a 42673
criminal records check is requested for the person under 42674
division (A) of section 2151.86 of the Revised Code, the 42675
administrative director of an agency, or attorney, who arranges 42676

the adoption for the prospective adoptive parent shall request a 42677
check of the central registry of abuse and neglect of this state 42678
from the department of children and youth regarding the 42679
prospective adoptive parent or the person eighteen years of age 42680
or older who resides with the prospective adoptive parent to 42681
enable the agency or attorney to check any child abuse and 42682
neglect registry maintained by that other state. The 42683
administrative director or attorney shall make the request and 42684
shall review the results of the check before a final decree of 42685
adoption or an interlocutory order of adoption making the person 42686
an adoptive parent may be made. Information received pursuant to 42687
the request shall be considered for purposes of this chapter as 42688
if it were a summary report required under section 3107.033 of 42689
the Revised Code. The department of children and youth shall 42690
comply with any request to check the central registry that is 42691
similar to the request described in this division and that is 42692
received from any other state. 42693

(B) The summary report of a search of the uniform 42694
statewide automated child welfare information system established 42695
in section ~~5101.13~~5180.40 of the Revised Code that is required 42696
under section 3107.033 of the Revised Code shall contain, if 42697
applicable, a chronological list of abuse and neglect 42698
determinations or allegations of which the person seeking to 42699
adopt is subject and in regards to which a public children 42700
services agency has done one of the following: 42701

(1) Determined that abuse or neglect occurred; 42702

(2) Initiated an investigation, and the investigation is 42703
ongoing; 42704

(3) Initiated an investigation and the agency was unable 42705
to determine whether abuse or neglect occurred. 42706

(C) The summary report required under section 3107.033 of the Revised Code shall not contain any of the following:

(1) An abuse and neglect determination of which the person seeking to adopt is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(D) (1) An application for adoption may be denied based on a summary report containing the information described under division (B) (1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B) (2) or (3) of this section.

Sec. 3107.062. (A) (1) ~~The department of job and family services children and youth~~ shall establish a putative father registry. To register, a putative father must complete a registration form prescribed under section 3107.065 of the Revised Code and submit it to the department. The registration form shall include the putative father's name; the name of the mother of the person he claims as his child; and the address or telephone number at which he wishes to receive, pursuant to

section 3107.11 of the Revised Code, notice of any petition that 42736
may be filed to adopt a minor he claims as his child. 42737

(2) A putative father may register at any time. For the 42738
purpose of preserving the requirement of his consent to an 42739
adoption, a putative father shall register before or not later 42740
than fifteen days after the birth of the child. No fee shall be 42741
charged for registration. 42742

(B) On receipt of a completed registration form, the 42743
department shall indicate on the form the date of receipt and 42744
file it in the putative father registry. The department shall 42745
maintain registration forms in a manner that enables it to 42746
access a registration form using either the name of the putative 42747
father or of the mother. 42748

(C) The department of children and youth shall grant the 42749
office of child support in the department of job and family 42750
services and a child support enforcement agency access to the 42751
putative father registry for purposes of section 3111.69 of the 42752
Revised Code. 42753

Sec. 3107.063. (A) An attorney arranging a minor's 42754
adoption, a mother, a public children services agency, a private 42755
noncustodial agency, or a private child placing agency may 42756
request at any time that the department of ~~job and family~~ 42757
~~services~~ children and youth search the putative father registry 42758
to determine whether a man is registered as the minor's putative 42759
father. The request shall include the mother's name. On receipt 42760
of the request, the department shall search the registry. If the 42761
department determines that a man is registered as the minor's 42762
putative father, it shall provide the attorney, mother, or 42763
agency a certified copy of the man's registration form. If the 42764
department determines that no man is registered as the minor's 42765

putative father, it shall provide the attorney, mother, or 42766
agency a certified written statement to that effect. The 42767
department shall specify in the statement the date the search 42768
request was submitted. No fee shall be charged for searching the 42769
registry. 42770

Division (B) of section 3107.17 of the Revised Code does 42771
not apply to this section. 42772

(B) If the department of ~~job and family services~~ children 42773
and youth provides a certified copy of a putative father's 42774
registration form pursuant to division (A) of this section, the 42775
department also shall provide a written notice to the putative 42776
father: 42777

(1) That he may be the father of the minor he claims as 42778
his child on the registration form; 42779

(2) That the minor is being or may be placed for adoption; 42780
and 42781

(3) Of his right to consent or refuse to consent to the 42782
minor's adoption to the extent provided under Chapter 3107. of 42783
the Revised Code. 42784

(C) The department shall provide the notice under this 42785
section not later than ten business days after the date it 42786
provides the certified copy of the registration form pursuant to 42787
division (A) of this section. 42788

Sec. 3107.064. (A) Except as provided in division (B) of 42789
this section, a court shall not issue a final decree of adoption 42790
or finalize an interlocutory order of adoption unless the mother 42791
placing the minor for adoption or the agency or attorney 42792
arranging the adoption files with the court a certified document 42793
provided by the department of ~~job and family services~~ children 42794

and youth under section 3107.063 of the Revised Code. The court 42795
shall not accept the document unless the date the department 42796
places on the document pursuant to that section is sixteen or 42797
more days after the date of the minor's birth. 42798

(B) The document described in division (A) of this section 42799
is not required if any of the following apply: 42800

(1) The mother was married at the time the minor was 42801
conceived or born; 42802

(2) The parent placing the minor for adoption previously 42803
adopted the minor; 42804

(3) Prior to the date a petition to adopt the minor is 42805
filed, a man has been determined to have a parent and child 42806
relationship with the minor by a court proceeding pursuant to 42807
sections 3111.01 to 3111.18 of the Revised Code, a court 42808
proceeding in another state, an administrative agency proceeding 42809
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or 42810
an administrative agency proceeding in another state; 42811

(4) The minor's father acknowledged paternity of the minor 42812
and that acknowledgment has become final pursuant to section 42813
2151.232, 3111.25, or 3111.821 of the Revised Code; 42814

(5) A public children services agency has permanent 42815
custody of the minor pursuant to Chapter 2151. or division (B) 42816
of section 5103.15 of the Revised Code after both parents lost 42817
or surrendered parental rights, privileges, and responsibilities 42818
over the minor. 42819

Sec. 3107.065. Not later than ninety days after the 42820
effective date of this section, the director of ~~job and family~~ 42821
~~services~~ children and youth shall do both of the following: 42822

(A) Adopt rules in accordance with Chapter 119. of the 42823
Revised Code governing the putative father registry. The rules 42824
shall establish the registration form to be used by a putative 42825
father under section 3107.062 of the Revised Code. 42826

(B) Establish a campaign to promote awareness of the 42827
putative father registry. The campaign shall include 42828
informational materials about the registry. 42829

Sec. 3107.38. (A) As used in sections 3107.38 to 3107.394 42830
of the Revised Code: 42831

(1) "Adopted person" means a person who was adopted but is 42832
not an adopted person as defined in section 3107.45 of the 42833
Revised Code. 42834

(2) "Adoption file" means a file maintained by the 42835
department of health under sections 3705.12 to 3705.124 of the 42836
Revised Code. 42837

(3) "Biological parent" means a parent, by birth, of a 42838
person who is, or is to become, an adopted person. 42839

(4) "Biological parent's name redaction request form" 42840
means the form prescribed under section 3107.391 of the Revised 42841
Code. 42842

(5) "Biological sibling" means a sibling, by birth, of a 42843
person who is, or is to become, an adopted person. 42844

(6) "Contact preference form" means the form prescribed 42845
under section 3107.39 of the Revised Code. 42846

(7) "File of releases" means the filing system for 42847
releases that former section 3107.40 of the Revised Code, as 42848
repealed by Sub. S.B. 23 of the 130th general assembly, required 42849
the department of health to maintain. 42850

(8) "Items of identification" include a motor vehicle 42851
driver's or commercial driver's license, an identification card 42852
issued under sections 4507.50 to 4507.52 of the Revised Code, a 42853
marriage application, a social security card, a credit card, a 42854
military identification card, or an employee identification 42855
card. 42856

(9) "Lineal descendant of an adopted person" means a 42857
person who by reason of blood or adoption is a lineal descendant 42858
of an adopted person. 42859

(10) "Offspring" means a child, by birth, of a person. 42860

(11) "Release" means both of the following: 42861

(a) A release filed by a biological parent or biological 42862
sibling pursuant to former section 3107.40 of the Revised Code, 42863
as repealed by Sub. S.B. 23 of the 130th general assembly, that 42864
authorized the release of identifying information to the 42865
biological parent's offspring or the release of specified 42866
information to the biological sibling's adopted sibling pursuant 42867
to former section 3107.41 of the Revised Code, as repealed by 42868
Sub. S.B. 23 of the 130th general assembly; 42869

(b) A withdrawal of release filed by a biological parent 42870
or biological sibling pursuant to former section 3107.40 of the 42871
Revised Code, as repealed by Sub. S.B. 23 of the 130th general 42872
assembly. 42873

(B) Subject to division (C) of this section, an adopted 42874
person or lineal descendant of an adopted person may submit a 42875
written request to the department of health for the department 42876
to provide the adopted person or lineal descendant of an adopted 42877
person with a copy of the contents of the adopted person's 42878
adoption file. The request shall provide the requester's address 42879

and notarized signature and be accompanied by two items of 42880
identification of the requester. If the requester is a lineal 42881
descendant of an adopted person, the request shall also provide 42882
notarized documentation evidencing the requester's relationship 42883
to the adopted person. On receipt of a request and payment of 42884
the fee required by section 3705.241 of the Revised Code, the 42885
department shall mail to the requester, at the address provided 42886
in the request, a copy of the contents of the adopted person's 42887
adoption file if the department has an adoption file, including 42888
all releases transferred to the adoption file pursuant to 42889
section 3107.381 of the Revised Code, for the adopted person. If 42890
the adoption file includes a biological parent's name redaction 42891
request form from a biological parent, the department shall 42892
redact the biological parent's name from the copy of the 42893
contents of the adoption file that is mailed to the requester. 42894
If the department removes the biological parent's name redaction 42895
request form from the adoption file pursuant to division ~~(D)~~ (A) 42896
of section 3107.391 of the Revised Code after the department 42897
mails the copy of the contents of the adoption file to the 42898
requester, the department shall mail to the requester another 42899
copy of the contents with the biological parent's name included. 42900

(C) An adopted person or lineal descendant of an adopted 42901
person may not submit a request under this section until the 42902
adopted person or lineal descendant is at least eighteen years 42903
of age. 42904

Sec. 3107.391. ~~(A) The department of job and family~~ 42905
~~services shall prescribe a biological parent's name redaction~~ 42906
~~request form. The form shall include all of the following:~~ 42907

~~(1) Information about the procedures and requirements for~~ 42908
~~a biological parent to do either of the following:~~ 42909

~~(a) Have the form placed in the adoption file of the biological parent's offspring so that the biological parent's name is redacted from a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code;~~ 42910
42911
42912
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~~(b) Have the form removed from the adoption file if the biological parent later decides to permit the biological parent's name to be included in a copy of the contents of the adoption file that a person receives under section 3107.38 of the Revised Code.~~ 42915
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42917
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~~(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains;~~ 42920
42921
42922

~~(3) A place for the biological parent to attest that the biological parent is the biological parent of the adopted person to whom the form pertains.~~ 42923
42924
42925

~~(B) The department of job and family services shall make the biological parent's name redaction request form available to the department of health.~~ 42926
42927
42928

~~(C) (1) Until one year after the effective date of this section, the department of health shall make a biological parent's name redaction request form available to a biological parent on request. The department may accept a completed biological parent's name redaction request form only if all of the following apply:—~~ 42929
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42931
42932
42933
42934

~~(a) The form is submitted to the department not later than one year after the effective date of this section.—~~ 42935
42936

~~(b) The form has been notarized.~~ 42937

~~(c) The biological parent provides the department two~~ 42938
~~items of identification of the biological parent.~~ 42939

~~(d) If a social and medical history for the biological~~ 42940
~~parent was not previously prepared or such a history was~~ 42941
~~prepared but should be corrected or expanded, the biological~~ 42942
~~parent does the following as appropriate:~~ 42943

~~(i) Completes a social and medical history form in~~ 42944
~~accordance with section 3107.091 or 3107.393 of the Revised~~ 42945
~~Code;~~ 42946

~~(ii) Corrects or expands the biological parent's social~~ 42947
~~and medical history in accordance with division (D) of section~~ 42948
~~3107.09 of the Revised Code.~~ 42949

~~(e) The department is satisfied that the form has been~~ 42950
~~substantially completed.~~ 42951

~~(2) If the department determines that it may accept the~~ 42952
~~biological parent's name redaction request form, it shall accept~~ 42953
~~the form. As soon as the department identifies the adoption file~~ 42954
~~of the adopted person to whom the form pertains, it shall place~~ 42955
~~the form in that file.~~ 42956

~~(D) (1) A biological parent who has had a biological~~ 42957
~~parent's name redaction request form accepted under division (C)~~ 42958
~~of this section by the department of health between March 20,~~ 42959
~~2014, and March 20, 2015, may request at any time that the~~ 42960
~~department remove the form from the adoption file of the adopted~~ 42961
~~person to whom the form pertains if the biological parent~~ 42962
~~decides to permit the biological parent's name to be included in~~ 42963
~~a copy of the contents of the adoption file that a person~~ 42964
~~receives under section 3107.38 of the Revised Code. The~~ 42965
~~department shall remove the form from the adoption file if the~~ 42966

biological parent provides the department all of the following: 42967

~~(a)~~ (1) Two items of identification of the biological 42968
parent; 42969

~~(b)~~ (2) Information the department needs to be able to 42970
identify the adoption file of the adopted person to whom the 42971
form pertains; 42972

~~(c)~~ (3) A notarized attestation that the biological parent 42973
is the biological parent of the adopted person to whom the form 42974
pertains. 42975

~~(2)~~ (B) When the department removes a biological parent's 42976
name redaction request form from an adoption file under division 42977
~~(D)~~ ~~(1)~~ (A) of this section, the department shall destroy the 42978
form. 42979

Sec. 3109.14. (A) As used in this section, "birth record" 42980
and "certification of birth" have the meanings given in section 42981
3705.01 of the Revised Code. 42982

(B) (1) The director of health, a person authorized by the 42983
director, a local commissioner of health, or a local registrar 42984
of vital statistics shall charge and collect a fee for each 42985
certified copy of a birth record, for each certification of 42986
birth, and for each copy of a death record. The fee shall be 42987
three dollars. The fee is in addition to the fee imposed by 42988
section 3705.24 or any other section of the Revised Code. A 42989
local commissioner of health or a local registrar of vital 42990
statistics may retain an amount of each additional fee 42991
collected, not to exceed three per cent of the amount of the 42992
additional fee, to be used for costs directly related to the 42993
collection of the fee and the forwarding of the fee to the 42994
department of health. 42995

The additional fees collected by the director of health or 42996
a person authorized by the director and the additional fees 42997
collected but not retained by a local commissioner of health or 42998
a local registrar of vital statistics shall be forwarded to the 42999
department of health not later than thirty days following the 43000
end of each quarter. Not later than two days after the fees are 43001
forwarded to the department each quarter, the department shall 43002
~~pay deposit the collected fees to the treasurer of state in~~ 43003
~~accordance with rules adopted by the treasurer of state under~~ 43004
~~section 113.08 of the Revised Code~~ in the state treasury to the 43005
credit of the children's trust fund. A person or government 43006
entity that fails to forward the fees in a timely manner, as 43007
determined by the department, shall send to the department, in 43008
addition to the fees, a penalty equal to ten per cent of the 43009
fees. The department also shall deposit any penalty received in 43010
the state treasury to the credit of the children's trust fund. 43011

(2) Upon the filing for a divorce decree under section 43012
3105.10 or a decree of dissolution under section 3105.65 of the 43013
Revised Code, a court of common pleas shall charge and collect a 43014
fee. The fee shall be eleven dollars. The fee is in addition to 43015
any other court costs or fees. The county clerk of courts may 43016
retain an amount of each additional fee collected, not to exceed 43017
three per cent of the amount of the additional fee, to be used 43018
for costs directly related to the collection of the fee and the 43019
forwarding of the fee to the treasurer of state. The additional 43020
fees collected, but not retained, under division (B) (2) of this 43021
section shall be forwarded to the treasurer of state not later 43022
than twenty days following the end of each month. 43023

The treasurer of state shall deposit the fees received 43024
under division (B) (2) of this section in the state treasury to 43025
the credit of the children's trust fund. A county clerk of 43026

courts that fails to forward the fees in a timely manner, as 43027
determined by the treasurer of state, shall send to the 43028
treasurer of state, in addition to the fees, a penalty equal to 43029
ten per cent of the fees. The treasurer of state also shall 43030
deposit any penalty received in the state treasury to the credit 43031
of the children's trust fund. 43032

~~(C) The treasurer of state shall deposit the fees paid or~~ 43033
~~forwarded under this section in the state treasury to the credit~~ 43034
~~of the children's trust fund, which is hereby created. A person~~ 43035
~~or government entity that fails to forward the fees in a timely~~ 43036
~~manner, as determined by the treasurer of state, shall send to~~ 43037
~~the treasurer of state, in addition to the fees, a penalty equal~~ 43038
~~to ten per cent of the fees.~~ 43039

The children's trust fund is created in the state 43040
treasury. The treasurer of state shall invest the moneys in the 43041
fund, and all earnings resulting from investment of the fund 43042
shall be credited to the fund, except that actual administrative 43043
costs incurred by the treasurer of state in administering the 43044
fund may be deducted from the earnings resulting from 43045
investments. The amount that may be deducted shall not exceed 43046
three per cent of the total amount of fees credited to the fund 43047
in each fiscal year, except that the children's trust fund board 43048
may approve an amount for actual administrative costs exceeding 43049
three per cent but not exceeding four per cent of such amount. 43050
The balance of the investment earnings shall be credited to the 43051
fund. Moneys credited to the fund shall be used only for the 43052
purposes described in sections 3109.13 to 3109.179 of the 43053
Revised Code. 43054

Sec. 3109.171. For the purpose of administering child 43055
abuse and child neglect prevention programming and services 43056

approved by the children's trust fund board, there are hereby 43057
created ~~the following eight~~ child abuse and child neglect 43058
prevention regions ~~in the state:~~ 43059

~~One region consisting of the following counties: Defiance,~~ 43060
~~Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding,~~ 43061
~~Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.~~ 43062

~~One region consisting of the following counties:~~ 43063
~~Ashtabula, Cuyahoga, Geauga, and Lake.~~ 43064

~~One region consisting of the following counties: Ashland,~~ 43065
~~Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark,~~ 43066
~~Summit, Trumbull, and Wayne.~~ 43067

~~One region consisting of the following counties: Allen,~~ 43068
~~Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan,~~ 43069
~~Mercer, Miami, Montgomery, Preble, and Shelby.~~ 43070

~~One region consisting of the following counties: Crawford,~~ 43071
~~Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison,~~ 43072
~~Marion, Morrow, Pickaway, Richland, and Union.~~ 43073

~~One region consisting of the following counties: Belmont,~~ 43074
~~Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe,~~ 43075
~~Muskingum, Noble, and Tuscarawas.~~ 43076

~~One region consisting of the following counties: Adams,~~ 43077
~~Brown, Butler, Clermont, Clinton, Hamilton, Highland, and~~ 43078
~~Warren.~~ 43079

~~One region consisting of the following counties: Athens,~~ 43080
~~Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike,~~ 43081
~~Ross, Scioto, Vinton, and Washington.~~ The board, in consultation 43082
with the department of children and youth, shall determine the 43083
number of regions and the counties within each region. Each 43084

county in the state shall be included in a region. 43085

Sec. 3109.172. (A) As used in this section, "county 43086
prevention specialist" includes the following: 43087

(1) Members of agencies responsible for the administration 43088
of children's services in the counties within a child abuse and 43089
child neglect prevention region established in section 3109.171 43090
of the Revised Code; 43091

(2) Providers of alcohol or drug addiction services or 43092
members of boards of alcohol, drug addiction, and mental health 43093
services that serve counties within a region; 43094

(3) Providers of mental health services or members of 43095
boards of alcohol, drug addiction, and mental health services 43096
that serve counties within a region; 43097

(4) Members of county boards of developmental disabilities 43098
that serve counties within a region; 43099

(5) Members of the educational community appointed by the 43100
superintendent of the school district with the largest 43101
enrollment in the counties within a region; 43102

(6) Juvenile justice officials serving counties within a 43103
region; 43104

(7) Pediatricians, health department nurses, and other 43105
members of the medical community in the counties within a 43106
region; 43107

(8) Counselors and social workers serving counties within 43108
a region; 43109

(9) Head start agencies serving counties within a region; 43110

(10) Child care providers serving counties within a 43111

region; 43112

(11) Parent advocates with relevant experience and 43113
knowledge of services in a region; 43114

(12) Other persons with demonstrated knowledge in programs 43115
for children serving counties within a region. 43116

(B) Each child abuse and child neglect prevention region 43117
shall have a child abuse and child neglect regional prevention 43118
council as appointed under divisions (C), (D), and (E) of this 43119
section. Each council shall operate in accordance with rules 43120
adopted by the department of children and youth pursuant to 43121
Chapter 119. of the Revised Code. 43122

(C) (1) Each board of county commissioners within a region 43123
may appoint up to two county prevention specialists to the 43124
council representing the county, in accordance with rules 43125
adopted by the department of children and youth under Chapter 43126
119. of the Revised Code. The reappointment of a chairperson by 43127
a board of county commissioners in accordance with division (D) 43128
of this section shall not be considered to be an appointment 43129
under this division. 43130

(2) The children's trust fund board may appoint additional 43131
county prevention specialists to each region's council at the 43132
board's discretion. 43133

(D) Each council member appointed under ~~division (C) (1) of~~ 43134
this section shall be appointed for a two-year term. ~~Each~~ 43135
~~council member appointed under division (C) (2) of this section~~ 43136
~~shall be appointed for a three-year term.~~ A member may be 43137
reappointed, but for two consecutive terms only. A council 43138
member selected as chairperson of a child abuse and child 43139
neglect regional prevention council in accordance with division 43140

(G) of this section is eligible to be reappointed by the 43141
original appointing authority. 43142

(E) A member may be removed from the council by the 43143
member's appointing authority for misconduct, incompetence, or 43144
neglect of duty. 43145

(F) Each appointed member of a council shall serve without 43146
compensation but shall be reimbursed for all actual and 43147
necessary expenses incurred in the performance of official 43148
duties. 43149

(G) A chairperson shall be selected by the council's 43150
regional prevention coordinator from among the county prevention 43151
specialists serving on the council. 43152

(1) The chairperson shall serve as a nonvoting member of 43153
the council. 43154

(2) The chairperson shall preside over council meetings or 43155
may call upon the vice-chairperson to preside over meetings. 43156

(H) At the first regular meeting of the year, which shall 43157
be called by the chairperson, the members shall elect a vice- 43158
chairperson by a majority vote. 43159

(1) The vice-chairperson shall preside over council 43160
meetings in the absence of the chairperson or upon the request 43161
of the chairperson. 43162

(2) The vice-chairperson functions in the same capacity as 43163
the chairperson and becomes a nonvoting member when presiding 43164
over a council meeting. 43165

(I) Each council shall meet at least quarterly. 43166

(J) Council members shall do all of the following: 43167

(1) Attend meetings of the council on which they serve;	43168
(2) Assist the regional prevention coordinator in	43169
conducting a needs assessment to ascertain the child abuse and	43170
child neglect prevention programming and services that are	43171
needed in their region;	43172
(3) Collaborate on assembling the council's regional	43173
prevention plan based on children's trust fund board guidelines	43174
pursuant to section 3109.174 of the Revised Code;	43175
(4) Assist the council's regional prevention coordinator	43176
with all of the following:	43177
(a) Implementing the regional prevention plan, including	43178
monitoring fulfillment of child abuse and child neglect	43179
prevention deliverables and achievement of prevention outcomes;	43180
(b) Coordinating county data collection;	43181
(c) Ensuring timely and accurate reporting to the	43182
children's trust fund board.	43183
(5) Any additional duties specified in accordance with	43184
rules adopted by the department pursuant to Chapter 119. of the	43185
Revised Code.	43186
(K) No council member shall participate in matters of the	43187
council pertaining to their own interests, including	43188
applications for funding by a council member or any entity,	43189
public or private, of which a council member serves as either a	43190
board member or employee.	43191
(L) Each council shall file with the children's trust fund	43192
board, not later than the due dates specified by the board, a	43193
progress report and an annual report regarding the council's	43194
child abuse and child neglect prevention programs and activities	43195

undertaken in accordance with the council's regional prevention 43196
plan. The reports shall contain all information required by the 43197
board. 43198

Sec. 3109.173. (A) Each child abuse and child neglect 43199
regional prevention council shall be under the direction of a 43200
regional prevention coordinator. The children's trust fund board 43201
~~shall~~may select each region's coordinator through a competitive 43202
selection process conducted by the board. If the board has not 43203
selected a regional coordinator through a competitive selection 43204
process for a region, children's trust fund staff shall serve as 43205
coordinator for that region. 43206

(B) Regional prevention coordinators shall do all of the 43207
following: 43208

(1) Select a representative to serve as chairperson of the 43209
regional prevention council pursuant to division (G) of section 43210
3109.172 of the Revised Code; 43211

(2) Conduct a needs assessment to ascertain the child 43212
abuse and neglect prevention programming and services that are 43213
needed in the region; 43214

(3) Work with county prevention specialists in the region 43215
to assemble the regional prevention plan based on children's 43216
trust fund board guidelines pursuant to section 3109.174 of the 43217
Revised Code; 43218

(4) Implement the regional prevention plan, including the 43219
following: 43220

(a) Monitoring fulfillment of prevention deliverables and 43221
achievement of prevention outcomes; 43222

(b) Coordinating county data collection; 43223

(c) Ensuring timely and accurate reporting to the board. 43224

(5) Any additional duties specified by the department in 43225
rules adopted pursuant to Chapter 119. of the Revised Code. 43226

Sec. 3109.178. (A) ~~Each child abuse and child neglect~~ 43227
~~regional prevention council~~ An entity may request from the 43228
children's trust fund board up to five thousand dollars ~~for each~~ 43229
~~county within the council's region~~ to be used as one-time, 43230
start-up costs for the establishment and operation of a 43231
children's advocacy center to serve ~~each~~ at least one county ~~in~~ 43232
~~the region or a center to serve two or more contiguous counties~~ 43233
~~within the region.~~ 43234

(B) On receipt of a request made under this section, the 43235
board shall review and approve or disapprove the request. 43236

(C) If the board disapproves the request, the board shall 43237
send to the ~~requesting council~~ entity requesting funds written 43238
notice of the disapproval that states the reasons for the 43239
disapproval. 43240

(D) No funds allocated ~~to a council~~ under this section may 43241
be used as start-up costs for any children's advocacy center 43242
unless the center has as a component a primary prevention 43243
strategy. 43244

(E) ~~A council~~ An entity that receives funds under this 43245
section in any fiscal year shall not use the funds received in a 43246
different fiscal year or for a different center in any fiscal 43247
year without the approval of the board. 43248

(F) A children's advocacy center established using funds 43249
awarded under this section shall comply with sections 2151.425 43250
to 2151.428 of the Revised Code. 43251

Sec. 3115.201. (A) In a proceeding to establish or enforce 43252
a support order or to determine parentage of a child, a tribunal 43253
or support enforcement agency of this state may exercise 43254
personal jurisdiction over a nonresident individual if any of 43255
the following apply: 43256

(1) The individual is personally served with summons 43257
within this state. 43258

(2) The individual submits to the jurisdiction of this 43259
state by consent in a record, by entering a general appearance, 43260
or by filing a responsive document having the effect of waiving 43261
any contest to personal jurisdiction. 43262

(3) The individual resided with the child in this state. 43263

(4) The individual resided in this state and provided 43264
prenatal expenses or support for the child. 43265

(5) The child resides in this state as a result of the 43266
acts or directives of the individual. 43267

(6) The individual engaged in sexual intercourse in this 43268
state and the child may have been conceived by that act of 43269
intercourse. 43270

(7) The individual asserted parentage of a child in the 43271
putative father registry maintained in this state by the 43272
department of ~~job and family services~~children and youth. 43273

(8) There is any other basis consistent with the 43274
Constitutions of this state and the United States for the 43275
exercise of personal jurisdiction. 43276

(B) The bases of personal jurisdiction set forth in 43277
division (A) of this section or in any other law of this state 43278
may not be used to acquire personal jurisdiction for a tribunal 43279

of this state to modify a child-support order of another state 43280
unless the requirements of section 3115.611 of the Revised Code 43281
are met or, in the case of a foreign support order, unless the 43282
requirements of section 3115.615 of the Revised Code are met. 43283

Sec. 3119.01. (A) As used in the Revised Code, "child 43284
support enforcement agency" means a child support enforcement 43285
agency designated under former section 2301.35 of the Revised 43286
Code prior to October 1, 1997, or a private or government entity 43287
designated as a child support enforcement agency under section 43288
307.981 of the Revised Code. 43289

(B) As used in this chapter and Chapters 3121., 3123., and 43290
3125. of the Revised Code: 43291

(1) "Administrative child support order" means any order 43292
issued by a child support enforcement agency for the support of 43293
a child pursuant to section 3109.19 or 3111.81 of the Revised 43294
Code or former section 3111.211 of the Revised Code, section 43295
3111.21 of the Revised Code as that section existed prior to 43296
January 1, 1998, or section 3111.20 or 3111.22 of the Revised 43297
Code as those sections existed prior to March 22, 2001. 43298

(2) "Child support order" means either a court child 43299
support order or an administrative child support order. 43300

(3) "Obligee" means the person who is entitled to receive 43301
the support payments under a support order. 43302

(4) "Obligor" means the person who is required to pay 43303
support under a support order. 43304

(5) "Support order" means either an administrative child 43305
support order or a court support order. 43306

(C) As used in this chapter: 43307

(1) "Caretaker" means any of the following, other than a parent: 43308
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(a) A person with whom the child resides for at least thirty consecutive days, and who is the child's primary caregiver; 43310
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(b) A person who is receiving public assistance on behalf of the child; 43313
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(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency; 43315
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(d) A guardian of the person or the estate of a child; 43318

(e) Any other appropriate court or agency with custody of the child. 43319
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"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code. 43321
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(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year. 43323
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(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training. 43326
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(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3109.20, 3111.13, 3113.04, 3113.07, 3113.31, 3119.11, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code. 43329
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(5) "Court-ordered parenting time" means the amount of 43336
parenting time a parent is to have under a parenting time order 43337
or the amount of time the children are to be in the physical 43338
custody of a parent under a shared parenting order. 43339

(6) "Court support order" means either a court child 43340
support order or an order for the support of a spouse or former 43341
spouse issued pursuant to Chapter 3115. of the Revised Code, 43342
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 43343
division (B) of former section 3113.21 of the Revised Code. 43344

(7) "CPI-U" means the consumer price index for all urban 43345
consumers, published by the United States department of labor, 43346
bureau of labor statistics. 43347

(8) "Extraordinary medical expenses" means any uninsured 43348
medical expenses incurred for a child during a calendar year 43349
that exceed the total cash medical support amount owed by the 43350
parents during that year. 43351

(9) "Federal poverty level" has the same meaning as in 43352
section 5121.30 of the Revised Code. 43353

(10) "Income" means either of the following: 43354

(a) For a parent who is employed to full capacity, the 43355
gross income of the parent; 43356

(b) For a parent who is unemployed or underemployed, the 43357
sum of the gross income of the parent and any potential income 43358
of the parent. 43359

(11) "Income share" means the percentage derived from a 43360
comparison of each parent's annual income after allowable 43361
deductions and credits as indicated on the worksheet to the 43362
total annual income of both parents. 43363

(12) "Insurer" means any person authorized under Title 43364
XXXIX of the Revised Code to engage in the business of insurance 43365
in this state, any health insuring corporation, and any legal 43366
entity that is self-insured and provides benefits to its 43367
employees or members. 43368

(13) "Gross income" means, except as excluded in division 43369
(C) (13) of this section, the total of all earned and unearned 43370
income from all sources during a calendar year, whether or not 43371
the income is taxable, and includes income from salaries, wages, 43372
overtime pay, and bonuses to the extent described in division 43373
(D) of section 3119.05 of the Revised Code; commissions; 43374
royalties; tips; rents; dividends; severance pay; pensions; 43375
interest; trust income; annuities; social security benefits, 43376
including retirement, disability, and survivor benefits that are 43377
not means-tested; workers' compensation benefits; unemployment 43378
insurance benefits; disability insurance benefits; benefits that 43379
are not means-tested and that are received by and in the 43380
possession of the veteran who is the beneficiary for any 43381
service-connected disability under a program or law administered 43382
by the United States department of veterans' affairs or 43383
veterans' administration; spousal support actually received; and 43384
all other sources of income. "Gross income" includes income of 43385
members of any branch of the United States armed services or 43386
national guard, including, amounts representing base pay, basic 43387
allowance for quarters, basic allowance for subsistence, 43388
supplemental subsistence allowance, cost of living adjustment, 43389
specialty pay, variable housing allowance, and pay for training 43390
or other types of required drills; self-generated income; and 43391
potential cash flow from any source. 43392

"Gross income" does not include any of the following: 43393

(a) Benefits received from means-tested government 43394
administered programs, including Ohio works first; prevention, 43395
retention, and contingency; means-tested veterans' benefits; 43396
supplemental security income; supplemental nutrition assistance 43397
program; disability financial assistance; or other assistance 43398
for which eligibility is determined on the basis of income or 43399
assets; 43400

(b) Benefits for any service-connected disability under a 43401
program or law administered by the United States department of 43402
veterans' affairs or veterans' administration that are not 43403
means-tested, that have not been distributed to the veteran who 43404
is the beneficiary of the benefits, and that are in the 43405
possession of the United States department of veterans' affairs 43406
or veterans' administration; 43407

(c) Child support amounts received for children who are 43408
not included in the current calculation; 43409

(d) Amounts paid for mandatory deductions from wages such 43410
as union dues but not taxes, social security, or retirement in 43411
lieu of social security; 43412

(e) Nonrecurring or unsustainable income or cash flow 43413
items; 43414

(f) Adoption assistance, kinship guardianship assistance, 43415
and foster care maintenance payments made pursuant to Title IV-E 43416
of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 43417
(1980), as amended; 43418

(g) State kinship guardianship assistance described in 43419
section 5153.163 of the Revised Code and payment from the 43420
kinship support program described in section ~~5101.881~~ 5180.531 43421
of the Revised Code. 43422

(14) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(15) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children of the order.

(16) (a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.

(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C) (16) (a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.

(17) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.

(18) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:

(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:

(i) The parent's prior employment experience;

(ii) The parent's education;

(iii) The parent's physical and mental disabilities, if any;

(iv) The availability of employment in the geographic area in which the parent resides;

(v) The prevailing wage and salary levels in the geographic area in which the parent resides;

(vi) The parent's special skills and training;

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;

(viii) The age and special needs of the child for whom child support is being calculated under this section;

(ix) The parent's increased earning capacity because of experience;

(x) The parent's decreased earning capacity because of a felony conviction;

(xi) Any other relevant factor.

(b) Imputed income from any nonincome-producing assets of 43479
a parent, as determined from the local passbook savings rate or 43480
another appropriate rate as determined by the court or agency, 43481
not to exceed the rate of interest specified in division (A) of 43482
section 1343.03 of the Revised Code, if the income is 43483
significant. 43484

(19) "Schedule" means the basic child support schedule 43485
created pursuant to section 3119.021 of the Revised Code. 43486

(20) "Self-generated income" means gross receipts received 43487
by a parent from self-employment, proprietorship of a business, 43488
joint ownership of a partnership or closely held corporation, 43489
and rents minus ordinary and necessary expenses incurred by the 43490
parent in generating the gross receipts. "Self-generated income" 43491
includes expense reimbursements or in-kind payments received by 43492
a parent from self-employment, the operation of a business, or 43493
rents, including company cars, free housing, reimbursed meals, 43494
and other benefits, if the reimbursements are significant and 43495
reduce personal living expenses. 43496

(21) "Self-sufficiency reserve" means the minimal amount 43497
necessary for an obligor to adequately subsist upon, as 43498
determined under section 3119.021 of the Revised Code. 43499

(22) "Split parental rights and responsibilities" means a 43500
situation in which there is more than one child who is the 43501
subject of an allocation of parental rights and responsibilities 43502
and each parent is the residential parent and legal custodian of 43503
at least one of those children. 43504

(23) "Worksheet" means the applicable worksheet created in 43505
rules adopted under section 3119.022 of the Revised Code that is 43506
used to calculate a parent's child support obligation. 43507

Sec. 3121.441. (A) Notwithstanding the provisions of this 43508
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 43509
and 5107.20 of the Revised Code providing for the office of 43510
child support in the department of job and family services to 43511
collect, withhold, or deduct spousal support, when a court 43512
pursuant to section 3105.18 or 3105.65 of the Revised Code 43513
issues or modifies an order requiring an obligor to pay spousal 43514
support or grants or modifies a decree of dissolution of 43515
marriage incorporating a separation agreement that provides for 43516
spousal support, or at any time after the issuance, granting, or 43517
modification of an order or decree of that type, the court may 43518
permit the obligor to make the spousal support payments directly 43519
to the obligee instead of to the office if the obligee and the 43520
obligor have no minor children born as a result of their 43521
marriage and the obligee has not assigned the spousal support 43522
amounts to the department pursuant to section 5107.20 or 5160.38 43523
of the Revised Code. 43524

(B) A court that permits an obligor to make spousal 43525
support payments directly to the obligee pursuant to division 43526
(A) of this section shall order the obligor to make the spousal 43527
support payments as a check, as a money order, or in any other 43528
form that establishes a clear record of payment. 43529

(C) If a court permits an obligor to make spousal support 43530
payments directly to an obligee pursuant to division (A) of this 43531
section and the obligor is in default in making any spousal 43532
support payment to the obligee, the court, upon motion of the 43533
obligee or on its own motion, may rescind the permission granted 43534
under that division. After the rescission, the court shall 43535
determine the amount of arrearages in the spousal support 43536
payments and order the obligor to make to the office of child 43537
support in the department of job and family services any spousal 43538

support payments that are in arrears and any future spousal 43539
support payments. Upon the issuance of the order of the court 43540
under this division, the provisions of this chapter, Chapters 43541
3119., 3123., and 3125., and sections 3770.071, 3770.074, and 43542
5107.20 of the Revised Code apply with respect to the 43543
collection, withholding, or deduction of the obligor's spousal 43544
support payments that are the subject of that order of the 43545
court. 43546

Sec. 3123.89. (A) The department of job and family 43547
services shall develop and implement a real time data match 43548
program with the state lottery commission and its lottery sales 43549
agents and lottery agents to identify obligors who are subject 43550
to a final and enforceable determination of default made under 43551
sections 3123.01 to 3123.07 of the Revised Code. 43552

(B) Upon the data match program's implementation, the 43553
department, in consultation with the commission, shall 43554
promulgate rules to facilitate withholding, in appropriate 43555
circumstances and in accordance with ~~section~~ sections 3770.071 43556
and 3770.074 of the Revised Code, by the commission or its 43557
lottery sales agents or lottery agents of an amount sufficient 43558
to satisfy any past due support owed by an obligor from a 43559
lottery prize award owed to the obligor up to the amount of the 43560
award. The rules shall describe an expedited method for 43561
withholding, and the time frame for transmission of the amount 43562
withheld to the department. 43563

(C) As used in this section, ~~"lottery":~~ 43564

(1) ~~"Lottery prize award" has the same meaning as in~~ 43565
~~section 3770.10 of the Revised Code~~ includes a prize award from 43566
a video lottery terminal but does not include winnings from 43567
lottery sports gaming, except for winnings from lottery sports 43568

gaming wagers placed through a terminal described in division 43569
(B) (3) of section 3770.24 of the Revised Code. 43570

(2) "Lottery sports gaming" has the same meaning as in 43571
section 3770.23 of the Revised Code. 43572

(3) "Video lottery terminal" has the same meaning as in 43573
section 3770.21 of the Revised Code. 43574

Sec. 3123.90. (A) As used in this section: 43575

(1) "Casino facility," "casino operator," and "management 43576
company" have the meanings defined in section 3772.01 of the 43577
Revised Code. 43578

(2) "Sports gaming proprietor" has the meaning defined in 43579
section 3775.01 of the Revised Code. 43580

(3) "Lottery sports gaming" has the same meaning as in 43581
section 3770.23 of the Revised Code. 43582

(B) The department of job and family services shall 43583
develop and implement a real time data match program with each 43584
casino facility's casino operator or management company and with 43585
each sports gaming proprietor to identify obligors who are 43586
subject to a final and enforceable determination of default made 43587
under sections 3123.01 to 3123.07 of the Revised Code. 43588

(C) ~~Upon~~ Subject to division (E) of this section, upon the 43589
data match program's implementation, if a person receives a 43590
payout of winnings at a casino facility or from sports gaming in 43591
an amount for which reporting to the internal revenue service of 43592
the amount is required by section 6041 of the Internal Revenue 43593
Code, as amended, the casino operator, management company, or 43594
sports gaming proprietor shall refer to the data match program 43595
to determine if the person entitled to the winnings is in 43596

default under a support order. If the data match program 43597
indicates that the person is in default, the casino operator, 43598
management company, or sports gaming proprietor shall withhold 43599
from the person's winnings an amount sufficient to satisfy any 43600
past due support owed by the obligor identified in the data 43601
match up to the amount of the winnings. 43602

(D) Not later than fourteen days after withholding the 43603
amount, the casino operator, management company, or sports 43604
gaming proprietor shall electronically transmit any amount 43605
withheld to the department as payment on the support obligation. 43606

(E) A sports gaming proprietor that offers lottery sports 43607
gaming through a terminal described in division (B) (3) of 43608
section 3770.24 of the Revised Code shall not withhold amounts 43609
under this section from winnings from wagers placed through that 43610
terminal. The state lottery commission shall withhold amounts 43611
from those winnings under section 3770.071 of the Revised Code. 43612

(F) The department, in consultation with the Ohio casino 43613
control commission, may adopt rules under Chapter 119. of the 43614
Revised Code as are necessary for implementation of this 43615
section. 43616

Sec. 3301.01. ~~(A) There is hereby created the state board 43617~~
~~of education consisting of nineteen members with eleven elected 43618~~
~~members, one each to be elected in accordance with section 43619~~
~~3301.03 of the Revised Code from each of the districts 43620~~
~~established in accordance with division (B) of this section, and 43621~~
~~with eight five members to be appointed by the governor with the 43622~~
~~advice and consent of the senate.- 43623~~

~~In addition to the nineteen elected or appointed members, 43624~~
~~the chairperson of the committee of the senate that primarily 43625~~

~~deals with education and the chairperson of the committee of the~~ 43626
~~house of representatives that primarily deals with education~~ 43627
~~shall be nonvoting ex officio members of the board.~~ 43628

~~(B) (1) The territory of each state board of education~~ 43629
~~district for each elected voting member of the board shall~~ 43630
~~consist of the territory of three contiguous senate districts as~~ 43631
~~established in the most recent apportionment for members of the~~ 43632
~~general assembly, but the territory of no senate district shall~~ 43633
~~be part of the territory of more than one state board of~~ 43634
~~education district. Each state board of education district shall~~ 43635
~~be as compact as practicable. The districts shall include, when~~ 43636
~~practicable, some districts that primarily consist of territory~~ 43637
~~in rural areas and some districts that primarily consist of~~ 43638
~~territory in urban areas.~~ 43639

~~(2) If, after the apportionment for members of the general~~ 43640
~~assembly is made in any year, the general assembly does not~~ 43641
~~during that year enact legislation establishing state board of~~ 43642
~~education districts in accordance with division (B) (1) of this~~ 43643
~~section, the governor shall designate the boundaries of the~~ 43644
~~districts in accordance with division (B) (1) of this section no~~ 43645
~~later than the thirty-first day of January of the year next~~ 43646
~~succeeding such apportionment. Upon making such designation, the~~ 43647
~~governor shall give written notice of the boundaries of the~~ 43648
~~districts to each member of the state board of education,~~ 43649
~~including the nonvoting ex officio members; the superintendent~~ 43650
~~of public instruction; the director of education and workforce;~~ 43651
~~the president of the senate; the speaker of the house of~~ 43652
~~representatives; and the board of elections of each county in~~ 43653
~~each new district. On the first day of February in any year in~~ 43654
~~which the governor designates the boundaries of state board of~~ 43655
~~education districts under this section, the state board of~~ 43656

~~education districts as they existed prior to that date shall
cease to exist and the new districts shall be created.~~

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Sec. 3301.02. ~~(A) Elected voting members of the state
board of education shall be elected as required by expiration of
respective terms, each for a term of four years or until a
successor is elected and qualified. One elected member shall be
elected from each district respectively in which the term of
office of a board member expires on the first day of January
following the election. The term of office of each member so
elected shall begin on the first day of January immediately
following this election.~~

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~~(B) At any time the boundaries of state board of education
districts are changed under division (B) of section 3301.01 of
the Revised Code, a member of the state board whose term will
not expire within two years of the time the change in boundaries
is made shall represent, for the remainder of the term for which
the member was elected, the state board district containing the
largest portion of the population of the district from which the
member was elected. If more than one member whose term will not
so expire would represent the same district under the provisions
of this section, either the general assembly, if the general
assembly enacted legislation establishing those districts under
division (B) (2) of section 3301.01 of the Revised Code, or the
governor, if the governor designated the boundaries of the
districts under that division, shall designate which member
shall represent each district for the balance of the members'
terms.~~

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~~(C) Appointed voting members~~Members of the board shall
serve four-year terms beginning the first day of January and
ending on the thirty-first day of December. ~~Except as provided~~

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~~in division (D) of this section, members may be reappointed.~~

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~~(D)~~ (B) No person, ~~elected or appointed,~~ shall hold the office of member of the state board of education for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1996, shall be considered in determining an individual's eligibility to hold office.

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(C) Notwithstanding any provision of the Revised Code to the contrary, members who were elected or appointed under this section as it existed prior to the effective date of this amendment shall remain in office until the expiration of their current terms. Upon the expiration of the current term of elected members, all eleven elected offices shall be abolished and no successor shall be elected after the effective date of this amendment. If such elected member vacates the office prior to the expiration of the member's term, no individual shall be appointed or elected to fill that vacancy, and that office is abolished. The offices of the first three appointed members to reach the expiration of their current terms or vacate the office prior to the expiration of their current terms shall be abolished. Thereafter, the state board consists of five appointed members as prescribed under section 3301.01 of the Revised Code.

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Sec. 3301.03. ~~Each elected voting member of the state board of education shall be a qualified elector residing in the territory composing the district from which the member is elected, and shall be nominated and elected to office as provided by Title XXXV of the Revised Code.~~ (A) ~~Each appointed voting member of the board shall be a qualified elector residing~~

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in the state. ~~At least four of the appointed voting members~~ 43717
~~shall represent rural school districts in the state, as~~ 43718
~~evidenced by the member's current place of residence and at~~ 43719
~~least one~~ One member shall represent each of the following: 43720

~~(A) The member's children attend, or at one time attended,~~ 43721
~~school in a~~ (1) A rural school district; 43722

~~(B) The member's past or present occupation is associated~~ 43723
~~with rural areas of the state~~ (2) A suburban school district; 43724

~~(C) The member possesses other credentials or experience~~ 43725
~~demonstrating knowledge and familiarity with rural~~ (3) An urban 43726
~~school districts~~ district; 43727

(4) A community school established under Chapter 3314. of 43728
the Revised Code; 43729

(5) A chartered nonpublic school. 43730

No ~~elected or appointed voting~~ member of the board shall, 43731
during the member's term of office, hold any other office of 43732
trust or profit or be an employee or officer of any public or 43733
private elementary or secondary school. Before entering on the 43734
duties of office, each ~~elected and appointed voting~~ member shall 43735
subscribe to the official oath of office. 43736

Each ~~voting~~ member of the state board of education shall 43737
be paid a salary fixed pursuant to division (J) of section 43738
124.15 of the Revised Code, together with the member's actual 43739
and necessary expenses incurred while engaged in the performance 43740
of the member's official duties or in the conduct of authorized 43741
board business, and while en route to and from the member's home 43742
for such purposes. 43743

~~(D)~~ (B) As used in this section only, "office of trust or 43744

profit" means:

(1) A federal or state elective office or an elected office of a political subdivision of the state;

(2) A position on a board or commission of the state that is appointed by the governor;

(3) An office set forth in section 121.03, 121.04, or 121.05 of the Revised Code;

(4) An office of the government of the United States that is appointed by the president of the United States.

Sec. 3301.06. A vacancy in the state board of education may be caused by death, ~~nonresidence,~~ resignation, removal from office, ~~failure of a person elected to qualify within ten days after the organization of the board or of the person's election, removal from the district of election or from residence in the state,~~ or absence from any ~~two~~three consecutive regular meetings of the board if such absence is caused by reasons declared insufficient by a vote of twelve members of the board. When a vacancy occurs in the office of an elected member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified person residing in the district in which the vacancy occurred to fill the vacancy until the next general election at which members of the state board of education are elected, at which time a qualified elector residing in the district in which the vacancy occurred shall be elected for the unexpired term. Such member shall assume office at the next succeeding meeting of the board for any reason. When a vacancy occurs in the office of an ~~appointed~~a member, the governor shall, within a period of thirty days and with the advice and consent of the senate, appoint a qualified

person, in accordance with section 3301.03 of the Revised Code, 43774
to serve the remainder of the term. 43775

Sec. 3301.071. (A) (1) Except as provided in division (E) 43776
of this section, in the case of nontax-supported schools, 43777
standards for teacher certification prescribed under section 43778
3301.07 of the Revised Code shall provide for certification, 43779
without further educational requirements, of any administrator, 43780
supervisor, or teacher who has attended and received a 43781
bachelor's degree or a master's degree from a college or 43782
university accredited by a national or regional association in 43783
the United States except that, at the discretion of the state 43784
board of education, this requirement may be met by having an 43785
equivalent degree from a foreign college or university of 43786
comparable standing. 43787

(2) Except as provided in division (E) of this section, in 43788
the case of nonchartered, nontax-supported schools, the 43789
standards for teacher certification prescribed under section 43790
3301.07 of the Revised Code shall provide for certification, 43791
without further educational requirements, of any administrator, 43792
supervisor, or teacher who has attended and received a diploma 43793
from a "bible college" or "bible institute" described in 43794
division (E) of section 1713.02 of the Revised Code. 43795

(3) A certificate issued under division (A) (3) of this 43796
section shall be valid only for teaching foreign language, 43797
music, religion, computer technology, or fine arts. 43798

Notwithstanding division (A) (1) of this section and except 43799
as provided in division (E) of this section, the standards for 43800
teacher certification prescribed under section 3301.07 of the 43801
Revised Code shall provide for certification of a person as a 43802
teacher upon receipt by the state board of an affidavit signed 43803

by the chief administrative officer of a chartered nonpublic 43804
school seeking to employ the person, stating that the person 43805
meets one of the following conditions: 43806

(a) The person has specialized knowledge, skills, or 43807
expertise that qualifies the person to provide instruction. 43808

(b) The person has provided to the chief administrative 43809
officer evidence of at least three years of teaching experience 43810
in a public or nonpublic school. 43811

(c) The person has provided to the chief administrative 43812
officer evidence of completion of a teacher training program 43813
named in the affidavit. 43814

(B) Each person applying for a certificate under this 43815
section for purposes of serving in a nonpublic school chartered 43816
by the director of education and workforce under section 3301.16 43817
of the Revised Code shall pay a fee in the amount established 43818
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 43819
Any fees received under this division shall be paid into the 43820
state treasury to the credit of the ~~state board of education~~ 43821
~~certification fund established under division (B) of section~~ 43822
~~3319.51~~ occupational licensing and regulatory fund established 43823
in section 4743.05 of the Revised Code. 43824

(C) A person applying for or holding any certificate 43825
pursuant to this section for purposes of serving in a nonpublic 43826
school chartered by the director is subject to sections 3123.41 43827
to 3123.50 of the Revised Code and any applicable rules adopted 43828
under section 3123.63 of the Revised Code and sections 3319.31 43829
and 3319.311 of the Revised Code. 43830

(D) Divisions (B) and (C) of this section and sections 43831
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 43832

to any administrators, supervisors, or teachers in nonchartered, 43833
nontax-supported schools. 43834

(E) The state board shall issue a certificate to serve in 43835
a nonpublic school as an administrator, supervisor, or teacher 43836
in accordance with Chapter 4796. of the Revised Code to an 43837
applicant if either of the following applies: 43838

(1) The applicant holds a certificate in another state. 43839

(2) The applicant has satisfactory work experience, a 43840
government certification, or a private certification as 43841
described in that chapter as a nonpublic school administrator, 43842
supervisor, or teacher in a state that does not issue one or 43843
more of those certificates. 43844

Sec. 3301.074. (A) Except as provided in division (E) of 43845
this section, the state board of education shall, by rule 43846
adopted in accordance with Chapter 119. of the Revised Code, 43847
establish standards for licensing school district treasurers and 43848
business managers, for the renewal of such licenses, and for the 43849
issuance of duplicate copies of licenses. Licenses of the 43850
following types shall be issued or renewed by the board to 43851
applicants who meet the standards for the license or the renewal 43852
of the license for which application is made: 43853

(1) Treasurer, valid for serving as treasurer of a school 43854
district in accordance with section 3313.22 of the Revised Code; 43855

(2) Business manager, valid for serving as business 43856
manager of a school district in accordance with section 3319.03 43857
of the Revised Code. 43858

(B) Each application for a license or renewal or duplicate 43859
copy of a license shall be accompanied by the payment of a fee 43860
in the amount established under division ~~(A)~~ (B) of section 43861

3319.51 of the Revised Code. Any fees received under this 43862
section shall be paid into the state treasury to the credit of 43863
the ~~state board of education licensure fund established under~~ 43864
~~division (B) of section 3319.51~~ occupational licensing and 43865
regulatory fund established in section 4743.05 of the Revised 43866
Code. 43867

(C) Any person employed under section 3313.22 of the 43868
Revised Code as a treasurer on July 1, 1983, shall be considered 43869
to meet the standards for licensure as a treasurer and for 43870
renewal of such license. Any person employed under section 43871
3319.03 of the Revised Code as a business manager on July 1, 43872
1983, shall be considered to meet the standards for licensure as 43873
a business manager and for renewal of such license. 43874

(D) Any person applying for or holding any license 43875
pursuant to this section is subject to sections 3123.41 to 43876
3123.50 of the Revised Code and any applicable rules adopted 43877
under section 3123.63 of the Revised Code and sections 3319.31 43878
and 3319.311 of the Revised Code. 43879

(E) The state board shall issue a license to act as a 43880
school district treasurer or business manager in accordance with 43881
Chapter 4796. of the Revised Code to an applicant if either of 43882
the following applies: 43883

(1) The applicant holds a license in another state. 43884

(2) The applicant has satisfactory work experience, a 43885
government certification, or a private certification as 43886
described in that chapter as a school district treasurer or 43887
business manager in a state that does not issue one of those 43888
licenses or both. 43889

Sec. 3301.079. (A) (1) The department of education and 43890

workforce periodically shall adopt statewide academic standards 43891
with emphasis on coherence, focus, and essential knowledge and 43892
that are more challenging and demanding when compared to 43893
international standards for each of grades kindergarten through 43894
twelve in English language arts, mathematics, science, and 43895
social studies. 43896

(a) The department shall ensure that the standards do all 43897
of the following: 43898

(i) Include the essential academic content and skills that 43899
students are expected to know and be able to do at each grade 43900
level that will allow each student to be prepared for 43901
postsecondary instruction and the workplace for success in the 43902
twenty-first century; 43903

(ii) Include the development of skill sets that promote 43904
information, media, and technological literacy; 43905

(iii) Include interdisciplinary, project-based, real-world 43906
learning opportunities; 43907

(iv) Instill life-long learning by providing essential 43908
knowledge and skills based in the liberal arts tradition, as 43909
well as science, technology, engineering, mathematics, and 43910
career-technical education; 43911

(v) Be clearly written, transparent, and understandable by 43912
parents, educators, and the general public. 43913

(b) The department shall incorporate into the social 43914
studies standards for grades four to twelve academic content 43915
regarding the original texts of the Declaration of Independence, 43916
the Northwest Ordinance, the Constitution of the United States 43917
and its amendments, with emphasis on the Bill of Rights, and the 43918
Ohio Constitution, and their original context. The department 43919

shall revise the model curricula and achievement assessments 43920
adopted under divisions (B) and (C) of this section as necessary 43921
to reflect the additional American history and American 43922
government content. The department shall make available a list 43923
of suggested grade-appropriate supplemental readings that place 43924
the documents prescribed by this division in their historical 43925
context, which teachers may use as a resource to assist students 43926
in reading the documents within that context. 43927

(c) When the department adopts or revises academic content 43928
standards in social studies, American history, American 43929
government, or science under division (A)(1) of this section, it 43930
shall develop such standards independently and not as part of a 43931
multistate consortium. 43932

(2)(a) After completing the standards required by division 43933
(A)(1) of this section, the department shall adopt standards and 43934
model curricula for instruction in technology, financial 43935
literacy and entrepreneurship, fine arts, and foreign language 43936
for grades kindergarten through twelve. The standards shall meet 43937
the same requirements prescribed in division (A)(1)(a) of this 43938
section. 43939

(b) The department shall incorporate into the standards 43940
and model curriculum for financial literacy and entrepreneurship 43941
for grades nine through twelve academic content regarding free 43942
market capitalism. The academic content shall include all of the 43943
following concepts related to free market capitalism: 43944

(i) Raw materials, labor, and capital, the three classical 43945
factors of economic production, are privately owned. 43946

(ii) Individuals control their own ability to work, earn 43947
wages, and obtain skills to earn and increase wages. 43948

(iii) Private ownership of capital may include a sole 43949
proprietorship, a family business, a publicly traded 43950
corporation, a group of private investors, or a bank. 43951

(iv) Markets aggregate the exchange of goods and services 43952
throughout the world. Market prices are the only way to convey 43953
so much constantly changing information about the supply of 43954
goods and services, and the demand for them, for consumers and 43955
producers to make informed economic decisions for themselves. 43956

(v) Wealth is created by providing goods and services that 43957
people value at a profit, and both sellers and buyers seek to 43958
profit in some way in a free market transaction. Thus, profit 43959
earned through transactions can be consumed, saved, reinvested 43960
in the business, or dispersed to shareholders. 43961

(vi) Wealth creation involves asset value appreciation and 43962
depreciation, voluntary exchange of equity ownership, and open 43963
and closed markets. 43964

(vii) The free market is driven by, and tends to produce, 43965
entrepreneurship and innovation. 43966

(viii) The free market can include side effects and market 43967
failures where at least part of the cost of the transaction, 43968
including producing, transporting, selling, or buying, is born 43969
by others outside of the transaction. 43970

(ix) The political features of the free market, including 43971
legally protected property rights, legally enforceable 43972
contracts, patent protections, and the mitigation of side 43973
effects and market failures; 43974

(x) Societies that embrace the free market often embrace 43975
political and personal freedom as well. 43976

(3) The department shall adopt the most recent standards 43977
developed by the national association for sport and physical 43978
education for physical education in grades kindergarten through 43979
twelve or shall adopt its own standards for physical education 43980
in those grades and revise and update them periodically. 43981

The department shall employ a full-time physical education 43982
coordinator to provide guidance and technical assistance to 43983
districts, community schools, and STEM schools in implementing 43984
the physical education standards adopted under this division. 43985
The director of education and workforce shall determine that the 43986
person employed as coordinator is qualified for the position, as 43987
demonstrated by possessing an adequate combination of education, 43988
license, and experience. 43989

(4) The department shall update the standards and model 43990
curriculum for instruction in computer science in grades 43991
kindergarten through twelve, which shall include standards for 43992
introductory and advanced computer science courses in grades 43993
nine through twelve. When developing the standards and 43994
curriculum, the department shall consider recommendations from 43995
computer science education stakeholder groups, including 43996
teachers and representatives from higher education, industry, 43997
computer science organizations in Ohio, and national computer 43998
science organizations. 43999

Any district or school may utilize the computer science 44000
standards or model curriculum or any part thereof adopted 44001
pursuant to division (A) (4) of this section. However, no 44002
district or school shall be required to utilize all or any part 44003
of the standards or curriculum. 44004

(5) When academic standards have been completed for any 44005
subject area required by this section, the department shall 44006

inform all school districts, all community schools established 44007
under Chapter 3314. of the Revised Code, all STEM schools 44008
established under Chapter 3326. of the Revised Code, and all 44009
nonpublic schools required to administer the assessments 44010
prescribed by sections 3301.0710 and 3301.0712 of the Revised 44011
Code of the content of those standards. Additionally, upon 44012
completion of any academic standards under this section, the 44013
department shall post those standards on the department's web 44014
site. 44015

(B) (1) The department shall adopt a model curriculum for 44016
instruction in each subject area for which updated academic 44017
standards are required by division (A) (1) of this section and 44018
for each of grades kindergarten through twelve that is 44019
sufficient to meet the needs of students in every community. The 44020
model curriculum shall be aligned with the standards, to ensure 44021
that the academic content and skills specified for each grade 44022
level are taught to students, and shall demonstrate vertical 44023
articulation and emphasize coherence, focus, and rigor. When any 44024
model curriculum has been completed, the department shall inform 44025
all school districts, community schools, and STEM schools of the 44026
content of that model curriculum. 44027

(2) The department, in consultation with the governor's 44028
office of workforce transformation, shall adopt model curricula 44029
for grades kindergarten through twelve that embed career 44030
connection learning strategies into regular classroom 44031
instruction. 44032

(3) All school districts, community schools, and STEM 44033
schools may utilize the state standards and the model curriculum 44034
established by the department, together with other relevant 44035
resources, examples, or models to ensure that students have the 44036

opportunity to attain the academic standards. Upon request, the 44037
department shall provide technical assistance to any district, 44038
community school, or STEM school in implementing the model 44039
curriculum. 44040

Nothing in this section requires any school district to 44041
utilize all or any part of a model curriculum developed under 44042
this section. 44043

(C) The department shall develop achievement assessments 44044
aligned with the academic standards and model curriculum for 44045
each of the subject areas and grade levels required by divisions 44046
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 44047

When any achievement assessment has been completed, the 44048
department shall inform all school districts, community schools, 44049
STEM schools, and nonpublic schools required to administer the 44050
assessment of its completion, and the department shall make the 44051
achievement assessment available to the districts and schools. 44052

(D) (1) ~~The~~ Not later than June 30, 2026, the department 44053
shall adopt a diagnostic assessment aligned with the academic 44054
standards ~~and model curriculum for each of grades one and two~~ 44055
~~kindergarten to three in reading, writing, and mathematics and~~ 44056
~~for grade three in reading and writing.~~ The diagnostic 44057
assessment shall be designed to measure student comprehension of 44058
academic content and mastery of related skills for the relevant 44059
subject area and grade level. The diagnostic assessment for 44060
reading shall be designed to measure student comprehension of 44061
foundational reading skills aligned to the science of reading. 44062
Any diagnostic assessment shall not include components to 44063
identify gifted students. ~~Blank copies of diagnostic assessments~~ 44064
~~shall be public records.~~ 44065

~~(2) When each diagnostic assessment has been completed, the department shall inform all school districts of its completion and make the diagnostic assessment available to the districts at no cost to the district.~~

~~(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first in the 2026-2027 school year following the development of the assessment.~~

~~However, beginning with the 2017-2018 school year, both of the following shall apply:~~

~~(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;~~

~~(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D) (3) (a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code.~~

~~(E) The department shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.~~

~~(F) Whenever the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel,~~

and administrators with expertise in the appropriate subject 44095
area. Whenever practicable, the department shall consult with 44096
teachers recognized as outstanding in their fields. 44097

If the department contracts with more than one outside 44098
entity for the development of the achievement assessments 44099
required by this section, the department shall ensure the 44100
interchangeability of those assessments. 44101

(G) Whenever the department adopts standards or model 44102
curricula under this section, the department also shall provide 44103
information on the use of blended, online, or digital learning 44104
in the delivery of the standards or curricula to students in 44105
accordance with division (A) (5) of this section. 44106

(H) The fairness sensitivity review committee of the 44107
department shall not allow any question on any achievement or 44108
diagnostic assessment developed under this section or any 44109
proficiency test prescribed by former section 3301.0710 of the 44110
Revised Code, as it existed prior to September 11, 2001, to 44111
include, be written to promote, or inquire as to individual 44112
moral or social values or beliefs. The decision of the committee 44113
shall be final. This section does not create a private cause of 44114
action. 44115

(I) Not later than sixty days prior to the adoption of 44116
updated academic standards under division (A) (1) of this section 44117
or updated model curricula under division (B) (1) of this 44118
section, the director of education and workforce shall present 44119
the academic standards or model curricula, as applicable, in 44120
person at a public hearing of the respective committees of the 44121
house of representatives and senate that consider education 44122
legislation. 44123

(J) As used in this section:	44124
(1) "Blended learning" means the delivery of instruction	44125
in a combination of time primarily in a supervised physical	44126
location away from home and online delivery whereby the student	44127
has some element of control over time, place, path, or pace of	44128
learning and includes noncomputer-based learning opportunities.	44129
(2) "Online learning" means students work primarily from	44130
their residences on assignments delivered via an internet- or	44131
other computer-based instructional method.	44132
(3) "Coherence" means a reflection of the structure of the	44133
discipline being taught.	44134
(4) "Digital learning" means learning facilitated by	44135
technology that gives students some element of control over	44136
time, place, path, or pace of learning.	44137
(5) "Focus" means limiting the number of items included in	44138
a curriculum to allow for deeper exploration of the subject	44139
matter.	44140
(6) "Vertical articulation" means key academic concepts	44141
and skills associated with mastery in particular content areas	44142
should be articulated and reinforced in a developmentally	44143
appropriate manner at each grade level so that over time	44144
students acquire a depth of knowledge and understanding in the	44145
core academic disciplines.	44146
Sec. 3301.0711. (A) The department of education and	44147
workforce shall:	44148
(1) Annually furnish to, grade, and score all assessments	44149
required by divisions (A) (1) and (B) (1) of section 3301.0710 of	44150
the Revised Code to be administered by city, local, exempted	44151

village, and joint vocational school districts, except that each 44152
district shall score any assessment administered pursuant to 44153
division (B) (10) of this section. Each assessment so furnished 44154
shall include the data verification code of the student to whom 44155
the assessment will be administered, as assigned pursuant to 44156
division (D) (2) of section 3301.0714 of the Revised Code. In 44157
furnishing the practice versions of Ohio graduation tests 44158
prescribed by division (D) of section 3301.0710 of the Revised 44159
Code, the department shall make the tests available on its web 44160
site for reproduction by districts. In awarding contracts for 44161
grading assessments, the department shall give preference to 44162
Ohio-based entities employing Ohio residents. 44163

(2) Adopt rules for the ethical use of assessments and 44164
prescribing the manner in which the assessments prescribed by 44165
section 3301.0710 of the Revised Code shall be administered to 44166
students. 44167

(B) Except as provided in divisions (C) and (J) of this 44168
section, the board of education of each city, local, and 44169
exempted village school district shall, in accordance with rules 44170
adopted under division (A) of this section: 44171

(1) Administer the English language arts assessments 44172
prescribed under division (A) (1) (a) of section 3301.0710 of the 44173
Revised Code twice annually to all students in the third grade 44174
who have not attained the score designated for that assessment 44175
under division (A) (2) (c) of section 3301.0710 of the Revised 44176
Code. 44177

(2) Administer the mathematics assessment prescribed under 44178
division (A) (1) (a) of section 3301.0710 of the Revised Code at 44179
least once annually to all students in the third grade. 44180

(3) Administer the assessments prescribed under division	44181
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	44182
annually to all students in the fourth grade.	44183
(4) Administer the assessments prescribed under division	44184
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	44185
annually to all students in the fifth grade.	44186
(5) Administer the assessments prescribed under division	44187
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	44188
annually to all students in the sixth grade.	44189
(6) Administer the assessments prescribed under division	44190
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	44191
annually to all students in the seventh grade.	44192
(7) Administer the assessments prescribed under division	44193
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	44194
annually to all students in the eighth grade.	44195
(8) Except as provided in division (B) (9) of this section,	44196
administer any assessment prescribed under division (B) (1) of	44197
section 3301.0710 of the Revised Code as follows:	44198
(a) At least once annually to all tenth grade students and	44199
at least twice annually to all students in eleventh or twelfth	44200
grade who have not yet attained the score on that assessment	44201
designated under that division;	44202
(b) To any person who has successfully completed the	44203
curriculum in any high school or the individualized education	44204
program developed for the person by any high school pursuant to	44205
section 3323.08 of the Revised Code but has not received a high	44206
school diploma and who requests to take such assessment, at any	44207
time such assessment is administered in the district.	44208

(9) In lieu of the board of education of any city, local, 44209
or exempted village school district in which the student is also 44210
enrolled, the board of a joint vocational school district shall 44211
administer any assessment prescribed under division (B) (1) of 44212
section 3301.0710 of the Revised Code at least twice annually to 44213
any student enrolled in the joint vocational school district who 44214
has not yet attained the score on that assessment designated 44215
under that division. A board of a joint vocational school 44216
district may also administer such an assessment to any student 44217
described in division (B) (8) (b) of this section. 44218

(10) If the district has a three-year average graduation 44219
rate of not more than seventy-five per cent, administer each 44220
assessment prescribed by division (D) of section 3301.0710 of 44221
the Revised Code in September to all ninth grade students who 44222
entered ninth grade prior to July 1, 2014. 44223

Except as provided in section 3313.614 of the Revised Code 44224
for administration of an assessment to a person who has 44225
fulfilled the curriculum requirement for a high school diploma 44226
but has not passed one or more of the required assessments, the 44227
assessments prescribed under division (B) (1) of section 44228
3301.0710 of the Revised Code shall not be administered after 44229
the date specified in the rules adopted under division (D) (1) of 44230
section 3301.0712 of the Revised Code. 44231

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 44232
of this section, administer the assessments prescribed by 44233
division (B) (2) of section 3301.0710 and section 3301.0712 of 44234
the Revised Code in accordance with the timeline and plan for 44235
implementation of those assessments prescribed by rule adopted 44236
under division (D) (1) of section 3301.0712 of the Revised Code; 44237

(b) A student who has presented evidence to the district 44238

or school of having satisfied the condition prescribed by 44239
division (A) (1) of section 3313.618 of the Revised Code to 44240
qualify for a high school diploma prior to the date of the 44241
administration of the assessment prescribed under division (B) 44242
(1) of section 3301.0712 of the Revised Code shall not be 44243
required to take that assessment. However, no board shall 44244
prohibit a student who is not required to take such assessment 44245
from taking the assessment. 44246

(c) A student shall not be required to retake the Algebra 44247
I end-of-course examination or the English language arts II end- 44248
of-course examination prescribed under division (B) (2) of 44249
section 3301.0712 of the Revised Code in grades nine through 44250
twelve if the student demonstrates at least a proficient level 44251
of skill, as prescribed under division (B) (5) (a) of that 44252
section, or achieves a competency score, as prescribed under 44253
division (B) (10) of that section, in an administration of the 44254
examination prior to grade nine. 44255

(C) (1) (a) In the case of a student receiving special 44256
education services under Chapter 3323. of the Revised Code, the 44257
individualized education program developed for the student under 44258
that chapter shall specify the manner in which the student will 44259
participate in the assessments administered under this section, 44260
except that a student with significant cognitive disabilities to 44261
whom an alternate assessment is administered in accordance with 44262
division (C) (1) of this section and a student determined to have 44263
a disability that includes an intellectual disability as 44264
outlined in guidance issued by the department shall not be 44265
required to take the assessment prescribed under division (B) (1) 44266
of section 3301.0712 of the Revised Code. The individualized 44267
education program may excuse the student from taking any 44268
particular assessment required to be administered under this 44269

section if it instead specifies an alternate assessment method 44270
approved by the department as conforming to requirements of 44271
federal law for receipt of federal funds for disadvantaged 44272
pupils. To the extent possible, the individualized education 44273
program shall not excuse the student from taking an assessment 44274
unless no reasonable accommodation can be made to enable the 44275
student to take the assessment. No board shall prohibit a 44276
student who is not required to take an assessment under division 44277
(C) (1) of this section from taking the assessment. 44278

(b) Any alternate assessment approved by the department 44279
for a student under this division shall produce measurable 44280
results comparable to those produced by the assessment it 44281
replaces in order to allow for the student's results to be 44282
included in the data compiled for a school district or building 44283
under section 3302.03 of the Revised Code. 44284

(c) (i) Any student enrolled in a chartered nonpublic 44285
school who has been identified, based on an evaluation conducted 44286
in accordance with section 3323.03 of the Revised Code or 44287
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 44288
29 U.S.C.A. 794, as amended, as a child with a disability shall 44289
be excused from taking any particular assessment required to be 44290
administered under this section if either of the following 44291
apply: 44292

(I) A plan developed for the student pursuant to rules 44293
adopted by the department excuses the student from taking that 44294
assessment. 44295

(II) The chartered nonpublic school develops a written 44296
plan in which the school, in consultation with the student's 44297
parents, determines that an assessment or alternative assessment 44298
with accommodations does not accurately assess the student's 44299

academic performance. The plan shall include an academic profile 44300
of the student's academic performance and shall be reviewed 44301
annually to determine if the student's needs continue to require 44302
excusal from taking the assessment. 44303

(ii) A student with significant cognitive disabilities to 44304
whom an alternate assessment is administered in accordance with 44305
division (C)(1) of this section and a student determined to have 44306
a disability that includes an intellectual disability as 44307
outlined in guidance issued by the department shall not be 44308
required to take the assessment prescribed under division (B)(1) 44309
of section 3301.0712 of the Revised Code. 44310

(iii) In the case of any student so excused from taking an 44311
assessment under division (C)(1)(c) of this section, the 44312
chartered nonpublic school shall not prohibit the student from 44313
taking the assessment. 44314

(2) A district board may, for medical reasons or other 44315
good cause, excuse a student from taking an assessment 44316
administered under this section on the date scheduled, but that 44317
assessment shall be administered to the excused student not 44318
later than nine days following the scheduled date. The district 44319
board shall annually report the number of students who have not 44320
taken one or more of the assessments required by this section to 44321
the department not later than the thirtieth day of June. 44322

(3) No school district board shall excuse any English 44323
learner from taking any particular assessment required to be 44324
administered under this section, except that any English learner 44325
who has been enrolled in United States schools for less than two 44326
years and for whom no appropriate accommodations are available 44327
based on guidance issued by the department shall not be required 44328
to take the assessment prescribed under division (B)(1) of 44329

section 3301.0712 of the Revised Code. 44330

However, no board shall prohibit an English learner who is 44331
not required to take that assessment from taking the assessment. 44332

A board may permit any English learner to take an 44333
assessment required to be administered under this section with 44334
appropriate accommodations, as determined by the department. 44335

For each English learner, each school district shall 44336
annually assess that student's progress in learning English, in 44337
accordance with procedures approved by the department. 44338

The guidance and procedures issued by the department for 44339
the purposes of division (C) (3) of this section shall comply 44340
with the rules adopted under section 3301.0731 of the Revised 44341
Code. 44342

(4) (a) The governing authority of a chartered nonpublic 44343
school may excuse an English learner from taking any assessment 44344
administered under this section. 44345

(b) No governing authority shall require an English 44346
learner who has been enrolled in United States schools for less 44347
than two years and for whom no appropriate accommodations are 44348
available based on guidance issued by the department to take the 44349
assessment prescribed under division (B) (1) of section 3301.0712 44350
of the Revised Code. 44351

(c) No governing authority shall prohibit an English 44352
learner from taking an assessment from which the student was 44353
excused under division (C) (4) of this section. 44354

(D) (1) In the school year next succeeding the school year 44355
in which the assessments prescribed by division (A) (1) or (B) (1) 44356
of section 3301.0710 of the Revised Code or former division (A) 44357

(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 44358
it existed prior to September 11, 2001, are administered to any 44359
student, the board of education of any school district in which 44360
the student is enrolled in that year shall provide to the 44361
student intervention services commensurate with the student's 44362
performance, including any intensive intervention required under 44363
section 3313.608 of the Revised Code, in any skill in which the 44364
student failed to demonstrate at least a score at the proficient 44365
level on the assessment. 44366

(2) Following any administration of the assessments 44367
prescribed by division (D) of section 3301.0710 of the Revised 44368
Code to ninth grade students, each school district that has a 44369
three-year average graduation rate of not more than seventy-five 44370
per cent shall determine for each high school in the district 44371
whether the school shall be required to provide intervention 44372
services to any students who took the assessments. In 44373
determining which high schools shall provide intervention 44374
services based on the resources available, the district shall 44375
consider each school's graduation rate and scores on the 44376
practice assessments. The district also shall consider the 44377
scores received by ninth grade students on the English language 44378
arts and mathematics assessments prescribed under division (A) 44379
(1) (f) of section 3301.0710 of the Revised Code in the eighth 44380
grade in determining which high schools shall provide 44381
intervention services. 44382

Each high school selected to provide intervention services 44383
under this division shall provide intervention services to any 44384
student whose results indicate that the student is failing to 44385
make satisfactory progress toward being able to attain scores at 44386
the proficient level on the Ohio graduation tests. Intervention 44387
services shall be provided in any skill in which a student 44388

demonstrates unsatisfactory progress and shall be commensurate 44389
with the student's performance. Schools shall provide the 44390
intervention services prior to the end of the school year, 44391
during the summer following the ninth grade, in the next 44392
succeeding school year, or at any combination of those times. 44393

(E) Except as provided in section 3313.608 of the Revised 44394
Code and division (N) of this section, no school district board 44395
of education shall utilize any student's failure to attain a 44396
specified score on an assessment administered under this section 44397
as a factor in any decision to deny the student promotion to a 44398
higher grade level. However, a district board may choose not to 44399
promote to the next grade level any student who does not take an 44400
assessment administered under this section or make up an 44401
assessment as provided by division (C) (2) of this section and 44402
who is not exempt from the requirement to take the assessment 44403
under division (C) (3) of this section. 44404

(F) No person shall be charged a fee for taking any 44405
assessment administered under this section. 44406

(G) (1) Each school district board shall designate one 44407
location for the collection of assessments administered in the 44408
spring under division (B) (1) of this section and those 44409
administered under divisions (B) (2) to (7) of this section. Each 44410
district board shall submit the assessments to the entity with 44411
which the department contracts for the scoring of the 44412
assessments as follows: 44413

(a) If the district's total enrollment in grades 44414
kindergarten through twelve during the first full school week of 44415
October was less than two thousand five hundred, not later than 44416
the Friday after all of the assessments have been administered; 44417

(b) If the district's total enrollment in grades 44418
kindergarten through twelve during the first full school week of 44419
October was two thousand five hundred or more, but less than 44420
seven thousand, not later than the Monday after all of the 44421
assessments have been administered; 44422

(c) If the district's total enrollment in grades 44423
kindergarten through twelve during the first full school week of 44424
October was seven thousand or more, not later than the Tuesday 44425
after all of the assessments have been administered. 44426

However, any assessment that a student takes during the 44427
make-up period described in division (C) (2) of this section 44428
shall be submitted not later than the Friday following the day 44429
the student takes the assessment. 44430

(2) The department or an entity with which the department 44431
contracts for the scoring of the assessment shall send to each 44432
school district board a list of the individual scores of all 44433
persons taking a state achievement assessment as follows: 44434

(a) Except as provided in division (G) (2) (b) or (c) of 44435
this section, within forty-five days after the administration of 44436
the assessments prescribed by sections 3301.0710 and 3301.0712 44437
of the Revised Code, but in no case shall the scores be returned 44438
later than the thirtieth day of June following the 44439
administration; 44440

(b) In the case of the third-grade English language arts 44441
assessment, within forty-five days after the administration of 44442
that assessment, but in no case shall the scores be returned 44443
later than the fifteenth day of June following the 44444
administration; 44445

(c) In the case of the writing component of an assessment 44446

or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education and workforce not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(5) A classical school may administer all assessments 44477
administered under this section in a paper format, except that 44478
any student whose individualized education program or plan 44479
developed under section 504 of the "Rehabilitation Act of 1973," 44480
29 U.S.C. 794 specifies that taking the assessment in an online 44481
format is an appropriate accommodation for the student may take 44482
the assessment in an online format. 44483

(H) Individual scores on any assessments administered 44484
under this section shall be released by a district board only in 44485
accordance with section 3319.321 of the Revised Code and the 44486
rules adopted under division (A) of this section. No district 44487
board or its employees shall utilize individual or aggregate 44488
results in any manner that conflicts with rules for the ethical 44489
use of assessments adopted pursuant to division (A) of this 44490
section. 44491

(I) Except as provided in division (G) of this section, 44492
the department or an entity with which the department contracts 44493
for the scoring of the assessment shall not release any 44494
individual scores on any assessment administered under this 44495
section. The department shall adopt rules to ensure the 44496
protection of student confidentiality at all times. The rules 44497
may require the use of the data verification codes assigned to 44498
students pursuant to division (D) (2) of section 3301.0714 of the 44499
Revised Code to protect the confidentiality of student scores. 44500

(J) Notwithstanding division (D) of section 3311.52 of the 44501
Revised Code, this section does not apply to the board of 44502
education of any cooperative education school district except as 44503
provided under rules adopted pursuant to this division. 44504

(1) In accordance with rules that the department shall 44505
adopt, the board of education of any city, exempted village, or 44506

local school district with territory in a cooperative education 44507
school district established pursuant to divisions (A) to (C) of 44508
section 3311.52 of the Revised Code may enter into an agreement 44509
with the board of education of the cooperative education school 44510
district for administering any assessment prescribed under this 44511
section to students of the city, exempted village, or local 44512
school district who are attending school in the cooperative 44513
education school district. 44514

(2) In accordance with rules that the department shall 44515
adopt, the board of education of any city, exempted village, or 44516
local school district with territory in a cooperative education 44517
school district established pursuant to section 3311.521 of the 44518
Revised Code shall enter into an agreement with the cooperative 44519
district that provides for the administration of any assessment 44520
prescribed under this section to both of the following: 44521

(a) Students who are attending school in the cooperative 44522
district and who, if the cooperative district were not 44523
established, would be entitled to attend school in the city, 44524
local, or exempted village school district pursuant to section 44525
3313.64 or 3313.65 of the Revised Code; 44526

(b) Persons described in division (B) (8) (b) of this 44527
section. 44528

Any assessment of students pursuant to such an agreement 44529
shall be in lieu of any assessment of such students or persons 44530
pursuant to this section. 44531

(K) (1) (a) Except as otherwise provided in division (K) (1) 44532
or (2) of this section, each chartered nonpublic school for 44533
which at least sixty-five per cent of its total enrollment is 44534
made up of students who are participating in state scholarship 44535

programs shall administer the assessments prescribed by division 44536
(A) of section 3301.0710 of the Revised Code or an alternative 44537
standardized assessment determined by the department. In 44538
accordance with procedures and deadlines prescribed by the 44539
department, the parent or guardian of a student enrolled in the 44540
school who is not participating in a state scholarship program 44541
may submit notice to the chief administrative officer of the 44542
school that the parent or guardian does not wish to have the 44543
student take the assessments prescribed for the student's grade 44544
level under division (A) of section 3301.0710 of the Revised 44545
Code. If a parent or guardian submits an opt-out notice, the 44546
school shall not administer the assessments to that student. 44547
This option does not apply to any assessment required for a high 44548
school diploma under section 3313.612 of the Revised Code. 44549

(b) Any chartered nonpublic school that enrolls students 44550
who are participating in state scholarship programs may 44551
administer an alternative standardized assessment determined by 44552
the department instead of the assessments prescribed by division 44553
(A) of section 3301.0710 of the Revised Code. 44554

Each chartered nonpublic school subject to division (K) (1) 44555
(a) or (b) of this section shall report the results of each 44556
assessment administered under those divisions to the department. 44557

(2) A chartered nonpublic school may submit to the 44558
director of education and workforce a request for a waiver from 44559
administering the elementary assessments prescribed by division 44560
(A) of section 3301.0710 of the Revised Code. The director shall 44561
approve or disapprove a request for a waiver submitted under 44562
division (K) (2) of this section. 44563

To be eligible to submit a request for a waiver, a 44564
chartered nonpublic school shall meet the following conditions: 44565

(a) At least ninety-five per cent of the students enrolled 44566
in the school are children with disabilities, as defined under 44567
section 3323.01 of the Revised Code, or have received a 44568
diagnosis by a school district or from a physician, including a 44569
neuropsychiatrist or psychiatrist, or a psychologist who is 44570
authorized to practice in this or another state as having a 44571
condition that impairs academic performance, such as dyslexia, 44572
dyscalculia, attention deficit hyperactivity disorder, or 44573
Asperger's syndrome. 44574

(b) The school has solely served a student population 44575
described in division (K) (1) (a) of this section for at least ten 44576
years. 44577

(c) The school provides to the department at least five 44578
years of records of internal testing conducted by the school 44579
that affords the department data required for accountability 44580
purposes, including diagnostic assessments and nationally 44581
standardized norm-referenced achievement assessments that 44582
measure reading and math skills. 44583

(3) Any chartered nonpublic school that is not subject to 44584
division (K) (1) of this section may participate in the 44585
assessment program by administering any of the assessments 44586
prescribed by division (A) of section 3301.0710 of the Revised 44587
Code. The chief administrator of the school shall specify which 44588
assessments the school will administer. Such specification shall 44589
be made in writing to the director prior to the first day of 44590
August of any school year in which assessments are administered 44591
and shall include a pledge that the nonpublic school will 44592
administer the specified assessments in the same manner as 44593
public schools are required to do under this section and rules 44594
adopted by the department. 44595

(4) The department shall furnish the assessments 44596
prescribed by section 3301.0710 of the Revised Code to each 44597
chartered nonpublic school that is subject to division (K) (1) of 44598
this section or participates under division (K) (3) of this 44599
section. 44600

(L) If a chartered nonpublic school is educating students 44601
in grades nine through twelve, the following shall apply: 44602

(1) Except as provided in division (L) (4) of this section, 44603
for a student who is enrolled in a chartered nonpublic school 44604
that is accredited through the independent schools association 44605
of the central states and who is attending the school under a 44606
state scholarship program, the student shall either take all of 44607
the assessments prescribed by division (B) of section 3301.0712 44608
of the Revised Code or take an alternative assessment approved 44609
by the department under section 3313.619 of the Revised Code. 44610
However, a student who is excused from taking an assessment 44611
under division (C) of this section or has presented evidence to 44612
the chartered nonpublic school of having satisfied the condition 44613
prescribed by division (A) (1) of section 3313.618 of the Revised 44614
Code to qualify for a high school diploma prior to the date of 44615
the administration of the assessment prescribed under division 44616
(B) (1) of section 3301.0712 of the Revised Code shall not be 44617
required to take that assessment. No governing authority of a 44618
chartered nonpublic school shall prohibit a student who is not 44619
required to take such assessment from taking the assessment. 44620

(2) For a student who is enrolled in a chartered nonpublic 44621
school that is accredited through the independent schools 44622
association of the central states, and who is not attending the 44623
school under a state scholarship program, the student shall not 44624
be required to take any assessment prescribed under section 44625

3301.0712 or 3313.619 of the Revised Code. 44626

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 44627
of this section, for a student who is enrolled in a chartered 44628
nonpublic school that is not accredited through the independent 44629
schools association of the central states, regardless of whether 44630
the student is attending or is not attending the school under a 44631
state scholarship program, the student shall do one of the 44632
following: 44633

(i) Take all of the assessments prescribed by division (B) 44634
of section 3301.0712 of the Revised Code; 44635

(ii) Take only the assessment prescribed by division (B) 44636
(1) of section 3301.0712 of the Revised Code, provided that the 44637
student's school publishes the results of that assessment for 44638
each graduating class. The published results of that assessment 44639
shall include the overall composite scores, mean scores, twenty- 44640
fifth percentile scores, and seventy-fifth percentile scores for 44641
each subject area of the assessment. 44642

(iii) Take an alternative assessment approved by the 44643
department under section 3313.619 of the Revised Code. 44644

(b) A student who is excused from taking an assessment 44645
under division (C) of this section or has presented evidence to 44646
the chartered nonpublic school of having satisfied the condition 44647
prescribed by division (A) (1) of section 3313.618 of the Revised 44648
Code to qualify for a high school diploma prior to the date of 44649
the administration of the assessment prescribed under division 44650
(B) (1) of section 3301.0712 of the Revised Code shall not be 44651
required to take that assessment. No governing authority of a 44652
chartered nonpublic school shall prohibit a student who is not 44653
required to take such assessment from taking the assessment. 44654

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L) (4) (a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L) (4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M) (1) The superintendent of Ohio deaf and blind education

services shall administer the assessments described by sections 44684
3301.0710 and 3301.0712 of the Revised Code for the state school 44685
for the blind and the state school for the deaf. The 44686
superintendent of Ohio deaf and blind education services shall 44687
administer the assessments in the same manner as district boards 44688
are required to do under this section and rules adopted by the 44689
department and in conformity with division (C)(1)(a) of this 44690
section. 44691

(2) The department shall furnish the assessments described 44692
by sections 3301.0710 and 3301.0712 of the Revised Code to the 44693
superintendent of Ohio deaf and blind education services. 44694

(N) Notwithstanding division (E) of this section, a school 44695
district may use a student's failure to attain a score in at 44696
least the proficient range on the mathematics assessment 44697
described by division (A)(1)(a) of section 3301.0710 of the 44698
Revised Code or on an assessment described by division (A)(1) 44699
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 44700
Code as a factor in retaining that student in the current grade 44701
level. 44702

(O)(1) In the manner specified in divisions (O)(3)~~, (4), (6), and (7)~~ and 44703
~~(4), (6), and (7)~~ of this section, the assessments required by 44704
division (A)(1) of section 3301.0710 of the Revised Code shall 44705
become public records pursuant to section 149.43 of the Revised 44706
Code on the thirty-first day of July following the school year 44707
that the assessments were administered. 44708

(2) The department may field test proposed questions with 44709
samples of students to determine the validity, reliability, or 44710
appropriateness of questions for possible inclusion in a future 44711
year's assessment. The department also may use anchor questions 44712
on assessments to ensure that different versions of the same 44713

assessment are of comparable difficulty.

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Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A) (1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

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(3) Any field test question or anchor question administered under division (O) (2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O) (1) of this section.

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~~(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.~~

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~~(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.~~

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~~(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence~~

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~~does not apply to field test questions that are redacted under~~ 44743
~~division (O) (3) of this section.~~ 44744

~~(c) The administrations of each assessment in the 2011-~~ 44745
~~2012, 2012-2013, and 2013-2014 school years shall not be a~~ 44746
~~public record.~~ 44747

~~(5) Each assessment prescribed by division (B) (1) of~~ 44748
~~section 3301.0710 of the Revised Code shall not be a public~~ 44749
~~record.~~ 44750

~~(6) (a) Except as provided in division (O) (6) (b) of this~~ 44751
~~section, for the administrations in the 2014-2015, 2015-2016,~~ 44752
~~and 2016-2017 school years, questions on the assessments~~ 44753
~~prescribed under division (A) of section 3301.0710 and division~~ 44754
~~(B) (2) of section 3301.0712 of the Revised Code and the~~ 44755
~~corresponding preferred answers that are used to compute a~~ 44756
~~student's score shall become a public record as follows:~~ 44757

~~(i) Forty per cent of the questions and preferred answers~~ 44758
~~on the assessments on the thirty-first day of July following the~~ 44759
~~administration of the assessment;~~ 44760

~~(ii) Twenty per cent of the questions and preferred~~ 44761
~~answers on the assessment on the thirty-first day of July one~~ 44762
~~year after the administration of the assessment;~~ 44763

~~(iii) The remaining forty per cent of the questions and~~ 44764
~~preferred answers on the assessment on the thirty-first day of~~ 44765
~~July two years after the administration of the assessment.~~ 44766

~~The entire content of an assessment shall become a public~~ 44767
~~record within three years of its administration.~~ 44768

~~The department shall make the questions that become a~~ 44769
~~public record under this division readily accessible to the~~ 44770

~~public on the department's web site. Questions on the spring
administration of each assessment shall be released on an annual
basis, in accordance with this division.~~ 44771
44772
44773

~~(b) No questions and corresponding preferred answers shall
become a public record under division (O) (6) of this section
after July 31, 2017.~~ 44774
44775
44776

~~(7)~~ Division ~~(O) (7)~~ (O) (4) of this section applies to the 44777
assessments prescribed by division (A) of section 3301.0710 and 44778
division (B) (2) of section 3301.0712 of the Revised Code. 44779

Beginning with the assessments administered in the spring 44780
of the ~~2017-2018-2025-2026~~ school year, ~~not less than forty per~~ 44781
~~cent of the~~ the department shall determine which questions on 44782
each assessment that are used to compute a student's score ~~shall~~ 44783
~~be~~ are a public record, if any. The department shall determine 44784
which questions will be needed for reuse on a future assessment 44785
and those questions shall not be public records and shall be 44786
redacted from the assessment prior to its release as a public 44787
record. However, for each redacted question, the department 44788
shall inform each city, local, and exempted village school 44789
district of the corresponding statewide academic standard 44790
adopted under section 3301.079 of the Revised Code and the 44791
corresponding benchmark to which the question relates. The 44792
department is not required to provide corresponding standards 44793
and benchmarks to field test questions that are redacted under 44794
division (O) (3) of this section. 44795

(P) As used in this section: 44796

(1) "Three-year average" means the average of the most 44797
recent consecutive three school years of data. 44798

(2) "Dropout" means a student who withdraws from school 44799

before completing course requirements for graduation and who is 44800
not enrolled in an education program approved by the department 44801
or an education program outside the state. "Dropout" does not 44802
include a student who has departed the country. 44803

(3) "Graduation rate" means the ratio of students 44804
receiving a diploma to the number of students who entered ninth 44805
grade four years earlier. Students who transfer into the 44806
district are added to the calculation. Students who transfer out 44807
of the district for reasons other than dropout are subtracted 44808
from the calculation. If a student who was a dropout in any 44809
previous year returns to the same school district, that student 44810
shall be entered into the calculation as if the student had 44811
entered ninth grade four years before the graduation year of the 44812
graduating class that the student joins. 44813

(4) "State scholarship programs" means the educational 44814
choice scholarship pilot program established under sections 44815
3310.01 to 3310.17 of the Revised Code, the autism scholarship 44816
program established under section 3310.41 of the Revised Code, 44817
the Jon Peterson special needs scholarship program established 44818
under sections 3310.51 to 3310.64 of the Revised Code, and the 44819
pilot project scholarship program established under sections 44820
3313.974 to 3313.979 of the Revised Code. 44821

(5) "Other public school" means a community school 44822
established under Chapter 3314., a STEM school established under 44823
Chapter 3326., or a college-preparatory boarding school 44824
established under Chapter 3328. of the Revised Code. 44825

(6) "English learner" has the same meaning as in section 44826
3301.0731 of the Revised Code. 44827

(7) "Classical school" means a community school 44828

established under Chapter 3314. of the Revised Code that is a 44829
member of the Ohio classical school association, or its 44830
successor organization, and uses a curriculum substantially 44831
similar to that of a nationally recognized classical school 44832
network. 44833

Sec. 3301.0712. (A) The department of education and 44834
workforce and the chancellor of higher education shall develop a 44835
system of college and work ready assessments as described in 44836
division (B) of this section to assess whether each student upon 44837
graduating from high school is ready to enter college or the 44838
workforce. Beginning with students who enter the ninth grade for 44839
the first time on or after July 1, 2014, the system shall 44840
replace the Ohio graduation tests prescribed in division (B)(1) 44841
of section 3301.0710 of the Revised Code as a measure of student 44842
academic performance and one determinant of eligibility for a 44843
high school diploma in the manner prescribed by rule adopted 44844
under division (D) of this section. 44845

(B) The college and work ready assessment system shall 44846
consist of the following: 44847

(1) (a) Except as provided in division (B)(1)(b) of this 44848
section, nationally standardized assessments that measure 44849
college and career readiness and are used for college admission. 44850
The assessments shall be selected jointly by the department and 44851
the chancellor, and one of which shall be selected by each 44852
school district or school to administer to its students. The 44853
assessments prescribed under division (B)(1) of this section 44854
shall be administered to all eleventh-grade students in the 44855
spring of the school year. 44856

(b) Beginning with students who enter the ninth grade for 44857
the first time on or after July 1, 2022, the parent or guardian 44858

of a student may elect not to have a nationally standardized 44859
assessment administered to that student. In that event, the 44860
student's school district or school shall not administer the 44861
nationally standardized assessment to that student. 44862

(2) (a) Except as provided in division (B) (2) (b) of this 44863
section, seven end-of-course examinations, one in each of the 44864
areas of English language arts I, English language arts II, 44865
science, Algebra I, geometry, American history, and American 44866
government. The end-of-course examinations shall be selected 44867
jointly by the department and the chancellor in consultation 44868
with faculty in the appropriate subject areas at institutions of 44869
higher education of the university system of Ohio. Advanced 44870
placement examinations and international baccalaureate 44871
examinations, as prescribed under section 3313.6013 of the 44872
Revised Code, in the areas of science, American history, and 44873
American government may be used as end-of-course examinations in 44874
accordance with division (B) (4) (a) (i) of this section. Final 44875
course grades for courses taken under any other advanced 44876
standing program, as prescribed under section 3313.6013 of the 44877
Revised Code, in the areas of science, American history, and 44878
American government may be used in lieu of end-of-course 44879
examinations in accordance with division (B) (4) (a) (ii) of this 44880
section. 44881

(b) Beginning with students who enter ninth grade for the 44882
first time on or after July 1, 2019, five end-of-course 44883
examinations, one in each areas of English language arts II, 44884
science, Algebra I, American history, and American government. 44885
However, only the end-of-course examinations in English language 44886
arts II and Algebra I shall be required for graduation. 44887

The department shall, as necessary to implement division 44888

(B) (2) (b) of this section, seek a waiver from the United States 44889
secretary of education for testing requirements prescribed under 44890
federal law to allow for the use and implementation of Algebra I 44891
as the primary assessment of high school mathematics. If the 44892
department does not receive a waiver under this division, the 44893
end-of-course examinations for students described in division 44894
(B) (2) (b) of this section also shall include an end-of-course 44895
examination in the area of geometry. However, the geometry end- 44896
of-course examination shall not be required for graduation. 44897

(3) The end-of-course examinations in American history and 44898
American government shall require demonstration of mastery of 44899
the American history and American government content for social 44900
studies standards adopted under division (A) (1) (b) of section 44901
3301.079 of the Revised Code and the topics required under 44902
division (M) of section 3313.603 of the Revised Code. 44903

At least twenty per cent of the end-of-course examination 44904
in American government shall address the topics on American 44905
history and American government described in division (M) of 44906
section 3313.603 of the Revised Code. 44907

(4) (a) Notwithstanding anything to the contrary in this 44908
section, both of the following shall apply: 44909

(i) If a student is enrolled in an appropriate advanced 44910
placement or international baccalaureate course, that student 44911
shall take the advanced placement or international baccalaureate 44912
examination in lieu of the science, American history, or 44913
American government end-of-course examinations prescribed under 44914
division (B) (2) of this section. The department shall specify 44915
the score levels for each advanced placement examination and 44916
international baccalaureate examination for purposes of 44917
calculating the minimum cumulative performance score that 44918

demonstrates the level of academic achievement necessary to earn 44919
a high school diploma. 44920

(ii) If a student is enrolled in an appropriate course 44921
under any other advanced standing program, as described in 44922
section 3313.6013 of the Revised Code, that student shall not be 44923
required to take the science, American history, or American 44924
government end-of-course examination, whichever is applicable, 44925
prescribed under division (B) (2) of this section. Instead, that 44926
student's final course grade shall be used in lieu of the 44927
applicable end-of-course examination prescribed under that 44928
section. The department, in consultation with the chancellor, 44929
shall adopt guidelines for purposes of calculating the 44930
corresponding final course grades that demonstrate the level of 44931
academic achievement necessary to earn a high school diploma. 44932

Division (B) (4) (a) (ii) of this section shall apply only to 44933
courses for which students receive transcribed credit, as 44934
defined in section 3365.01 of the Revised Code. It shall not 44935
apply to remedial or developmental courses. 44936

(b) No student shall take a substitute examination or 44937
examination prescribed under division (B) (4) (a) of this section 44938
in place of the end-of-course examinations in English language 44939
arts I, English language arts II, Algebra I, or geometry 44940
prescribed under division (B) (2) of this section. 44941

(c) The department shall consider additional assessments 44942
that may be used as substitute examinations in lieu of the end- 44943
of-course examinations prescribed under division (B) (2) of this 44944
section. 44945

(5) The department shall do all of the following: 44946

(a) Determine and designate at least five ranges of scores 44947

on each of the end-of-course examinations prescribed under 44948
division (B) (2) of this section, and substitute examinations 44949
prescribed under division (B) (4) of this section. Not later than 44950
sixty days after the designation of ranges of scores, the 44951
director of education and workforce shall conduct a public 44952
presentation before the standing committees of the house of 44953
representatives and the senate that consider primary and 44954
secondary education legislation regarding the designated range 44955
of scores. Each range of scores shall be considered to 44956
demonstrate a level of achievement so that any student attaining 44957
a score within such range has achieved one of the following: 44958

(i) An advanced level of skill; 44959

(ii) An accomplished level of skill; 44960

(iii) A proficient level of skill; 44961

(iv) A basic level of skill; 44962

(v) A limited level of skill. 44963

(b) Determine a method by which to calculate a cumulative 44964
performance score based on the results of a student's end-of- 44965
course examinations or substitute examinations; 44966

(c) Determine the minimum cumulative performance score 44967
that demonstrates the level of academic achievement necessary to 44968
earn a high school diploma under division (A) (2) of section 44969
3313.618 of the Revised Code. However, no new minimum cumulative 44970
performance score shall be determined after October 17, 2019. 44971

(d) Develop a table of corresponding score equivalents for 44972
the end-of-course examinations and substitute examinations in 44973
order to calculate student performance consistently across the 44974
different examinations. 44975

A score of two on an advanced placement examination or a 44976
score of two or three on an international baccalaureate 44977
examination shall be considered equivalent to a proficient level 44978
of skill as specified under division (B) (5) (a) (iii) of this 44979
section. 44980

(6) (a) A student who meets both of the following 44981
conditions shall not be required to take an end-of-course 44982
examination: 44983

(i) The student received high school credit prior to July 44984
1, 2015, for a course for which the end-of-course examination is 44985
prescribed. 44986

(ii) The examination was not available for administration 44987
prior to July 1, 2015. 44988

Receipt of credit for the course described in division (B) 44989
(6) (a) (i) of this section shall satisfy the requirement to take 44990
the end-of-course examination. A student exempted under division 44991
(B) (6) (a) of this section may take the applicable end-of-course 44992
examination at a later date. 44993

(b) For purposes of determining whether a student who is 44994
exempt from taking an end-of-course examination under division 44995
(B) (6) (a) of this section has attained the cumulative score 44996
prescribed by division (B) (5) (c) of this section, such student 44997
shall select either of the following: 44998

(i) The student is considered to have attained a 44999
proficient score on the end-of-course examination from which the 45000
student is exempt; 45001

(ii) The student's final course grade shall be used in 45002
lieu of a score on the end-of-course examination from which the 45003
student is exempt. 45004

The department, in consultation with the chancellor, shall
adopt guidelines for purposes of calculating the corresponding
final course grades and the minimum cumulative performance score
that demonstrates the level of academic achievement necessary to
earn a high school diploma.

(7) (a) Notwithstanding anything to the contrary in this
section, the department may replace the algebra I end-of-course
examination prescribed under division (B) (2) of this section
with an algebra II end-of-course examination, beginning with the
2016-2017 school year for students who enter ninth grade on or
after July 1, 2016.

(b) If the department replaces the algebra I end-of-course
examination with an algebra II end-of-course examination as
authorized under division (B) (7) (a) of this section, both of the
following shall apply:

(i) A student who is enrolled in an advanced placement or
international baccalaureate course in algebra II shall take the
advanced placement or international baccalaureate examination in
lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course
under any other advanced standing program, as described in
section 3313.6013 of the Revised Code, shall not be required to
take the algebra II end-of-course examination. Instead, that
student's final course grade shall be used in lieu of the
examination.

(c) If a school district or school utilizes an integrated
approach to mathematics instruction, the district or school may
do either or both of the following:

(i) Administer an integrated mathematics I end-of-course

examination in lieu of the prescribed algebra I end-of-course examination; 45034
45035

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination. 45036
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(8) (a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology. 45039
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(b) Until July 1, 2019, the department shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination. 45045
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(c) The department shall adopt rules prescribing the requirements for the end-of-course examination in science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who have not met the requirement prescribed by section 3313.618 of the Revised Code by July 1, 2019, due to a student's failure to satisfy division (A) (2) of section 3313.618 of the Revised Code. 45050
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(9) The department shall not develop or administer an end-of-course examination in the area of world history. 45057
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(10) The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the 45059
45060
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purpose of graduation eligibility. 45063

(C) The department shall convene a group of national 45064
experts, state experts, and local practitioners to provide 45065
advice, guidance, and recommendations for the alignment of 45066
standards and model curricula to the assessments and in the 45067
design of the end-of-course examinations prescribed by this 45068
section. 45069

(D) Upon completion of the development of the assessment 45070
system, the department shall adopt rules prescribing all of the 45071
following: 45072

(1) A timeline and plan for implementation of the 45073
assessment system, including a phased implementation if the 45074
department determines such a phase-in is warranted; 45075

(2) The date after which a person shall meet the 45076
requirements of the entire assessment system as a prerequisite 45077
for a diploma of adult education under section 3313.611 of the 45078
Revised Code; 45079

(3) Whether and the extent to which a person may be 45080
excused from an American history end-of-course examination and 45081
an American government end-of-course examination under division 45082
(H) of section 3313.61 and division (B)(3) of section 3313.612 45083
of the Revised Code; 45084

(4) The date after which a person who has fulfilled the 45085
curriculum requirement for a diploma but has not passed one or 45086
more of the required assessments at the time the person 45087
fulfilled the curriculum requirement shall meet the requirements 45088
of the entire assessment system as a prerequisite for a high 45089
school diploma under division (B) of section 3313.614 of the 45090
Revised Code; 45091

(5) The extent to which the assessment system applies to 45092
students enrolled in a dropout ~~recovery and prevention and~~ 45093
recovery program for purposes of division (F) of section 45094
3313.603 ~~and or~~ a dropout prevention and recovery community 45095
school under section 3314.36 of the Revised Code. 45096

(E) (1) Any person enrolled in a nonchartered nonpublic 45097
school or any person who is exempt from attendance at school for 45098
the purpose of home education under section 3321.042 of the 45099
Revised Code may choose to participate in the system of 45100
assessments administered under divisions (B) (1) and (2) of this 45101
section. However, no such person shall be required to 45102
participate in the system of assessments. 45103

(2) The department shall adopt rules for the 45104
administration and scoring of any assessments under division (E) 45105
(1) of this section. 45106

(F) The department shall select at least one nationally 45107
recognized job skills assessment. Each school district shall 45108
administer that assessment to those students who opt to take it. 45109
The department shall reimburse a school district for the costs 45110
of administering that assessment. The department shall establish 45111
the minimum score a student must attain on the job skills 45112
assessment in order to demonstrate a student's workforce 45113
readiness and employability. The administration of the job 45114
skills assessment to a student under this division shall not 45115
exempt a school district from administering the assessments 45116
prescribed in division (B) of this section to that student. 45117

Sec. 3301.0714. (A) The department of education and 45118
workforce shall adopt rules for a statewide education management 45119
information system. The rules shall require the department to 45120
establish guidelines for the establishment and maintenance of 45121

the system in accordance with this section and the rules adopted 45122
under this section. The guidelines shall include: 45123

(1) Standards identifying and defining the types of data 45124
in the system in accordance with divisions (B) and (C) of this 45125
section; 45126

(2) Procedures for annually collecting and reporting the 45127
data to the department in accordance with division (D) of this 45128
section; 45129

(3) Procedures for annually compiling the data in 45130
accordance with division (G) of this section; 45131

(4) Procedures for annually reporting the data to the 45132
public in accordance with division (H) of this section; 45133

(5) Standards to provide strict safeguards to protect the 45134
confidentiality of personally identifiable student data. 45135

(B) The guidelines adopted under this section shall 45136
require the data maintained in the education management 45137
information system to include at least the following: 45138

(1) Student participation and performance data, for each 45139
grade in each school district as a whole and for each grade in 45140
each school building in each school district, that includes: 45141

(a) The numbers of students receiving each category of 45142
instructional service offered by the school district, such as 45143
regular education instruction, vocational education instruction, 45144
specialized instruction programs or enrichment instruction that 45145
is part of the educational curriculum, instruction for gifted 45146
students, instruction for students with disabilities, and 45147
remedial instruction. The guidelines shall require instructional 45148
services under this division to be divided into discrete 45149

categories if an instructional service is limited to a specific 45150
subject, a specific type of student, or both, such as regular 45151
instructional services in mathematics, remedial reading 45152
instructional services, instructional services specifically for 45153
students gifted in mathematics or some other subject area, or 45154
instructional services for students with a specific type of 45155
disability. The categories of instructional services required by 45156
the guidelines under this division shall be the same as the 45157
categories of instructional services used in determining cost 45158
units pursuant to division (C) (3) of this section. 45159

(b) The numbers of students receiving support or 45160
extracurricular services for each of the support services or 45161
extracurricular programs offered by the school district, such as 45162
counseling services, health services, and extracurricular sports 45163
and fine arts programs. The categories of services required by 45164
the guidelines under this division shall be the same as the 45165
categories of services used in determining cost units pursuant 45166
to division (C) (4) (a) of this section. 45167

(c) Average student grades in each subject in grades nine 45168
through twelve; 45169

(d) Academic achievement levels as assessed under sections 45170
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 45171

(e) The number of students designated as having a 45172
disabling condition pursuant to division (C) (1) of section 45173
3301.0711 of the Revised Code; 45174

(f) The numbers of students reported to the department 45175
pursuant to division (C) (2) of section 3301.0711 of the Revised 45176
Code; 45177

(g) Attendance rates and the average daily attendance for 45178

the year. For purposes of this division, a student shall be 45179
counted as present for any field trip that is approved by the 45180
school administration. 45181

(h) Expulsion rates; 45182

(i) Suspension rates; 45183

(j) Dropout rates; 45184

(k) Rates of retention in grade; 45185

(l) For pupils in grades nine through twelve, the average 45186
number of carnegie units, as calculated in accordance with the 45187
director's rules; 45188

(m) Graduation rates, to be calculated in a manner 45189
specified by the department that reflects the rate at which 45190
students who were in the ninth grade three years prior to the 45191
current year complete school and that is consistent with 45192
nationally accepted reporting requirements; 45193

(n) Results of diagnostic assessments ~~administered to~~ 45194
~~kindergarten students as required under~~ described in division (A) 45195
(1) of section 3301.0715 of the Revised Code to permit a 45196
~~comparison of the academic readiness of kindergarten students.~~ 45197
~~However, no district shall be required to report to the~~ 45198
~~department the results of any diagnostic assessment administered~~ 45199
~~to a kindergarten student, except for the language and reading~~ 45200
~~assessment described in division (A) (2) of section 3301.0715 of~~ 45201
~~the Revised Code, if the parent of that student requests the~~ 45202
~~district not to report those results.;~~ 45203

(o) The number of students earning each state diploma seal 45204
included in the system prescribed under division (A) of section 45205
3313.6114 of the Revised Code; 45206

(p) The number of students demonstrating competency for 45207
graduation using each option described in divisions (B) (1) (a) to 45208
(d) of section 3313.618 of the Revised Code; 45209

(q) The number of students completing each foundational 45210
and supporting option as part of the demonstration of competency 45211
for graduation pursuant to division (B) (1) (b) of section 45212
3313.618 of the Revised Code; 45213

(r) The number of students enrolled in all-day 45214
kindergarten, as defined in section 3321.05 of the Revised Code. 45215

(2) Personnel and classroom enrollment data for each 45216
school district, including: 45217

(a) The total numbers of licensed employees and 45218
nonlicensed employees and the numbers of full-time equivalent 45219
licensed employees and nonlicensed employees providing each 45220
category of instructional service, instructional support 45221
service, and administrative support service used pursuant to 45222
division (C) (3) of this section. The guidelines adopted under 45223
this section shall require these categories of data to be 45224
maintained for the school district as a whole and, wherever 45225
applicable, for each grade in the school district as a whole, 45226
for each school building as a whole, and for each grade in each 45227
school building. 45228

(b) The total number of employees and the number of full- 45229
time equivalent employees providing each category of service 45230
used pursuant to divisions (C) (4) (a) and (b) of this section, 45231
and the total numbers of licensed employees and nonlicensed 45232
employees and the numbers of full-time equivalent licensed 45233
employees and nonlicensed employees providing each category used 45234
pursuant to division (C) (4) (c) of this section. The guidelines 45235

adopted under this section shall require these categories of 45236
data to be maintained for the school district as a whole and, 45237
wherever applicable, for each grade in the school district as a 45238
whole, for each school building as a whole, and for each grade 45239
in each school building. 45240

(c) The total number of regular classroom teachers 45241
teaching classes of regular education and the average number of 45242
pupils enrolled in each such class, in each of grades 45243
kindergarten through five in the district as a whole and in each 45244
school building in the school district. 45245

(d) The number of lead teachers employed by each school 45246
district and each school building. 45247

(e) The number of teachers, administrators, school 45248
psychologists, and speech-language pathologists employed by each 45249
school district and school building who have completed training 45250
in the science of reading under section 3319.2310 of the Revised 45251
Code. 45252

(3) (a) Student demographic data for each school district, 45253
including information regarding the gender ratio of the school 45254
district's pupils, the racial make-up of the school district's 45255
pupils, the number of English learners in the district, and an 45256
appropriate measure of the number of the school district's 45257
pupils who reside in economically disadvantaged households. The 45258
demographic data shall be collected in a manner to allow 45259
correlation with data collected under division (B) (1) of this 45260
section. Categories for data collected pursuant to division (B) 45261
(3) of this section shall conform, where appropriate, to 45262
standard practices of agencies of the federal government. 45263

(b) With respect to each student entering kindergarten, 45264

whether the student previously participated in a public 45265
preschool program, a private preschool program, or a head start 45266
program, and the number of years the student participated in 45267
each of these programs. 45268

(4) (a) The core curriculum and instructional materials 45269
being used for English language arts in each of grades pre- 45270
kindergarten to five; 45271

(b) The reading intervention programs being used in each 45272
of grades pre-kindergarten to twelve; 45273

(c) The core curriculum and instructional materials being 45274
used for mathematics in each of grades pre-kindergarten to 45275
twelve. 45276

(5) Any data required to be collected pursuant to federal 45277
law. 45278

(C) The education management information system shall 45279
include cost accounting data for each district as a whole and 45280
for each school building in each school district. The guidelines 45281
adopted under this section shall require the cost data for each 45282
school district to be maintained in a system of mutually 45283
exclusive cost units and shall require all of the costs of each 45284
school district to be divided among the cost units. The 45285
guidelines shall require the system of mutually exclusive cost 45286
units to include at least the following: 45287

(1) Administrative costs for the school district as a 45288
whole. The guidelines shall require the cost units under this 45289
division (C) (1) to be designed so that each of them may be 45290
compiled and reported in terms of average expenditure per pupil 45291
in enrolled ADM in the school district, as determined pursuant 45292
to section 3317.03 of the Revised Code. 45293

(2) Administrative costs for each school building in the 45294
school district. The guidelines shall require the cost units 45295
under this division (C) (2) to be designed so that each of them 45296
may be compiled and reported in terms of average expenditure per 45297
full-time equivalent pupil receiving instructional or support 45298
services in each building. 45299

(3) Instructional services costs for each category of 45300
instructional service provided directly to students and required 45301
by guidelines adopted pursuant to division (B) (1) (a) of this 45302
section. The guidelines shall require the cost units under 45303
division (C) (3) of this section to be designed so that each of 45304
them may be compiled and reported in terms of average 45305
expenditure per pupil receiving the service in the school 45306
district as a whole and average expenditure per pupil receiving 45307
the service in each building in the school district and in terms 45308
of a total cost for each category of service and, as a breakdown 45309
of the total cost, a cost for each of the following components: 45310

(a) The cost of each instructional services category 45311
required by guidelines adopted under division (B) (1) (a) of this 45312
section that is provided directly to students by a classroom 45313
teacher; 45314

(b) The cost of the instructional support services, such 45315
as services provided by a speech-language pathologist, classroom 45316
aide, multimedia aide, or librarian, provided directly to 45317
students in conjunction with each instructional services 45318
category; 45319

(c) The cost of the administrative support services 45320
related to each instructional services category, such as the 45321
cost of personnel that develop the curriculum for the 45322
instructional services category and the cost of personnel 45323

supervising or coordinating the delivery of the instructional 45324
services category. 45325

(4) Support or extracurricular services costs for each 45326
category of service directly provided to students and required 45327
by guidelines adopted pursuant to division (B) (1) (b) of this 45328
section. The guidelines shall require the cost units under 45329
division (C) (4) of this section to be designed so that each of 45330
them may be compiled and reported in terms of average 45331
expenditure per pupil receiving the service in the school 45332
district as a whole and average expenditure per pupil receiving 45333
the service in each building in the school district and in terms 45334
of a total cost for each category of service and, as a breakdown 45335
of the total cost, a cost for each of the following components: 45336

(a) The cost of each support or extracurricular services 45337
category required by guidelines adopted under division (B) (1) (b) 45338
of this section that is provided directly to students by a 45339
licensed employee, such as services provided by a guidance 45340
counselor or any services provided by a licensed employee under 45341
a supplemental contract; 45342

(b) The cost of each such services category provided 45343
directly to students by a nonlicensed employee, such as 45344
janitorial services, cafeteria services, or services of a sports 45345
trainer; 45346

(c) The cost of the administrative services related to 45347
each services category in division (C) (4) (a) or (b) of this 45348
section, such as the cost of any licensed or nonlicensed 45349
employees that develop, supervise, coordinate, or otherwise are 45350
involved in administering or aiding the delivery of each 45351
services category. 45352

(D) (1) The guidelines adopted under this section shall 45353
require school districts to collect information about individual 45354
students, staff members, or both in connection with any data 45355
required by division (B) or (C) of this section or other 45356
reporting requirements established in the Revised Code. The 45357
guidelines may also require school districts to report 45358
information about individual staff members in connection with 45359
any data required by division (B) or (C) of this section or 45360
other reporting requirements established in the Revised Code. 45361
The guidelines shall not authorize school districts to request 45362
social security numbers of individual students. The guidelines 45363
shall prohibit the reporting under this section of a student's 45364
name, address, and social security number to the department. The 45365
guidelines shall also prohibit the reporting under this section 45366
of any personally identifiable information about any student, 45367
except for the purpose of assigning the data verification code 45368
required by division (D) (2) of this section, to any other person 45369
unless such person is employed by the school district or the 45370
information technology center operated under section 3301.075 of 45371
the Revised Code and is authorized by the district or technology 45372
center to have access to such information or is employed by an 45373
entity with which the department contracts for the scoring or 45374
the development of state assessments. The guidelines may require 45375
school districts to provide the social security numbers of 45376
individual staff members and the county of residence for a 45377
student. Nothing in this section prohibits the department from 45378
providing a student's county of residence to the department of 45379
taxation to facilitate the distribution of tax revenue. 45380

(2) (a) The guidelines shall provide for each school 45381
district or community school to assign a data verification code 45382
that is unique on a statewide basis over time to each student 45383

whose initial Ohio enrollment is in that district or school and 45384
to report all required individual student data for that student 45385
utilizing such code. The guidelines shall also provide for 45386
assigning data verification codes to all students enrolled in 45387
districts or community schools on the effective date of the 45388
guidelines established under this section. The assignment of 45389
data verification codes for other entities, as described in 45390
division (D) (2) (d) of this section, the use of those codes, and 45391
the reporting and use of associated individual student data 45392
shall be coordinated by the department of education and 45393
workforce in accordance with state and federal law. 45394

School districts shall report individual student data to 45395
the department through the information technology centers 45396
utilizing the code. The entities described in division (D) (2) (d) 45397
of this section shall report individual student data to the 45398
department in the manner prescribed by the department. 45399

(b) (i) Except as provided in sections 3301.941, 3310.11, 45400
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 45401
Code, and in division (D) (2) (b) (ii) of this section, at no time 45402
shall the department have access to information that would 45403
enable any data verification code to be matched to personally 45404
identifiable student data. 45405

(ii) For the purpose of making per-pupil payments to 45406
community schools under section 3317.022 of the Revised Code, 45407
the department shall have access to information that would 45408
enable any data verification code to be matched to personally 45409
identifiable student data. 45410

(c) Each school district and community school shall ensure 45411
that the data verification code is included in the student's 45412
records reported to any subsequent school district, community 45413

school, or state institution of higher education, as defined in 45414
section 3345.011 of the Revised Code, in which the student 45415
enrolls. Any such subsequent district or school shall utilize 45416
the same identifier in its reporting of data under this section. 45417

(d) (i) The director of any state agency that administers a 45418
publicly funded program providing services to children who are 45419
younger than compulsory school age, as defined in section 45420
3321.01 of the Revised Code, including the directors of health, 45421
job and family services, mental health and addiction services, 45422
children and youth, and developmental disabilities, shall 45423
request and receive, pursuant to sections 3301.0723 and 5180.33 45424
of the Revised Code, a data verification code for a child who is 45425
receiving those services. 45426

(ii) The director of developmental disabilities, director 45427
of health, director of job and family services, director of 45428
children and youth, director of mental health and addiction 45429
services, medicaid director, executive director of the 45430
commission on minority health, executive director of the 45431
opportunities for Ohioans with disabilities agency, or director 45432
of education and workforce, on behalf of a program that receives 45433
public funds and provides services to children who are younger 45434
than compulsory school age, may request and receive, pursuant to 45435
section 3301.0723 of the Revised Code, a data verification code 45436
for a child who is receiving services from the program. 45437

(E) The guidelines adopted under this section may require 45438
school districts to collect and report data, information, or 45439
reports other than that described in divisions (A), (B), and (C) 45440
of this section for the purpose of complying with other 45441
reporting requirements established in the Revised Code. The 45442
other data, information, or reports may be maintained in the 45443

education management information system but are not required to 45444
be compiled as part of the profile formats required under 45445
division (G) of this section or the annual statewide report 45446
required under division (H) of this section. 45447

(F) The board of education of each school district shall 45448
annually collect and report to the department, in accordance 45449
with the guidelines established by the department, the data 45450
required pursuant to this section. A school district may collect 45451
and report these data notwithstanding section 2151.357 or 45452
3319.321 of the Revised Code. 45453

(G) The department shall, in accordance with the 45454
procedures it adopts, annually compile the data reported by each 45455
school district pursuant to division (D) of this section. The 45456
department shall design formats for profiling each school 45457
district as a whole and each school building within each 45458
district and shall compile the data in accordance with these 45459
formats. These profile formats shall: 45460

(1) Include all of the data gathered under this section in 45461
a manner that facilitates comparison among school districts and 45462
among school buildings within each school district; 45463

(2) Present the data on academic achievement levels as 45464
assessed by the testing of student achievement maintained 45465
pursuant to division (B) (1) (d) of this section. 45466

(H) (1) The department shall, in accordance with the 45467
procedures it adopts, annually prepare a statewide report for 45468
all school districts and the general public that includes the 45469
profile of each of the school districts developed pursuant to 45470
division (G) of this section. Copies of the report shall be sent 45471
to each school district. 45472

(2) The department shall, in accordance with the 45473
procedures it adopts, annually prepare an individual report for 45474
each school district and the general public that includes the 45475
profiles of each of the school buildings in that school district 45476
developed pursuant to division (G) of this section. 45477

(I) Any data that is collected or maintained pursuant to 45478
this section and that identifies an individual pupil is not a 45479
public record for the purposes of section 149.43 of the Revised 45480
Code. 45481

(J) As used in this section: 45482

(1) "School district" means any city, local, exempted 45483
village, or joint vocational school district and, in accordance 45484
with section 3314.17 of the Revised Code, any community school. 45485
As used in division (L) of this section, "school district" also 45486
includes any educational service center or other educational 45487
entity required to submit data using the system established 45488
under this section. 45489

(2) "Cost" means any expenditure for operating expenses 45490
made by a school district excluding any expenditures for debt 45491
retirement except for payments made to any commercial lending 45492
institution for any loan approved pursuant to section 3313.483 45493
of the Revised Code. 45494

(K) Any person who removes data from the information 45495
system established under this section for the purpose of 45496
releasing it to any person not entitled under law to have access 45497
to such information is subject to section 2913.42 of the Revised 45498
Code prohibiting tampering with data. 45499

(L) (1) In accordance with division (L) (2) of this section 45500
and the rules adopted under division (L) (10) of this section, 45501

the department may sanction any school district that reports 45502
incomplete or inaccurate data, reports data that does not 45503
conform to data requirements and descriptions published by the 45504
department, fails to report data in a timely manner, or 45505
otherwise does not make a good faith effort to report data as 45506
required by this section. 45507

(2) If the department decides to sanction a school 45508
district under this division, the department shall take the 45509
following sequential actions: 45510

(a) Notify the district in writing that the department has 45511
determined that data has not been reported as required under 45512
this section and require the district to review its data 45513
submission and submit corrected data by a deadline established 45514
by the department. The department also may require the district 45515
to develop a corrective action plan, which shall include 45516
provisions for the district to provide mandatory staff training 45517
on data reporting procedures. 45518

(b) Withhold up to ten per cent of the total amount of 45519
state funds due to the district for the current fiscal year and, 45520
if not previously required under division (L) (2) (a) of this 45521
section, require the district to develop a corrective action 45522
plan in accordance with that division; 45523

(c) Withhold an additional amount of up to twenty per cent 45524
of the total amount of state funds due to the district for the 45525
current fiscal year; 45526

(d) Direct department staff or an outside entity to 45527
investigate the district's data reporting practices and make 45528
recommendations for subsequent actions. The recommendations may 45529
include one or more of the following actions: 45530

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 45531
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- (ii) Conduct a site visit and evaluation of the district; 45533
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 45534
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- (iv) Continue monitoring the district's data reporting; 45537
- (v) Assign department staff to supervise the district's data management system; 45538
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- (vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section; 45540
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- (vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section; 45543
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- (viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district; 45547
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- (ix) Any other action designed to correct the district's data reporting problems. 45552
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- (3) Any time the department takes an action against a school district under division (L) (2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and 45554
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maintain a copy of the report in its files. 45559

(4) If any action taken under division (L)(2) of this 45560
section resolves a school district's data reporting problems to 45561
the department's satisfaction, the department shall not take any 45562
further actions described by that division. If the department 45563
withheld funds from the district under that division, the 45564
department may release those funds to the district, except that 45565
if the department withheld funding under division (L)(2)(c) of 45566
this section, the department shall not release the funds 45567
withheld under division (L)(2)(b) of this section and, if the 45568
department withheld funding under division (L)(2)(d) of this 45569
section, the department shall not release the funds withheld 45570
under division (L)(2)(b) or (c) of this section. 45571

(5) Notwithstanding anything in this section to the 45572
contrary, the department may use its own staff or an outside 45573
entity to conduct an audit of a school district's data reporting 45574
practices any time the department has reason to believe the 45575
district has not made a good faith effort to report data as 45576
required by this section. If any audit conducted by an outside 45577
entity under division (L)(2)(d)(i) or (5) of this section 45578
confirms that a district has not made a good faith effort to 45579
report data as required by this section, the district shall 45580
reimburse the department for the full cost of the audit. The 45581
department may withhold state funds due to the district for this 45582
purpose. 45583

(6) Prior to issuing a revised report card for a school 45584
district under division (L)(2)(d)(viii) of this section, the 45585
department may hold a hearing to provide the district with an 45586
opportunity to demonstrate that it made a good faith effort to 45587
report data as required by this section. The hearing shall be 45588

conducted by a referee appointed by the department. Based on the 45589
information provided in the hearing, the referee shall recommend 45590
whether the department should issue a revised report card for 45591
the district. If the referee affirms the department's contention 45592
that the district did not make a good faith effort to report 45593
data as required by this section, the district shall bear the 45594
full cost of conducting the hearing and of issuing any revised 45595
report card. 45596

(7) If the department determines that any inaccurate data 45597
reported under this section caused a school district to receive 45598
excess state funds in any fiscal year, the district shall 45599
reimburse the department an amount equal to the excess funds, in 45600
accordance with a payment schedule determined by the department. 45601
The department may withhold state funds due to the district for 45602
this purpose. 45603

(8) Any school district that has funds withheld under 45604
division (L)(2) of this section may appeal the withholding in 45605
accordance with Chapter 119. of the Revised Code. 45606

(9) In all cases of a disagreement between the department 45607
and a school district regarding the appropriateness of an action 45608
taken under division (L)(2) of this section, the burden of proof 45609
shall be on the district to demonstrate that it made a good 45610
faith effort to report data as required by this section. 45611

(10) The director of education and workforce shall adopt 45612
rules under Chapter 119. of the Revised Code to implement 45613
division (L) of this section. 45614

(M) No information technology center or school district 45615
shall acquire, change, or update its student administration 45616
software package to manage and report data required to be 45617

reported to the department unless it converts to a student 45618
software package that is certified by the department. 45619

(N) The state board of education, in accordance with 45620
sections 3319.31 and 3319.311 of the Revised Code, may suspend 45621
or revoke a license as defined under division (A) of section 45622
3319.31 of the Revised Code that has been issued to any school 45623
district employee found to have willfully reported erroneous, 45624
inaccurate, or incomplete data to the education management 45625
information system. 45626

(O) No person shall release or maintain any information 45627
about any student in violation of this section. Whoever violates 45628
this division is guilty of a misdemeanor of the fourth degree. 45629

~~(P) The department shall disaggregate the data collected~~ 45630
~~under division (B) (1) (n) of this section according to the race~~ 45631
~~and socioeconomic status of the students assessed.~~ 45632

~~(Q)~~ If the department cannot compile any of the 45633
information required by division (I) of section 3302.03 of the 45634
Revised Code based upon the data collected under this section, 45635
the department shall develop a plan and a reasonable timeline 45636
for the collection of any data necessary to comply with that 45637
division. 45638

Sec. 3301.0715. ~~(A) Except as required under division (B)~~ 45639
~~(1) of section 3313.608 or as specified in division (D) (3) of~~ 45640
~~section 3301.079 of the Revised Code, the~~ (A) (1) The board of 45641
education of each city, local, and exempted village school 45642
district shall administer each applicable diagnostic assessment 45643
developed and provided to the district in accordance with 45644
section 3301.079 of the Revised Code to the following: 45645

~~(1)~~ (a) Each student enrolled in kindergarten, first, 45646

second, or third grade.

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(b) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

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~~(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the twentieth day of instruction of that school year.~~

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~~For the purpose of division (A) (2) of this section, the~~
The district shall administer the kindergarten readiness assessment provided by the department of children and youth to each kindergarten student not earlier than the first day of July of the school year in which the student is enrolled in kindergarten and not later than the twentieth day of instruction of that school year. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

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~~(3) Each student enrolled in first, second, or third grade.~~

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~~Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department.~~

(B) Each district board shall administer each diagnostic assessment ~~when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment described in division (A) (1) of this section at least once annually by the thirtieth day of September to all students in the appropriate grade level. The board shall administer a diagnostic assessment to a student with a significant cognitive disability in accordance with guidelines adopted by the department of education and workforce.~~ A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

~~(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A) (3) of this section if the district meets either of the following conditions for the immediately preceding school year:~~

~~(1) The district received a grade of "A" or "B" for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C) (1) (c) of that section.~~

~~(2) The district received a performance rating of four stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code or for progress under division (D) (3) (c) of that section.~~

~~(D)~~ Each district board shall utilize and score ~~any~~ diagnostic the kindergarten readiness assessment administered ~~under division (A) of this section~~ in accordance with rules established by ~~the department of education or the department of~~ children and youth and shall utilize and score each diagnostic assessment described in division (A)(1) of this section in accordance with rules established by the department of education and workforce. After the administration of ~~any the kindergarten readiness assessment or a diagnostic assessment described in~~ division (A)(1) of this section, each district shall provide a student's completed ~~diagnostic~~ assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, ~~and~~. The district shall include all such documents and information related to a diagnostic assessment described in division (A)(1) of this section in any plan developed for the student under division (C) of section 3313.608 of the Revised Code. Each district shall submit, in the manner prescribed by each department, the results of the diagnostic assessments administered under this section, regardless of the type of assessment used under section 3313.608 of the Revised Code as follows:

(1) The results of the kindergarten readiness assessment to the department of children and youth;

(2) The results of all diagnostic assessments described in division (A)(1) of this section to the department of education and workforce pursuant to section 3301.0714 of the Revised Code.

~~The department of education and the department of children and youth may issue reports with respect to the data collected. Either department may report school and district level~~

kindergarten ~~diagnostic-readiness~~ assessment data ~~and use~~. The 45736
department of education and workforce may report data from any 45737
diagnostic assessment data ~~described in division (A) (1) of this~~ 45738
section and may use that data to calculate the measures 45739
prescribed by divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of 45740
section 3302.03 of the Revised Code ~~and the data reported under~~ 45741
~~division (D) (2) (e) of that section.~~ 45742

~~(E)~~ (D) Each district board shall provide intervention 45743
services to students whose ~~diagnostic~~-assessments show that they 45744
are failing to make satisfactory progress toward attaining the 45745
academic standards for their grade level. 45746

~~(F)~~ (E) Any chartered nonpublic school may elect to 45747
administer the kindergarten readiness assessment to all 45748
kindergarten students enrolled in the school. If the school so 45749
elects, the chief administrator of the school shall notify the 45750
director of children and youth not later than the thirty-first 45751
day of March prior to any school year in which the school will 45752
administer the assessment. The department of children and youth 45753
shall furnish the assessment to the school at no cost to the 45754
school. In administering the assessment, the school shall do all 45755
of the following: 45756

(1) Enter into a written agreement with the department of 45757
children and youth specifying that the school will share each 45758
participating student's assessment data with the department ~~of~~ 45759
~~education and the department of children and youth and, that for~~ 45760
~~the purpose of reporting the data to the department of education~~ 45761
~~and department of children and youth, each participating student~~ 45762
will be assigned a data verification code as described in 45763
division (D) (2) of section 3301.0714 of the Revised Code; 45764

(2) Require the assessment to be administered by a teacher 45765

certified under section 3301.071 of the Revised Code who either 45766
has completed training on administering the kindergarten 45767
readiness assessment ~~provided by the department of children and~~ 45768
~~youth~~ or has been trained by another person who has completed 45769
such training; 45770

(3) Administer the assessment in the same manner as school 45771
districts are required to do under this section and the rules 45772
established under division ~~(D)~~ (C) of this section. 45773

~~(G)~~ (F) A school district in which less than eighty per 45774
cent of its students score at the proficient level or higher on 45775
the third-grade English language arts assessment prescribed 45776
under section 3301.0710 of the Revised Code shall establish a 45777
reading improvement plan supported by reading specialists. Prior 45778
to implementation, the plan shall be approved by the school 45779
district board of education. 45780

(G) As used in this section, "kindergarten readiness 45781
assessment" means the diagnostic assessment provided by the 45782
department of children and youth under section 5104.52 of the 45783
Revised Code. 45784

Sec. 3301.0722. (A) As used in this section, "evidence- 45785
based" has the same meaning as in section 3301.221 of the 45786
Revised Code. 45787

(B) The department of education and workforce, in 45788
collaboration with the department of behavioral health and the 45789
OneOhio recovery foundation, shall conduct a review of available 45790
resources and develop a list of curricula, materials, programs, 45791
and instructional strategies related to the instruction required 45792
under divisions (A) (5) (b) and (g) of section 3313.60 of the 45793
Revised Code and section 3313.6034 of the Revised Code, that 45794

districts or schools may utilize. The department of education 45795
and workforce shall highlight any evidence-based resources that 45796
exist on its list. Periodically, the department of education and 45797
workforce shall review and update the list developed under this 45798
section. 45799

Sec. 3301.0723. (A) All of the following apply to the 45800
independent contractor engaged by the department of education 45801
and workforce to create and maintain for school districts and 45802
community schools the student data verification codes required 45803
by division (D) (2) of section 3301.0714 of the Revised Code: 45804

(1) Upon request of the director of any state agency that 45805
administers a publicly funded program providing services to 45806
children who are younger than compulsory school age, including 45807
the directors of health, children and youth, mental health and 45808
addiction services, and developmental disabilities, the 45809
contractor shall assign a data verification code to a child who 45810
is receiving such services and shall provide that code to the 45811
director. 45812

(2) Upon request of the director of developmental 45813
disabilities, director of health, director of job and family 45814
services, director of children and youth, director of mental 45815
health and addiction services, medicaid director, executive 45816
director of the commission on minority health, executive 45817
director of the opportunities for Ohioans with disabilities 45818
agency, or director of education and workforce and on behalf of 45819
a program that receives public funds and provides services to 45820
children younger than compulsory school age, the contractor 45821
shall assign a data verification code to a child who is 45822
receiving such services from the program and shall provide that 45823
code to the director. 45824

(3) The contractor also shall provide the codes requested 45825
under division (A) of this section to the department of 45826
education and workforce. 45827

For purposes of division (A) of this section, "compulsory 45828
school age" has the same meaning as in section 3321.01 of the 45829
Revised Code. 45830

(B) The director of a state agency that receives a child's 45831
data verification code under division (A)(1) of this section 45832
shall use that code to submit information for that child to the 45833
department of education and workforce in accordance with section 45834
3301.0714 of the Revised Code. 45835

The director of a state agency that receives a child's 45836
data verification code under division (A)(2) of this section 45837
shall provide that code to the publicly or privately funded 45838
program providing services to the child. The program shall use 45839
that code to submit information for that child to the department 45840
of education and workforce in accordance with section 3301.0714 45841
of the Revised Code, but only to the extent permitted by federal 45842
law. 45843

(C) A public school that receives from the independent 45844
contractor the data verification code for a child assigned under 45845
division (A) of this section shall not request or assign to that 45846
child another data verification code under division (D)(2) of 45847
section 3301.0714 of the Revised Code. That school and any other 45848
public school in which the child subsequently enrolls shall use 45849
the data verification code assigned under division (A) of this 45850
section to report data relative to that student required under 45851
section 3301.0714 of the Revised Code. 45852

Sec. 3301.0727. (A) As used in this section, "dropout 45853

prevention and recovery community school" has the same meaning 45854
as in section ~~3319.301~~ 3314.02 of the Revised Code. 45855

(B) Notwithstanding any provision to the contrary in 45856
section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, 45857
a dropout prevention and recovery community school shall do both 45858
of the following with regard to the administration of end-of- 45859
course examinations required under section 3301.0712 of the 45860
Revised Code: 45861

(1) In addition to the annual testing windows established 45862
by the director of education and workforce under division (C) of 45863
section 3301.0710 of the Revised Code, administer the 45864
examinations in an online or paper format based on the needs of 45865
the student; 45866

(2) Adhere to security requirements prescribed under 45867
section 3319.151 of the Revised Code for the online examinations 45868
administered under division (B)(1) of this section. 45869

(C) The director of education and workforce shall 45870
establish extended testing windows of ten weeks in duration in 45871
the fall and spring for dropout prevention and recovery 45872
community schools so that they may administer assessments in 45873
closer proximity to when students complete related coursework. 45874
The director also shall establish a summer testing window for 45875
students participating in summer instruction. 45876

(D) Nothing in this section shall be construed to relieve 45877
a dropout prevention and recovery community school from its 45878
obligation to administer testing in-person as otherwise required 45879
by law. 45880

Sec. 3301.0732. The minimum education standards prescribed 45881
by the director of education and workforce for nonchartered 45882

nonpublic schools under section 3301.07 of the Revised Code 45883
shall comply with and shall be limited to this section. 45884

(A) A nonchartered nonpublic school that is not seeking a 45885
charter from the department of education and workforce because 45886
of truly held religious beliefs shall annually certify in a 45887
report to the parents of its pupils that the school meets 45888
minimum education standards for nonchartered nonpublic schools 45889
as described in this section. A copy of the report shall be 45890
filed with the department of education and workforce on or 45891
before the thirtieth day of September of each year. 45892

(B) A nonchartered nonpublic school shall be open for 45893
instruction with pupils in attendance for not less than four 45894
hundred fifty-five hours in the case of pupils in kindergarten 45895
unless such pupils are provided all-day kindergarten, in which 45896
case the pupils shall be in attendance for nine hundred ten 45897
hours; nine hundred ten hours in the case of pupils in grades 45898
one through six; and one thousand one hours in the case of 45899
pupils in grades seven through twelve in each school year. 45900

(C) The parents of a child enrolled in a nonchartered 45901
nonpublic school shall be responsible for reporting their 45902
child's enrollment or withdrawal from that school to the 45903
treasurer of the board of education of the city, exempted 45904
village, or local school district in which the pupil resides. 45905
Pupil attendance is reported for the purposes of facilitating 45906
the administration of laws relating to compulsory education and 45907
the employment of minors. An individual in charge of the 45908
nonchartered nonpublic school may, as a matter of convenience, 45909
provide the report to the treasurer on behalf of the parents. 45910

The attendance report shall include the name, age, and 45911
place of residence of each pupil below eighteen years of age. 45912

The report shall be made within the first two weeks of the 45913
beginning of each school year. In the case of pupil withdrawal 45914
or entrance during the school year, notice shall be given to the 45915
treasurer of the appropriate board of education within the first 45916
week of the next school month. 45917

(D) Teachers and administrators at nonchartered nonpublic 45918
schools shall hold at least a bachelor's degree, or the 45919
equivalent, from a recognized college or university. 45920

(E) The curriculum of each nonchartered nonpublic school 45921
shall include the study of the following subjects: 45922

(1) Language arts; 45923

(2) Geography, the history of the United States and Ohio, 45924
and national, state, and local government; 45925

(3) Mathematics; 45926

(4) Science; 45927

(5) Health, which may include age and developmentally 45928
appropriate instruction about how short-term or chronic 45929
substance use, as defined in section 3313.6034 of the Revised 45930
Code, to alter an individual's mood is harmful to an 45931
individual's health; 45932

(6) Physical education; 45933

(7) The fine arts, including music; 45934

(8) First aid, safety, and fire prevention; 45935

(9) Other subjects as prescribed by the nonchartered 45936
nonpublic school. 45937

(F) Each nonchartered nonpublic school shall follow 45938
regular procedures for promotion from grade to grade for pupils 45939

who have met the school's educational requirements. 45940

(G) Each nonchartered nonpublic school shall comply with 45941
all applicable health, fire, and safety laws. 45942

(H) Pupils attending a nonchartered nonpublic school shall 45943
not be entitled to pupil transportation or auxiliary services. A 45944
nonchartered nonpublic school is not entitled to reimbursement 45945
for administrative costs. 45946

Sec. 3301.136. The department of education and workforce 45947
shall compile a list of tutoring programs that it considers to 45948
be of high quality and have the potential to accelerate learning 45949
for students in the areas of English language arts, mathematics, 45950
science, and social studies. For this purpose, the department 45951
shall request the qualifications of public and private entities 45952
that provide tutoring programs for students. The requested 45953
qualifications shall include program efficacy data or other 45954
evidence of program effectiveness for students who participate 45955
in the tutoring programs. The department shall establish a 45956
rubric to evaluate the programs and determine a minimum score 45957
for a tutoring program to be included on the department's list. 45958

In compiling the list, the department may designate 45959
individual tutoring programs as more appropriate for certain 45960
grade levels, populations of students, or subject areas. 45961

The department shall immediately remove from the list any 45962
tutoring program in the area of English language arts that the 45963
department determines is not aligned to the science of reading 45964
or uses a three-cueing approach, as defined in section 3313.6028 45965
of the Revised Code. 45966

The department may establish multiple application periods 45967
in any school year for entities to submit their qualifications 45968

for consideration to be included on the list. However, the 45969
department shall post the initial list of tutoring programs on 45970
the department's web site not later than October 1, 2022. After 45971
the initial list is posted, the department shall, at least every 45972
three years thereafter, provide an opportunity for entities to 45973
submit their qualifications for consideration to be included on 45974
the list and post an updated list of tutoring programs on the 45975
department's web site. No school district or school shall be 45976
required to use a tutoring program on the list. 45977

Sec. 3301.166. The governing authority of each chartered 45978
nonpublic school annually may provide instruction to students in 45979
the grade levels the school serves about how short-term or 45980
chronic substance use, as defined in section 3313.6034 of the 45981
Revised Code, to alter one's mood is harmful to an individual's 45982
health. Each governing authority may do all of the following 45983
with regard to the instruction: 45984

(A) Determine the manner in which the instruction is 45985
provided to students; 45986

(B) Ensure the instruction is age and developmentally 45987
appropriate; 45988

(C) Conform the instruction to prevention best-practice 45989
frameworks; 45990

(D) Focus the instruction on addressing changes in 45991
knowledge, attitude, and skills as a child develops. 45992

Sec. 3301.17. (A) The board of education of each city, 45993
exempted village, local, and joint vocational school district 45994
may make a driver education course available to high school 45995
students enrolled in the district in accordance with Chapter 45996
4508. of the Revised Code. No school district making such a 45997

course available shall require any student to enroll in the 45998
course in lieu of taking a training course from a private driver 45999
training school licensed under that chapter. 46000

(B) The principal of each high school shall annually give 46001
written notice to the students enrolled in the high school that 46002
they may elect, under a procedure that shall be described in the 46003
notice, to take a training course from a private driver training 46004
school or, if available, enroll in a driver education course 46005
made available by the student's school district of attendance. 46006

(C) Students who successfully complete a driver education 46007
course offered by the student's school district of attendance or 46008
through any agency or organization that the district contracts 46009
with to offer such a course under this section may earn either: 46010

(1) Notwithstanding anything to the contrary in division 46011
(C) (8) of section 3313.603 of the Revised Code, up to one-half 46012
unit towards high school elective credits that may substitute 46013
for credits in the subjects listed under that division; 46014

(2) An industry-recognized credential approved under 46015
section 3313.6113 of the Revised Code. ~~A student may be granted~~ 46016
~~up to two points toward a high school diploma under the list of~~ 46017
~~industry-recognized credentials established and updated under~~ 46018
~~section 3313.6113 of the Revised Code.~~ 46019

(D) Notwithstanding anything to the contrary in sections 46020
3317.014, 3317.022, and 3317.16 of the Revised Code, a career- 46021
technical planning district, as defined in section 3317.023 of 46022
the Revised Code, may use a portion of the career-technical 46023
education funds received under section 3317.022 or 3317.16 of 46024
the Revised Code to make a driver education course available to 46025
high school students enrolled in the district. 46026

Sec. 3301.221. (A) As used in this section and section 46027
3313.60 of the Revised Code, "evidence-based" means a program or 46028
practice that does either of the following: 46029

(1) Demonstrates a rationale based on high-quality 46030
research findings or positive evaluation that such a program or 46031
practice is likely to improve relevant outcomes and includes 46032
ongoing efforts to examine the effects of the program or 46033
practice; 46034

(2) Has a statistically significant effect on relevant 46035
outcomes based on: 46036

(a) Strong evidence from at least one well-designed and 46037
well-implemented experimental study; 46038

(b) Moderate evidence from at least one well-designed and 46039
well-implemented quasi-experimental study; or 46040

(c) Promising evidence from at least one well-designed and 46041
well-implemented correlation study with statistical controls for 46042
selection bias. 46043

(B) The department of education and workforce, in 46044
consultation with the department of public safety and the 46045
department of mental health and addiction services, shall 46046
maintain a universal list of approved training programs, to be 46047
posted on the department of education and workforce's web site, 46048
for instruction in suicide awareness and prevention and violence 46049
prevention as prescribed under division (A) (5) (h) of section 46050
3313.60 ~~and division (D) of section 3319.073~~ of the Revised 46051
Code. The list of approved training programs shall include at 46052
least one option that is free or of no cost to schools. The 46053
approved training programs shall be evidence-based and include 46054
the following: 46055

(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students; 46056
46057

(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers; 46058
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(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services; 46060
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46062

(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors; 46063
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(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others; 46067
46068

(6) The importance of taking threats seriously and seeking help; 46069
46070

(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program. 46071
46072
46073

(C) The department of education and workforce, in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education and workforce's web site, for instruction in social inclusion as prescribed by division (A) (5) (j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following: 46074
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(1) What social isolation is and how to identify it in others; 46084
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(2) What social inclusion is and the importance of establishing connections with peers; 46086
46087

(3) When and how to seek help for peers who may be socially isolated; 46088
46089

(4) How to utilize strategies for more social inclusion in classrooms and the school community. 46090
46091

(D) A program that uses the success sequence curriculum provided by Ohio adolescent health centers shall qualify as an approved evidence-based training program under this section and be considered to meet the minimum requirements to teach risk prevention skills across the required subject areas to youth. 46092
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Sec. 3301.24. (A) Not later than December 31, 2025, the department of education and workforce shall develop a model policy on the use of artificial intelligence in schools. The model policy shall address appropriate use of artificial intelligence by students and staff for educational purposes. 46097
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(B) Not later than July 1, 2026, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall adopt a policy on the use of artificial intelligence. The district or school may adopt the department's model policy developed under division (A) of this section. 46102
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(C) The department may collect data from districts and schools on their use of artificial intelligence in the manner prescribed by the department. 46108
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Sec. 3301.541. (A) (1) The director, head teacher, 46111

elementary principal, or site administrator of a preschool 46112
program shall request the superintendent of the bureau of 46113
criminal identification and investigation to conduct a criminal 46114
records check with respect to any applicant who has applied to 46115
the preschool program for employment as a person responsible for 46116
the care, custody, or control of a child. If the applicant does 46117
not present proof that the applicant has been a resident of this 46118
state for the five-year period immediately prior to the date 46119
upon which the criminal records check is requested or does not 46120
provide evidence that within that five-year period the 46121
superintendent has requested information about the applicant 46122
from the federal bureau of investigation in a criminal records 46123
check, the director, head teacher, or elementary principal shall 46124
request that the superintendent obtain information from the 46125
federal bureau of investigation as a part of the criminal 46126
records check for the applicant. If the applicant presents proof 46127
that the applicant has been a resident of this state for that 46128
five-year period, the director, head teacher, or elementary 46129
principal may request that the superintendent include 46130
information from the federal bureau of investigation in the 46131
criminal records check. 46132

(2) Any director, head teacher, elementary principal, or 46133
site administrator required by division (A) (1) of this section 46134
to request a criminal records check shall provide to each 46135
applicant a copy of the form prescribed pursuant to division (C) 46136
(1) of section 109.572 of the Revised Code, provide to each 46137
applicant a standard impression sheet to obtain fingerprint 46138
impressions prescribed pursuant to division (C) (2) of section 46139
109.572 of the Revised Code, obtain the completed form and 46140
impression sheet from each applicant, and forward the completed 46141
form and impression sheet to the superintendent of the bureau of 46142

criminal identification and investigation at the time the person 46143
requests a criminal records check pursuant to division (A)(1) of 46144
this section. 46145

(3) Any applicant who receives pursuant to division (A)(2) 46146
of this section a copy of the form prescribed pursuant to 46147
division (C)(1) of section 109.572 of the Revised Code and a 46148
copy of an impression sheet prescribed pursuant to division (C) 46149
(2) of that section and who is requested to complete the form 46150
and provide a set of fingerprint impressions shall complete the 46151
form or provide all the information necessary to complete the 46152
form and provide the impression sheet with the impressions of 46153
the applicant's fingerprints. If an applicant, upon request, 46154
fails to provide the information necessary to complete the form 46155
or fails to provide impressions of the applicant's fingerprints, 46156
the preschool program shall not employ that applicant for any 46157
position for which a criminal records check is required by 46158
division (A)(1) of this section. 46159

(B)(1) Except as provided in rules adopted by the 46160
department of ~~education and workforce~~ children and youth in 46161
accordance with division (E) of this section, no preschool 46162
program shall employ a person as a person responsible for the 46163
care, custody, or control of a child if the person previously 46164
has been convicted of or pleaded guilty to any of the following: 46165

(a) A violation of section 2903.01, 2903.02, 2903.03, 46166
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 46167
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 46168
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 46169
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 46170
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 46171
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 46172

2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 46173
section 2905.04 of the Revised Code as it existed prior to July 46174
1, 1996, a violation of section 2919.23 of the Revised Code that 46175
would have been a violation of section 2905.04 of the Revised 46176
Code as it existed prior to July 1, 1996, had the violation 46177
occurred prior to that date, a violation of section 2925.11 of 46178
the Revised Code that is not a minor drug possession offense, or 46179
felonious sexual penetration in violation of former section 46180
2907.12 of the Revised Code; 46181

(b) A violation of an existing or former law of this 46182
state, any other state, or the United States that is 46183
substantially equivalent to any of the offenses or violations 46184
described in division (B) (1) (a) of this section. 46185

(2) A preschool program may employ an applicant 46186
conditionally until the criminal records check required by this 46187
section is completed and the preschool program receives the 46188
results of the criminal records check. If the results of the 46189
criminal records check indicate that, pursuant to division (B) 46190
(1) of this section, the applicant does not qualify for 46191
employment, the preschool program shall release the applicant 46192
from employment. 46193

(C) (1) Each preschool program shall pay to the bureau of 46194
criminal identification and investigation the fee prescribed 46195
pursuant to division (C) (3) of section 109.572 of the Revised 46196
Code for each criminal records check conducted in accordance 46197
with that section upon the request pursuant to division (A) (1) 46198
of this section of the director, head teacher, elementary 46199
principal, or site administrator of the preschool program. 46200

(2) A preschool program may charge an applicant a fee for 46201
the costs it incurs in obtaining a criminal records check under 46202

this section. A fee charged under this division shall not exceed 46203
the amount of fees the preschool program pays under division (C) 46204
(1) of this section. If a fee is charged under this division, 46205
the preschool program shall notify the applicant at the time of 46206
the applicant's initial application for employment of the amount 46207
of the fee and that, unless the fee is paid, the applicant will 46208
not be considered for employment. 46209

(D) The report of any criminal records check conducted by 46210
the bureau of criminal identification and investigation in 46211
accordance with section 109.572 of the Revised Code and pursuant 46212
to a request under division (A)(1) of this section is not a 46213
public record for the purposes of section 149.43 of the Revised 46214
Code and shall not be made available to any person other than 46215
the applicant who is the subject of the criminal records check 46216
or the applicant's representative, the preschool program 46217
requesting the criminal records check or its representative, and 46218
any court, hearing officer, or other necessary individual in a 46219
case dealing with the denial of employment to the applicant. 46220

(E) The department of ~~education and workforce~~ children and 46221
youth shall adopt rules pursuant to Chapter 119. of the Revised 46222
Code to implement this section, including rules specifying 46223
circumstances under which a preschool program may hire a person 46224
who has been convicted of an offense listed in division (B)(1) 46225
of this section but who meets standards in regard to 46226
rehabilitation set by the department. 46227

(F) Any person required by division (A)(1) of this section 46228
to request a criminal records check shall inform each person, at 46229
the time of the person's initial application for employment, 46230
that the person is required to provide a set of impressions of 46231
the person's fingerprints and that a criminal records check is 46232

required to be conducted and satisfactorily completed in 46233
accordance with section 109.572 of the Revised Code if the 46234
person comes under final consideration for appointment or 46235
employment as a precondition to employment for that position. 46236

(G) As used in this section: 46237

(1) "Applicant" means a person who is under final 46238
consideration for appointment or employment in a position with a 46239
preschool program as a person responsible for the care, custody, 46240
or control of a child, except that "applicant" does not include 46241
a person already employed by a board of education, community 46242
school, or chartered nonpublic school in a position of care, 46243
custody, or control of a child who is under consideration for a 46244
different position with such board or school. 46245

(2) "Criminal records check" has the same meaning as in 46246
section 109.572 of the Revised Code. 46247

(3) "Minor drug possession offense" has the same meaning 46248
as in section 2925.01 of the Revised Code. 46249

(H) If the board of education of a local school district 46250
adopts a resolution requesting the assistance of the educational 46251
service center in which the local district has territory in 46252
conducting criminal records checks of substitute teachers under 46253
this section, the appointing or hiring officer of such 46254
educational service center governing board shall serve for 46255
purposes of this section as the appointing or hiring officer of 46256
the local board in the case of hiring substitute teachers for 46257
employment in the local district. 46258

Sec. 3301.57. (A) For the purpose of improving programs, 46259
facilities, and implementation of the standards promulgated 46260
under section 3301.53 of the Revised Code, ~~the department of~~ 46261

~~education and workforce and the~~ department of children and youth 46262
shall provide consultation and technical assistance to school 46263
districts, county boards of developmental disabilities, 46264
community schools, authorized private before and after school 46265
care programs, and eligible nonpublic schools operating 46266
preschool programs or school child programs, and in-service 46267
training to preschool staff members, school child program staff 46268
members, and nonteaching employees. 46269

(B) The department of education and workforce, the 46270
department of children and youth, and the school district board 46271
of education, county board of developmental disabilities, 46272
community school, or eligible nonpublic school shall jointly 46273
monitor each preschool program and each school child program. 46274

If the program receives any grant or other funding from 46275
the state or federal government, the department of education and 46276
workforce and the department of children and youth annually 46277
shall monitor all reports on attendance, financial support, and 46278
expenditures according to provisions for use of the funds. 46279

(C) The ~~department of education and workforce and the~~ 46280
department of children and youth, at least once during every 46281
twelve-month period of operation of a preschool program or a 46282
licensed school child program, shall inspect the program and 46283
provide a written inspection report to the superintendent of the 46284
school district, county board of developmental disabilities, 46285
community school, or eligible nonpublic school. The ~~departments~~ 46286
department may inspect any program more than once, as considered 46287
necessary by the ~~departments~~ department, during any twelve-month 46288
period of operation. All inspections may be unannounced. No 46289
person shall interfere with any inspection conducted pursuant to 46290
this division or to the rules adopted pursuant to sections 46291

3301.52 to 3301.59 of the Revised Code. 46292

Upon receipt of any complaint that a preschool program or 46293
a licensed school child program is out of compliance with the 46294
requirements in sections 3301.52 to 3301.59 of the Revised Code 46295
or the rules adopted under those sections, the department of 46296
children and youth shall investigate and may inspect the 46297
program. If the complaint is related to a teacher, the 46298
department shall coordinate with the ~~department~~ state board of 46299
education to investigate and take action on a teacher's license. 46300

(D) If a preschool program or a licensed school child 46301
program is determined to be out of compliance with the 46302
requirements of sections 3301.52 to 3301.59 of the Revised Code 46303
or the rules adopted under those sections, the department of 46304
children and youth shall notify the appropriate superintendent, 46305
county board of developmental disabilities, community school, 46306
authorized private before and after school care program, or 46307
eligible nonpublic school in writing regarding the nature of the 46308
violation, what must be done to correct the violation, and by 46309
what date the correction must be made. If the correction is not 46310
made by the date established by the department, it may commence 46311
action under Chapter 119. of the Revised Code to close the 46312
program or to revoke the license of the program. If a program 46313
does not comply with an order to cease operation issued in 46314
accordance with Chapter 119. of the Revised Code, the department 46315
shall notify the attorney general, the prosecuting attorney of 46316
the county in which the program is located, or the city 46317
attorney, village solicitor, or other chief legal officer of the 46318
municipal corporation in which the program is located that the 46319
program is operating in violation of sections 3301.52 to 3301.59 46320
of the Revised Code or the rules adopted under those sections 46321
and in violation of an order to cease operation issued in 46322

accordance with Chapter 119. of the Revised Code. Upon receipt 46323
of the notification, the attorney general, prosecuting attorney, 46324
city attorney, village solicitor, or other chief legal officer 46325
shall file a complaint in the court of common pleas of the 46326
county in which the program is located requesting the court to 46327
issue an order enjoining the program from operating. The court 46328
shall grant the requested injunctive relief upon a showing that 46329
the program named in the complaint is operating in violation of 46330
sections 3301.52 to 3301.59 of the Revised Code or the rules 46331
adopted under those sections and in violation of an order to 46332
cease operation issued in accordance with Chapter 119. of the 46333
Revised Code. 46334

(E) The ~~department of education and workforce and~~ 46335
department of children and youth shall prepare an annual report 46336
on inspections conducted under this section. The report shall 46337
include the number of inspections conducted, the number and 46338
types of violations found, and the steps taken to address the 46339
violations. The ~~departments~~ department shall file the report 46340
with the governor, the president and minority leader of the 46341
senate, and the speaker and minority leader of the house of 46342
representatives on or before the first day of January of each 46343
year. 46344

Sec. 3301.82. (A) The department of education and 46345
workforce annually shall collect employment and vacancy data for 46346
each city, local, exempted village, and joint vocational school 46347
district, community school established under Chapter 3314. of 46348
the Revised Code, and STEM school established under Chapter 46349
3326. of the Revised Code for all of the following: 46350

(1) Teachers; 46351

(2) Related services providers and other providers of 46352

<u>specialized services;</u>	46353
<u>(3) Principals and assistant principals;</u>	46354
<u>(4) Paraprofessionals;</u>	46355
<u>(5) Bus drivers;</u>	46356
<u>(6) Any other positions as determined by the department.</u>	46357
<u>(B) The department shall report the number of vacant</u>	46358
<u>positions aggregated by the following:</u>	46359
<u>(1) Type of position;</u>	46360
<u>(2) Subject area;</u>	46361
<u>(3) Geographic area, including rural and urban areas;</u>	46362
<u>(4) The number of educator positions filled by long-term</u>	46363
<u>substitute teachers, unlicensed individuals, or educators with</u>	46364
<u>emergency credentials disaggregated by school, grade level, and</u>	46365
<u>endorsement;</u>	46366
<u>(5) The reasons why a position was vacant, which may</u>	46367
<u>include the following reasons:</u>	46368
<u>(a) Retirement;</u>	46369
<u>(b) New position;</u>	46370
<u>(c) Repeated poor teacher evaluations;</u>	46371
<u>(d) Position is no longer necessary;</u>	46372
<u>(e) Reduction in force.</u>	46373
<u>(6) Methods used to fill vacant positions, which shall</u>	46374
<u>include the following:</u>	46375
<u>(a) Hiring of short- and long-term substitutes;</u>	46376

<u>(b) Hiring retired educators;</u>	46377
<u>(c) Hiring educators from alternative licensure program</u>	46378
<u>candidates;</u>	46379
<u>(d) Contracting with an educational service center or</u>	46380
<u>other entity;</u>	46381
<u>(e) Hiring personnel with emergency credentials or who are</u>	46382
<u>unlicensed;</u>	46383
<u>(f) Other methods identified by the department.</u>	46384
<u>(7) Positions that remain unfilled.</u>	46385
<u>(C) The department also annually shall collect and report</u>	46386
<u>the following statewide data on educators:</u>	46387
<u>(1) Educator preparation program enrollment and completion</u>	46388
<u>data annually, disaggregated by endorsement area and grade</u>	46389
<u>level;</u>	46390
<u>(2) The number of new educator licenses issued by the</u>	46391
<u>state board of education annually, disaggregated by licensure</u>	46392
<u>pathway and including those issued through reciprocity with</u>	46393
<u>another state;</u>	46394
<u>(3) Educator retention at one-year, three-year, five-year,</u>	46395
<u>and ten-year rates;</u>	46396
<u>(4) Educator demographic data aggregated at the district</u>	46397
<u>and state level.</u>	46398
<u>(D) The department shall annually publish and summarize</u>	46399
<u>data collected under this section on its publicly accessible web</u>	46400
<u>site. To the extent possible, the department shall report the</u>	46401
<u>data at the state, district, and school level.</u>	46402
Sec. 3302.03. Not later than the thirty-first day of July	46403

of each year, the department of education and workforce shall 46404
submit preliminary report card data for overall academic 46405
performance and for each separate performance measure for each 46406
school district, and each school building, in accordance with 46407
this section. 46408

Annually, not later than the fifteenth day of September or 46409
the preceding Friday when that day falls on a Saturday or 46410
Sunday, the department shall assign a letter grade or 46411
performance rating for overall academic performance and for each 46412
separate performance measure for each school district, and each 46413
school building in a district, in accordance with this section. 46414
The department shall adopt rules pursuant to Chapter 119. of the 46415
Revised Code to implement this section. The department's rules 46416
shall establish performance criteria for each letter grade or 46417
performance rating and prescribe a method by which the 46418
department assigns each letter grade or performance rating. For 46419
a school building to which any of the performance measures do 46420
not apply, due to grade levels served by the building, the 46421
department shall designate the performance measures that are 46422
applicable to the building and that must be calculated 46423
separately and used to calculate the building's overall grade or 46424
performance rating. The department shall issue annual report 46425
cards reflecting the performance of each school district, each 46426
building within each district, and for the state as a whole 46427
using the performance measures and letter grade or performance 46428
rating system described in this section. The department shall 46429
include on the report card for each district and each building 46430
within each district the most recent two-year trend data in 46431
student achievement for each subject and each grade. 46432

(A) (1) For the 2012-2013 school year, the department shall 46433
issue grades as described in division (F) of this section for 46434

each of the following performance measures: 46435

(a) Annual measurable objectives; 46436

(b) Performance index score for a school district or 46437
building. Grades shall be awarded as a percentage of the total 46438
possible points on the performance index system as adopted by 46439
the department. In adopting benchmarks for assigning letter 46440
grades under division (A) (1) (b) of this section, the department 46441
shall designate ninety per cent or higher for an "A," at least 46442
seventy per cent but not more than eighty per cent for a "C," 46443
and less than fifty per cent for an "F." 46444

(c) The extent to which the school district or building 46445
meets each of the applicable performance indicators established 46446
by the department under section 3302.02 of the Revised Code and 46447
the percentage of applicable performance indicators that have 46448
been achieved. In adopting benchmarks for assigning letter 46449
grades under division (A) (1) (c) of this section, the department 46450
shall designate ninety per cent or higher for an "A." 46451

(d) The four- and five-year adjusted cohort graduation 46452
rates. 46453

In adopting benchmarks for assigning letter grades under 46454
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 46455
department shall designate a four-year adjusted cohort 46456
graduation rate of ninety-three per cent or higher for an "A" 46457
and a five-year cohort graduation rate of ninety-five per cent 46458
or higher for an "A." 46459

(e) The overall score under the value-added progress 46460
dimension of a school district or building, for which the 46461
department shall use up to three years of value-added data as 46462
available. The letter grade assigned for this growth measure 46463

shall be as follows: 46464

(i) A score that is at least one standard error of measure 46465
above the mean score shall be designated as an "A." 46466

(ii) A score that is less than one standard error of 46467
measure above but greater than one standard error of measure 46468
below the mean score shall be designated as a "B." 46469

(iii) A score that is less than or equal to one standard 46470
error of measure below the mean score but greater than two 46471
standard errors of measure below the mean score shall be 46472
designated as a "C." 46473

(iv) A score that is less than or equal to two standard 46474
errors of measure below the mean score but is greater than three 46475
standard errors of measure below the mean score shall be 46476
designated as a "D." 46477

(v) A score that is less than or equal to three standard 46478
errors of measure below the mean score shall be designated as an 46479
"F." 46480

Whenever the value-added progress dimension is used as a 46481
graded performance measure in this division and divisions (B) 46482
and (C) of this section, whether as an overall measure or as a 46483
measure of separate subgroups, the grades for the measure shall 46484
be calculated in the same manner as prescribed in division (A) 46485
(1) (e) of this section. 46486

(f) The value-added progress dimension score for a school 46487
district or building disaggregated for each of the following 46488
subgroups: students identified as gifted, students with 46489
disabilities, and students whose performance places them in the 46490
lowest quintile for achievement on a statewide basis. Each 46491
subgroup shall be a separate graded measure. 46492

(2) The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the department's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building 46522
meets each of the applicable performance indicators established 46523
by the department under section 3302.03 of the Revised Code and 46524
the percentage of applicable performance indicators that have 46525
been achieved. In adopting benchmarks for assigning letter 46526
grades under division (B) (1) (c) of this section, the department 46527
shall designate ninety per cent or higher for an "A." 46528

(d) The four- and five-year adjusted cohort graduation 46529
rates; 46530

(e) The overall score under the value-added progress 46531
dimension of a school district or building, for which the 46532
department shall use up to three years of value-added data as 46533
available. 46534

(f) The value-added progress dimension score for a school 46535
district or building disaggregated for each of the following 46536
subgroups: students identified as gifted in superior cognitive 46537
ability and specific academic ability fields under Chapter 3324. 46538
of the Revised Code, students with disabilities, and students 46539
whose performance places them in the lowest quintile for 46540
achievement on a statewide basis. Each subgroup shall be a 46541
separate graded measure. 46542

(g) Whether a school district or building is making 46543
progress in improving literacy in grades kindergarten through 46544
three, as determined using a method prescribed by the 46545
department. The department shall adopt rules to prescribe 46546
benchmarks and standards for assigning grades to districts and 46547
buildings for purposes of division (B) (1) (g) of this section. In 46548
adopting benchmarks for assigning letter grades under divisions 46549
(B) (1) (g) and (C) (1) (g) of this section, the department shall 46550
determine progress made based on the reduction in the total 46551

percentage of students scoring below grade level, or below 46552
proficient, compared from year to year on the reading ~~and~~ 46553
~~writing~~ diagnostic assessments administered under section 46554
3301.0715 of the Revised Code and the third grade English 46555
language arts assessment under section 3301.0710 of the Revised 46556
Code, as applicable. The department shall designate for a "C" 46557
grade a value that is not lower than the statewide average value 46558
for this measure. No grade shall be issued under divisions (B) 46559
(1) (g) and (C) (1) (g) of this section for a district or building 46560
in which less than five per cent of students have scored below 46561
grade level on the diagnostic assessment administered to 46562
students in kindergarten under division (B) (1) of section 46563
3313.608 of the Revised Code. 46564

(h) For a high mobility school district or building, an 46565
additional value-added progress dimension score. For this 46566
measure, the department shall use value-added data from the most 46567
recent school year available and shall use assessment scores for 46568
only those students to whom the district or building has 46569
administered the assessments prescribed by section 3301.0710 of 46570
the Revised Code for each of the two most recent consecutive 46571
school years. 46572

As used in this division, "high mobility school district 46573
or building" means a school district or building where at least 46574
twenty-five per cent of its total enrollment is made up of 46575
students who have attended that school district or building for 46576
less than one year. 46577

(2) In addition to the graded measures in division (B) (1) 46578
of this section, the department shall include on a school 46579
district's or building's report card all of the following 46580
without an assigned letter grade: 46581

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate

examinations. 46612

(f) The percentage of the district's or building's 46613
students who receive an honors diploma under division (B) of 46614
section 3313.61 of the Revised Code. 46615

(3) The department shall adopt rules in accordance with 46616
Chapter 119. of the Revised Code that prescribe the methods by 46617
which the performance measures under divisions (B) (1) (f) and (B) 46618
(1) (g) of this section will be assessed and assigned a letter 46619
grade, including performance benchmarks for each grade. 46620

At least forty-five days prior to the department's 46621
adoption of rules to prescribe the methods by which the 46622
performance measures under division (B) (1) of this section shall 46623
be assessed and assigned a letter grade, the department shall 46624
conduct a public presentation before the standing committees of 46625
the house of representatives and the senate that consider 46626
education legislation describing such methods, including 46627
performance benchmarks. 46628

(4) There shall not be an overall letter grade for a 46629
school district or building for the 2013-2014, 2014-2015, 2015- 46630
2016, and 2016-2017 school years. 46631

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 46632
2018-2019, 2019-2020, and 2020-2021 school years, the department 46633
shall issue grades as described in division (F) of this section 46634
for each of the performance measures prescribed in division (C) 46635
(1) of this section. The graded measures are as follows: 46636

(a) Annual measurable objectives. For the 2017-2018 school 46637
year, the department shall not include any subgroup data in the 46638
annual measurable objectives that includes data from fewer than 46639
twenty-five students. For the 2018-2019 school year, the 46640

department shall not include any subgroup data in the annual 46641
measurable objectives that includes data from fewer than twenty 46642
students. Beginning with the 2019-2020 school year, the 46643
department shall not include any subgroup data in the annual 46644
measurable objectives that includes data from fewer than fifteen 46645
students. 46646

(b) Performance index score for a school district or 46647
building. Grades shall be awarded as a percentage of the total 46648
possible points on the performance index system as created by 46649
the department. In adopting benchmarks for assigning letter 46650
grades under division (C) (1) (b) of this section, the department 46651
shall designate ninety per cent or higher for an "A," at least 46652
seventy per cent but not more than eighty per cent for a "C," 46653
and less than fifty per cent for an "F." 46654

(c) The extent to which the school district or building 46655
meets each of the applicable performance indicators established 46656
by the department under section 3302.03 of the Revised Code and 46657
the percentage of applicable performance indicators that have 46658
been achieved. In adopting benchmarks for assigning letter 46659
grades under division (C) (1) (c) of this section, the department 46660
shall designate ninety per cent or higher for an "A." 46661

(d) The four- and five-year adjusted cohort graduation 46662
rates; 46663

(e) The overall score under the value-added progress 46664
dimension, or another measure of student academic progress if 46665
adopted by the department, of a school district or building, for 46666
which the department shall use up to three years of value-added 46667
data as available. 46668

In adopting benchmarks for assigning letter grades for 46669

overall score on value-added progress dimension under division 46670
(C) (1) (e) of this section, the department shall prohibit the 46671
assigning of a grade of "A" for that measure unless the 46672
district's or building's grade assigned for value-added progress 46673
dimension for all subgroups under division (C) (1) (f) of this 46674
section is a "C" or higher. 46675

For the metric prescribed by division (C) (1) (e) of this 46676
section, the department may adopt a student academic progress 46677
measure to be used instead of the value-added progress 46678
dimension. If the department adopts such a measure, it also 46679
shall prescribe a method for assigning letter grades for the new 46680
measure that is comparable to the method prescribed in division 46681
(A) (1) (e) of this section. 46682

(f) The value-added progress dimension score of a school 46683
district or building disaggregated for each of the following 46684
subgroups: students identified as gifted in superior cognitive 46685
ability and specific academic ability fields under Chapter 3324. 46686
of the Revised Code, students with disabilities, and students 46687
whose performance places them in the lowest quintile for 46688
achievement on a statewide basis, as determined by a method 46689
prescribed by the department. Each subgroup shall be a separate 46690
graded measure. 46691

The department may adopt student academic progress 46692
measures to be used instead of the value-added progress 46693
dimension. If the department adopts such measures, it also shall 46694
prescribe a method for assigning letter grades for the new 46695
measures that is comparable to the method prescribed in division 46696
(A) (1) (e) of this section. 46697

(g) Whether a school district or building is making 46698
progress in improving literacy in grades kindergarten through 46699

three, as determined using a method prescribed by the 46700
department. The department shall adopt rules to prescribe 46701
benchmarks and standards for assigning grades to a district or 46702
building for purposes of division (C) (1) (g) of this section. The 46703
department shall designate for a "C" grade a value that is not 46704
lower than the statewide average value for this measure. No 46705
grade shall be issued under division (C) (1) (g) of this section 46706
for a district or building in which less than five per cent of 46707
students have scored below grade level on the kindergarten 46708
diagnostic assessment under division (B) (1) of section 3313.608 46709
of the Revised Code. 46710

(h) For a high mobility school district or building, an 46711
additional value-added progress dimension score. For this 46712
measure, the department shall use value-added data from the most 46713
recent school year available and shall use assessment scores for 46714
only those students to whom the district or building has 46715
administered the assessments prescribed by section 3301.0710 of 46716
the Revised Code for each of the two most recent consecutive 46717
school years. 46718

As used in this division, "high mobility school district 46719
or building" means a school district or building where at least 46720
twenty-five per cent of its total enrollment is made up of 46721
students who have attended that school district or building for 46722
less than one year. 46723

(2) In addition to the graded measures in division (C) (1) 46724
of this section, the department shall include on a school 46725
district's or building's report card all of the following 46726
without an assigned letter grade: 46727

(a) The percentage of students enrolled in a district or 46728
building who have taken a national standardized test used for 46729

college admission determinations and the percentage of those 46730
students who are determined to be remediation-free in accordance 46731
with the standards adopted under division (F) of section 46732
3345.061 of the Revised Code; 46733

(b) The percentage of students enrolled in a district or 46734
building participating in advanced placement classes and the 46735
percentage of those students who received a score of three or 46736
better on advanced placement examinations; 46737

(c) The percentage of a district's or building's students 46738
who have earned at least three college credits through advanced 46739
standing programs, such as the college credit plus program under 46740
Chapter 3365. of the Revised Code and state-approved career- 46741
technical courses offered through dual enrollment or statewide 46742
articulation, that appear on a student's college transcript 46743
issued by the institution of higher education from which the 46744
student earned the college credit. The credits earned that are 46745
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 46746
shall not include any that are remedial or developmental and 46747
shall include those that count toward the curriculum 46748
requirements established for completion of a degree. 46749

(d) The percentage of the district's or building's 46750
students who receive an honor's diploma under division (B) of 46751
section 3313.61 of the Revised Code; 46752

(e) The percentage of the district's or building's 46753
students who receive industry-recognized credentials as approved 46754
under section 3313.6113 of the Revised Code; 46755

(f) The percentage of students enrolled in a district or 46756
building who are participating in an international baccalaureate 46757
program and the percentage of those students who receive a score 46758

of four or better on the international baccalaureate 46759
examinations; 46760

(g) The results of the college and career-ready 46761
assessments administered under division (B)(1) of section 46762
3301.0712 of the Revised Code; 46763

(h) Whether the school district or building has 46764
implemented a positive behavior intervention and supports 46765
framework in compliance with the requirements of section 3319.46 46766
of the Revised Code, notated as a "yes" or "no" answer. 46767

(3) The department shall adopt rules pursuant to Chapter 46768
119. of the Revised Code that establish a method to assign an 46769
overall grade for a school district or school building for the 46770
2017-2018 school year and each school year thereafter. The rules 46771
shall group the performance measures in divisions (C)(1) and (2) 46772
of this section into the following components: 46773

(a) Gap closing, which shall include the performance 46774
measure in division (C)(1)(a) of this section; 46775

(b) Achievement, which shall include the performance 46776
measures in divisions (C)(1)(b) and (c) of this section; 46777

(c) Progress, which shall include the performance measures 46778
in divisions (C)(1)(e) and (f) of this section; 46779

(d) Graduation, which shall include the performance 46780
measure in division (C)(1)(d) of this section; 46781

(e) Kindergarten through third-grade literacy, which shall 46782
include the performance measure in division (C)(1)(g) of this 46783
section; 46784

(f) Prepared for success, which shall include the 46785
performance measures in divisions (C)(2)(a), (b), (c), (d), (e), 46786

and (f) of this section. The department shall develop a method 46787
to determine a grade for the component in division (C)(3)(f) of 46788
this section using the performance measures in divisions (C)(2) 46789
(a), (b), (c), (d), (e), and (f) of this section. When 46790
available, the department may incorporate the performance 46791
measure under division (C)(2)(g) of this section into the 46792
component under division (C)(3)(f) of this section. When 46793
determining the overall grade for the prepared for success 46794
component prescribed by division (C)(3)(f) of this section, no 46795
individual student shall be counted in more than one performance 46796
measure. However, if a student qualifies for more than one 46797
performance measure in the component, the department may, in its 46798
method to determine a grade for the component, specify an 46799
additional weight for such a student that is not greater than or 46800
equal to 1.0. In determining the overall score under division 46801
(C)(3)(f) of this section, the department shall ensure that the 46802
pool of students included in the performance measures aggregated 46803
under that division are all of the students included in the 46804
four- and five-year adjusted graduation cohort. 46805

In the rules adopted under division (C)(3) of this 46806
section, the department shall adopt a method for determining a 46807
grade for each component in divisions (C)(3)(a) to (f) of this 46808
section. The department also shall establish a method to assign 46809
an overall grade of "A," "B," "C," "D," or "F" using the grades 46810
assigned for each component. The method the department adopts 46811
for assigning an overall grade shall give equal weight to the 46812
components in divisions (C)(3)(b) and (c) of this section. 46813

At least forty-five days prior to the department's 46814
adoption of rules to prescribe the methods for calculating the 46815
overall grade for the report card, as required by this division, 46816
the department shall conduct a public presentation before the 46817

standing committees of the house of representatives and the 46818
senate that consider education legislation describing the format 46819
for the report card, weights that will be assigned to the 46820
components of the overall grade, and the method for calculating 46821
the overall grade. 46822

(D) For the 2021-2022 school year and each school year 46823
thereafter, all of the following apply: 46824

(1) The department shall include on a school district's or 46825
building's report card all of the following performance measures 46826
without an assigned performance rating: 46827

(a) Whether the district or building meets the gifted 46828
performance indicator under division (A) (2) of section 3302.02 46829
of the Revised Code and the extent to which the district or 46830
building meets gifted indicator performance benchmarks; 46831

(b) The extent to which the district or building meets the 46832
chronic absenteeism indicator under division (A) (3) of section 46833
3302.02 of the Revised Code; 46834

(c) Performance index score percentage for a district or 46835
building, which shall be calculated by dividing the district's 46836
or building's performance index score according to the 46837
performance index system created by the department by the 46838
maximum performance index score for a district or building. The 46839
maximum performance index score shall be as follows: 46840

(i) For a building, the average of the highest two per 46841
cent of performance index scores achieved by a building for the 46842
school year for which a report card is issued; 46843

(ii) For a district, the average of the highest two per 46844
cent of performance index scores achieved by a district for the 46845
school year for which a report card is issued. 46846

(d) The overall score under the value-added progress 46847
dimension of a district or building, for which the department 46848
shall use three consecutive years of value-added data. In using 46849
three years of value-added data to calculate the measure 46850
prescribed under division (D)(1)(d) of this section, the 46851
department shall assign a weight of fifty per cent to the most 46852
recent year's data and a weight of twenty-five per cent to the 46853
data of each of the other years. However, if three consecutive 46854
years of value-added data is not available, the department shall 46855
use prior years of value-added data to calculate the measure, as 46856
follows: 46857

(i) If two consecutive years of value-added data is not 46858
available, the department shall use one year of value-added data 46859
to calculate the measure. 46860

(ii) If two consecutive years of value-added data is 46861
available, the department shall use two consecutive years of 46862
value-added data to calculate the measure. In using two years of 46863
value-added data to calculate the measure, the department shall 46864
assign a weight of sixty-seven per cent to the most recent 46865
year's data and a weight of thirty-three per cent to the data of 46866
the other year. 46867

(e) The four-year adjusted cohort graduation rate. 46868

(f) The five-year adjusted cohort graduation rate. 46869

(g) The percentage of students in the district or building 46870
who score proficient or higher on the reading segment of the 46871
third grade English language arts assessment under section 46872
3301.0710 of the Revised Code. 46873

To the extent possible, the department shall include the 46874
results of the summer administration of the third grade reading 46875

assessment under section 3301.0710 of the Revised Code in the 46876
performance measures prescribed under divisions (D) (1) (g) and 46877
(h) of this section. 46878

(h) Whether a district or building is making progress in 46879
improving literacy in grades kindergarten through three, as 46880
determined using a method prescribed by the department. The 46881
method shall determine progress made based on the reduction in 46882
the total percentage of students scoring below grade level, or 46883
below proficient, compared from year to year on the reading 46884
segments of the diagnostic assessments administered under_ 46885
division (A) (1) of section 3301.0715 of the Revised Code,— 46886
~~including the kindergarten readiness assessment,~~ and the third 46887
grade English language arts assessment under section 3301.0710 46888
of the Revised Code, as applicable. The method shall not include 46889
a deduction for students who did not pass the third grade 46890
English language arts assessment under section 3301.0710 of the 46891
Revised Code and were not on a reading improvement and 46892
monitoring plan. 46893

The performance measure prescribed under division (D) (1) 46894
(h) of this section shall not be included on the report card of 46895
a district or building in which less than ten per cent of 46896
students have scored below grade level on the diagnostic 46897
assessment administered to students in kindergarten under 46898
division (B) (1) of section 3313.608 of the Revised Code. 46899

(i) The percentage of students in a district or building 46900
who are promoted to the fourth grade ~~and not subject to~~ 46901
~~retention under division (A) (2) of section 3313.608 of the~~ 46902
~~Revised Code~~ based on the student's score on the third grade 46903
English language arts assessment under division (A) (3) of 46904
section 3301.0710 of the Revised Code or demonstrate competency 46905

on an alternative assessment under division (A) (2) (c) of section 46906
3313.608 of the Revised Code; 46907

(j) A post-secondary readiness measure. This measure shall 46908
be calculated by dividing the number of students included in the 46909
four-year adjusted graduation rate cohort who demonstrate post- 46910
secondary readiness by the total number of students included in 46911
the denominator of the four-year adjusted graduation rate 46912
cohort. Demonstration of post-secondary readiness shall include 46913
a student doing any of the following: 46914

(i) Attaining a remediation-free score, in accordance with 46915
standards adopted under division (F) of section 3345.061 of the 46916
Revised Code, on a nationally standardized assessment prescribed 46917
under division (B) (1) of section 3301.0712 of the Revised Code; 46918

(ii) Attaining required scores on three or more advanced 46919
placement, college-level examination program, or international 46920
baccalaureate examinations. The required score for an advanced 46921
placement examination shall be a three or better. The required 46922
score for a college-level examination program examination shall 46923
be a passing score, as determined by the department. The 46924
required score for an international baccalaureate examination 46925
shall be a four or better. A student may satisfy this condition 46926
with any combination of advanced placement, college-level 46927
examination program, or international baccalaureate 46928
examinations. 46929

(iii) Earning at least twelve college credits through 46930
advanced standing programs, such as the college credit plus 46931
program under Chapter 3365. of the Revised Code, an early 46932
college high school program under section 3313.6013 of the 46933
Revised Code, and state-approved career-technical courses 46934
offered through dual enrollment or statewide articulation, that 46935

appear on a student's college transcript issued by the 46936
institution of higher education from which the student earned 46937
the college credit. Earned credits reported under division (D) 46938
(1)(j)(iii) of this section shall include credits that count 46939
toward the curriculum requirements established for completion of 46940
a degree, but shall not include any remedial or developmental 46941
credits. 46942

(iv) Meeting the additional criteria for an honors diploma 46943
under division (B) of section 3313.61 of the Revised Code; 46944

(v) Earning an industry-recognized credential or license 46945
issued by a state agency or board for practice in a vocation 46946
that requires an examination for issuance of that license 46947
approved under section 3313.6113 of the Revised Code; 46948

(vi) Satisfying any of the following conditions: 46949

(I) Completing a pre-apprenticeship aligned with options 46950
established under section 3313.904 of the Revised Code in the 46951
student's chosen career field; 46952

(II) Completing an apprenticeship registered with the 46953
apprenticeship council established under section 4139.02 of the 46954
Revised Code in the student's chosen career field; 46955

(III) Providing evidence of acceptance into an 46956
apprenticeship program after high school that is restricted to 46957
participants eighteen years of age or older. 46958

(vii) Earning a cumulative score of proficient or higher 46959
on three or more state technical assessments aligned with 46960
section 3313.903 of the Revised Code in a single career pathway; 46961

(viii) Earning an OhioMeansJobs-readiness seal established 46962
under section 3313.6112 of the Revised Code and completing two 46963

hundred fifty hours of an internship or other work-based 46964
learning experience that is either: 46965

(I) Approved by the business advisory council established 46966
under section 3313.82 of the Revised Code that represents the 46967
student's district; or 46968

(II) Aligned to the career-technical education pathway 46969
approved by the department in which the student is enrolled. 46970

(ix) Providing evidence that the student has enlisted in a 46971
branch of the armed services of the United States as defined in 46972
section 5910.01 of the Revised Code. 46973

A student who satisfies more than one of the conditions 46974
prescribed under this division shall be counted as one student 46975
for the purposes of calculating the measure prescribed under 46976
division (D) (1) (j) of this section. 46977

(2) In addition to the performance measures under division 46978
(D) (1) of this section, the department shall report on a 46979
district's or building's report card all of the following data 46980
without an assigned performance rating: 46981

(a) The applicable performance indicators established by 46982
the department under division (A) (1) of section 3302.02 of the 46983
Revised Code; 46984

(b) The overall score under the value-added progress 46985
dimension of a district or building for the most recent school 46986
year; 46987

(c) A composite of the overall scores under the value- 46988
added progress dimension of a district or building for the 46989
previous three school years or, if only two years of value-added 46990
data are available, for the previous two years; 46991

(d) The percentage of students included in the four- and 46992
five-year adjusted cohort graduation rates of a district or 46993
building who did not receive a high school diploma under section 46994
3313.61 or 3325.08 of the Revised Code. To the extent possible, 46995
the department shall disaggregate that data according to the 46996
following categories: 46997

(i) Students who are still enrolled in the district or 46998
building and receiving general education services; 46999

(ii) Students with an individualized education program, as 47000
defined in section 3323.01 of the Revised Code, who satisfied 47001
the conditions for a high school diploma under section 3313.61 47002
or 3325.08 of the Revised Code, but opted not to receive a 47003
diploma and are still receiving education services; 47004

(iii) Students with an individualized education program 47005
who have not yet satisfied conditions for a high school diploma 47006
under section 3313.61 or 3325.08 of the Revised Code and who are 47007
still receiving education services; 47008

(iv) Students who are no longer enrolled in any district 47009
or building; 47010

(v) Students who, upon enrollment in the district or 47011
building for the first time, had completed fewer units of high 47012
school instruction required under section 3313.603 of the 47013
Revised Code than other students in the four- or five-year 47014
adjusted cohort graduation rate. 47015

The department may disaggregate the data prescribed under 47016
division (D) (2) (d) of this section according to other categories 47017
that the department determines are appropriate. 47018

~~(e) The results of the kindergarten diagnostic assessment 47019~~
~~prescribed under division (D) of section 3301.079 of the Revised 47020~~

~~Code:~~ 47021

~~(f)~~ Post-graduate outcomes for students who were enrolled 47022
in a district or building and received a high school diploma 47023
under section 3313.61 or 3325.08 of the Revised Code in the 47024
school year prior to the school year for which the report card 47025
is issued, including the percentage of students who: 47026

(i) Enrolled in a post-secondary educational institution. 47027
To the extent possible, the department shall disaggregate that 47028
data according to whether the student enrolled in a four-year 47029
institution of higher education, a two-year institution of 47030
higher education, an Ohio technical center that provides adult 47031
technical education services and is recognized by the chancellor 47032
of higher education, or another type of post-secondary 47033
educational institution. 47034

(ii) Entered an apprenticeship program registered with the 47035
apprenticeship council established under Chapter 4139. of the 47036
Revised Code. The department may include other job training 47037
programs with similar rigor and outcomes. 47038

(iii) Attained gainful employment, as determined by the 47039
department; 47040

(iv) Enlisted in a branch of the armed forces of the 47041
United States, as defined in section 5910.01 of the Revised 47042
Code. 47043

~~(g)~~ (f) Whether the school district or building has 47044
implemented a positive behavior intervention and supports 47045
framework in compliance with the requirements of section 3319.46 47046
of the Revised Code, notated with a "yes" or "no"; 47047

~~(h)~~ (g) The number and percentage of high school seniors in 47048
each school year who completed the free application for federal 47049

student aid; 47050

~~(i)~~ (h) Beginning with the report card issued under this 47051
section for the 2022-2023 school year, a student opportunity 47052
profile measure that reports data regarding the opportunities 47053
provided to students by a district or building. To the extent 47054
possible, and when appropriate, the data shall be disaggregated 47055
by grade level and subgroup. The measure also shall include data 47056
regarding the statewide average, the average for similar school 47057
districts, and, for a building, the average for the district in 47058
which the building is located. The measure shall include all of 47059
the following data for the district or building: 47060

(i) The average ratio of teachers of record to students in 47061
each grade level in a district or building; 47062

(ii) The average ratio of school counselors to students in 47063
a district or building; 47064

(iii) The average ratio of nurses to students in a 47065
district or building; 47066

(iv) The average ratio of licensed librarians and library 47067
media specialists to students in a district or building; 47068

(v) The average ratio of social workers to students in a 47069
district or building; 47070

(vi) The average ratio of mental health professionals to 47071
students in a district or building; 47072

(vii) The average ratio of paraprofessionals to students 47073
in a district or building; 47074

(viii) The percentage of teachers with fewer than three 47075
years of experience teaching in any school; 47076

(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	47077 47078
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	47079 47080
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	47081 47082 47083
(xii) The percentage of students enrolled in a performing or visual arts course;	47084 47085
(xiii) The percentage of students enrolled in a physical education or wellness course;	47086 47087
(xiv) The percentage of students enrolled in a world language course;	47088 47089
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	47090 47091
(xvi) The percentage of students participating in one or more cocurricular activities;	47092 47093
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	47094 47095 47096 47097
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	47098 47099 47100 47101
(xix) The percentage of students participating in enrichment or support programs offered by the district or	47102 47103

building outside of the normal school day; 47104

(xx) The percentage of eligible students participating 47105
each school day in school breakfast programs offered by the 47106
district or building in accordance with section 3313.813 or 47107
3313.818 of the Revised Code; 47108

(xxi) The percentage of students who are transported by a 47109
school bus each school day; 47110

(xxii) The ratio of portable technology devices that 47111
students may take home to the number of students. 47112

The department shall include only opportunity measures at 47113
the building level for which data for buildings is available, as 47114
determined by a school district. 47115

~~(j)-(i)~~ (i) (i) The percentage of students included in the 47116
four- and five-year adjusted cohort graduation rates of the 47117
district or building who completed all of grades nine through 47118
twelve while enrolled in the district or building; 47119

(ii) The four-year adjusted cohort graduation rate for 47120
only those students who were continuously enrolled in the same 47121
district or building for grades nine through twelve. 47122

~~(k)~~ (j) Whether the district or building provides 47123
information about and promotes the college credit plus program 47124
established under Chapter 3365. of the Revised Code to students 47125
in accordance with section 3365.04 of the Revised Code, notated 47126
with a "yes" or "no"; 47127

~~(l)~~ (k) The percentage of students in the district or 47128
building to whom both of the following apply: 47129

(i) The students are promoted to fourth grade and not 47130
subject to retention under division (A) (2) of section 3313.608 47131

of the Revised Code. 47132

(ii) The students completed all of the grade levels 47133
offered prior to the fourth grade in the district or building. 47134

(3) Except as provided in division (D) (3) (f) of this 47135
section, the department shall use the method prescribed under 47136
rules adopted under division (D) (4) of this section to assign 47137
performance ratings of "one star," "two stars," "three stars," 47138
"four stars," or "five stars," as described in division (F) of 47139
this section, for a district or building for the individual 47140
components prescribed under division (D) (3) of this section. The 47141
department also shall assign an overall performance rating for a 47142
district or building in accordance with division (D) (3) (g) of 47143
this section. The method shall use the performance measures 47144
prescribed under division (D) (1) of this section to calculate 47145
performance ratings for components. The method may report data 47146
under division (D) (2) of this section with corresponding 47147
components, but shall not use the data to calculate performance 47148
ratings for that component. The performance measures and 47149
reported data shall be grouped together into components as 47150
follows: 47151

(a) Gap closing. In addition to other criteria determined 47152
appropriate by the department, performance ratings for the gap 47153
closing component shall reflect whether each of the following 47154
performance measures are met or not met: 47155

(i) The gifted performance indicator as described in 47156
division (D) (1) (a) of this section; 47157

(ii) The chronic absenteeism indicator as described in 47158
division (D) (1) (b) of this section; 47159

(iii) For English learners, an English language 47160

proficiency improvement indicator established by the department; 47161

(iv) The subgroup graduation targets; 47162

(v) The subgroup achievement targets in both mathematics 47163
and English language arts; 47164

(vi) The subgroup progress targets in both mathematics and 47165
English language arts. 47166

Achievement and progress targets under division (D) (3) (a) 47167
of this section shall be calculated individually, and districts 47168
and buildings shall receive a status of met or not met on each 47169
measure. The department shall not require a subgroup of a 47170
district or building to meet both the achievement and progress 47171
targets at the same time to receive a status of met. 47172

The department shall not include any subgroup data in this 47173
measure that includes data from fewer than fifteen students. Any 47174
penalty for failing to meet the required assessment 47175
participation rate must be partially in proportion to how close 47176
the district or building was to meeting the rate requirement. 47177

(b) Achievement, which shall include the performance 47178
measure in division (D) (1) (c) of this section and the reported 47179
data in division (D) (2) (a) of this section. Performance ratings 47180
for the achievement component shall be awarded as a percentage 47181
of the maximum performance index score described in division (D) 47182
(1) (c) of this section. 47183

(c) Progress, which shall include the performance measure 47184
in division (D) (1) (d) of this section and the reported data in 47185
divisions (D) (2) (b) and (c) of this section; 47186

(d) Graduation, which shall include the performance 47187
measures in divisions (D) (1) (e) and (f) of this section and the 47188

reported data in divisions (D) (2) (d) and (j) of this section. 47189
The four-year adjusted cohort graduation rate shall be assigned 47190
a weight of sixty per cent and the five-year adjusted cohort 47191
graduation rate shall be assigned a weight of forty per cent~~+~~. 47192

(e) Early literacy, which shall include the performance 47193
measures in divisions (D) (1) (g), (h), and (i) of this section 47194
and the reported data in ~~divisions (D) (2) (e) and (1)~~ division (D) 47195
(2) (k) of this section. 47196

If the measure prescribed under division (D) (1) (h) of this 47197
section is included in a report card, performance ratings for 47198
the early literacy component shall give a weight of forty per 47199
cent to the measure prescribed under division (D) (1) (g) of this 47200
section, a weight of thirty-five per cent to the measure 47201
prescribed under division (D) (1) (i) of this section, and a 47202
weight of twenty-five per cent to the measure prescribed under 47203
division (D) (1) (h) of this section. 47204

If the measure prescribed under division (D) (1) (h) of this 47205
section is not included in a report card of a district or 47206
building, performance ratings for the early literacy component 47207
shall give a weight of sixty per cent to the measure prescribed 47208
under division (D) (1) (g) of this section and a weight of forty 47209
per cent to the measure prescribed under division (D) (1) (i) of 47210
this section. 47211

(f) College, career, workforce, and military readiness, 47212
which shall include the performance measure in division (D) (1) 47213
(j) of this section and the reported data in division ~~(D) (2) (f)~~ 47214
(D) (2) (e) of this section. 47215

For the 2021-2022, 2022-2023, and 2023-2024 school years, 47216
the department only shall report the data for, and not assign a 47217

performance rating to, the college, career, workforce, and 47218
military readiness component. The reported data shall include 47219
the percentage of students who demonstrate post-secondary 47220
readiness using any of the options described in division (D) (1) 47221
(j) of this section. 47222

The department shall analyze the data included in the 47223
performance measure prescribed in division (D) (1) (j) of this 47224
section for the 2021-2022, 2022-2023, and 2023-2024 school 47225
years. Using that data, the department shall develop and propose 47226
rules for a method to assign a performance rating to the 47227
college, career, workforce, and military readiness component 47228
based on that measure. The method to assign a performance rating 47229
shall not include a tiered structure or per student bonuses. The 47230
rules shall specify that a district or building shall not 47231
receive lower than a performance rating of three stars for the 47232
component if the district's or building's performance on the 47233
component meets or exceeds a level of improvement set by the 47234
department. Notwithstanding division (D) (4) (b) of this section, 47235
more than half of the total districts and buildings may earn a 47236
performance rating of three stars on this component to account 47237
for the districts and buildings that earned a performance rating 47238
of three stars because they met or exceeded the level of 47239
improvement set by the department. 47240

The department shall submit the rules to the joint 47241
committee on agency rule review. The committee shall conduct at 47242
least one public hearing on the proposed rules and approve or 47243
disapprove the rules. If the committee approves the rules, the 47244
department shall adopt the rules in accordance with Chapter 119. 47245
of the Revised Code. If the rules are adopted, the department 47246
shall assign a performance rating to the college, career, 47247
workforce, and military readiness component under the rules 47248

beginning with the 2024-2025 school year, and for each school 47249
year thereafter. If the committee disapproves the rules, the 47250
component shall be included in the report card only as reported 47251
data for the 2024-2025 school year, and each school year 47252
thereafter. 47253

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 47254
this section, beginning with the 2022-2023 school year, under 47255
the method prescribed under rules adopted in division (D) (4) of 47256
this section, the department shall use the performance ratings 47257
assigned for the components prescribed in divisions (D) (3) (a) to 47258
(e) of this section to determine and assign an overall 47259
performance rating of "one star," "one and one-half stars," "two 47260
stars," "two and one-half stars," "three stars," "three and one- 47261
half stars," "four stars," "four and one-half stars," or "five 47262
stars" for a district or building. The method shall give equal 47263
weight to the components in divisions (D) (3) (b) and (c) of this 47264
section. The method shall give equal weight to the components in 47265
divisions (D) (3) (a), (d), and (e) of this section. The 47266
individual weights of each of the components prescribed in 47267
divisions (D) (3) (a), (d), and (e) of this section shall be equal 47268
to one-half of the weight given to the component prescribed in 47269
division (D) (3) (b) of this section. 47270

(ii) If the joint committee on agency rule review approves 47271
the department's rules regarding the college, career, workforce, 47272
and military readiness component as described in division (D) (3) 47273
(f) of this section, for the 2024-2025 school year, and each 47274
school year thereafter, the department's method shall use the 47275
components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) 47276
of this section to calculate the overall performance rating. The 47277
method shall give equal weight to the components in divisions 47278
(D) (3) (b) and (c) of this section. The method shall give equal 47279

weight to the components prescribed in divisions (D) (3) (a), (d), 47280
(e), and (f) of this section. The individual weights of each of 47281
the components prescribed in divisions (D) (3) (a), (d), (e), and 47282
(f) of this section shall be equal to one-half the weight given 47283
to the component prescribed in division (D) (3) (b) of this 47284
section. 47285

If the joint committee on agency rule review disapproves 47286
the department's rules regarding the college, career, workforce, 47287
and military readiness component as described in division (D) (3) 47288
(f) of this section, division (D) (3) (g) (ii) of this section does 47289
not apply. 47290

(4) (a) The department shall adopt rules in accordance with 47291
Chapter 119. of the Revised Code to establish the performance 47292
criteria, benchmarks, and rating system necessary to implement 47293
divisions (D) and (F) of this section, including the method for 47294
the department to assign performance ratings under division (D) 47295
(3) of this section. 47296

(b) In establishing the performance criteria, benchmarks, 47297
and rating system, the department shall consult with stakeholder 47298
groups and advocates that represent parents, community members, 47299
students, business leaders, and educators from different school 47300
typology regions. The department shall use data from prior 47301
school years and simulations to ensure that there is meaningful 47302
differentiation among districts and buildings across all 47303
performance ratings and that, except as permitted in division 47304
(D) (3) (f) of this section, more than half of all districts or 47305
buildings do not earn the same performance rating in any 47306
component or overall performance rating. 47307

(c) The department shall adopt the rules prescribed by 47308
division (D) (4) of this section not later than March 31, 2022. 47309

However, the department shall notify districts and buildings of 47310
the changes to the report card prescribed in law not later than 47311
one week after September 30, 2021. 47312

(d) Prior to adopting or updating rules under division (D) 47313
(4) of this section, the director of education and workforce and 47314
the department shall conduct a public presentation before the 47315
standing committees of the house of representatives and the 47316
senate that consider primary and secondary education legislation 47317
describing the format for the report card and the performance 47318
criteria, benchmarks, and rating system, including the method to 47319
assign performance ratings under division (D) (3) of this 47320
section. 47321

(E) The department may develop a measure of student 47322
academic progress for high school students using only data from 47323
assessments in English language arts and mathematics. If the 47324
department develops this measure, each school district and 47325
applicable school building shall be assigned a separate letter 47326
grade for it not sooner than the 2017-2018 school year. The 47327
district's or building's grade for that measure shall not be 47328
included in determining the district's or building's overall 47329
letter grade. 47330

(F) (1) The letter grades assigned to a school district or 47331
building under this section shall be as follows: 47332

(a) "A" for a district or school making excellent 47333
progress; 47334

(b) "B" for a district or school making above average 47335
progress; 47336

(c) "C" for a district or school making average progress; 47337

(d) "D" for a district or school making below average 47338

progress; 47339

(e) "F" for a district or school failing to meet minimum 47340
progress. 47341

(2) For the overall performance rating under division (D) 47342
(3) of this section, the department shall include a descriptor 47343
for each performance rating as follows: 47344

(a) "Significantly exceeds state standards" for a 47345
performance rating of five stars; 47346

(b) "Exceeds state standards" for a performance rating of 47347
four stars or four and one-half stars; 47348

(c) "Meets state standards" for a performance rating of 47349
three stars or three and one-half stars; 47350

(d) "Needs support to meet state standards" for a 47351
performance rating of two stars or two and one-half stars; 47352

(e) "Needs significant support to meet state standards" 47353
for a performance rating of one star or one and one-half stars. 47354

(3) For performance ratings for each component under 47355
divisions (D) (3) (a) to (f) of this section, the department shall 47356
include a description of each component and performance rating. 47357
The description shall include component-specific context to each 47358
performance rating earned, estimated comparisons to other school 47359
districts and buildings if appropriate, and any other 47360
information determined by the department. The descriptions shall 47361
be not longer than twenty-five words in length when possible. In 47362
addition to such descriptions, the department shall include the 47363
descriptors in division (F) (2) of this section for component 47364
performance ratings. 47365

(4) Each report card issued under this section shall 47366

include all of the following: 47367

(a) A graphic that depicts the performance ratings of a 47368
district or school on a color scale. The color associated with a 47369
performance rating of three stars shall be green and the color 47370
associated with a performance rating of one star shall be red. 47371

(b) An arrow graphic that shows data trends for 47372
performance ratings for school districts or buildings. The 47373
department shall determine the data to be used for this graphic, 47374
which shall include at least the three most recent years of 47375
data. 47376

(c) A description regarding the weights that are assigned 47377
to each component and used to determine an overall performance 47378
rating, as prescribed under division (D) (3) (g) of this section, 47379
which shall be included in the presentation of the overall 47380
performance rating on each report card. 47381

(G) When reporting data on student achievement and 47382
progress, the department shall disaggregate that data according 47383
to the following categories: 47384

(1) Performance of students by grade-level; 47385

(2) Performance of students by race and ethnic group; 47386

(3) Performance of students by gender; 47387

(4) Performance of students grouped by those who have been 47388
enrolled in a district or school for three or more years; 47389

(5) Performance of students grouped by those who have been 47390
enrolled in a district or school for more than one year and less 47391
than three years; 47392

(6) Performance of students grouped by those who have been 47393

enrolled in a district or school for one year or less; 47394

(7) Performance of students grouped by those who are 47395
economically disadvantaged; 47396

(8) Performance of students grouped by those who are 47397
enrolled in a conversion community school established under 47398
Chapter 3314. of the Revised Code; 47399

(9) Performance of students grouped by those who are 47400
classified as English learners; 47401

(10) Performance of students grouped by those who have 47402
disabilities; 47403

(11) Performance of students grouped by those who are 47404
classified as migrants; 47405

(12) Performance of students grouped by those who are 47406
identified as gifted in superior cognitive ability and the 47407
specific academic ability fields of reading and math pursuant to 47408
Chapter 3324. of the Revised Code. In disaggregating specific 47409
academic ability fields for gifted students, the department 47410
shall use data for those students with specific academic ability 47411
in math and reading. If any other academic field is assessed, 47412
the department shall also include data for students with 47413
specific academic ability in that field as well. 47414

(13) Performance of students grouped by those who perform 47415
in the lowest quintile for achievement on a statewide basis, as 47416
determined by a method prescribed by the department. 47417

The department may disaggregate data on student 47418
performance according to other categories that the department 47419
determines are appropriate. To the extent possible, the 47420
department shall disaggregate data on student performance 47421

according to any combinations of two or more of the categories 47422
listed in divisions (G) (1) to (13) of this section that it deems 47423
relevant. 47424

In reporting data pursuant to division (G) of this 47425
section, the department shall not include in the report cards 47426
any data statistical in nature that is statistically unreliable 47427
or that could result in the identification of individual 47428
students. For this purpose, the department shall not report 47429
student performance data for any group identified in division 47430
(G) of this section that contains less than ten students. If the 47431
department does not report student performance data for a group 47432
because it contains less than ten students, the department shall 47433
indicate on the report card that is why data was not reported. 47434

(H) The department may include with the report cards any 47435
additional education and fiscal performance data it deems 47436
valuable. 47437

(I) The department shall include on each report card a 47438
list of additional information collected by the department that 47439
is available regarding the district or building for which the 47440
report card is issued. When available, such additional 47441
information shall include student mobility data disaggregated by 47442
race and socioeconomic status, college enrollment data, and the 47443
reports prepared under section 3302.031 of the Revised Code. 47444

The department shall maintain a site on the world wide 47445
web. The report card shall include the address of the site and 47446
shall specify that such additional information is available to 47447
the public at that site. The department shall also provide a 47448
copy of each item on the list to the superintendent of each 47449
school district. The district superintendent shall provide a 47450
copy of any item on the list to anyone who requests it. 47451

(J) (1) (a) Except as provided in division (J) (1) (b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if ~~a majority of the students enrolled in the~~ conversion community school are enrolled in ~~is~~ a dropout prevention and recovery program ~~that is operated by the~~ community school, as ~~described in division (B) (1) of~~ defined in section 3314.35-3314.02 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (J) (1) (b) of this section applies. This addendum shall include, at a minimum, the data specified in divisions (C) (1) (a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code.

(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a

copy of the lease or agreement with the department. 47483

(3) Any municipal school district, as defined in section 47484
3311.71 of the Revised Code, that sponsors a community school 47485
located within the district's territory, or that enters into an 47486
agreement with a community school located within the district's 47487
territory whereby the district and the community school endorse 47488
each other's programs, may exercise either or both of the 47489
following elections: 47490

(a) To have data regarding the academic performance of 47491
students enrolled in that community school combined with 47492
comparable data from the schools of the district for the purpose 47493
of determining the performance of the district as a whole on the 47494
district's report card; 47495

(b) To have the number of students attending that 47496
community school noted separately on the district's report card. 47497

The election authorized under division (J) (3) (a) of this 47498
section is subject to approval by the governing authority of the 47499
community school. 47500

Any municipal school district that exercises an election 47501
to combine or include data under division (J) (3) of this 47502
section, by the first day of October of each year, shall file 47503
with the department documentation indicating eligibility for 47504
that election, as required by the department. 47505

(K) The department shall include on each report card the 47506
percentage of teachers in the district or building who are 47507
properly certified or licensed teachers, as defined in section 47508
3319.074 of the Revised Code, and a comparison of that 47509
percentage with the percentages of such teachers in similar 47510
districts and buildings. 47511

(L) (1) In calculating English language arts, mathematics, 47512
science, American history, or American government assessment 47513
passage rates used to determine school district or building 47514
performance under this section, the department shall include all 47515
students taking an assessment with accommodation or to whom an 47516
alternate assessment is administered pursuant to division (C) (1) 47517
or (3) of section 3301.0711 of the Revised Code and all students 47518
who take substitute examinations approved under division (B) (4) 47519
of section 3301.0712 of the Revised Code in the subject areas of 47520
science, American history and American government. 47521

(2) In calculating performance index scores, rates of 47522
achievement on the performance indicators established by the 47523
department under section 3302.02 of the Revised Code, and annual 47524
measurable objectives for determining adequate yearly progress 47525
for school districts and buildings under this section, the 47526
department shall do all of the following: 47527

(a) Include for each district or building only those 47528
students who are included in the ADM certified for the first 47529
full school week of October and are continuously enrolled in the 47530
district or building through the time of the spring 47531
administration of any assessment prescribed by division (A) (1) 47532
or (B) (1) of section 3301.0710 or division (B) of section 47533
3301.0712 of the Revised Code that is administered to the 47534
student's grade level; 47535

(b) Include cumulative totals from both the fall and 47536
spring administrations of the third grade English language arts 47537
achievement assessment and, to the extent possible, the summer 47538
administration of that assessment; 47539

(c) Include for each district or building any English 47540
learner in accordance with the department's plan, as approved by 47541

the United States secretary of education, to comply with the 47542
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 47543
to 6339. 47544

As used in this section, "English learner" has the same 47545
meaning as in section 3301.0731 of the Revised Code. 47546

(M) Beginning with the 2015-2016 school year and at least 47547
once every three years thereafter, the department shall review 47548
and may adjust the benchmarks for assigning letter grades or 47549
performance ratings to the performance measures and components 47550
prescribed under divisions (C) (3), (D), and (E) of this section. 47551

Sec. 3302.034. (A) The department of education and 47552
workforce shall adopt and specify measures in addition to those 47553
included on the report card issued under section 3302.03 of the 47554
Revised Code. The measures adopted under this section shall be 47555
reported separately, as specified under division (B) of this 47556
section, for each school district, each building in a district, 47557
each community school established under Chapter 3314., each STEM 47558
school established under Chapter 3326., and each college- 47559
preparatory boarding school established under Chapter 3328. of 47560
the Revised Code. The measures shall include at least the 47561
following: 47562

(1) Data for students who have passed over a grade or 47563
subject area under an acceleration policy prescribed under 47564
section 3324.10 of the Revised Code; 47565

(2) The number of students who are economically 47566
disadvantaged as determined by the department; 47567

(3) The number of lead teachers employed by each district 47568
and each building once the data is available through the 47569
education management information system established under 47570

section 3301.0714 of the Revised Code; 47571

(4) The amount of students screened and identified as 47572
gifted under Chapter 3324. of the Revised Code; 47573

(5) Postgraduate student outcome data ~~as described under~~ 47574
~~division (E) (2) (d) (ii) of section 3314.017 of the Revised Code,~~ 47575
including postsecondary credit earned, nationally recognized 47576
career or technical certification, military enlistment, job 47577
placement, and attendance rate; 47578

(6) Availability of courses in fine arts; 47579

(7) Participation with other school districts to provide 47580
career-technical education services to students. 47581

(B) The department shall report this information annually 47582
beginning with the 2013-2014 school year and make this 47583
information available on its web site for comparison purposes. 47584

Sec. 3302.131. (A) Beginning with the 2025-2026 school 47585
year and each school year thereafter, each school district or 47586
community school in which fifty-one per cent or less of the 47587
district's or school's students who took the third grade 47588
mathematics assessment prescribed under section 3301.0710 of the 47589
Revised Code for that school year attained at least a proficient 47590
score on that assessment shall establish and submit to the 47591
department of education and workforce a mathematics achievement 47592
improvement plan. 47593

(B) The department shall establish guidelines prescribing 47594
the content of and deadlines for mathematics achievement 47595
improvement plans required under division (A) of this section. 47596
The guidelines shall prescribe that each plan include, at a 47597
minimum, an analysis of relevant student performance data, 47598
measurable student performance goals, strategies to meet 47599

specific student needs, a staffing and professional development 47600
plan, and instructional strategies for improving student 47601
performance. 47602

(C) Beginning with the 2025-2026 school year and each 47603
school year thereafter, any school district or community school 47604
to which this section applies is no longer required to submit an 47605
improvement plan pursuant to division (A) of this section when 47606
not less than fifty-one per cent of the district's students who 47607
took the third grade mathematics assessment prescribed under 47608
section 3301.0710 of the Revised Code for that school year 47609
attained at least a proficient score on that assessment. 47610

(D) The department shall post in a prominent location on 47611
its web site all plans submitted pursuant to this section. 47612

(E) This section does not apply to a student that meets 47613
either of the following conditions: 47614

(1) The student has an individualized education program 47615
developed under Chapter 3323. of the Revised Code that includes 47616
services related to a traumatic brain injury. 47617

(2) The student attends a dropout prevention and recovery 47618
community school established under Chapter 3314. of the Revised 47619
Code. 47620

Sec. 3302.132. (A) Beginning with the 2025-2026 school 47621
year and each school year thereafter, for each student required 47622
to be provided mathematics intervention services under section 47623
3302.131 of the Revised Code, the district shall develop a 47624
mathematics improvement and monitoring plan within sixty days 47625
after receiving the student's results on the third grade 47626
mathematics assessment prescribed under section 3301.0710 of the 47627
Revised Code. The district shall involve the student's parent or 47628

guardian and classroom teacher in developing the plan. The plan 47629
shall include all of the following: 47630

(1) Identification of the student's specific mathematics 47631
deficiencies; 47632

(2) A description of the additional instructional services 47633
and support that will be provided to the student to remediate 47634
the identified mathematics deficiencies; 47635

(3) Opportunities for the student's parent or guardian to 47636
be involved in the instructional services and support described 47637
in division (A) (2) of this section; 47638

(4) A process for monitoring the extent to which the 47639
student receives the instructional services and support 47640
described in division (A) (2) of this section; 47641

(5) A mathematics curriculum during regular school hours 47642
that does all of the following: 47643

(a) Assists students in mathematics at grade level; 47644

(b) Provides scientifically based and reliable assessment; 47645

(c) Provides initial and ongoing analysis of each 47646
student's progress. 47647

(6) High-dosage tutoring opportunities aligned with the 47648
student's classroom instruction through a state-approved vendor 47649
on the list of high-quality tutoring vendors under section 47650
3301.136 of the Revised Code or a locally approved opportunity 47651
that aligns with high-dosage tutoring best practices. High- 47652
dosage tutoring opportunities shall include additional 47653
instruction time delivered at least three days per week, or at 47654
least fifty hours over thirty-six weeks. 47655

(B) (1) The district shall continue to implement the plan 47656
developed under division (A) of this section until the student 47657
achieves the required level of skill in mathematics for the 47658
student's current grade level. 47659

(2) The district shall report any information requested by 47660
the department of education and workforce about the mathematics 47661
improvement and monitoring plans developed under this section in 47662
the manner required by the department. 47663

Sec. 3302.20. (A) The department of education and 47664
workforce shall develop standards for determining, from the 47665
existing data reported in accordance with sections 3301.0714 and 47666
3314.17 of the Revised Code, the amount of annual operating 47667
expenditures for classroom instructional purposes and for 47668
nonclassroom purposes for each city, exempted village, local, 47669
and joint vocational school district, each community school 47670
established under Chapter 3314. that is not an internet- or 47671
computer-based community school, each internet- or computer- 47672
based community school, and each STEM school established under 47673
Chapter 3326. of the Revised Code. In developing the standards, 47674
the department shall adapt existing standards used by 47675
professional organizations, research organizations, and other 47676
state governments. The department also shall align the 47677
expenditure categories required for reporting under the 47678
standards with the categories that are required for reporting to 47679
the United States department of education under federal law. 47680

(B) (1) The department shall categorize all city, exempted 47681
village, and local school districts into not less than three nor 47682
more than five groups based primarily on average daily student 47683
enrollment as reported on the most recent report card issued for 47684
each district under section 3302.03 of the Revised Code. 47685

(2) The department shall categorize all joint vocational 47686
school districts into not less than three nor more than five 47687
groups based primarily on enrolled ADM as that term is defined 47688
in section 3317.02 of the Revised Code rounded to the nearest 47689
whole number. 47690

(3) The department shall categorize all community schools 47691
that are not internet- or computer-based community schools into 47692
not less than three nor more than five groups based primarily on 47693
average daily student enrollment as reported on the most recent 47694
report card issued for each community school under sections 47695
3302.03 and 3314.012 of the Revised Code or, in the case of a 47696
school to which section 3314.017 of the Revised Code applies, on 47697
the total number of students reported under divisions (B) (1) and 47698
(2) of section 3314.08 of the Revised Code. 47699

(4) The department shall categorize all internet- or 47700
computer-based community schools into a single category. 47701

(5) The department shall categorize all STEM schools into 47702
a single category. 47703

(C) Using the standards adopted under division (A) of this 47704
section and the data reported under sections 3301.0714 and 47705
3314.17 of the Revised Code, the department shall compute 47706
annually for each fiscal year, the following: 47707

(1) The percentage of each district's, community school's, 47708
or STEM school's total operating budget spent for classroom 47709
instructional purposes; 47710

(2) The statewide average percentage for all districts, 47711
community schools, and STEM schools combined spent for classroom 47712
instructional purposes; 47713

(3) The average percentage for each of the categories of 47714

districts and schools established under division (B) of this 47715
section spent for classroom instructional purposes; 47716

(4) The ranking of each district, community school, or 47717
STEM school within its respective category established under 47718
division (B) of this section according to the following: 47719

(a) From highest to lowest percentage spent for classroom 47720
instructional purposes; 47721

(b) From lowest to highest percentage spent for 47722
noninstructional purposes. 47723

(5) The total operating expenditures per pupil for each 47724
district, community school, and STEM school; 47725

(6) The total operating expenditure per equivalent pupils 47726
for each district, community school, and STEM school. 47727

(D) In its display of rankings within each category under 47728
division (C) (4) of this section, the department shall make the 47729
following notations: 47730

(1) Within each category of city, exempted village, and 47731
local school districts, the department shall denote each 47732
district that is: 47733

(a) Among the twenty per cent of all city, exempted 47734
village, and local school districts statewide with the lowest 47735
total operating expenditure per equivalent pupils; 47736

(b) Among the twenty per cent of all city, exempted 47737
village, and local school districts statewide with the highest 47738
performance index scores. 47739

(2) Within each category of joint vocational school 47740
districts, the department shall denote each district that is: 47741

(a) Among the twenty per cent of all joint vocational 47742
school districts statewide with the lowest total operating 47743
expenditure per equivalent pupils; 47744

(b) Among the twenty per cent of all joint vocational 47745
school districts statewide with the highest report card scores 47746
under section 3302.033 of the Revised Code. 47747

(3) Within each category of community schools that are not 47748
internet- or computer-based community schools, the department 47749
shall denote each school that is: 47750

(a) Among the twenty per cent of all such community 47751
schools statewide with the lowest total operating expenditure 47752
per equivalent pupils; 47753

(b) Among the twenty per cent of all such community 47754
schools statewide with the highest performance index scores, 47755
excluding such community schools to which section 3314.017 of 47756
the Revised Code applies. 47757

(4) Within the category of internet- or computer-based 47758
community schools, the department shall denote each school that 47759
is: 47760

(a) Among the twenty per cent of all such community 47761
schools statewide with the lowest total operating expenditure 47762
per equivalent pupils; 47763

(b) Among the twenty per cent of all such community 47764
schools statewide with the highest performance index scores, 47765
excluding such community schools to which section 3314.017 of 47766
the Revised Code applies. 47767

(5) Within the category of STEM schools, the department 47768
shall denote each school that is: 47769

(a) Among the twenty per cent of all STEM schools 47770
statewide with the lowest total operating expenditure per 47771
equivalent pupils; 47772

(b) Among the twenty per cent of all STEM schools 47773
statewide with the highest performance index scores. 47774

For purposes of divisions (D) (3) (b) and (4) (b) of this 47775
section, the display shall note that, in accordance with section 47776
3314.017 of the Revised Code, a performance index score is not 47777
reported for some ~~community schools that serve primarily~~ 47778
~~students enrolled in dropout prevention and recovery~~ 47779
~~programs~~ community schools. 47780

(E) The department shall post in a prominent location on 47781
its web site the information prescribed by divisions (C) and (D) 47782
of this section. The department also shall include on each 47783
district's, community school's, and STEM school's annual report 47784
card issued under section 3302.03 or 3314.017 of the Revised 47785
Code the respective information computed for the district or 47786
school under divisions (C) (1) and (4) of this section, the 47787
statewide information computed under division (C) (2) of this 47788
section, and the information computed for the district's or 47789
school's category under division (C) (3) of this section. 47790

(F) As used in this section: 47791

(1) "Internet- or computer-based community school" has the 47792
same meaning as in section 3314.02 of the Revised Code. 47793

(2) A school district's, community school's, or STEM 47794
school's performance index score rank is its performance index 47795
score rank as computed under section 3302.21 of the Revised 47796
Code. 47797

(3) "Expenditure per equivalent pupils" has the same 47798

meaning as in section 3302.26 of the Revised Code. 47799

(4) "Dropout prevention and recovery community school" has 47800
the same meaning as in section 3314.02 of the Revised Code. 47801

Sec. 3305.05. (A) As used in this section and section 47802
3305.051 of the Revised Code, "academic or administrative 47803
employee" means any full-time employee not receiving any 47804
benefit, allowance, or other payment granted on the employee's 47805
account from a state retirement system who, before August 1, 47806
2005, met one of the following requirements: 47807

(1) The employee was a member of the faculty of a public 47808
institution of higher education. 47809

(2) The employee was a member of the administrative staff 47810
of a public institution of higher education serving in a 47811
position in the unclassified civil service pursuant to section 47812
124.11 of the Revised Code. 47813

(3) If section 124.11 of the Revised Code did not apply to 47814
the public institution of higher education, the employee was a 47815
member of the administrative staff of a public institution of 47816
higher education serving in a position comparable to a position 47817
in the unclassified civil service. 47818

In all cases of doubt, the board of trustees of the public 47819
institution of higher education shall determine whether any 47820
person is an academic or administrative employee for purposes of 47821
this chapter, and the board's decision shall be final. 47822

(B) (1) Each person who, on August 1, 2005, is an eligible 47823
employee of a public institution of higher education and has 47824
accrued less than five years of service credit in a state 47825
retirement system may, not later than one hundred twenty days 47826
after August 1, 2005, make an election to participate in an 47827

alternative retirement plan available at the employing public 47828
institution, unless, prior to August 1, 2005, the person had an 47829
opportunity pursuant to former section 3305.05 of the Revised 47830
Code to make such an election as an academic or administrative 47831
employee of that public institution of higher education. 47832

(2) An eligible employee whose employment with a public 47833
institution of higher education commences on or after August 1, 47834
2005, may, not later than one hundred twenty days after the 47835
starting date of the employment, make an election to participate 47836
in an alternative retirement plan available at the employing 47837
public institution. 47838

(3) An eligible employee who, on or after August 1, 2005, 47839
terminates employment at one public institution of higher 47840
education and subsequently is employed by another public 47841
institution of higher education in a position for which an 47842
alternative retirement plan is available may, not later than one 47843
hundred twenty days after the starting date of the employment, 47844
elect to participate in an alternative retirement plan available 47845
at that public institution. 47846

(C) (1) An eligible employee who makes an election to 47847
participate in an alternative retirement plan under division (B) 47848
of this section shall ~~submit~~ make the election in writing and 47849
sign the election. The public institution of higher education 47850
employing the eligible employee may permit the employee to sign 47851
the election by electronic signature. The employee shall submit 47852
the election to the designated officer of the employee's 47853
employing public institution of higher education. Once 47854
submitted, the election is irrevocable while the eligible 47855
employee continues to be employed by the public institution of 47856
higher education. Not later than ten days after the election 47857

becomes irrevocable, the officer shall file a certified copy of 47858
the election with the state retirement system to which, apart 47859
from the election, the employee's employment would be subject. 47860

Each public institution of higher education that employs a 47861
person eligible to make an election under division (B) of this 47862
section shall notify, in writing, the state retirement system 47863
that applies to that employment in the manner specified by that 47864
state retirement system. The notice shall include the person's 47865
name and address. The notice shall be given not later than ten 47866
days after the first date the person is on the institution's 47867
payroll. 47868

(2) Elections made under division (B) of this section take 47869
effect as follows: 47870

(a) An election under division (B) (1) of this section is 47871
effective as of the date on which the employee's election to 47872
participate in the alternative retirement plan becomes 47873
irrevocable. 47874

(b) An election under division (B) (2) or (3) of this 47875
section is effective as of the electing employee's starting date 47876
of employment. 47877

(3) An eligible employee's election under division (B) of 47878
this section applies to the employee's employment in all 47879
positions at that public institution, unless the employee 47880
terminates employment at the public institution and does not 47881
return to employment in any position at that public institution 47882
for at least three hundred sixty-five days after the date of 47883
termination. 47884

(4) An eligible employee who makes an election under 47885
division (B) of this section is forever barred from claiming or 47886

purchasing service credit under any state retirement system for 47887
the period of employment while the election is in effect. 47888

(D) (1) An eligible employee who fails to make an election 47889
under division (B) of this section within the one-hundred-twenty 47890
day election period shall be deemed to have elected to 47891
participate in the state retirement system that applies to the 47892
employee's employment. 47893

(2) An eligible employee who fails to make an election 47894
under division (B) of this section shall not be permitted to 47895
make an election for employment in any other position at the 47896
public institution of higher education while employed at that 47897
public institution, unless the employee terminates employment at 47898
the public institution and does not return to employment in any 47899
position at the public institution for at least three hundred 47900
sixty-five days after the date of termination. 47901

Sec. 3305.053. (A) The board of trustees of a public 47902
institution of higher education shall permit an employee who 47903
makes an election under section 3305.05 or 3305.051 of the 47904
Revised Code to do ~~all~~ both of the following: 47905

~~(A)~~ (1) Select, from among the providers that have entered 47906
into an agreement with the public institution of higher 47907
education under section 3305.04 of the Revised Code, the 47908
provider of an investment option for that employee; 47909

~~(B)~~ (2) Subject to any terms and conditions established by 47910
the public institution of higher education, change the provider 47911
selected under division ~~(A)~~ (A) (1) of this section any time 47912
during the plan year. 47913

(B) A public institution of higher education may allow an 47914
employee who seeks to change the employee's provider under 47915

division (A) (2) of this section to sign a form to change 47916
providers by electronic signature. 47917

(C) If under division ~~(B)~~ (A) (2) of this section an 47918
employee changes providers, the employee may direct the provider 47919
to transfer to the new provider the employee's account balance 47920
either in whole or in part, as directed by the employee, except 47921
that the provider is not required to immediately transfer any 47922
part of the account invested at the employee's election in a 47923
fixed annuity account if the contract with the employee under 47924
which the investment was made permits the provider to make such 47925
a transfer over a period of time not exceeding ten years and the 47926
contract was filed with and approved by the department of 47927
insurance pursuant to section 3911.011 of the Revised Code. 47928

Sec. 3307.073. (A) No person shall knowingly fail to file 47929
a complete and accurate campaign finance statement or 47930
independent expenditure statement in accordance with section 47931
3307.072 of the Revised Code. 47932

(B) No person, during the course of a person seeking 47933
nomination for, and during any campaign for, election to the 47934
state teachers retirement board, shall knowingly and with intent 47935
to affect the nomination or the outcome of the campaign do any 47936
of the following by means of campaign materials, an 47937
advertisement on radio or television or in a newspaper or 47938
periodical, a public speech, press release, or otherwise: 47939

(1) With regard to a candidate, identify the candidate in 47940
a manner that implies that the candidate is a member of the 47941
board or use the term "re-elect" when the candidate is not 47942
currently a member of the board; 47943

(2) Make a false statement concerning the formal schooling 47944

or training completed or attempted by a candidate; a degree, 47945
diploma, certificate, scholarship, grant, award, prize, or honor 47946
received, earned, or held by a candidate; or the period of time 47947
during which a candidate attended any school, college, community 47948
technical school, or institution; 47949

(3) Make a false statement concerning the professional, 47950
occupational, or vocational licenses held by a candidate, or 47951
concerning any position the candidate held for which the 47952
candidate received a salary or wages; 47953

(4) Make a false statement that a candidate or board 47954
member has been indicted or convicted of a theft offense, 47955
extortion, or other crime involving financial corruption or 47956
moral turpitude; 47957

(5) Make a statement that a candidate has been indicted 47958
for any crime or has been the subject of a finding by the Ohio 47959
elections commission, the secretary of state, or the Ohio 47960
election integrity commission without disclosing the outcome of 47961
any legal proceedings resulting from the indictment or finding; 47962

(6) Make a false statement that a candidate or board 47963
member has a record of treatment or confinement for mental 47964
disorder; 47965

(7) Make a false statement that a candidate or board 47966
member has been subjected to military discipline for criminal 47967
misconduct or dishonorably discharged from the armed services; 47968

(8) Falsely identify the source of a statement, issue 47969
statements under the name of another person without 47970
authorization, or falsely state the endorsement of or opposition 47971
to a candidate by a person or publication; 47972

(9) Make a false statement concerning the voting record of 47973

a candidate or board member;

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(10) Post, publish, circulate, distribute, or otherwise
disseminate a false statement concerning a candidate, either
knowing the same to be false or with reckless disregard of
whether it was false or not, if the statement is designed to
promote the election, nomination, or defeat of the candidate.

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Sec. 3307.074. ~~The secretary of state, or any person~~
~~acting on personal knowledge and subject to the penalties of~~
~~perjury, may file a A complaint with the Ohio elections~~
~~commission alleging a violation of section 3307.073 of the~~
~~Revised Code may be filed in accordance with section 3517.16 of~~
~~the Revised Code. The complaint shall be made on a form~~
~~prescribed and provided by the commission.~~

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~~On receipt of a complaint under this section, the~~
~~commission shall hold a hearing open to the public to determine~~
~~whether the violation alleged in the complaint has occurred. The~~
~~commission may administer oaths and issue subpoenas to any~~
~~person in the state compelling the attendance of witnesses and~~
~~the production of relevant papers, books, accounts, and reports.~~
~~On the refusal of any person to obey a subpoena or to be sworn~~
~~or to answer as a witness, the commission may apply to the court~~
~~of common pleas of Franklin county under section 2705.03 of the~~
~~Revised Code. The court shall hold contempt proceedings in~~
~~accordance with Chapter 2705. of the Revised Code.~~

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~~The commission shall provide the person accused of the~~
~~violation at least seven days prior notice of the time, date,~~
~~and place of the hearing. The accused may be represented by an~~
~~attorney and shall have an opportunity to present evidence, call~~
~~witnesses, and cross-examine witnesses.~~

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~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3307.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3307.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3307.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3307.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown not to impose a fine or refer the matter to a prosecutor.~~

Sec. 3307.27. ~~The~~ (A) Except as provided in division (B) of this section, the contributions required under section 3307.26 of the Revised Code may be paid by the employer in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 414(h), as amended.

(B) The contributions required under section 3307.26 of the Revised Code shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a superintendent, but may be treated as paid by the school district board of education in accordance with division (h) of section 414 of the "Internal Revenue Code of 1986," 26 U.S.C. 414(h).

Sec. 3307.99. (A) Whoever violates division (A) of section 3307.073 of the Revised Code shall be fined not more than one hundred dollars for each day of the violation.

(B) Whoever violates division (B) of section 3307.073 of

the Revised Code shall be imprisoned for not more than six 48033
months or fined not more than five thousand dollars, or both. 48034

~~(C) Fines imposed by the Ohio elections commission under 48035
this section shall be paid into the Ohio elections commission 48036
fund created under section 3513.10 of the Revised Code. 48037~~

Sec. 3309.011. (A) As used in this section, "child with a 48038
disability," "individualized education program," and "school 48039
district" have the same meanings as in section 3323.01 of the 48040
Revised Code. 48041

(B) "Employee" as defined in division (B) of section 48042
3309.01 of the Revised Code, does not include any of the 48043
following: 48044

~~(A)~~ (1) Any person having a license or registration issued 48045
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 48046
employed in a public school in this state in an educational 48047
position, as determined by the department of education and 48048
workforce, under programs provided for by federal acts or 48049
regulations and financed in whole or in part from federal funds, 48050
but for which no licensure requirements for the position can be 48051
made under the provisions of such federal acts or regulations; 48052

~~(B)~~ (2) Any person who participates in an alternative 48053
retirement plan established under Chapter 3305. of the Revised 48054
Code; 48055

~~(C)~~ (3) Any person who elects to transfer from the school 48056
employees retirement system to the public employees retirement 48057
system under section 3309.312 of the Revised Code; 48058

~~(D)~~ (4) Any person whose full-time employment by the 48059
university of Akron as a state university law enforcement 48060
officer pursuant to section 3345.04 of the Revised Code 48061

commences on or after September 16, 1998; 48062

~~(E)~~ (5) Any person described in division (B) of section 48063
3309.013 of the Revised Code; 48064

~~(F)~~ (6) Any person described in division (D) of section 48065
145.011 of the Revised Code; 48066

~~(G)~~ (7) Any person described in division (B) (1) (b) or (g) 48067
of section 3307.01 of the Revised Code; 48068

(8) Any person who provides school health services to a 48069
child with a disability under the child's individualized 48070
education program and is employed and paid by an entity that has 48071
contracted with a school district to provide those services. 48072

Sec. 3309.073. (A) No person shall knowingly fail to file 48073
a complete and accurate campaign finance statement or 48074
independent expenditure statement in accordance with section 48075
3309.072 of the Revised Code. 48076

(B) No person, during the course of a person seeking 48077
nomination for, and during any campaign for, election to the 48078
school employees retirement board, shall knowingly and with 48079
intent to affect the nomination or the outcome of the campaign 48080
do any of the following by means of campaign materials, an 48081
advertisement on radio or television or in a newspaper or 48082
periodical, a public speech, press release, or otherwise: 48083

(1) With regard to a candidate, identify the candidate in 48084
a manner that implies that the candidate is a member of the 48085
board or use the term "re-elect" when the candidate is not 48086
currently a member of the board; 48087

(2) Make a false statement concerning the formal schooling 48088
or training completed or attempted by a candidate; a degree, 48089

diploma, certificate, scholarship, grant, award, prize, or honor 48090
received, earned, or held by a candidate; or the period of time 48091
during which a candidate attended any school, college, community 48092
technical school, or institution; 48093

(3) Make a false statement concerning the professional, 48094
occupational, or vocational licenses held by a candidate, or 48095
concerning any position the candidate held for which the 48096
candidate received a salary or wages; 48097

(4) Make a false statement that a candidate or board 48098
member has been indicted or convicted of a theft offense, 48099
extortion, or other crime involving financial corruption or 48100
moral turpitude; 48101

(5) Make a statement that a candidate has been indicted 48102
for any crime or has been the subject of a finding by the Ohio 48103
elections commission, the secretary of state, or the Ohio 48104
election integrity commission without disclosing the outcome of 48105
any legal proceedings resulting from the indictment or finding; 48106

(6) Make a false statement that a candidate or board 48107
member has a record of treatment or confinement for mental 48108
disorder; 48109

(7) Make a false statement that a candidate or board 48110
member has been subjected to military discipline for criminal 48111
misconduct or dishonorably discharged from the armed services; 48112

(8) Falsely identify the source of a statement, issue 48113
statements under the name of another person without 48114
authorization, or falsely state the endorsement of or opposition 48115
to a candidate by a person or publication; 48116

(9) Make a false statement concerning the voting record of 48117
a candidate or board member; 48118

(10) Post, publish, circulate, distribute, or otherwise
disseminate a false statement concerning a candidate, either
knowing the same to be false or with reckless disregard of
whether it was false or not, if the statement is designed to
promote the election, nomination, or defeat of the candidate.

Sec. 3309.074. ~~The secretary of state, or any person~~
~~acting on personal knowledge and subject to the penalties of~~
~~perjury, may file a~~ A complaint with the Ohio elections
~~commission~~ alleging a violation of section 3309.073 of the
Revised Code may be filed in accordance with section 3517.16 of
the Revised Code. ~~The complaint shall be made on a form~~
~~prescribed and provided by the commission.~~

~~A complaint shall be filed not later than two years after~~
~~the occurrence of the act or failure to act that is the subject~~
~~of the complaint, except that if the act or failure to act~~
~~involves fraud, concealment, or misrepresentation and was not~~
~~discovered during that two-year period, a complaint may be filed~~
~~not later than one year after discovery of the act or failure to~~
~~act.~~

~~On receipt of a complaint under this section, the~~
~~commission shall hold a hearing open to the public to determine~~
~~whether the violation alleged in the complaint has occurred. The~~
~~commission may administer oaths and issue subpoenas to any~~
~~person in the state compelling the attendance of witnesses and~~
~~the production of relevant papers, books, accounts, and reports.~~
~~On the refusal of any person to obey a subpoena or to be sworn~~
~~or to answer as a witness, the commission may apply to the court~~
~~of common pleas of Franklin county under section 2705.03 of the~~
~~Revised Code. The court shall hold contempt proceedings in~~
~~accordance with Chapter 2705. of the Revised Code.~~

~~The commission shall provide the person accused of the violation at least seven days prior notice of the time, date, and place of the hearing. The accused may be represented by an attorney and shall have an opportunity to present evidence, call witnesses, and cross-examine witnesses.~~

~~At the hearing, the commission shall determine whether the violation alleged in the complaint has occurred. If the commission determines that a violation of division (A) of section 3309.073 of the Revised Code has occurred, the commission shall either impose a fine under section 3309.99 of the Revised Code or enter a finding that good cause has been shown not to impose the fine. If the commission determines that a violation of division (B) of section 3309.073 of the Revised Code has occurred, the commission shall impose the fine described in section 3309.99 of the Revised Code, refer the matter to the appropriate prosecutor, or enter a finding that good cause has been shown to not impose a fine or refer the matter to the appropriate prosecutor.~~

Sec. 3309.47. Each school employees retirement system contributor shall contribute eight per cent of the contributor's compensation to the employees' savings fund, except that the school employees retirement board may raise the contribution rate to a rate not greater than ten per cent of compensation.

The contributions required under this section shall not be paid by a school district board of education on behalf of a contributor employed by the school district as a treasurer, but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions.

The contributions by the direction of the school employees retirement board shall be deducted by the employer from the

compensation of each contributor on each payroll of such 48179
contributor for each payroll period and shall be an amount equal 48180
to the required per cent of such contributor's compensation. On 48181
a finding by the board that an employer has failed or refused to 48182
deduct contributions for any employee during any year and to 48183
transmit such amounts to the retirement system, the retirement 48184
board may make a determination of the amount of the delinquent 48185
contributions, including interest at a rate set by the 48186
retirement board, from the end of each year, and certify to the 48187
employer the amounts for collection. If the amount is not paid 48188
by the employer, it may be certified for collection in the same 48189
manner as payments due the employers' trust fund. Any amounts so 48190
collected shall be held in trust pending receipt of a report of 48191
contributions for the employee for the period involved as 48192
provided by law and, thereafter, the amount in trust shall be 48193
transferred to the employee's savings fund to the credit of the 48194
employee. Any amount remaining after the transfer to the 48195
employees' savings fund shall be transferred to the employers' 48196
trust fund as a credit of the employer. 48197

Additional deposits may be made to a member's account. At 48198
retirement, the amount deposited with interest may be used to 48199
provide additional annuity income. The additional deposits may 48200
be refunded to the member before retirement, and shall be 48201
refunded if the member withdraws the member's refundable amount. 48202
The deposits may be refunded to the beneficiary or estate if the 48203
member dies before retirement, and the board shall determine 48204
whether regular interest shall be credited to deposits thus 48205
refunded. 48206

Sec. 3309.99. (A) Whoever violates division (A) of section 48207
3309.073 of the Revised Code shall be fined not more than one 48208
hundred dollars for each day of the violation. 48209

(B) Whoever violates division (B) of section 3309.073 of the Revised Code shall be imprisoned for not more than six months or fined not more than five thousand dollars, or both.

~~(C) Fines imposed by the Ohio elections commission under this section shall be paid into the Ohio elections commission fund created under section 3513.10 of the Revised Code.~~

Sec. 3310.033. (A) As used in this section:

(1) "Foster child" means a child placed with a foster caregiver, as defined in section 5103.02 of the Revised Code.

(2) "Qualifying student" means a student who is not entitled to attend school under section 3313.64 or 3313.65 of the Revised Code in a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(3) "Kinship caregiver" has the same meaning as in section ~~5101.85~~ 5180.50 of the Revised Code.

(4) "Sibling" means any of the following:

(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;

(b) A cousin by birth, marriage, or adoption who is residing in the same household;

(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;

(d) A child residing in the same household who is placed with a guardian or legal custodian;

(e) A child who is residing in the same household and is

being cared for by a kinship caregiver; 48237

(f) Any other child under eighteen years of age who has 48238
resided in the same household for at least forty-five 48239
consecutive days within the last calendar year. 48240

(5) "Caretaker" means the parent of a minor child or a 48241
relative acting in the parent's place. "Caretaker" also means 48242
another responsible adult who has care of the child and in whose 48243
household the child resides and, if not for residing in that 48244
household, the child would be homeless or likely to be homeless. 48245

(B) Notwithstanding anything in the Revised Code to the 48246
contrary, a qualifying student shall be eligible for an 48247
educational choice scholarship under section 3310.03 of the 48248
Revised Code, regardless of whether the student is enrolled in a 48249
school building described in division (A)(1) or (C) of that 48250
section, if any of the following apply: 48251

(1) The student's sibling received an educational choice 48252
scholarship under section 3310.03 of the Revised Code for the 48253
school year immediately prior to the school year for which the 48254
student is seeking a scholarship; 48255

(2) The student is a foster child; 48256

(3) The student is a child placed with a guardian, legal 48257
custodian, or kinship caregiver; 48258

(4) The student is not a child placed with a guardian, 48259
legal custodian, or kinship caregiver, but has resided in the 48260
same household as such a child for at least forty-five 48261
consecutive days within the last calendar year; 48262

(5) The student is not a foster child, but resides in a 48263
home that has received certification under section 5103.03 of 48264

the Revised Code; 48265

(6) The student satisfies all of the following conditions: 48266

(a) The student is not a foster child or a student 48267
described in division (B) (4) of this section. 48268

(b) The student has resided in the household of an 48269
individual who is not the student's parent or guardian for at 48270
least forty-five consecutive days within the last calendar year 48271
and, if not for residing in that household, the student would 48272
have been homeless. 48273

(c) The student's parent or guardian resides in this 48274
state. 48275

(7) The student is not a child described in division (B) 48276
(6) of this section, but has resided in the same household as a 48277
child described in that division for at least forty-five 48278
consecutive days within the last calendar year. 48279

(C) A student who receives an educational choice 48280
scholarship under this section remains eligible for that 48281
scholarship and may continue to receive a scholarship in 48282
subsequent school years until the student completes grade 48283
twelve, so long as the student satisfies the conditions 48284
specified in divisions (D) (2) and (3) of section 3310.03 of the 48285
Revised Code. 48286

(D) The department of education and workforce may request 48287
any individual applying for a scholarship under this section on 48288
behalf of a qualifying student to provide appropriate 48289
documentation, as defined by the department, that the student 48290
meets the eligibility qualifications prescribed under this 48291
section. In the case of a student who qualifies under division 48292
(B) (6) of this section, such documentation shall be provided by 48293

the student's parent, guardian, or caretaker. 48294

Sec. 3310.41. (A) As used in this section: 48295

(1) "Alternative public provider" means either of the 48296
following providers that agrees to enroll a child in the 48297
provider's special education program to implement the child's 48298
individualized education program or an education plan developed 48299
by the school district under division ~~(K)~~(L) of this section and 48300
to which the child's parent owes fees for the services provided 48301
to the child: 48302

(a) A school district that is not the school district in 48303
which the child is entitled to attend school; 48304

(b) A public entity other than a school district. 48305

(2) "Eligible applicant" means any of the following: 48306

(a) Either of the natural or adoptive parents of a 48307
qualified special education child, except as otherwise specified 48308
in this division. 48309

When the marriage of the natural or adoptive parents of 48310
the child has been terminated by a divorce, dissolution of 48311
marriage, or annulment, or when the natural or adoptive parents 48312
of the child are living separate and apart under a legal 48313
separation decree, and a court has issued an order allocating 48314
the parental rights and responsibilities with respect to the 48315
child, "eligible applicant" means the residential parent as 48316
designated by the court. If the court issues a shared parenting 48317
decree, "eligible applicant" means either parent. "Eligible 48318
applicant" does not mean a parent whose custodial rights have 48319
been terminated. 48320

(b) The custodian of a qualified special education child, 48321

when a court has granted temporary, legal, or permanent custody 48322
of the child to an individual other than either of the natural 48323
or adoptive parents of the child or to a government agency; 48324

(c) The guardian of a qualified special education child, 48325
when a court has appointed a guardian for the child; 48326

(d) The grandparent of a qualified special education 48327
child, when the grandparent is the child's attorney in fact 48328
under a power of attorney executed under sections 3109.51 to 48329
3109.62 of the Revised Code or when the grandparent has executed 48330
a caretaker authorization affidavit under sections 3109.65 to 48331
3109.73 of the Revised Code; 48332

(e) The surrogate parent appointed for a qualified special 48333
education child pursuant to division (B) of section 3323.05 and 48334
section 3323.051 of the Revised Code; 48335

(f) A qualified special education child, if the child does 48336
not have a custodian or guardian and the child is at least 48337
eighteen years of age and less than twenty-two years of age. 48338

(3) "Entitled to attend school" means entitled to attend 48339
school in a school district under section 3313.64 or 3313.65 of 48340
the Revised Code. 48341

~~+3)~~ (4) "Formula ADM" has the same meaning as in section 48342
3317.02 of the Revised Code. 48343

~~+4)~~ (5) "Preschool child with a disability" and 48344
"individualized education program" have the same meanings as in 48345
section 3323.01 of the Revised Code. 48346

~~(5) "Parent" has the same meaning as in section 3313.64 of~~ 48347
~~the Revised Code, except that "parent" does not mean a parent-~~ 48348
~~whose custodial rights have been terminated. "Parent" also-~~ 48349

~~includes the custodian of a qualified special education child,~~ 48350
~~when a court has granted temporary, legal, or permanent custody~~ 48351
~~of the child to an individual other than either of the natural~~ 48352
~~or adoptive parents of the child or to a government agency.~~ 48353

(6) "Qualified special education child" is a child who is 48354
at least three years of age and less than twenty-two years of 48355
age and who either was enrolled in the school district in which 48356
the child is entitled to attend school in any grade from 48357
preschool through twelve in the school year prior to the year in 48358
which a scholarship under this section is ~~first~~ sought for the 48359
child or is eligible to enter school in any grade preschool 48360
through twelve or is less than twenty-two years of age in the 48361
school district in which the child is entitled to attend school 48362
in the school year in which a scholarship under this section is 48363
~~first~~ sought for the child and for whom any of the following 48364
conditions apply: 48365

(a) The school district in which the child is entitled to 48366
attend school has identified the child as autistic. A child who 48367
has been identified as having a "pervasive developmental 48368
disorder - not otherwise specified (PPD-NOS)" shall be 48369
considered to be an autistic child for purposes of this section. 48370

(b) The school district in which the child is entitled to 48371
attend school has developed an individualized education program 48372
under Chapter 3323. of the Revised Code for the child that 48373
includes services related to autism. 48374

(c) The child has been diagnosed as autistic by a 48375
physician or psychologist. 48376

(d) All of the following apply: 48377

(i) The child is enrolled in a chartered or nonchartered 48378

nonpublic school, is home educated in accordance with section 48379
3321.042 of the Revised Code, or is a student older than 48380
compulsory school age and less than twenty-two years of age and 48381
received a home education in accordance with section 3321.042 of 48382
the Revised Code and has not received a diploma under section 48383
3313.6110 of the Revised Code. 48384

(ii) The child has an individualized education program 48385
developed under Chapter 3323. of the Revised Code that includes 48386
services related to autism. 48387

(iii) The child is still eligible to receive transition 48388
services under the child's individualized education program. 48389

(7) "Registered private provider" means a nonpublic school 48390
or other nonpublic entity that has been approved by the 48391
department of education and workforce to participate in the 48392
program established under this section. 48393

(8) "Special education program" means a school or facility 48394
that provides special education and related services to children 48395
with disabilities. 48396

(B) There is hereby established the autism scholarship 48397
program. Under the program, the department shall pay a 48398
scholarship under section 3317.022 of the Revised Code to ~~the~~ 48399
~~parent of each qualified special education child~~ an eligible 48400
applicant upon application of that parent-eligible applicant 48401
pursuant to procedures and deadlines established by rule of the 48402
department. Each scholarship shall be used only to pay tuition 48403
for the child on whose behalf the scholarship is awarded to 48404
attend a special education program or programs that implements 48405
the child's individualized education program or education plan 48406
and that is operated by an alternative public provider or by a 48407

registered private provider, and to pay for other services 48408
agreed to by the provider and the ~~parent of a qualified special~~ 48409
~~education child~~ eligible applicant that are not included in the 48410
individualized education program or education plan but are 48411
associated with educating the child. Upon agreement with the 48412
~~parent of a qualified special education child~~ eligible applicant, 48413
the alternative public provider or the registered private 48414
provider may modify the services provided to the child. The 48415
purpose of the scholarship is to permit the ~~parent of a~~ 48416
~~qualified special education child~~ eligible applicant the choice 48417
to send the child to a special education program or programs, 48418
instead of the one operated by or for the school district in 48419
which the child is entitled to attend school, to receive the 48420
services prescribed in the child's individualized education 48421
program or education plan once the individualized education 48422
program or education plan is finalized and any other services 48423
agreed to by the provider and the ~~parent of a qualified special~~ 48424
~~education child~~ eligible applicant. The services provided under 48425
the scholarship shall include an educational component or 48426
services designed to assist the child to benefit from the 48427
child's education. 48428

At the discretion of the eligible applicant, multiple 48429
alternative public providers or registered private providers may 48430
be contracted to provide services to implement an individualized 48431
education program or education plan as the eligible applicant 48432
and providers determine are necessary and associated with 48433
educating the qualified special education child. A qualified 48434
special education child shall not be limited to receiving 48435
services from a single provider for any services as identified 48436
in the individualized education program or education plan, 48437
including a single type of service. 48438

(C) Services, including intervention services, educational services, academic services, tutoring services, aide services, and other related special education services, provided through the program established under this section may be provided virtually by any of the following:

(1) An educational aide or assistant who holds a valid permit issued under section 3319.088 of the Revised Code;

(2) An instructional assistant who holds a valid permit issued under section 3310.43 of the Revised Code;

(3) A qualified, credentialed provider in accordance with standards established by the department;

(4) A teacher or substitute teacher licensed by the state board of education.

(D) A scholarship under this section shall not be awarded to ~~the parent of a child~~ an eligible applicant while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. A scholarship under this section shall not be used for a child to attend a public special education program that operates under a contract, compact, or other bilateral agreement between the school district in which the child is entitled to attend school and another school district or other public provider, or for a child to attend a community school established under Chapter 3314. of the Revised Code. However, nothing in this section or in any rule adopted by the department shall prohibit ~~a parent~~ an eligible applicant whose child attends a public special education program under a

contract, compact, or other bilateral agreement, or a ~~parent~~ an 48468
eligible applicant whose child attends a community school, from 48469
applying for and accepting a scholarship under this section so 48470
that the ~~parent~~ eligible applicant may withdraw the child from 48471
that program or community school and use the scholarship for the 48472
child to attend a special education program for which the ~~parent~~ 48473
eligible applicant is required to pay for services for the 48474
child. 48475

(E) Except for development of the child's individualized 48476
education program or education plan, the school district in 48477
which a qualified special education child is entitled to attend 48478
school and the child's school district of residence, as defined 48479
in section 3323.01 of the Revised Code, if different, are not 48480
obligated to provide the child with a free appropriate public 48481
education under Chapter 3323. of the Revised Code for as long as 48482
the child continues to attend the special education program 48483
operated by either an alternative public provider or a 48484
registered private provider for which a scholarship is awarded 48485
under the autism scholarship program. If at any time, the 48486
eligible applicant for the child decides no longer to accept 48487
scholarship payments and enrolls the child in the special 48488
education program of the school district in which the child is 48489
entitled to attend school, that district shall provide the child 48490
with a free appropriate public education under Chapter 3323. of 48491
the Revised Code. 48492

(F) A child attending a special education program with a 48493
scholarship under this section shall continue to be entitled to 48494
transportation to and from that program in the manner prescribed 48495
by law. 48496

(G) As prescribed in division (A) (2) (h) of section 3317.03 48497

of the Revised Code, a child who is not a preschool child with a 48498
disability for whom a scholarship is awarded under this section 48499
shall be counted in the formula ADM of the district in which the 48500
child is entitled to attend school and not in the formula ADM of 48501
any other school district. 48502

(H) A scholarship shall not be paid under section 3317.022 48503
of the Revised Code to ~~a parent~~ an eligible applicant for 48504
payment of tuition owed to a nonpublic entity unless that entity 48505
is a registered private provider. The department shall approve 48506
entities that meet the standards established by rule of the 48507
department for the program established under this section. 48508

(I) The department shall adopt rules under Chapter 119. of 48509
the Revised Code prescribing procedures necessary to implement 48510
this section, including, but not limited to, procedures and 48511
deadlines for ~~parents~~ eligible applicants to apply for 48512
scholarships, standards for registered private providers, and 48513
procedures for approval of entities as registered private 48514
providers. 48515

The rules also shall specify that intervention services, 48516
including virtual services, under the autism scholarship program 48517
may be provided by a qualified, credentialed provider, including 48518
an educator or substitute teacher licensed by the state board of 48519
education, and shall additionally include, but not be limited 48520
to, all of the following: 48521

(1) A behavior analyst certified by a nationally 48522
recognized organization that certifies behavior analysts; 48523

(2) A psychologist licensed to practice in this state 48524
under Chapter 4732. of the Revised Code; 48525

(3) An independent school psychologist or school 48526

psychologist licensed to practice in this state under Chapter 48527
4732. of the Revised Code; 48528

(4) Any person employed by a licensed psychologist, 48529
licensed independent school psychologist, or licensed school 48530
psychologist, while carrying out specific tasks, under the 48531
licensee's supervision, as an extension of the licensee's legal 48532
and ethical authority as specified under Chapter 4732. of the 48533
Revised Code who is ascribed as "psychology trainee," 48534
"psychology assistant," "psychology intern," or other 48535
appropriate term that clearly implies their supervised or 48536
training status; 48537

(5) Unlicensed persons holding a doctoral degree in 48538
psychology or special education from a program approved by the 48539
department; 48540

(6) A "registered behavior technician" as described under 48541
rule 5123-9-41 of the Administrative Code working under the 48542
supervision and following the intervention plan of a certified 48543
Ohio behavior analyst or a behavior analyst certified by a 48544
nationally recognized organization that certifies behavior 48545
analysts; 48546

(7) A "certified Ohio behavior analyst" under Chapter 48547
4783. of the Revised Code; 48548

(8) An occupational therapist or physical therapist 48549
licensed to practice in this state under Chapter 4755. of the 48550
Revised Code; 48551

(9) A speech-language pathologist licensed to practice in 48552
this state under Chapter 4753. of the Revised Code; 48553

(10) An intervention specialist who holds a valid license 48554
issued by the state board; 48555

(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:

- (a) A structured literacy dyslexia interventionist;
- (b) A structured literacy dyslexia specialist;
- (c) A certified academic language practitioner;
- (d) A certified academic language therapist.

(12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;

(13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;

(14) Any other qualified individual as determined by the department.

The rules also shall specify that supervision of a qualified, credentialed provider may be conducted virtually.

(J) For billing purposes under the autism scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.

(K) The department shall provide reasonable notice to all ~~parents of children eligible applicants~~ receiving a scholarship under the autism scholarship program, alternative public

providers, and registered private providers of any amendment to 48583
a rule governing, or change in the administration of, the autism 48584
scholarship program. 48585

~~(K)~~(L) If a child qualifies for the autism scholarship 48586
program pursuant to a diagnosis under division (A)(6)(c) of this 48587
section and does not have an individualized education program 48588
that includes services related to autism, the school district in 48589
which the child is entitled to attend school shall develop an 48590
education plan for the child. 48591

~~(L)~~(M) Not later than the thirtieth day of June each year, 48592
each alternative public provider and registered private provider 48593
enrolling students receiving autism scholarships shall submit to 48594
the department, in a form and manner prescribed by the 48595
department, the tuition rates charged by the provider for the 48596
following school year. 48597

~~(M)~~(N) The department shall not require ~~the parent of a~~ 48598
~~student an eligible applicant~~ who applies for or receives a 48599
scholarship under this section to complete any kind of income 48600
verification regarding the student's family income. 48601

(O) The department shall maintain a list of each 48602
registered private provider and the location of that provider on 48603
its publicly accessible web site. 48604

Sec. 3310.413. As used in this section, "junior reserve 48605
officer training corps program" means a junior reserve officer 48606
training corps (JROTC) program approved by the congress of the 48607
United States under title 10 of the United States Code. 48608

A qualified special education child, as defined in section 48609
3310.41 of the Revised Code, receiving home education under 48610
section 3321.042 of the Revised Code who participates in a 48611

junior reserve officer training corps program maintained by the 48612
child's resident school district in accordance with 10 U.S.C. 48613
2031f(1) shall not be considered enrolled in that district for 48614
purposes of determining eligibility for an autism scholarship 48615
under section 3310.41 of the Revised Code. 48616

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 48617
the Revised Code: 48618

(A) "Alternative public provider" means either of the 48619
following providers that agrees to enroll a child in the 48620
provider's special education program to implement the child's 48621
individualized education program and to which the eligible 48622
applicant owes fees for the services provided to the child: 48623

(1) A school district that is not the school district in 48624
which the child is entitled to attend school or the child's 48625
school district of residence, if different; 48626

(2) A public entity other than a school district. 48627

(B) "Child with a disability" and "individualized 48628
education program" have the same meanings as in section 3323.01 48629
of the Revised Code. 48630

(C) "Eligible applicant" means any of the following: 48631

(1) Either of the natural or adoptive parents of a 48632
qualified special education child, except as otherwise specified 48633
in this division. When the marriage of the natural or adoptive 48634
parents of the student has been terminated by a divorce, 48635
dissolution of marriage, or annulment, or when the natural or 48636
adoptive parents of the student are living separate and apart 48637
under a legal separation decree, and a court has issued an order 48638
allocating the parental rights and responsibilities with respect 48639
to the child, "eligible applicant" means the residential parent 48640

as designated by the court. If the court issues a shared 48641
parenting decree, "eligible applicant" means either parent. 48642
"Eligible applicant" does not mean a parent whose custodial 48643
rights have been terminated. 48644

(2) The custodian of a qualified special education child, 48645
when a court has granted temporary, legal, or permanent custody 48646
of the child to an individual other than either of the natural 48647
or adoptive parents of the child or to a government agency; 48648

(3) The guardian of a qualified special education child, 48649
when a court has appointed a guardian for the child; 48650

(4) The grandparent of a qualified special education 48651
child, when the grandparent is the child's attorney in fact 48652
under a power of attorney executed under sections 3109.51 to 48653
3109.62 of the Revised Code or when the grandparent has executed 48654
a caretaker authorization affidavit under sections 3109.65 to 48655
3109.73 of the Revised Code; 48656

(5) The surrogate parent appointed for a qualified special 48657
education child pursuant to division (B) of section 3323.05 and 48658
section 3323.051 of the Revised Code; 48659

(6) A qualified special education child, if the child does 48660
not have a custodian or guardian and the child is at least 48661
eighteen years of age and less than twenty-two years of age. 48662

(D) "Entitled to attend school" means entitled to attend 48663
school in a school district under sections 3313.64 and 3313.65 48664
of the Revised Code. 48665

(E) "Formula ADM" has the same meaning as in section 48666
3317.02 of the Revised Code. 48667

(F) "Qualified special education child" is a child for 48668

whom all of the following conditions apply: 48669

(1) The child is at least ~~five~~three years of age and less 48670
than twenty-two years of age. 48671

(2) The school district in which the child is entitled to 48672
attend school, or the child's school district of residence if 48673
different, has identified the child as a child with a 48674
disability. 48675

(3) The school district in which the child is entitled to 48676
attend school, or the child's school district of residence if 48677
different, has developed an individualized education program 48678
under Chapter 3323. of the Revised Code for the child. 48679

(4) The child~~either~~ meets one of the following 48680
conditions: 48681

(a) Was enrolled in the schools of the school district in 48682
which the child is entitled to attend school in any grade from 48683
~~kindergarten~~preschool through twelve in the school year prior 48684
to the school year in which a scholarship is ~~first~~sought for 48685
the child; 48686

(b) Is eligible to enter school in any grade ~~kindergarten~~preschool 48687
through twelve in the school district in which the 48688
child is entitled to attend school in the school year in which a 48689
scholarship is ~~first~~sought for the child; 48690

(c) All of the following apply: 48691

(i) The child is at least eighteen years of age and less 48692
than twenty-two years of age. 48693

(ii) The child is enrolled in a chartered or nonchartered 48694
nonpublic school, is home educated in accordance with section 48695
3321.042 of the Revised Code, or is a student older than 48696

compulsory school age and less than twenty-two years of age and 48697
received a home education in accordance with section 3321.042 of 48698
the Revised Code and has not received a diploma under section 48699
3313.6110 of the Revised Code. 48700

(iii) The child is still eligible to receive transition 48701
services under the child's individualized education program. 48702

(5) The department of education and workforce has not 48703
approved a scholarship for the child under the educational 48704
choice scholarship pilot program, under sections 3310.01 to 48705
3310.17 of the Revised Code, the autism scholarship program, 48706
under section 3310.41 of the Revised Code, or the pilot project 48707
scholarship program, under sections 3313.974 to 3313.979 of the 48708
Revised Code for the same school year in which a scholarship 48709
under the Jon Peterson special needs scholarship program is 48710
sought. 48711

(6) The child and the child's parents are in compliance 48712
with the state compulsory attendance law under Chapter 3321. of 48713
the Revised Code. 48714

(G) "Registered private provider" means a nonpublic school 48715
or other nonpublic entity that has been registered by the 48716
superintendent of public instruction under section 3310.58 of 48717
the Revised Code prior to ~~the effective date of this amendment~~ 48718
October 3, 2023, or the department of education and workforce on 48719
or after that date. 48720

(H) "Scholarship" means a scholarship awarded under the 48721
Jon Peterson special needs scholarship program pursuant to 48722
sections 3310.51 to 3310.64 of the Revised Code. 48723

(I) "School district of residence" has the same meaning as 48724
in section 3323.01 of the Revised Code. A community school 48725

established under Chapter 3314. of the Revised Code is not a 48726
"school district of residence" for purposes of sections 3310.51 48727
to 3310.64 of the Revised Code. 48728

(J) "School year" has the same meaning as in section 48729
3313.62 of the Revised Code. 48730

(K) "Special education program" means a school or facility 48731
that provides special education and related services to children 48732
with disabilities. 48733

Sec. 3310.52. (A) The Jon Peterson special needs 48734
scholarship program is hereby established. Under the program, 48735
beginning with the 2012-2013 school year, subject to division 48736
(B) of this section, the department of education and workforce 48737
annually shall pay a scholarship under section 3317.022 of the 48738
Revised Code to an eligible applicant for services provided by 48739
an alternative public provider or a registered private provider 48740
for a qualified special education child. The scholarship shall 48741
be used only to pay all or part of the fees for the child to 48742
attend the special education program or programs operated by the 48743
alternative public provider or registered private provider to 48744
implement the child's individualized education program or 48745
programs, in lieu of the child's attending the special education 48746
program operated by the school district in which the child is 48747
entitled to attend school, and other services agreed to by the 48748
provider and eligible applicant that are not included in the 48749
individualized education program but are associated with 48750
educating the child. 48751

At the discretion of an eligible applicant, multiple 48752
alternative public providers or registered private providers may 48753
be contracted to provide services to implement the 48754
individualized education program as the eligible applicant and 48755

providers determine are necessary and associated with educating 48756
the qualified special education child. A qualified special 48757
education child is not limited to receiving services from a 48758
single provider for any services as identified in the 48759
individualized education program, including a single type of 48760
service. 48761

Beginning in the 2014-2015 school year, if the child is 48762
receiving special education services for a disability specified 48763
in division (A) of section 3317.013 of the Revised Code, the 48764
scholarship shall be used only to pay for related services that 48765
are included in the child's individualized education program. 48766
Upon agreement with the eligible applicant, the alternative 48767
public provider or registered private provider may modify the 48768
services provided to the child. 48769

Services, including intervention services, educational 48770
services, academic services, tutoring services, aide services, 48771
and other related special education services, provided through 48772
the program established under this section may be provided 48773
virtually by any of the following: 48774

(1) An educational aide or assistant who holds a valid 48775
permit issued under section 3319.088 of the Revised Code; 48776

(2) An instructional assistant who holds a valid permit 48777
issued under section 3310.43 of the Revised Code; 48778

(3) A qualified, credentialed provider in accordance with 48779
standards established by the department; 48780

(4) A teacher or substitute teacher licensed by the state 48781
board of education. 48782

(B) The number of scholarships awarded under the program 48783
in any fiscal year shall not exceed five per cent of the total 48784

number of students residing in the state identified as children 48785
with disabilities during the previous fiscal year. 48786

(C) The department shall pay a scholarship under section 48787
3317.022 of the Revised Code to the ~~parent of each qualified~~ 48788
~~special education child~~ eligible applicant, unless the ~~parent~~ 48789
eligible applicant authorizes a direct payment to the child's 48790
provider, upon application ~~of that parent~~ in the manner 48791
prescribed by the department. However, the department shall not 48792
adopt specific dates for application deadlines for scholarships 48793
under the program. 48794

(D) The department shall not require ~~the parent of a~~ 48795
~~student~~ an eligible applicant who applies for or receives a 48796
scholarship under this section to complete any kind of income 48797
verification regarding the student's family income. 48798

Sec. 3310.523. As used in this section, "junior reserve 48799
officer training corps program" means a junior reserve officer 48800
training corps (JROTC) program approved by the congress of the 48801
United States under title 10 of the United States Code. 48802

A qualified special education child receiving home 48803
education under section 3321.042 of the Revised Code who 48804
participates in a junior reserve officer training corps program 48805
maintained by the child's resident school district in accordance 48806
with 10 U.S.C. 2031f(1) shall not be considered enrolled in that 48807
district for purposes of determining eligibility for a Jon 48808
Peterson special needs scholarship under section 3310.52 of the 48809
Revised Code. 48810

Sec. 3310.58. No nonpublic school or entity shall receive 48811
payments from an eligible applicant for services for a qualified 48812
special education child under the Jon Peterson special needs 48813

scholarship program until the school or entity registers with 48814
the department of education and workforce. The department shall 48815
maintain a list of each registered private provider and the 48816
location of that provider on its publicly accessible web site. 48817
The department shall register and designate as a registered 48818
private provider any nonpublic school or entity that meets the 48819
following requirements: 48820

(A) The school or entity complies with the 48821
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 48822
whether the school or entity receives federal financial 48823
assistance. 48824

(B) If the school or entity is not chartered by the 48825
director of education and workforce under section 3301.16 of the 48826
Revised Code, the school or entity agrees to comply with 48827
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 48828
if it were a school district. 48829

(C) The teaching and nonteaching professionals employed by 48830
the school or entity, or employed by any subcontractors of the 48831
school or entity, hold appropriate credentials for the qualified 48832
special education children enrolled in and the services provided 48833
through the special education program it operates. The list of 48834
professionals who hold appropriate credentials to provide 48835
services under a special education program include all of the 48836
following: 48837

(1) A behavior analyst certified by a nationally 48838
recognized organization that certifies behavior analysts; 48839

(2) A psychologist licensed to practice in this state 48840
under Chapter 4732. of the Revised Code; 48841

(3) An independent school psychologist or school 48842

psychologist licensed to practice in this state under Chapter 48843
4732. of the Revised Code; 48844

(4) Any person employed by a licensed psychologist, 48845
licensed independent school psychologist, or licensed school 48846
psychologist, while carrying out specific tasks, under the 48847
licensee's supervision, as an extension of the licensee's legal 48848
and ethical authority as specified under Chapter 4732. of the 48849
Revised Code who is ascribed as "psychology trainee," 48850
"psychology assistant," "psychology intern," or other 48851
appropriate term that clearly implies their supervised or 48852
training status; 48853

(5) An unlicensed person holding a doctoral degree in 48854
psychology or special education from a program approved by the 48855
department; 48856

(6) A registered behavior technician as described in rule 48857
5123-9-41 of the Administrative Code working under the 48858
supervision and following the intervention plan of a certified 48859
Ohio behavior analyst or behavior analyst certified by a 48860
nationally recognized organization that certifies behavior 48861
analysts; 48862

(7) A certified Ohio behavior analyst under Chapter 4783. 48863
of the Revised Code; 48864

(8) An occupational therapist or physical therapist 48865
licensed to practice in this state under Chapter 4755. of the 48866
Revised Code; 48867

(9) A speech-language pathologist licensed to practice in 48868
this state under Chapter 4753. of the Revised Code; 48869

(10) An intervention specialist who holds a valid license 48870
issued by the state board; 48871

(11) A literacy intervention specialist certified through pathways recognized by the Ohio dyslexia committee established by section 3323.25 of the Revised Code. To the extent that certification for any of the following positions is approved by the Ohio dyslexia committee under section 3323.25 of the Revised Code, literary intervention specialists may include:

- (a) A structured literacy dyslexia interventionist;
- (b) A structured literacy dyslexia specialist;
- (c) A certified academic language practitioner;
- (d) A certified academic language therapist.

(12) An educational aide or assistant with a valid permit issued under section 3319.088 of the Revised Code;

(13) An instructional assistant with a valid permit issued in accordance with section 3310.43 of the Revised Code;

(14) Any other qualified individual as determined by the department.

(D) For billing purposes under the Jon Peterson special needs scholarship program, services provided by a teacher or substitute teacher licensed by the state board of education shall be classified as academic services and shall not be classified as aide services. The department shall use this differentiation to simplify monthly audit procedures.

(E) The school's or entity's educational program shall be approved by the department.

~~(F)~~ (F) The school or entity meets applicable health and safety standards established by law.

~~(F)~~ (G) The school or entity agrees to retain on file

documentation as required by the department. 48899

~~(G)~~ (H) The school or entity agrees to provide a record of 48900
the implementation of the individualized education program for 48901
each qualified special education child enrolled in the school's 48902
or entity's special education program, including evaluation of 48903
the child's progress, to the school district in which the child 48904
is entitled to attend school, in the form and manner prescribed 48905
by the department. 48906

~~(H)~~ (I) The school or entity agrees that, if it declines to 48907
enroll a particular qualified special education child, it will 48908
notify in writing the eligible applicant of its reasons for 48909
declining to enroll the child. 48910

Sec. 3310.64. The department of education and workforce 48911
shall adopt rules in accordance with Chapter 119. of the Revised 48912
Code prescribing procedures necessary to implement sections 48913
3310.51 to 3310.63 of the Revised Code including, but not 48914
limited to, procedures for parents to apply for scholarships, 48915
standards for registered private providers, and procedures for 48916
registration of private providers. 48917

The rules also shall specify that intervention services, 48918
including virtual services, under the Jon Peterson special needs 48919
scholarship program may be provided by a qualified, credentialed 48920
provider, including an educator or substitute teacher licensed 48921
by the state board of education, and shall additionally include, 48922
but not be limited to, the credentialed professionals listed in 48923
division (C) of section 3310.58 of the Revised Code. 48924

The rules also shall specify that supervision of a 48925
qualified, credentialed provider may be conducted virtually. 48926

Sec. 3311.50. (A) As used in this section: 48927

(1) "County school financing district" means a taxing district consisting of the following territory:

(a) The territory that constitutes the educational service center on the date that the governing board of that educational service center adopts a resolution under division (B) of this section declaring that the territory of the educational service center is a county school financing district, exclusive of any territory subsequently withdrawn from the district under division (D) of this section;

(b) Any territory that has been added to the county school financing district under this section.

A county school financing district may include the territory of a city, local, or exempted village school district whose territory also is included in the territory of one or more other county school financing districts.

(2) ~~"The county auditor's appraised Market value"~~ and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

(B) The governing board of any educational service center may, by resolution, declare that the territory of the educational service center is a county school financing district. The resolution shall state the purpose for which the county school financing district is created, which may be for any one or more of the following purposes:

(1) To levy taxes for the provision of special education by the school districts that are a part of the district, including taxes for permanent improvements for special education;

(2) To levy taxes for the provision of specified

educational programs and services by the school districts that 48957
are a part of the district, as identified in the resolution 48958
creating the district, including the levying of taxes for 48959
permanent improvements for those programs and services. Services 48960
financed by the levy may include school safety and security and 48961
mental health services, including training and employment of or 48962
contracting for the services of safety personnel, mental health 48963
personnel, social workers, and counselors. 48964

(3) To levy taxes for permanent improvements of school 48965
districts that are a part of the district. 48966

The governing board of the educational service center that 48967
creates a county school financing district shall serve as the 48968
taxing authority of the district and may use educational service 48969
center governing board employees to perform any of the functions 48970
necessary in the performance of its duties as a taxing 48971
authority. A county school financing district shall not employ 48972
any personnel. 48973

With the approval of a majority of the members of the 48974
board of education of each school district within the territory 48975
of the county school financing district, the taxing authority of 48976
the financing district may amend the resolution creating the 48977
district to broaden or narrow the purposes for which it was 48978
created. 48979

A governing board of an educational service center may 48980
create more than one county school financing district. If a 48981
governing board of an educational service center creates more 48982
than one such district, it shall clearly distinguish among the 48983
districts it creates by including a designation of each 48984
district's purpose in the district's name. 48985

(C) A majority of the members of a board of education of a city, local, or exempted village school district may adopt a resolution requesting that its territory be joined with the territory of any county school financing district. Copies of the resolution shall be filed with the state board of education and the taxing authority of the county school financing district. Within sixty days of its receipt of such a resolution, the county school financing district's taxing authority shall vote on the question of whether to accept the school district's territory as part of the county school financing district. If a majority of the members of the taxing authority vote to accept the territory, the school district's territory shall thereupon become a part of the county school financing district unless the county school financing district has in effect a tax imposed under section 5705.215 of the Revised Code. If the county school financing district has such a tax in effect, the taxing authority shall certify a copy of its resolution accepting the school district's territory to the school district's board of education. The board of education and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the school district's territory has been added to the county school financing district. After receipt of the auditor's certification under that section, the board may adopt a resolution, with the affirmative vote of a majority of its members, proposing the submission to the electors of the question of whether the district's territory shall become a part of the county school financing district and subject to the taxes imposed by the financing district. The resolution shall set forth the date on which the question shall be submitted to the electors, which shall be at a special election held on a date specified in the

resolution, which shall not be earlier than ninety days after 49018
the adoption and certification of the resolution. A copy of the 49019
resolution shall immediately be certified to the board of 49020
elections of the proper county, which shall make arrangements 49021
for the submission of the proposal to the electors of the school 49022
district. The board of the joining district shall publish notice 49023
of the election in a newspaper of general circulation in the 49024
county once a week for two consecutive weeks, or as provided in 49025
section 7.16 of the Revised Code, prior to the election. 49026
Additionally, if the board of elections operates and maintains a 49027
web site, the board of elections shall post notice of the 49028
election on its web site for thirty days prior to the election. 49029
The question appearing on the ballot shall read: 49030

"Shall the territory within _____ (name of the school 49031
district proposing to join the county school financing district) 49032
_____ be added to _____ (name) _____ county 49033
school financing district, and a property tax for the purposes 49034
of _____ (here insert purposes), that the county auditor 49035
estimates will collect \$_____ annually, _____ at a rate not 49036
exceeding _____ mills for each \$1 of taxable value, which 49037
amounts to \$_____ (effective rate) for each \$100,000 of ~~the~~ 49038
~~county auditor's appraised market~~ value, _____ be in 49039
effect for _____ (here insert the number of years the tax 49040
is to be in effect or "a continuing period of time," as 49041
applicable) _____?" 49042

If the proposal is approved by a majority of the electors 49043
voting on it, the joinder shall take effect on the first day of 49044
July following the date of the election, and the county board of 49045
elections shall notify the county auditor of each county in 49046
which the school district joining its territory to the county 49047
school financing district is located. 49048

(D) The board of any city, local, or exempted village school district whose territory is part of a county school financing district may withdraw its territory from the county school financing district thirty days after submitting to the governing board that is the taxing authority of the district and the state board a resolution proclaiming such withdrawal, adopted by a majority vote of its members, but any county school financing district tax levied in such territory on the effective date of the withdrawal shall remain in effect in such territory until such tax expires or is renewed. No board may adopt a resolution withdrawing from a county school financing district that would take effect during the forty-five days preceding the date of an election at which a levy proposed under section 5705.215 of the Revised Code is to be voted upon.

(E) A city, local, or exempted village school district does not lose its separate identity or legal existence by reason of joining its territory to a county school financing district under this section and an educational service center does not lose its separate identity or legal existence by reason of creating a county school financing district that accepts or loses territory under this section.

Sec. 3312.01. (A) As used in this chapter:

(1) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code.

(2) "Community college" has the same meaning as in section 3333.168 of the Revised Code.

(3) "Community school" means a community school established in Chapter 3314. of the Revised Code.

(4) "Information technology center" means an information

technology center established under section 3301.075 of the 49078
Revised Code. 49079

(5) "STEM school" means a STEM school established under 49080
Chapter 3326. of the Revised Code. 49081

(B) The educational regional service system is hereby 49082
established. The system shall support state and regional 49083
education and workforce development initiatives and ~~efforts~~ 49084
shall provide support and technical assistance to improve school 49085
effectiveness and student achievement. Services, including 49086
special education and related services, shall be provided under 49087
the system to school districts, community schools ~~established~~ 49088
~~under Chapter 3314. of the Revised Code,~~ STEM schools, and 49089
chartered nonpublic schools. 49090

~~It is the intent of the general assembly that the~~ 49091
~~educational regional service system reduce the unnecessary~~ 49092
~~duplication of programs and services and provide for a more~~ 49093
~~streamlined and efficient delivery of educational services~~ 49094
~~without reducing the availability of the services needed by~~ 49095
~~school districts and schools.~~ 49096

~~(B)~~ (C) The educational regional service system shall 49097
consist of the following: 49098

~~(1) The advisory councils and subcommittees established~~ 49099
~~under sections 3312.03 and 3312.05 of the Revised Code;~~ 49100

~~(2)~~ A fiscal agent for each of the regions ~~as configured~~ 49101
established by the department of education and workforce under 49102
section 3312.02 of the Revised Code; 49103

~~(3)~~ (2) Educational service centers, information technology 49104
~~centers established under section 3301.075 of the Revised Code,~~ 49105
career-technical planning districts, county boards of 49106

developmental disabilities, Ohio college tech prep regional 49107
centers, community colleges, and other regional education 49108
service providers as determined by the department. 49109

~~(C) Educational service centers shall provide the services~~ 49110
~~that they are specifically required to provide by the Revised~~ 49111
~~Code and may enter into agreements pursuant to section 3313.843,~~ 49112
~~3313.844, or 3313.845 of the Revised Code for the provision of~~ 49113
~~other services, which may include any of the following:~~ 49114

~~(1) Assistance in improving student performance;~~ 49115

~~(2) Services to enable a school district or school to~~ 49116
~~operate more efficiently or economically;~~ 49117

~~(3) Professional development for teachers or~~ 49118
~~administrators;~~ 49119

~~(4) Assistance in the recruitment and retention of~~ 49120
~~teachers and administrators;~~ 49121

~~(5) Applying for any state or federal grant on behalf of a~~ 49122
~~school district;~~ 49123

~~(6) Any other educational, administrative, or operational~~ 49124
~~services.~~ 49125

~~In addition to implementing state and regional education~~ 49126
~~initiatives and school improvement efforts under the educational~~ 49127
~~regional service system, educational service centers shall~~ 49128
~~implement state or federally funded initiatives assigned to the~~ 49129
~~service centers by the general assembly or the department of~~ 49130
~~education and workforce.~~ 49131

~~Any educational service center selected to be a fiscal~~ 49132
~~agent for its region pursuant to section 3312.07 of the Revised~~ 49133
~~Code shall continue to operate as an educational service center~~ 49134

~~for the part of the region that comprises its territory.~~

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(D) An educational service center shall be considered a school district or a local education agency for the purposes of eligibility in applying for any state or competitive federal grant.

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(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

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(F) No school district, community school, STEM school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, ~~except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.~~

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Sec. 3312.02. Not later than one hundred eighty days after the effective date of this section, the department of education and workforce shall establish not more than sixteen regions in the educational regional service system and designate the boundaries of each region. If the department plans to make any subsequent changes to the number of regions or regional boundaries, the department shall provide notice to the affected regions at least ninety days prior to the first day of July of the fiscal year in which those changes will take effect.

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Sec. 3312.07. (A) The department of education and workforce shall select a school district~~or~~, educational service center~~in~~, information technology center, career-technical

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planning district, Ohio college tech prep regional center, 49164
county board of developmental disabilities, or community college 49165
for each region of the educational regional service system to be 49166
the fiscal agent for the region. For this purpose, the 49167
department shall issue a request for proposals from ~~districts~~ 49168
~~and service centers~~ entities interested in being a fiscal agent. 49169
The department shall select each fiscal agent based upon the 49170
following criteria: 49171

(1) Capability to serve as a fiscal agent as demonstrated 49172
by a satisfactory audit record and prior experience serving as a 49173
fiscal agent; 49174

(2) Adequate capacity in terms of facilities, personnel, 49175
and other relevant resources; 49176

(3) Evidence that the ~~school district's or educational~~ 49177
~~service center's~~ entity's role as a fiscal agent would result in 49178
minimal disruption to its other responsibilities ~~as a district~~ 49179
~~or service center~~; 49180

(4) ~~Demonstrated intent to~~ An assurance that the entity 49181
will limit the aggregate fees for administering a performance 49182
contract entered into under section 3312.08 of the Revised Code 49183
to not more than ~~seven~~ five per cent of the value of the 49184
contract. 49185

(B) If no ~~school district or educational service center~~ 49186
entity described in division (A) of this section in a region 49187
responds to the request for proposals issued by the department, 49188
or meets the qualification established in the request for 49189
proposals, the department ~~shall select a district or service~~ 49190
~~center in the region~~ may select an entity described in that 49191
division that is located in another region and that meets the 49192

criteria in that division ~~(A) of this section~~ to be the fiscal 49193
agent for the region. 49194

Sec. 3312.08. Each fiscal agent selected by the department 49195
of education and workforce pursuant to section 3312.07 of the 49196
Revised Code shall do all of the following: 49197

(A) Enter into performance contracts with the department 49198
in accordance with section 3312.09 of the Revised Code for the 49199
implementation of state and regional education and workforce 49200
development initiatives and school improvement efforts; 49201

(B) Receive federal and state funds, including federal 49202
funds for the provision of special education and related 49203
services, as specified in the performance contracts, and 49204
disburse those funds as specified in the performance contracts 49205
to ~~educational service centers, information technology centers,~~ 49206
~~and other regional~~ identified service providers. However, any 49207
funds owed to an educational service center in accordance with 49208
an agreement entered into under section 3313.843, 3313.844, or 49209
3313.845 of the Revised Code shall be paid directly to the 49210
service center by the department and any operating funds 49211
appropriated for an information technology center shall be paid 49212
directly to the information technology center by the department 49213
pursuant to section 3301.075 of the Revised Code. 49214

(C) Implement any expenditure of funds ~~recommended by the~~ 49215
~~advisory council for the region pursuant to section 3312.04 of~~ 49216
~~the Revised Code or~~ required by the terms of any performance 49217
contract, unless there are insufficient funds available to the 49218
region to pay for the expenditure or the expenditure violates a 49219
provision of the Revised Code, a rule of the department 49220
regarding such expenditure, or the terms of a performance 49221
contract; 49222

(D) Exercise fiscal oversight of the implementation of 49223
state and regional education and workforce development 49224
initiatives and school improvement efforts as directed by the 49225
department. 49226

Sec. 3312.09. (A) Each performance contract entered into 49227
by the department of education and workforce and the fiscal 49228
agent of a region for implementation of a state or regional 49229
education or workforce development initiative or school 49230
improvement effort shall include at least all of the following: 49231

(1) An explanation of how the regional needs and 49232
priorities for educational services have been identified ~~by the~~ 49233
~~advisory council of the region, the advisory council's~~ 49234
~~subcommittees, and the department;~~ 49235

(2) A definition of the services to be provided to school 49236
districts, community schools, STEM schools, and chartered 49237
nonpublic schools in the region, ~~including any services provided~~ 49238
~~pursuant to division (A) of section 3302.04 of the Revised Code;~~ 49239

(3) Expected outcomes from the provision of the services 49240
defined in the contract; 49241

(4) The method the department will use to evaluate whether 49242
the expected outcomes have been achieved; 49243

(5) A requirement that the fiscal agent develop and 49244
implement a corrective action plan if the results of the 49245
evaluation are unsatisfactory; 49246

(6) Data reporting requirements; 49247

(7) The aggregate fees to be charged by the fiscal agent 49248
and any entity with which it subcontracts to cover personnel and 49249
program costs associated with administering the contract, which 49250

fees shall be subject to controlling board approval if in excess 49251
of ~~four~~ three per cent of the value of the contract. 49252

(B) Upon completion of each evaluation described in a 49253
performance contract, the department shall post the results of 49254
that evaluation on its web site. 49255

Sec. 3312.10. The board of education of a city, exempted 49256
village, or local school district ~~or~~, the governing authority
of a community school, or the governing body of a STEM school 49257
may enter into an agreement, through the adoption of identical 49258
resolutions, with the governing authority of an information 49259
technology center, under which the information technology center 49260
will provide services to the ~~school-district or community-~~ 49261
school. Services provided under the agreement and the amount to 49262
be paid for such services shall be mutually agreed to by the 49263
parties to the agreement, and shall be specified in the 49264
agreement. Payment for services specified in the agreement shall 49265
be the sole responsibility of the board of education ~~or~~, community school governing authority, or STEM school governing 49266
body and shall be made directly to the information technology 49267
center providing the services. 49268
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Sec. 3312.13. The department of education and workforce 49271
shall consider the following when entering into performance 49272
contracts with the fiscal agent of each region of the 49273
educational regional service system and when allocating funds 49274
for the implementation of statewide education and workforce 49275
development initiatives by regional service providers ~~+~~: 49276

(A) The unique needs and circumstances of the region; 49277

(B) The regional needs and priorities for educational 49278
services identified ~~by the advisory council for~~ in the region ~~+~~ 49279

~~(C) Any services that will be provided to school districts~~ 49280
~~and schools within the region pursuant to division (A) of~~ 49281
~~section 3302.04 of the Revised Code.~~ 49282

Sec. 3313.174. A school district or member of a school 49283
district board of education is not immune from liability in 49284
damages in a civil action if the board of education of the city, 49285
exempted village, or local school district or one of its members 49286
knowingly instructs the superintendent of the district to 49287
violate any provision of the Revised Code or common law of this 49288
state. 49289

This section does not eliminate, limit, or reduce any 49290
other immunity or defense that a school district or member of a 49291
school district board of education may be entitled to under 49292
Chapter 2744. or any other provision of the Revised Code or 49293
under the common law of this state. 49294

Sec. 3313.27. At the expiration of the term of any 49295
treasurer of any board of education or before any board approves 49296
the surety of any treasurer, such board shall require the 49297
treasurer to produce all money, bonds, or other securities in 49298
~~his~~ the treasurer's hands, which shall then be counted by the 49299
board or a committee thereof, ~~or by a representative of the~~ 49300
~~auditor of state.~~ A certificate setting forth the exact amount 49301
of such money, bonds, or other securities, and signed by the 49302
representatives making such count, shall be entered upon the 49303
records of the board and shall be prima-facie evidence that the 49304
amount therein stated was actually in the treasury at that date. 49305

Sec. 3313.41. (A) Except as provided in divisions (C), 49306
(D), and (F) of this section and in sections 3313.412 and 49307
3313.413 of the Revised Code, when a board of education decides 49308
to dispose of real or personal property that it owns in its 49309

corporate capacity and that exceeds in value ten thousand 49310
dollars, it shall sell the property at public auction, after 49311
giving at least thirty days' notice of the auction by 49312
publication in a newspaper of general circulation in the school 49313
district, by publication as provided in section 7.16 of the 49314
Revised Code, or by posting notices in five of the most public 49315
places in the school district in which the property, if it is 49316
real property, is situated, or, if it is personal property, in 49317
the school district of the board of education that owns the 49318
property. The board may offer real property for sale as an 49319
entire tract or in parcels. The board of education shall accept 49320
the highest bid at a public auction under this division. 49321

(B) When the board of education has offered real or 49322
personal property for sale at public auction at least once 49323
pursuant to division (A) of this section, and the property has 49324
not been sold, the board may sell it at a private sale. 49325
Regardless of how it was offered at public auction, at a private 49326
sale, the board shall, as it considers best, sell real property 49327
as an entire tract or in parcels, and personal property in a 49328
single lot or in several lots. 49329

(C) If a board of education decides to dispose of real or 49330
personal property that it owns in its corporate capacity and 49331
that exceeds in value ten thousand dollars, it may sell the 49332
property to the adjutant general; to any subdivision or taxing 49333
authority as respectively defined in section 5705.01 of the 49334
Revised Code, township park district, board of park 49335
commissioners established under Chapter 755. of the Revised 49336
Code, or park district established under Chapter 1545. of the 49337
Revised Code; to a wholly or partially tax-supported university, 49338
university branch, or college; to a nonprofit institution of 49339
higher education that has a certificate of authorization under 49340

Chapter 1713. of the Revised Code; to the governing authority of 49341
a chartered nonpublic school; or to the board of trustees of a 49342
school district library, upon such terms as are agreed upon. The 49343
sale of real or personal property to the board of trustees of a 49344
school district library is limited, in the case of real 49345
property, to a school district library within whose boundaries 49346
the real property is situated, or, in the case of personal 49347
property, to a school district library whose boundaries lie in 49348
whole or in part within the school district of the selling board 49349
of education. 49350

(D) When a board of education decides to trade as a part 49351
or an entire consideration, an item of personal property on the 49352
purchase price of an item of similar personal property, it may 49353
trade the same upon such terms as are agreed upon by the parties 49354
to the trade. 49355

(E) The president and the treasurer of the board of 49356
education shall execute and deliver deeds or other necessary 49357
instruments of conveyance to complete any sale or trade under 49358
this section. 49359

(F) When a board of education has identified a parcel of 49360
real property that it determines is needed for school purposes, 49361
the board may, upon a majority vote of the members of the board, 49362
acquire that property by exchanging real property that the board 49363
owns in its corporate capacity for the identified real property 49364
or by using real property that the board owns in its corporate 49365
capacity as part or an entire consideration for the purchase 49366
price of the identified real property. Any exchange or 49367
acquisition made pursuant to this division shall be made by a 49368
conveyance executed by the president and the treasurer of the 49369
board. 49370

(G) When a school district board of education has property 49371
that the board, by resolution, finds is not needed for school 49372
district use, is obsolete, or is unfit for the use for which it 49373
was acquired, the board may donate that property in accordance 49374
with this division if the fair market value of the property is, 49375
in the opinion of the board, two thousand five hundred dollars 49376
or less. 49377

The property may be donated to an eligible nonprofit 49378
organization that is located in this state and is exempt from 49379
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 49380
Before donating any property under this division, the board 49381
shall adopt a resolution expressing its intent to make unneeded, 49382
obsolete, or unfit-for-use school district property available to 49383
these organizations. The resolution shall include guidelines and 49384
procedures the board considers to be necessary to implement the 49385
donation program and shall indicate whether the school district 49386
will conduct the donation program or the board will contract 49387
with a representative to conduct it. If a representative is 49388
known when the resolution is adopted, the resolution shall 49389
provide contact information such as the representative's name, 49390
address, and telephone number. 49391

The resolution shall include within its procedures a 49392
requirement that any nonprofit organization desiring to obtain 49393
donated property under this division shall submit a written 49394
notice to the board or its representative. The written notice 49395
shall include evidence that the organization is a nonprofit 49396
organization that is located in this state and is exempt from 49397
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 49398
a description of the organization's primary purpose; a 49399
description of the type or types of property the organization 49400
needs; and the name, address, and telephone number of a person 49401

designated by the organization's governing board to receive 49402
donated property and to serve as its agent. The written notice 49403
may be submitted electronically to the board or its 49404
representative. 49405

After adoption of the resolution, the board shall 49406
continually post in the board's office notice of its intent to 49407
donate school district property that is unneeded, obsolete, or 49408
unfit for use to eligible nonprofit organizations. If the school 49409
district maintains a web site on the internet, the notice shall 49410
be posted continually at that web site. 49411

The board or its representatives shall maintain a list of 49412
all nonprofit organizations that notify the board or its 49413
representative of their desire to obtain donated property under 49414
this division and that the board or its representative 49415
determines to be eligible, in accordance with the requirements 49416
set forth in this section and in the donation program's 49417
guidelines and procedures, to receive donated property. 49418

The board or its representative also shall maintain a list 49419
of all school district property the board finds to be unneeded, 49420
obsolete, or unfit for use and to be available for donation 49421
under this division. The list shall be posted continually in a 49422
conspicuous location in the board's office, and, if the school 49423
district maintains a web site on the internet, the list shall be 49424
posted continually at that web site. An item of property on the 49425
list shall be donated to the eligible nonprofit organization 49426
that first declares to the board or its representative its 49427
desire to obtain the item unless the board previously has 49428
established, by resolution, a list of eligible nonprofit 49429
organizations that shall be given priority with respect to the 49430
item's donation. Priority may be given on the basis that the 49431

purposes of a nonprofit organization have a direct relationship 49432
to specific school district purposes of programs provided or 49433
administered by the board. A resolution giving priority to 49434
certain nonprofit organizations with respect to the donation of 49435
an item of property shall specify the reasons why the 49436
organizations are given that priority. 49437

Members of the board shall consult with the Ohio ethics 49438
commission, and comply with Chapters 102. and 2921. of the 49439
Revised Code, with respect to any donation under this division 49440
to a nonprofit organization of which a board member, any member 49441
of a board member's family, or any business associate of a board 49442
member is a trustee, officer, board member, or employee. 49443

Sec. 3313.411. (A) As used in this section: 49444

(1) "College-preparatory boarding school" means a college- 49445
preparatory boarding school established under Chapter 3328. of 49446
the Revised Code. 49447

(2) "Community school" means a community school 49448
established under Chapter 3314. of the Revised Code. 49449

(3) "High-performing community school" has the same 49450
meaning as in section 3313.413 of the Revised Code. 49451

(4) "STEM school" means a science, technology, 49452
engineering, and mathematics school established under Chapter 49453
3326. of the Revised Code. 49454

(5) "Unused school facilities" means either: 49455

(a) Any real property that has been used by a school 49456
district for school operations, including, but not limited to, 49457
academic instruction or administration, since July 1, 1998, but 49458
has not been used in that capacity for one year; 49459

(b) Any school building that has been used for direct 49460
academic instruction~~but~~ and, in the two most recent school 49461
years, the building's student enrollment is less than sixty per 49462
cent of either of the building was used for that purpose in the 49463
preceding school year. following: 49464

(i) The maximum student enrollment established for the 49465
building in its architectural specifications or master design 49466
plan approved by the Ohio facilities construction commission; 49467

(ii) The greatest student enrollment of the building in 49468
the ten most recent school years, including the current school 49469
year. 49470

(B) (1) Except as provided in section 3313.412 of the 49471
Revised Code, on and after June 30, 2011, any school district 49472
board of education shall offer any unused school facilities it 49473
owns in its corporate capacity for lease or sale to the 49474
governing authorities of community schools, the boards of 49475
trustees of any college-preparatory boarding schools, ~~and~~ the 49476
governing bodies of any STEM schools, and the governing 49477
authorities of any chartered nonpublic schools, that are located 49478
within the territory of the district. Not later than sixty days 49479
after the district board makes the offer, interested governing 49480
authorities, boards of trustees, and governing bodies shall 49481
notify the district treasurer in writing of the intention to 49482
lease or purchase the property. 49483

The district board shall give priority to the governing 49484
authorities of high-performing community schools and chartered 49485
nonpublic schools that are located within the territory of the 49486
district. 49487

(2) At the same time that a district board makes the offer 49488

required under division (B) (1) of this section, the board also 49489
may, but shall not be required to, offer that property for sale 49490
or lease to the governing authorities of community schools with 49491
plans, stipulated in their contracts entered into under section 49492
3314.03 of the Revised Code, either to relocate their operations 49493
to the territory of the district or to add facilities, as 49494
authorized ~~by division (B) (3) or (4) of~~ under section 3314.05 of 49495
the Revised Code, to be located within the territory of the 49496
district. 49497

(C) (1) If, not later than sixty days after the district 49498
board makes the offer, only one governing authority of a high- 49499
performing community school or a chartered nonpublic school 49500
offered the property under division (B) of this section notifies 49501
the district treasurer in writing of the intention to purchase 49502
the property pursuant to that division, the district board shall 49503
sell the property to that party for the appraised ~~fair market~~ 49504
value of the property for operation as an educational facility 49505
as determined in an appraisal of the property that is not more 49506
than one year old. 49507

If, not later than sixty days after the district board 49508
makes the offer, more than one governing authority of a high- 49509
performing community school or a chartered nonpublic school 49510
offered the property under division (B) of this section notifies 49511
the district treasurer in writing of the intention to purchase 49512
the property pursuant to that division, the board shall conduct 49513
~~a public auction in the manner required for auctions of district~~ 49514
~~property under division (A) of section 3313.41 of the Revised~~ 49515
~~Code. Only the governing authorities of high-performing~~ 49516
~~community schools that notified the district treasurer of the~~ 49517
~~intention to purchase the property pursuant to division (B) of~~ 49518
~~this section are eligible to bid at the auction~~ lottery to 49519

select from among those governing authorities the one governing 49520
authority to which the board shall sell the property. The 49521
district board is not obligated to accept any ~~bid payment~~ for 49522
the property that is lower than the appraised ~~fair market~~-value 49523
of the property for operation as an educational facility, as 49524
determined in an appraisal that is not more than one year old. 49525

(2) If, not later than sixty days after the district board 49526
makes the offer, no governing authority of a high-performing 49527
community school or a chartered nonpublic school notifies the 49528
district treasurer of its intention to purchase the property 49529
pursuant to division (B) of this section, the board shall then 49530
proceed to offer the property for sale or lease to the governing 49531
authorities of high performing community schools and chartered 49532
nonpublic schools located outside of the district. If, not later 49533
than sixty days after the district board makes the offer, only 49534
one governing authority of a high-performing community school or 49535
a chartered nonpublic school offered the property under division 49536
(C) (2) of this section notifies the district treasurer in 49537
writing of the intention to purchase the property, the district 49538
board shall sell the property to that entity for the appraised 49539
value of the property for operation as an educational facility, 49540
as determined in an appraisal of the property that is not more 49541
than one year old. 49542

If, not later than sixty days after the district board 49543
makes the offer, more than one governing authority of a high- 49544
performing community school or a chartered nonpublic school 49545
offered the property under division (C) (2) of this section 49546
notifies the district treasurer in writing of the intention to 49547
purchase the property, the district board shall conduct a 49548
lottery to select from among those governing authorities the one 49549
governing authority to which the district board shall sell the 49550

property. The district board is not obligated to accept any 49551
payment for the property that is lower than the appraised value 49552
of the property for operation as an educational facility, as 49553
determined in an appraisal that is not more than one year old. 49554

(3) If, not later than sixty days after the district board 49555
makes the offer, no governing authority of a high-performing 49556
community school or a chartered nonpublic school notifies the 49557
district treasurer of its intention to purchase the property 49558
pursuant to division (C) (2) of this section, the district board 49559
shall then proceed with the offers from all other start-up 49560
community schools, college-preparatory boarding schools, and 49561
STEM schools made pursuant to ~~that division~~ this section. 49562

If more than one such entity notifies the district 49563
treasurer of its intention to purchase the property pursuant to 49564
division ~~(B)~~ (C) (3) of this section, the board shall conduct a 49565
~~public auction in the manner required for auctions of district~~ 49566
~~property under division (A) of section 3313.41 of the Revised~~ 49567
~~Code. Only the entities that notified the district treasurer~~ 49568
~~pursuant to division (B) of this section are eligible to bid at~~ 49569
~~the auction~~ lottery to select from among those entities the one 49570
entity to which the district board shall sell the property. The 49571
district board is not obligated to accept any payment for the 49572
property that is lower than the appraised value of the property 49573
for operation as an educational facility, as determined in an 49574
appraisal that is not more than one year old. 49575

~~(3)~~ (4) If more than one governing authority of a high- 49576
performing community school or a chartered nonpublic school 49577
notifies the district treasurer in writing of the intention to 49578
lease the property pursuant to division (B) or (C) of this 49579
section, the district board shall conduct a lottery to select 49580

from among those governing authorities the one qualified 49581
governing authority to which the district board shall lease the 49582
property. 49583

If no such governing authority of a high-performing 49584
community school or a chartered nonpublic school notifies the 49585
district treasurer of its intention to lease the property 49586
pursuant to division (B) or (C) of this section, the board shall 49587
then proceed with the offers from all other start-up community 49588
schools, college-preparatory boarding schools, and STEM schools 49589
made pursuant to that division. If more than one other start-up 49590
community school, college-preparatory boarding school, or STEM 49591
school notified the district treasurer of its intention to lease 49592
the property pursuant to division (B) or (C) of this section, 49593
the district board shall conduct a lottery to select from among 49594
those parties the one qualified party to which the district 49595
board shall lease the property. 49596

~~(4)~~ (5) The lease price offered by a district board to a 49597
community school, college-preparatory boarding school, or STEM 49598
school under this section shall not be higher than the ~~fair-~~ 49599
~~market-~~ value for such a leasehold for operation as an 49600
educational facility, as determined in an appraisal that is not 49601
more than one year old. 49602

~~(5)~~ (6) If no qualified party offered the property under 49603
division (B) or (C) of this section accepts the offer to lease 49604
or buy the property within sixty days after the offer is made, 49605
the district board ~~may shall~~ offer the property ~~to any other~~ 49606
~~entity in accordance with~~ for sale in the manner prescribed 49607
under divisions (A) to (F) of section 3313.41 of the Revised 49608
Code. 49609

(D) Notwithstanding division (B) or (C) of this section, a 49610

school district board may renew any agreement it originally 49611
entered into prior to June 30, 2011, to lease real property to 49612
an entity other than a community school, college-preparatory 49613
boarding school, ~~or~~ STEM school, or chartered nonpublic school. 49614
Nothing in this section shall affect the leasehold arrangements 49615
between the district board and that other entity. 49616

(E) (1) Except as provided in division (E) (2) of this 49617
section, the governing authority of a community school, board of 49618
trustees of a college-preparatory boarding school, ~~or~~ governing 49619
body of a STEM school, or governing authority of a chartered 49620
nonpublic school shall not sell any property purchased under 49621
division (B) or (C) of this section within five years of 49622
purchasing that property. 49623

(2) The governing authority, board of trustees, or 49624
governing body may sell a property purchased under division (B) 49625
or (C) of this section within five years of the purchase, only 49626
if the governing authority, board of trustees, or governing body 49627
sells or transfers that property to another entity described in 49628
that division. 49629

(F) (1) A school district board of education is not 49630
required to offer any unused school facilities it owns in its 49631
corporate capacity for lease or sale under this section if 49632
either of the following apply: 49633

(a) The facility is less than ten years old. 49634

(b) The facility is located on, or adjacent to, a tract or 49635
parcel of land where other school district facilities are 49636
located. 49637

(2) If a school district board of education believes 49638
extraordinary circumstances should exempt it from offering an 49639

unused facility for lease or sale under this section, the board 49640
may appeal the requirement to the director of education and 49641
workforce. The director shall approve or deny the appeal within 49642
sixty days of receiving the request from the board. 49643

(G) (1) Not later than November 30, 2025, and annually 49644
thereafter, each school district shall report to the department 49645
of education and workforce, in the manner determined by the 49646
department, both of the following: 49647

(a) Any real district property described in division (A) 49648
(5) (a) of this section; 49649

(b) The enrollment data specified in division (A) (5) (b) of 49650
this section and the current enrollment for each school building 49651
operated by the district. 49652

(2) Not later than December 31, 2025, and annually 49653
thereafter, the department shall publish on its web site a list 49654
of unused school facilities in each school district. 49655

Sec. 3313.413. (A) As used in this section, "high- 49656
performing community school" means ~~either a community school~~ 49657
~~established under Chapter 3314. of the Revised Code that meets~~ 49658
~~any of the following conditions:~~ 49659

~~(1) A community school established under Chapter 3314. of~~ 49660
~~the Revised Code that meets the following conditions:~~ 49661

~~(a) Except as provided in division (A) (1) (b) or (c) of~~ 49662
~~this section, the school both:~~ 49663

~~(i) Has received either a grade of "A," "B," or "C" for~~ 49664
~~the performance index score under division (C) (1) (b) of section~~ 49665
~~3302.03 of the Revised Code or a performance rating of three~~ 49666
~~stars or higher for achievement under division (D) (3) (b) of that~~ 49667

~~section; or has increased its performance index score under~~ 49668
~~division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the~~ 49669
~~Revised Code in each of the previous three years of operation;~~ 49670
~~and~~ 49671

~~(ii) Has received either a grade of "A" or "B" for the~~ 49672
~~value-added progress dimension under division (C) (1) (e) of~~ 49673
~~section 3302.03 of the Revised Code or a performance rating of~~ 49674
~~four stars or higher for progress under division (D) (3) (e) of~~ 49675
~~that section on its most recent report card rating issued under~~ 49676
~~that section~~ Except as provided for in division (A) (2) or (3) of 49677
this section, the community school does both of the following: 49678

(a) The school has a higher performance index score than 49679
the school district in which the school is located on the two 49680
most recent report cards issued under section 3302.03 of the 49681
Revised Code. 49682

(b) The school either has a performance rating of four 49683
stars or higher for progress on the most recent report card 49684
issued under section 3302.03 of the Revised Code or is a school 49685
described under division (B) (1) of section 3314.35 of the 49686
Revised Code and did not receive a rating for progress on the 49687
most recent report card. 49688

~~(b) (2)~~ If the community school serves only grades 49689
kindergarten through three, the school received either a grade 49690
of "A" or "B" for making progress in improving literacy in 49691
grades kindergarten through three under division (C) (1) (g) of 49692
section 3302.03 of the Revised Code or a performance rating of 49693
four stars or higher for early literacy under division (D) (3) (e) 49694
of that section on its most recent report card issued under that 49695
section 3302.03 of the Revised Code. 49696

~~(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (B) (1) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.~~

~~(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.~~ (3) If the community school has not commenced operations or has been in operation for less than one school year, the school meets the following conditions:

(a) The school is replicating an operational and instructional model used by a community school described in division (A) (1) or (2) of this section.

(b) The school either:

(i) Has an operator that received an overall rating of three stars or higher, or a "C" or higher, on its most recent performance report published under section 3314.031 of the Revised Code;

(ii) Does not have an operator and is sponsored by a sponsor that was rated "exemplary" or "effective" on its most recent evaluation conducted under section 3314.016 of the Revised Code.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-

preparatory boarding schools, ~~and~~ the governing bodies of any 49726
STEM schools, and the governing authorities of any chartered 49727
nonpublic schools that are located within the territory of the 49728
district and the governing boards of any educational service 49729
centers that have territory in the district. Not later than 49730
sixty days after the district board makes the offer, interested 49731
governing authorities, boards of trustees, ~~and~~ governing bodies, 49732
and governing boards shall notify the district treasurer in 49733
writing of the intention to purchase the property. 49734

The district board shall give priority to the governing 49735
authorities of high-performing community schools that are 49736
located within the territory of the district. 49737

(1) If more than one governing authority of a high- 49738
performing community school notifies the district treasurer of 49739
its intention to purchase the property pursuant to division (B) 49740
of this section, the board shall conduct a public auction in the 49741
manner required for auctions of district property under division 49742
(A) of section 3313.41 of the Revised Code. Only the governing 49743
authorities of high-performing community schools that notified 49744
the district treasurer pursuant to division (B) of this section 49745
are eligible to bid at the auction. 49746

(2) If no governing authority of a high-performing 49747
community school notifies the district treasurer of its 49748
intention to purchase the property pursuant to division (B) of 49749
this section, the board shall then proceed with the offers from 49750
all other start-up community schools, college-preparatory 49751
boarding schools, ~~and~~ STEM schools, educational service centers, 49752
and chartered nonpublic schools made pursuant to that division. 49753
If more than one such entity notifies the district treasurer of 49754
its intention to purchase the property pursuant to division (B) 49755

of this section, the board shall conduct a public auction in the 49756
manner required for auctions of district property under division 49757
(A) of section 3313.41 of the Revised Code. Only the entities 49758
that notified the district treasurer pursuant to division (B) of 49759
this section are eligible to bid at the auction. 49760

(3) If no governing authority, board of trustees, ~~or~~ 49761
governing body, or governing board notifies the district 49762
treasurer of its intention to purchase the property pursuant to 49763
division (B) of this section, the district may then offer the 49764
property for sale in the manner prescribed under divisions (A) 49765
to (F) of section 3313.41 of the Revised Code. 49766

(C) Notwithstanding anything to the contrary in sections 49767
3313.41 and 3313.411 of the Revised Code, the purchase price of 49768
any real property sold to any of the entities in accordance with 49769
division (B) of this section shall not be more than the 49770
appraised fair market value of that property as determined in an 49771
appraisal of the property that is not more than one year old. 49772

(D) A board of education that plans to demolish a building 49773
that it owns in its corporate capacity and that exceeds in value 49774
ten thousand dollars shall offer the building for sale in the 49775
manner prescribed under this section prior to demolishing the 49776
building. If no governing authority, board of trustees, 49777
governing body, or governing board notifies the district 49778
treasurer of its intention to purchase the property pursuant to 49779
division (B) of this section, the district may offer the 49780
property for sale in the manner prescribed under divisions (A) 49781
to (F) of section 3313.41 of the Revised Code. This division 49782
does not apply to a building located on, or adjacent to, a tract 49783
or parcel of land where other school district buildings used for 49784
educational instruction are located. 49785

(E) Not later than the first day of October of each year, 49786
the department of education and workforce shall post in a 49787
prominent location on its web site a list of schools that 49788
qualify as high-performing community schools for purposes of 49789
this section and section 3313.411 of the Revised Code. 49790

Sec. 3313.489. (A) The director of education and workforce 49791
shall examine each ~~five-year~~ school district's current budget 49792
information and three-year projection of revenues and 49793
expenditures submitted under section 5705.391 of the Revised 49794
Code and shall determine whether the information contained 49795
therein, together with any other relevant information, indicates 49796
that the district may be financially unable to operate its 49797
instructional program on all days set forth in its adopted 49798
school calendars and pay all obligated expenses during the 49799
current fiscal year. If a board of education has not adopted a 49800
school calendar for the school year beginning on the first day 49801
of July of the current fiscal year at the time an examination is 49802
required under this division, the director shall examine the 49803
~~five-year~~ current budget information and three-year projection 49804
and determine whether the district may be financially unable to 49805
pay all obligated expenses and operate its instructional program 49806
for the number of days on which instruction was held in the 49807
preceding fiscal year. 49808

(B) If the director of education and workforce determines 49809
pursuant to division (A) of this section that a school district 49810
may be financially unable to operate its instructional program 49811
on all days required by such division and pay all obligated 49812
expenses during the current fiscal year, the director shall 49813
provide written notification of such determination to the 49814
president of the district's board of education and the auditor 49815
of state. 49816

(C) This section does not apply to a school district 49817
declared to be under a fiscal emergency pursuant to division (B) 49818
of section 3316.03 of the Revised Code. 49819

Sec. 3313.5313. (A) As used in this section: 49820

(1) "Harassment, intimidation, or bullying" has the same 49821
meaning as in section 3313.666 of the Revised Code. 49822

(2) "Home-educated student" means a student who is 49823
receiving home education in accordance with section 3321.042 of 49824
the Revised Code. 49825

(3) "Qualifying offense" means any of the following: 49826

(a) An offense of violence; 49827

(b) A violation of section 2907.07 of the Revised Code; 49828

(c) An attempt to commit an offense of violence or a 49829
violation of section 2907.07 of the Revised Code. 49830

(4) "Qualifying school" means a community school 49831
established under Chapter 3314. of the Revised Code, a STEM 49832
school established under Chapter 3326. of the Revised Code, a 49833
chartered nonpublic school, or a nonchartered nonpublic school. 49834

(5) "Resident district" means the school district in which 49835
a student is entitled to attend school under section 3313.64 or 49836
3313.65 of the Revised Code. 49837

(B) The superintendent of any school district may afford 49838
any home-educated student ~~or any student enrolled in a~~ 49839
~~qualifying school or a different school district~~, regardless of 49840
whether the superintendent's district is the student's resident 49841
district, the opportunity to participate in interscholastic 49842
athletics at a school of the superintendent's district, if the 49843

student was subject to any of the following by a school 49844
official, employee, or volunteer or another student from ~~the~~ 49845
~~district or school in which the student is enrolled or the~~ 49846
district in which the student is participating in 49847
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 49848
3313.5312 of the Revised Code: 49849

(1) Harassment, intimidation, or bullying; 49850

(2) A qualifying offense, for which the school official, 49851
employee, or volunteer or another student has been either of the 49852
following: 49853

(a) Charged with, indicted for, convicted of, or pled 49854
guilty to committing; 49855

(b) Alleged to be or is adjudicated a delinquent child for 49856
committing. 49857

(3) Conduct by a school official, employee, or volunteer 49858
that violates the licensure code of professional conduct for 49859
Ohio educators developed by the state board of education. 49860

(C) The chief administrative officer of any qualifying 49861
school may afford any ~~student enrolled in a school district, any~~ 49862
~~student enrolled in a different qualifying school, or any home-~~ 49863
educated student the opportunity to participate in 49864
interscholastic athletics at the chief administrative officer's 49865
school, if the student was subject to any of the following by a 49866
school official, employee, or volunteer or another student from 49867
~~the district or school in which the student is enrolled or the~~ 49868
district in which the student is participating in 49869
interscholastic athletics under section ~~3313.537, 3313.5311, or~~ 49870
3313.5312 of the Revised Code: 49871

(1) Harassment, intimidation, or bullying; 49872

(2) A qualifying offense, for which the school official,
employee, or volunteer or another student has been either of the
following:

(a) Charged with, indicted for, convicted of, or pled
guilty to committing;

(b) Alleged to be or is adjudicated a delinquent child for
committing.

(3) Conduct by a school official, employee, or volunteer
that violates the licensure code of professional conduct for
Ohio educators developed by the state board of education.

~~(D) To participate in interscholastic athletics under this
section, a student who is not a home-educated student shall be
of the appropriate age and grade level, as determined by the
superintendent of the district or the chief administrative
officer of the qualifying school, for the school at which the
student participates in interscholastic athletics and shall
fulfill the same academic, nonacademic, and financial
requirements as any other participant.~~

~~(E)~~ Divisions (C) to (E) of section 3313.5312 of the
Revised Code apply to a home-educated student who participates
in interscholastic athletics at school under this section.

~~(F)~~ (E) No district or school shall impose additional rules
on a student to participate under this section that do not apply
to other students participating in the same interscholastic
athletics activity. No district or school shall impose fees for
a student to participate under this section that exceed any fees
charged to other students participating in the same
interscholastic athletics activity.

~~(G)~~ (F) No school district board of education, STEM school

governing body, or governing authority of a community school, 49902
chartered nonpublic school, or nonchartered nonpublic school 49903
shall take any action contrary to the provisions of this 49904
section. 49905

~~(H)~~ (G) No school district, interscholastic conference, or 49906
organization that regulates interscholastic conferences or 49907
events shall do either of the following: 49908

(1) Require a student who is eligible to participate in 49909
interscholastic athletics under this section to meet eligibility 49910
requirements that conflict with this section; 49911

(2) Penalize or restrict the eligibility to participate in 49912
interscholastic athletics of a student who, during a school 49913
year, ceases to participate in interscholastic athletics at one 49914
district or school and then begins to participate in 49915
interscholastic athletics at a different district or school 49916
under this section. 49917

Sec. 3313.60. Notwithstanding division (D) of section 49918
3311.52 of the Revised Code, divisions (A) to (E) of this 49919
section do not apply to any cooperative education school 49920
district established pursuant to divisions (A) to (C) of section 49921
3311.52 of the Revised Code. 49922

(A) The board of education of each city, exempted village, 49923
and local school district and the board of each cooperative 49924
education school district established, pursuant to section 49925
3311.521 of the Revised Code, shall prescribe a curriculum for 49926
all schools under its control. Except as provided in division 49927
(E) of this section, in any such curriculum there shall be 49928
included the study of the following subjects: 49929

(1) The language arts, including reading, writing, 49930

spelling, oral and written English, and literature; 49931

(2) Geography, the history of the United States and of 49932
Ohio, and national, state, and local government in the United 49933
States, including a balanced presentation of the relevant 49934
contributions to society of men and women of African, Mexican, 49935
Puerto Rican, and American Indian descent as well as other 49936
ethnic and racial groups in Ohio and the United States; 49937

(3) Mathematics; 49938

(4) Natural science, including instruction in the 49939
conservation of natural resources; 49940

(5) Health education, which shall include instruction in: 49941

(a) The nutritive value of foods, including natural and 49942
organically produced foods, the relation of nutrition to health, 49943
and the use and effects of food additives; 49944

(b) The harmful effects of and legal restrictions against 49945
the use of drugs of abuse, including marijuana, opioids, 49946
opiates, alcoholic beverages, and tobacco, including electronic 49947
smoking devices; 49948

(c) Sexually transmitted infection education, except that 49949
upon written request of the student's parent or guardian, a 49950
student shall be excused from taking instruction in sexually 49951
transmitted infection education; 49952

(d) In grades kindergarten through six, annual 49953
developmentally appropriate instruction in child sexual abuse 49954
prevention, including information on available counseling and 49955
resources for children who are sexually abused. Such instruction 49956
and information provided shall not be connected in any way to 49957
any individual, entity, or organization that provides, promotes, 49958

counsels, or makes referrals for abortion or abortion-related 49959
services. Upon written request of the student's parent or 49960
guardian, a student shall be excused from taking instruction in 49961
child sexual abuse prevention. 49962

(e) In grades kindergarten through six, instruction in 49963
personal safety and assault prevention, except that upon written 49964
request of the student's parent or guardian, a student shall be 49965
excused from taking instruction in personal safety and assault 49966
prevention; 49967

(f) In grades seven through twelve, developmentally 49968
appropriate instruction in dating violence prevention education 49969
and sexual violence prevention education, which shall include 49970
instruction in recognizing dating violence warning signs and 49971
characteristics of healthy relationships, except that upon 49972
written request of the student's parent or guardian a student 49973
shall be excused from taking instruction in sexual violence 49974
prevention. 49975

In order to assist school districts in developing a dating 49976
violence prevention education and sexual violence prevention 49977
education curriculum, the department of education and workforce 49978
shall provide on its web site links to free curricula addressing 49979
dating violence prevention and sexual violence prevention 49980
education. Such instruction and information shall not be 49981
connected in any way to any individual, entity, or organization 49982
that provides, promotes, counsels, or makes referrals for 49983
abortion or abortion-related services. 49984

Each school district shall notify the parents and legal 49985
guardians of students who receive instruction related to child 49986
sexual abuse prevention and sexual violence prevention, as 49987
described under divisions (A) (5) (d) and (f) of this section, of 49988

all of the following: 49989

(i) That instruction in child sexual abuse prevention and 49990
sexual violence prevention is a required part of the district's 49991
curriculum; 49992

(ii) That upon request, parents and legal guardians may 49993
examine such instructional materials in accordance with this 49994
section; 49995

(iii) That upon written request of the student's parent or 49996
guardian, a student shall be excused from taking instruction in 49997
child sexual abuse prevention and sexual violence prevention. 49998

If the parent or legal guardian of a student less than 49999
eighteen years of age submits to the principal of the student's 50000
school a written request to examine the dating violence 50001
prevention and sexual violence prevention instruction materials 50002
used at that school, the principal, within forty-eight hours 50003
after the request is made, shall allow the parent or guardian to 50004
examine those materials at that school. 50005

(g) Prescription opioid abuse prevention, with an emphasis 50006
on the prescription drug epidemic and the connection between 50007
prescription opioid abuse and addiction to other drugs, such as 50008
heroin; 50009

(h) The process of making an anatomical gift under Chapter 50010
2108. of the Revised Code, with an emphasis on the life-saving 50011
and life-enhancing effects of organ and tissue donation; 50012

(i) Beginning with the first day of the next school year 50013
that begins at least two years after March 24, 2021, in grades 50014
six through twelve, at least one hour or one standard class 50015
period per school year of evidence-based suicide awareness and 50016
prevention and at least one hour or one standard class period 50017

per school year of safety training and violence prevention, 50018
except that upon written request of the student's parent or 50019
guardian, a student shall be excused from taking instruction in 50020
suicide awareness and prevention or safety training and violence 50021
prevention; 50022

(j) Beginning with the first day of the next school year 50023
that begins at least two years after March 24, 2021, in grades 50024
six through twelve, at least one hour or one standard class 50025
period per school year of evidence-based social inclusion 50026
instruction, except that upon written request of the student's 50027
parent or guardian, a student shall be excused from taking 50028
instruction in social inclusion. 50029

For the instruction required under divisions (A) (5) (i) and 50030
(j) of this section, the board shall use a training program 50031
approved by the department of education and workforce under 50032
section 3301.221 of the Revised Code. 50033

Schools may use student assemblies, digital learning, and 50034
homework to satisfy the instruction requirements under divisions 50035
(A) (5) (i) and (j) of this section. 50036

(k) Instruction in bullying and hazing. 50037

(6) Physical education; 50038

(7) The fine arts, including music; 50039

(8) First aid, including a training program in 50040
cardiopulmonary resuscitation, which shall comply with section 50041
3313.6021 of the Revised Code when offered in any of grades nine 50042
through twelve, safety, and fire prevention. However, upon 50043
written request of the student's parent or guardian, a student 50044
shall be excused from taking instruction in cardiopulmonary 50045
resuscitation. 50046

(B) Except as provided in division (E) of this section, 50047
every school or school district shall include in the 50048
requirements for promotion from the eighth grade to the ninth 50049
grade one year's course of study of American history. A board 50050
may waive this requirement for academically accelerated students 50051
who, in accordance with procedures adopted by the board, are 50052
able to demonstrate mastery of essential concepts and skills of 50053
the eighth grade American history course of study. 50054

(C) As specified in divisions (B) (6) and (C) (6) of section 50055
3313.603 of the Revised Code, except as provided in division (E) 50056
of this section, every high school shall include in the 50057
requirements for graduation from any curriculum one-half unit 50058
each of American history and government. 50059

(D) Except as provided in division (E) of this section, 50060
basic instruction or demonstrated mastery in geography, United 50061
States history, the government of the United States, the 50062
government of the state of Ohio, local government in Ohio, the 50063
Declaration of Independence, the United States Constitution, and 50064
the Constitution of the state of Ohio shall be required before 50065
pupils may participate in courses involving the study of social 50066
problems, economics, foreign affairs, United Nations, world 50067
government, socialism, and communism. 50068

(E) For each cooperative education school district 50069
established pursuant to section 3311.521 of the Revised Code and 50070
each city, exempted village, and local school district that has 50071
territory within such a cooperative district, the curriculum 50072
adopted pursuant to divisions (A) to (D) of this section shall 50073
only include the study of the subjects that apply to the grades 50074
operated by each such school district. The curricula for such 50075
schools, when combined, shall provide to each student of these 50076

districts all of the subjects required under divisions (A) to 50077
(D) of this section. 50078

(F) The board of education of any cooperative education 50079
school district established pursuant to divisions (A) to (C) of 50080
section 3311.52 of the Revised Code shall prescribe a curriculum 50081
for the subject areas and grade levels offered in any school 50082
under its control. 50083

(G) Upon the request of any parent or legal guardian of a 50084
student, the board of education of any school district shall 50085
permit the parent or guardian to promptly examine, with respect 50086
to the parent's or guardian's own child: 50087

(1) Any survey or questionnaire, prior to its 50088
administration to the child; 50089

(2) Any textbook, workbook, software, video, or other 50090
instructional materials being used by the district in connection 50091
with the instruction of the child; 50092

(3) Any completed and graded test taken or survey or 50093
questionnaire filled out by the child; 50094

(4) Copies of the statewide academic standards and each 50095
model curriculum developed pursuant to section 3301.079 of the 50096
Revised Code, which copies shall be available at all times 50097
during school hours in each district school building. 50098

Sec. 3313.608. (A) (1) Beginning with students who enter 50099
third grade in the school year that starts July 1, 2009, and 50100
until June 30, 2013, unless the student is excused under 50101
division (C) of section 3301.0711 of the Revised Code from 50102
taking the assessment described in this section, for any student 50103
who does not attain at least the equivalent level of achievement 50104
designated under division (A) (3) of section 3301.0710 of the 50105

Revised Code on the assessment prescribed under that section to 50106
measure skill in English language arts expected at the end of 50107
third grade, each school district, in accordance with the policy 50108
adopted under section 3313.609 of the Revised Code, shall do one 50109
of the following: 50110

(a) Promote the student to fourth grade if the student's 50111
principal and reading teacher agree that other evaluations of 50112
the student's skill in reading demonstrate that the student is 50113
academically prepared to be promoted to fourth grade; 50114

(b) Promote the student to fourth grade but provide the 50115
student with intensive intervention services in fourth grade; 50116

(c) Retain the student in third grade. 50117

(2) Beginning with students who enter third grade in the 50118
2013-2014 school year, unless the student is excused under 50119
division (C) of section 3301.0711 of the Revised Code from 50120
taking the assessment described in this section, no school 50121
district shall promote to fourth grade any student who does not 50122
attain at least the equivalent level of achievement designated 50123
under division (A) (3) of section 3301.0710 of the Revised Code 50124
on the assessment prescribed under that section to measure skill 50125
in English language arts expected at the end of third grade, 50126
unless one of the following applies: 50127

(a) The student is an English learner who has been 50128
enrolled in United States schools for less than three full 50129
school years and has had less than three years of instruction in 50130
an English as a second language program. 50131

(b) The student is a child with a disability entitled to 50132
special education and related services under Chapter 3323. of 50133
the Revised Code and the student's individualized education 50134

program exempts the student from retention under this division. 50135

(c) The student demonstrates an acceptable level of 50136
performance on an alternative standardized reading assessment as 50137
determined by the department of education and workforce. 50138

(d) All of the following apply: 50139

(i) The student is a child with a disability entitled to 50140
special education and related services under Chapter 3323. of 50141
the Revised Code. 50142

(ii) The student has taken the third grade English 50143
language arts achievement assessment prescribed under section 50144
3301.0710 of the Revised Code. 50145

(iii) The student's individualized education program or 50146
plan under section 504 of the "Rehabilitation Act of 1973," 87 50147
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 50148
received intensive remediation in reading for two school years 50149
but still demonstrates a deficiency in reading. 50150

(iv) The student previously was retained in any of grades 50151
kindergarten to three. 50152

(e) (i) The student received intensive remediation for 50153
reading for two school years but still demonstrates a deficiency 50154
in reading and was previously retained in any of grades 50155
kindergarten to three. 50156

(ii) A student who is promoted under division (A) (2) (e) (i) 50157
of this section shall continue to receive intensive reading 50158
instruction in grade four. The instruction shall include an 50159
altered instructional day that includes specialized diagnostic 50160
information and specific research-based reading strategies for 50161
the student that have been successful in improving reading among 50162

low-performing readers. 50163

(f) A student's parent or guardian, in consultation with 50164
the student's reading teacher and building principal, requests 50165
that the student, regardless of if the student is reading at 50166
grade level, be promoted to the fourth grade. 50167

A student who is promoted under division (A) (2) (f) of this 50168
section shall continue to receive intensive reading instruction 50169
in the same manner as a student retained under this section 50170
until the student is able to read at grade level. 50171

(B) (1) Beginning in the 2012-2013 school year, to assist 50172
students in meeting the third grade guarantee established by 50173
this section, each school district board of education shall 50174
adopt policies and procedures with which it annually shall 50175
assess the reading skills of each student, ~~except those students~~ 50176
~~with significant cognitive disabilities or other disabilities as~~ 50177
~~authorized by the department on a case-by-case basis,~~ enrolled 50178
in kindergarten to third grade and shall identify students who 50179
are reading below their grade level. The reading skills 50180
assessment shall be completed by the thirtieth day of September- 50181
~~for students in grades one to three, and by the twentieth day of~~ 50182
~~instruction of the school year for students in kindergarten.~~ 50183
Each district shall use the diagnostic assessment ~~to measure~~ 50184
~~reading ability~~ for the appropriate grade level adopted under 50185
section 3301.079 of the Revised Code, ~~or a comparable tool~~ 50186
~~approved by the department of education and workforce,~~ to 50187
identify such students. The policies and procedures shall 50188
require the students' classroom teachers to be involved in the 50189
assessment and the identification of students reading below 50190
grade level. The assessment may be administered electronically 50191
using live, two-way video and audio connections whereby the 50192

teacher administering the assessment may be in a separate 50193
location from the student. 50194

(2) For each student identified by the diagnostic 50195
assessment prescribed under this section as having reading 50196
skills below grade level, the district shall do both of the 50197
following: 50198

(a) Provide to the student's parent or guardian, in 50199
writing, all of the following: 50200

(i) Notification that the student has been identified as 50201
having a substantial deficiency in reading; 50202

(ii) A description of the current services that are 50203
provided to the student; 50204

(iii) A description of the proposed supplemental 50205
instructional services and supports that will be provided to the 50206
student that are designed to remediate the identified areas of 50207
reading deficiency; 50208

(iv) Notification that if the student attains a score in 50209
the range designated under division (A)(3) of section 3301.0710 50210
of the Revised Code on the assessment prescribed under that 50211
section to measure skill in English language arts expected at 50212
the end of third grade, the student shall be retained unless the 50213
student is exempt under division (A) of this section. The 50214
notification shall specify that the assessment under section 50215
3301.0710 of the Revised Code is not the sole determinant of 50216
promotion and that additional evaluations and assessments are 50217
available to the student to assist parents and the district in 50218
knowing when a student is reading at or above grade level and 50219
ready for promotion. 50220

(v) A statement that connects the child's proficiency 50221

level in reading to long-term outcomes of success related to 50222
proficiency in reading. 50223

(b) Provide intensive reading instruction services and 50224
regular diagnostic assessments to the student immediately 50225
following identification of a reading deficiency until the 50226
development of the reading improvement and monitoring plan 50227
required by division (C) of this section. These intervention 50228
services shall be aligned with the science of reading as defined 50229
under section 3313.6028 of the Revised Code and include 50230
research-based reading strategies that have been shown to be 50231
successful in improving reading among low-performing readers and 50232
instruction targeted at the student's identified reading 50233
deficiencies. 50234

(3) For each student retained under division (A) of this 50235
section, the district shall do all of the following: 50236

(a) Provide intense remediation services until the student 50237
is able to read at grade level. The remediation services shall 50238
include intensive interventions in reading that address the 50239
areas of deficiencies identified under this section including, 50240
but not limited to, not less than ninety minutes of reading 50241
instruction per day, and may include any of the following: 50242

(i) Small group instruction; 50243

(ii) Reduced teacher-student ratios; 50244

(iii) More frequent progress monitoring; 50245

(iv) Tutoring or mentoring; 50246

(v) Transition classes containing third and fourth grade 50247
students; 50248

(vi) Extended school day, week, or year; 50249

(vii) Summer reading camps. 50250

(b) Establish a policy for the mid-year promotion of a 50251
student retained under division (A) of this section who 50252
demonstrates that the student is reading at or above grade 50253
level; 50254

(c) Provide each student with a teacher who satisfies one 50255
or more of the criteria set forth in division (H) of this 50256
section. 50257

The district shall offer the option for students to 50258
receive applicable services from one or more providers other 50259
than the district. Providers shall be screened and approved by 50260
the district or the department of education and workforce. If 50261
the student participates in the remediation services and 50262
demonstrates reading proficiency in accordance with standards 50263
adopted by the department prior to the start of fourth grade, 50264
the district shall promote the student to that grade. 50265

(4) For each student retained under division (A) of this 50266
section who has demonstrated proficiency in a specific academic 50267
ability field, each district shall provide instruction 50268
commensurate with student achievement levels in that specific 50269
academic ability field. 50270

As used in this division, "specific academic ability 50271
field" has the same meaning as in section 3324.01 of the Revised 50272
Code. 50273

(C) For each student required to be provided intervention 50274
services under this section, the district shall develop a 50275
reading improvement and monitoring plan within sixty days after 50276
receiving the student's results on the diagnostic assessment ~~or~~ 50277
~~comparable tool~~ administered under division (B) (1) of this 50278

section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

(7) ~~High-dosage~~ The provision of high-dosage tutoring

~~opportunities~~ aligned with the student's classroom instruction 50306
through a state-approved vendor on the list of high-quality 50307
tutoring vendors under section 3301.136 of the Revised Code or a 50308
locally approved ~~opportunity program~~ that aligns with high- 50309
dosage tutoring best practices identified by the department. 50310
High-dosage tutoring ~~opportunities~~ shall include ~~additional~~ 50311
instruction time of at least three days per week, or at least 50312
fifty hours over thirty-six weeks. High-dosage tutoring may be 50313
incorporated into a student's regular classroom instruction. 50314

The district shall continue to provide the plan developed 50315
under division (C) of this section until the student achieves 50316
the required level of skill in reading for the student's current 50317
grade level. 50318

Each student with a reading improvement and monitoring 50319
plan under this division who enters third grade after July 1, 50320
2013, shall be assigned to a teacher who satisfies one or more 50321
of the criteria set forth in division (H) of this section. 50322

The district shall report any information requested by the 50323
department about the reading improvement monitoring plans 50324
developed under this division in the manner required by the 50325
department. 50326

(D) Each school district shall report annually to the 50327
department on its implementation and compliance with this 50328
section using guidelines prescribed by the department. The 50329
director of education and workforce annually shall report to the 50330
governor and general assembly the number and percentage of 50331
students in grades kindergarten through four reading below grade 50332
level based on the diagnostic assessments administered under 50333
division (B) of this section and the achievement assessments 50334
administered under divisions (A) (1) (a) and (b) of section 50335

3301.0710 of the Revised Code in English language arts, 50336
aggregated by school district and building; the types of 50337
intervention services provided to students; and, if available, 50338
an evaluation of the efficacy of the intervention services 50339
provided. 50340

(E) Any summer remediation services funded in whole or in 50341
part by the state and offered by school districts to students 50342
under this section shall meet the following conditions: 50343

(1) The remediation methods are based on reliable 50344
educational research. 50345

(2) The school districts conduct assessment before and 50346
after students participate in the program to facilitate 50347
monitoring results of the remediation services. 50348

(3) The parents of participating students are involved in 50349
programming decisions. 50350

(F) Any intervention or remediation services required by 50351
this section shall include intensive, explicit, and systematic 50352
instruction. 50353

(G) This section does not create a new cause of action or 50354
a substantive legal right for any person. 50355

(H) (1) Except as provided under divisions (H) (2), (3), and 50356
(4) of this section, each student described in division (B) (3) 50357
or (C) of this section who enters third grade for the first time 50358
on or after July 1, 2013, shall be assigned a teacher who has at 50359
least one year of teaching experience and who satisfies one or 50360
more of the following criteria: 50361

(a) The teacher holds a reading endorsement on the 50362
teacher's license and has attained a passing score on the 50363

corresponding assessment for that endorsement, as applicable. 50364

(b) The teacher has completed a master's degree program 50365
with a major in reading. 50366

(c) The teacher was rated "most effective" for reading 50367
instruction consecutively for the most recent two years based on 50368
assessments of student growth measures developed by a vendor and 50369
that is on the list of student assessments approved by the 50370
department under division (B) (2) of section 3319.112 of the 50371
Revised Code. 50372

(d) The teacher was rated "above expected value added," in 50373
reading instruction, as determined by criteria established by 50374
the department, for the most recent, consecutive two years. 50375

(e) The teacher has earned a passing score on a rigorous 50376
test of principles of scientifically research-based reading 50377
instruction as approved by the department. 50378

(f) The teacher holds an educator license for teaching 50379
grades pre-kindergarten through three or four through nine 50380
issued on or after July 1, 2017. 50381

(2) Notwithstanding division (H) (1) of this section, a 50382
student described in division (B) (3) or (C) of this section who 50383
enters third grade for the first time on or after July 1, 2013, 50384
may be assigned to a teacher with less than one year of teaching 50385
experience provided that the teacher meets one or more of the 50386
criteria described in divisions (H) (1) (a) to (f) of this section 50387
and that teacher is assigned a teacher mentor who meets the 50388
qualifications of division (H) (1) of this section. 50389

(3) Notwithstanding division (H) (1) of this section, a 50390
student described in division (B) (3) or (C) of this section who 50391
enters third grade for the first time on or after July 1, 2013, 50392

but prior to July 1, 2016, may be assigned to a teacher who 50393
holds an alternative credential approved by the department or 50394
who has successfully completed training that is based on 50395
principles of scientifically research-based reading instruction 50396
that has been approved by the department. The alternative 50397
credentials and training described in division (H) (3) of this 50398
section shall be aligned with the reading competencies adopted 50399
by the department of education and workforce under section 50400
3301.077 of the Revised Code. 50401

(4) Notwithstanding division (H) (1) of this section, a 50402
student described in division (B) (3) or (C) of this section who 50403
enters third grade for the first time on or after July 1, 2013, 50404
may receive reading intervention or remediation services under 50405
this section from an individual employed as a speech-language 50406
pathologist who holds a license issued by the state speech and 50407
hearing professionals board under Chapter 4753. of the Revised 50408
Code and a registration under section 3319.221 of the Revised 50409
Code. 50410

(5) A teacher, other than a student's teacher of record, 50411
may provide any services required under this section, so long as 50412
that other teacher meets the requirements of division (H) of 50413
this section and the teacher of record and the school principal 50414
agree to the assignment. Any such assignment shall be documented 50415
in the student's reading improvement and monitoring plan. 50416

As used in this division, "teacher of record" means the 50417
classroom teacher to whom a student is assigned. 50418

(I) Notwithstanding division (H) of this section, a 50419
teacher may teach reading to any student who is an English 50420
language learner, and has been in the United States for three 50421
years or less, or to a student who has an individualized 50422

education program developed under Chapter 3323. of the Revised 50423
Code if that teacher holds an alternative credential approved by 50424
the department or has successfully completed training that is 50425
based on principles of scientifically research-based reading 50426
instruction that has been approved by the department. The 50427
alternative credentials and training described in this division 50428
shall be aligned with the reading competencies adopted by the 50429
department of education and workforce under section 3301.077 of 50430
the Revised Code. 50431

(J) If, on or after June 4, 2013, a school district or 50432
community school cannot furnish the number of teachers needed 50433
who satisfy one or more of the criteria set forth in division 50434
(H) of this section for the 2013-2014 school year, the school 50435
district or community school shall develop and submit a staffing 50436
plan by June 30, 2013. The staffing plan shall include criteria 50437
that will be used to assign a student described in division (B) 50438
(3) or (C) of this section to a teacher, credentials or training 50439
held by teachers currently teaching at the school, and how the 50440
school district or community school will meet the requirements 50441
of this section. The school district or community school shall 50442
post the staffing plan on its web site for the applicable school 50443
year. 50444

Not later than March 1, 2014, and on the first day of 50445
March in each year thereafter, a school district or community 50446
school that has submitted a plan under this division shall 50447
submit to the department a detailed report of the progress the 50448
district or school has made in meeting the requirements under 50449
this section. 50450

A school district or community school may request an 50451
extension of a staffing plan beyond the 2013-2014 school year. 50452

Extension requests must be submitted to the department not later 50453
than the thirtieth day of April prior to the start of the 50454
applicable school year. The department may grant extensions 50455
valid through the 2015-2016 school year. 50456

(K) The department of education and workforce shall 50457
designate one or more staff members to provide guidance and 50458
assistance to school districts and community schools in 50459
implementing the third grade guarantee established by this 50460
section, including any standards or requirements adopted to 50461
implement the guarantee and to provide information and support 50462
for reading instruction and achievement. 50463

Sec. 3313.609. (A) As used in this section:— 50464

~~(1) "Truant" means absent without excuse.~~ 50465

~~(2) "Academically prepared", "academically prepared"~~ 50466
means whatever educational standard the board of education of 50467
each city, exempted village, local, and joint vocational school 50468
district establishes as necessary for the promotion of a student 50469
to the next grade level pursuant to the policy adopted under 50470
division (B) of this section. 50471

(B) The board of education of each city, exempted village, 50472
local, and joint vocational school district shall adopt a grade 50473
promotion and retention policy for students that complies with 50474
this section and section 3313.608 of the Revised Code. The 50475
policy shall prohibit the promotion of a student to the next 50476
grade level if the student ~~has been truant for more than ten per~~ 50477
~~cent of the required attendance days of the current school year~~ 50478
~~and~~ has failed two or more of the required curriculum subject 50479
areas in the current grade unless the student's principal and 50480
the teachers of any failed subject areas agree that the student 50481

is academically prepared to be promoted to the next grade level. 50482

Sec. 3313.6013. (A) As used in this section, "advanced 50483
standing program" means a program that enables a student to earn 50484
credit toward a degree from an institution of higher education 50485
while enrolled in high school or that enables a student to 50486
complete coursework while enrolled in high school that may earn 50487
credit toward a degree from an institution of higher education 50488
upon the student's attainment of a specified score on an 50489
examination covering the coursework. Advanced standing programs 50490
may include any of the following: 50491

(1) The college credit plus program established under 50492
Chapter 3365. of the Revised Code; 50493

(2) Advanced placement courses; 50494

(3) International baccalaureate diploma courses; 50495

(4) Early college high school programs; 50496

(5) Courses that comply with the career-technical 50497
education credit transfer criteria, policies, and procedures 50498
established under section 3333.162 of the Revised Code; 50499

(6) The college-level examination program. 50500

(B) Each city, local, exempted village, and joint 50501
vocational school district and each chartered nonpublic high 50502
school shall provide students enrolled in grades nine through 50503
twelve with the opportunity to participate in an advanced 50504
standing program. For this purpose, each school district and 50505
chartered nonpublic high school shall offer at least one 50506
advanced standing program in accordance with division (B) (1) or 50507
(2) of this section, as applicable. 50508

(1) A city, local, or exempted village school district 50509

meets the requirements of this division through its mandatory 50510
participation in the college credit plus program established 50511
under Chapter 3365. of the Revised Code. However, a city, local, 50512
or exempted village school district may offer any other advanced 50513
standing program, in addition to the college credit plus 50514
program, and each joint vocational school district shall offer 50515
at least one other advanced standing program, to students in 50516
good standing, as defined by the partnership for continued 50517
learning under section 3301.42 of the Revised Code as it existed 50518
prior to October 16, 2009, or as subsequently defined by the 50519
department of education and workforce. 50520

(2) A chartered nonpublic high school that elects to 50521
participate in the college credit plus program established under 50522
Chapter 3365. of the Revised Code meets the requirements of this 50523
division. Each chartered nonpublic high school that elects not 50524
to participate in the college credit plus program instead shall 50525
offer at least one other advanced standing program to students 50526
in good standing, as defined by the partnership for continued 50527
learning under section 3301.42 of the Revised Code as it existed 50528
prior to October 16, 2009, or as subsequently defined by the 50529
department of education and workforce. 50530

(C) Each school district and each chartered nonpublic high 50531
school, at least annually, shall provide information about the 50532
advanced standing programs offered by the district or school to 50533
all students enrolled in grades six through eleven. The district 50534
or school shall include information about all of the following: 50535

(1) The process colleges and universities use in awarding 50536
credit for advanced placement and international baccalaureate 50537
courses and examinations, including minimum scores required by 50538
state institutions of higher education, as defined in section 50539

3345.011 of the Revised Code, for a student to receive college credit; 50540
50541

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations; 50542
50543
50544

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 50545
50546
50547

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 50548
50549

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 50550
50551
50552

The district or school may include additional information as determined appropriate by the district or school. 50553
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(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 50555
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the director of education and workforce and the chancellor of higher education. 50562
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The college credit plus program also shall not govern any 50569
advanced placement course or international baccalaureate diploma 50570
course as described under this section. 50571

(F) As used in this section: 50572

(1) "Associated college" means a public or private 50573
college, as defined in section 3365.01 of the Revised Code, 50574
which has entered into an agreement with a school district or 50575
school to establish an early college high school program, as 50576
described in division (F) (2) of this section, and awards 50577
transcripted credit, as defined in section 3365.01 of the 50578
Revised Code, to students through that program. 50579

(2) "Early college high school program" means a 50580
partnership between at least one school district or school and 50581
at least one institution of higher education that allows 50582
participants to simultaneously complete requirements toward 50583
earning a regular high school diploma and have the opportunity 50584
to earn not less than twenty-four credits that are transferable 50585
to the institutions of higher education in the partnership as 50586
part of an organized course of study toward a post-secondary 50587
degree or credential at no cost to the participant or 50588
participant's family. The program also shall prioritize the 50589
following students: 50590

(a) Students who are underrepresented in regard to 50591
completing post-secondary education; 50592

(b) Students who are economically disadvantaged, as 50593
defined by the department of education and workforce; 50594

(c) Students whose parents did not earn a college degree. 50595

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 50596
year, the board of education of each city, local, exempted 50597

village, and joint vocational school district shall adopt a 50598
policy on career advising that complies with this section. 50599
Thereafter, the policy shall be updated at least once every two 50600
years. 50601

(2) The board shall make the policy publicly available to 50602
students, parents, guardians, or custodians, local post- 50603
secondary institutions, and residents of the district. The 50604
district shall post the policy in a prominent location on its 50605
web site, if it has one. 50606

(B) The policy on career advising shall specify how the 50607
district will do all of the following: 50608

(1) Provide students with grade-level examples that link 50609
their schoolwork to one or more career fields. A district may 50610
use career connections developed under division (B) (2) of 50611
section 3301.079 of the Revised Code for this purpose. 50612

(2) Create a plan to provide career advising to students 50613
in grades six through twelve; 50614

(3) Beginning in the 2015-2016 school year, provide 50615
additional interventions and career advising for students who 50616
are identified as at risk of dropping out of school in 50617
accordance with division (C) of this section; 50618

(4) Train its employees on how to advise students on 50619
career pathways, including training on advising students using 50620
online tools; 50621

(5) Develop multiple, clear academic pathways through high 50622
school that students may choose in order to earn a high school 50623
diploma; 50624

(6) Identify and publicize courses that can award students 50625

both traditional academic and career-technical credit; 50626

(7) Document the career advising provided to each student 50627
for review by the student, the student's parent, guardian, or 50628
custodian, and future schools that the student may attend. A 50629
district shall not otherwise release this information without 50630
the written consent of the student's parent, guardian, or 50631
custodian, if the student is less than eighteen years old, or 50632
the written consent of the student, if the student is at least 50633
eighteen years old. 50634

(8) Prepare students for their transition from high school 50635
to their post-secondary destinations, including any special 50636
interventions that are necessary for students in need of 50637
remediation in mathematics or English language arts; 50638

(9) Include information regarding career fields that 50639
require an industry-recognized credential, certificate, 50640
associate's degree, bachelor's degree, graduate degree, or 50641
professional degree; 50642

(10) Provide students with information about ways a 50643
student may offset the costs of a post-secondary education, 50644
including programs such as all of the following: 50645

(a) The reserve officer training corps; 50646

(b) The college credit plus program established under 50647
Chapter 3365. of the Revised Code; 50648

(c) The Ohio guaranteed transfer pathways initiative 50649
established under section 3333.168 of the Revised Code; 50650

(d) Joint academic programming or dual enrollment 50651
opportunities required under section 3333.168 of the Revised 50652
Code. 50653

The chancellor of higher education shall develop 50654
informational materials that illustrate cost saving estimates 50655
for each of the options listed under division (B) (10) of this 50656
section. The chancellor shall develop a list of individual 50657
college courses that are transferable under section 3333.16 of 50658
the Revised Code. 50659

(C) (1) Beginning in the 2015-2016 school year, each 50660
district shall identify students who are at risk of dropping out 50661
of school using a method that is both research-based and 50662
locally-based and that is developed with input from the 50663
district's classroom teachers and guidance counselors. If a 50664
student is identified as at risk of dropping out of school, the 50665
district shall develop a student success plan that addresses the 50666
student's academic pathway to a successful graduation and the 50667
role of career-technical education, competency-based education, 50668
and experiential learning, as appropriate, in that pathway. 50669

(2) Prior to developing a student success plan for a 50670
student, the district shall invite the student's parent, 50671
guardian, or custodian to assist in developing the plan. If the 50672
student's parent, guardian, or custodian does not participate in 50673
the development of the plan, the district shall provide to the 50674
parent, guardian, or custodian a copy of the student's success 50675
plan and a statement of the importance of a high school diploma 50676
and the academic pathways available to the student in order to 50677
successfully graduate. 50678

(3) Following the development of a student success plan 50679
for a student, the district shall provide career advising to the 50680
student that is aligned with the plan and, beginning in the 50681
2015-2016 school year, the district's plan to provide career 50682
advising created under division (B) (2) of this section. 50683

(D) (1) The department of education and workforce shall 50684
develop and post on its web site model policies on career 50685
advising and model student success plans. 50686

(2) The department shall create an online clearinghouse of 50687
research related to proven practices for policies on career 50688
advising and student success plans that districts may access 50689
when fulfilling the requirements of this section. 50690

(3) The department shall develop and make available 50691
informational materials for students in grades seven and eight 50692
about career opportunities available to them, including in- 50693
demand jobs as defined in section 3333.94 of the Revised Code, 50694
and how a career-technical education may help them satisfy 50695
graduation conditions under section 3313.618 of the Revised 50696
Code. 50697

(4) The department, in consultation with the governor's 50698
office of workforce transformation, shall develop a career 50699
pathways resource for students. Each school district shall 50700
distribute the resource, at least annually and in the manner 50701
prescribed by the department, to all students in grades six to 50702
twelve. 50703

Sec. 3313.6022. (A) As used in this section, "released 50704
time" means a period of time during which a student is excused 50705
from school to attend a course in religious instruction 50706
conducted by a private entity off school district property. 50707

(B) A school district board of education shall adopt a 50708
policy that authorizes a student to be excused from school to 50709
attend a released time course in religious instruction for at 50710
least thirty-three periods per school year, provided that each 50711
of the following applies: 50712

(1) The student's parent or guardian gives written consent. 50713
50714

(2) The sponsoring entity maintains attendance records and makes them available to the school district the student attends. 50715
50716

(3) Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or student. 50717
50718
50719
50720

(4) The sponsoring entity makes provisions for and assumes liability for the student. 50721
50722

(5) No public funds are expended and no public school personnel are involved in providing the religious instruction. 50723
50724

(6) The student assumes responsibility for any missed schoolwork. 50725
50726

While in attendance in a released time course in religious instruction, a student shall not be considered absent from school. No student may be released from a core curriculum subject course to attend a religious instruction course. 50727
50728
50729
50730

(C) A school district board of education shall collaborate with a sponsoring entity of a released time course in religious instruction to identify a time to offer the course during the school day. 50731
50732
50733
50734

(D) A policy adopted under division (B) of this section shall not prohibit students from bringing external educational and program materials into school. 50735
50736
50737

(E) A policy adopted under division (B) of this section may authorize high school students to earn up to two units of high school credit for the completion of a released time course 50738
50739
50740

in religious instruction. In determining whether to award credit 50741
for completion of such a course, the board shall evaluate the 50742
course based on purely secular criteria that are substantially 50743
the same criteria used to evaluate similar nonpublic high school 50744
courses for purposes of determining whether to award credit for 50745
such courses to a student transferring from a nonpublic high 50746
school to a public high school. However, there shall be no 50747
criteria requiring that released time courses be completed only 50748
at a nonpublic school. The decision to award credit for a 50749
released time course of religious instruction shall be neutral 50750
to, and shall not involve any test for, religious content or 50751
denominational affiliation. 50752

For purposes of this division, secular criteria may 50753
include, but are not limited to, the following: 50754

- (1) The number of hours of classroom instruction time; 50755
- (2) A review of the course syllabus that reflects course 50756
requirements and materials used; 50757
- (3) The methods of assessment used in the course; 50758
- (4) The qualifications of the course instructor, which 50759
shall be similar to the qualifications of other teachers within 50760
the district. 50761

Notwithstanding division (C) (8) of section 3313.603 of the 50762
Revised Code, high school credit awarded to a student for a 50763
released time course in religious instruction may substitute for 50764
the same amount of credit in subjects listed in that division. 50765

~~(E)~~ (F) A school district, member of a school district 50766
board of education, or school district employee is not liable in 50767
damages in a civil action for injury allegedly arising during a 50768
student's transportation to or from a place of instruction when 50769

private transportation is used under a released time policy 50770
adopted under this section. This division does not eliminate, 50771
limit, or reduce any other immunity or defense that a school 50772
district, member of a school district board of education, or 50773
school district employee may be entitled to under Chapter 2744. 50774
or any other provision of the Revised Code or under the common 50775
law of this state. 50776

Sec. 3313.6024. (A) Annually each school district and 50777
other public school, as defined in section 3301.0711 of the 50778
Revised Code, shall report to the department of education and 50779
workforce, ~~in the manner prescribed~~ a survey established by the 50780
department, the types of prevention-focused programs, services, 50781
and supports used to assist students in developing the knowledge 50782
and skills to engage in healthy behaviors and decision-making 50783
and to increase their awareness of the dangers and consequences 50784
of risky behaviors, including substance abuse, suicide, 50785
bullying, and other harmful behaviors. ~~The~~ Each district or 50786
school shall report on the survey the following information 50787
regarding such programs, services, and supports for each 50788
building operated by the district or school and for each of 50789
grades kindergarten through twelve served by the building: 50790

(1) Curriculum and instruction provided during the school 50791
day; 50792

(2) Programs and supports provided outside of the 50793
classroom or outside of the school day; 50794

(3) Professional development for teachers, administrators, 50795
and other staff; 50796

(4) Partnerships with community coalitions and 50797
organizations to provide prevention services and resources to 50798

students and their families; 50799

(5) School efforts to engage parents and the community; 50800

(6) Activities designed to communicate with and learn from 50801
other schools or professionals with expertise in prevention 50802
education.—; 50803

(7) A description of how the district or school complies 50804
with the following: 50805

(a) For each school district, divisions (A) (5) (b) and (g) 50806
of section 3313.60 of the Revised Code and section 3313.6034 of 50807
the Revised Code; 50808

(b) For every other public school, section 3314.0311, 50809
3326.092, or 3328.60 of the Revised Code. 50810

(8) The number of substance abuse cases that occurred in 50811
the district or school. 50812

(B) A chartered nonpublic school may report to the 50813
department the information described in division (A) of this 50814
section by electing to participate in the department's annual 50815
survey. 50816

(C) Each year, the department shall analyze the substance 50817
abuse case data and the information on programs, services, and 50818
supports collected in the annual survey prescribed under this 50819
section for that year, and prior years, to determine the overall 50820
effectiveness of different programs, services, and supports at 50821
preventing substance abuse cases over time and identify best 50822
practices for prevention education. 50823

(D) The department may use information reported under this 50824
section, and any other information collected by the department 50825
pursuant to law, as a factor in the distribution of any funding 50826

available for prevention-focused programs, services, and 50827
supports. 50828

Sec. 3313.6028. (A) (1) As used in Title XXXIII of the 50829
Revised Code, "science of reading" means an interdisciplinary 50830
body of scientific evidence that: 50831

(a) Informs how students learn to read and write 50832
proficiently; 50833

(b) Explains why some students have difficulty with 50834
reading and writing; 50835

(c) Indicates that all students benefit from explicit and 50836
systematic instruction in phonemic awareness, phonics, 50837
vocabulary, fluency, comprehension, and writing to become 50838
effective readers; 50839

(d) Does not rely on any model of teaching students to 50840
read based on meaning, structure and syntax, and visual cues, 50841
including a three-cueing approach. 50842

(2) As used in this section, "three-cueing approach" means 50843
any model of teaching students to read based on meaning, 50844
structure and syntax, and visual cues. 50845

(B) The department of education and workforce shall 50846
establish a list of high-quality core curriculum and 50847
instructional materials in English language arts, supplemental 50848
curriculum, and a list of evidence-based reading intervention 50849
programs, that are aligned with the science of reading and 50850
strategies for effective literacy instruction as outlined in the 50851
curriculum evaluation guidelines created by the reading league 50852
or its successor organization. 50853

(C) Beginning not later than the 2024-2025 school year, 50854

each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts in each of grades pre-kindergarten to five and evidence-based reading intervention programs in each of grades pre-kindergarten to twelve only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention program in grades pre-kindergarten to five that use the three-cueing approach to teach students to read.

~~(D) (1) A district or school may apply to the department for a waiver on an individual student basis to use curriculum, instructional materials, or an intervention program in grades pre-kindergarten through five that uses the three-cueing approach to teach students to read, except as follows:~~

~~(1) No student for whom a reading improvement and monitoring plan has been developed under division (C) of section 3313.608 of the Revised Code shall be eligible for a waiver.~~

~~(2) If a student has an individualized education program that explicitly indicates the three-cueing approach is appropriate for the student's learning needs, the student shall not be required to have a waiver.~~

~~In determining whether to approve a waiver requested under this section, the department shall consider the performance of the student's district or school on the state report card issued under section 3302.03 of the Revised Code, including on the early literacy component prescribed under division (D) (3) (c) of that section.~~

~~(E) (1) The department shall identify vendors that provide professional development to educators, including pre-service teachers and faculty employed by educator preparation programs, on the use of high-quality core curriculum and instructional materials and reading intervention programs on the lists established under division (B) of this section. unless that district or school has already received a waiver from the department for that child because that child is deaf or hard of hearing.~~

(2) A professional development committee established under section 3319.22 of the Revised Code shall qualify any completed professional development coursework provided by a vendor ~~described in division (E) (1) of this section~~ to count towards professional development coursework requirements for teacher licensure renewal.

(3) A professional development committee shall permit a teacher to apply any hours earned over the minimum amount of hours required for professional development coursework for teacher licensure renewal under division ~~(E) (2)~~ (D) (2) of this section to the next renewal period for that license.

Sec. 3313.6031. (A) As used in this section, "other high school" means any of the following that offers any of grades nine through twelve:

(1) A community school established under Chapter 3314. of the Revised Code;

(2) A STEM school established under Chapter 3326. of the Revised Code;

(3) A chartered nonpublic school.

(B) Each city, local, exempted village, and joint

vocational school district and other high school that has 50914
students enrolled in courses that comply with the career- 50915
technical education credit transfer criteria, policies, and 50916
procedures established under section 3333.162 of the Revised 50917
Code shall adopt and implement a policy for the awarding of 50918
grades and the calculation of class standing for those courses. 50919

A district's or school's policy under this section shall 50920
be equivalent to the district's or school's policy for courses 50921
taken under the advanced standing programs described in 50922
divisions (A) (1) to (3) of section 3313.6013 of the Revised Code 50923
or for other courses designated as honors courses by the 50924
district or school, including procedures for awarding a weighted 50925
grade or enhancing a student's class standing for those courses. 50926

Sec. 3313.6032. (A) As used in this section, "advanced 50927
learning opportunities in mathematics" or "advanced mathematics 50928
course" means learning opportunities or a course that provides 50929
academic content or rigor that exceeds the standard mathematics 50930
curriculum for the student's grade level, including a 50931
mathematics course that is two grade levels above the student's 50932
current grade level, as determined by the district. 50933

(B) Except as otherwise provided in division (C) of this 50934
section, each city, local, exempted village, and joint- 50935
vocational school district shall provide each student that 50936
achieves an advanced level of skill on a mathematics achievement 50937
assessment as prescribed under section 3301.0710 or end-of- 50938
course examination under section 3301.0712 of the Revised Code 50939
with advanced learning opportunities in mathematics including 50940
advanced mathematics courses in the following school year. Each 50941
student shall take any corresponding required achievement 50942
assessment or end-of-course examination for any mathematics 50943

course the student takes under those sections. 50944

(C) (1) No school district is subject to division (B) of 50945
this section if it does not offer the advanced learning 50946
opportunities in mathematics or an advanced mathematics course 50947
for the grade level in which the student is enrolled for the 50948
next school year. 50949

(2) Each school district shall notify the parent or 50950
guardian of a student who qualifies for advanced learning 50951
opportunities in mathematics under division (B) of this section 50952
of that determination. The parent or guardian of any such 50953
student may submit a written request for that student to not 50954
receive the advanced learning opportunities in mathematics or to 50955
not be enrolled in the advanced mathematics course. In which 50956
case, the district shall not be required to provide that student 50957
with advanced mathematics instruction under division (B) of this 50958
section. 50959

Sec. 3313.6034. (A) As used in this section, "substance 50960
use" includes the use of marijuana, alcoholic beverages, 50961
opioids, opiates, and tobacco, including electronic smoking 50962
devices, and any substance derived from a source external to the 50963
human body that is not legally permitted or authorized for use 50964
without a prescription. 50965

(B) In accordance with the curriculum requirement 50966
prescribed under divisions (A) (5) (b) and (g) of section 3313.60 50967
of the Revised Code, the board of education of each city, local, 50968
and exempted village school district annually shall provide 50969
instruction to students in grades kindergarten through twelve 50970
about how short-term or chronic substance use to alter one's 50971
mood is harmful to an individual's health. 50972

<u>(C) Each district board shall do all of the following with</u>	50973
<u>regard to the instruction:</u>	50974
<u>(1) Determine the manner in which the instruction is</u>	50975
<u>provided to students;</u>	50976
<u>(2) Ensure the instruction is age and developmentally</u>	50977
<u>appropriate;</u>	50978
<u>(3) Conform the instruction to prevention best-practice</u>	50979
<u>frameworks;</u>	50980
<u>(4) Focus the instruction on addressing changes in</u>	50981
<u>knowledge, attitude, and skills as a child develops.</u>	50982
<u>Sec. 3313.6035. (A) As used in this section:</u>	50983
<u>(1) "Qualifying student" means a student who demonstrates</u>	50984
<u>a limited level of skill on a state assessment in mathematics or</u>	50985
<u>English language arts, or both. "Qualifying student" does not</u>	50986
<u>include a student that has an individualized education program</u>	50987
<u>developed under Chapter 3323. of the Revised Code that includes</u>	50988
<u>services related to a traumatic brain injury or a student that</u>	50989
<u>attends a dropout prevention and recovery community school</u>	50990
<u>established under Chapter 3314. of the Revised Code.</u>	50991
<u>(2) "State assessment" means an achievement assessment</u>	50992
<u>prescribed under section 3301.0710 of the Revised Code or an</u>	50993
<u>end-of-course examination prescribed under section 3301.0712 of</u>	50994
<u>the Revised Code.</u>	50995
<u>(3) "Tutoring supports" means high-dosage tutoring</u>	50996
<u>opportunities aligned with the student's classroom instruction</u>	50997
<u>through a state-approved vendor on the list of high-quality</u>	50998
<u>tutoring vendors under section 3301.136 of the Revised Code or a</u>	50999
<u>locally approved opportunity that aligns with high-dosage</u>	51000

tutoring best practices. High-dosage tutoring opportunities 51001
shall include additional instruction time of at least three days 51002
per week, or at least fifty hours over thirty-six weeks. 51003

To the extent practicable, districts and schools shall 51004
endeavor to provide each of a student's tutoring supports with 51005
the same tutor. 51006

(4) "Integrated student supports" means an evidence based 51007
approach whereby schools intentionally and systematically 51008
leverage and coordinate resources and relationships available in 51009
the school and the surrounding community to address 51010
comprehensive student strengths, interests, and needs. 51011

(B) Each school district, community school established 51012
pursuant to Chapter 3314., and STEM school established pursuant 51013
to Chapter 3326. of the Revised Code shall provide evidence- 51014
based academic intervention services, free of cost, to each 51015
qualifying student. The district or school shall provide those 51016
services directly, through a contracted vendor, or as a 51017
combination of both options. A district or school annually shall 51018
notify the department of education and workforce, through the 51019
education management information system established under 51020
section 3301.0714 of the Revised Code, of all of the following: 51021

(1) The number of qualifying students enrolled in the 51022
district or school; 51023

(2) The number of qualifying students receiving academic 51024
intervention services in mathematics, English language arts, or 51025
both; 51026

(3) The number of qualifying students receiving academic 51027
intervention services from the district or school directly, 51028
through a vendor, or a combination of both options. 51029

(C) (1) Academic intervention services provided to a 51030
student under this section may encompass a variety of evidence- 51031
based supports, including tutoring supports, additional 51032
instruction time, an extended school calendar, participation in 51033
a learning support program, or any other academically centered 51034
support service that the district or school determines will 51035
improve the student's academic performance. Intervention 51036
services may also be offered in combination with integrated 51037
student supports. 51038

(2) All academic intervention services provided to a 51039
qualifying student under this section shall align with the 51040
academic instruction the student receives. Intervention services 51041
shall be in addition to and not a replacement for existing 51042
academic instruction and other services provided to students. 51043
All academic intervention services in English language arts 51044
shall align with the science of reading as defined in section 51045
3313.6028 of the Revised Code. 51046

(D) A district or school shall ensure that academic 51047
intervention services provided to a qualifying student under 51048
division (C) of this section do not supplant the student's core 51049
academic instructional time. 51050

(E) (1) A district or school shall notify the parent or 51051
guardian of a qualifying student that the student will receive 51052
academic intervention services prior to providing services to 51053
the student. Notification shall include a description of which 51054
intervention or interventions the qualifying student will 51055
receive and who will provide services to the student. 51056

(2) The district or school periodically shall update the 51057
parent or guardian on the academic intervention services 51058
provided to the qualifying student and shall provide resources 51059

and recommendations for ways the parent or guardian may assist 51060
the qualifying student. 51061

(F) (1) Beginning with the 2025-2026 school year, and each 51062
school year thereafter, the department randomly shall identify 51063
and select individual schools operated by a school district, 51064
community schools, and STEM schools for a review of their 51065
academic intervention services for qualifying students under 51066
this section. The department shall not select more than five per 51067
cent of all schools to review each year. No school shall be 51068
selected for review more than once every three years. The review 51069
shall include, at a minimum, a document review, interviews with 51070
applicable school staff, and observations of interventions. 51071

The review shall assess all of the following: 51072

(a) Whether qualifying students receive academic 51073
intervention services in accordance with division (B) of this 51074
section; 51075

(b) The types and methods of academic intervention 51076
services that qualifying students receive; 51077

(c) The quality of the academic intervention services 51078
provided by the school or the contracted vendor. To determine 51079
quality, the department may consider the length and duration of 51080
the intervention, specific programs and curriculum being used, 51081
the credentials and training of intervention providers, and data 51082
regarding qualifying student progress. 51083

(2) The department shall provide a report to the school 51084
containing its review of the school's academic intervention 51085
services not later than seventy-five days after the department 51086
completes the review. Each report shall include an assessment of 51087
the efficacy of the academic intervention services provided to 51088

qualifying students, along with any recommendations the 51089
department considers necessary. The school shall post a copy of 51090
the report on its web site and shall make the report available 51091
upon request to any person. The department shall include a 51092
review completed under this division as part of the student 51093
opportunity profile on the state report card under section 51094
3302.03 of the Revised Code. 51095

(3) The department may contract with an organization that 51096
has documented expertise in supporting school improvement and 51097
academic intervention services to help with conducting its 51098
review under division (F) of this section. 51099

(G) (1) A student is no longer a qualifying student under 51100
this section when the student achieves a level of skill higher 51101
than limited on a statewide assessment or diagnostic assessment 51102
prescribed under sections 3301.079, 3301.0710, 3301.0712, and 51103
3301.0715 of the Revised Code, in mathematics or English 51104
language arts, taken for the grade level in which the student is 51105
enrolled. 51106

(2) If a qualifying student receiving academic 51107
intervention services in both mathematics and English language 51108
arts demonstrates a skill greater than limited under this 51109
section in one, but not both, subject areas, the student shall 51110
continue to receive academic intervention services for the 51111
subject area in which the student continues to demonstrate a 51112
limited level of skill. 51113

(3) Any student in any of grades nine through twelve who 51114
fails to demonstrate a level of skill greater than limited on an 51115
end-of-course examination in mathematics or English language 51116
arts, or both, as prescribed under section 3301.0712 of the 51117
Revised Code, and is not required to retake the examination, 51118

continues to qualify for intervention services under this 51119
section. For such a student, the district or school shall align 51120
intervention services with the student's selected graduation 51121
pathway prescribed under section 3313.618 of the Revised Code. 51122

(H) Nothing in this section prohibits a district or school 51123
from providing academic intervention services to a student who 51124
does not meet the definition of a qualifying student under this 51125
section. 51126

Sec. 3313.6036. The department of education and workforce 51127
shall review core math curricula and establish a list of high- 51128
quality core curriculum and instructional materials in 51129
mathematics, and a list of evidence-based math intervention 51130
programs, that are aligned with state standards and best 51131
practices. Each school district, community school established 51132
under Chapter 3314. of the Revised Code, and STEM school 51133
established under Chapter 3326. of the Revised Code may use the 51134
core curriculum and instructional materials established by the 51135
department or may select different high-quality core curriculum 51136
and instructional materials. 51137

Sec. 3313.617. ~~Not later than June 30, 2020, each~~Each 51138
board of education of a school district and governing authority 51139
of a chartered nonpublic school shall adopt a policy regarding 51140
students who are at risk of not qualifying for a high school 51141
diploma. The policy shall require the district or school to do 51142
all of the following: 51143

(A) Develop criteria for identifying at-risk students, 51144
which shall include a student's lack of adequate progress in 51145
meeting the terms of a graduation and career plan developed or 51146
updated under division (E) of this section. The criteria also 51147
may include other factors, such as if a student has issues 51148

regarding excessive absences or misconduct. 51149

(B) Develop procedures for identifying at-risk students. 51150
The procedures shall include a method for determining if a 51151
student is not making adequate progress in meeting the terms of 51152
a graduation and career plan developed or updated under division 51153
(E) of this section. The procedures shall allow for a student to 51154
be identified as at risk in each of grades nine through twelve. 51155
The procedures also may include the identification of students 51156
in other grades. 51157

(C) Develop a notification process in which the district 51158
or school shall notify an at-risk student's parent, guardian, or 51159
custodian in each year in which the student has been identified 51160
as at risk. The notification process shall at least include 51161
providing a written notification to the at-risk student's 51162
parent, guardian, or custodian, which shall include all of the 51163
following: 51164

(1) A statement that the student is at risk of not 51165
qualifying for a high school diploma; 51166

(2) A description of the district's or school's curriculum 51167
requirements, or the student's individualized education program, 51168
and, as appropriate, the graduation conditions prescribed under 51169
section 3313.618 or 3313.619 of the Revised Code; 51170

(3) A description of any additional instructional or 51171
support services available to the at-risk student through the 51172
district or school. 51173

(D) Assist at-risk students with additional instructional 51174
or support services to help the students qualify for a high 51175
school diploma. The instructional and support services may 51176
include any of the following: 51177

(1) Mentoring programs;	51178
(2) Tutoring programs;	51179
(3) High school credit through demonstrations of subject area competency under division (J) of section 3313.603 of the Revised Code;	51180 51181 51182
(4) Adjusted curriculum options;	51183
(5) Career-technical programs;	51184
(6) Mental health services;	51185
(7) Physical health care services;	51186
(8) Family engagement and support services.	51187
(E) (1) Develop a graduation <u>and career plan</u> for each student enrolled in grades nine through twelve in the district or school. The graduation <u>and career plan</u> shall address the student's academic pathway to meet <u>both of the following</u> :	51188 51189 51190 51191
(1) <u>Meeting the curriculum requirements specified by the district or school and satisfysatisfying the graduation conditions, as appropriate, under section 3313.618 or 3313.619 of the Revised Code;</u>	51192 51193 51194 51195
(2) <u>Identifying post-graduation career goals and aligning the student's high school experience to those goals.</u>	51196 51197
(2) The (F) <u>Ensure the graduation and career plan shall be is developed jointly by the student and a representative of the district or school and/or a representative of an organization the district or school partners with for career planning and advising supports. The plan shall be updated each school year in which the student is enrolled in the district or school, until the student qualifies for a high school diploma. The district or</u>	51198 51199 51200 51201 51202 51203 51204

school shall invite a student's parent, guardian, or custodian 51205
to assist in developing and updating the graduation and career 51206
plan. 51207

~~(3) A district or school shall include~~ (G) Include a 51208
student's lack of progress in meeting the terms of a graduation 51209
and career plan developed or updated under this ~~division~~ section 51210
as both a criterion for identifying at-risk students under 51211
division (A) of this section and a procedure for identifying at- 51212
risk students under division (B) of this section. ~~;~~ 51213

~~(4) A~~ (H) Ensure that a graduation and career plan 51214
developed under this section ~~shall supplement~~ conforms to a 51215
school district's policy on career advising adopted under 51216
section 3313.6020 of the Revised Code. ~~;~~ 51217

~~(5) A~~ (I) Permit a school district may to use the 51218
individualized education program developed for a student 51219
pursuant to section 3323.08 of the Revised Code in lieu of 51220
developing a graduation and career plan under this ~~division~~ 51221
section, if the individualized education program contains 51222
~~academic~~ goals substantively similar to a graduation and career 51223
plan. ~~;~~ 51224

(J) Ensure that a graduation and career plan aligns to any 51225
student success plan developed for the student under division 51226
(C) of section 3313.6020 of the Revised Code. 51227

Sec. 3313.618. (A) In addition to the curriculum 51228
requirements specified by the board of education of a school 51229
district or governing authority of a chartered nonpublic school, 51230
each student entering ninth grade for the first time on or after 51231
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 51232
one of the following conditions or the conditions prescribed 51233

under division (B) of this section in order to qualify for a 51234
high school diploma: 51235

(1) Be remediation-free, in accordance with standards 51236
adopted under division (F) of section 3345.061 of the Revised 51237
Code, on each of the nationally standardized assessments in 51238
English, mathematics, and reading; 51239

(2) Attain a score specified under division (B) (5) (c) of 51240
section 3301.0712 of the Revised Code on the end-of-course 51241
examinations prescribed under division (B) of section 3301.0712 51242
of the Revised Code. 51243

(3) Attain a score that demonstrates workforce readiness 51244
and employability on a nationally recognized job skills 51245
assessment selected by the department of education and workforce 51246
under division (F) of section 3301.0712 of the Revised Code and 51247
obtain either an industry-recognized credential or a license 51248
issued by a state agency or board for practice in a vocation 51249
that requires an examination for issuance of that license. 51250

For the purposes of this division, the industry-recognized 51251
credentials and licenses shall be as approved under section 51252
3313.6113 of the Revised Code. 51253

A student may choose to qualify for a high school diploma 51254
by satisfying any of the separate requirements prescribed by 51255
divisions (A) (1) to (3) of this section. If the student's school 51256
district or school does not administer the examination 51257
prescribed by one of those divisions that the student chooses to 51258
take to satisfy the requirements of this section, the school 51259
district or school may require that student to arrange for the 51260
applicable scores to be sent directly to the district or school 51261
by the company or organization that administers the examination. 51262

(B) In addition to the curriculum requirements specified 51263
by the district board or school governing authority, each 51264
student entering ninth grade for the first time on or after July 51265
1, 2019, shall satisfy the following conditions in order to 51266
qualify for a high school diploma: 51267

(1) Attain a competency score as determined under division 51268
(B) (10) of section 3301.0712 of the Revised Code on each of the 51269
Algebra I and English language arts II end-of-course 51270
examinations prescribed under division (B) (2) of section 51271
3301.0712 of the Revised Code. 51272

School districts and chartered nonpublic schools shall 51273
offer remedial support to any student who fails to attain a 51274
competency score on one or both of the Algebra I and English 51275
language arts II end-of-course examinations. 51276

Following the first administration of the exam, if a 51277
student fails to attain a competency score on one or both of the 51278
Algebra I and English language arts II end-of-course 51279
examinations that student must retake the respective examination 51280
at least once. 51281

If a student fails to attain a competency score on a 51282
retake examination, the student may demonstrate competency in 51283
the failed subject area through one of the following options: 51284

(a) Earn course credit taken through the college credit 51285
plus program established under Chapter 3365. of the Revised Code 51286
in the failed subject area; 51287

(b) Complete two of the following options, one of which 51288
must be foundational: 51289

(i) Foundational options to demonstrate competency, which 51290
include—earning a cumulative score of proficient or higher on 51291

three or more state technical assessments aligned with section 51292
3313.903 of the Revised Code in a single career pathway, 51293
obtaining an industry-recognized credential, or group of 51294
credentials, approved under section 3313.6113 of the Revised 51295
Code that ~~is at least equal to the total number of points~~ meet 51296
the criteria established under that section to qualify for a 51297
high school diploma, obtaining a license approved under section 51298
3313.6113 of the Revised Code that is issued by a state agency 51299
or board for practice in a vocation that requires an examination 51300
for issuance of that license, completing a pre-apprenticeship 51301
aligned with options established under section 3313.904 of the 51302
Revised Code in the student's chosen career field, completing an 51303
apprenticeship registered with the apprenticeship council 51304
established under section 4139.02 of the Revised Code in the 51305
student's chosen career field, or providing evidence of 51306
acceptance into an apprenticeship program after high school that 51307
is restricted to participants eighteen years of age or older; 51308

(ii) Supporting options to demonstrate competency, which 51309
include completing two hundred fifty hours of a work-based 51310
learning experience with evidence of positive evaluations, 51311
obtaining an OhioMeansJobs-readiness seal under section 51312
3313.6112 of the Revised Code, or attaining a workforce 51313
readiness score, as determined by the department, on the 51314
nationally recognized job skills assessment selected by the 51315
department under division (F) of section 3301.0712 of the 51316
Revised Code. 51317

(c) Provide evidence that the student has enlisted in a 51318
branch of the armed services of the United States as defined in 51319
section 5910.01 of the Revised Code. 51320

(d) Be remediation-free, in accordance with standards 51321

adopted under division (F) of section 3345.061 of the Revised Code, in the failed subject area on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. For English language arts II, a student must be remediation-free in the subjects of English and reading on the nationally standardized assessment.

Subject to division (L)(2) of section 3313.61 of the Revised Code, for any students receiving special education and related services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this division or an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code.

(2) Earn at least two of the state diploma seals prescribed under division (A) of section 3313.6114 of the Revised Code, at least one of which shall be any of the following:

(a) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(c) One of the state diploma seals established under divisions (C)(1) to (7) of section 3313.6114 of the Revised Code.

(C)(1) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school

year shall meet the requirements of division (B) or (D) of this 51351
section, as applicable, in order to qualify for a high school 51352
diploma. However, any student subject to division (B) of this 51353
section who transfers or enrolls after the start of the 51354
student's twelfth grade year and fails to attain a competency 51355
score on the Algebra I or English language arts II end-of-course 51356
examination shall not be required to retake the applicable 51357
examination prior to demonstrating competency in the failed 51358
subject area under the options prescribed in divisions (B)(1)(a) 51359
to (d) of this section. 51360

(2) The department shall prescribe standards that allow a 51361
transfer student who, prior to the student's transfer, took an 51362
assessment described in division (B)(1) or (2) of section 51363
3301.0712 or section 3313.619 of the Revised Code to apply the 51364
score from that assessment towards graduation requirements at 51365
the student's new public or chartered nonpublic school. 51366

(D) Notwithstanding division (B) of this section, in 51367
addition to the curriculum requirements specified by the school 51368
governing authority, a chartered nonpublic school student 51369
subject to division (L)(3)(a)(ii) of section 3301.0711 of the 51370
Revised Code entering ninth grade for the first time on or after 51371
July 1, 2019, shall qualify for a high school diploma if the 51372
student earns a remediation-free score in the areas of English, 51373
mathematics, and reading, in accordance with standards adopted 51374
under division (F) of section 3345.061 of the Revised Code, on a 51375
nationally standardized assessment prescribed under division (B) 51376
(1) of section 3301.0712 of the Revised Code. No such student 51377
shall be required to take the Algebra I or English language arts 51378
II end-of-course examination or earn diploma seals under this 51379
section. 51380

(E) The department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the department or the director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.6113. (A) The director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code.

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services and other relevant demand data;

~~(2) Review the list of industry-recognized credentials and licenses that was in existence on January 1, 2018, and update the list as it considers necessary;~~

~~(3) Review and update the list of industry-recognized credentials and licenses at least biennially;~~

~~(4) Assign a point value for each industry-recognized credential and establish the total number of points for industry-recognized credentials that~~ (3) Establish the criteria under which a student must earn to may use industry-recognized

credentials to help qualify for a high school diploma under 51410
sections 3313.618 and 3313.6114 of the Revised Code; 51411

~~(5)~~(4) Update the list of industry-recognized credentials 51412
to include a driver's license obtained by a student through a 51413
driver education course offered by a school district in 51414
accordance with section 3301.17 of the Revised Code. 51415

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 51416
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 51417
department of education and workforce shall include only those 51418
students who earn an industry-recognized credential, or group of 51419
credentials, ~~at least equal to the total number of points that~~ 51420
meet the criteria established by the committee under this 51421
section to qualify for a high school diploma. 51422

Sec. 3313.6114. (A) The department of education and 51423
workforce shall establish a system of state diploma seals for 51424
the purposes of allowing a student to qualify for graduation 51425
under section 3313.618 of the Revised Code. State diploma seals 51426
may be attached or affixed to the high school diploma of a 51427
student enrolled in a public or chartered nonpublic school. The 51428
system of state diploma seals shall consist of all of the 51429
following: 51430

(1) The state seal of biliteracy established under section 51431
3313.6111 of the Revised Code; 51432

(2) The OhioMeansJobs-readiness seal established under 51433
section 3313.6112 of the Revised Code; 51434

(3) The state diploma seals prescribed under division (C) 51435
of this section. 51436

(B) A school district, community school established under 51437
Chapter 3314. of the Revised Code, STEM school established under 51438

Chapter 3326. of the Revised Code, college-preparatory boarding 51439
school established under Chapter 3328. of the Revised Code, or 51440
chartered nonpublic school shall attach or affix the state seals 51441
prescribed under division (C) of this section to the diploma and 51442
transcript of a student enrolled in the district or school who 51443
meets the requirements established under that division. 51444

(C) The department shall establish all of the following 51445
state diploma seals: 51446

(1) An industry-recognized credential seal. A student 51447
shall meet the requirement for this seal by doing either of the 51448
following: 51449

(a) Earning an industry-recognized credential, or group of 51450
credentials, approved under section 3313.6113 of the Revised 51451
Code that ~~is both of the following:~~ 51452

~~(i) At least equal to the total number of points meets the~~ 51453
~~criteria established under section 3313.6113 of the Revised Code~~ 51454
~~to qualify for a high school diploma;~~ 51455

~~(ii) Aligned and aligns~~ to a job that is determined to be 51456
in demand in this state and its regions under section 6301.11 of 51457
the Revised Code. 51458

(b) Obtaining a license approved under section 3313.6113 51459
of the Revised Code that is issued by a state agency or board 51460
for practice in a vocation that requires an examination for 51461
issuance of that license. 51462

(2) A college-ready seal. A student shall meet the 51463
requirement for this seal by attaining a score that is 51464
remediation-free, in accordance with standards adopted under 51465
division (F) of section 3345.061 of the Revised Code, on a 51466
nationally standardized assessment prescribed under division (B) 51467

(1) of section 3301.0712 of the Revised Code or by attaining a 51468
passing score, as determined by the department of education and 51469
workforce and aligned with current statewide college-level 51470
examination program scores identified by the department of 51471
higher education, on a college-level examination program 51472
examination. 51473

(3) A military seal. A student shall meet the requirement 51474
for this seal by doing one of the following: 51475

(a) Providing evidence that the student has enlisted in a 51476
branch of the armed services of the United States as defined in 51477
section 5910.01 of the Revised Code; 51478

(b) Participating in a junior reserve officer training 51479
program approved by the congress of the United States under 51480
title 10 of the United States Code; 51481

(c) Providing evidence that the student has accepted a 51482
scholarship to enter the reserve officer training corps; 51483

(d) Providing evidence that the student has been appointed 51484
to a United States military service academy. 51485

(4) A citizenship seal. A student shall meet the 51486
requirement for this seal by doing any of the following: 51487

(a) Demonstrating at least a proficient level of skill as 51488
prescribed under division (B) (5) (a) of section 3301.0712 of the 51489
Revised Code on both the American history and American 51490
government end-of-course examinations prescribed under division 51491
(B) (2) of section 3301.0712 of the Revised Code; 51492

(b) Attaining a score level prescribed under division (B) 51493
(5) (d) of section 3301.0712 of the Revised Code that is at least 51494
the equivalent of a proficient level of skill in appropriate 51495

advanced placement or international baccalaureate examinations 51496
or by attaining a passing score, as determined by the 51497
department, on a college-level examination program examination 51498
in lieu of the American history and American government end-of- 51499
course examinations; 51500

(c) In lieu of the American history and American 51501
government end-of-course examinations, attaining a final course 51502
grade that is the equivalent of a "B" or higher in either: 51503

(i) An American history course and an American government 51504
course that are offered by the student's high school; 51505

(ii) Appropriate courses taken through the college credit 51506
plus program established under Chapter 3365. of the Revised 51507
Code. 51508

(d) In the case of a student who takes an alternate 51509
assessment in accordance with division (C)(1) of section 51510
3301.0711 of the Revised Code, attaining a score established by 51511
the department on the alternate assessment in social studies; 51512

(e) In the case of a student who transfers into an Ohio 51513
public or chartered nonpublic high school from another state or 51514
who enrolls in an Ohio public or chartered nonpublic high school 51515
after receiving home education or attending a nonchartered, 51516
nontax-supported school in the previous school year, attaining a 51517
final course grade that is the equivalent of a "B" or higher in 51518
courses that correspond with the American history and American 51519
government end-of-course examinations and that the student 51520
completed in the state from which the student transferred or 51521
completed while receiving home education or attending a 51522
nonchartered, nontax-supported school. Division (C)(4)(e) of 51523
this section does not apply to any such student with respect to 51524

an American history or American government course for which an 51525
end-of-course examination is associated that the student takes 51526
after enrolling in the high school. 51527

(5) A science seal. A student shall meet the requirement 51528
for this seal by doing any of the following: 51529

(a) Demonstrating at least a proficient level of skill as 51530
prescribed under division (B) (5) (a) of section 3301.0712 of the 51531
Revised Code on the science end-of-course examination prescribed 51532
under division (B) (2) of section 3301.0712 of the Revised Code; 51533

(b) Attaining a score level prescribed under division (B) 51534
(5) (d) of section 3301.0712 of the Revised Code that is at least 51535
the equivalent of a proficient level of skill in an appropriate 51536
advanced placement or international baccalaureate examination or 51537
by attaining a passing score, as determined by the department, 51538
on a college-level examination program examination in lieu of 51539
the science end-of-course examination; 51540

(c) In lieu of the science end-of-course examination, 51541
attaining a final course grade that is the equivalent of a "B" 51542
or higher in either: 51543

(i) A science course listed in divisions (C) (5) (c) (i) to 51544
(iii) of section 3313.603 of the Revised Code that is offered by 51545
the student's high school; 51546

(ii) An appropriate course taken through the college 51547
credit plus program established under Chapter 3365. of the 51548
Revised Code. 51549

(d) In the case of a student who takes an alternate 51550
assessment in accordance with division (C) (1) of section 51551
3301.0711 of the Revised Code, attaining a score established by 51552
the department on the alternate assessment in science; 51553

(e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home education or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in a course that corresponds with the science end-of-course examination and that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. Division (C) (5) (e) of this section does not apply to any such student who takes a science course for which an end-of-course examination is associated after enrolling in the high school.

(6) An honors diploma seal. A student shall meet the requirement for this seal by meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code.

(7) A technology seal. A student shall meet the requirement for this seal by doing any of the following:

(a) Subject to division (B) (5) (d) of section 3301.0712 of the Revised Code, attaining a score level that is at least the equivalent of a proficient level of skill in an appropriate advanced placement or international baccalaureate examination or by attaining a passing score, as determined by the department of education and workforce and aligned with the current statewide college-level examination program scores identified by the department of higher education, on a college-level examination program examination;

(b) Attaining a final course grade that is the equivalent

of a "B" or higher in an appropriate course taken through the 51584
college credit plus program established under Chapter 3365. of 51585
the Revised Code; 51586

(c) Completing a course offered through the student's 51587
district or school that meets guidelines developed by the 51588
department. However, a district or school shall not be required 51589
to offer a course that meets those guidelines. 51590

(d) In the case of a student who transfers into an Ohio 51591
public or chartered nonpublic high school from another state or 51592
enrolls in an Ohio public or chartered nonpublic high school 51593
after receiving home education or attending a nonchartered, 51594
nontax-supported school in the previous school year, attaining a 51595
final course grade that is the equivalent of a "B" or higher in 51596
an appropriate course, as determined by the district or school, 51597
that the student completed in the state from which the student 51598
transferred or completed while receiving home education or 51599
attending a nonchartered, nontax-supported school. 51600

(8) A community service seal. A student shall meet the 51601
requirement for this seal by completing a community service 51602
project that is aligned with guidelines adopted by the student's 51603
district board or school governing authority. 51604

(9) A fine and performing arts seal. A student shall meet 51605
the requirement for this seal by demonstrating skill in the fine 51606
or performing arts according to an evaluation that is aligned 51607
with guidelines adopted by the student's district board or 51608
school governing authority. 51609

(10) A student engagement seal. A student shall meet the 51610
requirement for this seal by participating in extracurricular 51611
activities such as athletics, clubs, or student government to a 51612

meaningful extent, as determined by guidelines adopted by the 51613
student's district board or school governing authority. 51614

(D) (1) Each district or school shall develop guidelines 51615
for at least one of the state seals prescribed under divisions 51616
(C) (8) to (10) of this section. 51617

(2) For the purposes of determining whether a student who 51618
transfers to a district or school has satisfied the state 51619
diploma seal requirement under division (B) (2) of section 51620
3313.618 of the Revised Code, each district or school shall 51621
recognize a state diploma seal prescribed under divisions (C) (8) 51622
to (10) of this section and earned by a student at another 51623
district or a different public or chartered nonpublic school 51624
regardless of whether the district or school to which the 51625
student transfers has developed guidelines under this section 51626
for that state seal. 51627

(3) In guidelines developed for a state diploma seal 51628
prescribed under divisions (C) (8) to (10) of this section, each 51629
district or school shall include a method to give, to the extent 51630
feasible, a student who transfers into the district or school a 51631
proportional amount of credit for any progress the student was 51632
making toward earning that state seal at the school district or 51633
different public or chartered nonpublic school from which the 51634
student transfers. 51635

(E) Each district or school shall maintain appropriate 51636
records to identify students who have met the requirements 51637
prescribed under division (C) of this section for earning the 51638
state seals established under that division. 51639

(F) The department shall prepare and deliver to each 51640
district or school an appropriate mechanism for assigning a 51641

state diploma seal established under division (C) of this 51642
section. 51643

(G) A student shall not be charged a fee to be assigned a 51644
state seal prescribed under division (C) of this section on the 51645
student's diploma and transcript. 51646

Sec. 3313.64. (A) As used in this section and in section 51647
3313.65 of the Revised Code: 51648

(1) (a) Except as provided in division (A) (1) (b) of this 51649
section, "parent" means either parent, unless the parents are 51650
separated or divorced or their marriage has been dissolved or 51651
annulled, in which case "parent" means the parent who is the 51652
residential parent and legal custodian of the child. When a 51653
child is in the legal custody of a government agency or a person 51654
other than the child's natural or adoptive parent, "parent" 51655
means the parent with residual parental rights, privileges, and 51656
responsibilities. When a child is in the permanent custody of a 51657
government agency or a person other than the child's natural or 51658
adoptive parent, "parent" means the parent who was divested of 51659
parental rights and responsibilities for the care of the child 51660
and the right to have the child live with the parent and be the 51661
legal custodian of the child and all residual parental rights, 51662
privileges, and responsibilities. 51663

(b) When a child is the subject of a power of attorney 51664
executed under sections 3109.51 to 3109.62 of the Revised Code, 51665
"parent" means the grandparent designated as attorney in fact 51666
under the power of attorney. When a child is the subject of a 51667
caretaker authorization affidavit executed under sections 51668
3109.64 to 3109.73 of the Revised Code, "parent" means the 51669
grandparent that executed the affidavit. 51670

(2) "Legal custody," "permanent custody," and "residual
parental rights, privileges, and responsibilities" have the same
meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local,
or exempted village school district and excludes any school
operated in an institution maintained by the department of youth
services.

(4) Except as used in division (C) (2) of this section,
"home" means a home, institution, foster home, group home, or
other residential facility in this state that receives and cares
for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such
purpose by the state or is maintained by the department of youth
services.

(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose.

(c) The home accepted the child through a placement by a
person licensed, certified, or approved to place a child in such
a home by the state.

(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the
department of children and youth in accordance with the
requirements of section 5103.03 of the Revised Code and assumes
temporary or permanent custody of children through commitment,

agreement, or surrender, and places children in family homes for	51699
the purpose of adoption;	51700
(c) Comparable agencies of other states or countries that	51701
have complied with applicable requirements of section 2151.39 of	51702
the Revised Code or as applicable, sections 5103.20 to 5103.22	51703
or 5103.23 to 5103.237 of the Revised Code.	51704
(6) A child is placed for adoption if either of the	51705
following occurs:	51706
(a) An agency to which the child has been permanently	51707
committed or surrendered enters into an agreement with a person	51708
pursuant to section 5103.16 of the Revised Code for the care and	51709
adoption of the child.	51710
(b) The child's natural parent places the child pursuant	51711
to section 5103.16 of the Revised Code with a person who will	51712
care for and adopt the child.	51713
(7) "Preschool child with a disability" has the same	51714
meaning as in section 3323.01 of the Revised Code.	51715
(8) "Child," unless otherwise indicated, includes	51716
preschool children with disabilities.	51717
(9) "Active duty" means active duty pursuant to an	51718
executive order of the president of the United States, an act of	51719
the congress of the United States, or section 5919.29 or 5923.21	51720
of the Revised Code.	51721
(B) Except as otherwise provided in section 3321.01 of the	51722
Revised Code for admittance to kindergarten and first grade, a	51723
child who is at least five but under twenty-two years of age and	51724
any preschool child with a disability shall be admitted to	51725
school as provided in this division.	51726

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 51727
51728

(2) Except as provided in division (B) (4) of this section 51729
or division (B) of section 2151.362 and section 3317.30 of the 51730
Revised Code, a child who does not reside in the district where 51731
the child's parent resides shall be admitted to the schools of 51732
the district in which the child resides if any of the following 51733
applies: 51734

(a) The child is in the legal or permanent custody of a 51735
government agency or a person other than the child's natural or 51736
adoptive parent. 51737

(b) The child resides in a home. 51738

(c) The child requires special education. 51739

(3) A child who is not entitled under division (B) (2) of 51740
this section to be admitted to the schools of the district where 51741
the child resides and who is residing with a resident of this 51742
state with whom the child has been placed for adoption shall be 51743
admitted to the schools of the district where the child resides 51744
unless either of the following applies: 51745

(a) The placement for adoption has been terminated. 51746

(b) Another school district is required to admit the child 51747
under division (B) (1) of this section. 51748

(4) (a) A child who does not reside in the district where 51749
the child's parent resides is not required to be admitted to the 51750
schools of the district in which the child resides if both of 51751
the following apply: 51752

(i) The child resides in a home, or in a facility 51753
similarly licensed in another state, and the child was placed in 51754

the home or facility by the child's parent in consultation with, 51755
and upon the recommendation of, the Ohio resilience through 51756
integrated systems and excellence program for children and youth 51757
involved in multiple state systems. 51758

(ii) The home provides education services that meet the 51759
minimum education standards under division (D) (2) of section 51760
3301.07 of the Revised Code or, in the case of a facility 51761
located in another state, meets substantially similar 51762
requirements of the jurisdiction where the facility is located, 51763
except that the home or facility may provide the child with less 51764
than the minimum number of instructional hours required only as 51765
necessary to accommodate the child's treatment program. 51766

(b) Upon a child's admission to a home pursuant to 51767
division (B) (4) (a) of this section, the home shall notify the 51768
district where the child's parent resides and the district where 51769
the home is located that the home is providing educational 51770
services to the child until the child is discharged. Upon a 51771
child's admission to a facility located in another state 51772
pursuant to division (B) (4) (a) of this section, the facility 51773
shall notify the district where the child's parent resides that 51774
the facility is providing educational services to the child 51775
until the child is discharged. In either case, the district 51776
where the child's parent resides shall continue to enroll the 51777
student as provided in division (C) (5) of this section and shall 51778
excuse the child from attendance until the child is discharged 51779
from the home or facility. 51780

(c) Upon a child's discharge from a home or facility, the 51781
home or facility shall notify the district where the child's 51782
parent resides. The home or facility and the district shall 51783
collaborate on a supportive reentry plan into school for the 51784

child. 51785

Division (B) of this section does not prohibit the board 51786
of education of a school district from placing a child with a 51787
disability who resides in the district in a special education 51788
program outside of the district or its schools in compliance 51789
with Chapter 3323. of the Revised Code. 51790

(C) A district shall not charge tuition for children 51791
admitted under division (B)(1) or (3) of this section. If the 51792
district admits a child under division (B)(2) of this section, 51793
tuition shall be paid to the district that admits the child as 51794
provided in divisions (C)(1) to (3) of this section, unless 51795
division (C)(4) of this section applies to the child: 51796

(1) If the child receives special education in accordance 51797
with Chapter 3323. of the Revised Code, the school district of 51798
residence, as defined in section 3323.01 of the Revised Code, 51799
shall pay tuition for the child in accordance with section 51800
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 51801
regardless of who has custody of the child or whether the child 51802
resides in a home. 51803

(2) For a child that does not receive special education in 51804
accordance with Chapter 3323. of the Revised Code, except as 51805
otherwise provided in division (C)(2)(d) of this section, if the 51806
child is in the permanent or legal custody of a government 51807
agency or person other than the child's parent, tuition shall be 51808
paid by: 51809

(a) The district in which the child's parent resided at 51810
the time the court removed the child from home or at the time 51811
the court vested legal or permanent custody of the child in the 51812
person or government agency, whichever occurred first; 51813

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C) (2) (a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A) (2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent

and the child resides in a home, tuition shall be paid by one of 51844
the following: 51845

(a) The school district in which the child's parent 51846
resides; 51847

(b) If the child's parent is not a resident of this state, 51848
the home in which the child resides. 51849

(4) Division (C) (4) of this section applies to any child 51850
who is admitted to a school district under division (B) (2) of 51851
this section, resides in a home that is not a foster home, a 51852
home maintained by the department of youth services, a detention 51853
facility established under section 2152.41 of the Revised Code, 51854
or a juvenile facility established under section 2151.65 of the 51855
Revised Code, and receives educational services at the home or 51856
facility in which the child resides pursuant to a contract 51857
between the home or facility and the school district providing 51858
those services. 51859

If a child to whom division (C) (4) of this section applies 51860
is a special education student, a district may choose whether to 51861
receive a tuition payment for that child under division (C) (4) 51862
of this section or to receive a payment for that child under 51863
section 3323.14 of the Revised Code. If a district chooses to 51864
receive a payment for that child under section 3323.14 of the 51865
Revised Code, it shall not receive a tuition payment for that 51866
child under division (C) (4) of this section. 51867

If a child to whom division (C) (4) of this section applies 51868
is not a special education student, a district shall receive a 51869
tuition payment for that child under division (C) (4) of this 51870
section. 51871

In the case of a child to which division (C) (4) of this 51872

section applies, the total educational cost to be paid for the 51873
child shall be determined by a formula approved by the 51874
department of education and workforce, which formula shall be 51875
designed to calculate a per diem cost for the educational 51876
services provided to the child for each day the child is served 51877
and shall reflect the total actual cost incurred in providing 51878
those services. The department shall certify the total 51879
educational cost to be paid for the child to both the school 51880
district providing the educational services and, if different, 51881
the school district that is responsible to pay tuition for the 51882
child. The department shall deduct the certified amount from the 51883
state basic aid funds payable under Chapter 3317. of the Revised 51884
Code to the district responsible to pay tuition and shall pay 51885
that amount to the district providing the educational services 51886
to the child. 51887

(5) In the case of a child to whom division (B) (4) of this 51888
section applies, and except as otherwise provided in division 51889
(C) (5) (f) of this section, tuition shall be paid to the home or 51890
facility for educational services provided to the child by the 51891
school district in which the child's parent resides according to 51892
the following: 51893

(a) The total educational cost to be paid for the child 51894
shall be determined by a formula approved by the department of 51895
education and workforce. The department shall design the formula 51896
to calculate a per diem cost for the educational services 51897
provided to the child for each day the child is served and shall 51898
reflect the total actual cost incurred in providing those 51899
services. The department shall certify the total educational 51900
cost to be paid for the child to both the home or facility 51901
providing the educational services and the district that is 51902
responsible to pay the tuition for the child. The department 51903

shall deduct the certified amount from the state basic aid funds 51904
payable under Chapter 3317. of the Revised Code to the district 51905
responsible to pay tuition and shall pay that amount to the home 51906
or facility providing the educational services to the child. 51907

(b) The district responsible to pay tuition shall continue 51908
to report the child in its enrollment for purposes of section 51909
3317.03 of the Revised Code. 51910

(c) If the parent's residence changes to a different 51911
school district while the child resides in the home or facility, 51912
the department of education and workforce may re-determine the 51913
school district responsible for tuition based on evidence 51914
provided by the district currently responsible for tuition. 51915

(d) Upon a child's discharge from the home or facility, 51916
the home or facility shall immediately notify the district where 51917
the child's parent resides and the department of education and 51918
workforce. The notification shall include a certified transcript 51919
of all coursework completed by the child while residing in the 51920
home or facility. The district where the child's parent resides 51921
shall accept all coursework completed by the child while in the 51922
home or facility and shall award credit for that coursework in 51923
accordance with district policy. 51924

(e) Following discharge from the home or facility and 51925
return to the parent's residence, high school students shall 51926
meet requirements under section 3313.618 of the Revised Code in 51927
order to qualify for a high school diploma that are no more 51928
stringent than those that apply to students who enroll into an 51929
Ohio public or chartered nonpublic high school after receiving a 51930
home education under section 3321.042 of the Revised Code. 51931

(f) If the child is provided educational services by a 51932

chartered nonpublic school while residing in a home and the 51933
child has been awarded a scholarship under a state scholarship 51934
program, as defined in section 3301.0711 of the Revised Code, no 51935
school district shall be responsible for paying tuition under 51936
division (C) (5) of this section. 51937

(D) Tuition required to be paid under divisions (C) (2) and 51938
(3) (a) of this section shall be computed in accordance with 51939
section 3317.08 of the Revised Code. Tuition required to be paid 51940
under division (C) (3) (b) of this section shall be computed in 51941
accordance with section 3317.081 of the Revised Code. If a home 51942
fails to pay the tuition required by division (C) (3) (b) of this 51943
section, the board of education providing the education may 51944
recover in a civil action the tuition and the expenses incurred 51945
in prosecuting the action, including court costs and reasonable 51946
attorney's fees. If the prosecuting attorney or city director of 51947
law represents the board in such action, costs and reasonable 51948
attorney's fees awarded by the court, based upon the prosecuting 51949
attorney's, director's, or one of their designee's time spent 51950
preparing and presenting the case, shall be deposited in the 51951
county or city general fund. 51952

(E) A board of education may enroll a child free of any 51953
tuition obligation for a period not to exceed sixty days, on the 51954
sworn statement of an adult resident of the district that the 51955
resident has initiated legal proceedings for custody of the 51956
child. 51957

(F) In the case of any individual entitled to attend 51958
school under this division, no tuition shall be charged by the 51959
school district of attendance and no other school district shall 51960
be required to pay tuition for the individual's attendance. 51961
Notwithstanding division (B), (C), or (E) of this section: 51962

(1) All persons at least eighteen but under twenty-two 51963
years of age who live apart from their parents, support 51964
themselves by their own labor, and have not successfully 51965
completed the high school curriculum or the individualized 51966
education program developed for the person by the high school 51967
pursuant to section 3323.08 of the Revised Code, are entitled to 51968
attend school in the district in which they reside. 51969

(2) Any child under eighteen years of age who is married 51970
is entitled to attend school in the child's district of 51971
residence. 51972

(3) A child is entitled to attend school in the district 51973
in which either of the child's parents is employed if the child 51974
has a medical condition that may require emergency medical 51975
attention. The parent of a child entitled to attend school under 51976
division (F) (3) of this section shall submit to the board of 51977
education of the district in which the parent is employed a 51978
statement from the child's physician, certified nurse-midwife, 51979
clinical nurse specialist, or certified nurse practitioner 51980
certifying that the child's medical condition may require 51981
emergency medical attention. The statement shall be supported by 51982
such other evidence as the board may require. 51983

(4) Any child residing with a person other than the 51984
child's parent is entitled, for a period not to exceed twelve 51985
months, to attend school in the district in which that person 51986
resides if the child's parent files an affidavit with the 51987
superintendent of the district in which the person with whom the 51988
child is living resides stating all of the following: 51989

(a) That the parent is serving outside of the state in the 51990
armed services of the United States; 51991

(b) That the parent intends to reside in the district upon	51992
returning to this state;	51993
(c) The name and address of the person with whom the child	51994
is living while the parent is outside the state.	51995
(5) Any child under the age of twenty-two years who, after	51996
the death of a parent, resides in a school district other than	51997
the district in which the child attended school at the time of	51998
the parent's death is entitled to continue to attend school in	51999
the district in which the child attended school at the time of	52000
the parent's death for the remainder of the school year, subject	52001
to approval of that district board.	52002
(6) A child under the age of twenty-two years who resides	52003
with a parent who is having a new house built in a school	52004
district outside the district where the parent is residing is	52005
entitled to attend school for a period of time in the district	52006
where the new house is being built. In order to be entitled to	52007
such attendance, the parent shall provide the district	52008
superintendent with the following:	52009
(a) A sworn statement explaining the situation, revealing	52010
the location of the house being built, and stating the parent's	52011
intention to reside there upon its completion;	52012
(b) A statement from the builder confirming that a new	52013
house is being built for the parent and that the house is at the	52014
location indicated in the parent's statement.	52015
(7) A child under the age of twenty-two years residing	52016
with a parent who has a contract to purchase a house in a school	52017
district outside the district where the parent is residing and	52018
who is waiting upon the date of closing of the mortgage loan for	52019
the purchase of such house is entitled to attend school for a	52020

period of time in the district where the house is being 52021
purchased. In order to be entitled to such attendance, the 52022
parent shall provide the district superintendent with the 52023
following: 52024

(a) A sworn statement explaining the situation, revealing 52025
the location of the house being purchased, and stating the 52026
parent's intent to reside there; 52027

(b) A statement from a real estate broker or bank officer 52028
confirming that the parent has a contract to purchase the house, 52029
that the parent is waiting upon the date of closing of the 52030
mortgage loan, and that the house is at the location indicated 52031
in the parent's statement. 52032

The district superintendent shall establish a period of 52033
time not to exceed ninety days during which the child entitled 52034
to attend school under division (F) (6) or (7) of this section 52035
may attend without tuition obligation. A student attending a 52036
school under division (F) (6) or (7) of this section shall be 52037
eligible to participate in interscholastic athletics under the 52038
auspices of that school, provided the board of education of the 52039
school district where the student's parent resides, by a formal 52040
action, releases the student to participate in interscholastic 52041
athletics at the school where the student is attending, and 52042
provided the student receives any authorization required by a 52043
public agency or private organization of which the school 52044
district is a member exercising authority over interscholastic 52045
sports. 52046

(8) A child whose parent is a full-time employee of a 52047
city, local, or exempted village school district, or of an 52048
educational service center, may be admitted to the schools of 52049
the district where the child's parent is employed, or in the 52050

case of a child whose parent is employed by an educational 52051
service center, in the district that serves the location where 52052
the parent's job is primarily located, provided the district 52053
board of education establishes such an admission policy by 52054
resolution adopted by a majority of its members. Any such policy 52055
shall take effect on the first day of the school year and the 52056
effective date of any amendment or repeal may not be prior to 52057
the first day of the subsequent school year. The policy shall be 52058
uniformly applied to all such children and shall provide for the 52059
admission of any such child upon request of the parent. No child 52060
may be admitted under this policy after the first day of classes 52061
of any school year. 52062

(9) A child who is with the child's parent under the care 52063
of a shelter for victims of domestic violence, as defined in 52064
section 3113.33 of the Revised Code, is entitled to attend 52065
school free in the district in which the child is with the 52066
child's parent, and no other school district shall be required 52067
to pay tuition for the child's attendance in that school 52068
district. 52069

The enrollment of a child in a school district under this 52070
division shall not be denied due to a delay in the school 52071
district's receipt of any records required under section 52072
3313.672 of the Revised Code or any other records required for 52073
enrollment. Any days of attendance and any credits earned by a 52074
child while enrolled in a school district under this division 52075
shall be transferred to and accepted by any school district in 52076
which the child subsequently enrolls. The department of 52077
education and workforce shall adopt rules to ensure compliance 52078
with this division. 52079

(10) Any child under the age of twenty-two years whose 52080

parent has moved out of the school district after the 52081
commencement of classes in the child's senior year of high 52082
school is entitled, subject to the approval of that district 52083
board, to attend school in the district in which the child 52084
attended school at the time of the parental move for the 52085
remainder of the school year and for one additional semester or 52086
equivalent term. A district board may also adopt a policy 52087
specifying extenuating circumstances under which a student may 52088
continue to attend school under division (F)(10) of this section 52089
for an additional period of time in order to successfully 52090
complete the high school curriculum for the individualized 52091
education program developed for the student by the high school 52092
pursuant to section 3323.08 of the Revised Code. 52093

(11) As used in this division, "grandparent" means a 52094
parent of a parent of a child. A child under the age of twenty- 52095
two years who is in the custody of the child's parent, resides 52096
with a grandparent, and does not require special education is 52097
entitled to attend the schools of the district in which the 52098
child's grandparent resides, provided that, prior to such 52099
attendance in any school year, the board of education of the 52100
school district in which the child's grandparent resides and the 52101
board of education of the school district in which the child's 52102
parent resides enter into a written agreement specifying that 52103
good cause exists for such attendance, describing the nature of 52104
this good cause, and consenting to such attendance. 52105

In lieu of a consent form signed by a parent, a board of 52106
education may request the grandparent of a child attending 52107
school in the district in which the grandparent resides pursuant 52108
to division (F)(11) of this section to complete any consent form 52109
required by the district, including any authorization required 52110
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 52111

Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of

the Revised Code, the board of education of neither school 52141
district involved in the agreement is required to provide 52142
transportation for the student to and from the school where the 52143
student attends. 52144

A student attending a school of a district pursuant to 52145
this division shall be allowed to participate in all student 52146
activities, including interscholastic athletics, at the school 52147
where the student is attending on the same basis as any student 52148
who has always attended the schools of that district while of 52149
compulsory school age. 52150

(13) All school districts shall comply with the "McKinney- 52151
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 52152
the education of homeless children. Each city, local, and 52153
exempted village school district shall comply with the 52154
requirements of that act governing the provision of a free, 52155
appropriate public education, including public preschool, to 52156
each homeless child. 52157

When a child loses permanent housing and becomes a 52158
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 52159
child who is such a homeless person changes temporary living 52160
arrangements, the child's parent or guardian shall have the 52161
option of enrolling the child in either of the following: 52162

(a) The child's school of origin, as defined in 42 52163
U.S.C.A. 11432(g) (3) (C); 52164

(b) The school that is operated by the school district in 52165
which the shelter where the child currently resides is located 52166
and that serves the geographic area in which the shelter is 52167
located. 52168

(14) A child under the age of twenty-two years who resides 52169

with a person other than the child's parent is entitled to 52170
attend school in the school district in which that person 52171
resides if both of the following apply: 52172

(a) That person has been appointed, through a military 52173
power of attorney executed under section 574(a) of the "National 52174
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 52175
(1993), 10 U.S.C. 1044b, or through a comparable document 52176
necessary to complete a family care plan, as the parent's agent 52177
for the care, custody, and control of the child while the parent 52178
is on active duty as a member of the national guard or a reserve 52179
unit of the armed forces of the United States or because the 52180
parent is a member of the armed forces of the United States and 52181
is on a duty assignment away from the parent's residence. 52182

(b) The military power of attorney or comparable document 52183
includes at least the authority to enroll the child in school. 52184

The entitlement to attend school in the district in which 52185
the parent's agent under the military power of attorney or 52186
comparable document resides applies until the end of the school 52187
year in which the military power of attorney or comparable 52188
document expires. 52189

(G) A board of education, after approving admission, may 52190
waive tuition for students who will temporarily reside in the 52191
district and who are either of the following: 52192

(1) Residents or domiciliaries of a foreign nation who 52193
request admission as foreign exchange students; 52194

(2) Residents or domiciliaries of the United States but 52195
not of Ohio who request admission as participants in an exchange 52196
program operated by a student exchange organization. 52197

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 52198

3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 52199
attend school or participate in a special education program in a 52200
school district other than in the district where the child is 52201
entitled to attend school under division (B) of this section. 52202

(I) (1) Notwithstanding anything to the contrary in this 52203
section or section 3313.65 of the Revised Code, a child under 52204
twenty-two years of age may attend school in the school district 52205
in which the child, at the end of the first full week of October 52206
of the school year, was entitled to attend school as otherwise 52207
provided under this section or section 3313.65 of the Revised 52208
Code, if at that time the child was enrolled in the schools of 52209
the district but since that time the child or the child's parent 52210
has relocated to a new address located outside of that school 52211
district and within the same county as the child's or parent's 52212
address immediately prior to the relocation. The child may 52213
continue to attend school in the district, and at the school to 52214
which the child was assigned at the end of the first full week 52215
of October of the current school year, for the balance of the 52216
school year. Division (I) (1) of this section applies only if 52217
both of the following conditions are satisfied: 52218

(a) The board of education of the school district in which 52219
the child was entitled to attend school at the end of the first 52220
full week in October and of the district to which the child or 52221
child's parent has relocated each has adopted a policy to enroll 52222
children described in division (I) (1) of this section. 52223

(b) The child's parent provides written notification of 52224
the relocation outside of the school district to the 52225
superintendent of each of the two school districts. 52226

(2) At the beginning of the school year following the 52227
school year in which the child or the child's parent relocated 52228

outside of the school district as described in division (I) (1) 52229
of this section, the child is not entitled to attend school in 52230
the school district under that division. 52231

(3) Any person or entity owing tuition to the school 52232
district on behalf of the child at the end of the first full 52233
week in October, as provided in division (C) of this section, 52234
shall continue to owe such tuition to the district for the 52235
child's attendance under division (I) (1) of this section for the 52236
lesser of the balance of the school year or the balance of the 52237
time that the child attends school in the district under 52238
division (I) (1) of this section. 52239

(4) A pupil who may attend school in the district under 52240
division (I) (1) of this section shall be entitled to 52241
transportation services pursuant to an agreement between the 52242
district and the district in which the child or child's parent 52243
has relocated unless the districts have not entered into such 52244
agreement, in which case the child shall be entitled to 52245
transportation services in the same manner as a pupil attending 52246
school in the district under interdistrict open enrollment as 52247
described in division (E) of section 3313.981 of the Revised 52248
Code, regardless of whether the district has adopted an open 52249
enrollment policy as described in division (B) (1) (b) or (c) of 52250
section 3313.98 of the Revised Code. 52251

(J) This division does not apply to a child receiving 52252
special education. 52253

A school district required to pay tuition pursuant to 52254
division (C) (2) or (3) of this section or section 3313.65 of the 52255
Revised Code shall have an amount deducted under division (C) of 52256
section 3317.023 of the Revised Code equal to its own tuition 52257
rate for the same period of attendance. A school district 52258

entitled to receive tuition pursuant to division (C) (2) or (3) 52259
of this section or section 3313.65 of the Revised Code shall 52260
have an amount credited under division (C) of section 3317.023 52261
of the Revised Code equal to its own tuition rate for the same 52262
period of attendance. If the tuition rate credited to the 52263
district of attendance exceeds the rate deducted from the 52264
district required to pay tuition, the department of education 52265
and workforce shall pay the district of attendance the 52266
difference from amounts deducted from all districts' payments 52267
under division (C) of section 3317.023 of the Revised Code but 52268
not credited to other school districts under such division and 52269
from appropriations made for such purpose. The treasurer of each 52270
school district shall, by the fifteenth day of January and July, 52271
furnish the director of education and workforce a report of the 52272
names of each child who attended the district's schools under 52273
divisions (C) (2) and (3) of this section or section 3313.65 of 52274
the Revised Code during the preceding six calendar months, the 52275
duration of the attendance of those children, the school 52276
district responsible for tuition on behalf of the child, and any 52277
other information that the director requires. 52278

Upon receipt of the report the director, pursuant to 52279
division (C) of section 3317.023 of the Revised Code, shall 52280
deduct each district's tuition obligations under divisions (C) 52281
(2) and (3) of this section or section 3313.65 of the Revised 52282
Code and pay to the district of attendance that amount plus any 52283
amount required to be paid by the state. 52284

(K) In the event of a disagreement, the director of 52285
education and workforce shall determine the school district in 52286
which the parent resides. 52287

(L) Nothing in this section requires or authorizes, or 52288

shall be construed to require or authorize, the admission to a 52289
public school in this state of a pupil who has been permanently 52290
excluded from public school attendance by the director pursuant 52291
to sections 3301.121 and 3313.662 of the Revised Code. 52292

(M) In accordance with division (B)(1) of this section, a 52293
child whose parent is a member of the national guard or a 52294
reserve unit of the armed forces of the United States and is 52295
called to active duty, or a child whose parent is a member of 52296
the armed forces of the United States and is ordered to a 52297
temporary duty assignment outside of the district, may continue 52298
to attend school in the district in which the child's parent 52299
lived before being called to active duty or ordered to a 52300
temporary duty assignment outside of the district, as long as 52301
the child's parent continues to be a resident of that district, 52302
and regardless of where the child lives as a result of the 52303
parent's active duty status or temporary duty assignment. 52304
However, the district is not responsible for providing 52305
transportation for the child if the child lives outside of the 52306
district as a result of the parent's active duty status or 52307
temporary duty assignment. 52308

Sec. 3313.753. (A) As used in this section: 52309

(1) "Electronic communications device" means any device 52310
that is powered by batteries or electricity and that is capable 52311
of receiving, transmitting, or receiving and transmitting 52312
communications between two or more persons or a communication 52313
from or to a person. 52314

(2) "School" means any school that is operated by a board 52315
of education of a city, local, exempted village, or joint 52316
vocational school district. 52317

(3) "School building" means any building in which any of 52318
the instruction, extracurricular activities, or training 52319
provided by a school is conducted. 52320

(4) "School grounds or premises" means either of the 52321
following: 52322

(a) The parcel of real property on which any school 52323
building is situated; 52324

(b) Any other parcel of real property that is owned or 52325
leased by a board of education and on which some of the 52326
instruction, extracurricular activities, or training of the 52327
school is conducted. 52328

(B) The board of education of any city, exempted village, 52329
local, joint vocational, or cooperative education school 52330
district may adopt a policy prohibiting students from carrying 52331
an electronic communications device in any school building or on 52332
any school grounds or premises of the district. The policy may 52333
provide for exceptions to this prohibition as specified in the 52334
policy. The policy shall specify any disciplinary measures that 52335
will be taken for violation of this prohibition. 52336

If a board of education adopts a policy under this 52337
division, the board shall post the policy in a central location 52338
in each school building and make it available to students and 52339
parents upon request. 52340

~~(C) (1) Not later than the first day of July that~~ 52341
~~immediately follows the effective date of this amendment~~ 52342
October
6, 2025, each school district board of education shall adopt a 52343
policy governing the use of cellular telephones by students 52344
during school hours. The policy shall ~~do all of the following:~~ 52345

~~(1) Emphasize that student cellular telephone use be as~~ 52346

~~limited as possible during school hours;~~ 52347

~~(2) Reduce cellular telephone-related distractions in~~ 52348
~~classroom settings;~~ 52349

~~(3) prohibit all cellular telephone use by students during~~ 52350
~~the instructional day, except as described in division (C) (2) of~~ 52351
~~this section or if permitted under the building's comprehensive~~ 52352
~~emergency management plan adopted under section 5502.262 of the~~ 52353
~~Revised Code.~~ 52354

(2) If determined appropriate by the district board, or if 52355
included in a student's individualized education program 52356
developed under Chapter 3323. of the Revised Code or plan 52357
developed under section 504 of the "Rehabilitation Act of 1973," 52358
29 U.S.C. 794, permit students to may use cellular telephones or 52359
other electronic communications devices for student learning or 52360
to monitor or address a health concern. 52361

A district board shall permit a student to use a cellular 52362
telephone or other electronic communications device to monitor 52363
or address a health concern if the board receives a written 52364
statement from the student's physician requiring such use. 52365

~~(D) Division (C) of this section shall not be construed to~~ 52366
~~require a district board to adopt a policy that prohibits all~~ 52367
~~cellular telephone use by students. Nonetheless, any Any~~ 52368
district board that adopts a policy that prohibits all cellular 52369
telephone use by students shall be considered to have met the 52370
requirements in division (C) of this section. 52371

(E) Any district board that adopts a policy that meets the 52372
requirements prescribed in division (C) of this section prior to 52373
~~the effective date of this amendment~~the effective date of this 52374
amendment, shall be considered to have met the requirement to 52375

adopt a policy under this section. 52376

(F) Each district board that adopts a policy under this 52377
section after ~~the effective date of this amendment~~ the effective 52378
date of this amendment, shall do so at a public meeting of the 52379
board. 52380

(G) Each district board shall make any policy it adopts 52381
under this section publicly available and post it prominently on 52382
its publicly accessible web site, if it has one. 52383

~~(H) Not later than sixty days after the effective date of~~ 52384
~~this amendment, the department of education and workforce shall~~ 52385
~~develop a model policy that meets the requirements prescribed in~~ 52386
~~division (C) of this section. To the extent possible, the model~~ 52387
~~policy shall take into account available research concerning the~~ 52388
~~effect of the use of cellular telephones by students in school~~ 52389
~~settings. The model policy may be utilized by districts and~~ 52390
~~schools.~~ 52391

Sec. 3313.90. As used in this section, "formula ADM" has 52392
the same meaning as in section 3317.02 of the Revised Code. 52393
Notwithstanding division (D) of section 3311.19 and division (D) 52394
of section 3311.52 of the Revised Code, the provisions of this 52395
section that apply to a city school district do not apply to any 52396
joint vocational or cooperative education school district. 52397

(A) Except as provided in division (B) of this section, 52398
each city, local, and exempted village school district shall, by 52399
one of the following means, provide to students enrolled in 52400
grades seven through twelve career-technical education adequate 52401
to prepare a student enrolled therein for an occupation: 52402

(1) Establishing and maintaining a career-technical 52403
education program that meets standards adopted by the department 52404

of education and workforce; 52405

(2) Being a member of a joint vocational school district 52406
that meets standards adopted by the department; 52407

(3) Contracting for career-technical education with a 52408
joint vocational school district or another school district that 52409
meets the standards adopted by the department. 52410

The standards of the department shall include criteria for 52411
the participation by nonpublic students in career-technical 52412
education programs without financial assessment, charge, or 52413
tuition to such student except such assessments, charges, or 52414
tuition paid by resident public school students in such 52415
programs. Such nonpublic school students shall be included in 52416
the formula ADM of the school district maintaining the career- 52417
technical education program as part-time students in proportion 52418
to the time spent in the career-technical education program. 52419

By the thirtieth day of October of each year, the director 52420
of education and workforce shall determine and certify to the 52421
superintendent of each school district subject to this section 52422
either that the district is in compliance with the requirements 52423
of this section for the current school year or that the district 52424
is not in compliance. If the director certifies that the 52425
district is not in compliance, the director shall notify the 52426
board of education of the district of the actions necessary to 52427
bring the district into compliance with this section. 52428

In meeting standards established by the department, school 52429
districts, where practicable, shall provide career-technical 52430
education programs in high schools. A minimum enrollment of 52431
~~fifteen hundred students in grades nine through twelve is~~ 52432
~~established as a base for comprehensive career-technical~~ 52433

~~education course offerings. Beginning with the 2015-2016 school~~ 52434
~~year, this base shall increase to a minimum enrollment of two~~ 52435
thousand two hundred fifty students in grades seven through 52436
twelve is the base for comprehensive career-technical education 52437
course offerings. A school district may meet this requirement 52438
alone, through a cooperative arrangement pursuant to section 52439
3313.92 of the Revised Code, through school district 52440
consolidation, by membership in a joint vocational school 52441
district, by contract with a school district, by contract with a 52442
school licensed by any state agency established by the Revised 52443
Code which school operates its courses offered for contracting 52444
with public schools under standards as to staffing and 52445
facilities comparable to those prescribed by the department for 52446
public schools provided no instructor in such courses shall be 52447
required to be certificated by the department, or in a 52448
combination of such ways. Exceptions to the minimum enrollment 52449
prescribed by this section may be made by the department based 52450
on sparsity of population or other factors indicating that 52451
comprehensive educational and career-technical education 52452
programs as required by this section can be provided through an 52453
alternate plan. 52454

(B) ~~If~~ Until July 1, 2026, the department shall waive the 52455
requirement for a city, local, or exempted village school 52456
district to provide career-technical education to students 52457
enrolled in grades seven and eight for that particular school 52458
year, if the board of education of a city, local, or exempted 52459
~~village school that~~ district adopts a resolution that specifies 52460
the district's intent not to provide career-technical education 52461
to students enrolled in grades seven and eight for a particular 52462
school year and submits that resolution to the department by the 52463
thirtieth day of September of that school year, ~~the department~~ 52464

~~shall waive the requirement for that district to provide career- 52465~~
~~technical education to students enrolled in grades seven and 52466~~
~~eight for that particular school year. 52467~~

Sec. 3313.902. (A) As used in this section: 52468

(1) "Competency-based educational program" means any 52469
system of academic instruction, assessment, grading, and 52470
reporting in which individuals receive credit based on 52471
demonstrations and assessments of their learning rather than the 52472
amount of time they spend studying a subject. A competency-based 52473
educational program shall encourage accelerated learning among 52474
individuals who master academic materials quickly while 52475
providing additional instructional support time for individuals 52476
who need it. 52477

(2) "Eligible individual" means an individual who 52478
satisfies all of the following criteria: 52479

(a) The individual is at least eighteen years of age. 52480

(b) The individual is officially withdrawn from school. 52481

(c) The individual has not been awarded a high school 52482
diploma or a certificate of high school equivalence as defined 52483
in section 4109.06 of the Revised Code. 52484

(3) "Eligible provider" means a city, local, or exempted 52485
village school district that operates a dropout prevention and 52486
recovery program or a joint vocational school district that 52487
operates an adult education program. 52488

(4) "Ohio technical center" has the same meaning as in 52489
section 3333.94 of the Revised Code. 52490

(B) An eligible provider may establish a competency-based 52491
educational program that complies with standards adopted by the 52492

department of education and workforce and may enroll eligible 52493
individuals in the program for up to three consecutive school 52494
years for the purpose of earning a high school diploma. The 52495
provider shall establish a career plan for each individual 52496
enrolled in the program that specifies the individual's career 52497
goals and describes how the individual will demonstrate 52498
competency or earn course credits under division (C) of this 52499
section to earn a diploma and attain the individual's career 52500
goals. 52501

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 52502
3313.614, 3313.618, and 3313.619 of the Revised Code, the 52503
department shall award a high school diploma to an individual 52504
enrolled in a program under division (B) of this section who 52505
meets either of the following conditions: 52506

(1) The individual demonstrates competency by completing 52507
at least three of the following activities, at least one of 52508
which shall be the activity described in division (C) (1) (a) or 52509
(b) of this section: 52510

(a) Attaining a competency score as determined under 52511
division (B) (10) of section 3301.0712 of the Revised Code on 52512
each of the Algebra I and English language arts II end-of-course 52513
examinations prescribed under division (B) (2) of that section; 52514

(b) Attaining a workforce readiness score, as determined 52515
by the department, on the nationally recognized job skills 52516
assessment selected by the department under division (F) of 52517
section 3301.0712 of the Revised Code; 52518

(c) Obtaining an industry-recognized credential, or group 52519
of credentials, in a single career field that meet the criteria 52520
established under section 3313.6113 of the Revised Code to 52521

qualify for a high school diploma or earning an industry- 52522
recognized credential that is aligned to a technical education 52523
program provided by an Ohio technical center; 52524

(d) Earning a cumulative score of proficient or higher on 52525
three or more state technical assessments aligned with section 52526
3313.903 of the Revised Code in a single career pathway; 52527

(e) Doing either of the following: 52528

(i) Completing a pre-apprenticeship program aligned with 52529
options established under section 3313.904 of the Revised Code 52530
in the individual's chosen career field and providing evidence 52531
of acceptance into a registered apprenticeship program in that 52532
career field; 52533

(ii) Completing an apprenticeship registered with the 52534
apprenticeship council established under section 4139.02 of the 52535
Revised Code in the individual's chosen career field. 52536

(f) Completing two hundred fifty hours of a work-based 52537
learning experience with evidence of positive evaluations; 52538

(g) Obtaining an OhioMeansJobs-readiness seal under 52539
section 3313.6112 of the Revised Code. 52540

(2) The individual demonstrates competency by completing 52541
at least two of the activities described in divisions (C) (1) (a) 52542
to (g) of this section and earns course credits distributed as 52543
follows: 52544

(a) English language arts, four credits; 52545

(b) Mathematics, four credits. One credit may be a career- 52546
based mathematics course aligned to the individual's career plan 52547
developed under division (B) of this section. 52548

<u>(c) Science, three credits;</u>	52549
<u>(d) Social studies, three credits;</u>	52550
<u>(e) Financial literacy, one-half credit. The one-half</u>	52551
<u>credit of financial literacy may be applied toward the number of</u>	52552
<u>mathematics or social studies credits required under division</u>	52553
<u>(C) (2) of this section.</u>	52554
<u>(D) An eligible provider shall report each individual</u>	52555
<u>enrolled in a program under division (B) of this section to the</u>	52556
<u>department. The department annually shall certify the enrollment</u>	52557
<u>and attendance of each individual reported under this division</u>	52558
<u>and shall pay the provider up to \$7,500 for each such individual</u>	52559
<u>per school year, as determined by the department based on the</u>	52560
<u>extent of the individual's successful completion of the diploma</u>	52561
<u>requirements prescribed in division (C) of this section.</u>	52562
<u>(E) Notwithstanding anything in this section to the</u>	52563
<u>contrary, an eligible provider may request that the department</u>	52564
<u>allow an eligible individual to enroll in a program under</u>	52565
<u>division (B) of this section for more than three consecutive</u>	52566
<u>school years due to a hardship experienced by the individual</u>	52567
<u>that necessitates additional time to meet the diploma</u>	52568
<u>requirements prescribed in division (C) of this section.</u>	52569
<u>(F) An eligible individual shall not be assigned to</u>	52570
<u>classes or settings with individuals who are younger than</u>	52571
<u>eighteen years of age.</u>	52572
<u>(G) Each eligible provider shall contact each individual</u>	52573
<u>to whom a diploma is awarded under this section to collect data</u>	52574
<u>on the individual's career and educational outcomes at six</u>	52575
<u>months, twelve months, and eighteen months after the awarding of</u>	52576
<u>the diploma. At each time of contact, the provider shall request</u>	52577

information regarding whether the individual is gainfully 52578
employed, participating in an apprenticeship, enrolled in 52579
postsecondary education, or serving in the military. The 52580
provider shall report the data collected to the department in 52581
the manner determined by the department. 52582

(H) The department shall adopt rules as necessary to 52583
administer this section. The rules may include all of the 52584
following: 52585

(1) Standards for competency-based educational programs; 52586

(2) Standards for applying an individual's work or life 52587
experiences toward the requirements of division (C) of this 52588
section; 52589

(3) Requirements for determining the amount paid to 52590
providers under division (D) of this section; 52591

(4) Guidelines for approving or denying a hardship request 52592
made under division (E) of this section. 52593

Sec. 3314.011. (A) Every community school established 52594
under this chapter shall have a designated fiscal officer. 52595
Except as provided for in division (C) of this section, the 52596
fiscal officer shall be employed by or engaged under a contract 52597
with the governing authority of the community school. 52598

(B) Except as otherwise provided in section 3.061 of the 52599
Revised Code, the ~~auditor of state~~ department of education and 52600
workforce shall require that the fiscal officer of any community 52601
school, before entering upon duties as fiscal officer of the 52602
school, execute a bond in an amount and with surety to be 52603
approved by the governing authority of the school, payable to 52604
the state, conditioned for the faithful performance of all the 52605
official duties required of the fiscal officer. The bond shall 52606

be deposited with the governing authority of the school, and a 52607
copy thereof, certified by the governing authority, shall be 52608
filed with the county auditor. 52609

(C) Prior to assuming the duties of fiscal officer, the 52610
fiscal officer designated under this section shall be licensed 52611
under section 3301.074 of the Revised Code. Any person serving 52612
as a fiscal officer of a community school on March 22, 2013, who 52613
is not licensed as a treasurer shall be permitted to serve as a 52614
fiscal officer for not more than one year following March 22, 52615
2013. Beginning on that date and thereafter, no community school 52616
shall permit any individual to serve as a fiscal officer without 52617
a license as required by this section. 52618

(D) (1) The governing authority of a community school may 52619
adopt a resolution waiving the requirement that the governing 52620
authority is the party responsible to employ or contract with 52621
the designated fiscal officer, as prescribed by division (A) of 52622
this section, so long as the school's sponsor also approves the 52623
resolution. The resolution shall be valid for one year. A new 52624
resolution shall be adopted for each year that the governing 52625
authority wishes to waive this requirement, so long as the 52626
school's sponsor also approves the resolution. 52627

No resolution adopted pursuant to this division may waive 52628
the requirement for a community school to have a designated 52629
fiscal officer. 52630

(2) If the governing authority adopts a resolution 52631
pursuant to division (D) (1) of this section, the school's 52632
designated fiscal officer annually shall meet with the governing 52633
authority to review the school's financial status. 52634

(3) The governing authority shall submit to the department 52635

of education and workforce a copy of each resolution adopted 52636
pursuant to division (D) (1) of this section. 52637

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 52638
computer-based community school shall operate unless the school 52639
was open for instruction as of May 1, 2005. No entity described 52640
in division (C) (1) of section 3314.02 of the Revised Code shall 52641
enter into a contract to sponsor an internet- or computer-based 52642
community school, including a conversion school, between May 1, 52643
2005, and May 22, 2013, except as follows: 52644

(1) The entity may renew a contract that the entity 52645
entered into with an internet- or computer-based community 52646
school prior to May 1, 2005, if the school was open for 52647
operation as of that date. 52648

(2) The entity may assume sponsorship of an existing 52649
internet- or computer-based community school that was formerly 52650
sponsored by another entity and may enter into a contract with 52651
that community school in accordance with section 3314.03 of the 52652
Revised Code. 52653

If a sponsor entered into a contract with an internet- or 52654
computer-based community school, including a conversion school, 52655
but the school was not open for operation as of May 1, 2005, the 52656
contract shall be void and the entity shall not enter into 52657
another contract with the school until May 22, 2013. 52658

(B) (1) Beginning on July 1, 2013, up to five new internet- 52659
or computer-based community schools may open each year, subject 52660
to approval of the director of education and workforce under 52661
division (B) (2) of this section. 52662

(2) The director shall approve applications for new 52663
internet- or computer-based community schools from only those 52664

applicants demonstrating experience and quality. 52665

The department of education and workforce shall adopt 52666
rules prescribing measures to determine experience and quality 52667
of applicants in accordance with Chapter 119. of the Revised 52668
Code. The measures shall include, but not be limited to, the 52669
following considerations: 52670

(a) The sponsor's experience with online schools; 52671

(b) The operator's experience with online schools; 52672

(c) The sponsor's and operator's previous record for 52673
student performance; 52674

(d) A preference for operators with previous experience in 52675
Ohio. 52676

(3) The department shall notify any new internet- or 52677
computer-based community school governed by division (B) of this 52678
section of whether the director has approved or disapproved the 52679
school's application to open for the 2013-2014 school year not 52680
later than July 1, 2013. Notwithstanding the dates prescribed 52681
for adoption and signing on sponsor contracts in division (D) of 52682
section 3314.02 of the Revised Code, or the date for opening a 52683
school for instruction required by division (A) (25) of section 52684
3314.03 of the Revised Code, a new internet- or computer-based 52685
community school approved for opening for the 2013-2014 school 52686
year under division (B) of this section may open and operate in 52687
that school year regardless of whether it has complied with 52688
those contract and opening dates. For each school year 52689
thereafter, the school shall comply with all applicable 52690
provisions of this chapter. 52691

(4) Notwithstanding divisions (B) (1) and (2) of this 52692
section, a sponsor rated "exemplary" on its most recent 52693

evaluation conducted under section 3314.016 of the Revised Code 52694
is permitted to open up to two new internet- or computer-based 52695
community schools that ~~will primarily serve students enrolled in~~ 52696
~~a~~ are dropout prevention and recovery program community schools 52697
each year, not to exceed six new schools in a five-year period. 52698

(C) Nothing in division (A) or (B) of this section 52699
prohibits an internet- or computer-based community school from 52700
increasing the number of grade levels it offers. 52701

Sec. 3314.015. (A) The department of education and 52702
workforce shall be responsible for the oversight of any and all 52703
sponsors of the community schools established under this chapter 52704
and shall provide technical assistance to schools and sponsors 52705
in their compliance with applicable laws and the terms of the 52706
contracts entered into under section 3314.03 of the Revised Code 52707
and in the development and start-up activities of those schools. 52708
In carrying out its duties under this section, the department 52709
shall do all of the following: 52710

(1) In providing technical assistance to proposing 52711
parties, governing authorities, and sponsors, conduct training 52712
sessions and distribute informational materials; 52713

(2) Approve entities to be sponsors of community schools; 52714

(3) Monitor and evaluate, as required under section 52715
3314.016 of the Revised Code, the effectiveness of any and all 52716
sponsors in their oversight of the schools with which they have 52717
contracted; 52718

(4) By December thirty-first of each year, issue a report 52719
to the governor, the speaker of the house of representatives, 52720
the president of the senate, and the chairpersons of the house 52721
and senate committees principally responsible for education 52722

matters regarding the effectiveness of academic programs, 52723
operations, and legal compliance and of the financial condition 52724
of all community schools established under this chapter and on 52725
the performance of community school sponsors; 52726

(5) From time to time, make legislative recommendations to 52727
the general assembly designed to enhance the operation and 52728
performance of community schools. 52729

(B) (1) Except as provided in sections 3314.021 and 52730
3314.027 of the Revised Code, no entity shall enter into a 52731
preliminary agreement under division (C) (2) of section 3314.02 52732
of the Revised Code or renew an existing contract to sponsor a 52733
community school until it has received approval from the 52734
department to sponsor community schools under this chapter and 52735
has entered into a written agreement with the department 52736
regarding the manner in which the entity will conduct such 52737
sponsorship. 52738

On and after July 1, 2017, each entity that sponsors a 52739
community school in this state, except for an entity described 52740
in sections 3314.021 and 3314.027 of the Revised Code, shall 52741
attain approval from the department in order to continue 52742
sponsoring schools regardless of whether that entity intends to 52743
enter into a preliminary agreement or renew an existing 52744
contract. 52745

All new and renewed agreements between the department and 52746
a sponsor shall contain specific language addressing the 52747
parameters under which the department can intervene and 52748
potentially revoke sponsorship authority in the event that the 52749
sponsor is unwilling or unable to fulfill its obligations. 52750
Additionally, each agreement shall set forth any territorial 52751
restrictions and limits on the number of schools that entity may 52752

sponsor, provide for an annual evaluation process, and include a 52753
stipulation permitting the department to modify the agreement 52754
under the following circumstances: 52755

(a) Poor fiscal management; 52756

(b) Lack of academic progress. 52757

(2) The initial term of a sponsor's agreement with the 52758
department shall be for up to five years. 52759

(a) An agreement entered into with the department pursuant 52760
to this section may be renewed for a term of up to ten years 52761
using the following criteria: 52762

(i) The academic performance of students enrolled in each 52763
community school the entity sponsors, as determined by the 52764
department pursuant to division (B) (1) (a) of section 3314.016 of 52765
the Revised Code; 52766

(ii) The sponsor's adherence to quality practices, as 52767
determined by the department pursuant to division (B) (1) (b) of 52768
section 3314.016 of the Revised Code; 52769

(iii) The sponsor's compliance with all applicable laws 52770
and administrative rules. 52771

(b) Each agreement between the department and a sponsor 52772
shall specify that entities with an overall rating of 52773
"exemplary" for at least two consecutive years shall not be 52774
subject to the limit on the number of community schools the 52775
entity may sponsor or any territorial restrictions on 52776
sponsorship, for so long as that entity continues to be rated 52777
"exemplary." 52778

(c) The department shall adopt in accordance with Chapter 52779
119. of the Revised Code rules containing criteria, procedures, 52780

and deadlines for processing applications for approval of 52781
sponsors, for oversight of sponsors, for notifying a sponsor of 52782
noncompliance with applicable laws and administrative rules 52783
under division (F) of this section, for revocation of the 52784
approval of sponsors under division (C) of this section, and for 52785
entering into written agreements with sponsors. The rules shall 52786
require an entity to submit evidence of the entity's ability and 52787
willingness to comply with the provisions of division ~~(D)~~(C) of 52788
section 3314.03 of the Revised Code. The rules also shall 52789
require all entities approved as sponsors to demonstrate a 52790
record of financial responsibility and successful implementation 52791
of educational programs. If an entity seeking approval to 52792
sponsor community schools in this state sponsors or operates 52793
schools in another state, at least one of the schools sponsored 52794
or operated by the entity must be comparable to or better than 52795
the performance of Ohio schools in need of continuous 52796
improvement under section 3302.03 of the Revised Code, as 52797
determined by the department. 52798

Subject to section 3314.016 of the Revised Code, an entity 52799
that sponsors community schools may enter into preliminary 52800
agreements and sponsor up to one hundred schools, provided each 52801
school and the contract for sponsorship meets the requirements 52802
of this chapter. A sponsor that was rated "exemplary" on its 52803
most recent rating under section 3314.016 of the Revised Code 52804
may sponsor up to two hundred such schools. 52805

(3) The department shall determine, pursuant to criteria 52806
specified in rules adopted in accordance with Chapter 119. of 52807
the Revised Code, whether the mission proposed to be specified 52808
in the contract of a community school to be sponsored by a state 52809
university board of trustees or the board's designee under 52810
division (C) (1) (e) of section 3314.02 of the Revised Code 52811

complies with the requirements of that division. Such 52812
determination of the department is final. 52813

(4) The department shall determine, pursuant to criteria 52814
specified in rules adopted in accordance with Chapter 119. of 52815
the Revised Code, if any tax-exempt entity under section 501(c) 52816
(3) of the Internal Revenue Code that is proposed to be a 52817
sponsor of a community school is an education-oriented entity 52818
for purpose of satisfying the condition prescribed in division 52819
(C) (1) (f) (iii) of section 3314.02 of the Revised Code. Such 52820
determination of the department is final. 52821

(C) If at any time the department finds that a sponsor is 52822
not in compliance or is no longer willing to comply with its 52823
contract with any community school or with the department's 52824
rules for sponsorship, the department shall conduct a hearing in 52825
accordance with Chapter 119. of the Revised Code on that matter. 52826
If after the hearing, the department has confirmed the original 52827
finding, it may revoke the sponsor's approval to sponsor 52828
community schools. In that case, the department's office of Ohio 52829
school sponsorship, established under section 3314.029 of the 52830
Revised Code, may assume the sponsorship of any schools with 52831
which the sponsor has contracted until the earlier of the 52832
expiration of two school years or until a new sponsor as 52833
described in division (C) (1) of section 3314.02 of the Revised 52834
Code is secured by the school's governing authority. The office 52835
of Ohio school sponsorship may extend the term of the contract 52836
in the case of a school for which it has assumed sponsorship 52837
under this division as necessary to accommodate the term of the 52838
department's authorization to sponsor the school specified in 52839
this division. Community schools sponsored under this division 52840
shall not apply to the limit on directly authorized community 52841
schools under division (A) (3) of section 3314.029 of the Revised 52842

Code. However, nothing in this division shall preclude a 52843
community school affected by this division from applying for 52844
sponsorship under that section. 52845

(D) The decision of the department to disapprove an entity 52846
for sponsorship of a community school or to revoke approval for 52847
such sponsorship under division (C) of this section, may be 52848
appealed by the entity in accordance with section 119.12 of the 52849
Revised Code. 52850

(E) The department shall adopt procedures for use by a 52851
community school governing authority and sponsor when the school 52852
permanently closes and ceases operation, which shall include at 52853
least procedures for data reporting to the department, handling 52854
of student records, distribution of assets in accordance with 52855
section 3314.074 of the Revised Code, and other matters related 52856
to ceasing operation of the school. 52857

(F) (1) In lieu of revoking a sponsor's authority to 52858
sponsor community schools under division (C) of this section, if 52859
the department finds that a sponsor is not in compliance with 52860
applicable laws and administrative rules, the department shall 52861
declare in a written notice to the sponsor the specific laws or 52862
rules, or both, for which the sponsor is noncompliant. A sponsor 52863
notified under division (F) (1) of this section shall respond to 52864
the department not later than fourteen days after the 52865
notification with a proposed plan to remedy the conditions for 52866
which the sponsor was found to be noncompliant. The department 52867
shall approve or disapprove the plan not later than fourteen 52868
days after receiving it. If the plan is disapproved, the sponsor 52869
may submit a revised plan to the department not later than 52870
fourteen days after receiving notification of disapproval from 52871
the department or not later than sixty days after the date the 52872

sponsor received notification of noncompliance from the 52873
department, whichever is earlier. The department shall approve 52874
or disapprove the revised plan not later than fourteen days 52875
after receiving it or not later than sixty days after the date 52876
the sponsor received notification of noncompliance from the 52877
department, whichever is earlier. A sponsor may continue to make 52878
revisions by the deadlines prescribed in division (F)(1) of this 52879
section to any revised plan that is disapproved by the 52880
department until the sixtieth day after the date the sponsor 52881
received notification of noncompliance from the department. 52882

If a plan or a revised plan is approved, the sponsor shall 52883
implement it not later than sixty days after the date the 52884
sponsor received notification of noncompliance from the 52885
department or not later than thirty days after the plan is 52886
approved, whichever is later. If a sponsor does not respond to 52887
the department or implement an approved compliance plan by the 52888
deadlines prescribed by division (F)(1) of this section, or if a 52889
sponsor does not receive approval of a compliance plan on or 52890
before the sixtieth day after the date the sponsor received 52891
notification of noncompliance from the department, the 52892
department shall declare in written notice to the sponsor that 52893
the sponsor is in probationary status, and may limit the 52894
sponsor's ability to sponsor additional schools. 52895

(2) A sponsor that has been placed on probationary status 52896
under division (F)(1) of this section may apply to the 52897
department for its probationary status to be lifted. The 52898
application for a sponsor's probationary status to be lifted 52899
shall include evidence, occurring after the initial notification 52900
of noncompliance, of the sponsor's compliance with applicable 52901
laws and administrative rules. Not later than fourteen days 52902
after receiving an application from the sponsor, the department 52903

shall decide whether or not to remove the sponsor's probationary status. 52904
52905

(G) In carrying out its duties under this chapter, the 52906
department shall not impose requirements on community schools or 52907
their sponsors that are not permitted by law or duly adopted 52908
rules. 52909

(H) This section applies to entities that sponsor 52910
conversion community schools and new start-up schools. 52911

(I) Nothing in divisions (C) to (F) of this section 52912
prohibits the department from taking any action permitted or 52913
required under the written agreement between the department and 52914
a sponsoring entity without a hearing on the matter, in the 52915
event that the sponsor is unwilling or unable to fulfill its 52916
obligations. 52917

Sec. 3314.016. This section applies to any entity that 52918
sponsors a community school, regardless of whether section 52919
3314.021 or 3314.027 of the Revised Code exempts the entity from 52920
the requirement to be approved for sponsorship under divisions 52921
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 52922
office of Ohio school sponsorship established under section 52923
3314.029 of the Revised Code shall be rated under division (B) 52924
of this section, but divisions (A) and (C) of this section do 52925
not apply to the office. 52926

(A) An entity that sponsors a community school shall be 52927
permitted to enter into contracts under section 3314.03 of the 52928
Revised Code to sponsor additional community schools only if the 52929
entity meets all of the following criteria: 52930

(1) The entity is in compliance with all provisions of 52931
this chapter requiring sponsors of community schools to report 52932

data or information to the department of education and 52933
workforce. 52934

(2) The entity is not rated as "ineffective" under 52935
division (B)(6) of this section. 52936

(3) Except as set forth in sections 3314.021 and 3314.027 52937
of the Revised Code, the entity has received approval from and 52938
entered into an agreement with the department pursuant to 52939
section 3314.015 of the Revised Code. 52940

(B)(1) The department shall develop and implement an 52941
evaluation system that annually rates and assigns an overall 52942
rating to each entity that sponsors a community school. The 52943
department, not later than the first day of February of each 52944
year, shall post on the department's web site the framework for 52945
the evaluation system, including technical documentation that 52946
the department intends to use to rate sponsors for the next 52947
school year. The department shall solicit public comment on the 52948
evaluation system for thirty consecutive days. Not later than 52949
the first day of April of each year, the department shall 52950
compile and post on the department's web site all public 52951
comments that were received during the public comment period. 52952
The evaluation system shall be posted on the department's web 52953
site by the fifteenth day of July of each school year. Any 52954
changes to the evaluation system after that date shall take 52955
effect the following year. The evaluation system shall be based 52956
on the following components: 52957

(a) Academic performance of students enrolled in community 52958
schools sponsored by the same entity. The academic performance 52959
component shall be derived from the performance measures 52960
prescribed for the state report cards under section 3302.03 or 52961
3314.017 of the Revised Code, and shall be based on the 52962

performance of the schools for the school year for which the 52963
evaluation is conducted. In addition to the academic performance 52964
for a specific school year, the academic performance component 52965
shall also include year-to-year changes in the overall sponsor 52966
portfolio. For a community school for which no graded 52967
performance measures are applicable or available, the department 52968
shall use nonreport card performance measures specified in the 52969
contract between the community school and the sponsor under 52970
division (A) (4) of section 3314.03 of the Revised Code. 52971

(b) Adherence by a sponsor to the quality practices 52972
prescribed by the department under division (B) (3) of this 52973
section. For a sponsor that was rated "effective" or "exemplary" 52974
on its most recent rating, the department may evaluate that 52975
sponsor's adherence to quality practices once over a period of 52976
three years. If the department elects to evaluate a sponsor once 52977
over a period of three years, the most recent rating for a 52978
sponsor's adherence to quality practices shall be used when 52979
determining an annual overall rating conducted under this 52980
section. 52981

(c) Compliance with all applicable laws and administrative 52982
rules by an entity that sponsors a community school. 52983

Under the evaluation system prescribed under division (B) 52984
(1) of this section, the department shall not assign an overall 52985
rating of "ineffective" or lower to an entity that sponsors a 52986
community school solely because that entity received no points 52987
on one of the components prescribed under that division. 52988

(2) In calculating an academic performance component, the 52989
department shall exclude all community schools that have been in 52990
operation for not more than two full school years and all 52991
community schools described in division (B) (2) of section 52992

3314.35 of the Revised Code. However, the academic performance 52993
of the community schools described in division (B) (2) of section 52994
3314.35 of the Revised Code shall be reported, but shall not be 52995
used as a factor when determining a sponsoring entity's rating 52996
under this section. 52997

(3) The department, in consultation with entities that 52998
sponsor community schools, shall prescribe quality practices for 52999
community school sponsors and develop an instrument to measure 53000
adherence to those quality practices. The quality practices 53001
shall be based on standards developed by the national 53002
association of charter school authorizers or any other 53003
nationally organized community school organization. 53004

(4) (a) The department may permit peer review of a 53005
sponsor's adherence to the quality practices prescribed under 53006
division (B) (3) of this section. Peer reviewers shall be limited 53007
to individuals employed by sponsors rated "effective" or 53008
"exemplary" on the most recent ratings conducted under this 53009
section. 53010

(b) The department shall require individuals participating 53011
in peer review under division (B) (4) (a) of this section to 53012
complete training approved or established by the department. 53013

(c) The department may enter into an agreement with 53014
another entity to provide training to individuals conducting 53015
peer review of sponsors. Prior to entering into an agreement 53016
with an entity, the department shall review and approve of the 53017
entity's training program. 53018

(5) The director of education and workforce shall adopt 53019
rules in accordance with Chapter 119. of the Revised Code 53020
prescribing standards for measuring compliance with applicable 53021

laws and rules under division (B) (1) (c) of this section. 53022

(6) The department annually shall rate all entities that 53023
sponsor community schools as either "exemplary," "effective," 53024
"ineffective," or "poor," based on the components prescribed by 53025
division (B) of this section, where each component is weighted 53026
equally. A separate rating shall be given by the department for 53027
each component of the evaluation system. 53028

The department shall publish the ratings between the first 53029
day of October and the fifteenth day of November. 53030

Prior to the publication of the final ratings, the 53031
department shall designate and provide notice of a period of at 53032
least ten business days during which each sponsor may review the 53033
information used by the department to determine the sponsor's 53034
rating on the components prescribed by division (B) (1) of this 53035
section. If the sponsor believes there is an error in the 53036
department's evaluation, the sponsor may request adjustments to 53037
the rating of any of those components based on documentation 53038
previously submitted as part of an evaluation. The sponsor shall 53039
provide to the department any necessary evidence or information 53040
to support the requested adjustments. The department shall 53041
review the evidence and information, determine whether an 53042
adjustment is valid, and promptly notify the sponsor of its 53043
determination and reasons. If any adjustments to the data could 53044
result in a change to the rating on the applicable component or 53045
to the overall rating, the department shall recalculate the 53046
ratings prior to publication. 53047

The department shall provide training on an annual basis 53048
regarding the evaluation system prescribed under this section. 53049
The training shall, at a minimum, describe methodology, 53050
timelines, and data required for the evaluation system. The 53051

first training session shall occur not later than March 2, 2016. 53052
Beginning in 2018, the training shall be made available to each 53053
entity that sponsors a community school by the fifteenth day of 53054
July of each year and shall include guidance on any changes made 53055
to the evaluation system. 53056

(7) (a) Entities with an overall rating of "exemplary" for 53057
the two most recent years in which the entity was evaluated may 53058
take advantage of the following incentives: 53059

(i) Renewal of the written agreement with the department, 53060
not to exceed ten years, provided that the entity consents to 53061
continued evaluation of adherence to quality practices as 53062
described in division (B) (1) (b) of this section; 53063

(ii) The ability to extend the term of the contract 53064
between the sponsoring entity and the community school beyond 53065
the term described in the written agreement with the department; 53066

(iii) An exemption from the preliminary agreement and 53067
contract adoption and execution deadline requirements prescribed 53068
in division (D) of section 3314.02 of the Revised Code; 53069

(iv) An exemption from the automatic contract expiration 53070
requirement, should a new community school fail to open by the 53071
thirtieth day of September of the calendar year in which the 53072
community school contract is executed; 53073

(v) No limit on the number of community schools the entity 53074
may sponsor; 53075

(vi) No territorial restrictions on sponsorship. 53076

An entity may continue to sponsor any community schools 53077
with which it entered into agreements under division (B) (7) (a) 53078
(v) or (vi) of this section while rated "exemplary," 53079

notwithstanding the fact that the entity later receives a lower
overall rating.

(b) Entities with an overall rating of "exemplary" or
"effective" for the three most recent years in which the entity
was evaluated shall be evaluated by the department once every
three years.

(c) (i) Entities that receive an overall rating of
"ineffective" shall be prohibited from sponsoring any new or
additional community schools during the time in which the
sponsor is rated as "ineffective" and shall be subject to a
quality improvement plan based on correcting the deficiencies
that led to the "ineffective" rating, with timelines and
benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of
"ineffective" on their three most recent ratings shall have all
sponsorship authority revoked. Within thirty days after
receiving its third rating of "ineffective," the entity may
appeal the revocation of its sponsorship authority to the
director, who shall appoint an independent hearing officer to
conduct a hearing in accordance with Chapter 119. of the Revised
Code. The hearing shall be conducted within thirty days after
receipt of the notice of appeal. Within forty-five days after
the hearing is completed, the director shall determine whether
the revocation is appropriate based on the hearing conducted by
the independent hearing officer, and if determined appropriate,
the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor"
shall have all sponsorship authority revoked. Within thirty days
after receiving a rating of "poor," the entity may appeal the
revocation of its sponsorship authority to the director, who

shall appoint an independent hearing officer to conduct a 53110
hearing in accordance with Chapter 119. of the Revised Code. The 53111
hearing shall be conducted within thirty days after receipt of 53112
the notice of appeal. Within forty-five days after the hearing 53113
is completed, the director shall determine whether the 53114
revocation is appropriate based on the hearing conducted by the 53115
independent hearing officer, and if determined appropriate, the 53116
revocation shall be confirmed. 53117

(8) For the 2014-2015 school year and each school year 53118
thereafter, student academic performance prescribed under 53119
division (B)(1)(a) of this section shall include student 53120
academic performance data from dropout prevention and recovery 53121
~~community schools that primarily serve students enrolled in a~~ 53122
~~dropout prevention and recovery program.~~ 53123

(C) If the governing authority of a community school 53124
enters into a contract with a sponsor prior to the date on which 53125
the sponsor is prohibited from sponsoring additional schools 53126
under division (A) of this section and the school has not opened 53127
for operation as of that date, that contract shall be void and 53128
the school shall not open until the governing authority secures 53129
a new sponsor by entering into a contract with the new sponsor 53130
under section 3314.03 of the Revised Code. However, the 53131
department's office of Ohio school sponsorship, established 53132
under section 3314.029 of the Revised Code, may assume the 53133
sponsorship of the school until the earlier of the expiration of 53134
two school years or until a new sponsor is secured by the 53135
school's governing authority. A community school sponsored by 53136
the department under this division shall not be included when 53137
calculating the maximum number of directly authorized community 53138
schools permitted under division (A)(3) of section 3314.029 of 53139
the Revised Code. 53140

(D) When an entity's authority to sponsor schools is 53141
revoked pursuant to division (B) (7) (c) or (d) of this section, 53142
the office of Ohio school sponsorship shall assume sponsorship 53143
of any schools with which the original sponsor has contracted 53144
for the remainder of that school year. The office may continue 53145
sponsoring those schools until the earlier of: 53146

(1) The expiration of two school years from the time that 53147
sponsorship is revoked; 53148

(2) When a new sponsor is secured by the governing 53149
authority pursuant to division (C) (1) of section 3314.02 of the 53150
Revised Code. 53151

Any community school sponsored under this division shall 53152
not be counted for purposes of directly authorized community 53153
schools under division (A) (3) of section 3314.029 of the Revised 53154
Code. 53155

(E) The department shall recalculate the rating for the 53156
2017-2018 school year for each sponsor of a community school 53157
that receives recalculated ratings pursuant to division (I) of 53158
section 3314.017 of the Revised Code. 53159

Sec. 3314.017. (A) The department of education and 53160
workforce shall prescribe by rules, adopted in accordance with 53161
Chapter 119. of the Revised Code, an academic performance rating 53162
and report card system that satisfies the requirements of this 53163
section for dropout prevention and recovery community schools 53164
~~that primarily serve students enrolled in dropout prevention and~~ 53165
~~recovery programs as described in division (B) (1) of section~~ 53166
~~3314.35 of the Revised Code,~~ to be used in lieu of the system 53167
prescribed under sections 3302.03 and 3314.012 of the Revised 53168
Code beginning with the 2012-2013 school year. Each such school 53169

shall comply with the testing and reporting requirements of the 53170
system as prescribed by the department. 53171

(B) Nothing in this section shall at any time relieve a 53172
school from its obligations under the "No Child Left Behind Act 53173
of 2001" to make "adequate yearly progress," as both that act 53174
and that term are defined in section 3302.01 of the Revised 53175
Code, or a school's amenability to the provisions of section 53176
3302.04 or 3302.041 of the Revised Code. The department shall 53177
continue to report each school's performance as required by the 53178
act and to enforce applicable sanctions under section 3302.04 or 53179
3302.041 of the Revised Code. 53180

(C) The rules adopted by the department shall prescribe 53181
the following performance indicators for the rating and report 53182
card system required by this section: 53183

(1) Graduation rate for each of the following student 53184
cohorts: 53185

(a) The number of students who graduate in four years or 53186
less with a regular high school diploma divided by the number of 53187
students who form the adjusted cohort for the graduating class; 53188

(b) The number of students who graduate in five years with 53189
a regular high school diploma divided by the number of students 53190
who form the adjusted cohort for the four-year graduation rate; 53191

(c) The number of students who graduate in six years with 53192
a regular high school diploma divided by the number of students 53193
who form the adjusted cohort for the four-year graduation rate; 53194

(d) The number of students who graduate in seven years 53195
with a regular high school diploma divided by the number of 53196
students who form the adjusted cohort for the four-year 53197
graduation rate; 53198

(e) The number of students who graduate in eight years 53199
with a regular high school diploma divided by the number of 53200
students who form the adjusted cohort for the four-year 53201
graduation rate. 53202

(2) The percentage of twelfth-grade students currently 53203
enrolled in the school who have attained the designated passing 53204
score on all of the state high school achievement assessments 53205
required under division (B) (1) of section 3301.0710 of the 53206
Revised Code or the cumulative performance score on the end-of- 53207
course examinations prescribed under division (B) (2) of section 53208
3301.0712 of the Revised Code, whichever applies, and other 53209
students enrolled in the school, regardless of grade level, who 53210
are within three months of their twenty-second birthday and have 53211
attained the designated passing score on all of the state high 53212
school achievement assessments or the cumulative performance 53213
score on the end-of-course examinations, whichever applies, by 53214
their twenty-second birthday; 53215

(3) Annual measurable objectives as defined in section 53216
3302.01 of the Revised Code; 53217

(4) Growth in student achievement in reading, or 53218
mathematics, or both as measured by separate nationally norm- 53219
referenced assessments that have developed appropriate standards 53220
for students enrolled in dropout prevention and recovery 53221
programs, adopted or approved by the department. 53222

(D) (1) The department's rules shall prescribe the expected 53223
performance levels and benchmarks for each of the indicators 53224
prescribed by division (C) of this section based on the data 53225
gathered by the department under division (G) of this section 53226
and simulations created by the department. Based on a school's 53227
level of attainment or nonattainment of the expected performance 53228

levels and benchmarks for each of the indicators, the department 53229
shall rate each school in one of the following categories: 53230

(a) Exceeds standards; 53231

(b) Meets standards; 53232

(c) Does not meet standards. 53233

(2) The department's rules shall establish all of the 53234
following: 53235

(a) Performance levels and benchmarks for the indicators 53236
described in divisions (C) (1) to (3) of this section; 53237

(b) Both of the following: 53238

(i) Performance levels and benchmarks for the indicator 53239
described in division (C) (4) of this section; 53240

(ii) Standards for awarding a dropout prevention and 53241
recovery community school ~~described in division (B) (1) of~~ 53242
~~section 3314.35 of the Revised Code~~ an overall designation, 53243
which shall be calculated as follows: 53244

(I) Thirty per cent of the score shall be based on the 53245
indicators described in division (C) (1) of this section that are 53246
applicable to the school year for which the overall designation 53247
is granted. 53248

(II) Thirty per cent of the score shall be based on the 53249
indicators described in division (C) (4) of this section. 53250

(III) Twenty per cent of the score shall be based on the 53251
indicators described in division (C) (2) of this section. 53252

(IV) Twenty per cent of the score shall be based on the 53253
indicators described in division (C) (3) of this section. 53254

(3) If both of the indicators described in divisions (C)
(1) and (2) of this section improve by ten per cent for two
consecutive years, a school shall be rated not less than "meets
standards."

The rating and the relevant performance data for each
school shall be posted on the department's web site, and a copy
of the rating and data shall be provided to the governing
authority of the community school.

~~(E) (1) For the 2012-2013 school year, the department shall
issue a report card including the following performance
measures, but without a performance rating as described in
divisions (D) (1) (a) to (c) of this section, for each community
school described in division (B) (1) of section 3314.35 of the
Revised Code:—~~

~~(a) The graduation rates as described in divisions (C) (1)
(a) to (c) of this section;—~~

~~(b) The percentage of twelfth-grade students and other
students who have attained a designated passing score on high-
school achievement assessments as described in division (C) (2)
of this section;—~~

~~(c) The statewide average for the graduation rates and
assessment passage rates described in divisions (C) (1) (a) to (c)
and (C) (2) of this section;—~~

~~(d) Annual measurable objectives described in division (C)
(3) of this section.—~~

~~(2) For the 2013-2014 school year, the department shall
issue a report card including the following performance measures
for each community school described in division (B) (1) of
section 3314.35 of the Revised Code:—~~

(a) The graduation rates described in divisions (C) (1) (a) to (d) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	53284
	53285
	53286
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	53287
	53288
	53289
	53290
	53291
(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	53292
	53293
	53294
(d) Both of the following without an assigned rating:	53295
(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;	53296
	53297
	53298
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	53299
	53300
	53301
(3) Beginning with the 2014-2015 school year, and annually thereafter, the <u>(E) The department annually shall issue a report card for each dropout prevention and recovery community school described in division (B) (1) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:</u>	53302
	53303
	53304
	53305
	53306
	53307
	53308
(a) <u>(1)</u> The graduation rates as described in division (C) (1) of this section;	53309
	53310
(b) <u>(2)</u> The percentage of twelfth-grade students and other	53311

students who have attained a designated passing score on high 53312
school achievement assessments as described in division (C) (2) 53313
of this section; 53314

~~(e)~~ (3) Annual measurable objectives described in division 53315
(C) (3) of this section, including a performance rating as 53316
described in divisions (D) (1) (a) to (c) of this section; 53317

~~(d)~~ (4) Growth in annual student achievement in reading and 53318
mathematics as described in division (C) (4) of this section; 53319

~~(e)~~ (5) An overall performance designation for the school 53320
calculated under rules adopted under division (D) (2) of this 53321
section. 53322

The department shall also include student outcome data, 53323
including postsecondary credit earned, nationally recognized 53324
career or technical certification, military enlistment, job 53325
placement, attendance rate, and progress on closing achievement 53326
gaps for each school. This information shall not be included in 53327
the calculation of a school's performance rating. 53328

(F) Not later than the thirty-first day of July of each 53329
year, the department shall submit preliminary report card data 53330
for overall academic performance for each performance measure 53331
prescribed in division ~~(E) (3)~~ (E) of this section for each 53332
community school to which this section applies. 53333

(G) For the purposes of prescribing performance levels and 53334
benchmarks under division (D) of this section, the department 53335
shall gather and analyze data from prior school years for each 53336
~~dropout prevention and recovery community school described in~~ 53337
~~division (B) (1) of section 3314.35 of the Revised Code.~~ Each 53338
such school shall cooperate with the department. The department 53339
shall consult with stakeholder groups in performing its duties 53340

under this division. 53341

(H) The department shall review the performance levels and 53342
benchmarks for performance indicators in the report card issued 53343
under this section and may revise them based on the data 53344
collected under division (G) of this section. 53345

(I) For the purposes of division (F) of section 3314.351 53346
of the Revised Code, the department shall recalculate the 53347
ratings for each school under division (E)(3) of this section 53348
for the 2017-2018 school year and calculate the ratings under 53349
that division for the 2018-2019 school year using the indicators 53350
prescribed by division (C) of this section, as it exists on and 53351
after July 18, 2019. 53352

Sec. 3314.02. (A) As used in this chapter: 53353

(1) "Sponsor" means the board of education of a school 53354
district or the governing board of an educational service center 53355
that agrees to the conversion of all or part of a school or 53356
building under division (B) of this section, or an entity listed 53357
in division (C)(1) of this section, which has been approved by 53358
the department of education and workforce to sponsor community 53359
schools or is exempted by section 3314.021 or 3314.027 of the 53360
Revised Code from obtaining approval, and with which the 53361
governing authority of a community school enters into a contract 53362
under section 3314.03 of the Revised Code. 53363

(2) "Pilot project area" means the school districts 53364
included in the territory of the former community school pilot 53365
project established by former Section 50.52 of Am. Sub. H.B. No. 53366
215 of the 122nd general assembly. 53367

(3) "Challenged school district" means any of the 53368
following: 53369

- (a) A school district that is part of the pilot project area; 53370
53371
- (b) A school district that meets one of the following conditions: 53372
53373
- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 53374
53375
53376
53377
- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 53378
53379
53380
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53382
- (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section; 53383
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- (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 53390
53391
53392
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53395
- (c) A big eight school district; 53396
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under 53397
53398

section 3302.21 of the Revised Code. 53399

(4) "Big eight school district" means a school district 53400
that for fiscal year 1997 had both of the following: 53401

(a) A percentage of children residing in the district and 53402
participating in the predecessor of Ohio works first greater 53403
than thirty per cent, as reported pursuant to section 3317.10 of 53404
the Revised Code; 53405

(b) An average daily membership greater than twelve 53406
thousand, as reported pursuant to former division (A) of section 53407
3317.03 of the Revised Code. 53408

(5) "New start-up school" means a community school other 53409
than one created by converting all or part of an existing public 53410
school or educational service center building, as designated in 53411
the school's contract pursuant to division (A) (17) of section 53412
3314.03 of the Revised Code. 53413

(6) "Urban school district" means one of the state's 53414
twenty-one urban school districts as defined in division (O) of 53415
section 3317.02 of the Revised Code as that section existed 53416
prior to July 1, 1998. 53417

(7) "Internet- or computer-based community school" means a 53418
community school established under this chapter in which the 53419
enrolled students work primarily from their residences on 53420
assignments in nonclassroom-based learning opportunities 53421
provided via an internet- or other computer-based instructional 53422
method that does not rely on regular classroom instruction or 53423
via comprehensive instructional methods that include internet- 53424
based, other computer-based, and noncomputer-based learning 53425
opportunities unless a student receives career-technical 53426
education under section 3314.086 of the Revised Code. 53427

A community school that operates mainly as an internet- or 53428
computer-based community school and provides career-technical 53429
education under section 3314.086 of the Revised Code shall be 53430
considered an internet- or computer-based community school, even 53431
if it provides some classroom-based instruction, so long as it 53432
provides instruction via the methods described in this division. 53433

(8) "Operator" or "management company" means either of the 53434
following: 53435

(a) An individual or organization that manages the daily 53436
operations of a community school pursuant to a contract between 53437
the operator or management company and the school's governing 53438
authority; 53439

(b) A nonprofit organization that provides programmatic 53440
oversight and support to a community school under a contract 53441
with the school's governing authority and that retains the right 53442
to terminate its affiliation with the school if the school fails 53443
to meet the organization's quality standards. 53444

(9) "Alliance municipal school district" has the same 53445
meaning as in section 3311.86 of the Revised Code. 53446

(10) "Dropout prevention and recovery community school" 53447
means a community school that enrolls only students who are at 53448
least fourteen years of age and not older than twenty-one years 53449
of age and who, at the time of their initial enrollment, are at 53450
least one grade level behind their cohort age groups or 53451
experience crises that significantly interfere with their 53452
academic progress such that they are prevented from continuing 53453
their traditional educational programs. 53454

(B) (1) Any person or group of individuals may initially 53455
propose under this division the conversion of all or a portion 53456

of a public school to a community school. The proposal shall be 53457
made to the board of education of the city, local, exempted 53458
village, or joint vocational school district in which the public 53459
school is proposed to be converted. 53460

(2) Any person or group of individuals may initially 53461
propose under this division the conversion of all or a portion 53462
of a building operated by an educational service center to a 53463
community school. The proposal shall be made to the governing 53464
board of the service center. 53465

On or after July 1, 2017, except as provided in section 53466
3314.027 of the Revised Code, any educational service center 53467
that sponsors a community school shall be approved by and enter 53468
into a written agreement with the department as described in 53469
section 3314.015 of the Revised Code. 53470

(3) Upon receipt of a proposal, and after an agreement has 53471
been entered into pursuant to section 3314.015 of the Revised 53472
Code, a board may enter into a preliminary agreement with the 53473
person or group proposing the conversion of the public school or 53474
service center building, indicating the intention of the board 53475
to support the conversion to a community school. A proposing 53476
person or group that has a preliminary agreement under this 53477
division may proceed to finalize plans for the school, establish 53478
a governing authority for the school, and negotiate a contract 53479
with the board. Provided the proposing person or group adheres 53480
to the preliminary agreement and all provisions of this chapter, 53481
the board shall negotiate in good faith to enter into a contract 53482
in accordance with section 3314.03 of the Revised Code and 53483
division (C) of this section. 53484

(4) The sponsor of a conversion community school proposed 53485
to open in an alliance municipal school district shall be 53486

subject to approval by the department of education and workforce 53487
for sponsorship of that school using the criteria established 53488
under division (A) of section 3311.87 of the Revised Code. 53489

Division (B) (4) of this section does not apply to a 53490
sponsor that, on or before September 29, 2015, was exempted 53491
under section 3314.021 or 3314.027 of the Revised Code from the 53492
requirement to be approved for sponsorship under divisions (A) 53493
(2) and (B) (1) of section 3314.015 of the Revised Code. 53494

(5) A school established in accordance with division (B) 53495
of this section that later enters into a sponsorship contract 53496
with an entity that is not a school district or educational 53497
service center shall, at the time of entering into the new 53498
contract, be deemed a community school established in accordance 53499
with division (C) of this section. 53500

(C) (1) Provided all other conditions of sponsorship and 53501
governance are satisfied, any person or group of individuals may 53502
propose under this division the establishment of a new start-up 53503
school regardless of the school's proposed location. The 53504
proposal may be made to any of the following entities: 53505

(a) The board of education of the district in which the 53506
school is proposed to be located; 53507

(b) The board of education of any joint vocational school 53508
district with territory in the county in which is located the 53509
majority of the territory of the district in which the school is 53510
proposed to be located; 53511

(c) The board of education of any other city, local, or 53512
exempted village school district having territory in the same 53513
county where the district in which the school is proposed to be 53514
located has the major portion of its territory; 53515

(d) The governing board of any educational service center, 53516
regardless of the location of the proposed school, may sponsor a 53517
new start-up school if all of the following are satisfied: 53518

(i) If applicable, it satisfies the requirements of 53519
division (E) of section 3311.86 of the Revised Code; 53520

(ii) It is approved to do so by the department; 53521

(iii) It enters into an agreement with the department 53522
under section 3314.015 of the Revised Code. 53523

(e) A sponsoring authority designated by the board of 53524
trustees of any of the thirteen state universities listed in 53525
section 3345.011 of the Revised Code or the board of trustees 53526
itself as long as a mission of the proposed school to be 53527
specified in the contract under division (A) (2) of section 53528
3314.03 of the Revised Code and as approved by the department 53529
under division (B) (3) of section 3314.015 of the Revised Code 53530
will be the practical demonstration of teaching methods, 53531
educational technology, or other teaching practices that are 53532
included in the curriculum of the university's teacher 53533
preparation program approved by the chancellor of higher 53534
education; 53535

(f) Any qualified tax-exempt entity under section 501(c) 53536
(3) of the Internal Revenue Code as long as all of the following 53537
conditions are satisfied: 53538

(i) The entity has been in operation for at least five 53539
years prior to applying to be a community school sponsor. 53540

(ii) The entity has assets of at least five hundred 53541
thousand dollars and a demonstrated record of financial 53542
responsibility. 53543

(iii) The department has determined that the entity is an 53544
education-oriented entity under division (B) (4) of section 53545
3314.015 of the Revised Code and the entity has a demonstrated 53546
record of successful implementation of educational programs. 53547

(iv) The entity is not a community school. 53548

(g) The mayor of a city in which the majority of the 53549
territory of a school district to which section 3311.60 of the 53550
Revised Code applies is located, regardless of whether that 53551
district has created the position of independent auditor as 53552
prescribed by that section. The mayor's sponsorship authority 53553
under this division is limited to community schools that are 53554
located in that school district. Such mayor may sponsor 53555
community schools only with the approval of the city council of 53556
that city, after establishing standards with which community 53557
schools sponsored by the mayor must comply, and after entering 53558
into a sponsor agreement with the department as prescribed under 53559
section 3314.015 of the Revised Code. The mayor shall establish 53560
the standards for community schools sponsored by the mayor not 53561
later than one hundred eighty days after July 15, 2013, and 53562
shall submit them to the department upon their establishment. 53563
The department shall approve the mayor to sponsor community 53564
schools in the district, upon receipt of an application by the 53565
mayor to do so. Not later than ninety days after the 53566
department's approval of the mayor as a community school 53567
sponsor, the department shall enter into the sponsor agreement 53568
with the mayor. 53569

Any entity described in division (C) (1) of this section 53570
may enter into a preliminary agreement pursuant to division (C) 53571
(2) of this section with the proposing person or group, provided 53572
that entity has been approved by and entered into a written 53573

agreement with the department pursuant to section 3314.015 of 53574
the Revised Code. 53575

(2) A preliminary agreement indicates the intention of an 53576
entity described in division (C) (1) of this section to sponsor 53577
the community school. A proposing person or group that has such 53578
a preliminary agreement may proceed to finalize plans for the 53579
school, establish a governing authority as described in division 53580
(E) of this section for the school, and negotiate a contract 53581
with the entity. Provided the proposing person or group adheres 53582
to the preliminary agreement and all provisions of this chapter, 53583
the entity shall negotiate in good faith to enter into a 53584
contract in accordance with section 3314.03 of the Revised Code. 53585

(3) A new start-up school that is established in a school 53586
district described in either division (A) (3) (b) or (d) of this 53587
section may continue in existence once the school district no 53588
longer meets the conditions described in either division, 53589
provided there is a valid contract between the school and a 53590
sponsor. 53591

(4) A copy of every preliminary agreement entered into 53592
under this division shall be filed with the director of 53593
education and workforce. 53594

(D) A majority vote of the board of a sponsoring entity 53595
and a majority vote of the members of the governing authority of 53596
a community school shall be required to adopt a contract and 53597
convert the public school or educational service center building 53598
to a community school or establish the new start-up school. 53599
Beginning September 29, 2005, adoption of the contract shall 53600
occur not later than the fifteenth day of March, and signing of 53601
the contract shall occur not later than the fifteenth day of 53602
May, prior to the school year in which the school will open. The 53603

governing authority shall notify the department of education and 53604
workforce when the contract has been signed. Subject to sections 53605
3314.013 and 3314.016 of the Revised Code, an unlimited number 53606
of community schools may be established in any school district 53607
provided that a contract is entered into for each community 53608
school pursuant to this chapter. 53609

(E) (1) As used in this division, "immediate relatives" are 53610
limited to spouses, children, parents, grandparents, and 53611
siblings, as well as in-laws residing in the same household as 53612
the person serving on the governing authority. 53613

Each new start-up community school established under this 53614
chapter shall be under the direction of a governing authority 53615
which shall consist of a board of not less than five 53616
individuals. 53617

(2) (a) No person shall serve on the governing authority or 53618
operate the community school under contract with the governing 53619
authority under any of the following circumstances: 53620

(i) The person owes the state any money or is in a dispute 53621
over whether the person owes the state any money concerning the 53622
operation of a community school that has closed. 53623

(ii) The person would otherwise be subject to division (B) 53624
of section 3319.31 of the Revised Code with respect to refusal, 53625
limitation, or revocation of a license to teach, if the person 53626
were a licensed educator. 53627

(iii) The person has pleaded guilty to or been convicted 53628
of theft in office under section 2921.41 of the Revised Code, or 53629
has pleaded guilty to or been convicted of a substantially 53630
similar offense in another state. 53631

(b) No person shall serve on the governing authority or 53632

engage in the financial day-to-day management of the community 53633
school under contract with the governing authority unless and 53634
until that person has submitted to a criminal records check in 53635
the manner prescribed by section 3319.39 of the Revised Code. 53636

(c) Each sponsor of a community school shall annually 53637
verify that a finding for recovery has not been issued by the 53638
auditor of state against any individual or individuals who 53639
propose to create a community school or any member of the 53640
governing authority, the operator, or any employee of each 53641
community school with responsibility for fiscal operations or 53642
authorization to expend money on behalf of the school. 53643

(3) No person shall serve on the governing authorities of 53644
more than five start-up community schools at the same time 53645
unless both of the following apply: 53646

(a) The person serves in a volunteer capacity and receives 53647
no compensation under division (E)(5) of this section from any 53648
governing authority on which the person serves. 53649

(b) For any school that has an operator, the operator is a 53650
nonprofit organization. 53651

(4) (a) For a community school established under this 53652
chapter that is not sponsored by a school district or an 53653
educational service center, no present or former member, or 53654
immediate relative of a present or former member, of the 53655
governing authority shall be an owner, employee, or consultant 53656
of the community school's sponsor or operator, unless at least 53657
one year has elapsed since the conclusion of the person's 53658
membership on the governing authority. 53659

(b) For a community school established under this chapter 53660
that is sponsored by a school district or an educational service 53661

center, no present or former member, or immediate relative of a 53662
present or former member, of the governing authority shall: 53663

(i) Be an officer of the district board or service center 53664
governing board that serves as the community school's sponsor, 53665
unless at least one year has elapsed since the conclusion of the 53666
person's membership on the governing authority; 53667

(ii) Serve as an employee of, or a consultant for, the 53668
department, division, or section of the sponsoring district or 53669
service center that is directly responsible for sponsoring 53670
community schools, or have supervisory authority over such a 53671
department, division, or section, unless at least one year has 53672
elapsed since the conclusion of the person's membership on the 53673
governing authority. 53674

(5) The governing authority of a start-up or conversion 53675
community school may provide by resolution for the compensation 53676
of its members. However, no individual who serves on the 53677
governing authority of a start-up or conversion community school 53678
shall be compensated more than one hundred twenty-five dollars 53679
per meeting of that governing authority and no such individual 53680
shall be compensated more than a total amount of five thousand 53681
dollars per year for all governing authorities upon which the 53682
individual serves. Each member of the governing authority may be 53683
paid compensation for attendance at an approved training 53684
program, provided that such compensation shall not exceed sixty 53685
dollars a day for attendance at a training program three hours 53686
or less in length and one hundred twenty-five dollars a day for 53687
attendance at a training program longer than three hours in 53688
length. 53689

(6) No person who is the employee of a school district or 53690
educational service center shall serve on the governing 53691

authority of any community school sponsored by that school 53692
district or service center. 53693

(7) Each member of the governing authority of a community 53694
school shall annually file a disclosure statement setting forth 53695
the names of any immediate relatives or business associates 53696
employed by any of the following within the previous three 53697
years: 53698

(a) The sponsor or operator of that community school; 53699

(b) A school district or educational service center that 53700
has contracted with that community school; 53701

(c) A vendor that is or has engaged in business with that 53702
community school. 53703

(8) No person who is a member of a school district board 53704
of education shall serve on the governing authority of any 53705
community school. 53706

(F) (1) A new start-up school that is established prior to 53707
August 15, 2003, in an urban school district that is not also a 53708
big-eight school district may continue to operate after that 53709
date and the contract between the school's governing authority 53710
and the school's sponsor may be renewed, as provided under this 53711
chapter, after that date. 53712

(2) A community school that was established prior to June 53713
29, 1999, and is located in a county contiguous to the pilot 53714
project area and in a school district that was not a challenged 53715
school district may continue to operate after that date, 53716
provided the school complies with all provisions of this 53717
chapter. The contract between the school's governing authority 53718
and the school's sponsor may be renewed. 53719

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.

(4) The department of education and workforce shall not restrict the establishment of a new start-up community school to those located in a challenged school district as was required by this section prior to September 30, 2021.

Sec. 3314.021. (A) This section applies to any entity that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and that satisfies the conditions specified in divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the Revised Code but does not satisfy the condition specified in division (C)(1)(f)(i) of that section.

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 of the Revised Code, and subject to division (D)(2) of this section, an entity described in division (A) of this section may do both of the following without obtaining the department of education and workforce's initial approval of its sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code:

(1) Succeed the board of trustees of a state university located in the pilot project area or that board's designee as the sponsor of a community school established under this chapter;

(2) Continue to sponsor that school in conformance with the terms of the contract between the board of trustees or its

designee and the governing authority of the community school and 53749
renew that contract as provided in division ~~(E)~~ (D) of section 53750
3314.03 of the Revised Code. 53751

(C) The entity that succeeds the board of trustees or the 53752
board's designee as sponsor of a community school under division 53753
(B) of this section also may enter into contracts to sponsor 53754
other community schools regardless of the proposed school's 53755
location, without obtaining the department's initial approval of 53756
its sponsorship of those schools under divisions (A) (2) and (B) 53757
(1) of section 3314.015 of the Revised Code as long as the 53758
contracts conform with and the entity complies with all other 53759
requirements of this chapter. 53760

(D) (1) Regardless of the entity's authority to sponsor 53761
community schools without the initial approval of the 53762
department, the entity is under the continuing oversight of the 53763
department in accordance with rules adopted under section 53764
3314.015 of the Revised Code. 53765

(2) If an entity described in division (A) of this section 53766
receives a rating below "effective" under division (B) of 53767
section 3314.016 of the Revised Code for two or more consecutive 53768
years, that entity shall receive approval from the department to 53769
sponsor community schools and enter into a written agreement 53770
with the department in accordance with division (B) (1) of 53771
section 3314.015 of the Revised Code prior to entering into any 53772
further preliminary agreements under division (C) (2) of section 53773
3314.02 of the Revised Code or renewing any existing contract to 53774
sponsor a community school. 53775

(E) (1) As used in division (E) of this section: 53776

(a) "Board of trustees" means a board of trustees of a 53777

state university located in the pilot project area. 53778

(b) "Rating" means a sponsor rating under section 3314.016 53779
of the Revised Code. 53780

(2) Notwithstanding anything to the contrary in division 53781
(B) (7) (b) of section 3314.016 of the Revised Code, for the 53782
purposes of that division, the department shall consider an 53783
entity that succeeded a board of trustees as the sponsor of a 53784
community school in accordance with division (B) (1) of this 53785
section to have received the same rating for the 2016-2017 53786
school year as the board of trustees, provided all of the 53787
following apply: 53788

(a) The department assigned the board of trustees a rating 53789
of either "effective" or "exemplary" for the 2016-2017 school 53790
year. 53791

(b) The department did not assign the entity its own 53792
rating for the 2016-2017 school year. 53793

(c) The department assigned the entity its own rating for 53794
the 2017-2018 school year. 53795

Sec. 3314.03. A copy of every contract entered into under 53796
this section shall be filed with the director of education and 53797
workforce. The department of education and workforce shall make 53798
available on its web site a copy of every approved, executed 53799
contract filed with the director under this section. 53800

(A) Each contract entered into between a sponsor and the 53801
governing authority of a community school shall specify the 53802
following: 53803

(1) That the school shall be established as either of the 53804
following: 53805

- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 53806
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53808
- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 53809
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- (2) The education program of the school, including the school's mission and educational philosophy, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 53811
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 53815
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 53819
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 53823
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- (6) (a) Dismissal procedures; 53826
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 53827
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- (7) The ways by which the school will achieve racial and 53833

ethnic balance reflective of the community it serves; 53834

(8) Requirements for financial audits by the auditor of 53835
state. The contract shall require financial records of the 53836
school to be maintained in the same manner as are financial 53837
records of school districts, pursuant to rules of the auditor of 53838
state. Audits shall be conducted in accordance with section 53839
117.10 of the Revised Code. 53840

(9) An addendum to the contract outlining the facilities 53841
to be used that contains at least the following information: 53842

(a) A detailed description of each facility used for 53843
instructional purposes; 53844

(b) The annual costs associated with leasing each facility 53845
that are paid by or on behalf of the school; 53846

(c) The annual mortgage principal and interest payments 53847
that are paid by the school; 53848

(d) The name of the lender or landlord, identified as 53849
such, and the lender's or landlord's relationship to the 53850
operator, if any. 53851

(10) Qualifications of employees, including both of the 53852
following: 53853

(a) A requirement that the school's classroom teachers be 53854
licensed in accordance with sections 3319.22 to 3319.31 of the 53855
Revised Code, except that a community school may engage 53856
noncertificated persons to teach up to twelve hours or forty 53857
hours per week pursuant to section 3319.301 of the Revised Code; 53858

(b) A prohibition against the school employing an 53859
individual described in section 3314.104 of the Revised Code in 53860
any position. 53861

(11) That the school will comply with the following requirements: 53862
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 53864
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 53867
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 53870
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(d) The school will comply with sections 9.90, 9.91, 53874
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 53875
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.24, 3301.948, 53876
3302.037, 3302.131, 3302.132, 3313.472, 3313.473, 3313.474, 53877
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3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 53884
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 53885
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 53886
3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 53887
3319.391, 3319.393, 3319.41, 3319.46, 3319.90, 3319.614, 53888
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 53889
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 53890
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 53891

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised

Code. Beginning with the 2018-2019 school year, the school shall 53923
comply with the framework for granting units of high school 53924
credit to students who demonstrate subject area competency 53925
through work-based learning experiences, internships, or 53926
cooperative education developed by the department under division 53927
(J) (3) of section 3313.603 of the Revised Code. 53928

(g) The school governing authority will submit within four 53929
months after the end of each school year a report of its 53930
activities and progress in meeting the goals and standards of 53931
divisions (A) (3) and (4) of this section and its financial 53932
status to the sponsor and the parents of all students enrolled 53933
in the school. 53934

(h) The school, unless it is an internet- or computer- 53935
based community school, will comply with section 3313.801 of the 53936
Revised Code as if it were a school district. 53937

(i) If the school is the recipient of moneys from a grant 53938
awarded under the federal race to the top program, Division (A), 53939
Title XIV, Sections 14005 and 14006 of the "American Recovery 53940
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 53941
the school will pay teachers based upon performance in 53942
accordance with section 3317.141 and will comply with section 53943
3319.111 of the Revised Code as if it were a school district. 53944

(j) If the school operates a preschool program that is 53945
licensed by the department under sections 3301.52 to 3301.59 of 53946
the Revised Code, the school shall comply with sections 3301.50 53947
to 3301.59 of the Revised Code and the minimum standards for 53948
preschool programs prescribed in rules adopted by the department 53949
of children and youth under section 3301.53 of the Revised Code. 53950

(k) The school will comply with sections 3313.6021 and 53951

3313.6023 of the Revised Code as if it were a school district 53952
unless it is either of the following: 53953

(i) An internet- or computer-based community school; 53954

(ii) A community school in which a majority of the 53955
enrolled students are children with disabilities as described in 53956
division (B) (2) of section 3314.35 of the Revised Code. 53957

(1) The school will comply with section 3321.191 of the 53958
Revised Code, unless it is an internet- or computer-based 53959
community school that is subject to section 3314.261 of the 53960
Revised Code. 53961

(12) Arrangements for providing health and other benefits 53962
to employees; 53963

(13) The length of the contract, which shall begin at the 53964
beginning of an academic year. No contract shall exceed five 53965
years unless such contract has been renewed pursuant to division 53966
~~(E)~~ (D) of this section. 53967

(14) The governing authority of the school, which shall be 53968
responsible for carrying out the provisions of the contract; 53969

(15) A financial plan detailing an estimated school budget 53970
for each year of the period of the contract and specifying the 53971
total estimated per pupil expenditure amount for each such year. 53972

(16) Requirements and procedures regarding the disposition 53973
of employees of the school in the event the contract is 53974
terminated or not renewed pursuant to section 3314.07 of the 53975
Revised Code; 53976

(17) Whether the school is to be created by converting all 53977
or part of an existing public school or educational service 53978
center building or is to be a new start-up school, and if it is 53979

a converted public school or service center building, 53980
~~specification~~ both of the following: 53981

(a) Specification of any duties or responsibilities of an 53982
employer that the board of education or service center governing 53983
board that operated the school or building before conversion is 53984
delegating to the governing authority of the community school 53985
with respect to all or any specified group of employees provided 53986
the delegation is not prohibited by a collective bargaining 53987
agreement applicable to such employees; 53988

(b) Alternative arrangements for current public school 53989
students who choose not to attend the converted school and for 53990
teachers who choose not to teach in the school or building after 53991
conversion. 53992

(18) Provisions establishing procedures for resolving 53993
disputes or differences of opinion between the sponsor and the 53994
governing authority of the community school; 53995

(19) A provision requiring the governing authority to 53996
adopt a policy regarding the admission of students who reside 53997
outside the district in which the school is located. That policy 53998
shall comply with the admissions procedures specified in 53999
sections 3314.06 and 3314.061 of the Revised Code and, at the 54000
sole discretion of the authority, shall do one of the following: 54001

(a) Prohibit the enrollment of students who reside outside 54002
the district in which the school is located; 54003

(b) Permit the enrollment of students who reside in 54004
districts adjacent to the district in which the school is 54005
located; 54006

(c) Permit the enrollment of students who reside in any 54007
other district in the state. 54008

(20) A provision recognizing the authority of the 54009
department to take over the sponsorship of the school in 54010
accordance with the provisions of division (C) of section 54011
3314.015 of the Revised Code; 54012

(21) A provision recognizing the sponsor's authority to 54013
assume the operation of a school under the conditions specified 54014
in division (B) of section 3314.073 of the Revised Code; 54015

(22) A provision recognizing both of the following: 54016

(a) The authority of public health and safety officials to 54017
inspect the facilities of the school and to order the facilities 54018
closed if those officials find that the facilities are not in 54019
compliance with health and safety laws and regulations; 54020

(b) The authority of the department as the community 54021
school oversight body to suspend the operation of the school 54022
under section 3314.072 of the Revised Code if the department has 54023
evidence of conditions or violations of law at the school that 54024
pose an imminent danger to the health and safety of the school's 54025
students and employees and the sponsor refuses to take such 54026
action. 54027

(23) A description of the learning opportunities that will 54028
be offered to students including both classroom-based and non- 54029
classroom-based learning opportunities that is in compliance 54030
with criteria for student participation established by the 54031
department under division (H) (2) of section 3314.08 of the 54032
Revised Code; 54033

(24) The school will comply with sections 3302.04 and 54034
3302.041 of the Revised Code, except that any action required to 54035
be taken by a school district pursuant to those sections shall 54036
be taken by the sponsor of the school. 54037

(25) Beginning in the 2006-2007 school year, the school 54038
will open for operation not later than the thirtieth day of 54039
September each school year, unless the mission of the school as 54040
specified under division (A) (2) of this section is solely to 54041
serve dropouts. In its initial year of operation, if the school 54042
fails to open by the thirtieth day of September, or within one 54043
year after the adoption of the contract pursuant to division (D) 54044
of section 3314.02 of the Revised Code if the mission of the 54045
school is solely to serve dropouts, the contract shall be void. 54046

(26) Whether the school's governing authority is planning 54047
to seek designation for the school as a STEM school equivalent 54048
under section 3326.032 of the Revised Code; 54049

(27) That the school's attendance and participation 54050
policies will be available for public inspection; 54051

(28) That the school's attendance and participation 54052
records shall be made available to the department, auditor of 54053
state, and school's sponsor to the extent permitted under and in 54054
accordance with the "Family Educational Rights and Privacy Act 54055
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 54056
regulations promulgated under that act, and section 3319.321 of 54057
the Revised Code; 54058

(29) If a school operates using the blended learning 54059
model, as defined in section 3301.079 of the Revised Code, all 54060
of the following information: 54061

(a) An indication of what blended learning model or models 54062
will be used; 54063

(b) A description of how student instructional needs will 54064
be determined and documented; 54065

(c) The method to be used for determining competency, 54066

granting credit, and promoting students to a higher grade level; 54067

(d) The school's attendance requirements, including how 54068
the school will document participation in learning 54069
opportunities; 54070

(e) A statement describing how student progress will be 54071
monitored; 54072

(f) A statement describing how private student data will 54073
be protected; 54074

(g) A description of the professional development 54075
activities that will be offered to teachers. 54076

(30) A provision requiring that all moneys the school's 54077
operator loans to the school, including facilities loans or cash 54078
flow assistance, must be accounted for, documented, and bear 54079
interest at a fair market rate; 54080

(31) A provision requiring that, if the governing 54081
authority contracts with an attorney, accountant, or entity 54082
specializing in audits, the attorney, accountant, or entity 54083
shall be independent from the operator with which the school has 54084
contracted. 54085

(32) A provision requiring the governing authority to 54086
adopt an enrollment and attendance policy that requires a 54087
student's parent to notify the community school in which the 54088
student is enrolled when there is a change in the location of 54089
the parent's or student's primary residence. 54090

(33) A provision requiring the governing authority to 54091
adopt a student residence and address verification policy for 54092
students enrolling in or attending the school. 54093

(34) A provision establishing the process by which the 54094

governing authority of the school will be selected in the 54095
future. 54096

(35) A description of the management and administration of 54097
the school. 54098

(36) A provision requiring the governing authority to 54099
adopt policies and procedures to establish internal financial 54100
controls for the school. 54101

~~(B) The community school shall also submit to the sponsor-~~ 54102
~~a comprehensive plan for the school. The plan shall specify the~~ 54103
~~following:~~ 54104

~~(1) The process by which the governing authority of the~~ 54105
~~school will be selected in the future;~~ 54106

~~(2) The management and administration of the school;~~ 54107

~~(3) If the community school is a currently existing public~~ 54108
~~school or educational service center building, alternative~~ 54109
~~arrangements for current public school students who choose not~~ 54110
~~to attend the converted school and for teachers who choose not~~ 54111
~~to teach in the school or building after conversion;~~ 54112

~~(4) The instructional program and educational philosophy~~ 54113
~~of the school;~~ 54114

~~(5) Internal financial controls.~~ 54115

~~When submitting the plan under this division, the school~~ 54116
~~shall also submit copies of all policies and procedures~~ 54117
~~regarding internal financial controls adopted by the governing~~ 54118
~~authority of the school.~~ 54119

~~(C) A contract entered into under section 3314.02 of the~~ 54120
~~Revised Code between a sponsor and the governing authority of a~~ 54121

community school may provide for the community school governing 54122
authority to make payments to the sponsor, which is hereby 54123
authorized to receive such payments as set forth in the contract 54124
between the governing authority and the sponsor. The total 54125
amount of such payments for monitoring, oversight, and technical 54126
assistance of the school shall not exceed three per cent of the 54127
total amount of payments for operating expenses that the school 54128
receives from the state. 54129

~~(D)~~ (C) The contract shall specify the duties of the 54130
sponsor which shall be in accordance with the written agreement 54131
entered into with the department under division (B) of section 54132
3314.015 of the Revised Code and shall include the following: 54133

(1) Monitor the community school's compliance with all 54134
laws applicable to the school and with the terms of the 54135
contract; 54136

(2) Monitor and evaluate the academic and fiscal 54137
performance and the organization and operation of the community 54138
school on at least an annual basis; 54139

(3) Provide technical assistance to the community school 54140
in complying with laws applicable to the school and terms of the 54141
contract; 54142

(4) Take steps to intervene in the school's operation to 54143
correct problems in the school's overall performance, declare 54144
the school to be on probationary status pursuant to section 54145
3314.073 of the Revised Code, suspend the operation of the 54146
school pursuant to section 3314.072 of the Revised Code, or 54147
terminate the contract of the school pursuant to section 3314.07 54148
of the Revised Code as determined necessary by the sponsor; 54149

(5) Have in place a plan of action to be undertaken in the 54150

event the community school experiences financial difficulties or 54151
closes prior to the end of a school year. 54152

~~(E)~~ (D) Upon the expiration of a contract entered into 54153
under this section, the sponsor of a community school may, with 54154
the approval of the governing authority of the school, renew 54155
that contract for a period of time determined by the sponsor, 54156
but not ending earlier than the end of any school year, if the 54157
sponsor finds that the school's compliance with applicable laws 54158
and terms of the contract and the school's progress in meeting 54159
the academic goals prescribed in the contract have been 54160
satisfactory. Any contract that is renewed under this division 54161
remains subject to the provisions of sections 3314.07, 3314.072, 54162
and 3314.073 of the Revised Code. 54163

~~(F)~~ (E) If a community school fails to open for operation 54164
within one year after the contract entered into under this 54165
section is adopted pursuant to division (D) of section 3314.02 54166
of the Revised Code or permanently closes prior to the 54167
expiration of the contract, the contract shall be void and the 54168
school shall not enter into a contract with any other sponsor. A 54169
school shall not be considered permanently closed because the 54170
operations of the school have been suspended pursuant to section 54171
3314.072 of the Revised Code. 54172

Sec. 3314.034. (A) Subject to division (B) of this 54173
section, and except as described in division (E) of this 54174
section, any community school to which either of the following 54175
conditions apply shall be prohibited from entering into a 54176
contract with a new sponsor: 54177

(1) The community school has received, on the most recent 54178
report card issued for that school under section 3302.03 of the 54179
Revised Code, either of the following: 54180

(a) A grade of "D" or "F" for the performance index score, 54181
under division (C) (1) (b) of section 3302.03 of the Revised Code, 54182
and an overall grade of "D" or "F" for the value-added progress 54183
dimension or another measure of student academic progress if 54184
adopted by the department of education and workforce, under 54185
division (C) (1) (e) of that section; 54186

(b) A performance rating of less than three stars for 54187
achievement under division (D) (3) (b) of section 3302.03 of the 54188
Revised Code and a performance rating of less than three stars 54189
for progress under division (D) (3) (c) of that section. 54190

(2) The community school is ~~one in which a majority of the~~ 54191
~~students are enrolled in a dropout prevention and recovery-~~ 54192
~~program~~ community school, and it has received a rating of "does 54193
not meet standards" for the annual student growth measure and 54194
combined graduation rates on the most recent report card issued 54195
for the school under section 3314.017 of the Revised Code. 54196

(B) A community school to which division (A) of this 54197
section applies may enter into a contract with a new sponsor if 54198
all of the following conditions are satisfied: 54199

(1) The proposed sponsor received a rating of "effective" 54200
or higher pursuant to division (B) (6) of section 3314.016 of the 54201
Revised Code on its most recent evaluation conducted according 54202
to that section, or the proposed sponsor is the office of Ohio 54203
school sponsorship established in section 3314.029 of the 54204
Revised Code. 54205

(2) The community school submits a request to enter into a 54206
new contract with a sponsor. 54207

(3) The community school has not submitted a prior request 54208
that was granted. 54209

(4) The department grants the school's request pursuant to 54210
division (C) of this section. 54211

(C) (1) A school shall submit a request to change sponsors 54212
under this section not later than on the fifteenth day of 54213
February of the year in which the school wishes to do so. If a 54214
community school to which division (A) (1) of this section 54215
applies submits a request to the department to enter into a 54216
contract with a new sponsor and a majority of the school's 54217
students are children with disabilities receiving special 54218
education and related services under Chapter 3323. of the 54219
Revised Code, the department shall at least consider the 54220
school's performance as measured against the average performance 54221
of all other community schools that primarily serve children 54222
with disabilities. 54223

(2) The department shall grant or deny the request not 54224
later than thirty days after the department receives it. If the 54225
department denies the request, the community school may submit 54226
an appeal to the director of education and workforce who shall 54227
hold a hearing in accordance with Chapter 119. of the Revised 54228
Code. The community school shall file its notice of appeal to 54229
the director not later than ten days after receiving the 54230
decision from the department. The director shall conduct the 54231
hearing not later than thirty days after receiving the school's 54232
notice of appeal and act upon the determination of the hearing 54233
officer not later than the twenty-fifth day of June of the year 54234
in which the school wishes to change sponsors. 54235

(D) Factors to be considered during a hearing held 54236
pursuant to division (C) of this section include, but are not 54237
limited to, the following: 54238

(1) The school's impact on the students and the community 54239

or communities it serves; 54240

(2) The quality and quantity of academic and 54241
administrative support the school receives from its current 54242
sponsor to help the school to improve; 54243

(3) The sponsor's annual evaluations of the community 54244
school under division ~~(D) (2)~~ (c) (2) of section 3314.03 of the 54245
Revised Code for the previous three years; 54246

(4) The academic performance of the school, taking into 54247
account the demographic information of the students enrolled in 54248
the school; 54249

(5) The academic performance of alternative schools that 54250
serve comparable populations of students as those served by the 54251
community school; 54252

(6) The fiscal stability of the school; 54253

(7) The results of any audits of the school by the auditor 54254
of state; 54255

(8) The length of time the school has been under the 54256
oversight of its current sponsor; 54257

(9) The number of times the school has changed sponsors 54258
prior to the current request; 54259

(10) Parent and student satisfaction rates as demonstrated 54260
by surveys, if available. 54261

(E) Notwithstanding anything to the contrary in this 54262
section, if a community school in which a majority of the 54263
enrolled students are children with disabilities receiving 54264
special education and related services in accordance with 54265
Chapter 3323. of the Revised Code meets both of the following 54266

criteria, the school may enter into a contract with a new 54267
sponsor, provided that the new sponsor satisfies the criteria in 54268
division (B) (1) of this section: 54269

(1) The school received, on its most recent report card 54270
issued under section 3302.03 of the Revised Code, a performance 54271
rating of at least three stars for progress under division (D) 54272
(3) (c) of that section. 54273

(2) As calculated for the most recent school year under 54274
section 3302.035 of the Revised Code, the school's performance 54275
index score for students with disabilities was higher than the 54276
performance index score for students with disabilities of the 54277
school district in which the school is located. 54278

Sec. 3314.038. Each community school shall annually submit 54279
to the department of education and workforce ~~and auditor of~~ 54280
~~state~~ a report of each instance under which a student who is 54281
enrolled in that community school resides in a children's 54282
residential center as defined under section 5103.05 of the 54283
Revised Code. 54284

Sec. 3314.0311. The governing authority of each community 54285
school established under this chapter annually shall provide 54286
instruction to students in the grade levels the school serves 54287
about how short-term or chronic substance use, as defined in 54288
section 3313.6034 of the Revised Code, to alter one's mood is 54289
harmful to an individual's health. Each governing authority 54290
shall do all of the following with regard to the instruction: 54291

(A) Determine the manner in which the instruction is 54292
provided to students; 54293

(B) Ensure the instruction is age and developmentally 54294
appropriate; 54295

(C) Conform the instruction to prevention best-practice 54296
frameworks; 54297

(D) Focus the instruction on addressing changes in 54298
knowledge, attitude, and skills as a child develops. 54299

Sec. 3314.05. (A) The contract between the community 54300
school and the sponsor shall specify the facilities to be used 54301
for the community school and the method of acquisition. ~~Except~~ 54302
~~as provided in divisions (B) (3) and (4) of this section, no~~ 54303
~~community school shall be established in more than one school~~ 54304
~~district under the same contract.~~ 54305

(B) Division (B) of this section shall not apply to 54306
internet- or computer-based community schools. 54307

(1) A community school may be located in multiple 54308
facilities under the same contract ~~only if the limitations on~~ 54309
~~availability of space prohibit serving all the grade levels~~ 54310
~~specified in the contract in a single facility or division (B)~~ 54311
~~(2), (3), or (4) of this section applies to the school. The~~ 54312
~~school shall not offer the same grade level classrooms in more~~ 54313
~~than one facility.~~ 54314

~~(2) A community school may be located in multiple~~ 54315
~~facilities under the same contract and, notwithstanding division~~ 54316
~~(B) (1) of this section, may assign students in the same grade~~ 54317
~~level to multiple facilities, as long as all of the following~~ 54318
~~apply:~~ 54319

~~(a) The governing authority has entered into and maintains~~ 54320
~~a contract with an operator of the type described in division~~ 54321
~~(A) (8) (b) of section 3314.02 of the Revised Code.~~ 54322

~~(b) The contract with that operator qualified the school~~ 54323
~~to be established pursuant to division (A) of former section~~ 54324

~~3314.016 of the Revised Code.~~ 54325

~~(c) The school's rating under section 3302.03 of the Revised Code does not fall below a combination of any of the following for two or more consecutive years:—~~ 54326
54327
54328

~~(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;—~~ 54329
54330
54331

~~(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A) (1) (b) or (B) (1) (b) and the value-added dimension under division (A) (1) (c) or (B) (1) (c) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code;—~~ 54332
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~~(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 school years, an overall grade of "C" under division (C) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (c) of section 3314.017 of the Revised Code;—~~ 54340
54341
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~~(iv) For the 2021-2022 school year and any school year thereafter, an overall performance rating of three stars under division (D) (3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E) (3) (c) of section 3314.017 of the Revised Code.~~ 54345
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54349

~~(3) On and after September 30, 2021, a new start-up community school may be established in two school districts under the same contract regardless of the proposed location of either district if both of the following apply:—~~ 54350
54351
54352
54353

~~(a) The school operates not more than one facility in each school district and, in accordance with division (B) (1) of this section, the school does not offer the same grade level classrooms in both facilities; and~~

~~(b) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.~~

~~(4) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B) (1) of this section, may assign students in the same grade level to multiple facilities, as long as both of the following apply:~~

~~(a) The facilities are all located in the same county or in any county adjacent to the county in which the community school's primary facility is located.~~

~~(b) Either of the following conditions are satisfied:~~

~~(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located;~~

~~(ii) The community school is managed by an operator.~~

(2) ~~In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section~~

3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.

A community school governing authority that elects to modify a community school's primary location shall notify the department of that modification.

~~(5)~~ (3) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school

as a whole.

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~~(F) (1) In the case of a community school that exists prior to September 30, 2021, to which division (B) (3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F) (2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.~~

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~~(2) (a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of education and workforce of that designation.~~

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~~(b) A community school governing authority that elects to~~

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~~modify a community school's primary location, whether in~~ 54442
~~accordance with division (F) (1) of this section or otherwise,~~ 54443
~~shall notify the department of that modification.~~ 54444

Sec. 3314.07. (A) The expiration of the contract for a 54445
community school between a sponsor and a school shall be the 54446
date provided in the contract. A successor contract may be 54447
entered into pursuant to division ~~(E)~~ (D) of section 3314.03 of 54448
the Revised Code unless the contract is terminated or not 54449
renewed pursuant to this section. 54450

(B) (1) A sponsor may choose not to renew a contract at its 54451
expiration or may choose to terminate a contract prior to its 54452
expiration for any of the following reasons: 54453

(a) Failure to meet student performance requirements 54454
stated in the contract; 54455

(b) Failure to meet generally accepted standards of fiscal 54456
management; 54457

(c) Violation of any provision of the contract or 54458
applicable state or federal law; 54459

(d) Other good cause. 54460

(2) A sponsor may choose to terminate a contract prior to 54461
its expiration if the sponsor has suspended the operation of the 54462
contract under section 3314.072 of the Revised Code. 54463

(3) Not later than the fifteenth day of January in the 54464
year in which the sponsor intends to terminate or take actions 54465
not to renew the community school's contract, the sponsor shall 54466
notify the school of the proposed action in writing. The notice 54467
shall include the reasons for the proposed action in detail, the 54468
effective date of the termination or nonrenewal, and a statement 54469

that the school may, within fourteen days of receiving the 54470
notice, request an informal hearing before the sponsor. Such 54471
request must be in writing. The informal hearing shall be held 54472
within fourteen days of the receipt of a request for the 54473
hearing. Not later than fourteen days after the informal 54474
hearing, the sponsor shall issue a written decision either 54475
affirming or rescinding the decision to terminate or not renew 54476
the contract. 54477

(4) The termination of a contract under this section shall 54478
be effective upon the occurrence of the later of the following 54479
events: 54480

(a) The date the sponsor notifies the school of its 54481
decision to terminate the contract as prescribed in division (B) 54482
(3) of this section; 54483

(b) If an informal hearing is requested under division (B) 54484
(3) of this section and as a result of that hearing the sponsor 54485
affirms its decision to terminate the contract, the effective 54486
date of the termination specified in the notice issued under 54487
division (B) (3) of this section. 54488

(5) Any community school whose contract is terminated or 54489
not renewed under division (B) (1) (a) or (b) of this section 54490
shall close permanently at the end of the current school year or 54491
on a date specified in the notification of termination or 54492
nonrenewal under division (B) (3) of this section. Any community 54493
school whose contract is terminated or not renewed for failure 54494
to meet student performance requirements stated in the contract, 54495
or for failure to meet generally accepted standards of fiscal 54496
management under this division shall not enter into a contract 54497
with any other sponsor. 54498

(C) A child attending a community school whose contract
has been terminated, nonrenewed, or suspended or that closes for
any reason shall be admitted to the schools of the district in
which the child is entitled to attend under section 3313.64 or
3313.65 of the Revised Code. Any deadlines established for the
purpose of admitting students under section 3313.97 or 3313.98
of the Revised Code shall be waived for students to whom this
division pertains.

(D) If a community school does not intend to renew a
contract with its sponsor, the community school shall notify its
sponsor in writing of that fact at least one hundred eighty days
prior to the expiration of the contract. Such a community school
may enter into a contract with a new sponsor in accordance with
section 3314.03 of the Revised Code upon the expiration of the
previous contract.

(E) A sponsor of a community school and the officers,
directors, or employees of such a sponsor are immune from civil
liability for any action authorized under this chapter or the
contract entered into with the school under section 3314.03 of
the Revised Code that is taken to fulfill the sponsor's
responsibility to oversee and monitor the school. The sponsor
and its officers, directors, or employees are not liable in
damages in a tort or other civil action for harm allegedly
arising from any of the following:

(1) A failure of the community school or any of its
officers, directors, or employees to perform any statutory or
common law duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any
of its officers, directors, or employees that results in harm.

(3) A failure of the community school or any of its officers, directors, or employees to meet the obligations of any contract or other obligation entered into on behalf of the community school and another party.

(F) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) The department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related

services pursuant to an IEP; 54556

(3) The number of students reported under division (B) (2) 54557
of this section receiving special education and related services 54558
pursuant to an IEP for a disability described in each of 54559
divisions (A) to (F) of section 3317.013 of the Revised Code; 54560

(4) The full-time equivalent number of students reported 54561
under divisions (B) (1) and (2) of this section who are enrolled 54562
in career-technical education programs or classes described in 54563
each of divisions (A) (1) to (5) of section 3317.014 of the 54564
Revised Code that are provided by the community school; 54565

(5) The number of students reported under divisions (B) (1) 54566
and (2) of this section who are not reported under division (B) 54567
(4) of this section but who are enrolled in career-technical 54568
education programs or classes described in each of divisions (A) 54569
(1) to (5) of section 3317.014 of the Revised Code at a joint 54570
vocational school district or another district in the career- 54571
technical planning district to which the school is assigned; 54572

(6) The number of students reported under divisions (B) (1) 54573
and (2) of this section who are category one to three English 54574
learners described in each of divisions (A) to (C) of section 54575
3317.016 of the Revised Code; 54576

(7) The number of students reported under divisions (B) (1) 54577
and (2) of this section who are economically disadvantaged, as 54578
defined by the department. A student shall not be categorically 54579
excluded from the number reported under division (B) (7) of this 54580
section based on anything other than family income. 54581

(8) For each student, the city, exempted village, or local 54582
school district in which the student is entitled to attend 54583
school under section 3313.64 or 3313.65 of the Revised Code. 54584

(9) The number of students enrolled in a preschool program 54585
operated by the school that is licensed under sections 3301.52 54586
to 3301.59 of the Revised Code who are not receiving special 54587
education and related services pursuant to an IEP. 54588

A school district board and a community school governing 54589
authority shall include in their respective reports under 54590
division (B) of this section any child admitted in accordance 54591
with division (A) (2) of section 3321.01 of the Revised Code. 54592

A governing authority of a community school shall not 54593
include in its report under divisions (B) (1) to (9) of this 54594
section any student for whom tuition is charged under division 54595
(F) of this section. 54596

(C) (1) (a) If a community school's costs for a fiscal year 54597
for a student receiving special education and related services 54598
pursuant to an IEP for a disability described in divisions (B) 54599
to (F) of section 3317.013 of the Revised Code exceed the 54600
threshold cost for serving the student as specified in division 54601
(B) of section 3317.0214 of the Revised Code, the school may 54602
submit to the director of education and workforce documentation, 54603
as prescribed by the director, of all its costs for that 54604
student. Upon submission of documentation for a student of the 54605
type and in the manner prescribed, the department shall pay to 54606
the community school an amount equal to the school's costs for 54607
the student in excess of the threshold costs. 54608

(b) The community school shall report under division (C) 54609
(1) (a) of this section, and the department shall pay for, only 54610
the costs of educational expenses and the related services 54611
provided to the student in accordance with the student's 54612
individualized education program. Any legal fees, court costs, 54613
or other costs associated with any cause of action relating to 54614

the student may not be included in the amount. 54615

(2) In any fiscal year, a community school receiving funds 54616
under division (A) (7) of section 3317.022 of the Revised Code 54617
shall spend those funds only for the purposes that the 54618
department designates as approved for career-technical education 54619
expenses. Career-technical education expenses approved by the 54620
department shall include only expenses connected to the delivery 54621
of career-technical programming to career-technical students. 54622
The department shall require the school to report data annually 54623
so that the department may monitor the school's compliance with 54624
the requirements regarding the manner in which funding received 54625
under division (A) (7) of section 3317.022 of the Revised Code 54626
may be spent. 54627

(3) Notwithstanding anything to the contrary in section 54628
3313.90 of the Revised Code, except as provided in division (C) 54629
(5) of this section, all funds received under division (A) (7) of 54630
section 3317.022 of the Revised Code shall be spent in the 54631
following manner: 54632

(a) At least seventy-five per cent of the funds shall be 54633
spent on curriculum development, purchase, and implementation; 54634
instructional resources and supplies; industry-based program 54635
certification; student assessment, credentialing, and placement; 54636
curriculum specific equipment purchases and leases; career- 54637
technical student organization fees and expenses; home and 54638
agency linkages; work-based learning experiences; professional 54639
development; and other costs directly associated with career- 54640
technical education programs including development of new 54641
programs. 54642

(b) Not more than twenty-five per cent of the funds shall 54643
be used for personnel expenditures. 54644

(4) A community school shall spend the funds it receives 54645
under division (A) (4) of section 3317.022 of the Revised Code in 54646
accordance with section 3317.25 of the Revised Code. 54647

(5) The department may waive the requirement in division 54648
(C) (3) of this section for any community school that exclusively 54649
provides one or more career-technical workforce development 54650
programs in arts and communications that are not equipment- 54651
intensive, as determined by the department. 54652

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a community 54653
school shall spend the funds it receives under division (A) (5) 54654
of section 3317.022 of the Revised Code only for services for 54655
English learners. 54656

(D) A board of education sponsoring a community school may 54657
utilize local funds to make enhancement grants to the school or 54658
may agree, either as part of the contract or separately, to 54659
provide any specific services to the community school at no cost 54660
to the school. 54661

(E) A community school may not levy taxes or issue bonds 54662
secured by tax revenues. 54663

(F) No community school shall charge tuition for the 54664
enrollment of any student who is a resident of this state. A 54665
community school may charge tuition for the enrollment of any 54666
student who is not a resident of this state. 54667

(G) (1) (a) A community school may borrow money to pay any 54668
necessary and actual expenses of the school in anticipation of 54669
the receipt of any portion of the payments to be received by the 54670
school pursuant to section 3317.022 of the Revised Code. The 54671
school may issue notes to evidence such borrowing. The proceeds 54672
of the notes shall be used only for the purposes for which the 54673

anticipated receipts may be lawfully expended by the school. 54674

(b) A school may also borrow money for a term not to 54675
exceed fifteen years for the purpose of acquiring facilities. 54676

(2) The state is not liable for debt incurred by the 54677
governing authority of a community school. 54678

(H) The department shall adjust the amounts paid under 54679
section 3317.022 of the Revised Code to reflect any enrollment 54680
of students in community schools for less than the equivalent of 54681
a full school year. The department shall adopt in accordance 54682
with Chapter 119. of the Revised Code rules governing the 54683
payments to community schools under section 3317.022 of the 54684
Revised Code including initial payments in a school year and 54685
adjustments and reductions made in subsequent periodic payments 54686
to community schools as provided under section 3317.022 of the 54687
Revised Code. For purposes of this division: 54688

(1) A student shall be considered enrolled in the 54689
community school for any portion of the school year the student 54690
is participating at a college under Chapter 3365. of the Revised 54691
Code. 54692

(2) A student shall be considered to be enrolled in a 54693
community school for the period of time beginning on the later 54694
of the date on which the school both has received documentation 54695
of the student's enrollment from a parent and the student has 54696
commenced participation in learning opportunities as defined in 54697
the contract with the sponsor, or thirty days prior to the date 54698
on which the student is entered into the education management 54699
information system established under section 3301.0714 of the 54700
Revised Code. For purposes of applying this division and 54701
divisions (H) (3) and (4) of this section to a community school 54702

student, "learning opportunities" shall be defined in the 54703
contract, which shall describe both classroom-based and non- 54704
classroom-based learning opportunities and shall be in 54705
compliance with criteria and documentation requirements for 54706
student participation which shall be established by the 54707
department. Any student's instruction time in non-classroom- 54708
based learning opportunities shall be certified by an employee 54709
of the community school. A student's enrollment shall be 54710
considered to cease on the date on which any of the following 54711
occur: 54712

(a) The community school receives documentation from a 54713
parent terminating enrollment of the student. 54714

(b) The community school is provided documentation of a 54715
student's enrollment in another public or private school. 54716

(c) The community school ceases to offer learning 54717
opportunities to the student pursuant to the terms of the 54718
contract with the sponsor or the operation of any provision of 54719
this chapter. 54720

Except as otherwise specified in this paragraph, beginning 54721
in the 2011-2012 school year, any student who completed the 54722
prior school year in an internet- or computer-based community 54723
school shall be considered to be enrolled in the same school in 54724
the subsequent school year until the student's enrollment has 54725
ceased as specified in division (H)(2) of this section. The 54726
department shall continue paying amounts for the student under 54727
section 3317.022 of the Revised Code without interruption at the 54728
start of the subsequent school year. However, if the student 54729
without a legitimate excuse fails to participate in the first 54730
seventy-two consecutive hours of learning opportunities offered 54731
to the student in that subsequent school year, the student shall 54732

be considered not to have re-enrolled in the school for that 54733
school year and the department shall recalculate the payments to 54734
the school for that school year to account for the fact that the 54735
student is not enrolled. 54736

(3) The department shall determine each community school 54737
student's percentage of full-time equivalency based on the 54738
percentage of learning opportunities offered by the community 54739
school to that student, reported either as number of hours or 54740
number of days, is of the total learning opportunities offered 54741
by the community school to a student who attends for the 54742
school's entire school year. However, no internet- or computer- 54743
based community school shall be credited for any time a student 54744
spends participating in learning opportunities beyond ten hours 54745
within any period of twenty-four consecutive hours. Whether it 54746
reports hours or days of learning opportunities, each community 54747
school shall offer not less than nine hundred twenty hours of 54748
learning opportunities during the school year. 54749

(4) With respect to the calculation of full-time 54750
equivalency under division (H) (3) of this section, the 54751
department shall waive the number of hours or days of learning 54752
opportunities not offered to a student because the community 54753
school was closed during the school year due to disease 54754
epidemic, hazardous weather conditions, law enforcement 54755
emergencies, inoperability of school buses or other equipment 54756
necessary to the school's operation, damage to a school 54757
building, or other temporary circumstances due to utility 54758
failure rendering the school building unfit for school use, so 54759
long as the school was actually open for instruction with 54760
students in attendance during that school year for not less than 54761
the minimum number of hours required by this chapter. The 54762
department shall treat the school as if it were open for 54763

instruction with students in attendance during the hours or days 54764
waived under this division. 54765

(I) The department of education and workforce shall reduce 54766
the amounts paid under section 3317.022 of the Revised Code to 54767
reflect payments made to colleges under section 3365.07 of the 54768
Revised Code. 54769

(J) (1) No student shall be considered enrolled in any 54770
internet- or computer-based community school or, if applicable 54771
to the student, in any community school that is required to 54772
provide the student with a computer pursuant to division (C) of 54773
section 3314.22 of the Revised Code, unless both of the 54774
following conditions are satisfied: 54775

(a) The student possesses or has been provided with all 54776
required hardware and software materials and all such materials 54777
are operational so that the student is capable of fully 54778
participating in the learning opportunities specified in the 54779
contract between the school and the school's sponsor as required 54780
by division (A) (23) of section 3314.03 of the Revised Code; 54781

(b) The school is in compliance with division (A) of 54782
section 3314.22 of the Revised Code, relative to such student. 54783

(2) In accordance with policies adopted by the department 54784
of education and workforce, in consultation with the auditor of 54785
state, the department shall reduce the amounts otherwise payable 54786
under section 3317.022 of the Revised Code to any community 54787
school that includes in its program the provision of computer 54788
hardware and software materials to any student, if such hardware 54789
and software materials have not been delivered, installed, and 54790
activated for each such student in a timely manner or other 54791
educational materials or services have not been provided 54792

according to the contract between the individual community 54793
school and its sponsor. 54794

The director and the auditor of state shall jointly 54795
establish a method for auditing any community school to which 54796
this division pertains to ensure compliance with this section. 54797

The director, auditor of state, and the governor shall 54798
jointly make recommendations to the general assembly for 54799
legislative changes that may be required to assure fiscal and 54800
academic accountability for such schools. 54801

(K) (1) If the department determines that a review of a 54802
community school's enrollment is necessary, such review shall be 54803
completed and written notice of the findings shall be provided 54804
to the governing authority of the community school and its 54805
sponsor within ninety days of the end of the community school's 54806
fiscal year, unless extended for a period not to exceed thirty 54807
additional days for one of the following reasons: 54808

(a) The department and the community school mutually agree 54809
to the extension. 54810

(b) Delays in data submission caused by either a community 54811
school or its sponsor. 54812

(2) If the review results in a finding that additional 54813
funding is owed to the school, such payment shall be made within 54814
thirty days of the written notice. If the review results in a 54815
finding that the community school owes moneys to the state, the 54816
following procedure shall apply: 54817

(a) Within ten business days of the receipt of the notice 54818
of findings, the community school may appeal the department's 54819
determination to the director. 54820

(b) The director shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) Any decision made by the director under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the director.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the director grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The director may grant a waiver only for good cause in accordance with rules adopted by the department.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized

twelve-year course of the public schools by reason of induction 54850
or enlistment in the armed forces and who apply for enrollment 54851
in a community school not later than four years after 54852
termination of war or their honorable discharge. If, however, 54853
any such veteran elects to enroll in special courses organized 54854
for veterans for whom tuition is paid under federal law, or 54855
otherwise, the department shall not pay to a community school 54856
under section 3317.022 of the Revised Code any amount for that 54857
veteran. 54858

Sec. 3314.093. (A) The governing authorities of two or 54859
more community schools may enter into an agreement to establish 54860
a consortium to provide or arrange transportation to and from 54861
school for students enrolled in participating schools. A 54862
consortium shall act on behalf of each participating school with 54863
regard to student transportation and shall comply with any law 54864
regarding student transportation in the same manner as a 54865
community school, including sections 3314.091 and 3327.02 of the 54866
Revised Code. 54867

(B) A consortium may do both of the following as if it 54868
were a community school: 54869

(1) Enter into an agreement under division (A) of section 54870
3314.091 of the Revised Code with a school district that has 54871
native students, as defined in section 3314.09 of the Revised 54872
Code, enrolled in a community school participating in the 54873
consortium; 54874

(2) Unilaterally accept responsibility for the 54875
transportation of students enrolled in participating schools 54876
under division (B) of section 3314.091 of the Revised Code. 54877

(C) The department of education and workforce shall 54878

calculate and make payments to a consortium under division (I) 54879
of section 3317.0212 of the Revised Code as if it were a 54880
community school. 54881

Sec. 3314.19. The sponsor of each community school shall 54882
provide the ~~following~~ assurances required under this section in 54883
writing to the department of education and workforce not later 54884
than ~~ten~~ five business days prior to the opening of the school's 54885
first year of operation or, if the school is not an internet- or 54886
computer-based community school and it ~~changes the~~ relocates to 54887
a different building from which it operates or opens a satellite 54888
location, not later than five business days prior to the opening 54889
of the first year it operates from the new building+ facility. 54890
In cases where a school adds a facility to the existing school 54891
location or the school is an internet or computer-based 54892
community school and changes its location or adds a satellite 54893
location, the sponsor shall provide the assurances not later 54894
than one day prior to the operation in the new facility. The 54895
assurances shall include the following statements: 54896

(A) That a current copy of the contract between the 54897
sponsor and the governing authority of the school entered into 54898
under section 3314.03 of the Revised Code has been filed with 54899
the department and that any subsequent modifications to that 54900
contract will be filed with the department; 54901

(B) That the school has submitted to the sponsor a plan 54902
for providing special education and related services to students 54903
with disabilities and has demonstrated the capacity to provide 54904
those services in accordance with Chapter 3323. of the Revised 54905
Code and federal law; 54906

(C) That the school has a plan and procedures for 54907
administering the achievement and diagnostic assessments 54908

prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 54909
the Revised Code; 54910

(D) That school personnel have the necessary training, 54911
knowledge, and resources to properly use and submit information 54912
to all databases maintained by the department for the collection 54913
of education data, including the education management 54914
information system established under section 3301.0714 of the 54915
Revised Code in accordance with methods and timelines 54916
established under section 3314.17 of the Revised Code; 54917

(E) That all required information about the school has 54918
been submitted to the Ohio education directory system or any 54919
successor system; 54920

(F) That the school will enroll at least the minimum 54921
number of students required by division (A)(11)(a) of section 54922
3314.03 of the Revised Code in the school year for which the 54923
assurances are provided; 54924

(G) That all classroom teachers are licensed in accordance 54925
with sections 3319.22 to 3319.31 of the Revised Code, except for 54926
noncertificated persons engaged to teach up to twelve hours or 54927
forty hours per week pursuant to section 3319.301 of the Revised 54928
Code; 54929

(H) That the school's fiscal officer is in compliance with 54930
section 3314.011 of the Revised Code; 54931

(I) That the school has complied with sections 3319.39 and 54932
3319.391 of the Revised Code with respect to all employees and 54933
that the school has conducted a criminal records check of each 54934
of its governing authority members; 54935

(J) That the school holds all of the following: 54936

(1) Proof of property ownership or a lease for the facilities used by the school;	54937 54938
(2) A certificate of occupancy;	54939
(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's facilities, staff, and governing authority against risk;	54940 54941 54942 54943
(4) A satisfactory health and safety inspection;	54944
(5) A satisfactory fire inspection;	54945
(6) A valid food permit, if applicable.	54946
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	54947 54948 54949
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	54950 54951 54952 54953
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	54954 54955 54956
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	54957 54958 54959 54960
(1) An indication of what blended learning model or models will be used;	54961 54962
(2) A description of how student instructional needs will	54963

be determined and documented; 54964

(3) The method to be used for determining competency, 54965
granting credit, and promoting students to a higher grade level; 54966

(4) The school's attendance requirements, including how 54967
the school will document participation in learning 54968
opportunities; 54969

(5) A statement describing how student progress will be 54970
monitored; 54971

(6) A statement describing how private student data will 54972
be protected; 54973

(7) A description of the professional development 54974
activities that will be offered to teachers. 54975

Sec. 3314.191. Notwithstanding any provision to the 54976
contrary in the Revised Code, the department of education and 54977
workforce shall make no payment under section 3317.022 of the 54978
Revised Code to a community school opening for its first year of 54979
operation until the sponsor of that school confirms all of the 54980
following: 54981

(A) The school is in compliance with the provisions 54982
described in divisions (A), (H), (I), and (J) (3) of section 54983
3314.19 of the Revised Code. 54984

(B) The sponsor has approved the financial controls 54985
required by the ~~comprehensive plan for the school~~ contract the 54986
sponsor enters into with the governing authority of the 54987
community school under ~~division (B) (5) of~~ section 3314.03 of the 54988
Revised Code. 54989

(C) The school facilities will be ready and open for use 54990
by the date prescribed in the contract entered into under 54991

section 3314.03 of the Revised Code, and the sponsor has 54992
reviewed any lease, purchase agreement, permits required by 54993
statute or contract, and construction plans. 54994

(D) The chief administrator of the community school 54995
actively is managing daily operations at the school. 54996

(E) The projected enrollment reported to the department is 54997
accurate. 54998

Sec. 3314.261. This section shall not apply to an 54999
internet- or computer-based community school ~~in which a majority~~ 55000
~~of the students are enrolled in a dropout prevention and~~ 55001
~~recovery program~~ that is a dropout prevention and recovery 55002
community school. 55003

(A) For purposes of this section, "instructional 55004
activities" means the following classroom-based or nonclassroom- 55005
based activities that a student is expected to complete, 55006
participate in, or attend during any given school day: 55007

(1) Online logins to curriculum or programs; 55008

(2) Offline activities; 55009

(3) Completed assignments within a particular program, 55010
curriculum, or class; 55011

(4) Testing; 55012

(5) Face-to-face communications or meetings with school 55013
staff or service providers; 55014

(6) Telephone or video conferences with school staff or 55015
service providers; 55016

(7) Other documented communication with school staff or 55017
service providers related to school curriculum or programs. 55018

(B) (1) Each internet- or computer-based community school's attendance policy adopted in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code shall specify that a student is considered in attendance at the school when the student satisfies either of the following conditions:

(a) The student participates in at least ninety per cent of the hours of instructional activities offered by the school in that school year;

(b) The student is on pace for on-time completion of any course in which the student is enrolled. The school's attendance policy shall define "on pace for on-time completion" for purposes of division (B) (1) (b) of this section.

(2) If a student is not considered in attendance under division (B) (1) of this section, the student shall be considered absent for those hours of instructional activities offered by the school in that school year in which the student does not participate.

(3) In the event that a student has thirty or more hours of unexcused absences in any semester, the internet- or computer-based community school in which the student is enrolled shall submit a written report to the student's parent, guardian, or custodian.

(C) Notwithstanding section 3321.191 of the Revised Code, each internet- or computer-based community school shall develop and adopt a policy regarding failure to participate in instructional activities. The policy shall state that a student shall become subject to certain consequences, including disenrollment from the school, if both of the following conditions are satisfied:

(1) After the student's parent, guardian, or custodian receives a written report under division (B) (2) of this section, the student fails to comply with the policy adopted under division (C) of this section within a reasonable period of time specified by the school;

(2) Other intervention strategies contained in the policy adopted under division (C) of this section fail to cause a student's attendance to comply with the policy.

(D) If an internet- or computer-based community school disenrolled a student pursuant to a policy adopted under division (C) of this section, the student shall not be eligible to re-enroll in that school for the remainder of the school year in which the student is disenrolled. This division does not prohibit a disenrolled student from enrolling in another internet- or computer-based community school.

(E) If an internet- or computer-based community school disenrolls a student pursuant to a policy adopted under division (C) of this section, the school shall do both of the following:

(1) Provide the student's parent, guardian, or custodian with a list of alternative educational options available to the student;

(2) Within forty-eight hours of the student's disenrollment, notify the student's resident school district in writing.

(F) Nothing in this section shall be construed to affect the procedure for automatically withdrawing a student from school that must be adopted as part of a school's attendance policy in accordance with division (A) (6) (b) of section 3314.03 of the Revised Code.

Sec. 3314.29. (A) This section applies to any internet- or	55077
computer-based community school that meets all of the following	55078
conditions:	55079
(1) Serves all of grades kindergarten through twelve;	55080
(2) Has an enrollment of at least two thousand students;	55081
(3) Has a sponsor that was not rated ineffective or poor	55082
on its most recent evaluation under section 3314.016 of the	55083
Revised Code.	55084
(B) Beginning with the 2018-2019 school year, the	55085
governing authority of a community school to which this section	55086
applies may adopt a resolution to divide the school into two or	55087
three separate schools as follows:	55088
(1) If the school is divided into two schools, one school	55089
shall serve grades kindergarten through eight and one school	55090
shall serve grades nine through twelve.	55091
(2) If the school is divided into three schools, one	55092
school shall serve grades kindergarten through five, one school	55093
shall serve grades six through eight, and one school shall serve	55094
grades nine through twelve.	55095
(C) The resolution adopted by the governing authority	55096
shall not be effective unless approved by the school's sponsor.	55097
Following approval of the resolution by the sponsor, and by the	55098
fifteenth day of March prior to the school year in which it will	55099
take effect, the governing authority shall file the resolution	55100
with the department of education and workforce. The division of	55101
the schools shall be effective on the first day of July	55102
succeeding the date the resolution is filed with the department.	55103
(D) All of the following shall apply to each new school	55104

created as a result of the resolution authorized by this section 55105
and to the school that is divided as a result of the resolution: 55106

(1) Each school shall have the same governing authority. 55107

(2) The sponsor and governing authority shall enter into a 55108
separate contract under section 3314.03 of the Revised Code for 55109
each school. 55110

(3) No school shall ~~primarily serve students enrolled in~~ 55111
~~be a dropout prevention and recovery program operated by the~~ 55112
~~school~~ community school. 55113

(4) No school shall be permitted to divide again under 55114
this section. 55115

(5) Notwithstanding anything to the contrary in division 55116
(B) (2) of section 3314.016 of the Revised Code, each school 55117
shall be included in the calculation of the academic performance 55118
component for purposes of rating the schools' sponsor under the 55119
evaluation system prescribed by that section. 55120

(6) Each school shall be subject to the laws contained in 55121
Chapter 3314. of the Revised Code, except as otherwise specified 55122
in this section. 55123

(E) The department shall issue a report card under section 55124
3314.012 of the Revised Code for each new school created as a 55125
result of the resolution authorized by this section and for the 55126
school that is divided as a result of the resolution. For 55127
purposes of the report cards and other reporting requirements 55128
under this chapter, the department shall assign the school that 55129
serves the highest grades the same internal retrieval number 55130
previously used by the school that is divided under this 55131
section. The department shall assign a new internal retrieval 55132
number to each other school resulting from the division. 55133

Notwithstanding division (A) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

Sec. 3314.35. (A) Except as provided in division (B) of this section and section 3314.355 of the Revised Code, this section applies to any community school that meets one of the following criteria:

(1) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code;

(b) The school has received an overall performance rating of less than two stars under division (D)(3) of section 3302.03 of the Revised Code.

(2) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for the three most recent school years, satisfies either of the following criteria:

(a) The school has received a performance rating of one star for both achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section;

(b) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of

the Revised Code and a performance rating of one star for 55163
progress under division (D) (3) (c) of that section. 55164

(3) The school offers any of grade levels ten to twelve 55165
and, for the three most recent school years, satisfies either of 55166
the following criteria: 55167

(a) The school has received a performance rating of "one 55168
star" for achievement under division (D) (3) (b) of section 55169
3302.03 of the Revised Code and has not met annual measurable 55170
objectives for gap closing under division (D) (3) (a) of that 55171
section, as determined by the department of education and 55172
workforce; 55173

(b) The school has received an overall performance rating 55174
of less than two stars under division (D) of section 3302.03 of 55175
the Revised Code and a performance rating of one star for 55176
progress under division (D) (1) (b) of that section. 55177

For purposes of division (A) of this section only, the 55178
department shall calculate the value-added progress dimension 55179
for a community school using assessment scores for only those 55180
students to whom the school has administered the achievement 55181
assessments prescribed by section 3301.0710 of the Revised Code 55182
for at least the two most recent school years but using value- 55183
added data from only the most recent school year. 55184

(B) This section does not apply to either of the 55185
following: 55186

(1) Any dropout prevention and recovery community school 55187
~~in which a majority of the students are enrolled in a dropout-~~ 55188
~~prevention and recovery program that is operated by the school.~~ 55189
Rather, such schools shall be subject to closure only as 55190
provided in section 3314.351 of the Revised Code. However, prior 55191

to July 1, 2014, a community school in which a majority of the 55192
students are enrolled in a dropout prevention and recovery 55193
program shall be exempt from this section only if it has been 55194
granted a waiver under section 3314.36 of the Revised Code. 55195

(2) Any community school in which a majority of the 55196
enrolled students are children with disabilities receiving 55197
special education and related services in accordance with 55198
Chapter 3323. of the Revised Code. 55199

(C) Any community school to which this section applies 55200
shall permanently close at the conclusion of the school year in 55201
which the school first becomes subject to this section. The 55202
sponsor and governing authority of the school shall comply with 55203
all procedures for closing a community school adopted by the 55204
department under division (E) of section 3314.015 of the Revised 55205
Code. The governing authority of the school shall not enter into 55206
a contract with any other sponsor under section 3314.03 of the 55207
Revised Code after the school closes. 55208

(D) Nothing in this section or in any other provision of 55209
the Revised Code prohibits the sponsor of a community school 55210
from exercising its option not to renew a contract for any 55211
reason or from terminating a contract prior to its expiration 55212
for any of the reasons set forth in section 3314.07 of the 55213
Revised Code. 55214

Sec. 3314.351. (A) This section applies to any dropout 55215
prevention and recovery community school ~~in which a majority of~~ 55216
~~the students are enrolled in a dropout prevention and recovery~~ 55217
~~program.~~ Except as provided in division (F) of this section, any 55218
such community school that has received a designation of "does 55219
not meet standards," as described in division (D)(1) of section 55220
3314.017 of the Revised Code on the report card issued under 55221

that section, for the three most recent school years shall be 55222
subject to closure in accordance with this section. 55223

(B) Not later than the first day of September in each 55224
school year, the department of education and workforce shall 55225
notify each school subject to closure under this section that 55226
the school must close not later than the thirtieth day of the 55227
following June. 55228

A school so notified shall close as required. 55229

(C) A school that opens on or after July 1, 2014, shall 55230
not be subject to closure under this section for its first two 55231
years of operation. A school that is in operation prior to July 55232
1, 2014, shall not be subject to closure under this section 55233
until after August 31, 2016. 55234

(D) The sponsor and governing authority of the school 55235
shall comply with all procedures for closing a community school 55236
adopted by the department under division (E) of section 3314.015 55237
of the Revised Code. The governing authority of the school shall 55238
not enter into a contract with any other sponsor under section 55239
3314.03 of the Revised Code after the school closes. 55240

(E) Nothing in this section or in any other provision of 55241
the Revised Code prohibits the sponsor of a community school 55242
from exercising its option not to renew a contract for any 55243
reason or from terminating a contract prior to its expiration 55244
for any of the reasons set forth in section 3314.07 of the 55245
Revised Code. 55246

(F) Beginning in the 2019-2020 school year, no school 55247
shall be subject to closure under this section based on the 55248
report card issued for that school for the 2017-2018 or 2018- 55249
2019 school year if the school received an overall rating of 55250

"meets standards" or "exceeds standards" for the 2017-2018 or 55251
2018-2019 school year pursuant to division (I) of section 55252
3314.017 of the Revised Code. However, no school permanently 55253
closed under this section prior to the 2019-2020 school year 55254
shall be eligible to reopen based on the calculated or 55255
recalculated ratings under division (I) of section 3314.017 of 55256
the Revised Code. 55257

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 55258
not apply to any dropout prevention and recovery community 55259
~~school in which a majority of the students are enrolled in a~~ 55260
~~dropout prevention and recovery program that is operated by the~~ 55261
~~school and that has been granted a waiver by the former~~ 55262
department of education prior to July 1, 2014. 55263

(B) All dropout prevention and recovery community schools 55264
~~in which a majority of the students are enrolled in a dropout~~ 55265
~~prevention and recovery program~~ are subject to the provisions of 55266
section 3314.351 of the Revised Code, regardless of whether a 55267
waiver has been granted under this section prior to July 1, 55268
2014. Thereafter, no waivers shall be granted under this 55269
section. 55270

Sec. 3314.361. ~~Notwithstanding anything to the contrary in~~ 55271
~~this chapter, a~~ A community school that operates a drug recovery 55272
program in cooperation with a court shall be considered a 55273
dropout prevention and recovery ~~program~~ community school for 55274
purposes of this chapter, ~~regardless of the ages of students or~~ 55275
~~grade levels served by the school~~ and shall comply with all 55276
enrollment restrictions applicable to such a school. 55277

Sec. 3314.362. Notwithstanding division (A) (10) of section 55278
3314.02 of the Revised Code, a community school that primarily 55279
serves students enrolled in a dropout prevention and recovery 55280

program may continue to operate in the 2025-2026 and 2026-2027 55281
school years without complying with that division and shall be 55282
considered a dropout prevention and recovery community school 55283
for the purposes of Title XXXIII of the Revised Code for those 55284
school years. 55285

Notwithstanding anything in the Revised Code to the 55286
contrary, beginning July 1, 2027, any community school that 55287
primarily serves students enrolled in a dropout prevention and 55288
recovery program is a dropout prevention and recovery community 55289
school, as defined in division (A)(10) of section 3314.02 of the 55290
Revised Code. Prior to that date, the school, upon approval of 55291
the school's sponsor, shall do one or both of the following with 55292
any grades that do not comply with division (A)(10) of section 55293
3314.02 of the Revised Code: 55294

(A) Transfer those grades to a separate community school. 55295
The department of education and workforce shall assign the 55296
separate community school its own internal retrieval number. 55297

(B) Cease offering those grades. 55298

The school shall assist students who are not eligible to 55299
enroll in the dropout prevention and recovery community school 55300
to transfer to a separate community school or enroll in a 55301
different school, as applicable. 55302

Sec. 3314.38. (A) As used in this section: 55303

(1) "Competency-based educational program" and "eligible 55304
individual" have the same meanings as in section 3313.902 of the 55305
Revised Code. 55306

(2) "Eligible provider" means a community school that 55307
operates a dropout prevention and recovery program. 55308

(B) An eligible provider may establish a competency-based 55309
educational program that complies with standards adopted by the 55310
department of education and workforce and may enroll eligible 55311
individuals in the program for up to three consecutive school 55312
years for the purpose of earning a high school diploma. The 55313
provider shall establish a career plan for each individual 55314
enrolled in the program that specifies the individual's career 55315
goals and describes how the individual will demonstrate 55316
competency or earn course credits under division (C) of section 55317
3313.902 of the Revised Code to earn a diploma and attain the 55318
individual's career goals. Notwithstanding sections 3313.61, 55319
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 55320
Revised Code, the department shall award a high school diploma 55321
to an individual enrolled in a program who satisfies one of the 55322
conditions specified in division (C) of section 3313.902 of the 55323
Revised Code. 55324

(C) An eligible provider shall report each individual 55325
enrolled in a program under division (B) of this section to the 55326
department. This report shall be in addition to the report 55327
required under division (B) of section 3314.08 of the Revised 55328
Code. The department annually shall certify the enrollment and 55329
attendance of each individual reported under this division and 55330
shall pay the provider up to \$7,500 per school year, as 55331
determined by the department based on the extent of the 55332
individual's successful completion of the diploma requirements 55333
prescribed in division (C) of section 3313.902 of the Revised 55334
Code. 55335

(D) An eligible provider that enrolls individuals under 55336
division (B) of this section is subject to the requirements of 55337
section 3313.902 of the Revised Code, as applicable. 55338

Sec. 3314.381. (A) ~~As used in this section, "dropout~~ 55339
~~recovery community school" has the same meaning as in section~~ 55340
~~3319.301 of the Revised Code.~~ 55341

~~(B)~~ The department of education and workforce shall 55342
establish the dropout prevention and recovery advisory council. 55343
The council shall provide a forum for communication and 55344
collaboration between the department and parties involved in the 55345
establishment and operation of dropout prevention and recovery 55346
community schools, including sponsors and operators. 55347

~~(C)~~ (B) The advisory council shall consist of the following 55348
members appointed by the director of education and workforce: 55349

(1) Two members of the state board of education; 55350

(2) One employee of the department who works directly with 55351
dropout prevention and recovery community schools, including any 55352
employee who works as a liaison with such schools; 55353

(3) Seven individuals with experience in dropout 55354
prevention and recovery community schools, their operators, and 55355
their sponsors. In appointing these individuals, the director 55356
shall ensure they represent a diverse array of schools in terms 55357
of enrollment, programs, learning models, and methods of 55358
instruction. 55359

~~(D)~~ (C) The advisory council shall, in collaboration with 55360
the director, review all existing rules and guidance previously 55361
developed or adopted by the department pursuant to division ~~(D)~~ 55362
(C) of section 3314.382 of the Revised Code. 55363

Sec. 3314.382. (A) ~~As used in this section, "dropout~~ 55364
~~recovery community school" has the same meaning as in section~~ 55365
~~3319.301 of the Revised Code.~~ 55366

~~(B)~~ Notwithstanding anything to the contrary in the 55367
Revised Code, the department of education and workforce shall 55368
only adopt rules in accordance with Chapter 119. of the Revised 55369
Code for any requirement to be imposed on a dropout prevention 55370
and recovery community school. The department shall not develop 55371
guidelines that impose requirements on the general and uniform 55372
operation of a dropout prevention and recovery community school. 55373

~~(C)~~ (B) Pursuant to section 119.035 of the Revised Code, 55374
prior to adoption, the dropout prevention and recovery advisory 55375
council established under section 3314.381 of the Revised Code 55376
shall review any proposed rule described in division ~~(B)~~ (A) of 55377
this section. 55378

~~(D)~~ (C) Any guidance document previously developed by the 55379
department that establishes general and uniform operations 55380
regarding a dropout recovery community school in effect on ~~the~~ 55381
~~effective date of this section~~ October 3, 2023, is void after 55382
that date. 55383

Sec. 3315.063. No board of education of any school 55384
district shall expend more than fifteen per cent of the board's 55385
annual operating budget on administrative salaries and benefits 55386
and other costs associated with the district's administrative 55387
offices. 55388

Sec. 3315.18. (A) The board of education of each city, 55389
exempted village, local, and joint vocational school district 55390
shall establish a capital and maintenance fund. Each board 55391
annually shall deposit into that fund an amount derived from 55392
revenues received by the district that would otherwise have been 55393
deposited in the general fund that is equal to three per cent of 55394
the statewide average base cost per pupil for the preceding 55395
fiscal year, as defined in section 3317.02 of the Revised Code, 55396

~~or another percentage if established by the auditor of state~~ 55397
~~under division (B) of this section,~~ multiplied by the district's 55398
student population for the preceding fiscal year, except that 55399
money received from a permanent improvement levy authorized by 55400
section 5705.21 of the Revised Code may replace general revenue 55401
moneys in meeting the requirements of this section. Money in the 55402
fund shall be used solely for acquisition, replacement, 55403
enhancement, maintenance, or repair of permanent improvements, 55404
as that term is defined in section 5705.01 of the Revised Code. 55405
Any money in the fund that is not used in any fiscal year shall 55406
carry forward to the next fiscal year. 55407

(B) The director of education and workforce and the 55408
auditor of state jointly shall adopt rules in accordance with 55409
Chapter 119. of the Revised Code defining what constitutes 55410
expenditures permitted by division (A) of this section. ~~The~~ 55411
~~auditor of state may designate a percentage, other than three~~ 55412
~~per cent, of the statewide average base cost per pupil~~ 55413
~~multiplied by the district's student population that must be~~ 55414
~~deposited into the fund.~~ 55415

(C) Within its capital and maintenance fund, a school 55416
district board of education may establish a separate account 55417
solely for the purpose of depositing funds transferred from the 55418
district's reserve balance account established under former 55419
division (H) of section 5705.29 of the Revised Code. After April 55420
10, 2001, a board may deposit all or part of the funds formerly 55421
included in such reserve balance account in the separate account 55422
established under this section. Funds deposited in this separate 55423
account and interest on such funds shall be utilized solely for 55424
the purpose of providing the district's portion of the basic 55425
project costs of any project undertaken in accordance with 55426
Chapter 3318. of the Revised Code. 55427

(D) (1) Notwithstanding division (A) of this section, in 55428
any year a district is in fiscal emergency status as declared 55429
pursuant to section 3316.03 of the Revised Code, the district 55430
may deposit an amount less than required by division (A) of this 55431
section, or make no deposit, into the district capital and 55432
maintenance fund for that year. 55433

(2) Notwithstanding division (A) of this section, in any 55434
fiscal year that a school district is either in fiscal watch 55435
status, as declared pursuant to section 3316.03 of the Revised 55436
Code, or in fiscal caution status, as declared pursuant to 55437
section 3316.031 of the Revised Code, the district may apply to 55438
the director of education and workforce for a waiver from the 55439
requirements of division (A) of this section, under which the 55440
district may be permitted to deposit an amount less than 55441
required by that division or permitted to make no deposit into 55442
the district capital and maintenance fund for that year. The 55443
director may grant a waiver under division (D) (2) of this 55444
section if the district demonstrates to the satisfaction of the 55445
director that compliance with division (A) of this section that 55446
year will create an undue financial hardship on the district. 55447

(3) Notwithstanding division (A) of this section, not more 55448
often than one fiscal year in every three consecutive fiscal 55449
years, any school district that does not satisfy the conditions 55450
for the exemption described in division (D) (1) of this section 55451
or the conditions to apply for the waiver described in division 55452
(D) (2) of this section may apply to the director for a waiver 55453
from the requirements of division (A) of this section, under 55454
which the district may be permitted to deposit an amount less 55455
than required by that division or permitted to make no deposit 55456
into the district capital and maintenance fund for that year. 55457
The director may grant a waiver under division (D) (3) of this 55458

section if the district demonstrates to the satisfaction of the 55459
director that compliance with division (A) of this section that 55460
year will necessitate the reduction or elimination of a program 55461
currently offered by the district that is critical to the 55462
academic success of students of the district and that no 55463
reasonable alternatives exist for spending reductions in other 55464
areas of operation within the district that negate the necessity 55465
of the reduction or elimination of that program. 55466

(E) Notwithstanding any provision to the contrary in 55467
Chapter 4117. of the Revised Code, the requirements of this 55468
section prevail over any conflicting provisions of agreements 55469
between employee organizations and public employers entered into 55470
after November 21, 1997. 55471

(F) As used in this section, "student population" means 55472
the average, daily, full-time equivalent number of students in 55473
kindergarten through twelfth grade receiving any educational 55474
services from the school district during the first full school 55475
week in October, excluding students enrolled in adult education 55476
classes, but including all of the following: 55477

(1) Adjacent or other district students enrolled in the 55478
district under an open enrollment policy pursuant to section 55479
3313.98 of the Revised Code; 55480

(2) Students receiving services in the district pursuant 55481
to a compact, cooperative education agreement, or a contract, 55482
but who are entitled to attend school in another district 55483
pursuant to section 3313.64 or 3313.65 of the Revised Code; 55484

(3) Students for whom tuition is payable pursuant to 55485
sections 3317.081 and 3323.141 of the Revised Code. 55486

The department of education and workforce shall determine 55487

a district's student population using data reported to it under 55488
section 3317.03 of the Revised Code for the applicable fiscal 55489
year. 55490

Sec. 3315.181. As used in this section, "securities" has 55491
the same meaning as in section 133.01 of the Revised Code. 55492

Notwithstanding division (A) of section 3315.18 of the 55493
Revised Code, the board of education of a city, exempted 55494
village, local, or joint vocational school district, in meeting 55495
the amount required by that division to be deposited in the 55496
district's capital and maintenance fund, may replace general 55497
fund revenues with proceeds received from a permanent 55498
improvement levy authorized by section 5705.21 of the Revised 55499
Code only to the extent the proceeds are available to be used 55500
for the acquisition, replacement, enhancement, maintenance, or 55501
repair of permanent improvements as defined in section 5705.01 55502
of the Revised Code. In addition, the board may replace general 55503
fund revenues with proceeds received from any of the following 55504
sources in meeting the amount required by that division to be 55505
deposited in the fund: 55506

(A) Proceeds received from any securities whose use is 55507
limited to the acquisition, replacement, enhancement, 55508
maintenance, or repair of permanent improvements; 55509

(B) Insurance proceeds received as a result of the damage 55510
to or theft or destruction of a permanent improvement to the 55511
extent a board of education places the proceeds in a separate 55512
fund for the acquisition, replacement, enhancement, maintenance, 55513
or repair of permanent improvements; 55514

(C) Proceeds received from the sale of a permanent 55515
improvement to the extent the proceeds are paid into a separate 55516

fund for the construction or acquisition of permanent 55517
improvements; 55518

(D) Proceeds received from a tax levy authorized by 55519
section 3318.06 of the Revised Code to the extent the proceeds 55520
are available to be used for the maintenance of capital 55521
facilities; 55522

(E) Proceeds of certificates of participation issued as 55523
part of a lease-purchase agreement entered into under section 55524
3313.375 of the Revised Code; 55525

(F) Proceeds of any school district income tax levied 55526
under Chapter 5748. of the Revised Code for permanent 55527
improvements, to the extent the proceeds are available for the 55528
acquisition, replacement, enhancement, maintenance, or repair of 55529
permanent improvements;— 55530

~~(G) Any other revenue source identified by the auditor of~~ 55531
~~state, in consultation with the department of education and~~ 55532
~~workforce, in rules adopted by the auditor of state.~~ 55533

Sec. 3316.031. (A) The director of education and 55534
workforce, in consultation with the auditor of state, shall 55535
develop guidelines for identifying fiscal practices and 55536
budgetary conditions that, if uncorrected, could result in a 55537
future declaration of a fiscal watch or fiscal emergency within 55538
a school district. 55539

The guidelines shall not include a requirement that a 55540
school district submit financial statements according to 55541
generally accepted accounting principles. 55542

(B) (1) If the director determines from a school district's 55543
~~five-year current budget information and three-year forecast~~ 55544
submitted under section 5705.391 of the Revised Code that a 55545

district is engaging in any of those practices or that any of 55546
those conditions exist within the district, after consulting 55547
with the district board of education concerning the practices or 55548
conditions, the director may declare the district to be under a 55549
fiscal caution. 55550

(2) If the auditor of state finds that a district is 55551
engaging in any of those practices or that any of those 55552
conditions exist within the district, the auditor of state shall 55553
report that finding to the director and, after consulting with 55554
the district board of education concerning the practices or 55555
conditions, the director may declare the district to be under a 55556
fiscal caution. 55557

(3) Unless the auditor of state has elected to declare a 55558
state of fiscal watch under division (A) (4) of section 3316.03 55559
of the Revised Code, the director shall declare a school 55560
district to be under a fiscal caution if the conditions 55561
described in divisions (A) (4) (a) and (b) of that section are 55562
both satisfied with respect to the school district. 55563

(C) When the director declares a district to be under 55564
fiscal caution, the director shall promptly notify the district 55565
board of education of that declaration and shall request the 55566
board to provide written proposals for discontinuing or 55567
correcting the fiscal practices or budgetary conditions that 55568
prompted the declaration and for preventing the district from 55569
experiencing further fiscal difficulties that could result in 55570
the district being declared to be in a state of fiscal watch or 55571
fiscal emergency. 55572

(D) The director, or a designee, may visit and inspect any 55573
district that is declared to be under a fiscal caution. The 55574
department of education and workforce shall provide technical 55575

assistance to the district board in implementing proposals to 55576
eliminate the practices or budgetary conditions that prompted 55577
the declaration of fiscal caution and may make recommendations 55578
concerning the board's proposals. 55579

(E) If the director finds that a school district declared 55580
to be under a fiscal caution has not made reasonable proposals 55581
or otherwise taken action to discontinue or correct the fiscal 55582
practices or budgetary conditions that prompted the declaration 55583
of fiscal caution, and if the director considers it necessary to 55584
prevent further fiscal decline, the director may determine that 55585
the district should be in a state of fiscal watch. As provided 55586
in division (A) (3) of section 3316.03 of the Revised Code, the 55587
auditor of state shall declare the district to be in a state of 55588
fiscal watch if the auditor of state finds the director's 55589
determination to be reasonable. 55590

Sec. 3316.041. (A) Notwithstanding any provision of 55591
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 55592
Code, and subject to the approval of the director of education 55593
and workforce, a school district that is in a state of fiscal 55594
watch declared under section 3316.03 of the Revised Code may 55595
restructure or refinance loans obtained or in the process of 55596
being obtained under section 3313.483 of the Revised Code if all 55597
of the following requirements are met: 55598

(1) The operating deficit certified for the school 55599
district for the current or preceding fiscal year under section 55600
3313.483 of the Revised Code exceeds fifteen per cent of the 55601
district's general revenue fund for the fiscal year preceding 55602
the year for which the certification of the operating deficit is 55603
made. 55604

(2) The school district voters have, during the period of 55605

the fiscal watch, approved the levy of a tax under section 55606
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 55607
Revised Code that is not a renewal ~~or replacement~~ levy, or a 55608
levy under section 5705.199 of the Revised Code, and that will 55609
provide new operating revenue. 55610

(3) The board of education of the school district has 55611
adopted or amended the financial plan required by section 55612
3316.04 of the Revised Code to reflect the restructured or 55613
refinanced loans, and sets forth the means by which the district 55614
will bring projected operating revenues and expenditures, and 55615
projected debt service obligations, into balance for the life of 55616
any such loan. 55617

(B) Subject to the approval of the director, the school 55618
district may issue securities to evidence the restructuring or 55619
refinancing authorized by this section. Such securities may 55620
extend the original period for repayment not to exceed ten 55621
years, and may alter the frequency and amount of repayments, 55622
interest or other financing charges, and other terms or 55623
agreements under which the loans were originally contracted, 55624
provided the loans received under sections 3313.483 of the 55625
Revised Code are repaid from funds the district would otherwise 55626
receive under Chapter 3317. of the Revised Code, as required 55627
under division (E) (3) of section 3313.483 of the Revised Code. 55628
Securities issued for the purpose of restructuring or 55629
refinancing under this section shall be repaid in equal payments 55630
and at equal intervals over the term of the debt and are not 55631
eligible to be included in any subsequent proposal to 55632
restructure or refinance. 55633

(C) Unless the district is declared to be in a state of 55634
fiscal emergency under division (D) of section 3316.04 of the 55635

Revised Code, a school district shall remain in a state of 55636
fiscal watch for the duration of the repayment period of any 55637
loan restructured or refinanced under this section. 55638

Sec. 3316.043. Upon the approval by the director of 55639
education and workforce of an initial financial plan under 55640
section 3316.04 of the Revised Code or a financial recovery plan 55641
under section 3316.06 of the Revised Code, the board of 55642
education of the school district for which the plan was approved 55643
shall revise the district's five-year-current budget information 55644
and three-year projection of revenues and expenditures in 55645
accordance with rules adopted under section 5705.391 of the 55646
Revised Code so that the five-year-current budget information and 55647
three-year projection ~~is-are~~ consistent with the financial plan 55648
or financial recovery plan. In the case of a school district 55649
declared to be in a state of fiscal emergency, the ~~five-~~ 55650
~~year-current budget information and -three-year~~ projection shall 55651
be revised by the financial planning and supervision commission 55652
for that district. 55653

Sec. 3316.06. (A) Within one hundred twenty days after the 55654
first meeting of a school district financial planning and 55655
supervision commission, the commission shall adopt a financial 55656
recovery plan regarding the school district for which the 55657
commission was created. During the formulation of the plan, the 55658
commission shall seek appropriate input from the school district 55659
board and from the community. This plan shall contain the 55660
following: 55661

(1) Actions to be taken to: 55662

(a) Eliminate all fiscal emergency conditions declared to 55663
exist pursuant to division (B) of section 3316.03 of the Revised 55664
Code; 55665

(b) Satisfy any judgments, past-due accounts payable, and 55666
all past-due and payable payroll and fringe benefits; 55667

(c) Eliminate the deficits in all deficit funds, except 55668
that any prior year deficits in the capital and maintenance fund 55669
established pursuant to section 3315.18 of the Revised Code 55670
shall be forgiven; 55671

(d) Restore to special funds any moneys from such funds 55672
that were used for purposes not within the purposes of such 55673
funds, or borrowed from such funds by the purchase of debt 55674
obligations of the school district with the moneys of such 55675
funds, or missing from the special funds and not accounted for, 55676
if any; 55677

(e) Balance the budget, avoid future deficits in any 55678
funds, and maintain on a current basis payments of payroll, 55679
fringe benefits, and all accounts; 55680

(f) Avoid any fiscal emergency condition in the future; 55681

(g) Restore the ability of the school district to market 55682
long-term general obligation bonds under provisions of law 55683
applicable to school districts generally. 55684

(2) The management structure that will enable the school 55685
district to take the actions enumerated in division (A) (1) of 55686
this section. The plan shall specify the level of fiscal and 55687
management control that the commission will exercise within the 55688
school district during the period of fiscal emergency, and shall 55689
enumerate respectively, the powers and duties of the commission 55690
and the powers and duties of the school board during that 55691
period. The commission may elect to assume any of the powers and 55692
duties of the school board it considers necessary, including all 55693
powers related to personnel, curriculum, and legal issues in 55694

order to successfully implement the actions described in 55695
division (A) (1) of this section. 55696

(3) The target dates for the commencement, progress upon, 55697
and completion of the actions enumerated in division (A) (1) of 55698
this section and a reasonable period of time expected to be 55699
required to implement the plan. The commission shall prepare a 55700
reasonable time schedule for progress toward and achievement of 55701
the requirements for the plan, and the plan shall be consistent 55702
with that time schedule. 55703

(4) The amount and purpose of any issue of debt 55704
obligations that will be issued, together with assurances that 55705
any such debt obligations that will be issued will not exceed 55706
debt limits supported by appropriate certifications by the 55707
fiscal officer of the school district and the county auditor. If 55708
the commission considers it necessary in order to maintain or 55709
improve educational opportunities of pupils in the school 55710
district, the plan may include a proposal to restructure or 55711
refinance outstanding debt obligations incurred by the board 55712
under section 3313.483 of the Revised Code contingent upon the 55713
approval, during the period of the fiscal emergency, by district 55714
voters of a tax levied under section 718.09, 718.10, 5705.194, 55715
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 55716
is not a renewal ~~or replacement~~ levy, or a levy under section 55717
5705.199 of the Revised Code, and that will provide new 55718
operating revenue. Notwithstanding any provision of Chapter 133. 55719
or sections 3313.483 to 3313.4810 of the Revised Code, following 55720
the required approval of the district voters and with the 55721
approval of the commission, the school district may issue 55722
securities to evidence the restructuring or refinancing. Those 55723
securities may extend the original period for repayment, not to 55724
exceed ten years, and may alter the frequency and amount of 55725

repayments, interest or other financing charges, and other terms 55726
of agreements under which the debt originally was contracted, at 55727
the discretion of the commission, provided that any loans 55728
received pursuant to section 3313.483 of the Revised Code shall 55729
be paid from funds the district would otherwise receive under 55730
Chapter 3317. of the Revised Code, as required under division 55731
(E) (3) of section 3313.483 of the Revised Code. The securities 55732
issued for the purpose of restructuring or refinancing the debt 55733
shall be repaid in equal payments and at equal intervals over 55734
the term of the debt and are not eligible to be included in any 55735
subsequent proposal for the purpose of restructuring or 55736
refinancing debt under this section. 55737

(5) An evaluation of the feasibility of entering into 55738
shared services agreements with other political subdivisions for 55739
the joint exercise of any power, performance of any function, or 55740
rendering of any service, if so authorized by statute. 55741

(B) Any financial recovery plan may be amended subsequent 55742
to its adoption. Each financial recovery plan shall be updated 55743
annually. 55744

(C) Each school district financial planning and 55745
supervision commission shall submit the financial recovery plan 55746
it adopts or updates under this section to the director of 55747
education and workforce for approval immediately following its 55748
adoption or updating. The director shall evaluate the plan and 55749
either approve or disapprove it within thirty calendar days from 55750
the date of its submission. If the plan is disapproved, the 55751
director shall recommend modifications that will render it 55752
acceptable. No financial planning and supervision commission 55753
shall implement a financial recovery plan that is adopted or 55754
updated on or after April 10, 2001, unless the director has 55755

approved it. 55756

Sec. 3316.08. During a school district's fiscal emergency 55757
period, the auditor of state shall determine annually, or at any 55758
other time upon request of the financial planning and 55759
supervision commission, whether the school district will incur 55760
an operating deficit. If the auditor of state determines that a 55761
school district will incur an operating deficit, the auditor of 55762
state shall certify that determination to the director of 55763
education and workforce, the financial planning and supervision 55764
commission, and the board of education of the school district. 55765
Upon receiving the auditor of state's certification, the 55766
commission shall adopt a resolution requesting that the board of 55767
education work with the county auditor or tax commissioner to 55768
estimate the amount and rate of a tax levy that is needed under 55769
section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the 55770
Revised Code to produce a positive fund balance not later than 55771
the fifth-third year of the five-year-three-year forecast 55772
submitted under section 5705.391 of the Revised Code. 55773

The board of education shall recommend to the commission 55774
whether the board supports or opposes a tax levy under section 55775
5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised 55776
Code and shall provide supporting documentation to the 55777
commission of its recommendation. 55778

After considering the board of education's recommendation 55779
and supporting documentation, the commission shall adopt a 55780
resolution to either submit a ballot question proposing a tax 55781
levy or not to submit such a question. 55782

Except as otherwise provided in this division, the tax 55783
shall be levied in the manner prescribed for a tax levied under 55784
section 5705.194, 5705.199, or 5705.21 or under Chapter 5748. of 55785

the Revised Code. If the commission decides that a tax should be 55786
levied, the tax shall be levied for the purpose of paying 55787
current operating expenses of the school district. The rate of a 55788
property tax levied under section 5705.194, 5705.199, 5705.21, 55789
or 5748.09 of the Revised Code shall be determined by the county 55790
auditor, and the rate of an income tax levied under section 55791
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 55792
determined by the tax commissioner, upon the request of the 55793
commission. The commission, in consultation with the board of 55794
education, shall determine the election at which the question of 55795
the tax shall appear on the ballot, and the commission shall 55796
submit a copy of its resolution to the board of elections not 55797
later than ninety days prior to the day of that election. The 55798
board of elections conducting the election shall certify the 55799
results of the election to the board of education and to the 55800
financial planning and supervision commission. 55801

Sec. 3316.16. (A) A school district financial planning and 55802
supervision commission, with respect to its functions under this 55803
chapter, shall continue in existence until such time as a 55804
determination is made under division (B) of this section that 55805
all of the following have occurred: 55806

(1) An effective financial accounting and reporting system 55807
in accordance with section 3316.10 of the Revised Code is in the 55808
process of being implemented, and it is reasonably expected that 55809
this implementation will be completed within two years. 55810

(2) All of the fiscal emergency conditions determined 55811
pursuant to division (B) of section 3316.03 of the Revised Code 55812
have been corrected or eliminated, and no new fiscal emergency 55813
conditions have occurred. 55814

(3) The objectives of the financial recovery plan 55815

described in section 3316.06 of the Revised Code are being met. 55816

(4) The school district board has prepared current budget 55817
information and a financial forecast for a ~~five-year~~ three-year 55818
period in accordance with the standards issued by the auditor of 55819
state and an opinion has been rendered by the auditor of state 55820
that the financial forecast is considered to be nonadverse. The 55821
forecast shall display the district's projected compliance with 55822
section 3315.18 of the Revised Code beginning in the year the 55823
commission is proposed for termination. 55824

(B) The determination that all conditions listed in 55825
division (A) of this section for the termination of the 55826
existence of the commission and its functions exist may be made 55827
either by the auditor of state or by the commission and shall be 55828
certified to the commission, the auditor of state, the governor, 55829
the director of budget and management, and the budget 55830
commission, whereupon such commission and its functions under 55831
this chapter shall terminate. This determination shall be made 55832
by the auditor of state upon the filing with the auditor of 55833
state of a written request for such a determination by the 55834
school district board, the governor, or the commission, or may 55835
be made by the auditor of state upon the auditor of state's own 55836
initiative. 55837

(C) The commission shall prepare and submit at the time of 55838
such certification a final report of its activities, in such 55839
form as is appropriate for the purpose of providing a record of 55840
its activities and assisting other commissions created under 55841
this chapter in the conduct of their functions. All of the books 55842
and records of the commission shall be delivered to the auditor 55843
of state for retention and safekeeping. 55844

(D) Upon receipt of the certification provided for in 55845

division (B) of this section, the director of budget and 55846
management shall follow the procedures set forth in section 55847
126.29 of the Revised Code. 55848

(E) If, at the time of termination of the commission, an 55849
effective financial accounting and reporting system has not been 55850
fully implemented, the auditor of state shall monitor the 55851
progress of implementation and shall exercise authority under 55852
this section and Chapter 117. of the Revised Code to secure full 55853
implementation at the earliest time feasible but within two 55854
years after such termination. 55855

Sec. 3317.01. As used in this section, "school district," 55856
unless otherwise specified, means any city, local, exempted 55857
village, joint vocational, or cooperative education school 55858
district and any educational service center. 55859

This chapter shall be administered by the department of 55860
education and workforce. The department of education and 55861
workforce shall calculate the amounts payable to each school 55862
district and shall certify the amounts payable to each eligible 55863
district to the treasurer of the district as provided by this 55864
chapter. Certification of moneys pursuant to this section shall 55865
include the amounts payable to each school building, at a 55866
frequency determined by the department, for each subgroup of 55867
students, as defined in section 3317.40 of the Revised Code, 55868
receiving services, provided for by state funding, from the 55869
district or school. No moneys shall be distributed pursuant to 55870
this chapter without the approval of the controlling board. 55871

The department shall, in accordance with appropriations 55872
made by the general assembly, meet the financial obligations of 55873
this chapter. 55874

Moneys distributed to school districts pursuant to this 55875
chapter shall be calculated based on the annual enrollment 55876
calculated from the three reports required under ~~sections~~ 55877
section 3317.03 and 3317.036 of the Revised Code and paid on a 55878
fiscal year basis, beginning with the first day of July and 55879
extending through the thirtieth day of June. In any given fiscal 55880
year, prior to school districts submitting the first report 55881
required under section 3317.03 of the Revised Code, enrollment 55882
for the districts shall be calculated based on the third report 55883
submitted by the districts for the previous fiscal year. The 55884
moneys appropriated for each fiscal year shall be distributed 55885
periodically to each school district unless otherwise provided 55886
for. The department, in June of each year, shall submit to the 55887
controlling board the department's year-end distributions 55888
pursuant to this chapter. 55889

Except as otherwise provided, payments under this chapter 55890
shall be made only to those school districts in which: 55891

(A) The school district, except for any educational 55892
service center and any joint vocational or cooperative education 55893
school district, levies for current operating expenses at least 55894
twenty mills, unless the school district is levying less than 55895
that amount due solely to the operation of section 5705.316 of 55896
the Revised Code. Levies for joint vocational or cooperative 55897
education school districts or county school financing districts, 55898
limited to or to the extent apportioned to current expenses, 55899
shall be included in this qualification requirement. School 55900
district income tax levies under Chapter 5748. of the Revised 55901
Code, limited to or to the extent apportioned to current 55902
operating expenses, shall be included in this qualification 55903
requirement to the extent determined by the tax commissioner 55904
under division (C) of section 3317.021 of the Revised Code. 55905

(B) The school year next preceding the fiscal year for 55906
which such payments are authorized meets the requirement of 55907
section 3313.48 of the Revised Code, with regard to the minimum 55908
number of hours school must be open for instruction with pupils 55909
in attendance, for individualized parent-teacher conference and 55910
reporting periods, and for professional meetings of teachers. 55911

A school district shall not be considered to have failed 55912
to comply with this division because schools were open for 55913
instruction but either twelfth grade students were excused from 55914
attendance for up to the equivalent of three school days or only 55915
a portion of the kindergarten students were in attendance for up 55916
to the equivalent of three school days in order to allow for the 55917
gradual orientation to school of such students. 55918

A board of education or governing board of an educational 55919
service center which has not conformed with other law and the 55920
rules pursuant thereto, shall not participate in the 55921
distribution of funds authorized by this chapter, except for 55922
good and sufficient reason established to the satisfaction of 55923
the department and the state controlling board. 55924

All funds allocated to school districts under this 55925
chapter, except those specifically allocated for other purposes, 55926
shall be used to pay current operating expenses only. 55927

Sec. 3317.011. This section shall apply only for fiscal 55928
years ~~2024-2026~~ and ~~2025~~2027. 55929

(A) As used in this section: 55930

(1) "Average administrative assistant salary" means the 55931
average salary of administrative assistants employed by city, 55932
local, and exempted village school districts in this state with 55933
salaries greater than \$20,000 but less than \$65,000, using 55934

fiscal year 2022 data, as determined by the department of 55935
education and workforce. 55936

(2) "Average bookkeeping and accounting employee salary" 55937
means the average salary of bookkeeping employees and accounting 55938
employees employed by city, local, and exempted village school 55939
districts in this state with salaries greater than \$20,000 but 55940
less than \$80,000, using fiscal year 2022 data, as determined by 55941
the department. 55942

(3) "Average clerical staff salary" means the average 55943
salary of clerical staff employed by city, local, and exempted 55944
village school districts in this state with salaries greater 55945
than \$15,000 but less than \$50,000, using fiscal year 2022 data, 55946
as determined by the department. 55947

(4) "Average counselor salary" means the average salary of 55948
counselors employed by city, local, and exempted village school 55949
districts in this state with salaries greater than \$30,000 but 55950
less than \$95,000, using fiscal year 2022 data, as determined by 55951
the department. 55952

(5) "Average education management information system 55953
support employee salary" means the average salary of accounting 55954
employees employed by city, local, and exempted village school 55955
districts in this state with salaries greater than \$30,000 but 55956
less than \$90,000, using fiscal year 2022 data, as determined by 55957
the department. 55958

(6) "Average librarian and media staff salary" means the 55959
average salary of librarians and media staff employed by city, 55960
local, and exempted village school districts in this state with 55961
salaries greater than \$30,000 but less than \$95,000, using 55962
fiscal year 2022 data, as determined by the department. 55963

(7) "Average other district administrator salary" means 55964
the average salary of all assistant superintendents and 55965
directors employed by city, local, and exempted village school 55966
districts in this state with salaries greater than \$50,000 but 55967
less than \$135,000, using fiscal year 2022 data, as determined 55968
by the department. 55969

(8) "Average principal salary" means the average salary of 55970
all principals employed by city, local, and exempted village 55971
school districts in this state with salaries greater than 55972
\$50,000 but less than \$120,000, using fiscal year 2022 data, as 55973
determined by the department. 55974

(9) "Average superintendent salary" means the average 55975
salary of all superintendents employed by city, local, and 55976
exempted village school districts in this state with salaries 55977
greater than \$60,000 but less than \$180,000, using fiscal year 55978
2022 data, as determined by the department. 55979

(10) "Average teacher cost" for a fiscal year is equal to 55980
the sum of the following: 55981

(a) The average salary of teachers employed by city, 55982
local, and exempted village school districts in this state with 55983
salaries greater than \$30,000 but less than \$95,000, using 55984
fiscal year 2022 data, as determined by the department; 55985

(b) An amount for teacher benefits equal to 0.16 times the 55986
average salary calculated under division (A) (10) (a) of this 55987
section; 55988

(c) An amount for district-paid insurance costs equal to 55989
the following product: 55990

The statewide weighted average employer-paid monthly premium 55991
based on data reported by city, local, and exempted village 55992

school districts to the state employment relations board for the	55993
health insurance survey conducted in accordance with divisions	55994
(K) (5) and (6) of section 4117.02 of the Revised Code using	55995
fiscal year 2022 data X 12	55996
(11) "Eligible school district" means a city, local, or	55997
exempted village school district that satisfies one of the	55998
following:	55999
(a) The district is a member of an organization that	56000
regulates interscholastic athletics.	56001
(b) The district has teams in at least three different	56002
sports that participate in an interscholastic league.	56003
(B) When calculating a district's aggregate base cost	56004
under this section, the department shall use data from fiscal	56005
year 2022 for all of the following:	56006
(1) The average salaries determined under divisions (A)	56007
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this	56008
section;	56009
(2) The amount for teacher benefits determined under	56010
division (A) (10) (b) of this section;	56011
(3) The district-paid insurance costs determined under	56012
division (A) (10) (c) of this section;	56013
(4) The spending determined under divisions (E) (4) (a), (E)	56014
(5) (a), (E) (6) (a), and (H) (1) of this section and the	56015
corresponding student counts determined under divisions (E) (4)	56016
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	56017
(5) The information determined under division (G) (3) of	56018
this section.	56019

(C) A city, local, or exempted village school district's 56020
aggregate base cost for a fiscal year shall be equal to the 56021
following sum: 56022

(The district's teacher base cost for that fiscal year computed 56023
under division (D) of this section) + (the district's student 56024
support base cost for that fiscal year computed under division 56025
(E) of this section) + (the district's leadership and 56026
accountability base cost for that fiscal year computed under 56027
division (F) of this section) + (the district's building 56028
leadership and operations base cost for that fiscal year 56029
computed under division (G) of this section) + (the athletic co- 56030
curricular activities base cost for that fiscal year computed 56031
under division (H) of this section, if the district is an 56032
eligible school district) 56033

(D) The department shall compute a district's teacher base 56034
cost for a fiscal year as follows: 56035

(1) Calculate the district's classroom teacher cost for 56036
that fiscal year as follows: 56037

(a) Determine the full-time equivalency of students in the 56038
district's base cost enrolled ADM for that fiscal year that are 56039
enrolled in kindergarten and divide that number by 20; 56040

(b) Determine the full-time equivalency of students in the 56041
district's base cost enrolled ADM for that fiscal year that are 56042
enrolled in grades one through three and divide that number by 56043
23; 56044

(c) Determine the full-time equivalency of students in the 56045
district's base cost enrolled ADM for that fiscal year that are 56046
enrolled in grades four through eight but are not enrolled in a 56047
career-technical education program or class described under 56048

section 3317.014 of the Revised Code and divide that number by 56049
25; 56050

(d) Determine the full-time equivalency of students in the 56051
district's base cost enrolled ADM for that fiscal year that are 56052
enrolled in grades nine through twelve but are not enrolled in a 56053
career-technical education program or class described under 56054
section 3317.014 of the Revised Code and divide that number by 56055
27; 56056

(e) Determine the full-time equivalency of students in the 56057
district's base cost enrolled ADM for that fiscal year that are 56058
enrolled in a career-technical education program or class, as 56059
certified under divisions (B) (11), (12), (13), (14), and (15) of 56060
section 3317.03 of the Revised Code, and divide that number by 56061
18; 56062

(f) Compute the sum of the quotients obtained under 56063
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 56064

(g) Compute the classroom teacher cost by multiplying the 56065
average teacher cost for that fiscal year by the sum computed 56066
under division (D) (1) (f) of this section. 56067

(2) Calculate the district's special teacher cost for that 56068
fiscal year as follows: 56069

(a) Divide the district's base cost enrolled ADM for that 56070
fiscal year by 150; 56071

(b) If the quotient obtained under division (D) (2) (a) of 56072
this section is greater than 6, the special teacher cost shall 56073
be equal to that quotient multiplied by the average teacher cost 56074
for that fiscal year. 56075

(c) If the quotient obtained under division (D) (2) (a) of 56076

this section is less than or equal to 6, the special teacher 56077
cost shall be equal to 6 multiplied by the average teacher cost 56078
for that fiscal year. 56079

(3) Calculate the district's substitute teacher cost for 56080
that fiscal year in accordance with the following formula: 56081

(a) Compute the substitute teacher daily rate with 56082
benefits by multiplying the substitute teacher daily rate of \$90 56083
by 1.16; 56084

(b) Compute the substitute teacher cost in accordance with 56085
the following formula: 56086

[The sum computed under division (D) (1) (f) of this section + 56087
(the greater of the quotient obtained under division (D) (2) (a) 56088
of this section and 6)] X the amount computed under division (D) 56089
(3) (a) of this section X 5 56090

(4) Calculate the district's professional development cost 56091
for that fiscal year in accordance with the following formula: 56092

[The sum computed under division (D) (1) (f) of this section + 56093
(the greater of the quotient obtained under division (D) (2) (a) 56094
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56095
(b) of this section for that fiscal year)/180] X 4 56096

(5) Calculate the district's teacher base cost for that 56097
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56098
and (4) of this section. 56099

(E) The department shall compute a district's student 56100
support base cost for a fiscal year as follows: 56101

(1) Calculate the district's guidance counselor cost for 56102
that fiscal year as follows: 56103

(a) Determine the number of students in the district's 56104
base cost enrolled ADM for that fiscal year that are enrolled in 56105
grades nine through twelve and divide that number by 360; 56106

(b) Compute the counselor cost in accordance with the 56107
following formula: 56108

(The greater of the quotient obtained under division (E) (1) (a) 56109
of this section and 1) X [(the average counselor salary for that 56110
fiscal year X 1.16) + the amount specified under division (A) 56111
(10) (c) of this section for that fiscal year] 56112

(2) Calculate the district's librarian and media staff 56113
cost for that fiscal year as follows: 56114

(a) Divide the district's base cost enrolled ADM for that 56115
fiscal year by 1,000; 56116

(b) Compute the librarian and media staff cost in 56117
accordance with the following formula: 56118

The quotient obtained under division (E) (2) (a) of this section X 56119
[(the average librarian and media staff salary for that fiscal 56120
year X 1.16) + the amount specified under division (A) (10) (c) of 56121
this section for that fiscal year] 56122

(3) Calculate the district's staffing cost for student 56123
wellness and success for that fiscal year as follows: 56124

(a) Divide the district's base cost enrolled ADM for that 56125
fiscal year by 250; 56126

(b) Compute the staffing cost for student wellness and 56127
success in accordance with the following formula: 56128

(The greater of the quotient obtained under division (E) (3) (a) 56129
of this section and 5) X [(the average counselor salary for that 56130

fiscal year X 1.16) + the amount specified under division (A) 56131
(10) (c) of this section for that fiscal year] 56132

(4) Calculate the district's academic co-curricular 56133
activities cost for that fiscal year as follows: 56134

(a) Determine the total amount of spending for academic 56135
co-curricular activities reported by city, local, and exempted 56136
village school districts to the department using fiscal year 56137
2022 data; 56138

(b) Determine the sum of the enrolled ADM of every school 56139
district in the state using fiscal year 2022 data as specified 56140
under division (E) (4) (a) of this section; 56141

(c) Compute the academic co-curricular activities cost in 56142
accordance with the following formula: 56143

(The amount determined under division (E) (4) (a) of this section 56144
/ the sum determined under division (E) (4) (b) of this section) X 56145
the district's base cost enrolled ADM for the fiscal year for 56146
which the academic co-curricular activities cost is computed 56147

(5) Calculate the district's building safety and security 56148
cost for that fiscal year as follows: 56149

(a) Determine the total amount of spending for building 56150
safety and security reported by city, local, and exempted 56151
village school districts to the department using fiscal year 56152
2022 data; 56153

(b) Determine the sum of the enrolled ADM of every school 56154
district in the state that reported the data specified under 56155
division (E) (5) (a) of this section using fiscal year 2022 data; 56156

(c) Compute the building safety and security cost in 56157
accordance with the following formula: 56158

(The amount determined under division (E) (5) (a) of this section 56159
/ the sum determined under division (E) (5) (a) of this section) X 56160
the district's base cost enrolled ADM for the fiscal year for 56161
which the building safety and security cost is computed 56162

(6) Calculate the district's supplies and academic content 56163
cost for that fiscal year as follows: 56164

(a) Determine the total amount of spending for supplies 56165
and academic content, excluding supplies for transportation and 56166
maintenance, reported by city, local, and exempted village 56167
school districts to the department using fiscal year 2022 data; 56168

(b) Determine the sum of the enrolled ADM of every school 56169
district in the state using fiscal year 2022 data as specified 56170
under division (E) (6) (a) of this section; 56171

(c) Compute the supplies and academic content cost in 56172
accordance with the following formula: 56173

(The amount determined under division (E) (6) (a) of this section 56174
/ the sum determined under division (E) (6) (b) of this section) X 56175
the district's base cost enrolled ADM for the fiscal year for 56176
which the supplies and academic content cost is computed 56177

(7) Calculate the district's technology cost for that 56178
fiscal year in accordance with the following formula: 56179

\$37.50 X the district's base cost enrolled ADM for that fiscal 56180
year 56181

(8) Calculate the district's student support base cost for 56182
that fiscal year, which equals the sum of divisions (E) (1), (2), 56183
(3), (4), (5), (6), and (7) of this section. 56184

(F) The department shall compute a district's leadership 56185
and accountability base cost for a fiscal year as follows: 56186

(1) Calculate the district's superintendent cost for that 56187
fiscal year as follows: 56188

(a) If the district's base cost enrolled ADM for that 56189
fiscal year is greater than 4,000, then the district's 56190
superintendent cost shall be equal to $[(\$160,000 \times 1.16) + \text{the}$ 56191
amount specified under division (A) (10) (c) of this section for 56192
that fiscal year]. 56193

(b) If the district's base cost enrolled ADM for that 56194
fiscal year is less than or equal to 4,000 but greater than or 56195
equal to 500, the district's superintendent cost shall be equal 56196
to the sum of the following: 56197

(i) (The district's base cost enrolled ADM for that fiscal 56198
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 56199

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under}$ 56200
division (A) (10) (c) of this section for that fiscal year. 56201

(c) If the district's base cost enrolled ADM is less than 56202
500, then the district's superintendent cost shall be equal to 56203
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 56204
(c) of this section for that fiscal year]. 56205

(2) Calculate the district's treasurer cost for that 56206
fiscal year as follows: 56207

(a) If the district's base cost enrolled ADM for that 56208
fiscal year is greater than 4,000, then the district's treasurer 56209
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 56210
under division (A) (10) (c) of this section for that fiscal year]. 56211

(b) If the district's base cost enrolled ADM for that 56212
fiscal year is less than or equal to 4,000 but greater than or 56213
equal to 500, the district's treasurer cost shall be equal to 56214

the sum of the following: 56215

(i) (The district's base cost enrolled ADM for that fiscal 56216
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 56217

(ii) $(\$60,000 \times 1.16)$ + the amount specified under 56218
division (A) (10) (c) of this section for that fiscal year. 56219

(c) If the district's base cost enrolled ADM is less than 56220
500, then the district's treasurer cost shall be equal to 56221
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 56222
 $(c) \text{ of this section for that fiscal year}]$. 56223

(3) Calculate the district's other district administrator 56224
cost for that fiscal year as follows: 56225

(a) Divide the average other district administrator salary 56226
for that fiscal year by the average superintendent salary for 56227
that fiscal year; 56228

(b) Divide the district's base cost enrolled ADM for that 56229
fiscal year by 750; 56230

(c) Compute the other district administrator cost in 56231
accordance with the following formula: 56232

$\{[(\text{The district's superintendent cost for that fiscal year}$ 56233
 $\text{calculated under division (F) (1) of this section} - \text{the amount}$ 56234
 $\text{specified under division (A) (10) (c) of this section for that}$ 56235
 $\text{fiscal year}) \times \text{the quotient obtained under division (F) (3) (a) of}$ 56236
 $\text{this section}] + \text{the amount specified under division (A) (10) (c)}$ 56237
 $\text{of this section}\} \times (\text{the greater of the quotient obtained under}$ 56238
 $\text{division (F) (3) (b) of this section and } 2)$ 56239

(4) Calculate the district's fiscal support cost for that 56240
fiscal year as follows: 56241

(a) Divide the district's base cost enrolled ADM for that	56242
fiscal year by 850;	56243
(b) Determine the lesser of the following:	56244
(i) The maximum of the quotient obtained under division	56245
(F) (4) (a) of this section and 2;	56246
(ii) 35.	56247
(c) Compute the fiscal support cost in accordance with the	56248
following formula:	56249
The number obtained under division (F) (4) (b) of this section X	56250
[(the average bookkeeping and accounting employee salary for	56251
that fiscal year X 1.16) + the amount specified under division	56252
(A) (10) (c) of this section for that fiscal year]	56253
(5) Calculate the district's education management	56254
information system support cost for that fiscal year as follows:	56255
(a) Divide the district's base cost enrolled ADM for that	56256
fiscal year by 5,000;	56257
(b) Compute the education management information system	56258
support cost in accordance with the following formula:	56259
(The greater of the quotient obtained under division (F) (5) (a)	56260
of this section and 1) X [(the average education management	56261
information system support employee salary for that fiscal year	56262
X 1.16) + the amount specified under division (A) (10) (c) of this	56263
section for that fiscal year]	56264
(6) Calculate the district's leadership support cost for	56265
that fiscal year as follows:	56266
(a) Determine the greater of the quotient obtained under	56267
division (F) (3) (b) of this section and 2, and add 1 to that	56268

number; 56269

(b) Divide the number obtained under division (F) (6) (a) of 56270
this section by 3; 56271

(c) Compute the leadership support cost in accordance with 56272
the following formula: 56273

(The greater of the quotient obtained under division (F) (6) (b) 56274
of this section and 1) X [(the average administrative assistant 56275
salary for that fiscal year X 1.16) + the amount specified under 56276
division (A) (10) (c) of this section for that fiscal year] 56277

(7) Calculate the district's information technology center 56278
support cost for that fiscal year in accordance with the 56279
following formula: 56280

\$31 X the district's base cost enrolled ADM for that fiscal year 56281

(8) Calculate the district's district leadership and 56282
accountability base cost for that fiscal year, which equals the 56283
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 56284
this section. 56285

(G) The department shall compute a district's building 56286
leadership and operations base cost for a fiscal year as 56287
follows: 56288

(1) Calculate the district's building leadership cost for 56289
that fiscal year as follows: 56290

(a) Divide the average principal salary for that fiscal 56291
year by the average superintendent salary for that fiscal year; 56292

(b) Divide the district's base cost enrolled ADM for that 56293
fiscal year by 450; 56294

(c) Compute the building leadership cost in accordance 56295

with the following formula: 56296

{[(The district's superintendent cost for that fiscal year 56297
calculated under division (F) (1) of this section - the amount 56298
specified under division (A) (10) (c) of this section for that 56299
fiscal year) X the quotient obtained under division (G) (1) (a) of 56300
this section] + the amount specified under division (A) (10) (c) 56301
of this section for that fiscal year} X the quotient obtained 56302
under division (G) (1) (b) of this section 56303

(2) Calculate the district's building leadership support 56304
cost for that fiscal year as follows: 56305

(a) Divide the district's base cost enrolled ADM for that 56306
fiscal year by 400; 56307

(b) Determine the number of school buildings in the 56308
district for ~~that~~ the preceding fiscal year; 56309

(c) Compute the building leadership support cost in 56310
accordance with the following formula: 56311

(i) If the quotient obtained under division (G) (2) (a) of 56312
this section is less than the number obtained under division (G) 56313
(2) (b) of this section, then the district's building leadership 56314
support cost shall be equal to {the number obtained under 56315
division (G) (2) (b) of this section for that fiscal year X [(the 56316
average clerical staff salary for that fiscal year X 1.16) + the 56317
amount specified under division (A) (10) (c) of this section for 56318
that fiscal year]}. 56319

(ii) If the quotient obtained under division (G) (2) (a) of 56320
this section is greater than or equal to the number obtained 56321
under division (G) (2) (b) of this section, then the district's 56322
building leadership support cost shall be equal to {[the lesser 56323
of (the number obtained under division (G) (2) (b) of this section 56324

X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Determine both of the following:

(i) The average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted

village school districts to the department for that fiscal year; 56353

(2) Determine the sum of the enrolled ADM of every school 56354
district in the state for that fiscal year; 56355

(3) Compute the district's athletic co-curricular 56356
activities base cost in accordance with the following formula: 56357

(The amount determined under division (H) (1) of this section / 56358
the sum determined under division (H) (2) of this section) X the 56359
district's base cost enrolled ADM for the fiscal year for which 56360
the funds for athletic co-curricular activities are computed 56361

Sec. 3317.012. This section shall apply only for fiscal 56362
years ~~2024-2026~~ and ~~2025~~2027. 56363

(A) As used in this section, "average administrative 56364
assistant salary," "average bookkeeping and accounting employee 56365
salary," "average clerical staff salary," "average counselor 56366
salary," "average education management information system 56367
support employee salary," "average librarian and media staff 56368
salary," "average other district administrator salary," "average 56369
principal salary," "average superintendent salary," and "average 56370
teacher cost" have the same meanings as in section 3317.011 of 56371
the Revised Code. 56372

(B) When calculating a district's aggregate base cost 56373
under this section, the department shall use data from fiscal 56374
year 2022 for all of the following: 56375

(1) The average salaries determined under divisions (A) 56376
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of 56377
section 3317.011 of the Revised Code; 56378

(2) The amount for teacher benefits determined under 56379
division (A) (10) (b) of section 3317.011 of the Revised Code; 56380

(3) The district-paid insurance costs determined under 56381
division (A) (10) (c) of section 3317.011 of the Revised Code; 56382

(4) Spending determined under divisions (E) (4) (a), (E) (5) 56383
(a), and (H) (1) of section 3317.011 of the Revised Code and the 56384
corresponding student counts determined under divisions (E) (4) 56385
(b), (E) (5) (b), and (H) (2) of that section; 56386

(5) The information determined under division (G) (3) of 56387
section 3317.011 of the Revised Code. 56388

(C) A joint vocational school district's aggregate base 56389
cost for a fiscal year shall be equal to the following sum: 56390

The district's teacher base cost for that fiscal year computed 56391
under division (D) of this section + the district's student 56392
support base cost for that fiscal year computed under division 56393
(E) of this section + the district's leadership and 56394
accountability base cost for that fiscal year computed under 56395
division (F) of this section + the district's building 56396
leadership and operations base cost for that fiscal year 56397
computed under division (G) of this section 56398

(D) The department of education and workforce shall 56399
compute a district's teacher base cost for a fiscal year as 56400
follows: 56401

(1) Calculate the district's classroom teacher cost for 56402
that fiscal year as follows: 56403

(a) Determine the full-time equivalency of students in the 56404
district's base cost enrolled ADM for that fiscal year that are 56405
enrolled in a career-technical education program or class, as 56406
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 56407
section 3317.03 of the Revised Code, and divide that number by 56408
18; 56409

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;

(d) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), and (c) of this section;

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (d) of this section.

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal

to that quotient multiplied by the average teacher cost for that 56439
fiscal year. 56440

(c) If the quotient obtained under division (D) (2) (a) of 56441
this section is less than or equal to 6, the teacher cost shall 56442
be equal to 6 multiplied by the average teacher cost for that 56443
fiscal year. 56444

(3) Calculate the district's substitute teacher cost for 56445
that fiscal year in accordance with the following formula: 56446

(a) Compute the substitute teacher daily rate with benefits 56447
by multiplying the substitute teacher daily rate of \$90 by 1.16; 56448

(b) Compute the substitute teacher cost in accordance with 56449
the following formula: 56450

[The sum computed under division (D) (1) (d) of this section + 56451
(the greater of the quotient obtained under division (D) (2) (a) 56452
of this section and 6)] X the amount computed under division (D) 56453
(3) (a) of this section X 5 56454

(4) Calculate the district's professional development cost 56455
for that fiscal year in accordance with the following formula: 56456

[The sum computed under division (D) (1) (d) of this section + 56457
(the greater of the quotient obtained under division (D) (2) (a) 56458
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 56459
(b) of section 3317.011 of the Revised Code for that fiscal 56460
year)/180] X 4 56461

(5) Calculate the district's teacher base cost for that 56462
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 56463
and (4) of this section. 56464

(E) The department shall compute a district's student 56465
support base cost for a fiscal year as follows: 56466

(1) Calculate the district's guidance counselor cost for 56467
that fiscal year as follows: 56468

(a) Determine the number of students in the district's 56469
base cost enrolled ADM for that fiscal year that are enrolled in 56470
grades nine through twelve and divide that number by 360; 56471

(b) Compute the counselor cost in accordance with the 56472
following formula: 56473

(The greater of the quotient obtained under division (E) (1) (a) 56474
of this section and 1) X [(the average counselor salary for that 56475
fiscal year X 1.16) + the amount specified under division (A) 56476
(10) (c) of section 3317.011 of the Revised Code for that fiscal 56477
year] 56478

(2) Calculate the district's librarian and media staff 56479
cost for that fiscal year as follows: 56480

(a) Divide the district's base cost enrolled ADM for that 56481
fiscal year by 1,000; 56482

(b) Compute the librarian and media staff cost in 56483
accordance with the following formula: 56484

The quotient obtained under division (E) (2) (a) of this section X 56485
[(the average librarian and media staff salary for that fiscal 56486
year X 1.16) + the amount specified under division (A) (10) (c) of 56487
section 3317.011 of the Revised Code for that fiscal year] 56488

(3) Calculate the district's staffing cost for student 56489
wellness and success for that fiscal year as follows: 56490

(a) Divide the district's base cost enrolled ADM for that 56491
fiscal year by 250; 56492

(b) Compute the staffing cost for student wellness and 56493

success in accordance with the following formula: 56494

The quotient obtained under division (E) (3) (a) of this section X 56495

[(the average counselor salary for that fiscal year X 1.16) + 56496

the amount specified under division (A) (10) (c) of section 56497

3317.011 of the Revised Code for that fiscal year] 56498

(4) Calculate the district's cost for that fiscal year for 56499

career-technical curriculum specialists and coordinators, career 56500

assessment and program placement, recruitment and orientation, 56501

student success coordination, analysis of test results, 56502

development of intervention and remediation plans and monitoring 56503

of those plans, and satellite program coordination in accordance 56504

with the following formula: 56505

[(The amount determined under division (E) (4) (a) of section 56506

3317.011 of the Revised Code for that fiscal year / the sum 56507

determined under division (E) (4) (b) of section 3317.011 of the 56508

Revised Code) + (the amount determined under division (H) (1) of 56509

section 3317.011 of the Revised Code for that fiscal year / the 56510

sum determined under division (H) (2) of section 3317.011 of the 56511

Revised Code)] X the district's base cost enrolled ADM for the 56512

fiscal year for which the district's cost under this division is 56513

computed 56514

(5) Compute the district's building safety and security 56515

cost for that fiscal year in accordance with the following 56516

formula: 56517

(The amount determined under division (E) (5) (a) of section 56518

3317.011 of the Revised Code for that fiscal year / the sum 56519

determined under division (E) (5) (b) of section 3317.011 of the 56520

Revised Code) X the district's base cost enrolled ADM for the 56521

fiscal year for which the building safety and security cost is 56522

computed 56523

(6) Compute the district's supplies and academic content 56524
cost for that fiscal year in accordance with the following 56525
formula: 56526

(The amount determined under division (E) (6) (a) of section 56527
3317.011 of the Revised Code for that fiscal year / the sum 56528
determined under division (E) (6) (b) of section 3317.011 of the 56529
Revised Code) X the district's base cost enrolled ADM for the 56530
fiscal year for which the supplies and academic content cost is 56531
computed 56532

(7) Calculate the district's technology cost for that 56533
fiscal year in accordance with the following formula: 56534

\$37.50 X the district's base cost enrolled ADM for that fiscal 56535
year 56536

(8) Calculate the district's student support base cost for 56537
that fiscal year, which equals the sum of divisions (E) (1), (2), 56538
(3), (4), (5), (6), and (7) of this section. 56539

(F) The department shall compute a district's leadership 56540
and accountability base cost for a fiscal year as follows: 56541

(1) Calculate the district's superintendent cost for that 56542
fiscal year as follows: 56543

(a) If the district's base cost enrolled ADM for that 56544
fiscal year is greater than 4,000, then the district's 56545
superintendent cost shall be equal to [(\$160,000 X 1.16) + the 56546
amount specified under division (A) (10) (c) of section 3317.011 56547
of the Revised Code for that fiscal year]. 56548

(b) If the district's base cost enrolled ADM for that 56549
fiscal year is less than or equal to 4,000 but greater than or 56550

equal to 500, the district's superintendent cost shall be equal 56551
to the sum of the following: 56552

(i) (The district's base cost enrolled ADM for that fiscal 56553
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 56554

(ii) $(\$80,000 \times 1.16)$ + the amount specified under division 56555
(A) (10) (c) of section 3317.011 of the Revised Code for that 56556
fiscal year. 56557

(c) If the district's base cost enrolled ADM is less than 56558
500, then the district's superintendent cost shall be equal to 56559
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 56560
(c) of section 3317.011 of the Revised Code for that fiscal 56561
year]. 56562

(2) Calculate the district's treasurer cost for that 56563
fiscal year as follows: 56564

(a) If the district's base cost enrolled ADM for that 56565
fiscal year is greater than 4,000, then the district's treasurer 56566
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}$ 56567
under division (A) (10) (c) of section 3317.011 of the Revised 56568
Code for that fiscal year]. 56569

(b) If the district's base cost enrolled ADM for that 56570
fiscal year is less than or equal to 4,000 but greater than or 56571
equal to 500, the district's treasurer cost shall be equal to 56572
the sum of the following: 56573

(i) (The district's base cost enrolled ADM for that fiscal 56574
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 56575

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division 56576
(A) (10) (c) of section 3317.011 of the Revised Code for that 56577
fiscal year. 56578

(c) If the district's base cost enrolled ADM is less than 56579
500, then the district's treasurer cost shall be equal to 56580
[($\$60,000 \times 1.16$) + the amount specified under division (A) (10) 56581
(c) of section 3317.011 of the Revised Code for that fiscal 56582
year]. 56583

(3) Calculate the district's other district administrator 56584
cost for that fiscal year as follows: 56585

(a) Divide the average other district administrator salary 56586
for that fiscal year by the average superintendent salary for 56587
that fiscal year; 56588

(b) Divide the district's base cost enrolled ADM for that 56589
fiscal year by 750; 56590

(c) Compute the other district administrator cost in 56591
accordance with the following formula: 56592

{[(The district's superintendent cost for that fiscal year 56593
calculated under division (F) (1) of this section - the amount 56594
specified under division (A) (10) (c) of section 3317.011 of the 56595
Revised Code for that fiscal year) X the quotient obtained under 56596
division (F) (3) (a) of this section] + the amount specified under 56597
division (A) (10) (c) of section 3317.011 of the Revised Code} X 56598
(the greater of the quotient obtained under division (F) (3) (b) 56599
of this section and 2) 56600

(4) Calculate the district's fiscal support cost for that 56601
fiscal year as follows: 56602

(a) Divide the district's base cost enrolled ADM for that 56603
fiscal year by 850; 56604

(b) Determine the lesser of the following: 56605

(i) The maximum of the quotient obtained under division 56606

(F) (4) (a) of this section and 2; 56607

(ii) 35. 56608

(c) Compute the fiscal support cost in accordance with the 56609
following formula: 56610

The number obtained under division (F) (4) (b) of this section X 56611
[(the average bookkeeping and accounting employee salary for 56612
that fiscal year X 1.16) + the amount specified under division 56613
(A) (10) (c) of section 3317.011 of the Revised Code for that 56614
fiscal year] 56615

(5) Calculate the district's education management 56616
information system support cost for that fiscal year as follows: 56617

(a) Divide the district's base cost enrolled ADM for that 56618
fiscal year by 5,000; 56619

(b) Compute the education management information system 56620
support cost in accordance with the following formula: 56621

(The greater of the quotient obtained under division (F) (5) (a) 56622
of this section and 1) X [(the average education management 56623
information system support employee salary for that fiscal year 56624
X 1.16) + the amount specified under division (A) (10) (c) of 56625
section 3317.011 of the Revised Code for that fiscal year] 56626

(6) Calculate the district's leadership support cost for 56627
that fiscal year as follows: 56628

(a) Determine the greater of the quotient obtained under 56629
division (F) (3) (b) of this section and 2 and add 1 to that 56630
number; 56631

(b) Divide the number obtained under division (F) (6) (a) of 56632
this section by 3; 56633

(c) Compute the leadership support cost in accordance with 56634
the following formula: 56635

(The greater of the quotient obtained under division (F) (6) (b) 56636
of this section and 1) X [(the average administrative assistant 56637
salary for that fiscal year X 1.16) + the amount specified under 56638
division (A) (10) (c) of section 3317.011 of the Revised Code for 56639
that fiscal year] 56640

(7) Calculate the district's information technology center 56641
support cost for that fiscal year in accordance with the 56642
following formula: 56643

\$31 X the district's base cost enrolled ADM for that fiscal year 56644

(8) Calculate the district's district leadership and 56645
accountability base cost for that fiscal year, which equals the 56646
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 56647
this section; 56648

(G) The department shall compute a district's building 56649
leadership and operations base cost for a fiscal year as 56650
follows: 56651

(1) Calculate the district's building leadership cost for 56652
that fiscal year as follows: 56653

(a) Divide the average principal salary for that fiscal 56654
year by the average superintendent salary for that fiscal year; 56655

(b) Divide the district's base cost enrolled ADM for that 56656
fiscal year by 450; 56657

(c) Compute the building leadership cost in accordance 56658
with the following formula: 56659

{[(The district's superintendent cost for that fiscal year 56660

calculated under division (F) (1) of this section - the amount 56661
specified under division (A) (10) (c) of section 3317.011 of the 56662
Revised Code for that fiscal year) X the quotient obtained under 56663
division (G) (1) (a) of this section] + the amount specified under 56664
division (A) (10) (c) of section 3317.011 of the Revised Code for 56665
that fiscal year} X the quotient obtained under division (G) (1) 56666
(b) of this section 56667

(2) Calculate the district's building leadership support 56668
cost for that fiscal year as follows: 56669

(a) Divide the district's base cost enrolled ADM for that 56670
fiscal year by 400; 56671

(b) Determine the number of school buildings in the 56672
district for ~~that~~ the preceding fiscal year; 56673

(c) Compute the building leadership support cost in 56674
accordance with the following formula: 56675

(i) If the quotient obtained under division (G) (2) (a) of 56676
this section is less than the number obtained under division (G) 56677
(2) (b) of this section, then the district's building leadership 56678
support cost shall be equal to {the number obtained under 56679
division (G) (2) (b) of this section X [(the average clerical 56680
staff salary X 1.16) + the amount specified under division (A) 56681
(10) (c) of section 3317.011 of the Revised Code for that fiscal 56682
year]}. 56683

(ii) If the quotient obtained under division (G) (2) (a) of 56684
this section is greater than or equal to the number obtained 56685
under division (G) (2) (b) of this section, then the district's 56686
building leadership support cost shall be equal to {[the lesser 56687
of (the number obtained under division (G) (2) (b) of this section 56688
X 3) and the quotient obtained under division (G) (2) (a) of this 56689

section] X [(the average clerical staff salary for that fiscal
year X 1.16) + the amount specified under division (A) (10) (c) of
section 3317.011 of the Revised Code for that fiscal year]}.

(3) Compute the district's building operations cost for
that fiscal year in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X
[(the number determined under division (G) (3) (a) (i) of section
3317.011 of the Revised Code X the number determined under
division (G) (3) (a) (ii) of section 3317.011 of the Revised Code)
- (the amount determined under division (E) (5) (a) of section
3317.011 of the Revised Code for that fiscal year / the sum
determined under division (E) (5) (b) of section 3317.011 of the
Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and
operations base cost for that fiscal year, which equals the sum
of divisions (G) (1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following
categories of career-technical education programs approved by
the department of education and workforce under section 3317.161
of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-
technical education workforce development programs in
agricultural and environmental systems, construction
technologies, engineering and science technologies, finance,
health science, information technology, and manufacturing
technologies, each of which shall be defined by the department
in consultation with the governor's office of workforce
transformation;

(2) A multiple of 0.5905 for students enrolled in

workforce development programs in business and administration, 56719
hospitality and tourism, human services, law and public safety, 56720
transportation systems, and arts and communications, each of 56721
which shall be defined by the department in consultation with 56722
the governor's office of workforce transformation; 56723

(3) A multiple of 0.2154 for students enrolled in career- 56724
based intervention programs, which shall be defined by the 56725
department in consultation with the governor's office of 56726
workforce transformation; 56727

(4) A multiple of 0.1830 for students enrolled in 56728
workforce development programs in education and training, 56729
marketing, workforce development academics, public 56730
administration, and career development, each of which shall be 56731
defined by the department in consultation with the governor's 56732
office of workforce transformation; 56733

(5) A multiple of 0.1570 for students enrolled in family 56734
and consumer science programs, which shall be defined by the 56735
department in consultation with the governor's office of 56736
workforce transformation. 56737

(B) The multiple for career-technical education associated 56738
services, as defined by the department, shall be 0.0294. 56739

(C) The department shall calculate career-technical 56740
education funds for each funding unit that is a city, local, 56741
exempted village, or joint vocational school district or the 56742
community and STEM school unit as follows: 56743

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 56744
the following: 56745

(a) The funding unit's category one career-technical 56746
education ADM X the multiple specified in division (A) (1) of 56747

this section X the statewide average career-technical base cost 56748
per pupil for that fiscal year X if the funding unit is a city, 56749
local, exempted village, or joint vocational school district, 56750
the district's state share percentage; 56751

(b) The funding unit's category two career-technical 56752
education ADM X the multiple specified in division (A) (2) of 56753
this section X the statewide average career-technical base cost 56754
per pupil for that fiscal year X if the funding unit is a city, 56755
local, exempted village, or joint vocational school district, 56756
the district's state share percentage; 56757

(c) The funding unit's category three career-technical 56758
education ADM X the multiple specified in division (A) (3) of 56759
this section X the statewide average career-technical base cost 56760
per pupil for that fiscal year X if the funding unit is a city, 56761
local, exempted village, or joint vocational school district, 56762
the district's state share percentage; 56763

(d) The funding unit's category four career-technical 56764
education ADM X the multiple specified in division (A) (4) of 56765
this section X the statewide average career-technical base cost 56766
per pupil for that fiscal year X if the funding unit is a city, 56767
local, exempted village, or joint vocational school district, 56768
the district's state share percentage; 56769

(e) The funding unit's category five career-technical 56770
education ADM X the multiple specified in division (A) (5) of 56771
this section X the statewide average career-technical base cost 56772
per pupil for that fiscal year X if the funding unit is a city, 56773
local, exempted village, or joint vocational school district, 56774
the district's state share percentage. 56775

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 56776

thereafter, the sum of the following: 56777

(a) An amount calculated in a manner determined by the 56778
general assembly times the funding unit's category one career- 56779
technical education ADM; 56780

(b) An amount calculated in a manner determined by the 56781
general assembly times the funding unit's category two career- 56782
technical education ADM; 56783

(c) An amount calculated in a manner determined by the 56784
general assembly times the funding unit's category three career- 56785
technical education ADM; 56786

(d) An amount calculated in a manner determined by the 56787
general assembly times the funding unit's category four career- 56788
technical education ADM; 56789

(e) An amount calculated in a manner determined by the 56790
general assembly times the funding unit's category five career- 56791
technical education ADM. 56792

(3) Payment of funds calculated under division (C) of this 56793
section is subject to approval under section 3317.161 of the 56794
Revised Code. 56795

(D) Subject to division (I) of section 3317.023 of the 56796
Revised Code, the department shall calculate career-technical 56797
associated services funds for each funding unit that is a city, 56798
local, exempted village, or joint vocational school district or 56799
the community and STEM school unit as follows: 56800

(1) For fiscal years 2024-2026 and 2025-2027, the following 56801
product: 56802

(If the funding unit is a city, local, exempted village, or 56803
joint vocational school district, the funding unit's state share 56804

percentage) X the multiple for career-technical education 56805
associated services specified under division (B) of this section 56806
X the statewide average career-technical base cost per pupil for 56807
that fiscal year X the sum of the funding unit's categories one 56808
through five career-technical education ADM 56809

(2) For fiscal year ~~2026~~2028 and each fiscal year 56810
thereafter, an amount calculated in a manner determined by the 56811
general assembly times the funding unit's categories one through 56812
five career-technical education ADM. 56813

(E) (1) In accordance with division (I) of section 3317.023 56814
of the Revised Code, the department shall compute career 56815
awareness and exploration funds for each city, local, exempted 56816
village, and joint vocational school district, community school 56817
established under Chapter 3314. of the Revised Code, and STEM 56818
school established under Chapter 3326. of the Revised Code that 56819
is part of a career technical planning district. The department 56820
shall pay the lead district in each career technical planning 56821
district as follows: 56822

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 56823
equal to the following product: 56824

The sum of enrolled ADM for all districts and schools within the 56825
career technical planning district X ~~\$7.50, for fiscal year~~ 56826
~~2024, or \$10, for fiscal year 2025~~ \$3 56827

(b) For fiscal year ~~2026~~2028 and each fiscal year 56828
thereafter, an amount calculated in a manner determined by the 56829
general assembly, if the general assembly authorizes such a 56830
payment to city, local, exempted village, and joint vocational 56831
school districts, community schools, and STEM schools. 56832

(2) The lead district of a career technical planning 56833

district shall use career awareness and exploration funds in 56834
accordance with division (H) of this section. 56835

(F) (1) In any fiscal year, a school district receiving 56836
funds calculated under division (C) of this section shall spend 56837
those funds only for the purposes that the department designates 56838
as approved for career-technical education expenses. Career- 56839
technical education expenses approved by the department shall 56840
include only expenses connected to the delivery of career- 56841
technical programming to career-technical students. The 56842
department shall require the school district to report data 56843
annually so that the department may monitor the district's 56844
compliance with the requirements regarding the manner in which 56845
funding calculated under division (C) of this section may be 56846
spent. 56847

(2) All funds received under division (C) of this section 56848
shall be spent in the following manner: 56849

(a) At least seventy-five per cent of the funds shall be 56850
spent on curriculum development, purchase, and implementation; 56851
instructional resources and supplies; industry-based program 56852
certification; student assessment, credentialing, and placement; 56853
curriculum specific equipment purchases and leases; career- 56854
technical student organization fees and expenses; home and 56855
agency linkages; work-based learning experiences; professional 56856
development; and other costs directly associated with career- 56857
technical education programs including development of new 56858
programs. 56859

(b) Not more than twenty-five per cent of the funds shall 56860
be used for personnel expenditures. 56861

(G) In any fiscal year, a school district receiving funds 56862

calculated under division (D) of this section, or through a 56863
transfer of funds pursuant to division (I) of section 3317.023 56864
of the Revised Code, shall spend those funds only for the 56865
purposes that the department designates as approved for career- 56866
technical education associated services expenses, which may 56867
include ~~such all of the following purposes as apprenticeship~~ 56868
~~coordinators, coordinators for other career-technical education~~ 56869
~~services, career-technical evaluation, and other purposes~~ 56870
~~designated by the department.:~~ 56871

(1) Engaging and collaborating with education and 56872
workforce stakeholders in the service area; 56873

(2) Developing and maintaining a comprehensive plan to 56874
increase career-focused education activities; 56875

(3) Ensuring that plans are informed by quality data and 56876
using data to expand access to career-focused activities for all 56877
students; 56878

(4) Planning and allocating resources for the growth, 56879
sustainability, and enhancement of career-focused activities in 56880
the long term; 56881

(5) Establishing continuous improvement and program 56882
approval processes. 56883

The department may deny payment of funds calculated under 56884
division (D) of this section to any district that the department 56885
determines is not operating those services or is using funds 56886
calculated under division (D) of this section, or through a 56887
transfer of funds pursuant to division (I) of section 3317.023 56888
of the Revised Code, for other purposes. 56889

(H) In any fiscal year, a lead district of a career- 56890
technical planning district receiving funds under division (E) 56891

of this section, shall utilize those funds to deliver relevant 56892
career awareness and exploration programs to all students within 56893
its career technical planning district in a manner that is 56894
consistent with the career-technical planning district's plan 56895
that is on file with the department. The lead district that 56896
receives funds under this division shall spend those funds only 56897
for the following purposes: 56898

(1) Delivery of career awareness programs to students 56899
enrolled in grades kindergarten through twelve; 56900

(2) Provision of a common, consistent curriculum to 56901
students throughout their primary and secondary education; 56902

(3) Assistance to teachers in providing a career 56903
development curriculum to students; 56904

(4) Development of a career development plan for each 56905
student that stays with that student for the duration of the 56906
student's primary and secondary education; 56907

(5) Provision of opportunities for students to engage in 56908
activities, such as career fairs, hands-on experiences, and job 56909
shadowing, across all career pathways at each grade level; 56910

(6) Provision of mentorship opportunities through which 56911
students may learn about careers and workforce skills. 56912

The lead district that receives funds under division (E) 56913
of this section shall report on the use of those funds to the 56914
department in a manner prescribed by the department. 56915

The department may deny payment under this division to any 56916
district or school that the department determines is using funds 56917
paid under this division for other purposes. 56918

Sec. 3317.016. As used in this section, "English learner" 56919

has the same meaning as in section 3301.0731 of the Revised Code. 56920
56921

The multiples for English learners shall be as follows: 56922

(A) A multiple of 0.2104 for each student who has been 56923
identified as an English learner following the state's 56924
standardized identification process enrolled in schools in the 56925
United States for 180 school days or less. 56926

(B) A multiple of 0.1577 for each student who, for fiscal 56927
years ~~2024-2026~~ and ~~2025-2027~~ has been identified as an English 56928
learner following the state's standardized identification 56929
process and enrolled in schools in the United States for more 56930
than 180 school days until the student achieves a proficient 56931
score on the spring administration of the state's English 56932
language proficiency assessments prescribed by division (C) (3) 56933
of section 3301.0711 of the Revised Code or who, for fiscal year 56934
~~2026-2028~~ and each fiscal year thereafter, satisfies criteria 56935
specified by the general assembly for purposes of this division. 56936

(C) A multiple of 0.1053 for each student who, for fiscal 56937
years ~~2024-2026~~ and ~~2025~~2027, achieves a score of proficient on 56938
the spring administration of the state's English language 56939
proficiency assessments prescribed by division (C) (3) of section 56940
3301.0711 of the Revised Code for the two school years following 56941
the school year in which the student achieved that level of 56942
achievement or who, for fiscal year ~~2026-2028~~ and each fiscal 56943
year thereafter, satisfies criteria specified by the general 56944
assembly for purposes of this division. 56945

Sec. 3317.017. This section shall apply only for fiscal 56946
years ~~2024-2026~~ and ~~2025~~2027. 56947

(A) The department of education and workforce shall 56948

compute a city, local, or exempted village school district's 56949
per-pupil local capacity amount for a fiscal year as follows: 56950

(1) Calculate the district's valuation per pupil for that 56951
fiscal year as follows: 56952

(a) Determine the minimum of the district's three-year 56953
average valuation for the fiscal year for which the calculation 56954
is made and the district's taxable value for the most recent tax 56955
year for which data is available; 56956

(b) Divide the amount determined under division (A) (1) (a) 56957
of this section by the district's base cost enrolled ADM for the 56958
fiscal year for which the calculation is made. 56959

(2) Calculate the district's local share federal adjusted 56960
gross income per pupil for that fiscal year as follows: 56961

(a) Determine the minimum of the following: 56962

(i) The average of the total federal adjusted gross income 56963
of the district's residents for the three most recent tax years 56964
for which data is available, as certified under section 3317.021 56965
of the Revised Code; 56966

(ii) The total federal adjusted gross income of the 56967
district's residents for the most recent tax year for which data 56968
is available, as certified under section 3317.021 of the Revised 56969
Code. 56970

(b) Divide the amount determined under division (A) (2) (a) 56971
of this section by the district's base cost enrolled ADM for the 56972
fiscal year for which the calculation is made. 56973

(3) Calculate the district's adjusted local share federal 56974
adjusted gross income per pupil for that fiscal year as follows: 56975

(a) Determine both of the following:	56976
(i) The median federal adjusted gross income of the	56977
district's residents for the most recent tax year for which data	56978
is available, as certified under section 3317.021 of the Revised	56979
Code;	56980
(ii) The number of state tax returns filed by taxpayers	56981
residing in the district for the most recent tax year for which	56982
data is available, as certified under section 3317.021 of the	56983
Revised Code.	56984
(b) Compute the product of divisions (A) (3) (a) (i) and (ii)	56985
of this section;	56986
(c) Divide the amount determined under division (A) (3) (b)	56987
of this section by the district's base cost enrolled ADM for the	56988
fiscal year for which the calculation is made.	56989
(4) Calculate the district's per-pupil local capacity	56990
percentage as follows:	56991
(a) Determine the median of the median federal adjusted	56992
gross incomes determined for all districts statewide under	56993
division (A) (3) (a) (i) of this section for that fiscal year;	56994
(b) Divide the district's median federal adjusted gross	56995
income for that fiscal year determined under division (A) (3) (a)	56996
(i) of this section by the median federal adjusted gross income	56997
for all districts statewide determined under division (A) (4) (a)	56998
of this section;	56999
(c) Rank all school districts in order of the ratios	57000
calculated under division (A) (4) (b) of this section, from the	57001
district with the highest ratio calculated under division (A) (4)	57002
(b) of this section to the district with the lowest ratio	57003

calculated under division (A) (4) (b) of this section; 57004

(d) Determine the district's per-pupil local capacity 57005
percentage as follows: 57006

(i) If the ratio calculated for the district under 57007
division (A) (4) (b) of this section is greater than or equal to 57008
the ratio calculated under division (A) (4) (b) of this section 57009
for the district with the fortieth highest ratio as determined 57010
under division (A) (4) (c) of this section, the district's per- 57011
pupil local capacity percentage shall be equal to 0.025. 57012

(ii) If the ratio calculated for the district under 57013
division (A) (4) (b) of this section is less than the ratio 57014
calculated under division (A) (4) (b) of this section for the 57015
district with the fortieth highest ratio as determined under 57016
division (A) (4) (c) of this section but greater than 1.0, the 57017
district's per-pupil local capacity percentage shall be equal to 57018
an amount calculated as follows: 57019

{[(The ratio calculated for the district under division (A) (4) 57020
(b) of this section - 1) X 0.0025]/ (the ratio calculated under 57021
division (A) (4) (b) of this section for the district with the 57022
fortieth highest ratio as determined under division (A) (4) (c) of 57023
this section - 1)} + 0.0225 57024

(iii) If the ratio calculated for the district under 57025
division (A) (4) (b) of this section is less than or equal to 1.0, 57026
the district's per-pupil local capacity percentage shall be 57027
equal to the amount calculated under division (A) (4) (b) of this 57028
section times 0.0225. 57029

(5) Calculate the district's per-pupil local capacity 57030
amount for that fiscal year as follows: 57031

(The district's valuation per pupil calculated under division 57032

(A) (1) of this section for that fiscal year X the district's
per-pupil local capacity percentage calculated under division
(A) (4) of this section X 0.60) + (the district's local share
federal adjusted gross income per pupil calculated under
division (A) (2) of this section for that fiscal year X the
district's per-pupil local capacity percentage calculated under
division (A) (4) of this section X 0.20) + (the district's
adjusted local share federal adjusted gross income per pupil
calculated under division (A) (3) of this section for that fiscal
year X the district's per-pupil local capacity percentage
calculated under division (A) (4) of this section X 0.20)

(B) The department shall compute a city, local, or
exempted village school district's state share for a fiscal year
as follows:

(1) If the district's per-pupil local capacity amount for
that fiscal year divided by the district's base cost per pupil
for that fiscal year is greater than 0.90, then the district's
state share shall be equal to (the district's base cost per
pupil for that fiscal year X 0.10 X the district's enrolled ADM
for that fiscal year).

(2) If the district's per-pupil local capacity amount for
that fiscal year divided by the district's base cost per pupil
for that fiscal year is less than or equal to 0.90, then the
district's state share for that fiscal year shall be equal to
[(the district's base cost per pupil for that fiscal year - the
district's per-pupil local capacity amount for that fiscal year)
X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or
exempted village school district's state share percentage for a
fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year 57063
- the district's per pupil local capacity amount for that fiscal 57064
year)/(the district's base cost per pupil amount for that fiscal 57065
year). 57066

If the result is less than 0.10, the state share 57067
percentage shall be 0.10. 57068

Sec. 3317.018. (A) The statewide average base cost per 57069
pupil shall be determined as follows: 57070

(1) For fiscal year 2024, the statewide average base cost 57071
per pupil shall be equal to the sum of the aggregate base cost 57072
calculated for all city, local, and exempted village school 57073
districts in the state for that fiscal year under section 57074
3317.011 of the Revised Code divided by the sum of the base cost 57075
enrolled ADMs of all of the city, local, and exempted village 57076
school districts in the state for that fiscal year. 57077

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 57078
statewide average base cost per pupil shall be equal to the 57079
amount calculated under division (A)(1) of this section. 57080

(B) The statewide average career-technical base cost per 57081
pupil shall be determined as follows: 57082

(1) For fiscal year 2024, the statewide average career- 57083
technical base cost per pupil shall be equal to the sum of the 57084
aggregate base cost calculated for all joint vocational school 57085
districts in the state for that fiscal year under section 57086
3317.012 of the Revised Code divided by the sum of the base cost 57087
enrolled ADMs of all of the joint vocational school districts in 57088
the state for that fiscal year. 57089

(2) For fiscal ~~year-years~~ 2025, 2026, and 2027, the 57090
statewide average career-technical base cost per pupil shall be 57091

equal to the amount calculated under division (B) (1) of this section. 57092
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Sec. 3317.019. (A) (1) Subject to division (C) of this section, for fiscal years 2024-2026 and 2025-2027, the department of education and workforce shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula: 57094
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(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.022 of the Revised Code ~~- the district's payment for supplemental targeted assistance under section 3317.0218 of the Revised Code for the fiscal year for which each payment is computed~~) 57099
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If the computation made under division (A) (1) of this section results in a negative number, the district's funding under division (A) (1) of this section shall be zero. 57105
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(2) For fiscal years 2024-2026 and 2025-2027, the department shall pay temporary transitional transportation aid to that district according to the following formula: 57108
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(The amount calculated for the district for fiscal year 2020 under division (A) (2) of Section 265.220 of H.B. 166 of the 133rd general assembly, prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the district's payment for fiscal year 2019 under division (D) (2) of section 3314.091 of the Revised Code as that division existed prior to September 30, 2021) - (the district's payment under section 3317.0212 of the Revised Code for the fiscal year for which the payment is computed) 57111
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If the computation made under division (A) (2) of this section results in a negative number, the district's funding under division (A) (2) of this section shall be zero.

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year ~~2024-2026~~ or fiscal year ~~2025-2027~~, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C) (1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years ~~2024-2026~~ and ~~2025-2027~~, if a district has fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive
difference between the number of the district's students counted
under division (A) (1) (b) of section 3317.03 of the Revised Code
for that fiscal year and the number of the district's students
counted under that division for the previous fiscal year) - the
district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district
under division (A) of this section be less than zero.

Sec. 3317.0110. This section shall apply only for fiscal
years ~~2024-2026~~ and ~~2025~~2027.

(A) As used in this section:

(1) "Average teacher cost" for a fiscal year has the same
meaning as in section 3317.011 of the Revised Code.

(2) "Eligible community or STEM school" means a community
or STEM school that satisfies one of the following:

(a) The school is a member of an organization that
regulates interscholastic athletics.

(b) The school has teams in at least three different
sports that participate in an interscholastic league.

(B) When calculating a community or STEM school's
aggregate base cost under this section, the department shall use
data from fiscal year 2022 for the average teacher cost.

(C) A community or STEM school's aggregate base cost for a
fiscal year shall be equal to the following sum:

(The school's teacher base cost for that fiscal year computed
under division (D) of this section) + (the school's student
support base cost for that fiscal year computed under division

(E) of this section) + (the school's leadership and
accountability base cost for that fiscal year computed under
division (F) of this section) + (the school's building
leadership and operations base cost for that fiscal year
computed under division (G) of this section) + (the school's
athletic co-curricular activities base cost for that fiscal year
computed under division (H) of this section, if the school is an
eligible community or STEM school) 57177
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(D) The department of education shall compute a community
or STEM school's teacher base cost for a fiscal year as follows: 57185
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(1) Calculate the school's classroom teacher cost for that
fiscal year as follows: 57187
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(a) Determine the full-time equivalency of students
enrolled in the school for that fiscal year that are enrolled in
kindergarten and divide that number by 20; 57189
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(b) Determine the full-time equivalency of students
enrolled in the school for that fiscal year that are enrolled in
grades one through three and divide that number by 23; 57192
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(c) Determine the full-time equivalency of students
enrolled in the school for that fiscal year that are enrolled in
grades four through eight but are not enrolled in a career-
technical education program or class described under section
3317.014 of the Revised Code and divide that number by 25; 57195
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(d) Determine the full-time equivalency of students
enrolled in the school for that fiscal year that are enrolled in
grades nine through twelve but are not enrolled in a career-
technical education program or class described under section
3317.014 of the Revised Code and divide that number by 27; 57200
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(e) Determine the full-time equivalency of students 57205

enrolled in the school for that fiscal year that are enrolled in 57206
a career-technical education program or class, as reported under 57207
division (B) (4) of section 3314.08 of the Revised Code, and 57208
divide that number by 18; 57209

(f) Compute the sum of the quotients obtained under 57210
divisions (D) (1) (a), (b), (c), (d), and (e) of this section; 57211

(g) Compute the classroom teacher cost by multiplying the 57212
average teacher cost for that fiscal year by the sum computed 57213
under division (D) (1) (f) of this section. 57214

(2) Calculate the school's special teacher cost for that 57215
fiscal year as follows: 57216

(a) Divide the number of students enrolled in the school 57217
for that fiscal year by 150; 57218

(b) Compute the special teacher cost by multiplying the 57219
quotient obtained under division (D) (2) (a) of this section by 57220
the average teacher cost for that fiscal year. 57221

(3) Calculate the school's substitute teacher cost for 57222
that fiscal year in accordance with the following formula: 57223

(a) Compute the substitute teacher daily rate with 57224
benefits by multiplying the substitute teacher daily rate of \$90 57225
by 1.16; 57226

(b) Compute the substitute teacher cost in accordance with 57227
the following formula: 57228

(The sum computed under division (D) (1) (f) of this section + the 57229
quotient obtained under division (D) (2) (a) of this section) X 57230
the amount computed under division (D) (3) (a) of this section X 5 57231

(4) Calculate the school's professional development cost 57232

for that fiscal year in accordance with the following formula: 57233

(The sum computed under division (D) (1) (f) of this section + the 57234
quotient obtained under division (D) (2) (a) of this section) X 57235
[(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of 57236
the Revised Code for that fiscal year)/180] X 4 57237

(5) Calculate the school's teacher base cost for that 57238
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 57239
and (4) of this section. 57240

(E) The department shall compute a community or STEM 57241
school's student support base cost for a fiscal year as follows: 57242

The number of students enrolled in the school for that fiscal 57243
year X [(the sum of the student support base cost calculated for 57244
all city, local, and exempted village school districts in the 57245
state for that fiscal year under division (E) of section 57246
3317.011 of the Revised Code) / the sum of the base cost 57247
enrolled ADMs of all of the city, local, and exempted village 57248
school districts in the state for that fiscal year] 57249

(F) The department shall compute a community or STEM 57250
school's leadership and accountability base cost for a fiscal 57251
year as follows: 57252

The number of students enrolled in the school for that fiscal 57253
year X (the sum of the leadership and accountability base cost 57254
calculated for all city, local, and exempted village school 57255
districts in the state for that fiscal year under division (F) 57256
of section 3317.011 of the Revised Code / the sum of the base 57257
cost enrolled ADMs of all of the city, local, and exempted 57258
village school districts in the state for that fiscal year) 57259

(G) The department shall compute a community or STEM 57260
school's building leadership and operations base cost for a 57261

fiscal year as follows: 57262

The number of students enrolled in the school for that fiscal 57263
year X (the sum of the building leadership and accountability 57264
base cost calculated for all city, local, and exempted village 57265
school districts in the state for that fiscal year under 57266
division (G) of section 3317.011 of the Revised Code / the sum 57267
of the base cost enrolled ADMs of all of the city, local, and 57268
exempted village school districts in the state for that fiscal 57269
year) 57270

(H) If a community or STEM school is an eligible community 57271
or STEM school, the department shall compute the school's 57272
athletic co-curricular activities base cost for a fiscal year as 57273
follows: 57274

The number of students enrolled in the school for that fiscal 57275
year X (the amount determined under division (H) (1) of section 57276
3317.011 of the Revised Code / the sum determined under division 57277
(H) (2) of section 3317.011 of the Revised Code) 57278

Sec. 3317.02. As used in this chapter: 57279

(A) "Alternative school" has the same meaning as in 57280
section 3313.974 of the Revised Code. 57281

(B) "Autism scholarship unit" means a unit that consists 57282
of all of the students for whom autism scholarships are awarded 57283
under section 3310.41 of the Revised Code. 57284

(C) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a district's 57285
"base cost enrolled ADM" for a fiscal year means the greater of 57286
the following: 57287

(1) The district's enrolled ADM for the previous fiscal 57288
year; 57289

(2) The average of the district's enrolled ADM for the 57290
previous three fiscal years. 57291

(D) (1) "Base cost per pupil" means the following for a 57292
city, local, or exempted village school district: 57293

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 57294
base cost calculated for that district for that fiscal year 57295
under section 3317.011 of the Revised Code divided by the 57296
district's base cost enrolled ADM for that fiscal year; 57297

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57298
thereafter, an amount calculated in a manner determined by the 57299
general assembly. 57300

(2) "Base cost per pupil" means the following for a joint 57301
vocational school district: 57302

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the aggregate 57303
base cost calculated for that district for that fiscal year 57304
under section 3317.012 of the Revised Code divided by the 57305
district's base cost enrolled ADM for that fiscal year; 57306

(b) For fiscal year ~~2026-2028~~ and each fiscal year 57307
thereafter, an amount calculated in a manner determined by the 57308
general assembly. 57309

(E) (1) "Category one career-technical education ADM" means 57310
the enrollment of students during the school year on a full-time 57311
equivalency basis in career-technical education programs 57312
described in division (A) (1) of section 3317.014 of the Revised 57313
Code and, in the case of a funding unit that is a city, local, 57314
exempted village, or joint vocational school district, certified 57315
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 57316
Revised Code or, in the case of the community and STEM school 57317
unit, reported by all community and STEM schools statewide under 57318

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57319
and division (D) of section 3326.32 of the Revised Code. 57320

(2) "Category two career-technical education ADM" means 57321
the enrollment of students during the school year on a full-time 57322
equivalency basis in career-technical education programs 57323
described in division (A) (2) of section 3317.014 of the Revised 57324
Code and, in the case of a funding unit that is a city, local, 57325
exempted village, or joint vocational school district, certified 57326
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 57327
Revised Code or, in the case of the community and STEM school 57328
unit, reported by all community and STEM schools statewide under 57329
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57330
and division (D) of section 3326.32 of the Revised Code. 57331

(3) "Category three career-technical education ADM" means 57332
the enrollment of students during the school year on a full-time 57333
equivalency basis in career-technical education programs 57334
described in division (A) (3) of section 3317.014 of the Revised 57335
Code and, in the case of a funding unit that is a city, local, 57336
exempted village, or joint vocational school district, certified 57337
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 57338
Revised Code or, in the case of the community and STEM school 57339
unit, reported by all community and STEM schools statewide under 57340
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57341
and division (D) of section 3326.32 of the Revised Code. 57342

(4) "Category four career-technical education ADM" means 57343
the enrollment of students during the school year on a full-time 57344
equivalency basis in career-technical education programs 57345
described in division (A) (4) of section 3317.014 of the Revised 57346
Code and, in the case of a funding unit that is a city, local, 57347
exempted village, or joint vocational school district, certified 57348

under division (B) (14) or (D) (2) (k) of section 3317.03 of the 57349
Revised Code or, in the case of the community and STEM school 57350
unit, reported by all community and STEM schools statewide under 57351
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57352
and division (D) of section 3326.32 of the Revised Code. 57353

(5) "Category five career-technical education ADM" means 57354
the enrollment of students during the school year on a full-time 57355
equivalency basis in career-technical education programs 57356
described in division (A) (5) of section 3317.014 of the Revised 57357
Code and, in the case of a funding unit that is a city, local, 57358
exempted village, or joint vocational school district, certified 57359
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 57360
Revised Code or, in the case of the community and STEM school 57361
unit, reported by all community and STEM schools statewide under 57362
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 57363
and division (D) of section 3326.32 of the Revised Code. 57364

(F) (1) "Category one English learner ADM" means the full- 57365
time equivalent number of English learners described in division 57366
(A) of section 3317.016 of the Revised Code and, in the case of 57367
a funding unit that is a city, local, exempted village, or joint 57368
vocational school district, certified under division (B) (16) or 57369
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 57370
of the community and STEM school unit, reported by all community 57371
and STEM schools statewide under division (B) (6) of section 57372
3314.08 of the Revised Code and division (E) of section 3326.32 57373
of the Revised Code. 57374

(2) "Category two English learner ADM" means the full-time 57375
equivalent number of English learners described in division (B) 57376
of section 3317.016 of the Revised Code and, in the case of a 57377
funding unit that is a city, local, exempted village, or joint 57378

vocational school district, certified under division (B) (17) or 57379
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 57380
of the community and STEM school unit, reported by all community 57381
and STEM schools statewide under division (B) (6) of section 57382
3314.08 of the Revised Code and division (E) of section 3326.32 57383
of the Revised Code. 57384

(3) "Category three English learner ADM" means the full- 57385
time equivalent number of English learners described in division 57386
(C) of section 3317.016 of the Revised Code and, in the case of 57387
a funding unit that is a city, local, exempted village, or joint 57388
vocational school district, certified under division (B) (18) or 57389
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 57390
of the community and STEM school unit, reported by all community 57391
and STEM schools statewide under division (B) (6) of section 57392
3314.08 of the Revised Code and division (E) of section 3326.32 57393
of the Revised Code. 57394

(G) (1) "Category one special education ADM" means the 57395
full-time equivalent number of children with disabilities 57396
receiving special education services for the disability 57397
specified in division (A) of section 3317.013 of the Revised 57398
Code and, in the case of a funding unit that is a city, local, 57399
exempted village, or joint vocational school district, certified 57400
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 57401
Revised Code or, in the case of the community and STEM school 57402
unit, reported by all community and STEM schools statewide under 57403
division (B) (3) of section 3314.08 of the Revised Code and 57404
division (C) of section 3326.32 of the Revised Code. 57405

(2) "Category two special education ADM" means the full- 57406
time equivalent number of children with disabilities receiving 57407
special education services for those disabilities specified in 57408

division (B) of section 3317.013 of the Revised Code and, in the 57409
case of a funding unit that is a city, local, exempted village, 57410
or joint vocational school district, certified under division 57411
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 57412
in the case of the community and STEM school unit, reported by 57413
all community and STEM schools statewide under division (B) (3) 57414
of section 3314.08 of the Revised Code and division (C) of 57415
section 3326.32 of the Revised Code. 57416

(3) "Category three special education ADM" means the full- 57417
time equivalent number of students receiving special education 57418
services for those disabilities specified in division (C) of 57419
section 3317.013 of the Revised Code, and, in the case of a 57420
funding unit that is a city, local, exempted village, or joint 57421
vocational school district, certified under division (B) (7) or 57422
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 57423
of the community and STEM school unit, reported by all community 57424
and STEM schools statewide under division (B) (3) of section 57425
3314.08 of the Revised Code and division (C) of section 3326.32 57426
of the Revised Code. 57427

(4) "Category four special education ADM" means the full- 57428
time equivalent number of students receiving special education 57429
services for those disabilities specified in division (D) of 57430
section 3317.013 of the Revised Code and, in the case of a 57431
funding unit that is a city, local, exempted village, or joint 57432
vocational school district, certified under division (B) (8) or 57433
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 57434
of the community and STEM school unit, reported by all community 57435
and STEM schools statewide under division (B) (3) of section 57436
3314.08 of the Revised Code and division (C) of section 3326.32 57437
of the Revised Code. 57438

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(I)(1) "Economically disadvantaged index for a school district" means the following:

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the square of

the quotient of that district's percentage of students in its 57469
enrolled ADM who are identified as economically disadvantaged as 57470
defined by the department of education and workforce, divided by 57471
the percentage of students in the statewide ADM identified as 57472
economically disadvantaged. For purposes of this calculation: 57473

(i) For a city, local, or exempted village school 57474
district, the "statewide ADM" equals the sum of the following: 57475

(I) The enrolled ADM for all city, local, and exempted 57476
village school districts combined; 57477

(II) The statewide enrollment of students in community 57478
schools established under Chapter 3314. of the Revised Code; 57479

(III) The statewide enrollment of students in science, 57480
technology, engineering, and mathematics schools established 57481
under Chapter 3326. of the Revised Code. 57482

(ii) For a joint vocational school district, the 57483
"statewide ADM" equals the sum of the enrolled ADM for all joint 57484
vocational school districts combined. 57485

(b) For fiscal year ~~2026~~2028 and each fiscal year 57486
thereafter, an index calculated in a manner determined by the 57487
general assembly. 57488

(2) "Economically disadvantaged index for a community or 57489
STEM school" means the following: 57490

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the square of 57491
the quotient of the percentage of students enrolled in the 57492
school who are identified as economically disadvantaged as 57493
defined by the department, divided by the percentage of students 57494
in the statewide ADM identified as economically disadvantaged. 57495
For purposes of this calculation, the "statewide ADM" equals the 57496

"statewide ADM" for city, local, and exempted village school 57497
districts described in division (I)(1)(a)(i) of this section. 57498

(b) For fiscal year ~~2026~~2028 and each fiscal year 57499
thereafter, an index calculated in a manner determined by the 57500
general assembly. 57501

(J) "Educational choice scholarship unit" means a unit 57502
that consists of all of the students for whom educational choice 57503
scholarships are awarded under sections 3310.03 and 3310.032 of 57504
the Revised Code. 57505

(K) "Enrolled ADM" means the following: 57506

(1) For a city, local, or exempted village school 57507
district, the enrollment reported under division (A) of section 57508
3317.03 of the Revised Code, as verified by the department and 57509
adjusted if so ordered under division (K) of that section, and 57510
as further adjusted by the department, as follows: 57511

(a) Add the students described in division (A)(1)(b) of 57512
section 3317.03 of the Revised Code; 57513

(b) Subtract the students counted under divisions (A)(2) 57514
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 57515
Revised Code; 57516

(c) Count only twenty per cent of the number of joint 57517
vocational school district students counted under division (A) 57518
(3) of section 3317.03 of the Revised Code; 57519

(d) Add twenty per cent of the number of students who are 57520
entitled to attend school in the district under section 3313.64 57521
or 3313.65 of the Revised Code and are enrolled in another 57522
school district under a career-technical education compact; 57523

(e) Add twenty per cent of the number of students 57524

described in division (A) (1) (b) of section 3317.03 of the 57525
Revised Code who enroll in a joint vocational school district or 57526
under a career-technical education compact. 57527

(2) For a joint vocational school district, the final 57528
number verified by the department, based on the enrollment 57529
reported and certified under division (D) of section 3317.03 of 57530
the Revised Code, as adjusted, if so ordered, under division (K) 57531
of that section, and as further adjusted by the department by 57532
adding the students described in division (D) (1) (b) of section 57533
3317.03 of the Revised Code; 57534

(3) For the community and STEM school unit, the sum of the 57535
number of students reported as enrolled in community schools 57536
under divisions (B) (1) and (2) of section 3314.08 of the Revised 57537
Code and the number of students reported as enrolled in STEM 57538
schools under division (A) of section 3326.32 of the Revised 57539
Code; 57540

(4) For the educational choice scholarship unit, the 57541
number of students for whom educational choice scholarships are 57542
awarded under sections 3310.03 and 3310.032 of the Revised Code 57543
as reported under division (A) (2) (g) of section 3317.03 of the 57544
Revised Code; 57545

(5) For the pilot project scholarship unit, the number of 57546
students for whom pilot project scholarships are awarded under 57547
sections 3313.974 to 3313.979 of the Revised Code as reported 57548
under division (A) (2) (b) of section 3317.03 of the Revised Code; 57549

(6) For the autism scholarship unit, the number of 57550
students for whom autism scholarships are awarded under section 57551
3310.41 of the Revised Code as reported under division (A) (2) (h) 57552
of section 3317.03 of the Revised Code; 57553

(7) For the Jon Peterson special needs scholarship unit, 57554
the number of students for whom Jon Peterson special needs 57555
scholarships are awarded under sections 3310.51 to 3310.64 of 57556
the Revised Code as reported under division (A) (2) (h) of section 57557
3317.03 of the Revised Code. 57558

(L) (1) "Formula ADM" means, for a city, local, or exempted 57559
village school district, the enrollment reported under division 57560
(A) of section 3317.03 of the Revised Code, as verified by the 57561
department and adjusted if so ordered under division (K) of that 57562
section, and as further adjusted by the department, as follows: 57563

(a) Count only twenty per cent of the number of joint 57564
vocational school district students counted under division (A) 57565
(3) of section 3317.03 of the Revised Code; 57566

(b) Add twenty per cent of the number of students who are 57567
entitled to attend school in the district under section 3313.64 57568
or 3313.65 of the Revised Code and are enrolled in another 57569
school district under a career-technical education compact. 57570

(2) "Formula ADM" means, for a joint vocational school 57571
district, the final number verified by the department, based on 57572
the enrollment reported and certified under division (D) of 57573
section 3317.03 of the Revised Code, as adjusted, if so ordered, 57574
under division (K) of that section. 57575

(M) "FTE basis" means a count of students based on full- 57576
time equivalency, in accordance with rules adopted by the 57577
department pursuant to section 3317.03 of the Revised Code. In 57578
adopting its rules under this division, the department shall 57579
provide for counting any student in category one, two, three, 57580
four, five, or six special education ADM or in category one, 57581
two, three, four, or five career-technical education ADM in the 57582

same proportion the student is counted in enrolled ADM and 57583
formula ADM. 57584

(N) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 57585
base" means, for a city, local, or exempted village school 57586
district, the sum of the following as calculated by the 57587
department: 57588

(1) The district's "general funding base," which equals 57589
the amount calculated as follows: 57590

(a) Compute the sum of the following: 57591

(i) The amount calculated for the district for fiscal year 57592
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 57593
133rd general assembly after any adjustments required under 57594
Section 265.227 of H.B. 166 of the 133rd general assembly and 57595
prior to any funding reductions authorized by Executive Order 57596
2020-19D, "Implementing Additional Spending Controls to Balance 57597
the State Budget" issued on May 7, 2020; 57598

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 57599
district's payments for fiscal year 2020 under divisions (C) (1), 57600
(3), and (4) of section 3313.981 of the Revised Code as those 57601
divisions existed prior to September 30, 2021. 57602

(b) Subtract from the amount calculated in division (N) (1) 57603
(a) of this section the sum of the following: 57604

(i) The following difference: 57605

(The amount paid to the district under division (A) (5) of 57606
section 3317.022 of the Revised Code, as that division existed 57607
prior to September 30, 2021, for fiscal year 2019) - (the 57608
amounts deducted from the district and paid to a community 57609
school under division (C) (1) (e) of section 3314.08 of the 57610

Revised Code or a science, technology, engineering, and 57611
mathematics school under division (E) of section 3326.33 of the 57612
Revised Code as those divisions existed prior to September 30, 57613
2021, for fiscal year 2020 in accordance with division (A) of 57614
Section 265.235 of H.B. 166 of the 133rd general assembly) 57615

(ii) The payments deducted from the district and paid to a 57616
community school for fiscal year 2020 under divisions (C) (1) (a), 57617
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 57618
Revised Code as those divisions existed prior to September 30, 57619
2021, in accordance with division (A) of Section 265.230 of H.B. 57620
166 of the 133rd general assembly; 57621

(iii) The payments deducted from the district and paid to 57622
a science, technology, engineering, and mathematics school for 57623
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 57624
and (G) of section 3326.33 of the Revised Code as those 57625
divisions existed prior to September 30, 2021, in accordance 57626
with division (A) of Section 265.235 of H.B. 166 of the 133rd 57627
general assembly; 57628

(iv) The payments deducted from the district under 57629
division (C) of section 3310.08 of the Revised Code as that 57630
division existed prior to September 30, 2021, division (C) (2) of 57631
section 3310.41 of the Revised Code as that division existed 57632
prior to September 30, 2021, and former section 3310.55 of the 57633
Revised Code for fiscal year 2020 and, in the case of a pilot 57634
project school district as defined in section 3313.975 of the 57635
Revised Code, the funds deducted from the district under Section 57636
265.210 of H.B. 166 of the 133rd general assembly to operate the 57637
pilot project scholarship program for fiscal year 2020 under 57638
sections 3313.974 to 3313.979 of the Revised Code; 57639

(v) For fiscal years 2024-2026 and 2025-2027, the payments 57640

subtracted from the district for fiscal year 2020 under 57641
divisions (B) (1) and (3) of section 3313.981 of the Revised Code 57642
as those divisions existed prior to September 30, 2021. 57643

(2) The district's "disadvantaged pupil impact aid funding 57644
base," which equals the following difference: 57645

(The amount paid to the district under division (A) (5) of 57646
section 3317.022 of the Revised Code, as that division existed 57647
prior to September 30, 2021, for fiscal year 2019) - (the 57648
amounts deducted from the district and paid to a community 57649
school under division (C) (1) (e) of section 3314.08 of the 57650
Revised Code or a science, technology, engineering, and 57651
mathematics school under division (E) of section 3326.33 of the 57652
Revised Code as those divisions existed prior to September 30, 57653
2021, for fiscal year 2020 in accordance with division (A) of 57654
Section 265.235 of H.B. 166 of the 133rd general assembly) 57655

(O) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 57656
base" means, for a joint vocational school district, the sum of 57657
the following as calculated by the department: 57658

(1) The district's "general funding base," which equals 57659
the amount calculated as follows: 57660

(a) Compute the sum of the following: 57661

(i) The district's payments for fiscal year 2020 under 57662
Section 265.225 of H.B. 166 of the 133rd general assembly after 57663
any adjustments required under Section 265.227 of H.B. 166 of 57664
the 133rd general assembly; 57665

(ii) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 57666
district's payments for fiscal year 2020 under divisions (D) (1) 57667
and (2) of section 3313.981 of the Revised Code as those 57668
divisions existed prior to September 30, 2021. 57669

(b) Subtract from the amount paid to the district under 57670
division (A) (3) of section 3317.16 of the Revised Code, as that 57671
division existed prior to September 30, 2021, for fiscal year 57672
2019. 57673

(2) The district's "disadvantaged pupil impact aid funding 57674
base," which equals the amount paid to the district under 57675
division (A) (3) of section 3317.16 of the Revised Code, as that 57676
division existed prior to September 30, 2021, for fiscal year 57677
2019. 57678

(P) For fiscal years 2024-2026 and 2025~~2027~~, "funding 57679
base" for a community school means the following: 57680

(1) For a community school that was in operation for the 57681
entirety of fiscal year 2020, the amount paid to the school for 57682
that fiscal year under division (C) (1) of section 3314.08 of the 57683
Revised Code as that division existed prior to September 30, 57684
2021, in accordance with division (A) of Section 265.230 of H.B. 57685
166 of the 133rd general assembly and the amount, if any, paid 57686
to the school for that fiscal year under section 3314.085 of the 57687
Revised Code in accordance with division (B) of Section 265.230 57688
of H.B. 166 of the 133rd general assembly; 57689

(2) For a community school that was in operation for part 57690
of fiscal year 2020, the amount that would have been paid to the 57691
school for that fiscal year under division (C) (1) of section 57692
3314.08 of the Revised Code as that division existed prior to 57693
September 30, 2021, in accordance with division (A) of Section 57694
265.230 of H.B. 166 of the 133rd general assembly if the school 57695
had been in operation for the entirety of that fiscal year, as 57696
calculated by the department, and the amount that would have 57697
been paid to the school for that fiscal year under section 57698
3314.085 of the Revised Code in accordance with division (B) of 57699

Section 265.230 of H.B. 166 of the 133rd general assembly, if 57700
any, if the school had been in operation for the entirety of 57701
that fiscal year, as calculated by the department; 57702

(3) For a community school that was not in operation for 57703
fiscal year 2020, the amount that would have been paid to the 57704
school if it was in operation for that school year under 57705
division (C)(1) of section 3314.08 of the Revised Code as that 57706
division existed prior to September 30, 2021, in accordance with 57707
division (A) of Section 265.230 of H.B. 166 of the 133rd general 57708
assembly if the school had been in operation for the entirety of 57709
that fiscal year, as calculated by the department, and the 57710
amount that would have been paid to the school for that fiscal 57711
year under section 3314.085 of the Revised Code in accordance 57712
with division (B) of Section 265.230 of H.B. 166 of the 133rd 57713
general assembly, if any, if the school had been in operation 57714
for the entirety of that fiscal year, as calculated by the 57715
department. 57716

(Q) For fiscal years 2024-2026 and 2025-2027, "funding 57717
base" for a STEM school means the following: 57718

(1) For a science, technology, engineering, and 57719
mathematics school that was in operation for the entirety of 57720
fiscal year 2020, the amount paid to the school for that fiscal 57721
year under section 3326.33 of the Revised Code as that section 57722
existed prior to September 30, 2021, in accordance with division 57723
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 57724
and the amount, if any, paid to the school for that fiscal year 57725
under section 3326.41 of the Revised Code in accordance with 57726
division (B) of Section 265.235 of H.B. 166 of the 133rd general 57727
assembly; 57728

(2) For a science, technology, engineering, and 57729

mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department;

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

- (2) The community and STEM school unit; 57760
- (3) The educational choice scholarship unit; 57761
- (4) The pilot project scholarship unit; 57762
- (5) The autism scholarship unit; 57763
- (6) The Jon Peterson special needs scholarship unit. 57764
- (S) "Jon Peterson special needs scholarship unit" means a 57765
unit that consists of all of the students for whom Jon Peterson 57766
scholarships are awarded under sections 3310.51 to 3310.64 of 57767
the Revised Code. 57768
- (T) "Internet- or computer-based community school" has the 57769
same meaning as in section 3314.02 of the Revised Code. 57770
- (U) "LRE student with a disability" means a child with a 57771
disability who has an individualized education program providing 57772
for the student to spend more than half of each school day in a 57773
regular school setting with nondisabled students. For purposes 57774
of this division, "individualized education program" and "child 57775
with a disability" have the same meanings as in section 3323.01 57776
of the Revised Code, and "LRE" is an abbreviation for "least 57777
restrictive environment." 57778
- (V) "Medically fragile child" means a child to whom all of 57779
the following apply: 57780
- (1) The child requires the services of a doctor of 57781
medicine or osteopathic medicine at least once a week due to the 57782
instability of the child's medical condition. 57783
- (2) The child requires the services of a registered nurse 57784
on a daily basis. 57785
- (3) The child is at risk of institutionalization in a 57786

hospital, skilled nursing facility, or intermediate care 57787
facility for individuals with intellectual disabilities. 57788

(W) (1) A child may be identified as having an "other 57789
health impairment-major" if the child's condition meets the 57790
definition of "other health impaired" established in rules 57791
previously adopted by the department and if either of the 57792
following apply: 57793

(a) The child is identified as having a medical condition 57794
that is among those listed by the department as conditions where 57795
a substantial majority of cases fall within the definition of 57796
"medically fragile child." 57797

(b) The child is determined by the department to be a 57798
medically fragile child. A school district superintendent may 57799
petition the department for a determination that a child is a 57800
medically fragile child. 57801

(2) A child may be identified as having an "other health 57802
impairment-minor" if the child's condition meets the definition 57803
of "other health impaired" established in rules previously 57804
adopted by the department but the child's condition does not 57805
meet either of the conditions specified in division (W) (1) (a) or 57806
(b) of this section. 57807

(X) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 57808
local, exempted village, or joint vocational school district's, 57809
community school's, or STEM school's "general phase-in 57810
percentage" is equal to the percentage for that fiscal year that 57811
is determined by the general assembly. 57812

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 57813
local, exempted village, or joint vocational school district's 57814
"phase-in percentage for disadvantaged pupil impact aid" is 57815

equal to the percentage for that fiscal year that is determined 57816
by the general assembly. 57817

(Y) "Pilot project scholarship unit" means a unit that 57818
consists of all of the students for whom pilot project 57819
scholarships are awarded under sections 3313.974 to 3313.979 of 57820
the Revised Code. 57821

(Z) "Preschool child with a disability" means a child with 57822
a disability, as defined in section 3323.01 of the Revised Code, 57823
who is at least age three but is not of compulsory school age, 57824
as defined in section 3321.01 of the Revised Code, and who is 57825
not currently enrolled in kindergarten. 57826

(AA) "Related services" includes: 57827

(1) Child study, special education supervisors and 57828
coordinators, speech and hearing services, adaptive physical 57829
development services, occupational or physical therapy, teacher 57830
assistants for children with disabilities whose disabilities are 57831
described in division (B) of section 3317.013 or division (G) (3) 57832
of this section, behavioral intervention, interpreter services, 57833
work study, nursing services, and specialized integrative 57834
services as those terms are defined by the department; 57835

(2) Speech and language services provided to any student 57836
with a disability, including any student whose primary or only 57837
disability is a speech and language disability; 57838

(3) Any related service not specifically covered by other 57839
state funds but specified in federal law, including but not 57840
limited to, audiology and school psychological services; 57841

(4) Any service included in units funded under former 57842
division (O) (1) of section 3317.024 of the Revised Code; 57843

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 57844
57845
57846

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts. 57847
57848

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code. 57849
57850

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 57851
57852

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district: 57853
57854

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the state share percentage calculated under section 3317.017 of the Revised Code; 57855
57856
57857

(b) For fiscal year ~~2026-2028~~ and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 57858
57859
57860

(2) "State share percentage" means ~~the following, for a joint vocational school district:~~ 57861
57862

~~(a) For fiscal years 2024 and 2025, the percentage calculated in accordance with the following formula:~~ 57863
57864

~~The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code~~ 57865
57866
57867
57868

~~(b) For fiscal year 2026 and each fiscal year thereafter, a percentage calculated in a manner determined by the general~~ 57869
57870

assembly, the district's state share percentage calculated under 57871
section 3317.165 of the Revised Code. 57872

(FF) "Statewide average base cost per pupil" means the 57873
following: 57874

(1) For fiscal years 2024-2026 and 2025-2027, the statewide 57875
average base cost per pupil calculated under division (A) of 57876
section 3317.018 of the Revised Code; 57877

(2) For fiscal year 2026-2028 and each fiscal year 57878
thereafter, an amount calculated in a manner determined by the 57879
general assembly. 57880

(GG) "Statewide average career-technical base cost per 57881
pupil" means the following: 57882

(1) For fiscal years 2024-2026 and 2025-2027, the statewide 57883
average career-technical base cost per pupil calculated under 57884
division (B) of section 3317.018 of the Revised Code; 57885

(2) For fiscal year 2026-2028 and each fiscal year 57886
thereafter, an amount calculated in a manner determined by the 57887
general assembly. 57888

(HH) "STEM school" means a science, technology, 57889
engineering, and mathematics school established under Chapter 57890
3326. of the Revised Code. 57891

(II) "Taxes charged and payable" means the taxes charged 57892
and payable against real and public utility property after 57893
making the reduction required by section 319.301 of the Revised 57894
Code, plus the taxes levied against tangible personal property. 57895

(JJ) For purposes of sections 3317.017 and 3317.16 57896
3317.165 of the Revised Code, "three-year average valuation" for 57897
a fiscal year means the average of total taxable value for the 57898

three most recent tax years for which data is available, as 57899
certified under section 3317.021 of the Revised Code. 57900

(KK) "Total ADM" means, for a city, local, or exempted 57901
village school district, the enrollment reported under division 57902
(A) of section 3317.03 of the Revised Code minus the enrollment 57903
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of 57904
that section, as verified by the department and adjusted if so 57905
ordered under division (K) of that section. 57906

(LL) "Total special education ADM" means the sum of 57907
categories one through six special education ADM. 57908

(MM) "Total taxable value" means the sum of the amounts 57909
certified for a city, local, exempted village, or joint 57910
vocational school district under divisions (A)(1) and (2) of 57911
section 3317.021 of the Revised Code. 57912

(NN) "Tuition discount" means any deduction from the base 57913
tuition amount per student charged by a chartered nonpublic 57914
school, to which the student's family is entitled due to one or 57915
more of the following conditions: 57916

(1) The student's family has multiple children enrolled in 57917
the same school. 57918

(2) The student's family is a member of or affiliated with 57919
a religious or secular organization that provides oversight of 57920
the school or from which the school has agreed to enroll 57921
students. 57922

(3) The student's parent is an employee of the school. 57923

(4) Some other qualification not based on the income of 57924
the student's family or the student's athletic or academic 57925
ability and for which all students in the school may qualify. 57926

Sec. 3317.021. (A) On or before the first day of June of 57927
each year, the tax commissioner shall certify to the department 57928
of education and workforce and the office of budget and 57929
management the information described in divisions (A) (1) to (5) 57930
of this section for each city, exempted village, and local 57931
school district, and the information required by divisions (A) 57932
(1) and (2) of this section for each joint vocational school 57933
district, and it shall be used, along with the information 57934
certified under division (B) of this section, in making the 57935
computations for the district under this chapter. 57936

(1) The taxable value of real and public utility real 57937
property in the school district subject to taxation in the 57938
preceding tax year, by class and by county of location. 57939

(2) The taxable value of tangible personal property, 57940
including public utility personal property, subject to taxation 57941
by the district for the preceding tax year. 57942

(3) (a) The total property tax rate and total taxes charged 57943
and payable for the current expenses for the preceding tax year 57944
and the total property tax rate and the total taxes charged and 57945
payable to a joint vocational district for the preceding tax 57946
year that are limited to or to the extent apportioned to current 57947
expenses. 57948

(b) The portion of the amount of taxes charged and payable 57949
reported for each city, local, and exempted village school 57950
district under division (A) (3) (a) of this section attributable 57951
to a joint vocational school district. 57952

(4) The value of all real and public utility real property 57953
in the school district exempted from taxation minus both of the 57954
following: 57955

(a) The value of real and public utility real property in 57956
the district owned by the United States government and used 57957
exclusively for a public purpose; 57958

(b) The value of real and public utility real property in 57959
the district exempted from taxation under Chapter 725. or 1728. 57960
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 57961
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 57962

(5) The ~~total~~median federal adjusted gross income of the 57963
residents of the school district, based on tax returns filed by 57964
the residents of the district, for the most recent year for 57965
which this information is available, and the median Ohio 57966
adjusted gross income of the residents of the school district 57967
determined on the basis of tax returns filed for the second 57968
preceding tax year by the residents of the district. 57969

(6) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the number of 57970
state tax returns filed by the residents of the district for the 57971
most recent year for which this information is available. 57972

(B) On or before the first day of May each year, the tax 57973
commissioner shall certify to the department of education and 57974
workforce and the office of budget and management the total 57975
taxable real property value of railroads and, separately, the 57976
total taxable tangible personal property value of all public 57977
utilities for the preceding tax year, by school district and by 57978
county of location. 57979

(C) If on the basis of the information certified under 57980
division (A) of this section, the department determines that any 57981
district fails in any year to meet the qualification requirement 57982
specified in division (A) of section 3317.01 of the Revised 57983
Code, the department shall immediately request the tax 57984

commissioner to determine the extent to which any school 57985
district income tax levied by the district under Chapter 5748. 57986
of the Revised Code shall be included in meeting that 57987
requirement. Within five days of receiving such a request from 57988
the department, the tax commissioner shall make the 57989
determination required by this division and report the quotient 57990
obtained under division (C) (3) of this section to the department 57991
and the office of budget and management. This quotient 57992
represents the number of mills that the department shall include 57993
in determining whether the district meets the qualification 57994
requirement of division (A) of section 3317.01 of the Revised 57995
Code. 57996

The tax commissioner shall make the determination required 57997
by this division as follows: 57998

(1) Multiply one mill times the total taxable value of the 57999
district as determined in divisions (A) (1) and (2) of this 58000
section; 58001

(2) Estimate the total amount of tax liability for the 58002
current tax year under taxes levied by Chapter 5748. of the 58003
Revised Code that are apportioned to current operating expenses 58004
of the district, excluding any income tax receipts allocated for 58005
the project cost, debt service, or maintenance set-aside 58006
associated with a state-assisted classroom facilities project as 58007
authorized by section 3318.052 of the Revised Code; 58008

(3) Divide the amount estimated under division (C) (2) of 58009
this section by the product obtained under division (C) (1) of 58010
this section. 58011

Sec. 3317.022. The department of education and workforce 58012
shall compute and distribute state core foundation funding to 58013

each eligible funding unit that is a city, local, or exempted 58014
village school district, the community and STEM school unit, the 58015
educational choice scholarship unit, the pilot project 58016
scholarship unit, the autism scholarship unit, and the Jon 58017
Peterson special needs scholarship unit for the fiscal year, 58018
using the information obtained under section 3317.021 of the 58019
Revised Code in the calendar year in which the fiscal year 58020
begins in accordance with the following: 58021

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for a funding 58022
unit that is a city, local, or exempted village school district: 58023

The district's funding base + [(the district's state core 58024
foundation funding components for that fiscal year calculated 58025
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 58026
section - the district's general funding base calculated in 58027
accordance with division (N) (1) of section 3317.02 of the 58028
Revised Code) X the district's general phase-in percentage for 58029
that fiscal year] + [(the district's disadvantaged pupil impact 58030
aid for that fiscal year calculated under division (A) (4) of 58031
this section - the district's disadvantaged pupil impact aid 58032
funding base calculated in accordance with division (N) (2) of 58033
section 3317.02 of the Revised Code) X the district's phase-in 58034
percentage for disadvantaged pupil impact aid for that fiscal 58035
year] ~~+ the district's supplemental targeted assistance funds~~ 58036
~~calculated under section 3317.0218 of the Revised Code~~ 58037

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 58038
for a funding unit that is a city, local, or exempted village 58039
school district, the sum of the district's state core foundation 58040
funding components for that fiscal year calculated under 58041
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 58042
section ~~and the district's supplemental targeted assistance~~ 58043

~~funds calculated under section 3317.0218 of the Revised Code~~, if 58044
the general assembly authorizes such payments to these funding 58045
units. 58046

For fiscal years ~~2024-2026~~ and ~~2025~~2027, for the community 58047
and STEM school unit, an amount calculated in accordance with 58048
section 3317.026 of the Revised Code. 58049

For fiscal ~~years 2026~~ year 2028 and each fiscal year 58050
thereafter, for the community and STEM school unit, an amount 58051
calculated in accordance with divisions (A)(1), (3), (4), (5), 58052
(7), (8), ~~and (9)~~, and (14) of this section, if the general 58053
assembly authorizes such payments to these funding units. 58054

For the educational choice scholarship unit, the amount 58055
calculated under division (A)(10) of this section. 58056

For the pilot project scholarship unit, the amount 58057
calculated under division (A)(11) of this section. 58058

For the autism scholarship unit, the amount calculated 58059
under division (A)(12) of this section. 58060

For the Jon Peterson special needs scholarship unit, the 58061
amount calculated under division (A)(13) of this section. 58062

(A) A funding unit's state core foundation funding 58063
components shall be the following: 58064

(1)(a) If the funding unit is a city, local, or exempted 58065
village school district, the district's state share, which is 58066
equal to the following: 58067

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 58068
calculated under division (B) of section 3317.017 of the Revised 58069
Code; 58070

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58071
thereafter, an amount calculated in a manner determined by the 58072
general assembly. 58073

(b) If the funding unit is the community and STEM school 58074
unit, the aggregate base cost for all schools in that unit, 58075
which is equal to the following: 58076

(i) For fiscal years ~~2024~~2026 and ~~2025~~2027, the amount 58077
calculated under section 3317.0110 of the Revised Code; 58078

(ii) For fiscal year ~~2026~~2028 and each fiscal year 58079
thereafter, an amount calculated in a manner determined by the 58080
general assembly. 58081

(2) If the funding unit is a city, local, or exempted 58082
village school district, targeted assistance funds equal to the 58083
following: 58084

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 58085
calculated under section 3317.0217 of the Revised Code; 58086

(b) For fiscal year ~~2026~~2028 and each fiscal year 58087
thereafter, an amount calculated in a manner determined by the 58088
general assembly. 58089

(3) If the funding unit is a city, local, or exempted 58090
village school district or the community and STEM school unit, 58091
additional state aid for special education and related services 58092
provided under Chapter 3323. of the Revised Code calculated as 58093
follows: 58094

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 58095
the following: 58096

(i) The funding unit's category one special education ADM 58097
X the multiple specified in division (A) of section 3317.013 of 58098

the Revised Code X the statewide average base cost per pupil for 58099
that fiscal year X if the funding unit is a city, local, or 58100
exempted village school district, the district's state share 58101
percentage; 58102

(ii) The funding unit's category two special education ADM 58103
X the multiple specified in division (B) of section 3317.013 of 58104
the Revised Code X the statewide average base cost per pupil for 58105
that fiscal year X if the funding unit is a city, local, or 58106
exempted village school district, the district's state share 58107
percentage; 58108

(iii) The funding unit's category three special education 58109
ADM X the multiple specified in division (C) of section 3317.013 58110
of the Revised Code X the statewide average base cost per pupil 58111
for that fiscal year X if the funding unit is a city, local, or 58112
exempted village school district, the district's state share 58113
percentage; 58114

(iv) The funding unit's category four special education 58115
ADM X the multiple specified in division (D) of section 3317.013 58116
of the Revised Code X the statewide average base cost per pupil 58117
for that fiscal year X if the funding unit is a city, local, or 58118
exempted village school district, the district's state share 58119
percentage; 58120

(v) The funding unit's category five special education ADM 58121
X the multiple specified in division (E) of section 3317.013 of 58122
the Revised Code X the statewide average base cost per pupil for 58123
that fiscal year X if the funding unit is a city, local, or 58124
exempted village school district, the district's state share 58125
percentage; 58126

(vi) The funding unit's category six special education ADM 58127

X the multiple specified in division (F) of section 3317.013 of 58128
the Revised Code X the statewide average base cost per pupil for 58129
that fiscal year X if the funding unit is a city, local, or 58130
exempted village school district, the district's state share 58131
percentage. 58132

(b) For fiscal year ~~2026~~2028 and each fiscal year 58133
thereafter, the sum of the following: 58134

(i) An amount calculated in a manner determined by the 58135
general assembly times the funding unit's category one special 58136
education ADM; 58137

(ii) An amount calculated in a manner determined by the 58138
general assembly times the funding unit's category two special 58139
education ADM; 58140

(iii) An amount calculated in a manner determined by the 58141
general assembly times the funding unit's category three special 58142
education ADM; 58143

(iv) An amount calculated in a manner determined by the 58144
general assembly times the funding unit's category four special 58145
education ADM; 58146

(v) An amount calculated in a manner determined by the 58147
general assembly times the funding unit's category five special 58148
education ADM; 58149

(vi) An amount calculated in a manner determined by the 58150
general assembly times the funding unit's category six special 58151
education ADM. 58152

(4) If the funding unit is a city, local, or exempted 58153
village school district or the community and STEM school unit, 58154
disadvantaged pupil impact aid calculated according to the 58155

following formula: 58156

(a) If the funding unit is a city, local, or exempted 58157
village school district, an amount equal to the following: 58158

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 58159
product: 58160

\$422 X (the district's economically disadvantaged index) X the 58161
number of students who are economically disadvantaged as 58162
certified under division (B) (21) of section 3317.03 of the 58163
Revised Code 58164

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58165
thereafter, an amount calculated in a manner determined by the 58166
general assembly. 58167

(b) If the funding unit is the community and STEM school 58168
unit, an amount equal to the following: 58169

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, an amount 58170
calculated as follows: 58171

(I) For each student in the funding unit's enrolled ADM 58172
who is economically disadvantaged and is not enrolled in an 58173
internet- or computer-based community school, multiply \$422 by 58174
the economically disadvantaged index of the school in which the 58175
student is enrolled; 58176

(II) Compute the funding unit's disadvantaged pupil impact 58177
aid by calculating the sum of the amounts determined under 58178
division (A) (4) (b) (i) (I) of this section. 58179

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58180
thereafter, an amount calculated as follows: 58181

(I) For each student in the funding unit's enrolled ADM 58182

who is economically disadvantaged and is not enrolled in an 58183
internet- or computer-based community school, calculate an 58184
amount in the manner determined by the general assembly; 58185

(II) Compute the funding unit's disadvantaged pupil impact 58186
aid by calculating the sum of the amounts determined under 58187
division (A) (4) (b) (ii) (I) of this section. 58188

(5) If the funding unit is a city, local, or exempted 58189
village school district or the community and STEM school unit, 58190
English learner funds calculated as follows: 58191

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 58192
the following: 58193

(i) The funding unit's category one English learner ADM X 58194
the multiple specified in division (A) of section 3317.016 of 58195
the Revised Code X the statewide average base cost per pupil for 58196
that fiscal year X if the funding unit is a city, local, or 58197
exempted village school district, the district's state share 58198
percentage; 58199

(ii) The funding unit's category two English learner ADM X 58200
the multiple specified in division (B) of section 3317.016 of 58201
the Revised Code X the statewide average base cost per pupil for 58202
that fiscal year X if the funding unit is a city, local, or 58203
exempted village school district, the district's state share 58204
percentage; 58205

(iii) The funding unit's category three English learner 58206
ADM X the multiple specified in division (C) of section 3317.016 58207
of the Revised Code X the statewide average base cost per pupil 58208
for that fiscal year X if the funding unit is a city, local, or 58209
exempted village school district, the district's state share 58210
percentage. 58211

(b) For fiscal year 2026-2028 and each fiscal year	58212
thereafter, the sum of the following:	58213
(i) An amount calculated in a manner determined by the	58214
general assembly times the funding unit's category one English	58215
learner ADM;	58216
(ii) An amount calculated in a manner determined by the	58217
general assembly times the funding unit's category two English	58218
learner ADM;	58219
(iii) An amount calculated in a manner determined by the	58220
general assembly times the funding unit's category three English	58221
learner ADM.	58222
(6) (a) For fiscal years 2024-2026 and 2025 <u>2027</u> , if the	58223
funding unit is a city, local, or exempted village school	58224
district, all of the following:	58225
(i) Gifted identification funds calculated according to	58226
the following formula:	58227
\$24 X the district's enrolled ADM for grades kindergarten	58228
through six X the district's state share percentage	58229
(ii) Gifted referral funds calculated according to the	58230
following formula:	58231
\$2.50 X the district's enrolled ADM X the district's state share	58232
percentage	58233
(iii) Gifted professional development funds calculated	58234
according to the following formula:	58235
(The greater of the number of gifted students enrolled in the	58236
district as certified under division (B) (22) of section 3317.03	58237
of the Revised Code and ten per cent of the district's enrolled	58238

ADM) X the district's state share percentage X \$21, for fiscal	58239
year 2024, or \$28, for fiscal year 2025	58240
(iv) Gifted unit funding calculated under section 3317.051	58241
of the Revised Code.	58242
(b) For fiscal year 2026 <u>2028</u> and each fiscal year	58243
thereafter, all of the following:	58244
(i) Gifted identification funds calculated in a manner	58245
determined by the general assembly;	58246
(ii) Gifted referral funds calculated in a manner	58247
determined by the general assembly, if the general assembly	58248
authorizes such a payment;	58249
(iii) Gifted professional development funds calculated in	58250
a manner determined by the general assembly, if the general	58251
assembly authorizes such a payment;	58252
(iv) Gifted unit funding calculated in an amount	58253
determined by the general assembly.	58254
(7) If the funding unit is a city, local, or exempted	58255
village school district or the community and STEM school unit,	58256
career-technical education funds calculated under division (C)	58257
of section 3317.014 of the Revised Code.	58258
(8) If the funding unit is a city, local, or exempted	58259
village school district or the community and STEM school unit,	58260
career-technical education associated services funds calculated	58261
under division (D) of section 3317.014 of the Revised Code.	58262
(9) If the funding unit is the community and STEM school	58263
unit, an amount calculated as follows:	58264
(a) For fiscal years 2024 <u>2026</u> and 2025 <u>2027</u> , an amount	58265

equal to the following: 58266

[The number of students in the funding unit's enrolled ADM who 58267
are reported under division (B) (5) of section 3314.08 of the 58268
Revised Code X (the aggregate base cost calculated for all 58269
schools in the funding unit for that fiscal year under section 58270
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 58271
X.20] 58272

(b) For fiscal year ~~2026~~2028 and each fiscal year 58273
thereafter, an amount calculated in a manner determined by the 58274
general assembly. 58275

(10) If the funding unit is the educational choice 58276
scholarship unit, an amount calculated as follows: 58277

(a) For each student in the funding unit's enrolled ADM, 58278
determine the lesser of the following: 58279

(i) The base tuition of the chartered nonpublic school in 58280
which the student is enrolled minus the total amount of any 58281
applicable tuition discounts for which the student qualifies; 58282

(ii) (I) If the student receives a scholarship under 58283
section 3310.03 of the Revised Code, or received a scholarship 58284
for the first time under section 3310.032 of the Revised Code 58285
prior to ~~the effective date of this amendment~~ October 3, 2023, 58286
and the student's parent does not elect to receive a scholarship 58287
amount under division (A) (10) (a) (ii) (II) of this section, 58288
\$5,500, if the student is in grades kindergarten through eight, 58289
or \$7,500, if the student is in grades nine through twelve. 58290

(II) If the student receives a scholarship for the first 58291
time under section 3310.032 of the Revised Code on and after ~~the~~ 58292
~~effective date of this amendment~~ October 3, 2023, or if a 58293
student who received a scholarship for the first time under that 58294

section prior to that date and the student's parent elects to 58295
receive a scholarship amount under division (A) (10) (a) (ii) (II) 58296
of this section, an amount calculated in accordance with section 58297
3310.08 of the Revised Code. The department shall provide an 58298
opportunity each fiscal year for a parent to elect to receive a 58299
scholarship amount under division (A) (10) (a) (ii) (II) of this 58300
section. 58301

The amounts specified in division (A) (10) (a) (ii) (I) of 58302
this section shall increase in future fiscal years by the same 58303
percentage that the statewide average base cost per pupil 58304
increases in future fiscal years. 58305

(b) Compute the sum of the amounts calculated under 58306
division (A) (10) (a) of this section. 58307

(11) If the funding unit is the pilot project scholarship 58308
unit, an amount calculated as follows: 58309

(a) For each student in the funding unit's enrolled ADM, 58310
determine the lesser of the following: 58311

(i) The net tuition charges of the student's alternative 58312
school; 58313

(ii) \$5,500, if the student is in grades kindergarten 58314
through eight, or \$7,500, if the student is in grades nine 58315
through twelve. 58316

The amounts specified in division (A) (11) (a) (ii) of this 58317
section shall increase in future fiscal years by the same 58318
percentage that the statewide average base cost per pupil 58319
increases in future fiscal years. 58320

For purposes of division (A) (11) (a) of this section, the 58321
net tuition and fees charged to a student shall be the tuition 58322

amount specified by the alternative school minus all other 58323
financial aid, discounts, and adjustments received for the 58324
student. In cases where discounts are offered for multiple 58325
students from the same family, and not all students in the same 58326
family are scholarship recipients, the net tuition amount 58327
attributable to the scholarship recipient shall be the lowest 58328
net tuition to which the family is entitled. 58329

The department shall provide for an increase in the amount 58330
determined for any student who is an LRE student with a 58331
disability and shall further increase such amount in the case of 58332
any separately educated student with a disability, as that term 58333
is defined in section 3313.974 of the Revised Code. Such 58334
increases shall take into account the instruction, related 58335
services, and transportation costs of educating such students. 58336

(b) Compute the sum of the amounts calculated under 58337
division (A) (17) (a) of this section. 58338

(12) If the funding unit is the autism scholarship unit, 58339
an amount calculated as follows: 58340

(a) For each student in the funding unit's enrolled ADM, 58341
determine the lesser of the following: 58342

(i) The tuition charged for the student's special 58343
education program, as that term is defined in section 3310.41 of 58344
the Revised Code; 58345

(ii) ~~\$32,445~~\$34,000. 58346

(b) Compute the sum of the amounts calculated under 58347
division (A) (12) (a) of this section. 58348

(13) If the funding unit is the Jon Peterson special needs 58349
scholarship unit, an amount calculated as follows: 58350

(a) For each student in the funding unit's enrolled ADM, 58351
determine the least of the following: 58352

(i) The amount of fees charged for that school year by the 58353
student's alternative public provider or registered private 58354
provider, as those terms are defined in section 3310.51 of the 58355
Revised Code; 58356

(ii) \$7,190 plus an amount determined as follows: 58357

(I) If the student is receiving special education services 58358
for a disability specified in division (A) of section 3317.013 58359
of the Revised Code, ~~\$1,751, for fiscal year 2024, and \$2,395-~~ 58360
~~for fiscal year 2025~~\$2,855; 58361

(II) If the student is receiving special education 58362
services for a disability specified in division (B) of section 58363
3317.013 of the Revised Code, ~~\$4,442, for fiscal year 2024, and-~~ 58364
~~\$5,280 for fiscal year 2025~~\$5,879; 58365

(III) If the student is receiving special education 58366
services for a disability specified in division (C) of section 58367
3317.013 of the Revised Code, ~~\$10,673, for fiscal year 2024, and~~ 58368
~~\$11,960 for fiscal year 2025~~\$12,879; 58369

(IV) If the student is receiving special education 58370
services for a disability specified in division (D) of section 58371
3317.013 of the Revised Code, ~~\$14,243, for fiscal year 2024, and~~ 58372
~~\$15,787 for fiscal year 2025~~\$16,890; 58373

(V) If the student is receiving special education services 58374
for a disability specified in division (E) of section 3317.013 58375
of the Revised Code, ~~\$19,290, for fiscal year 2024, and \$21,197-~~ 58376
~~for fiscal year 2025~~\$22,560; 58377

(VI) If the student is receiving special education 58378

services for a disability specified in division (F) of section 58379
3317.013 of the Revised Code, ~~\$28,438, for fiscal year 2024, and~~ 58380
~~\$30,469 for fiscal year 2025~~\$31,932. 58381

(iii) ~~\$30,000, for fiscal year 2024, and \$32,445 for~~ 58382
~~fiscal year 2025~~\$34,000. 58383

The amount specified in division (A) (13) (a) (ii) of this 58384
section shall increase in future fiscal years by the same 58385
percentage that the statewide average base cost per pupil 58386
increases in future fiscal years. 58387

The amounts specified in divisions (A) (13) (a) (ii) (I) to 58388
(VI) of this section shall increase in future fiscal years by 58389
the same percentage that the amounts calculated by the general 58390
assembly for those categories of special education services 58391
under division (A) (3) of this section increase in future fiscal 58392
years. 58393

(b) Compute the sum of the amounts calculated under 58394
division (A) (13) (a) of this section. 58395

(14) If the funding unit is the community and STEM school 58396
unit, an equity supplement calculated as follows: 58397

\$500 in fiscal year 2026 and \$400 in fiscal year 2027 X each 58398
student in the funding unit's enrolled ADM who is enrolled in a 58399
community school that is not an internet- or computer-based 58400
community school. 58401

(B) In any fiscal year, a funding unit that is a city, local, or 58402
exempted village school district shall spend for purposes that 58403
the department designates as approved for special education and 58404
related services expenses at least the amount calculated as 58405
follows: 58406

(The base cost per pupil calculated for the district for that 58407
fiscal year X the total special education ADM) + (the district's 58408
category one special education ADM X the multiple specified in 58409
division (A) of section 3317.013 of the Revised Code X the 58410
statewide average base cost per pupil) + (the district's 58411
category two special education ADM X the multiple specified in 58412
division (B) of section 3317.013 of the Revised Code X the 58413
statewide average base cost per pupil) + (the district's 58414
category three special education ADM X the multiple specified in 58415
division (C) of section 3317.013 of the Revised Code X the 58416
statewide average base cost per pupil) + (the district's 58417
category four special education ADM X the multiple specified in 58418
division (D) of section 3317.013 of the Revised Code X the 58419
statewide average base cost per pupil) + (the district's 58420
category five special education ADM X the multiple specified in 58421
division (E) of section 3317.013 of the Revised Code X the 58422
statewide average base cost per pupil) + (the district's 58423
category six special education ADM X the multiple specified in 58424
division (F) of section 3317.013 of the Revised Code X the 58425
statewide average base cost per pupil) 58426

The purposes approved by the department for special 58427
education expenses shall include, but shall not be limited to, 58428
identification of children with disabilities, compliance with 58429
state rules governing the education of children with 58430
disabilities and prescribing the continuum of program options 58431
for children with disabilities, provision of speech language 58432
pathology services, and the portion of the school district's 58433
overall administrative and overhead costs that are attributable 58434
to the district's special education student population. 58435

(C) A funding unit that is a city, local, or exempted 58436
village school district shall spend the funds it receives under 58437

division (A) (4) of this section in accordance with section 58438
3317.25 of the Revised Code. 58439

(D) (1) Except as provided in division (B) of section 58440
3317.026 of the Revised Code, the department shall distribute to 58441
each community school established under Chapter 3314. of the 58442
Revised Code and to each STEM school established under Chapter 58443
3326. of the Revised Code, from the funds paid to the community 58444
and STEM school unit under this section, an amount for each 58445
student enrolled in the school equal to the sum of the 58446
following: 58447

(a) The school's base cost per pupil for that fiscal year, 58448
calculated as follows: 58449

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 58450

The aggregate base cost calculated for the school for that 58451
fiscal year under section 3317.0110 of the Revised Code / the 58452
number of students enrolled in the school for that fiscal year 58453

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58454
thereafter, an amount determined by the general assembly under 58455
division (A) (1) (b) (ii) of this section divided by the number of 58456
students enrolled in the school for that fiscal year. 58457

(b) If the student is a special education student: 58458

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58459
specified for the student's special education category under 58460
section 3317.013 of the Revised Code times the statewide average 58461
base cost per pupil; 58462

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58463
thereafter, the amount calculated for the student's special 58464
education category in a manner determined by the general 58465

assembly under division (A) (3) (b) of this section. 58466

(c) If the school is not an internet- or computer-based 58467
community school and the student is economically disadvantaged: 58468

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the amount 58469
calculated for the student under division (A) (4) (b) (i) (I) of 58470
this section; 58471

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58472
thereafter, an amount calculated for the student in the manner 58473
determined by the general assembly under division (A) (4) (b) (ii) 58474
(I) of this section. 58475

(d) If the student is an English learner: 58476

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58477
specified for the student's English learner category under 58478
section 3317.016 of the Revised Code times the statewide average 58479
base cost per pupil; 58480

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58481
thereafter, the amount calculated for the student's special 58482
education category in a manner determined by the general 58483
assembly under division (A) (5) (b) of this section. 58484

(e) If the student is a career-technical education 58485
student: 58486

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58487
specified for the student's career-technical education category 58488
under section 3317.014 of the Revised Code times the statewide 58489
average career-technical base cost per pupil; 58490

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58491
thereafter, the amount calculated for the student's career- 58492
technical education category in a manner determined by the 58493

general assembly under section 3317.014 of the Revised Code. 58494

(f) If the student is a career-technical education 58495
student: 58496

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the multiple 58497
for career-technical associated services specified under section 58498
3317.014 of the Revised Code times the statewide average career- 58499
technical base cost per pupil; 58500

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 58501
thereafter, the amount calculated for career-technical 58502
associated services in a manner determined by the general 58503
assembly under section 3317.014 of the Revised Code. 58504

(g) If the school is a community school that is not an 58505
internet- or computer-based community school, an equity 58506
supplement equal to \$500 for fiscal year 2026 and \$400 for 58507
fiscal year 2027 for each student enrolled in the school. 58508

(2) The department shall distribute to each community 58509
school established under Chapter 3314. of the Revised Code and 58510
to each STEM school established under Chapter 3326. of the 58511
Revised Code, from the funds paid to the community and STEM 58512
school unit under this section, an amount equal to the amount 58513
calculated for the school under division (A) (9) of this section. 58514

(E) The department shall distribute to the parent of each 58515
student for whom an educational choice scholarship is awarded 58516
under section 3310.03 or 3310.032 of the Revised Code, or to the 58517
student if at least eighteen years of age, from the funds paid 58518
to the educational choice scholarship unit under this section, a 58519
scholarship equal to the amount calculated for the student under 58520
division (A) (10) (a) of this section. The scholarship shall be 58521
distributed in monthly partial payments, and the department 58522

shall proportionately reduce or terminate the payments for any 58523
student who withdraws from a chartered nonpublic school prior to 58524
the end of the school year. 58525

For purposes of divisions (E) and (F) of this section, in 58526
the case of a student who is not living with the student's 58527
parent, the department shall distribute the scholarship payments 58528
to the student's guardian, legal custodian, kinship caregiver, 58529
foster caregiver, or caretaker. For the purposes of this 58530
division, "caretaker" has the same meaning as in section 58531
3310.033 of the Revised Code, "kinship caregiver" has the same 58532
meaning as in section ~~5101.85~~ 5180.50 of the Revised Code, and 58533
"foster caregiver" has the same meaning as in section 5103.02 of 58534
the Revised Code. 58535

(F) If a student is awarded a pilot project scholarship 58536
under sections 3313.974 to 3313.979 of the Revised Code, the 58537
department shall distribute to the parent of the student, if the 58538
student is attending a registered private school as defined in 58539
section 3313.974 of the Revised Code, or the student's school 58540
district of attendance, if the scholarship is to be used for 58541
payments to a public school in a school district adjacent to the 58542
pilot project school district pursuant to section 3327.06 of the 58543
Revised Code, a scholarship from the funds paid to the pilot 58544
project scholarship unit under this section that is equal to the 58545
amount calculated for the student under division (A) (11) (a) of 58546
this section. 58547

In the case of a scholarship distributed to a student's 58548
parent, the scholarship shall be distributed in monthly partial 58549
payments. The scholarship amount shall be proportionately 58550
reduced in the case of any such student who is not enrolled in a 58551
registered private school, as that term is defined in section 58552

3313.974 of the Revised Code, for the entire school year. 58553

In the case of a scholarship distributed to a student's 58554
school district of attendance, the department shall, on behalf 58555
of the student's parents, use the scholarship to make the 58556
tuition payments required by section 3327.06 of the Revised Code 58557
to the student's school district of attendance, except that, 58558
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 58559
Revised Code, the total payments in any school year shall not 58560
exceed the scholarship amount calculated for the student under 58561
division (A) (11) (a) of this section. 58562

(G) The department shall distribute to the parent of each 58563
student for whom an autism scholarship is awarded under section 58564
3310.41 of the Revised Code, from the funds paid to the autism 58565
scholarship unit under this section, a scholarship equal to the 58566
amount calculated for the student under division (A) (12) (a) of 58567
this section. The scholarship shall be distributed from time to 58568
time in partial payments. The scholarship amount shall be 58569
proportionately reduced in the case of any student who is not 58570
enrolled in the special education program for which a 58571
scholarship was awarded under section 3310.41 of the Revised 58572
Code for the entire school year. The department shall make no 58573
payments to the parent of a student while any administrative or 58574
judicial mediation or proceedings with respect to the content of 58575
the student's individualized education program are pending. 58576

(H) The department shall distribute to the parent of each 58577
student for whom a Jon Peterson special needs scholarship is 58578
awarded under sections 3310.51 to 3310.64 of the Revised Code, 58579
from the funds paid to the Jon Peterson special needs 58580
scholarship unit under this section, a scholarship equal to the 58581
amount calculated for the student under division (A) (13) (a) of 58582

this section. The scholarship shall be distributed in periodic 58583
payments, and the department shall proportionately reduce or 58584
terminate the payments for any student who is not enrolled in 58585
the special education program of an alternative public provider 58586
or a registered private provider, as those terms are defined in 58587
section 3310.51 of the Revised Code, for the entire school year. 58588

(I) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 58589
district shall spend the funds it receives under division (A) (5) 58590
of this section only for services for English learners. 58591

(J) For ~~fiscal year 2024 and each fiscal year thereafter~~, 58592
a school district shall spend the funds it receives under 58593
division (A) (6) of this section only for the identification of 58594
gifted students, gifted coordinator services, and gifted 58595
intervention specialist services, ~~and gifted professional~~ 58596
~~development~~. For ~~fiscal year 2024 and each fiscal year~~ 58597
~~thereafter~~, if the department determines that a district is not 58598
in compliance with this division, it shall reduce the district's 58599
payments for that fiscal year under this chapter by an amount 58600
equal to the amount paid to the district for that fiscal year 58601
under division (A) (6) of this section that was not spent in 58602
accordance with this division. The department shall reduce the 58603
payment within ninety days of data finalization. 58604

Sec. 3317.024. The following shall be distributed monthly, 58605
quarterly, or annually as may be determined by the department of 58606
education and workforce: 58607

(A) An amount for each island school district and each 58608
joint state school district for the operation of each high 58609
school and each elementary school maintained within such 58610
district and for capital improvements for such schools. Such 58611
amounts shall be determined on the basis of standards adopted by 58612

the department. However, for fiscal years 2012 and 2013, an
island district shall receive the lesser of its actual cost of
operation, as certified to the department, or ninety-three per
cent of the amount the district received in state operating
funding for fiscal year 2011. If an island district received no
funding for fiscal year 2011, it shall receive no funding for
either of fiscal year 2012 or 2013.

(B) An amount for each school district required to pay
tuition for a child in an institution maintained by the
department of youth services pursuant to section 3317.082 of the
Revised Code, provided the child was not included in the
calculation of the district's formula ADM, as that term is
defined in section 3317.02 of the Revised Code, for the
preceding school year.

(C) (1) An amount for the approved cost of transporting
eligible pupils with disabilities attending a special education
program approved by the department of education and workforce
whom it is impossible or impractical to transport by regular
school bus in the course of regular route transportation
provided by the school district or educational service center.
For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be
equal to the actual costs incurred in the prior fiscal year by
the district or service center when transporting those students,
as reported to the department, multiplied by one of the
following:

(a) For a district, the percentage determined for the
district for that fiscal year under divisions (E) (1) (c) (i) and
(ii) of section 3317.0212 of the Revised Code;

(b) For a service center, ~~thirty-seven-forty-five and one-~~
~~half-eighty-three hundredths~~ per cent for fiscal year ~~2024-2026~~

and ~~forty one and two thirds~~ fifty per cent for fiscal year 58643
~~2025~~2027. 58644

(2) No district or service center is eligible to receive a 58645
payment under division (C) of this section for the cost of 58646
transporting any pupil whom it transports by regular school bus 58647
and who is included in the district's transportation ADM. 58648

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, both of the 58649
following apply: 58650

(a) The department of education and workforce shall also 58651
establish the deadline for each district and service center to 58652
report its actual costs for transporting students described in 58653
division (C) (1) of this section. 58654

(b) The costs reported by each district and service center 58655
under division (C) of this section shall be subject to periodic, 58656
random audits by the department of education and workforce. 58657

(D) An amount to each school district, including each 58658
cooperative education school district, pursuant to section 58659
3313.81 of the Revised Code to assist in providing free lunches 58660
to needy children. The amounts shall be determined on the basis 58661
of rules adopted by the department of education and workforce. 58662

(E) (1) An amount for auxiliary services to each school 58663
district, for each pupil attending a chartered nonpublic 58664
elementary or high school within the district that has not 58665
elected to receive funds under division (E) (2) of this section. 58666

(2) (a) An amount for auxiliary services paid directly to 58667
each chartered nonpublic school that has elected to receive 58668
funds under division (E) (2) of this section for each pupil 58669
attending the school. To elect to receive funds under division 58670
(E) (2) of this section, a school, by the first day of April of 58671

each odd-numbered year, shall notify the department of education 58672
and workforce and the school district in which the school is 58673
located of the election and shall submit to the department an 58674
affidavit certifying that the school shall expend the funds in 58675
the manner outlined in section 3317.062 of the Revised Code. The 58676
election shall take effect the following first day of July. The 58677
school subsequently may rescind its election, but it may do so 58678
only in an odd-numbered year by notifying the department and the 58679
school district in which the school is located of the rescission 58680
not later than the first day of April of that year. Beginning 58681
the following first day of July after the rescission, the school 58682
shall receive funds under division (E) (1) of this section. 58683

(b) Not later later than ten days after the notification 58684
of approval and issuance of a charter to a nonpublic school, 58685
that school may elect to receive funds under division (E) (2) of 58686
this section. If no election is made, the chartered nonpublic 58687
school shall receive funds under division (E) (1) of this 58688
section. The school may subsequently change its election in 58689
accordance with division (E) (2) (a) of this section. 58690

(c) A chartered nonpublic school that elects to receive 58691
auxiliary services funds under division (E) (2) of this section 58692
may designate an organization that oversees one or more 58693
nonpublic schools to receive those funds on its behalf. 58694

(i) Each chartered nonpublic school that designates an 58695
organization to receive auxiliary services funds on its behalf 58696
shall notify the department of education and workforce of the 58697
organization's name not later than the first day of April of 58698
each odd-numbered year. 58699

(ii) A school may rescind its decision, but may do so only 58700
in each odd-numbered year by notifying the department of that 58701

rescission not later than the first day of April of that year. A 58702
rescission submitted in compliance with this division takes 58703
effect on the following first day of July, and the school 58704
district may elect to then begin receiving auxiliary services 58705
funds directly or as specified under division (E)(1) of this 58706
section. 58707

(iii) An organization shall disburse the auxiliary 58708
services funds of all chartered nonpublic schools that have 58709
designated the organization to receive funds on their behalf in 58710
accordance with division (E)(2)(c) of this section. If multiple 58711
chartered nonpublic schools designate the same organization to 58712
receive auxiliary services funds on their behalf, that 58713
organization may use one or more accounts for the purposes of 58714
managing the funds. The organization shall maintain appropriate 58715
accounting and reporting standards and ensure that each 58716
chartered nonpublic school receives the auxiliary services funds 58717
to which the school is entitled. 58718

(iv) Each chartered nonpublic school that elects to 58719
receive funds directly in accordance with division (E)(2) of 58720
this section or the organization designated to receive and 58721
disburse auxiliary services funds on behalf of a chartered 58722
nonpublic school shall maintain records of receipt and 58723
expenditures of the funds in a manner that conforms with 58724
generally accepted accounting principles. 58725

(v) The department of education and workforce shall create 58726
and disseminate a standardized reporting form that chartered 58727
nonpublic schools and organizations designated to receive funds 58728
in accordance with division (E)(2)(c) of this section may use to 58729
comply with division (E)(2)(c)(iv) of this section. However, the 58730
department shall not require schools to use that form. 58731

(vi) An organization that manages a school's auxiliary services funds pursuant to a designation made in accordance with division (E) (2) (c) of this section may require the school's governing authority to pay a fee for that service that does not exceed four per cent of the total amount of payments for auxiliary services that the school receives from the state. A school may pay any fee assessed pursuant to division (E) (2) (c) (vi) of this section using auxiliary services funds.

(d) The amount paid under divisions (E) (1) and (2) of this section shall equal the total amount appropriated for the implementation of sections 3317.06 and 3317.062 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in chartered nonpublic elementary and high schools within the state as determined as of the last day of October of each school year.

(F) An amount for each county board of developmental disabilities for the approved cost of transportation required for children attending special education programs operated by the county board under section 3323.09 of the Revised Code. For fiscal years ~~2024-2026~~ and ~~2025~~2027, this amount shall be equal to the actual costs incurred in the prior fiscal year by the county board when transporting those students multiplied by ~~thirty-seven-forty-five~~ and ~~one-half-eighty-three hundredths~~ per cent for fiscal year ~~2024-2026~~ and ~~forty-one and two-thirds-fifty~~ per cent for fiscal year ~~2025~~2027.

(G) An amount to each institution defined under section 3317.082 of the Revised Code providing elementary or secondary education to children other than children receiving special education under section 3323.091 of the Revised Code. This amount for any institution in any fiscal year shall equal the

total of all tuition amounts required to be paid to the 58762
institution under division (A) (1) of section 3317.082 of the 58763
Revised Code. 58764

The department of education and workforce or any board of 58765
education or governing board may provide for any resident of a 58766
district or educational service center territory any educational 58767
service for which funds are made available to the board by the 58768
United States under the authority of public law, whether such 58769
funds come directly or indirectly from the United States or any 58770
agency or department thereof or through the state or any agency, 58771
department, or political subdivision thereof. 58772

Sec. 3317.026. This section shall apply only for fiscal 58773
years ~~2024–2026~~ and ~~2025~~2027. 58774

(A) For each fiscal year, the department of education and 58775
workforce shall calculate an amount for the community and STEM 58776
school unit as follows: 58777

(1) For each community school and STEM school, determine 58778
the sum of the following: 58779

(a) The aggregate base cost calculated for the school for 58780
that fiscal year under section 3317.0110 of the Revised Code; 58781

(b) The sum of the following: 58782

(i) The school's category one special education ADM X the 58783
multiple specified in division (A) of section 3317.013 of the 58784
Revised Code X the statewide average base cost per pupil for 58785
that fiscal year; 58786

(ii) The school's category two special education ADM X the 58787
multiple specified in division (B) of section 3317.013 of the 58788
Revised Code X the statewide average base cost per pupil for 58789

that fiscal year; 58790

(iii) The school's category three special education ADM X 58791
the multiple specified in division (C) of section 3317.013 of 58792
the Revised Code X the statewide average base cost per pupil for 58793
that fiscal year; 58794

(iv) The school's category four special education ADM X 58795
the multiple specified in division (D) of section 3317.013 of 58796
the Revised Code X the statewide average base cost per pupil for 58797
that fiscal year; 58798

(v) The school's category five special education ADM X the 58799
multiple specified in division (E) of section 3317.013 of the 58800
Revised Code X the statewide average base cost per pupil for 58801
that fiscal year; 58802

(vi) The school's category six special education ADM X the 58803
multiple specified in division (F) of section 3317.013 of the 58804
Revised Code X the statewide average base cost per pupil for 58805
that fiscal year. 58806

(c) If the school is not an internet- or computer-based 58807
community school, an amount of disadvantaged pupil impact aid 58808
equal to the following: 58809

\$422 X the school's economically disadvantaged index X the 58810
number of students in the school's enrolled ADM who are 58811
economically disadvantaged 58812

(d) The sum of the following: 58813

(i) The school's category one English learner ADM X the 58814
multiple specified in division (A) of section 3317.016 of the 58815
Revised Code X the statewide average base cost per pupil for 58816
that fiscal year; 58817

(ii) The school's category two English learner ADM X the	58818
multiple specified in division (B) of section 3317.016 of the	58819
Revised Code X the statewide average base cost per pupil for	58820
that fiscal year;	58821
(iii) The school's category three English learner ADM X	58822
the multiple specified in division (C) of section 3317.016 of	58823
the Revised Code X the statewide average base cost per pupil for	58824
that fiscal year.	58825
(e) The sum of the following:	58826
(i) The school's category one career-technical education	58827
ADM X the multiple specified under division (A) (1) of section	58828
3317.014 of the Revised Code X the statewide average career-	58829
technical base cost per pupil for that fiscal year;	58830
(ii) The school's category two career-technical education	58831
ADM X the multiple specified under division (A) (2) of section	58832
3317.014 of the Revised Code X the statewide average career-	58833
technical base cost per pupil for that fiscal year;	58834
(iii) The school's category three career-technical	58835
education ADM X the multiple specified under division (A) (3) of	58836
section 3317.014 of the Revised Code X the statewide average	58837
career-technical base cost per pupil for that fiscal year;	58838
(iv) The school's category four career-technical education	58839
ADM X the multiple specified under division (A) (4) of section	58840
3317.014 of the Revised Code X the statewide average career-	58841
technical base cost per pupil for that fiscal year;	58842
(v) The school's category five career-technical education	58843
ADM X the multiple specified under division (A) (5) of section	58844
3317.014 of the Revised Code X the statewide average career-	58845
technical base cost per pupil for that fiscal year.	58846

(f) An amount equal to the following:	58847
The multiple for career-technical associated services	58848
specified under division (B) of section 3317.014 of the Revised	58849
Code X the statewide average career-technical base cost per	58850
pupil for that fiscal year X the sum of the school's categories	58851
one through five career-technical education ADM	58852
(g) If the school is a community school, an amount equal	58853
to the following:	58854
The number of students reported by the community school	58855
under division (B) (5) of section 3314.08 of the Revised Code X	58856
(the aggregate base cost calculated for the school for that	58857
fiscal year under section 3317.0110 of the Revised Code / the	58858
school's enrolled ADM) X 0.20	58859
<u>(h) If the school is a community school that is not an</u>	58860
<u>internet- or computer-based community school, an equity</u>	58861
<u>supplement calculated as follows:</u>	58862
<u>The number of students in the school's enrolled ADM X \$500 for</u>	58863
<u>fiscal year 2026 and \$400 for fiscal year 2027</u>	58864
(2) For each community and STEM school, determine the	58865
lesser of the following:	58866
(a) The following sum:	58867
The school's funding base + {[the sum calculated for the	58868
school under division (A) of this section) - the school's	58869
funding base] X the school's general phase-in percentage for	58870
that fiscal year}	58871
(b) The sum of the amounts calculated for the school for	58872
that fiscal year under division (A) of this section.	58873

(3) Compute the sum of the amounts determined under 58874
division (B) of this section to determine the amount calculated 58875
for the community and STEM school unit. 58876

(B) Notwithstanding division (D) of section 3317.022 of 58877
the Revised Code, for each fiscal year, the department shall 58878
distribute to each community school and each STEM school, from 58879
the funds paid to the community and STEM school unit under 58880
section 3317.022 of the Revised Code, an amount equal to the 58881
amount determined for that school under division (A) (2) of this 58882
section. 58883

Sec. 3317.0212. (A) As used in this section: 58884

(1) For fiscal years 2024-2026 and 20252027, "assigned 58885
bus" means a school bus used to transport qualifying riders. 58886

(2) For fiscal years 2024-2026 and 20252027, "density" 58887
means the total riders per square mile of a school district. 58888

(3) For fiscal years 2024-2026 and 20252027, 58889
"nontraditional ridership" means the average number of 58890
qualifying riders who are enrolled in a community school 58891
established under Chapter 3314. of the Revised Code, in a STEM 58892
school established under Chapter 3326. of the Revised Code, or 58893
in a nonpublic school and are provided school bus service by a 58894
school district during the first full week of October. 58895

(4) "Qualifying riders" means the following: 58896

(a) For fiscal years 2024-2026 and 20252027, resident 58897
students enrolled in preschool and regular education in grades 58898
kindergarten to twelve who are provided school bus service by a 58899
school district, including students with dual enrollment in a 58900
joint vocational school district or a cooperative education 58901
school district, and students enrolled in a community school, 58902

STEM school, or nonpublic school; 58903

(b) For fiscal year ~~2026~~2028 and each fiscal year 58904
thereafter, students specified by the general assembly. 58905

(5) "Qualifying ridership" means the following: 58906

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the greater 58907
of the average number of qualifying riders counted in the 58908
morning or counted in the afternoon who are provided school bus 58909
service by a school district during the first full week of 58910
October; 58911

(b) For fiscal year ~~2026~~2028 and each fiscal year 58912
thereafter, a ridership determined in a manner specified by the 58913
general assembly. 58914

(6) "Rider density" means the following: 58915

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the following 58916
quotient: 58917

A school district's total number of qualifying riders/ the 58918
number of square miles in the district 58919

(b) For fiscal year ~~2026~~2028 and each fiscal year 58920
thereafter, a number calculated in a manner determined by the 58921
general assembly. 58922

(7) For fiscal years ~~2024~~2026 and ~~2025~~2027, "riders" 58923
means students enrolled in regular and special education in 58924
grades kindergarten through twelve who are provided school bus 58925
service by a school district, including students with dual 58926
enrollment in a joint vocational school district or a 58927
cooperative education school district, and students enrolled in 58928
a community school, STEM school, or nonpublic school. 58929

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years ~~2024–2026~~ and ~~2025~~2027, or a date determined by the general assembly, for fiscal year ~~2026–2028~~ and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate

cost for school bus service for the remaining districts in the 58959
previous fiscal year by the aggregate qualifying ridership of 58960
those districts in the previous fiscal year. 58961

(D) The department shall calculate the statewide 58962
transportation cost per mile as follows: 58963

(1) Determine each city, local, and exempted village 58964
school district's transportation cost per mile by dividing the 58965
district's total costs for school bus service in the previous 58966
fiscal year by its total number of miles driven for school bus 58967
service in the previous fiscal year. 58968

(2) After excluding districts that do not provide school 58969
bus service and the ten districts with the highest 58970
transportation costs per mile and the ten districts with the 58971
lowest transportation costs per mile, divide the aggregate cost 58972
for school bus service for the remaining districts in the 58973
previous fiscal year by the aggregate miles driven for school 58974
bus service in those districts in the previous fiscal year. 58975

(E) The department shall calculate each city, local, and 58976
exempted village school district's transportation base payment 58977
as follows: 58978

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027: 58979

(a) Calculate the sum of the following: 58980

(i) The product of the statewide transportation cost per 58981
student and the number of students counted in the district's 58982
qualifying ridership for the current fiscal year who are 58983
enrolled in the district; 58984

(ii) 1.5 times the statewide transportation cost per 58985
student times the number of students counted in the district's 58986

qualifying ridership for the current fiscal year who are 58987
enrolled in community schools established under Chapter 3314. of 58988
the Revised Code or STEM schools established under Chapter 3326. 58989
of the Revised Code; 58990

(iii) 2.0 times the statewide transportation cost per 58991
student times the number of students counted in the district's 58992
qualifying ridership for the current fiscal year who are 58993
enrolled in nonpublic schools. 58994

(b) Calculate the sum of the following: 58995

(i) The product of the statewide transportation cost per 58996
mile and the number of miles driven for school bus service as 58997
reported for qualifying riders for the current fiscal year who 58998
are enrolled in the district; 58999

(ii) 1.5 times the statewide transportation cost per mile 59000
times the number of miles driven for school bus service as 59001
reported for qualifying riders for the current fiscal year who 59002
are enrolled in community schools or STEM schools; 59003

(iii) 2.0 times the statewide transportation cost per mile 59004
times the number of miles driven for school bus service as 59005
reported for qualifying riders for the current fiscal year who 59006
are enrolled in nonpublic schools. 59007

(c) Multiply the greater of the amounts calculated under 59008
divisions (E) (1) (a) and (b) of this section by the following: 59009

(i) For fiscal year ~~2024~~2026, the greater of ~~thirty-seven~~ 59010
~~forty-five~~ and ~~one-half~~ eighty-three hundredths per cent or the 59011
district's state share percentage, as defined in section 3317.02 59012
of the Revised Code; 59013

(ii) For fiscal year ~~2025~~2027, the greater of ~~forty-one~~ 59014

~~and two-thirds~~ fifty per cent or the district's state share 59015
percentage. 59016

(2) For fiscal year ~~2026-2028~~ and each fiscal year 59017
thereafter, an amount determined by the general assembly. 59018

(F) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59019
department shall pay a district's efficiency adjustment payment 59020
in accordance with divisions (F) (1) to (3) of this section. For 59021
fiscal year ~~2026-2028~~ and each fiscal year thereafter, the 59022
department shall pay a district's efficiency adjustment payment 59023
in a manner determined by the general assembly, if the general 59024
assembly authorizes such a payment to districts. 59025

(1) The department annually shall establish a target 59026
number of qualifying riders per assigned bus for each city, 59027
local, and exempted village school district. The department 59028
shall use the ~~most recently available data~~ from the previous 59029
fiscal year in establishing the target number. The target number 59030
shall be based on the statewide median number of riders per 59031
assigned bus as adjusted to reflect the district's density in 59032
comparison to the density of all other districts. The department 59033
shall post on the department's web site each district's target 59034
number of riders per assigned bus and a description of how the 59035
target number was determined. 59036

(2) The department shall determine each school district's 59037
efficiency index by dividing the district's number of riders per 59038
assigned bus by its target number of riders per assigned bus. 59039

(3) The department shall determine each city, local, and 59040
exempted village school district's efficiency adjustment payment 59041
as follows: 59042

(a) If the district's efficiency index is equal to or 59043

greater than 1.5, the efficiency adjustment payment shall be 59044
calculated according to the following formula: 59045

0.15 X the district's transportation base payment calculated 59046
under division (E) of this section 59047

(b) If the district's efficiency index is less than 1.5 59048
but greater than or equal to 1.0, the efficiency adjustment 59049
payment shall be calculated according to the following formula: 59050

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 59051
district's transportation base payment calculated under division 59052
(E) of this section 59053

(c) If the district's efficiency index is less than 1.0, 59054
the efficiency adjustment payment shall be zero. 59055

(G) In addition to funds paid under divisions (E), (F), 59056
and (H) of this section, each city, local, and exempted village 59057
district shall receive in accordance with rules adopted by the 59058
department a payment for students transported by means other 59059
than school bus service and whose transportation is not funded 59060
under division (C) of section 3317.024 of the Revised Code. The 59061
rules shall include provisions for school district reporting of 59062
such students. 59063

(H) (1) For purposes of division (H) of this section, a 59064
school district's "transportation supplement percentage" means 59065
the following: 59066

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the following 59067
quotient: 59068

(28 - the district's rider density) / 100 59069

If the result of the calculation for a district under 59070
division (H) (1) (a) of this section is less than zero, the 59071

district's transportation supplement percentage shall be zero. 59072

(b) For fiscal year ~~2026~~2028 and each fiscal year 59073
thereafter, a percentage calculated in a manner determined by 59074
the general assembly. 59075

(2) The department shall pay each district a 59076
transportation supplement calculated according to the following 59077
formula: 59078

The district's transportation supplement percentage X the amount 59079
calculated for the district under division (E) (1) (b) of this 59080
section X 0.55 59081

(I) (1) If a school district board and a community school 59082
governing authority elect to enter into an agreement under 59083
division (A) of section 3314.091 of the Revised Code, the 59084
department shall make payments to the community school according 59085
to the terms of the agreement for each student actually 59086
transported under division (C) (1) of that section. If a 59087
community school governing authority accepts transportation 59088
responsibility under division (B) of that section, the 59089
department shall make payments to the community school for each 59090
student actually transported or for whom transportation is 59091
arranged by the community school under division (C) (1) of that 59092
section, calculated as follows: 59093

(a) For any fiscal year which the general assembly has 59094
specified that transportation payments to school districts be 59095
based on an across-the-board percentage of the district's 59096
payment for the previous school year, the per pupil payment to 59097
the community school shall be the following quotient: 59098

(i) The total amount calculated for the school district in 59099
which the child is entitled to attend school for student 59100

transportation other than transportation of children with 59101
disabilities; divided by 59102

(ii) The number of students included in the district's 59103
transportation ADM for the current fiscal year, as calculated 59104
under section 3317.03 of the Revised Code, plus the number of 59105
students enrolled in the community school not counted in the 59106
district's transportation ADM who are transported under division 59107
(B) (1) or (2) of section 3314.091 of the Revised Code. 59108

(b) For any fiscal year which the general assembly has 59109
specified that the transportation payments to school districts 59110
be calculated in accordance with this section and any rules of 59111
the department implementing this section, the payment to the 59112
community school shall be the following: 59113

(i) For fiscal years ~~2024-2026~~ and ~~2025~~2027, either of the 59114
following: 59115

(I) If the school district in which the student is 59116
entitled to attend school would have used a method of 59117
transportation for the student for which payments are computed 59118
and paid under division (E) of this section, 1.0 times the 59119
statewide transportation cost per student, as calculated in 59120
division (C) of this section; 59121

(II) If the school district in which the student is 59122
entitled to attend school would have used a method of 59123
transportation for the student for which payments are computed 59124
and paid in a manner described in division (G) of this section, 59125
the amount that would otherwise be computed for and paid to the 59126
district. 59127

(ii) For fiscal year ~~2026-2028~~ and each fiscal year 59128
thereafter, an amount calculated in a manner determined by the 59129

general assembly. 59130

The community school, however, is not required to use the 59131
same method to transport the student. 59132

As used in this division, "entitled to attend school" 59133
means entitled to attend school under section 3313.64 or 3313.65 59134
of the Revised Code. 59135

(2) A community school shall be paid under division (I) (2) 59136
of this section only for students who are eligible as specified 59137
in section 3327.01 of the Revised Code and division (C) (1) of 59138
section 3314.091 of the Revised Code, and whose transportation 59139
to and from school is actually provided, who actually utilized 59140
transportation arranged, or for whom a payment in lieu of 59141
transportation is made by the community school's governing 59142
authority. To qualify for the payments, the community school 59143
shall report to the department, in the form and manner required 59144
by the department, data on the number of students transported or 59145
whose transportation is arranged, the number of miles traveled, 59146
cost to transport, and any other information requested by the 59147
department. 59148

Sec. 3317.0213. (A) The department of education and 59149
workforce shall compute and pay in accordance with this section 59150
additional state aid for preschool children with disabilities to 59151
each city, local, and exempted village school district and to 59152
each institution, as defined in section 3323.091 of the Revised 59153
Code. Funding shall be provided for children who are not 59154
enrolled in kindergarten and who are under age six on the 59155
thirtieth day of September of the academic year, or on the first 59156
day of August of the academic year if the school district in 59157
which the child is enrolled has adopted a resolution under 59158
division (A) (3) of section 3321.01 of the Revised Code, but not 59159

less than age three on the first day of December of the academic 59160
year. 59161

For fiscal years ~~2024-2026~~ and ~~2025~~2027, the additional 59162
state aid shall be calculated under the following formula: 59163

(\$4,000 X the number of students who are preschool 59164
children with disabilities) + the sum of the following: 59165

(1) The district's or institution's category one special 59166
education students who are preschool children with disabilities 59167
X the multiple specified in division (A) of section 3317.013 of 59168
the Revised Code X the statewide average base cost per pupil for 59169
that fiscal year X the district's state share percentage X 0.50; 59170

(2) The district's or institution's category two special 59171
education students who are preschool children with disabilities 59172
X the multiple specified in division (B) of section 3317.013 of 59173
the Revised Code X the statewide average base cost per pupil for 59174
that fiscal year X the district's state share percentage X 0.50; 59175

(3) The district's or institution's category three special 59176
education students who are preschool children with disabilities 59177
X the multiple specified in division (C) of section 3317.013 of 59178
the Revised Code X the statewide average base cost per pupil for 59179
that fiscal year X the district's state share percentage X 0.50; 59180

(4) The district's or institution's category four special 59181
education students who are preschool children with disabilities 59182
X the multiple specified in division (D) of section 3317.013 of 59183
the Revised Code X the statewide average base cost per pupil for 59184
that fiscal year X the district's state share percentage X 0.50; 59185

(5) The district's or institution's category five special 59186
education students who are preschool children with disabilities 59187
X the multiple specified in division (E) of section 3317.013 of 59188

the Revised Code X the statewide average base cost per pupil for 59189
that fiscal year X the district's state share percentage X 0.50; 59190

(6) The district's or institution's category six special 59191
education students who are preschool children with disabilities 59192
X the multiple specified in division (F) of section 3317.013 of 59193
the Revised Code X the statewide average base cost per pupil for 59194
that fiscal year X the district's state share percentage X 0.50. 59195

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59196
the additional state aid shall be calculated for each category 59197
of special education students who are preschool children with 59198
disabilities using a formula specified by the general assembly. 59199

The special education disability categories for preschool 59200
children used in this section are the same categories prescribed 59201
in section 3317.013 of the Revised Code. 59202

As used in division (A) of this section, the state share 59203
percentage of a student enrolled in an institution is the state 59204
share percentage of the school district in which the student is 59205
entitled to attend school under section 3313.64 or 3313.65 of 59206
the Revised Code. 59207

(B) If an educational service center is providing services 59208
to students who are preschool children with disabilities under 59209
agreement with the city, local, or exempted village school 59210
district in which the students are entitled to attend school, 59211
that district may authorize the department to transfer funds 59212
computed under this section to the service center providing 59213
those services. 59214

(C) If a county DD board is providing services to students 59215
who are preschool children with disabilities under agreement 59216
with the city, local, or exempted village school district in 59217

which the students are entitled to attend school, the department 59218
shall deduct from the district's payment computed under division 59219
(A) of this section the total amount of those funds that are 59220
attributable to the students served by the county DD board and 59221
pay that amount to that board. 59222

Sec. 3317.0215. (A) (1) For fiscal years 2024-2026 and 59223
~~2025-2027~~, the department of education and workforce shall 59224
withhold from the aggregate amount paid for a fiscal year to 59225
each city, local, exempted village, and joint vocational school 59226
district, ~~community school established under Chapter 3314. of~~ 59227
~~the Revised Code, and science, technology, engineering, and~~ 59228
~~mathematics school established under Chapter 3326. of the~~ 59229
~~Revised Code~~ an amount equal to the following: 59230

(a) In the case of a city, local, or exempted village 59231
school district, the aggregate amount of special education 59232
funding paid to the district under division (A) (3) of section 59233
3317.022 of the Revised Code times 0.10, subject to any funding 59234
limitations enacted by the general assembly to the computation. 59235

~~(b) In the case of a community school or STEM school, the~~ 59236
~~aggregate amount of special education funding paid to the school~~ 59237
~~under division (A) (1) (b) of section 3317.026 of the Revised Code~~ 59238
~~times 0.10, subject to any funding limitations enacted by the~~ 59239
~~general assembly to the computation.~~ 59240

~~(c)~~ In the case of a joint vocational school district, the 59241
aggregate amount of special education funding paid to the school 59242
under division (A) (2) of section 3317.16 of the Revised Code 59243
times 0.10, subject to any funding limitations enacted by the 59244
general assembly to the computation. 59245

(2) For fiscal year 2026-2028 and each fiscal year 59246

thereafter, the department shall withhold from the aggregate 59247
amount paid for a fiscal year to each city, local, exempted 59248
village, and joint vocational school district, ~~community school,~~ 59249
~~and science, technology, engineering, and mathematics school~~ an 59250
amount determined by the general assembly, if any, for purposes 59251
of this section. 59252

(B) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59253
department shall use the amount of funds withheld under division 59254
(A) of this section for purposes of ~~division (C) (1) of section~~ 59255
~~3314.08 of the Revised Code,~~ section 3317.0214 of the Revised 59256
Code, and division (B) of section 3317.16 of the Revised Code, ~~and~~ 59257
~~section 3326.34 of the Revised Code.~~ 59258

For fiscal year ~~2026-2028~~ and each fiscal year thereafter, 59259
the department shall use the amount of funds withheld under 59260
division (A) of this section, if any, for purposes determined by 59261
the general assembly. 59262

(C) (1) For fiscal years 2026 and 2027, the department 59263
shall withhold from the aggregate amount paid for a fiscal year 59264
to each community school established under Chapter 3314. of the 59265
Revised Code and STEM school established under Chapter 3326. of 59266
the Revised Code an amount equal to the aggregate amount of 59267
special education funding paid to the school under division (A) 59268
(1) (b) of section 3317.026 of the Revised Code times 0.05, 59269
subject to any funding limitations enacted by the general 59270
assembly to the computation. 59271

(2) For fiscal year 2028 and each fiscal year thereafter, 59272
the department shall withhold from the aggregate amount paid for 59273
a fiscal year to each community school and STEM school an amount 59274
determined by the general assembly, if any, for purposes of this 59275
section. 59276

(D) For fiscal years 2026 and 2027, the department shall 59277
use the amount of funds withheld under division (C) of this 59278
section for purposes of division (C)(1) of section 3314.08 of 59279
the Revised Code and section 3326.34 of the Revised Code. 59280

For fiscal year 2028 and each fiscal year thereafter, the 59281
department shall use the amount of funds withheld under division 59282
(C) of this section, if any, for purposes determined by the 59283
general assembly. 59284

Sec. 3317.0217. This section shall apply only for fiscal 59285
years 2024–2026 and 2025~~2027~~. 59286

Payment of the amount calculated for a school district 59287
under this section shall be made under division (A) of section 59288
3317.022 of the Revised Code. 59289

(A) For each fiscal year, the department of education and 59290
workforce shall compute targeted assistance funds for city, 59291
local, and exempted village school districts, in accordance with 59292
the following formula: 59293

A district's capacity amount for that fiscal year 59294
calculated under division (B) of this section + a district's 59295
wealth amount for that fiscal year calculated under division (C) 59296
of this section 59297

(B) The department shall calculate each district's 59298
capacity amount for a fiscal year as follows: 59299

(1) Calculate each district's weighted wealth for that 59300
fiscal year, which equals the following sum: 59301

(The amount determined for the district for that fiscal year 59302
under division (A)(1)(a) of section 3317.017 of the Revised Code 59303
X 0.6) + (the amount determined for the district for that fiscal 59304

year under division (A) (2) (a) of section 3317.017 of the Revised 59305
Code X 0.4) 59306

(2) Determine the median weighted wealth of all school 59307
districts in this state for that fiscal year; 59308

(3) Compute each district's capacity index for that fiscal 59309
year by dividing the median weighted wealth of all school 59310
districts in this state for that fiscal year by the district's 59311
weighted wealth for that fiscal year; 59312

(4) Compute each district's capacity amount for that 59313
fiscal year as follows: 59314

(a) The district's capacity amount shall be zero if the 59315
district satisfies either of the following criteria for that 59316
fiscal year: 59317

(i) The district's capacity index is less than 1. 59318

(ii) The district's enrolled ADM is less than 200. 59319

(b) If the district does not satisfy either of the 59320
criteria specified in division (B) (4) (a) of this section for 59321
that fiscal year, the district's capacity amount for that fiscal 59322
year shall be calculated as follows: 59323

(i) Compute the following amount for the district: 59324

(The median weighted wealth of all school districts in this 59325
state for that fiscal year X 0.008) - (the district's weighted 59326
wealth for that fiscal year X 0.008) 59327

(ii) If the district's enrolled ADM for that fiscal year 59328
is greater than or equal to 200 but less than or equal to 400, 59329
the district's capacity amount for that fiscal year shall be 59330
equal to 0.05 X the amount computed under division (B) (4) (b) (i) 59331

of this section. 59332

(iii) If the district's enrolled ADM for that fiscal year 59333
is greater than 400 and less than 600, the district's capacity 59334
amount for that fiscal year shall be calculated in accordance 59335
with the following formula: 59336

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 59337$$

$$400)/200] + 0.05\} \times \text{the amount computed under division (B) (4) (b)} 59338$$

(i) of this section 59339

(iv) If the district's enrolled ADM for that fiscal year 59340
is greater than or equal to 600, the district's capacity amount 59341
for that fiscal year shall be equal to the amount computed under 59342
division (B) (4) (b) (i) of this section. 59343

(C) The department shall calculate each district's wealth 59344
amount for a fiscal year as follows: 59345

(1) Calculate each district's weighted wealth per pupil 59346
for that fiscal year, which equals the following quotient: 59347

The district's weighted wealth for that fiscal year 59348
calculated under division (B) (1) of this section/ (the 59349
district's enrolled ADM for that fiscal year - the students 59350
described in division (A) (1) (b) of section 3317.03 of the 59351
Revised Code + the students described in division (A) (2) (d) of 59352
section 3317.03 of the Revised Code) 59353

(2) Determine the median weighted wealth per pupil of all 59354
school districts in this state for that fiscal year; 59355

(3) Compute each district's wealth index for that fiscal 59356
year by dividing the median weighted wealth per pupil of all 59357
school districts in this state for that fiscal year by the 59358
district's weighted wealth per pupil for that fiscal year; 59359

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C) (3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year

Sec. 3317.035. The auditor of state may conduct annual audits of the information certified under section 3317.03 of the Revised Code ~~by a number of school districts determined by the auditor of state and selected at random.~~

Sec. 3317.051. (A) The department of education and workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount equal to the following sum:

(\$85,776 X the number of units allocated to a school district under division (B) (1) (a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B) (1) (b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B) (1) (c) of this section X the district's state share percentage)

(2) For fiscal year ~~2026~~2028 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that

it receives under division (C) of this section to another school 59417
district, an educational service center, a community school, or 59418
a STEM school as part of an arrangement to provide services to 59419
the district. 59420

Sec. 3317.06. Moneys paid to school districts under 59421
division (E)(1) of section 3317.024 of the Revised Code shall be 59422
used for the following independent and fully severable purposes: 59423

(A) To purchase such secular textbooks or digital texts as 59424
have been approved by the department of education and workforce 59425
for use in public schools in the state and to loan such 59426
textbooks or digital texts to pupils attending nonpublic schools 59427
within the district described in division (E)(1) of section 59428
3317.024 of the Revised Code or to their parents and to hire 59429
clerical personnel to administer such lending program. Such 59430
loans shall be based upon individual requests submitted by such 59431
nonpublic school pupils or parents. Such requests shall be 59432
submitted to the school district in which the nonpublic school 59433
is located. Such individual requests for the loan of textbooks 59434
or digital texts shall, for administrative convenience, be 59435
submitted by the nonpublic school pupil or the pupil's parent to 59436
the nonpublic school, which shall prepare and submit collective 59437
summaries of the individual requests to the school district. As 59438
used in this section: 59439

(1) "Textbook" means any book or book substitute that a 59440
pupil uses as a consumable or nonconsumable text, text 59441
substitute, or text supplement in a particular class or program 59442
in the school the pupil regularly attends. 59443

(2) "Digital text" means a consumable book or book 59444
substitute that a student accesses through the use of a computer 59445
or other electronic medium or that is available through an 59446

internet-based provider of course content, or any other material 59447
that contributes to the learning process through electronic 59448
means. 59449

(B) To provide speech and hearing diagnostic services to 59450
pupils attending nonpublic schools within the district described 59451
in division (E) (1) of section 3317.024 of the Revised Code. Such 59452
service shall be provided in the nonpublic school attended by 59453
the pupil receiving the service. 59454

(C) To provide physician, nursing, dental, and optometric 59455
services to pupils attending nonpublic schools within the 59456
district described in division (E) (1) of section 3317.024 of the 59457
Revised Code. Such services shall be provided in the school 59458
attended by the nonpublic school pupil receiving the service. 59459

(D) To provide diagnostic mental health or psychological 59460
services to pupils attending nonpublic schools within the 59461
district described in division (E) (1) of section 3317.024 of the 59462
Revised Code. Such services shall be provided in the school 59463
attended by the pupil receiving the service. 59464

(E) To provide therapeutic mental health, psychological, 59465
and speech and hearing services to pupils attending nonpublic 59466
schools within the district described in division (E) (1) of 59467
section 3317.024 of the Revised Code. Such services shall be 59468
provided in the public school, in nonpublic schools, in public 59469
centers, or in mobile units located on or off of the nonpublic 59470
premises. If such services are provided in the public school or 59471
in public centers, transportation to and from such facilities 59472
shall be provided by the school district in which the nonpublic 59473
school is located. 59474

(F) To provide guidance, counseling, and social work 59475

services to pupils attending nonpublic schools within the 59476
district described in division (E) (1) of section 3317.024 of the 59477
Revised Code. Such services shall be provided in the public 59478
school, in nonpublic schools, in public centers, or in mobile 59479
units located on or off of the nonpublic premises. If such 59480
services are provided in the public school or in public centers, 59481
transportation to and from such facilities shall be provided by 59482
the school district in which the nonpublic school is located. 59483

(G) To provide remedial services to pupils attending 59484
nonpublic schools within the district described in division (E) 59485
(1) of section 3317.024 of the Revised Code. Such services shall 59486
be provided in the public school, in nonpublic schools, in 59487
public centers, or in mobile units located on or off of the 59488
nonpublic premises. If such services are provided in the public 59489
school or in public centers, transportation to and from such 59490
facilities shall be provided by the school district in which the 59491
nonpublic school is located. 59492

(H) To supply for use by pupils attending nonpublic 59493
schools within the district described in division (E) (1) of 59494
section 3317.024 of the Revised Code such standardized tests and 59495
scoring services as are in use in the public schools of the 59496
state; 59497

(I) To provide programs for children who attend nonpublic 59498
schools within the district described in division (E) (1) of 59499
section 3317.024 of the Revised Code and are children with 59500
disabilities as defined in section 3323.01 of the Revised Code 59501
or gifted children. Such programs shall be provided in the 59502
public school, in nonpublic schools, in public centers, or in 59503
mobile units located on or off of the nonpublic premises. If 59504
such programs are provided in the public school or in public 59505

centers, transportation to and from such facilities shall be 59506
provided by the school district in which the nonpublic school is 59507
located. 59508

(J) To hire clerical personnel to assist in the 59509
administration of programs pursuant to divisions (B), (C), (D), 59510
(E), (F), (G), and (I) of this section and to hire supervisory 59511
personnel to supervise the providing of services and textbooks 59512
pursuant to this section. 59513

(K) To purchase or lease any secular, neutral, and 59514
nonideological computer application software designed to assist 59515
students in performing a single task or multiple related tasks, 59516
device management software, learning management software, site- 59517
licensing, digital video on demand (DVD), wide area connectivity 59518
and related technology as it relates to internet access, 59519
mathematics or science equipment and materials, instructional 59520
materials, and school library materials that are in general use 59521
in the public schools of the state and loan such items to pupils 59522
attending nonpublic schools within the district described in 59523
division (E)(1) of section 3317.024 of the Revised Code or to 59524
their parents, and to hire clerical personnel to administer the 59525
lending program. Only such items that are incapable of diversion 59526
to religious use and that are susceptible of loan to individual 59527
pupils and are furnished for the use of individual pupils shall 59528
be purchased and loaned under this division. As used in this 59529
section, "instructional materials" means prepared learning 59530
materials that are secular, neutral, and nonideological in 59531
character and are of benefit to the instruction of school 59532
children. "Instructional materials" includes media content that 59533
a student may access through the use of a computer or electronic 59534
device. 59535

Mobile applications that are secular, neutral, and 59536
nonideological in character and that are purchased for less than 59537
twenty dollars for instructional use shall be considered to be 59538
consumable and shall be distributed to students without the 59539
expectation that the applications must be returned. 59540

(L) To purchase or lease instructional equipment, 59541
including computer hardware and related equipment in general use 59542
in the public schools of the state, for use by pupils attending 59543
nonpublic schools within the district described in division (E) 59544
(1) of section 3317.024 of the Revised Code and to loan such 59545
items to pupils attending such nonpublic schools within the 59546
district or to their parents, and to hire clerical personnel to 59547
administer the lending program. "Computer hardware and related 59548
equipment" includes desktop computers and workstations; laptop 59549
computers, computer tablets, and other mobile handheld devices; 59550
their operating systems and accessories; and any equipment 59551
designed to make accessible the environment of a classroom to a 59552
student, who is physically unable to attend classroom activities 59553
due to hospitalization or other circumstances, by allowing real- 59554
time interaction with other students both one-on-one and in 59555
group discussion. 59556

(M) To purchase mobile units to be used for the provision 59557
of services pursuant to divisions (E), (F), (G), and (I) of this 59558
section and to pay for necessary repairs and operating costs 59559
associated with these units. 59560

(N) To reimburse costs the district incurred to store the 59561
records of a chartered nonpublic school that closes. 59562
Reimbursements under this division shall be made one time only 59563
for each chartered nonpublic school described in division (E) (1) 59564
of section 3317.024 of the Revised Code that closes. 59565

(O) To purchase life-saving medical or other emergency 59566
equipment for placement in nonpublic schools within the district 59567
described in division (E) (1) of section 3317.024 of the Revised 59568
Code or to maintain such equipment. 59569

(P) To procure and pay for security services from a county 59570
sheriff or a township or municipal police force, from a retired 59571
Ohio peace officer, or from a person certified through the Ohio 59572
peace officer training commission, in accordance with section 59573
109.78 of the Revised Code, as a special police, security guard, 59574
or as a privately employed person serving in a police capacity 59575
for nonpublic schools in the district described in division (E) 59576
(1) of section 3317.024 of the Revised Code. 59577

(Q) To provide language and academic support services and 59578
other accommodations for English learners attending nonpublic 59579
schools within the district described in division (E) (1) of 59580
section 3317.024 of the Revised Code. 59581

Clerical and supervisory personnel hired pursuant to 59582
division (J) of this section shall perform their services in the 59583
public schools, in nonpublic schools, public centers, or mobile 59584
units where the services are provided to the nonpublic school 59585
pupil, except that such personnel may accompany pupils to and 59586
from the service sites when necessary to ensure the safety of 59587
the children receiving the services. 59588

All services provided pursuant to this section may be 59589
provided under contract with educational service centers, the 59590
department of health, city or general health districts, or 59591
private agencies whose personnel are properly licensed by an 59592
appropriate state board or agency. School districts shall not 59593
deny a nonpublic school's request for personnel who are properly 59594
licensed by a state board or agency. 59595

Transportation of pupils provided pursuant to divisions 59596
(E), (F), (G), and (I) of this section shall be provided by the 59597
school district from its general funds and not from moneys paid 59598
to it under division (E) (1) of section 3317.024 of the Revised 59599
Code unless a special transportation request is submitted by the 59600
parent of the child receiving service pursuant to such 59601
divisions. If such an application is presented to the school 59602
district, it may pay for the transportation from moneys paid to 59603
it under division (E) (1) of section 3317.024 of the Revised 59604
Code. 59605

No school district shall provide health or remedial 59606
services to nonpublic school pupils as authorized by this 59607
section unless such services are available to pupils attending 59608
the public schools within the district. 59609

Materials, equipment, computer hardware or software, 59610
textbooks, digital texts, and health and remedial services 59611
provided for the benefit of nonpublic school pupils pursuant to 59612
this section and the admission of pupils to such nonpublic 59613
schools shall be provided without distinction as to race, creed, 59614
color, or national origin of such pupils or of their teachers. 59615

No school district shall provide services, materials, or 59616
equipment that contain religious content for use in religious 59617
courses, devotional exercises, religious training, or any other 59618
religious activity. 59619

As used in this section, "parent" includes a person 59620
standing in loco parentis to a child. 59621

Notwithstanding section 3317.01 of the Revised Code, 59622
payments shall be made under this section to any city, local, or 59623
exempted village school district within which is located one or 59624

more nonpublic elementary or high schools described in division 59625
(E) (1) of section 3317.024 of the Revised Code and any payments 59626
made to school districts under division (E) (1) of section 59627
3317.024 of the Revised Code for purposes of this section may be 59628
disbursed without submission to and approval of the controlling 59629
board. 59630

The allocation of payments for materials, equipment, 59631
textbooks, digital texts, health services, and remedial services 59632
to city, local, and exempted village school districts shall be 59633
on the basis of the department's estimated annual average daily 59634
membership in nonpublic elementary and high schools located in 59635
the district described in division (E) (1) of section 3317.024 of 59636
the Revised Code. 59637

Payments made to city, local, and exempted village school 59638
districts under this section shall be equal to specific 59639
appropriations made for the purpose. All interest earned by a 59640
school district on such payments shall be used by the district 59641
for the same purposes and in the same manner as the payments may 59642
be used. 59643

The department shall adopt guidelines and procedures under 59644
which such programs and services shall be provided, under which 59645
districts and educational service centers with which districts 59646
contract to provide auxiliary services shall be reimbursed for 59647
administrative costs incurred in providing such programs and 59648
services, and under which any unexpended balance of the amounts 59649
appropriated by the general assembly to implement this section 59650
may be transferred to the auxiliary services personnel 59651
unemployment compensation fund established pursuant to section 59652
4141.47 of the Revised Code. If a district contracts with an 59653
educational service center to provide auxiliary services, only 59654

the service center shall be reimbursed for administrative costs. 59655
The department shall also adopt guidelines and procedures 59656
limiting the purchase and loan of the items described in 59657
division (K) of this section to items that are in general use in 59658
the public schools of the state, that are incapable of diversion 59659
to religious use, and that are susceptible to individual use 59660
rather than classroom use. Within thirty days after the end of 59661
each biennium, each board of education shall remit to the 59662
department all moneys paid to it under division (E) (1) of 59663
section 3317.024 of the Revised Code and any interest earned on 59664
those moneys that are not required to pay expenses incurred 59665
under this section during the biennium for which the money was 59666
appropriated and during which the interest was earned. If a 59667
board of education subsequently determines that the remittal of 59668
moneys leaves the board with insufficient money to pay all valid 59669
expenses incurred under this section during the biennium for 59670
which the remitted money was appropriated, the board may apply 59671
to the department for a refund of money, not to exceed the 59672
amount of the insufficiency. If the department determines the 59673
expenses were lawfully incurred and would have been lawful 59674
expenditures of the refunded money, it shall certify its 59675
determination and the amount of the refund to be made to the 59676
director of job and family services who shall make a refund as 59677
provided in section 4141.47 of the Revised Code. 59678

Each school district shall label materials, equipment, 59679
computer hardware or software, textbooks, and digital texts 59680
purchased or leased for loan to a nonpublic school under this 59681
section, acknowledging that they were purchased or leased with 59682
state funds under this section. However, a district need not 59683
label materials, equipment, computer hardware or software, 59684
textbooks, or digital texts that the district determines are 59685

consumable in nature or have a value of less than two hundred 59686
dollars. 59687

Sec. 3317.11. (A) As used in this section: 59688

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "base amount" 59689
is equal to \$356,250. 59690

(2) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "funding 59691
base" means an amount calculated by the department of education 59692
and workforce that is equal to the amount an educational service 59693
center would have received under Section 265.360 of H.B. 166 of 59694
the 133rd general assembly for fiscal year 2020 using the 59695
student counts of the school districts with which the service 59696
center has service agreements for the fiscal year for which 59697
payments under this section are being made. 59698

(3) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "general 59699
phase-in percentage" for an educational service center means the 59700
"general phase-in percentage" for school districts as defined in 59701
section 3317.02 of the Revised Code. 59702

(4) For fiscal years ~~2024-2026~~ and ~~2025~~2027, "student 59703
count" means the count calculated under division (G)(1) of 59704
section 3313.843 of the Revised Code. 59705

(B)(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the 59706
department of education and workforce shall pay the governing 59707
board of each educational service center an amount equal to the 59708
following: 59709

The educational service center's funding base + [(the 59710
amount calculated for the educational service center for that 59711
fiscal year under division (C) of this section - the educational 59712
service center's funding base) X the educational service 59713
center's general phase-in percentage for that fiscal year] 59714

(2) For fiscal year ~~2026~~2028 and each fiscal year 59715
thereafter, the department shall pay the governing board of each 59716
educational service center an amount calculated in a manner 59717
determined by the general assembly. 59718

(C) For fiscal years ~~2024~~2026 and ~~2025~~2027, the 59719
department shall calculate an amount for each educational 59720
service center as follows: 59721

(1) If the educational service center has a student count 59722
of 5,000 students or less, the base amount. 59723

(2) If the educational service center has a student count 59724
greater than 5,000 students but less than or equal to 35,000 59725
students, the following sum: 59726

The base amount + [(the educational service center's student 59727
count - 5,000) X \$24.72] 59728

(3) If the educational service center has a student count 59729
greater than 35,000 students, the following sum: 59730

The base amount + (30,000 X \$24.72) + [(the educational service 59731
center's student count - 35,000) X \$30.90] 59732

Sec. 3317.16. The department of education and workforce 59733
shall compute and distribute state core foundation funding to 59734
each funding unit that is a joint vocational school district for 59735
the fiscal year as follows: 59736

For fiscal years ~~2024~~2026 and ~~2025~~2027: 59737

The district's funding base + [(the district's state core 59738
foundation funding components for that fiscal year calculated 59739
under divisions (A)(1), (2), (4), (5), and (6) of this section - 59740
the district's general funding base) X the district's general 59741
phase-in percentage for that fiscal year] + [(the district's 59742

disadvantaged pupil impact aid for that fiscal year calculated 59743
under division (A) (3) of this section - the district's 59744
disadvantaged pupil impact aid funding base) X the district's 59745
phase-in percentage for disadvantaged pupil impact aid for that 59746
fiscal year] 59747

For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59748
the sum of the district's state core foundation funding 59749
components for that fiscal year calculated under divisions (A) 59750
(1), (2), (3), (4), (5), and (6) of this section. 59751

(A) A district's state core foundation funding components 59752
shall be all of the following: 59753

(1) The district's state share of the base cost, which is 59754
equal to the following: 59755

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59756
calculated according to the following formula: 59757

(The district's ~~base cost calculated under section 3317.012 of~~ 59758
~~the Revised Code~~) - (~~0.0005 X the lesser of the district's~~ 59759
~~three-year average valuation or the district's most recent~~ 59760
~~valuation)~~ 59761

~~However, no district shall receive an amount under division (A)~~ 59762
~~(1) of this section that is less than 0.10 times the base cost~~ 59763
~~calculated for the district under section 3317.012 of the~~ 59764
~~Revised Code.~~ enrolled ADM for the fiscal year) X (the 59765
district's state share percentage for the fiscal year) X (the 59766
district's base cost per pupil for the fiscal year) 59767

(b) For fiscal year ~~2026~~2028 and each fiscal year thereafter, 59768
an amount calculated in a manner determined by the general 59769
assembly. 59770

(2) Additional state aid for special education and related 59771
services provided under Chapter 3323. of the Revised Code 59772
calculated as follows: 59773

(a) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 59774
the following: 59775

(i) The district's category one special education ADM X 59776
the multiple specified in division (A) of section 3317.013 of 59777
the Revised Code X the statewide average base cost per pupil for 59778
that fiscal year X the district's state share percentage; 59779

(ii) The district's category two special education ADM X 59780
the multiple specified in division (B) of section 3317.013 of 59781
the Revised Code X the statewide average base cost per pupil for 59782
that fiscal year X the district's state share percentage; 59783

(iii) The district's category three special education ADM 59784
X the multiple specified in division (C) of section 3317.013 of 59785
the Revised Code X the statewide average base cost per pupil for 59786
that fiscal year X the district's state share percentage; 59787

(iv) The district's category four special education ADM X 59788
the multiple specified in division (D) of section 3317.013 of 59789
the Revised Code X the statewide average base cost per pupil for 59790
that fiscal year X the district's state share percentage; 59791

(v) The district's category five special education ADM X 59792
the multiple specified in division (E) of section 3317.013 of 59793
the Revised Code X the statewide average base cost per pupil for 59794
that fiscal year X the district's state share percentage; 59795

(vi) The district's category six special education ADM X 59796
the multiple specified in division (F) of section 3317.013 of 59797
the Revised Code X the statewide average base cost per pupil for 59798
that fiscal year X the district's state share percentage. 59799

(b) For fiscal year ~~2026~~2028 and each fiscal year 59800
thereafter, the sum of the following: 59801

(i) An amount calculated in a manner determined by the 59802
general assembly times the funding unit's category one special 59803
education ADM; 59804

(ii) An amount calculated in a manner determined by the 59805
general assembly times the funding unit's category two special 59806
education ADM; 59807

(iii) An amount calculated in a manner determined by the 59808
general assembly times the funding unit's category three special 59809
education ADM; 59810

(iv) An amount calculated in a manner determined by the 59811
general assembly times the funding unit's category four special 59812
education ADM; 59813

(v) An amount calculated in a manner determined by the 59814
general assembly times the funding unit's category five special 59815
education ADM; 59816

(vi) An amount calculated in a manner determined by the 59817
general assembly times the funding unit's category six special 59818
education ADM. 59819

(3) Disadvantaged pupil impact aid calculated as follows: 59820

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, an amount 59821
calculated according to the following formula: 59822

\$422 X the district's economically disadvantaged index X the 59823
number of students who are economically disadvantaged as 59824
certified under division (D) (2) (p) of section 3317.03 of the 59825
Revised Code 59826

(b) For fiscal year ~~2026~~2028 and each fiscal year 59827
thereafter, an amount calculated in a manner determined by the 59828
general assembly. 59829

(4) English learner funds calculated as follows: 59830

(a) For fiscal years ~~2024~~2026 and ~~2025~~2027, the sum of 59831
the following: 59832

(i) The district's category one English learner ADM X the 59833
multiple specified in division (A) of section 3317.016 of the 59834
Revised Code X the statewide average base cost per pupil for 59835
that fiscal year X the district's state share percentage; 59836

(ii) The district's category two English learner ADM X the 59837
multiple specified in division (B) of section 3317.016 of the 59838
Revised Code X the statewide average base cost per pupil for 59839
that fiscal year X the district's state share percentage; 59840

(iii) The district's category three English learner ADM X 59841
the multiple specified in division (C) of section 3317.016 of 59842
the Revised Code X the statewide average base cost per pupil for 59843
that fiscal year X the district's state share percentage. 59844

(b) For fiscal year ~~2026~~2028 and each fiscal year 59845
thereafter, the sum of the following: 59846

(i) An amount calculated in a manner determined by the 59847
general assembly times the funding unit's category one English 59848
learner ADM; 59849

(ii) An amount calculated in a manner determined by the 59850
general assembly times the funding unit's category two English 59851
learner ADM; 59852

(iii) An amount calculated in a manner determined by the 59853
general assembly times the funding unit's category three English 59854

learner ADM. 59855

(5) Career-technical education funds calculated under 59856
division (C) of section 3317.014 of the Revised Code. 59857

(6) Career-technical education associated services funds 59858
calculated under division (D) of section 3317.014 of the Revised 59859
Code. 59860

(B)(1) If a joint vocational school district's costs for a 59861
fiscal year for a student in its categories two through six 59862
special education ADM exceed the threshold cost for serving the 59863
student, as specified in division (B) of section 3317.0214 of 59864
the Revised Code, the district may submit to the department 59865
documentation, as prescribed by the department, of all of its 59866
costs for that student. Upon submission of documentation for a 59867
student of the type and in the manner prescribed, the department 59868
shall pay to the district an amount equal to the sum of the 59869
following: 59870

(a) One-half of the district's costs for the student in 59871
excess of the threshold cost; 59872

(b) The product of one-half of the district's costs for 59873
the student in excess of the threshold cost multiplied by the 59874
district's state share percentage. 59875

(2) The district shall report under division (B)(1) of 59876
this section, and the department shall pay for, only the costs 59877
of educational expenses and the related services provided to the 59878
student in accordance with the student's individualized 59879
education program. Any legal fees, court costs, or other costs 59880
associated with any cause of action relating to the student may 59881
not be included in the amount. 59882

(C)(1) For each student with a disability receiving 59883

special education and related services under an individualized 59884
education program, as defined in section 3323.01 of the Revised 59885
Code, at a joint vocational school district, the resident 59886
district or, if the student is enrolled in a community school, 59887
the community school shall be responsible for the amount of any 59888
costs of providing those special education and related services 59889
to that student that exceed the sum of the amount calculated for 59890
those services attributable to that student under division (A) 59891
of this section. 59892

Those excess costs shall be calculated using a formula 59893
approved by the department. 59894

(2) The board of education of the joint vocational school 59895
district may report the excess costs calculated under division 59896
(C) (1) of this section to the department. 59897

(3) If the board of education of the joint vocational 59898
school district reports excess costs under division (C) (2) of 59899
this section, the department shall pay the amount of excess cost 59900
calculated under division (C) (2) of this section to the joint 59901
vocational school district and shall deduct that amount as 59902
provided in division (C) (3) (a) or (b) of this section, as 59903
applicable: 59904

(a) If the student is not enrolled in a community school, 59905
the department shall deduct the amount from the account of the 59906
student's resident district pursuant to division (J) of section 59907
3317.023 of the Revised Code. 59908

(b) If the student is enrolled in a community school, the 59909
department shall deduct the amount from the account of the 59910
community school pursuant to section 3314.083 of the Revised 59911
Code. 59912

(D) A joint vocational school district shall spend the 59913
funds it receives under division (A) (3) of this section in 59914
accordance with section 3317.25 of the Revised Code. 59915

(E) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a school 59916
district shall spend the funds it receives under division (A) (4) 59917
of this section only for services for English learners. 59918

(F) As used in this section: 59919

(1) "Community school" means a community school 59920
established under Chapter 3314. of the Revised Code. 59921

(2) "Resident district" means the city, local, or exempted 59922
village school district in which a student is entitled to attend 59923
school under section 3313.64 or 3313.65 of the Revised Code. 59924

Sec. 3317.161. (A) As used in this section, "lead 59925
district" has the same meaning as in section 3317.023 of the 59926
Revised Code. 59927

(B) (1) A career-technical education program or a dropout 59928
prevention and recovery program of a city, local, or exempted 59929
village school district, community school, or STEM school shall 59930
be subject to approval under this section in order for the 59931
district or school to qualify for state funding for the program. 59932
Approval granted under this section shall be valid for the five 59933
fiscal years following the fiscal year in which the program is 59934
approved and may be renewed. Approval shall be subject to annual 59935
review under division (E) of this section. 59936

(2) If a district or school becomes a new member of a 59937
career-technical planning district, its career-technical 59938
education programs shall be approved or disapproved by the lead 59939
district of the career-technical planning district during the 59940
fiscal year in which the district or school becomes a member of 59941

the career-technical planning district. Any program of the 59942
district or school that was approved by the department of 59943
education and workforce for an approval period that includes the 59944
fiscal year in which the district or school becomes a new member 59945
of the career-technical planning district shall retain its 59946
approved status during that fiscal year. 59947

(3) If an existing member of a career-technical planning 59948
district develops a new career-technical education program, that 59949
program shall be approved or disapproved by the lead district of 59950
the career-technical planning district prior to the first fiscal 59951
year for which the district or school is seeking funding for the 59952
program. 59953

(4) Except as provided in division (B) (2) of this section, 59954
if a career-technical education program was approved by the 59955
department prior to September 29, 2013, that approval remains 59956
valid for the unexpired remainder of the approval period 59957
specified by the department. Approval of that program may then 59958
be renewed in accordance with this section on a date prior to 59959
the expiration of the approval period. 59960

(C) (1) The lead district of a career-technical planning 59961
district shall approve or disapprove for a five-year period each 59962
career-technical education program of the city, local, and 59963
exempted village school districts, community schools, and STEM 59964
schools that are assigned by the department to the career- 59965
technical planning district. The lead district's decision to 59966
approve or disapprove a program shall be based on requirements 59967
for career-technical education programs that are specified in 59968
rules adopted by the department. These requirements shall 59969
include, but are not limited to, all of the following: 59970

(a) Demand for the career-technical education program by 59971

industries in the state; 59972

(b) Quality of the program; 59973

(c) Potential for a student enrolled in the program to 59974
receive the training that will qualify the student for industry 59975
credentials or post-secondary education; 59976

(d) Admission requirements of the lead district; 59977

(e) Past performance of the district or school that is 59978
offering the program; 59979

(f) Traveling distance; 59980

(g) Sustainability; 59981

(h) Capacity; 59982

(i) Availability of the program within the career- 59983
technical planning district; 59984

(j) In the case of a new program, the cost to begin the 59985
program. 59986

~~(2) The lead district shall approve or disapprove each~~ 59987
~~program not later than the first day of March prior to the first~~ 59988
~~fiscal year for which the district or school is seeking funding~~ 59989
~~for the program.~~ If a program is approved, the lead district 59990
shall notify the department of its decision. If a program is 59991
disapproved, the lead district shall notify the district or 59992
school of its decision. 59993

If the lead district disapproves the program or does not 59994
take any action to approve or disapprove the program ~~by the~~ 59995
~~first day of March~~, the district or school may appeal the lead 59996
district's decision or failure to take action to the department- 59997
~~by the fifteenth day of March.~~ 59998

(D) (1) Upon receiving notification of a lead district's 59999
approval of a district's or school's career-technical education 60000
program, the department shall review the lead district's 60001
decision and determine whether to approve or disapprove the 60002
program ~~not later than the fifteenth day of May prior to the~~ 60003
~~first fiscal year for which the district or school is seeking~~ 60004
~~funding for the program.~~ The department shall notify the 60005
district or school and the lead district of the district's or 60006
school's career-technical planning district of its 60007
determination. 60008

(2) Upon receiving an appeal from a district or school of 60009
a lead district's disapproval of a career-technical education 60010
program or failure to take action to approve or disapprove the 60011
program, the department shall review the lead district's 60012
disapproval or failure to take action. The department shall 60013
decide whether to approve or disapprove the program as a result 60014
of this review ~~not later than the fifteenth day of May prior to~~ 60015
~~the first fiscal year for which the district or school is~~ 60016
~~seeking funding for the program.~~ The department shall notify the 60017
lead district and the appealing district or school of its 60018
determination. 60019

(3) In conducting a review under division (D) (1) or (2) of 60020
this section, the department shall consider the criteria 60021
prescribed under division (C) (1) of this section. 60022

(4) If the department approves a program under division 60023
(D) (1) or (2) of this section, it shall authorize the payment to 60024
the district or school of the funds attributed to the career- 60025
technical students enrolled in that program in the next fiscal 60026
year according to a payment schedule prescribed by the 60027
department. 60028

(5) The department's decisions under divisions (D) (1) and 60029
(2) of this section shall be final and not appealable. 60030

~~(6) The director of education and workforce may adopt 60031
guidelines identifying circumstances in which the department 60032
may, after consulting with a lead district, approve or 60033
disapprove a program that has been approved or disapproved by 60034
the lead district after the deadline prescribed in division (D) 60035
(1) or (2) of this section has passed. 60036~~

The department shall authorize a payment for any dropout 60037
prevention and recovery program offering career-technical 60038
education that is in its first year of operation and that 60039
submits an application ~~during the additional application period 60040
described in division (D) (6) of this section~~ in the fiscal year 60041
for which the application was submitted. 60042

(E) The department and the lead district of each career- 60043
technical planning district shall conduct an annual review of 60044
each career-technical education program in the lead district's 60045
career-technical planning district that receives approval under 60046
this section. Continued funding of the program during the five- 60047
year approval period shall be subject to the school's compliance 60048
with any directives for performance improvement that are issued 60049
by the department or the lead district as a result of any review 60050
conducted under this section. 60051

Sec. 3317.162. (A) For fiscal years ~~2024-2026~~ and 60052
~~2025~~2027, the department of education shall pay temporary 60053
transitional aid to each joint vocational school district 60054
according to the following formula: 60055

(The district's funding base, as that term is defined in 60056
section 3317.02 of the Revised Code) - (the district's payment 60057

under section 3317.16 of the Revised Code for the fiscal year 60058
for which the payment is computed) 60059

If the computation made under division (A) of this section 60060
results in a negative number, the district's funding under 60061
division (A) of this section shall be zero. 60062

(B) If a joint vocational school district begins receiving 60063
payments under section 3317.16 of the Revised Code for fiscal 60064
year ~~2024-2026~~ or fiscal year ~~2025-2027~~ but does not receive 60065
payments for the fiscal year immediately preceding that fiscal 60066
year, the department shall establish the district's funding 60067
base, as that term is defined in section 3317.02 of the Revised 60068
Code, as an amount equal to the absolute value of the sum of the 60069
associated adjustments of any local school district's funding 60070
base under division (C) of section 3317.019 of the Revised Code. 60071

Sec. 3317.163. (A) As used in this section: 60072

(1) "Credential-only program" means an industry-approved 60073
credentialing program, or a series of such programs, offered by 60074
a dropout prevention and recovery community school in which 60075
students enrolled in grades eleven and twelve may earn an 60076
industry-recognized credential approved under section 3313.6113 60077
of the Revised Code. The program, or programs, shall align with 60078
a career-technical education program approved under section 60079
3317.161 of the Revised Code. The dropout prevention and 60080
recovery community school shall offer the program, or programs, 60081
using classroom teachers employed by the school. 60082

(2) "Dropout prevention and recovery community school" has 60083
the same meaning as in section ~~3319.301-3314.02~~ of the Revised 60084
Code. 60085

(B) Notwithstanding any provision of Chapter 3317. of the 60086

Revised Code to the contrary, all of the following shall apply: 60087

(1) For the purposes of sections 3317.014, 3317.022, and 60088
3317.026 of the Revised Code, the department of education and 60089
workforce shall adjust the career-technical education ADM of a 60090
dropout prevention and recovery community school that offers a 60091
credential-only program so that each student enrolled in that 60092
program is included only in the school's category one career- 60093
technical education ADM, regardless of whether the credential- 60094
only program includes programs described in division (A) (1) of 60095
section 3317.014 of the Revised Code. 60096

(2) For funding purposes, the department shall count each 60097
student enrolled in a credential-only program as a full-time 60098
student. 60099

(3) A dropout prevention and recovery community school 60100
that offers a credential-only program may provide support 60101
services to students who graduate from the school to assist them 60102
in securing post-secondary placement opportunities, including 60103
careers with state, regional, or local labor organizations. For 60104
that purpose, the school may use a portion of the career- 60105
technical education funds received under section 3317.022 of the 60106
Revised Code to provide recent graduates, in the year following 60107
their graduation from the school, with short-term, emergency 60108
financial assistance for expenses related to child care, 60109
housing, food insecurity, transportation, and services including 60110
but not limited to health care, dental care, mental health care, 60111
and addiction treatment services. 60112

Sec. 3317.165. (A) (1) For fiscal years 2026 and 2027, the 60113
department of education and workforce shall calculate a joint 60114
vocational school district's per-pupil local capacity amount 60115
according to the following formula: 60116

(0.0005 X the lesser of the district's three-year average 60117
valuation or the district's most recent valuation) / (the 60118
district's base cost enrolled ADM) 60119

(2) For fiscal year 2028 and each fiscal year thereafter, 60120
the department shall calculate a district's per-pupil local 60121
capacity amount in a manner determined by the general assembly. 60122

(B) (1) For fiscal years 2026 and 2027, the department 60123
shall calculate a joint vocational school district's state share 60124
percentage according to the following formula: 60125

(The district's base cost per pupil for the fiscal year - the 60126
district's per-pupil local capacity amount for the fiscal year) 60127
/ (the district's base cost per pupil for the fiscal year) 60128

If the result is less than 0.10, the state share 60129
percentage shall be 0.10. 60130

(2) For fiscal year 2028 and each fiscal year thereafter, 60131
the department shall calculate the state share percentage for a 60132
joint vocational school district in a manner determined by the 60133
general assembly. 60134

Sec. 3317.20. This section does not apply to preschool 60135
children with disabilities. 60136

(A) As used in this section: 60137

(1) "Applicable special education amount" means the amount 60138
specified in section 3317.013 of the Revised Code for a 60139
disability described in that section. 60140

(2) "Child's school district" means the school district in 60141
which a child is entitled to attend school pursuant to section 60142
3313.64 or 3313.65 of the Revised Code. 60143

(3) "State share percentage" means the state share 60144
percentage of the child's school district. 60145

(B) The department shall annually pay each county board of 60146
developmental disabilities for each child with a disability, 60147
other than a preschool child with a disability, for whom the 60148
county board provides special education and related services an 60149
amount equal to the following: 60150

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the statewide 60151
average base cost per pupil + (state share percentage X the 60152
applicable special education multiple X the statewide average 60153
base cost per pupil); 60154

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60155
thereafter, an amount determined by the general assembly. 60156

(C) Each county board of developmental disabilities shall 60157
report to the department, in the manner specified by the 60158
department, the name of each child for whom the county board of 60159
developmental disabilities provides special education and 60160
related services and the child's school district. 60161

(D) (1) For the purpose of verifying the accuracy of the 60162
payments under this section, the department may request from 60163
either of the following entities the data verification code 60164
assigned under division (D) (2) of section 3301.0714 of the 60165
Revised Code to any child who is placed with a county board of 60166
developmental disabilities: 60167

(a) The child's school district; 60168

(b) The independent contractor engaged to create and 60169
maintain data verification codes. 60170

(2) Upon a request by the department under division (D) (1) 60171

of this section for the data verification code of a child, the 60172
child's school district shall submit that code to the department 60173
in the manner specified by the department. If the child has not 60174
been assigned a code, the district shall assign a code to that 60175
child and submit the code to the department by a date specified 60176
by the department. If the district does not assign a code to the 60177
child by the specified date, the department shall assign a code 60178
to the child. 60179

The department annually shall submit to each school 60180
district the name and data verification code of each child 60181
residing in the district for whom the department has assigned a 60182
code under this division. 60183

(3) The department shall not release any data verification 60184
code that it receives under division (D) of this section to any 60185
person except as provided by law. 60186

(E) Any document relative to special education and related 60187
services provided by a county board of developmental 60188
disabilities that the department holds in its files that 60189
contains both a student's name or other personally identifiable 60190
information and the student's data verification code shall not 60191
be a public record under section 149.43 of the Revised Code. 60192

Sec. 3317.201. This section does not apply to preschool 60193
children with disabilities. 60194

(A) As used in this section, the "total special education 60195
amount" for an institution means the following: 60196

(1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, the sum of 60197
the following amounts: 60198

(a) The number of children certified by the institution 60199
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60200

Code as receiving services for a disability described in 60201
division (A) of section 3317.013 of the Revised Code multiplied 60202
by the multiple specified in that division multiplied by the 60203
statewide average base cost per pupil; 60204

(b) The number of children certified by the institution 60205
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60206
Code as receiving services for a disability described in 60207
division (B) of section 3317.013 of the Revised Code multiplied 60208
by the multiple specified in that division multiplied by the 60209
statewide average base cost per pupil; 60210

(c) The number of children certified by the institution 60211
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60212
Code as receiving services for a disability described in 60213
division (C) of section 3317.013 of the Revised Code multiplied 60214
by the multiple specified in that division multiplied by the 60215
statewide average base cost per pupil; 60216

(d) The number of children certified by the institution 60217
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60218
Code as receiving services for a disability described in 60219
division (D) of section 3317.013 of the Revised Code multiplied 60220
by the multiple specified in that division multiplied by the 60221
statewide average base cost per pupil; 60222

(e) The number of children certified by the institution 60223
under division (G) (1) (a) (i) of section 3317.03 of the Revised 60224
Code as receiving services for a disability described in 60225
division (E) of section 3317.013 of the Revised Code multiplied 60226
by the multiple specified in that division multiplied by the 60227
statewide average base cost per pupil; 60228

(f) The number of children certified by the institution 60229

under division (G) (1) (a) (i) of section 3317.03 of the Revised 60230
Code as receiving services for a disability described in 60231
division (F) of section 3317.013 of the Revised Code multiplied 60232
by the multiple specified in that division multiplied by the 60233
statewide average base cost per pupil. 60234

(2) For fiscal year ~~2026~~ 2028 and each fiscal year 60235
thereafter, the sum of the following amounts: 60236

(a) An amount calculated in a manner determined by the 60237
general assembly times the number of children certified by the 60238
institution under division (G) (1) (a) (i) of section 3317.03 of 60239
the Revised Code as receiving services for a disability 60240
described in division (A) of section 3317.013 of the Revised 60241
Code; 60242

(b) An amount calculated in a manner determined by the 60243
general assembly times the number of children certified by the 60244
institution under division (G) (1) (a) (i) of section 3317.03 of 60245
the Revised Code as receiving services for a disability 60246
described in division (B) of section 3317.013 of the Revised 60247
Code; 60248

(c) An amount calculated in a manner determined by the 60249
general assembly times the number of children certified by the 60250
institution under division (G) (1) (a) (i) of section 3317.03 of 60251
the Revised Code as receiving services for a disability 60252
described in division (C) of section 3317.013 of the Revised 60253
Code; 60254

(d) An amount calculated in a manner determined by the 60255
general assembly times the number of children certified by the 60256
institution under division (G) (1) (a) (i) of section 3317.03 of 60257
the Revised Code as receiving services for a disability 60258

described in division (D) of section 3317.013 of the Revised Code; 60259
60260

(e) An amount calculated in a manner determined by the 60261
general assembly times the number of children certified by the 60262
institution under division (G) (1) (a) (i) of section 3317.03 of 60263
the Revised Code as receiving services for a disability 60264
described in division (E) of section 3317.013 of the Revised 60265
Code; 60266

(f) An amount calculated in a manner determined by the 60267
general assembly times the number of children certified by the 60268
institution under division (G) (1) (a) (i) of section 3317.03 of 60269
the Revised Code as receiving services for a disability 60270
described in division (F) of section 3317.013 of the Revised 60271
Code. 60272

(B) For each fiscal year, the department of education and 60273
workforce shall pay each state institution required to provide 60274
special education services under division (A) of section 60275
3323.091 of the Revised Code an amount equal to the 60276
institution's total special education amount. 60277

Sec. 3317.22. (A) As used in this section: 60278

(1) "Eligible internet- or computer-based community 60279
school" means an internet- or computer-based community school ~~in~~ 60280
~~which a majority of the students were enrolled in that is a~~ 60281
~~dropout prevention and recovery program~~ community school, as 60282
defined in section 3314.02 of the Revised Code. 60283

(2) "Statewide average base cost per-pupil" has the same 60284
meaning as in section 3317.02 of the Revised Code. 60285

~~(3) "Internet- or computer-based community school" has the~~ 60286
~~same meaning as in section 3314.02 of the Revised Code.~~ 60287

(B) The department of education and workforce shall 60288
establish a program to provide additional funding for students 60289
enrolled in grades eight through twelve in eligible internet- or 60290
computer-based community schools. An eligible internet- or 60291
computer-based community school may choose to participate in the 60292
program by notifying the department not later than the first day 60293
of February of the school year in which the school will 60294
participate in the program in a form and manner determined by 60295
the department. 60296

(C) The department shall require each eligible internet- 60297
or computer-based community school that chooses to participate 60298
in the program to report all information that is necessary to 60299
make payments under division (D) of this section. 60300

(D) The department shall calculate an additional payment 60301
for each eligible internet- or computer-based community school 60302
that chooses to participate in the program, as follows: 60303

(1) Compute the lesser of the following for each student 60304
enrolled in grades eight through twelve: 60305

(a) The statewide average base cost per-pupil X the 60306
maximum full-time equivalency for the portion of the school year 60307
for which the student is enrolled in the school; 60308

(b) The sum of the following: 60309

(i) A one-time payment of \$1,750. In the case of a student 60310
enrolled in the school for the first time for the school year 60311
for which the payment is being made, payment shall be made under 60312
division (D) (1) (b) (i) of this section at least thirty days after 60313
the student is considered to be enrolled in the school in 60314
accordance with division (H) (2) of section 3314.08 of the 60315
Revised Code, provided the student has been continuously 60316

enrolled in the school during that time, as determined by the 60317
department. In the case of a student that was enrolled in the 60318
school for the prior school year, payment shall be made under 60319
division (D) (1) (b) (i) of this section at least thirty days after 60320
the student has started to participate in learning opportunities 60321
for the school year for which the payment is being made, 60322
provided the student has been continuously enrolled in the 60323
school during that time, as determined by the department. 60324

(ii) The statewide average base cost per-pupil $\times (1/920) \times$ 60325
the lesser of the number of hours the student participates in 60326
learning opportunities in that fiscal year or 920; 60327

(iii) The lesser of ($\$500 \times$ either the number of courses 60328
completed by the student in that fiscal year, in the case of a 60329
student enrolled in grade eight, or the number of credits earned 60330
by the student in that fiscal year, in the case of a student 60331
enrolled in grades nine through twelve) or \$2,500. 60332

(2) Compute the sum of the amounts calculated under 60333
division (D) (1) of this section for all students enrolled in 60334
grades eight through twelve. 60335

(3) Compute the school's payment in accordance with the 60336
following formula: 60337

(The amount determined under division (D) (2) of this 60338
section) - (the number of full-time equivalent students enrolled 60339
in grades eight through twelve in the school $\times$ the statewide 60340
average base cost per-pupil) 60341

If the amount computed under division (D) (3) is a negative 60342
number, the school shall not receive a payment under this 60343
section. 60344

(E) (1) The department may complete a review of the 60345

enrollment of each eligible internet- or computer-based 60346
community school that chooses to participate in the program in 60347
accordance with division (K) of section 3314.08 of the Revised 60348
Code. If the department determines a school has been overpaid 60349
based on a review completed under division (E)(1) of this 60350
section, the department shall require a repayment of the 60351
overpaid funds and may require the school to establish a plan to 60352
improve the reporting of enrollment. 60353

(2) To the extent that an eligible internet- or computer- 60354
based community school that chooses to participate in the 60355
program had, for the prior school year, a percentage of student 60356
engagement in learning opportunities that was less than sixty- 60357
five per cent, the school shall provide to the department a 60358
meaningful plan for increasing student engagement. 60359

(3) All eligible internet- or computer-based community 60360
schools that choose to participate in the program shall 60361
implement programming or protocol which documents enrollment and 60362
participation in learning opportunities in order to participate 60363
in the program. 60364

Sec. 3317.25. (A) As used in this section, "disadvantaged 60365
pupil impact aid" means the following: 60366

(1) For a city, local, or exempted village school 60367
district, the funds received under division (A)(4)(a) of section 60368
3317.022 of the Revised Code; 60369

(2) For a joint vocational school district, the funds 60370
received under division (A)(3) of section 3317.16 of the Revised 60371
Code; 60372

(3) For a community school established under Chapter 3314. 60373
of the Revised Code, the funds received under division (A)(4)(b) 60374

of section 3317.022 of the Revised Code; 60375

(4) For a STEM school established under Chapter 3326. of 60376
the Revised Code, the funds received under division (A) (4) (b) of 60377
section 3317.022 of the Revised Code. 60378

(B) (1) For fiscal years ~~2024-2026~~ and ~~2025~~2027, a city, 60379
local, exempted village, or joint vocational school district, 60380
community school, or STEM school shall spend the disadvantaged 60381
pupil impact aid it receives for any of the following 60382
initiatives or a combination of any of the following 60383
initiatives: 60384

(a) Extended school day and school year; 60385

(b) Reading improvement and intervention that is aligned 60386
with the science of reading and evidence-based strategies for 60387
effective literacy instruction; 60388

(c) Instructional technology or blended learning; 60389

(d) Professional development in the science of reading and 60390
evidence-based strategies for effective literacy instruction for 60391
teachers of students in kindergarten through third grade; 60392

(e) Dropout prevention; 60393

(f) School safety and security measures; 60394

(g) Community learning centers that address barriers to 60395
learning; 60396

(h) Academic interventions for students in any of grades 60397
six through twelve; 60398

(i) Employment of an individual who has successfully 60399
completed the bright new leaders for Ohio schools program as a 60400
principal or an assistant principal under section 3319.272 of 60401

the Revised Code; 60402

(j) Mental health services, including telehealth services, 60403
community-based behavioral health services, and recovery 60404
supports; 60405

(k) Culturally appropriate, evidence-based or evidence- 60406
informed prevention services, including youth-led programming 60407
and curricula to promote mental health and prevent substance use 60408
and suicide, and trauma-informed services; 60409

(l) Services for homeless youth; 60410

(m) Services for child welfare involved youth; 60411

(n) Community liaisons or programs that connect students 60412
to community resources, including behavioral wellness 60413
coordinators and city connects, communities in schools, and 60414
other similar programs; 60415

(o) Physical health care services, including telehealth 60416
services and community-based health services; 60417

(p) Family engagement and support services; 60418

(q) Student services provided prior to or after the 60419
regularly scheduled school day or any time school is not in 60420
session, including mentoring programs. 60421

(2) For fiscal year ~~2026~~2028 and each fiscal year 60422
thereafter, each city, local, exempted village, and joint 60423
vocational school district, community school, and STEM school 60424
shall spend the disadvantaged pupil impact aid it receives for 60425
one or more initiatives specified by the general assembly. 60426

(C) (1) For fiscal years ~~2024~~2026 and ~~2025~~2027, each city, 60427
local, exempted village, and joint vocational school district, 60428

community school, and STEM school that is subject to the 60429
requirements of this section shall develop a plan for utilizing 60430
the disadvantaged pupil impact aid it receives in coordination 60431
with at least one of the following community partners: 60432

(a) A board of alcohol, drug addiction, and mental health 60433
services established under Chapter 340. of the Revised Code; 60434

(b) An educational service center; 60435

(c) A county board of developmental disabilities; 60436

(d) A ~~community-based~~ community mental health prevention 60437
or treatment provider; 60438

(e) A board of health of a city or general health 60439
district; 60440

(f) A county department of job and family services; 60441

(g) A nonprofit organization with experience serving 60442
children; 60443

(h) A public hospital agency. 60444

(2) For fiscal year ~~2026-2028~~ and each fiscal year 60445
thereafter, each city, local, exempted village, and joint 60446
vocational school district, community school, and STEM school 60447
that is subject to the requirements of this section shall 60448
develop a plan for utilizing the disadvantaged pupil impact aid 60449
it receives in the manner specified by the general assembly, if 60450
the general assembly requires city, local, exempted village, and 60451
joint vocational school districts, community schools, and STEM 60452
schools to develop such a plan. 60453

(D) After the end of each fiscal year, each city, local, 60454
exempted village, or joint vocational school district, community 60455

school, and STEM school shall submit a report to the department 60456
of education and workforce describing the initiative or 60457
initiatives on which the district's or school's disadvantaged 60458
pupil impact aid were spent during that fiscal year. For fiscal 60459
years ~~2024~~2026 and ~~2025~~2027, this report shall be submitted in 60460
a manner prescribed by the department and shall also describe 60461
the amount of money that was spent on each initiative. 60462

(E) Starting in 2015, the department shall submit a report 60463
of the information it receives under division (C) of this 60464
section to the general assembly not later than the first day of 60465
December of each odd-numbered year in accordance with section 60466
101.68 of the Revised Code. 60467

Sec. 3317.27. The quality community school support program 60468
is established. Under the program, the department of education 60469
and workforce shall pay each community school established under 60470
Chapter 3314. of the Revised Code and designated as a community 60471
school of quality under section 3317.28 of the Revised Code an 60472
amount up to three thousand dollars in each fiscal year for each 60473
student identified as economically disadvantaged and up to two 60474
thousand two hundred fifty dollars in each fiscal year for each 60475
student that is not identified as economically disadvantaged. 60476
The payment for a fiscal year shall be calculated using the 60477
adjusted full-time equivalent number of students enrolled in the 60478
school for that fiscal year as of the date the payment is made, 60479
as reported by the school under section 3314.08 of the Revised 60480
Code. The department shall make periodic payments to each 60481
designated school beginning in January of that fiscal year. 60482

Sec. 3317.28. Not later than the thirty-first day of 60483
December of each fiscal year, the department of education and 60484
workforce shall designate as a community school of quality each 60485

community school established under Chapter 3314. of the Revised 60486
Code that meets the criteria established in division (A), (B), 60487
or (C) of this section. 60488

(A) A community school qualifies as a community school of 60489
quality if the school meets all of the following criteria: 60490

(1) The school's sponsor was rated "exemplary" or 60491
"effective" on the sponsor's most recent evaluation conducted 60492
under section 3314.016 of the Revised Code. 60493

(2) The school received a higher performance index score 60494
than the school district in which the school is located on the 60495
two most recent report cards issued for the school under section 60496
3302.03 of the Revised Code. 60497

(3) The school received a performance rating of four stars 60498
or higher for the progress component on the most recent report 60499
card issued for the school under section 3302.03 of the Revised 60500
Code or is a school described under division (B) of section 60501
3314.35 of the Revised Code and did not receive a rating for the 60502
progress component on the most recent report card. 60503

(4) At least fifty per cent of the students enrolled in 60504
the school in the prior fiscal year were economically 60505
disadvantaged, as determined by the department. 60506

(B) A community school qualifies as a community school of 60507
quality if the school meets all of the following criteria: 60508

(1) The school's sponsor was rated "exemplary" or 60509
"effective" on the sponsor's most recent evaluation conducted 60510
under section 3314.016 of the Revised Code. 60511

(2) The school is in its first year of operation or the 60512
school opened as a kindergarten school and has added one grade 60513

per year and has been in operation for less than four school 60514
years. 60515

(3) The school is replicating an operational and 60516
instructional model used by a community school described in 60517
division (A) of this section. 60518

(4) If the school has an operator, the operator received a 60519
rating of three stars or better on its most recent performance 60520
report published under section 3314.031 of the Revised Code. 60521

(C) A community school qualifies as a community school of 60522
quality if the school meets all of the following criteria: 60523

(1) The school's sponsor was rated "exemplary" or 60524
"effective" on the sponsor's most recent evaluation conducted 60525
under section 3314.016 of the Revised Code. 60526

(2) The school satisfies either of the following: 60527

(a) The school contracts with an operator that operates 60528
schools in other states and meets at least one of the following 60529
criteria: 60530

(i) Has operated a school that received a grant funded 60531
through the federal charter school program established under 20 60532
U.S.C. 7221 within the five years prior to the date of 60533
application or received funding from the charter school growth 60534
fund; 60535

(ii) Meets all of the following criteria: 60536

(I) One of the operator's schools in another state 60537
performed better than the school district in which the school is 60538
located, as determined by the department. 60539

(II) At least fifty per cent of the total number of 60540

students enrolled in all of the operator's schools are 60541
economically disadvantaged, as determined by the department. 60542

(III) The operator is in good standing in all states where 60543
it operates schools, as determined by the department. 60544

(IV) The department has determined that the operator does 60545
not have any financial viability issues that would prevent it 60546
from effectively operating a community school in Ohio. 60547

(b) The school is replicating an operational and 60548
instructional model through an agreement with a college or 60549
university used by a community school or its equivalent in 60550
another state that performed better than the school district in 60551
which the school is located, as determined by the department. 60552

(3) The school is in its first year of operation or, if 60553
not in its first year of operation and qualifying under division 60554
(C) (2) (b) of this section, opened on July 1, 2022, and has not 60555
previously been designated as a community school of quality 60556
under this section, in which case the first payment under 60557
section 3317.27 of the Revised Code shall be made on or before 60558
January 31, 2024, and shall be calculated based on the adjusted 60559
full-time equivalent number of students enrolled in the school 60560
for fiscal year 2024. 60561

(D) A school designated as a community school of quality 60562
under this section shall maintain that designation for the two 60563
fiscal years following the fiscal year in which the school was 60564
initially designated as a community school of quality. 60565

(E) A school designated a community school of quality may 60566
renew its designation each year that it satisfies the criteria 60567
under division (A) of this section. The school shall maintain 60568
that designation for the two fiscal years following each fiscal 60569

year in which the criteria under division (A) of this section 60570
are satisfied. 60571

(F) A school that was designated as a community school of 60572
quality for the first time under division (B) of this section 60573
for the 2022-2023 school year shall be considered to have 60574
maintained that designation for the 2022-2023 school year, shall 60575
maintain that designation through the 2027-2028 school year, and 60576
may renew its designation under division (E) of this section 60577
after that year. 60578

(G) If two or more community schools have merged or merge 60579
in accordance with division (B) of section 3314.0211 of the 60580
Revised Code on or after June 30, 2022, the surviving community 60581
school is eligible to receive funds under this program, provided 60582
it otherwise qualifies as a community school of quality under 60583
division (A), (B), or (C) of this section. In such a case, the 60584
payment for a fiscal year shall be calculated using the adjusted 60585
full-time equivalent number of students enrolled in the school 60586
for that fiscal year as of the date the payments are made, as 60587
reported by the surviving community school under section 3314.08 60588
of the Revised Code, regardless of whether those students were 60589
previously enrolled in a community school that was dissolved as 60590
part of the merger. A community school qualified to receive 60591
funds under the program prior to merging on or after June 30, 60592
2022, and was dissolved due to the merger, shall be considered 60593
to have been eligible for funds under the program prior to the 60594
effective date of this section and shall not be required to 60595
return any funds received prior to that date. 60596

Sec. 3317.29. (A) The quality independent STEM school 60597
support program is established. Under the program, the 60598
department of education and workforce shall pay each STEM school 60599

established under Chapter 3326. of the Revised Code and 60600
designated as an independent STEM school of quality under this 60601
section an amount up to three thousand dollars in each fiscal 60602
year for each student identified as economically disadvantaged 60603
and up to two thousand two hundred fifty dollars in each fiscal 60604
year for each student that is not identified as economically 60605
disadvantaged. The payment for a fiscal year shall be calculated 60606
using the adjusted full-time equivalent number of students 60607
enrolled in the school for that fiscal year as of the date the 60608
payment is made, as reported by the school under section 3326.32 60609
of the Revised Code. The department shall make periodic payments 60610
to each designated school beginning in January of a fiscal year. 60611

(B) Not later than the thirty-first day of December each 60612
fiscal year, the department shall designate a STEM school as an 60613
independent STEM school of quality if the school satisfies all 60614
of the following criteria: 60615

(1) The STEM school operates autonomously under section 60616
3326.031 of the Revised Code. 60617

(2) The STEM school does not have a STEM school equivalent 60618
designation under section 3326.032 of the Revised Code. 60619

(3) The STEM school is not governed by a school district 60620
under section 3326.51 of the Revised Code. 60621

(4) The STEM school is not a community school established 60622
under Chapter 3314. of the Revised Code. 60623

(5) The STEM school cannot levy taxes or issue tax-secured 60624
bonds in accordance with section 3326.49 of the Revised Code. 60625

(6) The STEM school satisfies the requirements prescribed 60626
by section 3326.03 of the Revised Code. 60627

(7) The STEM school satisfies the requirements described 60628
in the quality model for STEM and STEAM schools established by 60629
the department of education and workforce in accordance with 60630
Chapter 3326. of the Revised Code. 60631

(C) A school designated as an independent STEM school of 60632
quality under this section shall maintain that designation for 60633
the two fiscal years following the fiscal year in which the 60634
school was initially designated as an independent STEM school of 60635
quality. 60636

(D) A school designated as an independent STEM school of 60637
quality may renew its designation each year that it satisfies 60638
the criteria under division (B) of this section. The school 60639
shall maintain that designation for the two fiscal years 60640
following each fiscal year in which the criteria under division 60641
(B) of this section are satisfied. This division applies to 60642
schools designated as an independent STEM school of quality 60643
based on the report cards issued in accordance with sections 60644
3302.03 and 3326.17 of the Revised Code for the 2017-2018 and 60645
2018-2019 school years. 60646

Sec. 3317.31. The department of education and workforce 60647
shall pay each community school established under Chapter 3314. 60648
of the Revised Code and each STEM school established under 60649
Chapter 3326. of the Revised Code an amount equal to twenty-five 60650
dollars in each fiscal year for each full-time equivalent 60651
student in an internet- or computer-based community school and 60652
one thousand one hundred dollars in fiscal year 2026 and one 60653
thousand two hundred dollars in fiscal year 2027 for each full- 60654
time equivalent student in all other community or STEM schools 60655
for assistance with the cost associated with facilities. 60656

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of 60657

the Revised Code: 60658

(A) "Ohio facilities construction commission" means the 60659
commission created pursuant to section 123.20 of the Revised 60660
Code. 60661

(B) "Classroom facilities" means rooms in which pupils 60662
regularly assemble in public school buildings to receive 60663
instruction and education and such facilities and building 60664
improvements for the operation and use of such rooms as may be 60665
needed in order to provide a complete educational program, and 60666
may include space within which a child care facility or a 60667
community resource center is housed. "Classroom facilities" 60668
includes any space necessary for the operation of a vocational 60669
education program for secondary students in any school district 60670
that operates such a program. 60671

(C) "Project" means a project to construct or acquire 60672
classroom facilities, or to reconstruct or make additions to 60673
existing classroom facilities, to be used for housing the 60674
applicable school district and its functions. 60675

(D) "School district" means a local, exempted village, or 60676
city school district as such districts are defined in Chapter 60677
3311. of the Revised Code, acting as an agency of state 60678
government, performing essential governmental functions of state 60679
government pursuant to sections 3318.01 to 3318.20 of the 60680
Revised Code. 60681

For purposes of assistance provided under sections 3318.40 60682
to 3318.45 of the Revised Code, the term "school district" as 60683
used in this section and in divisions (A), (C), and (D) of 60684
section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 60685
3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 60686

3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, and 60687
3318.20 of the Revised Code means a joint vocational school 60688
district established pursuant to section 3311.18 of the Revised 60689
Code. 60690

(E) "School district board" means the board of education 60691
of a school district. 60692

(F) "Net bonded indebtedness" means the difference between 60693
the sum of the par value of all outstanding and unpaid bonds and 60694
notes which a school district board is obligated to pay and any 60695
amounts the school district is obligated to pay under lease- 60696
purchase agreements entered into under section 3313.375 of the 60697
Revised Code, and the amount held in the sinking fund and other 60698
indebtedness retirement funds for their redemption. Notes issued 60699
for school buses in accordance with section 3327.08 of the 60700
Revised Code, notes issued in anticipation of the collection of 60701
current revenues, and bonds issued to pay final judgments shall 60702
not be considered in calculating the net bonded indebtedness. 60703

"Net bonded indebtedness" does not include indebtedness 60704
arising from the acquisition of land to provide a site for 60705
classroom facilities constructed, acquired, or added to pursuant 60706
to sections 3318.01 to 3318.20 of the Revised Code or the par 60707
value of bonds that have been authorized by the electors and the 60708
proceeds of which will be used by the district to provide any 60709
part of its portion of the basic project cost. 60710

(G) "Board of elections" means the board of elections of 60711
the county containing the most populous portion of the school 60712
district. 60713

(H) "County auditor" means the auditor of the county in 60714
which the greatest value of taxable property of such school 60715

district is located. 60716

(I) "Tax duplicates" means the general tax lists and 60717
duplicates prescribed by sections 319.28 and 319.29 of the 60718
Revised Code. 60719

(J) "Required level of indebtedness" means: 60720

(1) In the case of school districts in the first 60721
percentile, five per cent of the district's valuation for the 60722
year preceding the year in which the controlling board approved 60723
the project under section 3318.04 of the Revised Code. 60724

(2) In the case of school districts ranked in a subsequent 60725
percentile, five per cent of the district's valuation for the 60726
year preceding the year in which the controlling board approved 60727
the project under section 3318.04 of the Revised Code, plus [two 60728
one-hundredths of one per cent multiplied by (the percentile in 60729
which the district ranks for the fiscal year preceding the 60730
fiscal year in which the controlling board approved the 60731
district's project minus one)]. 60732

(K) "Required percentage of the basic project costs" means 60733
one per cent of the basic project costs times the percentile in 60734
which the school district ranks for the fiscal year preceding 60735
the fiscal year in which the controlling board approved the 60736
district's project. 60737

(L) "Basic project cost" means a cost amount determined in 60738
accordance with rules adopted under section 111.15 of the 60739
Revised Code by the Ohio facilities construction commission. The 60740
basic project cost calculation shall take into consideration the 60741
square footage and cost per square foot necessary for the grade 60742
levels to be housed in the classroom facilities, the variation 60743
across the state in construction and related costs, the cost of 60744

the installation of site utilities and site preparation, the 60745
cost of demolition of all or part of any existing classroom 60746
facilities that are abandoned under the project, the cost of 60747
insuring the project until it is completed, any contingency 60748
reserve amount prescribed by the commission under section 60749
3318.086 of the Revised Code, and the professional planning, 60750
administration, and design fees that a school district may have 60751
to pay to undertake a classroom facilities project. 60752

For a joint vocational school district that receives 60753
assistance under sections 3318.40 to 3318.45 of the Revised 60754
Code, the basic project cost calculation for a project under 60755
those sections shall also take into account the types of 60756
laboratory spaces and program square footages needed for the 60757
vocational education programs for high school students offered 60758
by the school district. 60759

For a district that opts to divide its entire classroom 60760
facilities needs into segments, as authorized by section 60761
3318.034 of the Revised Code, "basic project cost" means the 60762
cost determined in accordance with this division of a segment. 60763

(M) (1) Except for a joint vocational school district that 60764
receives assistance under sections 3318.40 to 3318.45 of the 60765
Revised Code, a "school district's portion of the basic project 60766
cost" means the amount determined under section 3318.032 of the 60767
Revised Code. 60768

(2) For a joint vocational school district that receives 60769
assistance under sections 3318.40 to 3318.45 of the Revised 60770
Code, a "school district's portion of the basic project cost" 60771
means the amount determined under division (C) of section 60772
3318.42 of the Revised Code. 60773

(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility.

(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers.

(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates.

(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code.

(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system.

(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the project site, and lawn and planting on the project site.

(T) "~~The county auditor's appraised~~ Market value" and "effective rate" have the same meanings as in section 5705.01 of the Revised Code.

Sec. 3318.051. (A) Any city, exempted village, or local

school district that commences a project under sections 3318.01 60803
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 60804
or after September 5, 2006, need not levy the tax otherwise 60805
required under division (B) of section 3318.05 of the Revised 60806
Code, if the district board of education adopts a resolution 60807
petitioning the Ohio facilities construction commission to 60808
approve the transfer of money in accordance with this section 60809
and the commission approves that transfer. If so approved, the 60810
commission and the district board shall enter into an agreement 60811
under which the board, in each of twenty-three consecutive years 60812
beginning in the year in which the board and the commission 60813
enter into the project agreement under section 3318.08 of the 60814
Revised Code, shall transfer into the maintenance fund required 60815
by division (D) of section 3318.05 of the Revised Code not less 60816
than an amount equal to one-half mill for each dollar of the 60817
district's valuation unless and until the agreement to make 60818
those transfers is rescinded by the district board pursuant to 60819
division (F) of this section. 60820

(B) On the first day of July each year, or on an 60821
alternative date prescribed by the commission, the district 60822
treasurer shall certify to the commission and the auditor of 60823
state that the amount required for the year has been 60824
transferred. The auditor of state shall include verification of 60825
the transfer as part of any audit of the district under section 60826
117.11 of the Revised Code. If the auditor of state finds that 60827
less than the required amount has been deposited into a 60828
district's maintenance fund, the auditor of state shall notify 60829
the district board of education in writing of that fact and 60830
require the board to deposit into the fund, within ninety days 60831
after the date of the notice, the amount by which the fund is 60832
deficient for the year. If the district board fails to 60833

demonstrate to the auditor of state's satisfaction that the 60834
board has made the deposit required in the notice, the auditor 60835
of state shall notify the department of education and workforce. 60836
At that time, the department shall withhold an amount equal to 60837
ten per cent of the district's funds calculated for the current 60838
fiscal year under Chapter 3317. of the Revised Code until the 60839
~~auditor of state~~ district notifies the department that the 60840
~~auditor of state is satisfied that the board has made the~~ 60841
required transfer. 60842

(C) Money transferred to the maintenance fund shall be 60843
used for the maintenance or, upon approval of the Ohio 60844
facilities construction commission, upgrade of the facilities 60845
acquired under the district's project. 60846

(D) The transfers to the maintenance fund under this 60847
section does not affect a district's obligation to establish and 60848
maintain a capital and maintenance fund under section 3315.18 of 60849
the Revised Code. 60850

(E) Any decision by the commission to approve or not 60851
approve the transfer of money under this section is final and 60852
not subject to appeal. The commission shall not be responsible 60853
for errors or miscalculations made in deciding whether to 60854
approve a petition to make transfers under this section. 60855

(F) If the district board determines that it no longer can 60856
continue making the transfers agreed to under this section, the 60857
board may rescind the agreement only so long as the electors of 60858
the district have approved, in accordance with section 3318.063 60859
of the Revised Code, the levy of a tax for the maintenance of 60860
the classroom facilities acquired under the district's project 60861
and that levy continues to be collected as approved by the 60862
electors. That levy shall be for a number of years that is equal 60863

to the difference between twenty-three years and the number of 60864
years that the district made transfers under this section and 60865
shall be at the rate of not less than one-half mill for each 60866
dollar of the district's valuation. The district board shall 60867
continue to make the transfers agreed to under this section 60868
until that levy has been approved by the electors. 60869

Sec. 3318.06. (A) After receipt of the conditional 60870
approval of the Ohio facilities construction commission, the 60871
school district board by a ~~majority~~ vote of two-thirds of all of 60872
its members shall, if it desires to proceed with the project, 60873
declare all of the following by resolution: 60874

(1) That by issuing bonds in an amount equal to the school 60875
district's portion of the basic project cost the district is 60876
unable to provide adequate classroom facilities without 60877
assistance from the state; 60878

(2) Unless the school district board has resolved to 60879
transfer money in accordance with section 3318.051 of the 60880
Revised Code or to apply the proceeds of a property tax or the 60881
proceeds of an income tax, or a combination of proceeds from 60882
such taxes, as authorized under section 3318.052 of the Revised 60883
Code, that to qualify for such state assistance it is necessary 60884
to do either of the following: 60885

(a) Levy a tax outside the ten-mill limitation the 60886
proceeds of which shall be used to pay the cost of maintaining 60887
and upgrading the classroom facilities included in the project. 60888
The use of the proceeds for upgrades is subject to the approval 60889
by the commission under division (E) of section 3318.05 of the 60890
Revised Code. 60891

(b) Earmark for maintenance of classroom facilities from 60892

the proceeds of an existing permanent improvement tax levied 60893
under section 5705.21 of the Revised Code, if such tax can be 60894
used for maintenance, an amount equivalent to the amount of the 60895
additional tax otherwise required under this section and 60896
sections 3318.05 and 3318.08 of the Revised Code. 60897

(3) That the question of any tax levy specified in a 60898
resolution described in division (A)(2)(a) of this section, if 60899
required, shall be submitted to the electors of the school 60900
district at the next general or primary election, if there be a 60901
general or primary election not less than ninety and not more 60902
than one hundred ten days after the day of the adoption of such 60903
resolution or, if not, at a special election to be held at a 60904
time specified in the resolution which shall be not less than 60905
ninety days after the day of the adoption of the resolution and 60906
which shall be in accordance with the requirements of section 60907
3501.01 of the Revised Code. 60908

Such resolution shall also state that the question of 60909
issuing bonds of the board shall be combined in a single 60910
proposal with the question of such tax levy. More than one 60911
election under this section may be held in any one calendar 60912
year. Such resolution shall specify both of the following: 60913

(a) That the rate which it is necessary to levy shall be 60914
at the rate of not less than one-half mill for each one dollar 60915
of taxable value, and that such tax shall be levied for a period 60916
of twenty-three years; 60917

(b) That the proceeds of the tax shall be used to pay the 60918
cost of maintaining the classroom facilities included in the 60919
project or upgrading those facilities if approved by the 60920
commission. 60921

(B) A copy of a resolution adopted under division (A) of 60922
this section shall after its passage and not less than ninety 60923
days prior to the date set therein for the election be certified 60924
to the county board of elections. 60925

The resolution of the school district board, in addition 60926
to meeting other applicable requirements of section 133.18 of 60927
the Revised Code, shall state that the amount of bonds to be 60928
issued will be an amount equal to the school district's portion 60929
of the basic project cost, and state the maximum maturity of the 60930
bonds which may be any number of years not exceeding the term 60931
calculated under section 133.20 of the Revised Code as 60932
determined by the board. In estimating the amount of bonds to be 60933
issued, the board shall take into consideration the amount of 60934
moneys then in the bond retirement fund and the amount of moneys 60935
to be collected for and disbursed from the bond retirement fund 60936
during the remainder of the year in which the resolution of 60937
necessity is adopted. 60938

If the bonds are to be issued in more than one series, the 60939
resolution may state, in addition to the information required to 60940
be stated under division (B) (3) of section 133.18 of the Revised 60941
Code, the number of series, which shall not exceed five, the 60942
principal amount of each series, and the approximate date each 60943
series will be issued, and may provide that no series, or any 60944
portion thereof, may be issued before such date. Upon such a 60945
resolution being certified to the county auditor as required by 60946
division (C) of section 133.18 of the Revised Code, the county 60947
auditor, in calculating, advising, and confirming the estimated 60948
average annual property tax levy under that division, shall also 60949
calculate, advise, and confirm by certification the estimated 60950
average property tax levy for each series of bonds to be issued. 60951

Notice of the election shall include the fact that the tax 60952
levy shall be at the rate of not less than one-half mill for 60953
each one dollar of taxable value for a period of twenty-three 60954
years, and that the proceeds of the tax shall be used to pay the 60955
cost of maintaining or upgrading the classroom facilities 60956
included in the project. The notice shall also express the rate 60957
in dollars for each one hundred thousand dollars of ~~the county~~ 60958
~~auditor's appraised market~~ value and the county auditor's 60959
estimate of the amount the tax levy is estimated to collect for 60960
each tax year it is levied, as certified pursuant to section 60961
5705.03 of the Revised Code. 60962

If the bonds are to be issued in more than one series, the 60963
board of education, when filing copies of the resolution with 60964
the board of elections as required by division (D) of section 60965
133.18 of the Revised Code, may direct the board of elections to 60966
include in the notice of election the principal amount and 60967
approximate date of each series, the maximum number of years 60968
over which the principal of each series may be paid, the 60969
estimated additional average property tax levy for each series, 60970
and the first calendar year in which the tax is expected to be 60971
due for each series, in addition to the information required to 60972
be stated in the notice under divisions (E) (3) (a), (b), (c), 60973
(e), and (f) of section 133.18 of the Revised Code. 60974

(C) (1) Except as otherwise provided in division (C) (2) of 60975
this section, the form of the ballot to be used at such election 60976
shall be: 60977

"A majority affirmative vote is necessary for passage. 60978

Shall bonds be issued by the _____ (here insert 60979
name of school district) school district to pay the local share 60980
of school construction under the State of Ohio Classroom 60981

Facilities Assistance Program in the principal amount of 60982
\$_____ (here insert principal amount of the bond issue), 60983
to be repaid annually over a maximum period of _____ 60984
(here insert the maximum number of years over which the 60985
principal of the bonds may be paid) years, and an annual levy of 60986
property taxes be made outside the ten-mill limitation, 60987
estimated by the county auditor to average over the repayment 60988
period of the bond issue _____ mills for each \$1 of 60989
taxable value, which amounts to \$_____ for each \$100,000 60990
of ~~the county auditor's appraised market~~ value to pay the annual 60991
debt charges on the bonds and to pay debt charges on any notes 60992
issued in anticipation of the bonds?" 60993

and, unless the additional levy 60994

of taxes is not required pursuant 60995

to division (C) of section 60996

3318.05 of the Revised Code, 60997

"Shall an additional levy of taxes be made for a period of 60998
twenty-three years to benefit the _____ (here insert name 60999
of school district) school district, the proceeds of which shall 61000
be used to pay the cost of maintaining (or upgrading if approved 61001
by the commission) the classroom facilities included in the 61002
project, that the county auditor estimates will collect \$_____ 61003
annually, at the rate of _____ (here insert the number of 61004
mills, which shall not be less than one-half mill) mills for 61005
each \$1 of taxable value, which amounts to \$_____ for each 61006
\$100,000 of ~~the county auditor's appraised market~~ value? 61007
61008

	FOR THE BOND ISSUE AND TAX LEVY
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	AGAINST THE BOND ISSUE AND TAX LEVY	"
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(2) If authority is sought to issue bonds in more than one 61009
series and the board of education so elects, the form of the 61010
ballot shall be as prescribed in section 3318.062 of the Revised 61011
Code. If the board of education elects the form of the ballot 61012
prescribed in that section, it shall so state in the resolution 61013
adopted under this section. 61014

(D) If it is necessary for the school district to acquire 61015
a site for the classroom facilities to be acquired pursuant to 61016
sections 3318.01 to 3318.20 of the Revised Code, the district 61017
board may propose either to issue bonds of the board or to levy 61018
a tax to pay for the acquisition of such site, and may combine 61019
the question of doing so with the questions specified in 61020
division (B) of this section. Bonds issued under this division 61021
for the purpose of acquiring a site are a general obligation of 61022
the school district and are Chapter 133. securities. 61023

The form of that portion of the ballot to include the 61024
question of either issuing bonds or levying a tax for site 61025
acquisition purposes shall be one of the following: 61026

(1) "Shall bonds be issued by the _____ (here 61027
insert name of the school district) school district to pay costs 61028
of acquiring a site for classroom facilities under the State of 61029
Ohio Classroom Facilities Assistance Program in the principal 61030
amount of \$_____ (here insert principal amount of the bond 61031
issue), to be repaid annually over a maximum period of 61032
_____ (here insert maximum number of years over which the 61033
principal of the bonds may be paid) years, and an annual levy of 61034
property taxes be made outside the ten-mill limitation, 61035
estimated by the county auditor to average over the repayment 61036

period of the bond issue _____ mills for each \$1 of taxable 61037
value, which amounts to \$_____ for each \$100,000 of ~~the~~ 61038
~~county auditor's appraised market~~ value to pay the annual debt 61039
charges on the bonds and to pay debt charges on any notes issued 61040
in anticipation of the bonds?" 61041

(2) "Shall an additional levy of taxes outside the ten- 61042
mill limitation be made for the benefit of the _____ (here 61043
insert name of the school district) school district for the 61044
purpose of acquiring a site for classroom facilities in the sum 61045
of \$_____ (here insert annual amount the levy is to produce) 61046
estimated by the county auditor to average _____ mills for 61047
each \$1 of taxable value, which amounts to \$_____ for each 61048
\$100,000 of ~~the county auditor's appraised market~~ value, for a 61049
period of _____ (here insert number of years the millage is 61050
to be imposed) years?" 61051

Where it is necessary to combine the question of issuing 61052
bonds of the school district and levying a tax as described in 61053
division (B) of this section with the question of issuing bonds 61054
of the school district for acquisition of a site, the question 61055
specified in that division to be voted on shall be "For the Bond 61056
Issues and the Tax Levy" and "Against the Bond Issues and the 61057
Tax Levy." 61058

Where it is necessary to combine the question of issuing 61059
bonds of the school district and levying a tax as described in 61060
division (B) of this section with the question of levying a tax 61061
for the acquisition of a site, the question specified in that 61062
division to be voted on shall be "For the Bond Issue and the Tax 61063
Levies" and "Against the Bond Issue and the Tax Levies." 61064

Where the school district board chooses to combine the 61065
question in division (B) of this section with any of the 61066

additional questions described in divisions (A) to (D) of 61067
section 3318.056 of the Revised Code, the question specified in 61068
division (B) of this section to be voted on shall be "For the 61069
Bond Issues and the Tax Levies" and "Against the Bond Issues and 61070
the Tax Levies." 61071

If a majority of those voting upon a proposition hereunder 61072
which includes the question of issuing bonds vote in favor 61073
thereof, and if the agreement provided for by section 3318.08 of 61074
the Revised Code has been entered into, the school district 61075
board may proceed under Chapter 133. of the Revised Code, with 61076
the issuance of bonds or bond anticipation notes in accordance 61077
with the terms of the agreement. 61078

Sec. 3318.061. This section applies only to school 61079
districts eligible to receive additional assistance under 61080
division (B) (2) of section 3318.04 of the Revised Code. 61081

The board of education of a school district in which a tax 61082
described by division (B) of section 3318.05 and levied under 61083
section 3318.06 of the Revised Code is in effect, may adopt a 61084
resolution by vote of ~~a majority~~ two-thirds of all of its 61085
members to extend the term of that tax beyond the expiration of 61086
that tax as originally approved under that section. The school 61087
district board may include in the resolution a proposal to 61088
extend the term of that tax at the rate of not less than one- 61089
half mill for each dollar of taxable value for a period of 61090
twenty-three years from the year in which the school district 61091
board and the Ohio facilities construction commission enter into 61092
an agreement under division (B) (2) of section 3318.04 of the 61093
Revised Code or in the following year, as specified in the 61094
resolution. Such a resolution may be adopted at any time before 61095
such an agreement is entered into and before the tax levied 61096

pursuant to section 3318.06 of the Revised Code expires. If the
resolution is combined with a resolution to issue bonds to pay
the school district's portion of the basic project cost, it
shall conform with the requirements of divisions (A) (1), (2),
and (3) of section 3318.06 of the Revised Code, except that the
resolution also shall state that the tax levy proposed in the
resolution is an extension of an existing tax levied under that
section. A resolution proposing an extension adopted under this
section does not take effect until it is approved by a majority
of electors voting in favor of the resolution at a general,
primary, or special election as provided in this section.

A tax levy extended under this section is subject to the
same terms and limitations to which the original tax levied
under section 3318.06 of the Revised Code is subject under that
section, except the term of the extension shall be as specified
in this section.

The school district board and the county auditor shall
proceed in the same manner as required for a tax levy under
section 5705.03 of the Revised Code. The board shall certify a
copy of the resolution adopted under this section and the
auditor's certification to the proper county board of elections
not later than ninety days before the date set in the resolution
as the date of the election at which the question will be
submitted to electors. The notice of the election shall conform
with the requirements of division (A) (3) of section 3318.06 of
the Revised Code, except that the notice also shall state that
the maintenance tax levy is an extension of an existing tax
levy, the levy's estimated annual collections, and the levy's
effective rate, expressed in dollars for each one hundred
thousand dollars of ~~the county auditor's appraised~~ market value.

The form of the ballot shall be as follows:

"Shall the existing tax levied to pay the cost of maintaining (or upgrading if approved by the Ohio facilities construction commission) classroom facilities constructed with the proceeds of the previously issued bonds, that the county auditor estimates will collect \$_____ annually, at the rate of _____ (here insert the number of mills, which shall not be less than one-half mill) mills for each \$1 of taxable value, which amounts to \$_____ (effective rate) for each \$100,000 of ~~the county auditor's appraised market~~ value, be extended until _____ (here insert the year that is twenty-three years after the year in which the district and commission will enter into an agreement under division (B) (2) of section 3318.04 of the Revised Code or the following year)?

	FOR EXTENDING THE EXISTING TAX LEVY
	AGAINST EXTENDING THE EXISTING TAX LEVY

"

Section 3318.07 of the Revised Code applies to ballot questions under this section.

Sec. 3318.062. (A) If authority is sought to issue bonds in more than one series to pay the school district's portion of the basic project cost under sections 3318.01 to 3318.20 of the Revised Code, the form of the ballot shall be:

"Shall bonds be issued by the _____ (here insert name of school district) school district to pay the local share of school construction under the State of Ohio Classroom Facilities Assistance Program in the total principal amount of \$_____ (total principal amount of the bond issue), to be issued in

_____ (number of series) series, each series to be repaid 61153
annually over not more than _____ (maximum number of years over 61154
which the principal of each series may be paid) years, and an 61155
annual levy of property taxes be made outside the ten-mill 61156
limitation to pay the annual debt charges on the bonds and on 61157
any notes issued in anticipation of the bonds, at a rate 61158
estimated by the county auditor to average over the repayment 61159
period of each series as follows: _____ (insert the 61160
following for each series: "the _____ series, in a 61161
principal amount of \$_____, that the county auditor 61162
estimates will require _____ mills for each \$1 of taxable 61163
value, which amounts to \$_____ for each \$100,000 of ~~the county-~~ 61164
~~auditor's appraised market~~ value, commencing in _____ and 61165
first payable in _____)?" 61166

and, unless the additional levy 61167

of taxes is not required pursuant 61168

to division (C) of section 61169

3318.05 of the Revised Code, 61170

"Shall an additional levy of taxes be made for a period of 61171
twenty-three years to benefit the _____ (here insert name 61172
of school district) school district, the proceeds of which shall 61173
be used to pay the cost of maintaining (or upgrading if approved 61174
by the Ohio facilities construction commission) the classroom 61175
facilities included in the project, that the county auditor 61176
estimates will collect \$_____ annually, at the rate of 61177
_____ (here insert the number of mills, which shall not be 61178
less than one-half mill) mills for each \$1 of taxable value, 61179
which amounts to \$_____ for each \$100,000 of ~~the county-~~ 61180
~~auditor's appraised market~~ value? 61181

61182

	For the bond issue
	Against the bond issue

"

(B) If it is necessary for the school district to acquire a site for the classroom facilities to be acquired pursuant to sections 3318.01 to 3318.20 of the Revised Code, the district board may propose, by a vote of two-thirds of all members of the board of education, either to issue bonds of the board or to levy a tax to pay for the acquisition of such site, and may combine the question of doing so with the questions specified in division (A) of this section. Bonds issued under this division for the purpose of acquiring a site are a general obligation of the school district and are Chapter 133. securities.

The form of that portion of the ballot to include the question of either issuing bonds or levying a tax for site acquisition purposes shall be one of the forms prescribed in division (D) of section 3318.06 of the Revised Code.

(C) Where the school district board chooses to combine the question in division (A) of this section with any of the additional questions described in divisions (A) to (D) of section 3318.056 of the Revised Code, the question specified in division (A) of this section to be voted on shall be "For the Bond Issues and the Tax Levies" and "Against the Bond Issues and the Tax Levies."

(D) If a majority of those voting upon a proposition prescribed in this section which includes the question of issuing bonds vote in favor of that issuance, and if the agreement prescribed in section 3318.08 of the Revised Code has

been entered into, the school district board may proceed under 61208
Chapter 133. of the Revised Code with the issuance of bonds or 61209
bond anticipation notes in accordance with the terms of the 61210
agreement. 61211

Sec. 3318.063. If the board of education of a city, 61212
exempted village, or local school district that has entered into 61213
an agreement under section 3318.051 of the Revised Code to make 61214
transfers of money in lieu of levying the tax for maintenance or 61215
upgrade of the classroom facilities included in the district's 61216
project determines that it no longer can continue making the 61217
transfers so agreed to and desires to rescind that agreement, 61218
the board shall adopt the resolution, by a vote of two-thirds of 61219
all of its members, to submit the question of the tax levy 61220
prescribed in this section. 61221

The resolution shall declare that the question of a tax 61222
levy specified in division (F) of section 3318.051 of the 61223
Revised Code shall be submitted to the electors of the school 61224
district at the next general or primary election, if there be a 61225
general or primary election not less than seventy-five and not 61226
more than ninety-five days after the day of the adoption of such 61227
resolution or, if not, at a special election to be held at a 61228
time specified in the resolution which shall be not less than 61229
seventy-five days after the day of the adoption of the 61230
resolution and which shall be in accordance with the 61231
requirements of section 3501.01 of the Revised Code. Such 61232
resolution shall specify both of the following: 61233

(A) That the rate which it is necessary to levy shall be 61234
at the rate of not less than one-half mill for each one dollar 61235
of taxable value, and that such tax shall be levied for the 61236
number of years required by division (F) of section 3318.051 of 61237

the Revised Code; 61238

(B) That the proceeds of the tax shall be used to pay the 61239
cost of maintaining the classroom facilities included in the 61240
project. 61241

A copy of such resolution shall after its passage and not 61242
less than seventy-five days prior to the date set therein for 61243
the election be certified to the county board of elections. 61244

Notice of the election shall include the levy's estimated 61245
annual collections, the fact that the tax levy shall be at the 61246
rate of not less than one-half mill for each one dollar of 61247
taxable value for the number of years required by division (F) 61248
of section 3318.051 of the Revised Code, and that the proceeds 61249
of the tax shall be used to pay the cost of maintaining the 61250
classroom facilities included in the project. The notice shall 61251
also express the rate in dollars for each one hundred thousand 61252
dollars of ~~the county auditor's appraised~~ market value. 61253

The form of the ballot to be used at such election shall 61254
be: 61255

"Shall a levy of taxes be made for a period of 61256
_____ (here insert the number of years, which shall not 61257
be less than the number required by division (F) of section 61258
3318.051 of the Revised Code) years to benefit the _____ 61259
(here insert name of school district) school district, the 61260
proceeds of which shall be used to pay the cost of maintaining 61261
(or upgrading if approved by the Ohio facilities construction 61262
commission) the classroom facilities included in the project, 61263
that the county auditor estimates will collect \$_____ annually, 61264
at the rate of _____ (here insert the number of mills, 61265
which shall not be less than one-half mill) mills for each \$1 of 61266

taxable value, which amounts to \$_____ for each \$100,000 of 61267
~~the county auditor's appraised market~~ value? 61268

61269

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

Sec. 3318.12. (A) The Ohio facilities construction 61270
commission shall cause to be transferred to the school 61271
district's project construction fund the necessary amounts from 61272
amounts appropriated by the general assembly and set aside for 61273
such purpose, from time to time as may be necessary to pay 61274
obligations chargeable to such fund when due. All investment 61275
earnings of a school district's project construction fund shall 61276
be credited to the fund. 61277

(B) (1) The treasurer of the school district board shall 61278
disburse funds from the school district's project construction 61279
fund, including investment earnings credited to the fund, only 61280
upon the approval of the commission or the commission's 61281
designated representative. The commission or the commission's 61282
designated representative shall issue vouchers against such 61283
fund, in such amounts, and at such times as required by the 61284
contracts for construction of the project. 61285

(2) Notwithstanding anything to the contrary in division 61286
(B) (1) of this section, the school district board may, by a duly 61287
adopted resolution, choose to use all or part of the investment 61288
earnings of the district's project construction fund that are 61289
attributable to the district's contribution to the fund to pay 61290
the cost of classroom facilities or portions or components of 61291
classroom facilities that are not included in the district's 61292
basic project cost but that are related to the district's 61293

project. If the district board adopts a resolution in favor of 61294
using those investment earnings as authorized under division (B) 61295
(2) of this section, the treasurer shall disburse the amount as 61296
designated and directed by the board. However, if the district 61297
board chooses to use any part of the investment earnings for 61298
classroom facilities or portions or components of classroom 61299
facilities that are not included in the basic project cost, as 61300
authorized under division (B) (2) of this section, and, 61301
subsequently, the cost of the project exceeds the amount in the 61302
project construction fund, the district board shall restore to 61303
the project construction fund the full amount of the investment 61304
earnings used under division (B) (2) of this section before any 61305
additional state moneys shall be released for the project. 61306

(C) After a certificate of completion has been issued for 61307
a project under section 3318.48 of the Revised Code: 61308

(1) At the discretion of the school district board, any 61309
investment earnings remaining in the project construction fund 61310
that are attributable to the school district's contribution to 61311
the fund shall be: 61312

(a) Retained in the project construction fund for future 61313
projects; 61314

(b) Transferred to the district's maintenance fund 61315
required by division (B) of section 3318.05 or section 3318.43 61316
of the Revised Code, and the money so transferred shall be used 61317
solely for maintaining the classroom facilities included in the 61318
project; 61319

(c) Transferred to the district's permanent improvement 61320
fund. 61321

(2) Any investment earnings remaining in the project 61322

construction fund that are attributable to the state's 61323
contribution to the fund shall be transferred to the commission 61324
for expenditure pursuant to sections 3318.01 to 3318.20 or 61325
sections 3318.40 to 3318.45 of the Revised Code. 61326

(3) Any other surplus remaining in the school district's 61327
project construction fund shall be transferred to the commission 61328
and the school district board in proportion to their respective 61329
contributions to the fund. The commission shall use the money 61330
transferred to it under this division for expenditure pursuant 61331
to sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of 61332
the Revised Code. 61333

(D) Pursuant to appropriations of the general assembly, 61334
any moneys transferred to the commission under division (C) (2) 61335
or (3) of this section from a project construction fund for a 61336
project under sections 3318.40 to 3318.45 of the Revised Code 61337
may be used for future expenditures for projects under sections 61338
3318.40 to 3318.45 of the Revised Code, ~~notwithstanding the two~~ 61339
~~per cent annual limit specified in accordance with~~ division (B) 61340
of section 3318.40 of the Revised Code. 61341

Sec. 3318.36. (A) (1) As used in this section: 61342

(a) "Ohio facilities construction commission," "classroom 61343
facilities," "school district," "school district board," "net 61344
bonded indebtedness," "required percentage of the basic project 61345
costs," "basic project cost," "valuation," and "percentile" have 61346
the same meanings as in section 3318.01 of the Revised Code. 61347

(b) "Required level of indebtedness" means five per cent 61348
of the school district's valuation for the year preceding the 61349
year in which the commission and school district enter into an 61350
agreement under division (B) of this section, plus [two one- 61351

hundredths of one per cent multiplied by (the percentile in
which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any
manner permitted for a school district board to raise the school
district portion of a project undertaken with assistance under
sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining the required level of
indebtedness, the required percentage of the basic project costs
under division (C) (1) of this section, and priority for
assistance under sections 3318.01 to 3318.20 of the Revised
Code, the percentile ranking of a school district with which the
commission has entered into an agreement under this section
between the first day of July and the thirty-first day of August
in each fiscal year is the percentile ranking calculated for
that district for the immediately preceding fiscal year, and the
percentile ranking of a school district with which the
commission has entered into such agreement between the first day
of September and the thirtieth day of June in each fiscal year
is the percentile ranking calculated for that district for the
current fiscal year.

(B) (1) There is hereby established the school building
assistance expedited local partnership program. Under the
program, the Ohio facilities construction commission may enter
into an agreement with the board of any school district under
which the board may proceed with the new construction or major
repairs of a part of the district's classroom facilities needs,
as determined under sections 3318.01 to 3318.20 of the Revised
Code, through the expenditure of local resources prior to the
school district's eligibility for state assistance under those
sections, and may apply that expenditure toward meeting the

school district's portion of the basic project cost of the total 61382
of the district's classroom facilities needs, as recalculated 61383
under division (E) of this section, when the district becomes 61384
eligible for state assistance under sections 3318.01 to 3318.20 61385
or section 3318.364 of the Revised Code. 61386

Any school district that is reasonably expected to receive 61387
assistance under sections 3318.01 to 3318.20 of the Revised Code 61388
within two fiscal years from the date the school district adopts 61389
its resolution under division (B) of this section shall not be 61390
eligible to participate in the program established under this 61391
section unless that school district divides its project under 61392
those sections into segments as authorized by section 3318.034 61393
of the Revised Code. In the case of a school district that has 61394
segmented its project as authorized in section 3318.034 of the 61395
Revised Code, the district shall select a discrete portion of 61396
one or more future segments of its project, to which the 61397
district may apply local resources under an agreement under this 61398
section prior to further state assistance for those future 61399
segments under sections 3318.01 to 3318.20 of the Revised Code. 61400

(2) To participate in the program, a school district board 61401
shall first adopt a resolution, by a vote of two-thirds of all 61402
of its members, certifying to the commission the board's intent 61403
to participate in the program. 61404

The resolution shall specify the approximate date that the 61405
board intends to seek elector approval of any bond or tax 61406
measures or to apply other local resources to use to pay the 61407
cost of classroom facilities to be constructed under this 61408
section. The resolution may specify the application of local 61409
resources or elector-approved bond or tax measures after the 61410
resolution is adopted by the board, and in such case the board 61411

may proceed with a discrete portion of its project under this 61412
section as soon as the commission and the controlling board have 61413
approved the basic project cost of the district's classroom 61414
facilities needs as specified in division (D) of this section. 61415
The board shall submit its resolution to the commission not 61416
later than ten days after the date the resolution is adopted by 61417
the board. 61418

The commission shall not consider any resolution that is 61419
submitted pursuant to division (B)(2) of this section, as 61420
amended by this amendment, sooner than September 14, 2000. 61421

(3) For purposes of determining when a district that 61422
enters into an agreement under this section becomes eligible for 61423
assistance under sections 3318.01 to 3318.20 of the Revised Code 61424
or priority for assistance under section 3318.364 of the Revised 61425
Code, the commission shall use the district's percentile ranking 61426
determined at the time the district entered into the agreement 61427
under this section, as prescribed by division (A)(2) of this 61428
section. 61429

(4) Any project under this section shall comply with 61430
section 3318.03 of the Revised Code and with any specifications 61431
for plans and materials for classroom facilities adopted by the 61432
commission under section 3318.04 of the Revised Code. 61433

(5) If a school district that enters into an agreement 61434
under this section has not begun a project applying local 61435
resources as provided for under that agreement at the time the 61436
district is notified by the commission that it is eligible to 61437
receive state assistance for its project under sections 3318.01 61438
to 3318.20 of the Revised Code or for a segment of its project, 61439
if the district previously segmented its project as authorized 61440
in section 3318.034 of the Revised Code, all assessment and 61441

agreement documents entered into under this section are void. 61442

(6) Only construction of or repairs to classroom 61443
facilities that have been approved by the commission and have 61444
been therefore included as part of a district's basic project 61445
cost qualify for application of local resources under this 61446
section. 61447

(C) Based on the results of on-site visits and assessment, 61448
the commission shall determine the basic project cost of the 61449
school district's classroom facilities needs. The commission 61450
shall determine the school district's portion of such basic 61451
project cost, which shall be the greater of: 61452

(1) The required percentage of the basic project costs, 61453
determined based on the school district's percentile ranking; 61454

(2) An amount necessary to raise the school district's net 61455
bonded indebtedness, as of the fiscal year the commission and 61456
the school district enter into the agreement under division (B) 61457
of this section, to within five thousand dollars of the required 61458
level of indebtedness. 61459

(D) (1) When the commission determines the basic project 61460
cost of the classroom facilities needs of a school district and 61461
the school district's portion of that basic project cost under 61462
division (C) of this section, the project shall be conditionally 61463
approved. Such conditional approval shall be submitted to the 61464
controlling board for approval thereof. The controlling board 61465
shall forthwith approve or reject the commission's 61466
determination, conditional approval, and the amount of the 61467
state's portion of the basic project cost; however, no state 61468
funds shall be encumbered under this section. Upon approval by 61469
the controlling board, the school district board may identify a 61470

discrete part of its classroom facilities needs, which shall 61471
include only new construction of or additions or major repairs 61472
to a particular building, to address with local resources. Upon 61473
identifying a part of the school district's basic project cost 61474
to address with local resources, the school district board may 61475
allocate any available school district moneys to pay the cost of 61476
that identified part, including the proceeds of an issuance of 61477
bonds if approved by the electors of the school district. 61478

All local resources utilized under this division shall 61479
first be deposited in the project construction account required 61480
under section 3318.08 of the Revised Code. 61481

(2) Unless the school district board exercises its option 61482
under division (D)(3) of this section, for a school district to 61483
qualify for participation in the program authorized under this 61484
section, one of the following conditions shall be satisfied: 61485

(a) The electors of the school district by a majority vote 61486
shall approve the levy of taxes outside the ten-mill limitation 61487
for a period of twenty-three years at the rate of not less than 61488
one-half mill for each dollar of valuation to be used to pay the 61489
cost of maintaining or upgrading, if approved by the commission, 61490
the classroom facilities included in the basic project cost as 61491
determined by the commission. The form of the ballot to be used 61492
to submit the question whether to approve the tax required under 61493
this division to the electors of the school district shall be 61494
the form for an additional levy of taxes prescribed in section 61495
3318.361 of the Revised Code, which may be combined in a single 61496
ballot question with the questions prescribed under section 61497
5705.218 of the Revised Code. 61498

(b) As authorized under division (C) of section 3318.05 of 61499
the Revised Code, the school district board shall earmark from 61500

the proceeds of a permanent improvement tax levied under section 61501
5705.21 of the Revised Code, an amount equivalent to the 61502
additional tax otherwise required under division (D) (2) (a) of 61503
this section for the maintenance of the classroom facilities 61504
included in the basic project cost as determined by the 61505
commission. 61506

(c) As authorized under section 3318.051 of the Revised 61507
Code, the school district board shall, if approved by the 61508
commission, annually transfer into the maintenance fund required 61509
under section 3318.05 of the Revised Code the amount prescribed 61510
in section 3318.051 of the Revised Code in lieu of the tax 61511
otherwise required under division (D) (2) (a) of this section for 61512
the maintenance of the classroom facilities included in the 61513
basic project cost as determined by the commission. 61514

(d) If the school district board has rescinded the 61515
agreement to make transfers under section 3318.051 of the 61516
Revised Code, as provided under division (F) of that section, 61517
the electors of the school district, in accordance with section 61518
3318.063 of the Revised Code, first shall approve the levy of 61519
taxes outside the ten-mill limitation for the period specified 61520
in that section at a rate of not less than one-half mill for 61521
each dollar of valuation. 61522

(e) The school district board shall apply the proceeds of 61523
a tax to leverage bonds as authorized under section 3318.052 of 61524
the Revised Code or dedicate a local donated contribution in the 61525
manner described in division (B) of section 3318.084 of the 61526
Revised Code in an amount equivalent to the additional tax 61527
otherwise required under division (D) (2) (a) of this section for 61528
the maintenance of the classroom facilities included in the 61529
basic project cost as determined by the commission. 61530

(3) A school district board may opt to delay taking any of 61531
the actions described in division (D) (2) of this section until 61532
the school district becomes eligible for state assistance under 61533
sections 3318.01 to 3318.20 of the Revised Code. In order to 61534
exercise this option, the board shall certify to the commission 61535
a resolution indicating the board's intent to do so prior to 61536
entering into an agreement under division (B) of this section. 61537

(4) If pursuant to division (D) (3) of this section a 61538
district board opts to delay levying an additional tax until the 61539
district becomes eligible for state assistance, it shall submit 61540
the question of levying that tax to the district electors as 61541
follows: 61542

(a) In accordance with section 3318.06 of the Revised Code 61543
if it will also be necessary pursuant to division (E) of this 61544
section to submit a proposal for approval of a bond issue; 61545

(b) In accordance with section 3318.361 of the Revised 61546
Code if it is not necessary to also submit a proposal for 61547
approval of a bond issue pursuant to division (E) of this 61548
section. 61549

(5) No state assistance under sections 3318.01 to 3318.20 61550
of the Revised Code shall be released until a school district 61551
board that adopts and certifies a resolution under division (D) 61552
of this section also demonstrates to the satisfaction of the 61553
commission compliance with the provisions of division (D) (2) of 61554
this section. 61555

Any amount required for maintenance under division (D) (2) 61556
of this section shall be deposited into a separate fund as 61557
specified in division (D) of section 3318.05 of the Revised 61558
Code. 61559

(E) (1) If the school district becomes eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code for its entire project or for future segments, if the district previously segmented its project as authorized in section 3318.034 of the Revised Code, based on its percentile ranking under division (B) (3) of this section or is offered assistance under section 3318.364 of the Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D) (1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section. The commission shall deduct the expenditure of school district moneys made under division (D) (1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of school district portion required for state assistance. Any tax levy approved under division (D) of this section satisfies the requirements to levy the

additional tax under section 3318.06 of the Revised Code. 61592

(2) If the amount of school district resources applied by 61593
the school district board to the school district's portion of 61594
the basic project cost under this section is more than the total 61595
amount of such portion as recalculated under this division, 61596
within two years after the school district's portion is 61597
recalculated under division (E) (1) of this section the 61598
commission may grant to the school district the difference 61599
between the two calculated portions, but at no time shall the 61600
commission expend any state funds on a project in an amount 61601
greater than the state's portion of the basic project cost as 61602
recalculated under this division. 61603

Any reimbursement under this division shall be only for 61604
local resources the school district has applied toward 61605
construction cost expenditures for the classroom facilities 61606
approved by the commission, which shall not include any 61607
financing costs associated with that construction. 61608

The school district board shall use any moneys reimbursed 61609
to the district under this division to pay off any debt service 61610
the district owes for classroom facilities constructed under its 61611
project under this section before such moneys are applied to any 61612
other purpose. However, the district board first may deposit 61613
moneys reimbursed under this division into the district's 61614
general fund or a permanent improvement fund to replace local 61615
resources the district withdrew from those funds, as long as, 61616
and to the extent that, those local resources were used by the 61617
district for constructing classroom facilities included in the 61618
district's basic project cost. 61619

Sec. 3318.361. A school district board opting to qualify 61620
for state assistance pursuant to section 3318.36 of the Revised 61621

Code through levying the tax specified in division (D) (2) (a) or 61622
(D) (4) of that section shall declare by resolution that the 61623
question of a tax levy specified in division (D) (2) (a) or (4), 61624
as applicable, of section 3318.36 of the Revised Code shall be 61625
submitted to the electors of the school district at the next 61626
general or primary election, if there be a general or primary 61627
election not less than ninety and not more than one hundred ten 61628
days after the day of the adoption of such resolution or, if 61629
not, at a special election to be held at a time specified in the 61630
resolution which shall be not less than ninety days after the 61631
day of the adoption of the resolution and which shall be in 61632
accordance with the requirements of section 3501.01 of the 61633
Revised Code. Such resolution shall specify both of the 61634
following: 61635

(A) That the rate which it is necessary to levy shall be 61636
at the rate of not less than one-half mill for each one dollar 61637
of taxable value, and that such tax shall be levied for a period 61638
of twenty-three years; 61639

(B) That the proceeds of the tax shall be used to pay the 61640
cost of maintaining the classroom facilities included in the 61641
project or upgrading those facilities if approved by the Ohio 61642
facilities construction commission. 61643

A copy of such resolution shall after its passage and not 61644
less than ninety days prior to the date set therein for the 61645
election be certified to the county board of elections. 61646

Notice of the election shall include the levy's estimated 61647
annual collections, the fact that the tax levy shall be at the 61648
rate of not less than one-half mill for each one dollar of 61649
taxable value for a period of twenty-three years, and that the 61650
proceeds of the tax shall be used to pay the cost of maintaining 61651

or upgrading the classroom facilities included in the project.
The notice shall also express the rate in dollars for each one
hundred thousand dollars of ~~the county auditor's appraised~~
market value.

The form of the ballot to be used at such election shall
be:

"Shall a levy of taxes be made for a period of twenty-
three years to benefit the _____ (here insert name of
school district) school district, the proceeds of which shall be
used to pay the cost of maintaining (or upgrading if approved by
the Ohio facilities construction commission) the classroom
facilities included in the project, that the county auditor
estimates will collect \$_____ annually, at the rate of
_____ (here insert the number of mills, which shall not be
less than one-half mill) mills for each \$1 of taxable value,
which amounts to \$_____ for each \$100,000 of ~~the county~~
~~auditor's appraised~~ market value?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

Sec. 3318.40. (A) (1) Sections 3318.40 to 3318.45 of the
Revised Code apply only to joint vocational school districts.

(2) As used in sections 3318.40 to 3318.45 of the Revised
Code:

(a) "Ohio facilities construction commission," "classroom
facilities," "project," and "basic project cost" have the same
meanings as in section 3318.01 of the Revised Code.

(b) "Acquisition of classroom facilities" means

constructing, reconstructing, repairing, or making additions to 61678
classroom facilities. 61679

(B) There is hereby established the vocational school 61680
facilities assistance program. Under the program, the Ohio 61681
facilities construction commission shall provide assistance to 61682
joint vocational school districts for the acquisition of 61683
classroom facilities suitable to the vocational education 61684
programs of the districts in accordance with sections 3318.40 to 61685
3318.45 of the Revised Code. ~~For purposes of the program,~~ 61686
~~beginning July 1, 2003, the~~ The commission annually may set 61687
~~aside up to two per cent a portion~~ of the aggregate amount 61688
appropriated to it for classroom facilities assistance projects 61689
in the public school building fund, established under section 61690
3318.15 of the Revised Code, and the school building program 61691
assistance fund, established under section 3318.25 of the 61692
Revised Code, to provide assistance to at least two joint 61693
vocational school districts per biennium. The amount set aside 61694
for this purpose shall be determined by the commission. 61695

(C) The commission shall not provide assistance for any 61696
distinct part of a project under sections 3318.40 to 3318.45 of 61697
the Revised Code that when completed will be used exclusively 61698
for an adult education program or exclusively for operation of a 61699
driver training school for instruction leading to the issuance 61700
of a commercial driver's license under Chapter 4506. of the 61701
Revised Code, except for life safety items and basic building 61702
components necessary for complete and continuous construction or 61703
renovation of a classroom facility as determined by the 61704
commission. 61705

(D) The commission shall not provide assistance under 61706
sections 3318.40 to 3318.45 of the Revised Code to acquire 61707

classroom facilities for vocational educational instruction at a 61708
location under the control of a school district that is a member 61709
of a joint vocational school district. Any assistance to acquire 61710
classroom facilities for vocational educational instruction at 61711
such location shall be provided to the school district that is a 61712
member of the joint vocational school district through other 61713
provisions of this chapter when that member school district is 61714
eligible for assistance under those provisions. 61715

(E) By September 1, 2003, the commission shall assess the 61716
classroom facilities needs of at least five joint vocational 61717
school districts, according to the order of priority prescribed 61718
in division (B) of section 3318.42 of the Revised Code, and 61719
based on the results of those assessments shall determine the 61720
extent to which amendments to the specifications adopted under 61721
section 3318.311 of the Revised Code are warranted. The 61722
commission, thereafter, may amend the specifications as provided 61723
in that section. 61724

(F) After the commission has conducted the assessments 61725
prescribed in division (E) of this section, the commission shall 61726
establish, by rule adopted in accordance with section 111.15 of 61727
the Revised Code, guidelines for the commission to use in 61728
deciding whether to waive compliance with the design 61729
specifications adopted under section 3318.311 of the Revised 61730
Code when determining the number of facilities and the basic 61731
project cost of projects as prescribed in division (A) (1) (a) of 61732
section 3318.41 of the Revised Code. The guidelines shall 61733
address the following situations: 61734

(1) Under what circumstances, if any, particular classroom 61735
facilities are adequate to meet the needs of the school district 61736
even though the facilities do not comply with the specifications 61737

adopted under section 3318.311 of the Revised Code; 61738

(2) Under what circumstances, if any, particular classroom 61739
facilities will be renovated or repaired rather than replaced by 61740
construction of new facilities. 61741

Sec. 3318.45. (A) Unless division (B) of section 3318.44 61742
of the Revised Code applies, if a joint vocational school 61743
district board of education proposes to issue securities to 61744
generate all or part of the school district's portion of the 61745
basic project cost of the school district's project under 61746
sections 3318.40 to 3318.45 of the Revised Code, the school 61747
district board shall adopt a resolution, by a vote of two-thirds 61748
of all of its members, in accordance with Chapter 133. and 61749
section 3311.20 of the Revised Code. Unless the school district 61750
board seeks authority to issue securities in more than one 61751
series, the school district board shall adopt the form of the 61752
ballot prescribed in section 133.18 of the Revised Code. 61753

(B) If authority is sought to issue bonds in more than one 61754
series, the form of the ballot shall be: 61755

"Shall bonds be issued by the _____ (here insert name 61756
of joint vocational school district) joint vocational school 61757
district to pay the local share of school construction under the 61758
State of Ohio Joint Vocational School Facilities Assistance 61759
Program in the total principal amount of \$_____ (total 61760
principal amount of the bond issue), to be issued in _____ 61761
(number of series) series, each series to be repaid annually 61762
over not more than _____ (maximum number of years over which 61763
the principal of each series may be paid) years, and an annual 61764
levy of property taxes be made outside the ten-mill limitation 61765
to pay the annual debt charges on the bonds and on any notes 61766
issued in anticipation of the bonds, at a rate estimated by the 61767

county auditor to average over the repayment period of each 61768
series as follows: _____ [insert the following for each 61769
series: "the _____ series, in a principal amount of 61770
\$_____, that the county auditor estimates will require 61771
_____ mills for each \$1 of taxable value, which amounts to 61772
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 61773
~~market~~ value, commencing in _____ and first payable in 61774
_____"]? 61775
61776

	For the bond issue	"
	Against the bond issue	

(C) If it is necessary for the school district to acquire 61777
a site for the classroom facilities to be acquired pursuant to 61778
sections 3318.40 to 3318.45 of the Revised Code, the district 61779
board may propose either to issue bonds of the board or to levy 61780
a tax to pay for the acquisition of such site and may combine 61781
the question of doing so with the question specified by 61782
reference in division (A) of this section or the question 61783
specified in division (B) of this section. Bonds issued under 61784
this division for the purpose of acquiring a site are a general 61785
obligation of the school district and are Chapter 133. 61786
securities. 61787

The form of that portion of the ballot to include the 61788
question of either issuing bonds or levying a tax for site 61789
acquisition purposes shall be one of the following: 61790

(1) "Shall bonds be issued by the _____ (here 61791
insert name of the joint vocational school district) joint 61792
vocational school district to pay costs of acquiring a site for 61793
classroom facilities under the State of Ohio Joint Vocational 61794

School Facilities Assistance Program in the principal amount of 61795
\$_____ (here insert principal amount of the bond issue), to 61796
be repaid annually over a maximum period of _____ (here 61797
insert maximum number of years over which the principal of the 61798
bonds may be paid) years, and an annual levy of property taxes 61799
be made outside the ten-mill limitation, estimated by the county 61800
auditor to average over the repayment period of the bond issue 61801
_____ mills for each \$1 of taxable value, which amounts to 61802
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 61803
market value, to pay the annual debt charges on the bonds and to 61804
pay debt charges on any notes issued in anticipation of the 61805
bonds?" 61806

(2) "Shall an additional levy of taxes outside the ten- 61807
mill limitation be made for the benefit of the _____ (here 61808
insert name of the joint vocational school district) joint 61809
vocational school district for the purpose of acquiring a site 61810
for classroom facilities in the sum of \$_____ (here insert 61811
annual amount the levy is to produce) estimated by the county 61812
auditor to collect \$_____ annually and to average _____ mills 61813
for each \$1 of taxable value, which amounts to \$_____ for 61814
each \$100,000 of ~~the county auditor's appraised~~ market value, 61815
for a period of _____ (here insert number of years the 61816
millage is to be imposed) years?" 61817

Where it is necessary to combine the question of issuing 61818
bonds of the joint vocational school district as described in 61819
division (A) of this section with the question of issuing bonds 61820
of the school district for acquisition of a site, the question 61821
specified in that division to be voted on shall be "For the bond 61822
issues" and "Against the bond issues." 61823

Where it is necessary to combine the question of issuing 61824

bonds of the joint vocational school district as described in 61825
division (A) of this section with the question of levying a tax 61826
for the acquisition of a site, the question specified in that 61827
division to be voted on shall be "For the bond issue and the tax 61828
levy" and "Against the bond issue and the tax levy." 61829

(D) Where the school district board chooses to combine a 61830
question specified in this section with any of the additional 61831
questions described in division (C) of section 3318.44 of the 61832
Revised Code, the question to be voted on shall be "For the bond 61833
issues and the tax levies" and "Against the bond issues and the 61834
tax levies." 61835

(E) If a majority of those voting upon a proposition 61836
prescribed in this section which includes the question of 61837
issuing bonds vote in favor of that issuance and if the 61838
agreement prescribed in section 3318.08 of the Revised Code has 61839
been entered into, the school district board may proceed under 61840
Chapter 133. of the Revised Code with the issuance of bonds or 61841
bond anticipation notes in accordance with the terms of the 61842
agreement. 61843

Sec. 3318.48. (A) When all of the following have occurred, 61844
a project undertaken by a school district pursuant to this 61845
chapter shall be considered complete and the Ohio facilities 61846
construction commission shall issue a certificate of completion 61847
to the district board of education: 61848

(1) All facilities to be constructed under the project, as 61849
specified in the project agreement entered into under section 61850
3318.08 of the Revised Code, have been completed and the board 61851
has received a permanent certificate of occupancy for each of 61852
those facilities. 61853

(2) The commission has issued certificates of contract completion on all prime construction contracts entered into by the board under section 3318.10 of the Revised Code.

(3) The commission has completed a final accounting of the district's project construction fund and has determined that all payments from the fund were made in compliance with all policies of the commission.

(4) Any litigation concerning the project has been finally resolved with no chance of appeal.

(5) All construction management services typically provided by the commission to school districts have been delivered and the commission has canceled any remaining encumbrance of funds for those services.

(B) The commission may issue a certificate of completion to a district board prior to all of the conditions described in division (A) of this section being satisfied, if the commission determines that the circumstances preventing the conditions from being satisfied are so minor in nature that the project should be considered complete. When issuing a certificate of completion under this division, the commission may specify any of the following:

(1) Any construction or work that has yet to be completed and the manner in which the board shall oversee its completion, which may include procedures for reporting progress to the commission and for accounting of expenditures;

(2) Terms and conditions for the resolution of any pending litigation;

(3) Any remaining responsibilities of the construction manager regarding the project.

(C) The commission may issue a certificate of completion 61883
to a district board that does not voluntarily participate in the 61884
process of closing out the district's project, if the 61885
construction manager for the project verifies that all 61886
facilities to be constructed under the project, as specified in 61887
the project agreement entered into under section 3318.08 of the 61888
Revised Code, have been completed and the commission determines 61889
that those facilities have been occupied for at least one year. 61890
In that case, all funds due to the commission under division (C) 61891
of section 3318.12 of the Revised Code shall be returned to the 61892
commission not later than thirty days after receipt of the 61893
certificate of completion. If the funds due to the commission 61894
have not been returned within sixty days after receipt of the 61895
certificate of completion, the ~~auditor of state commission~~ shall 61896
~~issue a finding for recovery against the school district and~~ 61897
~~shall request legal action certify a claim to the attorney~~ 61898
~~general for collection under section 117.42-131.02 of the~~ 61899
Revised Code. 61900

(D) Upon issuance of a certificate of completion under 61901
this section, the commission's ownership of and interest in the 61902
project, as specified in division (F) of section 3318.08 of the 61903
Revised Code, shall cease. This cessation shall not alter or 61904
otherwise affect the state's or commission's interest in the 61905
project or any limitations on the use of the project as 61906
specified in the project agreement pursuant to divisions (G), 61907
(M), and (N) of that section or as specified in section 3318.16 61908
of the Revised Code. 61909

Sec. 3319.073. (A) The board of education of each city and 61910
exempted village school district and the governing board of each 61911
educational service center shall adopt or adapt the curriculum 61912
developed by the department of education and workforce for, or 61913

shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service

training required by division (A) of this section. Each board 61945
also shall incorporate training in the prevention of dating 61946
violence into the in-service training required by that division 61947
for middle and high school employees. The board shall develop 61948
its own curricula for these purposes. 61949

(D) Each board shall incorporate training in youth suicide 61950
awareness and prevention into the in-service training required 61951
by division (A) of this section for each person employed by a 61952
school district or service center to work in a school as a 61953
nurse, teacher, counselor, school psychologist, or 61954
administrator, and any other personnel that the board determines 61955
appropriate. The board shall require each such person to undergo 61956
training in youth suicide awareness and prevention programs once 61957
every two years. For this purpose, the board ~~shall adopt or~~ 61958
~~adapt the curriculum developed by the department under section~~ 61959
~~3301.221 of the Revised Code or~~ shall develop its own curriculum 61960
in consultation with public or private agencies or persons 61961
involved in youth suicide awareness and prevention programs. 61962

The training completed under this division shall count 61963
toward the satisfaction of requirements for professional 61964
development required by the school district or service center 61965
board, ~~and the training may be accomplished through self-review~~ 61966
~~of suitable suicide prevention materials approved by the board.~~ 61967

(E) Each board shall incorporate training on child sexual 61968
abuse into the in-service training required by division (A) of 61969
this section. The training completed under this division shall 61970
count toward the satisfaction of requirements for professional 61971
development required by the school district or service center 61972
board. ~~Any training provided under this section may be presented~~ 61973
~~by either of the following, at their own discretion, so long as~~ 61974

~~they have experience in handling cases involving child sexual-~~ 61975
~~abuse or child sexual violence:-~~ 61976

~~(1) Law enforcement officers;-~~ 61977

~~(2) Prosecutors~~ For this purpose, the board shall develop 61978
its own curriculum in consultation with public or private 61979
agencies or persons involved in child sexual abuse prevention or 61980
child sexual violence prevention. 61981

Sec. 3319.088. As used in this section, "educational 61982
assistant" means any nonteaching employee in a school district 61983
who directly assists a teacher as defined in section 3319.09 of 61984
the Revised Code, by performing duties for which a license 61985
issued pursuant to sections 3319.22 to 3319.30 of the Revised 61986
Code is not required. 61987

(A) Except as provided in division (G) of this section, 61988
the state board of education shall issue educational aide 61989
permits and educational paraprofessional licenses for 61990
educational assistants and shall adopt rules for the issuance 61991
and renewal of such permits and licenses which shall be 61992
consistent with the provisions of this section. Educational aide 61993
permits and educational paraprofessional licenses may be of 61994
several types and the rules shall prescribe the minimum 61995
qualifications of education and health for the service to be 61996
authorized under each type. The prescribed minimum 61997
qualifications may require special training or educational 61998
courses designed to qualify a person to perform effectively the 61999
duties authorized under an educational aide permit or 62000
educational paraprofessional license. 62001

(B) (1) Except as provided in division (G) of this section, 62002
any application for a permit or license, or a renewal or 62003

duplicate of a permit or license, under this section shall be 62004
accompanied by the payment of a fee in the amount established 62005
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 62006
Any fees received under this division shall be paid into the 62007
state treasury to the credit of the ~~state board of education~~ 62008
~~licensure fund established under division (B) of section 3319.51~~ 62009
occupational licensing and regulatory fund established in 62010
section 4743.05 of the Revised Code. 62011

(2) Any person applying for or holding a permit or license 62012
pursuant to this section is subject to sections 3123.41 to 62013
3123.50 of the Revised Code and any applicable rules adopted 62014
under section 3123.63 of the Revised Code and sections 3319.31 62015
and 3319.311 of the Revised Code. 62016

(C) Educational assistants shall at all times while in the 62017
performance of their duties be under the supervision and 62018
direction of a teacher as defined in section 3319.09 of the 62019
Revised Code. Educational assistants may assist a teacher to 62020
whom assigned in the supervision of pupils, in assisting with 62021
instructional tasks, and in the performance of duties which, in 62022
the judgment of the teacher to whom the assistant is assigned, 62023
may be performed by a person not licensed pursuant to sections 62024
3319.22 to 3319.30 of the Revised Code and for which a teaching 62025
license, issued pursuant to sections 3319.22 to 3319.30 of the 62026
Revised Code is not required. The duties of an educational 62027
assistant shall not include the assignment of grades to pupils. 62028
The duties of an educational assistant need not be performed in 62029
the physical presence of the teacher to whom assigned, but the 62030
activity of an educational assistant shall at all times be under 62031
the direction of the teacher to whom assigned. The assignment of 62032
an educational assistant need not be limited to assisting a 62033
single teacher. In the event an educational assistant is 62034

assigned to assist more than one teacher the assignments shall 62035
be clearly delineated and so arranged that the educational 62036
assistant shall never be subject to simultaneous supervision or 62037
direction by more than one teacher. 62038

Educational assistants assigned to supervise children 62039
shall, when the teacher to whom assigned is not physically 62040
present, maintain the degree of control and discipline that 62041
would be maintained by the teacher. 62042

Educational assistants may not be used in place of 62043
classroom teachers or other employees and any payment of 62044
compensation by boards of education to educational assistants 62045
for such services is prohibited. The ratio between the number of 62046
licensed teachers and the pupils in a school district may not be 62047
decreased by utilization of educational assistants and no 62048
grouping, or other organization of pupils, for utilization of 62049
educational assistants shall be established which is 62050
inconsistent with sound educational practices and procedures. A 62051
school district may employ up to one full time equivalent 62052
educational assistant for each six full time equivalent licensed 62053
employees of the district. Educational assistants shall not be 62054
counted as licensed employees for purposes of state support in 62055
the school foundation program and no grouping or regrouping of 62056
pupils with educational assistants may be counted as a class or 62057
unit for school foundation program purposes. Neither special 62058
courses required by the regulations of the state board of 62059
education, prescribing minimum qualifications of education for 62060
an educational assistant, nor years of service as an educational 62061
assistant shall be counted in any way toward qualifying for a 62062
teacher license, for a teacher contract of any type, or for 62063
determining placement on a salary schedule in a school district 62064
as a teacher. 62065

(D) Educational assistants employed by a board of 62066
education shall have all rights, benefits, and legal protection 62067
available to other nonteaching employees in the school district, 62068
except that provisions of Chapter 124. of the Revised Code shall 62069
not apply to any person employed as an educational assistant, 62070
and shall be members of the school employees retirement system. 62071
Educational assistants shall be compensated according to a 62072
salary plan adopted annually by the board. 62073

Except as provided in this section nonteaching employees 62074
shall not serve as educational assistants without first 62075
obtaining an appropriate educational aide permit or educational 62076
paraprofessional license from the state board of education. A 62077
nonteaching employee who is the holder of a valid educational 62078
aide permit or educational paraprofessional license shall 62079
neither render nor be required to render services inconsistent 62080
with the type of services authorized by the permit or license 62081
held. No person shall receive compensation from a board of 62082
education for services rendered as an educational assistant in 62083
violation of this provision. 62084

Nonteaching employees whose functions are solely 62085
secretarial-clerical and who do not perform any other duties as 62086
educational assistants, even though they assist a teacher and 62087
work under the direction of a teacher shall not be required to 62088
hold a permit or license issued pursuant to this section. 62089

Following the determination of the assignment and general 62090
job description of an educational assistant and subject to 62091
supervision by the teacher's immediate administrative officer, a 62092
teacher to whom an educational assistant is assigned shall make 62093
all final determinations of the duties to be assigned to such 62094
assistant. Teachers shall not be required to hold a license 62095

designated for being a supervisor or administrator in order to 62096
perform the necessary supervision of educational assistants. 62097

(E) No person who is, or who has been employed as an 62098
educational assistant shall divulge, except to the teacher to 62099
whom assigned, or the administrator of the school in the absence 62100
of the teacher to whom assigned, or when required to testify in 62101
a court or proceedings, any personal information concerning any 62102
pupil in the school district which was obtained or obtainable by 62103
the educational assistant while so employed. Violation of this 62104
provision is grounds for disciplinary action or dismissal, or 62105
both. 62106

(F) Notwithstanding anything to the contrary in this 62107
section, the superintendent of a school district may allow an 62108
employee who does not hold a permit or license issued under this 62109
section to work as a substitute for an educational assistant who 62110
is absent on account of illness or on a leave of absence, or to 62111
fill a temporary position created by an emergency, provided that 62112
the superintendent believes the employee's application materials 62113
indicate that the employee is qualified to obtain a permit or 62114
license under this section. 62115

An employee shall begin work as a substitute under this 62116
division not earlier than on the date on which the employee 62117
files an application with the state board for a permit or 62118
license under this section. An employee shall cease working as a 62119
substitute under this division on the earliest of the following: 62120

(1) The date on which the employee files a valid permit or 62121
license issued under this section with the superintendent; 62122

(2) The date on which the employee is denied a permit or 62123
license under this section; 62124

(3) Sixty days following the date on which the employee 62125
began work as a substitute under this division. 62126

The superintendent shall ensure that an employee assigned 62127
to work as a substitute under division (F) of this section has 62128
undergone a criminal records check in accordance with section 62129
3319.391 of the Revised Code. 62130

(G) The state board shall issue an educational aide permit 62131
or educational paraprofessional license in accordance with 62132
Chapter 4796. of the Revised Code to an applicant if either of 62133
the following applies: 62134

(1) The applicant holds a permit or license in another 62135
state. 62136

(2) The applicant has satisfactory work experience, a 62137
government certification, or a private certification as 62138
described in that chapter as an educational aide or educational 62139
paraprofessional in a state that does not issue that permit or 62140
license or both. 62141

Sec. 3319.111. Notwithstanding section 3319.09 of the 62142
Revised Code, this section applies to any person who is employed 62143
under a teacher license issued under this chapter, or under a 62144
professional or permanent teacher's certificate issued under 62145
former section 3319.222 of the Revised Code, and who spends at 62146
least fifty per cent of the time employed providing student 62147
instruction. However, this section does not apply to any person 62148
who is employed as a substitute teacher or as an instructor of 62149
adult education. 62150

(A) The board of education of each school district, in 62151
consultation with teachers employed by the board, shall update 62152
its standards-based teacher evaluation policy to conform with 62153

either the framework for evaluation of teachers adopted under 62154
section 3319.112 of the Revised Code or a framework created or 62155
adopted by the board. The policy shall become operative at the 62156
expiration of any collective bargaining agreement covering 62157
teachers employed by the board that is in effect on November 2, 62158
2018, and shall be included in any renewal or extension of such 62159
an agreement. 62160

(B) When using measures of student performance as evidence 62161
in a teacher's evaluation, those measures shall be high-quality 62162
student data. The board of education of each school district may 62163
use data from the assessments on the list developed under 62164
division (B) (2) of section 3319.112 of the Revised Code as high- 62165
quality student data. 62166

(C) (1) The board shall conduct an evaluation of each 62167
teacher employed by the board at least once each school year, 62168
except as provided in division (C) (2) of this section. The 62169
evaluation shall be completed by the first day of May and the 62170
teacher shall receive a written report of the results of the 62171
evaluation by the tenth day of May. 62172

(2) (a) The board may evaluate each teacher who received a 62173
rating of accomplished on the teacher's most recent evaluation 62174
conducted under this section once every three school years, so 62175
long as the teacher submits a self-directed professional growth 62176
plan to the evaluator that focuses on specific areas identified 62177
in the observations and evaluation and the evaluator determines 62178
that the teacher is making progress on that plan. 62179

(b) The board may evaluate each teacher who received a 62180
rating of skilled on the teacher's most recent evaluation 62181
conducted under this section once every two years, so long as 62182
the teacher and evaluator jointly develop a professional growth 62183

plan for the teacher that focuses on specific areas identified 62184
in the observations and evaluation and the evaluator determines 62185
that the teacher is making progress on that plan. 62186

(c) For each teacher who is evaluated pursuant to division 62187
(C) (2) of this section, the evaluation shall be completed by the 62188
first day of May of the applicable school year, and the teacher 62189
shall receive a written report of the results of the evaluation 62190
by the tenth day of May of that school year. 62191

(d) The board may elect not to conduct an evaluation of a 62192
teacher who meets one of the following requirements: 62193

(i) The teacher was on leave from the school district for 62194
fifty per cent or more of the school year, as calculated by the 62195
board. 62196

(ii) The teacher has submitted notice of retirement and 62197
that notice has been accepted by the board not later than the 62198
first day of December of the school year in which the evaluation 62199
is otherwise scheduled to be conducted. 62200

~~(e) The board may elect not to conduct an evaluation of a 62201
teacher who is participating in the teacher residency program 62202
established under section 3319.223 of the Revised Code for the 62203
year during which that teacher takes, for the first time, at 62204
least half of the performance-based assessment prescribed by the 62205
state board of education for resident educators. 62206~~

(3) In any year that a teacher is not formally evaluated 62207
pursuant to division (C) of this section as a result of 62208
receiving a rating of accomplished or skilled on the teacher's 62209
most recent evaluation, an individual qualified to evaluate a 62210
teacher under division (D) of this section shall conduct at 62211
least one observation of the teacher and hold at least one 62212

conference with the teacher. The conference shall include a 62213
discussion of progress on the teacher's professional growth 62214
plan. 62215

(D) Each evaluation conducted pursuant to this section 62216
shall be conducted by one or more of the following persons who 62217
hold a credential established by the state board of education 62218
for being an evaluator: 62219

(1) A person who is under contract with the board pursuant 62220
to section 3319.01 or 3319.02 of the Revised Code and holds a 62221
license designated for being a superintendent, assistant 62222
superintendent, or principal issued under section 3319.22 of the 62223
Revised Code; 62224

(2) A person who is under contract with the board pursuant 62225
to section 3319.02 of the Revised Code and holds a license 62226
designated for being a vocational director, administrative 62227
specialist, or supervisor in any educational area issued under 62228
section 3319.22 of the Revised Code; 62229

(3) A person designated to conduct evaluations under an 62230
agreement entered into by the board, including an agreement 62231
providing for peer review entered into by the board and 62232
representatives of teachers employed by the board; 62233

(4) A person who is employed by an entity contracted by 62234
the board to conduct evaluations and who holds a license 62235
designated for being a superintendent, assistant superintendent, 62236
principal, vocational director, administrative specialist, or 62237
supervisor in any educational area issued under section 3319.22 62238
of the Revised Code or is qualified to conduct evaluations. 62239

(E) Notwithstanding division (A) (3) of section 3319.112 of 62240
the Revised Code, the board shall require at least three formal 62241

observations of each teacher who is under consideration for 62242
nonrenewal and with whom the board has entered into a limited 62243
contract or an extended limited contract under section 3319.11 62244
of the Revised Code. 62245

(F) The board shall include in its evaluation policy 62246
procedures for using the evaluation results for retention and 62247
promotion decisions and for removal of poorly performing 62248
teachers. Seniority shall not be the basis for a decision to 62249
retain a teacher, except when making a decision between teachers 62250
who have comparable evaluations. 62251

(G) For purposes of section 3333.0411 of the Revised Code, 62252
the board annually shall report to the state board the number of 62253
teachers for whom an evaluation was conducted under this section 62254
and the number of teachers assigned each rating prescribed under 62255
division (B)(1) of section 3319.112 of the Revised Code or the 62256
equivalent framework created or adopted by the board, aggregated 62257
by the teacher preparation programs from which and the years in 62258
which the teachers graduated. The state board shall establish 62259
guidelines for reporting the information required by this 62260
division. The guidelines shall not permit or require that the 62261
name of, or any other personally identifiable information about, 62262
any teacher be reported under this division. 62263

(H) Notwithstanding any provision to the contrary in 62264
Chapter 4117. of the Revised Code, the requirements of this 62265
section prevail over any conflicting provisions of a collective 62266
bargaining agreement entered into on or after November 2, 2018. 62267

Sec. 3319.173. (A) The superintendent of each school 62268
district shall assign teachers to positions based on the best 62269
interests of the students enrolled in the district. In 62270
assigning, reassigning, or transferring a teacher, whether 62271

voluntary or involuntary on the part of the teacher, the 62272
superintendent shall not use seniority or continuing contract 62273
status as the primary factor in determining the teacher's 62274
assignment. 62275

(B) Notwithstanding any provision to the contrary in 62276
section 4117.10 of the Revised Code, the requirements of this 62277
section prevail over any conflicting provisions of agreements 62278
between employee organizations and public employers entered into 62279
on or after the effective date of this section. 62280

Sec. 3319.223. (A) The superintendent of public 62281
instruction and the chancellor of higher education jointly shall 62282
establish the Ohio teacher residency program, which shall be a 62283
two-year, entry-level program for classroom teachers. Except as 62284
provided in division (B) of this section, the teacher residency 62285
program shall include at least the following components: 62286

(1) Mentoring by teachers, which may be provided online or 62287
in person. The state superintendent shall provide participants 62288
and mentors with access to online professional development 62289
~~resources and sample videos of Ohio classroom lessons submitted~~ 62290
~~for the assessment prescribed under division (A) (3) of this~~ 62291
~~section at no cost.~~ 62292

(2) Counseling, as determined necessary by the school 62293
district or school, to ensure that program participants receive 62294
needed professional development. ~~The state superintendent shall~~ 62295
~~provide to each participant who does not receive a passing score~~ 62296
~~on the assessment under division (A) (3) of this section, at no~~ 62297
~~cost, the opportunity to meet online with an instructional coach~~ 62298
~~who is a certified assessor of the assessment to review the~~ 62299
~~participant's assessment score results and discuss improvement~~ 62300
~~strategies and professional development.~~ 62301

~~Participants who choose to meet with an instructional coach shall select from an online pool of instructional coaches who have completed training and are approved by the state superintendent. The characteristics of each coach's school or district, including its size, typology, and demographics, shall be made available. However, participants shall not be required to choose an instructional coach from a similar district or school.~~

~~Participants who have not taken the assessment under division (A) (3) of this section may meet online with instructional coaches approved by the state superintendent if the participant's school district or school pays the costs associated with the meetings.~~

(3) Measures of appropriate progression through the program, ~~which shall include the performance-based assessment prescribed by the state board of education for resident educators. The state board shall not limit the number of attempts to successfully complete the performance-based assessment.~~

~~An individual may submit the assessment between the first Tuesday of October and the first Friday of April of the individual's second year of the program. The results of the assessment shall be returned within thirty days unless a new assessor is contracted, in which case the results shall be returned in forty-five days. The teacher evaluation system adopted under section 3319.111 of the Revised Code may be used to assess an individual participating in the teacher residency program.~~

(B) No individual who is teaching career-technical courses under an alternative resident educator license issued under

section 3319.26 of the Revised Code or rule of the state board 62332
shall be required to ~~do either of the following:~~ 62333

~~(1) Complete~~ complete the conditions of the Ohio teacher 62334
residency program that a participant, as of September 29, 2015, 62335
would have been required to complete during the participant's 62336
first and second year of teaching under an alternative resident 62337
educator license. 62338

~~(2) Take a performance-based assessment.~~ 62339

(C) The teacher residency program shall be aligned with 62340
the standards for teachers adopted by the state board under 62341
section 3319.61 of the Revised Code and best practices 62342
identified by the superintendent of public instruction. 62343

(D) Each person who holds a resident educator license 62344
issued under section 3319.22 or 3319.227 of the Revised Code or 62345
an alternative resident educator license issued under section 62346
3319.26 of the Revised Code shall participate in the teacher 62347
residency program. Successful completion of the program shall be 62348
required to qualify any such person for a professional educator 62349
license issued under section 3319.22 of the Revised Code. 62350

Sec. 3319.236. (A) Except as provided in section 3313.6033 62351
of the Revised Code or in division (B) or (E) of this section, a 62352
school district shall require an individual to hold a valid 62353
educator license in computer science, or have a license 62354
endorsement in computer technology and a passing score on a 62355
content examination in the area of computer science, to teach 62356
computer science courses. 62357

(B) A school district may employ an individual, for the 62358
purpose of teaching computer science courses, who holds a valid 62359
educator license, provided the individual meets the requirements 62360

established by rules of the state board of education to qualify 62361
for a supplemental teaching license for teaching computer 62362
science. The rules shall require an applicant for a supplemental 62363
teaching license to pass a content examination in the area of 62364
computer science. The rules also shall permit an individual, 62365
after at least two years of successfully teaching computer 62366
science courses under the supplemental teaching license, to 62367
advance to a standard educator license in computer science by 62368
completing a pedagogy course applicable to the grade levels in 62369
which the individual is teaching. However, the rules may exempt 62370
an individual teaching computer science from the requirement to 62371
complete a pedagogy course if the individual previously 62372
completed a pedagogy course applicable to the grade levels in 62373
which the individual is teaching. 62374

(C) In order for an individual to teach advanced placement 62375
computer science courses, a school district shall require the 62376
individual to also complete a professional development program 62377
endorsed or provided by the organization that creates and 62378
administers national advanced placement examinations. For this 62379
purpose, the individual may complete the program at any time 62380
during the calendar year. 62381

(D) Notwithstanding section 3301.012 of the Revised Code, 62382
as used in this section, "computer science courses" means any 62383
courses that are reported in the education management 62384
information system established under section 3301.0714 of the 62385
Revised Code as computer science courses and which are aligned 62386
to computer science standards adopted by the department of 62387
education and workforce. 62388

(E) The state board of education shall adopt rules to 62389
create a computer science teaching license for industry 62390

professionals to teach computer science to specific grades. The 62391
holder of a computer science teaching license for industry 62392
professionals shall be limited to teaching forty hours in a week 62393
in the subject area of computer science. The superintendent of 62394
public instruction shall consult with the chancellor of higher 62395
education in creating and revising the requirements for computer 62396
science teacher licensure. 62397

(F) Licenses issued under this section shall specify 62398
whether the educator is licensed to teach grades kindergarten 62399
through twelve, pre-kindergarten through five, grades four 62400
through nine, or grades seven through twelve. 62401

Sec. 3319.2310. (A) As used in this section, "other public 62402
school" has the same meaning as in section 3301.0711 of the 62403
Revised Code. 62404

(B) The department of education and workforce shall do 62405
both of the following: 62406

(1) Maintain a training course for licensed educators that 62407
serves as an introduction to the science of reading; 62408

(2) Develop a competency-based training course for 62409
licensed educators that updates and reinforces educators' 62410
knowledge and skills in the science of reading. 62411

(C) Each individual employed by a school district or other 62412
public school as a teacher, administrator, school psychologist, 62413
or speech-language pathologist shall complete training in the 62414
science of reading in accordance with division (C) of this 62415
section. 62416

(1) An individual hired by the district or other public 62417
school as a teacher or administrator prior to July 1, 2025, 62418
shall complete the training described in division (B) (2) of this 62419

section by June 30, 2030, and every five years thereafter. 62420

(2) An individual hired by the district or other public 62421
school as a teacher or administrator on or after July 1, 2025, 62422
shall complete the training described in division (B) (1) of this 62423
section within one year after the date of hire and shall 62424
complete the training described in division (B) (2) of this 62425
section every five years thereafter. However, an individual 62426
shall not be required to complete the training described in 62427
division (B) (1) of this section if the district superintendent 62428
or head administrator of the other public school has verified 62429
that the individual did either of the following within five 62430
years prior to the date of hire: 62431

(a) Completed that training or a similar training, as 62432
determined by the department; 62433

(b) Completed appropriate coursework in the science of 62434
reading as part of the individual's educator or licensure 62435
preparation program. 62436

(3) An individual employed by the district or other public 62437
school as a school psychologist or speech-language pathologist 62438
shall complete the training described in division (B) (1) of this 62439
section by June 30, 2027, and shall complete the training 62440
described in division (B) (2) of this section every five years 62441
thereafter. 62442

(D) A professional development committee established under 62443
section 3319.22 of the Revised Code shall count training 62444
described in division (B) of this section toward professional 62445
development requirements for educator licensure renewal. The 62446
committee shall permit an individual to apply any hours earned 62447
over the minimum amount of hours required for professional 62448

development coursework for licensure renewal to the next renewal 62449
period for that license. 62450

Sec. 3319.263. ~~Until July 1, 2028,~~ 62451
~~notwithstanding~~ Notwithstanding anything to the contrary in 62452
section 3319.26 of the Revised Code or any rule of the state 62453
board of education adopted under that section, the state board 62454
shall not limit the subject areas for which an individual may 62455
receive an alternative resident educator license issued under 62456
that section. 62457

Sec. 3319.29. Each application for any license, 62458
certificate, or permit under this chapter, or renewal or 62459
duplicate of such a license, certificate, or permit, shall be 62460
accompanied by the payment of a fee in the amount established 62461
under division ~~(A)~~ (B) of section 3319.51 of the Revised Code. 62462
Any fees received under this section shall be paid into the 62463
state treasury to the credit of the ~~state board of education~~ 62464
~~licensure fund established under division (B) of section 3319.51~~ 62465
occupational licensing and regulatory fund established in 62466
section 4743.05 of the Revised Code. 62467

Any person applying for or holding a license, certificate, 62468
or permit under this chapter is subject to sections 3123.41 to 62469
3123.50 of the Revised Code and any applicable rules adopted 62470
under section 3123.63 of the Revised Code and sections 3319.31 62471
and 3319.311 of the Revised Code. 62472

Sec. 3319.301. (A) As used in this section: 62473

(1) "Dropout prevention and recovery community school"— 62474
~~means a community school established under Chapter 3314. of the~~ 62475
~~Revised Code in which a majority of the students are enrolled in~~ 62476
~~a dropout prevention and recovery program that is operated by~~ 62477

the school has the same meaning as in section 3314.02 of the
Revised Code.

(2) "Industry-recognized credential program" means a
career-technical course in which a student may earn an industry-
recognized credential approved under section 3313.6113 of the
Revised Code.

(3) "STEM school" means a science, technology,
engineering, and mathematics school established under Chapter
3326. of the Revised Code.

(B) The state board of education shall issue permits to
individuals who are not licensed as required by sections 3319.22
to 3319.30 of the Revised Code, but who are otherwise qualified,
to teach classes for not more than a total of twelve hours a
week, except that an individual teaching in a STEM school or an
individual teaching an industry-recognized credential program
offered at a dropout prevention and recovery community school
may teach classes for not more than a total of forty hours a
week. The state board, by rule, shall set forth the
qualifications, other than licensure under sections 3319.22 to
3319.30 of the Revised Code, to be met by individuals in order
to be issued a permit as provided in this section. Such
qualifications shall include the possession of a baccalaureate,
master's, or doctoral degree in, or significant experience
related to, the subject the individual is to teach. For an
individual assigned to teach a career-technical class,
significant experience related to a subject shall include
career-technical experience. Applications for permits pursuant
to this section shall be made in accordance with section 3319.29
of the Revised Code. A permit issued under this section shall be
renewable.

The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage individuals holding permits issued under this section to teach classes for not more than the total number of hours a week specified in the permit. The rules shall include provisions with regard to each of the following:

(1) That a board of education or STEM school shall engage a nonlicensed individual to teach pursuant to this section on a volunteer basis, or by entering into a contract with the individual or the individual's employer on such terms and conditions as are agreed to between the board or school and the individual or the individual's employer;

(2) That an employee of the board of education or STEM school who is licensed under sections 3319.22 to 3319.30 of the Revised Code shall directly supervise a nonlicensed individual who is engaged to teach pursuant to this section until the superintendent of the school district or the chief administrative officer of the STEM school is satisfied that the nonlicensed individual has sufficient understanding of, and experience in, effective teaching methods to teach without supervision.

(C) A nonlicensed individual engaged to teach pursuant to this section is a teacher for the purposes of Title XXXIII of the Revised Code except for the purposes of Chapters 3307. and 3317. and sections 3319.07 to 3319.31 of the Revised Code. Such an individual is not an employee of the board of education or STEM school for the purpose of Titles I or XLI or Chapter 3309. of the Revised Code.

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder

shall receive the same credit as if the class had been taught by 62538
an employee licensed pursuant to sections 3319.22 to 3319.30 of 62539
the Revised Code. 62540

(E) No board of education of any school district shall 62541
engage any one or more nonlicensed individuals if such 62542
employment displaces from employment an existing licensed 62543
employee of the district. 62544

(F) Chapter 4796. of the Revised Code does not apply to 62545
permits issued under this section. 62546

Sec. 3319.311. (A) (1) The state board of education, or the 62547
superintendent of public instruction on behalf of the board, may 62548
investigate any information received about a person that 62549
reasonably appears to be a basis for action under section 62550
3319.31 of the Revised Code, including information received 62551
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 62552
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 62553
provided in division (A) (2) of this section, the board shall 62554
contract with the office of the Ohio attorney general to conduct 62555
any investigation of that nature. The board shall pay for the 62556
costs of the contract only from moneys in the ~~state board of~~ 62557
~~education licensure fund established under section 3319.51 of~~ 62558
occupational licensing and regulatory fund established in 62559
section 4743.05 of the Revised Code. Except as provided in 62560
division (A) (2) of this section, all information received 62561
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 62562
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 62563
information obtained during an investigation is confidential and 62564
is not a public record under section 149.43 of the Revised Code. 62565
If an investigation is conducted under this division regarding 62566
information received about a person and no action is taken 62567

against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, or a conviction of an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct occurring in a jurisdiction outside this state, the board or the superintendent of public instruction need not conduct any further investigation and shall take the action required by division (C) or (F) of that section. Except as provided in division (G) of this section, all information obtained by the board or the superintendent of public instruction pertaining to the action is a public record under section 149.43 of the Revised Code.

(B) The superintendent of public instruction shall review the results of each investigation of a person conducted under division (A)(1) of this section and shall determine, on behalf of the state board, whether the results warrant initiating action under division (B) of section 3319.31 of the Revised Code. The superintendent shall advise the board of such determination at a meeting of the board. Within fourteen days of the next meeting of the board, any member of the board may ask that the question of initiating action under section 3319.31 of the Revised Code be placed on the board's agenda for that next meeting. Prior to initiating that action against any person, the person's name and any other personally identifiable information shall remain confidential.

(C) The board shall take no action against a person under

division (B) of section 3319.31 of the Revised Code without 62598
providing the person with written notice of the charges and with 62599
an opportunity for a hearing in accordance with Chapter 119. of 62600
the Revised Code. 62601

(D) For purposes of an investigation under division (A) (1) 62602
of this section or a hearing under division (C) of this section 62603
or under division (E) (2) of section 3319.31 of the Revised Code, 62604
the board, or the superintendent on behalf of the board, may 62605
administer oaths, order the taking of depositions, issue 62606
subpoenas, and compel the attendance of witnesses and the 62607
production of books, accounts, papers, records, documents, and 62608
testimony. The issuance of subpoenas under this division may be 62609
by certified mail, regular mail with a certificate of mailing, 62610
or other form of delivery with proof of delivery, including 62611
electronic delivery with electronic proof of delivery, or 62612
personal delivery to the person. 62613

(E) The superintendent, on behalf of the board, may enter 62614
into a consent agreement with a person against whom action is 62615
being taken under division (B) of section 3319.31 of the Revised 62616
Code. The board may adopt rules governing the superintendent's 62617
action under this division. 62618

(F) No surrender of a license shall be effective until the 62619
board takes action to accept the surrender unless the surrender 62620
is pursuant to a consent agreement entered into under division 62621
(E) of this section. 62622

(G) The name of any person who is not required to report 62623
information under section 3314.40, 3319.313, 3326.24, 3328.19, 62624
5126.253, or 5153.176 of the Revised Code, but who in good faith 62625
provides information to the state board or superintendent of 62626
public instruction about alleged misconduct committed by a 62627

person who holds a license or has applied for issuance or 62628
renewal of a license, shall be confidential and shall not be 62629
released. Any such person shall be immune from any civil 62630
liability that otherwise might be incurred or imposed for 62631
injury, death, or loss to person or property as a result of the 62632
provision of that information. 62633

(H) (1) No person shall knowingly make a false report to 62634
the superintendent of public instruction or the state board of 62635
education alleging misconduct by an employee of a public or 62636
chartered nonpublic school or an employee of the operator of a 62637
community school established under Chapter 3314. or a college- 62638
preparatory boarding school established under Chapter 3328. of 62639
the Revised Code. 62640

(2) (a) In any civil action brought against a person in 62641
which it is alleged and proved that the person violated division 62642
(H) (1) of this section, the court shall award the prevailing 62643
party reasonable attorney's fees and costs that the prevailing 62644
party incurred in the civil action or as a result of the false 62645
report that was the basis of the violation. 62646

(b) If a person is convicted of or pleads guilty to a 62647
violation of division (H) (1) of this section, if the subject of 62648
the false report that was the basis of the violation was charged 62649
with any violation of a law or ordinance as a result of the 62650
false report, and if the subject of the false report is found 62651
not to be guilty of the charges brought against the subject as a 62652
result of the false report or those charges are dismissed, the 62653
court that sentences the person for the violation of division 62654
(H) (1) of this section, as part of the sentence, shall order the 62655
person to pay restitution to the subject of the false report, in 62656
an amount equal to reasonable attorney's fees and costs that the 62657

subject of the false report incurred as a result of or in 62658
relation to the charges. 62659

Sec. 3319.51. ~~(A)(1)~~ (A) As used in this section, 62660
"operating expenses" includes the cost of administering 62661
requirements related to the issuance and renewal of licenses, 62662
certificates, or permits described in this chapter and sections 62663
3301.071 and 3301.074 of the Revised Code and any other cost 62664
incurred by the state board of education to perform a duty 62665
prescribed by law. 62666

(B) The state board of education shall annually establish 62667
the amount of the fees required to be paid for any license, 62668
certificate, or permit issued under this chapter or division (B) 62669
of section 3301.071 or section 3301.074 of the Revised Code. 62670
Except as provided in division ~~(A)(2)~~ (C) of this section, the 62671
amount of these fees shall be such that they, along with any 62672
appropriation made ~~to the fund established under division (B) of~~ 62673
~~this section~~ by the general assembly, will be sufficient to 62674
cover the annual estimated cost of administering the 62675
~~requirements related to the issuance and renewal of licenses,~~ 62676
~~certificates, and permits described in this chapter and sections~~ 62677
~~3301.071 and 3301.074 of the Revised Code~~ operating expenses of 62678
the state board. 62679

~~(2)~~ (C) The state board shall not require any fee to be 62680
paid under division ~~(A)(1)~~ (B) of this section for a license, 62681
certificate, or permit issued for the purpose of teaching in a 62682
junior reserve officer training corps (JROTC) program approved 62683
by the congress of the United States under title 10 of the 62684
United States Code.— 62685

~~(B) There is hereby established in the state treasury the~~ 62686
~~state board of education licensure fund, which shall be used by~~ 62687

~~the state board of education to pay the state board's operating~~ 62688
~~expenses, including any cost incurred to perform a duty~~ 62689
~~prescribed by law and the cost of administering requirements~~ 62690
~~related to the issuance and renewal of licenses, certificates,~~ 62691
~~and permits described in this chapter and sections 3301.071 and~~ 62692
~~3301.074 of the Revised Code. The fund shall consist of the~~ 62693
~~amounts paid into the fund pursuant to division (B) of section~~ 62694
~~3301.071 and sections 3301.074 and 3319.29 of the Revised Code~~ 62695
~~and any appropriations to the fund by the general assembly.~~ 62696

(D) The operating expenses of the state board shall be 62697
paid primarily from, and all license, certificate, or permit 62698
fees received by the state board shall be deposited in, the 62699
state treasury to the credit of the occupational licensing and 62700
regulatory fund established in section 4743.05 of the Revised 62701
Code. 62702

Sec. 3320.04. Each school district board of education 62703
shall adopt a policy that reasonably accommodates the sincerely 62704
held religious beliefs and practices of individual students with 62705
regard to all examinations or other academic requirements and 62706
absences for reasons of faith or religious or spiritual belief 62707
system. The policy shall satisfy all of the following 62708
conditions: 62709

(A) The policy shall permit a student in any of grades 62710
kindergarten through twelve to be absent for up to three 62711
religious expression days each school year to take holidays for 62712
reasons of faith or religious or spiritual belief system or 62713
participate in organized activities conducted under the auspices 62714
of a religious denomination, church, or other religious or 62715
spiritual organization. The district shall not impose an 62716
academic penalty as a result of a student being absent as 62717

permitted in the policy. The policy shall also permit students 62718
to participate in interscholastic athletics or other 62719
extracurricular activities on days in which the student was 62720
otherwise absent for a religious expression day. 62721

(B) (1) The policy shall require that students be provided 62722
with alternative accommodations with regard to examinations and 62723
other academic requirements missed due to an absence described 62724
in division (A) of this section if not later than fourteen 62725
school days after the first day of school, or fourteen school 62726
days after the date of enrollment for a student who transfers to 62727
or enrolls in the district after the first day of school, the 62728
parent or guardian of a student provides the school principal 62729
with written notice of up to three specific dates for which 62730
alternative accommodations are requested, if an absence approved 62731
under division (B) (2) of this section conflicts with an 62732
examination or other academic requirement on that date. 62733

(2) The school principal shall approve not more than three 62734
written requests per school year from a student's parent or 62735
guardian for an excused absence under division (A) of this 62736
section. The school principal shall approve such requests 62737
without inquiry into the sincerity of a student's religious or 62738
spiritual belief system. However, the school principal may 62739
verify a request received under division (A) of this section by 62740
contacting the parent or guardian whose signature appears on the 62741
request. If a parent or guardian disputes having signed such a 62742
request, the school principal may deny the request. Upon 62743
approval of a request that satisfies division (B) (1) of this 62744
section, a school principal shall require the appropriate 62745
classroom teacher or teachers to schedule a time and date for an 62746
alternative examination or other academic requirement if the 62747
approved student absence creates a conflict, which may be before 62748

or after the time and date the examination or other academic 62749
requirement was originally scheduled. 62750

(C) The policy shall require the district board to post 62751
both of the following in a prominent location on the district's 62752
web site: 62753

(1) A copy of the policy adopted under this section, which 62754
shall include the contact information of an individual who can 62755
provide further information about the policy; 62756

(2) A nonexhaustive list of major religious holidays, 62757
festivals, and religious observations, which may include, Eid, 62758
Good Friday, Rosh Hashanah, Yom Kippur, and Passover, for which 62759
an excused absence under this section shall not be unreasonably 62760
withheld or denied. 62761

The director of education and workforce shall provide each 62762
district with a nonexhaustive list of major religious holidays 62763
or festivals for the next two school years, including Eid, Good 62764
Friday, Rosh Hashanah, Yom Kippur, and Passover, at the 62765
beginning of each school year. Each district may adopt the 62766
director's list in its entirety or choose which holidays to 62767
include on its list. 62768

Each time a district's policy is posted, printed, or 62769
published, including as described in divisions (C) and (D) of 62770
this section, the district shall include a statement that the 62771
list is nonexhaustive, and the list may not be used to deny 62772
accommodation to a student for a holiday or festival of the 62773
student's faith or religious or spiritual belief system that 62774
does not appear on the list. 62775

Nothing in this section, and no inclusion or exclusion of 62776
a religious holiday or festival on the list posted by a 62777

district, shall preclude a student from full and reasonable accommodations for any sincerely held religious beliefs and practices with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system provided under this section.

(D) The policy shall require school districts annually to convey to parents and guardians the policy adopted under this section, including a description of the general procedure for requesting accommodations. The manner in which the school district conveys the information shall be determined at the discretion of the district.

(E) The policy shall include a procedure under which a student, parent, or guardian may notify the district of any grievance with regard to the implementation of the policy required under this section.

(F) Any days excused under this section shall not be considered in determining absence hours for the purposes of parental notification under ~~division (C)(1) of~~ section 3321.191 of the Revised Code.

Sec. 3321.16. (A) An attendance officer or assistant provided for by section 3321.14 or 3321.15 of the Revised Code may investigate any case of nonattendance at school or part-time school of a child under eighteen years of age or supposed to be under eighteen years of age resident in the district for which such attendance officer or assistant is employed, or of any such child found in the district or enrolled in any school within the district and of any child above eighteen years of age if enrolled in any school within the district, and may take such action as the superintendent of schools directs or as such attendance officer or assistant deems proper in the absence of

specific direction.

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(B) (1) Subject to divisions (B) (2) and (3) of this
section, the attendance officer shall file a complaint in the
juvenile court against a student on the sixty-first day after
the implementation of an absence intervention plan or other
intervention strategies, provided that all any student to which
any of the following apply:

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(a) The student was absent without legitimate excuse from
the public school the child is supposed to attend for thirty or
more consecutive hours~~7~~.

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(b) The student was absent without legitimate excuse from
the public school the child is supposed to attend for forty-two
or more hours in one school month~~7~~ or.

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(c) The student was absent without legitimate excuse from
the public school the child is supposed to attend for seventy-
two or more hours in a school year.

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~~(b) The school district or school has made meaningful
attempts to re-engage the student through the absence
intervention plan, other intervention strategies, and any
offered alternatives to adjudication described under division
(C) (2) (b) of section 3321.191 of the Revised Code.~~

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~~(c) The student has refused to participate in or failed to
make satisfactory progress on the plan, as determined by the
absence intervention team, or any offered intervention
strategies or alternative to adjudication.~~

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(2) If the student, at any time during the implementation
phase of the absence intervention plan or other intervention
strategies, is absent without legitimate excuse for thirty or
more consecutive hours or forty-two or more hours in one school

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month, the attendance officer shall file a complaint in juvenile 62837
court against that student, unless the absence intervention team 62838
has determined that the student has made substantial progress on 62839
the absence intervention plan student's district or school 62840
determines that the student and the student's family are making 62841
satisfactory progress in improving the student's attendance at 62842
school, the attendance officer shall not file a complaint. 62843

(3) ~~In the event that the sixty-first day after the~~ 62844
~~implementation of the absence intervention plan or other~~ 62845
~~intervention strategies falls on a day during the summer months,~~ 62846
~~in the school district's discretion, the absence intervention~~ 62847
~~team or the attendance officer may extend the implementation of~~ 62848
~~the plan and delay the filing of the complaint for an additional~~ 62849
~~thirty days from the first day of instruction of the next school~~ 62850
~~year.~~ If no determination of progress under division (B) (2) of 62851
this section is made, or if the student and the student's family 62852
cease to continue making progress in improving the student's 62853
attendance, the attendance officer shall file a complaint in the 62854
juvenile court against the student. 62855

A complaint filed in the juvenile court under division 62856
(B) (3) of this section shall allege that the child is an unruly 62857
child for being a habitual truant and that the parent, guardian, 62858
or other person having care of the child has violated section 62859
3321.38 of the Revised Code. 62860

Sec. 3321.19. (A) As used in this section and section 62861
~~3321.191~~ 3321.16 of the Revised Code, "habitual truant" has the 62862
same meaning as in section 2151.011 of the Revised Code. 62863

(B) When a board of education of any city, exempted 62864
village, local, joint vocational, or cooperative education 62865
school district or the governing board of any educational 62866

service center determines that a student in its district has 62867
been truant and the parent, guardian, or other person having 62868
care of the child has failed to cause the student's attendance 62869
at school, the board may require the parent, guardian, or other 62870
person having care of the child pursuant to division (B) of this 62871
section to attend an educational program established pursuant to 62872
rules adopted by the department of education and workforce for 62873
the purpose of encouraging parental involvement in compelling 62874
the attendance of the child at school. 62875

No parent, guardian, or other person having care of a 62876
child shall fail without good cause to attend an educational 62877
program described in this division if the parent, guardian, or 62878
other person has been served notice pursuant to division (C) of 62879
this section. 62880

(C) On the request of the superintendent of schools, the 62881
superintendent of any educational service center, the board of 62882
education of any city, exempted village, local, joint 62883
vocational, or cooperative education school district, or the 62884
governing board of any educational service center or when it 62885
otherwise comes to the notice of the attendance officer or other 62886
appropriate officer of the school district, the attendance 62887
officer or other appropriate officer shall examine into any case 62888
of supposed truancy within the district and shall warn the 62889
child, if found truant, and the child's parent, guardian, or 62890
other person having care of the child, in writing, of the legal 62891
consequences of being truant. When any child of compulsory 62892
school age, in violation of law, is not attending school, the 62893
attendance or other appropriate officer shall notify the parent, 62894
guardian, or other person having care of that child of the fact, 62895
and require the parent, guardian, or other person to cause the 62896
child to attend school immediately. The parent, guardian, or 62897

other person having care of the child shall cause the child's attendance at school. Upon the failure of the parent, guardian, or other person having care of the child to do so, the attendance officer or other appropriate officer, if so directed by the superintendent, the district board, or the educational service center governing board, shall send notice requiring the attendance of that parent, guardian, or other person at a parental education program established pursuant to division (B) of this section and, ~~subject to divisions (D) and (E) of this section,~~ may file a complaint against the parent, guardian, or other person having care of the child in any court of competent jurisdiction.

~~(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code.~~

~~(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.~~

~~(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.~~

Sec. 3321.191. (A) As used in this section, "chronically absent" means missing at least ten per cent of the minimum number of hours required in the school year under section 3313.48 of the Revised Code for the school a student attends.

(B) Not later than August 1, 2026, the board of education of each school district shall adopt a policy to address student absences. In developing the policy, the board shall consult with the juvenile court of the county or counties in which the district is located; the parents, guardians, or other persons having care of a student attending school in the district; and appropriate state and local agencies.

(C) The policy adopted under division (B) of this section shall do all of the following:

(1) Acknowledge that student absences from school for any reason, whether excused or unexcused, take away from instructional time and have an adverse effect on student

learning; 62959

(2) Identify strategies to prevent students from becoming 62960
chronically absent; 62961

(3) Include procedures for notifying a student's parent, 62962
guardian, or custodian when the student has been absent from 62963
school for a number of hours determined by the board, which 62964
number shall not exceed five per cent of the minimum number of 62965
hours required in the school year under section 3313.48 of the 62966
Revised Code for the school the student attends; 62967

(4) Establish a tiered system that provides more intensive 62968
interventions and supports for students with greater numbers of 62969
absences and includes resources to help students and their 62970
families address the root causes of the absences; 62971

(5) Provide for one or more absence intervention teams to 62972
work with students at risk of becoming chronically absent and 62973
their families to improve the students' attendance at school; 62974

(6) Prohibit suspending, expelling, or otherwise 62975
preventing a student from attending school based on the 62976
student's absences as prescribed by section 3313.668 of the 62977
Revised Code. 62978

(D) The policy shall align with any other district or 62979
school improvement plan developed pursuant to state or federal 62980
law. 62981

(E) A district or school may consult or partner with 62982
public, nonprofit, or private entities to provide assistance as 62983
appropriate to students and their families in reducing absences. 62984

Sec. 3321.22. ~~(A) Except as provided in division (B) of~~ 62985
~~this section, if~~If a complaint is filed against the parent, 62986

guardian, or other person in charge of a child for a failure to 62987
cause the child to attend school or a part-time school or class 62988
and if the parent, guardian, or other person proves an inability 62989
to do so, then the parent, guardian, or other person in charge 62990
of a child shall be discharged. Upon the discharge, the 62991
attendance officer shall file a complaint before the judge of 62992
the juvenile court of the county alleging that the child is a 62993
delinquent child, unruly child, or dependent child within the 62994
meaning of section 2151.022, 2151.04, or 2152.02 of the Revised 62995
Code. The judge shall hear the complaint and if the judge 62996
determines that the child is a delinquent, unruly, or dependent 62997
child within one of those sections the judge shall deal with the 62998
child according to section 2151.35 or 2151.36 of the Revised 62999
Code. 63000

~~(B) Division (A) of this section does not apply regarding 63001~~
~~a complaint filed under division (D) or (E) of section 3321.19 63002~~
~~of the Revised Code or otherwise filed and alleging that a child 63003~~
~~is an habitual truant. 63004~~

Sec. 3323.25. (A) As used in this section and section 63005
3323.251 of the Revised Code: 63006

(1) "Dyslexia" means a specific learning disorder that is 63007
neurological in origin and that is characterized by unexpected 63008
difficulties with accurate or fluent word recognition and by 63009
poor spelling and decoding abilities not consistent with the 63010
person's intelligence, motivation, and sensory capabilities, 63011
which difficulties typically result from a deficit in the 63012
phonological component of language. 63013

(2) "Appropriate certification" means either of the 63014
following: 63015

- (a) Certification at a certified level, or higher, from a research-based, structured literacy program; 63016
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- (b) Any other certification as recognized by a majority vote of the Ohio dyslexia committee. 63018
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- (B) (1) The department of education and workforce shall establish the Ohio dyslexia committee which shall consist of the following members: 63020
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- (a) A school district superintendent appointed by the director of education and workforce; 63023
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- (b) An elementary school principal appointed by the director; 63025
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- (c) A classroom teacher appointed by the director. The teacher shall have an appropriate certification and at least two years of experience teaching in a structured literacy program. 63027
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- (d) An educational service center employee appointed by the director. The employee shall have an appropriate certification. 63030
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- (e) An employee of the department appointed by the director; 63033
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- (f) A parent of a child with dyslexia or an adult with dyslexia appointed by the international dyslexia association in Ohio; 63035
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- (g) An individual with experience in higher education and teacher preparation programs appointed by the chancellor of higher education. The individual appointed by the chancellor shall have an appropriate certification. 63038
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- (h) A board member of the international dyslexia 63042

association in Ohio appointed by the international dyslexia 63043
association in Ohio. The board member shall have an appropriate 63044
certification. 63045

(i) A school psychologist appointed by the director; 63046

(j) A reading intervention specialist appointed by the 63047
director. The reading intervention specialist shall have an 63048
appropriate certification. 63049

(k) A speech-language pathologist appointed by the state 63050
speech and hearing professionals board. The speech-language 63051
pathologist shall have an appropriate certification. 63052

(2) Each appointing authority shall determine a selection 63053
process for the appointments under this section. Each appointing 63054
authority that is not the director shall make and submit to the 63055
department each appointment prescribed under this section. 63056
Members of the committee shall serve at the pleasure of their 63057
appointing authority. 63058

(3) An individual may be appointed to the committee 63059
without required certification or experience if the appointing 63060
authority determines that the individual has sufficient 63061
experience in the individual's respective field. 63062

(4) The director shall convene the first meeting of the 63063
committee within thirty days after nine members have been 63064
appointed to the committee. At the first meeting, members of the 63065
committee shall elect one of the members as chairperson. 63066

(5) The department shall provide facilities for the 63067
meetings of the committee. 63068

(C) (1) Not later than December 31, 2021, the Ohio dyslexia 63069
committee shall develop a guidebook regarding the best practices 63070

and methods for universal screening, intervention, and 63071
remediation for children with dyslexia or children displaying 63072
dyslexic characteristics and tendencies using a structured 63073
literacy program. 63074

(2) The committee shall provide an opportunity for public 63075
input when developing the guidebook, in the manner determined by 63076
the committee. 63077

(3) Prior to its distribution, the guidebook shall be 63078
subject to final approval by the department. 63079

(4) The guidebook shall be developed and issued to 63080
districts and schools in an electronic format. After the initial 63081
development of the guidebook, the Ohio dyslexia committee shall 63082
update the guidebook as necessary. 63083

(D) The department, in collaboration with the Ohio 63084
dyslexia committee, shall do all of the following: 63085

(1) Provide structured literacy program professional 63086
development for teachers in evidence-based dyslexia screening 63087
and intervention practices for the purposes of section 3319.077 63088
of the Revised Code. 63089

(2) Assist school districts and other public schools in 63090
establishing multidisciplinary teams to support the 63091
identification, intervention, and remediation of dyslexia; 63092

(3) Develop reporting mechanisms for districts and schools 63093
to submit to the department the information and data required in 63094
the guidebook developed under this section; 63095

(4) Develop academic standards for kindergarten in reading 63096
and writing that incorporate a structured literacy program; 63097

(5) Provide on the department's web site information about 63098

training for teachers about dyslexia that is available at 63099
minimal or no cost. 63100

~~(E)~~(E) (1) The department, in collaboration with the Ohio 63101
dyslexia committee, shall identify reliable, valid, universal, 63102
and evidence-based screening and intervention measures that 63103
evaluate the literacy skills of students enrolled in grades 63104
kindergarten through five using a structured literacy program. 63105

(2) The department shall identify a tier one dyslexia 63106
screening measure that adheres to the technical criteria for 63107
assessments as outlined in the Ohio dyslexia guidebook and 63108
approved by the Ohio dyslexia committee not later than January 63109
1, 2026, and make that screening measure available at no cost to 63110
districts and schools. Beginning with the 2026-2027 school year, 63111
districts and schools shall use the tier one screening measure 63112
provided under this division to satisfy the screening 63113
requirements prescribed under section 3323.251 of the Revised 63114
Code. 63115

(F) The Ohio dyslexia committee may do any of the 63116
following: 63117

(1) Recommend appropriate ratios in school buildings for 63118
students to teachers who have received certification in 63119
identifying and addressing dyslexia; 63120

(2) Recommend which other school personnel, including 63121
school psychologists or speech-language pathologists, should 63122
receive certification in identifying and addressing dyslexia; 63123

(3) Consider and make recommendations regarding whether 63124
professional development required under section 3319.077 of the 63125
Revised Code should require the completion of a practicum. 63126

Sec. 3323.251. (A) Each school district and other public 63127

school shall do all of the following: 63128

(1) ~~For the 2023-2024 school year, administer~~ Administer a 63129
tier one dyslexia screening measure to a student to whom ~~either~~ 63130
any of the following applies: 63131

(a) The student is enrolled in ~~any of grades kindergarten-~~ 63132
~~through three, or the student transfers into the district or~~ 63133
~~school midyear and is enrolled in any of grades kindergarten-~~ 63134
~~through three. A screening measure~~ Not later than the twenty- 63135
eighth day of February of each school year, a screening measure 63136
shall be administered to ~~a student~~ each student enrolled in 63137
~~kindergarten after January 1, 2024, but prior to January 1,~~ 63138
~~2025. The screening measure shall be administered to each~~ 63139
student enrolled in kindergarten who transfers into the district 63140
or school following the administration of a screening measure 63141
for the student's class not later than twenty school days after 63142
enrollment. 63143

(b) The student is enrolled in any of grades one through 63144
three. Not later than the thirtieth day of September of each 63145
school year, a screening measure shall be administered to 63146
students enrolled in grades one through three. Each student 63147
enrolled in any of grades one through three that transfers into 63148
the district or school shall be administered the screening 63149
measure not later than twenty school days after enrollment. 63150

(c) The student is enrolled in any of grades four through 63151
six, or the student transfers into the district or school 63152
~~midyear and is enrolled in any of grades four through six, and~~ 63153
~~either of the following applies:~~ 63154

~~(i) The~~ the student's parent, guardian, ~~or~~ or 63155
classroom teacher requests that the screening measure be 63156

administered to the student. The screening measure shall be 63157
administered within twenty school days after receipt of the 63158
request. 63159

~~(ii) A classroom teacher requests that the screening~~ 63160
~~measure be administered to the student and the student's parent,~~ 63161
~~guardian, or custodian grants permission for the screening~~ 63162
~~measure to be administered.~~ 63163

~~A school district may implement the screening under~~ 63164
~~division (A) (1) of this section prior to the 2023-2024 school~~ 63165
~~year.~~ 63166

No district or school shall be required to administer a 63167
tier one dyslexia screening measure under division (A) (1) of 63168
this section to a student that transfers into the district or 63169
school if the student's records indicate that such a screening 63170
was administered to the student by the district or school from 63171
which the student transferred during that same school year, 63172
unless the screening measure is requested by the student's 63173
parent, guardian, custodian, or classroom teacher. 63174

A screening measure administered under division (A) (1) of 63175
this section shall be aligned to the grade level in which the 63176
student is enrolled at the time the screening is administered. 63177

~~(2) For the 2024-2025 school year and each school year~~ 63178
~~thereafter, administer a tier one dyslexia screening measure to~~ 63179
~~a student to whom either of the following applies:~~ 63180

~~(a) A student enrolled in kindergarten, or a student who~~ 63181
~~transfers into the district or school midyear and is enrolled in~~ 63182
~~kindergarten. A screening measure shall be administered to a~~ 63183
~~student after the first day of January of the school year in~~ 63184
~~which the student is enrolled in kindergarten and prior to the~~ 63185

~~first day of January of the following school year.~~ 63186

~~(b) A student enrolled in any of grades one through six,~~ 63187
~~or a student who transfers into the district or school midyear~~ 63188
~~and is enrolled in any of grades one through six, if either of~~ 63189
~~the following applies:—~~ 63190

~~(i) The student's parent, guardian, or custodian requests~~ 63191
~~that the screening measure be administered to the student.~~ 63192

~~(ii) A classroom teacher requests that the screening~~ 63193
~~measure be administered to the student and the student's parent,~~ 63194
~~guardian, or custodian grants permission for the screening~~ 63195
~~measure to be administered.~~ 63196

~~A district or school may administer a tier two dyslexia~~ 63197
~~screening measure to a student to whom the district or school~~ 63198
~~administers a tier one screening measure under division (A)(1)~~ 63199
~~or (2) of this section. In that case, a district or school shall~~ 63200
~~not be required to complete division (A)(4) of this section.~~ 63201

~~A screening measure administered under division (A)(2) of~~ 63202
~~this section shall be aligned to the grade level in which the~~ 63203
~~student is enrolled at the time the screening is administered.~~ 63204

~~(3) Identify each student that is at risk of dyslexia~~ 63205
~~based on the student's results on the tier one screening measure~~ 63206
~~and notify the student's parent, guardian, or custodian that the~~ 63207
~~student has been identified as being at risk within thirty days~~ 63208
~~following the administration of the screening measure.~~ 63209

~~(4) Monitor the progress of each at-risk student toward~~ 63210
~~attaining grade-level reading and writing skills for up to six~~ 63211
~~weeks. The district or school shall check each at-risk student's~~ 63212
~~progress on at least the second week, fourth week, and sixth~~ 63213
~~week after the student is identified as being at risk. If no~~ 63214

~~progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student~~ 63215
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(3) Not later than thirty days following notification 63219
under division (A) (2) of this section, administer an 63220
intervention-based diagnostic assessment to a student identified 63221
as being at risk. 63222

~~(5)~~ (4) Report to a student's parent or guardian the 63223
student's results ~~on a tier two screening measure approved by~~ 63224
~~the Ohio dyslexia committee on an intervention-based diagnostic~~ 63225
~~assessment within thirty-fourteen days after the measure's~~ 63226
~~assessment's~~ administration. If, as determined by the ~~tier two~~ 63227
~~screening measure~~ intervention-based diagnostic assessment, the 63228
student is identified as having dyslexia ~~tendencies~~ markers, the 63229
student's parent or guardian shall be provided with information 63230
about reading development, the risk factors for dyslexia, and 63231
descriptions for evidenced-based interventions. 63232

~~(6)~~ (5) If a student demonstrates markers for dyslexia, 63233
provide the student's parents or guardian with a written 63234
explanation of the district or school's structured literacy 63235
program. 63236

~~(B) (1) In the case of a transfer student described in~~ 63237
~~division (A) (1) or (2) of this section, the following apply:~~ 63238

~~(a) If the student is enrolled in kindergarten, a tier one~~ 63239
~~dyslexia screening measure shall be administered to the student~~ 63240
~~during the school's regularly scheduled screening of the~~ 63241
~~kindergarten class or within thirty days after the student's~~ 63242
~~enrollment if so required under this section, or within thirty~~ 63243

~~days after the student's parent, guardian, or custodian requests~~ 63244
~~the screening or grants permission for a screening.~~ 63245

~~(b) If the student is enrolled in any of grades one~~ 63246
~~through six, a tier one dyslexia screening measure shall be~~ 63247
~~administered to the student within thirty days after the~~ 63248
~~student's enrollment if so required under this section, or~~ 63249
~~within thirty days after the student's parent, guardian, or~~ 63250
~~custodian requests the screening under division (A) (1) (b) (i) or~~ 63251
~~(A) (2) (b) (i) of this section or grants permission for the~~ 63252
~~screening under division (A) (1) (b) (ii) or (A) (2) (b) (ii) of this~~ 63253
~~section.~~ 63254

~~(c) No district or school shall be required to administer~~ 63255
~~a tier one dyslexia screening measure to a student who transfers~~ 63256
~~into the district or school midyear if the student's records~~ 63257
~~indicate that such a screening was administered to the student~~ 63258
~~by the district or school from which the student transferred~~ 63259
~~during that school year.~~ 63260

~~(2) If a student is identified as being at risk of~~ 63261
~~dyslexia under division (B) (1) of this section, the district or~~ 63262
~~school shall administer a tier two screening measure in a timely~~ 63263
~~manner.~~ 63264

~~(C)~~ (6) Initiate structured literacy instruction and 63265
interventions and monitor the progress of each student that was 63266
identified as having dyslexia markers to ensure the student is 63267
moving toward attaining grade-level reading and writing skills. 63268
Regular and ongoing progress monitoring, the intensity of 63269
structured literacy instruction needed for each student, and 63270
data analysis of student progress shall be determined by 63271
multidisciplinary teams as outlined in division (B) (3) of this 63272
section, in consultation with practices as outlined in Ohio's 63273

dyslexia guidebook. Nothing in this section shall be construed 63274
to limit, restrict, delay, or otherwise deter a student- or 63275
district-level team from suspecting a disability or otherwise 63276
referring a student for an evaluation for special education 63277
eligibility under section 3323.03 of the Revised Code. 63278

(B) Each district or school shall do all of the following: 63279

(1) Comply with any provisions that are statutorily 63280
required, as they pertain to the guidebook developed under 63281
division (C) of section 3323.25 of the Revised Code; 63282

(2) Select screening and intervention measures to 63283
administer to students from the measures identified under 63284
division (E) of section 3323.25 of the Revised Code; 63285

(3) Establish and maintain a multidisciplinary team to 63286
administer screening and intervention measures and analyze the 63287
results of the measures. The team shall include trained and 63288
certified personnel and a stakeholder with expertise in the 63289
identification, intervention, and remediation of dyslexia. 63290

(4) Report to the department of education and workforce 63291
the results of screening measures administered under this 63292
section. 63293

In addition, districts and schools ~~may~~ shall utilize any 63294
best practices and recommendations contained in the guidebook 63295
developed under division (C) of section 3323.25 of the Revised 63296
Code. 63297

Sec. 3323.32. ~~(A)~~—The department of education and 63298
workforce shall contract with an entity to administer programs 63299
and coordinate services for infants, preschool and school-age 63300
children, and adults with autism and low incidence disabilities. 63301
The entity shall be selected by the director of education and 63302

workforce in consultation with the director of children and 63303
youth and the advisory board established under section 3323.33 63304
of the Revised Code. 63305

When applicable, the department of children and youth 63306
shall contract with an entity to administer programs and 63307
coordinate services for infants, preschool and school-age 63308
children, and adults with autism and low incidence disabilities. 63309
The entity shall be selected by the director of children and 63310
youth in consultation with the director of education and 63311
workforce and the advisory board established under section 63312
3323.33 of the Revised Code. 63313

~~The contract with the entity selected~~ Any contract entered 63314
into under this section shall include, but not be limited to, 63315
the following provisions: 63316

~~(1)~~ (A) A description of the programs to be administered 63317
and services to be provided or coordinated by the entity, which 63318
shall include at least the duties prescribed by sections 3323.34 63319
and 3323.35 of the Revised Code; 63320

~~(2)~~ (B) A description of the expected outcomes from the 63321
programs administered and services provided or coordinated by 63322
the entity; 63323

~~(3)~~ (C) A stipulation that the entity's performance is 63324
subject to evaluation by the contracting department and renewal 63325
of the entity's contract is subject to the department's 63326
satisfaction with the entity's performance; 63327

~~(4)~~ (D) A description of the measures and milestones the 63328
contracting department will use to determine whether the 63329
performance of the entity is satisfactory; 63330

~~(5)~~ (E) Any other provision the contracting department 63331

determines is necessary to ensure the quality of services to 63332
individuals with autism and low incidence disabilities. 63333

~~(B) In selecting the entity under division (A) of this 63334
section, the director of education and workforce, the director 63335
of children and youth, and the advisory board shall give primary 63336
consideration to the Ohio Center for Autism and Low Incidence, 63337
established under section 3323.31 of the Revised Code, as long 63338
as the principal goals and mission of the Center, as determined 63339
by the director, the director, and the advisory board, are 63340
consistent with the requirements of divisions (A) (1) to (5) of 63341
this section. 63342~~

Sec. 3325.08. (A) A diploma shall be granted by the 63343
superintendent of Ohio deaf and blind education services to any 63344
student enrolled in the state school for the blind or the state 63345
school for the deaf to whom all of the following apply: 63346

(1) The student has successfully completed the curriculum 63347
in any high school or the individualized education program 63348
developed for the student for the student's high school 63349
education pursuant to section 3323.08 of the Revised Code; 63350

(2) Subject to section 3313.614 of the Revised Code, the 63351
student has met the assessment requirements of division (A) (2) 63352
(a) or (b) of this section, as applicable. 63353

(a) If the student entered the ninth grade prior to July 63354
1, 2014, the student either: 63355

(i) Has attained at least the applicable scores designated 63356
under division (B) (1) of section 3301.0710 of the Revised Code 63357
on all the assessments prescribed by that division unless 63358
division (L) of section 3313.61 of the Revised Code applies to 63359
the student; 63360

(ii) Has satisfied the alternative conditions prescribed 63361
in section 3313.615 of the Revised Code. 63362

(b) If the student entered the ninth grade on or after 63363
July 1, 2014, the student has met the requirement prescribed by 63364
section 3313.618 of the Revised Code, except to the extent that 63365
division (L) of section 3313.61 of the Revised Code applies to 63366
the student. 63367

(3) The student is not eligible to receive an honors 63368
diploma granted pursuant to division (B) of this section. 63369

No diploma shall be granted under this division to anyone 63370
except as provided under this division. 63371

(B) In lieu of a diploma granted under division (A) of 63372
this section, the superintendent of Ohio deaf and blind 63373
education services shall grant an honors diploma, in the same 63374
manner that the boards of education of school districts grant 63375
such diplomas under division (B) of section 3313.61 of the 63376
Revised Code, to any student enrolled in the state school for 63377
the blind or the state school for the deaf who accomplishes all 63378
of the following: 63379

(1) Successfully completes the curriculum in any high 63380
school or the individualized education program developed for the 63381
student for the student's high school education pursuant to 63382
section 3323.08 of the Revised Code; 63383

(2) Subject to section 3313.614 of the Revised Code, has 63384
met the assessment requirements of division (B) (2) (a) or (b) of 63385
this section, as applicable. 63386

(a) If the student entered the ninth grade prior to July 63387
1, 2014, the student either: 63388

(i) Has attained at least the applicable scores designated 63389
under division (B) (1) of section 3301.0710 of the Revised Code 63390
on all the assessments prescribed under that division; 63391

(ii) Has satisfied the alternative conditions prescribed 63392
in section 3313.615 of the Revised Code. 63393

(b) If the student entered the ninth grade on or after 63394
July 1, 2014, the student has met the requirement prescribed by 63395
section 3313.618 of the Revised Code. 63396

(3) Has met additional criteria for granting an honors 63397
diploma. 63398

These additional criteria shall be the same as those 63399
prescribed by the ~~state board~~ department of education and 63400
workforce under division (B) of section 3313.61 of the Revised 63401
Code for the granting of such diplomas by school districts. No 63402
honors diploma shall be granted to anyone failing to comply with 63403
this division and not more than one honors diploma shall be 63404
granted to any student under this division. 63405

(C) A diploma or honors diploma awarded under this section 63406
shall be signed by the director of education and workforce and 63407
the superintendent of Ohio deaf and blind education services. 63408
Each diploma shall bear the date of its issue and be in such 63409
form as the superintendent of Ohio deaf and blind education 63410
services prescribes. 63411

(D) Upon granting a diploma to a student under this 63412
section, the superintendent of Ohio deaf and blind education 63413
services shall provide notice of receipt of the diploma to the 63414
board of education of the school district where the student is 63415
entitled to attend school under section 3313.64 or 3313.65 of 63416
the Revised Code when not residing at the state school for the 63417

blind or the state school for the deaf. The notice shall 63418
indicate the type of diploma granted. 63419

Sec. 3325.16. There is hereby created in the state 63420
treasury the state school for the deaf educational program 63421
expenses fund. Moneys received by Ohio deaf and blind education 63422
services for the state school for the deaf from donations, 63423
bequests, student fundraising activities, fees charged for camps 63424
and workshops, gate receipts from athletic contests, and the 63425
student work experience program operated by the school, and any 63426
other moneys designated for deposit in the fund by the 63427
superintendent of Ohio deaf and blind education services, shall 63428
be credited to the fund. All investment earnings on money in the 63429
fund shall be credited to the fund. Notwithstanding section 63430
3325.01 of the Revised Code, the approval of the department of 63431
education and workforce is not required to designate money for 63432
deposit into the fund. Ohio deaf and blind education services 63433
shall use moneys in the fund for educational programs, after- 63434
school activities, and expenses associated with student 63435
activities and clubs at the state school for the deaf. 63436

Sec. 3325.17. There is hereby created in the state 63437
treasury the state school for the blind educational program 63438
expense fund. Moneys received by Ohio deaf and blind education 63439
services for the state school for the blind from donations, 63440
bequests, student fundraising activities, fees charged for 63441
camps, workshops, and summer work and learn cooperative 63442
programs, gate receipts from school activities, and any other 63443
moneys designated for deposit in the fund by the superintendent 63444
of Ohio deaf and blind education services, shall be credited to 63445
the fund. All investment earnings on money in the fund shall be 63446
credited to the fund. Notwithstanding section 3325.01 of the 63447
Revised Code, the approval of the department of education and 63448

workforce is not required to designate money for deposit into 63449
the fund. Ohio deaf and blind education services shall use 63450
moneys in the fund for educational programs, after-school 63451
activities, and expenses associated with student activities at 63452
the state school for the blind. 63453

Sec. 3326.092. The governing body of each each science, 63454
technology, engineering, and mathematics school established 63455
under this chapter annually shall provide instruction to 63456
students in the grade levels the school serves about how short- 63457
term or chronic substance use, as defined in section 3313.6034 63458
of the Revised Code, to alter one's mood is harmful to an 63459
individual's health. Each governing body shall do all of the 63460
following with regard to the instruction: 63461

(A) Determine the manner in which the instruction is 63462
provided to students; 63463

(B) Ensure the instruction is age and developmentally 63464
appropriate; 63465

(C) Conform the instruction to prevention best-practice 63466
frameworks; 63467

(D) Focus the instruction on addressing changes in 63468
knowledge, attitude, and skills as a child develops. 63469

Sec. 3326.11. Each science, technology, engineering, and 63470
mathematics school established under this chapter and its 63471
governing body shall comply with sections 9.90, 9.91, 109.65, 63472
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 63473
3301.0714, 3301.0715, 3301.0729, 3301.24, 3301.948, 3302.037, 63474
3302.131, 3302.132, 3313.14, 3313.15, 3313.16, 3313.18, 63475
3313.201, 3313.26, 3313.472, 3313.473, 3313.474, 3313.48, 63476
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 63477

3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 63478
3313.6021, 3313.6023, 3313.6024, 3313.6026, 3313.6028, 63479
3313.6029, 3313.6031, 3313.6035, 3313.61, 3313.611, 3313.614, 63480
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 63481
3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 63482
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 63483
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 63484
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 63485
3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 63486
3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 63487
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 63488
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 63489
3319.41, 3319.45, 3319.46, 3319.90, 3319.614, 3320.01, 3320.02, 63490
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 63491
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 63492
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 63493
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 63494
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 63495
as if it were a school district. 63496

Sec. 3326.44. For fiscal years ~~2024–2026~~ and ~~2025~~2027, a 63497
STEM school shall spend the funding it receives under division 63498
(A) (5) of section 3317.022 of the Revised Code only for services 63499
for English learners. 63500

Sec. 3327.08. Boards of education of city school 63501
districts, local school districts, exempted village school 63502
districts, cooperative education school districts, and joint 63503
vocational school districts and governing boards of educational 63504
service centers may purchase on individual contract school 63505
buses, including multifunction school activity buses, and other 63506
equipment used in transporting children to and from school and 63507
to other functions as authorized by the boards, or the boards, 63508

at their discretion, may purchase the buses and equipment 63509
through any system of centralized purchasing established by the 63510
department of education and workforce for that purpose, provided 63511
that state subsidy payments shall be based on the amount of the 63512
lowest price available to the boards by either method of 63513
purchase. No board shall be deprived of any form of state 63514
assistance in the purchase of buses and equipment by reason of 63515
purchases of buses and equipment on an individual contract. 63516

The purchase of school buses and multifunction school 63517
activity buses shall be made only after competitive bidding in 63518
accordance with section 3313.46 of the Revised Code. All bids 63519
shall state that the buses, prior to delivery, will comply with 63520
the safety rules of the department of public safety adopted 63521
pursuant to section 4511.76 of the Revised Code and all other 63522
pertinent provisions of law. 63523

At no time shall bid bonds be required for the purchase of 63524
school buses and multifunction school activity buses, unless the 63525
district board or educational service center governing board 63526
requests that bid bonds be part of the competitive bidding 63527
process for a specified purchase. 63528

Sec. 3327.10. (A) Except as provided in division (L) of 63529
this section, no person shall be employed as driver of a school 63530
bus or motor van, owned and operated by any school district or 63531
educational service center or privately owned and operated under 63532
contract with any school district or service center in this 63533
state, who has not received a certificate from either the 63534
educational service center governing board that has entered into 63535
an agreement with the school district under section 3313.843 or 63536
3313.845 of the Revised Code or the superintendent of the school 63537
district, certifying that such person is at least eighteen years 63538

of age and is qualified physically and otherwise for such 63539
position. The service center governing board or the 63540
superintendent, as the case may be, shall provide for an annual 63541
physical examination that conforms with rules adopted by the 63542
department of education and workforce of each driver to 63543
ascertain the driver's physical fitness for such employment. The 63544
examination shall be performed by one of the following: 63545

(1) A person licensed under Chapter 4731. or 4734. of the 63546
Revised Code or by another state to practice medicine and 63547
surgery, osteopathic medicine and surgery, or chiropractic; 63548

(2) A physician assistant; 63549

(3) A certified nurse practitioner; 63550

(4) A clinical nurse specialist; 63551

(5) A certified nurse-midwife; 63552

(6) A medical examiner who is listed on the national 63553
registry of certified medical examiners established by the 63554
federal motor carrier safety administration in accordance with 63555
49 C.F.R. part 390. 63556

Any certificate may be revoked by the authority granting 63557
the same on proof that the holder has been guilty of failing to 63558
comply with division (D)(1) of this section, or upon a 63559
conviction or a guilty plea for a violation, or any other 63560
action, that results in a loss or suspension of driving rights. 63561
Failure to comply with such division may be cause for 63562
disciplinary action or termination of employment under division 63563
(C) of section 3319.081, or section 124.34 of the Revised Code. 63564

(B) Except as provided in division (L) of this section, no 63565
person shall be employed as driver of a school bus or motor van 63566

not subject to the rules of the department pursuant to division 63567
(A) of this section who has not received a certificate from the 63568
school administrator or contractor certifying that such person 63569
is at least eighteen years of age and is qualified physically 63570
and otherwise for such position. Each driver shall have an 63571
annual physical examination which conforms to the state highway 63572
patrol rules, ascertaining the driver's physical fitness for 63573
such employment. The examination shall be performed by one of 63574
the following: 63575

(1) A person licensed under Chapter 4731. or 4734. of the 63576
Revised Code or by another state to practice medicine and 63577
surgery, osteopathic medicine and surgery, or chiropractic; 63578

(2) A physician assistant; 63579

(3) A certified nurse practitioner; 63580

(4) A clinical nurse specialist; 63581

(5) A certified nurse-midwife; 63582

(6) A medical examiner who is listed on the national 63583
registry of certified medical examiners established by the 63584
federal motor carrier safety administration in accordance with 63585
49 C.F.R. part 390. 63586

Any written documentation of the physical examination 63587
shall be completed by the individual who performed the 63588
examination. 63589

Any certificate may be revoked by the authority granting 63590
the same on proof that the holder has been guilty of failing to 63591
comply with division (D) (2) of this section. 63592

(C) Any person who drives a school bus or motor van must 63593
give satisfactory and sufficient bond except a driver who is an 63594

employee of a school district and who drives a bus or motor van 63595
owned by the school district. 63596

(D) No person employed as driver of a school bus or motor 63597
van under this section who is convicted of a traffic violation 63598
or who has had the person's commercial driver's license 63599
suspended shall drive a school bus or motor van until the person 63600
has filed a written notice of the conviction or suspension, as 63601
follows: 63602

(1) If the person is employed under division (A) of this 63603
section, the person shall file the notice with the 63604
superintendent, or a person designated by the superintendent, of 63605
the school district for which the person drives a school bus or 63606
motor van as an employee or drives a privately owned and 63607
operated school bus or motor van under contract. 63608

(2) If employed under division (B) of this section, the 63609
person shall file the notice with the employing school 63610
administrator or contractor, or a person designated by the 63611
administrator or contractor. 63612

(E) In addition to resulting in possible revocation of a 63613
certificate as authorized by divisions (A) and (B) of this 63614
section, violation of division (D) of this section is a minor 63615
misdemeanor. 63616

(F) (1) Not later than thirty days after June 30, 2007, 63617
each owner of a school bus or motor van shall obtain the 63618
complete driving record for each person who is currently 63619
employed or otherwise authorized to drive the school bus or 63620
motor van. An owner of a school bus or motor van shall not 63621
permit a person to operate the school bus or motor van for the 63622
first time before the owner has obtained the person's complete 63623

driving record. Thereafter, the owner of a school bus or motor 63624
van shall obtain the person's driving record not less frequently 63625
than semiannually if the person remains employed or otherwise 63626
authorized to drive the school bus or motor van. An owner of a 63627
school bus or motor van shall not permit a person to resume 63628
operating a school bus or motor van, after an interruption of 63629
one year or longer, before the owner has obtained the person's 63630
complete driving record. 63631

(2) The owner of a school bus or motor van shall not 63632
permit a person to operate the school bus or motor van for ten 63633
years after the date on which the person pleads guilty to or is 63634
convicted of a violation of section 4511.19 of the Revised Code 63635
or a substantially equivalent municipal ordinance. 63636

(3) An owner of a school bus or motor van shall not permit 63637
any person to operate such a vehicle unless the person meets all 63638
other requirements contained in rules adopted by the department 63639
prescribing qualifications of drivers of school buses and other 63640
student transportation. 63641

(G) No superintendent of a school district, educational 63642
service center, community school, or public or private employer 63643
shall permit the operation of a vehicle used for pupil 63644
transportation within this state by an individual unless both of 63645
the following apply: 63646

(1) Information pertaining to that driver has been 63647
submitted to the department, pursuant to procedures adopted by 63648
that department. Information to be reported shall include the 63649
name of the employer or school district, name of the driver, 63650
driver license number, date of birth, date of hire, status of 63651
physical evaluation, and status of training. 63652

(2) The most recent criminal records check required by 63653
division (J) of this section has been completed and received by 63654
the superintendent or public or private employer. 63655

(H) A person, school district, educational service center, 63656
community school, nonpublic school, or other public or nonpublic 63657
entity that owns a school bus or motor van, or that contracts 63658
with another entity to operate a school bus or motor van, may 63659
impose more stringent restrictions on drivers than those 63660
prescribed in this section, in any other section of the Revised 63661
Code, and in rules adopted by the department. 63662

(I) For qualified drivers who, on July 1, 2007, are 63663
employed by the owner of a school bus or motor van to drive the 63664
school bus or motor van, any instance in which the driver was 63665
convicted of or pleaded guilty to a violation of section 4511.19 63666
of the Revised Code or a substantially equivalent municipal 63667
ordinance prior to two years prior to July 1, 2007, shall not be 63668
considered a disqualifying event with respect to division (F) of 63669
this section. 63670

(J) (1) This division applies to persons hired by a school 63671
district, educational service center, community school, 63672
chartered nonpublic school, or science, technology, engineering, 63673
and mathematics school established under Chapter 3326. of the 63674
Revised Code to operate a vehicle used for pupil transportation. 63675

(a) For each person to whom this division applies who is 63676
hired on or after November 14, 2007, the employer shall request 63677
a criminal records check in accordance with section 3319.39 of 63678
the Revised Code and every six years thereafter. 63679

(b) For each person to whom this division applies who is 63680
hired prior to November 14, 2007, the employer shall request a 63681

criminal records check by a date prescribed by the department 63682
and every six years thereafter. 63683

(c) If, on ~~the effective date of this amendment~~ October 3, 63684
2023, the most recent criminal records check requested for a 63685
person to whom division (J)(1) of this section applies was 63686
completed more than one year prior to that date or does not 63687
include information gathered pursuant to division (A) of section 63688
109.57 of the Revised Code, the employer shall request a new 63689
criminal records check that includes information gathered 63690
pursuant to division (A) of section 109.57 of the Revised Code 63691
by a date prescribed by the state board of education and every 63692
six years thereafter. 63693

(2) This division applies to persons hired by a public or 63694
private employer not described in division (J)(1) of this 63695
section to operate a vehicle used for pupil transportation. 63696

(a) For each person to whom this division applies who is 63697
hired on or after November 14, 2007, the employer shall request 63698
a criminal records check prior to the person's hiring and every 63699
six years thereafter. 63700

(b) For each person to whom this division applies who is 63701
hired prior to November 14, 2007, the employer shall request a 63702
criminal records check by a date prescribed by the department 63703
and every six years thereafter. 63704

(c) If, on ~~the effective date of this amendment~~ October 3, 63705
2023, the most recent criminal records check requested for a 63706
person to whom division (J)(2) of this section applies was 63707
completed more than one year prior to that date or does not 63708
include information gathered pursuant to division (A) of section 63709
109.57 of the Revised Code, the employer shall request a new 63710

criminal records check that includes information gathered 63711
pursuant to division (A) of section 109.57 of the Revised Code 63712
by a date prescribed by the state board and every six years 63713
thereafter. 63714

(3) Each request for a criminal records check under 63715
division (J) of this section shall be made to the superintendent 63716
of the bureau of criminal identification and investigation in 63717
the manner prescribed in section 3319.39 of the Revised Code, 63718
except that if both of the following conditions apply to the 63719
person subject to the records check, the employer shall request 63720
the superintendent only to obtain any criminal records that the 63721
federal bureau of investigation has on the person: 63722

(a) The employer previously requested the superintendent 63723
to determine whether the bureau of criminal identification and 63724
investigation has any information, gathered pursuant to division 63725
(A) of section 109.57 of the Revised Code, on the person in 63726
conjunction with a criminal records check requested under 63727
section 3319.39 of the Revised Code or under division (J) of 63728
this section. 63729

(b) The person presents proof that the person has been a 63730
resident of this state for the five-year period immediately 63731
prior to the date upon which the person becomes subject to a 63732
criminal records check under this section. 63733

Upon receipt of a request, the superintendent shall 63734
conduct the criminal records check in accordance with section 63735
109.572 of the Revised Code as if the request had been made 63736
under section 3319.39 of the Revised Code. However, as specified 63737
in division (B) (2) of section 109.572 of the Revised Code, if 63738
the employer requests the superintendent only to obtain any 63739
criminal records that the federal bureau of investigation has on 63740

the person for whom the request is made, the superintendent 63741
shall not conduct the review prescribed by division (B) (1) of 63742
that section. 63743

(4) Notwithstanding anything in the Revised Code to the 63744
contrary, the bureau of criminal identification and 63745
investigation shall make the initial criminal records check 63746
requested of a person by an employer under division (J) (1) or 63747
(2) of this section on or after ~~the effective date of this~~ 63748
~~amendment~~ October 3, 2023, available to the state board of 63749
education. The state board shall use the information received to 63750
enroll the person in the retained applicant fingerprint 63751
database, established under section 109.5721 of the Revised 63752
Code, in the same manner as any teacher licensed under sections 63753
3319.22 to 3319.31 of the Revised Code. If the state board is 63754
unable to enroll the person in the retained applicant 63755
fingerprint database because the person has not satisfied the 63756
requirements for enrollment, the state board shall notify the 63757
employer that the person has not satisfied the requirements for 63758
enrollment. However, the bureau shall not be required to make 63759
available to the state board the criminal records check of any 63760
person who is already enrolled in the retained applicant 63761
fingerprint database on the date the person's employer requests 63762
a records check of the person under division (J) (1) or (2) of 63763
this section. 63764

If the state board receives notification of the arrest, 63765
guilty plea, or conviction of a person who is subject to this 63766
section, the state board shall promptly notify the person's 63767
employer in accordance with division (B) of section 3319.316 of 63768
the Revised Code. 63769

(K) (1) Until the effective date of the amendments to rule 63770

3301-83-23 of the Ohio Administrative Code required by the 63771
second paragraph of division (E) of section 3319.39 of the 63772
Revised Code, any person who is the subject of a criminal 63773
records check under division (J) of this section and has been 63774
convicted of or pleaded guilty to any offense described in 63775
division (B)(1) of section 3319.39 of the Revised Code shall not 63776
be hired or shall be released from employment, as applicable, 63777
unless the person meets the rehabilitation standards prescribed 63778
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 63779
Administrative Code. 63780

(2) Beginning on the effective date of the amendments to 63781
rule 3301-83-23 of the Ohio Administrative Code required by the 63782
second paragraph of division (E) of section 3319.39 of the 63783
Revised Code, any person who is the subject of a criminal 63784
records check under division (J) of this section and has been 63785
convicted of or pleaded guilty to any offense that, under the 63786
rule, disqualifies a person for employment to operate a vehicle 63787
used for pupil transportation shall not be hired or shall be 63788
released from employment, as applicable, unless the person meets 63789
the rehabilitation standards prescribed by the rule. 63790

(L) The superintendent of a school district or an 63791
educational service center governing board shall issue a 63792
certificate as a driver of a school bus or motor van or a 63793
certificate to operate a vehicle used for pupil transportation 63794
in accordance with Chapter 4796. of the Revised Code to an 63795
applicant if either of the following applies: 63796

(1) The applicant holds a certificate in another state. 63797

(2) The applicant has satisfactory work experience, a 63798
government certification, or a private certification as 63799
described in that chapter as a school bus or motor van driver or 63800

a pupil transportation vehicle operator in a state that does not 63801
issue one or both of those certificates. 63802

(M) As used in this section, "school bus" includes a 63803
multifunction school activity bus, as defined in section 4511.01 63804
of the Revised Code. 63805

Sec. 3327.18. (A) The director of education and workforce 63806
shall establish a workgroup on student transportation. The 63807
workgroup shall consist of members selected by the director and 63808
shall include representatives from each of the following: 63809

(1) The chairpersons of the standing committees of the 63810
house of representatives and the senate that consider primary 63811
and secondary education legislation; 63812

(2) The ranking members of the standing committees of the 63813
house of representatives and the senate that consider primary 63814
and secondary education legislation; 63815

(3) School districts, including districts from rural, 63816
small town, suburban, and urban typologies; 63817

(4) Career-technical education centers; 63818

(5) Educational service centers; 63819

(6) Community schools established under Chapter 3314. of 63820
the Revised Code; 63821

(7) Chartered nonpublic schools; 63822

(8) The Ohio association for pupil transportation. 63823

(B) The workgroup annually shall monitor and review the 63824
student transportation system and develop recommendations for 63825
changes to better meet the transportation needs of Ohio 63826
students. 63827

(C) Not later than June 30, 2026, and annually thereafter, 63828
the workgroup shall submit to the governor and the general 63829
assembly, in accordance with section 101.68 of the Revised Code, 63830
a report on its findings and recommendations for the year. 63831

Sec. 3328.16. (A) Each college-preparatory boarding school 63832
established under this chapter shall have a designated fiscal 63833
officer. ~~The auditor of state~~ department of education and 63834
workforce may require by rule that the fiscal officer of any 63835
college-preparatory boarding school, before entering upon duties 63836
as fiscal officer, execute a bond in an amount and with surety 63837
to be approved by the school's board of trustees, payable to the 63838
state, conditioned for the faithful performance of all the 63839
official duties required of the fiscal officer. Any such bond 63840
shall be deposited with the school's board of trustees, and a 63841
copy of the bond shall be certified by the board and filed with 63842
the county auditor. 63843

(B) Before assuming the duties of fiscal officer, the 63844
fiscal officer designated under this section shall be licensed 63845
as a treasurer under section 3301.074 of the Revised Code. No 63846
college-preparatory boarding school shall allow a person to 63847
serve as fiscal officer who is not licensed as required by this 63848
division. 63849

Sec. 3328.24. A college-preparatory boarding school 63850
established under this chapter and its board of trustees shall 63851
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 63852
3301.0714, 3301.0729, 3301.948, 3302.037, 3302.131, 3302.132, 63853
3313.474, 3313.5318, 3313.5319, 3313.6013, 3313.6021, 3313.6023, 63854
3313.6024, 3313.6026, 3313.6029, 3313.6031, 3313.6035, 3313.617, 63855
3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 63856
3313.6610, 3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 63857

3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 63858
3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 63859
3320.04, 3323.251, and 5502.262, and Chapter 3365. of the 63860
Revised Code as if the school were a school district and the 63861
school's board of trustees were a district board of education. 63862

Sec. 3328.60. The board of trustees of each college- 63863
preparatory boarding school established under this chapter 63864
annually shall provide instruction to students in the grade 63865
levels the school serves about how the short-term or chronic 63866
substance use, as defined in section 3313.6034 of the Revised 63867
Code, to alter one's mood is harmful to an individual's health. 63868
Each board of trustees shall do all of the following with regard 63869
to the instruction: 63870

(A) Determine the manner in which the instruction is 63871
provided to students; 63872

(B) Ensure the instruction is age and developmentally 63873
appropriate; 63874

(C) Conform the instruction to prevention best-practice 63875
frameworks; 63876

(D) Focus the instruction on addressing changes in 63877
knowledge, attitude, and skills as a child develops. 63878

Sec. 3332.081. The student tuition recovery authority is 63879
created as a body corporate and politic of this state. The 63880
purpose of the authority is to protect students of any school 63881
registered by the state board of career colleges and schools 63882
from prepaid tuition loss for the academic term due to a school 63883
closure. 63884

The authority shall consist of five members as follows: 63885
the executive director of the state board of career colleges and 63886

schools, the executive director of the Ohio association of 63887
career colleges and schools, the treasurer of state or the 63888
treasurer of state's designee, ~~the chairperson~~ a member of the 63889
~~senate committee that primarily deals with education~~ appointed by 63890
the president of the senate, and the chairperson of the 63891
~~committee~~ a member of the house of representatives ~~that~~ 63892
~~primarily deals with education~~ appointed by the speaker of the 63893
house of representatives. The ~~chairpersons of the legislative~~ 63894
~~committees that primarily deal with education~~ general assembly 63895
members shall be nonvoting ~~ex officio~~ members. Each voting 63896
member of the authority, before entering upon the member's 63897
official duties, shall take an oath as provided by Section 7 of 63898
Article XV, Ohio Constitution. The authority shall elect one of 63899
its voting members as chairperson and another as vice- 63900
chairperson, and shall appoint a secretary-treasurer who need 63901
not be a member of the authority. 63902

All meetings of the authority shall be public. All final 63903
actions of the authority shall be journalized and such journal 63904
and the records of the authority shall be open to public 63905
inspection at all reasonable times. 63906

Sec. 3332.17. Each college or school that holds a 63907
certificate of registration under this chapter annually shall 63908
certify to state board of career colleges and schools, on a date 63909
and in the form and manner determined by the state board, a plan 63910
to preserve student records indefinitely if the college or 63911
school is to cease operations. The plan shall include the 63912
designation and signed confirmation of an official custodian of 63913
student records. If the state board determines it necessary, the 63914
the state board may require a college or school to produce an 63915
executed agreement with the designated custodian of student 63916
records, paid in full, to ensure the college or school's plan 63917

can be implemented.

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The director of the state board of career colleges and schools may consult with the chancellor of higher education, higher learning commission, and other appropriate entities to establish plans, processes, and procedures for colleges and schools to provide indefinite access to student records.

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Sec. 3332.21. (A) Each school that holds a certificate of registration from or is authorized to offer a certificate, diploma, or degree under a certificate of authorization issued by the state board of career colleges under this chapter annually shall provide to the state board and the chancellor of higher education all of the following:

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(1) Verification of current accreditation status and a copy of the most recent institutional report from the school's accrediting organization;

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(2) A plan to preserve student records indefinitely in the event of closure of the school or discontinuation of service. The plan shall include a method by which students and alumni of the school may retrieve student records by request. The plan also shall include a designation and signed confirmation of an official custodian of student records. Student records preserved under the plan shall include, but not be limited to:

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(a) Academic transcripts;

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(b) Financial aid documents;

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(c) International student forms;

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(d) Tax information.

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(3) The following program information:

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- (a) A list of current degree programs offered by the 63945
school in this state; 63946
- (b) The results of any external degree program evaluations 63947
conducted in the last year; 63948
- (c) A list of any degree programs that have been 63949
eliminated in the last year; 63950
- (4) The latest financial statement for the most recent 63951
fiscal year compiled and audited by an independent certified 63952
public accountant, including any management letters provided by 63953
the independent auditor; 63954
- (5) Any other information requested by the state board or 63955
the chancellor. 63956
- (B) If a school fails to submit the information required 63957
under division (A) of this section or if the state board or the 63958
chancellor finds that the information submitted under that 63959
division is insufficient, the state board may suspend, withdraw, 63960
or revoke a school's certificate of registration or program 63961
authorization. 63962
- (C) Each school subject to this chapter that is authorized 63963
to offer courses or degrees under a certificate of authorization 63964
shall immediately notify the state board and the chancellor if 63965
the school does any of the following: 63966
- (1) Receives notice from the federal government or an 63967
institutional accrediting organization that the school is 63968
subject to heightened reporting standards or special monitoring 63969
status, such as the United States department of education's 63970
heightened cash monitoring process; 63971
- (2) Receives preliminary or final accreditation findings; 63972

(3) Becomes the subject of an investigation by a 63973
government agency related to the school's academic quality, 63974
financial stability, or student consumer protection; 63975

(4) Fails to make any payments to applicable retirement 63976
systems; 63977

(5) Fails to make any scheduled payroll payments; 63978

(6) Fails to make any payments to vendors when due as a 63979
result of a cash deficiency or a substantial deficiency in the 63980
payment processing system of the school; 63981

(7) Fails to make any scheduled payment of principal or 63982
interest for short- or long-term debt; 63983

(8) Makes budget revisions resulting in a substantially 63984
reduced ending fund balance or larger deficit; 63985

(9) Becomes aware of significant negative variance between 63986
the most recently adopted annual budget and actual revenues or 63987
expenses as projected at the end of the fiscal year. 63988

Sec. 3332.22. (A) As used in this section: 63989

(1) "Online program manager" means an entity that is not 63990
an institution of higher education as defined under "The Higher 63991
Education Act of 1965," 20 U.S.C. 1001 that enters into an 63992
agreement with a career college or school to provide marketing 63993
and recruitment services and at least one additional service, 63994
including course design, technology, or faculty training, to 63995
support an accredited online degree program. 63996

(2) "Career college or school" means a school subject to 63997
this chapter and a private institution exempt from regulation 63998
under this chapter as prescribed in section 3333.046 of the 63999
Revised Code, if the institution has a program with a 64000

certificate of authorization pursuant to Chapter 1713. of the 64001
Revised Code. 64002

(B) If a career college or school enters into a contract 64003
with an online program manager, the career college or school 64004
shall ensure the contract is in compliance with relevant program 64005
standards and requirements. 64006

(C) A career college or school that enters into a contract 64007
with an online program manager shall post on each online degree 64008
program web site it maintains that it utilizes an online program 64009
manager for services. The career college or school shall require 64010
the online program manager to identify itself when providing 64011
services to students. 64012

(D) A career college or school shall not permit an online 64013
program manager to control, make decisions regarding, 64014
administer, or disburse student financial aid. 64015

Sec. 3333.04. The chancellor of higher education shall: 64016

(A) Make studies of state policy in the field of higher 64017
education and formulate a master plan for higher education for 64018
the state, considering the needs of the people, the needs of the 64019
state, and the role of individual public and private 64020
institutions within the state in fulfilling these needs; 64021

(B) (1) Report annually to the governor and the general 64022
assembly on the findings from the chancellor's studies and the 64023
master plan for higher education for the state; 64024

(2) Report at least semiannually to the general assembly 64025
and the governor the enrollment numbers at each state-assisted 64026
institution of higher education. 64027

(C) Approve or disapprove the establishment of new 64028

branches or academic centers of state colleges and universities; 64029

(D) Approve or disapprove the establishment of state 64030
technical colleges or any other state institution of higher 64031
education; 64032

(E) Recommend the nature of the programs, undergraduate, 64033
graduate, professional, state-financed research, and public 64034
services which should be offered by the state colleges, 64035
universities, and other state-assisted institutions of higher 64036
education in order to utilize to the best advantage their 64037
facilities and personnel; 64038

(F) Recommend to the state colleges, universities, and 64039
other state-assisted institutions of higher education graduate 64040
or professional programs, including, but not limited to, doctor 64041
of philosophy, doctor of education, and juris doctor programs, 64042
that could be eliminated because they constitute unnecessary 64043
duplication, as shall be determined using the process developed 64044
pursuant to this division, or for other good and sufficient 64045
cause. Prior to recommending a program for elimination, the 64046
chancellor shall hold at least one public hearing on the matter 64047
to determine whether the program should be recommended for 64048
elimination. The chancellor shall provide notice of each hearing 64049
within a reasonable amount of time prior to its scheduled date. 64050

For purposes of determining the amounts of any state 64051
instructional subsidies paid to state colleges, universities, 64052
and other state-assisted institutions of higher education, the 64053
chancellor may exclude students enrolled in any program that the 64054
chancellor has recommended for elimination pursuant to this 64055
division except that the chancellor shall not exclude any such 64056
student who enrolled in the program prior to the date on which 64057
the chancellor initially commences to exclude students under 64058

this division. 64059

The chancellor and state colleges, universities, and other 64060
state-assisted institutions of higher education shall jointly 64061
develop a process for determining which existing graduate or 64062
professional programs constitute unnecessary duplication. 64063

(G) Recommend to the state colleges, universities, and 64064
other state-assisted institutions of higher education programs 64065
which should be added to their present programs; 64066

(H) Conduct studies for the state colleges, universities, 64067
and other state-assisted institutions of higher education to 64068
assist them in making the best and most efficient use of their 64069
existing facilities and personnel; 64070

(I) Make recommendations to the governor and general 64071
assembly concerning the development of state-financed capital 64072
plans for higher education; the establishment of new state 64073
colleges, universities, and other state-assisted institutions of 64074
higher education; and the establishment of new programs at the 64075
existing state colleges, universities, and other institutions of 64076
higher education; 64077

(J) Review the appropriation requests of the public 64078
community colleges and the state colleges and universities and 64079
submit to the office of budget and management and to the 64080
chairpersons of the finance committees of the house of 64081
representatives and of the senate the chancellor's 64082
recommendations in regard to the biennial higher education 64083
appropriation for the state, including appropriations for the 64084
individual state colleges and universities and public community 64085
colleges. For the purpose of determining the amounts of 64086
instructional subsidies to be paid to state-assisted colleges 64087

and universities, the chancellor shall define "full-time 64088
equivalent student" by program per academic year. The definition 64089
may take into account the establishment of minimum enrollment 64090
levels in technical education programs below which support 64091
allowances will not be paid. Except as otherwise provided in 64092
this section, the chancellor shall make no change in the 64093
definition of "full-time equivalent student" in effect on 64094
November 15, 1981, which would increase or decrease the number 64095
of subsidy-eligible full-time equivalent students, without first 64096
submitting a fiscal impact statement to the president of the 64097
senate, the speaker of the house of representatives, the 64098
legislative service commission, and the director of budget and 64099
management. The chancellor shall work in close cooperation with 64100
the director of budget and management in this respect and in all 64101
other matters concerning the expenditures of appropriated funds 64102
by state colleges, universities, and other institutions of 64103
higher education. 64104

(K) Seek the cooperation and advice of the officers and 64105
trustees of both public and private colleges, universities, and 64106
other institutions of higher education in the state in 64107
performing the chancellor's duties and making the chancellor's 64108
plans, studies, and recommendations; 64109

(L) Appoint advisory committees consisting of persons 64110
associated with public or private secondary schools, members of 64111
the state board of education, or personnel of the department of 64112
education and workforce; 64113

(M) Appoint advisory committees consisting of college and 64114
university personnel, or other persons knowledgeable in the 64115
field of higher education, or both, in order to obtain their 64116
advice and assistance in defining and suggesting solutions for 64117

the problems and needs of higher education in this state; 64118

(N) Approve or disapprove all new degrees and new degree 64119
programs at all state colleges, universities, and other state- 64120
assisted institutions of higher education. 64121

When considering approval of a new degree or degree 64122
program for a state institution of higher education, as defined 64123
in section 3345.011 of the Revised Code, the chancellor shall 64124
take into account the extent to which the degree or degree 64125
program aligns with the state's workforce development 64126
priorities. 64127

(O) Adopt such rules as are necessary to carry out the 64128
chancellor's duties and responsibilities. The rules shall 64129
prescribe procedures for the chancellor to follow when taking 64130
actions associated with the chancellor's duties and 64131
responsibilities and shall indicate which types of actions are 64132
subject to those procedures. The procedures adopted under this 64133
division shall be in addition to any other procedures prescribed 64134
by law for such actions. However, if any other provision of the 64135
Revised Code or rule adopted by the chancellor prescribes 64136
different procedures for such an action, the procedures adopted 64137
under this division shall not apply to that action to the extent 64138
they conflict with the procedures otherwise prescribed by law. 64139
The procedures adopted under this division shall include at 64140
least the following: 64141

(1) Provision for public notice of the proposed action; 64142

(2) An opportunity for public comment on the proposed 64143
action, which may include a public hearing on the action by the 64144
chancellor; 64145

(3) Methods for parties that may be affected by the 64146

proposed action to submit comments during the public comment period; 64147
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(4) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action; 64149
64150

(5) A timeline for the process described in divisions (O) (1) to (4) of this section. 64151
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(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code; 64153
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(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law; 64157
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(R) Adopt rules for student financial aid programs as required by sections 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections; 64161
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(S) Conduct enrollment audits of state-supported institutions of higher education; 64166
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(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be 64168
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distributed to the fiscal agents for the operation of the 64176
consortia. ~~A consortium shall follow the rules of the college or~~ 64177
~~university that serves as its fiscal agent.~~ The chancellor may 64178
restructure existing consortia, appointed under this division, 64179
in accordance with procedures adopted under divisions (O) (1) to 64180
(5) of this section. 64181

A consortium shall follow the rules of the college or 64182
university that serves as its fiscal agent, except that when 64183
making a purchase with appropriated funds of any product that 64184
includes semiconductors, a consortium shall conduct the purchase 64185
in accordance with rules adopted by the director of 64186
administrative services under division (B) of section 125.09 of 64187
the Revised Code for giving preference to Buy Ohio products. 64188

(U) Adopt rules establishing advisory duties and 64189
responsibilities of the department of higher education not 64190
otherwise prescribed by law; 64191

(V) Respond to requests for information about higher 64192
education from members of the general assembly and direct staff 64193
to conduct research or analysis as needed for this purpose. 64194

Notwithstanding any provision of law to the contrary, and 64195
to reduce duplicative reporting, the chancellor may use data or 64196
information submitted to the higher education information system 64197
and other public data exchanges, as determined appropriate, to 64198
fulfill reporting requirements, provided the information is 64199
materially consistent. 64200

Sec. 3333.048. (A) The chancellor of higher education, in 64201
consultation with the director of education and workforce, 64202
shall, in accordance with Chapter 119. of the Revised Code, 64203
establish metrics for the preparation of educators and other 64204

school personnel and the institutions of higher education that 64205
are engaged in their preparation. The metrics to be used in 64206
educator preparation programs shall do all of the following: 64207

(1) Be aligned with the standards and qualifications for 64208
educator licenses adopted by the state board of education under 64209
section 3319.22 of the Revised Code and the requirements of the 64210
Ohio teacher residency program established under section 64211
3319.223 of the Revised Code; 64212

(2) Ensure that educators and other school personnel are 64213
adequately prepared to use the value-added progress dimension 64214
prescribed by section 3302.021 of the Revised Code or the 64215
alternative student academic progress measure if adopted under 64216
division (C) (1) (e) of section 3302.03 of the Revised Code; 64217

(3) Ensure that all educators complete coursework in 64218
evidence-based strategies for effective literacy instruction 64219
aligned to the science of reading, which includes phonics, 64220
phonemic awareness, fluency comprehension, and vocabulary 64221
development, and is part of a structured literacy program~~—~~. The 64222
coursework shall be aligned with the international dyslexia 64223
association's, or its successor organization's, knowledge and 64224
practice standards for teachers of reading. 64225

(4) Ensure that clinical preparation for all educators who 64226
are responsible for teaching reading occurs only ~~occur in the~~ 64227
~~classrooms~~ educational learning environments where the local 64228
education agency has verified that the cooperating practicing 64229
teachers have completed training that adheres to the Ohio 64230
dyslexia guidebook in literacy instruction strategies aligned to 64231
the science of reading, use instructional materials aligned to 64232
the science of reading from the list established under section 64233
3313.6028 of the Revised Code, as part of a complete structured 64234

literacy program, and actively implement a structured literacy approach. 64235
64236

(B) The chancellor shall do all of the following: 64237

(1) Develop an auditing process that clearly documents the 64238
degree to which every educator preparation program at an 64239
institution of higher education is effectively teaching the 64240
science of reading as follows: 64241

(a) By December 31, 2023, complete an initial survey of 64242
educator preparation programs, establish metrics for the audits, 64243
and update standards to reflect new requirements; 64244

(b) Grant a one-year grace period for all institutions to 64245
meet new standards and requirements under this section to begin 64246
on January 1, 2024; 64247

(c) On January 1, 2025, begin conducting audits of each 64248
institution that offers educator preparation programs. 64249

The chancellor shall revoke approval for programs that are 64250
found to be not in alignment and do not address the findings of 64251
the audit within a year. All programs shall be reviewed every 64252
four years thereafter to ensure continued alignment. 64253

(2) Annually create a summary of literacy instruction 64254
strategies and practices in place for all educator preparation 64255
programs based on the program audits, including institution- 64256
level summaries, until all programs reach the required alignment 64257
specified in division (A) (3) of this section; 64258

(3) In conjunction with the department of education and 64259
workforce, do all of the following: 64260

(a) Publicly release the summaries with local education 64261
agencies not later than the thirty-first day of March of each 64262

year and post them on the chancellor's publicly accessible web 64263
site; 64264

(b) Identify a list of approved vendors who can provide 64265
professional development experiences that are consistent with 64266
the science of reading to educators who are responsible for 64267
teaching reading, including faculty in educator preparation 64268
programs; 64269

(c) Develop a public dashboard that reports the first-time 64270
passage rates of students, by institution, on the foundations of 64271
reading licensure test. 64272

(C) If the metrics established under division (A) of this 64273
section require an institution of higher education that prepares 64274
teachers to satisfy the standards of an independent 64275
accreditation organization, the chancellor shall permit each 64276
institution to satisfy the standards of any applicable national 64277
educator preparation accrediting agency recognized by the United 64278
States department of education. 64279

(D) The metrics and educator preparation programs 64280
established under division (A) of this section may require an 64281
institution of higher education, as a condition of approval by 64282
the chancellor, to make changes in the curricula of its 64283
preparation programs for educators and other school personnel. 64284

Notwithstanding division (E) of section 119.03 and 64285
division (A)(1) of section 119.04 of the Revised Code, any 64286
metrics, educator preparation programs, rules, and regulations, 64287
or any amendment or rescission of such metrics, educator 64288
preparation programs, rules, and regulations, adopted under this 64289
section that necessitate institutions offering preparation 64290
programs for educators and other school personnel approved by 64291

the chancellor to revise the curricula of those programs shall 64292
not be effective for at least one year after the first day of 64293
January next succeeding the publication of the said change. 64294

Each institution shall allocate money from its existing 64295
revenue sources to pay the cost of making the curricular 64296
changes. 64297

(E) The chancellor shall notify the state board of the 64298
metrics and educator preparation programs established under 64299
division (A) of this section. The state board shall publish the 64300
metrics and educator preparation programs with the standards and 64301
qualifications for each type of educator license. 64302

(F) The graduates of educator preparation programs 64303
approved by the chancellor shall be licensed by the state board 64304
in accordance with the standards and qualifications adopted 64305
under section 3319.22 of the Revised Code. 64306

Sec. 3333.0415. Not later than December 31, 2025, the 64307
chancellor of higher education, in collaboration with the 64308
department of education and workforce and the governor's office 64309
of workforce transformation, shall establish the level of 64310
attainment necessary to achieve identified performance targets 64311
across a range of degrees and credentials. 64312

Sec. 3333.0420. (A) As used in this section: 64313

(1) "Online program manager" means an entity that is not 64314
an institution of higher education as defined under "The Higher 64315
Education Act of 1965," 20 U.S.C. 1001 that enters into an 64316
agreement with a state institution of higher education to 64317
provide marketing and recruitment services and at least one 64318
additional service, including course design, technology, or 64319
faculty training, to support an accredited online degree 64320

program. 64321

(2) "State institution of higher education" has the same 64322
meaning as in section 3345.011 of the Revised Code. 64323

(B) If a state institution of higher education enters into 64324
a contract with an online program manager, the institution shall 64325
ensure the contract is in compliance with relevant program 64326
standards and requirements. 64327

(C) A state institution of higher education that enters 64328
into a contract with an online program manager shall post on 64329
each online degree program web site it maintains that it 64330
utilizes an online program manager for services. The institution 64331
shall require the online program manager to identify itself when 64332
providing services to students. 64333

(D) A state institution of higher education shall not 64334
permit an online program manager to control, make decisions 64335
regarding, administer, or disburse student financial aid. 64336

Sec. 3333.053. The chancellor of higher education shall 64337
serve indefinitely as the records custodian for the eastern 64338
gateway community college upon that college ceasing operations. 64339

Sec. 3333.074. (A) Each state institution of higher 64340
education, as defined in section 3345.011 of the Revised Code, 64341
annually shall submit, in a form and manner determined by the 64342
chancellor of higher education, the following information to 64343
assess the performance and compliance of the state institution: 64344

(1) Verification of current accreditation status and a 64345
copy of the state institution's most recent higher learning 64346
commission institutional update report; 64347

(2) A plan to preserve student records indefinitely in the 64348

event of closure of the state institution or discontinuation of 64349
service. The plan shall include a method by which students and 64350
alumni of the state institution may retrieve student records by 64351
request. The plan shall also include a designation and signed 64352
confirmation of an official custodian of student records. 64353
Student records preserved under the plan shall include, but not 64354
be limited to: 64355

(a) Academic transcripts; 64356

(b) Financial aid documents; 64357

(c) International student forms; 64358

(d) Tax information. 64359

(3) The results of any external degree program evaluations 64360
conducted in the last year; 64361

(4) A list of any degree programs that have been 64362
eliminated in the last year; 64363

(5) Any other information requested by the chancellor. 64364

(B) The chancellor may rescind program approval if a state 64365
institution of higher education fails to submit the information 64366
required under division (A) of this section or if the chancellor 64367
finds that the information submitted under that division is 64368
insufficient. 64369

(C) Each state institution of higher education shall 64370
immediately inform the chancellor if the state institution does 64371
any of the following: 64372

(1) Receives notice from the federal government or an 64373
institutional accrediting organization that the state 64374
institution is subject to heightened reporting standards or 64375

special monitoring status, such as the United States department 64376
of education's heightened cash monitoring process; 64377

(2) Receives preliminary or final accreditation findings; 64378

(3) Becomes the subject of an investigation by a 64379
government agency related to the institution's academic quality, 64380
financial stability, or student consumer protection; 64381

(4) Requests an advance of a state subsidy; 64382

(5) Fails to make any payments to applicable retirement 64383
systems, such as the public employees retirement system or the 64384
state teachers retirement system; 64385

(6) Fails to make any scheduled payroll payments; 64386

(7) Fails to make any payments to vendors when due as a 64387
result of a cash deficiency or a substantial deficiency in the 64388
payment processing system of the state institution; 64389

(8) Fails to make any scheduled payment of principal or 64390
interest for short- or long-term debt; 64391

(9) Makes budget revisions resulting in a substantially 64392
reduced ending fund balance or larger deficit; 64393

(10) Becomes aware of significant negative variance 64394
between the most recently adopted annual budget and actual 64395
revenues or expenses as projected at the end of the fiscal year. 64396

Sec. 3333.129. (A) The "Teach CS" grant program is 64397
established to ~~fund coursework, materials, and exams to support~~ 64398
~~the increasing the number of existing~~Ohio teachers who qualify 64399
to teach computer science, or expand the knowledge of existing 64400
teachers, through all of the following: 64401

(1) A supplemental license that involves a mentorship- 64402

based pathway for existing teachers; 64403

(2) A university endorsement program that involves a 64404
coursework-based path for existing teachers; 64405

(3) An alternative resident educator licensure pathway for 64406
industry experts and other nonteachers; 64407

(4) A continuing education program that offers 64408
professional development to existing teachers, including those 64409
that teach pre-kindergarten to twelve who are generalists and 64410
those seeking advanced content knowledge. 64411

The chancellor of higher education shall administer the 64412
program. Funds may be spent on coursework, materials, exams, 64413
teacher stipends, performance-based incentives, and for other 64414
purposes as determined by the chancellor to support the 64415
expansion of computer science education. 64416

(B) The chancellor, in consultation with the department of 64417
education and workforce, shall develop an application process 64418
and criteria for awards. Priority may be given to education 64419
consortia that include economically disadvantaged schools in 64420
which there are limited computer science courses offered or 64421
where there is an unmet need for teachers credentialed to teach 64422
computer science courses, as determined by the chancellor. 64423

Sec. 3333.1210. (A) Beginning with first-time scholarships 64424
awarded for fiscal year 2027, each student who accepts a 64425
scholarship under the governor's merit scholarship program shall 64426
commit to residing in this state for the three years immediately 64427
following the individual's graduation from an institution of 64428
higher education in this state except as provided in division 64429
(C) of this section. 64430

(B) Each student who accepts a scholarship under the 64431

governor's merit scholarship program shall sign a promissory 64432
note payable to the state. The amount payable under the note 64433
shall be the amount of total scholarship funds accepted by the 64434
individual under the program. The chancellor of higher education 64435
shall determine the period of repayment under the note. The 64436
chancellor shall not charge an interest rate on such payments. 64437
If either of the following apply, the promissory takes immediate 64438
effect: 64439

(1) The individual does not satisfy the residency 64440
requirement under this section. 64441

(2) The individual disenrolls from an institution of 64442
higher education in this state without graduating or transfers 64443
to an institution of higher education in another state. 64444

(C) A promissory note under this section shall not take 64445
immediate effect if a student does not complete the residency 64446
requirement because the student pursues a graduate degree at an 64447
institution of higher education that is not located in this 64448
state. In that event, the individual shall complete the 64449
residency requirement under this section after receiving that 64450
graduate degree. 64451

(D) The note shall stipulate that the obligation to make 64452
payments under the note is canceled if either of the following 64453
apply: 64454

(1) The student meets the residency requirement under this 64455
section. 64456

(2) The student dies or becomes totally and permanently 64457
disabled. 64458

Sec. 3333.13. As used in sections 3333.13 to 3333.137 of 64459
the Revised Code, "employed as a service attorney" means ~~either~~ 64460

any of the following: 64461

(A) An attorney who works a minimum of thirty-five hours 64462
per week for a minimum of forty-five weeks each service year and 64463
who is employed by any of the following: 64464

(1) The state public defender; 64465

(2) The prosecuting attorney of a county; 64466

(3) A county public defender commission; 64467

(4) A joint county public defender commission to represent 64468
indigent persons. 64469

(B) Counsel appointed by the court or selected by an 64470
indigent person under division (E) of section 120.16 or division 64471
(E) of section 120.26 of the Revised Code, who works in an area 64472
designated as an underserved community under section 3333.132 of 64473
the Revised Code for a minimum of five hundred twenty hours each 64474
service year. 64475

(C) An attorney engaged in the private practice of law, 64476
who practices civil law, and who works in an area designated as 64477
an underserved community under section 3333.132 of the Revised 64478
Code for a minimum of five hundred twenty hours each service 64479
year. 64480

Sec. 3333.164. (A) As used in this section, "state": 64481

(1) "Armed forces" has the same meaning as in section 64482
3313.471 of the Revised Code. 64483

(2) "Private institution of higher education" has the same 64484
meaning as in section 5919.34 of the Revised Code. 64485

(3) "State institution of higher education" has the same 64486
meaning as in section 3345.011 of the Revised Code. 64487

(B) ~~Not later than December 31, 2014, the~~ The chancellor 64488
of higher education shall do all of the following with regard to 64489
the awarding of college credit for military training, 64490
experience, and coursework: 64491

(1) Develop a set of standards and procedures for state 64492
institutions of higher education to utilize in the granting of 64493
college credit for military training, experience, and 64494
coursework; 64495

(2) Create a military articulation and transfer assurance 64496
guide for college credit that is earned through military 64497
training, experience, and coursework. The chancellor shall use 64498
the current articulation and transfer policy adopted pursuant to 64499
section 3333.16 of the Revised Code as a model in developing 64500
this guide. 64501

(3) Create a web site that contains information related to 64502
the awarding of college credit for military training, 64503
experience, and coursework. The web site shall include both of 64504
the following: 64505

(a) Standardized resources that address frequently asked 64506
questions regarding the awarding of such credit and related 64507
issues; 64508

(b) A statewide database that shows how specified military 64509
training, experience, and coursework translates to college 64510
credit. 64511

(4) Develop a statewide training program that prepares 64512
faculty and staff of state institutions of higher education to 64513
evaluate various military training, experience, and coursework 64514
and to award appropriate equivalent credit. The training program 64515
shall incorporate the best practices of awarding credit for 64516

military experiences, including both the recommendations of the 64517
American council on education and the standards developed by the 64518
council for adult and experiential learning. 64519

(C) ~~Beginning on July 1, 2015, state~~ State institutions of 64520
higher education shall ensure that appropriate equivalent credit 64521
is awarded for military training, experience, and coursework 64522
that meet the standards developed by the chancellor pursuant to 64523
this section. 64524

(D) Notwithstanding any provision of law to the contrary, 64525
the chancellor may require a state institution of higher 64526
education or a private institution of higher education to 64527
establish a process to systematically evaluate military 64528
training, experience, and coursework and to award appropriate 64529
equivalent college credit to a student who is a veteran of the 64530
armed forces. The chancellor may adopt rules to implement this 64531
division. 64532

Sec. 3333.24. (A) As used in this section: 64533

(1) "Eligible student" means a student to whom all of the 64534
following apply: 64535

(a) The student is a resident of this state under rules 64536
adopted by the chancellor of higher education under section 64537
3333.31 of the Revised Code. 64538

(b) The student has completed a free application for 64539
federal student aid for the year for which the grant is to be 64540
awarded. 64541

(c) The student enrolls in a qualified program at a 64542
community, state community, or technical college, an Ohio 64543
technical center, or a state university branch campus. 64544

(2) "Qualified program" means either of the following: 64545

(a) For a student who received a first-time grant under 64546
this section prior to the effective date of this amendment, a 64547
credit or noncredit program that leads to an industry-recognized 64548
credential, certificate, or degree and prepares the student for 64549
a job that meets either of the following criteria: 64550

~~(a)~~ (i) It is identified as an "in-demand" or "critical" 64551
job as determined by the office of workforce transformation. 64552

~~(b)~~ (ii) It is submitted by a community, state community, 64553
or technical college, an Ohio technical center, or a state 64554
university branch campus and will meet regional workforce needs, 64555
as approved by the chancellor. 64556

(b) For a student who receives a first-time grant under 64557
this section on or after the effective date of this amendment, a 64558
program that meets alternative criteria established by the 64559
chancellor of higher education, in consultation with the office 64560
of workforce transformation, based on the emerging workforce 64561
needs of the state. 64562

(B) The chancellor of higher education shall establish the 64563
Ohio work ready grant program. Under the program, the chancellor 64564
shall award a grant of up to three thousand dollars to eligible 64565
students enrolled in a qualified program. Grant award amounts 64566
made to eligible students enrolled on either a full-time or 64567
part-time basis shall be computed in accordance with rules 64568
adopted by the chancellor. No student shall be eligible to 64569
receive a grant for more than six semesters or the equivalent of 64570
three academic years. 64571

(C) Eligible students shall apply to participate in the 64572
program in a form and manner prescribed by the chancellor. The 64573

chancellor shall determine the form and manner of payments. 64574

(D) (1) The program shall be funded in the sums and manner 64575
designated for such purpose by the general assembly, but the 64576
chancellor also may receive funds from other sources to support 64577
the program. 64578

(2) If, for any academic year, the amounts available for 64579
support of the program are inadequate to provide grants to all 64580
eligible students, the chancellor may establish different grant 64581
amounts based on the number of applicants and the total amount 64582
of funds set aside for that purpose. 64583

(E) The chancellor, in consultation with the providers of 64584
qualified programs, shall collect and report program metrics 64585
that include all of the following: 64586

(1) Demographics of recipients, including: 64587

(a) Age, disaggregated as follows: 64588

(i) Twenty-four years and younger; 64589

(ii) Twenty-five to thirty-four years; 64590

(iii) Thirty-five to forty-nine years; 64591

(iv) Fifty years and older. 64592

(b) Gender; 64593

(c) Race and ethnicity; 64594

(d) Enrollment status as full- or part-time; 64595

(e) Pell grant status. 64596

(2) Success rates of recipients, including program 64597
retention and completion; 64598

(3) Total number of industry-recognized credentials, 64599
including technician-aligned associate degrees, awarded, 64600
disaggregated by subject or program area. 64601

Sec. 3333.374. (A) ~~After receipt of recommendations from~~ 64602
~~the scholarship rules advisory committee or if no~~ 64603
~~recommendations are received, the~~ The chancellor of higher 64604
education, with the approval of the treasurer of state, shall 64605
adopt rules, in accordance with Chapter 119. of the Revised 64606
Code, establishing policy guidelines for the implementation of 64607
the scholarship and fellowship programs. 64608

(B) Nothing in this section ~~or section 3333.373 of the~~ 64609
~~Revised Code~~ shall prevent the chancellor, with the approval of 64610
the treasurer of state, from amending or rescinding rules 64611
adopted pursuant to division (A) of this section, or from 64612
adopting new rules, in accordance with Chapter 119. of the 64613
Revised Code, from time to time as are necessary to further the 64614
purposes of sections 3333.37 to 3333.375 of the Revised Code. 64615

Sec. 3333.96. (A) The strategic square footage reduction 64616
fund is created in the state treasury. The fund shall consist of 64617
money credited or transferred to it and grants, gifts, and 64618
contributions made directly to it. In addition to any such 64619
money, gift, or contribution, funds may be transferred from the 64620
Ohio tuition trust reserve fund to the strategic square footage 64621
reduction fund, in accordance with section 3334.11 of the 64622
Revised Code. 64623

(B) The strategic square footage reduction fund shall be 64624
used to make revolving loans to state institutions of higher 64625
education, as defined in section 3345.011 of the Revised Code, 64626
that enable the voluntary reduction of physical square footage. 64627

(C) The chancellor of higher education shall administer 64628
and award, in consultation with the Ohio facilities construction 64629
commission, the revolving loans described in division (B) of 64630
this section. The chancellor, in consultation with the 64631
commission, shall establish all of the following: 64632

(1) Procedures and forms by which state institutions of 64633
higher education may apply for a loan; 64634

(2) A competitive process for ranking applicants and 64635
awarding the loans, with priority consideration given to state 64636
institutions of higher education that have experienced a 64637
decrease in their general student populations, as determined by 64638
the chancellor; 64639

(3) Procedures and timelines for distributing loans and 64640
collecting payments for the strategic square footage reduction 64641
fund. 64642

(D) Each state institution of higher education shall 64643
include in its application all of the following: 64644

(1) The extent to which the square footage may have value 64645
if sold or reallocated to serve other purposes, which may 64646
include kindergarten through twelve, career-technical, or adult 64647
educational purposes, community interests, or business and 64648
industry partnerships; 64649

(2) The relative age and condition of the facilities to be 64650
deconstructed; 64651

(3) Historical enrollment patterns as well as future 64652
enrollment projections; 64653

(4) The composition of classes offered in person versus in 64654
an online format; 64655

- (5) The level of deferred maintenance; 64656
- (6) The prior level of state investment; 64657
- (7) The amount of annual operating expenses defrayed by 64658
eliminating the square footage; 64659
- (8) A report from the office of budget and management 64660
detailing the extent and the status of past capital budget 64661
appropriations supporting the project and the existence of any 64662
outstanding bonded debt derived from such support. 64663
- The chancellor and the Ohio facilities construction 64664
commission shall consider the information supplied under this 64665
division in making final awards. 64666
- (E) Each state institution of higher education that 64667
receives a loan under this section annually shall certify to the 64668
chancellor, on a date and in such form and manner as prescribed 64669
by the chancellor, a summary of financial information regarding 64670
the loan. 64671
- (F) Prior to a state institution using the loan to pay the 64672
demolition costs of a facility, the following shall occur: 64673
- (1) The board of trustees of that institution shall adopt 64674
a resolution approving the demolition. 64675
- (2) Notwithstanding anything to the contrary in the 64676
Revised Code, any net proceeds received from any demolition of 64677
real property made pursuant to this section shall, at the 64678
direction of the director of budget and management, be credited 64679
to the strategic square footage reduction fund. 64680
- (G) Each state institution of higher education receiving 64681
loans under this section shall not construct any new facility 64682
during the time period in which demolition is occurring. 64683

Sec. 3334.11. (A) The assets of the Ohio tuition trust 64684
authority reserved for payment of the obligations of the 64685
authority pursuant to tuition payment contracts shall be placed 64686
in a fund, which is hereby created and shall be known as the 64687
Ohio tuition trust fund. The fund shall be in the custody of the 64688
treasurer of state, but shall not be part of the state treasury. 64689
That portion of payments received by the authority or the 64690
treasurer of state from persons purchasing tuition units under 64691
tuition payment contracts that the authority determines is 64692
actuarially necessary for the payment of obligations of the 64693
authority pursuant to tuition payment contracts, all interest 64694
and investment income earned by the fund, and all other receipts 64695
of the authority from any other source that the authority 64696
determines appropriate, shall be deposited in the fund. No 64697
purchaser or beneficiary of tuition units shall have any claim 64698
against the funds of any state institution of higher education. 64699
All investment fees and other costs incurred in connection with 64700
the exercise of the investment powers of the authority pursuant 64701
to divisions (D) and (E) of this section shall be paid from the 64702
assets of the fund. 64703

(B) Unless otherwise provided by the authority, the assets 64704
of the Ohio tuition trust fund shall be expended in the 64705
following order: 64706

(1) To make payments to beneficiaries, or institutions of 64707
higher education on behalf of beneficiaries, under division (B) 64708
of section 3334.09 of the Revised Code; 64709

(2) To make refunds as provided in divisions (A) and (C) 64710
of section 3334.10 of the Revised Code; 64711

(3) To pay the investment fees and other costs of 64712
administering the fund. 64713

(C) (1) Except as may be provided in an agreement under 64714
division (A) (19) of section 3334.08 of the Revised Code, all 64715
disbursements from the Ohio tuition trust fund shall be made by 64716
the treasurer of state on order of a designee of the authority. 64717

(2) The treasurer of state shall deposit any portion of 64718
the Ohio tuition trust fund not needed for immediate use in the 64719
same manner as state funds are deposited. 64720

(D) The authority is the trustee of the Ohio tuition trust 64721
fund. The authority shall have full power to invest the assets 64722
of the fund and in exercising this power shall be subject to the 64723
limitations and requirements contained in divisions (K) to (M) 64724
of this section and sections 145.112 and 145.113 of the Revised 64725
Code. The evidences of title of all investments shall be 64726
delivered to the treasurer of state or to a qualified trustee 64727
designated by the treasurer of state as provided in section 64728
135.18 of the Revised Code. Assets of the fund shall be 64729
administered by the authority in a manner designed to be 64730
actuarially sound so that the assets of the fund will be 64731
sufficient to satisfy the obligations of the authority pursuant 64732
to tuition payment contracts and defray the reasonable expenses 64733
of administering the fund. 64734

(E) The authority may enter into an agreement with any 64735
business, entity, or governmental agency to perform the 64736
investment duties of the authority as set forth in division (D) 64737
of this section. The investment powers shall be exercised by the 64738
business, entity, or governmental agency that entered into an 64739
agreement with the authority in a manner agreed upon by the 64740
authority that maximizes the return on investment and minimizes 64741
the administrative expenses. 64742

(F) (1) The authority shall maintain a separate account for 64743

each tuition payment contract entered into pursuant to division 64744
(A) of section 3334.09 of the Revised Code for the purchase of 64745
tuition units on behalf of a beneficiary or beneficiaries 64746
showing the beneficiary or beneficiaries of that contract and 64747
the number of tuition units purchased pursuant to that contract. 64748
Upon request of any beneficiary or person who has entered into a 64749
tuition payment contract, the authority shall provide a 64750
statement indicating, in the case of a beneficiary, the number 64751
of tuition units purchased on behalf of the beneficiary, or in 64752
the case of a person who has entered into a tuition payment 64753
contract, the number of tuition units purchased, used, or 64754
refunded pursuant to that contract. A beneficiary and person 64755
that have entered into a tuition payment contract each may file 64756
only one request under this division in any year. 64757

(2) The authority shall maintain an account for each 64758
scholarship program showing the number of tuition units that 64759
have been purchased for or donated to the program and the number 64760
of tuition units that have been used. Upon the request of the 64761
entity that established the scholarship program, the authority 64762
shall provide a statement indicating these numbers. 64763

(G) (1) In addition to the Ohio tuition trust fund, there 64764
is hereby established a reserve fund that shall be in the 64765
custody of the treasurer of state but shall not be part of the 64766
state treasury, and shall be known as the Ohio tuition trust 64767
reserve fund, and an operating fund that shall be part of the 64768
state treasury, and shall be known as the Ohio tuition trust 64769
operating fund. That portion of payments received by the 64770
authority or the treasurer of state from persons purchasing 64771
tuition units under tuition payment contracts that the authority 64772
determines is not actuarially necessary for the payment of 64773
obligations of the authority pursuant to tuition payment 64774

contracts, any interest and investment income earned by the 64775
reserve fund, any administrative charges and fees imposed by the 64776
authority on transactions under this chapter or on purchasers or 64777
beneficiaries of tuition units, and all other receipts from any 64778
other source that the authority determines appropriate, shall be 64779
deposited in the reserve fund to pay the operating expenses of 64780
the authority and the costs of administering the program. The 64781
assets of the reserve fund may be invested in the same manner 64782
and subject to the same limitations set forth in divisions (D), 64783
(E), and (K) to (M) of this section and sections 145.112 and 64784
145.113 of the Revised Code. All investment fees and other costs 64785
incurred in connection with the exercise of the investment 64786
powers shall be paid from the assets of the reserve fund. Except 64787
as otherwise provided for in this chapter, all operating 64788
expenses of the authority and costs of administering the program 64789
shall be paid from the operating fund. 64790

(2) The treasurer of state shall, upon request of the 64791
authority, transfer funds from the reserve fund to the operating 64792
fund as the authority determines appropriate to pay those 64793
current operating expenses of the authority and costs of 64794
administering the program as the authority designates. Any 64795
interest or investment income earned on the assets of the 64796
operating fund shall be deposited in the operating fund. 64797

(3) The treasurer of state shall, upon request by the 64798
chancellor of higher education and approval by the director of 64799
budget and management, transfer funds from the reserve fund to 64800
the strategic square footage reduction fund created under 64801
section 3333.96 of the Revised Code. 64802

(H) In January of each year the authority shall report to 64803
each person who received any payments or refunds from the 64804

authority during the preceding year information relative to the 64805
value of the payments or refunds to assist in determining that 64806
person's tax liability. 64807

(I) The authority shall report to the tax commissioner any 64808
information, and at the times, as the tax commissioner requires 64809
to determine any tax liability that a person may have incurred 64810
during the preceding year as a result of having received any 64811
payments or refunds from the authority. 64812

(J) All records of the authority indicating the identity 64813
of purchasers and beneficiaries of tuition units or college 64814
savings bonds, the number of tuition units purchased, used, or 64815
refunded under a tuition payment contract, and the number of 64816
college savings bonds purchased, held, or redeemed are not 64817
public records within the meaning of section 149.43 of the 64818
Revised Code. 64819

(K) (1) The authority and other fiduciaries shall discharge 64820
their duties with respect to the funds with care, skill, 64821
prudence, and diligence under the circumstances then prevailing 64822
that a prudent person acting in a like capacity and familiar 64823
with such matters would use in the conduct of an enterprise of a 64824
like character and with like aims; and by diversifying the 64825
investments of the assets of the funds so as to minimize the 64826
risk of large losses, unless under the circumstances it is 64827
clearly prudent not to do so. 64828

(2) To facilitate investment of the funds, the authority 64829
may establish a partnership, trust, limited liability company, 64830
corporation, including a corporation exempt from taxation under 64831
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 64832
amended, or any other legal entity authorized to transact 64833
business in this state. 64834

(L) In exercising its fiduciary responsibility with 64835
respect to the investment of the assets of the funds, it shall 64836
be the intent of the authority to give consideration to 64837
investments that enhance the general welfare of the state and 64838
its citizens where the investments offer quality, return, and 64839
safety comparable to other investments currently available to 64840
the authority. In fulfilling this intent, equal consideration 64841
shall also be given to investments otherwise qualifying under 64842
this section that involve minority owned and controlled firms 64843
and firms owned and controlled by women, either alone or in 64844
joint venture with other firms. 64845

The authority shall adopt, in regular meeting, policies, 64846
objectives, or criteria for the operation of the investment 64847
program that include asset allocation targets and ranges, risk 64848
factors, asset class benchmarks, time horizons, total return 64849
objectives, and performance evaluation guidelines. In adopting 64850
policies and criteria for the selection of agents with whom the 64851
authority may contract for the administration of the assets of 64852
the funds, the authority shall give equal consideration to 64853
minority owned and controlled firms, firms owned and controlled 64854
by women, and ventures involving minority owned and controlled 64855
firms and firms owned and controlled by women that otherwise 64856
meet the policies and criteria established by the authority. 64857
Amendments and additions to the policies and criteria shall be 64858
adopted in regular meeting. The authority shall publish its 64859
policies, objectives, and criteria under this provision no less 64860
often than annually and shall make copies available to 64861
interested parties. 64862

When reporting on the performance of investments, the 64863
authority shall comply with the performance presentation 64864
standards established by the association for investment 64865

management and research. 64866

(M) All investments shall be purchased at current market 64867
prices and the evidences of title of the investments shall be 64868
placed in the hands of the treasurer of state, who is hereby 64869
designated as custodian thereof, or in the hands of the 64870
treasurer of state's authorized agent. The treasurer of state or 64871
the agent shall collect the principal, dividends, distributions, 64872
and interest thereon as they become due and payable and place 64873
them when so collected into the custodial funds. 64874

The treasurer of state shall pay for investments purchased 64875
by the authority on receipt of written or electronic 64876
instructions from the authority or the authority's designated 64877
agent authorizing the purchase and pending receipt of the 64878
evidence of title of the investment by the treasurer of state or 64879
the treasurer of state's authorized agent. The authority may 64880
sell investments held by the authority, and the treasurer of 64881
state or the treasurer of state's authorized agent shall accept 64882
payment from the purchaser and deliver evidence of title of the 64883
investment to the purchaser on receipt of written or electronic 64884
instructions from the authority or the authority's designated 64885
agent authorizing the sale, and pending receipt of the moneys 64886
for the investments. The amount received shall be placed in the 64887
custodial funds. The authority and the treasurer of state may 64888
enter into agreements to establish procedures for the purchase 64889
and sale of investments under this division and the custody of 64890
the investments. 64891

No purchase or sale of any investment shall be made under 64892
this section except as authorized by the authority. 64893

Any statement of financial position distributed by the 64894
authority shall include fair value, as of the statement date, of 64895

all investments held by the authority under this section. 64896

Sec. 3335.39. (A) (1) The Salmon P. Chase center for 64897
civics, culture, and society is established as an independent 64898
academic unit within the Ohio state university, ~~physically~~ 64899
~~located in the college of public affairs.~~ The center shall 64900
conduct teaching and research in the historical ideas, 64901
traditions, and texts that have shaped the American 64902
constitutional order and society. 64903

(2) The center shall establish bylaws requiring the center 64904
to do all of the following: 64905

(a) Educate students by means of free, open, and rigorous 64906
intellectual inquiry to seek the truth; 64907

(b) Affirm its duty to equip students with the skills, 64908
habits, and dispositions of mind they need to reach their own 64909
informed conclusions on matters of social and political 64910
importance; 64911

(c) Affirm the value of intellectual diversity in higher 64912
education and aspire to enhance the intellectual diversity of 64913
the university; 64914

(d) Affirm a commitment to create a community dedicated to 64915
an ethic of civil and free inquiry, which respects the 64916
intellectual freedom of each member, supports individual 64917
capacities for growth, and welcomes the differences of opinion 64918
that shall naturally exist in a public university community. 64919

The requirements prescribed under divisions (A) (2) (a) to 64920
(d) of this section shall take priority over any other bylaws 64921
adopted by the center. 64922

(3) The board of trustees of the university may change the 64923

name of the center in accordance with the philanthropic naming 64924
policies and practices of the university. 64925

~~(B)~~ (B) (1) The center shall be an independent academic unit 64926
~~physically located at the college of public affairs with the~~ 64927
authority to house tenure-track faculty who hold their 64928
appointments within the center. Faculty appointed to the center 64929
shall not be required, but may, hold joint appointments within 64930
any other division of the university. Not fewer than fifteen 64931
tenure-track faculty positions shall be allotted to teach under 64932
the center. No faculty outside of the center shall have the 64933
authority to block faculty hires into the center. 64934

(2) The university shall provide adequate and appropriate 64935
space for the center as jointly determined by the director and 64936
either the president or provost of the university. The 64937
university shall not charge or assess overhead or indirect fees, 64938
costs, expenses, or charges to the center. 64939

(C) (1) The center shall offer instruction in all of the 64940
following: 64941

(a) The books and major debates which form the 64942
intellectual foundation of free societies, especially that of 64943
the United States; 64944

(b) The principles, ideals, and institutions of the 64945
American constitutional order; 64946

(c) The foundations of responsible leadership and informed 64947
citizenship. 64948

(2) The center also shall focus on both of the following: 64949

(a) Offering university-wide programming related to the 64950
values of free speech and civil discourse; 64951

(b) Expanding the intellectual diversity of the university's academic community.

(D) (1) ~~Not later than November 20, 2023, the~~ The board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member Chase center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.

(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.

(E) (1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of finalists from which the president shall select and appoint a director, subject to approval by the board of trustees. Future directors shall be chosen in the same manner.

(2) The director shall have the protection of tenure or tenure eligibility. The director shall ~~consult with the dean of the college of public affairs; however, the director shall~~ report directly to the provost or the president of the university.

(3) The director shall have the sole and exclusive
authority to manage the recruitment and hiring process and to
extend offers for employment for all faculty and staff, and to
terminate employment of all staff. The director shall oversee,
develop, and approve the center's curriculum, including approval
of the center's courses that meet the university's general
education requirements. The center shall be granted the
authority to offer courses and develop certificate, minor, and
major programs as well as graduate programs, and offer degrees.

(F) The director of the center shall submit an annual
report to the board of trustees of the university and the
general assembly in accordance with section 101.68 of the
Revised Code. The report shall provide a full account of the
center's achievements, opportunities, challenges, and obstacles
in the development of this academic unit.

Sec. 3339.06. (A) (1) The Miami university center for
civics, culture, and society is established as an independent
academic unit within Miami university, ~~physically located in the~~
~~college of arts and sciences~~. The center shall conduct teaching
and research in the historical ideas, traditions, and texts that
have shaped the American constitutional order and society.

(2) The center shall establish bylaws requiring the center
to do all of the following:

(a) Educate students by means of free, open, and rigorous
intellectual inquiry to seek the truth;

(b) Affirm its duty to equip students with the skills,
habits, and dispositions of mind they need to reach their own
informed conclusions on matters of social and political
importance;

(c) Affirm the value of intellectual diversity in higher 65010
education and aspire to enhance the intellectual diversity of 65011
the university; 65012

(d) Affirm a commitment to create a community dedicated to 65013
an ethic of civil and free inquiry, which respects the 65014
intellectual freedom of each member, supports individual 65015
capacities for growth, and welcomes the differences of opinion 65016
that shall naturally exist in a public university community. 65017

The requirements prescribed under divisions (A) (2) (a) to 65018
(d) of this section shall take priority over any other bylaws 65019
adopted by the center. 65020

(3) The board of trustees of the university may name the 65021
center in accordance with the philanthropic naming policies and 65022
practices of the university. 65023

~~(B)~~ (B) (1) The center shall be an independent academic unit 65024
physically located at the college of arts and sciences with the 65025
authority to house tenure-track faculty who hold their 65026
appointments within the center. Faculty appointed to the center 65027
shall not be required, but may, hold joint appointments within 65028
any other division of the university. Not fewer than ten tenure- 65029
track faculty positions shall be allotted to teach under the 65030
center. No faculty outside of the center shall have the 65031
authority to block faculty hires into the center. 65032

(2) The university shall provide adequate and appropriate 65033
space for the center as jointly determined by the director and 65034
either the president or provost of the university. The 65035
university shall not charge or assess overhead or indirect fees, 65036
costs, expenses, or charges to the center. 65037

(C) (1) The center shall offer instruction in all of the 65038

following: 65039

(a) The books and major debates which form the 65040
intellectual foundation of free societies, especially that of 65041
the United States; 65042

(b) The principles, ideals, and institutions of the 65043
American constitutional order; 65044

(c) The foundations of responsible leadership and informed 65045
citizenship. 65046

(2) The center also shall focus on both of the following: 65047

(a) Offering university-wide programming related to the 65048
values of free speech and civil discourse; 65049

(b) Expanding the intellectual diversity of the 65050
university's academic community. 65051

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65052
trustees of the university shall appoint, with the advice and 65053
consent of the senate, a seven-member center academic council. 65054
An initial member shall not begin service until confirmed by the 65055
senate. Four members shall form a quorum. 65056

(2) The academic council shall be comprised of scholars 65057
with relevant expertise and experience. Not more than one member 65058
of the council may be an employee of the university. Best 65059
efforts shall be made to have not fewer than three members of 65060
the advisory board be from Ohio. 65061

(3) Three members of the academic council shall serve 65062
initial terms of two years and four members shall serve initial 65063
terms of four years, which the members shall determine at their 65064
first meeting, and select replacements for vacant seats. 65065

(E) (1) The academic council established under division (D) 65066
of this section shall conduct a nationwide search for candidates 65067
for the director of the center and shall strictly adhere to all 65068
relevant state and federal laws. The academic council shall 65069
submit to the president of the university a list of finalists 65070
from which the president shall select and appoint a director, 65071
subject to approval by the board of trustees. Future directors 65072
shall be chosen in the same manner. 65073

(2) The director shall have the protection of tenure or 65074
tenure eligibility. The director shall ~~consult with the dean of~~ 65075
~~the college of arts and sciences; however, the director shall~~ 65076
report directly to the provost or the president of the 65077
university. 65078

(3) The director shall have the sole and exclusive 65079
authority to manage the recruitment and hiring process and to 65080
extend offers for employment for all faculty and staff of the 65081
center, and to terminate employment of all staff. The director 65082
shall oversee, develop, and approve the center's curriculum, 65083
including approval of the center's courses that meet the 65084
university's general education requirements. The center shall be 65085
granted the authority to offer courses and develop certificate, 65086
minor, and major programs as well as graduate programs, and 65087
offer degrees. 65088

(F) The director of the center shall submit an annual 65089
report to the board of trustees of the university and the 65090
general assembly in accordance with section 101.68 of the 65091
Revised Code. The report shall provide a full account of the 65092
center's achievements, opportunities, challenges, and obstacles 65093
in the development of this academic unit. 65094

Sec. 3344.07. (A) (1) The Cleveland state university center 65095

for civics, culture, and society is established as an 65096
independent academic unit within Cleveland state university, 65097
~~physically located in the Levin college of public affairs and~~ 65098
~~education.~~ The center shall conduct teaching and research in the 65099
historical ideas, traditions, and texts that have shaped the 65100
American constitutional order and society. 65101

(2) The center shall establish bylaws requiring the center 65102
to do all of the following: 65103

(a) Educate students by means of free, open, and rigorous 65104
intellectual inquiry to seek the truth; 65105

(b) Affirm its duty to equip students with the skills, 65106
habits, and dispositions of mind they need to reach their own 65107
informed conclusions on matters of social and political 65108
importance; 65109

(c) Affirm the value of intellectual diversity in higher 65110
education and aspire to enhance the intellectual diversity of 65111
the university; 65112

(d) Affirm a commitment to create a community dedicated to 65113
an ethic of civil and free inquiry, which respects the 65114
intellectual freedom of each member, supports individual 65115
capacities for growth, and welcomes the differences of opinion 65116
that shall naturally exist in a public university community. 65117

The requirements prescribed under divisions (A) (2) (a) to 65118
(d) of this section shall take priority over any other bylaws 65119
adopted by the center. 65120

(3) The board of trustees of the university may name the 65121
center in accordance with the philanthropic naming policies and 65122
practices of the university. 65123

~~(B)~~ (B) (1) The center shall be an independent academic unit 65124
physically located at the college of public affairs and 65125
education with the authority to house tenure-track faculty who 65126
hold their appointments within the center. Faculty appointed to 65127
the center shall not be required, but may, hold joint 65128
appointments within any other division of the university. Not 65129
fewer than ten tenure-track faculty positions shall be allotted 65130
to teach under the center. No faculty outside of the center 65131
shall have the authority to block faculty hires into the center. 65132

(2) The university shall provide adequate and appropriate 65133
space for the center as jointly determined by the director and 65134
either the president or provost of the university. The 65135
university shall not charge or assess overhead or indirect fees, 65136
costs, expenses, or charges to the center. 65137

(C) (1) The center shall offer instruction in all of the 65138
following: 65139

(a) The books and major debates which form the 65140
intellectual foundation of free societies, especially that of 65141
the United States; 65142

(b) The principles, ideals, and institutions of the 65143
American constitutional order; 65144

(c) The foundations of responsible leadership and informed 65145
citizenship. 65146

(2) The center also shall focus on both of the following: 65147

(a) Offering university-wide programming related to the 65148
values of free speech and civil discourse; 65149

(b) Expanding the intellectual diversity of the 65150
university's academic community. 65151

(D) (1) ~~Not later than December 31, 2023, the~~ The board of 65152
trustees of the university shall appoint, with the advice and 65153
consent of the senate, a seven-member center academic council. 65154
An initial member shall not begin service until confirmed by the 65155
senate. Four members shall form a quorum. 65156

(2) The academic council shall be comprised of scholars 65157
with relevant expertise and experience. Not more than one member 65158
of the council may be an employee of the university. Best 65159
efforts shall be made to have not fewer than three members of 65160
the advisory board be from Ohio. 65161

(3) Three members of the academic council shall serve 65162
initial terms of two years and four members shall serve initial 65163
terms of four years, which the members shall determine at their 65164
first meeting, and select replacements for vacant seats. 65165

(E) (1) The academic council established under division (D) 65166
of this section shall conduct a nationwide search for candidates 65167
for the director of the center and shall strictly adhere to all 65168
relevant state and federal laws. The academic council shall 65169
submit to the president of the university a list of finalists 65170
from which the president shall select and appoint a director, 65171
subject to approval by the board of trustees. Future directors 65172
shall be chosen in the same manner. 65173

(2) The director shall have the protection of tenure or 65174
tenure eligibility. The director shall ~~consult with the dean of~~ 65175
~~the college of public affairs and education; however, the~~ 65176
~~director shall~~ report directly to the provost or the president 65177
of the university. 65178

(3) The director shall have the sole and exclusive 65179
authority to manage the recruitment and hiring process and to 65180

extend offers for employment for all faculty and staff of the 65181
center, and to terminate employment of all staff. The director 65182
shall oversee, develop, and approve the center's curriculum, 65183
including approval of the center's courses that meet the 65184
university's general education requirements. The center shall be 65185
granted the authority to offer courses and develop certificate, 65186
minor, and major programs as well as graduate programs, and 65187
offer degrees. 65188

(F) The director of the center shall submit an annual 65189
report to the board of trustees of the university and the 65190
general assembly in accordance with section 101.68 of the 65191
Revised Code. The report shall provide a full account of the 65192
center's achievements, opportunities, challenges, and obstacles 65193
in the development of this academic unit. 65194

Sec. 3345.06. As used in this section, "state institution 65195
of higher education" and "state university" have the same 65196
meanings as in section 3345.011 of the Revised Code. 65197

~~(A)~~ (A) (1) Subject to divisions (B) and (C) of this 65198
section, a graduate of the twelfth grade shall be entitled to 65199
admission without examination to any ~~college or university which~~ 65200
~~is supported wholly or in part by the state~~ state institution of 65201
higher education, but for unconditional admission may be 65202
required to complete such units not included in the graduate's 65203
high school course as may be prescribed, not less than two years 65204
prior to the graduate's entrance, by the faculty of the 65205
institution. 65206

(2) Subject to divisions (B) and (C) of this section, each 65207
graduate of the twelfth grade who is in the top ten per cent of 65208
a graduating class as determined by the chancellor of higher 65209
education shall be entitled to admission to any state 65210

institution of higher education. If the student does not meet 65211
the standards for unconditional admission under division (A) of 65212
this section, a state university may delay main campus admission 65213
and admit the student to a university branch campus. 65214

(3) Subject to divisions (B) and (C) of this section, each 65215
graduate who is in the top five per cent of a graduating class 65216
as determined by the chancellor shall be entitled to admission 65217
to the main campus of a state institution of higher education. 65218

(B) Beginning with the 2014-2015 academic year, each state 65219
university ~~listed in section 3345.011 of the Revised Code,~~ 65220
except for Central state university, Shawnee state university, 65221
and Youngstown state university, shall permit a resident of this 65222
state who entered ninth grade for the first time on or after 65223
July 1, 2010, to begin undergraduate coursework at the 65224
university only if the person has successfully completed the 65225
requirements for high school graduation prescribed in division 65226
(C) of section 3313.603 of the Revised Code, unless one of the 65227
following applies: 65228

(1) The person has earned at least ten semester hours, or 65229
the equivalent, at a community college, state community college, 65230
university branch, technical college, or another post-secondary 65231
institution except a state university to which division (B) of 65232
this section applies, in courses that are college-credit-bearing 65233
and may be applied toward the requirements for a degree. The 65234
university shall grant credit for successful completion of those 65235
courses pursuant to any applicable articulation and transfer 65236
policy of the chancellor of higher education or any agreements 65237
the university has entered into in accordance with policies and 65238
procedures adopted under section 3333.16, 3333.161, or 3333.162 65239
of the Revised Code. The university may count college credit 65240

that the student earned while in high school through the college 65241
credit plus program under Chapter 3365. of the Revised Code, or 65242
through other advanced standing programs, toward the 65243
requirements of division (B) (1) of this section if the credit 65244
may be applied toward a degree. 65245

(2) The person qualified to graduate from high school 65246
under division (D) or (F) of section 3313.603 of the Revised 65247
Code and has successfully completed the topics or courses that 65248
the person lacked to graduate under division (C) of that section 65249
at any post-secondary institution or at a summer program at the 65250
state university. A state university may admit a person for 65251
enrollment contingent upon completion of such topics or courses 65252
or summer program. 65253

(3) The person met the high school graduation requirements 65254
by successfully completing the person's individualized education 65255
program developed under section 3323.08 of the Revised Code. 65256

(4) The person is receiving or has completed the final 65257
year of education at home as authorized under section 3321.042 65258
of the Revised Code, or has graduated from a nonchartered, 65259
nonpublic school in Ohio, and demonstrates mastery of the 65260
academic content and skills in reading, writing, and mathematics 65261
needed to successfully complete introductory level coursework at 65262
an institution of higher education and to avoid remedial 65263
coursework. 65264

(5) The person is a high school student participating in 65265
the college credit plus program under Chapter 3365. of the 65266
Revised Code or another advanced standing program. 65267

(C) A state university subject to division (B) of this 65268
section may delay admission for or admit conditionally an 65269

undergraduate student who has successfully completed the 65270
requirements prescribed in division (C) of section 3313.603 of 65271
the Revised Code if the university determines the student 65272
requires academic remedial or developmental coursework. The 65273
university may delay admission pending, or make admission 65274
conditional upon, the student's successful completion of the 65275
academic remedial or developmental coursework at a university 65276
branch, community college, state community college, or technical 65277
college. 65278

(D) This section does not deny the right of a college of 65279
law, medicine, or other specialized education to require college 65280
training for admission, or the right of a department of music or 65281
other art to require particular preliminary training or talent. 65282

Sec. 3345.382. (A) As used in this section, "state 65283
institution of higher education" has the same meaning as in 65284
section 3345.011 of the Revised Code. 65285

(B) Each state institution of higher education shall 65286
develop a course with not fewer than three credit hours in the 65287
subject area of American civic literacy. The course shall 65288
include a study of the American economic system and capitalism. 65289
The course shall comply with the criteria, policies, and 65290
procedures established under section 3333.16 of the Revised 65291
Code. The course may be offered under the college credit plus 65292
program established under Chapter 3365. of the Revised Code. The 65293
course shall, at a minimum, require each student to read all the 65294
following: 65295

(1) The entire Constitution of the United States; 65296

(2) The entire Declaration of Independence; 65297

(3) A minimum of five essays in their entirety from the 65298

Federalist Papers. The essays shall be selected by the 65299
department chair. 65300

(4) The entire Emancipation Proclamation; 65301

(5) The entire Gettysburg Address; 65302

(6) The entire Letter from Birmingham Jail written by Dr. 65303
Martin Luther King Jr; 65304

(7) The writings of Adam Smith, including a study of the 65305
principles written in The Wealth of Nations. 65306

Any student who takes the course shall be required to pass 65307
a cumulative final examination at the conclusion of the course 65308
that assesses student proficiency about the documents described 65309
in divisions (B)(1) to (7) of this section. 65310

Each state institution of higher education board of 65311
trustees shall adopt a resolution approving a plan to offer the 65312
course developed under this section. Each state institution 65313
shall submit that plan to the chancellor of higher education. 65314
The chancellor shall review and approve each plan. Prior to 65315
approving a plan, the chancellor may require a state institution 65316
to revise the plan and the course. 65317

Each state institution of higher education board of 65318
trustees also shall adopt a resolution specifying the conditions 65319
under which the state institution's president or designee may 65320
exempt a student under division (D)(3) of this section. 65321

(C) Beginning with students who graduate from a state 65322
institution of higher education in the spring semester, or 65323
equivalent quarter, of the 2029-2030 academic year, no state 65324
institution of higher education shall grant a bachelor's degree 65325
to any student unless the student completes a course described 65326

in division (B) of this section. A state institution may require 65327
students to complete the course as part of the institution's 65328
general education courses of study. 65329

(D) The president of a state institution of higher 65330
education, or the president's designee, may exempt a student 65331
from the requirement to complete a course described in division 65332
(B) of this section, if the president or designee determines 65333
that the student has completed at least one of the following: 65334

(1) A course offered under the college credit plus program 65335
established under Chapter 3365. of the Revised Code that 65336
satisfies the content requirements described in division (B) of 65337
this section and is approved by the chancellor; 65338

(2) An advanced placement course and examination that 65339
satisfy the content requirements described in division (B) of 65340
this section and are approved by the chancellor, and the student 65341
receives a score of three or higher on that examination; 65342

(3) At least three credit hours, or the equivalent, in a 65343
course in the subject area of American history or American 65344
government which includes the study of the documents described 65345
in divisions (B) (1) to (7) of this section. 65346

Division (D) (3) of this section does not apply after the 65347
2030-2031 academic year. 65348

(E) This section does not apply to associate's degree 65349
programs. 65350

Sec. 3345.48. (A) As used in this section: 65351

(1) "Cohort" means a group of students who will complete 65352
their bachelor's degree requirements and graduate from a state 65353
university at the same time. A cohort may include transfer 65354

students and other selected undergraduate student academic 65355
programs as determined by the board of trustees of a state 65356
university. 65357

(2) "Eligible student" means an undergraduate student who: 65358

(a) Is enrolled full-time in a bachelor's degree program 65359
at a state university; 65360

(b) Is a resident of this state, as defined by the 65361
chancellor of higher education under section 3333.31 of the 65362
Revised Code. 65363

(3) "State university" has the same meaning as in section 65364
3345.011 of the Revised Code. 65365

(B) The board of trustees of each state university shall 65366
establish an undergraduate tuition guarantee program that allows 65367
eligible students in the same cohort to pay a fixed rate for 65368
general and instructional fees for four years. A board of 65369
trustees may include room and board and any additional fees in 65370
the program. 65371

The board shall adopt rules for the program that include, 65372
but are not limited to, all of the following: 65373

(1) The number of credit hours required to earn an 65374
undergraduate degree in each major; 65375

(2) A guarantee that the general and instructional fees 65376
for each student in the cohort shall remain constant for four 65377
years so long as the student complies with the requirements of 65378
the program, except that, notwithstanding any law to the 65379
contrary, the board may increase the guaranteed amount by up to 65380
six per cent above what has been charged in the previous 65381
academic year one time for the first cohort enrolled under the 65382

tuition guarantee program. If the board of trustees determines 65383
that economic conditions or other circumstances require an 65384
increase for the first cohort of above six per cent, the board 65385
shall submit a request to increase the amount by a specified 65386
percentage to the chancellor. The chancellor, based on 65387
information the chancellor requires from the board of trustees, 65388
shall approve or disapprove such a request. Thereafter, except 65389
as provided in division (F) of this section, the board of 65390
trustees may increase the guaranteed amount by up to the sum of 65391
the following above what has been charged in the previous 65392
academic year one time per subsequent cohort: 65393

(a) The average rate of inflation, as measured by the 65394
consumer price index prepared by the bureau of labor statistics 65395
of the United States department of labor (all urban consumers, 65396
all items), for the previous thirty-six-month period; and 65397

(b) The percentage amount the general assembly restrains 65398
increases on in-state undergraduate instructional and general 65399
fees for the applicable fiscal year. If the general assembly 65400
does not enact a limit on the increase of in-state undergraduate 65401
instructional and general fees, then no limit shall apply under 65402
this division for the cohort that first enrolls in any academic 65403
year for which the general assembly does not prescribe a limit. 65404

If, beginning with the academic year that starts four 65405
years after September 29, 2013, the board of trustees determines 65406
that the general and instructional fees charged under the 65407
tuition guarantee have fallen significantly lower than those of 65408
other state universities, the board of trustees may submit a 65409
request to increase the amount charged to a cohort by a 65410
specified percentage to the chancellor, who shall approve or 65411
disapprove such a request. 65412

(3) A benchmark by which the board sets annual increases 65413
in general and instructional fees. This benchmark and any 65414
subsequent change to the benchmark shall be subject to approval 65415
of the chancellor. 65416

(4) Eligibility requirements for students to participate 65417
in the program; 65418

(5) Student rights and privileges under the program; 65419

(6) Consequences to the university for students unable to 65420
complete a degree program within four years, as follows: 65421

(a) For a student who could not complete the program in 65422
four years due to a lack of available classes or space in 65423
classes provided by the university, the university shall provide 65424
the necessary course or courses for completion to the student 65425
free of charge. 65426

(b) For a student who could not complete the program in 65427
four years due to military service or other circumstances beyond 65428
a student's control, as determined by the board of trustees, the 65429
university shall provide the necessary course or courses for 65430
completion to the student at the student's initial cohort rate. 65431

(c) For a student who did not complete the program in four 65432
years for any other reason, as determined by the board of 65433
trustees, the university shall provide the necessary course or 65434
courses for completion to the student at a rate determined 65435
through a method established by the board under division (B) (7) 65436
of this section. 65437

(7) Guidelines for adjusting a student's annual charges if 65438
the student, due to circumstances under the student's control, 65439
is unable to complete a degree program within four years; 65440

(8) A requirement that the rules adopted under division 65441
(B) of this section be published or posted in the university 65442
handbook, course catalog, and web site. 65443

(C) The board shall submit the rules adopted under 65444
division (B) of this section to the chancellor for approval 65445
before beginning implementation of the program. 65446

The chancellor shall not unreasonably withhold approval of 65447
a program if the program conforms in principle with the 65448
parameters and guidelines of this section. 65449

(D) A board of trustees of a state university may 65450
establish an undergraduate tuition guarantee program for 65451
nonresident students. 65452

(E) Except as provided in this section, no other 65453
limitation on the increase of in-state undergraduate 65454
instructional and general fees shall apply to a state university 65455
that has established an undergraduate tuition guarantee program 65456
under this section. 65457

(F) Notwithstanding anything in this section to the 65458
contrary, the board of trustees of a state university shall not 65459
~~charge~~ do either of the following: 65460

(1) Charge the cohort entering in the 2023-2024 or 2024- 65461
2025 academic year a guaranteed amount of general and 65462
instructional fees that is more than three per cent above what 65463
was charged to the cohort that entered the university in the 65464
previous academic year. 65465

(2) Charge the cohort entering in the 2025-2026 or 2026- 65466
2027 academic year a guaranteed amount of general and 65467
instructional fees that is more than four per cent above what 65468
was charged to the cohort that entered the university in the 65469

previous academic year. 65470

Sec. 3345.58. (A) As used in this section: 65471

(1) "Academic civics centers" means the following 65472
institutes or centers: 65473

(a) The center at the Ohio state university established 65474
under section 3335.39 of the Revised Code; 65475

(b) The center at Miami university established under 65476
section 3339.06 of the Revised Code; 65477

(c) The center at Cleveland state university established 65478
under section 3344.07 of the Revised Code; 65479

(d) The center at Wright state university established 65480
under section 3352.16 of the Revised Code; 65481

(e) The institute at the university of Toledo established 65482
under section 3364.07 of the Revised Code. 65483

(2) "State institution of higher education" has the same 65484
meaning as in section 3345.011 of the Revised Code. 65485

(B) The Ohio civics board is established. The board shall 65486
consist of the directors of the academic civics centers, who 65487
shall serve as ex officio members. If an academic civics center 65488
does not have a director, then the center's acting or interim 65489
director shall serve on behalf of that center until a director 65490
is selected. No additional appointment or confirmation by any 65491
authority is required for membership. 65492

(C) The board shall do all of the following: 65493

(1) Support the academic civics centers to more 65494
effectively pursue their mission of teaching and research in the 65495
historical ideas, traditions, and texts that have shaped the 65496

American and Ohio constitutional order and society; 65497

(2) Aid voluntary cooperation and coordination between the 65498
academic civics centers, including coordinating intercollegiate 65499
efforts and initiatives among the centers to promote 65500
collaboration and serve the entire state of Ohio; 65501

(3) Advise the general assembly and chancellor of higher 65502
education on matters pertaining to civic education, including 65503
best practices, program development, and statewide initiatives 65504
to enhance civic literacy and engagement; 65505

(4) Advise the general assembly and chancellor on 65506
curriculum development and standards in state institutions of 65507
higher education and primary and secondary public education 65508
providers, and on the operations of the academic civics centers; 65509

(5) Assist the academic councils of the academic civics 65510
centers in fulfilling their statutory duties, including 65511
facilitating the selection process for directors of each center. 65512

(D) The board shall annually elect a chairperson and vice- 65513
chairperson from among its members. The chairperson shall 65514
preside over meetings and serve as the primary liaison to the 65515
chancellor and the general assembly. The vice-chairperson shall 65516
perform the duties of the chairperson in the absence of the 65517
chairperson. 65518

The board shall meet as necessary at the call of the 65519
chairperson or on the written request of three or more members 65520
of the board. The board shall meet at least twice annually. 65521

A majority of the members of the board constitutes a 65522
quorum, and the votes of a majority of the quorum present are 65523
required to validate any action of the board, including 65524
recommendations. 65525

The members of the board shall serve without compensation, 65526
but each member shall be reimbursed for the member's actual and 65527
necessary expenses incurred in the performance of the member's 65528
official duties on the board. 65529

(E) The board shall submit an annual report to the general 65530
assembly and the chancellor not later than the first day of 65531
December each year. The report shall detail the board's 65532
activities, recommendations, and findings related to civic 65533
education, higher education curricula, primary and secondary 65534
public education curricula, and the operations of the academic 65535
civics centers. 65536

(F) The board, in consultation with the chancellor, may 65537
adopt rules under Chapter 119. of the Revised Code as necessary 65538
to implement this section. 65539

Sec. 3345.601. Each state institution of higher education, 65540
as defined in section 3345.011 of the Revised Code, annually 65541
shall certify to the chancellor of higher education, on a date 65542
and in the form and manner determined by the chancellor, a plan 65543
to preserve student records indefinitely if the state 65544
institution was to cease operations. The plan shall include the 65545
designation and signed confirmation of an official custodian of 65546
student records. If the chancellor determines it necessary, the 65547
chancellor may require a state institution to produce an 65548
executed agreement with the designated custodian of student 65549
records, paid in full, to ensure the state institution's plan 65550
can be implemented. 65551

The chancellor may consult with the higher learning 65552
commission, the state board of career colleges and schools, and 65553
other appropriate entities to establish plans, processes, and 65554
procedures for state institutions to provide indefinite access 65555

to student records.

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Sec. 3345.71. As used in sections 3345.72 to 3345.77 of
the Revised Code:

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(A) "State university or college" means any state
university listed in section 3345.011 of the Revised Code, the
northeast Ohio medical university, any community college under
Chapter 3354. of the Revised Code, any technical college under
Chapter 3357. of the Revised Code, and any state community
college under Chapter 3358. of the Revised Code.

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(B) "Fiscal caution" means the existence of a fiscal
caution declared under section 3345.721 of the Revised Code.

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(C) "Fiscal watch" means the existence of a fiscal watch
declared under section 3345.72 of the Revised Code.

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Sec. 3345.721. (A) The chancellor of higher education, in
consultation with the office of budget and management, shall
adopt rules in accordance with section 111.15 of the Revised
Code that include all of the following:

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(1) Criteria for determining when to review and, if
necessary, declare a state university or college under fiscal
caution. The criteria may include, but not be limited to,
consideration of the following:

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(a) A significant drop in enrollment from the prior year;

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(b) A decline in enrollment for consecutive years;

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(c) A significant increase in enrollment;

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(d) A significant increase in adjunct faculty;

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(e) An increase in student complaints;

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(f) An increase in the number of or a notable presence of

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<u>third-party service providers, which may include online program</u>	65583
<u>managers or the addition of a profit-sharing agreement with one</u>	65584
<u>or more third-party service providers that is entirely or partly</u>	65585
<u>based upon enrollment or securing financial aid;</u>	65586
<u>(g) Federal financial aid processing delays;</u>	65587
<u>(h) Reduced or increased reliance on state share of</u>	65588
<u>instruction;</u>	65589
<u>(i) Receipt of substantial nonrecurring revenue, from any</u>	65590
<u>source, that could signify a structural budget deficit;</u>	65591
<u>(j) Failure to reconcile or file annual reports promptly,</u>	65592
<u>which may cause a delay in completing a yearly audit even if</u>	65593
<u>granted an extension;</u>	65594
<u>(k) A lack of proper institutional segregation of critical</u>	65595
<u>duties, functions, or responsibilities;</u>	65596
<u>(l) Significant turnover of faculty, staff, or</u>	65597
<u>administrators;</u>	65598
<u>(m) A significant amount of past due student receivables;</u>	65599
<u>(n) A significant increase in tuition or fee waivers;</u>	65600
<u>(o) Change in accreditation status by a nationally</u>	65601
<u>recognized accrediting agency;</u>	65602
<u>(p) A significant increase in indebtedness;</u>	65603
<u>(q) A federal program review or actions taken by a federal</u>	65604
<u>agency that adversely affects the state university's or</u>	65605
<u>college's finances, cash management, or educational program</u>	65606
<u>offerings;</u>	65607
<u>(r) Significant changes in a state university's or</u>	65608
<u>college's educational program eligibility or compliance with</u>	65609

satisfactory academic progress requirements in 34 C.F.R. 668.34, 65610
including an increase in the use of correspondence or 65611
asynchronous learning materials. 65612

(2) A requirement that a state university or college 65613
declared to be on fiscal caution shall submit a financial 65614
recovery plan, within a defined period of time after the 65615
declaration as determined by the chancellor, that may include, 65616
but is not limited to, any of the following: 65617

(a) Projections of revenues and expenditures over a three- 65618
year time horizon and on such other time horizons as may be 65619
requested by the chancellor; 65620

(b) A comprehensive review of current staffing levels, a 65621
comparison of staffing levels to the number of enrolled 65622
students, and a five-year historical summary of staffing levels; 65623

(c) A review of the most recent submission of 65624
institutional recommendations for courses and programs based on 65625
enrollment and duplication with other state institutions of 65626
higher education, as required by section 3345.35 of the Revised 65627
Code, and submission of revised recommendations as determined to 65628
be necessary; 65629

(d) A review of any approved tuition waivers, tuition 65630
guarantees, reciprocity agreements, or scholarship programs; 65631

(e) A plan to reduce expenditures over a six-month, 65632
twelve-month, eighteen-month, and twenty-four-month period, as 65633
necessary, to align ongoing revenue with ongoing expenses; 65634

(f) A review of contracts that are the largest portion of 65635
the state university's or college's expenditures; 65636

(g) A program viability analysis, or analyses, as 65637

determined by the chancellor to be necessary in accordance with 65638
section 3333.073 of the Revised Code. 65639

(3) A requirement that a state university or college 65640
declared to be on fiscal caution shall submit a three-year 65641
forecast of revenues and expenditures, approved in a resolution 65642
adopted by the board of trustees of the state university or 65643
college. The three-year forecast shall be structurally balanced 65644
based on a set of underlying assumptions, including enrollment 65645
projections, tuition revenue, and state funding levels, that are 65646
evidence-based and practicable; 65647

(4) A requirement that a state university or college 65648
declared to be on fiscal caution shall consult with the auditor 65649
of state regarding any necessary or appropriate steps to bring 65650
the books of account, accounting systems, and financial 65651
procedures and reports of the state university or college into 65652
compliance with requirements prescribed by the auditor of state 65653
regarding desirable modifications and supplementary systems and 65654
procedures pertinent to the university or college. The auditor 65655
of state shall provide a written report to the board of trustees 65656
of the state university or college outlining the nature of the 65657
financial accounting and reporting problems of the university or 65658
college and recommendations for actions to be undertaken to 65659
correct the financial accounting and reporting problems. If 65660
requested by the state university or college or recommended by 65661
the chancellor, the auditor of state may additionally perform a 65662
performance audit of the state university or college. 65663

(5) A requirement that for the duration of a fiscal 65664
caution, a state university or college shall submit regular 65665
reports on any of the above matters or new matters identified by 65666
the auditor of state or the chancellor as contributing to the 65667

reason for the declaration, preventing the recovery of the state 65668
university or college, or the inability to be removed from 65669
fiscal caution. 65670

(6) Criteria for determining when to declare the 65671
termination of the fiscal caution of a state university or 65672
college. 65673

(B) A state university or college shall provide the 65674
chancellor with all information requested under this section in 65675
the time and manner determined by the chancellor. 65676
Notwithstanding any law to the contrary, failure to comply in a 65677
satisfactory manner, as determined by the chancellor, may result 65678
in a declaration of fiscal watch under section 3345.72 of the 65679
Revised Code. 65680

(C) Notwithstanding any law to the contrary, the 65681
chancellor may impose limitations on a state university or 65682
college that fails to comply with this section or the rules 65683
adopted pursuant to this section or fails to take decisive 65684
action to improve the state university's or college's financial 65685
condition. Such limitations may include, but are not limited to, 65686
the following: 65687

(1) Limitations on eligibility to participate in grants 65688
and programs administered by the chancellor; 65689

(2) Limitations on approval of a new degree program or 65690
associated certificates; 65691

(3) Suspension of additional enrollment in an educational 65692
program; 65693

(4) Restriction of an increase in any special fee or a 65694
creation of a new fee; 65695

(5) Limitations on the power of the board of trustees to 65696
enter into new or renewed contracts without prior approval from 65697
the chancellor; 65698

(6) Withholding approval of any controlling board request 65699
for capital projects. 65700

(D) The chancellor, the office of budget and management, 65701
or the auditor of state may conduct any audit or analysis 65702
necessary to assess the fiscal condition of any state university 65703
or college. 65704

Sec. 3345.74. (A) The chancellor of higher education at 65705
least annually shall apply the indicators and standards adopted 65706
under division (A) of section 3345.73 of the Revised Code to 65707
determine whether a state university or college under a fiscal 65708
watch is experiencing sufficient fiscal difficulties to warrant 65709
the appointment of a conservator under this section or if the 65710
board of trustees of a state university or college has taken any 65711
action related to pausing or stopping enrollment, submitted a 65712
withdrawal of accreditation, or taken any other action 65713
indicating it will no longer offer educational activity or will 65714
undergo a wind down and dissolution of existence. Upon making a 65715
determination that appointment of a conservator is warranted, 65716
the chancellor shall request from the office of budget and 65717
management, which shall provide, certification that sufficient 65718
fiscal difficulties exist to warrant appointment of a 65719
conservator. The chancellor shall then certify this 65720
determination to the governor. 65721

Notwithstanding section 3333.021 of the Revised Code, that 65722
section does not apply to certification by the chancellor under 65723
this section or to the declaration of a fiscal watch under 65724
section 3345.72 of the Revised Code. 65725

A determination by the chancellor under this division that 65726
sufficient fiscal difficulties exist or do not exist to warrant 65727
appointing a conservator is final and conclusive and not 65728
appealable. 65729

(B) The governor may appoint a conservator for any state 65730
university or college under a fiscal watch, upon certification 65731
by the chancellor under division (A) of this section that the 65732
appointment is warranted. The governor shall consult with the 65733
speaker and minority leader of the house of representatives and 65734
the president and minority leader of the senate before making 65735
the appointment. From the time a conservator is appointed until 65736
the time the governor issues an order terminating the governance 65737
authority under division (B) of section 3345.76 of the Revised 65738
Code, the governor may remove any member of the board of 65739
trustees of the state university or college from office and not 65740
fill the vacancy. 65741

(C) Upon appointment of a conservator under this section 65742
for a state university or college, all of the following shall 65743
occur effective immediately: 65744

(1) All duties, responsibilities, and powers of the board 65745
of trustees of the university or college are suspended; 65746

(2) The management and control of the state university or 65747
college is assumed by the conservator; 65748

(3) Notwithstanding any section of the Revised Code, all 65749
duties, responsibilities, and powers assigned by law to the 65750
board of trustees are assigned to the conservator, and the 65751
conservator becomes the successor to, assumes the lawful 65752
obligations of, and otherwise constitutes the continuation of 65753
the board of trustees for purposes of all pending legal actions, 65754

contracts or other agreements, and obligations of the university 65755
or college; 65756

(4) Wherever the board of trustees is referred to in any 65757
contract or legal document, the reference is deemed to refer to 65758
the conservator. No validation, cure, right, privilege, remedy, 65759
obligation, or liability is lost or impaired by reason of the 65760
assumption of the board's authority by the conservator under 65761
this section and any such validation, cure, right, privilege, 65762
remedy, obligation, or liability shall be administered by the 65763
conservator. No action or proceeding pending on the effective 65764
date of the assumption by the conservator of the board's 65765
authority is affected by that assumption and any such action or 65766
proceeding shall be prosecuted or defended in the name of the 65767
conservator. 65768

(5) The conservator assumes custody of all equipment, 65769
records, files, effects, and all other property real or personal 65770
of the state university or college; 65771

(6) All authority and duties of the president or chief 65772
executive officer, and the pay of the president or chief 65773
executive officer, are suspended. 65774

(D) The conservator for a state university or college 65775
shall conduct a preliminary performance evaluation of the 65776
president or chief executive officer of the university or 65777
college and provide a copy of findings and any recommendations 65778
to the governance authority established for the university or 65779
college under section 3345.75 of the Revised Code. 65780

(E) A conservator appointed under this section shall be 65781
immune, indemnified, and held harmless from civil liability, 65782
including any cause of action, legal, equitable, or otherwise, 65783

for any action taken or duties performed by the conservator in 65784
good faith and in furtherance of the performance of the duties 65785
of the conservator under this section. 65786

(F) The governor shall set the compensation for a 65787
conservator appointed for a state university or college. The 65788
expenses and compensation of the conservator and others employed 65789
by the conservator shall be paid out of the operating funds and 65790
revenues of that university or college. 65791

Sec. 3345.75. (A) Not later than thirty days after the 65792
date of the appointment of a conservator for a state university 65793
or college under section 3345.74 of the Revised Code, the 65794
governor shall appoint, with the advice and consent of the 65795
senate, a governance authority for the university or college 65796
consisting of five members, of which one shall have expertise in 65797
academic affairs and accreditation and one shall have expertise 65798
in either state agency budgets or state university or college 65799
finances. The members shall serve at the pleasure of the 65800
governor and any vacancies shall be filled in the same manner as 65801
an original appointment. 65802

The governor shall designate one of the members of the 65803
governance authority as the chairperson and shall call the first 65804
meeting of the authority. A majority of the members of a 65805
governance authority constitutes a quorum and the affirmative 65806
vote of a majority of the members shall be necessary for any 65807
action taken by an authority. Meetings of a governance authority 65808
shall be called in the manner and at the times prescribed by the 65809
authority, but the authority shall meet at least four times 65810
annually and at other times necessary for the best interest of 65811
the university or college. A governance authority may adopt 65812
procedures for the conduct of its business. 65813

The members of a governance authority shall not receive 65814
compensation for their services, but shall be paid their 65815
reasonable and necessary expenses while engaged in the discharge 65816
of their official duties. 65817

(B) (1) A governance authority established under this 65818
section shall appoint an executive director who shall serve at 65819
the pleasure of the authority and with the compensation and 65820
other terms and conditions established by it. With the approval 65821
of the chairperson of the authority, the executive director may 65822
appoint additional personnel as the director considers 65823
appropriate. The executive director shall oversee the day-to-day 65824
operation of the university or college under the direction and 65825
supervision of the authority. 65826

(2) The governance authority shall conduct a final 65827
performance evaluation of the president or chief executive 65828
officer of the university or college. Following the evaluation, 65829
the governance authority may reinstate any duties, authority, or 65830
pay previously suspended under division (C) (6) of section 65831
3345.74 of the Revised Code, or may terminate the president or 65832
chief executive officer in accordance with the terms of the 65833
person's employment contract. 65834

(C) Upon appointment of all members of a governance 65835
authority under this section and upon the effective date for the 65836
commencement of the duties of the executive director appointed 65837
by that authority under this section, all authority, 65838
responsibilities, duties, and references assumed by or conferred 65839
upon the conservator under divisions (C) (2) to (6) of section 65840
3345.74 of the Revised Code terminate and all of the following 65841
shall occur, effective immediately: 65842

(1) The management and control of the state university or 65843

college is assumed by the governance authority; 65844

(2) Notwithstanding any section of the Revised Code, all 65845
duties, responsibilities, and powers assigned by law to the 65846
board of trustees or to the conservator are assigned to the 65847
governance authority and the governance authority becomes the 65848
successor to, assumes the lawful obligations of, and otherwise 65849
constitutes the continuation of the board of trustees and the 65850
conservator for purposes of all pending legal actions, contracts 65851
or other agreements, and obligations of the university or 65852
college; 65853

(3) Wherever the board of trustees or conservator is 65854
referred to in any contract or legal document, the reference is 65855
deemed to refer to the governance authority. No validation, 65856
cure, right, privilege, remedy, obligation, or liability is lost 65857
or impaired by reason of the assumption of the authority of the 65858
board of trustees and the conservator by the governance 65859
authority under this section and any such validation, cure, 65860
right, privilege, remedy, obligation, or liability shall be 65861
administered by the governance authority. No action or 65862
proceeding pending on the effective date of the assumption by 65863
the governance authority of the authority of the board of 65864
trustees and the conservator is affected by that assumption and 65865
any such action or proceeding shall be prosecuted or defended in 65866
the name of the governance authority. 65867

(4) The governance authority assumes custody of all 65868
equipment, records, files, effects, and all other property real 65869
or personal of the state university or college. 65870

(D) A governance authority and executive director 65871
appointed under this section shall be immune, indemnified, and 65872
held harmless from civil liability, including any cause of 65873

action, legal, equitable, or otherwise, for any action taken or 65874
duties performed by the governance authority and executive 65875
director in good faith and in furtherance of the performance of 65876
the duties of the governance authority and executive director 65877
under this section. 65878

(E) The expenses of a governance authority and the 65879
expenses and compensation of an executive director appointed for 65880
a state university or college under this section and others 65881
employed by the executive director under this section shall be 65882
paid out of the operating funds and revenues of that university 65883
or college. 65884

(F) A governance authority appointed under this section 65885
shall prepare, in accordance with rules adopted by the office of 65886
budget and management, and submit to the chancellor of higher 65887
education, the governor, the speaker and minority leader of the 65888
house of representatives, and the president and minority leader 65889
of the senate a quarterly report setting forth all of the 65890
following: 65891

(1) The general condition of the university or college; 65892

(2) The amounts of receipts and disbursements and the 65893
items for which the disbursements were made; 65894

(3) The numbers of professors, officers, teachers, and 65895
other employees and the position and compensation of each and 65896
the numbers of students by courses of instruction; 65897

(4) An estimate of expenses for the ensuing quarter; 65898

(5) A statement of the general progress of the university 65899
or college with indication of any improvements and specification 65900
of any experiments with institutional reform and the costs and 65901
results of those experiments; 65902

(6) If the governance authority determines closure is 65903
necessary or is appointed to facilitate an orderly closure as 65904
determined to be necessary by the board of trustees prior to the 65905
governance authority's appointment, all matters related to 65906
compliance with the requirements of a closure of an institution 65907
of higher education as specified by the chancellor; 65908

(7) Any other matters the governance authority considers 65909
useful to report. 65910

(G) The attorney general shall be the legal adviser to the 65911
conservator and the governance authority, and the attorney 65912
general may employ special counsel to aid the conservator or 65913
governance authority with respect to any legal matter on behalf 65914
of the institution. The conservator and the governance authority 65915
may as otherwise provided by law request the attorney general to 65916
bring or defend suits or proceedings in the name of the 65917
institution. 65918

Sec. 3345.83. (A) Beginning not later than the 2027-2028 65919
academic year, each state institution of higher education, as 65920
defined in section 3345.011 of the Revised Code, shall develop 65921
and implement a co-op internship program that aligns with 65922
JobsOhio's target economic sectors and connects students with 65923
Ohio-based employers to facilitate work-based learning 65924
opportunities, which may include apprenticeships, internships, 65925
externships, and co-ops, related to the student's course of 65926
study. Institutions shall work with JobsOhio to develop and 65927
implement their program, which shall include identifying 65928
industry and employer partners. 65929

(B) The chancellor of higher education shall consult with 65930
JobsOhio and any other appropriate stakeholders to develop the 65931
goals, structure, and parameters of the program. The chancellor 65932

may consult with other stakeholders. 65933

(C) Beginning on the thirtieth day of June following the 65934
academic year in which the co-op internship program under 65935
division (A) of this section is implemented and annually 65936
thereafter, each institution shall issue a report to the 65937
chancellor on the status of the institution's program, including 65938
the number of participating students, which employers are 65939
partnering with the institution, and how many participating 65940
students have received or accepted offers of employment after 65941
graduation as a direct result of their participation in the 65942
program. 65943

Sec. 3345.86. (A) As used in this section: 65944

(1) "Competency-based educational program" and "eligible 65945
individual" have the same meanings as in section 3313.902 of the 65946
Revised Code. 65947

(2) "Eligible provider" means a community college 65948
established under Chapter 3354. of the Revised Code, a 65949
university branch established under Chapter 3355. of the Revised 65950
Code, a technical college established under Chapter 3357. of the 65951
Revised Code, a state community college established under 65952
Chapter 3358. of the Revised Code, or an Ohio technical center 65953
as defined in section 3333.94 of the Revised Code. 65954

(B) An eligible provider may establish a competency-based 65955
educational program that complies with standards adopted by the 65956
department of education and workforce and may enroll eligible 65957
individuals in the program for up to three consecutive school 65958
years for the purpose of earning a high school diploma. The 65959
provider shall establish a career plan for each individual 65960
enrolled in the program that specifies the individual's career 65961

goals and describes how the individual will demonstrate 65962
competency or earn course credits under division (C) of section 65963
3313.902 of the Revised Code to earn a diploma and attain the 65964
individual's career goals. Notwithstanding sections 3313.61, 65965
3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the 65966
Revised Code, the department shall award a high school diploma 65967
to an individual enrolled in a program who satisfies one of the 65968
conditions specified in division (C) of section 3313.902 of the 65969
Revised Code. 65970

(C) An eligible provider shall report each individual 65971
enrolled in a program under division (B) of this section to the 65972
department. The department annually shall certify the enrollment 65973
and attendance of each individual reported under this division 65974
and shall pay the provider up to \$7,500 per school year, as 65975
determined by the department based on the extent of the 65976
individual's successful completion of the diploma requirements 65977
prescribed in division (C) of section 3313.902 of the Revised 65978
Code. 65979

(D) An eligible provider that enrolls individuals under 65980
division (B) of this section is subject to the requirements of 65981
section 3313.902 of the Revised Code, as applicable. 65982

Sec. 3352.16. (A) (1) The Wright state university center 65983
for civics, culture, and workforce development is established as 65984
an independent academic division within Wright state university, 65985
physically located on the Dayton campus of Wright state 65986
university. The center shall conduct teaching and research in 65987
the historical ideas, traditions, and texts that have shaped the 65988
American constitutional order and society and the United States 65989
armed forces. 65990

(2) The center shall establish bylaws requiring the center 65991

to do all of the following: 65992

(a) Educate students by means of free, open, and rigorous 65993
intellectual inquiry to seek the truth; 65994

(b) Affirm its duty to equip students with the skills, 65995
habits, and dispositions of mind they need to reach their own 65996
informed conclusions on matters of social and political 65997
importance; 65998

(c) Affirm the value of intellectual diversity in higher 65999
education and aspire to enhance the intellectual diversity of 66000
the university; 66001

(d) Affirm a commitment to create a community dedicated to 66002
an ethic of civil and free inquiry, which respects the 66003
intellectual freedom of each member, supports individual 66004
capacities for growth, and welcomes the differences of opinion 66005
that shall naturally exist in a public university community. 66006

The requirements prescribed under divisions (A) (2) (a) to 66007
(d) of this section shall take priority over any other bylaws 66008
adopted by the center. 66009

(3) The board of trustees of the university may name the 66010
center in accordance with the philanthropic naming policies and 66011
practices of the university. 66012

~~(B)~~ (B) (1) The center shall be an independent academic 66013
division, physically located on the Dayton campus of Wright 66014
state university, with the authority to house faculty who hold 66015
their appointments within the center. Faculty appointed to the 66016
center shall not be required, but may, hold joint appointments 66017
within any other division of the university. No faculty outside 66018
of the center shall have the authority to block faculty hires 66019
into the center. No university policy shall govern the 66020

development and approval of curriculum within the center. 66021

(2) The university shall provide adequate and appropriate 66022
space for the center as jointly determined by the director and 66023
either the president or provost of the university. The 66024
university shall not charge or assess overhead or indirect fees, 66025
costs, expenses, or charges to the center. 66026

(C) (1) The center shall offer instruction in all of the 66027
following: 66028

(a) The books and major debates which form the 66029
intellectual foundation of free societies, especially that of 66030
the United States; 66031

(b) The principles, ideals, and institutions of the 66032
American constitutional order, including the United States armed 66033
forces; 66034

(c) The foundations of responsible leadership and informed 66035
citizenship; 66036

(d) The origins, purpose, and role of Wright-Patterson air 66037
force base and surrounding defense-related industries in 66038
supporting the United States; 66039

(e) The workforce needs of Wright-Patterson air force base 66040
and industries that support the base. 66041

(2) The center also shall focus on all of the following: 66042

(a) Offering university-wide programming related to the 66043
values of free speech and civil discourse; 66044

(b) Expanding the intellectual diversity of the 66045
university's academic community; 66046

(c) Increasing the awareness of Wright-Patterson air force 66047

base and supporting workforce needs to sustain and attract 66048
missions at the base. 66049

(D) (1) ~~Not later than ninety days after the effective date~~ 66050
~~of this section, the~~ The board of trustees of the university 66051
shall appoint, with the advice and consent of the senate, a 66052
seven-member center academic council. An initial member shall 66053
not begin service until confirmed by the senate. Four members 66054
shall form a quorum. 66055

(2) The academic council shall be comprised of scholars 66056
with relevant expertise and experience. Not more than three 66057
members of the council may be employees of the university. Best 66058
efforts shall be made to have not fewer than three members of 66059
the advisory board be from Ohio. 66060

(3) Three members of the academic council shall serve 66061
initial terms of two years and four members shall serve initial 66062
terms of four years, which the members shall determine at their 66063
first meeting, and select replacements for vacant seats. 66064

(E) (1) The academic council established under division (D) 66065
of this section shall conduct a nationwide search for candidates 66066
for the director of the center and shall strictly adhere to all 66067
relevant state and federal laws. The academic council shall 66068
submit to the president of the university a list of finalists 66069
from which the president shall select and appoint a director, 66070
subject to approval by the board of trustees. Future directors 66071
shall be chosen in the same manner. 66072

(2) The director shall consult with the provost; however, 66073
the director shall report directly to the president of the 66074
university. 66075

(3) The director shall have the sole and exclusive 66076

authority to manage the recruitment and hiring process and to 66077
extend offers for employment for all faculty and staff of the 66078
center, and to terminate employment of all staff, subject to the 66079
approval of the board of trustees of the university. The 66080
director shall oversee, develop, and approve the center's 66081
curriculum, including approval of the center's courses that meet 66082
the university's general education requirements. The center 66083
shall be granted the authority to offer courses independently 66084
and develop certificate, minor, and major programs as well as 66085
graduate programs, and offer degrees. 66086

(4) Notwithstanding section 3333.164 of the Revised Code, 66087
the center shall develop a set of standards and procedures to 66088
maximize the granting of academic credit for military training, 66089
experience, and coursework. 66090

(5) Notwithstanding section 3333.31 of the Revised Code, 66091
Wright state university shall not charge more than its in-state 66092
instructional and general fees to any current or honorably 66093
discharged member of the United States armed forces, or the 66094
spouse or dependents of such a member, who enrolls in a program 66095
offered by the center, regardless of whether that member, 66096
spouse, or dependent is a resident of this state under rules 66097
adopted under section 3333.31 of the Revised Code. 66098

(F) The director of the center shall submit an annual 66099
report to the board of trustees of the university and the 66100
general assembly in accordance with section 101.68 of the 66101
Revised Code. The report shall provide a full account of the 66102
center's achievements, opportunities, challenges, and obstacles 66103
in the development of this academic division. 66104

Sec. 3354.19. ~~(A)~~ As used in sections 3354.19 to 66105
~~3354.24~~3354.21 of the Revised Code, "displaced homemaker" means 66106

an individual who: 66107

(A) Is twenty-seven years of age or older; 66108

(B) Has worked without pay as a homemaker for his or her 66109
family; 66110

(C) Is not gainfully employed and has had, or would be 66111
likely to have, difficulty in securing employment; and 66112

(D) Has either been deprived of the support of a person on 66113
whom he or she was dependent, or has become ineligible for 66114
public assistance as the parent of a needy child. 66115

Sec. 3358.08. The board of trustees of a state community 66116
college district may: 66117

(A) Own and operate a state community college; 66118

(B) Hold, encumber, control, acquire by donation, purchase 66119
or condemn, construct, own, lease, use, and sell, real and 66120
personal property as necessary for the conduct of the program of 66121
the state community college on whatever terms and for whatever 66122
consideration may be appropriate for the purpose of the 66123
institution; 66124

(C) Accept gifts, grants, bequests, and devises absolute 66125
or in trust for support of the state community college; 66126

(D) Employ a president, and appoint or approve the 66127
appointment of other necessary administrative officers, full- 66128
time faculty members, and operating staff. The board may 66129
delegate the appointment of operating staff and part-time 66130
faculty members to the college president. The board shall fix 66131
the rate of compensation of the president and all officers and 66132
full-time employees as are necessary and proper for state 66133
community colleges. 66134

(E) Provide for the state community college necessary 66135
lands, buildings, or other structures, equipment, means, and 66136
appliances; 66137

(F) Establish within the maximum amounts permitted by law, 66138
schedules of fees and tuition for students who are Ohio 66139
residents and students who are not~~r~~. If electors approve a levy 66140
under section 3358.11 of the Revised Code for current operating 66141
expenses, the board shall charge students who reside in the 66142
county in which the tax is levied a lower tuition rate than the 66143
rate charged to students who are residents of other counties in 66144
the state. 66145

(G) Grant appropriate degrees to students successfully 66146
completing the state community college's programs, and 66147
certificates of achievement to students who complete other 66148
programs; 66149

(H) Prescribe policies for the effective operation of the 66150
state community college and exercise such other powers as are 66151
necessary for the efficient management of the college; 66152

(I) Enter into contracts with neighboring colleges and 66153
universities for the conduct of state community college programs 66154
or technical courses outside the state community college 66155
district; 66156

(J) Purchase: 66157

(1) A policy or policies of insurance insuring the 66158
district against loss or damage to property, whether real, 66159
personal, or mixed, which is owned by the district or leased by 66160
it as lessee or which is in the process of construction by or 66161
for the district; 66162

(2) A policy or policies of fidelity insurance in such 66163

amounts and covering such trustees, officers, and employees of 66164
the district as the board may consider necessary or desirable; 66165

(3) A policy or policies of liability insurance from an 66166
insurer or insurers licensed to do business in this state 66167
insuring its members, officers, and employees against all civil 66168
liability arising from an act or omission by the member, 66169
officer, or employee, when the member, officer, or employee is 66170
not acting manifestly outside the scope of employment or 66171
official responsibilities with the institution, with malicious 66172
purpose or bad faith, or in a wanton or reckless manner, or may 66173
otherwise provide for the indemnification of such persons 66174
against such liability. All or any portion of the cost, premium, 66175
or charge for such a policy or policies or indemnification 66176
payment may be paid from any funds under the institution's 66177
control. The policy or policies of liability insurance or the 66178
indemnification policy of the institution may cover any risks 66179
including, but not limited to, damages resulting from injury to 66180
property or person, professional liability, and other special 66181
risks, including legal fees and expenses incurred in the defense 66182
or settlement claims of such damages. 66183

(4) A policy or policies of insurance insuring the 66184
district against any liabilities to which it may be subject on 66185
account of damage or injury to persons or property, including 66186
liability for wrongful death. 66187

Any instrument by which real property is acquired pursuant 66188
to this section shall identify the agency of the state that has 66189
the use and benefit of the real property as specified in section 66190
5301.012 of the Revised Code. 66191

Sec. 3358.11. (A) In the same manner as a tax may be 66192
proposed by a board of trustees of a community college district 66193

under section 3354.12 of the Revised Code, the board of trustees 66194
of a state community college district may adopt and certify a 66195
resolution to the board of elections of one or more of the 66196
counties comprising the state community college district 66197
directing the board of elections to place on the ballot at any 66198
general or special election the question of levying a tax in 66199
excess of the ten-mill limitation on all the taxable property in 66200
that county or those counties. The tax may be for any of the 66201
following purposes, as stated in the resolution: 66202

(1) The acquisition of sites in that county or those 66203
counties; 66204

(2) The erection, furnishing, and equipment of buildings 66205
in that county or those counties; 66206

(3) The acquisition, construction, or improvement of any 66207
property in that county or those counties which the board of 66208
trustees of a state community college is authorized to acquire, 66209
construct, or improve and which has an estimated life or 66210
usefulness of five years or more as certified by the treasurer 66211
of the board of trustees; 66212

(4) The payment of current expenses of the state community 66213
college district. This tax may only be levied in the county in 66214
which the main campus of the state community college is located. 66215

The resolution shall declare that, if the levy is for one 66216
or more of the purposes described in divisions (A) (1) to (3) of 66217
this section, the proceeds of the levy or issue may be used 66218
solely within the county or counties in which the tax is levied— 66219
and. If the levy is for the purpose described in division (A) 66220
(4) of this section, the resolution shall declare that the 66221
proceeds of the levy shall be used for costs associated with 66222

operations in the county in which the tax is levied. The 66223
resolution shall also state, regardless of the purposes for 66224
which the tax is levied, the term of the tax, which may be for 66225
any term authorized for a tax levied under section 3354.12 of 66226
the Revised Code. The question of such a tax may not be 66227
submitted at more than two special elections held in any one 66228
calendar year. Levies for a continuing period of time adopted 66229
under this section may be reduced in accordance with section 66230
5705.261 of the Revised Code. 66231

The election shall be held, canvassed, and certified in 66232
the manner provided for the submission of a tax levy under 66233
section 3354.12 of the Revised Code. A tax levied under this 66234
section may be renewed in the same manner as a tax levied under 66235
section 3354.12 of the Revised Code ~~or replaced in accordance~~ 66236
~~with section 5705.192 of the Revised Code.~~ 66237

If electors approve the levy, the board of trustees may 66238
anticipate a fraction of the proceeds of the levy and may, from 66239
time to time, issue anticipation notes in the same manner and 66240
subject to the same limitations provided under section 3354.12 66241
of the Revised Code. 66242

(B) In accordance with Chapter 133. of the Revised Code, 66243
the board of trustees of a state community college district may 66244
adopt and certify a resolution to the board of elections of one 66245
or more of the counties comprising the district directing the 66246
board of elections to place on the ballot at any election 66247
authorized under section 133.18 of the Revised Code both of the 66248
following questions: 66249

(1) The question of issuing bonds for paying all or part 66250
of the cost of the following: 66251

(a) The purchase of sites in that county or those 66252
counties; 66253

(b) The erection, furnishings, and equipment of buildings 66254
in that county or those counties; 66255

(c) The acquisition or construction of any property in 66256
that county or those counties which the board of trustees is 66257
authorized to acquire or construct and which has an estimated 66258
life or usefulness of five years or more as certified by the 66259
treasurer of the board of trustees. 66260

(2) The question of levying a tax in excess of the ten- 66261
mill limitation on all the taxable property in that county or 66262
those counties to pay the interest on and retire any bonds 66263
approved by the electors under division (B) (1) of this section. 66264

The election shall be held, canvassed, and certified in 66265
the manner provided for the submission of a bond issuance and 66266
tax levy under section 3354.11 of the Revised Code. Bonds 66267
approved by electors under division (B) (1) of this section may 66268
be issued for one or more improvements which the district is 66269
authorized to acquire or construct, notwithstanding the fact 66270
that such improvements may not be for more than one purpose 66271
under Chapter 133. of the Revised Code. 66272

Notes may be issued in anticipation of any bonds that may 66273
be approved by the electors under division (B) (1) of this 66274
section in the manner provided under section 133.22 of the 66275
Revised Code. 66276

For the purpose of applying Chapter 133. of the Revised 66277
Code to division (B) of this section, the treasurer of the state 66278
community college district shall be considered to be the 66279
district's fiscal officer, and the board of trustees of the 66280

state community college district shall be considered to be the 66281
taxing authority. 66282

(C) The board of trustees of a state community college 66283
district that levies a tax or proposes to levy a tax under 66284
division (A) or (B) of this section shall be considered to be a 66285
taxing authority, the county or counties in which the tax is 66286
levied shall be considered to be a subdivision, and the 66287
treasurer of the board of trustees shall be considered to be a 66288
fiscal officer for the purposes of Chapter 5705. of the Revised 66289
Code, except for section 5705.19 of the Revised Code. 66290

Sec. 3364.07. ~~(A)~~ (A) (1) The institute of American 66291
constitutional thought and leadership is established for the 66292
purpose of creating and disseminating knowledge about American 66293
constitutional thought and to form future leaders of the legal 66294
profession through research, scholarship, teaching, 66295
collaboration, and mentorship. The institute shall be an 66296
independent academic unit within the university of Toledo, 66297
~~initially physically located at the college of law. The~~ 66298
~~university shall require the college of law to provide adequate~~ 66299
~~administrative space for the institute.~~ 66300

(2) The university shall provide adequate and appropriate 66301
space for the institute as jointly determined by the director 66302
and either the president or provost of the university. The 66303
university shall not charge or assess overhead or indirect fees, 66304
costs, expenses, or charges to the institute. 66305

(B) The institute shall pursue all of the following goals: 66306

(1) To enrich the curriculum in American constitutional 66307
studies, including the core texts and great debates of western 66308
civilization; 66309

(2) To educate university students in the principles, 66310
ideals, and institutions of the American and Ohio constitutional 66311
order; 66312

(3) To educate university students in the foundations of 66313
responsible leadership and informed citizenship and to cultivate 66314
the next generation of leaders in the legal profession; 66315

(4) To offer university-wide programming related to the 66316
values of open inquiry and civil discourse; 66317

(5) To expand the intellectual diversity of the 66318
university's academic community and to create a rich forum for 66319
the development of ideas across the political and ideological 66320
spectrum; 66321

(6) To support faculty and graduate student scholarship 66322
that advances understanding of American constitutional thought 66323
and institutions; 66324

(7) To promote scholarly collaboration within the 66325
university and beyond; 66326

(8) To host lectures, debates, and symposia, and sponsor 66327
visiting scholars, jurists, and teachers. 66328

(C) The institute shall adhere to the following policies: 66329

(1) The institute shall educate students by means of free, 66330
open, and rigorous intellectual inquiry to seek the truth. 66331

(2) The institute shall equip students with the skills, 66332
habits, and dispositions of mind they need to reach their own 66333
informed conclusions on matters of legal, social, and political 66334
importance. 66335

(3) The institute shall value intellectual diversity in 66336

higher education, including in faculty recruitment, hiring, and 66337
appointment, and aspire to enhance the intellectual diversity of 66338
academic life at the university. 66339

(4) The institute shall create a community dedicated to an 66340
ethic of civil and free inquiry, which respects the intellectual 66341
freedom of each member, supports individual capacities for 66342
growth, and welcomes the differences of opinion that naturally 66343
occur in a public university community. 66344

(D) (1) ~~Not later than sixty days after the effective date~~ 66345
~~of this section, the~~ The talent, compensation, and governance 66346
committee of the board of trustees of the university, if such a 66347
committee exists, shall appoint, with the advice and consent of 66348
the senate, a seven-member institute academic council. If no 66349
such committee exists, the board of trustees shall appoint 66350
members under this division. An initial member shall not begin 66351
service until confirmed by the senate. Four members shall form a 66352
quorum. 66353

(2) The academic council shall be comprised of scholars 66354
with relevant expertise and experience. Not more than one member 66355
of the council may be an employee of the university. Best 66356
efforts shall be made to have not fewer than three members of 66357
the council be from Ohio. 66358

(3) Three members of the academic council shall serve 66359
initial terms of two years and four members shall serve initial 66360
terms of four years, which the members shall determine at their 66361
first meeting, and select replacements for vacant seats. 66362

(4) To fill a vacancy for the institute director after the 66363
initial director, following a national search, the academic 66364
council shall transmit to the president a list of finalists from 66365

which the president shall select a director, subject to the 66366
approval of the talent, compensation, and governance committee 66367
of the board of trustees. 66368

(E) (1) The institute shall be led by a director who shall 66369
report directly to the president and provost of the university- 66370
~~and consult with the dean of the college of law.~~ The president 66371
of the university shall appoint ~~an initial~~ the director ~~not~~ 66372
~~later than thirty days after the effective date of this section~~ 66373
. The director shall be an expert of the western tradition, the 66374
American founding, and American constitutional thought, and 66375
shall have shown a commitment to the purposes, goals, and 66376
policies of the institute. The director's term shall be for five 66377
years and shall be renewable. 66378

(2) The director shall have the protection of tenure or 66379
tenure eligibility. Any existing tenure with the university held 66380
by a director shall be maintained with the university. 66381

(F) The institute shall be an independent academic unit of 66382
the university with the authority to house tenure-track faculty 66383
who hold their appointments within the institute. Not fewer than 66384
five tenure-track faculty positions shall be allotted to the 66385
institute. Faculty appointed within the institute shall not be 66386
required, but may be permitted, to hold joint or courtesy 66387
appointments within any other division of the university. No 66388
faculty from outside the institute shall have the authority to 66389
block faculty hires into the institute. 66390

(G) (1) The director shall have the sole and exclusive 66391
authority to manage the recruitment and hiring process and to 66392
extend offers for employment for all faculty and staff, and to 66393
terminate employment of all staff. The director shall oversee, 66394
develop, and approve the institute's curriculum, including 66395

approval of the center's courses that meet the university's 66396
general education requirements. The institute shall be granted 66397
the authority to offer courses and develop certificate, minor, 66398
major, and graduate programs, and offer degrees. 66399

(2) Employment contracts offered under division (G) (1) of 66400
this section to tenure-track faculty appointed to the institute 66401
shall guarantee reappointment elsewhere in the university, at 66402
the same rank and compensation, in the event the institute is 66403
discontinued. 66404

(H) The director of the institute shall submit an annual 66405
report to the board of trustees of the university and the 66406
general assembly in accordance with section 101.68 of the 66407
Revised Code. The report shall provide a full account of the 66408
institute's achievements, opportunities, challenges, and 66409
obstacles in the development of this academic unit. 66410

(I) The board of trustees of the university may change the 66411
name of the institute in accordance with the philanthropic 66412
naming policies and practices of the university. 66413

Sec. 3365.15. The chancellor of higher education and the 66414
department of education and workforce jointly shall do all of 66415
the following: 66416

(A) Adopt data reporting guidelines specifying the types 66417
of data that public and participating nonpublic secondary 66418
schools and public and participating private colleges, including 66419
eligible out-of-state colleges participating in the program, 66420
must annually collect, report, and track under division (G) of 66421
section 3365.04 and division (H) of section 3365.05 of the 66422
Revised Code. The types of data shall include all of the 66423
following: 66424

(1) For each secondary school and college:	66425
(a) The number of participants disaggregated by grade	66426
level, socioeconomic status, race, gender, and disability;	66427
(b) The number of completed courses and credit hours,	66428
disaggregated by the college in which participants were	66429
enrolled;	66430
(c) The number of courses in which participants enrolled,	66431
disaggregated by subject area and level of difficulty.	66432
(2) For each secondary school, the number of students who	66433
were denied participation in the program under division (A) (1)	66434
(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of	66435
the Revised Code. Each participating nonpublic secondary school	66436
shall also include the number of students who were denied	66437
participation due to the student not being awarded funding by	66438
the department pursuant to section 3365.071 of the Revised Code.	66439
(3) For each college:	66440
(a) The number of students who applied to enroll in the	66441
college under the program but were not granted admission;	66442
(b) The average number of completed courses per	66443
participant;	66444
(c) The average grade point average for participants in	66445
college courses under the program.	66446
The guidelines adopted under this division shall also	66447
include policies and procedures for the collection, reporting,	66448
and tracking of such data.	66449
(B) Annually compile the data required under division (A)	66450
of this section. Not later than the thirty-first day of December	66451

of each year, the data from the previous school year shall be 66452
posted in a prominent location on both the chancellor of higher 66453
education's and the department's web sites. 66454

(C) Submit an annual report on outcomes of the college 66455
credit plus program that are supported by empirical evidence to 66456
the governor, the president of the senate, the speaker of the 66457
house of representatives, and the chairpersons of the education 66458
committees of the senate and house of representatives not later 66459
than the thirty-first day of December each year. The report 66460
shall include all of the following, disaggregated by cohort: 66461

(1) Number of degrees attained; 66462

(2) Level and type of degrees attained; 66463

(3) Number of students who receive a degree in two 66464
different subject areas; 66465

(4) Time to completion of a degree, disaggregated by level 66466
and type of degree attained; 66467

(5) Time to enrollment in a graduate or doctoral degree 66468
program; 66469

(6) The number of students who participate in a study 66470
abroad course; 66471

(7) How all of the measures described in division (C) of 66472
this section compare to both: 66473

(a) The overall student population who did not participate 66474
in the college credit plus program; 66475

(b) Any similar measures compiled under the former 66476
postsecondary enrollment options program, to the extent that 66477
such data is available. 66478

The first report shall be submitted not later than 66479
December 31, 2018, and each subsequent report shall be submitted 66480
not later than the thirty-first day of December each year 66481
thereafter ~~until December 2023~~. 66482

(D) Establish a college credit plus advisory committee to 66483
assist in the development of performance metrics and the 66484
monitoring of the program's progress. At least one member of the 66485
advisory committee shall be a school guidance counselor. 66486

The chancellor shall also, in consultation with the 66487
department, create a standard packet of information for the 66488
college credit plus program directed toward students and parents 66489
that are interested in the program. 66490

(E) The chancellor and the department also may submit a 66491
biennial report detailing the status of the college credit plus 66492
program, including an analysis of quality assurance measures 66493
related to the program, to the governor, the president of the 66494
senate, the speaker of the house of representatives, and the 66495
chairpersons of the education committees of the senate and house 66496
of representatives. If the chancellor and the department choose 66497
to jointly submit the biennial report, both of the following 66498
shall apply: 66499

(1) The report shall include only data available through 66500
the higher education information system administered by the 66501
chancellor. 66502

(2) The first report shall be submitted not later than 66503
December 31, 2017, and each subsequent report shall be submitted 66504
not later than the thirty-first day of December every two years 66505
thereafter. 66506

(F) For purposes of this section, "cohort" means a group 66507

of students who participated in the college credit plus program 66508
and who, upon graduation from high school, enroll in an Ohio 66509
institution of higher education during the same academic year. 66510

Sec. 3375.15. (A) In any school district in which a free 66511
public library has been established by resolution adopted by the 66512
board of education of such school district prior to September 4, 66513
1947, or by resolution adopted by the board of education of such 66514
school district under section 3375.151 of the Revised Code after 66515
the effective date of this amendment but prior to January 1, 66516
2014, such library shall be under the control and management of 66517
a board of library trustees consisting of seven members. No one 66518
is eligible to membership on such board of library trustees who 66519
is or has been for a year previous to appointment a member of a 66520
board of education making such appointment. A majority of the 66521
trustees shall be qualified electors of the school district, but 66522
a minority may be qualified electors of the county who reside 66523
outside the school district, and all shall be appointed by the 66524
board of education of the school district. 66525

(B) The trustees shall serve ~~for a term of seven years and~~ 66526
without compensation. Trustees appointed prior to the effective 66527
date of this amendment shall serve for a term of seven years. 66528
Trustees appointed on or after that date shall serve for a term 66529
of four years. Except as otherwise provided in this section, all 66530
vacancies on the board of library trustees shall be filled by 66531
the board of education by appointment for the unexpired term. 66532
The board of library trustees shall organize in accordance with 66533
section 3375.32 of the Revised Code. The board of library 66534
trustees shall have the control and management of the school 66535
district free public library and in the exercise of such control 66536
and management shall be governed by sections 3375.33 to 3375.41 66537
of the Revised Code. This section does not affect the term of 66538

any member of a board of library trustees of a school district 66539
free public library appointed prior to September 4, 1947. 66540

(C) The board of education shall make appointments to the 66541
board of library trustees not later than forty-five days after 66542
the date a member's term expires or after the date a vacancy 66543
occurs, whichever is applicable. If the board of education does 66544
not make an appointment by that time, the appointment shall be 66545
made within the next fourteen days by the probate court of the 66546
county in which the library is situated. 66547

Sec. 3375.22. In any county in which there has been 66548
created a county library district, the free public library of 66549
said district shall be under the control and management of a 66550
board of library trustees consisting of seven members. Such 66551
trustees shall be qualified electors of the library district or 66552
county. Three shall be appointed by the judges of the court of 66553
common pleas and four shall be appointed by the board of county 66554
commissioners of the county in which said district is situated. 66555
The term of office of said trustees, if appointed prior to the 66556
effective date of this amendment, shall be seven years, except 66557
that at the first appointment the terms of those appointed by 66558
the judges shall expire in two, four, and six years 66559
respectively, and the terms of those appointed by the board of 66560
county commissioners shall expire in one, three, five, and seven 66561
years respectively. The term of office of trustees appointed on 66562
or after the effective date of this amendment shall be four 66563
years, except that at the first appointment the terms of those 66564
appointed by the judges shall expire in two, three, and four 66565
years respectively, and the terms of those appointed by the 66566
board of county commissioners shall expire in one, two, three, 66567
and four years respectively. Any appointment made to fill a 66568
vacancy shall be made by the same body which appointed the 66569

trustee whose place has become vacant and shall be for ~~his~~ the 66570
remainder of the unexpired term. The successor of any trustee of 66571
any county library district shall be appointed by the same board 66572
or officers which appointed ~~his~~ the trustee's predecessor and 66573
all subsequent appointments shall be for seven years. The 66574
members of such board of library trustees shall serve without 66575
compensation but shall be reimbursed for their actual and 66576
necessary expenses incurred in the performance of their duties. 66577
Such board of library trustees shall organize in accordance with 66578
section 3375.32 of the Revised Code. Such board of library 66579
trustees shall have the control and management of the county 66580
district free public library and in the exercise of such control 66581
and management shall be governed by sections 3375.33 to 3375.41~~7~~ 66582
~~inclusive,~~ of the Revised Code. 66583

Sec. 3375.30. In any two or more contiguous counties in 66584
which there has been created a regional library district, there 66585
shall be a board of library trustees consisting of seven 66586
members. Such trustees shall be qualified electors of the 66587
district. The first appointments to such board of library 66588
trustees shall be made by the boards of county commissioners of 66589
such counties in joint meeting. Thereafter each appointment to 66590
fill an expiring term shall be made by the board of county 66591
commissioners of a participating county in the rotating order 66592
represented by the alphabetical arrangement of the names of the 66593
counties. The term of office of said trustees, if appointed 66594
prior to the effective date of this amendment, shall be seven 66595
years, or, if appointed on or after that date, shall be four 66596
years, except that at the first appointment the terms must be 66597
such that one member retires each year. Any appointment made to 66598
fill a vacancy shall be made by the same body which appointed 66599
the trustee whose place has become vacant and shall be for ~~his~~ the 66600

the remainder of the unexpired term. The members of such board 66601
of library trustees shall serve without compensation but shall 66602
be reimbursed for their actual and necessary expenses incurred 66603
in the performance of their duties. Such board of library 66604
trustees shall organize in accordance with section 3375.32 of 66605
the Revised Code. Such board of library trustees shall have the 66606
control and management of the regional district free public 66607
library and in exercise of such control and management shall be 66608
governed by sections 3375.33 to 3375.41, ~~inclusive~~, and section 66609
3375.19 of the Revised Code. 66610

Sec. 3375.39. At the expiration of the term of a fiscal 66611
officer of a board of library trustees of a free public library 66612
or before such board approves the surety of any fiscal officer, 66613
such board shall require the fiscal officer to produce all 66614
money, bonds, or other securities in the fiscal officer's hands, 66615
which shall then be counted by the board or a committee of the 66616
board, ~~or by a representative of the auditor of state.~~ A 66617
certificate setting forth the exact amount of such money, bonds, 66618
or other securities and signed by the representatives making 66619
such count shall be entered upon the records of the board and 66620
shall be prima-facie evidence that the amount stated in such 66621
certificate is actually in the treasury at that date. 66622

Sec. 3375.47. A public library created under Chapter 3375. 66623
of the Revised Code shall place material related to sexual 66624
orientation or gender identity or expression in a portion of the 66625
public library that is not primarily open to the view of persons 66626
under the age of eighteen. 66627

Sec. 3375.92. The fiscal officer of the board of trustees 66628
of the regional library system is the treasurer of the 66629
organization's funds. Before entering upon their duties, the 66630

fiscal officer and the deputy fiscal officer shall execute a 66631
bond in an amount and with surety to be approved by the board, 66632
and conditioned for the faithful performance of the official 66633
duties required of them. 66634

All moneys received by the fiscal officer shall be 66635
immediately placed by the fiscal officer in a depository 66636
designated by the board. The fiscal officer shall keep an 66637
account of the funds credited to the board. 66638

The fiscal officer shall render a monthly statement to the 66639
board showing the revenues and receipts from whatever sources 66640
derived, the disbursements and the purposes for such 66641
disbursements, and the assets and liabilities of the board. At 66642
the end of each fiscal year the fiscal officer shall submit to 66643
the board, to the state library board and, if requested, to any 66644
granting authority, a complete financial statement showing the 66645
receipts and expenditures in detail for the entire fiscal year. 66646
Such financial records shall be open to public inspection at all 66647
reasonable times. 66648

At the expiration of the term of the fiscal officer or 66649
before the board of trustees approves the surety of any fiscal 66650
officer, the board shall require the fiscal officer to produce 66651
all moneys, bonds, or other securities in the fiscal officer's 66652
hands, which shall then be counted by the board or a committee 66653
of the board, ~~or by a representative of the auditor of state.~~ A 66654
certificate setting forth the exact amount of such money, bonds, 66655
or other securities and signed by the persons making such count 66656
shall be entered upon the records of the board and shall be 66657
prima-facie evidence that the amount stated in such certificate 66658
is actually in the treasury at that date. 66659

Sec. 3381.03. Any county, or any two or more counties, 66660

municipal corporations, or townships, or any combination of 66661
these may create a regional arts and cultural district by the 66662
adoption of a resolution or ordinance by the board of county 66663
commissioners of each county, the legislative authority of each 66664
municipal corporation, and the board of township trustees of 66665
each township that desires to create or to join in the creation 66666
of the district. The resolution or ordinance shall state all of 66667
the following: 66668

(A) The purposes for the creation of the district; 66669

(B) The counties, municipal corporations, or townships 66670
that are to be included in the district; 66671

(C) The official name by which the district shall be 66672
known; 66673

(D) The location of the principal office of the district 66674
or the manner in which the location shall be selected; 66675

(E) Subject to section 3381.05 of the Revised Code, the 66676
number, term, and compensation, which shall not exceed the sum 66677
of fifty dollars for each board and committee meeting attended 66678
by a member, of the members of the board of trustees of the 66679
district; 66680

(F) Subject to section 3381.05 of the Revised Code, the 66681
manner in which members of the board of trustees of the district 66682
shall be appointed; the method of filling vacancies; and the 66683
period, if any, for which a trustee continues in office after 66684
expiration of the trustee's term pending the appointment of the 66685
trustee's successor; 66686

(G) The manner of apportioning expenses of the district 66687
among the participating counties, municipal corporations, and 66688
townships. 66689

The resolution or ordinance may also provide that the 66690
authority of the districts to make grants under section 3381.20 66691
of the Revised Code may be totally or partially delegated to one 66692
or more area arts councils, as defined in section 757.03 of the 66693
Revised Code, located within the district. 66694

The district provided for in the resolution or ordinance 66695
shall be created upon the adoption of the resolution or 66696
ordinance by the board of county commissioners of each county, 66697
the legislative authority of each municipal corporation, and the 66698
board of township trustees of each township enumerated in the 66699
resolution or ordinance. The resolution or ordinance may be 66700
amended to include additional counties, municipal corporations, 66701
or townships or for any other purpose by the adoption of an 66702
amendment by the board of county commissioners of each county, 66703
the legislative authority of each municipal corporation, and the 66704
board of township trustees of each township that has created or 66705
joined or proposes to join the district. 66706

After each county, municipal corporation, and township has 66707
adopted a resolution or ordinance approving inclusion of 66708
additional counties, municipal corporations, or townships in the 66709
district, a copy of the resolution or ordinance shall be filed 66710
with the clerk of the board of the county commissioners of each 66711
county, the clerk of the legislative authority of each municipal 66712
corporation, and the fiscal officer of the board of trustees of 66713
each township proposed to be included in the district. The 66714
inclusion is effective when all such filing is completed unless 66715
the district to which territory is to be added has authority to 66716
levy an ad valorem tax on property within its territory, in 66717
which event the inclusion shall become effective upon voter 66718
approval of the joinder and the tax. 66719

If a tax on property is to be levied, the board and the county auditor shall proceed in the same manner as required for a tax levy under section 5705.03 of the Revised Code, except that the levy's annual collections shall be estimated assuming that the additional territory has been added to the district. The board of trustees shall promptly certify the proposal and the auditor's certification to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general or primary election that occurs not less than sixty days after the date of the meeting of the board of trustees, or at a special election held on a date specified in the certification that is not less than sixty days after the date of the meeting of the board. If territory of more than one county, municipal corporation, or township is to be added to the regional arts and cultural district, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the outcome of the election shall be determined by the vote cast in the entire district. Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of the questions to the electors of the territory to be added to the district, and the election shall be held, canvassed, and certified in the manner provided for the submission of tax levies under section 5705.19 of the Revised Code, except that the question appearing on the ballot shall read:

"Shall the territory within the _____ (name or names of political subdivisions to be joined) be added to _____ (name) regional arts and cultural district? And shall a property tax that the county

auditor estimates will collect \$_____ annually at a rate not 66751
exceeding _____ mills for each \$1 of taxable value, which 66752
amounts to \$_____ (effective rate) for each \$100,000 of ~~the~~ 66753
~~county auditor's appraised market~~ value, be levied for purposes 66754
of such district?" 66755

If the question is approved by a majority of the electors 66756
voting on the question, the joinder is effective immediately, 66757
and the district may extend the levy of the tax against all the 66758
taxable property within the territory that has been added. If 66759
the question is approved at a general election or at a special 66760
election occurring prior to a general election but after the 66761
fifteenth day of July in any calendar year, the district may 66762
amend its budget and resolution adopted pursuant to section 66763
5705.34 of the Revised Code, and the levy shall be placed on the 66764
current tax list and duplicate and collected as other taxes are 66765
collected from all taxable property within the territory of the 66766
district, including the territory added as a result of the 66767
election. 66768

The territory of a district shall be coextensive with the 66769
territory of the counties, municipal corporations, and townships 66770
included within the district, provided that the same territory 66771
may not be included in more than one regional arts and cultural 66772
district, and provided, that if a district includes only a 66773
portion of an entire county, a district may be created in the 66774
remaining portion of the same county by resolution of the board 66775
of county commissioners acting alone or in conjunction with 66776
municipal corporations and townships as provided in this 66777
section. 66778

As used in this section, "~~the county auditor's appraised~~ 66779
market value" and "effective rate" have the same meanings as in 66780

section 5705.01 of the Revised Code.

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Sec. 3381.11. The board of trustees of a regional arts and cultural district or any officer or employee designated by such board may make any contract for the purchase of supplies or material or for labor for any work, under the supervision of the board, the cost of which shall not exceed ten thousand dollars. When an expenditure, other than for the acquisition of real estate, the discharge of noncontractual claims, personal services, or for the product or services of public utilities, exceeds ten thousand dollars, such expenditure shall be made only after a notice calling for bids has been published once a week for two consecutive weeks in one newspaper of general circulation within the territory of the district or as provided in section 7.16 of the Revised Code. The board may then let said contract to the lowest and best bidder, who shall give a good and approved bond with ample security conditioned on the carrying out of the contract. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, approved by the board. The plans and specifications shall at all times be made and considered part of the contract. The contract shall be approved by the board and signed on behalf of the district and by the contractor. No sale of any real or personal property or a lease thereof having a term thereof in excess of five years shall be made except with the highest and best bidder after publication of notice for bids in the manner above provided.

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Competitive bidding under this section is not required when:

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(A) The board, by a two-thirds affirmative vote of its members, determines that a real and present emergency exists and

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such determination and the reasons therefor are entered in the 66811
proceedings of the board, when: 66812

(1) The estimated cost is less than fifteen thousand 66813
dollars; or 66814

(2) There is actual physical damage to structures or 66815
equipment. 66816

(B) Such purchase consists of supplies or a replacement or 66817
supplemental part or parts for a product or equipment owned or 66818
leased by the district and the only source of supply for such 66819
supplies, part, or parts is limited to a single supplier; 66820

(C) The lease is a renewal of a lease for electronic data 66821
processing equipment, services, or systems; 66822

(D) Services or supplies are available from a qualified 66823
nonprofit agency pursuant to ~~sections 4115.31 to 4115.35~~ section 66824
125.601 of the Revised Code; 66825

(E) With respect to any contract, agreement, or lease by a 66826
district with any arts or cultural organization or any 66827
governmental body or agency. 66828

Sec. 3381.17. From the funds available therefor from a tax 66829
levy authorized under section 3381.16 or, if applicable, 66830
sections 5743.021, and 5743.321, ~~5743.511, 5743.621, and~~ 66831
~~5743.631~~ of the Revised Code, a regional arts and cultural 66832
district by action of its board of trustees shall make annual 66833
grants to support the operating or capital expenses of such of 66834
the arts or cultural organizations located within the territory 66835
of the district as the board of trustees shall determine; 66836
provided, however, that not more than ten per cent of the amount 66837
granted in any calendar year shall be granted to arts and 66838
cultural organizations that are not qualifying arts or cultural 66839

organizations; and further provided that prior to making any 66840
grants in any calendar year, the board of trustees shall afford 66841
an opportunity for the presentation, either in person or in 66842
writing, of the suggestions of any area arts council, as defined 66843
in section 757.03 of the Revised Code, located within the 66844
district. Any such grant to an arts or cultural organization 66845
shall be on such terms and conditions as the board considers 66846
advisable. 66847

Sec. 3501.01. As used in the sections of the Revised Code 66848
relating to elections and political communications: 66849

(A) "General election" means the election held on the 66850
first Tuesday after the first Monday in each November. 66851

(B) "Regular municipal election" means the election held 66852
on the first Tuesday after the first Monday in November in each 66853
odd-numbered year. 66854

(C) "Regular state election" means the election held on 66855
the first Tuesday after the first Monday in November in each 66856
even-numbered year. 66857

(D) "Special election" means any election other than those 66858
elections defined in other divisions of this section. A special 66859
election may be held only on the first Tuesday after the first 66860
Monday in May or November, on the first Tuesday after the first 66861
Monday in August in accordance with section 3501.022 of the 66862
Revised Code, or on the day authorized by a particular municipal 66863
or county charter for the holding of a primary election, except 66864
that in any year in which a presidential primary election is 66865
held, no special election shall be held in May, except as 66866
authorized by a municipal or county charter, but may be held on 66867
the third Tuesday after the first Monday in March. 66868

(E) (1) "Primary" or "primary election" means an election 66869
held for the purpose of nominating persons as candidates of 66870
political parties for election to offices, and for the purpose 66871
of electing persons as members of the controlling committees of 66872
political parties and as delegates and alternates to the 66873
conventions of political parties. Primary elections shall be 66874
held on the first Tuesday after the first Monday in May of each 66875
year except in years in which a presidential primary election is 66876
held. 66877

(2) "Presidential primary election" means a primary 66878
election as defined by division (E) (1) of this section at which 66879
an election is held for the purpose of choosing delegates and 66880
alternates to the national conventions of the major political 66881
parties pursuant to section 3513.12 of the Revised Code. Unless 66882
otherwise specified, presidential primary elections are included 66883
in references to primary elections. In years in which a 66884
presidential primary election is held, all primary elections 66885
shall be held on the third Tuesday after the first Monday in 66886
March except as otherwise authorized by a municipal or county 66887
charter. 66888

(F) "Political party" means any group of voters meeting 66889
the requirements set forth in section 3517.01 of the Revised 66890
Code for the formation and existence of a political party. 66891

(1) "Major political party" means any political party 66892
organized under the laws of this state whose candidate for 66893
governor or nominees for presidential electors received not less 66894
than twenty per cent of the total vote cast for such office at 66895
the most recent regular state election. 66896

(2) "Minor political party" means any political party 66897
organized under the laws of this state that meets either of the 66898

following requirements: 66899

(a) Except as otherwise provided in this division, the 66900
political party's candidate for governor or nominees for 66901
presidential electors received less than twenty per cent but not 66902
less than three per cent of the total vote cast for such office 66903
at the most recent regular state election. A political party 66904
that meets the requirements of this division remains a political 66905
party for a period of four years after meeting those 66906
requirements. 66907

(b) The political party has filed with the secretary of 66908
state, subsequent to its failure to meet the requirements of 66909
division (F) (2) (a) of this section, a petition that meets the 66910
requirements of section 3517.01 of the Revised Code. 66911

A newly formed political party shall be known as a minor 66912
political party until the time of the first election for 66913
governor or president which occurs not less than twelve months 66914
subsequent to the formation of such party, after which election 66915
the status of such party shall be determined by the vote for the 66916
office of governor or president. 66917

(G) "Dominant party in a precinct" or "dominant political 66918
party in a precinct" means that political party whose candidate 66919
for election to the office of governor at the most recent 66920
regular state election at which a governor was elected received 66921
more votes than any other person received for election to that 66922
office in such precinct at such election. 66923

(H) "Candidate" means any qualified person certified in 66924
accordance with the provisions of the Revised Code for placement 66925
on the official ballot of a primary, general, or special 66926
election to be held in this state, or any qualified person who 66927

claims to be a write-in candidate, or who knowingly assents to 66928
being represented as a write-in candidate by another at either a 66929
primary, general, or special election to be held in this state. 66930

(I) "Independent candidate" means any candidate who claims 66931
not to be affiliated with a political party, and whose name has 66932
been certified on the office-type ballot at a general or special 66933
election through the filing of a statement of candidacy and 66934
nominating petition, as prescribed in section 3513.257 of the 66935
Revised Code. 66936

(J) "Nonpartisan candidate" means any candidate whose name 66937
is required, pursuant to section 3505.04 of the Revised Code, to 66938
be listed on the nonpartisan ballot, including all candidates 66939
for judge of a municipal court, county court, or court of common 66940
pleas, for member of any board of education, for municipal or 66941
township offices in which primary elections are not held for 66942
nominating candidates by political parties, and for offices of 66943
municipal corporations having charters that provide for separate 66944
ballots for elections for these offices. 66945

(K) "Party candidate" means any candidate who claims to be 66946
a member of a political party and who has been certified to 66947
appear on the office-type ballot at a general or special 66948
election as the nominee of a political party because the 66949
candidate has won the primary election of the candidate's party 66950
for the public office the candidate seeks, has been nominated 66951
under section 3517.012, or is selected by party committee in 66952
accordance with section 3513.31 of the Revised Code. 66953

(L) "Officer of a political party" includes, but is not 66954
limited to, any member, elected or appointed, of a controlling 66955
committee, whether representing the territory of the state, a 66956
district therein, a county, township, a city, a ward, a 66957

precinct, or other territory, of a major or minor political 66958
party. 66959

(M) "Question or issue" means any question or issue 66960
certified in accordance with the Revised Code for placement on 66961
an official ballot at a general or special election to be held 66962
in this state. 66963

(N) "Elector" or "qualified elector" means a person having 66964
the qualifications provided by law to be entitled to vote. 66965

(O) "Voter" means an elector who votes at an election. 66966

(P) "Voting residence" means that place of residence of an 66967
elector which shall determine the precinct in which the elector 66968
may vote. 66969

(Q) "Precinct" means a district within a county 66970
established by the board of elections of such county within 66971
which all qualified electors having a voting residence therein 66972
may vote at the same polling place. 66973

(R) "Polling place" means that place provided for each 66974
precinct at which the electors having a voting residence in such 66975
precinct may vote. 66976

(S) "Board" or "board of elections" means the board of 66977
elections appointed in a county pursuant to section 3501.06 of 66978
the Revised Code. 66979

(T) "Political subdivision" means a county, township, 66980
city, village, or school district. 66981

(U) "Election officer" or "election official" means any of 66982
the following: 66983

(1) Secretary of state; 66984

(2) Employees of the secretary of state serving the 66985
division of elections in the capacity of attorney, 66986
administrative officer, administrative assistant, elections 66987
administrator, office manager, or clerical supervisor; 66988

(3) Director of a board of elections; 66989

(4) Deputy director of a board of elections; 66990

(5) Member of a board of elections; 66991

(6) Employees of a board of elections; 66992

(7) Precinct election officials; 66993

(8) Employees appointed by the boards of elections on a 66994
temporary or part-time basis. 66995

(V) "Acknowledgment notice" means a notice sent by a board 66996
of elections, on a form prescribed by the secretary of state, 66997
informing a voter registration applicant or an applicant who 66998
wishes to change the applicant's residence or name of the status 66999
of the application; the information necessary to complete or 67000
update the application, if any; and if the application is 67001
complete, the precinct in which the applicant is to vote. 67002

(W) "Confirmation notice" means a notice sent by a board 67003
of elections, on a form prescribed by the secretary of state, to 67004
a registered elector to confirm the registered elector's current 67005
address. 67006

(X) "Designated agency" means an office or agency in the 67007
state that provides public assistance or that provides state- 67008
funded programs primarily engaged in providing services to 67009
persons with disabilities and that is required by the National 67010
Voter Registration Act of 1993 to implement a program designed 67011
and administered by the secretary of state for registering 67012

voters, or any other public or government office or agency that 67013
implements a program designed and administered by the secretary 67014
of state for registering voters, including the department of job 67015
and family services, the program administered under section 67016
3701.132 of the Revised Code by the department of health, the 67017
department of mental health and addiction services, the 67018
department of developmental disabilities, the opportunities for 67019
Ohioans with disabilities agency, and any other agency the 67020
secretary of state designates. "Designated agency" does not 67021
include public high schools and vocational schools, public 67022
libraries, or the office of a county treasurer. 67023

(Y) "National Voter Registration Act of 1993" means the 67024
"National Voter Registration Act of 1993," 107 Stat. 77, 42 67025
U.S.C.A. 1973gg. 67026

(Z) "Voting Rights Act of 1965" means the "Voting Rights 67027
Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 67028

(AA) (1) "Photo identification" means one of the following 67029
documents that includes the individual's name and photograph and 67030
is not expired: 67031

(a) An Ohio driver's license, state identification card, 67032
or interim identification form issued by the registrar of motor 67033
vehicles or a deputy registrar under Chapter 4506. or 4507. of 67034
the Revised Code; 67035

(b) A United States passport or passport card; 67036

(c) A United States military identification card, Ohio 67037
national guard identification card, or United States department 67038
of veterans affairs identification card. 67039

(2) A "copy" of an individual's photo identification means 67040
images of both the front and back of a document described in 67041

division (AA) (1) of this section, except that if the document is 67042
a United States passport, a copy of the photo identification 67043
means an image of the passport's identification page that 67044
includes the individual's name, photograph, and other 67045
identifying information and the passport's expiration date. 67046

(BB) "Driver's license" means a license or permit issued 67047
by the registrar or a deputy registrar under Chapter 4506. or 67048
4507. of the Revised Code that authorizes an individual to 67049
drive. "Driver's license" includes a driver's license, 67050
commercial driver's license, probationary license, restricted 67051
license, motorcycle operator's license, or temporary instruction 67052
permit identification card. "Driver's license" does not include 67053
a limited term license issued under section 4506.14 or 4507.09 67054
of the Revised Code. 67055

(CC) "State identification card" means a card issued by 67056
the registrar or a deputy registrar under sections 4507.50 to 67057
4507.52 of the Revised Code. 67058

(DD) "Interim identification form" means the document 67059
issued by the registrar or a deputy registrar to an applicant 67060
for a driver's license or state identification card that 67061
contains all of the information otherwise found on the license 67062
or card and that an applicant may use as a form of 67063
identification until the physical license or card arrives in the 67064
mail. 67065

Sec. 3501.02. General elections in the state and its 67066
political subdivisions shall be held as follows: 67067

(A) For the election of electors of president and vice- 67068
president of the United States, in the year of 1932 and every 67069
four years thereafter; 67070

(B) For the election of a member of the senate of the United States, in the years 1932 and 1934, and every six years after each of such years; except as otherwise provided for filling vacancies;

(C) For the election of representatives in the congress of the United States and of elective state and county officers ~~including elected members of the state board of education,~~ in the even-numbered years; except as otherwise provided for filling vacancies;

(D) For municipal and township officers, members of boards of education, judges and clerks of municipal courts, in the odd-numbered years;

(E) Proposed constitutional amendments or proposed measures submitted by the general assembly or by initiative or referendum petitions to the voters of the state at large may be submitted to the general election in any year occurring at least ~~sixty days, in case of a referendum, and ninety one hundred twenty-five days, in the case of an initiated measure,~~ subsequent to the filing of the petitions therefor. Proposed constitutional amendments submitted by the general assembly to the voters of the state at large may be submitted at a special election occurring on the day in any year specified by division (E) of section 3501.01 of the Revised Code for the holding of a primary election, when a special election on that date is designated by the general assembly in the resolution adopting the proposed constitutional amendment.

No special election shall be held on a day other than the day of a general election, unless a law or charter provides otherwise, regarding the submission of a question or issue to the voters of a county, township, city, village, or school

district. 67101

(F) (1) Notwithstanding any provision of the Revised Code 67102
to the contrary, any question or issue, except a candidacy, to 67103
be voted upon at an election shall be certified, for placement 67104
upon the ballot, to the board of elections not later than four 67105
p.m. of the ninetieth day before the day of the election. 67106

(2) Any question or issue that is certified for placement 67107
on a ballot on or after ~~the effective date of this amendment~~ July 67108
2, 2010, shall be certified not later than the ninetieth day 67109
before the day of the applicable election, notwithstanding any 67110
deadlines appearing in any section of the Revised Code governing 67111
the placement of that question or issue on the ballot. 67112

Sec. 3501.05. The secretary of state shall do all of the 67113
following: 67114

(A) Appoint all members of boards of elections; 67115

(B) Issue instructions by directives and advisories in 67116
accordance with section 3501.053 of the Revised Code to members 67117
of the boards as to the proper methods of conducting elections. 67118

(C) Prepare rules and instructions for the conduct of 67119
elections; 67120

(D) Publish and furnish to the boards from time to time a 67121
sufficient number of indexed copies of all election laws then in 67122
force; 67123

(E) Edit and issue all pamphlets concerning proposed laws 67124
or amendments required by law to be submitted to the voters; 67125

(F) Prescribe the form of registration cards, blanks, and 67126
records; 67127

(G) Determine and prescribe the forms of ballots and the 67128
forms of all blanks, cards of instructions, pollbooks, tally 67129
sheets, certificates of election, and forms and blanks required 67130
by law for use by candidates, committees, and boards; 67131

(H) Prepare the ballot title or statement to be placed on 67132
the ballot for any proposed law or amendment to the constitution 67133
to be submitted to the voters of the state; 67134

(I) Except as otherwise provided in section 3519.08 of the 67135
Revised Code, certify to the several boards the forms of ballots 67136
and names of candidates for state offices, and the form and 67137
wording of state referendum questions and issues, as they shall 67138
appear on the ballot; 67139

(J) Except as otherwise provided in division (I) (2) (b) of 67140
section 3501.38 of the Revised Code, give final approval to 67141
ballot language for any local question or issue approved and 67142
transmitted by boards of elections under section 3501.11 of the 67143
Revised Code; 67144

(K) Receive all initiative and referendum petitions on 67145
state questions and issues and determine and certify to the 67146
sufficiency of those petitions; 67147

(L) Require such reports from the several boards as are 67148
provided by law, or as the secretary of state considers 67149
necessary; 67150

(M) Compel the observance by election officers in the 67151
several counties of the requirements of the election laws; 67152

(N) (1) Except as otherwise provided in division (N) (2) of 67153
this section, investigate the administration of election laws, 67154
frauds, and irregularities in elections in any county, and 67155
report violations of election laws to the attorney general or 67156

prosecuting attorney, or both, for prosecution; 67157

~~(2) On and after August 24, 1995, report a failure to~~ 67158
~~comply with or a~~ Receive and process complaints regarding any 67159
~~alleged violation of a provision in sections 3517.08 to 3517.13,~~ 67160
~~3517.20 to 3517.22, 3599.03, or 3599.031 of the Revised Code,~~ 67161
~~whenever the secretary of state has or should have knowledge of~~ 67162
~~a failure to comply with or a violation of a provision in one of~~ 67163
~~those sections, by filing a complaint with the Ohio elections~~ 67164
~~commission under section 3517.153 of law over which the Ohio~~ 67165
election integrity commission has jurisdiction, in accordance 67166
with sections 3517.14 to 3517.18 of the Revised Code. 67167

(O) Make an annual report to the governor containing the 67168
results of elections, the cost of elections in the various 67169
counties, a tabulation of the votes in the several political 67170
subdivisions, and other information and recommendations relative 67171
to elections the secretary of state considers desirable; 67172

(P) Prescribe and distribute to boards of elections a list 67173
of instructions indicating all legal steps necessary to petition 67174
successfully for local option elections under sections 4301.32 67175
to 4301.41, 4303.29, 4305.14, and 4305.15 of the Revised Code; 67176

(Q) Adopt rules pursuant to Chapter 119. of the Revised 67177
Code for the removal by boards of elections of ineligible voters 67178
from the statewide voter registration database and, if 67179
applicable, from the poll list or signature pollbook used in 67180
each precinct, which rules shall provide for all of the 67181
following: 67182

(1) A process for the removal of voters who have changed 67183
residence, which shall be uniform, nondiscriminatory, and in 67184
compliance with the Voting Rights Act of 1965 and the National 67185

Voter Registration Act of 1993, including a program that uses 67186
the national change of address service provided by the United 67187
States postal system through its licensees; 67188

(2) A process for the removal of ineligible voters under 67189
section 3503.21 of the Revised Code; 67190

(3) A uniform system for marking or removing the name of a 67191
voter who is ineligible to vote from the statewide voter 67192
registration database and, if applicable, from the poll list or 67193
signature pollbook used in each precinct and noting the reason 67194
for that mark or removal. 67195

(R) (1) Prescribe a general program for registering voters 67196
or updating voter registration information, such as name and 67197
residence changes, by boards of elections, designated agencies, 67198
public high schools and vocational schools, public libraries, 67199
and offices of county treasurers consistent with the 67200
requirements of section 3503.09 of the Revised Code; 67201

(2) Prescribe a general program for registering voters or 67202
updating voter registration information through the registrar of 67203
motor vehicles and deputy registrars, consistent with the 67204
requirements of section 3503.11 of the Revised Code. 67205

(S) Prescribe a program of distribution of voter 67206
registration forms through boards of elections, designated 67207
agencies, offices of the registrar and deputy registrars of 67208
motor vehicles, public high schools and vocational schools, 67209
public libraries, and offices of county treasurers; 67210

(T) To the extent feasible, provide copies, at no cost and 67211
upon request, of the voter registration form in post offices in 67212
this state; 67213

(U) Adopt rules pursuant to section 111.15 of the Revised 67214

Code for the purpose of implementing the programs for 67215
registering voters through boards of elections, designated 67216
agencies, and the offices of the registrar and deputy registrars 67217
of motor vehicles consistent with this chapter; 67218

(V) Establish the full-time position of Americans with 67219
Disabilities Act coordinator within the office of the secretary 67220
of state to do all of the following: 67221

(1) Assist the secretary of state with ensuring that there 67222
is equal access to polling places for persons with disabilities; 67223

(2) Assist the secretary of state with ensuring that each 67224
voter may cast the voter's ballot in a manner that provides the 67225
same opportunity for access and participation, including privacy 67226
and independence, as for other voters; 67227

(3) Advise the secretary of state in the development of 67228
standards for the certification of voting machines, marking 67229
devices, and automatic tabulating equipment. 67230

(W) Establish and maintain a computerized statewide 67231
database of all legally registered voters under section 3503.15 67232
of the Revised Code that complies with the requirements of the 67233
"Help America Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 67234
1666, and provide training in the operation of that system; 67235

(X) Ensure that all directives, advisories, other 67236
instructions, or decisions issued or made during or as a result 67237
of any conference or teleconference call with a board of 67238
elections to discuss the proper methods and procedures for 67239
conducting elections, to answer questions regarding elections, 67240
or to discuss the interpretation of directives, advisories, or 67241
other instructions issued by the secretary of state are posted 67242
on a web site of the office of the secretary of state as soon as 67243

is practicable after the completion of the conference or 67244
teleconference call, but not later than the close of business on 67245
the same day as the conference or teleconference call takes 67246
place. 67247

(Y) Publish a report on a web site of the office of the 67248
secretary of state not later than one month after the completion 67249
of the canvass of the election returns for each primary and 67250
general election, identifying, by county, the number of absent 67251
voter's ballots cast and the number of those ballots that were 67252
counted, and the number of provisional ballots cast and the 67253
number of those ballots that were counted, for that election. 67254
The secretary of state shall maintain the information on the web 67255
site in an archive format for each subsequent election. 67256

(Z) Conduct voter education outlining voter 67257
identification, absent voters ballot, provisional ballot, and 67258
other voting requirements; 67259

(AA) Establish a procedure by which a registered elector 67260
may make available to a board of elections a more recent 67261
signature to be used in the poll list or signature pollbook 67262
produced by the board of elections of the county in which the 67263
elector resides; 67264

(BB) Disseminate information, which may include all or 67265
part of the official explanations and arguments, by means of 67266
direct mail or other written publication, broadcast, or other 67267
means or combination of means, as directed by the Ohio ballot 67268
board under division (F) of section 3505.062 of the Revised 67269
Code, in order to inform the voters as fully as possible 67270
concerning each proposed constitutional amendment, proposed law, 67271
or referendum; 67272

(CC) Be the single state office responsible for the 67273
implementation of the "Uniformed and Overseas Citizens Absentee 67274
Voting Act," Pub. L. No. 99-410, 100 Stat. 924, 42 U.S.C. 67275
1973ff, et seq., as amended, in this state. The secretary of 67276
state may delegate to the boards of elections responsibilities 67277
for the implementation of that act, including responsibilities 67278
arising from amendments to that act made by the "Military and 67279
Overseas Voter Empowerment Act," Subtitle H of the "National 67280
Defense Authorization Act for Fiscal Year 2010," Pub. L. No. 67281
111-84, 123 Stat. 3190. 67282

(DD) Adopt rules, under Chapter 119. of the Revised Code, 67283
to establish procedures and standards for determining when a 67284
board of elections shall be placed under the official oversight 67285
of the secretary of state, placing a board of elections under 67286
the official oversight of the secretary of state, a board that 67287
is under official oversight to transition out of official 67288
oversight, and the secretary of state to supervise a board of 67289
elections that is under official oversight of the secretary of 67290
state. 67291

(EE) Perform other duties required by law. 67292

Whenever a primary election is held under section 3513.32 67293
of the Revised Code or a special election is held under section 67294
3521.03 of the Revised Code to fill a vacancy in the office of 67295
representative to congress, the secretary of state shall 67296
establish a deadline, notwithstanding any other deadline 67297
required under the Revised Code, by which any or all of the 67298
following shall occur: the filing of a declaration of candidacy 67299
and petitions or a statement of candidacy and nominating 67300
petition together with the applicable filing fee; the filing of 67301
protests against the candidacy of any person filing a 67302

declaration of candidacy or nominating petition; the filing of a 67303
declaration of intent to be a write-in candidate; the filing of 67304
campaign finance reports; the preparation of, and the making of 67305
corrections or challenges to, precinct voter registration lists; 67306
the receipt of applications for absent voter's ballots or 67307
uniformed services or overseas absent voter's ballots; the 67308
supplying of election materials to precincts by boards of 67309
elections; the holding of hearings by boards of elections to 67310
consider challenges to the right of a person to appear on a 67311
voter registration list; and the scheduling of programs to 67312
instruct or reinstruct election officers. 67313

In the performance of the secretary of state's duties as 67314
the chief election officer, the secretary of state may 67315
administer oaths, issue subpoenas, summon witnesses, compel the 67316
production of books, papers, records, and other evidence, and 67317
fix the time and place for hearing any matters relating to the 67318
administration and enforcement of the election laws, including 67319
for the purposes described in division (N)(2) of this section. 67320

In any controversy involving or arising out of the 67321
adoption of registration or the appropriation of funds for 67322
registration, the secretary of state may, through the attorney 67323
general, bring an action in the name of the state in the court 67324
of common pleas of the county where the cause of action arose or 67325
in an adjoining county, to adjudicate the question. 67326

In any action involving the laws in Title XXXV of the 67327
Revised Code wherein the interpretation of those laws is in 67328
issue in such a manner that the result of the action will affect 67329
the lawful duties of the secretary of state or of any board of 67330
elections, the secretary of state may, on the secretary of 67331
state's motion, be made a party. 67332

The secretary of state may apply to any court that is 67333
hearing a case in which the secretary of state is a party, for a 67334
change of venue as a substantive right, and the change of venue 67335
shall be allowed, and the case removed to the court of common 67336
pleas of an adjoining county named in the application or, if 67337
there are cases pending in more than one jurisdiction that 67338
involve the same or similar issues, the court of common pleas of 67339
Franklin county. 67340

Public high schools and vocational schools, public 67341
libraries, and the office of a county treasurer shall implement 67342
voter registration programs as directed by the secretary of 67343
state pursuant to this section. 67344

Sec. 3501.12. (A) The annual compensation of members of 67345
the board of elections shall be determined on the basis of the 67346
population of the county according to the next preceding federal 67347
census, and shall be paid monthly out of the appropriations made 67348
to the board and upon vouchers or payrolls certified by the 67349
chairperson, or a member of the board designated by it, and 67350
countersigned by the director or in the director's absence by 67351
the deputy director. Upon presentation of any such voucher or 67352
payroll, the county auditor shall issue a warrant upon the 67353
county treasurer for the amount thereof as in the case of 67354
vouchers or payrolls for county offices and the treasurer shall 67355
pay such warrant. 67356

(B) In calendar year 2018, the amount of annual 67357
compensation of each member of the board of elections shall be 67358
the greater of the following: 67359

(1) The sum of the following: 67360

(a) One hundred two dollars and forty-one cents for each 67361

full one thousand of the first one hundred thousand population; 67362

(b) Forty-eight dollars and seventy-nine cents for each 67363
full one thousand of the second one hundred thousand population; 67364

(c) Twenty-six dollars and fifty cents for each full one 67365
thousand of the third one hundred thousand population; 67366

(d) Eight dollars and thirteen cents for each full one 67367
thousand above three hundred thousand population. 67368

(2) Six thousand dollars. 67369

(C) The annual compensation of each member of the board 67370
shall be computed after increasing the dollar amounts specified 67371
in divisions (B) (1) and (2) of this section as follows: 67372

(1) In calendar year 2019 and in each calendar year 67373
thereafter through calendar year 2028~~2025, the annual~~ 67374
~~compensation of each member of the board shall be computed after~~ 67375
~~increasing the dollar amounts specified in divisions (B) (1) and~~ 67376
~~(2) of this section by one and three-quarters per cent;~~ 67377

(2) In calendar year 2026 and in each calendar year 67378
thereafter through calendar year 2029, by five per cent; 67379

(3) In calendar year 2030 and in each calendar year 67380
thereafter, by the percentage increase, if any, in the consumer 67381
price index as defined in section 141.04 of the Revised Code 67382
over the twelve-month period that ends on the thirtieth day of 67383
September of the immediately preceding year, rounded to the 67384
nearest one-tenth of one per cent, not to exceed three per cent. 67385

(D) For the purposes of this section, members of boards of 67386
elections shall be deemed to be appointed and not elected, and 67387
therefore not subject to Section 20 of Article II of the Ohio 67388
Constitution. 67389

Sec. 3501.17. (A) The expenses of the board of elections 67390
shall be paid from the county treasury, in pursuance of 67391
appropriations by the board of county commissioners, in the same 67392
manner as other county expenses are paid. If the board of county 67393
commissioners fails to appropriate an amount sufficient to 67394
provide for the necessary and proper expenses of the board of 67395
elections pertaining to the conduct of elections, the board of 67396
elections may apply to the court of common pleas within the 67397
county, which shall fix the amount necessary to be appropriated 67398
and the amount shall be appropriated. Payments shall be made 67399
upon vouchers of the board of elections certified to by its 67400
chairperson or acting chairperson and the director or deputy 67401
director, upon warrants of the county auditor. 67402

The board of elections shall not incur any obligation 67403
involving the expenditure of money unless there are moneys 67404
sufficient in the funds appropriated therefor to meet the 67405
obligation. If the board of elections requests a transfer of 67406
funds from one of its appropriation items to another, the board 67407
of county commissioners shall adopt a resolution providing for 67408
the transfer except as otherwise provided in section 5705.40 of 67409
the Revised Code. The expenses of the board of elections shall 67410
be apportioned among the county and the various subdivisions as 67411
provided in this section, and the amount chargeable to each 67412
subdivision shall be paid as provided in division (J) of this 67413
section or withheld by the county auditor from the moneys 67414
payable thereto at the time of the next tax settlement. At the 67415
time of submitting budget estimates in each year, the board of 67416
elections shall submit to the taxing authority of each 67417
subdivision, upon the request of the subdivision, an estimate of 67418
the amount to be paid or withheld from the subdivision during 67419
the current or next fiscal year. 67420

A board of township trustees may, by resolution, request 67421
that the county auditor withhold expenses charged to the 67422
township from a specified township fund that is to be credited 67423
with revenue at a tax settlement. The resolution shall specify 67424
the tax levy ballot issue, the date of the election on the levy 67425
issue, and the township fund from which the expenses the board 67426
of elections incurs related to that ballot issue shall be 67427
withheld. 67428

(B) Except as otherwise provided in division (F) of this 67429
section, the compensation of the members of the board of 67430
elections and of the director, deputy director, and regular 67431
employees in the board's offices, other than compensation for 67432
overtime worked; the expenditures for the rental, furnishing, 67433
and equipping of the office of the board and for the necessary 67434
office supplies for the use of the board; the expenditures for 67435
the acquisition, repair, care, and custody of the polling 67436
places, booths, guardrails, and other equipment for polling 67437
places; the cost of tally sheets, maps, flags, ballot boxes, and 67438
all other permanent records and equipment; the cost of all 67439
elections held in and for the state and county; and all other 67440
expenses of the board which are not chargeable to a political 67441
subdivision in accordance with this section shall be paid in the 67442
same manner as other county expenses are paid. 67443

(C) The compensation of precinct election officials and 67444
intermittent employees in the board's offices; the cost of 67445
renting, moving, heating, and lighting polling places and of 67446
placing and removing ballot boxes and other fixtures and 67447
equipment thereof, including voting machines, marking devices, 67448
and automatic tabulating equipment; the cost of printing and 67449
delivering ballots, cards of instructions, registration lists 67450
required under section 3503.23 of the Revised Code, and other 67451

election supplies, including the supplies required to comply 67452
with division (H) of section 3506.01 of the Revised Code; the 67453
cost of contractors engaged by the board to prepare, program, 67454
test, and operate voting machines, marking devices, and 67455
automatic tabulating equipment; and all other expenses of 67456
conducting primaries and elections in the odd-numbered years 67457
shall be charged to the subdivisions in and for which such 67458
primaries or elections are held. The charge for each primary or 67459
general election in odd-numbered years for each subdivision 67460
shall be determined in the following manner: first, the total 67461
cost of all chargeable items used in conducting such elections 67462
shall be ascertained; second, the total charge shall be divided 67463
by the number of precincts participating in such election, in 67464
order to fix the cost per precinct; third, the cost per precinct 67465
shall be prorated by the board of elections to the subdivisions 67466
conducting elections for the nomination or election of offices 67467
in such precinct; fourth, the total cost for each subdivision 67468
shall be determined by adding the charges prorated to it in each 67469
precinct within the subdivision. 67470

~~(D) The~~ (D) (1) Except as otherwise provided in division 67471
(D) (2) of this section, the entire cost of special elections 67472
held on a day other than the day of a primary or general 67473
election, both in odd-numbered or in even-numbered years, shall 67474
be charged to the subdivision. Where a special election is held 67475
on the same day as a primary or general election in an even- 67476
numbered year, the subdivision submitting the special election 67477
shall be charged only for the cost of ballots and advertising. 67478
Where a special election is held on the same day as a primary or 67479
general election in an odd-numbered year, the subdivision 67480
submitting the special election shall be charged for the cost of 67481
ballots and advertising for such special election, in addition 67482

to the charges prorated to such subdivision for the election or 67483
nomination of candidates in each precinct within the 67484
subdivision, as set forth in the preceding paragraph. 67485

(2) The entire cost of a local option election held 67486
pursuant to sections 4301.32 to 4301.391 of the Revised Code on 67487
a day other than the day of a primary or general election, both 67488
in odd-numbered or in even-numbered years, or on a day other 67489
than the day of a special election of a political subdivision 67490
seeking to submit a question or issue, a nomination for office, 67491
or an election to office, shall be charged to the petitioner. 67492

(E) Where a special election is held on the day specified 67493
by division (E) of section 3501.01 of the Revised Code for the 67494
holding of a primary election, for the purpose of submitting to 67495
the voters of the state constitutional amendments proposed by 67496
the general assembly, and a subdivision conducts a special 67497
election on the same day, the entire cost of the special 67498
election shall be divided proportionally between the state and 67499
the subdivision based upon a ratio determined by the number of 67500
issues placed on the ballot by each, except as otherwise 67501
provided in division (G) of this section. Such proportional 67502
division of cost shall be made only to the extent funds are 67503
available for such purpose from amounts appropriated by the 67504
general assembly to the secretary of state. If a primary 67505
election is also being conducted in the subdivision, the costs 67506
shall be apportioned as otherwise provided in this section. 67507

(F) When a precinct is open during a general, primary, or 67508
special election solely for the purpose of submitting to the 67509
voters a statewide ballot issue, the state shall bear the entire 67510
cost of the election in that precinct and shall reimburse the 67511
county for all expenses incurred in opening the precinct. 67512

(G) (1) The state shall bear the entire cost of advertising 67513
in newspapers statewide ballot issues, explanations of those 67514
issues, and arguments for or against those issues, as required 67515
by Section 1g of Article II and Section 1 of Article XVI, Ohio 67516
Constitution, and any other section of law. Appropriations made 67517
to the controlling board shall be used to reimburse the 67518
secretary of state for all expenses the secretary of state 67519
incurs for such advertising under division (G) of section 67520
3505.062 of the Revised Code. 67521

(2) There is hereby created in the state treasury the 67522
statewide ballot advertising fund. The fund shall receive 67523
transfers approved by the controlling board, and shall be used 67524
by the secretary of state to pay the costs of advertising state 67525
ballot issues as required under division (G) (1) of this section. 67526
Any such transfers may be requested from and approved by the 67527
controlling board prior to placing the advertising, in order to 67528
facilitate timely provision of the required advertising. 67529

(H) The cost of renting, heating, and lighting 67530
registration places; the cost of the necessary books, forms, and 67531
supplies for the conduct of registration; and the cost of 67532
printing and posting precinct registration lists shall be 67533
charged to the subdivision in which such registration is held. 67534

(I) (1) (a) At the request of a majority of the members of 67535
the board of elections, the board of county commissioners may, 67536
by resolution, establish an elections revenue fund. Except as 67537
otherwise provided in this division and in division (I) (2) of 67538
this section, the purpose of the fund shall be to accumulate 67539
revenue withheld by or paid to the county under this section for 67540
the payment of any expense related to the duties of the board of 67541
elections specified in section 3501.11 of the Revised Code, upon 67542

approval of a majority of the members of the board of elections. 67543
The fund shall not accumulate any revenue withheld by or paid to 67544
the county under this section for the compensation of the 67545
members of the board of elections or of the director, deputy 67546
director, or other regular employees in the board's offices, 67547
other than compensation for overtime worked. 67548

(b) Notwithstanding sections 5705.14, 5705.15, and 5705.16 67549
of the Revised Code, the board of county commissioners may, by 67550
resolution, transfer money to the elections revenue fund from 67551
any other fund of the political subdivision from which such 67552
payments lawfully may be made. Following an affirmative vote of 67553
a majority of the members of the board of elections, the board 67554
of county commissioners may, by resolution, rescind an elections 67555
revenue fund established under this division. If an elections 67556
revenue fund is rescinded, money that has accumulated in the 67557
fund shall be transferred to the county general fund. 67558

(2) (a) The board of county commissioners of a county that 67559
receives a payment from a political subdivision under division 67560
(J) of this section shall, by resolution, establish a special 67561
elections fund. The purpose of the fund shall be to accumulate 67562
revenue paid to the county by political subdivisions under 67563
division (J) of this section for the cost of preparing for and 67564
conducting special elections. 67565

(b) If both of the following apply, the board of county 67566
commissioners may, by resolution, rescind the special elections 67567
fund and transfer any remaining money in the fund to the county 67568
general fund or to the elections revenue fund: 67569

(i) All notifications and payments required under division 67570
(J) (3) of this section have been made. 67571

(ii) The county has not received any payments from 67572
political subdivisions under division (J) (2) of this section for 67573
a future special election. 67574

(J) (1) Not less than fifteen business days before the 67575
deadline for submitting a question or issue for placement on the 67576
ballot at a special election, the board of elections shall 67577
prepare and file with the board of county commissioners and the 67578
office of the secretary of state the estimated cost, based on 67579
the factors enumerated in this section, for preparing for and 67580
conducting an election on one question or issue, one nomination 67581
for office, or one election to office in each precinct in the 67582
county at that special election and shall divide that cost by 67583
the number of registered voters in the county. 67584

(2) The board of elections shall provide to a political 67585
subdivision seeking to submit a question or issue, a nomination 67586
for office, or an election to office for placement on the ballot 67587
at a special election with the estimated cost for preparing for 67588
and conducting that election, which shall be calculated either 67589
by multiplying the number of registered voters in the political 67590
subdivision with the cost calculated under division (J) (1) of 67591
this section or by multiplying the cost per precinct with the 67592
number or precincts in the political subdivision. A political 67593
subdivision submitting a question or issue, a nomination for 67594
office, or an election to office for placement on the ballot at 67595
that special election shall pay to the county special elections 67596
fund sixty-five per cent of the estimated cost of the election 67597
not less than ten business days after the deadline for 67598
submitting a question or issue for placement on the ballot for 67599
that special election. 67600

(3) Not later than sixty days after the date of a special 67601

election, the board of elections shall provide to each political 67602
subdivision the true and accurate cost for the question or 67603
issue, nomination for office, or election to office that the 67604
subdivision submitted to the voters on the special election 67605
ballots. If the board of elections determines that a subdivision 67606
paid less for the cost of preparing and conducting a special 67607
election under division (J) (2) of this section than the actual 67608
cost calculated under this division, the subdivision shall remit 67609
to the county special elections fund the difference between the 67610
payment made under division (J) (2) of this section and the final 67611
cost calculated under this division within thirty days after 67612
being notified of the final cost. If the board of elections 67613
determines that a subdivision paid more for the cost of 67614
preparing and conducting a special election under division (J) 67615
(2) of this section than the actual cost calculated under this 67616
division, the board of elections promptly shall notify the board 67617
of county commissioners of that difference. The board of county 67618
commissioners shall remit from the county special elections fund 67619
to the political subdivision the difference between the payment 67620
made under division (J) (2) of this section and the final cost 67621
calculated under this division within thirty days after 67622
receiving that notification. 67623

(K) As used in this section: 67624

(1) "Political subdivision" and "subdivision" mean any 67625
board of county commissioners, board of township trustees, 67626
legislative authority of a municipal corporation, board of 67627
education, or any other board, commission, district, or 67628
authority that is empowered to levy taxes or permitted to 67629
receive the proceeds of a tax levy, regardless of whether the 67630
entity receives tax settlement moneys as described in division 67631
(A) of this section; 67632

(2) "Statewide ballot issue" means any ballot issue, 67633
whether proposed by the general assembly or by initiative or 67634
referendum, that is submitted to the voters throughout the 67635
state. 67636

Sec. 3501.28. (A) As used in this section: 67637

(1) "Fair Labor Standards Act" or "Act" means the "Fair 67638
Labor Standards Act of 1938," 52 Stat. 1062, 29 U.S.C.A. 201, as 67639
amended. 67640

(2) "Full election day" means the period of time between 67641
the opening of the polls and the completion of the procedures 67642
contained in section 3501.26 of the Revised Code. 67643

(3) "Services" means services at each general, primary, or 67644
special election. 67645

(B) Beginning with calendar year 2004, each precinct 67646
election official in a county shall be paid for the official's 67647
services at the same hourly rate, which shall be not less than 67648
the minimum hourly rate established by the Fair Labor Standards 67649
Act and not more than ninety-five dollars per diem. 67650

(C) The secretary of state shall establish, by rule 67651
adopted under section 111.15 of the Revised Code, the maximum 67652
amount of per diem compensation that may be paid to precinct 67653
election officials under this section each time the Fair Labor 67654
Standards Act is amended to increase the minimum hourly rate 67655
established by the act. Upon learning of such an increase, the 67656
secretary of state shall determine by what percentage the 67657
minimum hourly rate has been increased under the act and 67658
establish a new maximum amount of per diem compensation that 67659
precinct election officials may be paid under this section that 67660
is increased by the same percentage that the minimum hourly rate 67661

has been increased under the act.

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(D) (1) (a) No board of elections shall increase the pay of
a precinct election official under this section during a
calendar year unless the board has given written notice of the
proposed increase to the board of county commissioners not later
than the first day of October of the preceding calendar year.

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(b) Except as otherwise provided in division (D) (2) of
this section, a board of elections may increase the pay of a
precinct election official during a calendar year by up to, but
not exceeding, nine per cent over the compensation paid to a
precinct election official in the county where the board is
located during the previous calendar year, if the compensation
so paid during the previous calendar year was eighty-five
dollars or less per diem.

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(c) Except as otherwise provided in division (D) (2) of
this section, a board of elections may increase the pay of a
precinct election official during a calendar year by up to, but
not exceeding, four and one-half per cent over the compensation
paid to a precinct election official in the county where the
board is located during the previous calendar year, if the
compensation so paid during the previous calendar year was more
than eighty-five but less than ninety-five dollars per diem.

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(2) The board of county commissioners may review and
comment upon a proposed increase and may enter into a written
agreement with a board of elections to permit an increase in the
compensation paid to precinct election officials for their
services during a calendar year that is greater than the
applicable percentage limitation described in division ~~(E) (1) (b)~~
(D) (1) (b) or (c) of this section.

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(E) No precinct election official who works less than the 67691
full election day shall be paid the maximum amount allowed under 67692
this section or the maximum amount as set by the board of 67693
elections, whichever is less. 67694

(F) (1) Except as otherwise provided in divisions (F) (4) to 67695
(6) of this section, any employee of the state or of any 67696
political subdivision of the state may serve as a precinct 67697
election official on the day of an election without loss of the 67698
employee's regular compensation for that day as follows: 67699

(a) For employees of a county office, department, 67700
commission, board, or other entity, or of a court of common 67701
pleas, county court, or county-operated municipal court, as 67702
defined in section 1901.03 of the Revised Code, the employee's 67703
appointing authority may permit leave with pay for this service 67704
in accordance with a resolution setting forth the terms and 67705
conditions for that leave passed by the board of county 67706
commissioners. 67707

(b) For all other employees of a political subdivision of 67708
the state, leave with pay for this service shall be subject to 67709
the terms and conditions set forth in an ordinance or a 67710
resolution passed by the legislative authority of the applicable 67711
political subdivision. 67712

(c) For state employees, leave with pay for this service 67713
shall be subject to the terms and conditions set forth by the 67714
head of the state agency, as defined in section 1.60 of the 67715
Revised Code, by which the person is employed. 67716

(2) Any terms and conditions set forth by a board of 67717
county commissioners, legislative authority of a political 67718
subdivision, or head of a state agency under division ~~(G) (1)~~ (F) 67719

(1) of this section shall include a standard procedure for 67720
deciding which employees are permitted to receive leave with pay 67721
if multiple employees of an entity or court described in 67722
division ~~(C) (1) (a)~~ (F) (1) (a) of this section, of an entity of a 67723
political subdivision described in division ~~(C) (1) (b)~~ (F) (1) (b) 67724
of this section, or of a state agency as defined in section 1.60 67725
of the Revised Code apply to serve as a precinct election 67726
official on the day of an election. This procedure shall be 67727
applied uniformly to all similarly situated employees. 67728

(3) Any employee who is eligible for leave with pay under 67729
division ~~(C) (1)~~ (F) (1) of this section shall receive, in addition 67730
to the employee's regular compensation, the compensation paid to 67731
the precinct election official under division (B) or (C) of this 67732
section. 67733

(4) Division (F) (1) of this section does not apply to 67734
either of the following: 67735

(a) Election officials; 67736

(b) Public school teachers. 67737

(5) Nothing in division (F) (1) of this section supersedes 67738
or negates any provision of a collective bargaining agreement in 67739
effect under Chapter 4117. of the Revised Code. 67740

(6) If a board of county commissioners, legislative 67741
authority of a political subdivision, or head of a state agency 67742
fails to set forth any terms and conditions under division (F) 67743
(1) of this section, an employee of an entity or court described 67744
in division (F) (1) (a) of this section, of an entity of a 67745
political subdivision described in division (F) (1) (b) of this 67746
section, or of a state agency as defined in section 1.60 of the 67747
Revised Code may use personal leave, vacation leave, or 67748

compensatory time, or take unpaid leave, to serve as a precinct
election official on the day of an election.

(G) The board of elections may withhold the compensation
of any precinct election official for failure to obey the
instructions of the board or to comply with the law relating to
the duties of a precinct election official. Any payment a
precinct election official is entitled to receive under section
3501.36 of the Revised Code is in addition to the compensation
the official is entitled to receive under this section.

Sec. 3505.03. (A) On the office type ballot shall be
printed the names of all candidates for election to offices,
except the office of judge of a municipal court, county court,
or court of common pleas, who were nominated at the most recent
primary election as candidates of a political party or who were
nominated in accordance with section 3513.02 of the Revised
Code, and the names of all candidates for election to offices
who were nominated by nominating petitions, except candidates
for the office of judge of a municipal court, county court, or
court of common pleas, ~~for member of the state board of~~
~~education,~~ for member of a board of education, for municipal
offices, and for township offices.

(B) The face of the ballot below the stub shall be
substantially in the following form:

"OFFICIAL OFFICE TYPE BALLOT

(1) To vote for a candidate record your vote in the manner
provided next to the name of such candidate.

(2) If you tear, soil, deface, or erroneously mark this
ballot, return it to the precinct election officers or, if you
cannot return it, notify the precinct election officers, and

obtain another ballot."

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(C) The order in which the offices shall be listed on the ballot shall be prescribed by, and certified to each board of elections by, the secretary of state; provided that for state, district, and county offices the order from top to bottom shall be as follows: governor and lieutenant governor, attorney general, auditor of state, secretary of state, treasurer of state, chief justice of the supreme court, justice of the supreme court, United States senator, representative to congress, state senator, state representative, judge of a court of appeals, county commissioner, county auditor, prosecuting attorney, clerk of the court of common pleas, sheriff, county recorder, county treasurer, county engineer, and coroner. The offices of governor and lieutenant governor shall be printed on the ballot in a manner that requires a voter to cast one vote jointly for the candidates who have been nominated by the same political party or petition.

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(D) Within the rectangular space within which the title of each judicial office listed in division (C) of this section is printed on the ballot and immediately below the title shall be printed the date of the commencement of the term of the office, if it is a full term, as follows: "Full term commencing _____ (Date) _____," or the date of the end of the term of the office, if it is an unexpired term, as follows: "Unexpired term ending _____ (Date) _____"

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(E) (1) The names of all candidates for an office shall be arranged in a group under the title of that office, and, except for absentee ballots or when the number of candidates for a particular office is the same as the number of candidates to be elected for that office, shall be rotated from one precinct to

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another. On absentee ballots, the names of all candidates for an 67808
office shall be arranged in a group under the title of that 67809
office and shall be so alternated that each name shall appear, 67810
insofar as may be reasonably possible, substantially an equal 67811
number of times at the beginning, at the end, and in each 67812
intermediate place, if any, of the group in which such name 67813
belongs, unless the number of candidates for a particular office 67814
is the same as the number of candidates to be elected for that 67815
office. 67816

(2) The method of printing the ballots to meet the 67817
rotation requirement of this section shall be as follows: the 67818
least common multiple of the number of names in each of the 67819
several groups of candidates shall be used, and the number of 67820
changes made in the printer's forms in printing the ballots 67821
shall correspond with that multiple. The board of elections 67822
shall number all precincts in regular serial sequence. In the 67823
first precinct, the names of the candidates in each group shall 67824
be listed in alphabetical order. In each succeeding precinct, 67825
the name in each group that is listed first in the preceding 67826
precinct shall be listed last, and the name of each candidate 67827
shall be moved up one place. In each precinct using paper 67828
ballots, the printed ballots shall then be assembled in tablets. 67829

(F) Under the name of each candidate nominated at a 67830
primary election, nominated by petition under section 3517.012 67831
of the Revised Code, or certified by a party committee to fill a 67832
vacancy under section 3513.31 of the Revised Code shall be 67833
printed, in less prominent type face than that in which the 67834
candidate's name is printed, the name of the political party by 67835
which the candidate was nominated or certified. Under the name 67836
of each candidate appearing on the ballot who filed a nominating 67837
petition and requested a ballot designation as a nonparty 67838

candidate under section 3513.257 of the Revised Code shall be 67839
printed, in less prominent type face than that in which the 67840
candidate's name is printed, the designation of "nonparty 67841
candidate." Under the name of each candidate appearing on the 67842
ballot who filed a nominating petition and requested a ballot 67843
designation as an other-party candidate under section 3513.257 67844
of the Revised Code shall be printed, in less prominent type 67845
face than that in which the candidate's name is printed, the 67846
designation of "other-party candidate." No designation shall 67847
appear under the name of a candidate appearing on the ballot who 67848
filed a nominating petition and requested that no ballot 67849
designation appear under the candidate's name under section 67850
3513.257 of the Revised Code, or who filed a nominating petition 67851
and failed to request a ballot designation either as a nonparty 67852
candidate or as an other-party candidate under that section. 67853

(G) Except as provided in this section, no words, 67854
designations, or emblems descriptive of a candidate or the 67855
candidate's political affiliation, or indicative of the method 67856
by which the candidate was nominated or certified, shall be 67857
printed under or after a candidate's name that is printed on the 67858
ballot. 67859

Sec. 3505.04. On the nonpartisan ballot shall be printed 67860
the names of all nonpartisan candidates for election to the 67861
office of judge of a municipal court, county court, or court of 67862
common pleas, ~~the office of member of the state board of~~ 67863
~~education,~~ the office of member of a board of education, 67864
municipal or township offices for municipal corporations and 67865
townships in which primary elections are not held for nomination 67866
of candidates by political parties, and municipal offices of 67867
municipal corporations having charters which provide for 67868
separate ballots for elections for such municipal offices. 67869

Such ballots shall have printed across the top, and below
the stubs, "Official Nonpartisan Ballot."

The order in which the offices are listed on the ballot
shall be prescribed by, and certified to each board of elections
by, the secretary of state; provided that ~~the office of member~~
~~of the state board of education~~ county judicial offices shall be
listed first on the ballot, ~~then county judicial offices,~~
followed by municipal and township offices, and by offices of
member of a board of education, in the order stated.

Within the rectangular space within which the title of
each judicial office is printed on the ballot and immediately
below such title shall be printed the date of the commencement
of the term of the office, if a full term, as follows: "Full
term commencing _____ (Date) _____," or the date of the end of
the term of the office, if an unexpired term, as follows:
"Unexpired term ending _____ (Date) _____"

~~The secretary of state shall prescribe the information and
directions to the voter to be printed on the ballot within the
rectangular space in which the title of office of member of the
state board of education appears.~~

Within the rectangular space within which the title of
each office for member of a board of education is printed on the
ballot shall be printed "For Member of Board of Education," and
the number to be elected, directions to the voter as to voting
for one, two, or more, and, if the office to be voted for is
member of a board of education of a city school district, words
shall be printed in said space on the ballot to indicate whether
candidates are to be elected from subdistricts or at large.

The names of all nonpartisan candidates for an office

shall be arranged in a group under the title of that office, and 67899
shall be rotated and printed on the ballot as provided in 67900
section 3505.03 of the Revised Code. 67901

No name or designation of any political party nor any 67902
words, designations, or emblems descriptive of a candidate or 67903
the candidate's political affiliation, or indicative of the 67904
method by which such candidate was nominated or certified, shall 67905
be printed under or after any nonpartisan candidate's name which 67906
is printed on the ballot. 67907

Sec. 3505.06. (A) On the questions and issues ballot shall 67908
be printed all questions and issues to be submitted at any one 67909
election together with the percentage of affirmative votes 67910
necessary for passage as required by law. Such ballot shall have 67911
printed across the top thereof, and below the stubs, "Official 67912
Questions and Issues Ballot." 67913

(B) (1) Questions and issues shall be grouped together on 67914
the ballot from top to bottom as provided in division (B) (1) of 67915
this section, except as otherwise provided in division (B) (2) of 67916
this section. State questions and issues shall always appear as 67917
the top group of questions and issues. In calendar year 1997, 67918
the following questions and issues shall be grouped together on 67919
the ballot, in the following order from top to bottom, after the 67920
state questions and issues: 67921

(a) County questions and issues; 67922

(b) Municipal questions and issues; 67923

(c) Township questions and issues; 67924

(d) School or other district questions and issues. 67925

In each succeeding calendar year after 1997, each group of 67926

questions and issues described in division (B) (1) (a) to (d) of 67927
this section shall be moved down one place on the ballot except 67928
that the group that was last on the ballot during the 67929
immediately preceding calendar year shall appear at the top of 67930
the ballot after the state questions and issues. The rotation 67931
shall be performed only once each calendar year, beginning with 67932
the first election held during the calendar year. The rotation 67933
of groups of questions and issues shall be performed during each 67934
calendar year as required by division (B) (1) of this section, 67935
even if no questions and issues from any one or more such groups 67936
appear on the ballot at any particular election held during that 67937
calendar year. 67938

(2) Questions and issues shall be grouped together on the 67939
ballot, from top to bottom, in the following order when it is 67940
not practicable to group them together as required by division 67941
(B) (1) of this section because of the type of voting machines 67942
used by the board of elections: state questions and issues, 67943
county questions and issues, municipal questions and issues, 67944
township questions and issues, and school or other district 67945
questions and issues. The particular order in which each of a 67946
group of state questions or issues is placed on the ballot shall 67947
be determined by, and certified to each board of elections by, 67948
the secretary of state. 67949

(3) Failure of the board of elections to rotate questions 67950
and issues as required by division (B) (1) of this section does 67951
not affect the validity of the election at which the failure 67952
occurred, and is not grounds for contesting an election under 67953
section 3515.08 of the Revised Code. 67954

(C) The particular order in which each of a group of 67955
county, municipal, township, or school district questions or 67956

issues is placed on the ballot shall be determined by the board 67957
providing the ballots. 67958

(D) The printed matter pertaining to each question or 67959
issue on the ballot shall be enclosed at the top and bottom 67960
thereof by a heavy horizontal line across the width of the 67961
ballot. Immediately below such top line shall be printed a brief 67962
title descriptive of the question or issue below it, such as 67963
"Proposed Constitutional Amendment," "Proposed Bond Issue," 67964
"Proposed Annexation of Territory," "Proposed Increase in Tax 67965
Rate," or such other brief title as will be descriptive of the 67966
question or issue to which it pertains, together with a brief 67967
statement of the percentage of affirmative votes necessary for 67968
passage, such as "A sixty-five per cent affirmative vote is 67969
necessary for passage," "A majority vote is necessary for 67970
passage," or such other brief statement as will be descriptive 67971
of the percentage of affirmative votes required. 67972

(E) The questions and issues ballot need not contain the 67973
full text of the proposal to be voted upon. A condensed text 67974
that will properly describe the question, issue, or an amendment 67975
proposed by other than the general assembly shall be used as 67976
prepared and certified by the secretary of state for state-wide 67977
questions or issues or by the board for local questions or 67978
issues. If other than a full text is used, the full text of the 67979
proposed question, issue, or amendment together with the 67980
percentage of affirmative votes necessary for passage as 67981
required by law shall be posted in each polling place in some 67982
spot that is easily accessible to the voters. 67983

(F) (1) Except as otherwise provided in division (F) (2) of 67984
this section, each question and issue appearing on the questions 67985
and issues ballot may be consecutively numbered. The question or 67986

issue determined to appear at the top of the ballot may be 67987
designated on the face thereof by the Arabic numeral "1" and all 67988
questions and issues placed below on the ballot shall be 67989
consecutively numbered. Such numeral shall be placed below the 67990
heavy top horizontal line enclosing such question or issue and 67991
to the left of the brief title thereof. 67992

(2) Beginning with the general election to be held on 67993
November 5, 2024, a state question or issue determined to appear 67994
at the top of the ballot shall be designated on the face thereof 67995
by the Arabic numeral "1" and all state questions and issues 67996
placed below on the ballot shall be consecutively numbered. For 67997
elections occurring after the general election held on November 67998
5, 2024, a state question or issue determined to appear at the 67999
top of the ballot shall be designated on the face thereof by the 68000
Arabic numeral that is consecutive to the Arabic numeral of the 68001
last state question or issue that appeared on the ballot at the 68002
immediately preceding election at which a state question or 68003
issue appeared on the ballot and all state questions or issues 68004
placed below on the ballot shall be consecutively numbered. Such 68005
numeral shall be placed below the heavy top horizontal line 68006
enclosing such question or issue and to the left of the brief 68007
title thereof. Once a state question or issue appears on the 68008
ballot designated by the Arabic numeral "500," the state 68009
question or issue appearing at the top of the ballot at the 68010
immediately following election at which a state question or 68011
issue appears on the ballot shall be designated by the Arabic 68012
numeral "1." 68013

(G) No portion of a ballot question proposing to levy a 68014
property tax in excess of the ten-mill limitation under any 68015
section of the Revised Code, including the renewal ~~or~~ 68016
~~replacement~~ of such a levy, may be printed in boldface type or 68017

in a font size that is different from the font size of other 68018
text in the ballot question. The prohibitions in division (G) of 68019
this section do not apply to printed matter either described in 68020
division (D) of this section related to such a ballot question 68021
or located in the area of the ballot in which votes are 68022
indicated for or against that question. 68023

Sec. 3505.33. When the board of elections has completed 68024
the canvass of the election returns from the precincts in its 68025
county, in which electors were entitled to vote at any general 68026
or special election, it shall determine and declare the results 68027
of the elections determined by the electors of such county or of 68028
a district or subdivision within such county. If more than the 68029
number of candidates to be elected to an office received the 68030
largest and an equal number of votes, such tie shall be resolved 68031
by lot by the chairperson of the board in the presence of a 68032
majority of the members of the board. Such declaration shall be 68033
in writing and shall be signed by at least a majority of the 68034
members of the board. It shall bear the date of the day upon 68035
which it is made, and a copy thereof shall be posted by the 68036
board in a conspicuous place in its office. The board shall keep 68037
such copy posted for a period of at least five days. 68038

Thereupon the board shall promptly certify abstracts of 68039
the results of such elections within its county, in such forms 68040
as the secretary of state prescribes. Such forms shall be 68041
designated and shall contain abstracts as follows: 68042

Form No. 1. An abstract of the votes cast for the office 68043
of president and vice-president of the United States. 68044

Form No. 2. An abstract of the votes cast for the office 68045
of governor and lieutenant governor, secretary of state, auditor 68046
of state, treasurer of state, attorney general, chief justice of 68047

the supreme court of Ohio, judge of the supreme court of Ohio, 68048
member of the senate of the congress of the United States, 68049
member at large of the house of representatives of the congress 68050
of the United States, district member of the house of 68051
representatives of the congress of the United States, and an 68052
abstract of the votes cast upon each question or issue submitted 68053
at such election to electors throughout the entire state. 68054

Form No. 3. An abstract of the votes cast for the office 68055
of member of the senate of the general assembly, and member of 68056
the house of representatives of the general assembly. 68057

Form No. 4. A report of the votes cast for ~~the office of~~ 68058
~~member of the state board of education,~~ judge of the court of 68059
appeals, judge of the court of common pleas, judge of the 68060
probate court, judge of the county court, county commissioner, 68061
county auditor, prosecuting attorney, clerk of the court of 68062
common pleas, sheriff, county recorder, county treasurer, county 68063
engineer, and coroner. 68064

Form No. 5. A report of the votes cast upon all questions 68065
and issues other than such questions and issues which were 68066
submitted to electors throughout the entire state. 68067

Form No. 6. A report of the votes cast for municipal 68068
offices, judge of the municipal court, township offices, and the 68069
office of member of a board of education. 68070

One copy of each of these forms shall be kept in the 68071
office of the board. One copy of each of these forms shall 68072
promptly be sent to the secretary of state, who shall place the 68073
records contained in forms No. 1, No. 2, No. 3, No. 4, and No. 6 68074
in electronic format. One copy of Form No. 2 shall promptly be 68075
sent by electronic mail to the president of the senate of the 68076

general assembly. The board shall also at once upon completion 68077
of the official count send a certified copy of that part of each 68078
of the forms which pertains to an election in which only 68079
electors of a district comprised of more than one county but 68080
less than all of the counties of the state voted to the board of 68081
the most populous county in such district. It shall also at once 68082
upon completion of the official count send a certified copy of 68083
that part of each of the forms which pertains to an election in 68084
which only electors of a subdivision located partly within the 68085
county voted to the board of the county in which the major 68086
portion of the population of such subdivision is located. 68087

If, after certifying and sending abstracts and parts 68088
thereof, a board finds that any such abstract or part thereof is 68089
incorrect, it shall promptly prepare, certify, and send a 68090
corrected abstract or part thereof to take the place of each 68091
incorrect abstract or part thereof theretofore certified and 68092
sent. 68093

Sec. 3505.38. Election officials who are required to 68094
declare the results of a special or general election in which 68095
persons were elected to offices shall, unless otherwise provided 68096
by law, issue to the persons declared elected by them 68097
appropriate certificates of election in such form as is 68098
prescribed by the secretary of state. Such certificates of 68099
election shall be issued by such election officials after the 68100
time within which applications may be made for recounts of votes 68101
has expired, and after recounts of votes which have been applied 68102
for are completed. 68103

All persons declared to be elected by the president of the 68104
senate as provided for in section 3505.34 of the Revised Code 68105
shall be issued certificates of election by the secretary of 68106

state as provided for in such section and shall be issued 68107
commissions for such offices by the governor, provided that the 68108
board of elections required to determine and declare the results 68109
of the election for candidates for election to the office of 68110
member of the house of representatives of the congress of the 68111
United States ~~or member of the state board of education~~ shall, 68112
in lieu of issuing a certificate of election, certify to the 68113
secretary of state the names of such candidates declared 68114
elected, and the secretary of state, from such certification, 68115
shall issue to the persons certified to the secretary of state 68116
as elected as a member of the house of representatives of the 68117
congress of the United States ~~or member of the state board of~~ 68118
~~education~~ a certificate of the person's election, signed by the 68119
governor, sealed with the great seal of the state, and 68120
countersigned by the secretary of state. Certificates of 68121
election of members of the house of representatives of the 68122
congress of the United States shall be forwarded by registered 68123
mail to the clerk of the house of representatives of the 68124
congress of the United States, Washington, D.C., and the person 68125
elected to such office shall be advised by letter from the 68126
secretary of state that the person's certificate of election has 68127
been forwarded to said clerk. 68128

Sec. 3513.052. (A) No person shall seek nomination or 68129
election to any of the following offices or positions at the 68130
same election by filing a declaration of candidacy and petition, 68131
a declaration of intent to be a write-in candidate, or a 68132
nominating petition, or by becoming a candidate through party 68133
nomination in a primary election, or by the filling of a vacancy 68134
under section 3513.30 or 3513.31 of the Revised Code: 68135

(1) Two or more state offices; 68136

- (2) Two or more county offices; 68137
- (3) A state office and a county office; 68138
- (4) A federal office and a state or county office; 68139
- (5) Any combination of two or more municipal or township 68140
offices, positions as a member of a city, local, or exempted 68141
village board of education, or positions as a member of a 68142
governing board of an educational service center. 68143
- (B) The secretary of state or a board of elections shall 68144
not accept for filing a declaration of candidacy and petition, a 68145
declaration of intent to be a write-in candidate, or a 68146
nominating petition of a person seeking to become a candidate if 68147
that person, for the same election, has already filed a 68148
declaration of candidacy, a declaration of intent to be a write- 68149
in candidate, or a nominating petition, or has become a 68150
candidate through party nomination at a primary election or by 68151
the filling of a vacancy under section 3513.30 or 3513.31 of the 68152
Revised Code for: 68153
- (1) Any federal, state, or county office, if the 68154
declaration of candidacy, declaration of intent to be a write-in 68155
candidate, or nominating petition is for a state or county 68156
office; 68157
- (2) Any municipal or township office, or for member of a 68158
city, local, or exempted village board of education, or for 68159
member of a governing board of an educational service center, if 68160
the declaration of candidacy, declaration of intent to be a 68161
write-in candidate, or nominating petition is for a municipal or 68162
township office, or for member of a city, local, or exempted 68163
village board of education, or for member of a governing board 68164
of an educational service center. 68165

(C) (1) If the secretary of state determines, before the 68166
day of the primary election, that a person is seeking nomination 68167
to more than one office at that election in violation of 68168
division (A) of this section, the secretary of state shall do 68169
one of the following: 68170

(a) If each office or the district for each office for 68171
which the person is seeking nomination is wholly within a single 68172
county and none of those offices is a federal office, the 68173
secretary of state shall notify the board of elections of that 68174
county. The board then shall determine the date on which the 68175
person first sought to become a candidate for each of those 68176
offices by filing a declaration of candidacy or a declaration of 68177
intent to be a write-in candidate or by the filling of a vacancy 68178
under section 3513.30 of the Revised Code. The board shall vote 68179
promptly to disqualify that person as a candidate for each 68180
office for which the person sought to become a candidate after 68181
the date on which the person first sought to become a candidate 68182
for any of those offices. If the board determines that the 68183
person sought to become a candidate for more than one of those 68184
offices on the same date, the board shall vote promptly to 68185
disqualify that person as a candidate for each office that would 68186
be listed on the ballot below the highest office for which that 68187
person seeks nomination, according to the ballot order 68188
prescribed under section 3505.03 of the Revised Code. 68189

(b) If one or more of the offices for which the person is 68190
seeking nomination is a state office or an office with a 68191
district larger than a single county and none of the offices for 68192
which the person is seeking nomination is a federal office, the 68193
secretary of state shall determine the date on which the person 68194
first sought to become a candidate for each of those offices by 68195
filing a declaration of candidacy or a declaration of intent to 68196

be a write-in candidate or by the filling of a vacancy under 68197
section 3513.30 of the Revised Code. The secretary of state 68198
shall order the board of elections of each county in which the 68199
person is seeking to appear on the ballot to disqualify that 68200
person as a candidate for each office for which the person 68201
sought to become a candidate after the date on which the person 68202
first sought to become a candidate for any of those offices. If 68203
the secretary of state determines that the person sought to 68204
become a candidate for more than one of those offices on the 68205
same date, the secretary of state shall order the board of 68206
elections of each county in which the person is seeking to 68207
appear on the ballot to disqualify that person as a candidate 68208
for each office that would be listed on the ballot below the 68209
highest office for which that person seeks nomination, according 68210
to the ballot order prescribed under section 3505.03 of the 68211
Revised Code. Each board of elections so notified shall vote 68212
promptly to disqualify the person as a candidate in accordance 68213
with the order of the secretary of state. 68214

(c) If each office or the district for each office for 68215
which the person is seeking nomination is wholly within a single 68216
county and any of those offices is a federal office, the 68217
secretary of state shall notify the board of elections of that 68218
county. The board then shall vote promptly to disqualify that 68219
person as a candidate for each office that is not a federal 68220
office. 68221

(d) If one or more of the offices for which the person is 68222
seeking nomination is a state office and any of the offices for 68223
which the person is seeking nomination is a federal office, the 68224
secretary of state shall order the board of elections of each 68225
county in which the person is seeking to appear on the ballot to 68226
disqualify that person as a candidate for each office that is 68227

not a federal office. Each board of elections so notified shall 68228
vote promptly to disqualify the person as a candidate in 68229
accordance with the order of the secretary of state. 68230

(2) If a board of elections determines, before the day of 68231
the primary election, that a person is seeking nomination to 68232
more than one office at that election in violation of division 68233
(A) of this section, the board shall do one of the following: 68234

(a) If each office or the district for each office for 68235
which the person is seeking nomination is wholly within that 68236
county and none of those offices is a federal office, the board 68237
shall determine the date on which the person first sought to 68238
become a candidate for each of those offices by filing a 68239
declaration of candidacy or a declaration of intent to be a 68240
write-in candidate or by the filling of a vacancy under section 68241
3513.30 of the Revised Code. The board shall vote promptly to 68242
disqualify that person as a candidate for each office for which 68243
the person sought to become a candidate after the date on which 68244
the person first sought to become a candidate for any of those 68245
offices. If the board determines that the person sought to 68246
become a candidate for more than one of those offices on the 68247
same date, the board shall vote promptly to disqualify that 68248
person as a candidate for each office that would be listed on 68249
the ballot below the highest office for which that person seeks 68250
nomination, according to the ballot order prescribed under 68251
section 3505.03 of the Revised Code. 68252

(b) If one or more of the offices for which the person is 68253
seeking nomination is a state office or an office with a 68254
district larger than a single county and none of the offices for 68255
which the person is seeking nomination is a federal office, the 68256
board shall notify the secretary of state. The secretary of 68257

state then shall determine the date on which the person first 68258
sought to become a candidate for each of those offices by filing 68259
a declaration of candidacy or a declaration of intent to be a 68260
write-in candidate or by the filling of a vacancy under section 68261
3513.30 of the Revised Code. The secretary of state shall order 68262
the board of elections of each county in which the person is 68263
seeking to appear on the ballot to disqualify that person as a 68264
candidate for each office for which the person sought to become 68265
a candidate after the date on which the person first sought to 68266
become a candidate for any of those offices. If the secretary of 68267
state determines that the person sought to become a candidate 68268
for more than one of those offices on the same date, the 68269
secretary of state shall order the board of elections of each 68270
county in which the person is seeking to appear on the ballot to 68271
disqualify that person as a candidate for each office that would 68272
be listed on the ballot below the highest office for which that 68273
person seeks nomination, according to the ballot order 68274
prescribed under section 3505.03 of the Revised Code. Each board 68275
of elections so notified shall vote promptly to disqualify the 68276
person as a candidate in accordance with the order of the 68277
secretary of state. 68278

(c) If each office or the district for each office for 68279
which the person is seeking nomination is wholly within a single 68280
county and any of those offices is a federal office, the board 68281
shall vote promptly to disqualify that person as a candidate for 68282
each office that is not a federal office. 68283

(d) If one or more of the offices for which the person is 68284
seeking nomination is a state office and any of the offices for 68285
which the person is seeking nomination is a federal office, the 68286
board shall notify the secretary of state. The secretary of 68287
state then shall order the board of elections of each county in 68288

which the person is seeking to appear on the ballot to 68289
disqualify that person as a candidate for each office that is 68290
not a federal office. Each board of elections so notified shall 68291
vote promptly to disqualify the person as a candidate in 68292
accordance with the order of the secretary of state. 68293

(D) (1) If the secretary of state determines, after the day 68294
of the primary election and before the day of the general 68295
election, that a person is seeking election to more than one 68296
office at that election in violation of division (A) of this 68297
section, the secretary of state shall do one of the following: 68298

(a) If each office or the district for each office for 68299
which the person is seeking election is wholly within a single 68300
county and none of those offices is a federal office, the 68301
secretary of state shall notify the board of elections of that 68302
county. The board then shall determine the offices for which the 68303
person seeks to appear as a candidate on the ballot. The board 68304
shall vote promptly to disqualify that person as a candidate for 68305
each office that would be listed on the ballot below the highest 68306
office for which that person seeks election, according to the 68307
ballot order prescribed under section 3505.03 of the Revised 68308
Code. If the person sought nomination at a primary election and 68309
has not yet been issued a certificate of nomination, the board 68310
shall not issue that certificate for that person for any office 68311
that would be listed on the ballot below the highest office for 68312
which that person seeks election, according to the ballot order 68313
prescribed under section 3505.03 of the Revised Code. 68314

(b) If one or more of the offices for which the person is 68315
seeking election is a state office or an office with a district 68316
larger than a single county and none of the offices for which 68317
the person is seeking election is a federal office, the 68318

secretary of state shall promptly investigate and determine the 68319
offices for which the person seeks to appear as a candidate on 68320
the ballot. The secretary of state shall order the board of 68321
elections of each county in which the person is seeking to 68322
appear on the ballot to disqualify that person as a candidate 68323
for each office that would be listed on the ballot below the 68324
highest office for which that person seeks election, according 68325
to the ballot order prescribed under section 3505.03 of the 68326
Revised Code. Each board of elections so notified shall vote 68327
promptly to disqualify the person as a candidate in accordance 68328
with the order of the secretary of state. If the person sought 68329
nomination at a primary election and has not yet been issued a 68330
certificate of nomination, the board shall not issue that 68331
certificate for that person for any office that would be listed 68332
on the ballot below the highest office for which that person 68333
seeks election, according to the ballot order prescribed under 68334
section 3505.03 of the Revised Code. 68335

(c) If each office or the district for each office for 68336
which the person is seeking election is wholly within a single 68337
county and any of those offices is a federal office, the 68338
secretary of state shall notify the board of elections of that 68339
county. The board then shall vote promptly to disqualify that 68340
person as a candidate for each office that is not a federal 68341
office. If the person sought nomination at a primary election 68342
and has not yet been issued a certificate of nomination, the 68343
board shall not issue that certificate for that person for any 68344
office that is not a federal office. 68345

(d) If one or more of the offices for which the person is 68346
seeking election is a state office and any of the offices for 68347
which the person is seeking election is a federal office, the 68348
secretary of state shall order the board of elections of each 68349

county in which the person is seeking to appear on the ballot to 68350
disqualify that person as a candidate for each office that is 68351
not a federal office. Each board of elections so notified shall 68352
vote promptly to disqualify the person as a candidate in 68353
accordance with the order of the secretary of state. If the 68354
person sought nomination at a primary election and has not yet 68355
been issued a certificate of nomination, the board shall not 68356
issue that certificate for that person for any office that is 68357
not a federal office. 68358

(2) If a board of elections determines, after the day of 68359
the primary election and before the day of the general election, 68360
that a person is seeking election to more than one office at 68361
that election in violation of division (A) of this section, the 68362
board of elections shall do one of the following: 68363

(a) If each office or the district for each office for 68364
which the person is seeking election is wholly within that 68365
county and none of those offices is a federal office, the board 68366
shall determine the offices for which the person seeks to appear 68367
as a candidate on the ballot. The board shall vote promptly to 68368
disqualify that person as a candidate for each office that would 68369
be listed on the ballot below the highest office for which that 68370
person seeks election, according to the ballot order prescribed 68371
under section 3505.03 of the Revised Code. If the person sought 68372
nomination at a primary election and has not yet been issued a 68373
certificate of nomination, the board shall not issue that 68374
certificate for that person for any office that would be listed 68375
on the ballot below the highest office for which that person 68376
seeks election, according to the ballot order prescribed under 68377
section 3505.03 of the Revised Code. 68378

(b) If one or more of the offices for which the person is 68379

seeking election is a state office or an office with a district 68380
larger than a single county and none of the offices for which 68381
the person is seeking election is a federal office, the board 68382
shall notify the secretary of state. The secretary of state 68383
promptly shall investigate and determine the offices for which 68384
the person seeks to appear as a candidate on the ballot. The 68385
secretary of state shall order the board of elections of each 68386
county in which the person is seeking to appear on the ballot to 68387
disqualify that person as a candidate for each office that would 68388
be listed on the ballot below the highest office for which that 68389
person seeks election, according to the ballot order prescribed 68390
under section 3505.03 of the Revised Code. Each board of 68391
elections so notified shall vote promptly to disqualify the 68392
person as a candidate in accordance with the order of the 68393
secretary of state. If the person sought nomination at a primary 68394
election and has not yet been issued a certificate of 68395
nomination, the board shall not issue that certificate for that 68396
person for any office that would be listed on the ballot below 68397
the highest office for which that person seeks election, 68398
according to the ballot order prescribed under section 3505.03 68399
of the Revised Code. 68400

(c) If each office or the district for each office for 68401
which the person is seeking election is wholly within that 68402
county and any of those offices is a federal office, the board 68403
shall vote promptly to disqualify that person as a candidate for 68404
each office that is not a federal office. If the person sought 68405
nomination at a primary election and has not yet been issued a 68406
certificate of nomination, the board shall not issue that 68407
certificate for that person for any office that is not a federal 68408
office. 68409

(d) If one or more of the offices for which the person is 68410

seeking election is a state office and any of the offices for 68411
which the person is seeking election is a federal office, the 68412
board shall notify the secretary of state. The secretary of 68413
state shall order the board of elections of each county in which 68414
the person is seeking to appear on the ballot to disqualify that 68415
person as a candidate for each office that is not a federal 68416
office. Each board of elections so notified shall vote promptly 68417
to disqualify the person as a candidate in accordance with the 68418
order of the secretary of state. If the person sought nomination 68419
at a primary election and has not yet been issued a certificate 68420
of nomination, the board shall not issue that certificate for 68421
that person for any office that is not a federal office. 68422

(E) When a person is disqualified as a candidate under 68423
division (C) or (D) of this section, on or before the seventieth 68424
day before the day of the applicable election, the board of 68425
elections shall remove the person's name from the ballot for any 68426
office for which that person has been disqualified as a 68427
candidate according to the directions of the secretary of state. 68428
When a person is disqualified as a candidate under division (C) 68429
or (D) of this section after the seventieth day before the day 68430
of the applicable election, the board of elections shall not 68431
remove the person's name from the ballot for any office for 68432
which that person has been disqualified as a candidate. The 68433
board of elections shall post a notice at each polling location 68434
on the day of the applicable election, and shall enclose with 68435
each absent voter's ballot given or mailed after the candidate 68436
is disqualified, a notice that votes for the person for the 68437
office for which the person has been disqualified as a candidate 68438
will be void and will not be counted. If the name is not removed 68439
from the ballots before the day of the election, the votes for 68440
the disqualified candidate are void and shall not be counted. 68441

(F) Any vacancy created by the disqualification of a 68442
person as a candidate under division (C) or (D) of this section 68443
may be filled in the manner provided for in sections 3513.30 and 68444
3513.31 of the Revised Code. 68445

(G) Nothing in this section or section 3513.04, 3513.041, 68446
3513.05, 3513.251, 3513.253, 3513.254, 3513.255, 3513.257, 68447
~~3513.259,~~ or 3513.261 of the Revised Code prohibits, and the 68448
secretary of state or a board of elections shall not disqualify, 68449
a person from being a candidate for an office, if that person 68450
timely withdraws as a candidate for any offices specified in 68451
division (A) of this section for which that person first sought 68452
to become a candidate by filing a declaration of candidacy and 68453
petition, a declaration of intent to be a write-in candidate, or 68454
a nominating petition, by party nomination in a primary 68455
election, or by the filling of a vacancy under section 3513.30 68456
or 3513.31 of the Revised Code. 68457

(H) As used in this section: 68458

(1) "State office" means the offices of governor, 68459
lieutenant governor, secretary of state, auditor of state, 68460
treasurer of state, attorney general, ~~member of the state board~~ 68461
~~of education,~~ member of the general assembly, chief justice of 68462
the supreme court, and justice of the supreme court. 68463

(2) "Timely withdraws" means either of the following: 68464

(a) Withdrawing as a candidate before the applicable 68465
deadline for filing a declaration of candidacy, declaration of 68466
intent to be a write-in candidate, or nominating petition for 68467
the subsequent office for which the person is seeking to become 68468
a candidate at the same election; 68469

(b) Withdrawing as a candidate before the applicable 68470

deadline for the filling of a vacancy under section 3513.30 or 68471
3513.31 of the Revised Code, if the person is seeking to become 68472
a candidate for a subsequent office at the same election under 68473
either of those sections. 68474

Sec. 3513.10. (A) At the time of filing a declaration of 68475
candidacy for nomination for any office, or a declaration of 68476
intent to be a write-in candidate, each candidate, except joint 68477
candidates for governor and lieutenant governor, shall pay a fee 68478
as follows: 68479
68480

1

2

A	For statewide office	\$100
B	For court of appeals judge	\$50
C	For court of common pleas judge	\$50
D	For county court judge	\$50
E	For municipal court judge	\$50
F	For district office, including member of the United States house of representatives and member of the general assembly	\$50
G	For county office	\$50
H	For city office	\$20
I	For village office	\$10
J	For township office	\$10

At the time of filing a declaration of candidacy or a
declaration of intent to be a write-in candidate for the offices
of governor and lieutenant governor, the joint candidates shall
jointly pay to the secretary of state a fee of one hundred
dollars.

(B) (1) At the same time the fee required under division
(A) of this section is paid, each candidate shall pay an
additional fee as follows:

2

A	For the joint candidates for governor and lieutenant governor	\$50
B	For statewide office	\$50
C	For district office, including member of the United States house of representatives and member of the general assembly	\$35
D	For member of state board of education	\$35
E	For court of appeals judge	\$30
F	For court of common pleas judge	\$30
G	For county court judge	\$30

H	For municipal court judge	\$30
I	For county office	\$30
J	For city office	\$25
K	For village office	\$20
L	For township office	\$20
M	For member of local, city, or exempted village board of education or educational service center governing board	\$20

(2) Whoever seeks to propose a ballot question or issue to 68490
be submitted to the electors shall pay the following fee at the 68491
time the petition proposing the question or issue is filed: 68492

(a) If the question or issue is to be submitted to the 68493
electors throughout the entire state, twenty-five dollars; 68494

(b) If the question or issue is to be submitted to the 68495
electors of a county or of a district that consists of all or 68496
part of two or more counties but less than the entire state, 68497
fifteen dollars; 68498

(c) If the question or issue is to be submitted to the 68499
electors of a city, twelve dollars and fifty cents; 68500

(d) If the question or issue is to be submitted to the 68501
electors of a village, a township, a local, city, county, or 68502
exempted village school district, a precinct, or another 68503
district consisting of less than an entire county, ten dollars. 68504

(C) No fee shall be required of candidates filing for the 68505
office of delegate or alternate to the national convention of 68506

political parties, member of the state central committee of a 68507
political party, or member of the county central committee of a 68508
political party. 68509

(D) All fees required under division (A) of this section 68510
immediately shall be paid by the officer receiving them into the 68511
state treasury to the credit of the general revenue fund, in the 68512
case of fees received by the secretary of state, and into the 68513
county treasury to the credit of the county general fund, in the 68514
case of fees received by a board of elections. 68515

(E) The officer who receives a fee required under division 68516
(B) of this section immediately shall pay the fee to the credit 68517
of the Ohio ~~elections~~ election integrity commission fund created 68518
~~by division (I) of under~~ section ~~3517.152~~ 111.29 of the Revised 68519
Code. 68520

(F) (1) In no case shall a fee paid under this section be 68521
returned to a candidate. 68522

(2) Whenever a section of law refers to a filing fee to be 68523
paid by a candidate or by a committee proposing a ballot 68524
question or issue to be submitted to the electors, that fee 68525
includes the fees required under divisions (A) and (B) of this 68526
section. 68527

(G) As used in divisions (A) and (B) of this section, 68528
"statewide office" means the office of secretary of state, 68529
auditor of state, treasurer of state, attorney general, justice 68530
and chief justice of the supreme court, and member of the United 68531
States senate. 68532

Sec. 3517.01. (A) (1) A political party within the meaning 68533
of Title XXXV of the Revised Code is any group of voters that 68534
meets either of the following requirements: 68535

(a) Except as otherwise provided in this division, at the
most recent regular state election, the group polled for its
candidate for governor in the state or nominees for presidential
electors at least three per cent of the entire vote cast for
that office. A group that meets the requirements of this
division remains a political party for a period of four years
after meeting those requirements.

(b) The group filed with the secretary of state,
subsequent to its failure to meet the requirements of division
(A) (1) (a) of this section, a party formation petition that meets
all of the following requirements:

(i) The petition is signed by qualified electors equal in
number to at least one per cent of the total vote for governor
or nominees for presidential electors at the most recent
election for such office.

(ii) The petition is signed by not fewer than five hundred
qualified electors from each of at least a minimum of one-half
of the congressional districts in this state. If an odd number
of congressional districts exists in this state, the number of
districts that results from dividing the number of congressional
districts by two shall be rounded up to the next whole number.

(iii) The petition declares the petitioners' intention of
organizing a political party, the name of which shall be stated
in the declaration, and of participating in the succeeding
general election, held in even-numbered years, that occurs more
than one hundred twenty-five days after the date of filing.

(iv) The petition designates a committee of not less than
three nor more than five individuals of the petitioners, who
shall represent the petitioners in all matters relating to the

petition. Notice of all matters or proceedings pertaining to the 68565
petition may be served on the committee, or any of them, either 68566
personally or by registered mail, or by leaving such notice at 68567
the usual place of residence of each of them. 68568

(2) No such group of electors shall assume a name or 68569
designation that is similar, in the opinion of the secretary of 68570
state, to that of an existing political party as to confuse or 68571
mislead the voters at an election. 68572

(B) A campaign committee shall be legally liable for any 68573
debts, contracts, or expenditures incurred or executed in its 68574
name. 68575

(C) Notwithstanding the definitions found in section 68576
3501.01 of the Revised Code, as used in this section and 68577
sections 3517.08 to ~~3517.14, 3517.99, and 3517.992~~ 3517.991 of 68578
the Revised Code: 68579

(1) "Campaign committee" means a candidate or a 68580
combination of two or more persons authorized by a candidate 68581
under section 3517.081 of the Revised Code to receive 68582
contributions and make expenditures. 68583

(2) "Campaign treasurer" means an individual appointed by 68584
a candidate under section 3517.081 of the Revised Code. 68585

(3) "Candidate" has the same meaning as in division (H) of 68586
section 3501.01 of the Revised Code and also includes any person 68587
who, at any time before or after an election, receives 68588
contributions or makes expenditures or other use of 68589
contributions, has given consent for another to receive 68590
contributions or make expenditures or other use of 68591
contributions, or appoints a campaign treasurer, for the purpose 68592
of bringing about the person's nomination or election to public 68593

office. When two persons jointly seek the offices of governor 68594
and lieutenant governor, "candidate" means the pair of 68595
candidates jointly. "Candidate" does not include candidates for 68596
election to the offices of member of a county or state central 68597
committee, presidential elector, and delegate to a national 68598
convention or conference of a political party. 68599

~~(4) "Continuing association" means an association, other 68600
than a campaign committee, political party, legislative campaign 68601
fund, political contributing entity, or labor organization, that 68602
is intended to be a permanent organization that has a primary 68603
purpose other than supporting or opposing specific candidates, 68604
political parties, or ballot issues, and that functions on a 68605
regular basis throughout the year. "Continuing association" 68606
includes organizations that are determined to be not organized 68607
for profit under subsection 501 and that are described in 68608
subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal 68609
Revenue Code. 68610~~

~~(5) "Contribution" means a loan, gift, deposit, 68611
forgiveness of indebtedness, donation, advance, payment, or 68612
transfer of funds or anything of value, including a transfer of 68613
funds from an inter vivos or testamentary trust or decedent's 68614
estate, and the payment by any person other than the person to 68615
whom the services are rendered for the personal services of 68616
another person, which contribution is made, received, or used 68617
for the purpose of influencing the results of an election. Any 68618
loan, gift, deposit, forgiveness of indebtedness, donation, 68619
advance, payment, or transfer of funds or of anything of value, 68620
including a transfer of funds from an inter vivos or 68621
testamentary trust or decedent's estate, and the payment by any 68622
campaign committee, political action committee, legislative 68623
campaign fund, political party, political contributing entity, 68624~~

or person other than the person to whom the services are 68625
rendered for the personal services of another person, that is 68626
made, received, or used by a state or county political party, 68627
other than the moneys an entity may receive under sections 68628
3517.101, 3517.1012, and 3517.1013 of the Revised Code, shall be 68629
considered to be a "contribution" for the purpose of section 68630
3517.10 of the Revised Code and shall be included on a statement 68631
of contributions filed under that section. 68632

"Contribution" does not include any of the following: 68633

(a) Services provided without compensation by individuals 68634
volunteering a portion or all of their time on behalf of a 68635
person; 68636

(b) Ordinary home hospitality; 68637

(c) The personal expenses of a volunteer paid for by that 68638
volunteer campaign worker; 68639

(d) Any gift given to an entity pursuant to section 68640
3517.101 of the Revised Code; 68641

(e) Any contribution as defined in section 3517.1011 of 68642
the Revised Code that is made, received, or used to pay the 68643
direct costs of producing or airing an electioneering 68644
communication; 68645

(f) Any gift given to a state or county political party 68646
for the party's restricted fund under division (A) (2) of section 68647
3517.1012 of the Revised Code; 68648

(g) Any gift given to a state political party for deposit 68649
in a Levin account pursuant to section 3517.1013 of the Revised 68650
Code. As used in this division, "Levin account" has the same 68651
meaning as in that section. 68652

(h) Any donation given to a transition fund under section 3517.1014 of the Revised Code. 68653
68654

~~(6)~~ (5) "Expenditure" means the disbursement or use of a 68655
contribution for the purpose of influencing the results of an 68656
election or of making a charitable donation under division (G) 68657
of section 3517.08 of the Revised Code. Any disbursement or use 68658
of a contribution by a state or county political party is an 68659
expenditure and shall be considered either to be made for the 68660
purpose of influencing the results of an election or to be made 68661
as a charitable donation under division (G) of section 3517.08 68662
of the Revised Code and shall be reported on a statement of 68663
expenditures filed under section 3517.10 of the Revised Code. 68664
During the thirty days preceding a primary or general election, 68665
any disbursement to pay the direct costs of producing or airing 68666
a broadcast, cable, or satellite communication that refers to a 68667
clearly identified candidate shall be considered to be made for 68668
the purpose of influencing the results of that election and 68669
shall be reported as an expenditure or as an independent 68670
expenditure under section 3517.10 or 3517.105 of the Revised 68671
Code, as applicable, except that the information required to be 68672
reported regarding contributors for those expenditures or 68673
independent expenditures shall be the same as the information 68674
required to be reported under divisions (D) (1) and (2) of 68675
section 3517.1011 of the Revised Code. 68676

As used in this division, "broadcast, cable, or satellite 68677
communication" and "refers to a clearly identified candidate" 68678
have the same meanings as in section 3517.1011 of the Revised 68679
Code. 68680

~~(7)~~ (6) "Personal expenses" includes, but is not limited 68681
to, ordinary expenses for accommodations, clothing, food, 68682

personal motor vehicle or airplane, and home telephone. 68683

~~(8)~~ (7) "Political action committee" means a combination 68684
of two or more persons, the primary or major purpose of which is 68685
to support or oppose any candidate, political party, or issue, 68686
or to influence the result of any election through express 68687
advocacy, and that is not a political party, a campaign 68688
committee, ~~a political contributing entity,~~ or a legislative 68689
campaign fund. "Political action committee" does not include 68690
~~either of the following:—~~ 68691

~~(a) A continuing association that makes disbursements for—~~ 68692
~~the direct costs of producing or airing electioneering—~~ 68693
~~communications and that does not engage in express advocacy;—~~ 68694

~~(b) A~~ a political club that is formed primarily for social 68695
purposes and that consists of one hundred members or less, has 68696
officers and periodic meetings, has less than two thousand five 68697
hundred dollars in its treasury at all times, and makes an 68698
aggregate total contribution of one thousand dollars or less per 68699
calendar year. 68700

~~(9)~~ (8) "Public office" means any state, county, 68701
municipal, township, or district office, except an office of a 68702
political party, that is filled by an election and the offices 68703
of United States senator and representative. 68704

~~(10)~~ (9) "Anything of value" has the same meaning as in 68705
section 1.03 of the Revised Code. 68706

~~(11)~~ (10) "Beneficiary of a campaign fund" means a 68707
candidate, a public official or employee for whose benefit a 68708
campaign fund exists, and any other person who has ever been a 68709
candidate or public official or employee and for whose benefit a 68710
campaign fund exists. 68711

~~(12)~~ (11) "Campaign fund" means money or other property,
including contributions.

~~(13)~~ (12) "Public official or employee" has the same
meaning as in section 102.01 of the Revised Code.

~~(14)~~ (13) "Caucus" means all of the members of the house
of representatives or all of the members of the senate of the
general assembly who are members of the same political party.

~~(15)~~ (14) "Legislative campaign fund" means a fund that is
established as an auxiliary of a state political party and
associated with one of the houses of the general assembly.

~~(16)~~ (15) (a) "In-kind contribution" means anything of
value other than money that is used to influence the results of
an election or is transferred to or used in support of or in
opposition to a candidate, campaign committee, legislative
campaign fund, political party, political action committee, or
political contributing entity and that is made with the consent
of, in coordination, cooperation, or consultation with, or at
the request or suggestion of the benefited candidate, committee,
fund, party, or entity. ~~The~~

(b) ~~The~~ financing of the dissemination, distribution, or
 republication, in whole or part, of any broadcast or of any
written, graphic, or other form of campaign materials prepared
by the candidate, the candidate's campaign committee, or their
authorized agents is an in-kind contribution to the candidate
and an expenditure by the candidate.

(c) A contribution of a digital asset is an in-kind
contribution.

~~(17)~~ (16) "Independent expenditure" means an expenditure
or other use of funds or anything of value by a person

~~advocating~~ in support of or opposition to an identified ballot
issue or question or to advocate the election or defeat of an
identified candidate or candidates, that is not made with the
consent of, in coordination, cooperation, or consultation with,
or at the request or suggestion of any candidate or candidates
or of the campaign committee or agent of the candidate or
candidates. As used in division ~~(C) (17)~~ (C) (16) of this section:

(a) "Person" means an individual, ~~partnership,~~
~~unincorporated business organization or association,~~ political
action committee, political contributing entity, separate
segregated fund, association, or other organization or group of
persons, ~~but not a labor organization or a corporation unless~~
~~the labor organization or corporation is a political~~
~~contributing entity.~~

(b) ~~"Advocating"~~ "Advocate" means to make any
communication containing a message advocating the election or
defeat of an identified candidate or candidates.

(c) "Identified candidate" means that the name of the
candidate appears, a photograph or drawing of the candidate
appears, or the identity of the candidate is otherwise apparent
by unambiguous reference.

(d) "Made in coordination, cooperation, or consultation
with, or at the request or suggestion of, any candidate or the
campaign committee or agent of the candidate" means made
pursuant to any arrangement, coordination, or direction by the
candidate, the candidate's campaign committee, or the
candidate's agent prior to the publication, distribution,
display, or broadcast of the communication. An expenditure is
presumed to be so made when it is any of the following:

(i) Based on information about the candidate's plans, 68770
projects, or needs provided to the person making the expenditure 68771
by the candidate, or by the candidate's campaign committee or 68772
agent, with a view toward having an expenditure made; 68773

(ii) Made by or through any person who is, or has been, 68774
authorized to raise or expend funds, who is, or has been, an 68775
officer of the candidate's campaign committee, or who is, or has 68776
been, receiving any form of compensation or reimbursement from 68777
the candidate or the candidate's campaign committee or agent; 68778

(iii) Except as otherwise provided in division (D) of 68779
section 3517.105 of the Revised Code, made by a political party 68780
in support of a candidate, unless the expenditure is made by a 68781
political party to conduct voter registration or voter education 68782
efforts. 68783

(e) "Agent" means any person who has actual oral or 68784
written authority, either express or implied, to make or to 68785
authorize the making of expenditures on behalf of a candidate, 68786
or means any person who has been placed in a position with the 68787
candidate's campaign committee or organization such that it 68788
would reasonably appear that in the ordinary course of campaign- 68789
related activities the person may authorize expenditures. 68790

~~(18)~~ (17) "Labor organization" means a labor union; an 68791
employee organization; a federation of labor unions, groups, 68792
locals, or other employee organizations; an auxiliary of a labor 68793
union, employee organization, or federation of labor unions, 68794
groups, locals, or other employee organizations; or any other 68795
bona fide organization in which employees participate and that 68796
exists for the purpose, in whole or in part, of dealing with 68797
employers concerning grievances, labor disputes, wages, hours, 68798
and other terms and conditions of employment. 68799

~~(19)~~ (18) "Separate segregated fund" means a separate
segregated fund established pursuant to the Federal Election
Campaign Act.

~~(20)~~ (19) "Federal Election Campaign Act" means the
"Federal Election Campaign Act of 1971," 86 Stat. 11, 2 U.S.C.A.
431, et seq., as amended.

~~(21)~~ (20) "Restricted fund" means the fund a state or
county political party must establish under division (A) (1) of
section 3517.1012 of the Revised Code.

~~(22)~~ (21) "Electioneering communication" has the same
meaning as in section 3517.1011 of the Revised Code.

~~(23)~~ (22) "Express advocacy" means a communication that
contains express words advocating the nomination, election, or
defeat of a candidate or that contains express words advocating
the adoption or defeat of a question or issue, as determined by
a final judgment of a court of competent jurisdiction.

~~(24)~~ (23) "Political committee" has the same meaning as in
section 3517.1011 of the Revised Code.

~~(25)~~ "Political ~~(24) (a) Except as otherwise provided in~~
division (C) (24) (b) of this section, "political contributing
entity" means any entity, including a corporation ~~or,~~ labor
organization, partnership or other unincorporated business, or
unincorporated association, that may lawfully make makes
contributions and or expenditures and that is not an individual
or a political action committee, continuing association,
campaign committee, political party, legislative campaign fund,
designated state campaign committee, or state candidate fund.
~~For purposes of this division, "lawfully" means not prohibited~~
~~by any section of the Revised Code, or authorized by a final~~

~~judgment of a court of competent jurisdiction.~~ 68829

~~(26)~~ (b) A partnership or other unincorporated business 68830
that makes contributions only in the manner permitted under 68831
division (I) (1) (b) of section 3517.10 of the Revised Code, makes 68832
no other contributions or expenditures, and receives no 68833
contributions is not considered a political contributing entity. 68834

(25) "Internet identifier of record" has the same meaning 68835
as in section 9.312 of the Revised Code. 68836

(26) "Partnership or other unincorporated business" 68837
includes a cooperative, a sole proprietorship, a general 68838
partnership, a limited partnership, a limited partnership 68839
association, a limited liability partnership, and a limited 68840
liability company. 68841

(27) "Digital asset" has the same meaning as in 26 U.S.C. 68842
6045. 68843

(28) "Electronic peer-to-peer payment service" means a web 68844
site, application, or other service that allows the parties to a 68845
transaction to transmit funds electronically between the parties 68846
or the parties' financial institutions. 68847

Sec. 3517.08. (A) The personal expenses of a candidate 68848
paid for by the candidate, from the candidate's personal funds, 68849
shall not be considered as a contribution by or an expenditure 68850
by the candidate and shall not be reported under section 3517.10 68851
of the Revised Code. 68852

(B) (1) An expenditure by a political action committee or a 68853
political contributing entity shall not be considered a 68854
contribution by the political action committee or the political 68855
contributing entity or an expenditure by or on behalf of the 68856
candidate if the purpose of the expenditure is to inform only 68857

its members by means of mailed publications of its activities or 68858
endorsements. 68859

(2) An expenditure by a political party shall not be 68860
considered a contribution by the political party or an 68861
expenditure by or on behalf of the candidate if the purpose of 68862
the expenditure is to inform predominantly the party's members 68863
by means of mailed publications or other direct communication of 68864
its activities or endorsements, or for voter contact such as 68865
sample ballots, absent voter's ballots application mailings, 68866
voter registration, or get-out-the-vote activities. 68867

(C) An expenditure by a ~~continuing association~~, political 68868
contributing entity, or political party shall not be considered 68869
a contribution to any campaign committee or an expenditure by or 68870
on behalf of any campaign committee if the purpose of the 68871
expenditure is for the staff and maintenance of the ~~continuing~~ 68872
~~association's~~, political contributing entity's, or political 68873
party's headquarters, or for a political poll, survey, index, or 68874
other type of measurement not on behalf of a specific candidate. 68875

(D) The expenses of maintaining a constituent office paid 68876
for, from the candidate's personal funds, by a candidate who is 68877
a member of the general assembly at the time of the election 68878
shall not be considered a contribution by or an expenditure by 68879
or on behalf of the candidate, and shall not be reported, if the 68880
constituent office is not used for any candidate's campaign 68881
activities. 68882

(E) The net contribution of each social or fund-raising 68883
activity shall be calculated by totaling all contributions to 68884
the activity minus the expenditures made for the activity. 68885

(F) An expenditure that purchases goods or services shall 68886

be attributed to an election when the disbursement of funds is 68887
made, rather than at the time the goods or services are used. 68888
The secretary of state, under the procedures of Chapter 119. of 68889
the Revised Code, shall establish rules for the attribution of 68890
expenditures to a candidate when the candidate is a candidate 68891
for more than one office during a reporting period and for 68892
expenditures made in a year in which no election is held. The 68893
secretary of state shall further define by rule those 68894
expenditures that are or are not by or on behalf of a candidate. 68895

(G) An expenditure for the purpose of a charitable 68896
donation may be made if it is made to an organization that is 68897
exempt from federal income taxation under subsection 501(a) and 68898
described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c) 68899
(10), or 501(c)(19) of the Internal Revenue Code or is approved 68900
by advisory opinion of the Ohio ~~elections~~election integrity 68901
commission as a legitimate charitable organization. Each 68902
expenditure under this division shall be separately itemized on 68903
statements made pursuant to section 3517.10 of the Revised Code. 68904

Sec. 3517.081. (A) Each candidate shall have no more than 68905
one campaign committee for purposes of receiving contributions 68906
and making expenditures. No campaign committee shall receive any 68907
contribution or make any expenditure other than through the 68908
campaign treasurer. The campaign treasurer shall file all 68909
statements required of a candidate or campaign committee under 68910
section 3517.10 of the Revised Code. 68911

The candidate shall designate the candidate or a member of 68912
the candidate's campaign committee as the candidate's campaign 68913
treasurer as required by division (D) of section 3517.10 of the 68914
Revised Code. The campaign treasurer may appoint deputy campaign 68915
treasurers as required. Deputy campaign treasurers may exercise 68916

any of the powers and duties of a campaign treasurer when 68917
specifically authorized to do so by the campaign treasurer or 68918
the candidate. 68919

Each candidate shall file a written statement, as required 68920
by division (D) of section 3517.10 of the Revised Code, setting 68921
forth the full name and address of the campaign treasurer and 68922
also of each deputy treasurer. Each candidate shall file 68923
supplemental statements giving the full name and address of each 68924
deputy treasurer at the time of appointment. 68925

A candidate may remove the campaign treasurer or any 68926
deputy campaign treasurer at any time. In the case of death, 68927
resignation, or removal of the treasurer or deputy treasurer 68928
before compliance with all obligations of a campaign treasurer, 68929
the candidate shall fill the vacancy thus created in the same 68930
manner as provided in the case of an original appointment. 68931

(B) (1) Two or more candidates may be the beneficiaries of 68932
a single campaign committee if all of the following apply: 68933

(a) Each candidate is seeking nomination or election to 68934
the same office at the same election. 68935

(b) The office for which each candidate is seeking 68936
nomination or election is the office of member of a board, 68937
commission, or other similar body of elected officials to which 68938
multiple members are nominated or elected at the same election. 68939

(c) The number of candidates who will be the beneficiaries 68940
of the campaign committee does not exceed the number of open 68941
positions on the board, commission, or other similar body of 68942
elected officials to which the candidates are seeking nomination 68943
or election. 68944

(d) The candidates jointly designate one of the candidates 68945

or one member of the campaign committee as the treasurer of that 68946
campaign committee as required under division (A) of this 68947
section. 68948

(e) The candidates jointly file the written statements 68949
required under division (A) of this section. 68950

(2) Except as otherwise provided in this division, any 68951
penalty that may be imposed on a candidate ~~under section~~ 68952
~~3517.992 of the Revised Code~~ for a violation of this chapter 68953
shall be imposed jointly and severally on each beneficiary of a 68954
multi-beneficiary campaign committee. If the ~~Ohio elections-~~ 68955
~~commission or the appropriate prosecutor-trier of fact~~ is able 68956
to determine that a specific beneficiary of a multi-beneficiary 68957
campaign committee violated this chapter, the applicable penalty 68958
~~under section 3517.992 of the Revised Code~~ shall be imposed only 68959
on that candidate and not on the other beneficiaries of that 68960
multi-beneficiary campaign committee. 68961

(3) (a) If any of the following occur after a multi- 68962
beneficiary campaign committee is established, that campaign 68963
committee shall be terminated: 68964

(i) The beneficiaries of the campaign committee disagree 68965
as to the designation or removal of a campaign treasurer. 68966

(ii) Any beneficiary of the campaign committee desires to 68967
end the beneficiary's candidacy for the office for which the 68968
beneficiaries are seeking nomination or election. 68969

(iii) Any beneficiary of the campaign committee desires to 68970
form an individual campaign committee. 68971

(b) Prior to the termination of a multi-beneficiary 68972
campaign committee in accordance with division (B) (3) (a) of this 68973
section, any contributions received by that campaign committee 68974

that have not been expended shall be disposed of in the manner 68975
provided in division (C) of section 3517.109 of the Revised 68976
Code. No contributions from the multi-beneficiary campaign 68977
committee shall be contributed or transferred into any 68978
candidate's individual campaign committee. 68979

(4) No candidate who has a campaign committee for which 68980
that candidate is the sole beneficiary shall become the 68981
beneficiary of a campaign committee with multiple beneficiaries 68982
under division (B) (1) of this section unless the candidate first 68983
terminates the candidate's individual campaign committee. Prior 68984
to the termination of that individual campaign committee, any 68985
contributions received by that campaign committee that have not 68986
been expended shall be disposed of in the manner provided in 68987
division (C) of section 3517.109 of the Revised Code. No 68988
contributions from the candidate's individual campaign committee 68989
shall be contributed or transferred into the multi-beneficiary 68990
campaign committee. 68991

Sec. 3517.092. (A) As used in this section: 68992

(1) "Appointing authority" has the same meaning as in 68993
section 124.01 of the Revised Code. 68994

(2) "State elected officer" means any person appointed or 68995
elected to a state elective office. 68996

(3) "State elective office" means any of the offices of 68997
governor, lieutenant governor, secretary of state, auditor of 68998
state, treasurer of state, attorney general, ~~member of the state~~ 68999
~~board of education,~~ member of the general assembly, and justice 69000
and chief justice of the supreme court. 69001

(4) "Contribution" includes a contribution to any 69002
political party, campaign committee, political action committee, 69003

political contributing entity, or legislative campaign fund. 69004

(B) (1) No state elected officer, no campaign committee of 69005
such an officer, no employee of the state elected officer's 69006
office, and no other person or entity shall knowingly solicit a 69007
contribution to a state elected officer or to such an officer's 69008
campaign committee, and no state elected officer and no campaign 69009
committee of such an officer shall accept a contribution, from 69010
any of the following: 69011

(a) A state employee whose appointing authority is the 69012
state elected officer; 69013

(b) A state employee whose appointing authority is 69014
authorized or required by law to be appointed by the state 69015
elected officer; 69016

(c) A state employee who functions in or is employed in or 69017
by the same public agency, department, division, or office as 69018
the state elected officer. 69019

(2) No candidate for a state elective office, no campaign 69020
committee of such a candidate, no employee of the candidate's 69021
office if the candidate is a state elected officer or an elected 69022
officer of a political subdivision of the state, and no other 69023
person or entity shall knowingly solicit a contribution to a 69024
candidate for a state elective office or to such a candidate's 69025
campaign committee, and no candidate for a state elective office 69026
and no campaign committee of such a candidate shall accept a 69027
contribution, from any of the following: 69028

(a) A state employee at the time of the solicitation, 69029
whose appointing authority will be the candidate, if elected; 69030

(b) A state employee at the time of the solicitation, 69031
whose appointing authority will be appointed by the candidate, 69032

if elected, as authorized or required by law; 69033

(c) A state employee at the time of the solicitation, who 69034
will function in or be employed in or by the same public agency, 69035
department, division, or office as the candidate, if elected. 69036

(C) (1) No elected officer of a political subdivision of 69037
the state, no campaign committee of such an officer, no employee 69038
of such an officer's office, and no other person or entity shall 69039
knowingly solicit a contribution to an elected officer of a 69040
political subdivision of the state or to such an officer's 69041
campaign committee from any of the following: 69042

(a) An employee of that political subdivision whose 69043
appointing authority is that elected officer; 69044

(b) An employee of that political subdivision whose 69045
appointing authority is authorized or required by law to be 69046
appointed by that elected officer; 69047

(c) An employee of that political subdivision who 69048
functions in or is employed in or by the same public agency, 69049
department, division, or office as that elected officer. 69050

(2) No candidate for an elective office of a political 69051
subdivision of the state, no campaign committee of such a 69052
candidate, no employee of the candidate's office if the 69053
candidate is a state elected officer or elected officer of a 69054
political subdivision of the state, and no other person or 69055
entity shall knowingly solicit a contribution to a candidate for 69056
an elective office of a political subdivision of the state or to 69057
such a candidate's campaign committee from any of the following: 69058

(a) An employee of that political subdivision at the time 69059
of the solicitation, whose appointing authority will be the 69060
candidate, if elected; 69061

(b) An employee of that political subdivision at the time 69062
of the solicitation, whose appointing authority will be 69063
appointed by the candidate, if elected, as authorized or 69064
required by law; 69065

(c) An employee of that political subdivision at the time 69066
of the solicitation, who will function in or be employed in or 69067
by the same public agency, department, division, or office as 69068
the candidate, if elected. 69069

(D) (1) No public employee shall solicit a contribution 69070
from any person while the public employee is performing the 69071
public employee's official duties or in those areas of a public 69072
building where official business is transacted or conducted. 69073

(2) No person shall solicit a contribution from any public 69074
employee while the public employee is performing the public 69075
employee's official duties or is in those areas of a public 69076
building where official business is transacted or conducted. 69077

(3) As used in division (D) of this section, "public 69078
employee" does not include any person holding an elective 69079
office. 69080

(E) The prohibitions in divisions (B), (C), and (D) of 69081
this section are in addition to the prohibitions in sections 69082
124.57, 3304.22, and 4503.032 of the Revised Code. 69083

Sec. 3517.10. (A) Except as otherwise provided in this 69084
division, every campaign committee, political action committee, 69085
legislative campaign fund, political party, and political 69086
contributing entity that made or received a contribution or made 69087
an expenditure in connection with the nomination or election of 69088
any candidate or in connection with any ballot issue or question 69089
at any election held or to be held in this state shall file, on 69090

a form prescribed under this section or by electronic means of 69091
transmission as provided in this section and section 3517.106 of 69092
the Revised Code, a full, true, and itemized statement, made 69093
under penalty of election falsification, setting forth in detail 69094
the contributions and expenditures, not later than four p.m. of 69095
the following dates: 69096

(1) The twelfth day before the election to reflect 69097
contributions received and expenditures made from the close of 69098
business on the last day reflected in the last previously filed 69099
statement, if any, to the close of business on the twentieth day 69100
before the election; 69101

(2) The thirty-eighth day after the election to reflect 69102
the contributions received and expenditures made from the close 69103
of business on the last day reflected in the last previously 69104
filed statement, if any, to the close of business on the seventh 69105
day before the filing of the statement; 69106

(3) The last business day of January of every year to 69107
reflect the contributions received and expenditures made from 69108
the close of business on the last day reflected in the last 69109
previously filed statement, if any, to the close of business on 69110
the last day of December of the previous year; 69111

(4) The last business day of July of every year to reflect 69112
the contributions received and expenditures made from the close 69113
of business on the last day reflected in the last previously 69114
filed statement, if any, to the close of business on the last 69115
day of June of that year. 69116

A campaign committee shall only be required to file the 69117
statements prescribed under divisions (A)(1) and (2) of this 69118
section in connection with the nomination or election of the 69119

committee's candidate. 69120

The statement required under division (A)(1) of this 69121
section shall not be required of any campaign committee, 69122
political action committee, legislative campaign fund, political 69123
party, or political contributing entity that has received 69124
contributions of less than one thousand dollars and has made 69125
expenditures of less than one thousand dollars at the close of 69126
business on the twentieth day before the election. Those 69127
contributions and expenditures shall be reported in the 69128
statement required under division (A)(2) of this section. 69129

If an election to select candidates to appear on the 69130
general election ballot is held within sixty days before a 69131
general election, the campaign committee of a successful 69132
candidate in the earlier election may file the statement 69133
required by division (A)(1) of this section for the general 69134
election instead of the statement required by division (A)(2) of 69135
this section for the earlier election if the pregeneral election 69136
statement reflects the status of contributions and expenditures 69137
for the period twenty days before the earlier election to twenty 69138
days before the general election. 69139

If a person becomes a candidate less than twenty days 69140
before an election, the candidate's campaign committee is not 69141
required to file the statement required by division (A)(1) of 69142
this section. 69143

No statement under division (A)(3) of this section shall 69144
be required for any year in which a campaign committee, 69145
political action committee, legislative campaign fund, political 69146
party, or political contributing entity is required to file a 69147
postgeneral election statement under division (A)(2) of this 69148
section. However, a statement under division (A)(3) of this 69149

section may be filed, at the option of the campaign committee, 69150
political action committee, legislative campaign fund, political 69151
party, or political contributing entity. 69152

No campaign committee of a candidate for the office of 69153
chief justice or justice of the supreme court, and no campaign 69154
committee of a candidate for the office of judge of any court in 69155
this state, shall be required to file a statement under division 69156
(A) (4) of this section. 69157

Except as otherwise provided in this paragraph and in the 69158
next paragraph of this section, the only campaign committees 69159
required to file a statement under division (A) (4) of this 69160
section are the campaign committee of a statewide candidate and 69161
the campaign committee of a candidate for county office. The 69162
campaign committee of a candidate for any other nonjudicial 69163
office is required to file a statement under division (A) (4) of 69164
this section if that campaign committee receives, during that 69165
period, contributions exceeding ten thousand dollars. 69166

No statement under division (A) (4) of this section shall 69167
be required of a campaign committee, a political action 69168
committee, a legislative campaign fund, a political party, or a 69169
political contributing entity for any year in which the campaign 69170
committee, political action committee, legislative campaign 69171
fund, political party, or political contributing entity is 69172
required to file a postprimary election statement under division 69173
(A) (2) of this section. However, a statement under division (A) 69174
(4) of this section may be filed at the option of the campaign 69175
committee, political action committee, legislative campaign 69176
fund, political party, or political contributing entity. 69177

No statement under division (A) (3) or (4) of this section 69178
shall be required if the campaign committee, political action 69179

committee, legislative campaign fund, political party, or 69180
political contributing entity has no contributions that it has 69181
received and no expenditures that it has made since the last 69182
date reflected in its last previously filed statement. However, 69183
the campaign committee, political action committee, legislative 69184
campaign fund, political party, or political contributing entity 69185
shall file a statement to that effect, on a form prescribed 69186
under this section and made under penalty of election 69187
falsification, on the date required in division (A) (3) or (4) of 69188
this section, as applicable. 69189

The campaign committee of a statewide candidate shall file 69190
a monthly statement of contributions received during each of the 69191
months of July, August, and September in the year of the general 69192
election in which the candidate seeks office. The campaign 69193
committee of a statewide candidate shall file the monthly 69194
statement not later than three business days after the last day 69195
of the month covered by the statement. During the period 69196
beginning on the nineteenth day before the general election in 69197
which a statewide candidate seeks election to office and 69198
extending through the day of that general election, each time 69199
the campaign committee of the joint candidates for the offices 69200
of governor and lieutenant governor or of a candidate for the 69201
office of secretary of state, auditor of state, treasurer of 69202
state, or attorney general receives a contribution from a 69203
contributor that causes the aggregate amount of contributions 69204
received from that contributor during that period to equal or 69205
exceed ten thousand dollars and each time the campaign committee 69206
of a candidate for the office of chief justice or justice of the 69207
supreme court receives a contribution from a contributor that 69208
causes the aggregate amount of contributions received from that 69209
contributor during that period to exceed ten thousand dollars, 69210

the campaign committee shall file a two-business-day statement 69211
reflecting that contribution. Contributions reported on a two- 69212
business-day statement required to be filed by a campaign 69213
committee of a statewide candidate in a primary election shall 69214
also be included in the postprimary election statement required 69215
to be filed by that campaign committee under division (A) (2) of 69216
this section. A two-business-day statement required by this 69217
paragraph shall be filed not later than two business days after 69218
receipt of the contribution. The statements required by this 69219
paragraph shall be filed in addition to any other statements 69220
required by this section. 69221

Subject to the secretary of state having implemented, 69222
tested, and verified the successful operation of any system the 69223
secretary of state prescribes pursuant to divisions (C) (6) (b) 69224
and (D) (6) of this section and division (F) (1) of section 69225
3517.106 of the Revised Code for the filing of campaign finance 69226
statements by electronic means of transmission, a campaign 69227
committee of a statewide candidate shall file a two-business-day 69228
statement under the preceding paragraph by electronic means of 69229
transmission if the campaign committee is required to file a 69230
pre-election, postelection, or monthly statement of 69231
contributions and expenditures by electronic means of 69232
transmission under this section or section 3517.106 of the 69233
Revised Code. 69234

If a campaign committee or political action committee has 69235
no balance on hand and no outstanding obligations and desires to 69236
terminate itself, it shall file a statement to that effect, on a 69237
form prescribed under this section and made under penalty of 69238
election falsification, with the official with whom it files a 69239
statement under division (A) of this section after filing a 69240
final statement of contributions and a final statement of 69241

expenditures, if contributions have been received or 69242
expenditures made since the period reflected in its last 69243
previously filed statement. 69244

(B) Except as otherwise provided in division (C) (7) of 69245
this section, each statement required by division (A) of this 69246
section shall contain the following information: 69247

(1) The full name and address of each campaign committee, 69248
political action committee, legislative campaign fund, political 69249
party, or political contributing entity, including any treasurer 69250
of the committee, fund, party, or entity, filing a contribution 69251
and expenditure statement; 69252

(2) (a) In the case of a campaign committee, the 69253
candidate's full name and address; 69254

(b) In the case of a political action committee, the 69255
registration number assigned to the committee under division (D) 69256
(1) of this section. 69257

(3) The date of the election and whether it was or will be 69258
a general, primary, or special election; 69259

(4) A statement of contributions received, which shall 69260
include the following information: 69261

(a) The month, day, and year of the contribution; 69262

(b) (i) The full name and address of each person, political 69263
party, campaign committee, legislative campaign fund, political 69264
action committee, or political contributing entity from whom 69265
contributions are received and the registration number assigned 69266
to the political action committee under division (D) (1) of this 69267
section. The requirement of filing the full address does not 69268
apply to any statement filed by a state or local committee of a 69269

political party, to a finance committee of such committee, or to 69270
a committee recognized by a state or local committee as its 69271
fund-raising auxiliary. Notwithstanding division (F) of this 69272
section, the requirement of filing the full address shall be 69273
considered as being met if the address filed is the same address 69274
the contributor provided under division (E) (1) of this section. 69275

(ii) If a political action committee, political 69276
contributing entity, legislative campaign fund, or political 69277
party that is required to file campaign finance statements by 69278
electronic means of transmission under section 3517.106 of the 69279
Revised Code or a campaign committee of a statewide candidate or 69280
candidate for the office of member of the general assembly 69281
receives a contribution from an individual that exceeds one 69282
hundred dollars, the name of the individual's current employer, 69283
if any, or, if the individual is self-employed, the individual's 69284
occupation and the name of the individual's business, if any; 69285

(iii) If a campaign committee of a statewide candidate or 69286
candidate for the office of member of the general assembly 69287
receives a contribution transmitted pursuant to section 3599.031 69288
of the Revised Code from amounts deducted from the wages and 69289
salaries of two or more employees that exceeds in the aggregate 69290
one hundred dollars during any one filing period under division 69291
(A) (1), (2), (3), or (4) of this section, the full name of the 69292
employees' employer and the full name of the labor organization 69293
of which the employees are members, if any. 69294

(c) A description of the contribution received, if other 69295
than money; 69296

(d) The value in dollars and cents of the contribution; 69297

(e) A separately itemized account of all contributions and 69298

expenditures regardless of the amount, except a receipt of a 69299
contribution from a person in the sum of twenty-five dollars or 69300
less at one social or fund-raising activity and a receipt of a 69301
contribution transmitted pursuant to section 3599.031 of the 69302
Revised Code from amounts deducted from the wages and salaries 69303
of employees if the contribution from the amount deducted from 69304
the wages and salary of any one employee is twenty-five dollars 69305
or less aggregated in a calendar year. An account of the total 69306
contributions from each social or fund-raising activity shall 69307
include a description of and the value of each in-kind 69308
contribution received at that activity from any person who made 69309
one or more such contributions whose aggregate value exceeded 69310
two hundred fifty dollars and shall be listed separately, 69311
together with the expenses incurred and paid in connection with 69312
that activity. A campaign committee, political action committee, 69313
legislative campaign fund, political party, or political 69314
contributing entity shall keep records of contributions from 69315
each person in the amount of twenty-five dollars or less at one 69316
social or fund-raising activity and contributions from amounts 69317
deducted under section 3599.031 of the Revised Code from the 69318
wages and salary of each employee in the amount of twenty-five 69319
dollars or less aggregated in a calendar year. No ~~continuing-~~ 69320
~~association-political action committee or political contributing~~ 69321
entity that is recognized by a state or local committee of a 69322
political party as an auxiliary of the party and that makes a 69323
contribution from funds derived solely from regular dues paid by 69324
members of the auxiliary shall be required to list the name or 69325
address of any members who paid those dues. 69326

Contributions that are other income shall be itemized 69327
separately from all other contributions. The information 69328
required under division (B) (4) of this section shall be provided 69329

for all other income itemized. As used in this paragraph, "other
income" means a loan, investment income, or interest income.

(f) In the case of a campaign committee of a state elected
officer, if a person doing business with the state elected
officer in the officer's official capacity makes a contribution
to the campaign committee of that officer, the information
required under division (B) (4) of this section in regard to that
contribution, which shall be filed together with and considered
a part of the committee's statement of contributions as required
under division (A) of this section but shall be filed on a
separate form provided by the secretary of state. As used in
this division:

(i) "State elected officer" has the same meaning as in
section 3517.092 of the Revised Code.

(ii) "Person doing business" means a person or an officer
of an entity who enters into one or more contracts with a state
elected officer or anyone authorized to enter into contracts on
behalf of that officer to receive payments for goods or
services, if the payments total, in the aggregate, more than
five thousand dollars during a calendar year.

(5) A statement of expenditures which shall include the
following information:

(a) The month, day, and year of the expenditure;

(b) The full name and address of each person, political
party, campaign committee, legislative campaign fund, political
action committee, or political contributing entity to whom the
expenditure was made and the registration number assigned to the
political action committee under division (D) (1) of this
section;

(c) The object or purpose for which the expenditure was 69359
made; 69360

(d) The amount of each expenditure. 69361

(C) (1) The statement of contributions and expenditures 69362
shall be signed by the person completing the form. If a 69363
statement of contributions and expenditures is filed by 69364
electronic means of transmission pursuant to this section or 69365
section 3517.106 of the Revised Code, the electronic signature 69366
of the person who executes the statement and transmits the 69367
statement by electronic means of transmission, as provided in 69368
division (F) of section 3517.106 of the Revised Code, shall be 69369
attached to or associated with the statement and shall be 69370
binding on all persons and for all purposes under the campaign 69371
finance reporting law as if the signature had been handwritten 69372
in ink on a printed form. 69373

(2) The person filing the statement, under penalty of 69374
election falsification, shall include with it a list of each 69375
anonymous contribution, the circumstances under which it was 69376
received, and the reason it cannot be attributed to a specific 69377
donor. 69378

(3) Each statement of a campaign committee of a candidate 69379
who holds public office shall contain a designation of each 69380
contributor who is an employee in any unit or department under 69381
the candidate's direct supervision and control. In a space 69382
provided in the statement, the person filing the statement shall 69383
affirm that each such contribution was voluntarily made. 69384

(4) A campaign committee that did not receive 69385
contributions or make expenditures in connection with the 69386
nomination or election of its candidate shall file a statement 69387

to that effect, on a form prescribed under this section and made 69388
under penalty of election falsification, on the date required in 69389
division (A) (2) of this section. 69390

(5) The campaign committee of any person who attempts to 69391
become a candidate and who, for any reason, does not become 69392
certified in accordance with Title XXXV of the Revised Code for 69393
placement on the official ballot of a primary, general, or 69394
special election to be held in this state, and who, at any time 69395
prior to or after an election, receives contributions or makes 69396
expenditures, or has given consent for another to receive 69397
contributions or make expenditures, for the purpose of bringing 69398
about the person's nomination or election to public office, 69399
shall file the statement or statements prescribed by this 69400
section and a termination statement, if applicable. Division (C) 69401
(5) of this section does not apply to any person with respect to 69402
an election to the offices of member of a county or state 69403
central committee, presidential elector, or delegate to a 69404
national convention or conference of a political party. 69405

(6) (a) The statements required to be filed under this 69406
section shall specify the balance in the hands of the campaign 69407
committee, political action committee, legislative campaign 69408
fund, political party, or political contributing entity and the 69409
disposition intended to be made of that balance. 69410

(b) The secretary of state shall prescribe the form for 69411
all statements required to be filed under this section and shall 69412
furnish the forms to the boards of elections in the several 69413
counties. The boards of elections shall supply printed copies of 69414
those forms without charge. The secretary of state shall 69415
prescribe the appropriate methodology, protocol, and data file 69416
structure for statements required or permitted to be filed by 69417

electronic means of transmission to the secretary of state or a 69418
board of elections under division (A) of this section, division 69419
(E) of section 3517.106, division (D) of section 3517.1011, 69420
division (B) of section 3517.1012, division (C) of section 69421
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 69422
Revised Code. Subject to division (A) of this section, division 69423
(E) of section 3517.106, division (D) of section 3517.1011, 69424
division (B) of section 3517.1012, division (C) of section 69425
3517.1013, and divisions (D) and (I) of section 3517.1014 of the 69426
Revised Code, the statements required to be stored on computer 69427
by the secretary of state under division (B) of section 3517.106 69428
of the Revised Code shall be filed in whatever format the 69429
secretary of state considers necessary to enable the secretary 69430
of state to store the information contained in the statements on 69431
computer. Any such format shall be of a type and nature that is 69432
readily available to whoever is required to file the statements 69433
in that format. 69434

(c) The secretary of state shall assess the need for 69435
training regarding the filing of campaign finance statements by 69436
electronic means of transmission and regarding associated 69437
technologies for candidates, campaign committees, political 69438
action committees, legislative campaign funds, political 69439
parties, ~~or~~ political contributing entities, ~~for~~ individuals, 69440
~~partnerships,~~ or other entities, for persons making 69441
disbursements to pay the direct costs of producing or airing 69442
electioneering communications, or for treasurers of transition 69443
funds, required or permitted to file statements by electronic 69444
means of transmission under this section or section 3517.105, 69445
3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the 69446
Revised Code. If, in the opinion of the secretary of state, 69447
training in these areas is necessary, the secretary of state 69448

shall arrange for the provision of voluntary training programs 69449
for candidates, campaign committees, political action 69450
committees, legislative campaign funds, political parties, ~~or~~ 69451
political contributing entities, ~~for~~ individuals, ~~partnerships,~~ 69452
~~and~~ other entities, ~~for~~ persons making disbursements to pay the 69453
direct costs of producing or airing electioneering 69454
communications, or ~~for~~ treasurers of transition funds, as 69455
appropriate. 69456

(7) Each monthly statement and each two-business-day 69457
statement required by division (A) of this section shall contain 69458
the information required by divisions (B) (1) to (4), (C) (2), 69459
and, if appropriate, (C) (3) of this section. Each statement 69460
shall be signed as required by division (C) (1) of this section. 69461

(D) (1) (a) Prior to receiving a contribution or making an 69462
expenditure, every campaign committee, political action 69463
committee, legislative campaign fund, political party, or 69464
political contributing entity shall appoint a treasurer and 69465
shall file, on a form prescribed by the secretary of state, a 69466
designation of that appointment, including the full name and 69467
address of the treasurer and of the campaign committee, 69468
political action committee, legislative campaign fund, political 69469
party, or political contributing entity. That designation shall 69470
be filed with the official with whom the campaign committee, 69471
political action committee, legislative campaign fund, political 69472
party, or political contributing entity is required to file 69473
statements under section 3517.11 of the Revised Code. The name 69474
of a campaign committee shall include at least the last name of 69475
the campaign committee's candidate. If two or more candidates 69476
are the beneficiaries of a single campaign committee under 69477
division (B) of section 3517.081 of the Revised Code, the name 69478
of the campaign committee shall include at least the last name 69479

of each candidate who is a beneficiary of that campaign 69480
committee. The secretary of state shall assign a registration 69481
number to each political action committee that files a 69482
designation of the appointment of a treasurer under this 69483
division if the political action committee is required by 69484
division (A) (1) of section 3517.11 of the Revised Code to file 69485
the statements prescribed by this section with the secretary of 69486
state. 69487

(b) The secretary of state shall not accept for filing a 69488
designation of treasurer of a political action committee or 69489
political contributing entity if, in the opinion of the 69490
secretary of state, the name of the political action committee 69491
or political contributing entity would lead a reasonable person 69492
to believe that the political action committee or political 69493
contributing entity acts on behalf of or represents a county 69494
political party, unless the designation is accompanied by a 69495
written statement, signed by the chairperson of the county 69496
political party's executive committee, granting the political 69497
action committee or political contributing entity permission to 69498
act on behalf of or represent the county political party. 69499

(2) The treasurer appointed under division (D) (1) of this 69500
section shall keep a strict account of all contributions, from 69501
whom received and the purpose for which they were disbursed. 69502

~~(3)(a)~~ (3) (a) (i) Except as otherwise provided in section 69503
3517.108 of the Revised Code, a campaign committee shall deposit 69504
all monetary contributions received by the committee into an 69505
account separate from a personal or business account of the 69506
candidate or campaign committee. 69507

(ii) A campaign committee may accept a monetary 69508
contribution using an electronic peer-to-peer payment service 69509

only by allowing the contributor to transfer money directly to 69510
an account established on the service by the campaign committee 69511
in its own name. 69512

(iii) A campaign committee may accept an in-kind 69513
contribution in the form of a digital asset only by allowing the 69514
contributor to transfer the digital asset directly to an account 69515
established by the campaign committee in its own name. 69516

(b) A political action committee shall deposit all 69517
monetary contributions received by the committee into an account 69518
separate from all other funds. 69519

(c) A state or county political party may establish a 69520
state candidate fund that is separate from all other funds. A 69521
state or county political party may deposit into its state 69522
candidate fund any amounts of monetary contributions that are 69523
made to or accepted by the political party subject to the 69524
applicable limitations, if any, prescribed in section 3517.102 69525
of the Revised Code. A state or county political party shall 69526
deposit all other monetary contributions received by the party 69527
into one or more accounts that are separate from its state 69528
candidate fund. 69529

(d) Each state political party shall have only one 69530
legislative campaign fund for each house of the general 69531
assembly. Each such fund shall be separate from any other funds 69532
or accounts of that state party. A legislative campaign fund is 69533
authorized to receive contributions and make expenditures for 69534
the primary purpose of furthering the election of candidates who 69535
are members of that political party to the house of the general 69536
assembly with which that legislative campaign fund is 69537
associated. Each legislative campaign fund shall be administered 69538
and controlled in a manner designated by the caucus. As used in 69539

this division, "caucus" has the same meaning as in section 69540
3517.01 of the Revised Code and includes, as an ex officio 69541
member, the chairperson of the state political party with which 69542
the caucus is associated or that chairperson's designee. 69543

(4) Every expenditure in excess of twenty-five dollars 69544
shall be vouched for by a receipted bill, stating the purpose of 69545
the expenditure, that shall be filed with the statement of 69546
expenditures. A canceled check with a notation of the purpose of 69547
the expenditure is a receipted bill for purposes of division (D) 69548
(4) of this section. 69549

(5) The secretary of state or the board of elections, as 69550
the case may be, shall issue a receipt for each statement filed 69551
under this section and shall preserve a copy of the receipt for 69552
a period of at least six years. All statements filed under this 69553
section shall be open to public inspection in the office where 69554
they are filed and shall be carefully preserved for a period of 69555
at least six years after the year in which they are filed. 69556

(6) The secretary of state, by rule adopted pursuant to 69557
section 3517.23 of the Revised Code, shall prescribe both of the 69558
following: 69559

(a) The manner of immediately acknowledging, with date and 69560
time received, and preserving the receipt of statements that are 69561
transmitted by electronic means of transmission to the secretary 69562
of state or a board of elections pursuant to this section or 69563
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 69564
of the Revised Code; 69565

(b) The manner of preserving the contribution and 69566
expenditure, contribution and disbursement, deposit and 69567
disbursement, gift and disbursement, or donation and 69568

disbursement information in the statements described in division 69569
(D) (6) (a) of this section. The secretary of state shall preserve 69570
the contribution and expenditure, contribution and disbursement, 69571
deposit and disbursement, gift and disbursement, or donation and 69572
disbursement information in those statements for at least ten 69573
years after the year in which they are filed by electronic means 69574
of transmission. 69575

(7) (a) The secretary of state, pursuant to division (G) of 69576
section 3517.106 of the Revised Code, shall make available 69577
online to the public through the internet the contribution and 69578
expenditure, contribution and disbursement, deposit and 69579
disbursement, gift and disbursement, or donation and 69580
disbursement information in all of the following documents: 69581

(i) All statements, all addenda, amendments, or other 69582
corrections to statements, and all amended statements filed with 69583
the secretary of state by electronic or other means of 69584
transmission under this section, division (B) (2) (b) or (C) (2) (b) 69585
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 69586
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 69587

(ii) All statements filed with a board of elections by 69588
electronic means of transmission, and all addenda, amendments, 69589
corrections, and amended versions of those statements, filed 69590
with the board under this section, division (B) (2) (b) or (C) (2) 69591
(b) of section 3517.105, or section 3517.106, 3517.1012, or 69592
3517.11 of the Revised Code. 69593

(b) The secretary of state may remove the information from 69594
the internet after a reasonable period of time. 69595

(E) (1) Any person, political party, campaign committee, 69596
legislative campaign fund, political action committee, or 69597

political contributing entity that makes a contribution in 69598
connection with the nomination or election of any candidate or 69599
in connection with any ballot issue or question at any election 69600
held or to be held in this state shall provide its full name and 69601
address to the recipient of the contribution at the time the 69602
contribution is made. The political action committee also shall 69603
provide the registration number assigned to the committee under 69604
division (D) (1) of this section to the recipient of the 69605
contribution at the time the contribution is made. 69606

(2) Any individual who makes a contribution that exceeds 69607
one hundred dollars to a political action committee, political 69608
contributing entity, legislative campaign fund, or political 69609
party or to a campaign committee of a statewide candidate or 69610
candidate for the office of member of the general assembly shall 69611
provide the name of the individual's current employer, if any, 69612
or, if the individual is self-employed, the individual's 69613
occupation and the name of the individual's business, if any, to 69614
the recipient of the contribution at the time the contribution 69615
is made. Sections 3599.39 and 3599.40 of the Revised Code do not 69616
apply to division (E) (2) of this section. 69617

(3) If a campaign committee shows that it has exercised 69618
its best efforts to obtain, maintain, and submit the information 69619
required under divisions (B) (4) (b) (ii) and (iii) of this 69620
section, that committee is considered to have met the 69621
requirements of those divisions. A campaign committee shall not 69622
be considered to have exercised its best efforts unless, in 69623
connection with written solicitations, it regularly includes a 69624
written request for the information required under division (B) 69625
(4) (b) (ii) of this section from the contributor or the 69626
information required under division (B) (4) (b) (iii) of this 69627
section from whoever transmits the contribution. 69628

(4) Any check that a political action committee uses to 69629
make a contribution or an expenditure shall contain the full 69630
name and address of the committee and the registration number 69631
assigned to the committee under division (D)(1) of this section. 69632

(F) As used in this section: 69633

(1)(a) Except as otherwise provided in division (F)(1) of 69634
this section, "address" means all of the following if they 69635
exist: apartment number, street, road, or highway name and 69636
number, rural delivery route number, city or village, state, and 69637
zip code as used in a person's post-office address, but not 69638
post-office box. 69639

(b) Except as otherwise provided in division (F)(1) of 69640
this section, if an address is required in this section, a post- 69641
office box and office, room, or suite number may be included in 69642
addition to, but not in lieu of, an apartment, street, road, or 69643
highway name and number. 69644

(c) If an address is required in this section, a campaign 69645
committee, political action committee, legislative campaign 69646
fund, political party, or political contributing entity may use 69647
the business or residence address of its treasurer or deputy 69648
treasurer. The post-office box number of the campaign committee, 69649
political action committee, legislative campaign fund, political 69650
party, or political contributing entity may be used in addition 69651
to that address. 69652

(d) For the sole purpose of a campaign committee's 69653
reporting of contributions on a statement of contributions 69654
received under division (B)(4) of this section, "address" has 69655
one of the following meanings at the option of the campaign 69656
committee: 69657

(i) The same meaning as in division (F)(1)(a) of this section; 69658
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(ii) All of the following, if they exist: the 69660
contributor's post-office box number and city or village, state, 69661
and zip code as used in the contributor's post-office address. 69662

(e) As used with regard to the reporting under this 69663
section of any expenditure, "address" means all of the following 69664
if they exist: apartment number, street, road, or highway name 69665
and number, rural delivery route number, city or village, state, 69666
and zip code as used in a person's post-office address, or post- 69667
office box. If an address concerning any expenditure is required 69668
in this section, a campaign committee, political action 69669
committee, legislative campaign fund, political party, or 69670
political contributing entity may use the business or residence 69671
address of its treasurer or deputy treasurer or its post-office 69672
box number. 69673

(2) "Statewide candidate" means the joint candidates for 69674
the offices of governor and lieutenant governor or a candidate 69675
for the office of secretary of state, auditor of state, 69676
treasurer of state, attorney general, ~~member of the state board~~ 69677
~~of education,~~ chief justice of the supreme court, or justice of 69678
the supreme court. 69679

(3) "Candidate for county office" means a candidate for 69680
the office of county auditor, county treasurer, clerk of the 69681
court of common pleas, judge of the court of common pleas, 69682
sheriff, county recorder, county engineer, county commissioner, 69683
prosecuting attorney, or coroner. 69684

(G) An independent expenditure shall be reported whenever 69685
and in the same manner that an expenditure is required to be 69686

reported under this section and shall be reported pursuant to 69687
division (B) (2) (a) or (C) (2) (a) of section 3517.105 of the 69688
Revised Code. 69689

(H) (1) Except as otherwise provided in division (H) (2) of 69690
this section, if, during the combined pre-election and 69691
postelection reporting periods for an election, a campaign 69692
committee has received contributions of five hundred dollars or 69693
less and has made expenditures in the total amount of five 69694
hundred dollars or less, it may file a statement to that effect, 69695
under penalty of election falsification, in lieu of the 69696
statement required by division (A) (2) of this section. The 69697
statement shall indicate the total amount of contributions 69698
received and the total amount of expenditures made during those 69699
combined reporting periods. 69700

(2) In the case of a successful candidate at a primary 69701
election, if either the total contributions received by or the 69702
total expenditures made by the candidate's campaign committee 69703
during the preprimary, postprimary, pregeneral, and postgeneral 69704
election periods combined equal more than five hundred dollars, 69705
the campaign committee may file the statement under division (H) 69706
(1) of this section only for the primary election. The first 69707
statement that the campaign committee files in regard to the 69708
general election shall reflect all contributions received and 69709
all expenditures made during the preprimary and postprimary 69710
election periods. 69711

(3) Divisions (H) (1) and (2) of this section do not apply 69712
if a campaign committee receives contributions or makes 69713
expenditures prior to the first day of January of the year of 69714
the election at which the candidate seeks nomination or election 69715
to office or if the campaign committee does not file a 69716

termination statement with its postprimary election statement in 69717
the case of an unsuccessful primary election candidate or with 69718
its postgeneral election statement in the case of other 69719
candidates. 69720

~~(I) In the case of a contribution made by~~ (I) (1) If a 69721
partner, owner, or member of a partnership or ~~an owner or a~~ 69722
~~member of another other~~ unincorporated business makes a 69723
contribution from any funds of the partnership or other 69724
unincorporated business, all the partner, owner, or member may 69725
do either of the following apply: 69726

~~(1) The recipient of~~ (a) Make the contribution shall 69727
~~report in the contribution by listing both name of the~~ 69728
partnership or other unincorporated business as a political 69729
contributing entity; 69730

(b) Make the contribution in the name of both the 69731
partnership or other unincorporated business and the name of ~~the~~ 69732
each individual who is a partner, owner, or member making 69733
participating in the contribution and attribute the contribution 69734
to each participating partner, owner, or member as an individual 69735
for purposes of section 3517.102 of the Revised Code. 69736

(2) In ~~reporting the making a~~ contribution as described in 69737
division (I) (1) (b) of this section, the partner, owner, or 69738
member making the contribution shall include one of the 69739
following along with all other required information, and the 69740
recipient of the contribution shall be entitled to conclusively 69741
rely upon ~~the that~~ information provided by the partnership or 69742
~~other unincorporated business, provided that the information~~ 69743
~~includes one of the following:~~ 69744

(a) The name of each individual who is a partner, owner, 69745

or member as of the date of the contribution or contributions, 69746
and a statement that the total contributions are to be ~~allocated~~ 69747
attributed equally among all to each of the partners, owners, or 69748
members; or 69749

(b) The name of each individual who is a partner, owner, 69750
or member as of the date of the contribution or contributions 69751
who is participating in the contribution or contributions, and a 69752
statement that the contribution or contributions are to be 69753
~~allocated~~ attributed to those individuals in accordance with the 69754
information provided by the partnership or other unincorporated 69755
business to the recipient of the contribution. 69756

~~(3) For purposes of section 3517.102 of the Revised Code,~~ 69757
~~the contribution shall be considered to have been made by the~~ 69758
~~partner, owner, or member reported under division (I) (1) of this~~ 69759
~~section.~~ 69760

~~(4) No contribution from a partner of a partnership or an~~ 69761
~~owner or a member of another unincorporated business shall be~~ 69762
~~accepted from any funds of the partnership or other~~ 69763
~~unincorporated business unless the recipient reports the~~ 69764
~~contribution under division (I) (1) of this section together with~~ 69765
~~the information provided under division (I) (2) of this section.~~ 69766

~~(5) No partnership or other unincorporated business shall~~ 69767
~~make a contribution or contributions solely in the name of the~~ 69768
~~partnership or other unincorporated business.~~ 69769

~~(6) As used in division (I) of this section, "partnership~~ 69770
~~or other unincorporated business" includes, but is not limited~~ 69771
~~to, a cooperative, a sole proprietorship, a general partnership,~~ 69772
~~a limited partnership, a limited partnership association, a~~ 69773
~~limited liability partnership, and a limited liability company.~~ 69774

(J) A candidate shall have only one campaign committee at any given time for all of the offices for which the person is a candidate or holds office.

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(K) (1) In addition to filing a designation of appointment of a treasurer under division (D) (1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education ~~except member of the state board of education,~~ or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

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The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

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(2) Except as otherwise provided in division (K) (3) of this section, a campaign committee that files a certificate under division (K) (1) of this section is not required to file the statements required by division (A) of this section.

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(3) If, after filing a certificate under division (K) (1) of this section, a campaign committee exceeds any of the limitations described in that division during an election

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period, the certificate is void and thereafter the campaign
committee shall file the statements required by division (A) of
this section. If the campaign committee has not previously filed
a statement, then on the first statement the campaign committee
is required to file under division (A) of this section after the
committee's certificate is void, the committee shall report all
contributions received and expenditures made from the time the
candidate filed the candidate's declaration of candidacy and
petition, nominating petition, or declaration of intent to be a
write-in candidate.

(4) As used in division (K) of this section, "election
period" means the period of time beginning on the day a person
files a declaration of candidacy and petition, nominating
petition, or declaration of intent to be a write-in candidate
through the day of the election at which the person seeks
nomination to office if the person is not elected to office, or,
if the candidate was nominated in a primary election, the day of
the election at which the candidate seeks office.

(L) A political contributing entity that receives
contributions from the dues, membership fees, or other
assessments of its members or from its officers, shareholders,
and employees may report the aggregate amount of contributions
received from those contributors and the number of individuals
making those contributions, for each filing period under
divisions (A) (1), (2), (3), and (4) of this section, rather than
reporting information as required under division (B) (4) of this
section, including, when applicable, the name of the current
employer, if any, of a contributor whose contribution exceeds
one hundred dollars or, if such a contributor is self-employed,
the contributor's occupation and the name of the contributor's
business, if any. Division (B) (4) of this section applies to a

political contributing entity with regard to contributions it 69836
receives from all other contributors. 69837

Sec. 3517.102. (A) Except as otherwise provided in section 69838
3517.103 of the Revised Code, as used in this section and 69839
sections 3517.103 and 3517.104 of the Revised Code: 69840

(1) "Candidate" has the same meaning as in section 3517.01 69841
of the Revised Code but includes only candidates for the offices 69842
of governor, lieutenant governor, secretary of state, auditor of 69843
state, treasurer of state, attorney general, ~~member of the state~~ 69844
~~board of education,~~ member of the general assembly, chief 69845
justice of the supreme court, and justice of the supreme court. 69846

(2) "Statewide candidate" or "any one statewide candidate" 69847
means the joint candidates for the offices of governor and 69848
lieutenant governor or a candidate for the office of secretary 69849
of state, auditor of state, treasurer of state, attorney 69850
general, ~~member of the state board of education,~~ chief justice 69851
of the supreme court, or justice of the supreme court. 69852

(3) "Senate candidate" means a candidate for the office of 69853
state senator. 69854

(4) "House candidate" means a candidate for the office of 69855
state representative. 69856

(5) (a) "Primary election period" for a candidate begins on 69857
the beginning date of the candidate's pre-filing period 69858
specified in division (A) (9) of section 3517.109 of the Revised 69859
Code and ends on the day of the primary election. 69860

(b) In regard to any candidate, the "general election 69861
period" begins on the day after the primary election immediately 69862
preceding the general election at which the candidate seeks an 69863
office specified in division (A) (1) of this section and ends on 69864

the thirty-first day of December following that general 69865
election. 69866

(6) "State candidate fund" means the state candidate fund 69867
established by a state or county political party under division 69868
(D) (3) (c) of section 3517.10 of the Revised Code. 69869

(7) "Postgeneral election statement" means the statement 69870
filed under division (A) (2) of section 3517.10 of the Revised 69871
Code by the campaign committee of a candidate after the general 69872
election in which the candidate ran for office or filed by 69873
legislative campaign fund after the general election in an even- 69874
numbered year. 69875

(8) "Contribution" means any contribution that is required 69876
to be reported in the statement of contributions under section 69877
3517.10 of the Revised Code. 69878

(9) (a) Except as otherwise provided in division (A) (9) (b) 69879
of this section, "designated state campaign committee" means: 69880

(i) In the case of contributions to or from a state 69881
political party, a campaign committee of a statewide candidate, 69882
statewide officeholder, senate candidate, house candidate, or 69883
member of the general assembly. 69884

(ii) In the case of contributions to or from a county 69885
political party, a campaign committee of a senate candidate or 69886
house candidate whose candidacy is to be submitted to some or 69887
all of the electors in that county, or member of the general 69888
assembly whose district contains all or part of that county. 69889

(iii) In the case of contributions to or from a 69890
legislative campaign fund, a campaign committee of any of the 69891
following: 69892

(I) A senate or house candidate who, if elected, will be a 69893
member of the same party that established the legislative 69894
campaign fund and the same house with which the legislative 69895
campaign fund is associated; 69896

(II) A state senator or state representative who is a 69897
member of the same party that established the legislative 69898
campaign fund and the same house with which the legislative 69899
campaign fund is associated. 69900

(b) A campaign committee is no longer a "designated state 69901
campaign committee" after the campaign committee's candidate 69902
changes the designation of treasurer required to be filed under 69903
division (D) (1) of section 3517.10 of the Revised Code to 69904
indicate that the person intends to be a candidate for, or 69905
becomes a candidate for nomination or election to, any office 69906
that, if elected, would not qualify that candidate's campaign 69907
committee as a "designated state campaign committee" under 69908
division (A) (9) (a) of this section. 69909

(B) (1) (a) No individual who is seven years of age or older 69910
shall make a contribution or contributions aggregating more 69911
than: 69912

(i) Ten thousand dollars to the campaign committee of any 69913
one statewide candidate in a primary election period or in a 69914
general election period; 69915

(ii) Ten thousand dollars to the campaign committee of any 69916
one senate candidate in a primary election period or in a 69917
general election period; 69918

(iii) Ten thousand dollars to the campaign committee of 69919
any one house candidate in a primary election period or in a 69920
general election period; 69921

(iv) Ten thousand dollars to a county political party of	69922
the county in which the individual's designated Ohio residence	69923
is located for the party's state candidate fund in a calendar	69924
year;	69925
(v) Fifteen thousand dollars to any one legislative	69926
campaign fund in a calendar year;	69927
(vi) Thirty thousand dollars to any one state political	69928
party for the party's state candidate fund in a calendar year;	69929
(vii) Ten thousand dollars to any one political action	69930
committee in a calendar year;	69931
(viii) Ten thousand dollars to any one political	69932
contributing entity in a calendar year.	69933
(b) No individual shall make a contribution or	69934
contributions to the state candidate fund of a county political	69935
party of any county other than the county in which the	69936
individual's designated Ohio residence is located.	69937
(c) No individual who is under seven years of age shall	69938
make any contribution.	69939
(2) (a) Subject to division (D) (1) of this section, no	69940
political action committee shall make a contribution or	69941
contributions aggregating more than:	69942
(i) Ten thousand dollars to the campaign committee of any	69943
one statewide candidate in a primary election period or in a	69944
general election period;	69945
(ii) Ten thousand dollars to the campaign committee of any	69946
one senate candidate in a primary election period or in a	69947
general election period;	69948

(iii) Ten thousand dollars to the campaign committee of any one house candidate in a primary election period or in a general election period;

(iv) Fifteen thousand dollars to any one legislative campaign fund in a calendar year;

(v) Thirty thousand dollars to any one state political party for the party's state candidate fund in a calendar year;

(vi) Ten thousand dollars to another political action committee or to a political contributing entity in a calendar year. This division does not apply to a political action committee that makes a contribution to a political action committee or a political contributing entity affiliated with it. For purposes of this division, a political action committee is affiliated with another political action committee or with a political contributing entity if they are both established, financed, maintained, or controlled by, or if they are, the same corporation, organization, labor organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, ~~continuing association,~~ or other person.

(b) No political action committee shall make a contribution or contributions to a county political party for the party's state candidate fund.

(3) No campaign committee shall make a contribution or contributions aggregating more than:

(a) Ten thousand dollars to the campaign committee of any one statewide candidate in a primary election period or in a general election period;

(b) Ten thousand dollars to the campaign committee of any

one senate candidate in a primary election period or in a	69978
general election period;	69979
(c) Ten thousand dollars to the campaign committee of any	69980
one house candidate in a primary election period or in a general	69981
election period;	69982
(d) Ten thousand dollars to any one political action	69983
committee in a calendar year;	69984
(e) Ten thousand dollars to any one political contributing	69985
entity in a calendar year.	69986
(4) (a) Subject to division (D) (3) of this section, no	69987
political party shall make a contribution or contributions	69988
aggregating more than ten thousand dollars to any one political	69989
action committee or to any one political contributing entity in	69990
a calendar year.	69991
(b) No county political party shall make a contribution or	69992
contributions to another county political party.	69993
(5) (a) Subject to division (B) (5) (b) of this section, no	69994
campaign committee, other than a designated state campaign	69995
committee, shall make a contribution or contributions	69996
aggregating in a calendar year more than:	69997
(i) Thirty thousand dollars to any one state political	69998
party for the party's state candidate fund;	69999
(ii) Fifteen thousand dollars to any one legislative	70000
campaign fund;	70001
(iii) Ten thousand dollars to any one county political	70002
party for the party's state candidate fund.	70003
(b) No campaign committee shall make a contribution or	70004

contributions to a county political party for the party's state	70005
candidate fund unless one of the following applies:	70006
(i) The campaign committee's candidate will appear on a	70007
ballot in that county.	70008
(ii) The campaign committee's candidate is the holder of	70009
an elected public office that represents all or part of the	70010
population of that county at the time the contribution is made.	70011
(6) (a) No state candidate fund of a county political party	70012
shall make a contribution or contributions, except a	70013
contribution or contributions to a designated state campaign	70014
committee, in a primary election period or a general election	70015
period, aggregating more than:	70016
(i) Two hundred fifty thousand dollars to the campaign	70017
committee of any one statewide candidate;	70018
(ii) Ten thousand dollars to the campaign committee of any	70019
one senate candidate;	70020
(iii) Ten thousand dollars to the campaign committee of	70021
any one house candidate.	70022
(b) (i) No state candidate fund of a state or county	70023
political party shall make a transfer or a contribution or	70024
transfers or contributions of cash or cash equivalents to a	70025
designated state campaign committee in a primary election period	70026
or in a general election period aggregating more than:	70027
(I) Five hundred thousand dollars to the campaign	70028
committee of any one statewide candidate;	70029
(II) One hundred thousand dollars to the campaign	70030
committee of any one senate candidate;	70031

(III) Fifty thousand dollars to the campaign committee of	70032
any one house candidate.	70033
(ii) No legislative campaign fund shall make a transfer or	70034
a contribution or transfers or contributions of cash or cash	70035
equivalents to a designated state campaign committee aggregating	70036
more than:	70037
(I) Fifty thousand dollars in a primary election period or	70038
one hundred thousand dollars in a general election period to the	70039
campaign committee of any one senate candidate;	70040
(II) Twenty-five thousand dollars in a primary election	70041
period or fifty thousand dollars in a general election period to	70042
the campaign committee of any one house candidate.	70043
(iii) As used in divisions (B) (6) (b) and (C) (6) of this	70044
section, "transfer or contribution of cash or cash equivalents"	70045
does not include any in-kind contributions.	70046
(c) A county political party that has no state candidate	70047
fund and that is located in a county having a population of less	70048
than one hundred fifty thousand may make one or more	70049
contributions from other accounts to any one statewide candidate	70050
or to any one designated state campaign committee that do not	70051
exceed, in the aggregate, two thousand five hundred dollars in	70052
any primary election period or general election period.	70053
(d) No legislative campaign fund shall make a	70054
contribution, other than to a designated state campaign	70055
committee or to the state candidate fund of a political party.	70056
(7) (a) Subject to division (D) (1) of this section, no	70057
political contributing entity shall make a contribution or	70058
contributions aggregating more than:	70059

(i) Ten thousand dollars to the campaign committee of any	70060
one statewide candidate in a primary election period or in a	70061
general election period;	70062
(ii) Ten thousand dollars to the campaign committee of any	70063
one senate candidate in a primary election period or in a	70064
general election period;	70065
(iii) Ten thousand dollars to the campaign committee of	70066
any one house candidate in a primary election period or in a	70067
general election period;	70068
(iv) Fifteen thousand dollars to any one legislative	70069
campaign fund in a calendar year;	70070
(v) Thirty thousand dollars to any one state political	70071
party for the party's state candidate fund in a calendar year;	70072
(vi) Ten thousand dollars to another political	70073
contributing entity or to a political action committee in a	70074
calendar year. This division does not apply to a political	70075
contributing entity that makes a contribution to a political	70076
contributing entity or a political action committee affiliated	70077
with it. For purposes of this division, a political contributing	70078
entity is affiliated with another political contributing entity	70079
or with a political action committee if they are both	70080
established, financed, maintained, or controlled by, or if they	70081
are, the same corporation, organization, labor organization,	70082
continuing association, or other person, including any parent,	70083
subsidiary, division, or department of that corporation,	70084
organization, labor organization, continuing association, or	70085
other person.	70086
(b) No political contributing entity shall make a	70087
contribution or contributions to a county political party for	70088

the party's state candidate fund. 70089

(C) (1) (a) Subject to division (D) (1) of this section, no 70090
campaign committee of a statewide candidate shall do any of the 70091
following: 70092

(i) Knowingly accept a contribution or contributions from 70093
any individual who is under seven years of age; 70094

(ii) Accept a contribution or contributions aggregating 70095
more than ten thousand dollars from any one individual who is 70096
seven years of age or older, from any one political action 70097
committee, from any one political contributing entity, or from 70098
any one other campaign committee in a primary election period or 70099
in a general election period; 70100

(iii) Accept a contribution or contributions aggregating 70101
more than two hundred fifty thousand dollars from any one or 70102
combination of state candidate funds of county political parties 70103
in a primary election period or in a general election period. 70104

(b) No campaign committee of a statewide candidate shall 70105
accept a contribution or contributions aggregating more than two 70106
thousand five hundred dollars in a primary election period or in 70107
a general election period from a county political party that has 70108
no state candidate fund and that is located in a county having a 70109
population of less than one hundred fifty thousand. 70110

(2) (a) Subject to division (D) (1) of this section and 70111
except for a designated state campaign committee, no campaign 70112
committee of a senate candidate shall do either of the 70113
following: 70114

(i) Knowingly accept a contribution or contributions from 70115
any individual who is under seven years of age; 70116

(ii) Accept a contribution or contributions aggregating 70117
more than ten thousand dollars from any one individual who is 70118
seven years of age or older, from any one political action 70119
committee, from any one political contributing entity, from any 70120
one state candidate fund of a county political party, or from 70121
any one other campaign committee in a primary election period or 70122
in a general election period. 70123

(b) No campaign committee of a senate candidate shall 70124
accept a contribution or contributions aggregating more than two 70125
thousand five hundred dollars in a primary election period or in 70126
a general election period from a county political party that has 70127
no state candidate fund and that is located in a county having a 70128
population of less than one hundred fifty thousand. 70129

(3) (a) Subject to division (D) (1) of this section and 70130
except for a designated state campaign committee, no campaign 70131
committee of a house candidate shall do either of the following: 70132

(i) Knowingly accept a contribution or contributions from 70133
any individual who is under seven years of age; 70134

(ii) Accept a contribution or contributions aggregating 70135
more than ten thousand dollars from any one individual who is 70136
seven years of age or older, from any one political action 70137
committee, from any one political contributing entity, from any 70138
one state candidate fund of a county political party, or from 70139
any one other campaign committee in a primary election period or 70140
in a general election period. 70141

(b) No campaign committee of a house candidate shall 70142
accept a contribution or contributions aggregating more than two 70143
thousand five hundred dollars in a primary election period or in 70144
a general election period from a county political party that has 70145

no state candidate fund and that is located in a county having a 70146
population of less than one hundred fifty thousand. 70147

(4) (a) (i) Subject to division (C) (4) (a) (ii) of this 70148
section and except for a designated state campaign committee, no 70149
county political party shall knowingly accept a contribution or 70150
contributions from any individual who is under seven years of 70151
age, or accept a contribution or contributions for the party's 70152
state candidate fund aggregating more than ten thousand dollars 70153
from any one individual whose designated Ohio residence is 70154
located within that county and who is seven years of age or 70155
older or from any one campaign committee in a calendar year. 70156

(ii) Subject to division (D) (1) of this section, no county 70157
political party shall accept a contribution or contributions for 70158
the party's state candidate fund from any individual whose 70159
designated Ohio residence is located outside of that county and 70160
who is seven years of age or older, from any campaign committee 70161
unless the campaign committee's candidate will appear on a 70162
ballot in that county or unless the campaign committee's 70163
candidate is the holder of an elected public office that 70164
represents all or part of the population of that county at the 70165
time the contribution is accepted, or from any political action 70166
committee or any political contributing entity. 70167

(iii) No county political party shall accept a 70168
contribution or contributions from any other county political 70169
party. 70170

(b) Subject to division (D) (1) of this section, no state 70171
political party shall do either of the following: 70172

(i) Knowingly accept a contribution or contributions from 70173
any individual who is under seven years of age; 70174

(ii) Accept a contribution or contributions for the party's state candidate fund aggregating more than thirty thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(5) Subject to division (D)(1) of this section, no legislative campaign fund shall do either of the following:

(a) Knowingly accept a contribution or contributions from any individual who is under seven years of age;

(b) Accept a contribution or contributions aggregating more than fifteen thousand dollars from any one individual who is seven years of age or older, from any one political action committee, from any one political contributing entity, or from any one campaign committee, other than a designated state campaign committee, in a calendar year.

(6) (a) No designated state campaign committee shall accept a transfer or contribution of cash or cash equivalents from a state candidate fund of a state political party aggregating in a primary election period or a general election period more than:

(i) Five hundred thousand dollars, in the case of a campaign committee of a statewide candidate;

(ii) One hundred thousand dollars, in the case of a campaign committee of a senate candidate;

(iii) Fifty thousand dollars, in the case of a campaign committee of a house candidate.

(b) No designated state campaign committee shall accept a

transfer or contribution of cash or cash equivalents from a 70203
legislative campaign fund aggregating more than: 70204

(i) Fifty thousand dollars in a primary election period or 70205
one hundred thousand dollars in a general election period, in 70206
the case of a campaign committee of a senate candidate; 70207

(ii) Twenty-five thousand dollars in a primary election 70208
period or fifty thousand dollars in a general election period, 70209
in the case of a campaign committee of a house candidate. 70210

(c) No campaign committee of a candidate for the office of 70211
member of the general assembly, including a designated state 70212
campaign committee, shall accept a transfer or contribution of 70213
cash or cash equivalents from any one or combination of state 70214
candidate funds of county political parties aggregating in a 70215
primary election period or a general election period more than: 70216

(i) One hundred thousand dollars, in the case of a 70217
campaign committee of a senate candidate; 70218

(ii) Fifty thousand dollars, in the case of a campaign 70219
committee of a house candidate. 70220

(7) (a) Subject to division (D) (3) of this section, no 70221
political action committee and no political contributing entity 70222
shall do either of the following: 70223

(i) Knowingly accept a contribution or contributions from 70224
any individual who is under seven years of age; 70225

(ii) Accept a contribution or contributions aggregating 70226
more than ten thousand dollars from any one individual who is 70227
seven years of age or older, from any one campaign committee, or 70228
from any one political party in a calendar year. 70229

(b) Subject to division (D) (1) of this section, no 70230

political action committee shall accept a contribution or 70231
contributions aggregating more than ten thousand dollars from 70232
another political action committee or from a political 70233
contributing entity in a calendar year. Subject to division (D) 70234
(1) of this section, no political contributing entity shall 70235
accept a contribution or contributions aggregating more than ten 70236
thousand dollars from another political contributing entity or 70237
from a political action committee in a calendar year. This 70238
division does not apply to a political action committee or 70239
political contributing entity that accepts a contribution from a 70240
political action committee or political contributing entity 70241
affiliated with it. For purposes of this division, a political 70242
action committee is affiliated with another political action 70243
committee or with a political contributing entity if they are 70244
both established, financed, maintained, or controlled by the 70245
same corporation, organization, labor organization, ~~continuing~~ 70246
~~association,~~ or other person, including any parent, subsidiary, 70247
division, or department of that corporation, organization, labor 70248
organization, ~~continuing association,~~ or other person. 70249

(D) (1) (a) For purposes of the limitations prescribed in 70250
division (B) (2) of this section and the limitations prescribed 70251
in divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70252
section, whichever is applicable, all contributions made by and 70253
all contributions accepted from political action committees that 70254
are established, financed, maintained, or controlled by, or that 70255
are, the same corporation, organization, labor organization, 70256
~~continuing association,~~ or other person, including any parent, 70257
subsidiary, division, or department of that corporation, 70258
organization, labor organization, ~~continuing association,~~ or 70259
other person, are considered to have been made by or accepted 70260
from a single political action committee. 70261

(b) For purposes of the limitations prescribed in division 70262
(B) (7) of this section and the limitations prescribed in 70263
divisions (C) (1), (2), (3), (4), (5), and (7) (b) of this 70264
section, whichever is applicable, all contributions made by and 70265
all contributions accepted from political contributing entities 70266
that are established, financed, maintained, or controlled by, or 70267
that are, the same corporation, organization, labor 70268
organization, ~~continuing association,~~ or other person, including 70269
any parent, subsidiary, division, or department of that 70270
corporation, organization, labor organization, ~~continuing~~ 70271
~~association,~~ or other person, are considered to have been made 70272
by or accepted from a single political contributing entity. 70273

(2) As used in divisions (B) (1) (a) (vii), (B) (3) (d), (B) (4) 70274
(a), and (C) (7) of this section, "political action committee" 70275
does not include a political action committee that ~~is organized~~ 70276
~~to support or oppose a ballot issue or question and that makes~~ 70277
~~no contributions to or only independent expenditures on behalf~~ 70278
~~of a political party, campaign committee, legislative campaign~~ 70279
~~fund, or contributions to political action committee, committees~~ 70280
or political contributing ~~entity~~ entities that make only 70281
independent expenditures. As used in divisions (B) (1) (a) (viii), 70282
(B) (3) (e), (B) (4) (a), and (C) (7) of this section, "political 70283
contributing entity" does not include a political contributing 70284
entity that ~~is organized to support or oppose a ballot issue or~~ 70285
~~question and that makes no contributions to or only independent~~ 70286
~~expenditures on behalf of a political party, campaign committee,~~ 70287
~~legislative campaign fund, or contributions to political action~~ 70288
~~committee, committees~~ or political contributing ~~entity~~ entities 70289
that make only independent expenditures. 70290

(3) For purposes of the limitations prescribed in 70291
divisions (B) (4) and (C) (7) (a) of this section, all 70292

contributions made by and all contributions accepted from a 70293
national political party, a state political party, and a county 70294
political party are considered to have been made by or accepted 70295
from a single political party and shall be combined with each 70296
other to determine whether the limitations have been exceeded. 70297

(E) (1) If a legislative campaign fund has kept a total 70298
amount of contributions exceeding one hundred fifty thousand 70299
dollars at the close of business on the seventh day before the 70300
postgeneral election statement is required to be filed under 70301
section 3517.10 of the Revised Code, the legislative campaign 70302
fund shall comply with division (E) (2) of this section. 70303

(2) (a) Any legislative campaign fund that has kept a total 70304
amount of contributions in excess of the amount specified in 70305
division (E) (1) of this section at the close of business on the 70306
seventh day before the postgeneral election statement is 70307
required to be filed under section 3517.10 of the Revised Code 70308
shall dispose of the excess amount in the manner prescribed in 70309
division (E) (2) (b) (i), (ii), or (iii) of this section not later 70310
than ninety days after the day the postgeneral election 70311
statement is required to be filed under section 3517.10 of the 70312
Revised Code. Any legislative campaign fund that is required to 70313
dispose of an excess amount of contributions under this division 70314
shall file a statement on the ninetieth day after the 70315
postgeneral election statement is required to be filed under 70316
section 3517.10 of the Revised Code indicating the total amount 70317
of contributions the fund has at the close of business on the 70318
seventh day before the postgeneral election statement is 70319
required to be filed under section 3517.10 of the Revised Code 70320
and that the excess contributions were disposed of pursuant to 70321
this division and division (E) (2) (b) of this section. The 70322
statement shall be on a form prescribed by the secretary of 70323

state and shall contain any additional information the secretary 70324
of state considers necessary. 70325

(b) Any legislative campaign fund that is required to 70326
dispose of an excess amount of contributions under division (E) 70327
(2) of this section shall dispose of that excess amount by doing 70328
any of the following: 70329

(i) Giving the amount to the treasurer of state for 70330
deposit into the state treasury to the credit of the Ohio 70331
~~elections~~ election integrity commission fund created by ~~division~~ 70332
~~(I) of section 3517.152-111.29~~ of the Revised Code; 70333

(ii) Giving the amount to individuals who made 70334
contributions to that legislative campaign fund as a refund of 70335
all or part of their contributions; 70336

(iii) Giving the amount to a corporation that is exempt 70337
from federal income taxation under subsection 501(a) and 70338
described in subsection 501(c) of the Internal Revenue Code. 70339

(F) (1) No legislative campaign fund shall fail to file a 70340
statement required by division (E) of this section. 70341

(2) No legislative campaign fund shall fail to dispose of 70342
excess contributions as required by division (E) of this 70343
section. 70344

(G) Nothing in this section shall affect, be used in 70345
determining, or supersede a limitation on campaign contributions 70346
as provided for in the Federal Election Campaign Act. 70347

Sec. 3517.103. (A) For purposes of this section: 70348

(1) "Statewide candidate" means the joint candidates for 70349
the offices of governor and lieutenant governor or a candidate 70350
for the office of secretary of state, auditor of state, 70351

treasurer of state, or attorney general, ~~or member of the state~~ 70352
~~board of education.~~ 70353

(2) (a) "Personal funds" means contributions to the 70354
campaign committee of a candidate by the candidate. 70355

(b) A loan obtained by, guaranteed by, or for the benefit 70356
of a statewide candidate, senate candidate, or house candidate 70357
shall be considered "personal funds" subject to the provisions 70358
of this section to the extent that the loan is obtained or 70359
guaranteed by the candidate. A loan that is obtained or 70360
guaranteed and that is for the benefit of a statewide candidate, 70361
senate candidate, or house candidate shall not be considered 70362
"personal funds" for the purposes of this section but shall be 70363
considered to be a "contribution" for the purposes of this 70364
chapter if the loan is obtained or guaranteed by anyone other 70365
than the candidate. 70366

(c) When a debt or other obligation incurred by a 70367
committee or by a candidate on behalf of the candidate's 70368
committee is to be paid from "personal funds," those funds are 70369
considered to be expended when the debt or other obligation is 70370
incurred, regardless of when it is paid. 70371

(B) (1) Except as otherwise provided in division (B) (2) of 70372
this section, no statewide candidate or candidate for the office 70373
of member of the general assembly shall make an expenditure of 70374
personal funds to influence the results of an election for that 70375
candidate's nomination or election to office unless the personal 70376
funds are first deposited into the campaign fund of that 70377
candidate's campaign committee. 70378

(2) A statewide candidate or candidate for the office of 70379
member of the general assembly may make an expenditure of 70380

personal funds without first depositing those funds into the 70381
campaign committee's funds as long as the aggregate total of 70382
those expenditures does not exceed five hundred dollars at any 70383
time during an election period. After the candidate's campaign 70384
committee reimburses the candidate for any direct expenditure of 70385
personal funds, the amount that was reimbursed is no longer 70386
included in the aggregate total of expenditures of personal 70387
funds subject to the five-hundred-dollar limit. 70388

Sec. 3517.104. (A) In January of each odd-numbered year, 70389
the secretary of state, in accordance with this division and 70390
division (B) of this section, shall adjust each amount specified 70391
in section 3517.102, in division (B) (4) (e) of section 3517.10, 70392
and in division (B) of section 3517.101 of the Revised Code. The 70393
adjustment shall be based on the yearly average of the previous 70394
two years of the Consumer Price Index for All Urban Consumers or 70395
its successive equivalent, as determined by the United States 70396
department of labor, bureau of labor statistics, or its 70397
successor in responsibility, for all items, Series A. Using the 70398
1996 yearly average as the base year, the secretary of state 70399
shall compare the most current average consumer price index with 70400
that determined in the preceding odd-numbered year, and shall 70401
determine the percentage increase or decrease. The percentage 70402
increase or decrease shall be multiplied by the actual dollar 70403
figure for each office or entity specified in section 3517.102 70404
of the Revised Code and by each actual dollar figure specified 70405
in division (B) (4) (e) of section 3517.10 and in division (B) of 70406
section 3517.101 of the Revised Code as determined in the 70407
previous odd-numbered year, and the product shall be added to or 70408
subtracted from its corresponding actual dollar figure, as 70409
necessary, for that previous odd-numbered year. 70410

The resulting amount shall be rounded to the nearest 70411

twenty-five dollars if the calculations are made regarding the 70412
amounts specified in division (B) (4) (e) of section 3517.10 of 70413
the Revised Code. 70414

If the calculations are made regarding the amounts 70415
specified in section 3517.101 or 3517.102 of the Revised Code, 70416
the resulting amount shall not be rounded. If that resulting 70417
amount is less than one hundred dollars, the secretary of state 70418
shall retain a record of the resulting amount and the manner in 70419
which it was calculated, but shall not make an adjustment unless 70420
the resulting amount, when added to the resulting amount 70421
calculated in each prior odd-numbered year since the last 70422
adjustment was made, equals or exceeds one hundred dollars. 70423

(B) (1) The secretary of state shall calculate the 70424
adjustment under division (A) of this section and shall report 70425
the calculations and necessary materials to the auditor of 70426
state, on or before the thirty-first day of January of each odd- 70427
numbered year. The secretary of state shall base the adjustment 70428
on the most current consumer price index that is described in 70429
division (A) of this section and that is in effect as of the 70430
first day of January of each odd-numbered year. 70431

(2) The calculations made by the secretary of state under 70432
divisions (A) and (B) (1) of this section shall be certified by 70433
the auditor of state on or before the fifteenth day of February 70434
of each odd-numbered year. 70435

(3) On or before the twenty-fifth day of February of each 70436
odd-numbered year, the secretary of state shall prepare a report 70437
setting forth the maximum contribution limitations under section 70438
3517.102 of the Revised Code, the maximum amounts, if any, of 70439
contributions permitted to be kept under that section, the 70440
amounts required under division (B) (4) (e) of section 3517.10 of 70441

the Revised Code for reporting contributions and in-kind 70442
contributions at social or fund-raising activities and 70443
contributions from amounts deducted from an employee's wages and 70444
salary, and the maximum office facility gift limitations under 70445
section 3517.101 of the Revised Code, as calculated and 70446
certified pursuant to divisions (A) and (B) (1) and (2) of this 70447
section. The report and all documents relating to the 70448
calculations contained in the report are public records. The 70449
report shall contain an indication of the period in which the 70450
limitations, the maximum contribution or gift amounts, and the 70451
reporting amounts apply, a summary of how the limitations, the 70452
maximum contribution or gift amounts, and the reporting amounts 70453
were calculated, and a statement that the report and all related 70454
documents are available for inspection and copying at the office 70455
of the secretary of state. 70456

(4) On or before the twenty-fifth day of February of each 70457
odd-numbered year, the secretary of state shall transmit the 70458
report to the general assembly and shall send the report by mail 70459
to the board of elections of each county. 70460

(5) The secretary of state shall send the report by mail 70461
to each person who files a declaration of candidacy or 70462
nominating petition with the secretary of state for the office 70463
of governor, lieutenant governor, secretary of state, auditor of 70464
state, treasurer of state, attorney general, ~~member of the state~~ 70465
~~board of education~~, chief justice of the supreme court, or 70466
justice of the supreme court. The report shall be mailed on or 70467
before the tenth day after the filing. 70468

(6) A board of elections shall send the report by mail to 70469
each person who files a declaration of candidacy or nominating 70470
petition with the board for the office of state representative 70471

or state senator. The report shall be mailed on or before the 70472
tenth day after the filing. 70473

Sec. 3517.105. (A) (1) As used in this section, "public 70474
political advertising" means advertising to the general public 70475
through a broadcasting station, newspaper, magazine, poster, 70476
yard sign, or outdoor advertising facility, by direct mail, or 70477
by any other means of advertising to the general public. 70478

(2) For purposes of this section and section 3517.20 of 70479
the Revised Code, a person is a member of a political action 70480
committee if the person makes one or more contributions to that 70481
political action committee, and a person is a member of a 70482
political contributing entity if the person makes one or more 70483
contributions to, or pays dues, membership fees, or other 70484
assessments to, that political contributing entity. 70485

(B) (1) Whenever a candidate, a campaign committee, a 70486
political action committee or political contributing entity with 70487
ten or more members, or a legislative campaign fund makes an 70488
independent expenditure, or whenever a political action 70489
committee or political contributing entity with fewer than ten 70490
members makes an independent expenditure in excess of one 70491
hundred dollars for a local candidate, in excess of two hundred 70492
fifty dollars for a candidate for the office of member of the 70493
general assembly, or in excess of five hundred dollars for a 70494
statewide candidate, for the purpose of financing communications 70495
advocating the election or defeat of an identified candidate or 70496
solicits without the candidate's express consent a contribution 70497
for or against an identified candidate through public political 70498
advertising, a statement shall appear or be presented in a clear 70499
and conspicuous manner in the advertising that does both of the 70500
following: 70501

(a) Clearly indicates that the communication or public 70502
political advertising is not authorized by the candidate or the 70503
candidate's campaign committee; 70504

(b) Clearly identifies the candidate, campaign committee, 70505
political action committee, political contributing entity, or 70506
legislative campaign fund that has paid for the communication or 70507
public political advertising in accordance with section 3517.20 70508
of the Revised Code. 70509

(2) (a) Whenever any campaign committee, legislative 70510
campaign fund, political action committee, political 70511
contributing entity, or political party makes an independent 70512
expenditure in support of or opposition to any candidate, the 70513
committee, entity, fund, or party shall report the independent 70514
expenditure and identify the candidate on a statement prescribed 70515
by the secretary of state and filed by the committee, entity, 70516
fund, or party as part of its statement of contributions and 70517
expenditures pursuant to division (A) of section 3517.10 and 70518
division (A) of section 3517.11 of the Revised Code. 70519

(b) Whenever any individual, ~~partnership~~, or ~~other~~ entity, 70520
except a ~~corporation~~, ~~labor organization~~, campaign committee, 70521
legislative campaign fund, political action committee, political 70522
contributing entity, or political party, makes one or more 70523
independent expenditures in support of or opposition to any 70524
candidate, the individual, ~~partnership~~, or ~~other~~ entity shall 70525
file with the secretary of state in the case of a statewide 70526
candidate, or with the board of elections in the county in which 70527
the candidate files the candidate's petitions for nomination or 70528
election for district or local office, not later than the dates 70529
specified in divisions (A) (1), (2), (3), and (4) of section 70530
3517.10 of the Revised Code, and, except as otherwise provided 70531

in that section, a statement itemizing all independent 70532
expenditures made during the period since the close of business 70533
on the last day reflected in the last previously filed such 70534
statement, if any. The statement shall be made on a form 70535
prescribed by the secretary of state or shall be filed by 70536
electronic means of transmission pursuant to division (E) of 70537
section 3517.106 of the Revised Code as authorized or required 70538
by that division. The statement shall indicate the date and the 70539
amount of each independent expenditure and the candidate on 70540
whose behalf it was made and shall be made under penalty of 70541
election falsification. 70542

(C) (1) Whenever a ~~corporation, labor organization,~~ 70543
campaign committee, political action committee or political 70544
contributing entity with ten or more members, or legislative 70545
campaign fund makes an independent expenditure, or whenever a 70546
political action committee or political contributing entity with 70547
fewer than ten members makes an independent expenditure in 70548
excess of one hundred dollars for a local ballot issue or 70549
question, or in excess of five hundred dollars for a statewide 70550
ballot issue or question, for the purpose of financing 70551
communications advocating support of or opposition to an 70552
identified ballot issue or question or solicits without the 70553
express consent of the ballot issue committee a contribution for 70554
or against an identified ballot issue or question through public 70555
political advertising, a statement shall appear or be presented 70556
in a clear and conspicuous manner in the advertising that does 70557
both of the following: 70558

(a) Clearly indicates that the communication or public 70559
political advertising is not authorized by the identified ballot 70560
issue committee; 70561

(b) Clearly identifies the ~~corporation, labor-~~ 70562
~~organization,~~ campaign committee, legislative campaign fund, ~~or-~~ 70563
political action committee, or political contributing entity 70564
that has paid for the communication or public political 70565
advertising in accordance with section 3517.20 of the Revised 70566
Code. 70567

(2) (a) Whenever any ~~corporation, labor organization,~~ 70568
campaign committee, legislative campaign fund, political party, 70569
~~or~~ political action committee, or political contributing entity 70570
makes an independent expenditure in support of or opposition to 70571
any ballot issue or question, ~~the corporation or labor~~ 70572
~~organization shall report the independent expenditure in-~~ 70573
~~accordance with division (C) of section 3599.03 of the Revised-~~ 70574
~~Code, and~~ the campaign committee, legislative campaign fund, 70575
political party, ~~or~~ political action committee, or political 70576
contributing entity shall report the independent expenditure and 70577
identify the ballot issue or question on a statement prescribed 70578
by the secretary of state and filed by the committee, fund, or 70579
party as part of its statement of contributions and expenditures 70580
pursuant to division (A) of section 3517.10 and division (A) of 70581
section 3517.11 of the Revised Code. 70582

(b) Whenever any individual, ~~partnership,~~ or other entity, 70583
except a ~~corporation, labor organization,~~ campaign committee, 70584
legislative campaign fund, political action committee, political 70585
contributing entity, or political party, makes one or more 70586
independent expenditures in excess of one hundred dollars in 70587
support of or opposition to any ballot issue or question, the 70588
individual, ~~partnership,~~ or other entity shall file with the 70589
secretary of state in the case of a statewide ballot issue or 70590
question, or with the board of elections in the county that 70591
certifies the issue or question for placement on the ballot in 70592

the case of a district or local issue or question, not later 70593
than the dates specified in divisions (A) (1), (2), (3), and (4) 70594
of section 3517.10 of the Revised Code, and, except as otherwise 70595
provided in that section, a statement itemizing all independent 70596
expenditures made during the period since the close of business 70597
on the last day reflected in the last previously filed such 70598
statement, if any. The statement shall be made on a form 70599
prescribed by the secretary of state or shall be filed by 70600
electronic means of transmission pursuant to division (E) of 70601
section 3517.106 of the Revised Code as authorized or required 70602
by that division. The statement shall indicate the date and the 70603
amount of each independent expenditure and the ballot issue or 70604
question in support of or opposition to which it was made and 70605
shall be made under penalty of election falsification. 70606

(3) No person, campaign committee, legislative campaign 70607
fund, political action committee, ~~corporation, labor~~ 70608
~~organization, political contributing entity,~~ or other 70609
organization or association shall use or cause to be used a 70610
false or fictitious name in making an independent expenditure in 70611
support of or opposition to any candidate or any ballot issue or 70612
question. A name is false or fictitious if the person, campaign 70613
committee, legislative campaign fund, political action 70614
committee, ~~corporation, labor organization,~~ political 70615
contributing entity, or other organization or association does 70616
not actually exist or operate, if the ~~corporation, labor~~ 70617
~~organization, or other~~ organization or association has failed to 70618
file a fictitious name or other registration with the secretary 70619
of state, if it is required to do so, or if the person, campaign 70620
committee, legislative campaign fund, ~~or~~ political action 70621
committee, or political contributing entity has failed to file a 70622
designation of the appointment of a treasurer, if it is required 70623

to do so by division (D) (1) of section 3517.10 of the Revised Code. 70624
70625

(D) Any expenditure by a political party for the purpose 70626
of financing communications advocating the election or defeat of 70627
a candidate for judicial office shall be deemed to be an 70628
independent expenditure subject to the provisions of this 70629
section. 70630

Sec. 3517.106. (A) As used in this section: 70631

(1) "Statewide office" means any of the offices of 70632
governor, lieutenant governor, secretary of state, auditor of 70633
state, treasurer of state, attorney general, chief justice of 70634
the supreme court, and justice of the supreme court. 70635

(2) "Addendum to a statement" includes an amendment or 70636
other correction to that statement. 70637

(B) The secretary of state shall store all of the 70638
following information on computer: 70639

(1) The information contained in statements of 70640
contributions and expenditures and monthly statements required 70641
to be filed under section 3517.10 of the Revised Code and in 70642
statements of independent expenditures required to be filed 70643
under section 3517.105 of the Revised Code with the secretary of 70644
state and the information transmitted to the secretary of state 70645
by boards of elections under division (E) (2) of this section; 70646

(2) The information contained in disclosure of 70647
electioneering communications statements required to be filed 70648
under section 3517.1011 of the Revised Code; 70649

(3) The information contained in deposit and disbursement 70650
statements required to be filed with the office of the secretary 70651

of state under section 3517.1012 of the Revised Code; 70652

(4) The gift and disbursement information contained in 70653
statements required to be filed with the office of the secretary 70654
of state under section 3517.1013 of the Revised Code; 70655

(5) The information contained in donation and disbursement 70656
statements required to be filed with the office of the secretary 70657
of state under section 3517.1014 of the Revised Code. 70658

(C) (1) The secretary of state shall make available to the 70659
campaign committees, political action committees, political 70660
contributing entities, legislative campaign funds, political 70661
parties, individuals, ~~partnerships, corporations, labor~~ 70662
~~organizations,~~ treasurers of transition funds, and other 70663
entities that are permitted or required to file statements by 70664
electronic means of transmission, and to members of the news 70665
media and other interested persons, for a reasonable fee, 70666
computer programs that are compatible with the secretary of 70667
state's method of storing the information contained in the 70668
statements. 70669

(2) The secretary of state shall make the information 70670
required to be stored under division (B) of this section 70671
available on computer at the secretary of state's office so 70672
that, to the maximum extent feasible, individuals may obtain at 70673
the secretary of state's office any part or all of that 70674
information for any given year, subject to the limitation 70675
expressed in division (D) of this section. 70676

(D) The secretary of state shall keep the information 70677
stored on computer under division (B) of this section for at 70678
least six years. 70679

(E) (1) Subject to division (J) of this section and subject 70680

to the secretary of state having implemented, tested, and 70681
verified the successful operation of any system the secretary of 70682
state prescribes pursuant to division (F) (1) of this section and 70683
divisions (C) (6) (b) and (D) (6) of section 3517.10 of the Revised 70684
Code for the filing of campaign finance statements by electronic 70685
means of transmission, each of the following entities shall be 70686
permitted or required to file statements by electronic means of 70687
transmission, as applicable: 70688

(a) The campaign committee of each candidate for statewide 70689
office may file the statements prescribed by section 3517.10 of 70690
the Revised Code by electronic means of transmission or, if the 70691
total amount of the contributions received or the total amount 70692
of the expenditures made by the campaign committee for the 70693
applicable reporting period as specified in division (A) of 70694
section 3517.10 of the Revised Code exceeds ten thousand 70695
dollars, shall file those statements by electronic means of 70696
transmission. 70697

(b) A campaign committee of a candidate for the office of 70698
member of the general assembly or a campaign committee of a 70699
candidate for the office of judge of a court of appeals may file 70700
the statements prescribed by section 3517.10 of the Revised Code 70701
in accordance with division (A) (2) of section 3517.11 of the 70702
Revised Code or by electronic means of transmission to the 70703
office of the secretary of state or, if the total amount of the 70704
contributions received by the campaign committee for the 70705
applicable reporting period as specified in division (A) of 70706
section 3517.10 of the Revised Code exceeds ten thousand 70707
dollars, shall file those statements by electronic means of 70708
transmission to the office of the secretary of state. 70709

(c) A campaign committee of a candidate for an office 70710

other than a statewide office, the office of member of the 70711
general assembly, or the office of judge of a court of appeals 70712
may file the statements prescribed by section 3517.10 of the 70713
Revised Code by electronic means of transmission to the 70714
secretary of state or the board of elections, as applicable. 70715

(d) A political action committee and a political 70716
contributing entity described in division (A) (1) of section 70717
3517.11 of the Revised Code, a legislative campaign fund, and a 70718
state political party may file the statements prescribed by 70719
section 3517.10 of the Revised Code by electronic means of 70720
transmission to the office of the secretary of state or, if the 70721
total amount of the contributions received or the total amount 70722
of the expenditures made by the political action committee, 70723
political contributing entity, legislative campaign fund, or 70724
state political party for the applicable reporting period as 70725
specified in division (A) of section 3517.10 of the Revised Code 70726
exceeds ten thousand dollars, shall file those statements by 70727
electronic means of transmission. 70728

(e) A county political party shall file the statements 70729
prescribed by section 3517.10 of the Revised Code with respect 70730
to its state candidate fund by electronic means of transmission 70731
to the office of the secretary of state. 70732

(f) A county political party may file all other statements 70733
prescribed by section 3517.10 of the Revised Code by electronic 70734
means of transmission to the board of elections. 70735

(g) A political action committee or political contributing 70736
entity described in division (A) (3) of section 3517.11 of the 70737
Revised Code may file the statements prescribed by section 70738
3517.10 of the Revised Code by electronic means of transmission 70739
to the board of elections. 70740

(h) Any individual, ~~partnership~~, or ~~other~~ entity that 70741
makes independent expenditures in support of or opposition to a 70742
statewide candidate or a statewide ballot issue or question as 70743
provided in division (B) (2) (b) or (C) (2) (b) of section 3517.105 70744
of the Revised Code may file the statement specified in that 70745
division by electronic means of transmission to the office of 70746
the secretary of state or, if the total amount of independent 70747
expenditures made during the reporting period under that 70748
division exceeds ten thousand dollars, shall file the statement 70749
specified in that division by electronic means of transmission. 70750

(i) Any individual, ~~partnership~~, or ~~other~~ entity that 70751
makes independent expenditures in support of or opposition to a 70752
candidate or ballot issue other than a statewide candidate or a 70753
statewide ballot issue as provided in division (B) (2) (b) or (C) 70754
(2) (b) of section 3517.105 of the Revised Code may file the 70755
statement specified in that division by electronic means of 70756
transmission to the board of elections. 70757

(2) A board of elections that receives a statement by 70758
electronic means of transmission shall transmit that statement 70759
to the secretary of state within five business days after 70760
receiving the statement. If the board receives an addendum or an 70761
amended statement from an entity that filed a statement with the 70762
board by electronic means of transmission, the board shall 70763
transmit the addendum or amended statement to the secretary of 70764
state not later than the close of business on the day the board 70765
received the addendum or amended statement. 70766

(3) (a) Except as otherwise provided in division (E) (3) (b) 70767
of this section, within five business days after a statement 70768
filed under division (E) (1) of this section is received by the 70769
secretary of state by electronic or other means of transmission, 70770

the secretary of state shall make available online to the public 70771
through the internet, as provided in division (G) of this 70772
section, the contribution and expenditure information in that 70773
statement. 70774

(b) The secretary of state shall not make available online 70775
to the public through the internet any contribution or 70776
expenditure information contained in a statement for any 70777
candidate until the secretary of state is able to make available 70778
online to the public through the internet the contribution and 70779
expenditure information for all candidates for a particular 70780
office, or until the applicable filing deadline for that 70781
statement has passed, whichever is sooner. As soon as the 70782
secretary of state has available all of the contribution and 70783
expenditure information for all candidates for a particular 70784
office, or as soon as the applicable filing deadline for a 70785
statement has passed, whichever is sooner, the secretary of 70786
state shall simultaneously make available online to the public 70787
through the internet the information for all candidates for that 70788
office. 70789

(4) (a) If a statement filed by electronic means of 70790
transmission is found to be incomplete or inaccurate after the 70791
examination of the statement for completeness and accuracy 70792
pursuant to division (B) (3) (a) of section 3517.11 of the Revised 70793
Code, the entity that filed the statement shall file by 70794
electronic means of transmission any addendum to the statement 70795
that provides the information necessary to complete or correct 70796
the statement or, if required under that division, an amended 70797
statement. 70798

(b) Within five business days after the secretary of state 70799
receives an addendum to the statement or an amended statement by 70800

electronic or other means of transmission, the secretary of 70801
state shall make the contribution and expenditure information in 70802
the addendum or amended statement available online to the public 70803
through the internet as provided in division (G) of this 70804
section. 70805

(5) If a campaign committee for the office of member of 70806
the general assembly or a campaign committee of a candidate for 70807
the office of judge of a court of appeals files a statement, 70808
addendum, or amended statement by printed version only with the 70809
appropriate board of elections, the campaign committee shall 70810
file two copies of the printed version of the statement, 70811
addendum, or amended statement with the board of elections. The 70812
board of elections shall send one of those copies by certified 70813
mail or an electronic copy to the secretary of state before the 70814
close of business on the day the board of elections receives the 70815
statement, addendum, or amended statement. 70816

(F) (1) The secretary of state, by rule adopted pursuant to 70817
section 3517.23 of the Revised Code, shall prescribe one or more 70818
techniques by which a person who executes and transmits to the 70819
secretary of state or a board of elections by electronic means a 70820
statement of contributions and expenditures, a statement of 70821
independent expenditures, a disclosure of electioneering 70822
communications statement, a deposit and disbursement statement, 70823
a gift and disbursement statement, or a donation and 70824
disbursement statement, an addendum to any of those statements, 70825
an amended statement of contributions and expenditures, an 70826
amended statement of independent expenditures, an amended 70827
disclosure of electioneering communications statement, an 70828
amended deposit and disbursement statement, an amended gift and 70829
disbursement statement, or an amended donation and disbursement 70830
statement, under this section or section 3517.10, 3517.105, 70831

3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 70832
Code shall electronically sign the statement, addendum, or 70833
amended statement. Any technique prescribed by the secretary of 70834
state pursuant to this division shall create an electronic 70835
signature that satisfies all of the following: 70836

(a) It is unique to the signer. 70837

(b) It objectively identifies the signer. 70838

(c) It involves the use of a signature device or other 70839
means or method that is under the sole control of the signer and 70840
that cannot be readily duplicated or compromised. 70841

(d) It is created and linked to the electronic record to 70842
which it relates in a manner that, if the record or signature is 70843
intentionally or unintentionally changed after signing, the 70844
electronic signature is invalidated. 70845

(2) An electronic signature prescribed by the secretary of 70846
state under division (F)(1) of this section shall be attached to 70847
or associated with the statement of contributions and 70848
expenditures, the statement of independent expenditures, the 70849
disclosure of electioneering communications statement, the 70850
deposit and disbursement statement, the gift and disbursement 70851
statement, or the donation and disbursement statement, the 70852
addendum to any of those statements, the amended statement of 70853
contributions and expenditures, the amended statement of 70854
independent expenditures, the amended disclosure of 70855
electioneering communications statement, the amended deposit and 70856
disbursement statement, the amended gift and disbursement 70857
statement, or the amended donation and disbursement statement 70858
that is executed and transmitted by electronic means by the 70859
person to whom the electronic signature is attributed. The 70860

electronic signature that is attached to or associated with the 70861
statement, addendum, or amended statement under this division 70862
shall be binding on all persons and for all purposes under the 70863
campaign finance reporting law as if the signature had been 70864
handwritten in ink on a printed form. 70865

(G) The secretary of state shall make all of the following 70866
information available online to the public by any means that are 70867
searchable, viewable, and accessible through the internet: 70868

(1) The contribution and expenditure, the contribution and 70869
disbursement, the deposit and disbursement, the gift and 70870
disbursement, or the donation and disbursement information in 70871
all statements, all addenda to the statements, and all amended 70872
statements that are filed with the secretary of state by 70873
electronic or other means of transmission under this section or 70874
section 3517.10, 3517.105, 3517.1011, 3517.1012, 3517.1013, 70875
3517.1014, or 3517.11 of the Revised Code; 70876

(2) The contribution and expenditure or the deposit and 70877
disbursement information in all statements that are filed with a 70878
board of elections by electronic means of transmission, and in 70879
all addenda to those statements and all amended versions of 70880
those statements, under this section or section 3517.10, 70881
3517.105, 3517.1012, or 3517.11 of the Revised Code. 70882

(H) (1) As used in this division, "library" means a library 70883
that is open to the public and that is one of the following: 70884

(a) A library that is maintained and regulated under 70885
section 715.13 of the Revised Code; 70886

(b) A library that is created, maintained, and regulated 70887
under Chapter 3375. of the Revised Code. 70888

(2) The secretary of state shall notify all libraries of 70889

the location on the internet at which the contribution and 70890
expenditure, contribution and disbursement, deposit and 70891
disbursement, gift and disbursement, or donation and 70892
disbursement information in campaign finance statements required 70893
to be made available online to the public through the internet 70894
pursuant to division (G) of this section may be accessed. 70895

If that location is part of the world wide web and if the 70896
secretary of state has notified a library of that world wide web 70897
location as required by this division, the library shall include 70898
a link to that world wide web location on each internet- 70899
connected computer it maintains that is accessible to the 70900
public. 70901

(3) If the system the secretary of state prescribes for 70902
the filing of campaign finance statements by electronic means of 70903
transmission pursuant to division (F) (1) of this section and 70904
divisions (C) (6) (b) and (D) (6) of section 3517.10 of the Revised 70905
Code includes filing those statements through the internet via 70906
the world wide web, the secretary of state shall notify all 70907
libraries of the world wide web location at which those 70908
statements may be filed. 70909

If those statements may be filed through the internet via 70910
the world wide web and if the secretary of state has notified a 70911
library of that world wide web location as required by this 70912
division, the library shall include a link to that world wide 70913
web location on each internet-connected computer it maintains 70914
that is accessible to the public. 70915

(I) It is an affirmative defense to a complaint or charge 70916
brought against any campaign committee, political action 70917
committee, political contributing entity, legislative campaign 70918
fund, ~~or political party, any individual, partnership,~~ or other 70919

entity, any person making disbursements to pay the direct costs 70920
of producing or airing electioneering communications, or any 70921
treasurer of a transition fund, for the failure to file by 70922
electronic means of transmission a campaign finance statement as 70923
required by this section or section 3517.10, 3517.105, 70924
3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised 70925
Code that all of the following apply to the campaign committee, 70926
political action committee, political contributing entity, 70927
legislative campaign fund, ~~or political party, the individual,~~ 70928
~~partnership,~~ or other entity, the person making disbursements to 70929
pay the direct costs of producing or airing electioneering 70930
communications, or the treasurer of a transition fund that 70931
failed to so file: 70932

(1) The campaign committee, political action committee, 70933
political contributing entity, legislative campaign fund, ~~or~~ 70934
political party, ~~the individual, partnership,~~ or other entity, 70935
the person making disbursements to pay the direct costs of 70936
producing or airing electioneering communications, or the 70937
treasurer of a transition fund attempted to file by electronic 70938
means of transmission the required statement prior to the 70939
deadline set forth in the applicable section. 70940

(2) The campaign committee, political action committee, 70941
political contributing entity, legislative campaign fund, ~~or~~ 70942
political party, ~~the individual, partnership,~~ or other entity, 70943
the person making disbursements to pay the direct costs of 70944
producing or airing electioneering communications, or the 70945
treasurer of a transition fund was unable to file by electronic 70946
means of transmission due to an expected or unexpected shutdown 70947
of the whole or part of the electronic campaign finance 70948
statement-filing system, such as for maintenance or because of 70949
hardware, software, or network connection failure. 70950

(3) The campaign committee, political action committee, 70951
political contributing entity, legislative campaign fund, ~~or~~ 70952
political party, ~~the individual, partnership,~~ or other entity, 70953
the person making disbursements to pay the direct costs of 70954
producing or airing electioneering communications, or the 70955
treasurer of a transition fund filed by electronic means of 70956
transmission the required statement within a reasonable period 70957
of time after being unable to so file it under the circumstance 70958
described in division (I) (2) of this section. 70959

(J) (1) The secretary of state shall adopt rules pursuant 70960
to Chapter 119. of the Revised Code to permit a campaign 70961
committee of a candidate for statewide office that makes 70962
expenditures of less than twenty-five thousand dollars during 70963
the filing period or a campaign committee for the office of 70964
member of the general assembly or the office of judge of a court 70965
of appeals that would otherwise be required to file campaign 70966
finance statements by electronic means of transmission under 70967
division (E) of this section to file those statements by paper 70968
with the office of the secretary of state. Those rules shall 70969
provide for all of the following: 70970

(a) An eligible campaign committee that wishes to file a 70971
campaign finance statement by paper instead of by electronic 70972
means of transmission shall file the statement on paper with the 70973
office of the secretary of state not sooner than twenty-four 70974
hours after the end of the filing period set forth in section 70975
3517.10 of the Revised Code that is covered by the applicable 70976
statement. 70977

(b) The statement shall be accompanied by a fee, the 70978
amount of which the secretary of state shall determine by rule. 70979
The amount of the fee established under this division shall not 70980

exceed the data entry and data verification costs the secretary 70981
of state will incur to convert the information on the statement 70982
to an electronic format as required under division (G) of this 70983
section. 70984

(c) The secretary of state shall arrange for the 70985
information in campaign finance statements filed pursuant to 70986
division (J) of this section to be made available online to the 70987
public through the internet in the same manner, and at the same 70988
times, as information is made available under divisions (E) and 70989
(G) of this section for candidates whose campaign committees 70990
file those statements by electronic means of transmission. 70991

(d) The candidate of an eligible campaign committee that 70992
intends to file a campaign finance statement pursuant to 70993
division (J) of this section shall file a notice indicating that 70994
the candidate's campaign committee intends to so file and 70995
stating that filing the statement by electronic means of 70996
transmission would constitute a hardship for the candidate or 70997
for the eligible campaign committee. 70998

(e) An eligible campaign committee that files a campaign 70999
finance statement on paper pursuant to division (J) of this 71000
section shall review the contribution and information made 71001
available online by the secretary of state with respect to that 71002
paper filing and shall notify the secretary of state of any 71003
errors with respect to that filing that appear in the data made 71004
available on that web site. 71005

(f) If an eligible campaign committee whose candidate has 71006
filed a notice in accordance with rules adopted under division 71007
(J) (1) (d) of this section subsequently fails to file that 71008
statement on paper by the applicable deadline established in 71009
rules adopted under division (J) (1) (a) of this section, 71010

penalties for the late filing of the campaign finance statement 71011
shall apply to that campaign committee for each day after that 71012
paper filing deadline, as if the campaign committee had filed 71013
the statement after the applicable deadline set forth in 71014
division (A) of section 3517.10 of the Revised Code. 71015

(2) The process for permitting campaign committees that 71016
would otherwise be required to file campaign finance statements 71017
by electronic means of transmission to file those statements on 71018
paper with the office of the secretary of state that is required 71019
to be developed under division (J)(1) of this section shall be 71020
in effect and available for use by eligible campaign committees 71021
for all campaign finance statements that are required to be 71022
filed on or after June 30, 2005. Notwithstanding any provision 71023
of the Revised Code to the contrary, if the process the 71024
secretary of state is required to develop under division (L)(1) 71025
of this section is not in effect and available for use on and 71026
after June 30, 2005, all penalties for the failure of campaign 71027
committees to file campaign finance statements by electronic 71028
means of transmission shall be suspended until such time as that 71029
process is in effect and available for use. 71030

(3) Notwithstanding any provision of the Revised Code to 71031
the contrary, any eligible campaign committee that files 71032
campaign finance statements on paper with the office of the 71033
secretary of state pursuant to division (J)(1) of this section 71034
shall be deemed to have filed those campaign finance statements 71035
by electronic means of transmission to the office of the 71036
secretary of state. 71037

Sec. 3517.107. (A) As used in this section, "federal 71038
political committee" means a political committee, as defined in 71039
the Federal Election Campaign Act, that is registered with the 71040

federal election commission under that act. 71041

(B) Any federal political committee may make 71042
contributions, expenditures, or independent expenditures from 71043
its federal account in connection with any state or local 71044
election in Ohio. Prior to making any such contribution, 71045
expenditure, or independent expenditure, the federal political 71046
committee shall register with the secretary of state by filing a 71047
copy of its most recent federal statement of organization. A 71048
federal political committee registered with the secretary of 71049
state under this division shall file with the secretary of state 71050
any amendment to its statement of organization that is required 71051
under the Federal Election Campaign Act to be reported to the 71052
federal election commission. 71053

(C) When, during any federal reporting period under the 71054
Federal Election Campaign Act, a federal political committee 71055
makes a contribution, expenditure, or independent expenditure 71056
from its federal account in connection with a state or local 71057
election in Ohio, the committee shall file with the secretary of 71058
state not later than the date on which its report is required to 71059
be filed with the appropriate federal office or officer under 71060
the Federal Election Campaign Act, copies of the following pages 71061
from that report: 71062

(1) The summary page; 71063

(2) The detailed summary page; 71064

(3) The page or pages that contain an itemized list of the 71065
contributions, expenditures, and independent expenditures made 71066
in connection with state and local elections in Ohio. 71067

The total amount of contributions, expenditures, and 71068
independent expenditures made in connection with state and local 71069

elections in Ohio shall be reflected on the summary page or on a form that the secretary of state shall prescribe.

(D) When, during any calendar year, a federal political committee makes a contribution from its federal account in connection with a state or local election in Ohio to a state or local political action committee that is required under section 3517.11 of the Revised Code to file any statement prescribed by section 3517.10 of the Revised Code, and the federal political committee and state or local political action committee are established, financed, maintained, or controlled by the same corporation, organization, ~~continuing association,~~ or other person, including any parent, subsidiary, division, department, or unit of that corporation, organization, ~~continuing association,~~ or other person, the federal political committee shall file a statement with the secretary of state not later than the last business day of January of the next calendar year. The statement shall be on a form prescribed by the secretary of state and shall include a list of the names and addresses of contributors that are residents of Ohio that made contributions to the federal political committee during the calendar year covered by the statement and, for each name listed, the aggregate total amount contributed by each contributor during the reporting period.

Sec. 3517.108. (A) As used in divisions (A) and (B) of this section:

(1) "Candidate" has the same meaning as in section 3517.01 of the Revised Code but includes only candidates for the offices of governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, ~~member of the state board of education,~~ member of the general assembly, chief

justice of the supreme court, and justice of the supreme court. 71100

(2) A "general election period" begins on the day after 71101
the primary election immediately preceding the general election 71102
at which a candidate seeks an office specified in division (A) 71103
(1) of this section and ends on the thirty-first day of December 71104
following that general election. 71105

(3) A "primary election period" begins on the first day of 71106
January of the year following the year in which the general 71107
election was held for the office that the candidate seeks, 71108
including any mid-term election, and ends on the day of the 71109
primary election. 71110

(B) Whenever the campaign committee of a candidate has 71111
unpaid debt at the end of a primary election period or at the 71112
end of a general election period, the committee may accept 71113
additional contributions during the immediately following 71114
election period up to the applicable limitation prescribed under 71115
section 3517.102 of the Revised Code from any individual, 71116
political action committee, political contributing entity, or 71117
other campaign committee who, during the primary or general 71118
election period for which debt remains unpaid, has contributed 71119
less than the contribution limitations prescribed under section 71120
3517.102 of the Revised Code applicable to that individual, 71121
political action committee, political contributing entity, or 71122
other campaign committee. Any additional contribution that a 71123
campaign committee accepts under this division shall count 71124
toward the applicable limitations prescribed under section 71125
3517.102 of the Revised Code for that primary or general 71126
election period at the end of which the debt remains unpaid, and 71127
shall not count toward the applicable limitations for any other 71128
primary or general election period if all of the following 71129

conditions apply: 71130

(1) The campaign committee reports, on the statement 71131
required to be filed under division (A) (2) of section 3517.10 of 71132
the Revised Code, all debt remaining unpaid at the end of the 71133
election period. The committee shall also file a separate 71134
statement, on a form prescribed by the secretary of state, at 71135
the same time that the committee is required to file a statement 71136
of contributions and expenditures under section 3517.10 of the 71137
Revised Code. The separate statement shall include the name and 71138
address of each contributor who makes an additional contribution 71139
under division (B) of this section, how the contribution was 71140
applied to pay the unpaid debt as required by division (B) (3) of 71141
this section, and the balance of the unpaid debt after each 71142
contribution was applied to it. 71143

(2) The additional contributions are accepted only during 71144
the primary or general election period, whichever is applicable, 71145
immediately following the election period covered in the 71146
statement filed under division (B) (1) of this section. 71147

(3) All additional contributions made under division (B) 71148
of this section are used by the campaign committee that receives 71149
them only to pay the debt of the committee reported under 71150
division (B) (1) of this section. 71151

(4) The campaign committee maintains a separate account 71152
for all additional contributions made under division (B) of this 71153
section and uses moneys in that account only to pay the unpaid 71154
debt reported under division (B) (1) of this section and to 71155
administer the account. 71156

(5) The campaign committee stops accepting additional 71157
contributions after funds sufficient to repay the unpaid debt 71158

reported under division (B) (1) of this section have been raised 71159
and promptly disposes of any contributions received that exceed 71160
the amount of the unpaid debt by returning the excess 71161
contributions to the contributors or by giving the excess 71162
contributions to an organization that is exempt from federal 71163
income taxation under subsection 501(a) and described in 71164
subsection 501(c) (3), (4), (8), (10), or (19) of the Internal 71165
Revenue Code. 71166

Sec. 3517.109. (A) As used in this section: 71167

(1) "Candidate" has the same meaning as in section 3517.01 71168
of the Revised Code but includes only candidates for the offices 71169
of governor, lieutenant governor, secretary of state, auditor of 71170
state, treasurer of state, attorney general, ~~member of the state~~ 71171
~~board of education,~~ and member of the general assembly. 71172

(2) "Statewide candidate" means the joint candidates for 71173
the offices of governor and lieutenant governor or a candidate 71174
for the office of secretary of state, auditor of state, 71175
treasurer of state, and attorney general, ~~and member of the~~ 71176
~~state board of education.~~ 71177

(3) "Senate candidate" means a candidate for the office of 71178
state senator. 71179

(4) "House candidate" means a candidate for the office of 71180
state representative. 71181

(5) "State office" means the offices of governor, 71182
lieutenant governor, secretary of state, auditor of state, 71183
treasurer of state, attorney general, ~~member of the state board~~ 71184
~~of education,~~ and member of the general assembly. 71185

(6) "Aggregate contribution" means the total of all 71186
contributions from a contributor during the pre-filing period. 71187

(7) "Allowable aggregate contribution" means all of the 71188
following: 71189

(a) In the case of a contribution from a contributor whose 71190
contributions are subject to the contribution limits described 71191
in division (B) (1), (2), (3), (6) (a), or (7) of section 3517.102 71192
of the Revised Code, that portion of the amount of the 71193
contributor's aggregate contribution that does not exceed the 71194
preprimary contribution limit applicable to that contributor. 71195

(b) In the case of a contribution or contributions from a 71196
contributor whose contributions are not subject to the 71197
contribution limits described in divisions (B) (1), (2), (3), (6) 71198
(a), or (7) of section 3517.102 of the Revised Code, the total 71199
of the following: 71200

(i) That portion of the aggregate contribution that was 71201
received as in-kind services; 71202

(ii) That portion of the aggregate contribution that was 71203
received as cash and does not exceed the applicable preprimary 71204
cash transfer or contribution limits described in division (B) 71205
(6) (b) of section 3517.102 of the Revised Code. 71206

(8) "Excess aggregate contribution" means, for each 71207
contributor, the amount by which that contributor's aggregate 71208
contribution exceeds that contributor's allowable aggregate 71209
contribution. 71210

(9) "Pre-filing period" means the period of time ending on 71211
the day that the candidacy petitions are due for the state 71212
office for which the candidate has filed and beginning on the 71213
latest date of the following: 71214

(a) The first day of January of the year following the 71215
general election in which that state office was last on the 71216

ballot; 71217

(b) The first day of January of the year following the 71218
general election in which the candidate was last a candidate for 71219
any office; 71220

(c) The first day of the month following the primary 71221
election in which the candidate was last a candidate for any 71222
office. 71223

(10) "Filing date" means the last date on which a 71224
candidacy petition may be filed for an office. 71225

(11) "Applicable carry-in limit" means thirty-five 71226
thousand dollars if the candidate is a house candidate ~~or a~~ 71227
~~candidate for the state board of education~~, one hundred thousand 71228
dollars if the candidate is a senate candidate, and two hundred 71229
thousand dollars if the candidate is a statewide candidate ~~other~~ 71230
~~than a candidate for the state board of education~~. 71231

(12) "Campaign asset" means prepaid, purchased, or donated 71232
assets available to the candidate on the date of the filing 71233
deadline for the office the candidate is seeking that will be 71234
consumed or depleted in the course of the candidate's election 71235
campaign, including, but not limited to, postage, prepaid rent 71236
for campaign headquarters, prepaid radio, television, and 71237
newspaper advertising, and other prepaid consulting and personal 71238
services. 71239

(13) "Permitted funds" means the sum of the following: 71240

(a) The total of the allowable aggregate contribution of 71241
each contributor; 71242

(b) The applicable carry-in limit. 71243

(14) "Excess funds" means the amount by which the sum of 71244

the total cash on hand and total reported campaign assets 71245
exceeds permitted funds. 71246

(15) "Covered candidate" means both of the following: 71247

(a) A candidate who, during the pre-filing period, accepts 71248
or has a campaign committee that accepts contributions on the 71249
candidate's behalf for the purpose of nominating or electing the 71250
candidate to any office not subject to the contribution limits 71251
prescribed in section 3517.102 of the Revised Code; 71252

(b) A person who, during the pre-filing period, accepts or 71253
has a campaign committee that accepts contributions on the 71254
person's behalf prior to the person deciding upon or announcing 71255
the office for which the person will become a candidate for 71256
nomination or election. 71257

(B) Each candidate who files for state office, not later 71258
than the filing date for that office, shall dispose of any 71259
excess funds. Each covered candidate who files for state office, 71260
not later than the filing date for that office, shall dispose of 71261
any excess aggregate contributions. 71262

(C) Any campaign committee that is required to dispose of 71263
excess funds or excess aggregate contributions under division 71264
(B) of this section shall dispose of that excess amount or 71265
amounts by doing any of the following: 71266

(1) Giving the amount to the treasurer of state for 71267
deposit into the state treasury to the credit of the Ohio 71268
~~elections~~ election integrity commission fund created ~~by division~~ 71269
~~(I) of under~~ section 3517.152-111.29 of the Revised Code; 71270

(2) Giving the amount to individuals who made 71271
contributions to that campaign committee as a refund of all or 71272
part of their contributions; 71273

(3) Giving the amount to a corporation that is exempt from 71274
federal income taxation under subsection 501(a) and described in 71275
subsection 501(c) of the Internal Revenue Code. 71276

(D) (1) Subject to division (D) (2) of this section, no 71277
candidate or covered candidate shall appear on the ballot, even 71278
if certified to appear on the ballot, unless the candidate's or 71279
covered candidate's campaign committee has disposed of excess 71280
funds, excess aggregate contributions, or both as required by 71281
divisions (B) and (C) of this section. 71282

(2) If the excess aggregate contributions accepted by a 71283
covered candidate or a covered candidate's campaign committee 71284
aggregate a total of less than five thousand dollars from all 71285
contributors, that candidate shall not be prohibited from 71286
appearing on the ballot under division (D) (1) of this section. 71287

(E) (1) The campaign committee of each candidate required 71288
to dispose of excess funds under this section shall file a 71289
report, on a form prescribed by the secretary of state, with the 71290
official or board with which the candidate is required to file 71291
statements under section 3517.11 of the Revised Code. The report 71292
shall be filed by the seventh day following the filing deadline 71293
for the office the candidate is seeking, shall indicate the 71294
amount of excess funds disposed of, and shall describe the 71295
manner in which the campaign committee disposed of the excess 71296
amount. 71297

(2) In addition to the information required to be included 71298
in a report filed under division (E) (1) of this section, the 71299
campaign committee of each covered candidate required to dispose 71300
of excess aggregate contributions under this section shall 71301
include in that report the source and amount of each excess 71302
aggregate contribution disposed of and shall describe the manner 71303

in which the campaign committee disposed of the excess amount. 71304

(F) (1) Each campaign committee of a candidate who has 71305
filed a declaration of candidacy or a nominating petition for a 71306
state office, not later than seven days after the filing date 71307
for the office the candidate is seeking, shall file a 71308
declaration of filing-day finances, on a form prescribed by the 71309
secretary of state, with the official or board with which the 71310
candidate is required to file statements under section 3517.11 71311
of the Revised Code. 71312

(2) A declaration of filing-day finances shall list all of 71313
the following: 71314

(a) The amount of cash on hand in the candidate's campaign 71315
fund on the filing date for the office the candidate is seeking. 71316

(b) The value and description of all campaign assets worth 71317
five hundred dollars or more available to the candidate on the 71318
filing date. Assets purchased by the campaign shall be valued at 71319
actual cost, and in-kind contributions shall be valued at market 71320
value. 71321

(c) The total of all aggregate contributions; 71322

(d) The total of all allowable aggregate contributions; 71323

(e) The applicable carry-in limit, if any. 71324

(3) In addition to the information required to be included 71325
in a report of filing-day finances filed under division (F) (1) 71326
of this section, the campaign committee of each covered 71327
candidate shall include both of the following in that report: 71328

(a) The total of all excess aggregate contributions; 71329

(b) For each contributor, if any, for whom there is an 71330

excess aggregate contribution, the name, address, aggregate 71331
contribution, and excess aggregate contribution. 71332

(G) A campaign committee of a candidate is not required to 71333
file a declaration of filing-day finances under division (F) of 71334
this section if all of the following apply: 71335

(1) The campaign committee has not accepted, during the 71336
pre-filing period, any aggregate contribution greater than the 71337
applicable amount. 71338

(2) The campaign committee had less than the carry-in 71339
amount in cash on hand at the beginning of the pre-filing 71340
period. 71341

(3) The candidate files a declaration, on a form 71342
prescribed by the secretary of state, with the official or board 71343
with which the candidate is required to file statements under 71344
section 3517.11 of the Revised Code not later than seven days 71345
after the filing date for the office that candidate is seeking, 71346
stating that the candidate's campaign committee has not accepted 71347
aggregate contributions as described in division (G) (1) of this 71348
section and has less than the carry-in amount in cash on hand as 71349
described in division (G) (2) of this section. 71350

Sec. 3517.1010. (A) If a campaign committee or political 71351
action committee desires to terminate itself under division (A) 71352
of section 3517.10 of the Revised Code, but has a balance on 71353
hand and no outstanding obligations, the committee may file a 71354
statement indicating its desire to be terminated with the Ohio 71355
election integrity commission. The commission shall declare the 71356
committee terminated if all of the following apply: 71357

(1) The committee has received no contributions and made 71358
no expenditures during the past five years. 71359

(2) The person responsible for the operation of the 71360
campaign committee or political action committee attests, by an 71361
affidavit under penalty of election falsification, that the 71362
person has used the person's best efforts to correct or identify 71363
the errors preventing the person from disposing of any excess 71364
funds or aggregate contributions, or otherwise winding up the 71365
committee's affairs and reducing the balance on hand to zero. 71366

(3) The person submits an affidavit by a certified public 71367
accountant verifying that, after reasonable efforts, 71368
reconciliation is not possible. 71369

(4) The commission determines that reconciliation is not 71370
possible and that the balance is a de minimis amount. 71371

(B) The commission may, of its own accord, declare a 71372
campaign committee or political action committee terminated if 71373
all of the following apply: 71374

(1) The committee has received no contributions and made 71375
no expenditures during the past five years. 71376

(2) After a reasonable effort at searching, the commission 71377
determines that the only person responsible for the operation of 71378
the committee has died or is unavailable for another reason. 71379

(3) The committee's balance on hand is zero or the 71380
commission determines that the balance is a de minimis amount. 71381

Sec. 3517.1011. (A) As used in this section: 71382

(1) "Address" has the same meaning as in section 3517.10 71383
of the Revised Code. 71384

(2) "Broadcast, cable, or satellite communication" means a 71385
communication that is publicly distributed by a television 71386
station, radio station, cable television system, or satellite 71387

system. 71388

(3) "Candidate" has the same meaning as in section 3501.01 71389
of the Revised Code. 71390

(4) "Contribution" means any loan, gift, deposit, 71391
forgiveness of indebtedness, donation, advance, payment, or 71392
transfer of funds or of anything of value, including a transfer 71393
of funds from an inter vivos or testamentary trust or decedent's 71394
estate, and the payment by any person other than the person to 71395
whom the services are rendered for the personal services of 71396
another person, that is made, received, or used to pay the 71397
direct costs of producing or airing electioneering 71398
communications. 71399

(5) (a) "Coordinated electioneering communication" means 71400
any electioneering communication that is made pursuant to any 71401
arrangement, coordination, or direction by a candidate or a 71402
candidate's campaign committee, by an officer, agent, employee, 71403
or consultant of a candidate or a candidate's campaign 71404
committee, or by a former officer, former agent, former 71405
employee, or former consultant of a candidate or a candidate's 71406
campaign committee prior to the airing, broadcasting, or 71407
cablecasting of the communication. An electioneering 71408
communication is presumed to be a "coordinated electioneering 71409
communication" when it is either of the following: 71410

(i) Based on information about a candidate's plans, 71411
projects, or needs provided to the person making the 71412
disbursement by the candidate or the candidate's campaign 71413
committee, by an officer, agent, employee, or consultant of the 71414
candidate or the candidate's campaign committee, or by a former 71415
officer, former agent, former employee, or former consultant of 71416
the candidate or the candidate's campaign committee, with a view 71417

toward having the communication made; 71418

(ii) Made by or through any person who is, or has been, 71419
authorized to raise or expend funds on behalf of a candidate or 71420
the candidate's campaign committee, who is, or has been, an 71421
officer, agent, employee, or consultant of the candidate or of 71422
the candidate's campaign committee, or who is, or has been, 71423
receiving any form of compensation or reimbursement from the 71424
candidate or the candidate's campaign committee or from an 71425
officer, agent, employee, or consultant of the candidate or of 71426
the candidate's campaign committee. 71427

(b) An electioneering communication shall not be presumed 71428
to be a "coordinated electioneering communication" under 71429
division (A)(5)(a)(ii) of this section if the communication is 71430
made through any person who provides a service that does not 71431
affect the content of the communication, such as communications 71432
placed through the efforts of a media buyer, unless that person 71433
also affects the content of the communication. 71434

(6) "Disclosure date" means both of the following: 71435

(a) The first date during any calendar year by which a 71436
person makes disbursements for the direct costs of producing or 71437
airing electioneering communications aggregating in excess of 71438
ten thousand dollars; 71439

(b) The same day of the week of each remaining week in the 71440
same calendar year as the day of the week of the initial 71441
disclosure date established under division (A)(6)(a) of this 71442
section, if, during that remaining week, the person makes 71443
disbursements for the direct costs of producing or airing 71444
electioneering communications aggregating in excess of one 71445
dollar. 71446

(7) (a) "Electioneering communication" means any broadcast, 71447
cable, or satellite communication that refers to a clearly 71448
identified candidate and that is made during either of the 71449
following periods of time: 71450

(i) If the person becomes a candidate before the day of 71451
the primary election at which candidates will be nominated for 71452
election to that office, between the date that the person 71453
becomes a candidate and the thirtieth day prior to that primary 71454
election, and between the date of the primary election and the 71455
thirtieth day prior to the general election at which a candidate 71456
will be elected to that office; 71457

(ii) If the person becomes a candidate after the day of 71458
the primary election at which candidates were nominated for 71459
election to that office, between the date of the primary 71460
election and the thirtieth day prior to the general election at 71461
which a candidate will be elected to that office. 71462

(b) "Electioneering communication" does not include any of 71463
the following: 71464

(i) A communication that is publicly disseminated through 71465
a means of communication other than a broadcast, cable, or 71466
satellite television or radio station. For example, 71467
"electioneering communication" does not include communications 71468
appearing in print media, including a newspaper or magazine, 71469
handbill, brochure, bumper sticker, yard sign, poster, 71470
billboard, and other written materials, including mailings; 71471
communications over the internet, including electronic mail; or 71472
telephone communications. 71473

(ii) A communication that appears in a news story, 71474
commentary, public service announcement, bona fide news 71475

programming, or editorial distributed through the facilities of 71476
any broadcast, cable, or satellite television or radio station, 71477
unless those facilities are owned or controlled by any political 71478
party, political committee, or candidate; 71479

(iii) A communication that constitutes an expenditure or 71480
an independent expenditure under section 3517.01 of the Revised 71481
Code; 71482

(iv) A communication that constitutes a candidate debate 71483
or forum or that solely promotes a candidate debate or forum and 71484
is made by or on behalf of the person sponsoring the debate or 71485
forum. 71486

(8) "Filing date" has the same meaning as in section 71487
3517.109 of the Revised Code. 71488

(9) "Immigration and Nationality Act" means the 71489
Immigration and Nationality Act, 110 Stat. 309 (1996), 8 U.S.C. 71490
1101 et seq., as amended. 71491

(10) "Person" has the same meaning as in section 1.59 of 71492
the Revised Code and includes any political organization 71493
considered exempt from income taxation under section 527 of the 71494
Internal Revenue Code. 71495

(11) "Political committee" means any of the following: 71496

(a) Any committee, club, association, or other group of 71497
persons that receives contributions aggregating in excess of one 71498
thousand dollars during a calendar year or that makes 71499
expenditures aggregating in excess of one thousand dollars 71500
during a calendar year; 71501

(b) Any separate segregated fund; 71502

(c) Any state, county, or local committee of a political 71503

party that does any of the following: 71504

(i) Receives contributions aggregating in excess of five 71505
thousand dollars during a calendar year; 71506

(ii) Makes payments that do not constitute contributions 71507
or expenditures aggregating in excess of five thousand dollars 71508
during a calendar year; 71509

(iii) Makes contributions or expenditures aggregating in 71510
excess of one thousand dollars during a calendar year. 71511

(12) "Publicly distributed" means aired, broadcast, 71512
cablecast, or otherwise disseminated for a fee. 71513

(13) "Refers to a clearly identified candidate" means that 71514
the candidate's name, nickname, photograph, or drawing appears, 71515
or the identity of the candidate is otherwise apparent through 71516
an unambiguous reference to the person such as "the chief 71517
justice," "the governor," "member of the Ohio senate," "member 71518
of the Ohio house of representatives," "county auditor," 71519
"mayor," or "township trustee" or through an unambiguous 71520
reference to the person's status as a candidate. 71521

(B) For the purposes of this section, a person shall be 71522
considered to have made a disbursement if the person has entered 71523
into a contract to make the disbursement. 71524

(C) Any person intending to make a disbursement or 71525
disbursements for the direct costs of producing or airing 71526
electioneering communications, prior to making the first 71527
disbursement for the direct costs of producing or airing an 71528
electioneering communication, shall file a notice with the 71529
office of the secretary of state that the person is intending to 71530
make such disbursements. 71531

(D) (1) Every person that makes a disbursement or 71532
disbursements for the direct costs of producing and airing 71533
electioneering communications aggregating in excess of ten 71534
thousand dollars during any calendar year shall file, within 71535
twenty-four hours of each disclosure date, a disclosure of 71536
electioneering communications statement containing the following 71537
information: 71538

(a) The full name and address of the person making the 71539
disbursement, of any person sharing or exercising direction or 71540
control over the activities of the person making the 71541
disbursement, and of the custodian of the books and accounts of 71542
the person making the disbursement; 71543

(b) The principal place of business of the person making 71544
the disbursement, if not an individual; 71545

(c) The amount of each disbursement of more than one 71546
dollar during the period covered by the statement and the 71547
identity of the person to whom the disbursement was made; 71548

(d) The nominations or elections to which the 71549
electioneering communications pertain and the names, if known, 71550
of the candidates identified or to be identified; 71551

(e) If the disbursements were paid out of a segregated 71552
bank account that consists of funds contributed solely by 71553
individuals who are United States citizens or nationals or 71554
lawfully admitted for permanent residence as defined in section 71555
101(a) (20) of the Immigration and Nationality Act directly to 71556
the account for electioneering communications, the information 71557
specified in division (D) (2) of this section for all 71558
contributors who contributed an aggregate amount of two hundred 71559
dollars or more to the segregated bank account and whose 71560

contributions were used for making the disbursement or 71561
disbursements required to be reported under division (D) of this 71562
section during the period covered by the statement. Nothing in 71563
this division prohibits or shall be construed to prohibit the 71564
use of funds in such a segregated bank account for a purpose 71565
other than electioneering communications. 71566

(f) If the disbursements were paid out of funds not 71567
described in division (D) (1) (e) of this section, the information 71568
specified in division (D) (2) of this section for all 71569
contributors who contributed an aggregate amount of two hundred 71570
dollars or more to the person making the disbursement and whose 71571
contributions were used for making the disbursement or 71572
disbursements required to be reported under division (D) of this 71573
section during the period covered by the statement. 71574

(2) For each contributor for which information is required 71575
to be reported under division (D) (1) (e) or (f) of this section, 71576
all of the following shall be reported: 71577

(a) The month, day, and year that the contributor made the 71578
contribution or contributions aggregating two hundred dollars or 71579
more; 71580

(b) (i) The full name and address of the contributor, and, 71581
if the contributor is a political action committee, the 71582
registration number assigned to the political action committee 71583
under division (D) (1) of section 3517.10 of the Revised Code; 71584

(ii) If the contributor is an individual, the name of the 71585
individual's current employer, if any, or, if the individual is 71586
self-employed, the individual's occupation and the name of the 71587
individual's business, if any; 71588

(iii) If the contribution is transmitted pursuant to 71589

section 3599.031 of the Revised Code from amounts deducted from 71590
the wages and salaries of two or more employees that exceed in 71591
the aggregate one hundred dollars during the period specified in 71592
division (D) (1) (e) or (f) of this section, as applicable, the 71593
full name of the employees' employer and the full name of the 71594
labor organization of which the employees are members, if any. 71595

(c) A description of the contribution, if other than 71596
money; 71597

(d) The value in dollars and cents of the contribution. 71598

(3) Subject to the secretary of state having implemented, 71599
tested, and verified the successful operation of any system the 71600
secretary of state prescribes pursuant to divisions (C) (6) (b) 71601
and (D) (6) of section 3517.10 and division (F) (1) of section 71602
3517.106 of the Revised Code for the filing of campaign finance 71603
statements by electronic means of transmission, a person shall 71604
file the disclosure of electioneering communications statement 71605
prescribed under divisions (D) (1) and (2) of this section by 71606
electronic means of transmission to the office of the secretary 71607
of state. 71608

Within five business days after the secretary of state 71609
receives a disclosure of electioneering communications statement 71610
under this division, the secretary of state shall make available 71611
online to the public through the internet, as provided in 71612
division (G) of section 3517.106 of the Revised Code, the 71613
contribution and disbursement information in that statement. 71614

If a filed disclosure of electioneering communications 71615
statement is found to be incomplete or inaccurate after its 71616
examination for completeness and accuracy pursuant to division 71617
(B) (3) (a) of section 3517.11 of the Revised Code, the person 71618

shall file by electronic means of transmission to the office of 71619
the secretary of state any addendum, amendment, or other 71620
correction to the statement that provides the information 71621
necessary to complete or correct the statement or, if required 71622
by the secretary of state under that division, an amended 71623
statement. 71624

Within five business days after the secretary of state 71625
receives an addendum, amendment, or other correction to a 71626
disclosure of electioneering communications statement or an 71627
amended statement by electronic means of transmission under this 71628
division or division (B) (3) (a) of section 3517.11 of the Revised 71629
Code, the secretary of state shall make the contribution and 71630
disbursement information in the addendum, amendment, or other 71631
correction to the statement or amended statement available 71632
online to the public through the internet as provided in 71633
division (G) of section 3517.106 of the Revised Code. 71634

(E) (1) Any person who makes a contribution for the purpose 71635
of funding the direct costs of producing or airing an 71636
electioneering communication under this section shall provide 71637
the person's full name and address to the recipient of the 71638
contribution at the time the contribution is made. 71639

(2) Any individual who makes a contribution or 71640
contributions aggregating two hundred dollars or more for the 71641
purpose of funding the direct costs of producing or airing an 71642
electioneering communication under this section shall provide 71643
the name of the individual's current employer, if any, or, if 71644
the individual is self-employed, the individual's occupation and 71645
the name of the individual's business, if any, to the recipient 71646
of the contribution at the time the contribution is made. 71647

(F) In each electioneering communication, a statement 71648

shall appear or be presented in a clear and conspicuous manner 71649
that does both of the following: 71650

(1) Clearly indicates that the electioneering 71651
communication is not authorized by the candidate or the 71652
candidate's campaign committee; 71653

(2) Clearly identifies the person making the disbursement 71654
for the electioneering communication in accordance with section 71655
3517.20 of the Revised Code. 71656

(G) Any coordinated electioneering communication is an in- 71657
kind contribution, subject to the applicable contribution limits 71658
prescribed in section 3517.102 of the Revised Code, to the 71659
candidate by the person making disbursements to pay the direct 71660
costs of producing or airing the communication. 71661

~~(H) No person shall make, during the thirty days preceding 71662
a primary election or during the thirty days preceding a general 71663
election, any broadcast, cable, or satellite communication that 71664
refers to a clearly identified candidate using any contributions 71665
received from a corporation or labor organization. 71666~~

Sec. 3517.1012. (A) (1) Each state and county political 71667
party shall establish a restricted fund that is separate from 71668
all other accounts of the political party. 71669

(2) A state or county political party shall deposit into 71670
its restricted fund all gifts that are made to or accepted by 71671
the political party from a corporation or labor organization 71672
subject to the applicable limitations prescribed in division (X) 71673
of section 3517.13 of the Revised Code. A state or county 71674
political party may deposit into its restricted fund any gifts 71675
that are made to or accepted by the political party from a 71676
source other than a corporation or labor organization. 71677

(3) Moneys in a state or county political party's 71678
restricted fund may be disbursed to pay costs incurred for any 71679
of the following purposes—specified in division (A) of section— 71680
3517.18 of the Revised Code: 71681

(a) The defraying of operating and maintenance costs 71682
associated with political party headquarters, including rental 71683
or leasing costs, staff salaries, office equipment and supplies, 71684
postage, and the purchase, lease, or maintenance of computer 71685
hardware and software; 71686

(b) The organization of voter registration programs and 71687
get-out-the-vote campaigns and the costs associated with voter 71688
registration and get-out-the-vote activities, including, but not 71689
limited to, rental costs for booth spaces at fairs, festivals, 71690
or similar events if voter registration forms are available at 71691
those booths, printing costs for registration forms, mailing 71692
costs for communications soliciting voter registration, and 71693
payments for the services of persons conducting voter 71694
registration and get-out-the-vote activities; 71695

(c) The administration of party fund-raising drives; 71696

(d) Direct mail campaigns or other communications with the 71697
registered voters of a party that are not related to any 71698
particular candidate or election; 71699

(e) The preparation of reports required by law. 71700

(B) Except as otherwise provided in this division, a state 71701
or county political party shall file deposit and disbursement 71702
statements, in the same manner as the party is required to file 71703
statements of contributions and expenditures under section 71704
3517.10 of the Revised Code, regarding all deposits made into, 71705
and all disbursements made from, the party's restricted fund. 71706

Deposit and disbursement statements filed in accordance with 71707
this division by a county political party shall be filed by 71708
electronic means of transmission to the office of the secretary 71709
of state at the times specified in division (A) of section 71710
3517.10 of the Revised Code for the filing of statements of 71711
contributions and expenditures if the county political party 71712
accepts gifts from a corporation or labor organization under 71713
division (A) (2) of this section. 71714

Sec. 3517.11. (A) (1) Campaign committees of candidates for 71715
~~statewide office or the state board of education,~~ political 71716
action committees or political contributing entities that make 71717
contributions to campaign committees of candidates that are 71718
required to file the statements prescribed by section 3517.10 of 71719
the Revised Code with the secretary of state, political action 71720
committees or political contributing entities that make 71721
contributions to campaign committees of candidates for member of 71722
the general assembly, political action committees or political 71723
contributing entities that make contributions to state and 71724
national political parties and to legislative campaign funds, 71725
political action committees or political contributing entities 71726
that receive contributions or make expenditures in connection 71727
with a statewide ballot issue, political action committees or 71728
political contributing entities that make contributions to other 71729
political action committees or political contributing entities, 71730
political parties, and campaign committees, except as set forth 71731
in division (A) (3) of this section, legislative campaign funds, 71732
and state and national political parties shall file the 71733
statements prescribed by section 3517.10 of the Revised Code 71734
with the secretary of state. 71735

(2) (a) Except as otherwise provided in division (E) of 71736
section 3517.106 of the Revised Code, campaign committees of 71737

candidates for all other offices shall file the statements 71738
prescribed by section 3517.10 of the Revised Code with the board 71739
of elections where their candidates are required to file their 71740
petitions or other papers for nomination or election. 71741

(b) A campaign committee of a candidate for office of 71742
member of the general assembly or a campaign committee of a 71743
candidate for the office of judge of a court of appeals shall 71744
file two copies of the printed version of any statement, 71745
addendum, or amended statement if the committee does not file 71746
pursuant to division (E) or (J) of section 3517.106 of the 71747
Revised Code but files by printed version only with the 71748
appropriate board of elections. The board of elections shall 71749
send one of those copies by certified mail or an electronic copy 71750
to the secretary of state before the close of business on the 71751
day the board of elections receives the statement, addendum, or 71752
amended statement. 71753

(3) Political action committees or political contributing 71754
entities that only contribute to a county political party, 71755
contribute to campaign committees of candidates whose nomination 71756
or election is to be submitted only to electors within a county, 71757
subdivision, or district, excluding candidates for member of the 71758
general assembly, and receive contributions or make expenditures 71759
in connection with ballot questions or issues to be submitted 71760
only to electors within a county, subdivision, or district shall 71761
file the statements prescribed by section 3517.10 of the Revised 71762
Code with the board of elections in that county or in the county 71763
contained in whole or part within the subdivision or district 71764
having a population greater than that of any other county 71765
contained in whole or part within that subdivision or district, 71766
as the case may be. 71767

(4) Except as otherwise provided in division (E) (1) (e) of 71768
section 3517.106 of the Revised Code with respect to state 71769
candidate funds, county political parties shall file the 71770
statements prescribed by section 3517.10 of the Revised Code 71771
with the board of elections of their respective counties. 71772

(B) (1) The official with whom petitions and other papers 71773
for nomination or election to public office are filed shall 71774
furnish each candidate at the time of that filing a copy of 71775
sections 3517.01, 3517.08 to 3517.11, 3517.13 to 71776
~~3517.993~~3517.991, 3599.03, and 3599.031 of the Revised Code and 71777
any other materials that the secretary of state may require. 71778
Each candidate receiving the materials shall acknowledge their 71779
receipt in writing. 71780

(2) On or before the tenth day before the dates on which 71781
statements are required to be filed by section 3517.10 of the 71782
Revised Code, the secretary of state shall notify every 71783
candidate subject to the provisions of this section and sections 71784
3517.10 and 3517.106 of the Revised Code of the requirements and 71785
applicable penalties of those sections. The secretary of state 71786
shall notify all candidates required to file those statements 71787
with the secretary of state's office either by certified mail, 71788
or, if the secretary of state has record of an internet 71789
identifier of record associated with the candidate, by ordinary 71790
mail and by that internet identifier of record. The board of 71791
elections of every county shall notify by first class mail any 71792
candidate who has personally appeared at the office of the board 71793
on or before the tenth day before the statements are required to 71794
be filed and signed a form, to be provided by the secretary of 71795
state, attesting that the candidate has been notified of the 71796
candidate's obligations under the campaign finance law. The 71797
board shall forward the completed form to the secretary of 71798

state. The board shall notify all other candidates required to 71799
file those statements with it either by certified mail, or, if 71800
the secretary of state has record of an internet identifier of 71801
record associated with the candidate, by ordinary mail and by 71802
that internet identifier of record. 71803

(3) (a) Any statement required to be filed under sections 71804
3517.081 to ~~3517.14~~ 3517.13 of the Revised Code that is found to 71805
be incomplete or inaccurate by the officer to whom it is 71806
submitted shall be accepted on a conditional basis, and the 71807
person who filed it shall be notified by certified mail as to 71808
the incomplete or inaccurate nature of the statement. The 71809
secretary of state may examine statements filed for candidates 71810
for the office of member of the general assembly and candidates 71811
for the office of judge of a court of appeals for completeness 71812
and accuracy. The secretary of state shall examine for 71813
completeness and accuracy statements that campaign committees of 71814
candidates for the office of member of the general assembly and 71815
campaign committees of candidates for the office of judge of a 71816
court of appeals file pursuant to division (E) or (J) of section 71817
3517.106 of the Revised Code. If an officer at the board of 71818
elections where a statement filed for a candidate for the office 71819
of member of the general assembly or for a candidate for the 71820
office of judge of a court of appeals was submitted finds the 71821
statement to be incomplete or inaccurate, the officer shall 71822
immediately notify the secretary of state of its incomplete or 71823
inaccurate nature. If either an officer at the board of 71824
elections or the secretary of state finds a statement filed for 71825
a candidate for the office of member of the general assembly or 71826
for a candidate for the office of judge of a court of appeals to 71827
be incomplete or inaccurate, only the secretary of state shall 71828
send the notification as to the incomplete or inaccurate nature 71829

of the statement. 71830

Within twenty-one days after receipt of the notice, in the 71831
case of a pre-election statement, a postelection statement, a 71832
monthly statement, an annual statement, or a semiannual 71833
statement prescribed by section 3517.10, an annual statement 71834
prescribed by section 3517.101, or a statement prescribed by 71835
division (B) (2) (b) or (C) (2) (b) of section 3517.105 or section 71836
3517.107 of the Revised Code, the recipient shall file an 71837
addendum, amendment, or other correction to the statement 71838
providing the information necessary to complete or correct the 71839
statement. The secretary of state may require that, in lieu of 71840
filing an addendum, amendment, or other correction to a 71841
statement that is filed by electronic means of transmission to 71842
the office of the secretary of state or a board of elections 71843
pursuant to section 3517.106 of the Revised Code, the recipient 71844
of the notice described in this division file by electronic 71845
means of transmission an amended statement that incorporates the 71846
information necessary to complete or correct the statement. 71847

The secretary of state shall determine by rule when an 71848
addendum, amendment, or other correction to any of the following 71849
or when an amended statement of any of the following shall be 71850
filed: 71851

(i) A two-business-day statement prescribed by section 71852
3517.10 of the Revised Code; 71853

(ii) A disclosure of electioneering communications 71854
statement prescribed by division (D) of section 3517.1011 of the 71855
Revised Code; 71856

(iii) A deposit and disbursement statement prescribed 71857
under division (B) of section 3517.1012 of the Revised Code; 71858

(iv) A gift and disbursement statement prescribed under 71859
section 3517.1013 of the Revised Code; 71860

(v) A donation and disbursement statement prescribed under 71861
section 3517.1014 of the Revised Code. 71862

An addendum, amendment, or other correction to a statement 71863
that is filed by electronic means of transmission pursuant to 71864
section 3517.106 of the Revised Code shall be filed in the same 71865
manner as the statement. 71866

The provisions of sections 3517.10, 3517.106, 3517.1011, 71867
3517.1012, 3517.1013, and 3517.1014 of the Revised Code 71868
pertaining to the filing of statements of contributions and 71869
expenditures, statements of independent expenditures, disclosure 71870
of electioneering communications statements, deposit and 71871
disbursement statements, gift and disbursement statements, and 71872
donation and disbursement statements by electronic means of 71873
transmission apply to the filing of addenda, amendments, or 71874
other corrections to those statements by electronic means of 71875
transmission and the filing of amended statements by electronic 71876
means of transmission. 71877

(b) Within five business days after the secretary of state 71878
receives, by electronic or other means of transmission, an 71879
addendum, amendment, or other correction to a statement or an 71880
amended statement under division (B)(3)(a) of this section, the 71881
secretary of state, pursuant to divisions (E) and (G) of section 71882
3517.106 or division (D) of section 3517.1011 of the Revised 71883
Code, shall make the contribution and expenditure, contribution 71884
and disbursement, deposit and disbursement, gift and 71885
disbursement, or donation and disbursement information in that 71886
addendum, amendment, correction, or amended statement available 71887
online to the public through the internet. 71888

(4) (a) The secretary of state or the board of elections 71889
shall examine all statements for compliance with sections 71890
3517.08 to ~~3517.14~~ 3517.13 of the Revised Code. 71891

(b) The secretary of state may contract with an individual 71892
or entity not associated with the secretary of state and 71893
experienced in interpreting the campaign finance law of this 71894
state to conduct examinations of statements filed by any 71895
statewide candidate, as defined in section 3517.103 of the 71896
Revised Code. 71897

(c) The examination shall be conducted by a person or 71898
entity qualified to conduct it. The results of the examination 71899
shall be available to the public, and, when the examination is 71900
conducted by an individual or entity not associated with the 71901
secretary of state, the results of the examination shall be 71902
reported to the secretary of state. 71903

(C) (1) In the event of a failure to file or a late filing 71904
of a statement required to be filed under sections 3517.081 to 71905
~~3517.14~~ 3517.13 of the Revised Code, or if a filed statement or 71906
any addendum, amendment, or other correction to a statement or 71907
any amended statement, if an addendum, amendment, or other 71908
correction or an amended statement is required to be filed, is 71909
incomplete or inaccurate or appears to disclose a failure to 71910
comply with or a violation of law, the official whose duty it is 71911
to examine the statement shall promptly file a complaint ~~with~~ 71912
~~the Ohio elections commission~~ under section ~~3517.153~~ 3517.16 of 71913
the Revised Code if the law is ~~one over which the commission has~~ 71914
~~jurisdiction to hear complaints~~ listed in division (A) of section 71915
3517.15 of the Revised Code, or the official shall promptly 71916
report the failure or violation to the board of elections and 71917
the board shall promptly report it to the prosecuting attorney 71918

in accordance with division (J) of section 3501.11 of the Revised Code. ~~If the official files a complaint with the commission, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.~~

(2) For purposes of division (C)(1) of this section, a statement or an addendum, amendment, or other correction to a statement or an amended statement required to be filed under sections 3517.081 to ~~3517.14~~ 3517.13 of the Revised Code is incomplete or inaccurate under this section if the statement, addendum, amendment, other correction, or amended statement fails to disclose substantially all contributions, gifts, or donations that are received or deposits that are made that are required to be reported under sections 3517.10, 3517.107, 3517.108, 3517.1011, 3517.1012, 3517.1013, and 3517.1014 of the Revised Code or if the statement, addendum, amendment, other correction, or amended statement fails to disclose at least ninety per cent of the total contributions, gifts, or donations received or deposits made or of the total expenditures or disbursements made during the reporting period.

(D) No certificate of nomination or election shall be issued to a person, and no person elected to an office shall enter upon the performance of the duties of that office, until that person or that person's campaign committee, as appropriate, has fully complied with this section and sections 3517.08, 3517.081, 3517.10, and 3517.13 of the Revised Code.

Sec. 3517.121. Notwithstanding any contrary provision of the Revised Code:

(A) As used in this section:

(1) "Electioneering communication" has the same meaning as

in section 3517.1011 of the Revised Code. 71948

(2) "Foreign national" means any of the following, as 71949
applicable: 71950

(a) In the case of an individual, an individual who is not 71951
a United States citizen or national; 71952

(b) A government of a foreign country or of a political 71953
subdivision of a foreign country; 71954

(c) A foreign political party; 71955

(d) A person, other than an individual, that is organized 71956
under the laws of, or has its principal place of business in, a 71957
foreign country. 71958

(B) No foreign national shall, directly or indirectly 71959
through any person or entity, do any of the following: 71960

(1) Make a contribution, expenditure, or independent 71961
expenditure in support of or opposition to a candidate for any 71962
elective office in this state, including an office of a 71963
political party; 71964

(2) Make a contribution, expenditure, or independent 71965
expenditure in support of or opposition to a statewide ballot 71966
issue or question, regardless of whether the ballot issue or 71967
question has yet been certified to appear on the ballot; 71968

(3) Make a disbursement for the direct cost of producing 71969
or airing an electioneering communication; 71970

(4) Make a contribution to a candidate, campaign 71971
committee, political action committee, ~~political contributing~~ 71972
~~entity,~~ legislative campaign fund, state candidate fund, 71973
political party, or separate segregated fund, to any committee 71974

created to support or oppose a ballot issue or question, or, to 71975
the maximum extent permitted by law and by the constitutions of 71976
the United States and of this state, to a ~~continuing association~~ 71977
political contributing entity; 71978

(5) Promise, either expressly or implicitly, to make a 71979
contribution, expenditure, independent expenditure, or 71980
disbursement described in division (B) (1), (2), (3), or (4) of 71981
this section. 71982

(C) No individual, candidate, campaign committee, 71983
political action committee, ~~political contributing entity~~, 71984
legislative campaign fund, state candidate fund, political 71985
party, separate segregated fund, or committee created to support 71986
or oppose a ballot issue or question and, to the maximum extent 71987
permitted by law and by the constitutions of the United States 71988
and of this state, no ~~continuing association political~~ 71989
contributing entity shall, directly or indirectly through any 71990
other person or entity, knowingly do either of the following: 71991

(1) Solicit, accept, or receive any funds from a foreign 71992
national for any purpose described in division (B) of this 71993
section; 71994

(2) Make a contribution, expenditure, or independent 71995
expenditure using any funds the person knows were received from 71996
a foreign national for any purpose described in division (B) of 71997
this section. 71998

(D) No person shall knowingly aid or facilitate a 71999
violation of division (B) or (C) of this section. 72000

(E) Any complaint that alleges a violation of division (W) 72001
of section 3517.13 of the Revised Code shall be treated as 72002
instead alleging a violation of this section. 72003

(F) (1) Whoever knowingly violates division (B) of this 72004
section is guilty of a misdemeanor of the first degree on a 72005
first offense and is guilty of a felony of the fifth degree on a 72006
second or subsequent offense. The violator also shall be fined 72007
an amount equal to three times the amount involved in the 72008
violation or ten thousand dollars, whichever amount is greater. 72009

(2) Whoever knowingly violates division (C) of this 72010
section is guilty of a misdemeanor of the first degree on a 72011
first offense and is guilty of a felony of the fifth degree on a 72012
second or subsequent offense. The violator also shall be fined 72013
an amount equal to three times the amount involved in the 72014
violation or ten thousand dollars, whichever amount is greater, 72015
and shall be required to return the total amount accepted in 72016
violation of that division to the foreign national from whom it 72017
was accepted. 72018

(3) Whoever knowingly violates division (D) of this 72019
section is guilty of a misdemeanor of the first degree and shall 72020
be fined one thousand dollars. 72021

(G) (1) (a) Except as otherwise provided in division (G) (1) 72022
(b) of this section, the attorney general has exclusive 72023
authority to prosecute a violation of this section and has 72024
exclusive supervision and control of all investigations, 72025
prosecutions, and enforcement proceedings under this section. 72026

(b) If the attorney general is a victim or witness or 72027
otherwise involved in an alleged violation of this section, the 72028
attorney general shall refer the matter to the appropriate 72029
prosecutor, as determined under division ~~(A) (2)~~ (C) of section 72030
~~3517.155~~ 3517.17 of the Revised Code, except that if applicable, 72031
the attorney general shall make the determination described in 72032
division ~~(A) (2) (b)~~ (B) (2) of that section instead of the Ohio 72033

~~elections~~ election integrity commission. 72034

(2) Upon the occurrence of either of the following, the 72035
attorney general shall investigate an alleged violation of this 72036
section in consultation with the secretary of state: 72037

(a) The submission of a written request to the attorney 72038
general by the governor, the secretary of state, the general 72039
assembly, or the Ohio ~~elections~~ election integrity commission, 72040
alleging a violation of this section; 72041

(b) The filing of a complaint with the attorney general by 72042
an elector of this state, alleging a violation of this section. 72043

(3) If it appears to the attorney general, after 72044
conducting an investigation under division (G) (2) of this 72045
section, that there is probable cause to believe that a 72046
violation of this section has occurred, the attorney general may 72047
prosecute the violation in a court of competent jurisdiction. 72048

(H) When proceeding under this section, the attorney 72049
general and any assistant or special counsel designated by the 72050
attorney general for that purpose have all the rights, 72051
privileges, and powers conferred by law on prosecuting 72052
attorneys, including the power to appear before grand juries and 72053
to interrogate witnesses before such grand juries. These powers 72054
of the attorney general are in addition to any other applicable 72055
powers of the attorney general. 72056

Sec. 3517.13. (A) (1) No campaign committee of a statewide 72057
candidate shall fail to file a complete and accurate statement 72058
required under division (A) (1) of section 3517.10 of the Revised 72059
Code. 72060

(2) No campaign committee of a statewide candidate shall 72061
fail to file a complete and accurate monthly statement, and no 72062

campaign committee of a statewide candidate or a candidate for 72063
the office of chief justice or justice of the supreme court 72064
shall fail to file a complete and accurate two-business-day 72065
statement, as required under section 3517.10 of the Revised 72066
Code. 72067

As used in this division, "statewide candidate" has the 72068
same meaning as in division (F) (2) of section 3517.10 of the 72069
Revised Code. 72070

(B) No campaign committee shall fail to file a complete 72071
and accurate statement required under division (A) (1) of section 72072
3517.10 of the Revised Code. 72073

(C) No campaign committee shall fail to file a complete 72074
and accurate statement required under division (A) (2) of section 72075
3517.10 of the Revised Code. 72076

(D) No campaign committee shall fail to file a complete 72077
and accurate statement required under division (A) (3) or (4) of 72078
section 3517.10 of the Revised Code. 72079

(E) No person other than a campaign committee shall 72080
knowingly fail to file a statement required under section 72081
3517.10 or 3517.107 of the Revised Code. 72082

(F) No person shall make cash contributions to any person 72083
totaling more than one hundred dollars in each primary, special, 72084
or general election. 72085

(G) (1) No person shall knowingly conceal or misrepresent 72086
contributions given or received, expenditures made, or any other 72087
information required to be reported by a provision in sections 72088
3517.08 to 3517.13 of the Revised Code. 72089

(2) (a) No person shall make a contribution to a campaign 72090

committee, political action committee, political contributing 72091
entity, legislative campaign fund, political party, or person 72092
making disbursements to pay the direct costs of producing or 72093
airing electioneering communications in the name of another 72094
person. 72095

(b) A person does not make a contribution in the name of 72096
another when either of the following applies: 72097

(i) An individual makes a contribution from a partnership 72098
or other unincorporated business account, ~~if the contribution is~~ 72099
~~reported by listing both the name of the partnership or other~~ 72100
~~unincorporated business and the name of the partner or owner~~ 72101
~~making the contribution as required~~ permitted under division ~~(I)~~ 72102
(I) (1) (b) of section 3517.10 of the Revised Code. 72103

(ii) A person makes a contribution in that person's 72104
spouse's name or in both of their names. 72105

(H) No person within this state, publishing a newspaper or 72106
other periodical, shall charge a campaign committee for 72107
political advertising a rate in excess of the rate such person 72108
would charge if the campaign committee were a general rate 72109
advertiser whose advertising was directed to promoting its 72110
business within the same area as that encompassed by the 72111
particular office that the candidate of the campaign committee 72112
is seeking. The rate shall take into account the amount of space 72113
used, as well as the type of advertising copy submitted by or on 72114
behalf of the campaign committee. All discount privileges 72115
otherwise offered by a newspaper or periodical to general rate 72116
advertisers shall be available upon equal terms to all campaign 72117
committees. 72118

No person within this state, operating a radio or 72119

television station or network of stations in this state, shall 72120
charge a campaign committee for political broadcasts a rate that 72121
exceeds: 72122

(1) During the forty-five days preceding the date of a 72123
primary election and during the sixty days preceding the date of 72124
a general or special election in which the candidate of the 72125
campaign committee is seeking office, the lowest unit charge of 72126
the station for the same class and amount of time for the same 72127
period; 72128

(2) At any other time, the charges made for comparable use 72129
of that station by its other users. 72130

(I) Subject to divisions (K), (L), (M), and (N) of this 72131
section, no agency or department of this state or any political 72132
subdivision shall award any contract, other than one let by 72133
competitive bidding or a contract incidental to such contract or 72134
which is by force account, for the purchase of goods costing 72135
more than five hundred dollars or services costing more than 72136
five hundred dollars to any individual, partnership, 72137
association, including, without limitation, a professional 72138
association organized under Chapter 1785. of the Revised Code, 72139
estate, or trust if the individual has made or the individual's 72140
spouse has made, or any partner, shareholder, administrator, 72141
executor, or trustee or the spouse of any of them has made, as 72142
an individual, within the two previous calendar years, one or 72143
more contributions totaling in excess of one thousand dollars to 72144
the holder of the public office having ultimate responsibility 72145
for the award of the contract or to the public officer's 72146
campaign committee. 72147

(J) Subject to divisions (K), (L), (M), and (N) of this 72148
section, no agency or department of this state or any political 72149

subdivision shall award any contract, other than one let by 72150
competitive bidding or a contract incidental to such contract or 72151
which is by force account, for the purchase of goods costing 72152
more than five hundred dollars or services costing more than 72153
five hundred dollars to a corporation or business trust, except 72154
a professional association organized under Chapter 1785. of the 72155
Revised Code, if an owner of more than twenty per cent of the 72156
corporation or business trust or the spouse of that person has 72157
made, as an individual, within the two previous calendar years, 72158
taking into consideration only owners for all of that period, 72159
one or more contributions totaling in excess of one thousand 72160
dollars to the holder of a public office having ultimate 72161
responsibility for the award of the contract or to the public 72162
officer's campaign committee. 72163

(K) For purposes of divisions (I) and (J) of this section, 72164
if a public officer who is responsible for the award of a 72165
contract is appointed by the governor, whether or not the 72166
appointment is subject to the advice and consent of the senate, 72167
excluding members of boards, commissions, committees, 72168
authorities, councils, boards of trustees, task forces, and 72169
other such entities appointed by the governor, the office of the 72170
governor is considered to have ultimate responsibility for the 72171
award of the contract. 72172

(L) For purposes of divisions (I) and (J) of this section, 72173
if a public officer who is responsible for the award of a 72174
contract is appointed by the elected chief executive officer of 72175
a municipal corporation, or appointed by the elected chief 72176
executive officer of a county operating under an alternative 72177
form of county government or county charter, excluding members 72178
of boards, commissions, committees, authorities, councils, 72179
boards of trustees, task forces, and other such entities 72180

appointed by the chief executive officer, the office of the 72181
chief executive officer is considered to have ultimate 72182
responsibility for the award of the contract. 72183

(M) (1) Divisions (I) and (J) of this section do not apply 72184
to contracts awarded by the board of commissioners of the 72185
sinking fund, municipal legislative authorities, boards of 72186
education, boards of county commissioners, boards of township 72187
trustees, or other boards, commissions, committees, authorities, 72188
councils, boards of trustees, task forces, and other such 72189
entities created by law, by the supreme court or courts of 72190
appeals, by county courts consisting of more than one judge, 72191
courts of common pleas consisting of more than one judge, or 72192
municipal courts consisting of more than one judge, or by a 72193
division of any court if the division consists of more than one 72194
judge. This division shall apply to the specified entity only if 72195
the members of the entity act collectively in the award of a 72196
contract for goods or services. 72197

(2) Divisions (I) and (J) of this section do not apply to 72198
actions of the controlling board. 72199

(N) (1) Divisions (I) and (J) of this section apply to 72200
contributions made to the holder of a public office having 72201
ultimate responsibility for the award of a contract, or to the 72202
public officer's campaign committee, during the time the person 72203
holds the office and during any time such person was a candidate 72204
for the office. Those divisions do not apply to contributions 72205
made to, or to the campaign committee of, a candidate for or 72206
holder of the office other than the holder of the office at the 72207
time of the award of the contract. 72208

(2) Divisions (I) and (J) of this section do not apply to 72209
contributions of a partner, shareholder, administrator, 72210

executor, trustee, or owner of more than twenty per cent of a 72211
corporation or business trust made before the person held any of 72212
those positions or after the person ceased to hold any of those 72213
positions in the partnership, association, estate, trust, 72214
corporation, or business trust whose eligibility to be awarded a 72215
contract is being determined, nor to contributions of the 72216
person's spouse made before the person held any of those 72217
positions, after the person ceased to hold any of those 72218
positions, before the two were married, after the granting of a 72219
decree of divorce, dissolution of marriage, or annulment, or 72220
after the granting of an order in an action brought solely for 72221
legal separation. Those divisions do not apply to contributions 72222
of the spouse of an individual whose eligibility to be awarded a 72223
contract is being determined made before the two were married, 72224
after the granting of a decree of divorce, dissolution of 72225
marriage, or annulment, or after the granting of an order in an 72226
action brought solely for legal separation. 72227

(0) No beneficiary of a campaign fund or other person 72228
shall convert for personal use, and no person shall knowingly 72229
give to a beneficiary of a campaign fund or any other person, 72230
for the beneficiary's or any other person's personal use, 72231
anything of value from the beneficiary's campaign fund, 72232
including, without limitation, payments to a beneficiary for 72233
services the beneficiary personally performs, except as 72234
reimbursement for any of the following: 72235

(1) Legitimate and verifiable prior campaign expenses 72236
incurred by the beneficiary; 72237

(2) Legitimate and verifiable ordinary and necessary prior 72238
expenses incurred by the beneficiary in connection with duties 72239
as the holder of a public office, including, without limitation, 72240

expenses incurred through participation in nonpartisan or 72241
bipartisan events if the participation of the holder of a public 72242
office would normally be expected; 72243

(3) Legitimate and verifiable ordinary and necessary prior 72244
expenses incurred by the beneficiary while doing any of the 72245
following: 72246

(a) Engaging in activities in support of or opposition to 72247
a candidate other than the beneficiary, political party, or 72248
ballot issue; 72249

(b) Raising funds for a political party, political action 72250
committee, political contributing entity, legislative campaign 72251
fund, campaign committee, or other candidate; 72252

(c) Participating in the activities of a political party, 72253
political action committee, political contributing entity, 72254
legislative campaign fund, or campaign committee; 72255

(d) Attending a political party convention or other 72256
political meeting. 72257

For purposes of this division, an expense is incurred 72258
whenever a beneficiary has either made payment or is obligated 72259
to make payment, as by the use of a credit card or other credit 72260
procedure or by the use of goods or services received on 72261
account. 72262

(P) No beneficiary of a campaign fund shall knowingly 72263
accept, and no person shall knowingly give to the beneficiary of 72264
a campaign fund, reimbursement for an expense under division (O) 72265
of this section to the extent that the expense previously was 72266
reimbursed or paid from another source of funds. If an expense 72267
is reimbursed under division (O) of this section and is later 72268
paid or reimbursed, wholly or in part, from another source of 72269

funds, the beneficiary shall repay the reimbursement received 72270
under division (O) of this section to the extent of the payment 72271
made or reimbursement received from the other source. 72272

(Q) No candidate or public official or employee shall 72273
accept for personal or business use anything of value from a 72274
political party, political action committee, political 72275
contributing entity, legislative campaign fund, or campaign 72276
committee other than the candidate's or public official's or 72277
employee's own campaign committee, and no person shall knowingly 72278
give to a candidate or public official or employee anything of 72279
value from a political party, political action committee, 72280
political contributing entity, legislative campaign fund, or 72281
such a campaign committee, except for the following: 72282

(1) Reimbursement for legitimate and verifiable ordinary 72283
and necessary prior expenses not otherwise prohibited by law 72284
incurred by the candidate or public official or employee while 72285
engaged in any legitimate activity of the political party, 72286
political action committee, political contributing entity, 72287
legislative campaign fund, or such campaign committee. Without 72288
limitation, reimbursable expenses under this division include 72289
those incurred while doing any of the following: 72290

(a) Engaging in activities in support of or opposition to 72291
another candidate, political party, or ballot issue; 72292

(b) Raising funds for a political party, legislative 72293
campaign fund, campaign committee, or another candidate; 72294

(c) Attending a political party convention or other 72295
political meeting. 72296

(2) Compensation not otherwise prohibited by law for 72297
actual and valuable personal services rendered under a written 72298

contract to the political party, political action committee, 72299
political contributing entity, legislative campaign fund, or 72300
such campaign committee for any legitimate activity of the 72301
political party, political action committee, political 72302
contributing entity, legislative campaign fund, or such campaign 72303
committee. 72304

Reimbursable expenses under this division do not include, 72305
and it is a violation of this division for a candidate or public 72306
official or employee to accept, or for any person to knowingly 72307
give to a candidate or public official or employee from a 72308
political party, political action committee, political 72309
contributing entity, legislative campaign fund, or campaign 72310
committee other than the candidate's or public official's or 72311
employee's own campaign committee, anything of value for 72312
activities primarily related to the candidate's or public 72313
official's or employee's own campaign for election, except for 72314
contributions to the candidate's or public official's or 72315
employee's campaign committee. 72316

For purposes of this division, an expense is incurred 72317
whenever a candidate or public official or employee has either 72318
made payment or is obligated to make payment, as by the use of a 72319
credit card or other credit procedure, or by the use of goods or 72320
services on account. 72321

(R) (1) Division (O) or (P) of this section does not 72322
prohibit a campaign committee from making direct advance or post 72323
payment from contributions to vendors for goods and services for 72324
which reimbursement is permitted under division (O) of this 72325
section, except that no campaign committee shall pay its 72326
candidate or other beneficiary for services personally performed 72327
by the candidate or other beneficiary. 72328

(2) If any expense that may be reimbursed under division 72329
(O), (P), or (Q) of this section is part of other expenses that 72330
may not be paid or reimbursed, the separation of the two types 72331
of expenses for the purpose of allocating for payment or 72332
reimbursement those expenses that may be paid or reimbursed may 72333
be by any reasonable accounting method, considering all of the 72334
surrounding circumstances. 72335

(3) For purposes of divisions (O), (P), and (Q) of this 72336
section, mileage allowance at a rate not greater than that 72337
allowed by the internal revenue service at the time the travel 72338
occurs may be paid instead of reimbursement for actual travel 72339
expenses allowable. 72340

(S) (1) As used in division (S) of this section: 72341

(a) "State elective office" has the same meaning as in 72342
section 3517.092 of the Revised Code. 72343

(b) "Federal office" means a federal office as defined in 72344
the Federal Election Campaign Act. 72345

(c) "Federal campaign committee" means a principal 72346
campaign committee or authorized committee as defined in the 72347
Federal Election Campaign Act. 72348

(2) No person who is a candidate for state elective office 72349
and who previously sought nomination or election to a federal 72350
office shall transfer any funds or assets from that person's 72351
federal campaign committee for nomination or election to the 72352
federal office to that person's campaign committee as a 72353
candidate for state elective office. 72354

(3) No campaign committee of a person who is a candidate 72355
for state elective office and who previously sought nomination 72356
or election to a federal office shall accept any funds or assets 72357

from that person's federal campaign committee for that person's 72358
nomination or election to the federal office. 72359

(T) (1) Except as otherwise provided in division (B) (6) (c) 72360
of section 3517.102 of the Revised Code, a state or county 72361
political party shall not disburse moneys from any account other 72362
than a state candidate fund to make contributions to any of the 72363
following: 72364

(a) A state candidate fund; 72365

(b) A legislative campaign fund; 72366

(c) A campaign committee of a candidate for the office of 72367
governor, lieutenant governor, secretary of state, auditor of 72368
state, treasurer of state, attorney general, ~~member of the state~~ 72369
~~board of education,~~ or member of the general assembly. 72370

(2) No state candidate fund, legislative campaign fund, or 72371
campaign committee of a candidate for any office described in 72372
division (T) (1) (c) of this section shall knowingly accept a 72373
contribution in violation of division (T) (1) of this section. 72374

(U) No person shall fail to file a statement required 72375
under section 3517.12 of the Revised Code. 72376

(V) No campaign committee shall fail to file a statement 72377
required under division (K) (3) of section 3517.10 of the Revised 72378
Code. 72379

(W) (1) No foreign national shall, directly or indirectly 72380
through any other person or entity, make a contribution, 72381
expenditure, or independent expenditure or promise, either 72382
expressly or implicitly, to make a contribution, expenditure, or 72383
independent expenditure in support of or opposition to a 72384
candidate for any elective office in this state, including an 72385

office of a political party. 72386

(2) No candidate, campaign committee, political action 72387
committee, political contributing entity, legislative campaign 72388
fund, state candidate fund, political party, or separate 72389
segregated fund shall solicit or accept a contribution, 72390
expenditure, or independent expenditure from a foreign national. 72391
The secretary of state may direct any candidate, committee, 72392
entity, fund, or party that accepts a contribution, expenditure, 72393
or independent expenditure in violation of this division to 72394
return the contribution, expenditure, or independent expenditure 72395
or, if it is not possible to return the contribution, 72396
expenditure, or independent expenditure, then to return instead 72397
the value of it, to the contributor. 72398

(3) As used in division (W) of this section, 72399
"foreignnational" has the same meaning as in section 441e(b) of 72400
the Federal Election Campaign Act. 72401

(X) (1) No state or county political party shall transfer 72402
any moneys from its restricted fund to any account of the 72403
political party into which contributions may be made or from 72404
which contributions or expenditures may be made. 72405

(2) (a) No state or county political party shall deposit a 72406
contribution or contributions that it receives into its 72407
restricted fund. 72408

(b) No state or county political party shall make a 72409
contribution or an expenditure from its restricted fund. 72410

(3) (a) No corporation or labor organization shall make a 72411
gift or gifts from the corporation's or labor organization's 72412
money or property aggregating more than ten thousand dollars to 72413
any one state or county political party for the party's 72414

restricted fund in a calendar year. 72415

(b) No state or county political party shall accept a gift 72416
or gifts for the party's restricted fund aggregating more than 72417
ten thousand dollars from any one corporation or labor 72418
organization in a calendar year. 72419

(4) No state or county political party shall transfer any 72420
moneys in the party's restricted fund to any other state or 72421
county political party. 72422

(5) No state or county political party shall knowingly 72423
fail to file a statement required under section 3517.1012 of the 72424
Revised Code. 72425

~~(Y)~~ (Y) (1) No political action committee or political 72426
contributing entity that accepts a contribution from a 72427
corporation or labor organization shall knowingly make a 72428
contribution to a candidate, campaign committee, political 72429
party, or legislative campaign fund. 72430

(2) No political action committee or political 72431
contributing entity that accepts a contribution from a 72432
corporation or labor organization shall knowingly make a 72433
contribution to a political action committee or political 72434
contributing entity, other than to a political action committee 72435
or political contributing entity that makes only independent 72436
expenditures and contributions to political action committees or 72437
political contributing entities that make only independent 72438
expenditures. 72439

(3) No candidate, campaign committee, political party, 72440
legislative campaign fund, political action committee, or 72441
political contributing entity shall knowingly accept a 72442
contribution in violation of division (Y) (1) or (2) of this 72443

section. 72444

(Z) The administrator of workers' compensation and the 72445
employees of the bureau of workers' compensation shall not 72446
conduct any business with or award any contract, other than one 72447
awarded by competitive bidding, for the purchase of goods 72448
costing more than five hundred dollars or services costing more 72449
than five hundred dollars to any individual, partnership, 72450
association, including, without limitation, a professional 72451
association organized under Chapter 1785. of the Revised Code, 72452
estate, or trust, if the individual has made, or the 72453
individual's spouse has made, or any partner, shareholder, 72454
administrator, executor, or trustee, or the spouses of any of 72455
those individuals has made, as an individual, within the two 72456
previous calendar years, one or more contributions totaling in 72457
excess of one thousand dollars to the campaign committee of the 72458
governor or lieutenant governor or to the campaign committee of 72459
any candidate for the office of governor or lieutenant governor. 72460

~~(Z)~~ (AA) The administrator of workers' compensation and 72461
the employees of the bureau of workers' compensation shall not 72462
conduct business with or award any contract, other than one 72463
awarded by competitive bidding, for the purchase of goods 72464
costing more than five hundred dollars or services costing more 72465
than five hundred dollars to a corporation or business trust, 72466
except a professional association organized under Chapter 1785. 72467
of the Revised Code, if an owner of more than twenty per cent of 72468
the corporation or business trust, or the spouse of the owner, 72469
has made, as an individual, within the two previous calendar 72470
years, taking into consideration only owners for all of such 72471
period, one or more contributions totaling in excess of one 72472
thousand dollars to the campaign committee of the governor or 72473
lieutenant governor or to the campaign committee of any 72474

candidate for the office of governor or lieutenant governor. 72475

Sec. ~~3517.152~~ 3517.14. (A) (1) There is hereby ~~created in~~ 72476
~~the office of the secretary of state the Ohio elections election~~ 72477
~~integrity commission,~~ consisting of ~~seven the following five~~ 72478
members: 72479

(a) A chairperson appointed by the secretary of state; 72480

(b) One member appointed by the speaker of the house of 72481
representatives; 72482

(c) One member appointed by the minority leader of the 72483
house of representatives; 72484

(d) One member appointed by the president of the senate; 72485

(e) One member appointed by the senate minority leader. 72486

~~Not later than forty-five days after August 24, 1995, the~~ 72487
~~speaker of the house of representatives and the leader in the~~ 72488
~~senate of the political party of which the speaker is a member~~ 72489
~~shall jointly submit to the governor a list of five persons who~~ 72490
~~are affiliated with that political party. Not later than forty-~~ 72491
~~five days after August 24, 1995, the two legislative leaders in~~ 72492
~~the two houses of the general assembly of the major political~~ 72493
~~party of which the speaker is not a member shall jointly submit~~ 72494
~~to the governor a list of five persons who are affiliated with~~ 72495
~~the major political party of which the speaker is not a member.~~ 72496
~~Not later than fifteen days after receiving each list, the~~ 72497
~~governor shall appoint three persons from each list to the~~ 72498
~~commission. The governor shall appoint one person from each list~~ 72499
~~to a term that ends on December 31, 1996, one person from each~~ 72500
~~list to a term that ends on December 31, 1997, and one person~~ 72501
~~from each list to a term that ends on December 31, 1998.~~ 72502

~~Not later than thirty days after the governor appoints these six members, they shall, by a majority vote, appoint to the commission a seventh member, who shall not be affiliated with a political party. If the six members fail to appoint the seventh member within this thirty-day period, the chief justice of the supreme court, not later than thirty days after the end of the period during which the six members were required to appoint a member, shall appoint the seventh member, who shall not be affiliated with a political party. The seventh member shall be appointed to a term that ends on December 31, 2001. Terms of the initial members appointed under this division begin on January 1, 1996.~~

~~(2) (a) If a vacancy occurs in the position of the seventh member, who is not affiliated with a political party, the six remaining members by a majority vote shall appoint, not later than forty-five days after the date of the vacancy, the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of this period, shall appoint the seventh member, who shall not be affiliated with a political party.~~

~~(b) If a vacancy occurs in any of the other six positions on the commission, the legislative leaders of the political party from whose list of persons the member being replaced was appointed shall submit to the governor, not later than thirty days after the date of the vacancy, a list of three persons who are affiliated with that political party. Not later than fifteen days after receiving the list, the governor, with the advice and consent of the senate, shall appoint one person from the list to the commission.~~

~~(3) (a) For the purpose of appointing alternates to the commission, not later than forty-five days after the effective date of this section, the speaker of the house of representatives and the leader in the senate of the political party of which the speaker is a member shall jointly submit to the governor a list of three persons who are affiliated with that political party. Not later than forty-five days after the effective date of this section, the two legislative leaders in the two houses of the general assembly of the major political party of which the speaker is not a member shall jointly submit to the governor a list of three persons who are affiliated with the major political party of which the speaker is not a member. Not later than fifteen days after receiving each list, the governor shall appoint one person from each list as an alternate to the commission to a term that ends on December 31, 2026. The initial term described in this division begins upon appointment by the governor. If a vacancy occurs in the position of alternate under this division, the vacancy shall be filled in the same manner as described in division (A) (2) (b) of this section.~~

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~~(b) For the purpose of appointing an alternate for the seventh member who is not affiliated with a political party, the six members who are affiliated with a political party by a majority vote shall appoint, not later than forty-five days after the effective date of this amendment, the alternate for the seventh member of the commission, who shall not be affiliated with a political party. If these members fail to appoint the alternate for the seventh member within this forty-five-day period, the chief justice of the supreme court, within fifteen days after the end of that period, shall appoint the alternate for the seventh member, who shall not be affiliated~~

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~~with a political party. The seventh member shall be appointed to~~ 72565
~~a term that ends on December 31, 2026. The initial term~~ 72566
~~described in this division begins upon the appointment of the~~ 72567
~~alternate. If a vacancy occurs in the position of alternate for~~ 72568
~~the seventh member who is not affiliated with a political party,~~ 72569
~~the vacancy shall be filled in the same manner as described in~~ 72570
~~division (A) (2) (a) of this section.~~ 72571

~~(4) At no time shall more than six members of the~~ 72572
~~commission be affiliated with a political party, and, of these~~ 72573
~~six members, not more than three shall be affiliated with the~~ 72574
~~same political party.~~ 72575

~~(5) In making appointments to the commission, including~~ 72576
~~alternates, the governor shall take into consideration the~~ 72577
~~various geographic areas of this state and shall appoint members~~ 72578
~~and alternates so that those areas are represented on the~~ 72579
~~commission in a balanced manner, to the extent feasible.~~ 72580

~~(6) Members and alternates~~ (2) (a) The chairperson of the 72581
commission shall be a registered elector to whom at least one of 72582
the following applies: 72583

(i) The person is an attorney in good standing before the 72584
supreme court of Ohio. 72585

(ii) The person has at least four years of work experience 72586
in election administration. 72587

(b) Each member of the commission appointed by a member of 72588
the general assembly shall be a registered elector and shall be 72589
of good moral character elector to whom at least one of the 72590
following applies: 72591

(i) The person is an attorney in good standing before the 72592
supreme court of Ohio. 72593

(ii) The person has at least four years of work experience 72594
in election administration. 72595

(iii) The person has appeared on the ballot at a general 72596
election as a candidate for election to an office, other than 72597
the office of presidential elector. 72598

~~(7) Alternates shall serve on the commission when a member~~ 72599
~~of the commission is recused from hearing a complaint or is~~ 72600
~~otherwise unable to hear a complaint. Alternates shall serve on~~ 72601
~~the commission during a vacancy until the vacancy is filled. An~~ 72602
~~alternate may only serve in lieu of a member affiliated with the~~ 72603
~~same political party as the alternate. The alternate for the~~ 72604
~~unaffiliated seventh member of the commission may only serve in~~ 72605
~~lieu of the unaffiliated seventh member of the commission. When~~ 72606
~~serving in this capacity, alternates count as members of the~~ 72607
~~commission for the purpose of constituting a quorum under~~ 72608
~~division (C) (3) of this section.~~ 72609

(3) The members of the commission appointed under 72610
divisions (A) (1) (a), (c), and (d) of this section shall serve 72611
initial terms of four years beginning on January 1, 2026, and 72612
the members appointed under divisions (A) (1) (b) and (e) of this 72613
section shall serve initial terms of two years beginning on 72614
January 1, 2026. Thereafter, all terms shall be four years. 72615

~~(B) Each member and alternate of the Ohio elections~~ 72616
~~commission shall hold office from the date of the member's~~ 72617
~~appointment until the end of the term for which the member was~~ 72618
~~appointed. A member appointed to fill a vacancy occurring prior~~ 72619
~~to the expiration of the term for which the member's predecessor~~ 72620
~~was appointed shall hold office for the remainder of that term.~~ 72621
~~A member shall continue in office subsequent to the expiration~~ 72622
~~date of the member's term until the member's successor takes~~ 72623

office or until a period of sixty days has elapsed, whichever 72624
occurs first. ~~After the initial terms of office provided for in~~ 72625
~~divisions (A) (1) and (3) of this section, terms of office shall~~ 72626
~~be for five years.~~ 72627

(C) A vacancy ~~in on the Ohio elections commission~~ may be 72628
caused by death, or resignation, ~~or three absences from~~ 72629
~~commission meetings in a calendar year if those absences are~~ 72630
~~caused by reasons declared invalid by a vote of five members of~~ 72631
~~the remaining members of the commission~~ by removal under division 72632
(I) of this section. Any vacancy shall be filled in the same 72633
manner as for the original appointment. 72634

(D) Each member of the ~~Ohio elections commission~~ while in 72635
the performance of the business of the commission shall be 72636
entitled to receive compensation at the rate of ~~twenty-five-five~~ 72637
thousand dollars per year. Members shall be reimbursed for 72638
expenses actually and necessarily incurred in the performance of 72639
their duties. 72640

~~Each alternate of the Ohio elections commission, when~~ 72641
~~serving on the commission as described in division (A) (7) of~~ 72642
~~this section, shall be paid at the per diem rate of one hundred~~ 72643
~~fifty dollars, and shall be reimbursed for expenses actually and~~ 72644
~~necessarily incurred in the performance of the alternate's~~ 72645
~~duties.~~ 72646

(E) No member of the ~~Ohio elections commission~~ shall serve 72647
for more than one full term unless the terms served are served 72648
nonconsecutively two successive terms of four years. Terms are 72649
considered successive unless separated by a period of at least 72650
four years. In determining a person's eligibility to be a member 72651
of the commission, all of the following apply: 72652

(1) Time spent as a member in fulfillment of a term to 72653
which another person was first appointed shall not be 72654
considered, provided that a period of at least four years has 72655
passed between the time, if any, when the person previously was 72656
a member and the time the person is appointed to fulfill the 72657
unexpired term. 72658

(2) A person who is appointed to serve a full term and 72659
resigns before completing the term is considered to have served 72660
the full term. 72661

(3) A two year term served under division (A) (3) of this 72662
section is considered a full term of four years. 72663

(F) (1) No member ~~or alternate~~ of the Ohio ~~elections~~ 72664
election integrity commission shall do or be any of the 72665
following: 72666

(a) Hold, or be a candidate for, a public office; 72667

(b) Serve on a committee supporting or opposing a 72668
candidate or ballot question or issue; 72669

(c) Be an officer of the state central committee, a county 72670
central committee, or a district, city, township, or other 72671
committee of a political party or an officer of the executive 72672
committee of the state central committee, a county central 72673
committee, or a district, city, township, or other committee of 72674
a political party; 72675

(d) Be a legislative agent as defined in section 101.70 of 72676
the Revised Code or an executive agency lobbyist as defined in 72677
section 121.60 of the Revised Code; 72678

(e) Solicit or be involved in soliciting contributions on 72679
behalf of a candidate, campaign committee, political party, 72680

political action committee, or political contributing entity; 72681

(f) Be in the unclassified service under section 124.11 of 72682
the Revised Code; 72683

(g) Be a person or employee who is excluded from the 72684
definition of public employee pursuant to division (C) of 72685
section 4117.01 of the Revised Code. 72686

(2) No member, ~~alternate~~, or employee of the commission 72687
shall make a contribution to, or for the benefit of, a campaign 72688
committee or committee in support of or opposition to a ballot 72689
question or issue, a political party, a legislative campaign 72690
fund, a political action committee, or a political contributing 72691
entity. 72692

(G) (1) ~~The members of the Ohio elections commission shall~~ 72693
~~elect a chairperson and a vice-chairperson. At no time shall the~~ 72694
~~chairperson and vice-chairperson be affiliated with the same~~ 72695
~~political party. The chairperson shall serve in that capacity~~ 72696
~~for one year and shall not serve as chairperson more than twice~~ 72697
~~during a term as a member of the commission. No two successive~~ 72698
~~chairpersons shall be affiliated with the same political party.~~ 72699

~~(2)~~ The commission shall meet at the call of the 72700
chairperson or upon the written request of a majority of the 72701
members. The meetings and hearings of the commission ~~or a panel~~ 72702
~~of the commission~~ under sections ~~3517.153 to 3517.157~~ 3517.15 to 72703
3517.18 of the Revised Code are subject to section 121.22 of the 72704
Revised Code. 72705

~~(3)~~ (2) The commission shall adopt rules for its 72706
procedures in accordance with Chapter 119. of the Revised Code. 72707
~~Five-Four~~ of the ~~seven-five~~ members constitute a quorum. Except 72708
as otherwise provided in this section and in sections ~~3517.154-~~ 72709

~~to 3517.157-3517.15 to 3517.18~~ of the Revised Code, no action 72710
shall be taken without the concurrence of a majority of the 72711
members. 72712

(H) (1) The ~~Ohio elections~~ commission shall employ the 72713
technical, professional, and clerical employees that are 72714
necessary for it to carry out its duties, and the attorney 72715
general shall provide legal counsel to the commission upon the 72716
commission's request. 72717

~~(2) (a) Notwithstanding section 109.02 of the Revised Code,~~ 72718
~~the commission shall employ a full-time attorney, and, as~~ 72719
~~needed, one or more investigatory attorneys to conduct~~ 72720
~~investigations for the commission or a panel of the commission.~~ 72721
~~The commission may employ or contract for the services of~~ 72722
~~additional attorneys, as needed. The full-time attorney shall do~~ 72723
~~all of the following:~~ 72724

~~(i) Serve as the commission's attorney in regard to all~~ 72725
~~legal matters, including representing the commission at appeals~~ 72726
~~from a final determination of the commission, except that the~~ 72727
~~full-time attorney shall not perform the duties that an~~ 72728
~~investigatory attorney is required or requested to perform or~~ 72729
~~that another attorney the commission employs or contracts with~~ 72730
~~for services is required or requested to perform, and shall not~~ 72731
~~represent the commission in any legal proceeding in which the~~ 72732
~~commission is a named party;~~ 72733

~~(ii) At the request of the commission or a panel of the~~ 72734
~~commission, be present at a hearing held under sections 3517.154~~ 72735
~~to 3517.156 of the Revised Code to rule on the admissibility of~~ 72736
~~evidence and to advise on the conduct of procedure;~~ 72737

~~(iii) Perform other duties as required by rule of the~~ 72738

~~commission.~~ 72739

~~(b) An attorney employed by or under contract with the~~ 72740
~~commission shall be licensed to practice law in this state.~~ 72741

~~(3) (a) Except as otherwise provided in division (H) (3) (b)~~ 72742
~~of this section, at~~ (2) At least five ~~four~~ members of the 72743
commission shall agree on the employment of a person, a majority 72744
of the members shall agree on the discharge of an employee, and 72745
a person employed by the commission shall serve at the pleasure 72746
of the commission. 72747

~~(b) At least five of the seven members shall agree on the~~ 72748
~~discharge of an investigatory attorney.~~ 72749

~~(I) There is hereby created in the state treasury the Ohio~~ 72750
~~elections commission fund. All moneys credited to the fund shall~~ 72751
~~be used solely for the purpose of paying expenses related to the~~ 72752
~~operation of the Ohio elections commission.~~ (I) (1) The secretary 72753
of state, the speaker or minority leader of the house of 72754
representatives, or the president or minority leader of the 72755
senate may file a complaint in the supreme court of Ohio, 72756
seeking the removal of a member of the commission on any of the 72757
following grounds: 72758

(a) That the member does not meet the applicable 72759
requirements of division (A) (2) of this section; 72760

(b) That the member has violated division (F) of this 72761
section; 72762

(c) That the member has been absent from three or more 72763
meetings of the commission in a calendar year; 72764

(d) That the member is guilty of misconduct in office, as 72765
described in section 3.07 of the Revised Code. 72766

(2) The court shall hear a complaint filed with it under
division (I)(1) of this section on an expedited basis. If the
court determines that the charges in the complaint are true, the
court shall order the member removed from the commission, and
the seat shall be considered vacant.

Sec. ~~3517.153~~ 3517.15. (A) ~~Upon the filing of a complaint~~
~~with the Ohio elections commission, which shall be made by~~
~~affidavit of any person, on personal knowledge, and subject to~~
~~the penalties for perjury, or upon the filing of a complaint~~
~~made by the secretary of state or an official at the board of~~
~~elections, setting forth a failure to comply with or a violation~~
~~of any provision in sections 3517.08 to 3517.13, 3517.20 to~~
~~3517.22, 3599.03, or 3599.031 of the Revised Code, the~~
~~commission shall proceed in accordance with sections 3517.154 to~~
~~3517.157 of the Revised Code.~~

~~(B) The commission shall prescribe the form for complaints~~
~~made under division (A) of this section. The secretary of state~~
~~and boards of elections shall furnish the information that the~~
~~commission requests. The commission or a member of the~~
~~commission may administer oaths, and the commission may issue~~
~~subpoenas to any person in the state compelling the attendance~~
~~of witnesses and the production of relevant papers, books,~~
~~accounts, and reports. Section 101.42 of the Revised Code~~
~~governs the issuance of subpoenas insofar as applicable. Upon~~
~~the refusal of any person to obey a subpoena or to be sworn or~~
~~to answer as a witness, the commission may apply to the court of~~
~~common pleas of Franklin county under section 2705.03 of the~~
~~Revised Code. The court shall hold proceedings in accordance~~
~~with Chapter 2705. of the Revised Code.~~

~~(C) No prosecution shall commence for a violation of a~~

provision in sections 145.054, 742.043, 3307.073, 3309.073, 72797
3501.35, 3517.08 to 3517.12, 3517.13, 3517.17, 3517.18, 3517.20 72798
to 3517.22, 3599.03, ~~or 3599.031,~~ 3599.13, 3599.14, 3599.21, or 72799
5505.045, division (A) of section 3599.11, or division (A) (1) or 72800
(2) of section 3599.12 of the Revised Code unless a complaint 72801
has been filed with the ~~commission~~ secretary of state under this 72802
section 3517.16 of the Revised Code and all proceedings ~~of the~~ 72803
~~commission or a panel of the commission, as appropriate,~~ under 72804
sections ~~3517.154 to 3517.157~~ 3517.16 to 3517.18 of the Revised 72805
Code are completed. 72806

~~(D)~~ (B) (1) The Ohio election integrity commission shall 72807
hear all matters referred to the commission by the secretary of 72808
state under division (E) (3) of section 3517.16 of the Revised 72809
Code. 72810

(2) The commission may recommend legislation and render 72811
advisory opinions concerning ~~sections 3517.08, 3517.082,~~ 72812
~~3517.092, 3517.102, 3517.105, 3517.1014, 3517.13, 3517.20 to~~ 72813
~~3517.22, 3599.03, and 3599.031~~ the provisions of the Revised 72814
Code listed in division (A) of this section for persons over 72815
whose acts ~~it~~ the commission has or may have jurisdiction. When 72816
the commission, or the joint legislative ethics committee as 72817
provided in division (C) (2) of section 102.08 of the Revised 72818
Code, renders an advisory opinion relating to a specific set of 72819
circumstances involving any of those sections stating that there 72820
is no violation of a provision in those sections, the person to 72821
whom the opinion is directed or a person who is similarly 72822
situated may reasonably rely on the opinion and is immune from 72823
criminal prosecution and a civil action, including, without 72824
limitation, a civil action for removal from public office or 72825
employment, based on facts and circumstances covered by the 72826
opinion. An advisory opinion issued by the Ohio elections 72827

commission that is in effect as of the effective date of this 72828
amendment is considered an advisory opinion of the Ohio election 72829
integrity commission, unless and until the Ohio election 72830
integrity commission amends or rescinds the advisory opinion. 72831

~~(E)~~ (3) The commission shall declare campaign committees 72832
and political action committees as terminated, as described in 72833
section 3517.1010 of the Revised Code. 72834

(C) The secretary of state and the boards of elections 72835
shall furnish the information that the commission requests. The 72836
commission or a member of the commission may administer oaths, 72837
and the commission may issue subpoenas to any person in the 72838
state compelling the attendance of witnesses and the production 72839
of relevant papers, books, accounts, and reports. Section 101.42 72840
of the Revised Code governs the issuance of subpoenas insofar as 72841
applicable. Upon the refusal of any person to obey a subpoena or 72842
to be sworn or to answer as a witness, the commission may apply 72843
to the court of common pleas of Franklin county under section 72844
2705.03 of the Revised Code. The court shall hold proceedings in 72845
accordance with Chapter 2705. of the Revised Code. 72846

(D) The Ohio election integrity commission shall establish 72847
a web site on which it shall post, at a minimum, all decisions 72848
and advisory opinions issued by the commission, all decisions 72849
and advisory opinions issued by the Ohio elections commission 72850
before the effective date of this amendment, all advisory 72851
opinions issued by the joint legislative ethics committee under 72852
division (C)(2) of section 102.08 of the Revised Code, and 72853
copies of each election law as it is amended by the general 72854
assembly. The Ohio election integrity commission shall update 72855
the web site regularly to reflect any changes to those decisions 72856
and advisory opinions and any new decisions and advisory 72857

opinions.

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Sec. ~~3517.154~~ 3517.16. (A) (1)

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~~The full-time~~ Any person who has personal knowledge of a violation of a provision of the Revised Code listed in division (A) of section 3517.15 of the Revised Code may file a complaint with the secretary of state, on a form prescribed by the secretary of state and signed under penalty of perjury.

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(2) The secretary of state or an official at a board of elections may file a complaint with the secretary of state, on a form prescribed by the secretary of state and signed under penalty of perjury, alleging a violation of a provision of the Revised Code listed in division (A) of section 3517.15 of the Revised Code.

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(B) Subject to division (G) of this section, the secretary of state shall designate an attorney ~~for~~ in good standing before the supreme court of Ohio ~~elections commission shall to~~ review each complaint filed with the ~~commission~~ secretary of state under division (A) of this section ~~3517.153 of the Revised Code, shall determine the nature of the complaint, and, unless division (A) (2) (a) of this section requires that the complaint receive an automatic expedited hearing, shall make a recommendation to the commission for its disposition, in accordance with this section. The attorney shall make the determination and the recommendation, if required, not later than one business day after the complaint is filed.~~

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~~(2) (a) If the attorney determines that the complaint sets forth a violation of division (B) of section 3517.21 or division (B) of section 3517.22 of the Revised Code and that the complaint is filed during one of the periods of time specified~~

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~~in division (B) (1) of section 3517.156 of the Revised Code, the
complaint shall receive an automatic expedited hearing under
section 3517.156 of the Revised Code.~~

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~~(b) If the attorney determines that the complaint sets
forth a failure to comply with or a violation of division (G),
(I), (J), (O), (P), or (Q) of section 3517.13, division (A) of
section 3517.21, or division (A) of section 3517.22 of the
Revised Code and that the complaint is filed during one of the
periods of time specified in division (B) (1) of section 3517.156
of the Revised Code, the attorney shall recommend to the
commission that the complaint receive an expedited hearing under
section 3517.156 of the Revised Code, and the complaint shall
receive such a hearing.~~

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~~(c) If the attorney determines that the complaint sets
forth a failure to comply with or a violation of a section of
the Revised Code over which the commission has jurisdiction to
hear complaints other than the sections described in divisions
(A) (2) (a) and (b) of this section, and unless the attorney makes
a determination as provided for in division (A) (3) of this
section, the attorney shall recommend to the commission that the
complaint be submitted to the commission under section 3517.155
of the Revised Code. After the attorney makes that
recommendation, the attorney shall notify all parties to the
complaint of the attorney's recommendation.~~

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~~(3) (a) If a complaint sets forth a failure to comply with
or a violation of a section of the Revised Code over which the
commission has jurisdiction to hear complaints other than the
sections described in divisions (A) (2) (a) and (b) of this
section and if the complaint is filed during one of the periods
of time specified in division (B) (1) of section 3517.156 of the~~

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~~Revised Code, the attorney may determine that the complaint should receive an expedited hearing under that section. The attorney shall make that determination by considering one or more of the following:~~

~~(i) The number of prior failures to comply with or violations of Title XXXV of the Revised Code that the person or entity against whom the complaint has been brought has committed and any prior penalties the commission has imposed on the person or entity;~~

~~(ii) If the complaint involves a statement required to be filed under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, or 3517.1014 of the Revised Code or an addendum required to be filed under section 3517.11 of the Revised Code that is filed late, how late the filing is and how much time has elapsed between the deadline for filing the statement or addendum and the filing of the complaint;~~

~~(iii) If the complaint involves contributions and expenditures, contributions and disbursements, deposits and disbursements, gifts and disbursements, or donations and disbursements required to be reported under section 3517.10, division (E) of section 3517.102, or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code that are either not reported or reported late, the number of contributions and expenditures, contributions and disbursements, deposits and disbursements, gifts and disbursements, or donations and disbursements not reported or how late they were reported;~~

~~(iv) If the complaint involves contributions required to be reported by a campaign committee under section 3517.10,~~

~~division (E) of section 3517.102, or section 3517.105, 3517.107, 72947~~
~~3517.108, or 3517.109 of the Revised Code that are not reported, 72948~~
~~whether any of the contributors of the contributions not 72949~~
~~reported have a personal or professional relationship with the 72950~~
~~campaign committee's candidate; 72951~~

~~(v) If the complaint involves a statement required to be 72952~~
~~filed under section 3517.10, division (E) of section 3517.102, 72953~~
~~or section 3517.105, 3517.107, 3517.108, 3517.109, 3517.1011, 72954~~
~~3517.1012, 3517.1013, or 3517.1014 of the Revised Code that is 72955~~
~~incomplete, the degree to which it is incomplete; 72956~~

~~(vi) If the complaint involves the receipt of 72957~~
~~contributions in violation of section 3599.03 of the Revised 72958~~
~~Code, the dollar amount and number of contributions received in 72959~~
~~violation of that section; 72960~~

~~(vii) If the complaint involves a failure to make the 72961~~
~~identification or a misstatement of the identification required 72962~~
~~under section 3517.105 or 3517.20 of the Revised Code, whether 72963~~
~~the failure or misstatement was purposely made; 72964~~

~~(viii) If the complaint sets forth a failure to comply 72965~~
~~with or a violation of a section of the Revised Code described 72966~~
~~in division (A) (2) (c) of this section, whether the person or 72967~~
~~entity against whom the complaint has been made has committed 72968~~
~~more than one such failure or violation within a reasonable 72969~~
~~amount of time, or whether the cumulative nature of the failures 72970~~
~~or violations indicates a systematic disregard for the law. 72971~~

~~(b) Prior to making a determination under division (A) (3) 72972~~
~~(a) of this section that the complaint should receive an 72973~~
~~expedited hearing under section 3517.156 of the Revised Code, 72974~~
~~the attorney shall take into consideration the number of panels 72975~~

~~of the commission that have cases pending before them and the~~ 72976
~~number of cases pending before the panels and shall not make a~~ 72977
~~determination that will place an undue burden on a panel of the~~ 72978
~~commission.~~ 72979

~~(e) If the attorney determines that the complaint should~~ 72980
~~receive an expedited hearing under section 3517.156 of the~~ 72981
~~Revised Code, the attorney shall recommend to the commission~~ 72982
~~that the complaint receive an expedited hearing, and, if a~~ 72983
~~majority of the members of the commission agrees with the~~ 72984
~~recommendation, the complaint shall receive an expedited hearing~~ 72985
~~under that section.~~ 72986

~~(4)-(C) (1) Upon the filing of a complaint, the attorney~~ 72987
~~shall review the complaint. If the complaint does not allege a~~ 72988
~~violation of a provision of the Revised Code listed in division~~ 72989
~~(A) of section 3517.15 of the Revised Code or, in the case of a~~ 72990
~~complaint filed under division (A) (1) of this section, is not~~ 72991
~~based on personal knowledge, the secretary of state shall~~ 72992
~~dismiss the complaint. Except as otherwise provided in division~~ 72993
~~(C) (2) of this section, a dismissal under this division is~~ 72994
~~without prejudice.~~ 72995

~~(2) After a complaint is dismissed under division (C) (1)~~ 72996
~~of this section on the ground that the complaint is not based on~~ 72997
~~personal knowledge, if the same person files another complaint~~ 72998
~~alleging the same or a substantially similar violation and the~~ 72999
~~complaint is not based on personal knowledge, the secretary of~~ 73000
~~state shall dismiss the complaint with prejudice.~~ 73001

~~(D) If the complaint is not dismissed under division (C)~~ 73002
~~of this section, the attorney shall notify the person who is~~ 73003
~~alleged to have committed the violation of the complaint and~~ 73004
~~afford the person an opportunity for a hearing in accordance~~ 73005

with Chapter 119. of the Revised Code. After holding any 73006
hearing, the attorney shall draft a report and recommend that 73007
the secretary of state make a finding and, if applicable, impose 73008
a fine or refer the matter for prosecution, in accordance with 73009
section 3517.17 of the Revised Code. 73010

(E) The attorney may join two or more complaints if the 73011
attorney determines that the allegations in each complaint are 73012
of the same or similar character, are based on the same act or 73013
failure to act, or are based on two or more acts or failures to 73014
act constituting parts of a common scheme or plan. If one 73015
complaint contains two or more allegations, the attorney may 73016
separate the allegations if they are not of the same or similar 73017
character, if they are not based on the same act or failure to 73018
act, or if they are not based on two or more acts or failures to 73019
act constituting parts of a common scheme or plan. If the 73020
attorney separates the allegations in a complaint, the attorney 73021
may make separate recommendations under division ~~(A) (2) or (3)~~ 73022
(D) of this section for each allegation. 73023

~~(B) Whenever a person or other entity files a complaint~~ 73024
~~with the commission setting forth a failure to comply with or a~~ 73025
~~violation of a section of the Revised Code as described in~~ 73026
~~division (A) (2) (c) of this section and the complaint is filed~~ 73027
~~during one of the periods of time specified in division (B) (1)~~ 73028
~~of section 3517.156 of the Revised Code, the person or entity~~ 73029
~~may request an expedited hearing under that section at the time~~ 73030
~~the complaint is filed. The attorney for the commission shall~~ 73031
~~inform the members of the commission of that request at the time~~ 73032
~~the attorney makes a recommendation under division (A) of this~~ 73033
~~section. The commission may grant the request for an expedited~~ 73034
~~hearing under this division if it determines that an expedited~~ 73035
~~hearing is practicable.~~ (F) (1) Upon receiving the recommendation 73036

of the attorney under division (D) of this section, the 73037
secretary of state shall review the report and recommendation 73038
and shall do one of the following: 73039

(a) Refer the matter back to the attorney for further 73040
investigation and a revised recommendation under division (D) of 73041
this section; 73042

(b) Make a finding in accordance with section 3517.17 of 73043
the Revised Code, and, if applicable, impose a fine or refer the 73044
matter for prosecution. 73045

(2) The secretary of state shall send notice of the 73046
secretary of state's decision under division (F) (1) (b) of this 73047
section to the person who is alleged to have committed the 73048
violation by certified mail. 73049

(3) If, within fourteen days after receiving the notice, 73050
the person objects to the secretary of state's decision, the 73051
secretary of state shall not impose a fine or refer the matter 73052
for prosecution, and shall refer the matter to the Ohio election 73053
integrity commission for its determination under section 3517.17 73054
of the Revised Code. 73055

(4) If the person does not object to the secretary of 73056
state's decision within fourteen days after receiving the 73057
notice, the secretary of state's decision is final and, if 73058
applicable, the secretary of state shall impose a fine or refer 73059
the matter for prosecution as determined under division (F) (1) 73060
(b) of this section. 73061

(G) (1) If any of the following apply to a complaint, the 73062
secretary of state shall proceed under division (G) (2) of this 73063
section: 73064

(a) The secretary of state is a party to the complaint. 73065

(b) A candidate for an office for which the secretary of 73066
state is also a candidate is a party to the complaint or is 73067
otherwise involved in the complaint. 73068

(c) The complaint involves a contribution, expenditure, or 73069
independent expenditure made to advocate the election or defeat 73070
of the secretary of state or a candidate for an office for which 73071
the secretary of state is also a candidate. 73072

(d) The secretary of state determines that the secretary 73073
of state otherwise has a conflict of interest with respect to 73074
the complaint or that the secretary of state should proceed 73075
under division (G) (2) of this section to avoid any appearance of 73076
impropriety. 73077

(2) Notwithstanding any contrary provision of divisions 73078
(B) to (F) of this section, when division (G) (1) of this section 73079
applies to a complaint, the secretary of state shall request the 73080
attorney general to appoint an attorney who is in good standing 73081
before the supreme court of Ohio to fulfill the duties of the 73082
attorney described in divisions (B) to (F) of this section. The 73083
attorney general shall appoint the attorney and shall fulfill 73084
the duties of the secretary of state under divisions (B) to (F) 73085
of this section. 73086

Sec. ~~3517.155~~ 3517.17. (A) (1) Except as otherwise provided 73087
in division ~~(B)~~ (A) (2) of this section, upon the referral of a 73088
matter for a hearing under division (F) (3) of section 3517.16 of 73089
the Revised Code, the Ohio ~~elections~~ election integrity 73090
commission shall ~~hold its first hearing on a~~ appoint an attorney 73091
in good standing before the supreme court of Ohio to review and 73092
hear the complaint ~~filed in accordance with it, other than a~~ 73093
complaint that receives an expedited hearing under section 73094
3517.156 of the Revised Code, not later than ninety business 73095

~~days after the complaint is filed unless the commission has good~~ 73096
~~cause to hold the hearing after that time, in which case it~~ 73097
~~shall hold the hearing not later than one hundred eighty~~ 73098
~~business days after the complaint is filed~~Chapter 119. of the 73099
Revised Code. At the hearing, the commissionThe attorney shall 73100
draft a report and recommend that the commission make a finding 73101
and, if applicable, impose a fine or refer the matter for 73102
prosecution, in accordance with division (B) of this section. 73103

(2) Upon receiving the recommendation of the attorney 73104
under division (A) (1) of this section, the commission shall 73105
review the report and recommendation and shall do one of the 73106
following: 73107

(a) Refer the matter back to the attorney for further 73108
investigation and a revised recommendation under division (A) (1) 73109
of this section; 73110

(b) Make a finding in accordance with division (B) of this 73111
section and, if applicable, impose a fine or refer the matter 73112
for prosecution. 73113

(B) (1) Except as otherwise provided in division (B) (2) of 73114
this section, the secretary of state or the commission, as 73115
applicable, shall determine by a preponderance of the evidence 73116
whether or not the failure to act or the a violation alleged in 73117
the a complaint has occurred and shall do only one of the 73118
following, except as otherwise provided in division (B) of this 73119
section or in division (B) of section 3517.151 of the Revised 73120
Code: 73121

(a) Enter a finding that good cause has been shown not to 73122
impose a fine or not to refer the matter to the appropriate 73123
prosecutorFind that no violation has occurred; 73124

(b) ~~Impose~~ Find that a violation has occurred and impose a fine under section ~~3517.993~~ 3517.171 of the Revised Code; 73125
73126

(c) ~~Refer~~ Find that a significant violation has occurred or that repeated violations have occurred and refer the matter to the appropriate prosecutor~~+~~, as determined under division (C) of this section. 73127
73128
73129
73130

(2) ~~As used in~~ In the case of a complaint that alleges a violation of division (A) or (B) of section 3517.21 or division (A) or (B) of section 3517.22 of the Revised Code, the secretary of state or the commission, as applicable, shall determine by clear and convincing evidence whether or not the violation has occurred and shall do only one of the following: 73131
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73133
73134
73135
73136

(a) Find that no violation has occurred; 73137

(b) Find that a violation has occurred and refer the matter to the appropriate prosecutor, as determined under division (C) of this section. 73138
73139
73140

(C) For purposes of division ~~(A)~~ (B) of this section, "the appropriate prosecutor" ~~means is~~ a prosecutor as defined in section 2935.01 of the Revised Code and either of the following: 73141
73142
73143

~~(a)~~ (1) In the case of a failure to comply with or a violation of law involving a campaign committee or the committee's candidate, a political party, a legislative campaign fund, a political action committee, or a political contributing entity, that is required to file a statement of contributions and expenditures with the secretary of state under division (A) of section 3517.11 of the Revised Code, the prosecutor of Franklin county; 73144
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73146
73147
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73151

~~(b)~~ (2) In the case of a failure to comply with or a violation of law involving any other ~~campaign committee or~~ 73152
73153

~~committee's candidate, or any other political party, political-~~ 73154
~~action committee, or political contributing entity either~~ 73155
person, one of the following as determined by the secretary of 73156
state or the commission, as applicable: 73157

(i) The prosecutor of Franklin county; 73158

(ii) The prosecutor of the county in which the candidacy 73159
or ballot question or issue, if applicable, is submitted to the 73160
electors or, if it is submitted in more than one county, the 73161
most populous of those counties; 73162

(iii) The prosecutor of the county in which the person 73163
resides. 73164

~~(B) If the commission decides that the evidence is-~~ 73165
~~insufficient for it to determine whether or not the failure to-~~ 73166
~~act or the violation alleged in the complaint has occurred, the-~~ 73167
~~commission, by the affirmative vote of five members, may request~~ 73168
~~that an investigatory attorney investigate the complaint. Upon-~~ 73169
~~that request, an investigatory attorney shall make an-~~ 73170
~~investigation in order to produce sufficient evidence for the-~~ 73171
~~commission to decide the matter. If the commission requests an-~~ 73172
~~investigation under this division, for good cause shown by the-~~ 73173
~~investigatory attorney, the commission may extend by sixty days-~~ 73174
~~the deadline for holding its first hearing on the complaint as-~~ 73175
~~required in division (A) of this section.~~ 73176

~~(C) The commission shall take one of the actions required-~~ 73177
~~under division (A) of this section not later than thirty days-~~ 73178
~~after the close of all the evidence presented.~~ 73179

~~(D) (1) The commission shall make any finding of a failure-~~ 73180
~~to comply with or a violation of law in regard to a complaint-~~ 73181
~~that alleges a violation of division (A) or (B) of section-~~ 73182

3517.21, or division (A) or (B) of section 3517.22 of the
Revised Code by clear and convincing evidence. The commission
shall make any finding of a failure to comply with or a
violation of law in regard to any other complaint by a
preponderance of the evidence.

(2) If the commission finds a violation of division (B) of
section 3517.21 or division (B) of section 3517.22 of the
Revised Code, it shall refer the matter to the appropriate
prosecutor under division (A) (1) (c) of this section and shall
not impose a fine under division (A) (1) (b) of this section or
section 3517.993 of the Revised Code.

(E) In an action before the commission or a panel of the
commission, if (D) If the allegations of the complainant are not
proved, and the secretary of state or the commission takes the
action described in division (A) (1) (a) of this section or a
panel of the commission takes the action described in division
(C) (1) of section 3517.156 of the Revised Code, as applicable,
determines that no violation has occurred, the secretary of
state or the commission or a panel of the commission, as
applicable, may find that the complaint is frivolous, and, if
the commission or panel so finds, the commission shall order the
complainant to pay reasonable attorney's fees and to pay the
costs of the secretary of state or the commission or panel as
determined by a majority of the members of the commission, as
applicable. The costs paid to the commission or panel under this
division shall be deposited into the Ohio elections election
integrity commission fund.

Sec. 3517.993 3517.171. This section authorizes the
establishment of fines that may be imposed only with respect to
acts or failures to act that occur on and after August 24, 1995.

(A) Except as otherwise provided in division ~~(D) (2)~~ (D) of 73213
this section 3517.155 of the Revised Code, when section 3517.17 73214
of the Revised Code authorizes the imposition of an 73215
administrative fine, the secretary of state or the Ohio 73216
elections election integrity commission-, as applicable, may 73217
impose an administrative fines under division (A) (1) (b) of 73218
section 3517.155 of the Revised Code in accordance with the 73219
amounts set forth under sections 3517.992, 3599.03, and 3599.031 73220
of the Revised Code fine of up to one thousand dollars for each 73221
violation. 73222

~~(B) The commission may suspend all or part of a fine it~~ 73223
~~imposes under this section upon whatever terms and conditions~~ 73224
~~the commission considers just.~~ 73225

~~(C) (1)~~ (B) (1) The secretary of state or the commission-, 73226
as applicable, shall consider any of the following circumstances 73227
in determining whether to impose a maximum fine under division 73228
(A) of this section: 73229

(a) Whether the violator has been found guilty of any 73230
other violation of section 145.054, 742.043, 3307.073, 3309.073, 73231
or 5505.045 or Title XXXV of the Revised Code; 73232

(b) Whether the violation was made knowingly or purposely; 73233

(c) Whether any relevant statements, addenda, or 73234
affidavits required to be filed have not been filed; 73235

(d) Whether the violator has any outstanding fines imposed 73236
for a violation of section 145.054, 742.043, 3307.073, 3309.073, 73237
or 5505.045 or Title XXXV of the Revised Code; 73238

(e) Whether the violation occurred during the course of a 73239
campaign. 73240

(2) The secretary of state or the commission-, as 73241
applicable, shall consider any of the following circumstances in 73242
determining whether to impose a ~~minimal~~-lesser fine ~~or no fine~~- 73243
under division (A) of this section: 73244

(a) Whether the violator previously has not been found 73245
guilty of any other violation of section 145.054, 742.043, 73246
3307.073, 3309.073, or 5505.045 or Title XXXV of the Revised 73247
Code; 73248

(b) Whether the violator has promptly corrected the 73249
violator's violation; 73250

(c) Whether the nature and circumstances of the violation 73251
merit a ~~minimum~~-lesser fine; 73252

(d) Whether there are substantial grounds tending to 73253
excuse or justify the violation, although failing to establish a 73254
defense to the violation; 73255

(e) Whether the violation was not purposely committed. 73256

(3) The circumstances set forth in divisions ~~(C) (1)~~-(B) (1) 73257
and (2) of this section shall be considered by, but shall not 73258
control the decision of, the secretary of state or the 73259
commission-, as applicable, in imposing a fine. 73260

(D) Notwithstanding divisions (A), (B), and (C) of this 73261
section, when section 3517.17 of the Revised Code authorizes the 73262
imposition of an administrative fine with respect to an act or 73263
failure to act that occurred before the effective date of this 73264
section, the secretary of state or the commission, as 73265
applicable, shall impose the fine authorized under the Revised 73266
Code and, if applicable, under the rules of the Ohio elections 73267
commission, as they existed at the time of the violation. 73268

(E) (1) ~~Fines imposed by the commission~~ under this section 73269
shall be ~~paid~~ deposited into the Ohio ~~elections~~ election 73270
integrity commission fund created by section 111.29 of the 73271
Revised Code. 73272

(2) The secretary of state shall certify to the attorney 73273
general for collection under section 131.02 of the Revised Code 73274
the amount of any fine imposed by the secretary of state, by the 73275
Ohio election integrity commission, or by the Ohio elections 73276
commission under this section or under a former version of this 73277
section that is not paid within forty-five days after it is 73278
imposed. 73279

Sec. ~~3517.157~~ 3517.18. (A) A complaint shall be filed with 73280
the ~~Ohio elections commission~~ secretary of state under section 73281
3517.16 of the Revised Code within two years after the 73282
occurrence of the act or failure to act that is the subject of 73283
the complaint, except that if the act or failure to act involves 73284
fraud, concealment, or misrepresentation and was not discovered 73285
during that two-year period, a complaint may be filed within one 73286
year after discovery of such act or failure to act. 73287

(B) Whoever files a complaint with the ~~commission~~ 73288
secretary of state under section ~~3517.153~~ 3517.16 of the Revised 73289
Code may withdraw it at ~~the following times:~~ 73290

~~(1) If the complaint receives an expedited hearing under~~ 73291
~~section 3517.156 of the Revised Code, at any time prior to the~~ 73292
~~hearing without the permission of the commission, or at any time~~ 73293
~~after the hearing begins but only with the permission of the~~ 73294
~~commission;~~ 73295

~~(2) If the complaint does not receive an expedited~~ 73296
~~hearing, at any time.~~ 73297

~~(C) The commission may dismiss a complaint pending before~~ 73298
~~it or before a panel of the commission.~~ 73299

~~(D) The commission or a panel of the commission shall~~ 73300
~~conduct hearings in accordance with Chapter 119. of the Revised~~ 73301
~~Code and the Rules of Civil Procedure, except as they are~~ 73302
~~inconsistent with rules adopted by the commission. A party~~ 73303
~~adversely affected by a final determination of the commission,~~ 73304
~~including the secretary of state, may appeal from the~~ 73305
~~determination under section 119.12 of the Revised Code.~~ 73306

~~(E) The privilege granted to an attorney under section~~ 73307
~~2317.02 of the Revised Code shall be granted to the full-time~~ 73308
~~attorney employed by the commission under division (H) (2) of~~ 73309
~~section 3517.152 of the Revised Code, and the commission or a~~ 73310
~~panel of the commission shall be considered the client of that~~ 73311
~~attorney for purposes of that privilege.~~ 73312

~~(F)~~ (D) The members of the commission shall not do either 73313
of the following except at a meeting of the commission subject 73314
to section 121.22 of the Revised Code: 73315

(1) Discuss among themselves a complaint pending before 73316
the commission ~~or a panel of the commission;~~ 73317

(2) Discuss a complaint pending before the commission ~~or a~~ 73318
~~panel of the commission~~ with a party to the complaint, an 73319
attorney representing a party to the complaint, or an 73320
~~investigatory attorney of the commission~~ appointed to hear the 73321
complaint. 73322

Sec. 3517.20. (A) As used in this section: 73323

(1) "Political publication for or against a candidate" 73324
means a notice, placard, advertisement, sample ballot, brochure, 73325
flyer, direct mailer, or other form of general publication that 73326

is designed to promote the nomination, election, or defeat of a 73327
candidate. 73328

(2) "Political publication for or against an issue" means 73329
a notice, placard, advertisement, sample ballot, brochure, 73330
flyer, direct mailer, or other form of general publication that 73331
is designed to promote the adoption or defeat of a ballot issue 73332
or question or to influence the voters in an election. 73333

(3) "Public political advertising" means newspapers, 73334
magazines, outdoor advertising facilities, direct mailings, or 73335
other similar types of general public political advertising, or 73336
flyers, handbills, or other nonperiodical printed matter. 73337

(4) "Statewide candidate" has the same meaning as in 73338
section 3517.102 of the Revised Code. 73339

(5) "Legislative candidate" means a candidate for the 73340
office of member of the general assembly. 73341

(6) "Local candidate" means a candidate for an elective 73342
office of a political subdivision of this state. 73343

(7) "Legislative campaign fund" has the same meaning as in 73344
section 3517.01 of the Revised Code. 73345

(8) "Limited political action committee" means a political 73346
action committee of fewer than ten members. 73347

(9) "Limited political contributing entity" means a 73348
political contributing entity of fewer than ten members. 73349

(10) "Designated amount" means one hundred dollars in the 73350
case of a local candidate or a local ballot issue, two hundred 73351
fifty dollars in the case of a legislative candidate, or five 73352
hundred dollars in the case of a statewide candidate or a 73353
statewide ballot issue. 73354

(11) "To issue" includes to print, post, distribute, 73355
reproduce for distribution, or cause to be issued, printed, 73356
posted, distributed, or reproduced for distribution. 73357

(12) "Telephone bank" means more than five hundred 73358
telephone calls of an identical or substantially similar nature 73359
within any thirty-day period, whether those telephone calls are 73360
made by individual callers or by recording. 73361

(B) (1) Except as otherwise provided in division (B) (2) of 73362
this section, no entity shall do any of the following unless the 73363
name of the entity appears in a conspicuous place on or is 73364
contained or included within the publication, communication, or 73365
telephone call: 73366

(a) Issue a form of political publication in support of or 73367
opposition to a candidate or a ballot issue or question; 73368

(b) Make an expenditure for the purpose of financing 73369
political communications in support of or opposition to a 73370
candidate or a ballot issue or question through public political 73371
advertising; 73372

(c) Utter or cause to be uttered, over the broadcasting 73373
facilities of any radio or television station within this state, 73374
any communication in support of or opposition to a candidate or 73375
a ballot issue or question or any communication that is designed 73376
to influence the voters in an election; 73377

(d) Conduct a telephone bank for the purpose of supporting 73378
or opposing a candidate or a ballot issue or question or for the 73379
purpose of influencing the voters in an election. 73380

(2) A limited political action committee or limited 73381
political contributing entity may do any of the following 73382
without including its name in the publication or communication: 73383

(a) Issue a form of political publication in support of or 73384
opposition to a candidate or a ballot issue or question that 73385
does not cost in excess of the designated amount or that is not 73386
issued in cooperation, consultation, or concert with, or at the 73387
request or suggestion of, a candidate, a campaign committee, a 73388
legislative campaign fund, a political party, a political action 73389
committee with ten or more members, a political contributing 73390
entity with ten or more members, or a limited political action 73391
committee or limited political contributing entity that spends 73392
in excess of the designated amount on a related or the same or 73393
similar political publication in support of or opposition to a 73394
candidate or a ballot issue or question; 73395

(b) Make an expenditure that is not in excess of the 73396
designated amount in support of or opposition to a candidate or 73397
a ballot issue or question or make an expenditure that is not 73398
made in cooperation, consultation, or concert with, or at the 73399
request or suggestion of, a candidate, a campaign committee, a 73400
legislative campaign fund, a political party, a political action 73401
committee with ten or more members, a political contributing 73402
entity with ten or more members, or a limited political action 73403
committee or limited political contributing entity that spends 73404
in excess of the designated amount in support of or opposition 73405
to the same candidate or a ballot issue or question, for the 73406
purpose of financing political communications in support of or 73407
opposition to that candidate or a ballot issue or question 73408
through public political advertising. 73409

(C) If more than one piece of printed matter or printed 73410
political communications are mailed as a single packet, the 73411
requirements of division (B) of this section are met if one of 73412
the pieces of printed matter or printed political communications 73413
in the packet contains the name of the organization or entity 73414

that issues or is responsible for the printed matter or other 73415
printed political communications. 73416

(D) This section does not apply to the transmittal of 73417
personal correspondence that is not reproduced by machine for 73418
general distribution. 73419

(E) The secretary of state, by rule, may exempt from the 73420
requirements of this section, printed matter and certain other 73421
kinds of printed communications such as campaign buttons, 73422
balloons, pencils, or similar items, the size or nature of which 73423
makes it unreasonable to add an identification or disclaimer. 73424

(F) The disclaimer or identification described in division 73425
(B) of this section, when paid for by a candidate, legislative 73426
campaign fund, or campaign committee, shall be identified by the 73427
words "paid for by" followed by the name of the entity. The 73428
identification or disclaimer may use reasonable abbreviations 73429
for common terms such as "committee." 73430

The disclaimer "paid political advertisement" is not 73431
sufficient to meet the requirements of this section. 73432

(G) (1) No person operating a broadcast station or an organ 73433
of printed media shall broadcast or print a paid political 73434
communication that does not contain the identification required 73435
by this section. 73436

(2) Division (B) (1) (c) of this section does not apply to 73437
any communications made on behalf of a radio or television 73438
station or network by any employee of such radio or television 73439
station or network while acting in the course of the employee's 73440
employment. 73441

(H) (1) No candidate or entity shall use or cause to be 73442
used a false, fictitious, or fraudulent name or address in the 73443

making or issuing of a publication or communication included 73444
within the provisions of this section. 73445

(2) No political action committee or political 73446
contributing entity shall use or cause to be used, in the making 73447
or issuing of a publication or communication included within the 73448
provisions of this section, a name or address that would lead a 73449
reasonable person to believe that the publication or 73450
communication is made by or on behalf of a county political 73451
party, unless the political action committee or political 73452
contributing ~~committee~~ entity has obtained a written statement, 73453
signed by the chairperson of the county political party's 73454
executive committee, granting the political action committee or 73455
political contributing entity permission to act on behalf of or 73456
represent the county political party. 73457

~~(I) Before a prosecution may commence under this section, 73458
a complaint shall be filed with the Ohio elections commission 73459
under section 3517.153 of the Revised Code. After the complaint 73460
is filed, the commission shall proceed in accordance with 73461
sections 3517.154 to 3517.157 of the Revised Code. 73462~~

Sec. 3517.21. (A) No person, during the course of any 73463
campaign for nomination or election to public office or office 73464
of a political party, shall knowingly and with intent to affect 73465
the outcome of such campaign do any of the following: 73466

(1) Serve, or place another person to serve, as an agent 73467
or employee in the election campaign organization of a candidate 73468
for the purpose of acting to impede the conduct of the 73469
candidate's campaign for nomination or election or of reporting 73470
information to the employee's employer or the agent's principal 73471
without the knowledge of the candidate or the candidate's 73472
organization; 73473

(2) Promise, offer, or give any valuable thing or valuable benefit to any person who is employed by or is an agent of a candidate or a candidate's election campaign organization for the purpose of influencing the employee or agent with respect to the improper discharge of the employee's or agent's campaign duties or to obtain information about the candidate or the candidate's campaign organization.

(B) No person, during the course of any campaign for nomination or election to public office or office of a political party, by means of campaign materials, including sample ballots, an advertisement on radio or television or in a newspaper or periodical, a public speech, press release, or otherwise, shall knowingly and with intent to affect the outcome of such campaign do any of the following:

(1) Use the title of an office not currently held by a candidate in a manner that implies that the candidate does currently hold that office or use the term "re-elect" when the candidate has never been elected at a primary, general, or special election to the office for which he or she is a candidate;

(2) Make a false statement concerning the formal schooling or training completed or attempted by a candidate; a degree, diploma, certificate, scholarship, grant, award, prize, or honor received, earned, or held by a candidate; or the period of time during which a candidate attended any school, college, community technical school, or institution;

(3) Make a false statement concerning the professional, occupational, or vocational licenses held by a candidate, or concerning any position the candidate held for which the candidate received a salary or wages;

(4) Make a false statement that a candidate or public 73504
official has been indicted or convicted of a theft offense, 73505
extortion, or other crime involving financial corruption or 73506
moral turpitude; 73507

(5) Make a statement that a candidate has been indicted 73508
for any crime or has been the subject of a finding by the Ohio 73509
elections commission, the secretary of state, or the Ohio 73510
election integrity commission without disclosing the outcome of 73511
any legal proceedings resulting from the indictment or finding; 73512

(6) Make a false statement that a candidate or official 73513
has a record of treatment or confinement for mental disorder; 73514

(7) Make a false statement that a candidate or official 73515
has been subjected to military discipline for criminal 73516
misconduct or dishonorably discharged from the armed services; 73517

(8) Falsely identify the source of a statement, issue 73518
statements under the name of another person without 73519
authorization, or falsely state the endorsement of or opposition 73520
to a candidate by a person or publication; 73521

(9) Make a false statement concerning the voting record of 73522
a candidate or public official; 73523

(10) Post, publish, circulate, distribute, or otherwise 73524
disseminate a false statement concerning a candidate, either 73525
knowing the same to be false or with reckless disregard of 73526
whether it was false or not, if the statement is designed to 73527
promote the election, nomination, or defeat of the candidate. 73528

As used in this section, "voting record" means the 73529
recorded "yes" or "no" vote on a bill, ordinance, resolution, 73530
motion, amendment, or confirmation. 73531

~~(C) Before a prosecution may commence under this section,
a complaint shall be filed with the Ohio elections commission
under section 3517.153 of the Revised Code. After the complaint
is filed, the commission shall proceed in accordance with
sections 3517.154 to 3517.157 of the Revised Code.~~

Sec. 3517.22. (A) No person during the course of any
campaign in advocacy of or in opposition to the adoption of any
proposition or issue submitted to the voters shall knowingly and
with intent to affect the outcome of such campaign do any of the
following:

(1) Serve, or place another person to serve, as an agent
or employee in the election campaign organization of a committee
which advocates or is in opposition to the adoption of any
ballot proposition or issue for the purpose of acting to impede
the conduct of the campaign on the proposition or issue or of
reporting information to the employee's employer or the agent's
principal without the knowledge of the committee;

(2) Promise, offer, or give any valuable thing or valuable
benefit to any person who is employed by or is an agent of a
committee in advocacy of or in opposition to the adoption of any
ballot proposition or issue, for the purpose of influencing the
employee or agent with respect to the improper discharge of the
employee's or agent's campaign duties or to obtain information
about the committee's campaign organization.

(B) No person, during the course of any campaign in
advocacy of or in opposition to the adoption of any ballot
proposition or issue, by means of campaign material, including
sample ballots, an advertisement on radio or television or in a
newspaper or periodical, a public speech, a press release, or
otherwise, shall knowingly and with intent to affect the outcome

of such campaign do any of the following:

(1) Falsely identify the source of a statement, issue statements under the name of another person without authorization, or falsely state the endorsement of or opposition to a ballot proposition or issue by a person or publication;

(2) Post, publish, circulate, distribute, or otherwise disseminate, a false statement, either knowing the same to be false or acting with reckless disregard of whether it was false or not, that is designed to promote the adoption or defeat of any ballot proposition or issue.

~~(C) Before a prosecution may commence under this section, a complaint shall be filed with the Ohio elections commission under section 3517.153 of the Revised Code. After the complaint is filed, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.~~

Sec. 3517.23. The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration and enforcement of sections 3517.08 to 3517.13, ~~3517.18,~~ 3517.20 to 3517.22, 3599.03, and 3599.031 of the Revised Code and shall provide each candidate, political action committee, political contributing entity, legislative campaign fund, political party, and person making disbursements to pay the direct costs of producing or airing electioneering communications with written instructions and explanations in order to ensure compliance with sections 3517.08 to 3517.13, 3517.20 to 3517.22, 3599.03, and 3599.031 of the Revised Code.

Sec. ~~3517.992~~ 3517.99. ~~This section establishes penalties only with respect to acts or failures to act that occur on and~~

~~after August 24, 1995. Except as otherwise provided in section~~ 73591
3517.991 of the Revised Code: 73592

(A) (1) A candidate whose campaign committee violates 73593
division (A), (B), (C), (D), or (V) of section 3517.13 of the 73594
Revised Code, or a treasurer of a campaign committee who 73595
violates any of those divisions, shall be fined not more than 73596
one hundred dollars for each day of violation. 73597

(2) Whoever violates division (E) or (X) (5) of section 73598
3517.13 or division (E) (1) of section 3517.1014 of the Revised 73599
Code shall be fined not more than one hundred dollars for each 73600
day of violation. 73601

(B) An entity that violates division (G) (1) of section 73602
3517.101 of the Revised Code shall be fined not more than one 73603
hundred dollars for each day of violation. 73604

(C) Whoever violates division (G) (2) of section 3517.101, 73605
division (G) of section 3517.13, or division (E) (2) or (3) of 73606
section 3517.1014 of the Revised Code shall be fined not more 73607
than ten thousand dollars or, if the offender is a person who 73608
was nominated or elected to public office, shall forfeit the 73609
nomination or the office to which the offender was elected, or 73610
both. 73611

(D) Whoever violates division (F) or (Y) of section 73612
3517.13 of the Revised Code shall be fined not more than three 73613
times the amount contributed. 73614

(E) Whoever violates division (H) of section 3517.13 of 73615
the Revised Code shall be fined not more than one hundred 73616
dollars. 73617

(F) Whoever violates division (O), (P), or (Q) of section 73618
3517.13 of the Revised Code is guilty of a misdemeanor of the 73619

first degree. 73620

(G) A state or county committee of a political party that 73621
violates division (B) (1) of section 3517.18 of the Revised Code 73622
as that section existed before its repeal by H.B. 166 of the 73623
133rd general assembly shall be fined not more than twice the 73624
amount of the improper expenditure. 73625

(H) An entity that violates division (H) of section 73626
3517.101 of the Revised Code shall be fined not more than twice 73627
the amount of the improper expenditure or use. 73628

(I) (1) Any individual who violates division (B) (1) of 73629
section 3517.102 of the Revised Code and knows that the 73630
contribution the individual makes violates that division shall 73631
be fined an amount equal to three times the amount contributed 73632
in excess of the amount permitted by that division. 73633

(2) Any political action committee that violates division 73634
(B) (2) of section 3517.102 of the Revised Code shall be fined an 73635
amount equal to three times the amount contributed in excess of 73636
the amount permitted by that division. 73637

(3) Any campaign committee that violates division (B) (3) 73638
or (5) of section 3517.102 of the Revised Code shall be fined an 73639
amount equal to three times the amount contributed in excess of 73640
the amount permitted by that division. 73641

(4) (a) Any legislative campaign fund that violates 73642
division (B) (6) of section 3517.102 of the Revised Code shall be 73643
fined an amount equal to three times the amount transferred or 73644
contributed in excess of the amount permitted by that division, 73645
as applicable. 73646

(b) Any state political party, county political party, or 73647
state candidate fund of a state political party or county 73648

political party that violates division (B) (6) of section 73649
3517.102 of the Revised Code shall be fined an amount equal to 73650
three times the amount transferred or contributed in excess of 73651
the amount permitted by that division, as applicable. 73652

(c) Any political contributing entity that violates 73653
division (B) (7) of section 3517.102 of the Revised Code shall be 73654
fined an amount equal to three times the amount contributed in 73655
excess of the amount permitted by that division. 73656

(5) Any political party that violates division (B) (4) of 73657
section 3517.102 of the Revised Code shall be fined an amount 73658
equal to three times the amount contributed in excess of the 73659
amount permitted by that division. 73660

(6) Notwithstanding divisions (I) (1), (2), (3), (4), and 73661
(5) of this section, no violation of division (B) of section 73662
3517.102 of the Revised Code occurs, and the secretary of state 73663
shall not ~~refer parties to the Ohio elections commission~~ file a 73664
complaint under section 3517.16 of the Revised Code, if the 73665
amount transferred or contributed in excess of the amount 73666
permitted by that division meets either of the following 73667
conditions: 73668

(a) It is completely refunded within five business days 73669
after it is accepted. 73670

(b) It is completely refunded on or before the tenth 73671
business day after notification to the recipient of the excess 73672
transfer or contribution by the board of elections or the 73673
secretary of state that a transfer or contribution in excess of 73674
the permitted amount has been received. 73675

(J) (1) Any campaign committee that violates division (C) 73676
(1), (2), (3), or (6) of section 3517.102 of the Revised Code 73677

shall be fined an amount equal to three times the amount 73678
accepted in excess of the amount permitted by that division. 73679

(2) (a) Any county political party that violates division 73680
(C) (4) (a) (ii) or (iii) of section 3517.102 of the Revised Code 73681
shall be fined an amount equal to three times the amount 73682
accepted. 73683

(b) Any county political party that violates division (C) 73684
(4) (a) (i) of section 3517.102 of the Revised Code shall be fined 73685
an amount from its state candidate fund equal to three times the 73686
amount accepted in excess of the amount permitted by that 73687
division. 73688

(c) Any state political party that violates division (C) 73689
(4) (b) of section 3517.102 of the Revised Code shall be fined an 73690
amount from its state candidate fund equal to three times the 73691
amount accepted in excess of the amount permitted by that 73692
division. 73693

(3) Any legislative campaign fund that violates division 73694
(C) (5) of section 3517.102 of the Revised Code shall be fined an 73695
amount equal to three times the amount accepted in excess of the 73696
amount permitted by that division. 73697

(4) Any political action committee or political 73698
contributing entity that violates division (C) (7) of section 73699
3517.102 of the Revised Code shall be fined an amount equal to 73700
three times the amount accepted in excess of the amount 73701
permitted by that division. 73702

(5) Notwithstanding divisions (J) (1), (2), (3), and (4) of 73703
this section, no violation of division (C) of section 3517.102 73704
of the Revised Code occurs, and the secretary of state shall not 73705
~~refer parties to the Ohio elections commission~~ file a complaint 73706

under section 3517.16 of the Revised Code, if the amount 73707
transferred or contributed in excess of the amount permitted to 73708
be accepted by that division meets either of the following 73709
conditions: 73710

(a) It is completely refunded within five business days 73711
after its acceptance. 73712

(b) It is completely refunded on or before the tenth 73713
business day after notification to the recipient of the excess 73714
transfer or contribution by the board of elections or the 73715
secretary of state that a transfer or contribution in excess of 73716
the permitted amount has been received. 73717

(K) (1) Any legislative campaign fund that violates 73718
division (F) (1) of section 3517.102 of the Revised Code shall be 73719
fined twenty-five dollars for each day of violation. 73720

(2) Any legislative campaign fund that violates division 73721
(F) (2) of section 3517.102 of the Revised Code shall give to the 73722
treasurer of state for deposit into the state treasury to the 73723
credit of the Ohio ~~elections~~ election integrity commission fund 73724
all excess contributions not disposed of as required by division 73725
(E) of section 3517.102 of the Revised Code. 73726

(L) Whoever violates section 3517.105 of the Revised Code 73727
shall be fined one thousand dollars. 73728

(M) (1) Whoever solicits a contribution in violation of 73729
section 3517.092 or violates division (B) of section 3517.09 of 73730
the Revised Code is guilty of a misdemeanor of the first degree. 73731

(2) Whoever knowingly accepts a contribution in violation 73732
of division (B) or (C) of section 3517.092 of the Revised Code 73733
shall be fined an amount equal to three times the amount 73734
accepted in violation of either of those divisions and shall 73735

return to the contributor any amount so accepted. Whoever 73736
unknowingly accepts a contribution in violation of division (B) 73737
or (C) of section 3517.092 of the Revised Code shall return to 73738
the contributor any amount so accepted. 73739

(N) Whoever violates division (S) of section 3517.13 of 73740
the Revised Code shall be fined an amount equal to three times 73741
the amount of funds transferred or three times the value of the 73742
assets transferred in violation of that division. 73743

(O) Any campaign committee that accepts a contribution or 73744
contributions in violation of section 3517.108 of the Revised 73745
Code, uses a contribution in violation of that section, or fails 73746
to dispose of excess contributions in violation of that section 73747
shall be fined an amount equal to three times the amount 73748
accepted, used, or kept in violation of that section. 73749

(P) Any political party, state candidate fund, legislative 73750
candidate fund, or campaign committee that violates division (T) 73751
of section 3517.13 of the Revised Code shall be fined an amount 73752
equal to three times the amount contributed or accepted in 73753
violation of that section. 73754

(Q) A treasurer of a committee or another person who 73755
violates division (U) of section 3517.13 of the Revised Code 73756
shall be fined not more than two hundred fifty dollars. 73757

(R) Whoever violates division (I) or (J) of section 73758
3517.13 of the Revised Code shall be fined not more than one 73759
thousand dollars. Whenever a person is found guilty of violating 73760
division (I) or (J) of section 3517.13 of the Revised Code, the 73761
contract awarded in violation of either of those divisions shall 73762
be rescinded if its terms have not yet been performed. 73763

(S) A candidate whose campaign committee violates or a 73764

treasurer of a campaign committee who violates section 3517.081 73765
of the Revised Code, and a candidate whose campaign committee 73766
violates or a treasurer of a campaign committee or another 73767
person who violates division (C) of section 3517.10 of the 73768
Revised Code, shall be fined not more than five hundred dollars. 73769

(T) A candidate whose campaign committee violates or a 73770
treasurer of a committee who violates division (B) of section 73771
3517.09 of the Revised Code, or a candidate whose campaign 73772
committee violates or a treasurer of a campaign committee or 73773
another person who violates division (C) of section 3517.09 of 73774
the Revised Code shall be fined not more than one thousand 73775
dollars. 73776

(U) Whoever violates section 3517.20 of the Revised Code 73777
shall be fined not more than five hundred dollars. 73778

(V) Whoever violates section 3517.21 or 3517.22 of the 73779
Revised Code shall be imprisoned for not more than six months or 73780
fined not more than five thousand dollars, or both. 73781

~~(W) A campaign committee that is required to file a~~ 73782
~~declaration of no limits under division (D) (2) of section~~ 73783
~~3517.103 of the Revised Code that, before filing that~~ 73784
~~declaration, accepts a contribution or contributions that exceed~~ 73785
~~the limitations prescribed in section 3517.102 of the Revised~~ 73786
~~Code, shall return that contribution or those contributions to~~ 73787
~~the contributor.~~ 73788

~~(X)~~ Any campaign committee that fails to file the 73789
declaration of filing-day finances required by division (F) of 73790
section 3517.109 of the Revised Code shall be fined twenty-five 73791
dollars for each day of violation. 73792

~~(Y) (1)~~ (X) (1) Any campaign committee that fails to dispose 73793

of excess funds or excess aggregate contributions under division 73794
(B) of section 3517.109 of the Revised Code in the manner 73795
required by division (C) of that section shall give to the 73796
treasurer of state for deposit into the Ohio ~~elections~~ election 73797
integrity commission fund created under ~~division (I) of~~ section 73798
~~3517.152~~ 111.29 of the Revised Code all funds not disposed of 73799
pursuant to that division. 73800

(2) Any treasurer of a transition fund that fails to 73801
dispose of assets remaining in the transition fund as required 73802
under division (H) (1) or (2) of section 3517.1014 of the Revised 73803
Code shall give to the treasurer of state for deposit into the 73804
Ohio ~~elections~~ election integrity commission fund all assets not 73805
disposed of pursuant to that division. 73806

~~(Z)~~ (Y) Any individual, campaign committee, political 73807
action committee, political contributing entity, legislative 73808
campaign fund, political party, treasurer of a transition fund, 73809
or other entity that violates any provision of sections 3517.09 73810
to 3517.12 of the Revised Code for which no penalty is provided 73811
for under any other division of this section shall be fined not 73812
more than one thousand dollars. 73813

~~(AA) (1)~~ (Z) (1) Whoever knowingly violates division (W) (1) 73814
of section 3517.13 of the Revised Code shall be fined an amount 73815
equal to three times the amount contributed, expended, or 73816
promised in violation of that division or ten thousand dollars, 73817
whichever amount is greater. 73818

(2) Whoever knowingly violates division (W) (2) of section 73819
3517.13 of the Revised Code shall be fined an amount equal to 73820
three times the amount solicited or accepted in violation of 73821
that division or ten thousand dollars, whichever amount is 73822
greater. 73823

~~(BB)~~ (AA) Whoever knowingly violates division (C) or (D) 73824
of section 3517.1011 of the Revised Code shall be fined not more 73825
than ten thousand dollars plus not more than one thousand 73826
dollars for each day of violation. 73827

~~(CC) (1) Subject to division (CC) (2) of this section,~~ 73828
~~whoever violates division (H) of section 3517.1011 of the~~ 73829
~~Revised Code shall be fined an amount up to three times the~~ 73830
~~amount disbursed for the direct costs of airing the~~ 73831
~~communication made in violation of that division.~~ 73832

~~(2) Whoever has been ordered by the Ohio elections~~ 73833
~~commission or by a court of competent jurisdiction to cease~~ 73834
~~making communications in violation of division (H) of section~~ 73835
~~3517.1011 of the Revised Code who again violates that division~~ 73836
~~shall be fined an amount equal to three times the amount~~ 73837
~~disbursed for the direct costs of airing the communication made~~ 73838
~~in violation of that division.~~ 73839

~~(DD) (1)~~ (BB) (1) Any corporation or labor organization that 73840
violates division (X) (3) (a) of section 3517.13 of the Revised 73841
Code shall be fined an amount equal to three times the amount 73842
given in excess of the amount permitted by that division. 73843

(2) Any state or county political party that violates 73844
division (X) (3) (b) of section 3517.13 of the Revised Code shall 73845
be fined an amount equal to three times the amount accepted in 73846
excess of the amount permitted by that division. 73847

~~(EE) (1)~~ (CC) (1) Any campaign committee or person who 73848
violates division (C) (1) (b) or (c) of section 3517.1014 of the 73849
Revised Code shall be fined an amount equal to three times the 73850
amount donated in excess of the amount permitted by that 73851
division. 73852

(2) Any officeholder or treasurer of a transition fund who 73853
violates division (C)(3)(a) or (b) of section 3517.1014 of the 73854
Revised Code shall be fined an amount equal to three times the 73855
amount accepted in excess of the amount permitted by that 73856
division. 73857

Sec. 3517.991. A person who is convicted of a violation of 73858
this chapter or section 145.054, 742.043, 3307.073, 3309.073, 73859
3599.03, 3599.031, or 5505.045 of the Revised Code shall be 73860
sentenced under the law as it existed at the time the violation 73861
occurred. 73862

Sec. 3599.03. (A)(1) Except to carry on activities 73863
specified in sections 3517.082, 3517.101, 3517.105, and 73864
3517.1011, division (A)(2) of section 3517.1012, division (B) of 73865
section 3517.1013, division (C)(1) of section 3517.1014, and 73866
section 3599.031 of the Revised Code and except as otherwise 73867
provided in ~~divisions (D), (E), and (F) of this section,~~ no 73868
corporation, no nonprofit corporation, and no labor 73869
organization, directly or indirectly, shall pay or use, or 73870
offer, advise, consent, or agree to pay or use, the 73871
corporation's money or property, or the labor organization's 73872
money, including dues, initiation fees, or other assessments 73873
paid by members, or property, for or in aid of or opposition to 73874
a political party, a candidate for election or nomination to 73875
public office, a political action committee including a 73876
political action committee of the corporation or labor 73877
organization, a legislative campaign fund, or any organization 73878
that supports or opposes any such candidate, or for any partisan 73879
political purpose, shall violate any law requiring the filing of 73880
an affidavit or statement respecting such use of those funds, or 73881
shall pay or use the corporation's or labor organization's money 73882
for the expenses of a social fund-raising event for its 73883

political action committee if an employee's or labor 73884
organization member's right to attend such an event is 73885
predicated on the employee's or member's contribution to the 73886
corporation's or labor organization's political action 73887
committee. 73888

(2) Whoever violates division (A) (1) of this section shall 73889
be fined not less than five hundred nor more than five thousand 73890
dollars. 73891

(B) (1) No officer, stockholder, attorney, or agent of a 73892
corporation or nonprofit corporation, no member, including an 73893
officer, attorney, or agent, of a labor organization, and no 73894
candidate, political party official, or other individual shall 73895
knowingly aid, advise, solicit, or receive money or other 73896
property in violation of division (A) (1) of this section. 73897

(2) Whoever violates division (B) (1) of this section shall 73898
be fined not more than one thousand dollars, or imprisoned not 73899
more than one year, or both. 73900

(C) ~~A~~ Except as otherwise provided in section 3517.121 of 73901
the Revised Code, a corporation, a nonprofit corporation, or a 73902
labor organization may use its funds or property ~~for or in aid~~ 73903
~~of or opposition to a proposed or certified ballot issue~~ to make 73904
an independent expenditure or to make a contribution to a 73905
political action committee or a political contributing entity 73906
that makes only independent expenditures. A corporation, 73907
nonprofit corporation, or labor organization that makes a 73908
contribution or expenditure is considered a political 73909
contributing entity. Such use of funds or property shall be 73910
reported ~~on a form prescribed by the secretary of state. Reports~~ 73911
~~of contributions in connection with statewide ballot issues~~ 73912
~~shall be filed with the secretary of state. Reports of~~ 73913

~~contributions in connection with local issues shall be filed~~ 73914
~~with the board of elections of the most populous county of the~~ 73915
~~district in which the issue is submitted or to be submitted to~~ 73916
~~the electors. Reports made pursuant to this division shall be~~ 73917
~~filed by the times specified in divisions (A) (1) and (2) of~~ 73918
~~section~~ accordance with sections 3517.10 and 3517.105 of the 73919
Revised Code. 73920

(D) A nonprofit corporation that is a membership 73921
association and that is exempt from taxation under subsection 73922
501(c) (6) of the Internal Revenue Code may transfer 73923
contributions received as part of a regular dues payment from 73924
member partnerships and other unincorporated businesses ~~as~~ 73925
~~defined in division (I) (6) of section 3517.10 of the Revised~~ 73926
~~Code to its political action committee. Contributions received~~ 73927
~~under this division shall be itemized and allocated to~~ 73928
~~individuals subject to contribution limits. The political action~~ 73929
committee shall itemize and report those contributions in 73930
accordance with division (I) (1) (a) or (b) of section 3517.10 of 73931
the Revised Code, as indicated by each partnership or other 73932
unincorporated business. 73933

(E) (1) Any gift made pursuant to section 3517.101 of the 73934
Revised Code does not constitute a violation of this section or 73935
of any other section of the Revised Code. 73936

(2) Any gift made pursuant to division (A) (2) of section 73937
3517.1012 of the Revised Code does not constitute a violation of 73938
this section. 73939

(3) Any gift made pursuant to division (B) of section 73940
3517.1013 of the Revised Code does not constitute a violation of 73941
this section. 73942

(4) Any donation made pursuant to division (C) (1) of 73943
section 3517.1014 of the Revised Code does not constitute a 73944
violation of this section. 73945

(F) Any compensation or fees paid by a financial 73946
institution to a state political party for services rendered 73947
pursuant to division (B) of section 3517.19 of the Revised Code 73948
do not constitute a violation of this section or of any other 73949
section of the Revised Code. 73950

(G) (1) The use by a nonprofit corporation of its money or 73951
property for communicating information for a purpose specified 73952
in division (A) of this section is not a violation of that 73953
division if the stockholders, members, donors, trustees, or 73954
officers of the nonprofit corporation are the predominant 73955
recipients of the communication. The nonprofit corporation is 73956
not required to report that use of its money or property as an 73957
independent expenditure. 73958

(2) The placement of a campaign sign on the property of a 73959
corporation, nonprofit corporation, or labor organization is not 73960
a use of property in violation of division (A) of this section 73961
by that corporation, nonprofit corporation, or labor 73962
organization. 73963

(3) The use by a corporation or labor organization of its 73964
money or property for communicating information for a purpose 73965
specified in division (A) of this section is not a violation of 73966
that division if it is not a communication made by mass 73967
broadcast such as radio or television or made by advertising in 73968
a newspaper of general circulation but is a communication sent 73969
exclusively to members, employees, officers, or trustees of that 73970
labor organization or shareholders, employees, officers, or 73971
directors of that corporation or to members of the immediate 73972

families of any such individuals or if the communication 73973
intended to be so sent exclusively is unintentionally sent as 73974
well to a de minimis number of other individuals. The 73975
corporation or labor organization is not required to report that 73976
use of its money or property as an independent expenditure. 73977

(H) In addition to the laws listed in division (A) of 73978
section 4117.10 of the Revised Code that prevail over 73979
conflicting agreements between employee organizations and public 73980
employers, this section prevails over any conflicting provisions 73981
of agreements between labor organizations and public employers 73982
that are entered into on or after March 31, 2005, pursuant to 73983
Chapter 4117. of the Revised Code. 73984

(I) As used in this section, "contribution," 73985
"expenditure," "independent expenditure," "labor organization," 73986
~~has~~ "political action committee," and "political contributing 73987
entity" have the same meaning-meanings as in section 3517.01 of 73988
the Revised Code. 73989

Sec. 3701.021. (A) The director of health shall adopt, in 73990
accordance with Chapter 119. of the Revised Code, such rules as 73991
are necessary to carry out sections 3701.021 to 3701.0210 of the 73992
Revised Code, including, but not limited to, rules to establish 73993
the following: 73994

(1) Subject to division (D) of this section, medical and 73995
financial eligibility requirements for the program for children 73996
and youth with special health care needs; 73997

(2) Subject to division (C) of this section, eligibility 73998
requirements for providers who provide goods and services for 73999
the program for children and youth with special health care 74000
needs; 74001

(3) Procedures to be followed by the department of health	74002
in disqualifying providers for violating requirements adopted	74003
under division (A) (2) of this section;	74004
(4) Procedures to be used by the department regarding	74005
application for diagnostic services under division (B) of	74006
section 3701.023 of the Revised Code and payment for those	74007
services under division (E) of that section;	74008
(5) Standards for the provision of service coordination by	74009
the department of health and city and general health districts;	74010
(6) Procedures for the department to use to determine the	74011
amount to be paid annually by each county for services for	74012
children and youth with special health care needs and to allow	74013
counties to retain funds under divisions (A) (2) and (3) of	74014
section 3701.024 of the Revised Code;	74015
(7) Financial eligibility requirements for services for	74016
Ohio residents twenty-one years of age or older who have cystic	74017
fibrosis;	74018
(8) Criteria for payment of approved providers who provide	74019
goods and services for children and youth with special health	74020
care needs;	74021
(9) Criteria for the department to use in determining	74022
whether the payment of health insurance premiums of participants	74023
in the program for children and youth with special health care	74024
needs is cost-effective;	74025
(10) Procedures for appeal of denials of applications	74026
under divisions (A) and (D) of section 3701.023 of the Revised	74027
Code, disqualification of providers, and amounts paid for	74028
services;	74029

(11) Terms of appointment for members of the children and youth with special health care needs medical advisory council created in section 3701.025 of the Revised Code;

(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;

(13) If a manufacturer discount program is established under division (J) (1) of section 3701.023 of the Revised Code, procedures for administering the program, including criteria and other requirements for participation in the program by manufacturers of drugs and nutritional formulas.

(B) The department of health shall develop a manual of operational procedures and guidelines for the program for children and youth with special health care needs to implement sections 3701.021 to 3701.0210 of the Revised Code.

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for children and youth with special health care needs.

(D) In establishing medical and financial eligibility requirements for the program for children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is ~~either of the following:~~

~~(1) Beginning on July 1, 2021, less than twenty-two years of age;~~

~~(2) Beginning on July 1, 2022, less than twenty-three~~

~~years of age;~~ 74059

~~(3) Beginning on July 1, 2023, less than twenty-four years~~ 74060

~~of age;~~ 74061

~~(4) Beginning on July 1, 2024, less than twenty-five years~~ 74062

~~of age~~ less than twenty-six years of age. 74063

Sec. 3701.033. (A) This section establishes the order of 74064
priority to be followed by the department of health when 74065
distributing funds for the purpose of providing family planning 74066
services, including funds the department receives through the 74067
"Maternal and Child Health Block Grant," Title V of the "Social 74068
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, 74069
and funds the department receives through Title X of the "Public 74070
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 74071
amended. This section does not apply to grants awarded by the 74072
department under section 3701.046 of the Revised Code. 74073

(B) With respect to each period during which funds from a 74074
particular source are distributed for the purpose of providing 74075
family planning services, the department is subject to both of 74076
the following when distributing the funds to applicants seeking 74077
those funds: 74078

(1) Foremost priority shall be given to public entities 74079
that are operated by state or local government entities and that 74080
provide or are able to provide family planning services. 74081

(2) If any funds remain after the department distributes 74082
funds to public entities under division (B)(1) of this section, 74083
the department may distribute funds to nonpublic entities. If 74084
funds are distributed to nonpublic entities, the department 74085
shall distribute the funds in the following order of descending 74086
priority: 74087

(a) Nonpublic entities that are federally qualified health 74088
centers or federally qualified health center look-alikes, both 74089
as defined in section 3701.047 of the Revised Code, or community 74090
action agencies, as defined in section ~~122.66~~ 5101.311 of the 74091
Revised Code; 74092

(b) Nonpublic entities that provide comprehensive primary 74093
and preventive care services in addition to family planning 74094
services; 74095

(c) Nonpublic entities that provide family planning 74096
services, but do not provide comprehensive primary and 74097
preventive care services. 74098

Sec. 3701.045. (A) The department of health, in 74099
consultation with the ~~children's trust fund board established~~ 74100
~~under section 3109.15 of the Revised Code~~ department of children 74101
and youth and any bodies acting as child fatality review boards 74102
on October 5, 2000, shall adopt rules in accordance with Chapter 74103
119. of the Revised Code that establish a procedure for county 74104
or regional child fatality review boards to follow in conducting 74105
a review of the death of a child. The rules shall do all of the 74106
following: 74107

(1) Establish the format for the annual reports required 74108
by section 307.626 of the Revised Code; 74109

(2) Establish guidelines for a county or regional child 74110
fatality review board to follow in compiling statistics for 74111
annual reports so that the reports do not contain any 74112
information that would permit any person's identity to be 74113
ascertained from a report; 74114

(3) Establish guidelines for a county or regional child 74115
fatality review board to follow in creating and maintaining the 74116

comprehensive database of child deaths required by section 74117
307.623 of the Revised Code, including provisions establishing 74118
uniform record-keeping procedures; 74119

(4) Establish guidelines for reporting child fatality 74120
review data to the department of health or a national child 74121
death review database, either of which must maintain the 74122
confidentiality of information that would permit a person's 74123
identity to be ascertained; 74124

(5) Establish guidelines, materials, and training to help 74125
educate members of county or regional child fatality review 74126
boards about the purpose of the review process and the 74127
confidentiality of the information described in section 307.629 74128
of the Revised Code and to make them aware that such information 74129
is not a public record under section 149.43 of the Revised Code. 74130

(B) On or before the thirtieth day of September of each 74131
year, the department of health and the ~~children's trust fund-~~ 74132
~~board~~ department of children and youth jointly shall prepare and 74133
publish a report organizing and setting forth the data from the 74134
department of health child death review database or the national 74135
child death review database, data in all the reports provided by 74136
county or regional child fatality review boards in their annual 74137
reports for the previous calendar year, and recommendations for 74138
any changes to law and policy that might prevent future deaths. 74139
The department of health and the ~~children's trust fund board-~~ 74140
department of children and youth jointly shall provide a copy of 74141
the report to the governor, the speaker of the house of 74142
representatives, the president of the senate, the minority 74143
leaders of the house of representatives and the senate, each 74144
county or regional child fatality review board, and each county 74145
or regional family and children first council. 74146

Sec. 3701.511. None of the funds appropriated to 74147
administer the programs authorized by sections 3701.501 and 74148
3701.502 of the Revised Code shall be used to counsel or refer 74149
for abortion, ~~except in the case of a medical emergency.~~ 74150

Sec. 3701.79. (A) As used in this section and in sections 74151
3701.791 and 3701.792 of the Revised Code: 74152

(1) "Abortion" has the same meaning as in section 2919.11 74153
of the Revised Code. 74154

(2) "Abortion report" means a form completed pursuant to 74155
division (C) of this section. 74156

(3) "Ambulatory surgical facility" has the same meaning as 74157
in section 3702.30 of the Revised Code. 74158

(4) "Department" means the department of health. 74159

(5) "Hospital" means any building, structure, institution, 74160
or place devoted primarily to the maintenance and operation of 74161
facilities for the diagnosis, treatment, and medical or surgical 74162
care for three or more unrelated individuals having illness, 74163
disease, injury, or deformity, and regularly making available at 74164
least clinical laboratory services, diagnostic x-ray services, 74165
treatment facilities for surgery or obstetrical care, or other 74166
definitive medical treatment. "Hospital" does not include a 74167
"home" as defined in section 3721.01 of the Revised Code. 74168

(6) "Physician's office" means an office or portion of an 74169
office that is used to provide medical or surgical services to 74170
the physician's patients. "Physician's office" does not mean an 74171
ambulatory surgical facility, a hospital, or a hospital 74172
emergency department. 74173

(7) "Postabortion care" means care given after the uterus 74174

has been evacuated by abortion. 74175

(B) The department shall be responsible for collecting and 74176
collating abortion data reported to the department as required 74177
by this section. 74178

(C) The attending physician shall complete an individual 74179
abortion report for the abortion, by surgical procedure or by 74180
abortion-inducing drugs, of each zygote, blastocyte, embryo, or 74181
fetus the physician performs. The report shall be confidential 74182
and shall not contain the woman's name. The report shall 74183
include, but is not limited to, all of the following, insofar as 74184
the patient makes the data available that is not within the 74185
physician's knowledge: 74186

(1) Patient number; 74187

(2) The name and address of the facility in which the 74188
abortion was performed, and whether the facility is a hospital, 74189
ambulatory surgical facility, physician's office, or other 74190
facility; 74191

(3) The date of the abortion; 74192

(4) If a surgical abortion, the method of final 74193
disposition of the fetal remains under Chapter 3726. of the 74194
Revised Code; 74195

(5) All of the following regarding the woman on whom the 74196
abortion was performed: 74197

(a) ~~Zip~~ State and zip code of residence; 74198

(b) Age; 74199

(c) Race; 74200

(d) Marital status; 74201

(e) Number of previous pregnancies;	74202
(f) Years of education;	74203
(g) Number of living children;	74204
(h) Number of zygotes, blastocytes, embryos, or fetuses previously aborted;	74205 74206
(i) Date of last induced abortion;	74207
(j) Date of last live birth;	74208
(k) Method of contraception at the time of conception;	74209
(l) Date of the first day of the last menstrual period;	74210
(m) Medical condition at the time of the abortion;	74211
(n) Rh-type;	74212
(o) The number of weeks of gestation at the time of the abortion.	74213 74214
(6) The type of abortion procedure performed;	74215
(7) Complications by type;	74216
(8) Written acknowledgment by the attending physician that the pregnant woman is not seeking the abortion, in whole or in part, because of any of the following:	74217 74218 74219
(a) A test result indicating Down syndrome in an unborn child;	74220 74221
(b) A prenatal diagnosis of Down syndrome in an unborn child;	74222 74223
(c) Any other reason to believe that an unborn child has Down syndrome.	74224 74225

(9) Type of procedure performed after the abortion;	74226
(10) Type of family planning recommended;	74227
(11) Type of additional counseling given;	74228
(12) Signature of attending physician.	74229
(D) The physician who completed the abortion report under	74230
division (C) of this section shall submit the abortion report to	74231
the department within fifteen days after the woman is	74232
discharged.	74233
(E) The appropriate vital records report or certificate	74234
shall be made out after the twentieth week of gestation.	74235
(F) A copy of the abortion report shall be made part of	74236
the medical record of the patient of the facility in which the	74237
abortion was performed.	74238
(G) Each hospital shall file monthly and annual reports	74239
listing the total number of women who have undergone a post-	74240
twelve-week-gestation abortion and received postabortion care._	74241
<u>The reports also shall include the total number of Ohio</u>	74242
<u>residents and the total number of non-Ohio residents who have</u>	74243
<u>undergone a post-twelve-week gestation abortion and received</u>	74244
<u>postabortion care.</u> The annual report shall be filed following	74245
the conclusion of the state's fiscal year. Each report shall be	74246
filed within thirty days after the end of the applicable	74247
reporting period.	74248
(H) Each case in which a physician treats a post abortion	74249
complication shall be reported on a postabortion complication	74250
form. The report shall be made upon a form prescribed by the	74251
department, shall be signed by the attending physician, and	74252
shall be confidential.	74253

(I) (1) Not later than the first day of ~~October~~ March of 74254
each year, the department shall issue an annual report of the 74255
abortion data reported to the department for the previous 74256
calendar year as required by this section. The department shall 74257
develop a public electronic dashboard to publish on a monthly 74258
basis the abortion data reported to the department. The annual 74259
report and monthly dashboard update shall include at least the 74260
following information: 74261

(a) The total number of zygotes, blastocytes, embryos, or 74262
fetuses that were aborted; 74263

(b) The number of abortions performed on Ohio residents 74264
and the number performed on out-of-state residents, sorted by 74265
the age of the woman on whom the abortion was performed, using 74266
the following categories: under sixteen years of age, sixteen to 74267
seventeen years of age, eighteen to twenty-four years of age, 74268
twenty-five to twenty-nine years of age, thirty to thirty-four 74269
years of age, thirty-five to thirty-nine years of age, forty to 74270
forty-four years of age, forty-five years of age or older; 74271

(c) The number of abortions performed, sorted by each of 74272
the following: 74273

(i) The age of the woman on whom the abortion was 74274
performed, using the following categories: under ~~fifteen~~ sixteen 74275
years of age, ~~fifteen~~ sixteen to ~~nineteen~~ seventeen years of 74276
age, ~~twenty~~ eighteen to twenty-four years of age, twenty-five to 74277
twenty-nine years of age, thirty to thirty-four years of age, 74278
thirty-five to thirty-nine years of age, forty to forty-four 74279
years of age, forty-five years of age or older; 74280

(ii) The race and Hispanic ethnicity of the woman on whom 74281
the abortion was performed; 74282

(iii) The education level of the woman on whom the 74283
abortion was performed, using the following categories or their 74284
equivalents: less than ninth grade, ninth through twelfth grade, 74285
one or more years of college; 74286

(iv) The marital status of the woman on whom the abortion 74287
was performed; 74288

(v) The number of living children of the woman on whom the 74289
abortion was performed, using the following categories: none, 74290
one, or two or more; 74291

(vi) The number of weeks of gestation of the woman at the 74292
time the abortion was performed, using the following categories: 74293
less than nine weeks, nine to twelve weeks, thirteen to nineteen 74294
weeks, or twenty weeks or more; 74295

(vii) The county in which the abortion was performed; 74296

(viii) The type of abortion procedure performed; 74297

(ix) The number of zygotes, blastocytes, embryos, or 74298
fetuses previously aborted by the woman on whom the abortion was 74299
performed, sorted by the age of the woman on whom the abortion 74300
was performed, using the following categories: under sixteen 74301
years of age, sixteen to seventeen years of age, eighteen to 74302
twenty-four years of age, twenty-five to twenty-nine years of 74303
age, thirty to thirty-four years of age, thirty-five to thirty- 74304
nine years of age, forty to forty-four years of age, forty-five 74305
years of age or older; 74306

(x) The type of facility in which the abortion was 74307
performed; 74308

(xi) For Ohio residents, the county of residence of the 74309
woman on whom the abortion was performed; 74310

(xii) The total number of abortions performed on minors by 74311
each facility in the categories of under sixteen years of age 74312
and sixteen to seventeen years of age. 74313

(2) The report also shall indicate the number and type of 74314
the abortion complications reported to the department either on 74315
the abortion report required under division (C) of this section 74316
or the postabortion complication report required under division 74317
(H) of this section. 74318

(3) In addition to the annual report required under 74319
division (I)(1) of this section, the department shall make 74320
available, on request, the number of abortions performed by zip 74321
code of residence. 74322

(J) The director of health shall implement this section 74323
and shall apply to the court of common pleas for temporary or 74324
permanent injunctions restraining a violation or threatened 74325
violation of its requirements. This action is an additional 74326
remedy not dependent on the adequacy of the remedy at law. 74327

Sec. 3701.841. The tobacco use prevention fund is hereby 74328
created in the state treasury. The fund shall consist of money 74329
deposited by the treasurer of state into the fund from the 74330
liquidation, pursuant to Sub. H.B. 544 of the 127th general 74331
assembly, of the former tobacco use prevention and control 74332
endowment fund and any gifts, grants, or donations received by 74333
the director of health for the purposes of the tobacco use 74334
prevention fund. ~~All investment earnings of the fund shall be~~ 74335
~~credited to the fund.~~ The treasurer, in consultation with the 74336
director, may invest moneys in the fund in accordance with 74337
section 135.143 of the Revised Code. Moneys in the fund shall be 74338
used to pay outstanding expenses of the former tobacco use 74339
prevention and control foundation at the discretion of the 74340

director of health pursuant to Sub. H.B. 544 of the 127th 74341
general assembly and shall be used in accordance with section 74342
3701.84 of the Revised Code. 74343

Sec. 3701.88. (A) As used in this section: 74344

"340B covered entity" means an entity described in section 74345
340B(a) (4) of the "Public Health Service Act," 42 U.S.C. 256b(a) 74346
(4) . 74347

"340B drug" means a covered outpatient drug that has been 74348
subject to discount pricing under the 340B drug pricing program 74349
and is purchased by a 340B covered entity. 74350

"340B drug pricing program" means the federal drug pricing 74351
program established under 42 U.S.C. 256b. 74352

"Charity care" means free or discounted health care items 74353
and services provided to an individual who meets the hospital's 74354
financial assistance criteria and is unable to pay for the items 74355
or services, as reported on the hospital's medicare cost report. 74356

"Contract pharmacy" means a retail pharmacy under contract 74357
with a 340B covered entity to provide 340B drugs to patients on 74358
behalf of that covered entity under the 340B drug discount 74359
program or contract pharmacy on behalf of the covered entity. 74360

"Hospital" has the same meaning as in section 3722.01 of 74361
the Revised Code. 74362

"Low-income patient" means a patient with a household 74363
income below two hundred per cent of the federal poverty line. 74364

"Nonprofit hospital" means a hospital that meets the 74365
definition of covered entity in 42 U.S.C. 256b(a) (4) (L), (M), 74366
(N), or (O) . 74367

(B) Not later than July 1, 2026, and not later than the 74368
first day of July in each year thereafter, each nonprofit 74369
hospital participating as a covered entity in the 340B drug 74370
pricing program shall submit a report to the department of 74371
health. The report shall be submitted in the form and manner 74372
specified by the department, in consultation with any other 74373
agency the department of health determines appropriate. The 74374
report shall contain all of the following information, for the 74375
hospital and each offsite facility associated with it, from the 74376
previous calendar year: 74377

(1) All of the following data, delineated by patient payor 74378
type, including private insurance, medicare, medicaid, other 74379
third-party payor, uninsured, or self-pay: 74380

(a) The aggregate acquisition cost for all 340B drugs 74381
dispensed or administered by the nonprofit hospital, associated 74382
facility, or contract pharmacy; 74383

(b) The aggregate payments received from third-party 74384
payors, including insurers, for all 340B drugs dispensed or 74385
administered by the nonprofit hospital, associated facility, or 74386
contract pharmacy; 74387

(c) The total number of prescriptions dispensed or 74388
administered by the nonprofit hospital, associated facility, or 74389
contract pharmacy, and the percentage of that total number that 74390
were 340B drugs; 74391

(d) The percentage of patients served on a sliding fee 74392
scale for 340B drugs that were dispensed or administered at the 74393
nonprofit hospital, associated facility, or contract pharmacy. 74394

(2) The total operating cost of the nonprofit hospital, 74395
including an itemized cost report of all of the following: 74396

(a) Implementing a direct pass through of 340B profits to patients, in the form of lower cost-sharing for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contracted pharmacy; 74397
74398
74399
74400

(b) Implementing a sliding fee scale for low-income patients for 340B drugs that are dispensed or administered by the nonprofit hospital, associated facility, or contract pharmacy; 74401
74402
74403
74404

(c) The nonprofit hospital's charity care costs. 74405

(3) In connection with administering and providing services under the 340B drug pricing program, the total payments made by the nonprofit hospital to contract pharmacies, third-party administrators, or any other party or entity. 74406
74407
74408
74409

(4) Information regarding the nonprofit hospital's contract pharmacies, including all of the following: 74410
74411

(a) The nonprofit hospital's total number of contract pharmacies; 74412
74413

(b) The number of those contract pharmacies that are located outside of this state, including the state where each of those pharmacies are located; 74414
74415
74416

(c) The total number of the nonprofit hospital's prescriptions that were filled at a contract pharmacy, the percentage of that number that are contract pharmacies located outside of this state, and the percentage of all of the nonprofit hospital's prescriptions that were filled by contract pharmacies; 74417
74418
74419
74420
74421
74422

(d) The total reimbursements paid by the nonprofit hospital to contract pharmacies or their affiliates for any 340B 74423
74424

drugs dispensed or administered on behalf of the nonprofit 74425
hospital, and the percentage change in that amount compared to 74426
the previous year. 74427

(5) A detailed, itemized accounting of the nonprofit 74428
hospital's expenditures from 340B drug pricing program profits, 74429
including all programs, services, and equipment funded or 74430
purchased with those profits. 74431

(C) The department of health shall post the information in 74432
the reports required under this section on its public web site. 74433

Sec. 3702.44. (A) As used in this section: 74434

(1) "Hospital" means an institution or facility licensed 74435
under Chapter 3722. of the Revised Code. 74436

(2) "Physician" means an individual authorized under 74437
Chapter 4731. of the Revised Code to practice medicine and 74438
surgery, osteopathic medicine and surgery, or podiatric medicine 74439
and surgery. 74440

(B) (1) Beginning January 1, 2027, and subject to division 74441
(B) (2) of this section, an ambulatory surgical facility or 74442
medical practice owned or operated by a hospital or hospital 74443
system shall not charge a facility fee in connection with any 74444
health care procedure or service provided to a patient at the 74445
facility or practice. 74446

(2) The prohibition described in division (B) (1) of this 74447
section applies only if the ambulatory surgical facility or 74448
medical practice was owned or operated solely by a physician or 74449
group of physicians at the time of its purchase by the hospital 74450
or hospital system. 74451

(C) This section shall not be construed to apply to an 74452

ambulatory surgical facility or site of a medical practice 74453

constructed by a hospital or hospital system. 74454

Sec. 3704.0310. (A) As used in this section: 74455

(1) "Air nuisance rule" means a rule adopted by the 74456

director of environmental protection that declares any of the 74457

following to be a public nuisance: 74458

(a) The emission or escape into the open air from any 74459

source or sources whatsoever, of smoke, ashes, dust, dirt, 74460

grime, acids, fumes, gases, vapors, or any other substances or 74461

combinations of substances, in such manner or in such amounts as 74462

to endanger the health, safety, or welfare of the public, or 74463

cause unreasonable injury or damage to property; 74464

(b) The emission or escape into the open air from any 74465

source or sources of odors whatsoever that is subject to 74466

regulation under Chapter 3704. of the Revised Code and is 74467

operated in such a manner to emit such amounts of odor as to 74468

endanger the health, safety, or welfare of the public, or cause 74469

unreasonable injury or damage to property; 74470

(c) Activities that are substantially similar to those 74471

described in divisions (A)(1)(a) and (b) of this section. 74472

(2) "State implementation plan" means the state 74473

implementation plan regarding national ambient air quality 74474

standards required to be submitted under section 110 of the 74475

"Clean Air Act," 42 U.S.C. 7410. 74476

(B) If the state implementation plan includes an air 74477

nuisance rule, the director of environmental protection shall 74478

remove the air nuisance rule from the plan and take such steps 74479

as are necessary to do so. 74480

On and after the effective date of this section, the
director shall not include an air nuisance rule in the state
implementation plan or rely upon an air nuisance rule to
implement or enforce ambient air quality standards adopted
pursuant to the federal Clean Air Act.

Sec. 3704.14. (A) (1) If the director of environmental
protection determines that implementation of a motor vehicle
inspection and maintenance program is necessary for the state to
effectively comply with the federal Clean Air Act after June 30,
~~2023~~2025, the director may provide for the implementation of the
program in those counties in this state in which such a program
is federally mandated. Upon making such a determination, the
director of environmental protection may request the director of
administrative services to extend the terms of the contract that
was entered into under the authority of ~~Am. Sub. H.B. 64-33~~ of
the ~~131st-135th~~ general assembly. Upon receiving the request,
the director of administrative services shall extend the
contract, beginning on July 1, ~~2023~~2025, in accordance with this
section. The contract shall be extended for a period of up to
twenty-four months with the contractor who conducted the motor
vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that
~~is was~~ authorized by division (A) (1) of this section under the
authority of H.B. 33 of the 135th general assembly, the director
of environmental protection shall request the director of
administrative services to enter into a contract with a vendor
to operate a decentralized motor vehicle inspection and
maintenance program in each county in this state in which such a
program is federally mandated through June 30, 2027, ~~with an~~
~~option for the state to renew the contract for a period of up to~~
~~twenty-four months through June 30, 2029.~~ The contract shall

ensure that the decentralized motor vehicle inspection and 74512
maintenance program achieves ~~at least the same~~ an equivalent 74513
amount of emission reductions as achieved by the program 74514
operated under the authority of the contract that was extended 74515
under division (A) (1) of this section under the authority of 74516
H.B. 33 of the 135th general assembly. The director of 74517
administrative services shall select a vendor through a 74518
competitive selection process in compliance with Chapter 125. of 74519
the Revised Code. 74520

(3) Notwithstanding any law to the contrary, the director 74521
of administrative services shall ensure that a competitive 74522
selection process regarding a contract to operate a 74523
decentralized motor vehicle inspection and maintenance program 74524
in this state incorporates the following, which shall be 74525
included in the contract: 74526

(a) For purposes of expanding the number of testing 74527
locations for consumer convenience, a requirement that the 74528
vendor utilize established local businesses, auto repair 74529
facilities, or leased properties to operate state-approved 74530
inspection and maintenance testing facilities; 74531

(b) A requirement that the vendor selected to operate the 74532
program provide notification of the program's requirements to 74533
each owner of a motor vehicle that is required to be inspected 74534
under the program. The contract shall require the notification 74535
to be provided not later than sixty days prior to the date by 74536
which the owner of the motor vehicle is required to have the 74537
motor vehicle inspected. The director of environmental 74538
protection and the vendor shall jointly agree on the content of 74539
the notice. However, the notice shall include at a minimum the 74540
locations of all inspection facilities within a specified 74541

distance of the address that is listed on the owner's motor 74542
vehicle registration~~r~~_. 74543

(c) A requirement that the vendor comply with testing 74544
methodology and supply the required equipment approved by the 74545
director of environmental protection as specified in the 74546
competitive selection process in compliance with Chapter 125. of 74547
the Revised Code. 74548

(4) A decentralized motor vehicle inspection and 74549
maintenance program operated under this section shall comply 74550
with division (B) of this section. The director of environmental 74551
protection shall administer the decentralized motor vehicle 74552
inspection and maintenance program operated under this section. 74553

(B) The director shall establish a decentralized motor 74554
vehicle inspection and maintenance program as authorized by this 74555
section and, at a minimum, the director shall ensure that the 74556
program does all of the following: 74557

(1) Complies with the federal Clean Air Act; 74558

(2) Provides for the issuance of inspection certificates 74559
and alternative emissions certificates as specified in rules 74560
adopted under division (C) (2) of this section; 74561

(3) Provides for a new car exemption for motor vehicles 74562
six years old or newer and provides that a new motor vehicle is 74563
exempt for six years regardless of whether legal title to the 74564
motor vehicle is transferred during that period; 74565

(4) Provides for an exemption for battery electric motor 74566
vehicles; 74567

(5) Provides for an exemption for hybrid motor vehicles 74568
seven years old or newer and provides that a hybrid motor 74569

vehicle is exempt for seven years regardless of whether legal 74570
title to the motor vehicle is transferred during that period. 74571

(C) (1) The director of environmental protection shall 74572
adopt rules in accordance with Chapter 119. of the Revised Code 74573
that the director determines are necessary to implement this 74574
section. The director may continue to implement and enforce 74575
rules pertaining to the motor vehicle inspection and maintenance 74576
program previously implemented under former section 3704.14 of 74577
the Revised Code as that section existed prior to its repeal and 74578
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 74579
provided that the rules do not conflict with this section. 74580

(2) The rules adopted under division (C) (1) of this 74581
section shall provide for the issuance of inspections 74582
certificates and alternative emissions certificates. Under the 74583
rules, an inspection certificate shall be issued to the owner or 74584
lessee of a motor vehicle when the motor vehicle passes an 74585
emissions inspection conducted in accordance with the motor 74586
vehicle inspection and maintenance program established under 74587
this section. In lieu of obtaining an inspection certificate, 74588
the rules shall establish a system by which the owner or lessee 74589
of a motor vehicle may request an alternative emissions 74590
certificate from the director. 74591

(a) The rules providing for the issuance of alternative 74592
emissions certificates shall require an owner or lessee of a 74593
motor vehicle to do the following in order to receive the 74594
certificate: 74595

(i) Complete and submit an attestation form created by the 74596
director that includes a statement that reads substantially as 74597
follows: 74598

"I, _____, attest that, to the best of my knowledge, the motor vehicle concerning which I am the owner or lessee complies with all laws of Ohio and the United States governing motor vehicle emissions. I, _____, am aware that a false statement on this form is not permitted."

(ii) Sign and date the form either manually or electronically;

(iii) Submit the form to the director either by regular mail, certified mail, or electronically.

(b) The rules shall require the director to include both of the following additional information on the attestation form:

(i) A provision that allows the owner or lessee of a motor vehicle to specify one of the following methods by which the owner or lessee may request delivery of the alternative emissions certificate: certified mail, noncertified mail, or electronically;

(ii) A provision that allows the owner or lessee of a motor vehicle to specify the vehicle identification number, make, model, and year of the relevant motor vehicle and the date the attestation form is submitted to the director.

(c) Subject to division (C)(2)(d) of this section, the rules shall require the director to deliver an alternative emission certificate to the owner or lessee of a motor vehicle who complies with rules adopted under division (C)(2)(a) of this section. The director shall deliver the certificate within thirty business days after the director's receipt of the attestation form or, if the owner or lessee submits the form electronically, within five business days after receipt of the form. The director shall confirm the receipt of the attestation

form if the director receives it by electronic means. 74628

(d) The rules shall require the director to reject an 74629
attestation form for any of the following reasons: 74630

(i) The motor vehicle that is the subject of the 74631
attestation form was in an accident or collision within the two 74632
years prior to the date of submission of the form, and the 74633
accident or collision caused substantial damage to the internal 74634
structure of the motor vehicle. 74635

(ii) The owner or lessee of the motor vehicle that is the 74636
subject of the attestation form has received a ticket, citation, 74637
or summons with regard to that motor vehicle within the two 74638
years prior to the date of submission of the form for a 74639
violation of section 4513.22 of the Revised Code or 74640
substantially equivalent municipal ordinance. 74641

(iii) The information in the attestation form is 74642
determined by the director to be false. 74643

If the director rejects an attestation form under division 74644
(C) (2) (d) (iii) of this section, the director shall provide 74645
notice to the owner or lessee that the attestation form was 74646
determined to be false. The notice shall inform the owner or 74647
lessee that the owner or lessee may submit a corrected form to 74648
the director within thirty days of the receipt of the notice. If 74649
the owner or lessee submits a corrected attestation form that 74650
complies with rules adopted under division (C) (2) of this 74651
section within that thirty-day period, the director shall issue 74652
an alternative emissions certificate to the owner or lessee. If 74653
the owner or lessee fails to correct the attestation form, the 74654
director shall require the owner or lessee to complete an 74655
emissions inspection and obtain an inspection certificate in 74656

accordance with rules adopted under this section. 74657

If the director rejects an attestation form under division 74658
(C) (2) (d) (i) or (ii) of this section, the director shall require 74659
the owner or lessee to complete an emissions inspection and 74660
obtain an inspection certificate in accordance with rules 74661
adopted under this section. 74662

(e) In adopting rules under division (C) (2) of this 74663
section, the director shall ensure that the owner or lessee of a 74664
motor vehicle who falsifies an attestation form receives a 74665
notice that includes a statement that reads substantially as 74666
follows: "You have falsified an attestation form for your 74667
vehicle under the E-Check/motor vehicle emissions testing 74668
program. Your vehicle is registered in one of [insert the number 74669
of counties] counties in this state that has federal emission 74670
mandates imposed on it that the State of Ohio is required, under 74671
threat of penalty, to enforce. This letter serves as Ohio's only 74672
penalty for falsification of an attestation form. You have 74673
thirty days from the date of this notice to amend your 74674
attestation form and submit the amended form to the 74675
Environmental Protection Agency. However, if you choose not to 74676
submit an amended attestation form, you must have a motor 74677
vehicle emissions inspection conducted for your vehicle in 74678
accordance with section 3704.14 of the Revised Code and rules 74679
adopted under it." 74680

(f) No penalties apply to a person who the director has 74681
determined to have falsified an attestation form, other than the 74682
issuance of the notice required under division (C) (2) (e) of this 74683
section. 74684

(D) There is hereby created in the state treasury the auto 74685
emissions test fund, which shall consist of money received by 74686

the director from any cash transfers, state and local grants, 74687
and other contributions that are received for the purpose of 74688
funding the program established under this section. The director 74689
of environmental protection shall use money in the fund solely 74690
for the implementation, supervision, administration, operation, 74691
and enforcement of the motor vehicle inspection and maintenance 74692
program established under this section. Money in the fund shall 74693
not be used for either of the following: 74694

(1) To pay for the inspection costs incurred by a motor 74695
vehicle dealer so that the dealer may provide inspection 74696
certificates to an individual purchasing a motor vehicle from 74697
the dealer when that individual resides in a county that is 74698
subject to the motor vehicle inspection and maintenance program; 74699

(2) To provide payment for more than one free passing 74700
emissions inspection or a total of three emissions inspections 74701
for a motor vehicle in any three-hundred-sixty-five-day period. 74702
The owner or lessee of a motor vehicle is responsible for 74703
inspection fees that are related to emissions inspections beyond 74704
one free passing emissions inspection or three total emissions 74705
inspections in any three-hundred-sixty-five-day period. 74706
Inspection fees that are charged by a contractor conducting 74707
emissions inspections under a motor vehicle inspection and 74708
maintenance program shall be approved by the director of 74709
environmental protection. 74710

(E) The motor vehicle inspection and maintenance program 74711
established under this section expires upon the termination of 74712
all contracts entered into under this section and shall not be 74713
implemented beyond the final date on which termination occurs. 74714

(F) As used in this section "battery electric motor 74715
vehicle" and "hybrid motor vehicle" have the same meanings as in 74716

section 4501.01 of the Revised Code.

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(G) ~~On the effective date of this amendment~~ June 30, 2025,
the director shall immediately begin procedures to submit to the
United States environmental protection agency the alternative
emissions certification program for approval as part of the Ohio
state implementation plan. If the United States environmental
protection agency approves the modification of the decentralized
motor vehicle inspection and maintenance program as providing
sufficient air pollution reductions to meet the federal Clean
Air Act requirements for a vehicle inspection and maintenance
program and modifies the Ohio state implementation plan, the
director shall immediately begin to modify the Ohio
environmental protection agency rules to implement the
alternative emissions certification program. Nothing in this
division requires the Ohio environmental protection agency to
take action to implement the alternative emissions certification
program until the United States environmental protection agency
approves the alternative program as part of the Ohio state
implementation plan.

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(H) If the United States environmental protection agency
determines that the motor vehicle inspection and maintenance
program implemented in accordance with this section is not
necessary for the state or any area of the state to comply with
the federal Clean Air Act, the director shall immediately
discontinue the program and take any actions necessary to
effectuate the termination of the program.

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Sec. 3705.126. The department of health shall neither open
an adoption file nor make its contents available except as
follows:

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(A) The department shall inspect the file to determine the

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court involved for the purpose of division (D) of section 74747
3107.09 or section 3107.091 or 3107.171 of the Revised Code. 74748

(B) The department shall make the file's contents 74749
available to an adopted person or lineal descendant of an 74750
adopted person in accordance with section 3107.38 of the Revised 74751
Code. 74752

(C) The department shall open the file to transfer 74753
releases to the file in accordance with section 3107.381 of the 74754
Revised Code. 74755

(D) The department shall open the file to file a contact 74756
preference form from a biological parent pursuant to section 74757
3107.39 of the Revised Code and remove any previously filed 74758
contact preference form from the biological parent. 74759

(E) The department shall open the file to ~~file a~~ 74760
~~biological parent's name redaction request form pursuant to~~ 74761
~~division (C) of section 3107.391 of the Revised Code or to~~ 74762
remove and destroy the a name redaction request form pursuant to 74763
division ~~(D)~~ (A) of ~~that~~ section 3107.391 of the Revised Code. 74764

(F) The department shall open the file to file a denial of 74765
release form under division (A) of section 3107.46 of the 74766
Revised Code or an authorization of release form under division 74767
(B) of that section. 74768

(G) The department shall make the file's contents 74769
available to an adopted person or adoptive parent in accordance 74770
with section 3107.47 of the Revised Code. 74771

(H) The department shall open the file to file a request 74772
from an adopted person under division (A) of section 3107.48 of 74773
the Revised Code or to remove and destroy the request pursuant 74774
to division (B) of that section. 74775

(I) The department shall inspect the file to assist a birth parent or birth sibling in finding the adopted person's name by adoption in accordance with section 3107.49 of the Revised Code.

(J) The court that decreed the adoption may order that the contents be made open for inspection or available for copying.

Sec. 3705.16. (A) For purposes of this section notwithstanding section 3705.01 of the Revised Code, "fetal death" does not include death of the product of human conception prior to twenty weeks of gestation.

(B) Each death or fetal death that occurs in this state shall be registered with the local registrar of vital statistics of the district in which the death or fetal death occurred, by the funeral director or other person in charge of the final disposition of the remains. The personal and statistical information in the death or fetal death certificate shall be obtained from the best qualified persons or sources available, by the funeral director or other person in charge of the final disposition of the remains. The statement of facts relating to the disposition of the body and information relative to the armed services referred to in section 3705.19 of the Revised Code shall be signed by the funeral director or other person in charge of the final disposition of the remains.

(C) ~~The~~ (1) For certification of the cause of death, the funeral director or other person in charge of the final disposition of the remains shall present the death or fetal death certificate to one of the attending physician of the decedent, the coroner, or the medical examiner, as appropriate for certification of the cause of death. If following individuals:

(a) If a death or fetal death occurs under any 74806
circumstances mentioned circumstance described in section 313.12 74807
of the Revised Code, the coroner in the county in which the 74808
death occurs, ~~or a deputy coroner,~~ the medical examiner, ~~or~~ 74809
~~deputy medical examiner serving in an equivalent capacity,~~ shall 74810
~~certify the cause of death unless that death was reported to the~~ 74811
~~coroner, deputy coroner, medical examiner, or deputy medical~~ 74812
~~examiner and that person, after a preliminary examination,~~ 74813
~~declined to assert jurisdiction with respect to the death or~~ 74814
~~fetal death. A physician other than the coroner in the county in~~ 74815
~~which a death or fetal death occurs, or a deputy coroner,~~ 74816
~~medical examiner, or deputy medical examiner serving in an~~ 74817
~~equivalent capacity, may certify only those deaths that occur~~ 74818
~~under natural circumstances;~~ 74819

(b) If a death or fetal death occurs under a circumstance 74820
other than as described in section 313.12 of the Revised Code, 74821
the attending physician of the decedent, except that, in the 74822
case of decedent who did not have an attending physician, the 74823
physician who, either in person or through a means of 74824
telehealth, last examined or treated the decedent for any 74825
illness or condition. 74826

(2) After the death or fetal death certificate is 74827
presented, the cause of death shall be certified and the medical 74828
certificate of death shall be completed and signed as follows: 74829

(a) If the death or fetal death certificate is presented 74830
to the coroner or medical examiner, the coroner, or a deputy 74831
coroner, medical examiner, or deputy medical examiner serving in 74832
an equivalent capacity, shall certify the cause of death. 74833

(b) If the death or fetal death certificate is presented 74834
to the physician described in division (C) (1) (b) of this 74835

section, that physician shall certify the cause of death. 74836

(3) The medical certificate of death shall be completed 74837
and signed by the ~~physician who attended the decedent or by the~~ 74838
coroner or medical examiner, ~~physician who attended the~~ 74839
decedent, or physician who last examined or treated the 74840
decedent, as appropriate, within forty-eight hours after 74841
notification of the death or fetal death.~~A~~ 74842

A coroner or medical examiner may satisfy the requirement 74843
of signing a medical certificate showing the cause of death or 74844
fetal death as pending ~~either by stamping it with a stamp of the~~ 74845
~~coroner's or medical examiner's signature or by signing it in~~ 74846
~~the coroner's or medical examiner's own hand, but within forty-~~ 74847
~~eight hours after notification of the death or fetal death,~~ 74848
provided that the coroner or medical examiner shall sign any 74849
other medical certificate of death or supplementary medical 74850
certification ~~in the coroner's or medical examiner's own~~ 74851
~~hand~~ within forty-eight hours after the cause of death has been 74852
determined. 74853

A physician described in division (C)(1)(b) of this 74854
section may satisfy the requirement of signing a medical 74855
certificate by signing with an electronic signature. 74856

(D) A coroner, medical examiner, or physician who acts in 74857
good faith in accordance with this section, without fraud or 74858
malice, and upon reasonable belief of the cause of death or 74859
fetal death based on the information, if any, presented is not 74860
subject to civil liability or professional disciplinary action 74861
for any act or omission in certifying the cause of death or in 74862
completing and signing the medical certificate of death. 74863

(E) Any death certificate registered pursuant to this 74864

section shall contain the social security number of the 74865
decedent, if available. A social security number obtained under 74866
this section is a public record under section 149.43 of the 74867
Revised Code. 74868

Sec. 3705.17. The body of a person whose death occurs in 74869
this state shall not be interred, deposited in a vault or tomb, 74870
cremated, or otherwise disposed of by a funeral director until a 74871
burial permit is issued by a local registrar or sub-registrar of 74872
vital statistics. No such permit shall be issued by a local 74873
registrar or sub-registrar until a satisfactory death, fetal 74874
death, or provisional death certificate is filed with the local 74875
registrar or sub-registrar. When the medical certification as to 74876
the cause of death cannot be provided by the attending physician 74877
or coroner prior to burial, for sufficient cause, as determined 74878
by rule of the director of health, the funeral director may file 74879
a provisional death certificate with the local registrar or sub- 74880
registrar for the purpose of securing a burial or burial-transit 74881
permit. When the funeral director files a provisional death 74882
certificate to secure a burial or burial-transit permit, the 74883
funeral director shall file a satisfactory and complete death 74884
certificate within five days after the date of death. The 74885
director of health, by rule, may provide additional time for 74886
filing a satisfactory death certificate. A burial permit 74887
authorizing cremation shall not be issued upon the filing of a 74888
provisional certificate of death. 74889

When a funeral director or other person obtains a burial 74890
permit from a local registrar or sub-registrar, the registrar or 74891
sub-registrar shall charge a fee of ~~three~~ten dollars for the 74892
issuance of the burial permit. ~~Two~~Nine dollars and fifty cents 74893
of each fee collected for a burial permit shall be paid into the 74894
state treasury to the credit of the cemetery registration fund 74895

created under section 4767.03 of the Revised Code to be used by 74896
the division of real estate and professional licensing in the 74897
department of commerce in discharging its duties prescribed in 74898
Chapter 4767. of the Revised Code and the Ohio cemetery dispute 74899
resolution commission created by section 4767.05 of the Revised 74900
Code. A local registrar or sub-registrar shall transmit payments 74901
of that portion of the amount of each fee collected under this 74902
section to the treasurer of state on a quarterly basis or more 74903
frequently, if possible. The director of health, by rule, shall 74904
provide for the issuance of a burial permit without the payment 74905
of the fee required by this section if the total cost of the 74906
burial will be paid by an agency or instrumentality of the 74907
United States, the state or a state agency, or a political 74908
subdivision of the state. 74909

The director of commerce may by rule adopted in accordance 74910
with Chapter 119. of the Revised Code reduce the total amount of 74911
the fee required by this section and that portion of the amount 74912
of the fee required to be paid to the credit of the division of 74913
real estate and professional licensing for the use of the 74914
division and the Ohio cemetery dispute resolution commission, if 74915
the director determines that the total amount of funds the fee 74916
is generating at the amount required by this section exceeds the 74917
amount of funds the division of real estate and professional 74918
licensing and the commission need to carry out their powers and 74919
duties prescribed in Chapter 4767. of the Revised Code. 74920

No person in charge of any premises in which interments or 74921
cremations are made shall inter or cremate or otherwise dispose 74922
of a body, unless it is accompanied by a burial permit. Each 74923
person in charge of a cemetery, crematory, or other place of 74924
disposal shall indorse upon a burial permit the date of 74925
interment, cremation, or other disposal and shall retain such 74926

permits for a period of at least five years. The person in 74927
charge shall keep an accurate record of all interments, 74928
cremations, or other disposal of dead bodies, made in the 74929
premises under the person's charge, stating the name of the 74930
deceased person, place of death, date of burial, cremation, or 74931
other disposal, and name and address of the funeral director. 74932
Such record shall at all times be open to public inspection. 74933

Sec. 3706.01. As used in this chapter: 74934

(A) "Governmental agency" means a department, division, or 74935
other unit of state government, a municipal corporation, county, 74936
township, and other political subdivision, or any other public 74937
corporation or agency having the power to acquire, construct, or 74938
operate air quality facilities, the United States or any agency 74939
thereof, and any agency, commission, or authority established 74940
pursuant to an interstate compact or agreement. 74941

(B) "Person" means any individual, firm, partnership, 74942
association, or corporation, or any combination thereof. 74943

(C) "Air contaminant" means particulate matter, dust, 74944
fumes, gas, mist, smoke, noise, vapor, heat, radioactivity, 74945
radiation, or odorous substance, or any combination thereof. 74946

(D) "Air pollution" means the presence in the ambient air 74947
of one or more air contaminants in sufficient quantity and of 74948
such characteristics and duration as to injure human health or 74949
welfare, plant or animal life, or property, or that unreasonably 74950
interferes with the comfortable enjoyment of life or property. 74951

(E) "Ambient air" means that portion of the atmosphere 74952
outside of buildings and other enclosures, stacks, or ducts that 74953
surrounds human, plant, or animal life, or property. 74954

(F) "Emission" means the release into the outdoor 74955

atmosphere of an air contaminant. 74956

(G) "Air quality facility" means any of the following: 74957

(1) Any method, modification or replacement of property, 74958
process, device, structure, or equipment that removes, reduces, 74959
prevents, contains, alters, conveys, stores, disperses, or 74960
disposes of air contaminants or substances containing air 74961
contaminants, or that renders less noxious or reduces the 74962
concentration of air contaminants in the ambient air, including, 74963
without limitation, facilities and expenditures that qualify as 74964
air pollution control facilities under section 103 (C) (4) (F) of 74965
the Internal Revenue Code of 1954, as amended, and regulations 74966
adopted thereunder; 74967

(2) Motor vehicle inspection stations operated in 74968
accordance with, and any equipment used for motor vehicle 74969
inspections conducted under, section 3704.14 of the Revised Code 74970
and rules adopted under it; 74971

(3) Ethanol or other biofuel facilities, including any 74972
equipment used at the ethanol or other biofuel facility for the 74973
production of ethanol or other biofuels; 74974

(4) Any property or portion thereof used for the 74975
collection, storage, treatment, utilization, processing, or 74976
final disposal of a by-product or solid waste resulting from any 74977
method, process, device, structure, or equipment that removes, 74978
reduces, prevents, contains, alters, conveys, stores, disperses, 74979
or disposes of air contaminants, or that renders less noxious or 74980
reduces the concentration of air contaminants in the ambient 74981
air; 74982

(5) Any property, device, or equipment that promotes the 74983
reduction of emissions of air contaminants into the ambient air 74984

through improvements in the efficiency of energy utilization or 74985
energy conservation; 74986

(6) Any coal research and development project conducted 74987
under Chapter 1555. of the Revised Code; 74988

(7) As determined by the director of the Ohio coal 74989
development office, any property or portion thereof that is used 74990
for the collection, storage, treatment, utilization, processing, 74991
or final disposal of a by-product resulting from a coal research 74992
and development project as defined in section 1555.01 of the 74993
Revised Code or from the use of clean coal technology, excluding 74994
any property or portion thereof that is used primarily for other 74995
subsequent commercial purposes; 74996

(8) ~~Any property or portion thereof that is part of the~~ 74997
~~FutureGen project of the United States department of energy or~~ 74998
~~related to the siting of the FutureGen project~~Any property, 74999
device, or equipment comprising a facility generating green 75000
energy; 75001

(9) Any property, device, or equipment that promotes the 75002
reduction of emissions of air contaminants into the ambient air 75003
through the generation of clean, renewable energy with renewable 75004
energy resources or advanced energy resources as defined in 75005
section 3706.25 of the Revised Code; 75006

(10) Any property, device, structure, or equipment 75007
necessary for the manufacture and production of equipment 75008
described as an air quality facility under this chapter; 75009

(11) Any property, device, or equipment related to the 75010
recharging or refueling of vehicles that promotes the reduction 75011
of emissions of air contaminants into the ambient air through 75012
the use of an alternative fuel as defined in section 125.831 of 75013

the Revised Code or the use of a renewable energy resource as 75014
defined in section 3706.25 of the Revised Code; 75015

(12) Any special energy improvement project, as defined in 75016
section 1710.01 of the Revised Code, that promotes the reduction 75017
of emissions of air contaminants into the ambient air. 75018

"Air quality facility" further includes any property or 75019
system to be used in whole or in part for any of the purposes in 75020
divisions (G) (1) to (12) of this section, whether another 75021
purpose is also served, and any property or system incidental to 75022
or that has to do with, or the end purpose of which is, any of 75023
the foregoing. Air quality facilities that are defined in this 75024
division for industry, commerce, distribution, or research, 75025
including public utility companies, are hereby determined to be 75026
those that qualify as facilities for the control of air 75027
pollution and thermal pollution related to air under Section 13 75028
of Article VIII, Ohio Constitution. 75029

(H) "Project" or "air quality project" means any air 75030
quality facility, including undivided or other interests 75031
therein, acquired or to be acquired or constructed or to be 75032
constructed by the Ohio air quality development authority under 75033
this chapter, or acquired or to be acquired or constructed or to 75034
be constructed by a governmental agency or person with all or a 75035
part of the cost thereof being paid from a loan or grant from 75036
the authority under this chapter or otherwise paid from the 75037
proceeds of air quality revenue bonds, including all buildings 75038
and facilities that the authority determines necessary for the 75039
operation of the project, together with all property, rights, 75040
easements, and interests that may be required for the operation 75041
of the project. 75042

(I) "Cost" as applied to an air quality project means the 75043

cost of acquisition and construction, the cost of acquisition of 75044
all land, rights-of-way, property rights, easements, franchise 75045
rights, and interests required for such acquisition and 75046
construction, the cost of demolishing or removing any buildings 75047
or structures on land so acquired, including the cost of 75048
acquiring any lands to which such buildings or structures may be 75049
moved, the cost of acquiring or constructing and equipping a 75050
principal office and sub-offices of the authority, the cost of 75051
diverting highways, interchange of highways, and access roads to 75052
private property, including the cost of land or easements for 75053
such access roads, the cost of public utility and common carrier 75054
relocation or duplication, the cost of all machinery, 75055
furnishings, and equipment, financing charges, interest prior to 75056
and during construction and for no more than eighteen months 75057
after completion of construction, engineering, expenses of 75058
research and development with respect to air quality facilities, 75059
the cost of any commodity contract, including fees and expenses 75060
related thereto, legal expenses, plans, specifications, surveys, 75061
studies, estimates of cost and revenues, working capital, other 75062
expenses necessary or incident to determining the feasibility or 75063
practicability of acquiring or constructing such project, 75064
administrative expense, and such other expense as may be 75065
necessary or incident to the acquisition or construction of the 75066
project, the financing of such acquisition or construction, 75067
including the amount authorized in the resolution of the 75068
authority providing for the issuance of air quality revenue 75069
bonds to be paid into any special funds from the proceeds of 75070
such bonds, and the financing of the placing of such project in 75071
operation. Any obligation, cost, or expense incurred by any 75072
governmental agency or person for surveys, borings, preparation 75073
of plans and specifications, and other engineering services, or 75074
any other cost described above, in connection with the 75075

acquisition or construction of a project may be regarded as a 75076
part of the cost of that project and may be reimbursed out of 75077
the proceeds of air quality revenue bonds as authorized by this 75078
chapter. 75079

(J) "Owner" includes an individual, copartnership, 75080
association, or corporation having any title or interest in any 75081
property, rights, easements, or interests authorized to be 75082
acquired by this chapter. 75083

(K) "Revenues" means all rentals and other charges 75084
received by the authority for the use or services of any air 75085
quality project, any gift or grant received with respect to any 75086
air quality project, any moneys received with respect to the 75087
lease, sublease, sale, including installment sale or conditional 75088
sale, or other disposition of an air quality project, moneys 75089
received in repayment of and for interest on any loans made by 75090
the authority to a person or governmental agency, whether from 75091
the United States or any department, administration, or agency 75092
thereof, or otherwise, proceeds of such bonds to the extent that 75093
use thereof for payment of principal of, premium, if any, or 75094
interest on the bonds is authorized by the authority, amounts 75095
received or otherwise derived from a commodity contract or from 75096
the sale of the related commodity under such a contract, 75097
proceeds from any insurance, condemnation, or guaranty 75098
pertaining to a project or property mortgaged to secure bonds or 75099
pertaining to the financing of the project, and income and 75100
profit from the investment of the proceeds of air quality 75101
revenue bonds or of any revenues. 75102

(L) "Public roads" includes all public highways, roads, 75103
and streets in the state, whether maintained by the state, 75104
county, city, township, or other political subdivision. 75105

(M) "Public utility facilities" includes tracks, pipes, 75106
mains, conduits, cables, wires, towers, poles, and other 75107
equipment and appliances of any public utility. 75108

(N) "Construction," unless the context indicates a 75109
different meaning or intent, includes reconstruction, 75110
enlargement, improvement, or providing furnishings or equipment. 75111

(O) "Air quality revenue bonds," unless the context 75112
indicates a different meaning or intent, includes air quality 75113
revenue notes, air quality revenue renewal notes, and air 75114
quality revenue refunding bonds, except that notes issued in 75115
anticipation of the issuance of bonds shall have a maximum 75116
maturity of five years as provided in section 3706.05 of the 75117
Revised Code and notes or renewal notes issued as the definitive 75118
obligation may be issued maturing at such time or times with a 75119
maximum maturity of forty years from the date of issuance of the 75120
original note. 75121

(P) "Solid waste" means any garbage; refuse; sludge from a 75122
waste water treatment plant, water supply treatment plant, or 75123
air pollution control facility; and other discarded material, 75124
including solid, liquid, semisolid, or contained gaseous 75125
material resulting from industrial, commercial, mining, and 75126
agricultural operations, and from community activities, but not 75127
including solid or dissolved material in domestic sewage, or 75128
solid or dissolved material in irrigation return flows or 75129
industrial discharges that are point sources subject to permits 75130
under section 402 of the "Federal Water Pollution Control Act 75131
Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, 75132
or source, special nuclear, or byproduct material as defined by 75133
the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, 75134
as amended. 75135

(Q) "Sludge" means any solid, semisolid, or liquid waste, 75136
other than a recyclable by-product, generated from a municipal, 75137
commercial, or industrial waste water treatment plant, water 75138
supply plant, or air pollution control facility or any other 75139
such wastes having similar characteristics and effects. 75140

(R) "Ethanol or other biofuel facility" means a plant at 75141
which ethanol or other biofuel is produced. 75142

(S) "Ethanol" means fermentation ethyl alcohol derived 75143
from agricultural products, including potatoes, cereal, grains, 75144
cheese whey, and sugar beets; forest products; or other 75145
renewable or biomass resources, including residue and waste 75146
generated from the production, processing, and marketing of 75147
agricultural products, forest products, and other renewable or 75148
biomass resources, that meets all of the specifications in the 75149
American society for testing and materials (ASTM) specification 75150
D 4806-88 and is denatured as specified in Parts 20 and 21 of 75151
Title 27 of the Code of Federal Regulations. 75152

(T) "Biofuel" means any fuel that is made from cellulosic 75153
biomass resources, including renewable organic matter, crop 75154
waste residue, wood, aquatic plants and other crops, animal 75155
waste, solid waste, or sludge, and that is used for the 75156
production of energy for transportation or other purposes. 75157

(U) "FutureGen project" means the buildings, equipment, 75158
and real property and functionally related buildings, equipment, 75159
and real property, including related research projects that 75160
support the development and operation of the buildings, 75161
equipment, and real property, designated by the United States 75162
department of energy and the FutureGen industrial alliance, 75163
inc., as the coal-fueled, zero-emissions power plant designed to 75164
prove the technical and economic feasibility of producing 75165

electricity and hydrogen from coal and nearly eliminating carbon 75166
dioxide emissions through capture and permanent storage. 75167

(V) "Commodity contract" means a contract or series of 75168
contracts entered into in connection with the acquisition or 75169
construction of air quality facilities for the purchase or sale 75170
of a commodity that is eligible for prepayment with the proceeds 75171
of federally tax exempt bonds under sections 103, 141, and 148 75172
of the Internal Revenue Code of 1986, as amended, and 75173
regulations adopted under it. 75174

(W) "Green energy" has the same meaning as in section 75175
4928.01 of the Revised Code. 75176

Sec. 3709.15. The board of health of a city or general 75177
health district may appoint as many persons for sanitary duty as 75178
the public health and sanitary conditions of the district 75179
require, and such persons shall have general police powers and 75180
be known as "sanitarians." The board may also appoint as many 75181
registered nurses for public health nurse duty as the public 75182
health and sanitary conditions of the district require, who 75183
shall be known as "public health nurses," and where such are 75184
appointed, the board may appoint licensed practical nurses as 75185
defined by section ~~4723.15~~ 4723.02 of the Revised Code. The 75186
legislative authority of the city may determine the maximum 75187
number of sanitarians and public health nurses and licensed 75188
practical nurses to be appointed. 75189

The board of health of a city or general health district 75190
may provide nursing care and other therapeutic and supportive 75191
care services to maintain an ill or infirm person in a place of 75192
residence used as such person's home or elsewhere. The board 75193
shall charge and collect reasonable fees not to exceed the cost 75194
of service for such care from patients financially able to pay, 75195

or may accept payment for such services from persons or public 75196
or private agencies on behalf of the recipient, either directly 75197
or by contract with such persons or agencies. The fees shall be 75198
retained by the board and placed in a special fund to be known 75199
as the home health services fund, and shall be used by the board 75200
only for defraying the cost of personnel, equipment, supplies, 75201
rental of physical facilities including real property, 75202
utilities, and administrative costs in providing services under 75203
this section. ~~The approval of the auditor of state referred to~~ 75204
~~in section 5705.12 of the Revised Code shall not be required for~~ 75205
~~the establishment of the fund.~~ 75206

The board, in addition, may contract with any individual 75207
or a public or private agency to furnish services authorized by 75208
this section on behalf of a city or general health district for 75209
such time and for such compensation as may be agreed upon by the 75210
board and the individual or agency. The compensation shall be 75211
paid by the board from the home health services fund, or from 75212
any other available fund of the board. 75213

Sec. 3717.071. (A) The director of agriculture and 75214
director of health shall prescribe forms for use in calculating 75215
the licensing fees that may be charged under sections 3717.25 75216
and 3717.45 of the Revised Code. Each licensor that charges 75217
licensing fees shall use the forms in calculating its costs 75218
according to the uniform methodologies established in rules 75219
adopted under section 3717.07 of the Revised Code. 75220

(B) (1) If the licensor is a board of health, the board 75221
shall submit the form to the director of agriculture in the case 75222
of fees being charged for retail food establishment licenses, 75223
and to the director of health in the case of fees being charged 75224
for food service operation licenses. The board shall submit the 75225

form to the appropriate director not later than the first day of 75226
the fiscal year in which the fees will apply. A form that is 75227
mailed to the director shall be considered to have been 75228
submitted on its postmark date. 75229

(2) On receipt of a form from a board of health, the 75230
director of agriculture or director of health shall review the 75231
form to determine if the board has calculated its fees in 75232
accordance with the uniform methodologies. ~~The director may~~ 75233
~~request that the auditor of state conduct an audit of the board~~ 75234
~~to determine if the fees it established are appropriate. The~~ 75235
~~audit is in addition to the annual or biennial audit conducted~~ 75236
~~pursuant to division (A) of section 117.11 of the Revised Code,~~ 75237
~~and the cost of the audit is the responsibility of the board of~~ 75238
~~health.~~ If at any time the director of agriculture or director 75239
of health has reasonable cause to believe that ~~a different~~ an 75240
audit of a board of health, in addition to the annual or 75241
biennial audit conducted pursuant to division (A) of section 75242
117.11 of the Revised Code, is in the public interest, the 75243
director may request that the auditor of state conduct the 75244
audit. If the audit is conducted, the cost of the audit is the 75245
responsibility of the board of health. 75246

(C) (1) If a board of health fails to submit the forms as 75247
required under division (B) (1) of this section and the failure 75248
has occurred not more than twice in the immediately preceding 75249
five-year period, the board is subject to the following 75250
penalties: 75251

(a) If the form is late by one but not more than five 75252
working days, a fine of fifty dollars for each working day the 75253
form is late; 75254

(b) If the form is late by six working days but not more 75255

than ten working days, a fine of one hundred dollars for each 75256
working day the form is late; 75257

(c) If the form is late by more than ten working days, the 75258
board shall reduce by twenty per cent the fees it charges under 75259
section 3717.25 or 3717.45 of the Revised Code during the next 75260
succeeding fiscal year. 75261

(2) If a board fails to submit the forms and the failure 75262
has occurred more than twice in the immediately preceding five- 75263
year period, the board shall reduce by twenty per cent the fees 75264
it charges under section 3717.25 or 3717.45 of the Revised Code 75265
during the next succeeding fiscal year. 75266

(3) A board of health that is required to pay a fine or 75267
reduce its licensing fees shall not include any part of the cost 75268
of the penalty in the fees it charges under section 3717.25 or 75269
3717.45 of the Revised Code or the fees it charges in operating 75270
any other licensing program. 75271

Sec. 3719.04. (A) A person ~~identified in division (B) (1)~~ 75272
~~(a) of section 4729.52 of the Revised Code who holds a category-~~ 75273
~~III license issued under that section 4729.52 of the Revised~~ 75274
Code granting authority with respect to controlled substances 75275
may sell at wholesale controlled substances to any of the 75276
following persons and is subject to the following conditions: 75277

(1) To another person who holds a ~~category III~~ license 75278
issued under section 4729.52 of the Revised Code granting 75279
authority with respect to controlled substances or to a terminal 75280
distributor of dangerous drugs with a ~~category III~~ license 75281
issued under section 4729.54 of the Revised Code granting 75282
authority with respect to controlled substances; 75283

(2) To a person in the employ of the United States 75284

government or of any state, territorial, district, county, 75285
municipal, or insular government, purchasing, receiving, 75286
possessing, or dispensing controlled substances by reason of 75287
official duties; 75288

(3) To a master of a ship or a person in charge of any 75289
aircraft upon which no physician is regularly employed, for the 75290
actual medical needs of persons on board the ship or aircraft, 75291
when not in port; provided such controlled substances shall be 75292
sold to the master of the ship or person in charge of the 75293
aircraft only in pursuance of a special official written order 75294
approved by a commissioned medical officer or acting assistant 75295
surgeon of the United States public health service; 75296

(4) To a person in a foreign country, if the federal drug 75297
abuse control laws are complied with. 75298

(B) An official written order for any schedule II 75299
controlled substances shall comply with all requirements of the 75300
federal drug abuse control laws and rules adopted by the state 75301
board of pharmacy. Except as provided in section 3719.05 of the 75302
Revised Code or as otherwise specified in rules adopted by the 75303
board, each party engaged in the sale of schedule II controlled 75304
substances shall maintain all records relating to the order for 75305
a period of five years in such a way as to be readily accessible 75306
for inspection by any public officer or employee engaged in the 75307
enforcement of this chapter. 75308

Sec. 3721.074. (A) As used in this section: 75309

(1) "Independent living facility" has the same meaning as 75310
in section 5709.12 of the Revised Code. 75311

(2) "Residential facility" has the same meaning as in 75312
section 5119.34 of the Revised Code. 75313

(B) (1) Notwithstanding any provision of the Revised Code 75314
to the contrary, an independent living facility or residential 75315
facility that applies to the director of health pursuant to 75316
section 3721.07 of the Revised Code for a license as a 75317
residential care facility may continue to operate as an 75318
independent living facility or residential facility in 75319
accordance with this section during the period of time that the 75320
application is under consideration by the director. 75321

(2) An independent living facility or residential facility 75322
shall not provide care to more than two residents while its 75323
application under section 3721.07 of the Revised Code is 75324
pending. 75325

Sec. 3721.32. (A) The director of health shall establish a 75326
state nurse aide registry listing all individuals who have done 75327
any of the following: 75328

(1) Were used by a long-term care facility as nurse aides 75329
on a full-time, temporary, per diem, or other basis at any time 75330
during the period commencing July 1, 1989, and ending January 1, 75331
1990, and successfully completed, not later than October 1, 75332
1990, a competency evaluation program approved by the director 75333
under division (A) of section 3721.31 of the Revised Code or 75334
conducted by the director under division (C) of that section; 75335

(2) Successfully completed a training and competency 75336
evaluation program approved by the director under division (A) 75337
of section 3721.31 of the Revised Code or met the conditions 75338
specified in division (F) (1) or (2) of section 3721.28 of the 75339
Revised Code, and, if the training and competency evaluation 75340
program or the training, instruction, or education the 75341
individual completed in meeting the conditions specified in 75342
division (F) (1) of section 3721.28 of the Revised Code was 75343

conducted in or by a long-term care facility, has successfully 75344
completed a competency evaluation program conducted by the 75345
director; 75346

(3) Successfully completed a training and competency 75347
evaluation program conducted by the director under division (C) 75348
of section 3721.31 of the Revised Code; 75349

(4) Successfully completed, prior to July 1, 1989, a 75350
program that the director has determined under division (B) (3) 75351
of section 3721.28 of the Revised Code included a competency 75352
evaluation component no less stringent than the competency 75353
evaluation programs approved or conducted by the director under 75354
section 3721.31 of the Revised Code, and was otherwise 75355
comparable to the training and competency evaluation program 75356
being approved by the director under section 3721.31 of the 75357
Revised Code; 75358

(5) Are listed in a nurse aide registry maintained by 75359
another state that certifies that its program for training and 75360
evaluation of competency of nurse aides complies with Titles 75361
XVIII and XIX of the "Social Security Act," 49 Stat. 620 (1935), 75362
42 U.S.C.A. 301, as amended, or regulations adopted thereunder; 75363

(6) Were found competent, as provided in division (B) (5) 75364
of section 3721.28 of the Revised Code, prior to July 1, 1989, 75365
after the completion of a course of nurse aide training of at 75366
least one hundred hours' duration; 75367

(7) Are enrolled in a prelicensure program of nursing 75368
education approved by the board of nursing or by an agency of 75369
another state that regulates nursing education, have provided 75370
the long-term care facility with a certificate from the program 75371
indicating that the individual has successfully completed the 75372

courses that teach basic nursing skills including infection 75373
control, safety and emergency procedures, and personal care, and 75374
have successfully completed a competency evaluation program 75375
conducted by the director under division (A) of section 3721.31 75376
of the Revised Code; 75377

(8) Have the equivalent of twelve months or more of full- 75378
time employment in the five years preceding listing in the 75379
registry as a hospital aide or orderly and have successfully 75380
completed a competency evaluation program conducted by the 75381
director under division (C) of section 3721.31 of the Revised 75382
Code; 75383

(9) Successfully completed a prelicensure program of 75384
nursing education approved by the board of nursing under section 75385
4723.06 of the Revised Code or by an agency of another state 75386
that regulates nursing education and passed the examination 75387
accepted by the board of nursing under section 4723.10 of the 75388
Revised Code, which shall be deemed as successfully completing a 75389
competency evaluation program conducted by the director under 75390
division (C) of section 3721.31 of the Revised Code; 75391

(10) Successfully completed both of the following: 75392

(a) A training course provided by the United States 75393
department of veterans affairs in a community living center 75394
operated by the department of veterans affairs that the director 75395
of health determines is similar to a training and competency 75396
evaluation program conducted by the director under division (C) 75397
of section 3721.31 of the Revised Code; 75398

(b) A competency evaluation program conducted by the 75399
director of health under division (C) of section 3721.31 of the 75400
Revised Code. 75401

(B) In addition to the list of individuals required by 75402
division (A) of this section, the registry shall include both of 75403
the following: 75404

(1) The statement required by section 3721.23 of the 75405
Revised Code detailing findings by the director under that 75406
section regarding alleged abuse, neglect, or exploitation of a 75407
resident or misappropriation of resident property; 75408

(2) Any statement provided by an individual under section 75409
3721.23 of the Revised Code disputing the director's findings. 75410

Whenever an inquiry is received as to the information 75411
contained in the registry concerning an individual about whom a 75412
statement required by section 3721.23 of the Revised Code is 75413
included in the registry, the director shall disclose the 75414
statement or a summary of the statement together with any 75415
statement provided by the individual under section 3721.23 or a 75416
clear and accurate summary of that statement. 75417

(C) The director may by rule specify additional 75418
information that must be provided to the registry by long-term 75419
care facilities and persons or government agencies conducting 75420
approved training and competency evaluation programs. 75421

(D) Information contained in the registry is a public 75422
record for the purposes of section 149.43 of the Revised Code, 75423
and is subject to inspection and copying under section 1347.08 75424
of the Revised Code. 75425

(E) An individual who is listed on the registry in good 75426
standing shall be referred to as a certified nurse aide. Only 75427
individuals listed on the registry shall use the designation 75428
"certified nurse aide" or "CNA." 75429

Sec. 3722.04. ~~If a hospital licensed under this chapter is~~ 75430

~~assigned, sold, or transferred to a new owner, within thirty~~ 75431
~~days of the assignment, sale, or transfer, the new owner shall~~ 75432
~~apply to the director of health for a license transfer. The~~ 75433
~~application shall be submitted to the director in the form and~~ 75434
~~manner prescribed in rules adopted under section 3722.06 of the~~ 75435
~~Revised Code.~~ (A) As used in this section: 75436

(1) "Entering owner" means the person, political 75437
subdivision, agency, or instrumentality of this state, including 75438
a state university, that will become the owner and operator of a 75439
hospital when a change of owner occurs. 75440

(2) "Related party" means an individual or organization 75441
that, to a significant extent, has common ownership with, is 75442
associated or affiliated with, has control of, or is controlled 75443
by, the entering owner. 75444

(a) An individual who is a relative of an entering owner 75445
is a related party. 75446

(b) Common ownership exists when an individual or 75447
individuals possess significant ownership or equity in both the 75448
provider and the other organization. Significant ownership or 75449
equity exists when an individual or individuals possess five per 75450
cent ownership or equity in both the entering owner and a 75451
supplier. Significant ownership or equity is presumed to exist 75452
when an individual or individuals possess ten per cent ownership 75453
or equity in both the entering owner and another organization 75454
from which the entering owner purchases or leases real property. 75455

(c) Control exists when an individual or organization has 75456
the power, directly or indirectly, to significantly influence or 75457
direct the actions or policies of an organization. 75458

(d) An individual or organization that supplies goods or 75459

services to an entering owner shall not be considered a related 75460
party if all of the following conditions are met: 75461

(i) The supplier is a separate bona fide organization. 75462

(ii) A substantial part of the supplier's business 75463
activity of the type carried on with the entering owner is 75464
transacted with others than the entering owner and there is an 75465
open, competitive market for the types of goods or services the 75466
supplier furnishes. 75467

(iii) The types of goods or services are commonly obtained 75468
by other hospitals from outside organizations and are not a 75469
basic element of patient care ordinarily furnished directly to 75470
patients by hospitals. 75471

(iv) The charge to the entering owner is in line with the 75472
charge for the goods or services in the open market and not more 75473
than the charge made under comparable circumstances to others by 75474
the supplier. 75475

(B) If a change of owner is proposed for a hospital for 75476
which a license to operate has been issued under this chapter, a 75477
person or political subdivision, agency, or instrumentality of 75478
the state, including a state university, seeking to operate the 75479
hospital as its entering owner shall apply to the director of 75480
health for a license to operate the hospital. 75481

An application shall be submitted not later than forty- 75482
five days before the date of the proposed change of owner, 75483
except that the director may waive that timeline in the event of 75484
an emergency. 75485

(C) To be eligible for the license, an applicant shall 75486
satisfy all of the following: 75487

(1) Submit a complete application and pay the change of 75488
owner fee specified in rules adopted under section 3722.06 of 75489
the Revised Code; 75490

(2) Identify the one or more individuals, that own, 75491
directly or indirectly, at least five per cent of each of the 75492
following: 75493

(a) The entering owner, if the entering owner is an 75494
entity; 75495

(b) The owner of the building or buildings in which the 75496
main hospital and, if applicable, any of its remote locations 75497
are located, if the owner of the building or buildings differs 75498
from the entering owner; 75499

(c) Each related party that provides or will provide 75500
services to the hospital, through contracts with any individual 75501
identified in division (C) (2) of this section. 75502

(3) With respect to an individual identified as described 75503
in division (C) (2) of this section, disclose the exact 75504
percentage of the individual's ownership interest; 75505

(4) Disclose the following: 75506

(a) Whether or not an individual identified in division 75507
(C) (2) of this section owns or owned, directly or indirectly, an 75508
interest in a hospital licensed by the director or by another 75509
state; 75510

(b) With respect to the hospital described in division (C) 75511
(4) (a) of this section, whether or not any of the following 75512
events occurred within the five years immediately preceding the 75513
date of application: 75514

(i) The hospital closed, either voluntarily or 75515

involuntarily; 75516

(ii) The hospital or its owner was the subject of 75517
voluntary or involuntary bankruptcy proceedings; 75518

(iii) The hospital or its owner was the subject of 75519
voluntary or involuntary receivership proceedings; 75520

(iv) The hospital's license to operate was suspended, 75521
denied, or revoked; 75522

(v) The hospital was the subject of injunction proceedings 75523
initiated by a regulatory agency; 75524

(vi) A civil or criminal action was filed against the 75525
hospital by a state or federal entity. 75526

(4) Provide any additional information that the director 75527
of health considers necessary. 75528

(D) Except for an application identifying direct or 75529
indirect ownership of at least fifty per cent of the entering 75530
owner, the applicant also shall submit to the director evidence 75531
of a bond in an amount not less than the product of the number 75532
of beds reported by the hospital in its most recent license 75533
application or renewal, multiplied by ten thousand dollars. 75534

(1) The bond shall be renewed, replaced, or maintained for 75535
five years after the effective date of the change of owner. The 75536
aggregate liability of a surety shall not exceed the sum of the 75537
bond, which is not cumulative from period to period. If the bond 75538
is not renewed, replaced, or maintained in accordance with this 75539
division, the director shall revoke the hospital's license after 75540
providing thirty days' notice to the owner. The bond shall be 75541
released five years after the effective date of the change of 75542
owner if none of the events described in division (C) (2) of this 75543

section have occurred. 75544

(2) The director may utilize the bond required under this 75545
division to pay expenses incurred by the director or another 75546
state official or agency if any of the following occur during 75547
the five-year period for which the bond is required: 75548

(a) The hospital is voluntarily or involuntarily closed. 75549

(b) The hospital or its owner is the subject of voluntary 75550
or involuntary bankruptcy proceedings. 75551

(c) The hospital or its owner is the subject of voluntary 75552
or involuntary receivership proceedings. 75553

(d) The license to operate the hospital is suspended, 75554
denied, or revoked. 75555

(e) The hospital undergoes a change of ownership, unless 75556
the new applicant submits a bond in accordance with this 75557
section. 75558

(E) The applicant also shall demonstrate to the director 75559
that the entering owner or person who will have operational 75560
control of the hospital has at least five years of experience 75561
with operational control of a hospital licensed by the director 75562
or by another state. 75563

(F) The applicant also shall attest to the director all of 75564
the following: 75565

(1) That the entering owner has developed quality 75566
assurance and risk management plans for the hospital's 75567
operation; 75568

(2) That the entering owner has general and professional 75569
liability insurance coverage that provides coverage of at least 75570

one million dollars per occurrence and three million dollars 75571
aggregate; 75572

(3) That sufficient numbers of qualified staff, by 75573
training or experience, will be employed to properly care for 75574
the type and number of hospital patients. 75575

(G) As soon as practicable after receiving a completed 75576
application, the director shall review it to determine if the 75577
requirements of this section, rules adopted under this section, 75578
or rules regarding changes of owner adopted under section 75579
3722.06 of the Revised Code have been met. If the director makes 75580
such a determination, the director shall issue to the applicant 75581
a notice of intent to grant a change of owner license, with the 75582
license's issuance contingent on the submission of documents 75583
evidencing completion of the change of owner transaction. 75584

(H) The director shall deny a change of owner application 75585
if any of the following is the case: 75586

(1) The requirements of this section, any rules adopted 75587
under it, or any rules regarding changes of owner adopted under 75588
section 3722.06 of the Revised Code have not been met. 75589

(2) The entering owner or individual identified in 75590
division (C) (2) of this section as owning, directly or 75591
indirectly, twenty-five per cent or more of the entering owner 75592
meets both of the following criteria: 75593

(a) The entering owner or individual has or had either of 75594
the following relationships with a currently or previously 75595
licensed hospital by the director or by another state: 75596

(i) Fifty per cent or more direct or indirect ownership in 75597
the hospital; 75598

<u>(ii) Alone or together with one or more other persons,</u>	75599
<u>operational control of the hospital.</u>	75600
<u>(b) Any of the following occurred with respect to the</u>	75601
<u>current or previously licensed hospital described in division</u>	75602
<u>(H) (2) (a) of this section within the five years immediately</u>	75603
<u>preceding the date of application:</u>	75604
<u>(i) Involuntary closure of the hospital by a regulatory</u>	75605
<u>agency or voluntary closure in response to licensure or</u>	75606
<u>certification action;</u>	75607
<u>(ii) Voluntary or involuntary bankruptcy proceedings that</u>	75608
<u>are not dismissed within sixty days of filing for bankruptcy;</u>	75609
<u>(iii) Voluntary or involuntary receivership proceedings</u>	75610
<u>that are not dismissed within sixty days of the proceedings'</u>	75611
<u>initiation;</u>	75612
<u>(iv) License suspension, denial, or revocation for failure</u>	75613
<u>to comply with operating standards.</u>	75614
<u>(3) If a change of twenty-five per cent or more of the</u>	75615
<u>property ownership interest in a hospital occurs in connection</u>	75616
<u>with the change of owner, the person who acquired the property</u>	75617
<u>ownership interest meets both of the following criteria:</u>	75618
<u>(a) The person has or had either of the following</u>	75619
<u>relationships to a hospital currently or previously licensed by</u>	75620
<u>the director or by another state:</u>	75621
<u>(i) Fifty per cent or more direct or indirect property</u>	75622
<u>ownership in the hospital;</u>	75623
<u>(ii) Alone or together with one or more other persons,</u>	75624
<u>operational control of the hospital.</u>	75625

(b) Any of the following occurred with respect to the 75626
current or previously licensed hospital described in division 75627
(H) (3) (a) of this section within the five years immediately 75628
preceding the date of application: 75629

(i) Involuntary closure of the hospital by a regulatory 75630
agency or voluntary closure in response to licensure or 75631
certification action; 75632

(ii) Voluntary or involuntary bankruptcy proceedings that 75633
are not dismissed within sixty days of filing for bankruptcy; 75634

(iii) Voluntary or involuntary receivership proceedings 75635
that are not dismissed within sixty days of the proceedings' 75636
initiation; 75637

(iv) License suspension, denial, or revocation for failure 75638
to comply with operating standards. 75639

(I) An applicant may appeal, in accordance with Chapter 75640
119. of the Revised Code, the denial of a change of owner 75641
license. 75642

(J) An entering owner shall do all of the following: 75643

(1) As soon as practicable after the entering owner 75644
discovers an error, omission, or change of information in the 75645
entering owner's application submitted under this section, 75646
notify the director of the error, omission, or change; 75647

(2) When a change in the information or documentation 75648
required by this section occurs after the change of owner 75649
license is issued, notify the director of the change in the 75650
information or documentation within ten days of its occurrence; 75651

(3) Truthfully supply to the director any additional 75652
information or documentation that the director requests; 75653

(4) Refrain from completing the change of owner 75654
transaction until after the director issues to the entering 75655
owner notice of the director's intent to grant a change of owner 75656
as described in division (G) of this section; 75657

(5) Not later than five days after completing the change 75658
of owner transaction, submit to the director the final document 75659
evidencing its completion. 75660

If an entering owner fails to notify the director or to 75661
supply additional information or documentation as required by 75662
divisions (J) (1) to (3) of this section, the director shall 75663
impose on the entering owner a civil penalty of two thousand 75664
dollars for each day of noncompliance. 75665

(K) (1) The director shall investigate either of the 75666
following: 75667

(a) An allegation that a change of owner has occurred and 75668
the entering owner failed to submit an application under this 75669
section; 75670

(b) An allegation that an application filed under this 75671
section included information that was fraudulent. 75672

The director may request the attorney general's assistance 75673
in conducting such an investigation. 75674

(2) If the director becomes aware, by means of an 75675
investigation or otherwise, that either of the events described 75676
in division (K) (1) of this section are the case, the director 75677
shall impose on the entering owner a civil penalty of two 75678
thousand dollars for each day of noncompliance after the date 75679
the change of owner has occurred. 75680

If the entering owner fails to submit an application or 75681

new application for a change of owner license within sixty days 75682
of the director becoming aware of the change of owner, the 75683
director shall begin the process for license revocation 75684
specified in section 3722.07 of the Revised Code. 75685

(L) The ~~new-entering~~ owner is responsible for compliance 75686
with any action taken or proposed by the director under section 75687
3722.07 or 3722.08 of the Revised Code. If a notice has been 75688
served under sections 119.05 and 119.07 of the Revised Code, the 75689
~~new-entering~~ owner becomes party to the notice. 75690

(M) In addition to the rules establishing procedures for 75691
changing owners required by section 3722.06 of the Revised Code, 75692
the director may adopt any other rules as necessary to implement 75693
this section. The rules shall be adopted in accordance with 75694
Chapter 119. of the Revised Code. 75695

(N) It is the intent of the general assembly in amending 75696
this section to require full and complete disclosure and 75697
transparency with respect to the ownership, operation, and 75698
management of each licensed hospital undergoing a change of 75699
owner. 75700

Sec. 3722.06. (A) Not later than the date that is one year 75701
after ~~the effective date of this section~~ September 30, 2022, the 75702
director of health shall adopt rules establishing health, 75703
safety, welfare, and quality standards for hospitals licensed 75704
under this chapter, including standards for all of the 75705
following: 75706

(1) Maternity units; 75707

(2) Newborn care nurseries; 75708

(3) Health care services. 75709

(B) Not later than the date that is one year after ~~the~~ 75710
~~effective date of this section~~ September 30, 2022, the director 75711
shall adopt rules establishing standards and procedures for the 75712
licensure of hospitals, including all of the following: 75713

(1) Procedures for applying and renewing licenses as 75714
described in section 3722.03 of the Revised Code; 75715

(2) Procedures for ~~transferring licenses~~ changing owners 75716
as described in section 3722.04 of the Revised Code; 75717

(3) Procedures for inspections following complaints; 75718

(4) Subject to division (C) (1) of this section, fees for 75719
initial applications, license renewals, and ~~license~~ 75720
~~transfers~~ changes of owner, as well as inspections conducted 75721
under section 3722.05 of the Revised Code; 75722

(5) Subject to division (C) (2) of this section, standards 75723
and procedures for imposing civil penalties as described in 75724
section 3722.07 of the Revised Code; 75725

(6) Subject to division (C) (3) of this section, standards 75726
and procedures for correcting violations, including through the 75727
submission of correction plans; 75728

(7) Standards and procedures for identifying, monitoring, 75729
managing, reporting, and reducing exposures to risk conditions, 75730
such as Legionella, including through the use of environmental 75731
facility assessments, the development of water management plans, 75732
and the use of disinfection measures; 75733

(8) Standards and procedures for data reporting; 75734

(9) Standards and procedures for emergency preparedness; 75735

(10) Standards and procedures for the provision of 75736

technical assistance as described in section 3722.09 of the 75737
Revised Code; 75738

(11) Standards and procedures for new hospitals to 75739
demonstrate eligibility as described in division (B) (2) of 75740
section 3722.03 of the Revised Code; 75741

(12) Standards and procedures to address changes to a 75742
hospital's license, including adding or removing a location of 75743
the hospital. 75744

(C) (1) In the case of an inspection fee described in 75745
division (B) (4) of this section, the director shall establish an 75746
amount to cover only the cost of the inspection. All other fees 75747
established under that division shall be limited to what is 75748
necessary to support the hospital licensure program. 75749

(2) The director shall establish a scale for use in 75750
determining the amount of a civil penalty that may be imposed 75751
under section 3722.07 of the Revised Code. The scale shall 75752
include per day amounts for ongoing violations. The total amount 75753
of a civil penalty shall not exceed two hundred fifty thousand 75754
dollars for each violation. 75755

(3) The director shall accept a corrective action plan 75756
that also was accepted by the federal centers for medicare and 75757
medicaid services or an accrediting organization approved under 75758
42 U.S.C. 1395bb(a) provided that the plan was submitted to the 75759
centers or organization in response to the same deficiencies 75760
identified by the director. 75761

(D) The director may adopt any other rules as necessary to 75762
implement this chapter. 75763

(E) When adopting rules under this section, all of the 75764
following apply: 75765

(1) The director shall adopt the rules in accordance with 75766
Chapter 119. of the Revised Code; 75767

(2) Any rules adopted are not subject to division (F) of 75768
section 121.95 of the Revised Code; 75769

(3) The director shall collaborate with representatives of 75770
this state's hospital industry to maximize the public health 75771
utility of rules adopted under this section and limit the 75772
administrative burden of and costs of complying with such rules. 75773

(4) The director shall not adopt rules that conflict with 75774
requirements under federal laws or regulations. 75775

Sec. 3728.01. As used in this chapter: 75776

(A) "Administer epinephrine" means to inject an individual 75777
with epinephrine using an autoinjector in a manufactured dosage 75778
form. 75779

(B) "Peace officer" has the same meaning as in section 75780
109.71 of the Revised Code and also includes a sheriff. 75781

(C) "Prescriber" means an individual who is authorized by 75782
law to prescribe drugs or dangerous drugs or drug therapy 75783
related devices in the course of the individual's professional 75784
practice, including only the following: 75785

(1) A clinical nurse specialist, certified nurse-midwife, 75786
or certified nurse practitioner who holds a certificate to 75787
prescribe issued under section 4723.48 of the Revised Code; 75788

(2) A physician authorized under Chapter 4731. of the 75789
Revised Code to practice medicine and surgery, osteopathic 75790
medicine and surgery, or podiatric medicine and surgery; 75791

(3) A physician assistant who is licensed under Chapter 75792

4730. of the Revised Code, holds a valid prescriber number 75793
issued by the state medical board, and has been granted 75794
physician-delegated prescriptive authority. 75795

(D) "Qualified entity" means either of the following: 75796

(1) Any public or private entity that is associated with a 75797
location where allergens capable of causing anaphylaxis may be 75798
present, including child care centers, colleges and 75799
universities, places of employment, restaurants, amusement 75800
parks, recreation camps, sports playing fields and arenas, and 75801
other similar locations, except that "qualified entity" does not 75802
include either of the following: 75803

(a) A chartered or nonchartered nonpublic school; 75804
community school; science, technology, engineering, and 75805
mathematics school; college-preparatory boarding school; or a 75806
school operated by the board of education of a city, local, 75807
exempted village, or joint vocational school district, as those 75808
entities are otherwise authorized to procure epinephrine 75809
autoinjectors pursuant to sections 3313.7110, 3313.7111, 75810
3314.143, 3326.28, or 3328.29 of the Revised Code; 75811

(b) A camp described in section ~~5101.76~~5180.26 of the 75812
Revised Code that is authorized to procure epinephrine 75813
autoinjectors pursuant to that section; 75814

(2) Either of the following served by a peace officer: a 75815
law enforcement agency or other entity described in division (A) 75816
of section 109.71 of the Revised Code. 75817

Sec. 3734.021. (A) Infectious wastes shall be segregated, 75818
managed, treated, and disposed of in accordance with rules 75819
adopted under this section. 75820

(B) The director of environmental protection, in 75821

accordance with Chapter 119. of the Revised Code, shall adopt 75822
rules necessary or appropriate to protect human health or safety 75823
or the environment that do both of the following: 75824

(1) Establish standards for generators of infectious 75825
wastes that include, without limitation, the following 75826
requirements and authorizations that: 75827

(a) All generators of infectious wastes: 75828

(i) Either treat all specimen cultures and cultures of 75829
viable infectious agents on the premises where they are 75830
generated to render them noninfectious by methods, techniques, 75831
or practices prescribed by rules adopted under division (B) (2) 75832
(a) of this section before they are transported off that 75833
premises for disposal or ensure that such wastes are treated to 75834
render them noninfectious at an infectious waste treatment 75835
facility off that premises prior to disposal of the wastes; 75836

(ii) Transport and dispose of infectious wastes, if a 75837
generator produces fewer than fifty pounds of infectious wastes 75838
during any one month that are subject to and packaged and 75839
labeled in accordance with federal requirements, in the same 75840
manner as solid wastes. Such generators who treat specimen 75841
cultures and cultures of viable infectious agents on the 75842
premises where they are generated shall not be considered 75843
treatment facilities as "treatment" and "facility" are defined 75844
in section 3734.01 of the Revised Code. 75845

(iii) Dispose of infectious wastes subject to and treated 75846
in accordance with rules adopted under division (B) (1) (a) (i) of 75847
this section in the same manner as solid wastes; 75848

(iv) May take wastes generated in providing care to a 75849
patient by an emergency medical services organization, as 75850

defined in section 4765.01 of the Revised Code, to and leave 75851
them at a hospital, as defined in section 3727.01 of the Revised 75852
Code, for treatment at a treatment facility owned or operated by 75853
the hospital or, in conjunction with infectious wastes generated 75854
by the hospital, at another treatment facility regardless of 75855
whether the wastes were generated in providing care to the 75856
patient at the scene of an emergency or during the 75857
transportation of the patient to a hospital; 75858

(v) May take wastes generated by an individual for 75859
purposes of the individual's own care or treatment to and leave 75860
them at a hospital, as defined in section 3727.01 of the Revised 75861
Code, for treatment at a treatment facility owned or operated by 75862
the hospital or, in conjunction with infectious wastes generated 75863
by the hospital, at another treatment facility. 75864

(b) Each generator of fifty pounds or more of infectious 75865
wastes during any one month: 75866

(i) Register with the environmental protection agency as a 75867
generator of infectious wastes and obtain a registration 75868
certificate. ~~The fee for issuance of a generator registration~~ 75869
~~certificate is one hundred forty dollars payable at the time of~~ 75870
~~application.~~ The registration certificate applies to all the 75871
premises owned or operated by the generator in this state where 75872
infectious wastes are generated and shall list the address of 75873
each such premises. If a generator owns or operates facilities 75874
for the treatment of infectious wastes it generates, the 75875
certificate shall list the address and method of treatment used 75876
at each such facility. 75877

A generator registration certificate is valid for three 75878
years from the date of issuance and shall be renewed for a term 75879
of three years upon the generator's submission of an application 75880

for renewal and payment of a one hundred forty dollar renewal fee. 75881
75882

The rules may establish a system of staggered renewal 75883
dates with approximately one-third of such certificates subject 75884
to renewal each year. The applicable renewal date shall be 75885
prescribed on each registration certificate. ~~Registration fees~~ 75886
~~shall be prorated according to the time remaining in the~~ 75887
~~registration cycle to the nearest year.~~ 75888

~~The registration and renewal fees collected under division 75889
(B) (1) (b) (i) of this section shall be deposited in the state 75890
treasury to the credit of the waste management fund created in 75891
section 3734.061 of the Revised Code.~~ 75892

(ii) Segregate infectious wastes from other wastes at the 75893
point of generation. Nothing in this section and rules adopted 75894
under it prohibits a generator of infectious wastes from 75895
designating and managing any wastes, in addition to those 75896
defined as infectious wastes under section 3734.01 of the 75897
Revised Code, as infectious wastes. After designating any such 75898
other wastes as infectious, the generator shall manage those 75899
wastes in compliance with the requirements of this chapter and 75900
rules adopted under it applicable to the management of 75901
infectious wastes. 75902

(iii) Either treat the infectious wastes that it generates 75903
at a facility owned or operated by the generator by methods, 75904
techniques, or practices prescribed by rules adopted under 75905
division (B) (2) (a) of this section to render them noninfectious, 75906
or designate the wastes for treatment off that premises at an 75907
infectious waste treatment facility holding a license issued 75908
under division (B) of section 3734.05 of the Revised Code, at an 75909
infectious waste treatment facility that is located in another 75910

state that is in compliance with applicable state and federal 75911
laws, or at a treatment facility authorized by rules adopted 75912
under division (B) (2) (d) of this section, prior to disposal of 75913
the wastes. After being treated to render them noninfectious, 75914
the wastes shall be disposed of at a solid waste disposal 75915
facility holding a license issued under division (A) of section 75916
3734.05 of the Revised Code or at a disposal facility in another 75917
state that is in compliance with applicable state and federal 75918
laws. 75919

(iv) Not compact or grind any type of infectious wastes 75920
prior to treatment in accordance with rules adopted under 75921
division (B) (2) (a) of this section; 75922

(v) May discharge untreated liquid or semiliquid 75923
infectious wastes consisting of blood, blood products, body 75924
fluids, and excreta into a disposal system, as defined in 75925
section 6111.01 of the Revised Code, unless the discharge of 75926
those wastes into a disposal system is inconsistent with the 75927
terms and conditions of the permit for the system issued under 75928
Chapter 6111. of the Revised Code; 75929

(vi) May transport or cause to be transported infectious 75930
wastes that have been treated to render them noninfectious in 75931
the same manner as solid wastes are transported. 75932

(2) Establish standards for owners and operators of 75933
infectious waste treatment facilities that include, without 75934
limitation, the following requirements and authorizations that: 75935

(a) Require treatment of all wastes received to be 75936
performed in accordance with methods, techniques, and practices 75937
approved by the director; 75938

(b) Govern the location, design, construction, and 75939

operation of infectious waste treatment facilities. The rules 75940
adopted under division (B) (2) (b) of this section shall require 75941
that a new infectious waste incineration facility be located so 75942
that the incinerator unit and all areas where infectious wastes 75943
are handled on the premises where the facility is proposed to be 75944
located are at least three hundred feet inside the property line 75945
of the tract of land on which the facility is proposed to be 75946
located and are at least one thousand feet from any domicile, 75947
school, prison, or jail that is in existence on the date on 75948
which the application for the permit to establish the 75949
incinerator is submitted under division (B) (2) (b) of section 75950
3734.05 of the Revised Code. 75951

(c) Establish quality control and testing procedures to 75952
ensure compliance with the rules adopted under division (B) (2) 75953
(b) of this section; 75954

(d) Authorize infectious wastes to be treated at a 75955
facility that holds a license or renewal of a license to operate 75956
a crematory facility issued under Chapter 4717., and a permit 75957
issued under Chapter 3704., of the Revised Code to the extent 75958
that the treatment of those wastes is consistent with that 75959
permit and its terms and conditions. The rules adopted under 75960
divisions (B) (2) (b) and (c) of this section do not apply to a 75961
facility holding such a license and permit. 75962

In adopting the rules required by divisions (B) (2) (a) to 75963
(d) of this section, the director shall consider and, to the 75964
maximum feasible extent, utilize existing standards and 75965
guidelines established by professional and governmental 75966
organizations having expertise in the fields of infection 75967
control and infectious wastes management. 75968

(e) Require shipping papers to accompany shipments of 75969

wastes that have been treated to render them noninfectious. The 75970
shipping papers shall include only the following elements: 75971

(i) The name of the owner or operator of the facility 75972
where the wastes were treated and the address of the treatment 75973
facility; 75974

(ii) A certification by the owner or operator of the 75975
treatment facility where the wastes were treated indicating that 75976
the wastes have been treated by the methods, techniques, and 75977
practices prescribed in rules adopted under division (B) (2) (a) 75978
of this section. 75979

(C) This section and rules adopted under it do not apply 75980
to the treatment or disposal of wastes consisting of dead 75981
animals or parts thereof, or the blood of animals: 75982

(1) By the owner of the animal after slaughter by the 75983
owner on the owner's premises to obtain meat for consumption by 75984
the owner and the members of the owner's household; 75985

(2) In accordance with Chapter 941. of the Revised Code; 75986
or 75987

(3) By persons who are subject to any of the following: 75988

(a) Inspection under the "Federal Meat Inspection Act," 81 75989
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 75990

(b) Chapter 918. of the Revised Code; 75991

(c) Chapter 953. of the Revised Code. 75992

(D) As used in this section, "generator" means a person 75993
who produces infectious wastes at a specific premises. 75994

(E) Rules adopted under this section shall not concern or 75995
relate to personnel policies, salaries, wages, fringe benefits, 75996

or other conditions of employment of employees of persons owning 75997
or operating infectious waste treatment facilities. 75998

(F) (1) The director, in accordance with Chapter 119. of 75999
the Revised Code, shall adopt rules governing the issuance, 76000
modification, revocation, suspension, and denial of variances 76001
from the rules adopted under division (B) of this section. 76002
Variances shall be issued, modified, revoked, suspended, or 76003
denied in accordance with division (F) of this section, rules 76004
adopted under it, and Chapter 3745. of the Revised Code. 76005

(2) A person who desires to obtain a variance or renew a 76006
variance from the rules adopted under division (B) of this 76007
section shall submit to the director an application as 76008
prescribed by the director. The application shall contain detail 76009
plans, specifications, and information regarding objectives, 76010
procedures, controls, and any other information that the 76011
director may require. The director shall issue, renew, or deny a 76012
variance or renewal of a variance within six months of the date 76013
on which the director receives a complete application with all 76014
required information and data. 76015

(3) The director may hold a public hearing on an 76016
application submitted under division (F) of this section for a 76017
variance at a location in the county in which the operations 76018
that are the subject of the application for a variance or 76019
renewal of variance are conducted. Not less than twenty days 76020
before the hearing, the director shall provide to the applicant 76021
notice of the hearing by certified mail or by another type of 76022
mail that is accompanied by a receipt and shall publish notice 76023
of the hearing at least one time in a newspaper of general 76024
circulation in the county in which the hearing is to be held or 76025
may instead provide public notice by publication on the 76026

environmental protection agency's web site. The director shall 76027
make a complete stenographic record or electronic record of 76028
testimony and other evidence submitted at the hearing. Not later 76029
than ten days after the hearing, the director shall make a 76030
written determination to issue, renew, or deny the variance and 76031
shall enter the determination and the basis for it into the 76032
record of the hearing. 76033

(4) A variance shall not be issued, modified, revoked, or 76034
denied under division (F) of this section until the director has 76035
considered the relative interests of the applicant, other 76036
persons and property that will be affected by the variance, and 76037
the general public. The director shall grant a variance only if 76038
the applicant demonstrates to the director's satisfaction that 76039
the requested action will not create a nuisance or a hazard to 76040
the health or safety of the public or to the environment. In 76041
granting a variance, the director shall state the specific 76042
provision or provisions whose terms are to be varied and also 76043
shall state specific terms or conditions imposed on the 76044
applicant in place of the provision or provisions. 76045

(5) A variance granted under division (F) of this section 76046
shall be for a period specified by the director and may be 76047
renewed from time to time on terms and for periods that the 76048
director determines to be appropriate. The director may order 76049
the person to whom a variance has been issued to take action 76050
within the time that the director determines to be appropriate 76051
and reasonable to prevent the creation of a nuisance or a hazard 76052
to the health or safety of the public or to the environment. 76053

(6) An application submitted under division (F) of this 76054
section shall not be denied and a variance shall not be revoked 76055
or modified under that division without a written order of the 76056

director stating the findings on which the denial, revocation, 76057
or modification is based. A copy of the order shall be sent to 76058
the applicant or holder of a variance by certified mail or by 76059
another type of mail that is accompanied by a receipt. 76060

(7) The director shall make available for public 76061
inspection at the principal office of the environmental 76062
protection agency a current list of pending applications for 76063
variances submitted under division (F) of this section and a 76064
current schedule of pending variance hearings under it. 76065

Sec. 3734.05. (A) (1) Except as provided in divisions (A) 76066
(6) and (7) of this section, no person shall operate or maintain 76067
a solid waste facility without a license issued under this 76068
division by the board of health of the health district in which 76069
the facility is located or by the director of environmental 76070
protection when the health district in which the facility is 76071
located is not on the approved list under section 3734.08 of the 76072
Revised Code. 76073

During the month of December, but before the first day of 76074
January of the next year, every person proposing to continue to 76075
operate an existing solid waste facility shall procure a license 76076
under this division to operate the facility for that year from 76077
the board of health of the health district in which the facility 76078
is located or, if the health district is not on the approved 76079
list under section 3734.08 of the Revised Code, from the 76080
director. The application for such a license shall be submitted 76081
to the board of health or to the director, as appropriate, on or 76082
before the last day of September of the year preceding that for 76083
which the license is sought. In addition to the application fee 76084
prescribed in division (A) (2) of this section, a person who 76085
submits an application after that date shall pay an additional 76086

ten per cent of the amount of the application fee for each week 76087
that the application is late. Late payment fees accompanying an 76088
application submitted to the board of health shall be credited 76089
to the special fund of the health district created in division 76090
(B) of section 3734.06 of the Revised Code, and late payment 76091
fees accompanying an application submitted to the director shall 76092
be credited to the general revenue fund. A person who has 76093
received a license, upon sale or disposition of a solid waste 76094
facility, and upon consent of the board of health and the 76095
director, may have the license transferred to another person. 76096
The board of health or the director may include such terms and 76097
conditions in a license or revision to a license as are 76098
appropriate to ensure compliance with this chapter and rules 76099
adopted under it. The terms and conditions may establish the 76100
authorized maximum daily waste receipts for the facility. 76101
Limitations on maximum daily waste receipts shall be specified 76102
in cubic yards of volume for the purpose of regulating the 76103
design, construction, and operation of solid waste facilities. 76104
Terms and conditions included in a license or revision to a 76105
license by a board of health shall be consistent with, and 76106
pertain only to the subjects addressed in, the rules adopted 76107
under division (A) of section 3734.02 and division (D) of 76108
section 3734.12 of the Revised Code. 76109

(2) (a) Except as provided in divisions (A) (2) (b), (6), and 76110
(7) of this section, each person proposing to open a new solid 76111
waste facility or to modify an existing solid waste facility 76112
shall submit an application for a permit with accompanying 76113
detail plans and specifications to the environmental protection 76114
agency for required approval under the rules adopted by the 76115
director pursuant to division (A) of section 3734.02 of the 76116
Revised Code and applicable rules adopted under division (D) of 76117

section 3734.12 of the Revised Code at least two hundred seventy 76118
days before proposed operation of the facility and shall 76119
concurrently make application for the issuance of a license 76120
under division (A) (1) of this section with the board of health 76121
of the health district in which the proposed facility is to be 76122
located. 76123

(b) On and after the effective date of the rules adopted 76124
under division (A) of section 3734.02 of the Revised Code and 76125
division (D) of section 3734.12 of the Revised Code governing 76126
solid waste transfer facilities, each person proposing to open a 76127
new solid waste transfer facility or to modify an existing solid 76128
waste transfer facility shall submit an application for a permit 76129
with accompanying engineering detail plans, specifications, and 76130
information regarding the facility and its method of operation 76131
to the environmental protection agency for required approval 76132
under those rules at least two hundred seventy days before 76133
commencing proposed operation of the facility and concurrently 76134
shall make application for the issuance of a license under 76135
division (A) (1) of this section with the board of health of the 76136
health district in which the facility is located or proposed. 76137

(c) Each application for a permit under division (A) (2) (a) 76138
or (b) of this section shall be accompanied by a nonrefundable 76139
application fee of four hundred dollars that shall be credited 76140
to the general revenue fund. Each application for an annual 76141
license under division (A) (1) or (2) of this section shall be 76142
accompanied by a nonrefundable application fee of one hundred 76143
dollars. If the application for an annual license is submitted 76144
to a board of health on the approved list under section 3734.08 76145
of the Revised Code, the application fee shall be credited to 76146
the special fund of the health district created in division (B) 76147
of section 3734.06 of the Revised Code. If the application for 76148

an annual license is submitted to the director, the application 76149
fee shall be credited to the general revenue fund. If a permit 76150
or license is issued, the amount of the application fee paid 76151
shall be deducted from the amount of the permit fee due under 76152
division ~~(Q)~~(P) of section 3745.11 of the Revised Code or the 76153
amount of the license fee due under division (A) (1), (2), (3), 76154
(4), or (5) of section 3734.06 of the Revised Code. 76155

(d) As used in divisions (A) (2) (d), (e), and (f) of this 76156
section, "modify" means any of the following: 76157

(i) Any increase of more than ten per cent in the total 76158
capacity of a solid waste facility; 76159

(ii) Any expansion of the limits of solid waste placement 76160
at a solid waste facility; 76161

(iii) Any increase in the depth of excavation at a solid 76162
waste facility; 76163

(iv) Any change in the technique of waste receipt or type 76164
of waste received at a solid waste facility that may endanger 76165
human health, as determined by the director by rules adopted in 76166
accordance with Chapter 119. of the Revised Code. 76167

Not later than forty-five days after submitting an 76168
application under division (A) (2) (a) or (b) of this section for 76169
a permit to open a new or modify an existing solid waste 76170
facility, the applicant, in conjunction with an officer or 76171
employee of the environmental protection agency, shall hold a 76172
public meeting on the application within the county in which the 76173
new or modified solid waste facility is or is proposed to be 76174
located or within a contiguous county. ~~Not~~ 76175

Not less than thirty days before holding the public 76176
meeting on the application, the applicant shall publish notice 76177

of the meeting in each newspaper of general circulation that is 76178
published in the county in which the facility is or is proposed 76179
to be located. If no newspaper of general circulation is 76180
published in the county, the applicant shall publish the notice 76181
in a newspaper of general circulation in the county. The notice 76182
shall contain the date, time, and location of the public meeting 76183
and a general description of the proposed new or modified 76184
facility. ~~Not~~ 76185

Not later than five days after publishing the notice, the 76186
applicant shall send by certified mail a copy of the notice and 76187
the date the notice was published to the director and the 76188
legislative authority of each municipal corporation, township, 76189
and county, and to the chief executive officer of each municipal 76190
corporation, in which the facility is or is proposed to be 76191
located. ~~At~~ 76192

At the public meeting, the applicant shall provide 76193
information and describe the application and respond to comments 76194
or questions concerning the application, and the officer or 76195
employee of the agency shall describe the permit application 76196
process. At the public meeting, any person may submit written or 76197
oral comments on or objections to the application. ~~Not~~ 76198

Not more than thirty days after the public meeting, the 76199
applicant shall provide the director with a copy of a transcript 76200
of the full meeting, copies of any exhibits, displays, or other 76201
materials presented by the applicant at the meeting, and the 76202
original copy of any written comments submitted at the meeting. 76203

(e) Except as provided in division (A) (2) (f) of this 76204
section, prior to taking an action, other than a proposed or 76205
final denial, upon an application submitted under division (A) 76206
(2) (a) of this section for a permit to open a new or modify an 76207

existing solid waste facility, the director shall hold a public 76208
information session and a public hearing on the application 76209
within the county in which the new or modified solid waste 76210
facility is or is proposed to be located or within a contiguous 76211
county. If the application is for a permit to open a new solid 76212
waste facility, the director shall hold the hearing not less 76213
than fourteen days after the information session. If the 76214
application is for a permit to modify an existing solid waste 76215
facility, the director may hold both the information session and 76216
the hearing on the same day unless any individual affected by 76217
the application requests in writing that the information session 76218
and the hearing not be held on the same day, in which case the 76219
director shall hold the hearing not less than fourteen days 76220
after the information session. The director shall publish notice 76221
of the public information session or public hearing not less 76222
than thirty days before holding the information session or 76223
hearing, as applicable. The notice shall be published in each 76224
newspaper of general circulation that is published in the county 76225
in which the facility is or is proposed to be located. ~~If no~~ 76226
~~newspaper of general circulation is published in the county, the~~ 76227
~~director shall publish the notice in a newspaper of general~~ 76228
~~circulation in the county~~ or by publication on the environmental 76229
protection agency's official web site. The notice shall contain 76230
the date, time, and location of the information session or 76231
hearing, as applicable, and a general description of the 76232
proposed new or modified facility. At the public information 76233
session, an officer or employee of the environmental protection 76234
agency shall describe the status of the permit application and 76235
be available to respond to comments or questions concerning the 76236
application. At the public hearing, any person may submit 76237
written or oral comments on or objections to the approval of the 76238
application. The applicant, or a representative of the applicant 76239

who has knowledge of the location, construction, and operation 76240
of the facility, shall attend the information session and public 76241
hearing to respond to comments or questions concerning the 76242
facility directed to the applicant or representative by the 76243
officer or employee of the environmental protection agency 76244
presiding at the information session and hearing. 76245

(f) The solid waste management policy committee of a 76246
county or joint solid waste management district may adopt a 76247
resolution requesting expeditious consideration of a specific 76248
application submitted under division (A) (2) (a) of this section 76249
for a permit to modify an existing solid waste facility within 76250
the district. The resolution shall make the finding that 76251
expedited consideration of the application without the public 76252
information session and public hearing under division (A) (2) (e) 76253
of this section is in the public interest and will not endanger 76254
human health, as determined by the director by rules adopted in 76255
accordance with Chapter 119. of the Revised Code. Upon receiving 76256
such a resolution, the director, at the director's discretion, 76257
may issue a final action upon the application without holding a 76258
public information session or public hearing pursuant to 76259
division (A) (2) (e) of this section. 76260

(3) The director may issue an order in accordance with 76261
Chapter 3745. of the Revised Code to the owner or operator of a 76262
solid waste facility requiring the person to submit to the 76263
director updated engineering detail plans, specifications, and 76264
information regarding the facility and its method of operation 76265
for approval under rules adopted under division (A) of section 76266
3734.02 of the Revised Code and applicable rules adopted under 76267
division (D) of section 3734.12 of the Revised Code if, in the 76268
director's judgment, conditions at the facility constitute a 76269
substantial threat to public health or safety or are causing or 76270

contributing to or threatening to cause or contribute to air or 76271
water pollution or soil contamination. Any person who receives 76272
such an order shall submit the updated engineering detail plans, 76273
specifications, and information to the director within one 76274
hundred eighty days after the effective date of the order. 76275

(4) The director shall act upon any updated engineering 76276
plans, specifications, and information submitted under division 76277
(A) (3) of this section within one hundred eighty days after 76278
receiving them. If the director issues an order disapproving the 76279
plans, specifications, and information submitted under division 76280
(A) (3) of this section, the order shall include all of the 76281
following requirements: 76282

(a) That the owner or operator submit a plan for closure 76283
and post-closure care of the facility to the director for 76284
approval within six months after issuance of the order; 76285

(b) That the owner or operator cease accepting solid 76286
wastes for disposal or transfer at the facility; and 76287

(c) The owner or operator commence closure of the facility 76288
not later than one year after issuance of the order. 76289

If the director determines that closure of the facility 76290
within that one-year period would result in the unavailability 76291
of sufficient solid waste management facility capacity within 76292
the county or joint solid waste management district in which the 76293
facility is located to dispose of or transfer the solid waste 76294
generated within the district, the director in the order of 76295
disapproval may postpone commencement of closure of the facility 76296
for such period of time as the director finds necessary for the 76297
board of county commissioners or directors of the district to 76298
secure access to or for there to be constructed within the 76299

district sufficient solid waste management facility capacity to 76300
meet the needs of the district, provided that the director shall 76301
certify in the director's order that postponing the date for 76302
commencement of closure will not endanger ground water or any 76303
property surrounding the facility, allow methane gas migration 76304
to occur, or cause or contribute to any other type of 76305
environmental damage. 76306

If an emergency need for disposal capacity that may affect 76307
public health and safety exists as a result of closure of a 76308
facility under division (A) (4) of this section, the director may 76309
issue an order designating another solid waste facility to 76310
accept the wastes that would have been disposed of at the 76311
facility to be closed. 76312

(5) If the director determines that standards more 76313
stringent than those applicable in rules adopted under division 76314
(A) of section 3734.02 of the Revised Code and division (D) of 76315
section 3734.12 of the Revised Code, or standards pertaining to 76316
subjects not specifically addressed by those rules, are 76317
necessary to ensure that a solid waste facility constructed at 76318
the proposed location will not cause a nuisance, cause or 76319
contribute to water pollution, or endanger public health or 76320
safety, the director may issue a permit for the facility with 76321
such terms and conditions as the director finds necessary to 76322
protect public health and safety and the environment. If a 76323
permit is issued, the director shall state in the order issuing 76324
it the specific findings supporting each such term or condition. 76325

(6) Divisions (A) (1) and (2) (a) of this section do not 76326
apply to a solid waste compost facility that accepts exclusively 76327
source separated yard wastes and that is registered under 76328
division (C) of section 3734.02 of the Revised Code or, unless 76329

otherwise provided in rules adopted under division (N) (3) of 76330
section 3734.02 of the Revised Code, to a solid waste compost 76331
facility if the director has adopted rules establishing an 76332
alternative system for authorizing the establishment, operation, 76333
or modification of a solid waste compost facility under that 76334
division. 76335

(7) Divisions (A) (1) to (5) of this section do not apply 76336
to scrap tire collection, storage, monocell, monofill, and 76337
recovery facilities. The approval of plans and specifications, 76338
as applicable, and the issuance of registration certificates, 76339
permits, and licenses for those facilities are subject to 76340
sections 3734.75 to 3734.78 of the Revised Code, as applicable, 76341
and section 3734.81 of the Revised Code. 76342

(B) (1) No person shall operate or maintain an infectious 76343
waste treatment facility without a license issued by the board 76344
of health of the health district in which the facility is 76345
located or by the director when the health district in which the 76346
facility is located is not on the approved list under section 76347
3734.08 of the Revised Code. 76348

(2) (a) During the month of December, but before the first 76349
day of January of the next year, every person proposing to 76350
continue to operate an existing infectious waste treatment 76351
facility shall procure a license to operate the facility for 76352
that year from the board of health of the health district in 76353
which the facility is located or, if the health district is not 76354
on the approved list under section 3734.08 of the Revised Code, 76355
from the director. The application for such a license shall be 76356
submitted to the board of health or to the director, as 76357
appropriate, on or before the last day of September of the year 76358
preceding that for which the license is sought. In addition to 76359

the application fee prescribed in division (B) (2) (c) of this 76360
section, a person who submits an application after that date 76361
shall pay an additional ten per cent of the amount of the 76362
application fee for each week that the application is late. Late 76363
payment fees accompanying an application submitted to the board 76364
of health shall be credited to the special infectious waste fund 76365
of the health district created in division (C) of section 76366
3734.06 of the Revised Code, and late payment fees accompanying 76367
an application submitted to the director shall be credited to 76368
the general revenue fund. A person who has received a license, 76369
upon sale or disposition of an infectious waste treatment 76370
facility and upon consent of the board of health and the 76371
director, may have the license transferred to another person. 76372
The board of health or the director may include such terms and 76373
conditions in a license or revision to a license as are 76374
appropriate to ensure compliance with the infectious waste 76375
provisions of this chapter and rules adopted under them. 76376

(b) Each person proposing to open a new infectious waste 76377
treatment facility or to modify an existing infectious waste 76378
treatment facility shall submit an application for a permit with 76379
accompanying detail plans and specifications to the 76380
environmental protection agency for required approval under the 76381
rules adopted by the director pursuant to section 3734.021 of 76382
the Revised Code two hundred seventy days before proposed 76383
operation of the facility and concurrently shall make 76384
application for a license with the board of health of the health 76385
district in which the facility is or is proposed to be located. 76386
Not later than ninety days after receiving a complete 76387
application under division (B) (2) (b) of this section for a 76388
permit to open a new infectious waste treatment facility or 76389
modify an existing infectious waste treatment facility to expand 76390

its treatment capacity, or receiving a complete application 76391
under division (A) (2) (a) of this section for a permit to open a 76392
new solid waste incineration facility, or modify an existing 76393
solid waste incineration facility to also treat infectious 76394
wastes or to increase its infectious waste treatment capacity, 76395
that pertains to a facility for which a notation authorizing 76396
infectious waste treatment is included or proposed to be 76397
included in the solid waste incineration facility's license 76398
pursuant to division (B) (3) of this section, the director shall 76399
hold a public hearing on the application within the county in 76400
which the new or modified infectious waste or solid waste 76401
facility is or is proposed to be located or within a contiguous 76402
county. Not less than thirty days before holding the public 76403
hearing on the application, the director shall publish notice of 76404
the hearing in each newspaper that has general circulation and 76405
that is published in the county in which the facility is or is 76406
proposed to be located. ~~If there is no newspaper that has~~ 76407
~~general circulation and that is published in the county, the~~ 76408
~~director shall publish the notice in a newspaper of general~~ 76409
~~circulation in the county or by publication on the environmental~~ 76410
protection agency's official web site. The notice shall contain 76411
the date, time, and location of the public hearing and a general 76412
description of the proposed new or modified facility. At the 76413
public hearing, any person may submit written or oral comments 76414
on or objections to the approval or disapproval of the 76415
application. The applicant, or a representative of the applicant 76416
who has knowledge of the location, construction, and operation 76417
of the facility, shall attend the public hearing to respond to 76418
comments or questions concerning the facility directed to the 76419
applicant or representative by the officer or employee of the 76420
environmental protection agency presiding at the hearing. 76421

(c) Each application for a permit under division (B) (2) (b) 76422
of this section shall be accompanied by a nonrefundable 76423
application fee of four hundred dollars that shall be credited 76424
to the general revenue fund. Each application for an annual 76425
license under division (B) (2) (a) of this section shall be 76426
accompanied by a nonrefundable application fee of one hundred 76427
dollars. If the application for an annual license is submitted 76428
to a board of health on the approved list under section 3734.08 76429
of the Revised Code, the application fee shall be credited to 76430
the special infectious waste fund of the health district created 76431
in division (C) of section 3734.06 of the Revised Code. If the 76432
application for an annual license is submitted to the director, 76433
the application fee shall be credited to the general revenue 76434
fund. If a permit or license is issued, the amount of the 76435
application fee paid shall be deducted from the amount of the 76436
permit fee due under division ~~(Q)~~(P) of section 3745.11 of the 76437
Revised Code or the amount of the license fee due under division 76438
(C) of section 3734.06 of the Revised Code. 76439

(d) The director may issue an order in accordance with 76440
Chapter 3745. of the Revised Code to the owner or operator of an 76441
infectious waste treatment facility requiring the person to 76442
submit to the director updated engineering detail plans, 76443
specifications, and information regarding the facility and its 76444
method of operation for approval under rules adopted under 76445
section 3734.021 of the Revised Code if, in the director's 76446
judgment, conditions at the facility constitute a substantial 76447
threat to public health or safety or are causing or contributing 76448
to or threatening to cause or contribute to air or water 76449
pollution or soil contamination. Any person who receives such an 76450
order shall submit the updated engineering detail plans, 76451
specifications, and information to the director within one 76452

hundred eighty days after the effective date of the order. 76453

(e) The director shall act on any updated engineering 76454
plans, specifications, and information submitted under division 76455
(B) (2) (d) of this section within one hundred eighty days after 76456
receiving them. If the director disapproves any such updated 76457
engineering plans, specifications, and information, the director 76458
shall include in the order disapproving the plans the 76459
requirement that the owner or operator cease accepting 76460
infectious wastes for treatment at the facility. 76461

(3) Division (B) of this section does not apply to a 76462
generator of infectious wastes that meets any of the following 76463
conditions: 76464

(a) Treats, by methods, techniques, and practices 76465
established by rules adopted under division (B) (2) (a) of section 76466
3734.021 of the Revised Code, any of the following wastes: 76467

(i) Infectious wastes that are generated on any premises 76468
that are owned or operated by the generator; 76469

(ii) Infectious wastes that are generated by a generator 76470
who has staff privileges at a hospital as defined in section 76471
3727.01 of the Revised Code; 76472

(iii) Infectious wastes that are generated in providing 76473
care to a patient by an emergency medical services organization 76474
as defined in section 4765.01 of the Revised Code. 76475

(b) Holds a license or renewal of a license to operate a 76476
crematory facility issued under Chapter 4717. and a permit 76477
issued under Chapter 3704. of the Revised Code; 76478

(c) Treats or disposes of dead animals or parts thereof, 76479
or the blood of animals, and is subject to any of the following: 76480

(i) Inspection under the "Federal Meat Inspection Act," 81 76481
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 76482

(ii) Chapter 918. of the Revised Code; 76483

(iii) Chapter 953. of the Revised Code. 76484

Nothing in division (B) of this section requires a 76485
facility that holds a license issued under division (A) of this 76486
section as a solid waste facility and that also treats 76487
infectious wastes by the same method, technique, or process to 76488
obtain a license under division (B) of this section as an 76489
infectious waste treatment facility. However, the solid waste 76490
facility license for the facility shall include the notation 76491
that the facility also treats infectious wastes. 76492

The director shall not issue a permit to open a new solid 76493
waste incineration facility unless the proposed facility 76494
complies with the requirements for the location of new 76495
infectious waste incineration facilities established in rules 76496
adopted under division (B) (2) (b) of section 3734.021 of the 76497
Revised Code. 76498

(C) Except for a facility or activity described in 76499
division (E) (3) of section 3734.02 of the Revised Code, a person 76500
who proposes to establish or operate a hazardous waste facility 76501
shall submit a complete application for a hazardous waste 76502
facility installation and operation permit and accompanying 76503
detail plans, specifications, and such information as the 76504
director may require to the environmental protection agency at 76505
least one hundred eighty days before the proposed beginning of 76506
operation of the facility. The applicant shall notify by 76507
certified mail the legislative authority of each municipal 76508
corporation, township, and county in which the facility is 76509

proposed to be located of the submission of the application 76510
within ten days after the submission or at such earlier time as 76511
the director may establish by rule. If the application is for a 76512
proposed new hazardous waste disposal or thermal treatment 76513
facility, the applicant also shall give actual notice of the 76514
general design and purpose of the facility to the legislative 76515
authority of each municipal corporation, township, and county in 76516
which the facility is proposed to be located at least ninety 76517
days before the permit application is submitted to the 76518
environmental protection agency. 76519

In accordance with rules adopted under section 3734.12 of 76520
the Revised Code, prior to the submission of a complete 76521
application for a hazardous waste facility installation and 76522
operation permit, the applicant shall hold at least one meeting 76523
in the township or municipal corporation in which the facility 76524
is proposed to be located, whichever is geographically closer to 76525
the proposed location of the facility. The meeting shall be open 76526
to the public and shall be held to inform the community of the 76527
proposed hazardous waste management activities and to solicit 76528
questions from the community concerning the activities. 76529

(D) (1) Except as provided in section 3734.123 of the 76530
Revised Code, upon receipt of a complete application for a 76531
hazardous waste facility installation and operation permit under 76532
division (C) of this section, the director shall consider the 76533
application and accompanying information to determine whether 76534
the application complies with agency rules and the requirements 76535
of division (D) (2) of this section. After making a 76536
determination, the director shall issue either a draft permit or 76537
a notice of intent to deny the permit. The director, in 76538
accordance with rules adopted under section 3734.12 of the 76539
Revised Code or with rules adopted to implement Chapter 3745. of 76540

the Revised Code, shall provide public notice of the application 76541
and the draft permit or the notice of intent to deny the permit, 76542
provide an opportunity for public comments, and, if significant 76543
interest is shown, schedule a public meeting in the county in 76544
which the facility is proposed to be located and give public 76545
notice of the date, time, and location of the public meeting in 76546
a newspaper of general circulation in that county. 76547

(2) The director shall not approve an application for a 76548
hazardous waste facility installation and operation permit or an 76549
application for a modification under division (I)(3) of this 76550
section unless the director finds and determines as follows: 76551

(a) The nature and volume of the waste to be treated, 76552
stored, or disposed of at the facility; 76553

(b) That the facility complies with the director's 76554
hazardous waste standards adopted pursuant to section 3734.12 of 76555
the Revised Code; 76556

(c) That the facility represents the minimum adverse 76557
environmental impact, considering the state of available 76558
technology and the nature and economics of various alternatives, 76559
and other pertinent considerations; 76560

(d) That the facility represents the minimum risk of all 76561
of the following: 76562

(i) Fires or explosions from treatment, storage, or 76563
disposal methods; 76564

(ii) Release of hazardous waste during transportation of 76565
hazardous waste to or from the facility; 76566

(iii) Adverse impact on the public health and safety. 76567

(e) That the facility will comply with this chapter and 76568

Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;

(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D) (2) (f) of this section.

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored,

treated, or disposed of and where the aggregate of the storage 76600
design capacity and the disposal design capacity of all 76601
hazardous waste in those areas is greater than two hundred fifty 76602
thousand gallons, are not located or operated within any of the 76603
following: 76604

(i) Two thousand feet of any residence, school, hospital, 76605
jail, or prison; 76606

(ii) Any naturally occurring wetland; 76607

(iii) Any flood hazard area if the applicant cannot show 76608
that the facility will be designed, constructed, operated, and 76609
maintained to prevent washout by a one-hundred-year flood. 76610

Division (D) (2) (g) of this section does not apply to the 76611
facility of any applicant who demonstrates to the director that 76612
the limitations specified in that division are not necessary 76613
because of the nature or volume of the waste and the manner of 76614
management applied, the facility will impose no substantial 76615
danger to the health and safety of persons occupying the 76616
structures listed in division (D) (2) (g) (i) of this section, and 76617
the facility is to be located or operated in an area where the 76618
proposed hazardous waste activities will not be incompatible 76619
with existing land uses in the area. 76620

(h) That the facility will not be located within the 76621
boundaries of a state park established or dedicated under 76622
Chapter 1546. of the Revised Code, a state park purchase area 76623
established under section 1546.06 of the Revised Code, any unit 76624
of the national park system, or any property that lies within 76625
the boundaries of a national park or recreation area, but that 76626
has not been acquired or is not administered by the secretary of 76627
the United States department of the interior, located in this 76628

state, or any candidate area located in this state identified 76629
for potential inclusion in the national park system in the 76630
edition of the "national park system plan" submitted under 76631
paragraph (b) of section 8 of "The Act of August 18, 1970," 84 76632
Stat. 825, 16 U.S.C.A. 1a-5, as amended, current at the time of 76633
filing of the application for the permit, unless the facility 76634
will be used exclusively for the storage of hazardous waste 76635
generated within the park or recreation area in conjunction with 76636
the operation of the park or recreation area. Division (D) (2) (h) 76637
of this section does not apply to the facility of any applicant 76638
for modification of a permit unless the modification application 76639
proposes to increase the land area included in the facility or 76640
to increase the quantity of hazardous waste that will be 76641
treated, stored, or disposed of at the facility. 76642

(3) Not later than one hundred eighty days after the end 76643
of the public comment period, the director, without prior 76644
hearing, shall issue or deny the permit in accordance with 76645
Chapter 3745. of the Revised Code. If the director approves an 76646
application for a hazardous waste facility installation and 76647
operation permit, the director shall issue the permit, upon such 76648
terms and conditions as the director finds are necessary to 76649
ensure the construction and operation of the hazardous waste 76650
facility in accordance with the standards of this section. 76651

(E) No political subdivision of this state shall require 76652
any additional zoning or other approval, consent, permit, 76653
certificate, or condition for the construction or operation of a 76654
hazardous waste facility authorized by a hazardous waste 76655
facility installation and operation permit issued pursuant to 76656
this chapter, nor shall any political subdivision adopt or 76657
enforce any law, ordinance, or rule that in any way alters, 76658
impairs, or limits the authority granted in the permit. 76659

(F) The director may issue a single hazardous waste 76660
facility installation and operation permit to a person who 76661
operates two or more adjoining facilities where hazardous waste 76662
is stored, treated, or disposed of if the application includes 76663
detail plans, specifications, and information on all facilities. 76664
For the purposes of this section, "adjoining" means sharing a 76665
common boundary, separated only by a public road, or in such 76666
proximity that the director determines that the issuance of a 76667
single permit will not create a hazard to the public health or 76668
safety or the environment. 76669

(G) No person shall falsify or fail to keep or submit any 76670
plans, specifications, data, reports, records, manifests, or 76671
other information required to be kept or submitted to the 76672
director by this chapter or the rules adopted under it. 76673

(H) (1) Each person who holds an installation and operation 76674
permit issued under this section and who wishes to obtain a 76675
permit renewal shall submit a completed application for an 76676
installation and operation permit renewal and any necessary 76677
accompanying general plans, detail plans, specifications, and 76678
such information as the director may require to the director no 76679
later than one hundred eighty days prior to the expiration date 76680
of the existing permit or upon a later date prior to the 76681
expiration of the existing permit if the permittee can 76682
demonstrate good cause for the late submittal. The director 76683
shall consider the application and accompanying information, 76684
inspection reports of the facility, results of performance 76685
tests, a report regarding the facility's compliance or 76686
noncompliance with the terms and conditions of its permit and 76687
rules adopted by the director under this chapter, and such other 76688
information as is relevant to the operation of the facility and 76689
shall issue a draft renewal permit or a notice of intent to deny 76690

the renewal permit. The director, in accordance with rules 76691
adopted under this section or with rules adopted to implement 76692
Chapter 3745. of the Revised Code, shall give public notice of 76693
the application and draft renewal permit or notice of intent to 76694
deny the renewal permit, provide for the opportunity for public 76695
comments within a specified time period, schedule a public 76696
meeting in the county in which the facility is located if 76697
significant interest is shown, and give public notice of the 76698
public meeting. 76699

(2) Within sixty days after the public meeting or close of 76700
the public comment period, the director, without prior hearing, 76701
shall issue or deny the renewal permit in accordance with 76702
Chapter 3745. of the Revised Code. The director shall not issue 76703
a renewal permit unless the director determines that the 76704
facility under the existing permit has a history of compliance 76705
with this chapter, rules adopted under it, the existing permit, 76706
or orders entered to enforce such requirements that demonstrates 76707
sufficient reliability, expertise, and competency to operate the 76708
facility henceforth under this chapter, rules adopted under it, 76709
and the renewal permit. If the director approves an application 76710
for a renewal permit, the director shall issue the permit 76711
subject to the payment of the annual permit fee required under 76712
division (E) of section 3734.02 of the Revised Code and upon 76713
such terms and conditions as the director finds are reasonable 76714
to ensure that continued operation, maintenance, closure, and 76715
post-closure care of the hazardous waste facility are in 76716
accordance with the rules adopted under section 3734.12 of the 76717
Revised Code. 76718

(3) An installation and operation permit renewal 76719
application submitted to the director that also contains or 76720
would constitute an application for a modification shall be 76721

acted upon by the director in accordance with division (I) of 76722
this section in the same manner as an application for a 76723
modification. In approving or disapproving the renewal portion 76724
of a permit renewal application containing an application for a 76725
modification, the director shall apply the criteria established 76726
under division (H) (2) of this section. 76727

(4) An application for renewal or modification of a permit 76728
that does not contain an application for a modification as 76729
described in divisions (I) (3) (a) to (d) of this section shall 76730
not be subject to division (D) (2) of this section. 76731

(I) (1) As used in this section, "modification" means a 76732
change or alteration to a hazardous waste facility or its 76733
operations that is inconsistent with or not authorized by its 76734
existing permit or authorization to operate. Modifications shall 76735
be classified as Class 1, 2, or 3 modifications in accordance 76736
with rules adopted under division (K) of this section. 76737
Modifications classified as Class 3 modifications, in accordance 76738
with rules adopted under that division, shall be further 76739
classified by the director as either Class 3 modifications that 76740
are to be approved or disapproved by the director under 76741
divisions (I) (3) (a) to (d) of this section or as Class 3 76742
modifications that are to be approved or disapproved by the 76743
director under division (I) (5) of this section. Not later than 76744
thirty days after receiving a request for a modification under 76745
division (I) (4) of this section that is not listed in Appendix I 76746
to 40 C.F.R. 270.42 or in rules adopted under division (K) of 76747
this section, the director shall classify the modification and 76748
shall notify the owner or operator of the facility requesting 76749
the modification of the classification. Notwithstanding any 76750
other law to the contrary, a modification that involves the 76751
transfer of a hazardous waste facility installation and 76752

operation permit to a new owner or operator for any off-site 76753
facility as defined in section 3734.41 of the Revised Code shall 76754
be classified as a Class 3 modification. The transfer of a 76755
hazardous waste facility installation and operation permit to a 76756
new owner or operator for a facility that is not an off-site 76757
facility shall be classified as a Class 1 modification requiring 76758
prior approval of the director. 76759

(2) Except as provided in section 3734.123 of the Revised 76760
Code, a hazardous waste facility installation and operation 76761
permit may be modified at the request of the director or upon 76762
the written request of the permittee only if any of the 76763
following applies: 76764

(a) The permittee desires to accomplish alterations, 76765
additions, or deletions to the permitted facility or to 76766
undertake alterations, additions, deletions, or activities that 76767
are inconsistent with or not authorized by the existing permit; 76768

(b) New information or data justify permit conditions in 76769
addition to or different from those in the existing permit; 76770

(c) The standards, criteria, or rules upon which the 76771
existing permit is based have been changed by new, amended, or 76772
rescinded standards, criteria, or rules, or by judicial decision 76773
after the existing permit was issued, and the change justifies 76774
permit conditions in addition to or different from those in the 76775
existing permit; 76776

(d) The permittee proposes to transfer the permit to 76777
another person. 76778

(3) The director shall approve or disapprove an 76779
application for a modification in accordance with division (D) 76780
(2) of this section and rules adopted under division (K) of this 76781

section for all of the following categories of Class 3 76782
modifications: 76783

(a) Authority to conduct treatment, storage, or disposal 76784
at a site, location, or tract of land that has not been 76785
authorized for the proposed category of treatment, storage, or 76786
disposal activity by the facility's permit; 76787

(b) Modification or addition of a hazardous waste 76788
management unit, as defined in rules adopted under section 76789
3734.12 of the Revised Code, that results in an increase in a 76790
facility's storage capacity of more than twenty-five per cent 76791
over the capacity authorized by the facility's permit, an 76792
increase in a facility's treatment rate of more than twenty-five 76793
per cent over the rate so authorized, or an increase in a 76794
facility's disposal capacity over the capacity so authorized. 76795
The authorized disposal capacity for a facility shall be 76796
calculated from the approved design plans for the disposal units 76797
at that facility. In no case during a five-year period shall a 76798
facility's storage capacity or treatment rate be modified to 76799
increase by more than twenty-five per cent in the aggregate 76800
without the director's approval in accordance with division (D) 76801
(2) of this section. Notwithstanding any provision of division 76802
(I) of this section to the contrary, a request for modification 76803
of a facility's annual total waste receipt limit shall be 76804
classified and approved or disapproved by the director under 76805
division (I) (5) of this section. 76806

(c) Authority to add any of the following categories of 76807
regulated activities not previously authorized at a facility by 76808
the facility's permit: storage at a facility not previously 76809
authorized to store hazardous waste, treatment at a facility not 76810
previously authorized to treat hazardous waste, or disposal at a 76811

facility not previously authorized to dispose of hazardous 76812
waste; or authority to add a category of hazardous waste 76813
management unit not previously authorized at the facility by the 76814
facility's permit. Notwithstanding any provision of division (I) 76815
of this section to the contrary, a request for authority to add 76816
or to modify an activity or a hazardous waste management unit 76817
for the purposes of performing a corrective action shall be 76818
classified and approved or disapproved by the director under 76819
division (I) (5) of this section. 76820

(d) Authority to treat, store, or dispose of waste types 76821
listed or characterized as reactive or explosive, in rules 76822
adopted under section 3734.12 of the Revised Code, or any acute 76823
hazardous waste listed in 40 C.F.R. 261.33(e), as amended, at a 76824
facility not previously authorized to treat, store, or dispose 76825
of those types of wastes by the facility's permit unless the 76826
requested authority is limited to wastes that no longer exhibit 76827
characteristics meeting the criteria for listing or 76828
characterization as reactive or explosive wastes, or for listing 76829
as acute hazardous waste, but still are required to carry those 76830
waste codes as established in rules adopted under section 76831
3734.12 of the Revised Code because of the requirements 76832
established in 40 C.F.R. 261(a) and (e), as amended, that is, 76833
the "mixture," "derived-from," or "contained-in" regulations. 76834

(4) A written request for a modification from the 76835
permittee shall be submitted to the director and shall contain 76836
such information as is necessary to support the request. 76837
Requests for modifications shall be acted upon by the director 76838
in accordance with this section and rules adopted under it. 76839

(5) Class 1 modification applications that require prior 76840
approval of the director, as provided in division (I) (1) of this 76841

section or as determined in accordance with rules adopted under 76842
division (K) of this section, Class 2 modification applications, 76843
and Class 3 modification applications that are not described in 76844
divisions (I) (3) (a) to (d) of this section shall be approved or 76845
disapproved by the director in accordance with rules adopted 76846
under division (K) of this section. The board of county 76847
commissioners of the county, the board of township trustees of 76848
the township, and the city manager or mayor of the municipal 76849
corporation in which a hazardous waste facility is located shall 76850
receive notification of any application for a modification for 76851
that facility and shall be considered as interested persons with 76852
respect to the director's consideration of the application. 76853

As used in division (I) of this section: 76854

(a) "Owner" means the person who owns a majority or 76855
controlling interest in a facility. 76856

(b) "Operator" means the person who is responsible for the 76857
overall operation of a facility. 76858

The director shall approve or disapprove an application 76859
for a Class 1 modification that requires the director's approval 76860
within sixty days after receiving the request for modification. 76861
The director shall approve or disapprove an application for a 76862
Class 2 modification within three hundred days after receiving 76863
the request for modification. The director shall approve or 76864
disapprove an application for a Class 3 modification within 76865
three hundred sixty-five days after receiving the request for 76866
modification. 76867

(6) The approval or disapproval by the director of a Class 76868
1 modification application is not a final action that is 76869
appealable under Chapter 3745. of the Revised Code. The approval 76870

or disapproval by the director of a Class 2 modification or a 76871
Class 3 modification is a final action that is appealable under 76872
that chapter. In approving or disapproving a request for a 76873
modification, the director shall consider all comments 76874
pertaining to the request that are received during the public 76875
comment period and the public meetings. The administrative 76876
record for appeal of a final action by the director in approving 76877
or disapproving a request for a modification shall include all 76878
comments received during the public comment period relating to 76879
the request for modification, written materials submitted at the 76880
public meetings relating to the request, and any other documents 76881
related to the director's action. 76882

(7) Notwithstanding any other provision of law to the 76883
contrary, a change or alteration to a hazardous waste facility 76884
described in division (E)(3)(a) or (b) of section 3734.02 of the 76885
Revised Code, or its operations, is a modification for the 76886
purposes of this section. An application for a modification at 76887
such a facility shall be submitted, classified, and approved or 76888
disapproved in accordance with divisions (I)(1) to (6) of this 76889
section in the same manner as a modification to a hazardous 76890
waste facility installation and operation permit. 76891

(J)(1) Except as provided in division (J)(2) of this 76892
section, an owner or operator of a hazardous waste facility that 76893
is operating in accordance with a permit by rule under rules 76894
adopted by the director under division (E)(3)(b) of section 76895
3734.02 of the Revised Code shall submit either a hazardous 76896
waste facility installation and operation permit application for 76897
the facility or a modification application, whichever is 76898
required under division (J)(1)(a) or (b) of this section, within 76899
one hundred eighty days after the director has requested the 76900
application or upon a later date if the owner or operator 76901

demonstrates to the director good cause for the late submittal. 76902

(a) If the owner or operator does not have a hazardous 76903
waste facility installation and operation permit for any 76904
hazardous waste treatment, storage, or disposal activities at 76905
the facility, the owner or operator shall submit an application 76906
for such a permit to the director for the activities authorized 76907
by the permit by rule. Notwithstanding any other provision of 76908
law to the contrary, the director shall approve or disapprove 76909
the application for the permit in accordance with the procedures 76910
governing the approval or disapproval of permit renewals under 76911
division (H) of this section. 76912

(b) If the owner or operator has a hazardous waste 76913
facility installation and operation permit for hazardous waste 76914
treatment, storage, or disposal activities at the facility other 76915
than those authorized by the permit by rule, the owner or 76916
operator shall submit to the director a request for modification 76917
in accordance with division (I) of this section. Notwithstanding 76918
any other provision of law to the contrary, the director shall 76919
approve or disapprove the modification application in accordance 76920
with division (I)(5) of this section. 76921

(2) The owner or operator of a boiler or industrial 76922
furnace that is conducting thermal treatment activities in 76923
accordance with a permit by rule under rules adopted by the 76924
director under division (E)(3)(b) of section 3734.02 of the 76925
Revised Code shall submit a hazardous waste facility 76926
installation and operation permit application if the owner or 76927
operator does not have such a permit for any hazardous waste 76928
treatment, storage, or disposal activities at the facility or, 76929
if the owner or operator has such a permit for hazardous waste 76930
treatment, storage, or disposal activities at the facility other 76931

than thermal treatment activities authorized by the permit by 76932
rule, a modification application to add those activities 76933
authorized by the permit by rule, whichever is applicable, 76934
within one hundred eighty days after the director has requested 76935
the submission of the application or upon a later date if the 76936
owner or operator demonstrates to the director good cause for 76937
the late submittal. The application shall be accompanied by 76938
information necessary to support the request. The director shall 76939
approve or disapprove an application for a hazardous waste 76940
facility installation and operation permit in accordance with 76941
division (D) of this section and approve or disapprove an 76942
application for a modification in accordance with division (I) 76943
(3) of this section, except that the director shall not 76944
disapprove an application for the thermal treatment activities 76945
on the basis of the criteria set forth in division (D) (2) (g) or 76946
(h) of this section. 76947

(3) As used in division (J) of this section: 76948

(a) "Modification application" means a request for a 76949
modification submitted in accordance with division (I) of this 76950
section. 76951

(b) "Thermal treatment," "boiler," and "industrial 76952
furnace" have the same meanings as in rules adopted under 76953
section 3734.12 of the Revised Code. 76954

(K) The director shall adopt, and may amend, suspend, or 76955
rescind, rules in accordance with Chapter 119. of the Revised 76956
Code in order to implement divisions (H) and (I) of this 76957
section. Except when in actual conflict with this section, rules 76958
governing the classification of and procedures for the 76959
modification of hazardous waste facility installation and 76960
operation permits shall be substantively and procedurally 76961

identical to the regulations governing hazardous waste facility 76962
permitting and permit modifications adopted under the "Resource 76963
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 76964
U.S.C.A. 6921, as amended. 76965

Sec. 3734.57. (A) The following fees are hereby levied on 76966
the transfer or disposal of solid wastes in this state: 76967

(1) Seventy-one cents per ton through June 30, ~~2026~~2028, 76968
eleven cents of the proceeds of which shall be deposited in the 76969
state treasury to the credit of the hazardous waste facility 76970
management fund created in section 3734.18 of the Revised Code 76971
and sixty cents of the proceeds of which shall be deposited in 76972
the state treasury to the credit of the hazardous waste clean-up 76973
fund created in section 3734.28 of the Revised Code; 76974

(2) An additional ninety cents per ton through June 30, 76975
~~2026~~2028, the proceeds of which shall be deposited in the state 76976
treasury to the credit of the waste management fund created in 76977
section 3734.061 of the Revised Code; 76978

(3) An additional two dollars and eighty-one cents per ton 76979
through June 30, ~~2026~~2028, the proceeds of which shall be 76980
deposited in the state treasury to the credit of the 76981
environmental protection fund created in section 3745.015 of the 76982
Revised Code; 76983

(4) An additional twenty-five cents per ton through June 76984
30, ~~2026~~2028, the proceeds of which shall be deposited in the 76985
state treasury to the credit of the soil and water conservation 76986
district assistance fund created in section 940.15 of the 76987
Revised Code; 76988

(5) An additional eight cents per ton through June 30, 76989
~~2026~~2028, the proceeds of which shall be deposited in the state 76990

treasury to the credit of the national priority list remedial 76991
support fund created in section 3734.579 of the Revised Code. 76992

In the case of solid wastes that are taken to a solid 76993
waste transfer facility located in this state prior to being 76994
transported for disposal at a solid waste disposal facility 76995
located in this state or outside of this state, the fees levied 76996
under this division shall be collected by the owner or operator 76997
of the transfer facility as a trustee for the state. The amount 76998
of fees required to be collected under this division at such a 76999
transfer facility shall equal the total tonnage of solid wastes 77000
received at the facility multiplied by the fees levied under 77001
this division. In the case of solid wastes that are not taken to 77002
a solid waste transfer facility located in this state prior to 77003
being transported to a solid waste disposal facility, the fees 77004
shall be collected by the owner or operator of the solid waste 77005
disposal facility as a trustee for the state. The amount of fees 77006
required to be collected under this division at such a disposal 77007
facility shall equal the total tonnage of solid wastes received 77008
at the facility that was not previously taken to a solid waste 77009
transfer facility located in this state multiplied by the fees 77010
levied under this division. Fees levied under this division do 77011
not apply to materials separated from a mixed waste stream for 77012
recycling by a generator or materials removed from the solid 77013
waste stream through recycling, as "recycling" is defined in 77014
rules adopted under section 3734.02 of the Revised Code. 77015

The owner or operator of a solid waste transfer facility 77016
or disposal facility, as applicable, shall prepare and file with 77017
the director of environmental protection each month a return 77018
indicating the total tonnage of solid wastes received at the 77019
facility during that month and the total amount of the fees 77020
required to be collected under this division during that month. 77021

In addition, the owner or operator of a solid waste disposal 77022
facility shall indicate on the return the total tonnage of solid 77023
wastes received from transfer facilities located in this state 77024
during that month for which the fees were required to be 77025
collected by the transfer facilities. The monthly returns shall 77026
be filed on a form prescribed by the director. Not later than 77027
thirty days after the last day of the month to which a return 77028
applies, the owner or operator shall mail to the director the 77029
return for that month together with the fees required to be 77030
collected under this division during that month as indicated on 77031
the return or may submit the return and fees electronically in a 77032
manner approved by the director. If the return is filed and the 77033
amount of the fees due is paid in a timely manner as required in 77034
this division, the owner or operator may retain a discount of 77035
three-fourths of one per cent of the total amount of the fees 77036
that are required to be paid as indicated on the return. 77037

The owner or operator may request an extension of not more 77038
than thirty days for filing the return and remitting the fees, 77039
provided that the owner or operator has submitted such a request 77040
in writing to the director together with a detailed description 77041
of why the extension is requested, the director has received the 77042
request not later than the day on which the return is required 77043
to be filed, and the director has approved the request. If the 77044
fees are not remitted within thirty days after the last day of 77045
the month to which the return applies or are not remitted by the 77046
last day of an extension approved by the director, the owner or 77047
operator shall not retain the three-fourths of one per cent 77048
discount and shall pay an additional ten per cent of the amount 77049
of the fees for each month that they are late. For purposes of 77050
calculating the late fee, the first month in which fees are late 77051
begins on the first day after the deadline has passed for timely 77052

submitting the return and fees, and one additional month shall 77053
be counted every thirty days thereafter. 77054

The owner or operator of a solid waste facility may 77055
request a refund or credit of fees levied under this division 77056
and remitted to the director that have not been paid to the 77057
owner or operator. Such a request shall be made only if the fees 77058
have not been collected by the owner or operator, have become a 77059
debt that has become worthless or uncollectable for a period of 77060
six months or more, and may be claimed as a deduction, including 77061
a deduction claimed if the owner or operator keeps accounts on 77062
an accrual basis, under the "Internal Revenue Code of 1954," 68A 77063
Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 77064
under it. Prior to making a request for a refund or credit, an 77065
owner or operator shall make reasonable efforts to collect the 77066
applicable fees. A request for a refund or credit shall not 77067
include any costs resulting from those efforts to collect unpaid 77068
fees. 77069

A request for a refund or credit of fees shall be made in 77070
writing, on a form prescribed by the director, and shall be 77071
supported by evidence that may be required in rules adopted by 77072
the director under this chapter. After reviewing the request, 77073
and if the request and evidence submitted with the request 77074
indicate that a refund or credit is warranted, the director 77075
shall grant a refund to the owner or operator or shall permit a 77076
credit to be taken by the owner or operator on a subsequent 77077
monthly return submitted by the owner or operator. The amount of 77078
a refund or credit shall not exceed an amount that is equal to 77079
ninety days' worth of fees owed to an owner or operator by a 77080
particular debtor of the owner or operator. A refund or credit 77081
shall not be granted by the director to an owner or operator 77082
more than once in any twelve-month period for fees owed to the 77083

owner or operator by a particular debtor. 77084

If, after receiving a refund or credit from the director, 77085
an owner or operator receives payment of all or part of the 77086
fees, the owner or operator shall remit the fees with the next 77087
monthly return submitted to the director together with a written 77088
explanation of the reason for the submittal. 77089

For purposes of computing the fees levied under this 77090
division or division (B) of this section, any solid waste 77091
transfer or disposal facility that does not use scales as a 77092
means of determining gate receipts shall use a conversion factor 77093
of three cubic yards per ton of solid waste or one cubic yard 77094
per ton for baled waste, as applicable. 77095

The fees levied under this division and divisions (B) and 77096
(C) of this section are in addition to all other applicable fees 77097
and taxes and shall be paid by the customer or a political 77098
subdivision to the owner or operator of a solid waste transfer 77099
or disposal facility. In the alternative, the fees shall be paid 77100
by a customer or political subdivision to a transporter of waste 77101
who subsequently transfers the fees to the owner or operator of 77102
such a facility. The fees shall be paid notwithstanding the 77103
existence of any provision in a contract that the customer or a 77104
political subdivision may have with the owner or operator or 77105
with a transporter of waste to the facility that would not 77106
require or allow such payment regardless of whether the contract 77107
was entered prior to or after October 16, 2009. For those 77108
purposes, "customer" means a person who contracts with, or 77109
utilizes the solid waste services of, the owner or operator of a 77110
solid waste transfer or disposal facility or a transporter of 77111
solid waste to such a facility. 77112

(B) For the purposes specified in division (G) of this 77113

section, the solid waste management policy committee of a county 77114
or joint solid waste management district may levy fees upon the 77115
following activities: 77116

(1) The disposal at a solid waste disposal facility 77117
located in the district of solid wastes generated within the 77118
district; 77119

(2) The disposal at a solid waste disposal facility within 77120
the district of solid wastes generated outside the boundaries of 77121
the district, but inside this state; 77122

(3) The disposal at a solid waste disposal facility within 77123
the district of solid wastes generated outside the boundaries of 77124
this state. 77125

The solid waste management plan of the county or joint 77126
district approved under section 3734.521 or 3734.55 of the 77127
Revised Code and any amendments to it, or the resolution adopted 77128
under this division, as appropriate, shall establish the rates 77129
of the fees levied under divisions (B) (1), (2), and (3) of this 77130
section, if any, and shall specify whether the fees are levied 77131
on the basis of tons or cubic yards as the unit of measurement. 77132
A solid waste management district that levies fees under this 77133
division on the basis of cubic yards shall do so in accordance 77134
with division (A) of this section. 77135

The fee levied under division (B) (1) of this section shall 77136
be not less than one dollar per ton nor more than two dollars 77137
per ton, the fee levied under division (B) (2) of this section 77138
shall be not less than two dollars per ton nor more than four 77139
dollars per ton, and the fee levied under division (B) (3) of 77140
this section shall be not more than the fee levied under 77141
division (B) (1) of this section. 77142

Prior to the approval of the solid waste management plan 77143
of a district under section 3734.55 of the Revised Code, the 77144
solid waste management policy committee of a district may levy 77145
fees under this division by adopting a resolution establishing 77146
the proposed amount of the fees. Upon adopting the resolution, 77147
the committee shall deliver a copy of the resolution to the 77148
board of county commissioners of each county forming the 77149
district and to the legislative authority of each municipal 77150
corporation and township under the jurisdiction of the district 77151
and shall prepare and publish the resolution and a notice of the 77152
time and location where a public hearing on the fees will be 77153
held. Upon adopting the resolution, the committee shall deliver 77154
written notice of the adoption of the resolution; of the amount 77155
of the proposed fees; and of the date, time, and location of the 77156
public hearing to the director and to the fifty industrial, 77157
commercial, or institutional generators of solid wastes within 77158
the district that generate the largest quantities of solid 77159
wastes, as determined by the committee, and to their local trade 77160
associations. The committee shall make good faith efforts to 77161
identify those generators within the district and their local 77162
trade associations, but the nonprovision of notice under this 77163
division to a particular generator or local trade association 77164
does not invalidate the proceedings under this division. The 77165
publication shall occur at least thirty days before the hearing. 77166
After the hearing, the committee may make such revisions to the 77167
proposed fees as it considers appropriate and thereafter, by 77168
resolution, shall adopt the revised fee schedule. Upon adopting 77169
the revised fee schedule, the committee shall deliver a copy of 77170
the resolution doing so to the board of county commissioners of 77171
each county forming the district and to the legislative 77172
authority of each municipal corporation and township under the 77173
jurisdiction of the district. Within sixty days after the 77174

delivery of a copy of the resolution adopting the proposed 77175
revised fees by the policy committee, each such board and 77176
legislative authority, by ordinance or resolution, shall approve 77177
or disapprove the revised fees and deliver a copy of the 77178
ordinance or resolution to the committee. If any such board or 77179
legislative authority fails to adopt and deliver to the policy 77180
committee an ordinance or resolution approving or disapproving 77181
the revised fees within sixty days after the policy committee 77182
delivered its resolution adopting the proposed revised fees, it 77183
shall be conclusively presumed that the board or legislative 77184
authority has approved the proposed revised fees. The committee 77185
shall determine if the resolution has been ratified in the same 77186
manner in which it determines if a draft solid waste management 77187
plan has been ratified under division (B) of section 3734.55 of 77188
the Revised Code. 77189

The committee may amend the schedule of fees levied 77190
pursuant to a resolution adopted and ratified under this 77191
division by adopting a resolution establishing the proposed 77192
amount of the amended fees. The committee may repeal the fees 77193
levied pursuant to such a resolution by adopting a resolution 77194
proposing to repeal them. Upon adopting such a resolution, the 77195
committee shall proceed to obtain ratification of the resolution 77196
in accordance with this division. 77197

Not later than fourteen days after declaring the new fees 77198
to be ratified or the fees to be repealed under this division, 77199
the committee shall notify by certified mail the owner or 77200
operator of each solid waste disposal facility that is required 77201
to collect the fees of the ratification and the amount of the 77202
fees or of the repeal of the fees. Collection of any fees shall 77203
commence or collection of repealed fees shall cease on the first 77204
day of the second month following the month in which 77205

notification is sent to the owner or operator. 77206

Fees levied under this division also may be established, 77207
amended, or repealed by a solid waste management policy 77208
committee through the adoption of a new district solid waste 77209
management plan, the adoption of an amended plan, or the 77210
amendment of the plan or amended plan in accordance with 77211
sections 3734.55 and 3734.56 of the Revised Code or the adoption 77212
or amendment of a district plan in connection with a change in 77213
district composition under section 3734.521 of the Revised Code. 77214

Not later than fourteen days after the director issues an 77215
order approving a district's solid waste management plan, 77216
amended plan, or amendment to a plan or amended plan that 77217
establishes, amends, or repeals a schedule of fees levied by the 77218
district, the committee shall notify by certified mail the owner 77219
or operator of each solid waste disposal facility that is 77220
required to collect the fees of the approval of the plan or 77221
amended plan, or the amendment to the plan, as appropriate, and 77222
the amount of the fees, if any. In the case of an initial or 77223
amended plan approved under section 3734.521 of the Revised Code 77224
in connection with a change in district composition, other than 77225
one involving the withdrawal of a county from a joint district, 77226
the committee, within fourteen days after the change takes 77227
effect pursuant to division (G) of that section, shall notify by 77228
certified mail the owner or operator of each solid waste 77229
disposal facility that is required to collect the fees that the 77230
change has taken effect and of the amount of the fees, if any. 77231
Collection of any fees shall commence or collection of repealed 77232
fees shall cease on the first day of the second month following 77233
the month in which notification is sent to the owner or 77234
operator. 77235

If, in the case of a change in district composition 77236
involving the withdrawal of a county from a joint district, the 77237
director completes the actions required under division (G) (1) or 77238
(3) of section 3734.521 of the Revised Code, as appropriate, 77239
forty-five days or more before the beginning of a calendar year, 77240
the policy committee of each of the districts resulting from the 77241
change that obtained the director's approval of an initial or 77242
amended plan in connection with the change, within fourteen days 77243
after the director's completion of the required actions, shall 77244
notify by certified mail the owner or operator of each solid 77245
waste disposal facility that is required to collect the 77246
district's fees that the change is to take effect on the first 77247
day of January immediately following the issuance of the notice 77248
and of the amount of the fees or amended fees levied under 77249
divisions (B) (1) to (3) of this section pursuant to the 77250
district's initial or amended plan as so approved or, if 77251
appropriate, the repeal of the district's fees by that initial 77252
or amended plan. Collection of any fees set forth in such a plan 77253
or amended plan shall commence on the first day of January 77254
immediately following the issuance of the notice. If such an 77255
initial or amended plan repeals a schedule of fees, collection 77256
of the fees shall cease on that first day of January. 77257

If, in the case of a change in district composition 77258
involving the withdrawal of a county from a joint district, the 77259
director completes the actions required under division (G) (1) or 77260
(3) of section 3734.521 of the Revised Code, as appropriate, 77261
less than forty-five days before the beginning of a calendar 77262
year, the director, on behalf of each of the districts resulting 77263
from the change that obtained the director's approval of an 77264
initial or amended plan in connection with the change 77265
proceedings, shall notify by certified mail the owner or 77266

operator of each solid waste disposal facility that is required 77267
to collect the district's fees that the change is to take effect 77268
on the first day of January immediately following the mailing of 77269
the notice and of the amount of the fees or amended fees levied 77270
under divisions (B) (1) to (3) of this section pursuant to the 77271
district's initial or amended plan as so approved or, if 77272
appropriate, the repeal of the district's fees by that initial 77273
or amended plan. Collection of any fees set forth in such a plan 77274
or amended plan shall commence on the first day of the second 77275
month following the month in which notification is sent to the 77276
owner or operator. If such an initial or amended plan repeals a 77277
schedule of fees, collection of the fees shall cease on the 77278
first day of the second month following the month in which 77279
notification is sent to the owner or operator. 77280

If the schedule of fees that a solid waste management 77281
district is levying under divisions (B) (1) to (3) of this 77282
section is amended or repealed, the fees in effect immediately 77283
prior to the amendment or repeal shall continue to be collected 77284
until collection of the amended fees commences or collection of 77285
the repealed fees ceases, as applicable, as specified in this 77286
division. In the case of a change in district composition, money 77287
so received from the collection of the fees of the former 77288
districts shall be divided among the resulting districts in 77289
accordance with division (B) of section 343.012 of the Revised 77290
Code and the agreements entered into under division (B) of 77291
section 343.01 of the Revised Code to establish the former and 77292
resulting districts and any amendments to those agreements. 77293

For the purposes of the provisions of division (B) of this 77294
section establishing the times when newly established or amended 77295
fees levied by a district are required to commence and the 77296
collection of fees that have been amended or repealed is 77297

required to cease, "fees" or "schedule of fees" includes, in 77298
addition to fees levied under divisions (B) (1) to (3) of this 77299
section, those levied under section 3734.573 or 3734.574 of the 77300
Revised Code. 77301

(C) For the purposes of defraying the added costs to a 77302
municipal corporation or township of maintaining roads and other 77303
public facilities and of providing emergency and other public 77304
services, and compensating a municipal corporation or township 77305
for reductions in real property tax revenues due to reductions 77306
in real property valuations resulting from the location and 77307
operation of a solid waste disposal facility within the 77308
municipal corporation or township, a municipal corporation or 77309
township in which such a solid waste disposal facility is 77310
located may levy a fee of not more than twenty-five cents per 77311
ton on the disposal of solid wastes at a solid waste disposal 77312
facility located within the boundaries of the municipal 77313
corporation or township regardless of where the wastes were 77314
generated. 77315

The legislative authority of a municipal corporation or 77316
township may levy fees under this division by enacting an 77317
ordinance or adopting a resolution establishing the amount of 77318
the fees. Upon so doing the legislative authority shall mail a 77319
certified copy of the ordinance or resolution to the board of 77320
county commissioners or directors of the county or joint solid 77321
waste management district in which the municipal corporation or 77322
township is located or, if a regional solid waste management 77323
authority has been formed under section 343.011 of the Revised 77324
Code, to the board of trustees of that regional authority, the 77325
owner or operator of each solid waste disposal facility in the 77326
municipal corporation or township that is required to collect 77327
the fee by the ordinance or resolution, and the director of 77328

environmental protection. Although the fees levied under this 77329
division are levied on the basis of tons as the unit of 77330
measurement, the legislative authority, in its ordinance or 77331
resolution levying the fees under this division, may direct that 77332
the fees be levied on the basis of cubic yards as the unit of 77333
measurement based upon a conversion factor of three cubic yards 77334
per ton generally or one cubic yard per ton for baled wastes. 77335

Not later than five days after enacting an ordinance or 77336
adopting a resolution under this division, the legislative 77337
authority shall so notify by certified mail the owner or 77338
operator of each solid waste disposal facility that is required 77339
to collect the fee. Collection of any fee levied on or after 77340
March 24, 1992, shall commence on the first day of the second 77341
month following the month in which notification is sent to the 77342
owner or operator. 77343

(D) (1) The fees levied under divisions (A), (B), and (C) 77344
of this section do not apply to the disposal of solid wastes 77345
that: 77346

(a) Are disposed of at a facility owned by the generator 77347
of the wastes when the solid waste facility exclusively disposes 77348
of solid wastes generated at one or more premises owned by the 77349
generator regardless of whether the facility is located on a 77350
premises where the wastes are generated; 77351

(b) Are generated from the combustion of coal, or from the 77352
combustion of primarily coal, regardless of whether the disposal 77353
facility is located on the premises where the wastes are 77354
generated; 77355

(c) Are asbestos or asbestos-containing materials or 77356
products disposed of at a construction and demolition debris 77357

facility that is licensed under Chapter 3714. of the Revised 77358
Code or at a solid waste facility that is licensed under this 77359
chapter. 77360

(2) Except as provided in section 3734.571 of the Revised 77361
Code, any fees levied under division (B)(1) of this section 77362
apply to solid wastes originating outside the boundaries of a 77363
county or joint district that are covered by an agreement for 77364
the joint use of solid waste facilities entered into under 77365
section 343.02 of the Revised Code by the board of county 77366
commissioners or board of directors of the county or joint 77367
district where the wastes are generated and disposed of. 77368

(3) When solid wastes, other than solid wastes that 77369
consist of scrap tires, are burned in a disposal facility that 77370
is an incinerator or energy recovery facility, the fees levied 77371
under divisions (A), (B), and (C) of this section shall be 77372
levied upon the disposal of the fly ash and bottom ash remaining 77373
after burning of the solid wastes and shall be collected by the 77374
owner or operator of the sanitary landfill where the ash is 77375
disposed of. 77376

(4) When solid wastes are delivered to a solid waste 77377
transfer facility, the fees levied under divisions (B) and (C) 77378
of this section shall be levied upon the disposal of solid 77379
wastes transported off the premises of the transfer facility for 77380
disposal and shall be collected by the owner or operator of the 77381
solid waste disposal facility where the wastes are disposed of. 77382

(5) The fees levied under divisions (A), (B), and (C) of 77383
this section do not apply to sewage sludge that is generated by 77384
a waste water treatment facility holding a national pollutant 77385
discharge elimination system permit and that is disposed of 77386
through incineration, land application, or composting or at 77387

another resource recovery or disposal facility that is not a 77388
landfill. 77389

(6) The fees levied under divisions (A), (B), and (C) of 77390
this section do not apply to solid wastes delivered to a solid 77391
waste composting facility for processing. When any unprocessed 77392
solid waste or compost product is transported off the premises 77393
of a composting facility and disposed of at a landfill, the fees 77394
levied under divisions (A), (B), and (C) of this section shall 77395
be collected by the owner or operator of the landfill where the 77396
unprocessed waste or compost product is disposed of. 77397

(7) When solid wastes that consist of scrap tires are 77398
processed at a scrap tire recovery facility, the fees levied 77399
under divisions (A), (B), and (C) of this section shall be 77400
levied upon the disposal of the fly ash and bottom ash or other 77401
solid wastes remaining after the processing of the scrap tires 77402
and shall be collected by the owner or operator of the solid 77403
waste disposal facility where the ash or other solid wastes are 77404
disposed of. 77405

(8) The director of environmental protection may issue an 77406
order exempting from the fees levied under this section solid 77407
wastes, including, but not limited to, scrap tires, that are 77408
generated, transferred, or disposed of as a result of a contract 77409
providing for the expenditure of public funds entered into by 77410
the administrator or regional administrator of the United States 77411
environmental protection agency, the director of environmental 77412
protection, or the director of administrative services on behalf 77413
of the director of environmental protection for the purpose of 77414
remediating conditions at a hazardous waste facility, solid 77415
waste facility, or other location at which the administrator or 77416
regional administrator or the director of environmental 77417

protection has reason to believe that there is a substantial 77418
threat to public health or safety or the environment or that the 77419
conditions are causing or contributing to air or water pollution 77420
or soil contamination. An order issued by the director of 77421
environmental protection under division (D) (8) of this section 77422
shall include a determination that the amount of the fees not 77423
received by a solid waste management district as a result of the 77424
order will not adversely impact the implementation and financing 77425
of the district's approved solid waste management plan and any 77426
approved amendments to the plan. Such an order is a final action 77427
of the director of environmental protection. 77428

(E) The fees levied under divisions (B) and (C) of this 77429
section shall be collected by the owner or operator of the solid 77430
waste disposal facility where the wastes are disposed of as a 77431
trustee for the county or joint district and municipal 77432
corporation or township where the wastes are disposed of. Moneys 77433
from the fees levied under division (B) of this section shall be 77434
forwarded to the board of county commissioners or board of 77435
directors of the district in accordance with rules adopted under 77436
division (H) of this section. Moneys from the fees levied under 77437
division (C) of this section shall be forwarded to the treasurer 77438
or such other officer of the municipal corporation as, by virtue 77439
of the charter, has the duties of the treasurer or to the fiscal 77440
officer of the township, as appropriate, in accordance with 77441
those rules. 77442

(F) Moneys received by the treasurer or other officer of 77443
the municipal corporation under division (E) of this section 77444
shall be paid into the general fund of the municipal 77445
corporation. Moneys received by the fiscal officer of the 77446
township under that division shall be paid into the general fund 77447
of the township. The treasurer or other officer of the municipal 77448

corporation or the township fiscal officer, as appropriate, 77449
shall maintain separate records of the moneys received from the 77450
fees levied under division (C) of this section. 77451

(G) Moneys received by the board of county commissioners 77452
or board of directors under division (E) of this section or 77453
section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 77454
Code shall be paid to the county treasurer, or other official 77455
acting in a similar capacity under a county charter, in a county 77456
district or to the county treasurer or other official designated 77457
by the board of directors in a joint district and kept in a 77458
separate and distinct fund to the credit of the district. If a 77459
regional solid waste management authority has been formed under 77460
section 343.011 of the Revised Code, moneys received by the 77461
board of trustees of that regional authority under division (E) 77462
of this section shall be kept by the board in a separate and 77463
distinct fund to the credit of the district. Moneys in the 77464
special fund of the county or joint district arising from the 77465
fees levied under division (B) of this section and the fee 77466
levied under division (A) of section 3734.573 of the Revised 77467
Code shall be expended by the board of county commissioners or 77468
directors of the district in accordance with the district's 77469
solid waste management plan or amended plan approved under 77470
section 3734.521, 3734.55, or 3734.56 of the Revised Code 77471
exclusively for the following purposes: 77472

(1) Preparation of the solid waste management plan of the 77473
district under section 3734.54 of the Revised Code, monitoring 77474
implementation of the plan, and conducting the periodic review 77475
and amendment of the plan required by section 3734.56 of the 77476
Revised Code by the solid waste management policy committee; 77477

(2) Implementation of the approved solid waste management 77478

plan or amended plan of the district, including, without 77479
limitation, the development and implementation of solid waste 77480
recycling or reduction programs; 77481

(3) Providing financial assistance to boards of health 77482
within the district, if solid waste facilities are located 77483
within the district, for enforcement of this chapter and rules, 77484
orders, and terms and conditions of permits, licenses, and 77485
variances adopted or issued under it, other than the hazardous 77486
waste provisions of this chapter and rules adopted and orders 77487
and terms and conditions of permits issued under those 77488
provisions; 77489

(4) Providing financial assistance to each county within 77490
the district to defray the added costs of maintaining roads and 77491
other public facilities and of providing emergency and other 77492
public services resulting from the location and operation of a 77493
solid waste facility within the county under the district's 77494
approved solid waste management plan or amended plan; 77495

(5) Pursuant to contracts entered into with boards of 77496
health within the district, if solid waste facilities contained 77497
in the district's approved plan or amended plan are located 77498
within the district, for paying the costs incurred by those 77499
boards of health for collecting and analyzing samples from 77500
public or private water wells on lands adjacent to those 77501
facilities; 77502

(6) Developing and implementing a program for the 77503
inspection of solid wastes generated outside the boundaries of 77504
this state that are disposed of at solid waste facilities 77505
included in the district's approved solid waste management plan 77506
or amended plan; 77507

(7) Providing financial assistance to boards of health 77508
within the district for the enforcement of section 3734.03 of 77509
the Revised Code or to local law enforcement agencies having 77510
jurisdiction within the district for enforcing anti-littering 77511
laws and ordinances; 77512

(8) Providing financial assistance to boards of health of 77513
health districts within the district that are on the approved 77514
list under section 3734.08 of the Revised Code to defray the 77515
costs to the health districts for the participation of their 77516
employees responsible for enforcement of the solid waste 77517
provisions of this chapter and rules adopted and orders and 77518
terms and conditions of permits, licenses, and variances issued 77519
under those provisions in the training and certification program 77520
as required by rules adopted under division (L) of section 77521
3734.02 of the Revised Code; 77522

(9) Providing financial assistance to individual municipal 77523
corporations and townships within the district to defray their 77524
added costs of maintaining roads and other public facilities and 77525
of providing emergency and other public services resulting from 77526
the location and operation within their boundaries of a 77527
composting, energy or resource recovery, incineration, or 77528
recycling facility that either is owned by the district or is 77529
furnishing solid waste management facility or recycling services 77530
to the district pursuant to a contract or agreement with the 77531
board of county commissioners or directors of the district; 77532

(10) Payment of any expenses that are agreed to, awarded, 77533
or ordered to be paid under section 3734.35 of the Revised Code 77534
and of any administrative costs incurred pursuant to that 77535
section. In the case of a joint solid waste management district, 77536
if the board of county commissioners of one of the counties in 77537

the district is negotiating on behalf of affected communities, 77538
as defined in that section, in that county, the board shall 77539
obtain the approval of the board of directors of the district in 77540
order to expend moneys for administrative costs incurred. 77541

Prior to the approval of the district's solid waste 77542
management plan under section 3734.55 of the Revised Code, 77543
moneys in the special fund of the district arising from the fees 77544
shall be expended for those purposes in the manner prescribed by 77545
the solid waste management policy committee by resolution. 77546

Notwithstanding division (G) (6) of this section as it 77547
existed prior to October 29, 1993, or any provision in a 77548
district's solid waste management plan prepared in accordance 77549
with division (B) (2) (e) of section 3734.53 of the Revised Code 77550
as it existed prior to that date, any moneys arising from the 77551
fees levied under division (B) (3) of this section prior to 77552
January 1, 1994, may be expended for any of the purposes 77553
authorized in divisions (G) (1) to (10) of this section. 77554

(H) The director shall adopt rules in accordance with 77555
Chapter 119. of the Revised Code prescribing procedures for 77556
collecting and forwarding the fees levied under divisions (B) 77557
and (C) of this section to the boards of county commissioners or 77558
directors of county or joint solid waste management districts 77559
and to the treasurers or other officers of municipal 77560
corporations and the fiscal officers of townships. The rules 77561
also shall prescribe the dates for forwarding the fees to the 77562
boards and officials and may prescribe any other requirements 77563
the director considers necessary or appropriate to implement and 77564
administer divisions (A), (B), and (C) of this section. 77565

Sec. 3734.79. (A) Except as provided in division (B) of 77566
this section, each application for a permit submitted under 77567

sections 3734.76 to 3734.78 of the Revised Code shall be 77568
accompanied by a nonrefundable application fee of four hundred 77569
dollars that shall be credited to the scrap tire management fund 77570
created in section 3734.82 of the Revised Code. If a permit is 77571
issued, the amount of the application fee paid shall be deducted 77572
from the amount of the applicable permit fee due under division 77573
~~(R)~~(Q) of section 3745.11 of the Revised Code. 77574

(B) Division (A) of this section does not apply to an 77575
application for a permit for a scrap tire storage facility 77576
submitted under section 3734.76 of the Revised Code if the owner 77577
or operator of the facility or proposed facility is a motor 77578
vehicle salvage dealer licensed under Chapter 4738. of the 77579
Revised Code. 77580

Sec. 3734.901. (A) (1) For the purpose of providing revenue 77581
to defray the cost of administering and enforcing the scrap tire 77582
provisions of this chapter, rules adopted under those 77583
provisions, and terms and conditions of orders, variances, and 77584
licenses issued under those provisions; to abate accumulations 77585
of scrap tires; to make grants supporting market development 77586
activities for scrap tires and synthetic rubber from tire 77587
manufacturing processes and tire recycling processes and to 77588
support scrap tire amnesty and cleanup events; to make loans to 77589
promote the recycling or recovery of energy from scrap tires; 77590
and to defray the costs of administering and enforcing sections 77591
3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents 77592
per tire is hereby levied on the sale of tires. The proceeds of 77593
the fee shall be deposited in the state treasury to the credit 77594
of the scrap tire management fund created in section 3734.82 of 77595
the Revised Code. The fee is levied from the first day of the 77596
calendar month that begins next after thirty days from October 77597
29, 1993, through June 30, ~~2026~~2028. 77598

(2) Beginning on July 1, 2011, and ending on June 30, 77599
~~2026~~2028, there is hereby levied an additional fee of fifty 77600
cents per tire on the sale of tires the proceeds of which shall 77601
be deposited in the state treasury to the credit of the soil and 77602
water conservation district assistance fund created in section 77603
940.15 of the Revised Code. 77604

(B) Only one sale of the same article shall be used in 77605
computing the amount of the fee due. 77606

Sec. 3734.907. (A) Any person required to pay the fee 77607
imposed by section 3734.901 of the Revised Code is personally 77608
liable for the fee. The tax commissioner may make an assessment, 77609
based upon any information in the commissioner's possession, 77610
against any person who fails to file a return or pay any fee, 77611
interest, or additional charge as required by sections 3734.90 77612
to 3734.9014 of the Revised Code. The commissioner shall give 77613
the person assessed written notice of the assessment in the 77614
manner provided in section 5703.37 of the Revised Code. With the 77615
notice, the commissioner shall provide instructions on how to 77616
petition for reassessment and request a hearing on the petition. 77617

(B) When the information in the possession of the tax 77618
commissioner indicates that a person liable for the fee imposed 77619
by section 3734.901 of the Revised Code has not paid the full 77620
amount of fee due, the commissioner may audit a representative 77621
sample of the person's business and may issue an assessment 77622
based on the audit. 77623

(C) A penalty of up to fifteen per cent may be added to 77624
all amounts assessed under this section. The commissioner may 77625
adopt rules providing for the imposition and remission of the 77626
penalties. 77627

(D) Unless the person assessed files with the tax 77628
commissioner within sixty days after service of the notice of 77629
assessment, ~~either personally or by certified mail,~~ a written 77630
petition for reassessment signed by the person assessed or that 77631
person's authorized agent having knowledge of the facts, the 77632
assessment becomes final and the amount of the assessment is due 77633
and payable from the person assessed to the treasurer of state. 77634
The petition shall indicate the objections of the person 77635
assessed, but additional objections may be raised in writing if 77636
received by the commissioner prior to the date shown on the 77637
final determination. If the petition has been properly filed, 77638
the commissioner shall proceed under section 5703.60 of the 77639
Revised Code. 77640

(E) After an assessment becomes final, if any portion of 77641
the assessment, including accrued interest, remains unpaid, a 77642
certified copy of the tax commissioner's entry making the 77643
assessment final may be filed in the office of the clerk of the 77644
court of common pleas in the county in which the person assessed 77645
resides or in which the person's business is conducted. If the 77646
person assessed maintains no place of business in this state and 77647
is not a resident of this state, the certified copy of the entry 77648
may be filed in the office of the clerk of the court of common 77649
pleas of Franklin county. 77650

Immediately upon the filing of the entry, the clerk shall 77651
enter a judgment for the state against the person assessed in 77652
the amount shown on the entry. The judgment may be filed by the 77653
clerk in a loose-leaf book entitled "special judgments for state 77654
tire fee," and shall have the same effect as other judgments. 77655
Execution shall issue upon the judgment upon the request of the 77656
tax commissioner, and all laws applicable to sales on execution 77657
shall apply to sales made under the judgment. 77658

If the assessment is not paid in its entirety within sixty 77659
days after the day the assessment was issued, the portion of the 77660
assessment consisting of the fee due shall bear interest at the 77661
rate per annum prescribed by section 5703.47 of the Revised Code 77662
from the day the commissioner issues the assessment until the 77663
day the assessment is paid or until it is certified to the 77664
attorney general for collection under section 131.02 of the 77665
Revised Code, whichever comes first. If the unpaid portion of 77666
the assessment is certified to the attorney general for 77667
collection, the entire unpaid portion of the assessment shall 77668
bear interest at the rate per annum prescribed by section 77669
5703.47 of the Revised Code from the date of certification until 77670
the date it is paid in its entirety. Interest shall be paid in 77671
the same manner as the fee and may be collected by the issuance 77672
of an assessment under this section. 77673

(F) If the tax commissioner believes that collection of 77674
the fee will be jeopardized unless proceedings to collect or 77675
secure collection of the fee are instituted without delay, the 77676
commissioner may issue a jeopardy assessment against the person 77677
liable for the fee. Immediately upon the issuance of the 77678
jeopardy assessment, the commissioner shall file an entry with 77679
the clerk of the court of common pleas in the manner prescribed 77680
by division (E) of this section. Notice of the jeopardy 77681
assessment shall be served on the person assessed or the 77682
person's legal representative, as provided in section 5703.37 of 77683
the Revised Code, within five days of the filing of the entry 77684
with the clerk. The total amount assessed is immediately due and 77685
payable, unless the person assessed files a petition for 77686
reassessment in accordance with division (D) of this section and 77687
provides security in a form satisfactory to the commissioner and 77688
in an amount sufficient to satisfy the unpaid balance of the 77689

assessment. Full or partial payment of the assessment does not 77690
prejudice the commissioner's consideration of the petition for 77691
reassessment. 77692

(G) All money collected by the tax commissioner under this 77693
section shall be paid to the treasurer of state as revenue 77694
arising from the fee imposed by section 3734.901 of the Revised 77695
Code. 77696

Sec. 3737.83. The state fire marshal shall, as part of the 77697
state fire code, adopt rules to: 77698

(A) Establish minimum standards of performance for fire 77699
protection equipment and fire fighting equipment; 77700

(B) Establish minimum standards of training, fix minimum 77701
qualifications, and require certificates for all persons who 77702
engage in the business for profit of installing, testing, 77703
repairing, or maintaining fire protection equipment; 77704

(C) Provide for the issuance of certificates required 77705
under division (B) of this section and establish the fees to be 77706
charged for such certificates. A certificate shall be granted, 77707
renewed, or revoked according to rules the state fire marshal 77708
shall adopt, except that the state fire marshal shall grant a 77709
certificate in accordance with Chapter 4796. of the Revised Code 77710
to an applicant if either of the following applies: 77711

(1) The applicant holds a license or certificate in 77712
another state. 77713

(2) The applicant has satisfactory work experience, a 77714
government certification, or a private certification as 77715
described in that chapter as a person engaged in the business of 77716
installing, testing, repairing, or maintaining fire protection 77717
equipment in a state that does not issue that certificate. 77718

(D) Establish minimum standards of flammability for 77719
consumer goods in any case where the federal government or any 77720
department or agency thereof has established, or may from time 77721
to time establish standards of flammability for consumer goods. 77722
The standards established by the state fire marshal shall be 77723
identical to the minimum federal standards. 77724

In any case where the federal government or any department 77725
or agency thereof, establishes standards of flammability for 77726
consumer goods subsequent to the adoption of a flammability 77727
standard by the state fire marshal, standards previously adopted 77728
by the state fire marshal shall not continue in effect to the 77729
extent such standards are not identical to the minimum federal 77730
standards. 77731

With respect to the adoption of minimum standards of 77732
flammability, this division shall supersede any authority 77733
granted a political subdivision by any other section of the 77734
Revised Code. 77735

(E) Establish minimum standards pursuant to section 77736
5104.05 of the Revised Code for fire prevention and fire safety 77737
in child care centers and in type A family child care homes, as 77738
defined in section 5104.01 of the Revised Code. 77739

(F) Establish minimum standards for fire prevention and 77740
safety in a residential facility licensed under section 5119.34 77741
of the Revised Code that provides accommodations, supervision, 77742
and personal care services for three to sixteen unrelated 77743
adults. The state fire marshal shall adopt the rules under this 77744
division in consultation with the director of mental health and 77745
addiction services and interested parties designated by the 77746
director of mental health and addiction services. 77747

(G) (1) Establish that, for buildings and structures 77748
incident to the agricultural purposes of the land and determined 77749
to be exempt from the rules of the board of building standards 77750
pursuant to division (B) (1) of section 3781.06 or section 77751
3781.061 of the Revised Code, the occupant load of a covered 77752
patio and its area are not to be included in the fire area 77753
calculation of the building for the determination of sprinkler 77754
thresholds, if all the following apply: 77755

(a) The building or structure would be classified as an 77756
assembly occupancy. 77757

(b) The covered patio is completely open to the atmosphere 77758
without enclosing walls on at least three sides all year with 77759
accessible means of egress on each side. 77760

(c) The occupant load of the covered patio does not exceed 77761
one hundred occupants. 77762

(d) The floor area of the covered patio is at the level of 77763
exit discharge. 77764

(e) If the patio is constructed on or after the effective 77765
date of this amendment, the horizontal assembly or roof and 77766
columns are constructed of materials that are non-combustible, 77767
limited-combustible, or fire-retardant treated wood. 77768

(2) If a building or zoning official makes a determination 77769
pursuant to division (B) (1) of section 3781.06 or section 77770
3781.061 of the Revised Code that results in a building or 77771
structure being exempt from the rules of the board of building 77772
standards, such official shall provide a written notification to 77773
the affected party that the state fire code applies to the 77774
exempt location, including as specified in this section. 77775

(3) Nothing in division (G) of this section shall be 77776

construed to limit or restrict the scope of application of the 77777
state fire code, except as expressly provided in division (G) (1) 77778
of this section, including the distinct hazard or serious hazard 77779
standards specified in the state fire code. 77780

(4) Notwithstanding any provision of section 121.95 of the 77781
Revised Code to the contrary, a regulatory restriction contained 77782
in a rule adopted under division (G) (1) of this section is not 77783
subject to sections 121.95 to 121.953 of the Revised Code. 77784

Sec. 3742.32. (A) The director of health shall appoint an 77785
advisory council to assist in the ongoing development and 77786
implementation of the child lead poisoning prevention program 77787
created under section 3742.31 of the Revised Code. The advisory 77788
council shall consist of the following members: 77789

(1) A representative of the department of medicaid; 77790

~~(2) A representative of the bureau of child care in the~~ 77791
~~department of job and family services;~~ 77792

~~(3)~~ A representative of the department of environmental 77793
protection; 77794

~~(4)~~ (3) A representative of the department of education and 77795
workforce; 77796

~~(5)~~ (4) A representative of the department of development; 77797

~~(6)~~ (5) A representative of the department of children and 77798
youth; 77799

~~(7)~~ (6) A representative of the Ohio apartment owner's 77800
association; 77801

~~(8)~~ (7) A representative of the Ohio healthy homes network; 77802

~~(9)~~ (8) A representative of the Ohio environmental health 77803

association; 77804

~~(10)~~ (9) An Ohio representative of the American coatings 77805
association; 77806

~~(11)~~ (10) A representative from Ohio realtors; 77807

~~(12)~~ (11) A representative of the Ohio housing finance 77808
agency; 77809

~~(13)~~ (12) A physician knowledgeable in the field of lead 77810
poisoning prevention; 77811

~~(14)~~ (13) A certified nurse-midwife, clinical nurse 77812
specialist, or certified nurse practitioner knowledgeable in the 77813
field of lead poisoning prevention; 77814

~~(15)~~ (14) A representative of the public. 77815

(B) The advisory council shall do both of the following: 77816

(1) Provide the director with advice regarding the 77817
policies the child lead poisoning prevention program should 77818
emphasize, preferred methods of financing the program, and any 77819
other matter relevant to the program's operation; 77820

(2) Submit a report of the state's activities to the 77821
governor, president of the senate, and speaker of the house of 77822
representatives on or before the first day of March each year. 77823

(C) The advisory council is not subject to sections 101.82 77824
to 101.87 of the Revised Code. 77825

Sec. 3743.04. (A) The license of a manufacturer of 77826
fireworks is effective for one year beginning on the first day 77827
of December, and the state fire marshal shall issue or renew a 77828
license only on that date and at no other time. If a 77829
manufacturer of fireworks wishes to continue manufacturing 77830

fireworks at the designated fireworks plant after its then 77831
effective license expires, it shall apply no later than the 77832
first day of October for a new license pursuant to section 77833
3743.02 of the Revised Code. The state fire marshal shall send a 77834
written notice of the expiration of its license to a licensed 77835
manufacturer at least three months before the expiration date. 77836

(B) If, during the effective period of its licensure, a 77837
licensed manufacturer of fireworks wishes to construct, locate, 77838
or relocate any buildings or other structures on the premises of 77839
its fireworks plant, to make any structural change or renovation 77840
in any building or other structure on the premises of its 77841
fireworks plant, to change the nature of its manufacturing of 77842
fireworks so as to include the processing of fireworks, or to 77843
relocate its fireworks plant to a new licensed premises, the 77844
manufacturer shall notify the state fire marshal in writing. The 77845
state fire marshal may require a licensed manufacturer also to 77846
submit documentation, including, but not limited to, plans 77847
covering the proposed construction, location, relocation, 77848
structural change or renovation, change in manufacturing of 77849
fireworks, or new licensed premises, if the state fire marshal 77850
determines the documentation is necessary for evaluation 77851
purposes in light of the proposed construction, location, 77852
relocation, structural change or renovation, change in 77853
manufacturing of fireworks, or new licensed premises. 77854

Upon receipt of the notification and additional 77855
documentation required by the state fire marshal, the state fire 77856
marshal shall inspect the existing premises of the fireworks 77857
plant, or proposed new licensed premises, to determine if the 77858
proposed construction, location, relocation, structural change 77859
or renovation, change in manufacturing of fireworks, or new 77860
licensed premises conform to sections 3743.02 to 3743.08 of the 77861

Revised Code and the rules adopted by the state fire marshal 77862
pursuant to section 3743.05 of the Revised Code. The state fire 77863
marshal shall issue a written authorization to the manufacturer 77864
for the construction, location, relocation, structural change or 77865
renovation, change in manufacturing of fireworks, or new 77866
licensed premises, if the state fire marshal determines, upon 77867
the inspection and a review of submitted documentation, that the 77868
construction, location, relocation, structural change or 77869
renovation, change in manufacturing of fireworks, or new 77870
licensed premises conform to those sections and rules. Upon 77871
authorizing a change in manufacturing of fireworks to include 77872
the processing of fireworks, the state fire marshal shall make 77873
notations on the manufacturer's license and in the list of 77874
licensed manufacturers in accordance with section 3743.03 of the 77875
Revised Code. 77876

On or before June 1, 1998, a licensed manufacturer shall 77877
install, in every licensed building in which fireworks are 77878
manufactured, stored, or displayed and to which the public has 77879
access, interlinked fire detection, smoke exhaust, and smoke 77880
evacuation systems that are approved by the superintendent of 77881
industrial compliance, and shall comply with floor plans showing 77882
occupancy load limits and internal circulation and egress 77883
patterns that are approved by the state fire marshal and 77884
superintendent, and that are submitted under seal as required by 77885
section 3791.04 of the Revised Code. Notwithstanding section 77886
3743.59 of the Revised Code, the construction and safety 77887
requirements established in this division are not subject to any 77888
variance, waiver, or exclusion. 77889

(C) The license of a manufacturer of fireworks authorizes 77890
the manufacturer to engage only in the following activities: 77891

(1) The manufacturing of fireworks on the premises of the fireworks plant as described in the application for licensure or in the notification submitted under division (B) of this section, except that a licensed manufacturer shall not engage in the processing of fireworks unless authorized to do so by its license.

(2) To possess for sale at wholesale and sell at wholesale the fireworks manufactured by the manufacturer, to persons who are licensed wholesalers of fireworks, to persons in accordance with sections 3743.44 to 3743.46 of the Revised Code, or to persons located in another state provided the fireworks are shipped directly out of this state to them by the manufacturer. A person who is licensed as a manufacturer of fireworks on June 14, 1988, also may possess for sale and sell pursuant to division (C) (2) of this section fireworks other than those the person manufactures. The possession for sale shall be on the premises of the fireworks plant described in the application for licensure or in the notification submitted under division (B) of this section, and the sale shall be from the inside of a licensed building and from no other structure or device outside a licensed building. At no time shall a licensed manufacturer sell any class of fireworks outside a licensed building.

(3) Possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, other than 1.4G fireworks as designated by the state fire marshal in rules adopted pursuant to division (A) of section 3743.05 of the Revised Code, to licensed exhibitors in accordance with sections 3743.50 to 3743.55 of the Revised Code, and possess for sale at retail and sell at retail the fireworks manufactured by the manufacturer, including 1.4G fireworks, to persons in accordance with sections 3743.44 to ~~3743.46~~ 3743.48 of the Revised Code, or

to persons located in another state provided the fireworks are 77923
shipped directly out of this state to them by the manufacturer. 77924
A person who is licensed as a manufacturer of fireworks on June 77925
14, 1988, may also possess for sale and sell pursuant to 77926
division (C) (3) of this section fireworks other than those the 77927
person manufactures. The possession for sale shall be on the 77928
premises of the fireworks plant described in the application for 77929
licensure or in the notification submitted under division (B) of 77930
this section, ~~and,~~ except as otherwise provided in section 77931
3743.48 of the Revised Code, the sale shall be from the inside 77932
of a licensed building and from no other structure or device 77933
outside a licensed building. ~~At no time shall~~ Except as 77934
otherwise provided in section 3743.48 of the Revised Code, a 77935
licensed manufacturer shall not sell any class of fireworks 77936
outside a licensed building. 77937

A licensed manufacturer of fireworks shall sell under 77938
division (C) of this section only fireworks that meet the 77939
standards set by the consumer product safety commission or by 77940
the American fireworks standard laboratories or that have 77941
received an EX number from the United States department of 77942
transportation. 77943

(D) The license of a manufacturer of fireworks shall be 77944
protected under glass and posted in a conspicuous place on the 77945
premises of the fireworks plant. Except as otherwise provided in 77946
this division, the license is not transferable or assignable. 77947

(1) The ownership of a manufacturer of fireworks license 77948
may be transferred to another person for the same fireworks 77949
plant for which the license was issued, or approved pursuant to 77950
division (B) of this section, if the assets of the plant are 77951
transferred to that person by inheritance or by a sale approved 77952

by the state fire marshal. 77953

(2) The license of a manufacturer of fireworks may be 77954
geographically relocated in accordance with division (D) of 77955
section 3743.75 of the Revised Code. 77956

(3) The license is subject to revocation in accordance 77957
with section 3743.08 of the Revised Code. 77958

(E) The state fire marshal shall not place the license of 77959
a manufacturer of fireworks in a temporarily inactive status 77960
while the holder of the license is attempting to qualify to 77961
retain the license. 77962

(F) Each licensed manufacturer of fireworks that possesses 77963
fireworks for sale and sells fireworks under division (C) of 77964
section 3743.04 of the Revised Code, or a designee of the 77965
manufacturer, whose identity is provided to the state fire 77966
marshal by the manufacturer, annually shall attend a continuing 77967
education program. The state fire marshal shall develop the 77968
program and the state fire marshal or a person or public agency 77969
approved by the state fire marshal shall conduct it. A licensed 77970
manufacturer or the manufacturer's designee who attends a 77971
program as required under this division, within one year after 77972
attending the program, shall conduct in-service training as 77973
approved by the state fire marshal for other employees of the 77974
licensed manufacturer regarding the information obtained in the 77975
program. A licensed manufacturer shall provide the state fire 77976
marshal with notice of the date, time, and place of all in- 77977
service training. For any program conducted under this division, 77978
the state fire marshal shall, in accordance with rules adopted 77979
by the state fire marshal under Chapter 119. of the Revised 77980
Code, establish the subjects to be taught, the length of 77981
classes, the standards for approval, and time periods for 77982

notification by the licensee to the state fire marshal of any 77983
in-service training. 77984

(G) A licensed manufacturer shall maintain comprehensive 77985
general liability insurance coverage in the amount and type 77986
specified under division (B) (2) of section 3743.02 of the 77987
Revised Code at all times. Each policy of insurance required 77988
under this division shall contain a provision requiring the 77989
insurer to give not less than fifteen days' prior written notice 77990
to the state fire marshal before termination, lapse, or 77991
cancellation of the policy, or any change in the policy that 77992
reduces the coverage below the minimum required under this 77993
division. Prior to canceling or reducing the amount of coverage 77994
of any comprehensive general liability insurance coverage 77995
required under this division, a licensed manufacturer shall 77996
secure supplemental insurance in an amount and type that 77997
satisfies the requirements of this division so that no lapse in 77998
coverage occurs at any time. A licensed manufacturer who secures 77999
supplemental insurance shall file evidence of the supplemental 78000
insurance with the state fire marshal prior to canceling or 78001
reducing the amount of coverage of any comprehensive general 78002
liability insurance coverage required under this division. 78003

(H) The state fire marshal shall adopt rules for the 78004
expansion or contraction of a licensed premises and for approval 78005
of such expansions or contractions. The boundaries of a licensed 78006
premises, including any geographic expansion or contraction of 78007
those boundaries, shall be approved by the state fire marshal in 78008
accordance with rules the state fire marshal adopts. If the 78009
licensed premises consists of more than one parcel of real 78010
estate, those parcels shall be contiguous unless an exception is 78011
allowed pursuant to division (I) of this section. 78012

(I) (1) A licensed manufacturer may expand its licensed 78013
premises within this state to include not more than two storage 78014
locations that are located upon one or more real estate parcels 78015
that are noncontiguous to the licensed premises as that licensed 78016
premises exists on the date a licensee submits an application as 78017
described below, if all of the following apply: 78018

(a) The licensee submits an application to the state fire 78019
marshal and an application fee of one hundred dollars per 78020
storage location for which the licensee is requesting approval. 78021

(b) The identity of the holder of the license remains the 78022
same at the storage location. 78023

(c) The storage location has received a valid certificate 78024
of zoning compliance as applicable and a valid certificate of 78025
occupancy for each building or structure at the storage location 78026
issued by the authority having jurisdiction to issue the 78027
certificate for the storage location, and those certificates 78028
permit the distribution and storage of fireworks regulated under 78029
this chapter at the storage location and in the buildings or 78030
structures. The storage location shall be in compliance with all 78031
other applicable federal, state, and local laws and regulations. 78032

(d) Every building or structure located upon the storage 78033
location is separated from occupied residential and 78034
nonresidential buildings or structures, railroads, highways, or 78035
any other buildings or structures on the licensed premises in 78036
accordance with the distances specified in the rules adopted by 78037
the state fire marshal pursuant to section 3743.05 of the 78038
Revised Code. 78039

(e) Neither the licensee nor any person holding, owning, 78040
or controlling a five per cent or greater beneficial or equity 78041

interest in the licensee has been convicted of or pleaded guilty 78042
to a felony under the laws of this state, any other state, or 78043
the United States, after September 29, 2005. 78044

(f) The state fire marshal approves the application for 78045
expansion. 78046

(2) The state fire marshal shall approve an application 78047
for expansion requested under division (I)(1) of this section if 78048
the state fire marshal receives the application fee and proof 78049
that the requirements of divisions (I)(1)(b) to (e) of this 78050
section are satisfied. The storage location shall be considered 78051
part of the original licensed premises and shall use the same 78052
distinct number assigned to the original licensed premises with 78053
any additional designations as the state fire marshal deems 78054
necessary in accordance with section 3743.03 of the Revised 78055
Code. 78056

(J)(1) A licensee who obtains approval for the use of a 78057
storage location in accordance with division (I) of this section 78058
shall use the storage location exclusively for the following 78059
activities, in accordance with division (C) of this section: 78060

(a) The packaging, assembling, or storing of fireworks, 78061
which shall only occur in buildings or structures approved for 78062
such hazardous uses by the building code official having 78063
jurisdiction for the storage location or, for 1.4G fireworks, in 78064
containers or trailers approved for such hazardous uses by the 78065
state fire marshal if such containers or trailers are not 78066
subject to regulation by the building code adopted in accordance 78067
with Chapter 3781. of the Revised Code. All such storage shall 78068
be in accordance with the rules adopted by the state fire 78069
marshal under division (G) of section 3743.05 of the Revised 78070
Code for the packaging, assembling, and storage of fireworks. 78071

(b) Distributing fireworks to other parcels of real estate 78072
located on the manufacturer's licensed premises, to licensed 78073
wholesalers or other licensed manufacturers in this state or to 78074
similarly licensed persons located in another state or country; 78075

(c) Distributing fireworks to a licensed exhibitor of 78076
fireworks pursuant to a properly issued permit in accordance 78077
with section 3743.54 of the Revised Code. 78078

(2) A licensed manufacturer shall not engage in any sales 78079
activity, including the retail sale of fireworks otherwise 78080
permitted under division (C) (2) or (C) (3) of this section, or 78081
pursuant to section 3743.44 or 3743.45 of the Revised Code, at 78082
the storage location approved under this section. 78083

(3) A storage location may not be relocated for a minimum 78084
period of five years after the storage location is approved by 78085
the state fire marshal in accordance with division (I) of this 78086
section. 78087

(K) The licensee shall prohibit public access to the 78088
storage location. The state fire marshal shall adopt rules to 78089
describe the acceptable measures a manufacturer shall use to 78090
prohibit access to the storage site. 78091

Sec. 3743.06. In addition to conforming to the rules of 78092
the fire marshal adopted pursuant to section 3743.05 of the 78093
Revised Code, licensed manufacturers of fireworks shall operate 78094
their fireworks plants in accordance with the following: 78095

(A) Signs indicating that smoking is generally forbidden 78096
and trespassing is prohibited on the premises of a fireworks 78097
plant shall be posted on the premises in a manner determined by 78098
the fire marshal. 78099

(B) Reasonable precautions shall be taken to protect the 78100

premises of a fireworks plant from trespass, loss, theft, or 78101
destruction. Only persons employed by the manufacturer, 78102
authorized governmental personnel, and persons who have obtained 78103
permission from a member of the manufacturer's office to be on 78104
the premises, are to be allowed to enter and remain on the 78105
premises. 78106

(C) Smoking or the carrying of pipes, cigarettes, or 78107
cigars, matches, lighters, other flame-producing items, or open 78108
flame on, or the carrying of a concealed source of ignition 78109
into, the premises of a fireworks plant is prohibited, except 78110
that a manufacturer may permit smoking in specified lunchrooms 78111
or restrooms in buildings or other structures in which no 78112
manufacturing, handling, sales, or storage of fireworks takes 78113
place. "NO SMOKING" signs shall be posted on the premises as 78114
required by the fire marshal. 78115

(D) Fire and explosion prevention and other reasonable 78116
safety measures and precautions shall be implemented by a 78117
manufacturer. 78118

(E) Persons shall not be permitted to have in their 78119
possession or under their control, while they are on the 78120
premises of the fireworks plant, any intoxicating liquor, beer, 78121
or controlled substance, and they shall not be permitted to 78122
enter or remain on the premises if they are found to be under 78123
the influence of any intoxicating liquor, beer, or controlled 78124
substance. 78125

(F) A manufacturer shall conform to all building, safety, 78126
and zoning statutes, ordinances, rules, or other enactments that 78127
apply to the premises of its fireworks plant. 78128

(G) Each fireworks plant shall have at least one class 1 78129

magazine that is approved by the bureau of alcohol, tobacco, and 78130
firearms of the United States department of the treasury and 78131
that is otherwise in conformity with federal law. This division 78132
does not apply to fireworks plants existing on or before August 78133
3, 1931. 78134

(H) Awnings, tents, and canopies shall not be used as 78135
facilities for the sale or storage of fireworks, except as 78136
expressly permitted by section 3743.48 of the Revised Code. This 78137
division does not prohibit the use of an awning or canopy 78138
attached to a public access showroom for storing nonflammable 78139
shopping convenience items such as shopping carts or baskets or 78140
providing a shaded area for patrons waiting to enter the public 78141
sales area. 78142

(I) Fireworks may be stored in trailers if the trailers 78143
are properly enclosed, secured, and grounded and are separated 78144
from any structure to which the public is admitted by a distance 78145
that will, in the fire marshal's judgment, allow fire-fighting 78146
equipment to have full access to the structures on the licensed 78147
premises. Such trailers may be moved into closer proximity to 78148
any structure only to accept or discharge cargo for a period not 78149
to exceed forty-eight hours. Only two such trailers may be 78150
placed in such closer proximity at any one time. At no time may 78151
trailers be used for conducting sales of any class of fireworks, 78152
nor may members of the public have access to the trailers. 78153

Storage areas for fireworks that are in the same building 78154
where fireworks are displayed and sold to the public shall be 78155
separated from the areas to which the public has access by an 78156
appropriately rated fire wall. 78157

(J) A fire suppression system as defined in section 78158
3781.108 of the Revised Code may be turned off only for repair, 78159

drainage of the system to prevent damage by freezing during the 78160
period of time, approved by the fire marshal, that the facility 78161
is closed to all public access during winter months, or 78162
maintenance of the system. If any repair or maintenance is 78163
necessary during times when the facility is open for public 78164
access and business as approved by the fire marshal, the 78165
licensed manufacturer shall notify in advance the appropriate 78166
insurance company and fire chief or fire prevention officer 78167
regarding the nature of the maintenance or repair and the time 78168
when it will be performed. 78169

(K) If any fireworks item is removed from its original 78170
package or is manufactured with any fuse other than a safety 78171
fuse approved by the consumer product safety commission, then 78172
the item shall be covered completely by repackaging or bagging 78173
or it shall otherwise be covered so as to prevent ignition prior 78174
to sale. 78175

(L) A safety officer shall be present during regular 78176
business hours at a building open to the public during the 78177
period commencing fourteen days before, and ending two days 78178
after, each fourth day of July. The officer shall be highly 78179
visible, enforce this chapter and any applicable building codes 78180
to the extent the officer is authorized by law, and be one of 78181
the following: 78182

(1) A deputy sheriff; 78183

(2) A law enforcement officer of a municipal corporation, 78184
township, or township or joint police district; 78185

(3) A private uniformed security guard registered under 78186
section 4749.06 of the Revised Code. 78187

(M) All doors of all buildings on the licensed premises 78188

shall swing outward. 78189

(N) All wholesale and commercial sales of fireworks shall 78190
be packaged, shipped, placarded, and transported in accordance 78191
with United States department of transportation regulations 78192
applicable to the transportation, and the offering for 78193
transportation, of hazardous materials. For purposes of this 78194
division, "wholesale and commercial sales" includes all sales 78195
for resale and any nonretail sale made in furtherance of a 78196
commercial enterprise. For purposes of enforcement of these 78197
regulations under section 4923.99 of the Revised Code, any sales 78198
transaction exceeding one thousand pounds shall be rebuttably 78199
presumed to be a wholesale or commercial sale. 78200

Sec. 3743.17. (A) The license of a wholesaler of fireworks 78201
is effective for one year beginning on the first day of 78202
December, and the state fire marshal shall issue or renew a 78203
license only on that date and at no other time. If a wholesaler 78204
of fireworks wishes to continue engaging in the wholesale sale 78205
of fireworks at the particular location after its then effective 78206
license expires, it shall apply not later than the first day of 78207
October for a new license pursuant to section 3743.15 of the 78208
Revised Code. The state fire marshal shall send a written notice 78209
of the expiration of its license to a licensed wholesaler at 78210
least three months before the expiration date. 78211

(B) If, during the effective period of its licensure, a 78212
licensed wholesaler of fireworks wishes to perform any 78213
construction, or make any structural change or renovation, on 78214
the premises on which the fireworks are sold, or to relocate its 78215
sales operations to a new licensed premises, the wholesaler 78216
shall notify the state fire marshal in writing. The state fire 78217
marshal may require a licensed wholesaler also to submit 78218

documentation, including, but not limited to, plans covering the 78219
proposed construction or structural change or renovation, or 78220
proposed new licensed premises, if the state fire marshal 78221
determines the documentation is necessary for evaluation 78222
purposes in light of the proposed construction, structural 78223
change or renovation, or relocation. 78224

Upon receipt of the notification and additional 78225
documentation required by the state fire marshal, the state fire 78226
marshal shall inspect the premises on which the fireworks are 78227
sold, or the proposed new licensed premises, to determine if the 78228
proposed construction, structural change or renovation, or 78229
relocation conforms to sections 3743.15 to 3743.21 of the 78230
Revised Code, divisions (C)(1) and (2) of section 3743.25 of the 78231
Revised Code, and the rules adopted by the state fire marshal 78232
pursuant to section 3743.18 of the Revised Code. The state fire 78233
marshal shall issue a written authorization to the wholesaler 78234
for the construction, structural change or renovation, or new 78235
licensed premises if the state fire marshal determines, upon the 78236
inspection and a review of submitted documentation, that the 78237
construction, structural change or renovation, or new licensed 78238
premises conform to those sections and rules. 78239

(C) The license of a wholesaler of fireworks authorizes 78240
the wholesaler to engage only in the following activities: 78241

(1) Possess for sale at wholesale and sell at wholesale 78242
fireworks to persons who are licensed wholesalers of fireworks, 78243
to persons in accordance with sections 3743.44 to 3743.46 of the 78244
Revised Code, or to persons located in another state provided 78245
the fireworks are shipped directly out of this state to them by 78246
the wholesaler. The possession for sale shall be at the location 78247
described in the application for licensure or in the 78248

notification submitted under division (B) of this section, and 78249
the sale shall be from the inside of a licensed building and 78250
from no structure or device outside a licensed building. At no 78251
time shall a licensed wholesaler sell any class of fireworks 78252
outside a licensed building. 78253

(2) Possess for sale at retail and sell at retail 78254
fireworks, other than 1.4G fireworks as designated by the state 78255
fire marshal in rules adopted pursuant to division (A) of 78256
section 3743.05 of the Revised Code, to licensed exhibitors in 78257
accordance with sections 3743.50 to 3743.55 of the Revised Code, 78258
and possess for sale at retail and sell at retail fireworks, 78259
including 1.4G fireworks, to persons in accordance with sections 78260
3743.44 to ~~3743.46-3743.48~~ of the Revised Code, or to persons 78261
located in another state provided the fireworks are shipped 78262
directly out of this state to them by the wholesaler. The 78263
possession for sale shall be at the location described in the 78264
application for licensure or in the notification submitted under 78265
division (B) of this section, and, except as otherwise provided 78266
in section 3743.48 of the Revised Code, the sale shall be from 78267
the inside of the licensed building and from no other structure 78268
or device outside this licensed building. ~~At no time shall~~ Except 78269
as otherwise provided in section 3743.48 of the Revised Code, a 78270
licensed wholesaler shall not sell any class of fireworks 78271
outside a licensed building. 78272

A licensed wholesaler of fireworks shall sell under 78273
division (C) of this section only fireworks that meet the 78274
standards set by the consumer product safety commission or by 78275
the American fireworks standard laboratories or that have 78276
received an EX number from the United States department of 78277
transportation. 78278

(D) The license of a wholesaler of fireworks shall be 78279
protected under glass and posted in a conspicuous place at the 78280
location described in the application for licensure or in the 78281
notification submitted under division (B) of this section. 78282
Except as otherwise provided in this section, the license is not 78283
transferable or assignable. 78284

(1) The ownership of a wholesaler of fireworks license may 78285
be transferred to another person for the same location for which 78286
the license was issued, or approved pursuant to division (B) of 78287
this section, if the assets of the wholesaler are transferred to 78288
that person by inheritance or by a sale approved by the state 78289
fire marshal. 78290

(2) The license of a wholesaler of fireworks may be 78291
geographically relocated in accordance with division (D) of 78292
section 3743.75 of the Revised Code. 78293

(3) The license is subject to revocation in accordance 78294
with section 3743.21 of the Revised Code. 78295

(E) The state fire marshal shall adopt rules for the 78296
expansion or contraction of a licensed premises and for the 78297
approval of an expansion or contraction. The boundaries of a 78298
licensed premises, including any geographic expansion or 78299
contraction of those boundaries, shall be approved by the state 78300
fire marshal in accordance with rules the state fire marshal 78301
adopts. If the licensed premises of a licensed wholesaler from 78302
which the wholesaler operates consists of more than one parcel 78303
of real estate, those parcels must be contiguous, unless an 78304
exception is allowed pursuant to division (F) of this section. 78305

(F) (1) A licensed wholesaler may expand its licensed 78306
premises within this state to include not more than two storage 78307

locations that are located upon one or more real estate parcels 78308
that are noncontiguous to the licensed premises as that licensed 78309
premises exists on the date a licensee submits an application as 78310
described below, if all of the following apply: 78311

(a) The licensee submits an application to the state fire 78312
marshal requesting the expansion and an application fee of one 78313
hundred dollars per storage location for which the licensee is 78314
requesting approval. 78315

(b) The identity of the holder of the license remains the 78316
same at the storage location. 78317

(c) The storage location has received a valid certificate 78318
of zoning compliance, as applicable, and a valid certificate of 78319
occupancy for each building or structure at the storage location 78320
issued by the authority having jurisdiction to issue the 78321
certificate for the storage location, and those certificates 78322
permit the distribution and storage of fireworks regulated under 78323
this chapter at the storage location and in the buildings or 78324
structures. The storage location shall be in compliance with all 78325
other applicable federal, state, and local laws and regulations. 78326

(d) Every building or structure located upon the storage 78327
location is separated from occupied residential and 78328
nonresidential buildings or structures, railroads, highways, and 78329
any other buildings or structures on the licensed premises in 78330
accordance with the distances specified in the rules adopted by 78331
the state fire marshal pursuant to section 3743.18 of the 78332
Revised Code. 78333

(e) Neither the licensee nor any person holding, owning, 78334
or controlling a five per cent or greater beneficial or equity 78335
interest in the licensee has been convicted of or pleaded guilty 78336

to a felony under the laws of this state, any other state, or 78337
the United States, after September 29, 2005. 78338

(f) The state fire marshal approves the application for 78339
expansion. 78340

(2) The state fire marshal shall approve an application 78341
for expansion requested under division (F) (1) of this section if 78342
the state fire marshal receives the application fee and proof 78343
that the requirements of divisions (F) (1) (b) to (e) of this 78344
section are satisfied. The storage location shall be considered 78345
part of the original licensed premises and shall use the same 78346
distinct number assigned to the original licensed premises with 78347
any additional designations as the state fire marshal deems 78348
necessary in accordance with section 3743.16 of the Revised 78349
Code. 78350

(G) (1) A licensee who obtains approval for use of a 78351
storage location in accordance with division (F) of this section 78352
shall use the site exclusively for the following activities, in 78353
accordance with division (C) (1) of this section: 78354

(a) Packaging, assembling, or storing fireworks, which 78355
shall occur only in buildings or structures approved for such 78356
hazardous uses by the building code official having jurisdiction 78357
for the storage location or, for 1.4G fireworks, in containers 78358
or trailers approved for such hazardous uses by the state fire 78359
marshal if such containers or trailers are not subject to 78360
regulation by the building code adopted in accordance with 78361
Chapter 3781. of the Revised Code. All such storage shall be in 78362
accordance with the rules adopted by the state fire marshal 78363
under division (B) (4) of section 3743.18 of the Revised Code for 78364
the packaging, assembling, and storage of fireworks. 78365

(b) Distributing fireworks to other parcels of real estate 78366
located on the wholesaler's licensed premises, to licensed 78367
manufacturers or other licensed wholesalers in this state or to 78368
similarly licensed persons located in another state or country; 78369

(c) Distributing fireworks to a licensed exhibitor of 78370
fireworks pursuant to a properly issued permit in accordance 78371
with section 3743.54 of the Revised Code. 78372

(2) A licensed wholesaler shall not engage in any sales 78373
activity, including the retail sale of fireworks otherwise 78374
permitted under division (C) (2) of this section or pursuant to 78375
section 3743.44 or 3743.45 of the Revised Code, at a storage 78376
location approved under this section. 78377

(3) A storage location may not be relocated for a minimum 78378
period of five years after the storage location is approved by 78379
the state fire marshal in accordance with division (F) of this 78380
section. 78381

(H) A licensee shall prohibit public access to all storage 78382
locations it uses. The state fire marshal shall adopt rules 78383
establishing acceptable measures a wholesaler shall use to 78384
prohibit access to storage sites. 78385

(I) The state fire marshal shall not place the license of 78386
a wholesaler of fireworks in temporarily inactive status while 78387
the holder of the license is attempting to qualify to retain the 78388
license. 78389

(J) Each licensed wholesaler of fireworks or a designee of 78390
the wholesaler, whose identity is provided to the state fire 78391
marshal by the wholesaler, annually shall attend a continuing 78392
education program. The state fire marshal shall develop the 78393
program and the state fire marshal or a person or public agency 78394

approved by the state fire marshal shall conduct it. A licensed 78395
wholesaler or the wholesaler's designee who attends a program as 78396
required under this division, within one year after attending 78397
the program, shall conduct in-service training as approved by 78398
the state fire marshal for other employees of the licensed 78399
wholesaler regarding the information obtained in the program. A 78400
licensed wholesaler shall provide the state fire marshal with 78401
notice of the date, time, and place of all in-service training. 78402
For any program conducted under this division, the state fire 78403
marshal shall, in accordance with rules adopted by the state 78404
fire marshal under Chapter 119. of the Revised Code, establish 78405
the subjects to be taught, the length of classes, the standards 78406
for approval, and time periods for notification by the licensee 78407
to the state fire marshal of any in-service training. 78408

(K) A licensed wholesaler shall maintain comprehensive 78409
general liability insurance coverage in the amount and type 78410
specified under division (B) (2) of section 3743.15 of the 78411
Revised Code at all times. Each policy of insurance required 78412
under this division shall contain a provision requiring the 78413
insurer to give not less than fifteen days' prior written notice 78414
to the state fire marshal before termination, lapse, or 78415
cancellation of the policy, or any change in the policy that 78416
reduces the coverage below the minimum required under this 78417
division. Prior to canceling or reducing the amount of coverage 78418
of any comprehensive general liability insurance coverage 78419
required under this division, a licensed wholesaler shall secure 78420
supplemental insurance in an amount and type that satisfies the 78421
requirements of this division so that no lapse in coverage 78422
occurs at any time. A licensed wholesaler who secures 78423
supplemental insurance shall file evidence of the supplemental 78424
insurance with the state fire marshal prior to canceling or 78425

reducing the amount of coverage of any comprehensive general 78426
liability insurance coverage required under this division. 78427

Sec. 3743.19. In addition to conforming to the rules of 78428
the fire marshal adopted pursuant to section 3743.18 of the 78429
Revised Code, licensed wholesalers of fireworks shall conduct 78430
their business operations in accordance with the following: 78431

(A) ~~A~~ Except as otherwise provided in section 3743.48 of 78432
the Revised Code, a wholesaler shall conduct its business 78433
operations from the location described in its application for 78434
licensure or in a notification submitted under division (B) of 78435
section 3743.17 of the Revised Code. 78436

(B) Signs indicating that smoking is generally forbidden 78437
and trespassing is prohibited on the premises of a wholesaler 78438
shall be posted on the premises as determined by the fire 78439
marshal. 78440

(C) Reasonable precautions shall be taken to protect the 78441
premises of a wholesaler from trespass, loss, theft, or 78442
destruction. 78443

(D) Smoking or the carrying of pipes, cigarettes, or 78444
cigars, matches, lighters, other flame-producing items, or open 78445
flame on, or the carrying of a concealed source of ignition 78446
into, the premises of a wholesaler is prohibited, except that a 78447
wholesaler may permit smoking in specified lunchrooms or 78448
restrooms in buildings or other structures in which no sales, 78449
handling, or storage of fireworks takes place. "NO SMOKING" 78450
signs shall be posted on the premises as required by the fire 78451
marshal. 78452

(E) Fire and explosion prevention and other reasonable 78453
safety measures and precautions shall be implemented by a 78454

wholesaler. 78455

(F) Persons shall not be permitted to have in their 78456
possession or under their control, while they are on the 78457
premises of a wholesaler, any intoxicating liquor, beer, or 78458
controlled substance, and they shall not be permitted to enter 78459
or remain on the premises if they are found to be under the 78460
influence of any intoxicating liquor, beer, or controlled 78461
substance. 78462

(G) A wholesaler shall conform to all building, safety, 78463
and zoning statutes, ordinances, rules, or other enactments that 78464
apply to its premises. 78465

(H) Each building used in the sale of fireworks shall be 78466
kept open to the public for at least four hours each day between 78467
the hours of eight a.m. and five p.m., five days of each week, 78468
every week of the year. Upon application from a licensed 78469
wholesaler, the fire marshal may waive any of the requirements 78470
of this division. 78471

(I) Awnings, tents, or canopies shall not be used as 78472
facilities for the storage or sale of fireworks, except as 78473
expressly permitted by section 3743.48 of the Revised Code. This 78474
division does not prohibit the use of an awning or canopy 78475
attached to a public access showroom for storing nonflammable 78476
shopping convenience items such as shopping carts or baskets or 78477
providing a shaded area for patrons waiting to enter the public 78478
sales area. 78479

(J) 1.4G fireworks may be stored in trailers if the 78480
trailers are properly enclosed, secured, and grounded and are 78481
separated from any structure to which the public is admitted by 78482
a distance that will, in the fire marshal's judgment, allow 78483

fire-fighting equipment to have full access to the structures on 78484
the licensed premises. Such trailers may be moved into closer 78485
proximity to any structure only to accept or discharge cargo for 78486
a period not to exceed forty-eight hours. Only two such trailers 78487
may be placed in such closer proximity at any one time. At no 78488
time may trailers be used for conducting sales of any class of 78489
fireworks nor may members of the public have access to the 78490
trailers. 78491

Storage areas for fireworks that are in the same building 78492
where fireworks are displayed and sold to the public shall be 78493
separated from the areas to which the public has access by an 78494
appropriately rated fire wall. If the licensee installs and 78495
properly maintains an early suppression fast response sprinkler 78496
system or equivalent fire suppression system as described in the 78497
fire code adopted by the fire marshal in accordance with section 78498
3737.82 of the Revised Code throughout the structure, a fire 78499
barrier wall may be substituted for a fire wall between the 78500
areas to which the public has access and the storage portions of 78501
the structure. 78502

(K) A fire suppression system as defined in section 78503
3781.108 of the Revised Code may be turned off only for repair, 78504
drainage of the system to prevent damage by freezing during the 78505
period of time, approved by the fire marshal under division (I) 78506
of this section, that the facility is closed to public access 78507
during winter months, or maintenance of the system. If any 78508
repair or maintenance is necessary during times when the 78509
facility is open for public access and business, the licensed 78510
wholesaler shall notify in advance the appropriate insurance 78511
company and fire chief or fire prevention officer regarding the 78512
nature of the maintenance or repair and the time when it will be 78513
performed. 78514

(L) If any fireworks item is removed from its original 78515
package or is manufactured with any fuse other than a fuse 78516
approved by the consumer product safety commission, then the 78517
item shall be covered completely by repackaging or bagging or it 78518
shall otherwise be covered so as to prevent ignition prior to 78519
sale. 78520

(M) A safety officer shall be present during regular 78521
business hours at a building open to the public during the 78522
period commencing fourteen days before, and ending two days 78523
after, each fourth day of July. The officer shall be highly 78524
visible, enforce this chapter and any applicable building codes 78525
to the extent the officer is authorized by law, and be one of 78526
the following: 78527

(1) A deputy sheriff; 78528

(2) A law enforcement officer of a municipal corporation, 78529
township, or township or joint police district; 78530

(3) A private uniformed security guard registered under 78531
section 4749.06 of the Revised Code. 78532

(N) All doors of all buildings on the licensed premises 78533
shall swing outward. 78534

(O) All wholesale and commercial sales of fireworks shall 78535
be packaged, shipped, placarded, and transported in accordance 78536
with United States department of transportation regulations 78537
applicable to the transportation, and the offering for 78538
transportation, of hazardous materials. For purposes of this 78539
division, "wholesale and commercial sales" includes all sales 78540
for resale and any nonretail sale made in furtherance of a 78541
commercial enterprise. For purposes of enforcement of these 78542
regulations under section 4923.99 of the Revised Code, any sales 78543

transaction exceeding one thousand pounds shall be rebuttably 78544
presumed to be a wholesale or commercial sale. 78545

Sec. 3743.25. (A) (1) Except as described in division (A) 78546
(2) of this section and in section 3743.48 of the Revised Code, 78547
all retail sales of 1.4G fireworks by a licensed manufacturer or 78548
wholesaler shall only occur from an approved retail sales 78549
showroom on a licensed premises or from a representative sample 78550
showroom as described in this section on a licensed premises. 78551
For the purposes of this section, a retail sale includes the 78552
transfer of the possession of the 1.4G fireworks from the 78553
licensed manufacturer or wholesaler to the purchaser of the 78554
fireworks. 78555

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 78556
properly permitted exhibition shall occur in accordance with the 78557
provisions of the Revised Code and rules adopted by the state 78558
fire marshal under Chapter 119. of the Revised Code. Such rules 78559
shall specify, at a minimum, that the licensed exhibitor holds a 78560
license under section 3743.51 of the Revised Code, that the 78561
exhibitor possesses a valid exhibition permit issued in 78562
accordance with section 3743.54 of the Revised Code, and that 78563
the fireworks shipped are to be used at the specifically 78564
permitted exhibition. 78565

(B) All wholesale sales of fireworks by a licensed 78566
manufacturer or wholesaler shall only occur from a licensed 78567
premises to persons who intend to resell the fireworks purchased 78568
at wholesale. A wholesale sale by a licensed manufacturer or 78569
wholesaler may occur as follows: 78570

(1) The direct sale and shipment of fireworks to a person 78571
outside of this state; 78572

(2) From an approved retail sales showroom as described in 78573
this section; 78574

(3) From a representative sample showroom as described in 78575
this section; 78576

(4) By delivery of wholesale fireworks to a purchaser at a 78577
licensed premises outside of a structure or building on that 78578
premises. All other portions of the wholesale sales transaction 78579
may occur at any location on a licensed premises. 78580

(5) Any other method as described in rules adopted by the 78581
state fire marshal under Chapter 119. of the Revised Code. 78582

(C) A-Except as otherwise provided in section 3743.48 of 78583
the Revised Code, a licensed manufacturer or wholesaler shall 78584
only sell 1.4G fireworks from a representative sample showroom 78585
or a retail sales showroom. Each licensed premises shall only 78586
contain one sales structure. 78587

A representative sample showroom shall consist of a 78588
structure constructed and maintained in accordance with the 78589
nonresidential building code adopted under Chapter 3781. of the 78590
Revised Code and the fire code adopted under section 3737.82 of 78591
the Revised Code for a use and occupancy group that permits 78592
mercantile sales. A representative sample showroom shall not 78593
contain any pyrotechnics, pyrotechnic materials, fireworks, 78594
explosives, explosive materials, or any similar hazardous 78595
materials or substances. A representative sample showroom shall 78596
be used only for the public viewing of fireworks product 78597
representations, including paper materials, packaging materials, 78598
catalogs, photographs, or other similar product depictions. The 78599
delivery of product to a purchaser of fireworks at a licensed 78600
premises that has a representative sample structure shall not 78601

occur inside any structure on a licensed premises. Such product 78602
delivery shall occur on the licensed premises in a manner 78603
prescribed by rules adopted by the state fire marshal pursuant 78604
to Chapter 119. of the Revised Code. 78605

If a manufacturer or wholesaler elects to conduct sales 78606
from a retail sales showroom, the showroom structures, to which 78607
the public may have any access and in which employees are 78608
required to work, on all licensed premises, shall comply with 78609
the following safety requirements: 78610

(1) A fireworks showroom that is constructed or upon which 78611
expansion is undertaken on and after June 30, 1997, shall be 78612
equipped with interlinked fire detection, fire suppression, 78613
smoke exhaust, and smoke evacuation systems that are approved by 78614
the superintendent of industrial compliance in the department of 78615
commerce. 78616

(2) (a) A fireworks showroom that first begins to operate 78617
on or after June 30, 1997, or that resumes operations at any 78618
time after a period of inactive status of licensure greater than 78619
one year, and to which the public has access for retail purposes 78620
shall not exceed seven thousand five hundred square feet in 78621
floor area. 78622

(b) A fireworks showroom that, through construction of a 78623
new showroom, expansion of an existing showroom, or similar 78624
means, first exceeds five thousand square feet, to which the 78625
public has access for retail purposes, after ~~the effective date~~ 78626
~~of this amendment~~ February 7, 2022, shall be equipped with a 78627
sprinkler system that meets the criteria for sprinkler systems 78628
in extra hazard (group 2) occupancies under "NFPA 13, Standard 78629
for the Installation of Sprinkler Systems (2019 Edition)." 78630

(c) Notwithstanding division (D) of this section, the state fire marshal may provide a variance to the requirements of division (C)(2)(b) of this section pursuant to section 3743.59 of the Revised Code for a sprinkler system that matches or exceeds the degree of safety provided by a sprinkler system that meets the criteria for sprinkler systems in extra hazard (group 2) occupancies under "NFPA 13, Standard for the Installation of Sprinkler Systems (2019 Edition)."

(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

Sec. 3743.48. (A) For the purposes of this section, 78661
"online sale" means a retail sale through an internet web site 78662
or other digital platform. 78663

(B) A licensed manufacturer or licensed wholesaler may 78664
conduct online sales of 1.4G fireworks in accordance with this 78665
section. A licensed manufacturer or licensed wholesaler shall 78666
ensure that all selection, ordering, payment, and delivery is 78667
carried out in accordance with the procedures and requirements 78668
of this chapter and all rules adopted thereunder, except to the 78669
extent that those procedures, requirements, and rules directly 78670
conflict with this section. 78671

(C) Each online sale of 1.4G fireworks shall be 78672
specifically associated with a single licensed manufacturer or 78673
licensed wholesaler, identified by license identification number 78674
and the address of the licensed premises. A licensed 78675
manufacturer or licensed wholesaler shall transfer possession of 78676
1.4G fireworks purchased in an online sale only in the retail 78677
showroom of the licensed premises or via curbside delivery made 78678
in accordance with all of the following: 78679

(1) The delivery is made to the verified purchaser of the 78680
1.4G fireworks. 78681

(2) The delivery occurs on the licensed premises 78682
associated with sale. 78683

(3) The delivery occurs in a designated customer pick-up 78684
zone which may be accessible by motor vehicles. 78685

(4) The purchaser is provided a safety pamphlet, in 78686
accordance with section 3743.47 of the Revised Code, at the 78687
point of delivery. 78688

(5) The purchaser is offered safety glasses for a nominal 78689

fee at the point of delivery in accordance section 3743.47 of 78690
the Revised Code. 78691

(D) A licensed manufacturer or licensed wholesaler may 78692
construct a tent or other temporary structure on a licensed 78693
premises to provide shelter for employees and purchasers at the 78694
point of curbside delivery, provided that such structures are 78695
approved by the state fire marshal and are in compliance with 78696
all state and local laws, including the state building code, the 78697
state fire code, and any applicable zoning requirements. 78698

(E) A licensed manufacturer or licensed wholesaler shall 78699
not transfer possession of 1.4G fireworks purchased in an online 78700
sale to any person other than the verified purchaser. Before 78701
transferring possession, the licensed manufacturer or licensed 78702
wholesaler shall verify all of the following: 78703

(1) The number and types of items included in the order; 78704

(2) That the purchaser is at least eighteen years of age; 78705

(3) That the purchaser's name is the same name associated 78706
with the credit or debit card with which the order was placed; 78707

(4) That the purchaser attests to understanding and agrees 78708
to comply with all applicable federal, state, and local laws 78709
regarding consumer fireworks storage and use; 78710

(5) That the purchaser signs all forms required by law; 78711

(6) That the purchaser pays the fee imposed by section 78712
3743.22 of the Revised Code. 78713

(F) A licensed manufacturer or licensed wholesaler that 78714
conducts online sales of 1.4G fireworks shall do all of the 78715
following: 78716

(1) Comply with all applicable state and local laws, 78717
including the state building code, state fire code, and zoning 78718
requirements; 78719

(2) Implement reasonable traffic control measures for 78720
curbside deliveries; 78721

(3) Maintain all regular fireworks sales records, 78722
including any records necessary to demonstrate compliance with 78723
this section, and make those records available upon request of 78724
the state fire marshal or any law enforcement officer, fire code 78725
official, or building code official with jurisdiction. 78726

(G) A licensed manufacturer or licensed wholesaler shall 78727
not do any of the following: 78728

(1) Deliver fireworks via mail order, parcel service, or 78729
any other delivery process that occurs outside of the licensed 78730
premises; 78731

(2) Sell or offer for sale fireworks or other items 78732
outside of the licensed retail showroom except as expressly 78733
authorized by this section; 78734

(3) Display fireworks for sale outside of a retail 78735
showroom; 78736

(4) Permit any member of the public to access any areas on 78737
the licensed premises other than the retail showroom and the 78738
designated area for curbside delivery. 78739

(H) Nothing in this section shall be construed to do any 78740
of the following: 78741

(1) Reduce, waive, or otherwise eliminate any licensure or 78742
safety requirements in this chapter or the rules adopted 78743
thereunder; 78744

<u>(2) Exempt any retail sales of 1.4G fireworks from the fee</u>	78745
<u>imposed by section 3743.22 of the Revised Code;</u>	78746
<u>(3) Reduce, waive, or otherwise eliminate any of a</u>	78747
<u>licensed manufacturer's or licensed wholesaler's liability,</u>	78748
<u>insurance, workers compensation, or other legal obligations.</u>	78749
<u>(I) (1) A licensed wholesaler or licensed manufacturer is</u>	78750
<u>not required to conduct online sales of fireworks.</u>	78751
<u>(2) A licensed wholesaler or licensed manufacturer may</u>	78752
<u>implement a hybrid firework purchase and delivery system</u>	78753
<u>composed of one or more of the following:</u>	78754
<u>(a) Standard retail showroom sales;</u>	78755
<u>(b) Online selection of, or payment for, 1.4G fireworks</u>	78756
<u>products and in-store showroom delivery of those products;</u>	78757
<u>(c) Online selection of, or payment for, 1.4G fireworks</u>	78758
<u>products and curb-side delivery of those products;</u>	78759
<u>(d) Retail showroom-based product selection and payment,</u>	78760
<u>and curb-side delivery of those products;</u>	78761
<u>(e) Other similar purchase and delivery systems approved</u>	78762
<u>in writing by the state fire marshal in accordance with division</u>	78763
<u>(J) of this section.</u>	78764
<u>(J) A licensed wholesaler or licensed manufacturer may</u>	78765
<u>submit to the state fire marshal proposals for alternative 1.4G</u>	78766
<u>firework purchase and delivery systems that satisfy the</u>	78767
<u>requirements of this section. The state fire marshal shall</u>	78768
<u>review each such proposal and, if the alternative firework</u>	78769
<u>purchase and delivery system satisfies the requirements of this</u>	78770
<u>section, may approve that firework purchase and delivery system</u>	78771
<u>for use by the licensed wholesaler or licensed manufacturer.</u>	78772

(K) This section does not apply to 1.3G fireworks or 78773
wholesale sales. 78774

(L) The state fire marshal shall adopt rules and standards 78775
in accordance with Chapter 119. of the Revised Code as necessary 78776
to implement and enforce this section. 78777

Sec. 3743.60. (A) No person shall manufacture fireworks in 78778
this state unless it is a licensed manufacturer of fireworks, 78779
and no person shall operate a fireworks plant in this state 78780
unless it has been issued a license as a manufacturer of 78781
fireworks for the particular fireworks plant. 78782

(B) No person shall operate a fireworks plant in this 78783
state after its license as a manufacturer of fireworks for the 78784
particular fireworks plant has expired, is suspended, has been 78785
denied renewal, or has been revoked, unless a new license has 78786
been obtained or the suspension lifted. 78787

(C) No licensed manufacturer of fireworks, during the 78788
effective period of its licensure, shall construct, locate, or 78789
relocate any buildings or other structures on the premises of 78790
its fireworks plant, make any structural change or renovation in 78791
any building or other structure on the premises of its fireworks 78792
plant, or change the nature of its manufacturing of fireworks so 78793
as to include the processing of fireworks without first 78794
obtaining a written authorization from the state fire marshal 78795
pursuant to division (B) of section 3743.04 of the Revised Code. 78796

(D) No licensed manufacturer of fireworks shall 78797
manufacture fireworks, possess fireworks for sale at wholesale 78798
or retail, or sell fireworks at wholesale or retail, in a manner 78799
not authorized by division (C) of section 3743.04 of the Revised 78800
Code. 78801

(E) No licensed manufacturer of fireworks shall knowingly fail to comply with the rules adopted by the state fire marshal pursuant to ~~section~~ sections 3743.05 and 3743.48 of the Revised Code or the requirements of ~~section~~ sections 3743.06 and 3743.48 of the Revised Code.

(F) No licensed manufacturer of fireworks shall fail to maintain complete inventory, wholesale sale, and retail records as required by section 3743.07 of the Revised Code, or to permit inspection of these records or the premises of a fireworks plant pursuant to section 3743.08 of the Revised Code.

(G) No licensed manufacturer of fireworks shall fail to comply with an order of the state fire marshal issued pursuant to division (B)(1) of section 3743.08 of the Revised Code, within the specified period of time.

(H) No licensed manufacturer of fireworks shall fail to comply with an order of the state fire marshal issued pursuant to division (B)(2) of section 3743.08 of the Revised Code until the nonconformities are eliminated, corrected, or otherwise remedied or the seventy-two hour period specified in that division has expired, whichever first occurs.

(I) No person shall smoke or shall carry a pipe, cigarette, or cigar, or a match, lighter, other flame-producing item, or open flame on, or shall carry a concealed source of ignition into, the premises of a fireworks plant, except as smoking is authorized in specified lunchrooms or restrooms by a manufacturer pursuant to division (C) of section 3743.06 of the Revised Code.

(J) No person shall have possession or control of, or be under the influence of, any intoxicating liquor, beer, or

controlled substance, while on the premises of a fireworks 78831
plant. 78832

(K) No licensed manufacturer of fireworks shall 78833
negligently fail to furnish a safety pamphlet to a purchaser of 78834
1.4G fireworks as required by division (A) of section 3743.47 of 78835
the Revised Code. 78836

(L) No licensed manufacturer of fireworks shall 78837
negligently fail to have safety glasses available for sale as 78838
required by division (B) of section 3743.47 of the Revised Code. 78839

Sec. 3743.61. (A) No person, except a licensed 78840
manufacturer of fireworks engaging in the wholesale sale of 78841
fireworks as authorized by division (C) (2) of section 3743.04 of 78842
the Revised Code, shall operate as a wholesaler of fireworks in 78843
this state unless it is a licensed wholesaler of fireworks, or 78844
shall operate as a wholesaler of fireworks at any location in 78845
this state unless it has been issued a license as a wholesaler 78846
of fireworks for the particular location. 78847

(B) No person shall operate as a wholesaler of fireworks 78848
at a particular location in this state after its license as a 78849
wholesaler of fireworks for the particular location has expired, 78850
is suspended, has been denied renewal, or has been revoked, 78851
unless a new license has been obtained or the suspension lifted. 78852

(C) No licensed wholesaler of fireworks, during the 78853
effective period of its licensure, shall perform any 78854
construction, or make any structural change or renovation, on 78855
the premises on which the fireworks are sold without first 78856
obtaining a written authorization from the state fire marshal 78857
pursuant to division (B) of section 3743.17 of the Revised Code. 78858

(D) No licensed wholesaler of fireworks shall possess 78859

fireworks for sale at wholesale or retail, or sell fireworks at 78860
wholesale or retail, in a manner not authorized by division (C) 78861
of section 3743.17 of the Revised Code. 78862

(E) No licensed wholesaler of fireworks shall knowingly 78863
fail to comply with the rules adopted by the state fire marshal 78864
pursuant to ~~section~~sections 3743.18 and 3743.48 or the 78865
requirements of ~~section~~sections 3743.19 and 3743.48 of the 78866
Revised Code. 78867

(F) No licensed wholesaler of fireworks shall fail to 78868
maintain complete inventory, wholesale sale, and retail records 78869
as required by section 3743.20 of the Revised Code, or to permit 78870
inspection of these records or the premises of the wholesaler 78871
pursuant to section 3743.21 of the Revised Code. 78872

(G) No licensed wholesaler of fireworks shall fail to 78873
comply with an order of the state fire marshal issued pursuant 78874
to division (B) (1) of section 3743.21 of the Revised Code, 78875
within the specified period of time. 78876

(H) No licensed wholesaler of fireworks shall fail to 78877
comply with an order of the state fire marshal issued pursuant 78878
to division (B) (2) of section 3743.21 of the Revised Code until 78879
the nonconformities are eliminated, corrected, or otherwise 78880
remedied or the seventy-two hour period specified in that 78881
division has expired, whichever first occurs. 78882

(I) No person shall smoke or shall carry a pipe, 78883
cigarette, or cigar, or a match, lighter, other flame-producing 78884
item, or open flame on, or shall carry a concealed source of 78885
ignition into, the premises of a wholesaler of fireworks, except 78886
as smoking is authorized in specified lunchrooms or restrooms by 78887
a wholesaler pursuant to division (D) of section 3743.19 of the 78888

Revised Code. 78889

(J) No person shall have possession or control of, or be 78890
under the influence of, any intoxicating liquor, beer, or 78891
controlled substance, while on the premises of a wholesaler of 78892
fireworks. 78893

(K) No licensed wholesaler of fireworks shall negligently 78894
fail to furnish a safety pamphlet to a purchaser of 1.4G 78895
fireworks as required by division (A) of section 3743.47 of the 78896
Revised Code. 78897

(L) No licensed wholesaler of fireworks shall negligently 78898
fail to have safety glasses available for sale as required by 78899
division (B) of section 3743.47 of the Revised Code. 78900

Sec. 3743.63. (A) No person who purchases fireworks in 78901
this state shall obtain possession of the fireworks in this 78902
state unless the person complies with sections 3743.44 to 78903
~~3743.46~~3743.48 of the Revised Code. 78904

(B) Except for the purchase of 1.4G fireworks made under 78905
section 3743.45 of the Revised Code, no person who resides in 78906
another state and who purchases fireworks in this state shall 78907
obtain possession of fireworks in this state other than from a 78908
licensed manufacturer or wholesaler, or fail, when transporting 78909
1.3G fireworks, to transport them directly out of this state 78910
within seventy-two hours after the time of their purchase. 78911

(C) No person who purchases fireworks in this state under 78912
section 3743.45 of the Revised Code shall give or sell to any 78913
other person in this state fireworks that the person has 78914
acquired in this state. 78915

Sec. 3743.65. (A) No person shall possess fireworks in 78916
this state or shall possess for sale or sell fireworks in this 78917

state, except a licensed manufacturer of fireworks as authorized 78918
by sections 3743.02 to 3743.08 and 3743.48 of the Revised Code, 78919
a licensed wholesaler of fireworks as authorized by sections 78920
3743.15 to 3743.21 and 3743.48 of the Revised Code, a shipping 78921
permit holder as authorized by section 3743.40 of the Revised 78922
Code, a licensed fountain device retailer as authorized by 78923
section 3743.27 of the Revised Code, a person as authorized by 78924
sections 3743.44~~and~~, 3743.45, and 3743.48 of the Revised Code, 78925
or a licensed exhibitor of fireworks as authorized by sections 78926
3743.50 to 3743.55 of the Revised Code, and except as provided 78927
in section 3743.80 of the Revised Code. 78928

(B) Except as provided in sections 3743.45 and 3743.80 of 78929
the Revised Code and except for licensed exhibitors of fireworks 78930
authorized to conduct a fireworks exhibition pursuant to 78931
sections 3743.50 to 3743.55 of the Revised Code, no person shall 78932
discharge, ignite, or explode any fireworks in this state. 78933

(C) No person shall use in a theater or public hall, what 78934
is technically known as fireworks showers, or a mixture 78935
containing potassium chlorate and sulphur. 78936

(D) No person shall sell fireworks of any kind to a person 78937
under eighteen years of age. No person under eighteen years of 78938
age shall enter a fireworks sales showroom unless that person is 78939
accompanied by a parent, legal guardian, or other responsible 78940
adult. No person under eighteen years of age shall touch or 78941
possess fireworks on a licensed premises without the consent of 78942
the licensee. A licensee may eject any person from a licensed 78943
premises that is in any way disruptive to the safe operation of 78944
the premises. 78945

(E) Except as otherwise provided in section 3743.44 of the 78946
Revised Code, no person, other than a licensed manufacturer, 78947

licensed wholesaler, licensed exhibitor, or shipping permit 78948
holder, shall possess 1.3G fireworks in this state. 78949

(F) Except as otherwise provided in division (J) of 78950
section 3743.06 and division (K) of section 3743.19 of the 78951
Revised Code, no person shall knowingly disable a fire 78952
suppression system as defined in section 3781.108 of the Revised 78953
Code on the premises of a fireworks plant of a licensed 78954
manufacturer of fireworks or on the premises of the business 78955
operations of a licensed wholesaler of fireworks. 78956

(G) No person shall negligently discharge, ignite, or 78957
explode fireworks while in possession or control of, or under 78958
the influence of, any intoxicating liquor, beer, or controlled 78959
substance. 78960

(H) No person shall negligently discharge, ignite, or 78961
explode fireworks on the property of another person without that 78962
person's permission to use fireworks on that property. 78963

Sec. 3745.11. (A) Applicants for and holders of permits, 78964
licenses, variances, plan approvals, and certifications issued 78965
by the director of environmental protection pursuant to Chapters 78966
3704., 3734., 6109., and 6111. of the Revised Code shall pay a 78967
fee to the environmental protection agency for each such 78968
issuance and each application for an issuance as provided by 78969
this section. No fee shall be charged for any issuance for which 78970
no application has been submitted to the director. 78971

(B) Except as otherwise provided in division (C) (2) of 78972
this section, beginning July 1, 1994, each person who owns or 78973
operates an air contaminant source and who is required to apply 78974
for and obtain a Title V permit under section 3704.036 of the 78975
Revised Code shall pay an annual fee of five thousand dollars in 78976

addition to the fees set forth in this division. For the 78977
purposes of this division, total emissions of air contaminants 78978
may be calculated using engineering calculations, emissions 78979
factors, material balance calculations, or performance testing 78980
procedures, as authorized by the director. 78981

The following fees shall be assessed on the total actual 78982
emissions from a source in tons per year of the regulated 78983
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 78984
organic compounds, and lead: 78985

(1) Fifteen dollars per ton on the total actual emissions 78986
of each such regulated pollutant during the period July through 78987
December 1993, to be collected no sooner than July 1, 1994; 78988

(2) Twenty dollars per ton on the total actual emissions 78989
of each such regulated pollutant during calendar year 1994, to 78990
be collected no sooner than April 15, 1995; 78991

(3) Twenty-five dollars per ton on the total actual 78992
emissions of each such regulated pollutant in calendar year 78993
1995, and each subsequent calendar year, to be collected no 78994
sooner than the fifteenth day of April of the year next 78995
succeeding the calendar year in which the emissions occurred. 78996

The fees levied under this division do not apply to that 78997
portion of the emissions of a regulated pollutant at a facility 78998
that exceed four thousand tons during a calendar year. 78999

(C) (1) The fees assessed under division (B) of this 79000
section are for the purpose of providing funding for the Title V 79001
permit program. 79002

(2) The fees assessed under division (B) of this section 79003
do not apply to emissions from any electric generating unit 79004
designated as a Phase I unit under Title IV of the federal Clean 79005

Air Act prior to calendar year 2000. Those fees shall be 79006
assessed on the emissions from such a generating unit commencing 79007
in calendar year 2001 based upon the total actual emissions from 79008
the generating unit during calendar year 2000 and shall continue 79009
to be assessed each subsequent calendar year based on the total 79010
actual emissions from the generating unit during the preceding 79011
calendar year. 79012

(3) The director shall issue invoices to owners or 79013
operators of air contaminant sources who are required to pay a 79014
fee assessed under division (B) or (D) of this section. Any such 79015
invoice shall be issued no sooner than the applicable date when 79016
the fee first may be collected in a year under the applicable 79017
division, shall identify the nature and amount of the fee 79018
assessed, and shall indicate that the fee is required to be paid 79019
within thirty days after the issuance of the invoice. 79020

(D) (1) Except as provided in division (D) (2) of this 79021
section, beginning January 1, 2004, each person who owns or 79022
operates an air contaminant source; who is required to apply for 79023
a permit to operate pursuant to rules adopted under division 79024
(G), or a variance pursuant to division (H), of section 3704.03 79025
of the Revised Code; and who is not required to apply for and 79026
obtain a Title V permit under section 3704.03 of the Revised 79027
Code shall pay a single fee based upon the sum of the actual 79028
annual emissions from the facility of the regulated pollutants 79029
particulate matter, sulfur dioxide, nitrogen oxides, organic 79030
compounds, and lead in accordance with the following schedule: 79031
79032

1

2

A Total tons per year

Annual fee

	of regulated pollutants emitted	per facility
B	More than 0, but less than 10	\$100
C	10 or more, but less than 50	200
D	50 or more, but less than 100	300
E	100 or more	700

(2) (a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) ~~Beginning January 1, 2000, through June 30, 2026, each~~
Each person who owns or operates a synthetic minor facility_
shall pay an annual fee of five thousand dollars in addition to
a fee based on the sum of the actual annual emissions from the
facility of particulate matter, sulfur dioxide, nitrogen
dioxide, organic compounds, and lead in accordance with the
following schedule:

	1	2
A	Combined total tons per year of all regulated pollutants emitted	Annual fee per facility

B	Less than 10	\$170
		<u>\$255</u>
C	10 or more, but less than 20	340 <u>510</u>
D	20 or more, but less than 30	670 <u>1,005</u>
E	30 or more, but less than 40	1,010 <u>1,515</u>
F	40 or more, but less than 50	1,340 <u>2,010</u>
G	50 or more, but less than 60	1,680 <u>2,520</u>
H	60 or more, but less than 70	2,010 <u>3,015</u>
I	70 or more, but less than 80	2,350 <u>3,525</u>
J	80 or more, but less than 90	2,680 <u>4,020</u>
K	90 or more, but less than 100	3,020 <u>4,530</u>
L	100 or more	3,350 <u>5,025</u>

(3) The fees assessed under division (D) (1) of this	79048
section shall be collected annually no sooner than the fifteenth	79049
day of April, commencing in 2005. The fees assessed under	79050
division (D) (2) of this section shall be collected no sooner	79051
than the fifteenth day of April, commencing in 2000. The fees	79052
assessed under division (D) of this section in a calendar year	79053
shall be based upon the sum of the actual emissions of those	79054
regulated pollutants during the preceding calendar year. For the	79055
purpose of division (D) of this section, emissions of air	79056
contaminants may be calculated using engineering calculations,	79057
emission factors, material balance calculations, or performance	79058

testing procedures, as authorized by the director. The director, 79059
by rule, may require persons who are required to pay the fees 79060
assessed under division (D) of this section to pay those fees 79061
biennially rather than annually. 79062

(E) (1) Consistent with the need to cover the reasonable 79063
costs of the Title V permit program, the director annually shall 79064
increase the fees assessed on emissions prescribed in division 79065
(B) of this section by the percentage, if any, by which the 79066
consumer price index for the most recent calendar year ending 79067
before the beginning of a year exceeds the consumer price index 79068
for calendar year 1989. Upon calculating an increase in fees 79069
authorized by division (E) (1) of this section, the director 79070
shall compile revised fee schedules for the purposes of division 79071
(B) of this section and shall make the revised schedules 79072
available to persons required to pay the fees assessed under 79073
that division and to the public. 79074

(2) For the purposes of division (E) (1) of this section: 79075

(a) The consumer price index for any year is the average 79076
of the consumer price index for all urban consumers published by 79077
the United States department of labor as of the close of the 79078
twelve-month period ending on the thirty-first day of August of 79079
that year. 79080

(b) If the 1989 consumer price index is revised, the 79081
director shall use the revision of the consumer price index that 79082
is most consistent with that for calendar year 1989. 79083

(F) Each person who is issued a permit to install pursuant 79084
to rules adopted under division (F) of section 3704.03 of the 79085
Revised Code on or after July 1, 2003, shall pay the fees 79086
specified in the following schedules: 79087

(1) Fuel-burning equipment (boilers, furnaces, or process	79088
heaters used in the process of burning fuel for the primary	79089
purpose of producing heat or power by indirect heat transfer)	79090
	79091

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A	Input capacity (maximum)	Permit to install
	(million British thermal units per hour)	
B	Greater than 0, but less than 10	\$200
		<u>\$300</u>
C	10 or more, but less than 100	400 <u>600</u>
D	100 or more, but less than 300	1000 <u>1,500</u>
E	300 or more, but less than 500	2250 <u>3,375</u>
F	500 or more, but less than 1000	3750 <u>5,625</u>
G	1000 or more, but less than 5000	6000 <u>9,000</u>
H	5000 or more	9000 <u>13,500</u>

Units burning exclusively natural gas, number two fuel	79092
oil, or both shall be assessed a fee that is one-half the	79093
applicable amount shown in division (F) (1) of this section.	79094

(2) Combustion turbines and stationary internal combustion	79095
engines designed to generate electricity	79096
	79097

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A	Generating capacity (mega watts)	Permit to install
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B	0 or more, but less than 10	\$25	
		<u>\$37.50</u>	
C	10 or more, but less than 25	150	<u>225</u>
D	25 or more, but less than 50	300	<u>450</u>
E	50 or more, but less than 100	500	<u>750</u>
F	100 or more, but less than 250	1000	<u>1,500</u>
G	250 or more	2000	<u>3,000</u>
	(3) Incinerators		79098
			79099

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A	Input capacity (pounds per hour)	Permit to install	
B	0 to 100	\$100	
		<u>\$150</u>	
C	101 to 500	500	<u>750</u>
D	501 to 2000	1000	<u>1,500</u>
E	2001 to 20,000	1500	<u>2,250</u>
F	more than 20,000	3750	<u>5,625</u>
	(4) (a) Process		79100
			79101

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A	Process weight rate (pounds per hour)	Permit to install
B	0 to 1000	\$200
		<u>\$300</u>
C	1001 to 5000	500 <u>750</u>
D	5001 to 10,000	750 <u>1,125</u>
E	10,001 to 50,000	1000 <u>1,500</u>
F	more than 50,000	1250 <u>1,875</u>

In any process where process weight rate cannot be 79102
ascertained, the minimum fee shall be assessed. A boiler, 79103
furnace, combustion turbine, stationary internal combustion 79104
engine, or process heater designed to provide direct heat or 79105
power to a process not designed to generate electricity shall be 79106
assessed a fee established in division (F) (4) (a) of this 79107
section. A combustion turbine or stationary internal combustion 79108
engine designed to generate electricity shall be assessed a fee 79109
established in division (F) (2) of this section. 79110

(b) Notwithstanding division (F) (4) (a) of this section, 79111
any person issued a permit to install pursuant to rules adopted 79112
under division (F) of section 3704.03 of the Revised Code shall 79113
pay the fees set forth in division (F) (4) (c) of this section for 79114
a process used in any of the following industries, as identified 79115
by the applicable two-digit, three-digit, or four-digit standard 79116
industrial classification code according to the Standard 79117
Industrial Classification Manual published by the United States 79118
office of management and budget in the executive office of the 79119
president, 1987, as revised: 79120

Major group 10, metal mining;	79121
Major group 12, coal mining;	79122
Major group 14, mining and quarrying of nonmetallic minerals;	79123 79124
Industry group 204, grain mill products;	79125
2873 Nitrogen fertilizers;	79126
2874 Phosphatic fertilizers;	79127
3281 Cut stone and stone products;	79128
3295 Minerals and earth, ground or otherwise treated;	79129
4221 Grain elevators (storage only);	79130
5159 Farm related raw materials;	79131
5261 Retail nurseries and lawn and garden supply stores.	79132
(c) The fees set forth in the following schedule apply to	79133
the issuance of a permit to install pursuant to rules adopted	79134
under division (F) of section 3704.03 of the Revised Code for a	79135
process identified in division (F) (4) (b) of this section:	79136
	79137

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A	Process weight rate (pounds per hour)	Permit to install
B	0 to 10,000	\$200 <u>\$300</u>
C	10,001 to 50,000	400 <u>600</u>
D	50,001 to 100,000	500 <u>750</u>

E	100,001 to 200,000	600 <u>900</u>	
F	200,001 to 400,000	750 <u>1,125</u>	
G	400,001 or more	900 <u>1,350</u>	
	(5) Storage tanks		79138
			79139

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A	Gallons (maximum useful capacity)	Permit to install	
B	0 to 20,000	\$100	
		<u>\$150</u>	
C	20,001 to 40,000	150 <u>225</u>	
D	40,001 to 100,000	250 <u>375</u>	
E	100,001 to 500,000	400 <u>600</u>	
F	500,001 or greater	750 <u>1,125</u>	
	(6) Gasoline/fuel dispensing facilities		79140
			79141

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A	For each gasoline/fuel dispensing facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>	
	(7) Dry cleaning facilities		79142
			79143

	1	2	
A	For each dry cleaning facility (includes all units at the facility)	Permit to install \$100 <u>\$150</u>	
	(8) Registration status		79144 79145

	1	2	
A	For each source covered by registration status	Permit to install \$75 <u>\$112.50</u>	
	(G) An owner or operator who is responsible for an asbestos demolition or renovation project pursuant to rules adopted under section 3704.03 of the Revised Code shall pay, upon submitting a notification pursuant to rules adopted under that section, the fees set forth in the following schedule:		79146 79147 79148 79149 79150 79151

	1	2	
A	Action	Fee	
B	Each notification		\$75
C	Asbestos removal	\$3/unit	
D	Asbestos cleanup	\$4/cubic yard	

	For purposes of this division, "unit" means any combination of linear feet or square feet equal to fifty.		79152 79153
	(H) A person who is issued an extension of time for a permit to install an air contaminant source pursuant to rules		79154 79155

adopted under division (F) of section 3704.03 of the Revised 79156
Code shall pay a fee equal to one-half the fee originally 79157
assessed for the permit to install under this section, except 79158
that the fee for such an extension shall not exceed two hundred 79159
dollars. 79160

(I) A person who is issued a modification to a permit to 79161
install an air contaminant source pursuant to rules adopted 79162
under section 3704.03 of the Revised Code shall pay a fee equal 79163
to one-half of the fee that would be assessed under this section 79164
to obtain a permit to install the source. The fee assessed by 79165
this division only applies to modifications that are initiated 79166
by the owner or operator of the source and shall not exceed two 79167
thousand dollars. 79168

(J) Notwithstanding division (F) of this section, a person 79169
who applies for or obtains a permit to install pursuant to rules 79170
adopted under division (F) of section 3704.03 of the Revised 79171
Code after the date actual construction of the source began 79172
shall pay a fee for the permit to install that is equal to twice 79173
the fee that otherwise would be assessed under the applicable 79174
division unless the applicant received authorization to begin 79175
construction under division (W) of section 3704.03 of the 79176
Revised Code. This division only applies to sources for which 79177
actual construction of the source begins on or after July 1, 79178
1993. The imposition or payment of the fee established in this 79179
division does not preclude the director from taking any 79180
administrative or judicial enforcement action under this 79181
chapter, Chapter 3704., 3714., 3734., or 6111. of the Revised 79182
Code, or a rule adopted under any of them, in connection with a 79183
violation of rules adopted under division (F) of section 3704.03 79184
of the Revised Code. 79185

As used in this division, "actual construction of the source" means the initiation of physical on-site construction activities in connection with improvements to the source that are permanent in nature, including, without limitation, the installation of building supports and foundations and the laying of underground pipework.

(K) (1) Money received under division (B) of this section shall be deposited in the state treasury to the credit of the Title V clean air fund created in section 3704.035 of the Revised Code. Annually, not more than fifty cents per ton of each fee assessed under division (B) of this section on actual emissions from a source and received by the environmental protection agency pursuant to that division may be transferred by the director using an interstate transfer voucher to the state treasury to the credit of the small business assistance fund created in section 3706.19 of the Revised Code. In addition, annually, the amount of money necessary for the operation of the office of ombudsperson as determined under division (B) of that section shall be transferred to the state treasury to the credit of the small business ombudsperson fund created by that section.

(2) Money received by the agency pursuant to divisions (D), (F), (G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L) (1) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a nonrefundable fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2026~~2028,

and a nonrefundable application fee of one hundred dollars plus 79216
two-tenths of one per cent of the estimated project cost on and 79217
after July 1, ~~2026~~2028, except that the total fee shall not 79218
exceed fifteen thousand dollars through June 30, ~~2026~~2028, and 79219
five thousand dollars on and after July 1, ~~2026~~2028. The fee 79220
shall be paid at the time the application is submitted. 79221

(2) A person who has entered into an agreement with the 79222
director under section 6111.14 of the Revised Code shall pay an 79223
administrative service fee for each plan submitted under that 79224
section for approval that shall not exceed the minimum amount 79225
necessary to pay administrative costs directly attributable to 79226
processing plan approvals. The director annually shall calculate 79227
the fee and shall notify all persons who have entered into 79228
agreements under that section, or who have applied for 79229
agreements, of the amount of the fee. 79230

(3) (a) (i) Not later than January 30, ~~2024~~2026, and January 79231
30, ~~2025~~2027, a person holding an NPDES discharge permit issued 79232
pursuant to Chapter 6111. of the Revised Code with an average 79233
daily discharge flow of five thousand gallons or more shall pay 79234
a nonrefundable annual discharge fee. Any person who fails to 79235
pay the fee at that time shall pay an additional amount that 79236
equals ten per cent of the required annual discharge fee. 79237

(ii) The billing year for the annual discharge fee 79238
established in division (L) (3) (a) (i) of this section shall 79239
consist of a twelve-month period beginning on the first day of 79240
January of the year preceding the date when the annual discharge 79241
fee is due. In the case of an existing source that permanently 79242
ceases to discharge during a billing year, the director shall 79243
reduce the annual discharge fee, including the surcharge 79244
applicable to certain industrial facilities pursuant to division 79245

(L) (3) (c) of this section, by one-twelfth for each full month 79246
during the billing year that the source was not discharging, but 79247
only if the person holding the NPDES discharge permit for the 79248
source notifies the director in writing, not later than the 79249
first day of October of the billing year, of the circumstances 79250
causing the cessation of discharge. 79251

(iii) The annual discharge fee established in division (L) 79252
(3) (a) (i) of this section, except for the surcharge applicable 79253
to certain industrial facilities pursuant to division (L) (3) (c) 79254
of this section, shall be based upon the average daily discharge 79255
flow in gallons per day calculated using first day of May 79256
through thirty-first day of October flow data for the period two 79257
years prior to the date on which the fee is due. In the case of 79258
NPDES discharge permits for new sources, the fee shall be 79259
calculated using the average daily design flow of the facility 79260
until actual average daily discharge flow values are available 79261
for the time period specified in division (L) (3) (a) (iii) of this 79262
section. The annual discharge fee may be prorated for a new 79263
source as described in division (L) (3) (a) (ii) of this section. 79264

(b) (i) An NPDES permit holder that is a public discharger 79265
shall pay the fee specified in the following schedule: 79266

79267

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A	Average daily discharge flow	Fee due by January 30, 2024 <u>2026</u> , and January 30, 2025 <u>2027</u>
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B	5,000 to 49,999	\$200
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C	50,000 to 100,000	500
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D	100,001 to 250,000	1,050
E	250,001 to 1,000,000	2,600
F	1,000,001 to 5,000,000	5,200
G	5,000,001 to 10,000,000	10,350
H	10,000,001 to 20,000,000	15,550
I	20,000,001 to 50,000,000	25,900
J	50,000,001 to 100,000,000	41,400
K	100,000,001 or more	62,100

(ii) Public dischargers owning or operating two or more 79268
publicly owned treatment works serving the same political 79269
subdivision, as "treatment works" is defined in section 6111.01 79270
of the Revised Code, and that serve exclusively political 79271
subdivisions having a population of fewer than one hundred 79272
thousand persons shall pay an annual discharge fee under 79273
division (L) (3) (b) (i) of this section that is based on the 79274
combined average daily discharge flow of the treatment works. 79275

(c) (i) An NPDES permit holder that is an industrial 79276
discharger, other than a coal mining operator identified by P in 79277
the third character of the permittee's NPDES permit number, 79278
shall pay the fee specified in the following schedule: 79279
79280

1

2

A	Average daily discharge flow	Fee due by January 30, 2024 <u>2026</u> , and January 30,
---	------------------------------	---

		2025 <u>2027</u>	
B	5,000 to 49,999		\$250
C	50,000 to 250,000	1,200	
D	250,001 to 1,000,000	2,950	
E	1,000,001 to 5,000,000	5,850	
F	5,000,001 to 10,000,000	8,800	
G	10,000,001 to 20,000,000	11,700	
H	20,000,001 to 100,000,000	14,050	
I	100,000,001 to 250,000,000	16,400	
J	250,000,001 or more	18,700	

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L) (3) (a) (ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2024~~2026, and not later than January 30, ~~2025~~2027. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L) (3) (b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger

identified by I, J, L, V, W, X, Y, or Z in the third character 79295
of the permittee's NPDES permit number shall pay a nonrefundable 79296
annual discharge fee of one hundred eighty dollars not later 79297
than January 30, ~~2024~~ 2026, and not later than January 30, 79298
~~2025~~2027. Any person who fails to pay the fee at that time shall 79299
pay an additional amount that equals ten per cent of the 79300
required fee. 79301

(4) Each person obtaining an NPDES permit for municipal 79302
storm water discharge shall pay a nonrefundable storm water 79303
annual discharge fee of ten dollars per one-tenth of a square 79304
mile of area permitted. The fee shall not exceed ten thousand 79305
dollars and shall be payable on or before January 30, 2004, and 79306
the thirtieth day of January of each year thereafter. Any person 79307
who fails to pay the fee on the date specified in division (L) 79308
(4) of this section shall pay an additional amount per year 79309
equal to ten per cent of the annual fee that is unpaid. 79310

(5) The director shall transmit all moneys collected under 79311
division (L) of this section to the treasurer of state for 79312
deposit into the state treasury to the credit of the surface 79313
water protection fund created in section 6111.038 of the Revised 79314
Code. 79315

(6) As used in this section: 79316

(a) "NPDES" means the federally approved national 79317
pollutant discharge elimination system individual and general 79318
program for issuing, modifying, revoking, reissuing, 79319
terminating, monitoring, and enforcing permits and imposing and 79320
enforcing pretreatment requirements under Chapter 6111. of the 79321
Revised Code and rules adopted under it. 79322

(b) "Public discharger" means any holder of an NPDES 79323

permit identified by P in the second character of the NPDES 79324
permit number assigned by the director. 79325

(c) "Industrial discharger" means any holder of an NPDES 79326
permit identified by I in the second character of the NPDES 79327
permit number assigned by the director. 79328

(d) "Major discharger" means any holder of an NPDES permit 79329
classified as major by the regional administrator of the United 79330
States environmental protection agency in conjunction with the 79331
director. 79332

(M) Through June 30, ~~2026~~2028, a person applying for a 79333
license or license renewal to operate a public water system 79334
under section 6109.21 of the Revised Code shall pay the 79335
appropriate fee established under this division at the time of 79336
application to the director. Any person who fails to pay the fee 79337
at that time shall pay an additional amount that equals ten per 79338
cent of the required fee. The director shall transmit all moneys 79339
collected under this division to the treasurer of state for 79340
deposit into the drinking water protection fund created in 79341
section 6109.30 of the Revised Code. 79342

Except as provided in divisions (M) (4) and (5) of this 79343
section, fees required under this division shall be calculated 79344
and paid in accordance with the following schedule: 79345

(1) For the initial license required under section 6109.21 79346
of the Revised Code for any public water system that is a 79347
community water system as defined in section 6109.01 of the 79348
Revised Code, and for each license renewal required for such a 79349
system prior to January 31, ~~2026~~2028, the fee is: 79350
79351

A	Number of service connections	Fee amount
B	Not more than 49	\$112
C	50 to 99	176
D	Number of service connections	Average cost per connection
E	100 to 2,499	\$1.92
F	2,500 to 4,999	1.48
G	5,000 to 7,499	1.42
H	7,500 to 9,999	1.34
I	10,000 to 14,999	1.16
J	15,000 to 24,999	1.10
K	25,000 to 49,999	1.04
L	50,000 to 99,999	.92
M	100,000 to 149,999	.86
N	150,000 to 199,999	.80
O	200,000 or more	.76

A public water system may determine how it will pay the 79352
total amount of the fee calculated under division (M) (1) of this 79353
section, including the assessment of additional user fees that 79354
may be assessed on a volumetric basis. 79355

As used in division (M) (1) of this section, "service
connection" means the number of active or inactive pipes,
goosenecks, pigtails, and any other fittings connecting a water
main to any building outlet.

(2) For the initial license required under section 6109.21
of the Revised Code for any public water system that is not a
community water system and serves a nontransient population, and
for each license renewal required for such a system prior to
January 31, ~~2026~~2028, the fee is:

1		2
A	Population served	Fee amount
B	Fewer than 150	\$112
C	150 to 299	176
D	300 to 749	384
E	750 to 1,499	628
F	1,500 to 2,999	1,268
G	3,000 to 7,499	2,816
H	7,500 to 14,999	5,510
I	15,000 to 22,499	9,048
J	22,500 to 29,999	12,430
K	30,000 or more	16,820

As used in division (M) (2) of this section, "population
served" means the total number of individuals having access to
the water supply during a twenty-four-hour period for at least
sixty days during any calendar year. In the absence of a
specific population count, that number shall be calculated at
the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21
of the Revised Code for any public water system that is not a
community water system and serves a transient population, and
for each license renewal required for such a system prior to
January 31, ~~2026~~2028, the fee is:

	1	2
A	Number of wells or sources, other than surface water, supplying system	Fee amount
B	1	\$112
C	2	112
D	3	176
E	4	278
F	5	568
G	System designated as using a surface water source	792

As used in division (M) (3) of this section, "number of
wells or sources, other than surface water, supplying system"
means those wells or sources that are physically connected to

the plumbing system serving the public water system. 79381

(4) A public water system designated as using a surface 79382
water source shall pay a fee of seven hundred ninety-two dollars 79383
or the amount calculated under division (M) (1) or (2) of this 79384
section, whichever is greater. 79385

(5) An applicant for an initial license who is proposing 79386
to operate a new public water supply system shall submit a fee 79387
that equals a prorated amount of the appropriate fee for the 79388
remainder of the licensing year. 79389

(N) (1) A person applying for a plan approval for a public 79390
water supply system under section 6109.07 of the Revised Code 79391
shall pay a fee of one hundred fifty dollars plus thirty-five 79392
hundredths of one per cent of the estimated project cost, except 79393
that the total fee shall not exceed twenty thousand dollars 79394
through June 30, ~~2026~~2028, and fifteen thousand dollars on and 79395
after July 1, ~~2026~~2028. The fee shall be paid at the time the 79396
application is submitted. 79397

(2) A person who has entered into an agreement with the 79398
director under division (A) (2) of section 6109.07 of the Revised 79399
Code shall pay an administrative service fee for each plan 79400
submitted under that section for approval that shall not exceed 79401
the minimum amount necessary to pay administrative costs 79402
directly attributable to processing plan approvals. The director 79403
annually shall calculate the fee and shall notify all persons 79404
that have entered into agreements under that division, or who 79405
have applied for agreements, of the amount of the fee. 79406

(3) Through June 30, ~~2026~~2028, the following fee, on a per 79407
survey basis, shall be charged any person for services rendered 79408
by the state in the evaluation of laboratories and laboratory 79409

personnel for compliance with accepted analytical techniques and 79410
procedures established pursuant to Chapter 6109. of the Revised 79411
Code for determining the qualitative characteristics of water: 79412
79413

	1	2
A	microbiological	
B	MMO-MUG	\$2,000
C	MF	2,100
D	MMO-MUG and MF	2,550
E	organic chemical	5,400
F	trace metals	5,400
G	standard chemistry	2,800
H	limited chemistry	1,550

On and after July 1, ~~2026~~2028, the following fee, on a per 79414
survey basis, shall be charged any such person: 79415
79416

	1	2
A	microbiological	\$1,650
B	organic chemicals	3,500
C	trace metals	3,500
D	standard chemistry	1,800

A	Class A operator	\$80
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B	Class I operator	105
C	Class II operator	120
D	Class III operator	130
E	Class IV operator	145

On and after December 1, ~~2026~~2028, the applicant shall pay 79440
a fee in accordance with the following schedule: 79441
79442

	1	2	
A	Class A operator		\$50
B	Class I operator	70	
C	Class II operator	80	
D	Class III operator	90	
E	Class IV operator	100	

Any person applying to the director for certification as 79443
an operator of a water supply system or wastewater system who 79444
has passed an examination administered by an examination 79445
provider approved by the director shall pay a certification fee 79446
of forty-five dollars. 79447

A person shall pay a biennial certification renewal fee 79448
for each applicable class of certification in accordance with 79449
the following schedule: 79450
79451

A	Class A operator		\$25
B	Class I operator	35	
C	Class II operator	45	
D	Class III operator	55	
E	Class IV operator	65	

If a certification renewal fee is received by the director 79452
more than thirty days, but not more than one year, after the 79453
expiration date of the certification, the person shall pay a 79454
certification renewal fee in accordance with the following 79455
schedule: 79456
79457

		1	2	
A	Class A operator			\$45
B	Class I operator		55	
C	Class II operator		65	
D	Class III operator		75	
E	Class IV operator		85	

A person who requests a replacement certificate shall pay 79458
a fee of twenty-five dollars at the time the request is made. 79459

Any person applying to be a water supply system or 79460
wastewater treatment system examination provider shall pay an 79461
application fee of five hundred dollars. Any person approved by 79462
the director as a water supply system or wastewater treatment 79463

system examination provider shall pay an annual fee that is 79464
equal to ten per cent of the fees that the provider assesses and 79465
collects for administering water supply system or wastewater 79466
treatment system certification examinations in this state for 79467
the calendar year. The fee shall be paid not later than forty- 79468
five days after the end of a calendar year. 79469

The director shall transmit all moneys collected under 79470
this division to the treasurer of state for deposit into the 79471
drinking water protection fund created in section 6109.30 of the 79472
Revised Code. 79473

~~(P) Any person submitting an application for an industrial 79474
water pollution control certificate under section 6111.31 of the 79475
Revised Code, as that section existed before its repeal by H.B. 79476
95 of the 125th general assembly, shall pay a nonrefundable fee 79477
of five hundred dollars at the time the application is 79478
submitted. The director shall transmit all moneys collected 79479
under this division to the treasurer of state for deposit into 79480
the surface water protection fund created in section 6111.038 of 79481
the Revised Code. A person paying a certificate fee under this 79482
division shall not pay an application fee under division (S)(1) 79483
of this section. On and after June 26, 2003, persons shall file 79484
such applications and pay the fee as required under sections 79485
5709.20 to 5709.27 of the Revised Code, and proceeds from the 79486
fee shall be credited as provided in section 5709.212 of the 79487
Revised Code. 79488~~

~~(Q)~~ Except as otherwise provided in division ~~(R)~~ (Q) of 79489
this section, a person issued a permit by the director for a new 79490
solid waste disposal facility other than an incineration or 79491
composting facility, a new infectious waste treatment facility 79492
other than an incineration facility, or a modification of such 79493

an existing facility that includes an increase in the total 79494
disposal or treatment capacity of the facility pursuant to 79495
Chapter 3734. of the Revised Code shall pay a fee of ten dollars 79496
per thousand cubic yards of disposal or treatment capacity, or 79497
one thousand dollars, whichever is greater, except that the 79498
total fee for any such permit shall not exceed eighty thousand 79499
dollars. A person issued a modification of a permit for a solid 79500
waste disposal facility or an infectious waste treatment 79501
facility that does not involve an increase in the total disposal 79502
or treatment capacity of the facility shall pay a fee of one 79503
thousand dollars. A person issued a permit to install a new, or 79504
modify an existing, solid waste transfer facility under that 79505
chapter shall pay a fee of two thousand five hundred dollars. A 79506
person issued a permit to install a new or to modify an existing 79507
solid waste incineration or composting facility, or an existing 79508
infectious waste treatment facility using incineration as its 79509
principal method of treatment, under that chapter shall pay a 79510
fee of one thousand dollars. The increases in the permit fees 79511
under this division resulting from the amendments made by 79512
Amended Substitute House Bill 592 of the 117th general assembly 79513
do not apply to any person who submitted an application for a 79514
permit to install a new, or modify an existing, solid waste 79515
disposal facility under that chapter prior to September 1, 1987; 79516
any such person shall pay the permit fee established in this 79517
division as it existed prior to June 24, 1988. In addition to 79518
the applicable permit fee under this division, a person issued a 79519
permit to install or modify a solid waste facility or an 79520
infectious waste treatment facility under that chapter who fails 79521
to pay the permit fee to the director in compliance with 79522
division ~~(V)~~ (U) of this section shall pay an additional ten per 79523
cent of the amount of the fee for each week that the permit fee 79524
is late. 79525

Permit and late payment fees paid to the director under 79526
this division shall be credited to the general revenue fund. 79527

~~(R)~~ (1) (Q) (1) A person issued a registration certificate 79528
for a scrap tire collection facility under section 3734.75 of 79529
the Revised Code shall pay a fee of two hundred dollars, except 79530
that if the facility is owned or operated by a motor vehicle 79531
salvage dealer licensed under Chapter 4738. of the Revised Code, 79532
the person shall pay a fee of twenty-five dollars. 79533

(2) A person issued a registration certificate for a new 79534
scrap tire storage facility under section 3734.76 of the Revised 79535
Code shall pay a fee of three hundred dollars, except that if 79536
the facility is owned or operated by a motor vehicle salvage 79537
dealer licensed under Chapter 4738. of the Revised Code, the 79538
person shall pay a fee of twenty-five dollars. 79539

(3) A person issued a permit for a scrap tire storage 79540
facility under section 3734.76 of the Revised Code shall pay a 79541
fee of one thousand dollars, except that if the facility is 79542
owned or operated by a motor vehicle salvage dealer licensed 79543
under Chapter 4738. of the Revised Code, the person shall pay a 79544
fee of fifty dollars. 79545

(4) A person issued a permit for a scrap tire monocell or 79546
monofill facility under section 3734.77 of the Revised Code 79547
shall pay a fee of ten dollars per thousand cubic yards of 79548
disposal capacity or one thousand dollars, whichever is greater, 79549
except that the total fee for any such permit shall not exceed 79550
eighty thousand dollars. 79551

(5) A person issued a registration certificate for a scrap 79552
tire recovery facility under section 3734.78 of the Revised Code 79553
shall pay a fee of one hundred dollars. 79554

(6) A person issued a permit for a scrap tire recovery facility under section 3734.78 of the Revised Code shall pay a fee of one thousand dollars.

(7) In addition to the applicable registration certificate or permit fee under divisions ~~(R)(1)~~(Q)(1) to (6) of this section, a person issued a registration certificate or permit for any such scrap tire facility who fails to pay the registration certificate or permit fee to the director in compliance with division ~~(V)~~(U) of this section shall pay an additional ten per cent of the amount of the fee for each week that the fee is late.

(8) The registration certificate, permit, and late payment fees paid to the director under divisions ~~(R)(1)~~(Q)(1) to (7) of this section shall be credited to the scrap tire management fund created in section 3734.82 of the Revised Code.

~~(S)(1)(a)~~(R)(1)(a) Except as otherwise provided, any person applying for a permit, variance, or plan approval under Chapter 6109. or 6111. of the Revised Code shall pay a nonrefundable application fee of one hundred dollars at the time the application is submitted through June 30, ~~2026~~2028, and a nonrefundable application fee of fifteen dollars at the time the application is submitted on and after July 1, ~~2026~~2028.

(b)(i) Except as otherwise provided in divisions ~~(S)(1)(b)~~(R)(1)(b)(iii) and (iv) of this section, through June 30, ~~2026~~2028, any person applying for an NPDES permit under Chapter 6111. of the Revised Code shall pay a nonrefundable application fee of two hundred dollars at the time of application for the permit. On and after July 1, ~~2026~~2028, such a person shall pay a nonrefundable application fee of fifteen dollars at the time of application.

(ii) In addition to the nonrefundable application fee, any 79585
person applying for an NPDES permit under Chapter 6111. of the 79586
Revised Code shall pay a design flow discharge fee based on each 79587
point source to which the issuance is applicable in accordance 79588
with the following schedule: 79589
79590

	1	2
A	Design flow discharge (gallons per day)	Fee
B	0 to 1,000	\$0
C	1,001 to 5,000	100
D	5,001 to 50,000	200
E	50,001 to 100,000	300
F	100,001 to 300,000	525
G	over 300,000	750

(iii) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 79591
and (ii) of this section, the application and design flow 79592
discharge fee for an NPDES permit for a public discharger 79593
identified by the letter I in the third character of the NPDES 79594
permit number shall not exceed nine hundred fifty dollars. 79595

(iv) Notwithstanding divisions ~~(S) (1) (b) (i)~~ (R) (1) (b) (i) 79596
and (ii) of this section, the application and design flow 79597
discharge fee for an NPDES permit for a coal mining operation 79598
regulated under Chapter 1513. of the Revised Code shall not 79599
exceed four hundred fifty dollars per mine. 79600

(v) A person issued a modification of an NPDES permit 79601

shall pay a nonrefundable modification fee equal to the 79602
application fee and one-half the design flow discharge fee based 79603
on each point source, if applicable, that would be charged for 79604
an NPDES permit, except that the modification fee shall not 79605
exceed six hundred dollars. 79606

(c) In addition to the application fee established under 79607
division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this section, any person 79608
applying for an NPDES general storm water construction permit 79609
shall pay a nonrefundable fee of twenty dollars per acre for 79610
each acre that is permitted above five acres at the time the 79611
application is submitted. However, the per acreage fee shall not 79612
exceed three hundred dollars. In addition to the application fee 79613
established under division ~~(S)(1)(b)(i)~~ (R)(1)(b)(i) of this 79614
section, any person applying for an NPDES general storm water 79615
industrial permit shall pay a nonrefundable fee of one hundred 79616
fifty dollars at the time the application is submitted. 79617

(d) The director shall transmit all moneys collected under 79618
division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6109. 79619
of the Revised Code to the treasurer of state for deposit into 79620
the drinking water protection fund created in section 6109.30 of 79621
the Revised Code. 79622

(e) The director shall transmit all moneys collected under 79623
division ~~(S)(1)~~ (R)(1) of this section pursuant to Chapter 6111. 79624
of the Revised Code and under division ~~(S)(2)~~ (R)(2) of this 79625
section to the treasurer of state for deposit into the surface 79626
water protection fund created in section 6111.038 of the Revised 79627
Code. 79628

(f) If a person submits an electronic application for a 79629
registration certificate, permit, variance, or plan approval for 79630
which an application fee is established under division ~~(S)(1)~~ (R) 79631

(1) of this section, the person shall pay all applicable fees as
expeditiously as possible after the submission of the electronic
application. An application for a registration certificate,
permit, variance, or plan approval for which an application fee
is established under division ~~(S) (1)~~ (R) (1) of this section shall
not be reviewed or processed until the applicable application
fee, and any other fees established under this division, are
paid.

(2) A person applying for coverage under an NPDES general
discharge permit for household sewage treatment systems shall
pay a nonrefundable fee of two hundred dollars at the time of
application for initial permit coverage. No fee is required for
an application for permit coverage renewal.

~~(T)~~ (S) The director may adopt, amend, and rescind rules in
accordance with Chapter 119. of the Revised Code that do all of
the following:

(1) Prescribe fees to be paid by applicants for and
holders of any license, permit, variance, plan approval, or
certification required or authorized by Chapter 3704., 3734.,
6109., or 6111. of the Revised Code that are not specifically
established in this section. The fees shall be designed to
defray the cost of processing, issuing, revoking, modifying,
denying, and enforcing the licenses, permits, variances, plan
approvals, and certifications.

The director shall transmit all moneys collected under
rules adopted under division ~~(T) (1)~~ (S) (1) of this section
pursuant to Chapter 6109. of the Revised Code to the treasurer
of state for deposit into the drinking water protection fund
created in section 6109.30 of the Revised Code.

The director shall transmit all moneys collected under 79661
rules adopted under division ~~(T) (1)~~ (S) (1) of this section 79662
pursuant to Chapter 6111. of the Revised Code to the treasurer 79663
of state for deposit into the surface water protection fund 79664
created in section 6111.038 of the Revised Code. 79665

(2) Exempt the state and political subdivisions thereof, 79666
including education facilities or medical facilities owned by 79667
the state or a political subdivision, or any person exempted 79668
from taxation by section 5709.07 or 5709.12 of the Revised Code, 79669
from any fee required by this section; 79670

(3) Provide for the waiver of any fee, or any part 79671
thereof, otherwise required by this section whenever the 79672
director determines that the imposition of the fee would 79673
constitute an unreasonable cost of doing business for any 79674
applicant, class of applicants, or other person subject to the 79675
fee; 79676

(4) Prescribe measures that the director considers 79677
necessary to carry out this section. 79678

~~(U)~~ (T) When the director reasonably demonstrates that the 79679
direct cost to the state associated with the issuance of a 79680
permit, license, variance, plan approval, or certification 79681
exceeds the fee for the issuance or review specified by this 79682
section, the director may condition the issuance or review on 79683
the payment by the person receiving the issuance or review of, 79684
in addition to the fee specified by this section, the amount, or 79685
any portion thereof, in excess of the fee specified under this 79686
section. The director shall not so condition issuances for which 79687
a fee is prescribed in division ~~(S) (1) (b) (iii)~~ (R) (1) (b) (iii) of 79688
this section. 79689

~~(V)~~(U) Except as provided in divisions (L), (M), ~~(P)~~, and 79690
~~(S)~~(R) of this section or unless otherwise prescribed by a rule 79691
of the director adopted pursuant to Chapter 119. of the Revised 79692
Code, all fees required by this section are payable within 79693
thirty days after the issuance of an invoice for the fee by the 79694
director or the effective date of the issuance of the license, 79695
permit, variance, plan approval, or certification. If payment is 79696
late, the person responsible for payment of the fee shall pay an 79697
additional ten per cent of the amount due for each month that it 79698
is late. 79699

~~(W)~~(V) As used in this section, "fuel-burning equipment," 79700
"fuel-burning equipment input capacity," "incinerator," 79701
"incinerator input capacity," "process," "process weight rate," 79702
"storage tank," "gasoline dispensing facility," "dry cleaning 79703
facility," "design flow discharge," and "new source treatment 79704
works" have the meanings ascribed to those terms by applicable 79705
rules or standards adopted by the director under Chapter 3704. 79706
or 6111. of the Revised Code. 79707

~~(X)~~(W) As used in divisions (B), (D), (E), (F), (H), (I), 79708
and (J) of this section, and in any other provision of this 79709
section pertaining to fees paid pursuant to Chapter 3704. of the 79710
Revised Code: 79711

(1) "Facility," "federal Clean Air Act," "person," and 79712
"Title V permit" have the same meanings as in section 3704.01 of 79713
the Revised Code. 79714

(2) "Title V permit program" means the following 79715
activities as necessary to meet the requirements of Title V of 79716
the federal Clean Air Act and 40 C.F.R. part 70, including at 79717
least: 79718

(a) Preparing and adopting, if applicable, generally 79719
applicable rules or guidance regarding the permit program or its 79720
implementation or enforcement; 79721

(b) Reviewing and acting on any application for a Title V 79722
permit, permit revision, or permit renewal, including the 79723
development of an applicable requirement as part of the 79724
processing of a permit, permit revision, or permit renewal; 79725

(c) Administering the permit program, including the 79726
supporting and tracking of permit applications, compliance 79727
certification, and related data entry; 79728

(d) Determining which sources are subject to the program 79729
and implementing and enforcing the terms of any Title V permit, 79730
not including any court actions or other formal enforcement 79731
actions; 79732

(e) Emission and ambient monitoring; 79733

(f) Modeling, analyses, or demonstrations; 79734

(g) Preparing inventories and tracking emissions; 79735

(h) Providing direct and indirect support to small 79736
business stationary sources to determine and meet their 79737
obligations under the federal Clean Air Act pursuant to the 79738
small business stationary source technical and environmental 79739
compliance assistance program required by section 507 of that 79740
act and established in sections 3704.18, 3704.19, and 3706.19 of 79741
the Revised Code. 79742

(3) "Organic compound" means any chemical compound of 79743
carbon, excluding carbon monoxide, carbon dioxide, carbonic 79744
acid, metallic carbides or carbonates, and ammonium carbonate. 79745

~~(Y) (1)~~ (X) (1) Except as provided in divisions ~~(Y) (2)~~ (X) (2), 79746

(3), and (4) of this section, each sewage sludge facility shall 79747
pay a nonrefundable annual sludge fee equal to three dollars and 79748
fifty cents per dry ton of sewage sludge, including the dry tons 79749
of sewage sludge in materials derived from sewage sludge, that 79750
the sewage sludge facility treats or disposes of in this state. 79751
The annual volume of sewage sludge treated or disposed of by a 79752
sewage sludge facility shall be calculated using the first day 79753
of January through the thirty-first day of December of the 79754
calendar year preceding the date on which payment of the fee is 79755
due. 79756

(2) (a) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) 79757
of this section, each sewage sludge facility shall pay a minimum 79758
annual sewage sludge fee of one hundred dollars. 79759

(b) The annual sludge fee required to be paid by a sewage 79760
sludge facility that treats or disposes of exceptional quality 79761
sludge in this state shall be thirty-five per cent less per dry 79762
ton of exceptional quality sludge than the fee assessed under 79763
division ~~(Y) (1)~~ (X) (1) of this section, subject to the following 79764
exceptions: 79765

(i) Except as provided in division ~~(Y) (2) (d)~~ (X) (2) (d) of 79766
this section, a sewage sludge facility that treats or disposes 79767
of exceptional quality sludge shall pay a minimum annual sewage 79768
sludge fee of one hundred dollars. 79769

(ii) A sewage sludge facility that treats or disposes of 79770
exceptional quality sludge shall not be required to pay the 79771
annual sludge fee for treatment or disposal in this state of 79772
exceptional quality sludge generated outside of this state and 79773
contained in bags or other containers not greater than one 79774
hundred pounds in capacity. 79775

A thirty-five per cent reduction for exceptional quality
sludge applies to the maximum annual fees established under
division ~~(Y) (3)~~ (X) (3) of this section.

(c) A sewage sludge facility that transfers sewage sludge
to another sewage sludge facility in this state for further
treatment prior to disposal in this state shall not be required
to pay the annual sludge fee for the tons of sewage sludge that
have been transferred. In such a case, the sewage sludge
facility that disposes of the sewage sludge shall pay the annual
sludge fee. However, the facility transferring the sewage sludge
shall pay the one-hundred-dollar minimum fee required under
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section.

In the case of a sewage sludge facility that treats sewage
sludge in this state and transfers it out of this state to
another entity for disposal, the sewage sludge facility in this
state shall be required to pay the annual sludge fee for the
tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge
resulting from an average daily discharge flow of less than five
thousand gallons per day is not subject to the fees assessed
under division ~~(Y) (X)~~ of this section.

(3) No sewage sludge facility required to pay the annual
sludge fee shall be required to pay more than the maximum annual
fee for each disposal method that the sewage sludge facility
uses. The maximum annual fee does not include the additional
amount that may be charged under division ~~(Y) (5)~~ (X) (5) of this
section for late payment of the annual sludge fee. The maximum
annual fee for the following methods of disposal of sewage
sludge is as follows:

(a) Incineration: five thousand dollars; 79805

(b) Preexisting land reclamation project or disposal in a 79806
landfill: five thousand dollars; 79807

(c) Land application, land reclamation, surface disposal, 79808
or any other disposal method not specified in division ~~(Y) (3) (a)~~ 79809
(X) (3) (a) or (b) of this section: twenty thousand dollars. 79810

(4) (a) In the case of an entity that generates sewage 79811
sludge or a sewage sludge facility that treats sewage sludge and 79812
transfers the sewage sludge to an incineration facility for 79813
disposal, the incineration facility, and not the entity 79814
generating the sewage sludge or the sewage sludge facility 79815
treating the sewage sludge, shall pay the annual sludge fee for 79816
the tons of sewage sludge that are transferred. However, the 79817
entity or facility generating or treating the sewage sludge 79818
shall pay the one-hundred-dollar minimum fee required under 79819
division ~~(Y) (2) (a)~~ (X) (2) (a) of this section. 79820

(b) In the case of an entity that generates sewage sludge 79821
and transfers the sewage sludge to a landfill for disposal or to 79822
a sewage sludge facility for land reclamation or surface 79823
disposal, the entity generating the sewage sludge, and not the 79824
landfill or sewage sludge facility, shall pay the annual sludge 79825
fee for the tons of sewage sludge that are transferred. 79826

(5) Not later than the first day of April of the calendar 79827
year following March 17, 2000, and each first day of April 79828
thereafter, the director shall issue invoices to persons who are 79829
required to pay the annual sludge fee. The invoice shall 79830
identify the nature and amount of the annual sludge fee assessed 79831
and state the first day of May as the deadline for receipt by 79832
the director of objections regarding the amount of the fee and 79833

the first day of July as the deadline for payment of the fee. 79834

Not later than the first day of May following receipt of 79835
an invoice, a person required to pay the annual sludge fee may 79836
submit objections to the director concerning the accuracy of 79837
information regarding the number of dry tons of sewage sludge 79838
used to calculate the amount of the annual sludge fee or 79839
regarding whether the sewage sludge qualifies for the 79840
exceptional quality sludge discount established in division ~~(Y)~~ 79841
~~(2) (b)~~ (X) (2) (b) of this section. The director may consider the 79842
objections and adjust the amount of the fee to ensure that it is 79843
accurate. 79844

If the director does not adjust the amount of the annual 79845
sludge fee in response to a person's objections, the person may 79846
appeal the director's determination in accordance with Chapter 79847
119. of the Revised Code. 79848

Not later than the first day of June, the director shall 79849
notify the objecting person regarding whether the director has 79850
found the objections to be valid and the reasons for the 79851
finding. If the director finds the objections to be valid and 79852
adjusts the amount of the annual sludge fee accordingly, the 79853
director shall issue with the notification a new invoice to the 79854
person identifying the amount of the annual sludge fee assessed 79855
and stating the first day of July as the deadline for payment. 79856

Not later than the first day of July, any person who is 79857
required to do so shall pay the annual sludge fee. Any person 79858
who is required to pay the fee, but who fails to do so on or 79859
before that date shall pay an additional amount that equals ten 79860
per cent of the required annual sludge fee. 79861

(6) The director shall transmit all moneys collected under 79862

division ~~(Y)~~(X) of this section to the treasurer of state for 79863
deposit into the surface water protection fund created in 79864
section 6111.038 of the Revised Code. The moneys shall be used 79865
to defray the costs of administering and enforcing provisions in 79866
Chapter 6111. of the Revised Code and rules adopted under it 79867
that govern the use, storage, treatment, or disposal of sewage 79868
sludge. 79869

(7) Beginning in fiscal year 2001, and every two years 79870
thereafter, the director shall review the total amount of moneys 79871
generated by the annual sludge fees to determine if that amount 79872
exceeded six hundred thousand dollars in either of the two 79873
preceding fiscal years. If the total amount of moneys in the 79874
fund exceeded six hundred thousand dollars in either fiscal 79875
year, the director, after review of the fee structure and 79876
consultation with affected persons, shall issue an order 79877
reducing the amount of the fees levied under division ~~(Y)~~(X) of 79878
this section so that the estimated amount of moneys resulting 79879
from the fees will not exceed six hundred thousand dollars in 79880
any fiscal year. 79881

If, upon review of the fees under division ~~(Y)~~(7)(X)(7) of 79882
this section and after the fees have been reduced, the director 79883
determines that the total amount of moneys collected and 79884
accumulated is less than six hundred thousand dollars, the 79885
director, after review of the fee structure and consultation 79886
with affected persons, may issue an order increasing the amount 79887
of the fees levied under division ~~(Y)~~(X) of this section so that 79888
the estimated amount of moneys resulting from the fees will be 79889
approximately six hundred thousand dollars. Fees shall never be 79890
increased to an amount exceeding the amount specified in 79891
division ~~(Y)~~(7)(X)(7) of this section. 79892

Notwithstanding section 119.06 of the Revised Code, the 79893
director may issue an order under division ~~(Y) (7)~~ (X) (7) of this 79894
section without the necessity to hold an adjudicatory hearing in 79895
connection with the order. The issuance of an order under this 79896
division is not an act or action for purposes of section 3745.04 79897
of the Revised Code. 79898

(8) As used in division ~~(Y)~~ (X) of this section: 79899

(a) "Sewage sludge facility" means an entity that performs 79900
treatment on or is responsible for the disposal of sewage 79901
sludge. 79902

(b) "Sewage sludge" means a solid, semi-solid, or liquid 79903
residue generated during the treatment of domestic sewage in a 79904
treatment works as defined in section 6111.01 of the Revised 79905
Code. "Sewage sludge" includes, but is not limited to, scum or 79906
solids removed in primary, secondary, or advanced wastewater 79907
treatment processes. "Sewage sludge" does not include ash 79908
generated during the firing of sewage sludge in a sewage sludge 79909
incinerator, grit and screenings generated during preliminary 79910
treatment of domestic sewage in a treatment works, animal 79911
manure, residue generated during treatment of animal manure, or 79912
domestic septage. 79913

(c) "Exceptional quality sludge" means sewage sludge that 79914
meets all of the following qualifications: 79915

(i) Satisfies the class A pathogen standards in 40 C.F.R. 79916
503.32(a); 79917

(ii) Satisfies one of the vector attraction reduction 79918
requirements in 40 C.F.R. 503.33(b) (1) to (b) (8); 79919

(iii) Does not exceed the ceiling concentration 79920
limitations for metals listed in table one of 40 C.F.R. 503.13; 79921

- (iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13. 79922
79923
- (d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge. 79924
79925
79926
- (e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator. 79927
79928
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- (f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil. 79931
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- (g) "Land reclamation" means the returning of disturbed land to productive use. 79936
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- (h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites. 79938
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- (i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 79942
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- (j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 79946
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(k) "Annual sludge fee" means the fee assessed under 79950
division ~~(Y)(1)~~ (X)(1) of this section. 79951

(l) "Landfill" means a sanitary landfill facility, as 79952
defined in rules adopted under section 3734.02 of the Revised 79953
Code, that is licensed under section 3734.05 of the Revised 79954
Code. 79955

(m) "Preexisting land reclamation project" means a 79956
property-specific land reclamation project that has been in 79957
continuous operation for not less than five years pursuant to 79958
approval of the activity by the director and includes the 79959
implementation of a community outreach program concerning the 79960
activity. 79961

Sec. 3745.21. (A) There is hereby created within the 79962
environmental protection agency the Ohio environmental education 79963
fund advisory council consisting of the directors of 79964
environmental protection, natural resources, and education and 79965
workforce, or their designees, as members ex officio, one member 79966
of the house of representatives to be appointed by the speaker 79967
of the house of representatives or the member's designee, ~~one~~ 79968
~~member of the senate to be appointed by the president of the~~ 79969
~~senate or the member's designee,~~ one member to be appointed by 79970
the chancellor of higher education who shall have experience in 79971
providing environmental education at the university or college 79972
level, and six members to be appointed by the governor with the 79973
advice and consent of the senate. Of the members appointed by 79974
the governor, two shall be from statewide environmental advocacy 79975
organizations, one shall represent the interests of the 79976
industrial community in this state, one shall represent the 79977
interests of employers in this state with one hundred fifty or 79978
fewer employees, one shall represent municipal corporations, and 79979

one shall represent the interests of elementary and secondary 79980
school teachers in this state. Within thirty days after October 79981
1, 1990, the appointing authorities shall make their initial 79982
appointments to the council. The initial appointment to the 79983
council by the chancellor shall be for a term ending two years 79984
after October 1, 1990. Of the initial appointments made to the 79985
council by the governor, three shall be for a term ending one 79986
year after October 1, 1990, and three shall be for a term ending 79987
two years after October 1, 1990. Thereafter, the terms of office 79988
of the members appointed by the chancellor and the governor 79989
shall be for two years, with each term ending on the same day of 79990
the same month as the term that it succeeds. Each member shall 79991
hold office from the date of appointment until the end of the 79992
term for which the member was appointed. Members may be 79993
reappointed. Vacancies shall be filled in the manner provided 79994
for original appointments. Any member appointed to fill a 79995
vacancy occurring prior to the expiration date of the term for 79996
which the member's predecessor was appointed shall hold office 79997
as a member of the board of trustees for the remainder of that 79998
term. A member of the council appointed by the chancellor or the 79999
governor shall continue in office subsequent to the expiration 80000
date of the member's term until the member's successor takes 80001
office or until a period of sixty days has elapsed, whichever 80002
occurs first. 80003

The council shall hold at least two regular, semiannual 80004
meetings each year. Special meetings may be held at the behest 80005
of the chairperson or a majority of the members. The director of 80006
environmental protection shall serve as the chairperson of the 80007
council. The council annually shall select from among its 80008
members a vice-chairperson and a secretary to keep a record of 80009
its proceedings. A majority vote of the members of the council 80010

is necessary to take action on any matter. 80011

Serving as a member of the council does not constitute 80012
holding a public office or a position of employment under the 80013
laws of this state and does not constitute grounds for the 80014
removal of public officers or employees from their offices or 80015
positions of employment. The chancellor may at any time remove a 80016
member of the council appointed by the chancellor for 80017
misfeasance, malfeasance, or nonfeasance in office. The governor 80018
may at any time remove a member of the council appointed by the 80019
governor for misfeasance, malfeasance, or nonfeasance in office. 80020

Members of the council appointed by the chancellor and the 80021
governor shall serve without compensation. Members of the 80022
council shall be reimbursed for their actual and necessary 80023
expenses incurred in the performance of their duties as members 80024
of the council from moneys credited to the environmental 80025
education fund created in section 3745.22 of the Revised Code. 80026

(B) The council shall advise and assist the director of 80027
environmental protection in the implementation and 80028
administration of section 3745.22 of the Revised Code and shall 80029
review and comment on all expenditures from the fund proposed by 80030
the director. 80031

(C) The council may adopt bylaws for the regulation and 80032
conduct of the council's affairs and may propose to the director 80033
of environmental protection expenditures from the fund. 80034

Sec. 3748.13. (A) The director of health shall inspect 80035
sources of radiation for which licensure or registration by the 80036
handler is required, and the sources' shielding and 80037
surroundings, according to the schedule established in rules 80038
adopted under division (D) of section 3748.04 of the Revised 80039

Code. In accordance with rules adopted under section 3748.04 of 80040
the Revised Code, the director shall inspect all records and 80041
operating procedures of handlers that install or service sources 80042
of radiation and all sources of radiation for which licensure of 80043
radioactive material or registration of radiation-generating 80044
equipment by the handler is required. The director may make 80045
other inspections upon receiving complaints or other evidence of 80046
a violation of this chapter or rules adopted under it. 80047

The director shall require any hospital registered under 80048
division (A) of section 3701.07 of the Revised Code to develop 80049
and maintain a quality assurance program for all sources of 80050
radiation-generating equipment. A certified radiation expert 80051
shall conduct oversight and maintenance of the program and shall 80052
file a report of audits of the program with the director on 80053
forms prescribed by the director. The audit reports shall become 80054
part of the inspection record. 80055

(B) (1) Except as provided in division (B) (2) of this 80056
section, a facility shall pay inspection fees for radioactive 80057
material and radiation-generating equipment according to the 80058
schedule and categories established in rules adopted under 80059
division (A) (9) of section 3748.04 of the Revised Code. 80060

(2) A facility that is, or is operated by, a medical 80061
practitioner or medical-practitioner group shall pay inspection 80062
fees for radiation-generating equipment according to the 80063
following schedule and categories: 80064
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A	First dental x-ray tube	\$155.00
		<u>\$310.00</u>

B	Each additional dental x-ray tube at the same location	\$77.00 <u>\$154.00</u>
C	First medical x-ray tube	\$307.00 <u>\$614.00</u>
D	Each additional medical x-ray tube at the same location	\$163.00 <u>\$326.00</u>
E	Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$610.00 <u>\$1,220.00</u>
F	First nonionizing radiation-generating equipment of any kind	\$307.00 <u>\$614.00</u>
G	Each additional nonionizing radiation-generating equipment of any kind at the same location	\$163.00 <u>\$326.00</u>

(C) (1) Except as provided in division (C) (2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is four hundred seventy-four dollars plus the applicable fee specified in rules adopted under division (A) (9) of section 3748.04 of the Revised Code.

(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection

if the facility is not licensed or registered, and no license or 80077
registration is pending at the time of inspection, is four 80078
hundred seventy-four dollars plus the fee applicable under the 80079
schedule in division (B) (2) of this section. 80080

(D) (1) Except as provided in division (D) (2) of this 80081
section, for a facility that handles radioactive material or 80082
radiation-generating equipment, the fee for an inspection to 80083
determine whether violations cited in a previous inspection have 80084
been corrected is the amount specified in rules adopted under 80085
division (A) (9) of section 3748.04 of the Revised Code. 80086

(2) For a facility that is, or is operated by, a medical 80087
practitioner or medical-practitioner group and handles 80088
radiation-generating equipment, the fee for an inspection to 80089
determine whether violations cited in a previous inspection have 80090
been corrected is fifty per cent of the applicable fee under the 80091
schedule in division (B) (2) of this section. 80092

(E) The director may conduct a review of shielding plans 80093
or the adequacy of shielding on the request of a licensee or 80094
registrant or an applicant for licensure or registration or 80095
during an inspection when the director considers a review to be 80096
necessary. 80097

(1) Except as provided in division (E) (2) of this section, 80098
the fee for the review is the applicable amount specified in 80099
rules adopted under division (A) (9) of section 3748.04 of the 80100
Revised Code. 80101

(2) For a facility that is, or is operated by, a medical 80102
practitioner or medical-practitioner group and handles or 80103
proposes to handle radiation-generating equipment, the fee for 80104
the review is seven hundred sixty-two dollars for each room 80105

where a source of radiation is used and is in addition to any 80106
other fee applicable under the schedule in division (B) (2) of 80107
this section. 80108

(F) All fees shall be paid to the department of health no 80109
later than thirty days after the invoice for the fee is mailed. 80110
Fees shall be deposited in the general operations fund created 80111
in section 3701.83 of the Revised Code. The fees shall be used 80112
solely to administer and enforce this chapter and rules adopted 80113
under it. 80114

(G) Any fee required under this section that remains 80115
unpaid on the ninety-first day after the original invoice date 80116
shall be assessed an additional amount equal to ten per cent of 80117
the original fee. 80118

(H) If the director determines that a board of health of a 80119
city or general health district is qualified to conduct 80120
inspections of radiation-generating equipment, the director may 80121
delegate to the board, by contract, the authority to conduct 80122
such inspections. In making a determination of the 80123
qualifications of a board of health to conduct those 80124
inspections, the director shall evaluate the credentials of the 80125
individuals who are to conduct the inspections of radiation- 80126
generating equipment and the radiation detection and measuring 80127
equipment available to them for that purpose. If a contract is 80128
entered into, the board shall have the same authority to make 80129
inspections of radiation-generating equipment as the director 80130
has under this chapter and rules adopted under it. The contract 80131
shall stipulate that only individuals approved by the director 80132
as qualified shall be permitted to inspect radiation-generating 80133
equipment under the contract's provisions. The contract shall 80134
provide for such compensation for services as is agreed to by 80135

the director and the board of health of the contracting health 80136
district. The director may reevaluate the credentials of the 80137
inspection personnel and their radiation detecting and measuring 80138
equipment as often as the director considers necessary and may 80139
terminate any contract with the board of health of any health 80140
district that, in the director's opinion, is not satisfactorily 80141
performing the terms of the contract. 80142

(I) The director may enter at all reasonable times upon 80143
any public or private property to determine compliance with this 80144
chapter and rules adopted under it. 80145

Sec. 3750.02. (A) There is hereby created the emergency 80146
response commission consisting of the directors of environmental 80147
protection~~and~~, health, and administrative services, the 80148
chairperson of the public utilities commission, the fire 80149
marshal, the director of public safety, the director of 80150
transportation, the director of natural resources, the 80151
superintendent of the highway patrol, and the attorney general 80152
as members ex officio, or their designees; notwithstanding 80153
section 101.26 of the Revised Code, ~~the chairpersons of the~~ 80154
~~respective standing committees of the senate and house of~~ 80155
~~representatives that are primarily responsible for considering~~ 80156
~~environmental issues~~ a member of the house of representatives 80157
appointed by the speaker of the house of representatives and a 80158
member of the senate appointed by the president of the senate, 80159
who may participate fully in all the commission's deliberations 80160
and activities, except that they shall serve as nonvoting 80161
members; and ten members to be appointed by the governor with 80162
the advice and consent of the senate. The appointed members, to 80163
the extent practicable, shall have technical expertise in the 80164
field of emergency response. Of the appointed members, two shall 80165
represent environmental advocacy organizations, one shall 80166

represent the interests of petroleum refiners or marketers or 80167
chemical manufacturers, one shall represent the interests of 80168
another industry subject to this chapter, one shall represent 80169
the interests of municipal corporations, one shall represent the 80170
interests of counties, one shall represent the interests of 80171
chiefs of fire departments, one shall represent the interests of 80172
professional firefighters, one shall represent the interests of 80173
volunteer firefighters, and one shall represent the interests of 80174
local emergency management agencies. 80175

An appointed member of the commission also may serve as a 80176
member of the local emergency planning committee of an emergency 80177
planning district. An appointed member of the commission who is 80178
also a member of a local emergency planning committee shall not 80179
participate as a member of the commission in the appointment of 80180
members of the local emergency planning committee of which the 80181
member is a member, in the review of the chemical emergency 80182
response and preparedness plan submitted by the local emergency 80183
planning committee of which the member is a member, in any vote 80184
to approve a grant to the member's district, or in any vote of 80185
the commission on any motion or resolution pertaining 80186
specifically to the member's district or the local emergency 80187
planning committee on which the member serves. A commission 80188
member who is also a member of a local emergency planning 80189
committee shall not lobby or otherwise act as an advocate for 80190
the member's district to other members of the commission to 80191
obtain from the commission anything of value for the member's 80192
district or the local emergency planning committee of which the 80193
member is a member. A member of the commission who is also a 80194
member of a local emergency planning committee may vote on 80195
resolutions of the commission that apply uniformly to all local 80196
emergency planning committees and districts in the state and do 80197

not provide a grant or other pecuniary benefit to the member's 80198
district or the committee of which the member is a member. 80199

The governor shall make the initial appointments to the 80200
commission within thirty days after December 14, 1988. Of the 80201
initial appointments to the commission, five shall be for a term 80202
of two years and five shall be for a term of one year. 80203
Thereafter, terms of office of the appointed members of the 80204
commission shall be for two years, with each term ending on the 80205
same day of the same month as did the term that it succeeds. 80206
Each member shall hold office from the date of appointment until 80207
the end of the term for which the member was appointed. Members 80208
may be reappointed. Vacancies shall be filled in the manner 80209
provided for original appointments. Any member appointed to fill 80210
a vacancy occurring prior to the expiration of the term for 80211
which the member's predecessor was appointed shall hold office 80212
for the remainder of that term. A member shall continue in 80213
office subsequent to the expiration date of the member's term 80214
until the member's successor takes office or until a period of 80215
sixty days has elapsed, whichever occurs first. The commission 80216
may at any time by a vote of two-thirds of all the members 80217
remove any appointed member of the commission for misfeasance, 80218
nonfeasance, or malfeasance. Members of the commission shall 80219
serve without compensation, but shall be reimbursed for the 80220
reasonable expenses incurred by them in the discharge of their 80221
duties as members of the commission. 80222

The commission shall meet at least annually and shall hold 80223
such additional meetings as are necessary to implement and 80224
administer this chapter. Additional meetings may be held at the 80225
behest of either a co-chairperson or a majority of the members. 80226
The commission shall, by adoption of internal management rules 80227
under division (B) (9) of this section, establish an executive 80228

committee and delegate to it the performance of such of the 80229
commission's duties and powers under this chapter as are 80230
required or authorized to be so delegated by that division. The 80231
commission may organize itself into such additional committees 80232
as it considers necessary or convenient to implement and 80233
administer this chapter. The director of environmental 80234
protection and the director of public safety or their designees 80235
shall serve as co-chairpersons of the commission and the 80236
executive committee. Except as otherwise provided in this 80237
chapter, a majority of the voting members of the commission 80238
constitutes a quorum and the affirmative vote of a majority of 80239
the voting members of the commission is necessary for any action 80240
taken by the commission. Meetings of the executive committee 80241
conducted for the purpose of determining whether to issue an 80242
enforcement order or request that a civil action, civil penalty 80243
action, or criminal action be brought to enforce this chapter or 80244
rules adopted or orders issued under it are not subject to 80245
section 121.22 of the Revised Code pursuant to division (D) of 80246
that section. 80247

Except for the purposes of Chapters 102. and 2921. and 80248
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving 80249
as an appointed member of the commission does not constitute 80250
holding a public office or position of employment under the laws 80251
of this state and does not constitute grounds for removal of 80252
public officers or employees from their offices or positions of 80253
employment. 80254

(B) The commission shall: 80255

(1) Adopt rules in accordance with Chapter 119. of the 80256
Revised Code that are consistent with and equivalent in scope, 80257
content, and coverage to the "Emergency Planning and Community 80258

Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 80259
and applicable regulations adopted under it: 80260

(a) Identifying or listing extremely hazardous substances 80261
and establishing a threshold planning quantity for each such 80262
substance. To the extent consistent with that act and applicable 80263
regulations adopted under it, the rules may establish threshold 80264
planning quantities based upon classes of those substances or 80265
categories of facilities at which such substances are present. 80266

(b) Listing hazardous chemicals, establishing threshold 80267
quantities for those chemicals, establishing categories of 80268
health and physical hazards of those chemicals, establishing 80269
criteria or procedures for identifying those chemicals and the 80270
appropriate hazard categories of those chemicals, and 80271
establishing ranges of quantities for those chemicals to be used 80272
in preparing emergency and hazardous chemical inventory forms 80273
under section 3750.08 of the Revised Code. To the extent 80274
consistent with that act and applicable regulations adopted 80275
under it, the rules may establish threshold quantities based 80276
upon classes of those chemicals or categories of facilities 80277
where those chemicals are present. 80278

To the extent consistent with that act, the threshold 80279
quantities for purposes of the submission of lists of hazardous 80280
chemicals under section 3750.07 and the submission of emergency 80281
and hazardous chemical inventory forms under section 3750.08 of 80282
the Revised Code may differ. 80283

(c) Identifying or listing hazardous substances and 80284
establishing reportable quantities of each of those substances 80285
and each extremely hazardous substance. In addition to being 80286
consistent with and equivalent in scope, content, and coverage 80287
to that act and applicable regulations adopted under it, the 80288

rules shall be consistent with and equivalent in scope, content, 80289
and coverage to regulations identifying or listing hazardous 80290
substances and reportable quantities of those substances adopted 80291
under the "Comprehensive Environmental Response, Compensation, 80292
and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 80293
amended. 80294

(d) Prescribing the information to be included in the 80295
lists of hazardous chemicals required to be submitted under 80296
section 3750.07 of the Revised Code; 80297

(e) Prescribing the information to be included in the 80298
emergency and hazardous chemical inventory forms required to be 80299
submitted under section 3750.08 of the Revised Code. If the 80300
commission establishes its own emergency and hazardous chemical 80301
inventory form, the rules shall authorize owners and operators 80302
of facilities who also have one or more facilities located 80303
outside the state for which they are required to submit 80304
inventory forms under the federal act and regulations adopted 80305
under it to submit their annual inventories on forms prescribed 80306
by the administrator of the United States environmental 80307
protection agency under that act instead of on forms prescribed 80308
by the commission and shall require those owners or operators to 80309
submit any additional information required by the commission's 80310
inventory form on an attachment to the federal form. 80311

(f) Establishing procedures for giving verbal notice of 80312
releases under section 3750.06 of the Revised Code and 80313
prescribing the information to be provided in such a notice and 80314
in the follow-up written notice required by that section; 80315

(g) Establishing standards for determining valid needs for 80316
the release of tier II information under division (B) (4) of 80317
section 3750.10 of the Revised Code; 80318

(h) Identifying the types or categories of information 80319
submitted or obtained under this chapter and rules adopted under 80320
it that constitute confidential business information; 80321

(i) Establishing criteria and procedures to protect trade 80322
secret and confidential business information from unauthorized 80323
disclosure; 80324

(j) Establishing other requirements or authorizations that 80325
the commission considers necessary or appropriate to implement, 80326
administer, and enforce this chapter. 80327

(2) Adopt rules in accordance with Chapter 119. of the 80328
Revised Code to implement and administer this chapter that may 80329
be more stringent than the "Emergency Planning and Community 80330
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, 80331
and regulations adopted under it. Rules adopted under division 80332
(B) (2) of this section shall not be inconsistent with that act 80333
or the regulations adopted under it. The rules shall: 80334

(a) Prescribe the information to be included in the 80335
chemical emergency response and preparedness plans prepared and 80336
submitted by local emergency planning committees under section 80337
3750.04 of the Revised Code; 80338

(b) Establish criteria and procedures for reviewing the 80339
chemical emergency response and preparedness plans of local 80340
emergency planning committees required by section 3750.04 of the 80341
Revised Code and the annual exercise of those plans and for 80342
providing concurrence or requesting modifications in the plans 80343
and the exercise of those plans. The criteria shall include, 80344
without limitation, the requirement that each exercise of a 80345
committee's plan involve, in addition to local emergency 80346
response and medical personnel, either a facility that is 80347

subject to the plan or a transporter of materials that are 80348
identified or listed as hazardous materials by regulations 80349
adopted under the "Hazardous Materials Transportation Act," 88 80350
Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended. 80351

(c) Establish policies and procedures for maintaining 80352
information submitted to the commission and local emergency 80353
planning committees under this chapter, and for receiving and 80354
fulfilling requests from the public for access to review and to 80355
obtain copies of that information. The criteria and procedures 80356
shall include the following requirements and authorizations 80357
regarding that information and access to it: 80358

(i) Information that is protected as trade secret 80359
information or confidential business information under this 80360
chapter and rules adopted under it shall be kept in files that 80361
are separate from those containing information that is not so 80362
protected. 80363

(ii) The original copies of information submitted to the 80364
commission or committee shall not be removed from the custody 80365
and control of the commission or committee. 80366

(iii) A person who, either in person or by mail, requests 80367
to obtain a copy of a material safety data sheet submitted under 80368
this chapter by a facility owner or operator shall submit a 80369
separate application for each facility for which a material 80370
safety data sheet is being requested. 80371

(iv) A person who requests to receive by mail a copy of 80372
information submitted under this chapter by a facility owner or 80373
operator shall submit a separate application for each facility 80374
for which information is being requested and shall specify both 80375
the facility for which information is being requested and the 80376

particular types of documents requested. 80377

(v) Only employees of the commission or committee shall 80378
copy information in the files of the commission or committee. 80379

(vi) The commission or committee may require any person 80380
who requests to review or obtain a copy of information in its 80381
files to schedule an appointment for that purpose with the 80382
information coordinator of the commission or committee at least 80383
twenty-four hours before arriving at the office of the 80384
commission or committee for the review or copy. 80385

(vii) Any person who seeks access to information in the 80386
files of the commission or a local emergency planning committee 80387
shall submit a written application, either in person or by mail, 80388
to the information coordinator on a form provided by the 80389
commission or committee. The person also shall provide the 80390
person's name and current mailing address on the application and 80391
may be requested by the commission or committee to provide basic 80392
demographic information on the form to assist in the evaluation 80393
of the information access provisions of this chapter and rules 80394
adopted under it. Application forms may be obtained by mail or 80395
in person or by request by telephone at the office of the 80396
commission or committee during regular business hours. Upon 80397
receipt of a request for an application by telephone or mail, 80398
the information coordinator shall promptly mail an application 80399
to the person who requested it. 80400

(viii) The application form shall provide the applicant 80401
with a means of indicating that the applicant's name and address 80402
are to be kept confidential. If the applicant so indicates, that 80403
information is not a public record under section 149.43 of the 80404
Revised Code and shall not be disclosed to any person who is not 80405
a member or employee of the commission or committee or an 80406

employee of the environmental protection agency. When a name and 80407
address are to be kept confidential, they also shall be deleted 80408
from the copy of the application required to be placed in the 80409
file of the facility under division (B) (2) (c) (xii) of this 80410
section and shall be withheld from any log of information 80411
requests kept by the commission or committee pursuant to that 80412
division. 80413

(ix) Neither the commission nor a local emergency planning 80414
committee shall charge any fee for access to review information 80415
in its files when no copies or computer searches of that 80416
information are requested. 80417

(x) An applicant shall be informed of the cost of copying, 80418
mailing, or conducting a computer search of information on file 80419
with the commission or committee before such a copy or search is 80420
made, and the commission or committee shall collect the 80421
appropriate fees as established under section 3750.13 of the 80422
Revised Code. Each applicant shall acknowledge on the 80423
application form that the applicant is aware that the applicant 80424
will be charged for copies and computer searches of that 80425
information the applicant requests and for the costs of mailing 80426
copies of the information to the applicant. 80427

(xi) The commission or committee may require a person 80428
requesting copies of information on file with it to take 80429
delivery of them in the office of the commission or committee 80430
whenever it considers the volume of the information to be large 80431
enough to make mailing or delivery by a parcel or package 80432
delivery service impractical. 80433

(xii) When the commission or committee receives a request 80434
for access to review or obtain copies of information in its 80435
files, it shall not routinely notify the owner or operator of 80436

the facility involved, but instead shall either keep a log or 80437
file of requests for the information or shall place a copy of 80438
each completed application form in the file for the facility to 80439
which the application pertains. Such a log or file shall be 80440
available for review by the public and by the owners and 80441
operators of facilities required to submit information to the 80442
commission or committee under this chapter and rules adopted 80443
under it. 80444

(d) Require that claims for the protection, as a trade 80445
secret, of information obtained under this chapter regarding 80446
extremely hazardous substances identified or listed in rules 80447
adopted under division (B)(1)(a) of this section and hazardous 80448
chemicals identified or listed in rules adopted under division 80449
(B)(1)(b) of this section be submitted to the administrator of 80450
the United States environmental protection agency for 80451
determination under section 322 of the the "Emergency Planning 80452
and Community Right-To-Know Act of 1986," 100 Stat. 1747, 42 80453
U.S.C.A. 11042, and regulations adopted under that section; 80454

(e) Establish criteria and procedures for the issuance of 80455
variances under divisions (B) and (C) of section 3750.11 of the 80456
Revised Code. The rules shall require that, before approval of 80457
an application for a variance, the commission or committee find 80458
by a preponderance of the scientific evidence based upon 80459
generally accepted scientific principles or laboratory tests 80460
that the extremely hazardous substances, hazardous chemicals, or 80461
hazardous substances that would be subject to the reporting 80462
requirement pose a substantial risk of catastrophic injury to 80463
public health or safety or to the environment, or pose an 80464
extraordinary risk of injury to emergency management personnel 80465
responding to a release of the chemicals or substances, when the 80466
substances or chemicals are present at a facility in an amount 80467

equal to or exceeding the quantity for which reporting would be 80468
required under the reporting requirement for which the variance 80469
is sought. The rules shall also require that before approval of 80470
an application for a variance, the commission or committee find 80471
by a preponderance of the evidence that the development and 80472
implementation of a local emergency response plan for releases 80473
of the substances or chemicals covered by the reporting 80474
requirement will reduce the risk of catastrophic injury to 80475
public health or safety or to the environment, or will reduce 80476
the extraordinary risk of injury to responding emergency 80477
management personnel, in the event of a release of the 80478
substances or chemicals and find by a preponderance of the 80479
evidence that the reporting requirement is necessary for the 80480
development of such a local emergency response plan. The rules 80481
shall require that when determining whether the substances or 80482
chemicals that would be subject to the reporting requirement 80483
pose a substantial risk of catastrophic injury to public health 80484
or safety or to the environment, or pose an extraordinary risk 80485
of injury to emergency management personnel responding to a 80486
release of the substance or chemical, the commission or 80487
committee consider all of the following factors: 80488

(i) The specific characteristics and degree and nature of 80489
the hazards posed by a release of the extremely hazardous 80490
substances, hazardous chemicals, or hazardous substances; 80491

(ii) The proximity of the facilities that would be subject 80492
to the reporting requirement to residential areas, to areas 80493
where significantly large numbers of people are employed or 80494
otherwise congregate, and to environmental resources that are 80495
subject to injury; 80496

(iii) The quantities of the extremely hazardous 80497

substances, hazardous chemicals, or hazardous substances that 80498
are routinely present at facilities that would be subject to the 80499
reporting requirement; 80500

(iv) The frequency with which the extremely hazardous 80501
substances, hazardous chemicals, or hazardous substances are 80502
present at the facilities that would be subject to the reporting 80503
requirement in quantities for which reporting would be required 80504
thereunder. 80505

(f) Establish criteria and procedures for the issuance of 80506
orders under division (D) of section 3750.11 of the Revised Code 80507
requiring the placement of emergency response lock box units. 80508
The rules shall require that before approval of an application 80509
for issuance of such an order, the commission or committee find 80510
by a preponderance of the scientific evidence based upon 80511
generally accepted scientific principles or laboratory tests 80512
that the presence of the extremely hazardous substances, 80513
hazardous chemicals, or hazardous substances in the quantities 80514
in which they are routinely or intermittently present at the 80515
facility for which the order is sought pose a substantial risk 80516
of catastrophic injury to public health or safety or to the 80517
environment, or pose an extraordinary risk of injury to 80518
responding emergency management personnel, in the event of a 80519
release of any of those substances or chemicals from the 80520
facility. The rules shall require that before approval of an 80521
application for issuance of such an order, the commission or 80522
committee also find by a preponderance of the evidence that the 80523
placement of an emergency response lock box unit at the facility 80524
is necessary to protect against the substantial risk of 80525
catastrophic injury to public health or safety or the 80526
environment, or to protect against an extraordinary risk of 80527
injury to responding emergency management personnel, in the 80528

event of a release of any of the extremely hazardous substances, 80529
hazardous chemicals, or hazardous substances routinely or 80530
intermittently present at the facility. The rules shall require 80531
that when determining whether the extremely hazardous 80532
substances, hazardous chemicals, or hazardous substances present 80533
at the facility pose a substantial risk of catastrophic injury 80534
to public health or safety or to the environment, or pose an 80535
extraordinary risk of injury to responding emergency management 80536
personnel, in the event of a release of any of those substances 80537
or chemicals from the facility, the commission or committee 80538
consider all of the following factors: 80539

(i) The specific characteristics and the degree and nature 80540
of the hazards posed by a release of the extremely hazardous 80541
substances, hazardous chemicals, or hazardous substances present 80542
at the facility; 80543

(ii) The proximity of the facility to residential areas, 80544
to areas where significantly large numbers of people are 80545
employed or otherwise congregate, and to environmental resources 80546
that are subject to injury; 80547

(iii) The quantities of the extremely hazardous 80548
substances, hazardous chemicals, or hazardous substances that 80549
are routinely present at the facility; 80550

(iv) The frequency with which the extremely hazardous 80551
substances, hazardous chemicals, or hazardous substances are 80552
present at the facility. 80553

(g) Establish procedures to be followed by the commission 80554
and the executive committee of the commission for the issuance 80555
of orders under this chapter. 80556

(3) In accordance with Chapter 119. of the Revised Code 80557

adopt rules establishing reportable quantities for releases of 80558
oil that are consistent with and equivalent in scope, content, 80559
and coverage to section 311 of the "Federal Water Pollution 80560
Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, 80561
as amended, and applicable regulations adopted under it; 80562

(4) Adopt rules in accordance with Chapter 119. of the 80563
Revised Code establishing criteria and procedures for 80564
identifying or listing extremely hazardous substances in 80565
addition to those identified or listed in rules adopted under 80566
division (B) (1) (a) of this section and for establishing 80567
threshold planning quantities and reportable quantities for the 80568
added extremely hazardous substances; for identifying or listing 80569
hazardous chemicals in addition to those identified or listed in 80570
rules adopted under division (B) (1) (b) of this section and for 80571
establishing threshold quantities and categories of health and 80572
physical hazards for the added hazardous chemicals; and for 80573
identifying or listing hazardous substances in addition to those 80574
identified or listed in rules adopted under division (B) (1) (c) 80575
of this section and for establishing reportable quantities for 80576
the added hazardous substances. The criteria for identifying or 80577
listing additional extremely hazardous substances and 80578
establishing threshold planning quantities and reportable 80579
quantities therefor and for identifying or listing additional 80580
hazardous chemicals and establishing threshold quantities and 80581
categories of health and physical hazards for the added 80582
hazardous chemicals shall be consistent with and equivalent to 80583
applicable criteria therefor under the "Emergency Planning and 80584
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 80585
U.S.C.A. 11001, and regulations adopted under it. The criteria 80586
for identifying additional hazardous substances and for 80587
establishing reportable quantities of the added hazardous 80588

substances shall be consistent with and equivalent to the 80589
applicable criteria for identifying or listing hazardous 80590
substances and establishing reportable quantities therefor under 80591
the "Comprehensive Environmental Response, Compensation, and 80592
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 80593
amended, and regulations adopted under it. 80594

The rules shall require that, before identifying or 80595
listing any such additional extremely hazardous substance, 80596
hazardous chemical, or hazardous substance and establishing a 80597
threshold planning quantity, threshold quantity, or reportable 80598
quantity therefor, the commission find by a preponderance of the 80599
scientific evidence based on generally accepted scientific 80600
principles or laboratory tests that the substance or chemical 80601
poses a substantial risk of catastrophic injury to public health 80602
or safety or to the environment, or poses an extraordinary risk 80603
of injury to emergency management personnel responding to a 80604
release of the chemical or substance, when the chemical or 80605
substance is present at a facility in an amount equal to the 80606
proposed threshold planning quantity or threshold quantity or, 80607
in the instance of a proposed additional extremely hazardous 80608
substance or hazardous substance, poses a substantial risk of 80609
catastrophic injury to public health or safety or to the 80610
environment if a release of the proposed reportable quantity of 80611
the substance occurs. The rules shall further require that, 80612
before so identifying or listing a substance or chemical, the 80613
commission find by a preponderance of the evidence that the 80614
development and implementation of state or local emergency 80615
response plans for releases of the substance or chemical will 80616
reduce the risk of a catastrophic injury to public health or 80617
safety or to the environment, or will reduce the extraordinary 80618
risk of injury to responding emergency response personnel, in 80619

the event of a release of the substance or chemical and find by 80620
a preponderance of the evidence that the identification or 80621
listing of the substance or chemical is necessary for the 80622
development of state or local emergency response plans for 80623
releases of the substance or chemical. The rules shall require 80624
that the commission consider the toxicity of the substance or 80625
chemical in terms of both the short-term and long-term health 80626
effects resulting from exposure to it and its reactivity, 80627
volatility, dispersibility, combustibility, and flammability 80628
when determining the risks posed by a release of the substance 80629
or chemical and, as appropriate, when establishing a threshold 80630
planning quantity, threshold quantity, reportable quantity, or 80631
category of health or physical hazard for it. 80632

(5) Adopt rules in accordance with Chapter 119. of the 80633
Revised Code establishing criteria and procedures for receiving 80634
and deciding claims for protection of information as a trade 80635
secret that are applicable only to extremely hazardous 80636
substances and hazardous chemicals identified or listed in rules 80637
adopted under division (C) (5) of this section. The rules shall 80638
be equivalent in scope, content, and coverage to section 322 of 80639
the "Emergency Planning and Community Right-To-Know Act of 80640
1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and regulations 80641
adopted under it. 80642

(6) (a) After consultation with the fire marshal, adopt 80643
rules in accordance with Chapter 119. of the Revised Code 80644
establishing standards for the construction, placement, and use 80645
of emergency response lock box units at facilities that are 80646
subject to this chapter. The rules shall establish all of the 80647
following: 80648

(i) Specific standards of construction for lock box units; 80649

(ii) The specific types of information that shall be 80650
placed in the lock box units required to be placed at a facility 80651
by an order issued under division (D) of section 3750.11 of the 80652
Revised Code, which shall include the location of on-site 80653
emergency fire-fighting and spill cleanup equipment; a diagram 80654
of the public and private water supply and sewage systems 80655
serving the facility that are known to the owner or operator of 80656
the facility; a copy of the emergency and hazardous chemical 80657
inventory form for the facility most recently required to be 80658
submitted under section 3750.08 of the Revised Code from which 80659
the owner or operator may withhold information claimed or 80660
determined to be trade secret information pursuant to rules 80661
adopted under division (B) (2) (d) of this section, or pursuant to 80662
division (B) (14) of this section and rules adopted under 80663
division (B) (5) of this section, and confidential business 80664
information identified in rules adopted under division (B) (1) (h) 80665
of this section; a copy of the local fire department's and 80666
facility's emergency management plans for the facility, if any; 80667
a current list of the names, positions, addresses, and telephone 80668
numbers of all key facility personnel knowledgeable in facility 80669
safety procedures and the locations at the facility where 80670
extremely hazardous substances, hazardous chemicals, and 80671
hazardous substances are produced, used, or stored. The rules 80672
shall stipulate that, in the instance of lock box units placed 80673
voluntarily at facilities by the owners or operators of the 80674
facilities, such information shall be maintained in them as is 80675
prescribed by agreement by the owner or operator and the fire 80676
department having jurisdiction over the facility. 80677

(iii) The conditions that shall be met in order to provide 80678
safe and expedient access to a lock box unit during a release or 80679
threatened release of an extremely hazardous substance, 80680

hazardous chemical, or hazardous substance. 80681

(b) Unless the owner or operator of a facility is issued 80682
an order under division (D) of section 3750.11 of the Revised 80683
Code requiring the owner or operator to place a lock box unit at 80684
the facility, the owner or operator may place a lock box unit at 80685
the facility at the owner's or operator's discretion. If the 80686
owner or operator chooses to place a lock box unit at the 80687
facility, the responsibility to deposit information in the lock 80688
box unit is in addition to any other obligations established in 80689
this chapter. 80690

(c) Any costs associated with the purchase, construction, 80691
or placement of a lock box unit shall be paid by the owner or 80692
operator of the facility. 80693

(7) In accordance with Chapter 119. of the Revised Code, 80694
adopt rules governing the application for and awarding of grants 80695
under division (C) of section 3750.14 and division (B) of 80696
section 3750.15 of the Revised Code; 80697

(8) Adopt rules in accordance with Chapter 119. of the 80698
Revised Code establishing reasonable maximum fees that may be 80699
charged by the commission and local emergency planning 80700
committees for copying information in the commission's or 80701
committee's files to fulfill requests from the public for that 80702
information; 80703

(9) Adopt internal management rules governing the 80704
operations of the commission. The internal management rules 80705
shall establish an executive committee of the commission 80706
consisting of the director of environmental protection or the 80707
director's designee, the director of public safety or the 80708
director's designee, the attorney general or the attorney 80709

general's designee, one of the appointed members of the 80710
commission representing industries subject to this chapter to be 80711
appointed by the commission, one of the appointed members of the 80712
commission representing the interests of environmental advocacy 80713
organizations to be appointed by the commission, and one other 80714
appointed member or member ex officio of the commission to be 80715
appointed by the commission. The executive committee has 80716
exclusive authority to issue enforcement orders under section 80717
3750.18 of the Revised Code and to request the attorney general 80718
to bring a civil action, civil penalty action, or criminal 80719
action under section 3750.20 of the Revised Code in the name of 80720
the commission regarding violations of this chapter, rules 80721
adopted under it, or orders issued under it. The internal 80722
management rules may set forth the other specific powers and 80723
duties of the commission that the executive committee may 80724
exercise and carry out and the conditions under which the 80725
executive committee may do so. The internal management rules 80726
shall not authorize the executive committee to issue variances 80727
under division (B) or (C) of section 3750.11 of the Revised Code 80728
or orders under division (D) of that section. 80729

(10) Oversee and coordinate the implementation and 80730
enforcement of this chapter and make such recommendations to the 80731
director of environmental protection and the director of public 80732
safety as it considers necessary or appropriate to improve the 80733
implementation and enforcement of this chapter; 80734

(11) Make allocations of moneys under division (B) of 80735
section 3750.14 of the Revised Code and make grants under 80736
division (C) of section 3750.14 and division (B) of section 80737
3750.15 of the Revised Code; 80738

(12) Designate an officer of the environmental protection 80739

agency to serve as the commission's information coordinator 80740
under this chapter; 80741

(13) Not later than December 14, 1989, develop and 80742
distribute a state emergency response plan that defines the 80743
emergency response roles and responsibilities of the state 80744
agencies that are represented on the commission and that 80745
provides appropriate coordination with the national contingency 80746
plan and the regional contingency plan required by section 105 80747
of the "Comprehensive Environmental Response, Compensation, and 80748
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 80749
amended. The plan shall ensure a well-coordinated response by 80750
state agencies that may be involved in assisting local emergency 80751
responders during a major release of oil or a major sudden and 80752
accidental release of a hazardous substance or extremely 80753
hazardous substance. The plan may incorporate existing state 80754
emergency response plans by reference. At least annually, the 80755
commission and the state agencies that are represented on it 80756
shall jointly exercise the state plan in conjunction with the 80757
exercise of a local emergency response plan by a local emergency 80758
planning committee under section 3750.04 of the Revised Code. 80759
After any such exercise, the commission shall review the state 80760
plan and make such revisions in it as the commission considers 80761
necessary or appropriate. 80762

(14) Receive and decide claims for the protection of 80763
information as a trade secret that pertain only to extremely 80764
hazardous substances and hazardous chemicals identified or 80765
listed by rules adopted under division (C)(5) of this section. 80766
If the commission determines that the claim meets the criteria 80767
established in rules adopted under division (B)(5) of this 80768
section, it shall issue an order to that effect in accordance 80769
with section 3750.18 of the Revised Code. If the commission 80770

determines that the claim does not meet the criteria established 80771
in those rules, it shall issue an order to that effect in 80772
accordance with section 3750.18 of the Revised Code. 80773

(15) Annually compile, make available to the public, and 80774
submit to the president of the senate and the speaker of the 80775
house of representatives a summary report on the number of 80776
facilities estimated to be subject to regulation under sections 80777
3750.05, 3750.07, and 3750.08 of the Revised Code, the number of 80778
facilities reporting to the commission, an estimate of the 80779
percentage of facilities in compliance with those sections, and 80780
recommendations regarding the types of activities the commission 80781
considers necessary to improve such compliance. The commission 80782
shall base its estimate of the number of facilities that are 80783
subject to regulation under those sections on the current 80784
estimates provided by the local emergency planning committees 80785
under division (D) (6) of section 3750.03 of the Revised Code. 80786

(C) The commission may: 80787

(1) Procure by contract the temporary or intermittent 80788
services of experts or consultants when those services are to be 80789
performed on a part-time or fee-for-service basis and do not 80790
involve the performance of administrative duties; 80791

(2) Enter into contracts or agreements with political 80792
subdivisions or emergency planning districts for the purposes of 80793
this chapter; 80794

(3) Accept on behalf of the state any gift, grant, or 80795
contribution from any governmental or private source for the 80796
purposes of this chapter; 80797

(4) Enter into contracts, agreements, or memoranda of 80798
understanding with any state department, agency, board, 80799

commission, or institution to obtain the services of personnel 80800
thereof or utilize resources thereof for the purposes of this 80801
chapter. Employees of a state department, agency, board, 80802
commission, or institution providing services to the commission 80803
under any such contract, agreement, or memorandum shall perform 80804
only those functions and provide only the services provided for 80805
in the contract, agreement, or memorandum. 80806

(5) Identify or list extremely hazardous substances in 80807
addition to those identified or listed in rules adopted under 80808
division (B) (1) (a) of this section and establish threshold 80809
planning quantities and reportable quantities for the additional 80810
extremely hazardous substances, identify or list hazardous 80811
chemicals in addition to those identified or listed in rules 80812
adopted under division (B) (1) (b) of this section and establish 80813
threshold quantities and categories of health and physical 80814
hazards for the added chemicals, and identify or list hazardous 80815
substances in addition to those identified or listed in rules 80816
adopted under division (B) (1) (c) of this section and establish 80817
reportable quantities for the added hazardous substances. The 80818
commission may establish threshold planning quantities for the 80819
additional extremely hazardous substances based upon classes of 80820
those substances or categories of facilities at which they are 80821
present and may establish threshold quantities for the 80822
additional hazardous chemicals based upon classes of those 80823
chemicals or categories of facilities where they are present. 80824
The commission shall identify or list such additional substances 80825
or chemicals and establish threshold planning quantities, 80826
threshold quantities, reportable quantities, and hazard 80827
categories therefor in accordance with the criteria and 80828
procedures established in rules adopted under division (B) (4) of 80829
this section and, after compliance with those criteria and 80830

procedures, by the adoption of rules in accordance with Chapter 80831
119. of the Revised Code. The commission shall not adopt rules 80832
under division (C) (5) of this section modifying any threshold 80833
planning quantity established in rules adopted under division 80834
(B) (1) (a) of this section, any threshold quantity established in 80835
rules adopted under division (B) (1) (b) of this section, or any 80836
reportable quantity established in rules adopted under division 80837
(B) (1) (c) of this section. 80838

If, after the commission has adopted rules under division 80839
(C) (5) of this section identifying or listing an extremely 80840
hazardous substance, hazardous chemical, or hazardous substance, 80841
the administrator of the United States environmental protection 80842
agency identifies or lists the substance or chemical as an 80843
extremely hazardous substance or hazardous chemical under the 80844
"Emergency Planning and Community Right-To-Know Act of 1986," 80845
100 Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a 80846
substance as a hazardous substance under the "Comprehensive 80847
Environmental Response, Compensation, and Liability Act of 80848
1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as amended, the 80849
commission shall rescind its rules adopted under division (C) (5) 80850
of this section pertaining to the substance or chemical and 80851
adopt the appropriate rules under division (B) (1) (a), (b), or 80852
(c) of this section. 80853

(6) From time to time, request the director of 80854
environmental protection and the executive director of the 80855
emergency management agency to review implementation, 80856
administration, and enforcement of the chemical emergency 80857
response planning and reporting programs created by this chapter 80858
and rules adopted under it regarding their effectiveness in 80859
preparing for response to releases of extremely hazardous 80860
substances, hazardous chemicals, and hazardous substances. After 80861

completion of any such review, the director of environmental 80862
protection and the director of public safety shall report their 80863
findings to the commission. Upon receipt of their findings, the 80864
commission may make such recommendations for legislative and 80865
administrative action as the commission finds necessary or 80866
appropriate to promote achievement of the purposes of this 80867
chapter. 80868

(D) Except as provided in section 3750.06 of the Revised 80869
Code, nothing in this chapter applies to the transportation, 80870
including the storage incident to transportation, of any 80871
substance or chemical subject to the requirements of this 80872
chapter, including the transportation and distribution of 80873
natural gas. 80874

(E) This chapter authorizes the state, through the 80875
emergency response commission, the department of public safety, 80876
and the environmental protection agency, to establish and 80877
maintain chemical emergency response planning and preparedness, 80878
community right-to-know, and hazardous substance and extremely 80879
hazardous substance release reporting programs that are 80880
consistent with and equivalent in scope, coverage, and content 80881
to the "Emergency Planning and Community Right-To-Know Act of 80882
1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations 80883
adopted under it, except as otherwise specifically required or 80884
authorized in this chapter. The commission, department, and 80885
agencies may do all things necessary, incidental, or appropriate 80886
to implement, administer, and enforce this chapter and to 80887
perform the duties and exercise the powers of the state 80888
emergency response commission under that act and regulations 80889
adopted under it and under this chapter. 80890

Sec. 3769.088. (A) (1) If any permit holder required by 80891

this chapter to pay the taxes levied by sections 3769.08, 80892
3769.087, 3769.26, and 3769.28 of the Revised Code fails to pay 80893
the taxes as required, the tax commissioner may make an 80894
assessment against the permit holder based upon any information 80895
in the commissioner's possession. 80896

(2) If a permit holder required to remit taxes or file a 80897
report electronically in the manner prescribed under section 80898
3769.103 of the Revised Code fails to do so, the tax 80899
commissioner may impose an additional penalty of fifty dollars 80900
or ten per cent of the tax due as shown on the report, whichever 80901
is greater. 80902

(3) A penalty of up to fifteen per cent may be added to 80903
the amount of every assessment made under this section. 80904

(4) The commissioner may adopt rules providing for the 80905
imposition and remission of penalties added to assessments made 80906
under this section. 80907

(5) The commissioner shall give the party assessed written 80908
notice of the assessment in the manner provided in section 80909
5703.37 of the Revised Code. With the notice, the commissioner 80910
shall provide instructions on how to petition for reassessment 80911
and request a hearing on the petition. 80912

(B) Unless the party assessed files with the tax 80913
commissioner within sixty days after service of the notice of 80914
assessment, ~~either personally or by certified mail,~~ a written 80915
petition for reassessment signed by the party assessed or that 80916
party's authorized agent having knowledge of the facts, the 80917
assessment becomes final and the amount of the assessment is due 80918
and payable from the party assessed to the commissioner. The 80919
petition shall indicate the objections of the party assessed, 80920

but additional objections may be raised in writing if received 80921
by the commissioner prior to the date shown on the final 80922
determination. If the petition has been properly filed, the 80923
commissioner shall proceed under section 5703.60 of the Revised 80924
Code. 80925

(C) After an assessment becomes final, if any portion of 80926
the assessment remains unpaid, including accrued interest, a 80927
certified copy of the tax commissioner's entry making the 80928
assessment final may be filed in the office of the clerk of the 80929
court of common pleas in the county in which the place, track, 80930
or enclosure for which the permit was issued is located or the 80931
county in which the party assessed resides or has its principal 80932
place of business. If the party assessed maintains no place of 80933
business in this state and is not a resident of this state, the 80934
certified copy of the entry may be filed in the office of the 80935
clerk of the court of common pleas of Franklin county. 80936

Immediately upon the filing of the entry, the clerk shall 80937
enter a judgment for the state against the party assessed in the 80938
amount shown on the entry. The judgment may be filed by the 80939
clerk in a loose-leaf book entitled "special judgments for state 80940
horse racing tax," and shall have the same effect as other 80941
judgments. Execution shall issue upon the judgment upon the 80942
request of the tax commissioner, and all laws applicable to 80943
sales on execution shall apply to sales made under the judgment. 80944

If the assessment is not paid in its entirety within sixty 80945
days after the day the assessment was issued, the portion of the 80946
assessment consisting of tax due shall bear interest at the rate 80947
per annum prescribed by section 5703.47 of the Revised Code from 80948
the day the tax commissioner issues the assessment until the day 80949
the assessment is paid or until it is certified to the attorney 80950

general for collection under section 131.02 of the Revised Code, 80951
whichever comes first. If the unpaid portion of the assessment 80952
is certified to the attorney general for collection, the entire 80953
unpaid portion of the assessment shall bear interest at the rate 80954
per annum prescribed by section 5703.47 of the Revised Code from 80955
the date of certification until the date it is paid in its 80956
entirety. Interest shall be paid in the same manner as the tax 80957
and may be collected by the issuance of an assessment under this 80958
section. 80959

(D) All money collected by the tax commissioner under this 80960
section shall be treated as revenue arising from the taxes 80961
imposed by sections 3769.08, 3769.087, 3769.26, and 3769.28 of 80962
the Revised Code. 80963

Sec. 3770.06. (A) There is hereby created the state 80964
lottery gross revenue fund, which shall be in the custody of the 80965
treasurer of state but shall not be part of the state treasury. 80966
All gross revenues received from sales of lottery tickets, 80967
fines, fees, and related proceeds in connection with the 80968
statewide lottery, all gross proceeds of lottery sports gaming 80969
described in sections 3770.23 to 3770.25 of the Revised Code, 80970
and all gross proceeds from statewide joint lottery games shall 80971
be deposited into the fund. The treasurer of state shall invest 80972
any portion of the fund not needed for immediate use in the same 80973
manner as, and subject to all provisions of law with respect to 80974
the investment of, state funds. The treasurer of state shall 80975
disburse money from the fund on order of the director of the 80976
state lottery commission or the director's designee. 80977

Except for gross proceeds from statewide joint lottery 80978
games, all revenues of the state lottery gross revenue fund that 80979
are not paid to holders of winning lottery tickets, that are not 80980

required to meet short-term prize liabilities, that are not 80981
credited to lottery sales agents in the form of bonuses, 80982
commissions, or reimbursements, that are not paid to financial 80983
institutions to reimburse those institutions for sales agent 80984
nonsufficient funds, and that are collected from sales agents 80985
for remittance to insurers under contract to provide sales agent 80986
bonding services shall be transferred to the state lottery fund, 80987
which is hereby created in the state treasury. In addition, all 80988
revenues of the state lottery gross revenue fund that represent 80989
the gross proceeds from the statewide joint lottery games and 80990
that are not paid to holders of winning lottery tickets, that 80991
are not required to meet short-term prize liabilities, that are 80992
not credited to lottery sales agents in the form of bonuses, 80993
commissions, or reimbursements, and that are not necessary to 80994
cover operating expenses associated with those games or to 80995
otherwise comply with the agreements signed by the governor that 80996
the director enters into under division (J) of section 3770.02 80997
of the Revised Code or the rules the commission adopts under 80998
division (B) (5) of section 3770.03 of the Revised Code shall be 80999
transferred to the state lottery fund. All investment earnings 81000
of the fund shall be credited to the fund. Moneys shall be 81001
disbursed from the fund pursuant to vouchers approved by the 81002
director. Total disbursements for monetary prize awards to 81003
holders of winning lottery tickets in connection with the 81004
statewide lottery, other than lottery sports gaming, and 81005
purchases of goods and services awarded as prizes to holders of 81006
winning lottery tickets shall be of an amount equal to at least 81007
fifty per cent of the total revenue accruing from the sale of 81008
lottery tickets. 81009

(B) Pursuant to Section 6 of Article XV, Ohio 81010
Constitution, there is hereby established in the state treasury 81011

the lottery profits education fund. Whenever, in the judgment of 81012
the director of the state lottery commission, the amount to the 81013
credit of the state lottery fund that does not represent 81014
proceeds from statewide joint lottery games is in excess of that 81015
needed to meet the maturing obligations of the commission and as 81016
working capital for its further operations, the director of the 81017
state lottery commission shall recommend the amount of the 81018
excess to be transferred to the lottery profits education fund, 81019
and the director of budget and management may transfer the 81020
excess to the lottery profits education fund in connection with 81021
the statewide lottery. In addition, whenever, in the judgment of 81022
the director of the state lottery commission, the amount to the 81023
credit of the state lottery fund that represents proceeds from 81024
statewide joint lottery games equals the entire net proceeds of 81025
those games as described in division (B)(5) of section 3770.03 81026
of the Revised Code and the rules adopted under that division, 81027
the director of the state lottery commission shall recommend the 81028
amount of the proceeds to be transferred to the lottery profits 81029
education fund, and the director of budget and management may 81030
transfer those proceeds to the lottery profits education fund. 81031
~~Investment earnings of the lottery profits education fund shall~~ 81032
~~be credited to the fund.~~ 81033

The lottery profits education fund shall be used solely 81034
for the support of elementary, secondary, vocational, and 81035
special education programs as determined in appropriations made 81036
by the general assembly, or as provided in applicable bond 81037
proceedings for the payment of debt service on obligations 81038
issued to pay costs of capital facilities, including those for a 81039
system of common schools throughout the state pursuant to 81040
section 2n of Article VIII, Ohio Constitution. When determining 81041
the availability of money in the lottery profits education fund, 81042

the director of budget and management may consider all balances 81043
and estimated revenues of the fund. 81044

(C) There is hereby established in the state treasury the 81045
deferred prizes trust fund. With the approval of the director of 81046
budget and management, an amount sufficient to fund annuity 81047
prizes shall be transferred from the state lottery fund and 81048
credited to the trust fund. The treasurer of state shall credit 81049
all earnings arising from investments purchased under this 81050
division to the trust fund. Within sixty days after the end of 81051
each fiscal year, the treasurer of state shall certify to the 81052
director of budget and management whether the actuarial amount 81053
of the trust fund is sufficient over the fund's life for 81054
continued funding of all remaining deferred prize liabilities as 81055
of the last day of the fiscal year just ended. Also, within that 81056
sixty days, the director of budget and management shall certify 81057
the amount of investment earnings necessary to have been 81058
credited to the trust fund during the fiscal year just ending to 81059
provide for such continued funding of deferred prizes. Any 81060
earnings credited in excess of the latter certified amount shall 81061
be transferred to the lottery profits education fund. 81062

To provide all or a part of the amounts necessary to fund 81063
deferred prizes awarded by the commission in connection with the 81064
statewide lottery, the treasurer of state, in consultation with 81065
the commission, may invest moneys contained in the deferred 81066
prizes trust fund which represents proceeds from the statewide 81067
lottery in obligations of the type permitted for the investment 81068
of state funds but whose maturities are thirty years or less. 81069
Notwithstanding the requirements of any other section of the 81070
Revised Code, to provide all or part of the amounts necessary to 81071
fund deferred prizes awarded by the commission in connection 81072
with statewide joint lottery games, the treasurer of state, in 81073

consultation with the commission, may invest moneys in the trust 81074
fund which represent proceeds derived from the statewide joint 81075
lottery games in accordance with the rules the commission adopts 81076
under division (B) (5) of section 3770.03 of the Revised Code. 81077
Investments of the trust fund are not subject to the provisions 81078
of division (A) (11) of section 135.143 of the Revised Code 81079
limiting to twenty-five per cent the amount of the state's total 81080
average portfolio that may be invested in debt interests other 81081
than commercial paper and limiting to five per cent the amount 81082
that may be invested in debt interests, including commercial 81083
paper, of a single issuer. 81084

All purchases made under this division shall be effected 81085
on a delivery versus payment method and shall be in the custody 81086
of the treasurer of state. 81087

The treasurer of state may retain an investment advisor, 81088
if necessary. The commission shall pay any costs incurred by the 81089
treasurer of state in retaining an investment advisor. 81090

(D) The auditor of state shall conduct annual audits of 81091
all funds and any other audits as the auditor of state or the 81092
general assembly considers necessary. The auditor of state may 81093
examine all records, files, and other documents of the 81094
commission, and records of lottery sales agents that pertain to 81095
their activities as agents, for purposes of conducting 81096
authorized audits. 81097

(E) The state lottery commission shall establish an 81098
internal audit plan before the beginning of each fiscal year, 81099
subject to the approval of the office of internal audit in the 81100
office of budget and management. At the end of each fiscal year, 81101
the commission shall prepare and submit an annual report to the 81102
office of internal audit for the office's review and approval, 81103

specifying the internal audit work completed by the end of that 81104
fiscal year and reporting on compliance with the annual internal 81105
audit plan. 81106

(F) Whenever, in the judgment of the director of budget 81107
and management, an amount of net state lottery proceeds is 81108
necessary to be applied to the payment of debt service on 81109
obligations, all as defined in sections 151.01 and 151.03 of the 81110
Revised Code, the director shall transfer that amount directly 81111
from the state lottery fund or from the lottery profits 81112
education fund to the bond service fund defined in those 81113
sections. The provisions of this division are subject to any 81114
prior pledges or obligation of those amounts to the payment of 81115
bond service charges as defined in division (C) of section 81116
3318.21 of the Revised Code, as referred to in division (B) of 81117
this section. 81118

Sec. 3770.071. (A) As used in this section, "lottery prize 81119
award" does not include a prize award from a video lottery 81120
terminal and does not include winnings from lottery sports 81121
gaming, except that "lottery prize award" includes winnings from 81122
lottery sports gaming wagers placed through a terminal described 81123
in division (B) (3) of section 3770.24 of the Revised Code. 81124

(B) If the amount of the prize money or the cost of goods 81125
or services awarded as a lottery prize award meets or exceeds 81126
the reportable winnings amounts set by 26 U.S.C. 6041, or a 81127
subsequent analogous section of the Internal Revenue Code, the 81128
director of the state lottery commission or the director's 81129
designee shall consult the data match program established under 81130
section 3123.89 of the Revised Code to determine whether the 81131
person is subject to a final and enforceable determination of 81132
default made under sections 3123.01 to 3123.07 of the Revised 81133

Code. If so, the director or the director's designee shall 81134
withhold an amount from the prize award in accordance with 81135
section 3123.89 of the Revised Code. 81136

Sec. 3770.072. (A) As used in this section, "prize 81137
winner," and "transferee," and ~~"transferor"~~ have the same 81138
meanings as in section 3770.10 of the Revised Code. 81139

(B) The state lottery commission shall deduct amounts from 81140
lottery prize awards and file returns in accordance with 81141
~~sections~~ section 5747.062 and ~~5747.064~~ of the Revised Code and 81142
any rules adopted by the tax commissioner pursuant to ~~those~~ 81143
~~sections~~ that section. This division also applies to lottery 81144
prize award payments the commission remits to transferees. 81145

~~(C) (1) (a)~~ (C) (1) Each transferee shall deduct and withhold 81146
from each gross amount payable to each prize winner four per 81147
cent of the gross amount payable prior to making any other 81148
reduction required by this chapter. 81149

~~(b) Subject to division (C) (1) (c) of this section, each~~ 81150
~~transferee, including any transferee that is a related member,~~ 81151
~~as defined in section 5733.042 of the Revised Code, to the~~ 81152
~~transferor, shall deduct and withhold from each amount payable~~ 81153
~~to a transferor that is not a prize winner four per cent of the~~ 81154
~~portion of the payment representing gain or income the~~ 81155
~~transferor will recognize in connection with the payment.~~ 81156

~~(c) For purposes of division (C) (1) (b) of this section,~~ 81157
~~the portion of any payment representing gain or income~~ 81158
~~recognized by the transferor shall be computed in accordance~~ 81159
~~with the Internal Revenue Code. The transferor shall prepare a~~ 81160
~~written statement setting forth that amount and sign the~~ 81161
~~statement under penalty of perjury. Within five days before the~~ 81162

~~date on which the payment is to be made, the transferor shall~~ 81163
~~deliver the written statement to the transferee and deliver a~~ 81164
~~copy of the written statement to the tax commissioner. If the~~ 81165
~~transferee does not receive the written statement by the time~~ 81166
~~the payment is made, the transferee shall withhold four per cent~~ 81167
~~of the entire amount of the payment. If the tax commissioner~~ 81168
~~notifies the transferee that the transferor has erroneously~~ 81169
~~computed the amount of gain or income recognized, the transferee~~ 81170
~~shall withhold four per cent of the entire amount of each~~ 81171
~~payment to be made after the transferee receives the notice.~~ 81172

~~(d) The tax commissioner may impose a penalty of up to one~~ 81173
~~thousand dollars for any person failing to timely deliver to the~~ 81174
~~tax commissioner the copy of the written statement as required~~ 81175
~~by division (C) (1) (e) of this section. Proceeds from the~~ 81176
~~imposition of the penalty shall be considered as revenue arising~~ 81177
~~from the tax imposed under section 5733.06 or 5747.02 of the~~ 81178
~~Revised Code, as applicable.~~ 81179

(2) With respect to amounts deducted and withheld pursuant 81180
to division (C) (1) of this section, each transferee shall comply 81181
with divisions (A) (2) to (4) of section 5747.062 of the Revised 81182
Code. 81183

(3) An employee of a corporation, limited liability 81184
company, or business trust having control or supervision of or 81185
charged with the responsibility of filing the report and making 81186
the payment required by division (C) of this section and section 81187
5747.062 of the Revised Code, or an officer, member, manager, or 81188
trustee of a corporation, limited liability company, or business 81189
trust who is responsible for the execution of the corporation's, 81190
limited liability company's, or business trust's fiscal 81191
responsibilities, shall be personally liable for failure to file 81192

the report or pay the amount due as required by division (C) of 81193
this section and section 5747.062 of the Revised Code. The 81194
dissolution, termination, or bankruptcy of a corporation, 81195
limited liability company, or business trust does not discharge 81196
a responsible officer's, member's, manager's, employee's, or 81197
trustee's liability for a failure of the corporation, limited 81198
liability company, or business trust to file returns or pay the 81199
amount due. 81200

(4) (a) The tax commissioner may make an assessment against 81201
any person listed in division (C) (1) or (3) of this section for 81202
any deficiency for any period. Section 5747.13 of the Revised 81203
Code shall apply with respect to issuing assessments, filing 81204
petitions for reassessments, conducting hearings, issuing final 81205
determinations, making the assessment final, and filing the 81206
entry that makes the assessment final. Section 5717.02 of the 81207
Revised Code shall apply to appeals of the commissioner's final 81208
decision in connection with assessments issued pursuant to 81209
division (C) (4) of this section. 81210

(b) An assessment issued against any person listed in 81211
division (C) (1) or (3) of this section shall not be considered 81212
an election of remedies or a bar to an assessment against any 81213
other person for the failure to comply with division (C) (1) of 81214
this section. No assessment shall be issued against any person 81215
who is so listed if the amount required to be withheld has been 81216
paid by another. 81217

(c) The assessment shall include interest at the rate per 81218
annum prescribed by section 5703.47 of the Revised Code on 81219
liability from the time the payment is due until the date of 81220
assessment. Interest shall continue to accrue from the date of 81221
assessment until the date the assessment is paid in full. Any 81222

interest accruing subsequent to the date of the issuance of the 81223
assessment shall be considered to be an additional deficiency 81224
for which the tax commissioner may issue subsequent assessments. 81225
The initial assessment and any subsequent assessments may 81226
include a penalty in an amount not to exceed twice the 81227
applicable interest charged under this division. 81228

Sec. 3770.073. (A) As used in this section, "lottery prize 81229
award" does not include a prize award from a video lottery 81230
terminal and does not include winnings from lottery sports 81231
gaming, except that "lottery prize award" includes winnings from 81232
lottery sports gaming wagers placed through a terminal described 81233
in division (B) (3) of section 3770.24 of the Revised Code. 81234

(B) The attorney general shall provide the state lottery 81235
commission or its designee with access to the real time data 81236
match program described in sections 3772.37 and 3775.16 of the 81237
Revised Code for the purpose of identifying prize winners who 81238
owe amounts to the state or a political subdivision. 81239

(C) If a person is entitled to a lottery prize award and 81240
is indebted to the state for the payment of any tax, workers' 81241
compensation premium, unemployment contribution, payment in lieu 81242
of unemployment contribution, or certified claim under section 81243
131.02 or 131.021 of the Revised Code, ~~or~~ is indebted to a 81244
political subdivision that has a certified claim under section 81245
131.02 of the Revised Code, owes lottery sales receipts held in 81246
trust on behalf of the state lottery commission as described in 81247
division (H) (4) of section 3770.05 of the Revised Code, or owes 81248
any charge, penalty, or interest arising from ~~these~~ any of those 81249
debts and if the amount of the prize money or the cost of goods 81250
or services awarded as a lottery prize award meets or exceeds 81251
the reportable winnings amount set by 26 U.S.C. 6041, the 81252

director of the state lottery commission, or the director's 81253
designee, shall do either of the following: 81254

(1) If the prize award will be paid in a lump sum, deduct 81255
from the prize award and pay to the attorney general an amount 81256
in satisfaction of the debt and pay any remainder to that 81257
person. If the amount of the prize award is less than the amount 81258
of the debt, the entire amount of the prize award shall be 81259
deducted and paid in partial satisfaction of the debt. 81260

(2) If the prize award will be paid in annual 81261
installments, on the date the initial installment payment is 81262
due, deduct from that installment and pay to the attorney 81263
general an amount in satisfaction of the debt and, if necessary 81264
to collect the full amount of the debt, do the same for any 81265
subsequent annual installments, at the time the installments 81266
become due and owing to the person, until the debt is fully 81267
satisfied. 81268

~~(B)~~ (D) If a person entitled to a lottery prize award owes 81269
more than one debt, any debt owed to the state shall be 81270
satisfied first, subject to both section 5739.33 and division 81271
(G) of section 5747.07 of the Revised Code having first 81272
priority, and subject to division ~~(C)~~ (E) of this section. 81273

~~(C)~~ (E) Any debt owed under section 3770.071 of the 81274
Revised Code shall be satisfied with first priority over debts 81275
owed under this section. 81276

~~(D)~~ (F) Except as provided in section 131.021 of the 81277
Revised Code, this section applies only to debts that have 81278
become final. 81279

Sec. 3770.074. If the amount of a prize award from a video 81280
lottery terminal meets or exceeds the reportable winnings amount 81281

set by 26 U.S.C. 6041, the video lottery sales agent shall 81282
consult the data match program established under section 3123.89 81283
of the Revised Code to determine whether the person is subject 81284
to a final and enforceable determination of default made under 81285
sections 3123.01 to 3123.07 of the Revised Code. If so, the 81286
video lottery sales agent shall withhold an amount from the 81287
prize award in accordance with section 3123.89 of the Revised 81288
Code. 81289

Sec. 3770.075. (A) The attorney general shall provide each 81290
video lottery sales agent with access to the real time data 81291
match program described in sections 3772.37 and 3775.16 of the 81292
Revised Code for the purpose of identifying prize winners who 81293
owe amounts to the state or a political subdivision. 81294

(B) If a person is entitled to a prize award from a video 81295
lottery terminal that meets or exceeds the reportable winnings 81296
amount set by 26 U.S.C. 6041 and the person is indebted to the 81297
state for the payment of any tax, workers' compensation premium, 81298
unemployment contribution, payment in lieu of unemployment 81299
contribution, or certified claim under section 131.02 or 131.021 81300
of the Revised Code, is indebted to a political subdivision that 81301
has a certified claim under section 131.02 of the Revised Code, 81302
owes lottery sales receipts held in trust on behalf of the state 81303
lottery commission as described in division (H) (4) of section 81304
3770.05 of the Revised Code, or owes any charge, penalty, or 81305
interest arising from any of those debts, the video lottery 81306
sales agent shall deduct from the prize award and pay to the 81307
attorney general an amount in satisfaction of the debt and pay 81308
any remainder to that person. If the amount of the prize award 81309
is less than the amount of the debt, the entire amount of the 81310
prize award shall be deducted and paid in partial satisfaction 81311
of the debt. 81312

(C) If a person entitled to a prize award from a video lottery terminal owes more than one debt, any debt owed to the state shall be satisfied first, subject to both section 5739.33 and division (G) of section 5747.07 of the Revised Code having first priority, and subject to division (D) of this section.

(D) Any debt owed under section 3770.074 of the Revised Code shall be satisfied with first priority over debts owed under this section.

(E) Except as provided in section 131.021 of the Revised Code, this section applies only to debts that have become final.

Sec. 3770.10. As used in sections 3770.07 to ~~3770.073~~ 3770.075 and 3770.10 to 3770.14 of the Revised Code:

(A) "Court of competent jurisdiction" means either the general division or the probate division of the court of common pleas of the county in which the prize winner ~~or transferor~~ resides, or, if the prize winner ~~or transferor~~ is not a resident of this state, either the general division or the probate division of the court of common pleas of Franklin county or a federal court having jurisdiction over the lottery prize award.

(B) "Discounted present value" means the present value of the future payments of a lottery prize award that is determined by discounting those payments to the present, using the most recently published applicable federal rate for determining the present value of an annuity as issued by the United States internal revenue service and assuming daily compounding.

(C) "Independent professional advice" means the advice of ~~an attorney, a certified public accountant, an actuary, or any other~~ a licensed professional adviser if all of the following apply:

(1) The prize winner has engaged the services of the 81342
licensed professional adviser to render advice concerning the 81343
legal, financial, and other implications of a transfer of the 81344
lottery prize award. 81345

(2) The licensed professional adviser is not affiliated in 81346
any manner with or compensated in any manner by the transferee 81347
of the lottery prize award. 81348

(3) The compensation of the licensed professional adviser 81349
is not affected by whether or not a transfer of a lottery prize 81350
award occurs. 81351

(D) "Prize winner" means any person that holds the right 81352
to receive all or any part of a lottery prize award as a result 81353
of being any of the following: 81354

(1) A person who is a claimant under division (A) of 81355
section 3770.07 of the Revised Code; 81356

(2) A person who is entitled to a prize award and who is 81357
under a legal disability as described in division (B) of section 81358
3770.07 of the Revised Code; 81359

(3) A person who was awarded a prize award to which 81360
another has claimed title by a federal bankruptcy court order or 81361
other court order referred to in division (D) of section 3770.07 81362
of the Revised Code; 81363

(4) A person who is receiving payments upon the death of a 81364
prize winner as provided in division (D) of section 3770.07 of 81365
the Revised Code. 81366

(E) "Transfer" means any form of sale, assignment, or 81367
redirection of payment of ~~all or any part~~ the remainder of a 81368
lottery prize award for consideration. 81369

(F) "Transfer agreement" means an agreement that is 81370
complete and valid, and that provides for the transfer of ~~all or~~ 81371
~~any part~~ the remainder of a lottery prize award from a 81372
~~transferor prize winner~~ to a transferee. A transfer agreement is 81373
incomplete and invalid unless the agreement contains both of the 81374
following: 81375

(1) A statement, signed by the ~~transferor prize winner~~ 81376
under penalties of perjury, that the ~~transferor prize winner~~ 81377
irrevocably agrees that the ~~transferor prize winner~~ is subject 81378
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 81379
with respect to gain or income which the ~~transferor prize winner~~ 81380
will recognize in connection with the transfer. ~~If the~~ 81381
~~transferor is a pass-through entity, as defined in section~~ 81382
~~5733.04 of the Revised Code, each investor in the pass-through~~ 81383
~~entity shall also sign under penalties of perjury a statement~~ 81384
~~that the investor irrevocably agrees that the investor is~~ 81385
~~subject to the tax imposed by Chapter 5733. or 5747. of the~~ 81386
~~Revised Code with respect to gain or income which the transferor~~ 81387
~~and the investor will recognize in connection with the transfer.~~ 81388

(2) A statement, signed by the transferee, that the 81389
transferee irrevocably agrees that the transferee is subject to 81390
the withholding requirements imposed by division (C) of section 81391
3770.072 of the Revised Code and that the transferee is subject 81392
to the tax imposed by Chapter 5733. or 5747. of the Revised Code 81393
with respect to gain or income which the transferee will 81394
recognize in connection with a lottery prize awards award to be 81395
received as a result of the transfer. If the transferee is a 81396
pass-through entity, as defined in section 5733.04 of the 81397
Revised Code, each investor in the pass-through entity shall 81398
also sign under penalties of perjury a statement setting forth 81399
that the investor irrevocably agrees that the investor is 81400

subject to the withholding requirements imposed by division (C) 81401
of section 3770.072 of the Revised Code and is subject to the 81402
tax imposed by Chapter 5733. or 5747. of the Revised Code with 81403
respect to gain or income which the transferee and the investor 81404
will recognize in connection with a lottery prize ~~awards~~ award 81405
to be received as a result of the transfer. 81406

(G) "Transferee" means a party acquiring or proposing to 81407
acquire ~~all or any part~~ the remainder of a lottery prize award 81408
from a prize winner through a transfer. 81409

(H) ~~"Transferor" means either a prize winner or a~~ 81410
~~transferee in an earlier transfer whose interest is acquired by~~ 81411
~~or is sought to be acquired by a transferee or a new transferee~~ 81412
~~through a transfer.~~ "Licensed professional adviser" means any of 81413
the following: 81414

(1) An attorney; 81415

(2) A certified public accountant; 81416

(3) An actuary; 81417

(4) A financial planner who is accredited by a nationally 81418
recognized accreditation agency. 81419

(I) "Lottery prize award" includes winnings from lottery 81420
sports gaming, except as otherwise specified in the applicable 81421
section of the Revised Code. 81422

(J) "Video lottery terminal" has the same meaning as in 81423
section 3770.21 of the Revised Code. 81424

(K) "Video lottery sales agent" means an agent of the 81425
state lottery authorized to operate video lottery terminals 81426
under section 3770.21 of the Revised Code. 81427

Sec. 3770.12. A court of competent jurisdiction shall 81428
approve a transfer of a lottery prize award only in a final 81429
order that is based on express findings of the court. The court 81430
shall approve the transfer if each of the following conditions 81431
that applies is met and is included in the court's express 81432
findings: 81433

(A) ~~If the transferor is a prize winner, the~~ The 81434
transferee has provided to the prize winner a disclosure 81435
statement that complies with section 3770.11 of the Revised 81436
Code, and the prize winner has confirmed the prize winner's 81437
receipt of the disclosure statement, as evidenced by the prize 81438
winner's notarized signature on a copy of the disclosure 81439
statement. 81440

(B) ~~If the transferor is a~~ The prize winner, the prize 81441
~~winner~~ has received independent professional advice regarding 81442
the legal, financial, and other implications of the transfer, as 81443
evidenced by a statement signed under penalty of perjury by the 81444
prize winner and the licensed professional adviser. 81445

(C) The transferee has given written notice of the 81446
transferee's name, address, and taxpayer identification number 81447
to the state lottery commission and has filed a copy of that 81448
notice with the court in which the application for approval of 81449
the transfer was filed. 81450

(D) The transferee is a trust, limited partnership, 81451
general partnership, corporation, professional association, 81452
limited liability company, or other entity that is qualified to 81453
do business in this state and meets the registration 81454
requirements for that type of entity under Title XVII of the 81455
Revised Code. 81456

(E) The transfer complies with all applicable requirements 81457
of the Revised Code and does not contravene any applicable 81458
statute or court order. 81459

(F) The transfer does not include or cover the amounts of 81460
the lottery prize award that are required to be withheld or 81461
deducted pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 81462
3123.06, 3770.071, or 3770.072 of the Revised Code. 81463

(G) Any amounts described in division (F) of this section 81464
that are required to be withheld or deducted, as of the date of 81465
the court order, will be offset by the commission first against 81466
remaining payments due the ~~transferor~~prize winner and then 81467
against payments due the transferee. 81468

(H) Except as provided in divisions (F) and (G) of this 81469
section, that the ~~transferor's~~prize winner's interest in each 81470
and all of the future payments from a particular lottery prize 81471
award is to be paid to a single transferee, ~~or, if the payments~~ 81472
~~from the lottery prize award are to be directed from the state~~ 81473
~~lottery commission to multiple transferees, the commission has~~ 81474
~~promulgated rules under section 3770.03 of the Revised Code~~ 81475
~~permitting transfers to multiple transferees, and the transfer~~ 81476
~~is consistent with those rules.~~ 81477

~~(I) If the lottery prize award has been transferred within 81478
twelve months immediately preceding the effective date of the 81479
proposed transfer, the state lottery commission has not objected 81480
to the proposed transfer. The court shall presume that the 81481
requirements of this division are met unless the commission 81482
notifies the court in writing before the hearing on the 81483
application for transfer, or through counsel at that hearing, 81484
that a transfer of the same lottery prize award has been made 81485
within that twelve-month period and that the commission objects 81486~~

~~to a subsequent transfer within that twelve-month period. The~~ 81487
~~court shall find that the requirements of this division are not~~ 81488
~~met if the commission provides notice of a prior transfer of the~~ 81489
~~same lottery prize award within that twelve-month period and its~~ 81490
~~objection to the proposed transfer, unless the transferor or~~ 81491
~~transferee shows by clear and convincing evidence that no~~ 81492
~~previous transfer of the same lottery prize award occurred~~ 81493
~~within that twelve-month period. For purposes of this division,~~ 81494
~~any of a series of transfers of a lottery prize award that occur~~ 81495
~~simultaneously as part of a single transaction shall not be~~ 81496
~~considered to be a prior transfer of the lottery prize award~~ 81497
~~within the twelve-month period immediately preceding the~~ 81498
~~effective date of the proposed transfer, provided that the~~ 81499
~~condition set forth in division (C) of this section is met.~~ 81500

If the court determines that all of the conditions in 81501
divisions (A) to ~~(I)~~ (H) of this section that apply are met, the 81502
transfer of the lottery prize award shall be presumed to be fair 81503
and reasonable and in the best interests of the prize winner. 81504

Sec. 3770.121. Any state lottery commission rules allowing 81505
lottery prize awards to be paid in installments also shall allow 81506
a prize winner who is being paid a prize award in that manner to 81507
transfer ~~all or a portion of~~ the remainder of the prize award, 81508
subject to each of the following conditions: 81509

(A) ~~If each transfer is for less than one hundred per cent~~ 81510
~~of the remainder of the prize award, the remainder of the prize~~ 81511
~~award for each transfer must be five hundred thousand dollars or~~ 81512
~~greater at the time of the transfer. If the lottery prize award~~ 81513
~~is a lifetime prize, for each transfer the remainder of the~~ 81514
~~minimum guaranteed prize to which the prize winner is entitled~~ 81515
~~must be five hundred thousand dollars or greater at the time of~~ 81516

~~the transfer.~~

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~~(B)~~ Payments of the prize award transferred shall be
subject to the withholding or deduction of any amounts that are
required to be withheld or deducted under section 3119.80,
3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 5747.062 of the
Revised Code.

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~~(C) The maximum number of transfers~~ (B) Only one transfer
is permitted under this section with respect to any single prize
award ~~shall not exceed three unless a greater number of~~
permitted transfers has been specified by the commission in the
rules.

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Sec. 3770.13. (A) A transferee shall file an application
under sections 3770.10 to 3770.14 of the Revised Code for the
approval in advance of a transfer of a lottery prize award in a
court of competent jurisdiction.

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(B) The following procedures shall apply to an application
for the approval in advance by a court of a transfer of a
lottery prize award under division (A) of this section:

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(1) Upon the filing of the application, the court shall
set a date, time, and place for a hearing on the application and
shall notify the transferee and ~~transferor~~ the prize winner of
the date, time, and place of the hearing.

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(2) Not less than thirty days prior to the date set by the
court for the hearing on an application filed pursuant to this
section, the transferee shall file with the court and shall
serve on the state lottery commission, in the manner prescribed
in the Rules of Civil Procedure for the service of process, a
notice of the proposed transfer and the application for its
approval in advance. The notice shall include all of the

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following: 81546

(a) A copy of the application; 81547

(b) A copy of the transfer agreement ~~or, if the transferor~~ 81548
~~is not a prize winner, a redacted copy of the transfer agreement~~ 81549
~~that discloses sufficient information to allow the commission~~ 81550
~~and the court to determine the validity of the transfer~~ 81551
~~agreement;~~ 81552

(c) ~~If the transferor is a prize winner, a~~ A copy of the 81553
disclosure statement provided by the transferee pursuant to 81554
section 3770.11 of the Revised Code and signed by the prize 81555
winner pursuant to division (A) of section 3770.12 of the 81556
Revised Code; 81557

(d) A statement, signed under penalty of perjury by the 81558
prize winner and a licensed professional adviser, that the prize 81559
winner has received independent professional advice regarding 81560
the legal, financial, and other implications of the transfer; 81561

(e) The amounts and due dates of the lottery prize award 81562
payments that will be transferred under the transfer agreement; 81563

~~(e)~~ (f) Notification of the date, time, and place of the 81564
hearing on the application; 81565

~~(f)~~ (g) The complete name, address, and taxpayer 81566
identification number of the transferee. 81567

(3) The commission shall not be required to appear in or 81568
be named as a party to a hearing on the application, but may 81569
intervene as of right in the proceeding. 81570

(4) At the conclusion of the hearing on an application 81571
under this section, the court may grant or deny the approval of 81572
the transfer. The court shall enter its order accordingly. If 81573

the court grants the approval of the transfer, it shall include 81574
in its order all of the express findings specified in section 81575
3770.12 of the Revised Code. If the court denies the approval of 81576
the transfer, it shall include in its order the reasons for the 81577
denial. 81578

(5) An order of the court made under division (B) (4) of 81579
this section is a final and appealable order. 81580

Sec. 3770.25. (A) The state lottery commission shall offer 81581
lottery sports gaming only at type C sports gaming hosts' 81582
facilities on self-service or clerk-operated terminals, and only 81583
to individuals who are at least twenty-one years of age and who 81584
are physically present on the premises of the facility. 81585

(B) All of the following apply concerning lottery sports 81586
gaming: 81587

(1) If a type C sports gaming proprietor intends to 81588
install more than two terminals in any type C sports gaming 81589
host's facility, the type C sports gaming proprietor shall 81590
notify the Ohio casino control commission of that fact not later 81591
than seven days before installing the additional terminals. The 81592
commission may disallow the installation of more than two 81593
terminals in the facility, in accordance with the commission's 81594
rules. 81595

(2) The self-service terminal or the clerk, as applicable, 81596
shall verify that the lottery sports gaming participant is at 81597
least twenty-one years of age. 81598

(3) A type C sports gaming proprietor may offer only the 81599
following types of wagers on sporting events, as approved by the 81600
Ohio casino control commission: 81601

(a) Spread wagers; 81602

(b) Over-under wagers;	81603
(c) Moneyline wagers;	81604
(d) Parlay wagers that are based on not more than four component wagers.	81605 81606
(4) A self-service terminal or clerk shall accept wagers only by cash, credit card, debit card, or electronic payment account. As used in this section, "electronic payment account" means an account maintained with a third party for purposes of making electronic payments, such as paypal, google pay, or apple pay, that is intended for general use and not only for sports gaming purposes.	81607 81608 81609 81610 81611 81612 81613
(5) A self-service terminal or clerk shall not accept wagers aggregating more than seven hundred dollars in a calendar week from any one participant.	81614 81615 81616
(6) The rules of the Ohio casino control commission and the state lottery commission concerning lottery sports gaming shall apply identically in all applicable respects to lottery sports gaming offered on a self-service terminal and to lottery sports gaming offered on a clerk-operated terminal.	81617 81618 81619 81620 81621
(C) (1) A participant whose winnings from lottery sports gaming are of an amount that is not subject to withholding under section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised Code does not meet or exceed the reportable winnings amount set <u>by 26 U.S.C. 6041</u> may receive the participant's winnings by any of the following methods:	81622 81623 81624 81625 81626 81627
(a) As a credit to the participant's credit card, debit card, or electronic payment account-;	81628 81629
(b) In cash from any type C sports gaming host;	81630

(c) By any additional method permitted by the state 81631
lottery commission by rule. 81632

(2) A participant whose winnings from lottery sports 81633
gaming are of an amount that ~~is subject to withholding under~~ 81634
~~section 718.031, 3770.071, 3770.072, or 3770.073 of the Revised~~ 81635
~~Code meets or exceeds the reportable winnings amount set by 26~~ 81636
U.S.C. 6041 may receive the participant's winnings in the ~~same~~ 81637
~~manner as any other determined by the state lottery prize award~~ 81638
~~of an amount that is subject to~~ commission, subject to 81639
withholding by the sports gaming proprietor under those sections 81640
718.031, 3123.90, 3775.16, and 5747.063 of the Revised Code or 81641
subject to withholding by the state lottery commission under 81642
sections 718.031, 3770.071, 3770.073, and 5747.062 of the 81643
Revised Code, as applicable. 81644

Sec. 3774.01. As used in this chapter: 81645

(A) "Commission" means the Ohio casino control commission. 81646

(B) "Entry fee" means cash or cash equivalent that a 81647
fantasy contest operator requires to be paid by a fantasy 81648
contest player to participate in a fantasy contest. 81649

(C) "Fantasy contest" means a simulated game or contest 81650
with an entry fee that satisfies all of the following 81651
conditions: 81652

(1) The value of all prizes and awards offered to winning 81653
fantasy contest players is established and made known to the 81654
players in advance of the contest. 81655

(2) All winning outcomes reflect the relative knowledge 81656
and skill of the fantasy contest players and are determined 81657
predominantly by accumulated statistical results of the 81658
performance of managing rosters of athletes whose performance 81659

directly corresponds with the actual performance of athletes in 81660
professional sports competitions. 81661

(3) Winning outcomes are not based on randomized or 81662
historical events, or on the score, point spread, or any 81663
performance of any single actual team or combination of teams or 81664
solely on any single performance of an individual athlete or 81665
player in any single actual event. 81666

(4) The game or contest does not involve horses or horse 81667
racing. 81668

(D) "Fantasy contest operator" means a person that offers 81669
fantasy contests with an entry fee for a prize or award to the 81670
general public. Fantasy contest operator does not include a 81671
person that offers a pool not conducted for profit as defined 81672
under division ~~(XX)~~ (WW) of section 2915.01 of the Revised Code. 81673

(E) "Fantasy contest platform" means any digital or online 81674
method through which a fantasy contest operator provides access 81675
to a fantasy contest. 81676

(F) "Fantasy contest player" means a person who 81677
participates in a fantasy contest offered by a fantasy contest 81678
operator. 81679

(G) "Holding company" means any corporation, firm, 81680
partnership, limited partnership, limited liability company, 81681
trust, or other form of business organization not a natural 81682
person that directly or indirectly does any of the following: 81683

(1) Has the power or right to control a fantasy contest 81684
operator; 81685

(2) Holds an ownership interest of ten per cent or more, 81686
as determined by the commission, in a fantasy contest operator; 81687

(3) Holds voting rights with the power to vote ten per cent or more of the outstanding voting rights of a fantasy contest operator.

(H) "Key employee" means a person, employed by a fantasy contest operator, who is responsible for ensuring, and has the authority necessary to ensure, that all requirements under this chapter and the rules adopted under this chapter and division (L) of section 3772.03 of the Revised Code are met.

(I) "Management company" means an organization retained by a fantasy contest operator to manage a fantasy contest platform and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(J) "Material nonpublic information" means information related to the play of a fantasy contest by a fantasy contest player that is not readily available to the general public and is obtained as a result of a person's employment.

(K) "Script" means a list of commands that a fantasy-contest-related computer program can execute and that is created by a fantasy contest player, or by a third party for a fantasy contest player, to automate processes on a fantasy contest platform.

Sec. 3775.16. (A) Pursuant to section 131.02 of the Revised Code, the attorney general shall develop and implement a real time data match program and make it available to each sports gaming proprietor to identify patrons who owe amounts to the state or a political subdivision.

(B) (1) ~~Before~~ Subject to division (E) of this section,
before disbursing any sports gaming winnings to a patron in an amount for which reporting to the internal revenue service of

the amount is required by section 6041 of the Internal Revenue Code, as amended, a sports gaming proprietor shall consult the data match program to determine whether the patron owes any amounts to the state or a political subdivision. If the data match program indicates that the patron owes any amounts to the state or a political subdivision, the sports gaming proprietor shall withhold from the patron's winnings an amount sufficient to satisfy those amounts, up to the amount of the winnings.

(2) If the data match program described in section 3123.90 of the Revised Code indicates that the patron also is in default under a support order, the sports gaming proprietor shall transmit to the department of job and family services an amount sufficient to satisfy any past due support owed by the patron, up to the amount of the winnings, before transmitting any remaining amount to the attorney general under division (C) of this section.

(C) (1) Not later than fourteen days after withholding an amount under division (B) of this section, the sports gaming proprietor shall transmit to the attorney general any amount withheld and not already disbursed to the department of job and family services under section 3123.90 of the Revised Code as payment on the amount owed.

(2) If the patron owes more than one amount to the state or a political subdivision as identified by the data match program described in this section, the amount owed to the state shall be satisfied first, except that any amounts owed under section 5739.33 and division (G) of section 5747.07 of the Revised Code shall have first priority.

(D) Except as otherwise provided in section 131.021 of the Revised Code, this section applies only to amounts owed that

have become final. 81747

(E) A sports gaming proprietor that offers lottery sports 81748
gaming through a terminal described in division (B) (3) of 81749
section 3770.24 of the Revised Code shall not withhold amounts 81750
under this section from winnings from wagers placed through that 81751
terminal. The state lottery commission shall withhold amounts 81752
from those winnings under section 3770.073 of the Revised Code. 81753

(F) The attorney general, in consultation with the 81754
commission, may adopt rules under Chapter 119. of the Revised 81755
Code as necessary to implement this section. 81756

Sec. 3780.02. Authorization and purpose. 81757

(A) Controlled and regulated sales and use of adult use cannabis 81758
shall be permitted under this chapter for the following public 81759
purposes: 81760

(1) Reducing illegal marijuana sales and providing for a safer 81761
and regulated cannabis product; 81762

(2) Limiting the transportation of out-of-state cannabis into 81763
the state; 81764

(3) Providing key funding to ~~support social equity, job~~ 81765
~~creation, host communities that have adult use dispensaries,~~ 81766
~~cannabis research, and proper oversight and regulation of the~~ 81767
~~adult cannabis industry; and~~ 81768

~~(4) Improving social equity issues to address the state's~~ 81769
~~compelling interest to redress past and present effects of~~ 81770
~~discrimination and economic disadvantage for individuals in the~~ 81771
state fund the needs of the state. 81772

(B) Adult use cannabis shall only be sold to, or used by, an 81773
adult use consumer pursuant to this chapter unless otherwise 81774

authorized pursuant to the Revised Code. 81775

(C) Nothing in this chapter shall limit any sale, use, 81776
possession, or any other activity authorized by Chapter 3796_ of 81777
the Revised Code. 81778

**Sec. 3780.03. Establishment and authority of division of 81779
cannabis control; adoption of rules. 81780**

(A) There is hereby established a division of cannabis control 81781
within the department of commerce. 81782

(B) To ensure the proper oversight and control of the adult use 81783
cannabis industry, the division of cannabis control shall have 81784
the authority to license, regulate, investigate, and penalize 81785
adult use cannabis operators, adult use testing laboratories, 81786
and individuals required to be licensed under this chapter. 81787

(C) The division of cannabis control shall adopt, and as 81788
advisable and necessary shall amend or repeal, rules on the 81789
following: 81790

(1) Prevention of practices detrimental to the public interest 81791
consistent with this chapter, and also ways to educate the 81792
public about this chapter; 81793

(2) Establishing application, licensure, and renewal standards 81794
and procedures for license applicants or license holders related 81795
to adult use cannabis operators, adult use testing laboratories, 81796
and individuals required to be licensed, including any 81797
additional background check requirements, the disqualifying 81798
offenses under section 3780.01 of the Revised Code that prohibit 81799
licensure, and any exemption criteria from licensing 81800
requirements for institutional or private investors who do not 81801
have significant control or influence over a license applicant 81802
or license holder, and whose ownership in a license is for 81803

investment purposes only; 81804

(3) Establishing reasonable application, licensure, and renewal 81805
fees amounts to ensure license applicants and license holders 81806
under this chapter pay for the actual costs for administration 81807
and licensure for the division of cannabis control; 81808

(4) Establishing standards for provisional licenses for an 81809
individual who is required to be licensed and who has exigent 81810
circumstances. Such standards for provisional licenses must 81811
include submission of a complete application and compliance with 81812
a required background check. A provisional license shall be 81813
valid not longer than three months. A provisional license may be 81814
renewed, at the division of cannabis control's discretion, for 81815
an additional three months. In establishing standards with 81816
regard to instant background checks the division of cannabis 81817
control may use all available resources~~+~~. 81818

(5) Specifying the process and reasons for which a license 81819
holder may be fined, suspended either with or without a prior 81820
hearing, revoked, or not renewed or issued; 81821

(6) The process and requirements for division of cannabis 81822
control approval of any requested change in ownership or 81823
transfer of control of an adult use cannabis operator or adult 81824
use testing laboratory; 81825

(7) Establishing ~~process~~processes and standards for expanding 81826
the size of the cultivation area for a cultivation facility; 81827

(8) Establishing standards and procedures for the testing of 81828
adult use cannabis by an adult use testing laboratory licensed 81829
under this chapter. When establishing standards and procedures 81830
for the testing of cannabis, the division of cannabis control 81831
shall do all of the following: 81832

- (a) Specify when testing must be conducted; 81833
- (b) Determine the minimum amount of adult use cannabis that must be tested; 81834
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- (c) Specify the manner in which testing is to be conducted in an effort to ensure uniformity of cannabis products processed ~~for~~ and dispensed; and 81836
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- (d) Specify the manner in which test results are provided. 81839
- (9) The minimum amount of insurance or surety bond that must be maintained by an adult use cannabis operator and adult use testing laboratory; 81840
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- (10) Requiring the division of cannabis control to adopt reasonable standards for any adult use cannabis samples, and advertising as prescribed in section 3780.21 of the Revised Code; 81843
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- (11) Requiring that the records, including financial statements, of an adult use cannabis operator or adult use testing laboratory be maintained in the manner up to two years as prescribed by the division of cannabis control and which shall be made available for inspection upon demand by the division of cannabis control, but shall be subject to section 3780.31 of the Revised Code; 81847
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- (12) Prescribing technical standards and requirements consistent with industry standards that must be met for security and surveillance equipment necessary for the provision of security and surveillance of adult use cannabis operators and adult use testing laboratories; 81854
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- (13) Prescribing requirements for a license holder's provision of security services for an adult use cannabis operator and 81859
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adult use testing laboratories which shall include the license 81861
holder's option to use armed or unarmed services including 81862
through agents of the license holder; 81863

(14) Prescribing standards according to which license holders 81864
shall keep accounts and standards according to which adult use 81865
cannabis operators and adult use testing laboratories accounts 81866
shall be audited, and establish guidance for assisting the 81867
department of taxation in levying and collecting the adult use 81868
tax levied under section 3780.22 of the Revised Code; 81869

(15) Determining penalties for violation of division of cannabis 81870
control rules or this chapter, and a process for imposing such 81871
penalties; 81872

(16) Training requirements for employees and agents of adult use 81873
cannabis operators and adult use laboratories; 81874

(17) Prescribing standards and procedures to allow for adult use 81875
cannabis delivery to adult use consumers, and online and mobile 81876
ordering procedures, which may only be conducted by an adult use 81877
dispensary or their agent; 81878

(18) Prescribing cannabis inventory requirements to be 81879
maintained in an electronic database consistent with section 81880
3780.05 of the Revised Code; 81881

(19) Prescribing standards and procedures for product packaging 81882
and labeling of adult use cannabis products; 81883

~~(20) Prescribing standards and procedures in coordination with~~ 81884
~~the department of development to administer and enforce the~~ 81885
~~cannabis social equity and jobs program as prescribed under~~ 81886
~~3780.19 of the Revised Code;—~~ 81887

~~(21) Establishing a tetrahydrocannabinol content limit for adult~~ 81888

use cannabis, which for plant material the content limit shall 81889
be ~~no~~not less than thirty-five per cent and for extracts the 81890
content limit shall be ~~no~~not less than ninety per cent, but 81891
that such content limits may be increased or eliminated by the 81892
division of cannabis control; and 81893

~~(22)~~ (21) Prescribing duty to update requirements for license 81894
holders. 81895

(D) All rules adopted under this section and chapter shall be 81896
adopted in accordance with Chapter 119. of the Revised Code. 81897

(E) In addition to the rules described in division (C) of this 81898
section, the division of cannabis control may adopt any other 81899
rules it considers necessary for the administration, 81900
implementation, and enforcement of this chapter consistent with 81901
this chapter. 81902

(F) When adopting rules under this section, the division of 81903
cannabis control shall consider standards and procedures that 81904
have been found to be best practices relative to the use and 81905
regulation of adult use cannabis and shall harmonize any rules 81906
with the rules adopted pursuant to sections 3796.03 and 3796.04 81907
of the Revised Code to minimize duplication of operational 81908
requirements and fees as much as possible. If there is a 81909
conflict with Chapter 3796. of the Revised Code and related 81910
rules, and ~~chapter~~ Chapter 3780. of the Revised Code and related 81911
rules, then ~~chapter~~ Chapter 3780. of the Revised Code and 81912
related rules shall govern. 81913

**Sec. 3780.06. Information provided by the department of 81914
taxation. 81915**

(A) (1) Notwithstanding section 149.43 of the Revised Code or any 81916
other public records law to the contrary or any law relating to 81917

the confidentiality of tax return information, upon the request 81918
of the division of cannabis control, the department of taxation 81919
shall provide to the division of cannabis control all of the 81920
following information: 81921

(a) Whether an applicant for license or licensee under this 81922
chapter follows the applicable tax laws of this state; 81923

(b) Any past or pending violation by the applicant or licensee 81924
of those tax laws, and any penalty imposed on the applicant or 81925
licensee for such a violation. 81926

(2) The division of cannabis control shall request the 81927
information only as it pertains to an application for license 81928
that the division of cannabis control is reviewing or a licensee 81929
operating under this chapter. 81930

(3) The department of taxation may charge the division of 81931
cannabis control a reasonable fee to cover the administrative 81932
cost of providing the information. 81933

(B) Information received under this section is confidential. 81934
Except as otherwise permitted by other state law or federal law, 81935
the division of cannabis control shall not make the information 81936
available to any person other than the applicant for licensure_ 81937
or the licensee to whom the information applies. 81938

**Sec. 3780.10. Adult use cannabis operator and adult use 81939
testing laboratory licenses. 81940**

(A) No person shall operate as an adult use cannabis operator or 81941
adult use testing laboratory without a license issued pursuant 81942
to this chapter. 81943

(B) The following licenses shall be issued by the division of 81944
cannabis control within nine months of ~~the effective date of~~ 81945

~~this section~~ December 7, 2023, if the license applicant is in 81946
compliance with section 3780.11 of the Revised Code and this 81947
chapter, and the license applicant has, or the same owners of 81948
the license applicant, ~~have~~, a certificate of operation or 81949
medical provisional license issued as of ~~the effective date of~~ 81950
~~this section~~ December 7, 2023: 81951

(1) A dispensary issued a certificate of operation or medical 81952
provisional license shall be issued an adult use dispensary 81953
license under this chapter for the current location of the 81954
dispensary; 81955

(2) A level I cultivator issued a certificate of operation or 81956
medical provisional license shall be issued under this chapter 81957
three adult use dispensary licenses at locations designated in a 81958
license application, and one level I adult use cultivator 81959
license for the current location of the level I cultivation 81960
facility; 81961

(3) A level II cultivator issued a certificate of operation or 81962
medical provisional license shall be issued under this chapter 81963
one adult use dispensary license at a location designated in the 81964
license application, and one level II adult use cultivator 81965
license for the current location of the level II cultivation 81966
facility; 81967

(4) A dispensary issued a certificate of operation or medical 81968
provisional license shall be issued under this chapter one adult 81969
use dispensary license at a different location as designated in 81970
the license application if the dispensary does not have any 81971
common ownership or control with any level I adult use 81972
cultivator, level II adult use cultivator, or adult use 81973
processor license applicant or licensee; 81974

(5) A processor issued a certificate of operation or medical
provisional license shall be issued under this chapter one adult
use processor license for the current location of the processor;
and

(6) A testing laboratory issued a certificate of operation shall
be issued under this chapter one adult use testing laboratory
license for the current location of the testing laboratory.

Notwithstanding anything in this section, a license shall not be
issued pursuant to division (B) of this section to a license
applicant holding only a related medical provisional license
unless the medical provisional license holder is issued a
certificate of operation within two years of ~~the effective date of this section~~
December 7, 2023.

(C) The division of cannabis control shall issue up to forty
level III adult use cultivator licenses consistent with this
~~chapter with preference provided to applicants who have been~~
~~certified as cannabis social equity and jobs program~~
~~participants under the cannabis social equity and jobs program~~
~~pursuant to 3780.19 of this chapter.~~ No person may have any
ownership or control in more than one level III adult use
cultivator license under this chapter. No adult use cultivator
or adult use processor may have any ownership or control in a
level III adult use cultivator license.

(D) The division of cannabis control shall issue up to fifty
additional adult use dispensary licenses in conformity with this
~~chapter with preference provided to applicants who have been~~
~~certified as cannabis social equity and jobs program~~
~~participants under the cannabis social equity and jobs program.~~

(E) Following twenty-four months from the first date of issuance

of an adult use operator license, the division of cannabis 82004
control shall review the number of adult use cannabis operator 82005
licenses on a biannual basis and may authorize additional 82006
licenses after considering: 82007

(1) The current and anticipated market growth and consumer 82008
demand, including the number of adult use consumers seeking 82009
adult use cannabis; 82010

(2) The current and projected supply of adult use cannabis 82011
produced by licensed adult use cultivators, level III adult use 82012
cultivators, and adult use processors; and 82013

(3) The geographic distribution of adult use dispensary sites in 82014
an effort to ensure adult use customer access to adult use 82015
cannabis. 82016

(F) (1) The division of cannabis control shall provide a report 82017
and recommendation within ninety days of the conclusion of the 82018
requirements in division (E) of this section to the director for 82019
consideration. 82020

(2) The division of cannabis control may adopt rules as 82021
necessary to implement this division. 82022

(3) The division of cannabis control shall adopt a rule 82023
regarding the number of licenses a license holder may hold for 82024
each type of license consistent with this chapter. As of ~~the~~ 82025
~~effective date of this section~~ December 7, 2023, and 82026
notwithstanding any other provision of this chapter, no person 82027
shall be issued more than eight adult use dispensary licenses, 82028
~~and~~ not more than one adult use cultivator license, and not more 82029
than one adult use processor license at any time, unless 82030
authorized by the division of cannabis control after an analysis 82031
supporting the licensing pursuant to rule. 82032

(G) The division of cannabis control may authorize additional 82033
adult use testing laboratory licenses at any time. 82034

Sec. 3780.22. (A) Terms used in this section have the same 82035
meanings as in section 5739.01 of the Revised Code. As used in 82036
this section, "adult use marijuana" means marijuana that is 82037
cultivated, processed, dispensed, or tested for, or possessed or 82038
used by, an adult use consumer, in accordance with this chapter. 82039

(B) For the purpose of funding the needs of the state and 82040
providing funding for certain dispensary host communities, an 82041
excise tax is levied on the retail sale of adult use marijuana. 82042
The rate of the tax shall equal ten per cent of the price of 82043
adult use marijuana and is in addition to other taxes levied 82044
under Chapters 5739. and 5741. of the Revised Code. 82045

(C) The tax shall be paid by the consumer to the vendor at 82046
the time of the sale, and the vendor shall report and remit the 82047
tax to the state in the same manner and at the same time the 82048
vendor reports and remits the tax levied under section 5739.02 82049
of the Revised Code. The return required under this division 82050
shall be filed on a form prescribed by the tax commissioner, 82051
which shall be separate from the return required to be filed 82052
under section 5739.12 of the Revised Code. A vendor with no 82053
sales of adult use marijuana for a reporting period is not 82054
required to file this separate return. For all purposes of the 82055
Revised Code, the tax levied under this section shall be 82056
considered a tax levied under section 5739.02 of the Revised 82057
Code. 82058

(D) For the same purpose as the tax levied under division 82059
(B) of this section, a tax is levied on a vendor that sells any 82060
marijuana other than adult use marijuana or medical marijuana to 82061
a consumer. That tax equals ten per cent of the price of such 82062

marijuana, and the consumer and vendor are liable for any 82063
amounts, including tax, interest, and penalties, imposed under 82064
this section and chapter in the same manner as a vendor subject 82065
to the tax imposed under division (B) of this section. 82066

(E) For the purpose of receiving and distributing, and 82067
accounting for, revenue received from the tax levied by this 82068
section, and any civil penalty paid under division (B) (4) of 82069
section 3780.26 of the Revised Code, the adult use tax fund and 82070
host community cannabis fund are created in the state treasury. 82071
All moneys collected from that tax and civil penalty shall be 82072
deposited into the adult use tax fund, which is created in the 82073
state treasury, to be distributed as follows: 82074

(1) Beginning in fiscal year 2026, and for the following 82075
four fiscal years, the director of budget and management shall 82076
transfer twenty per cent of funds from the adult use tax fund to 82077
the host community cannabis fund, which is created in the state 82078
treasury, for the benefit of municipal corporations or townships 82079
that have, as of June 30, 2025, and at all times since, at least 82080
one adult use dispensary or location for which a provisional 82081
dispensary license has been issued under this chapter, and the 82082
municipal corporations or townships may use such funds for any 82083
approved purpose. Distributions to municipal corporations or 82084
townships shall be based on the percentage of adult use tax 82085
attributable to each municipal corporation or township. 82086

(2) All other revenue shall be credited to the general 82087
revenue fund. 82088

Sec. 3780.24. Tax administration and enforcement. 82089

The tax commissioner shall administer and enforce ~~sections~~ 82090
section 3780.22 through 3780.23 of this chapter the Revised 82091

Code. In addition to any other powers conferred upon the tax 82092
commissioner by law, the tax commissioner may: 82093

(A) Prescribe all forms that are required to be filed under 82094
~~sections section 3780.22 through 3780.23 of this chapter the~~ 82095
Revised Code; 82096

(B) Adopt rules that are necessary and proper to carry out 82097
section 3780.22 ~~through 3780.23 of this chapter the Revised~~ 82098
Code; and 82099

(C) Appoint professional, technical, and clerical employees as 82100
are necessary to carry out the tax commissioner's duties under 82101
~~sections section 3780.22 through 3780.23 of this chapter the~~ 82102
Revised Code. 82103

**Sec. 3780.26. Enforcement authority of the division of 82104
cannabis control.** 82105

(A) The division of cannabis control shall enforce, or cause to 82106
be enforced, all sections of this chapter and the rules adopted 82107
thereunder. If the division of cannabis control has information 82108
that any provision of this chapter or that any rule adopted 82109
thereunder has been violated, it may investigate the matter and 82110
take any reasonable action as it considers appropriate. 82111

(B) The division of cannabis control may do any of the following 82112
for any reason specified in rules adopted under section 3780.03 82113
of the Revised Code: 82114

(1) Suspend, suspend without prior hearing upon finding clear 82115
and convincing evidence that continued distribution of adult use 82116
cannabis presents a danger of immediate and serious harm to 82117
others, revoke, restrict, or refuse to renew a license it issued 82118
under this chapter; 82119

(2) Refuse to issue a license unless a license is required in	82120
accordance with this chapter;	82121
(3) Inspect the premises of an adult use cannabis operator or an	82122
adult use testing laboratory without prior notice; or	82123
(4) Impose on a provisional license holder or license holder a	82124
civil penalty in an amount to be determined by the division of	82125
cannabis control through rule to be paid into the division of	82126
cannabis control and tax commissioner fund <u>adult use tax fund</u>	82127
<u>created under section 3780.22 of the Revised Code.</u>	82128
(C) If the division of cannabis control suspends, revokes, or	82129
refuses to renew any license issued under this chapter or	82130
determines that there is clear and convincing evidence of a	82131
danger of immediate and serious harm to any individual, the	82132
division of cannabis control may place under seal all adult use	82133
cannabis owned by or in the possession, custody, or control of	82134
the affected license holder. Except as provided in this section,	82135
the division of cannabis control shall not dispose of the adult	82136
use cannabis sealed under this section until the license holder	82137
exhausts all of the license holder's appeal rights under Chapter	82138
119. of the Revised Code. The court involved in such an appeal	82139
may order the division of cannabis control, during the pendency	82140
of the appeal, to sell cannabis that is perishable. The division	82141
of cannabis control shall deposit the proceeds of the sale with	82142
the court.	82143
(D) The division of cannabis control's enforcement actions under	82144
this section shall be taken in accordance with Chapter 119. of	82145
the Revised Code.	82146
(E) Nothing in this chapter shall be construed to require the	82147
division of cannabis control to enforce minor violations of this	82148

chapter if the division of cannabis control determines that the 82149
public interest is adequately served by a notice or warning to 82150
the alleged offender. 82151

Sec. 3780.30. Cannabis addiction services; toll-free 82152
telephone numbers. 82153

(A) The division of cannabis control shall enter into an 82154
agreement with the department of mental health and addiction 82155
services under which the department shall provide a program for 82156
cannabis addiction services to be implemented on behalf of the 82157
division of cannabis control, which includes best practices for 82158
education and treatment for individuals with addiction issues 82159
related to cannabis or other controlled substances, including 82160
opioids. 82161

(B) The department of mental health and addiction services shall 82162
establish, operate, and publicize an in-state, toll-free 82163
telephone number Ohio residents may call to obtain basic 82164
information about addiction services available to ~~consumer~~ 82165
consumers, and options for an addicted consumer to obtain help. 82166
The telephone number shall be staffed twenty-four hours per day, 82167
seven days a week in order to respond to inquiries and provide 82168
that information. ~~The costs of establishing, operating, and~~ 82169
~~publicizing the telephone number shall be paid for with money in~~ 82170
~~the substance abuse and addiction fund.~~ 82171

(C) ~~The director of mental health and addiction services shall~~ 82172
~~administer the substance abuse and addiction fund.~~ The director 82173
shall ~~use the money in the fund to~~ support addiction services or 82174
other services that relate to addiction and substance abuse, and 82175
research that relates to addiction and substance abuse. 82176
Treatment and prevention services supported ~~by money in the fund~~ 82177
~~under this section~~ shall be services that are certified by the 82178

department of mental health and addiction services. 82179

~~(D) The director mental health and addiction services shall 82180
prepare an annual report describing the use of the fund for 82181
these purposes. The director shall submit the report to the 82182
director of the department of commerce, the speaker and minority 82183
leader of the house of representatives, the president and 82184
minority leader of the senate, and the governor. 82185~~

~~(E)~~ License holders shall provide informational resources for 82186
patrons related to cannabis addiction issues and services. 82187

~~(F)~~ (E) License holders shall provide training for their 82188
employees regarding the cannabis addiction services resources 82189
for patrons related to this section. 82190

Sec. 3781.10. (A) (1) The board of building standards shall 82191
formulate and adopt rules governing the erection, construction, 82192
repair, alteration, and maintenance of all buildings or classes 82193
of buildings specified in section 3781.06 of the Revised Code, 82194
including land area incidental to those buildings, the 82195
construction of industrialized units, the installation of 82196
equipment, and the standards or requirements for materials used 82197
in connection with those buildings. The board shall incorporate 82198
those rules into separate residential and nonresidential 82199
building codes. The standards shall relate to the conservation 82200
of energy and the safety and sanitation of those buildings. 82201

~~(2)~~ (2) (a) The rules governing nonresidential buildings are 82202
the lawful minimum requirements specified for those buildings 82203
and industrialized units, except that no rule other than as 82204
provided in division (C) of section 3781.108 of the Revised Code 82205
that specifies a higher requirement than is imposed by any 82206
section of the Revised Code is enforceable. 82207

(b) The rules governing residential buildings are uniform 82208
requirements ~~for residential buildings~~ in any area with a 82209
building department certified to enforce the state residential 82210
building code in accordance with division (E) of this section, 82211
for both of the following: 82212

(i) The erection and construction of new residential 82213
buildings; 82214

(ii) The repair and alteration of existing residential 82215
buildings. 82216

(c) In no case shall any local code or regulation differ 82217
from the state residential building code for either the erection 82218
and construction of new residential buildings or for the repair 82219
and alteration of existing residential buildings unless that 82220
code or regulation addresses subject matter not addressed by the 82221
state residential building code or is adopted pursuant to 82222
section 3781.01 of the Revised Code. 82223

(3) The rules adopted pursuant to this section are 82224
complete, lawful alternatives to any requirements specified for 82225
buildings or industrialized units in any section of the Revised 82226
Code. Except as otherwise provided in division (I) of this 82227
section, the board shall, on its own motion or on application 82228
made under sections 3781.12 and 3781.13 of the Revised Code, 82229
formulate, propose, adopt, modify, amend, or repeal the rules to 82230
the extent necessary or desirable to effectuate the purposes of 82231
sections 3781.06 to 3781.18 of the Revised Code. 82232

(B) The board shall report to the general assembly 82233
proposals for amendments to existing statutes relating to the 82234
purposes declared in section 3781.06 of the Revised Code that 82235
public health and safety and the development of the arts require 82236

and shall recommend any additional legislation to assist in 82237
carrying out fully, in statutory form, the purposes declared in 82238
that section. The board shall prepare and submit to the general 82239
assembly a summary report of the number, nature, and disposition 82240
of the petitions filed under sections 3781.13 and 3781.14 of the 82241
Revised Code. 82242

(C) On its own motion or on application made under 82243
sections 3781.12 and 3781.13 of the Revised Code, and after 82244
thorough testing and evaluation, the board shall determine by 82245
rule that any particular fixture, device, material, process of 82246
manufacture, manufactured unit or component, method of 82247
manufacture, system, or method of construction complies with 82248
performance standards adopted pursuant to section 3781.11 of the 82249
Revised Code. The board shall make its determination with regard 82250
to adaptability for safe and sanitary erection, use, or 82251
construction, to that described in any section of the Revised 82252
Code, wherever the use of a fixture, device, material, method of 82253
manufacture, system, or method of construction described in that 82254
section of the Revised Code is permitted by law. The board shall 82255
amend or annul any rule or issue an authorization for the use of 82256
a new material or manufactured unit on any like application. No 82257
department, officer, board, or commission of the state other 82258
than the board of building standards or the board of building 82259
appeals shall permit the use of any fixture, device, material, 82260
method of manufacture, newly designed product, system, or method 82261
of construction at variance with what is described in any rule 82262
the board of building standards adopts or issues or that is 82263
authorized by any section of the Revised Code. Nothing in this 82264
section shall be construed as requiring approval, by rule, of 82265
plans for an industrialized unit that conforms with the rules 82266
the board of building standards adopts pursuant to section 82267

3781.11 of the Revised Code. 82268

(D) The board shall recommend rules, codes, and standards 82269
to help carry out the purposes of section 3781.06 of the Revised 82270
Code and to help secure uniformity of state administrative 82271
rulings and local legislation and administrative action to the 82272
bureau of workers' compensation, the director of commerce, any 82273
other department, officer, board, or commission of the state, 82274
and to legislative authorities and building departments of 82275
counties, townships, and municipal corporations, and shall 82276
recommend that they audit those recommended rules, codes, and 82277
standards by any appropriate action that they are allowed 82278
pursuant to law or the constitution. 82279

(E) (1) The board shall certify municipal, township, and 82280
county building departments, the personnel of those building 82281
departments, persons described in division (E) (7) of this 82282
section, and employees of individuals, firms, the state, or 82283
corporations described in division (E) (7) of this section to 82284
exercise enforcement authority, to accept and approve plans and 82285
specifications, and to make inspections, pursuant to sections 82286
3781.03, 3791.04, and 4104.43 of the Revised Code. 82287

(2) The board shall certify departments, personnel, and 82288
persons to enforce the state residential building code for the 82289
erection and construction of new residential buildings, to 82290
enforce the nonresidential building code, or to enforce both the 82291
residential and the nonresidential building codes. A department 82292
certified to enforce the state residential building code for the 82293
erection and construction of new residential buildings may also 82294
enforce the state residential building code for the repair and 82295
alteration of existing residential buildings upon obtaining the 82296
appropriate certification from the board, in accordance with 82297

this section, for the department and its personnel. Any 82298
department, personnel, or person may enforce only the type of 82299
building code for which certified. 82300

(3) The board shall not require a building department, its 82301
personnel, or any persons that it employs to be certified for 82302
residential building code enforcement if that building 82303
department does not enforce the state residential building code. 82304
The board shall specify, in rules adopted pursuant to Chapter 82305
119. of the Revised Code, the requirements for certification for 82306
residential and nonresidential building code enforcement, which 82307
shall be consistent with this division. The requirements for 82308
residential and nonresidential certification may differ. Except 82309
as otherwise provided in this division, the requirements shall 82310
include, but are not limited to, the satisfactory completion of 82311
an initial examination and, to remain certified, the completion 82312
of a specified number of hours of continuing building code 82313
education within each three-year period following the date of 82314
certification which shall be not less than thirty hours. The 82315
rules shall provide that continuing education credits and 82316
certification issued by the council of American building 82317
officials, national model code organizations, and agencies or 82318
entities the board recognizes are acceptable for purposes of 82319
this division. The rules shall specify requirements that are 82320
consistent with the provisions of section 5903.12 of the Revised 82321
Code relating to active duty military service and are 82322
compatible, to the extent possible, with requirements the 82323
council of American building officials and national model code 82324
organizations establish. 82325

(4) The board shall establish and collect a certification 82326
and renewal fee for building department personnel, and persons 82327
and employees of persons, firms, or corporations as described in 82328

this section, who are certified pursuant to this division. 82329

(5) Any individual certified pursuant to this division 82330
shall complete the number of hours of continuing building code 82331
education that the board requires or, for failure to do so, 82332
forfeit certification. 82333

(6) This division does not require or authorize the board 82334
to certify personnel of municipal, township, and county building 82335
departments, and persons and employees of persons, firms, or 82336
corporations as described in this section, whose 82337
responsibilities do not include the exercise of enforcement 82338
authority, the approval of plans and specifications, or making 82339
inspections under the state residential and nonresidential 82340
building codes. 82341

(7) Enforcement authority for approval of plans and 82342
specifications and enforcement authority for inspections may be 82343
exercised, and plans and specifications may be approved and 82344
inspections may be made on behalf of a municipal corporation, 82345
township, or county, by any of the following who the board of 82346
building standards certifies: 82347

(a) Officers or employees of the municipal corporation, 82348
township, or county; 82349

(b) Persons, or employees of persons, firms, or 82350
corporations, pursuant to a contract to furnish architectural, 82351
engineering, or other services to the municipal corporation, 82352
township, or county; 82353

(c) Officers or employees of, and persons under contract 82354
with, a municipal corporation, township, county, health 82355
district, or other political subdivision, pursuant to a contract 82356
to furnish architectural, engineering, or other services; 82357

(d) Officers or employees of the division of industrial 82358
compliance in the department of commerce pursuant to a contract 82359
authorized by division (B) of section 121.083 of the Revised 82360
Code. 82361

(8) Municipal, township, and county building departments 82362
have jurisdiction within the meaning of sections 3781.03, 82363
3791.04, and 4104.43 of the Revised Code, only with respect to 82364
the types of buildings and subject matters for which they are 82365
certified under this section. 82366

(9) A certified municipal, township, or county building 82367
department may exercise enforcement authority, accept and 82368
approve plans and specifications, and make inspections pursuant 82369
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 82370
for a park district created pursuant to Chapter 1545. of the 82371
Revised Code upon the approval, by resolution, of the board of 82372
park commissioners of the park district requesting the 82373
department to exercise that authority and conduct those 82374
activities, as applicable. 82375

(10) Certification shall be granted upon application by 82376
the municipal corporation, the board of township trustees, or 82377
the board of county commissioners and approval of that 82378
application by the board of building standards. The application 82379
shall set forth: 82380

(a) Whether the certification is requested for residential 82381
or nonresidential buildings, or both; 82382

(b) If the certification is requested for residential 82383
buildings, whether the requested certification is for only the 82384
erection and construction of new residential buildings or also 82385
the repair and alteration of existing residential buildings; 82386

(c) The number and qualifications of the staff composing the building department; 82387
82388

~~(e)~~ (d) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section; 82389
82390
82391

~~(d)~~ (e) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section; 82392
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~~(e)~~ (f) The proposed budget for the operation of the building department. 82396
82397

(11) The board of building standards shall adopt rules governing all of the following: 82398
82399

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E) (7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work. 82400
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(b) The minimum services to be provided by a certified 82415

building department. 82416

(12) The board of building standards may revoke or suspend 82417
certification to enforce the residential and nonresidential 82418
building codes, on petition to the board by any person affected 82419
by that enforcement or approval of plans, or by the board on its 82420
own motion. Hearings shall be held and appeals permitted on any 82421
proceedings for certification or revocation or suspension of 82422
certification in the same manner as provided in section 3781.101 82423
of the Revised Code for other proceedings of the board of 82424
building standards. 82425

(13) Upon certification, and until that authority is 82426
revoked, any county or township building department shall 82427
enforce the residential and nonresidential building codes for 82428
which it is certified without regard to limitation upon the 82429
authority of boards of county commissioners under Chapter 307. 82430
of the Revised Code or boards of township trustees under Chapter 82431
505. of the Revised Code. 82432

(14) The board shall certify a person to exercise 82433
enforcement authority, to accept and approve plans and 82434
specifications, or to make inspections in this state in 82435
accordance with Chapter 4796. of the Revised Code if either of 82436
the following applies: 82437

(a) The person holds a license or certificate in another 82438
state. 82439

(b) The person has satisfactory work experience, a 82440
government certification, or a private certification as 82441
described in that chapter in the same profession, occupation, or 82442
occupational activity as the profession, occupation, or 82443
occupational activity for which the certificate is required in 82444

this state in a state that does not issue that license or 82445
certificate. 82446

(F) In addition to hearings sections 3781.06 to 3781.18 82447
and 3791.04 of the Revised Code require, the board of building 82448
standards shall make investigations and tests, and require from 82449
other state departments, officers, boards, and commissions 82450
information the board considers necessary or desirable to assist 82451
it in the discharge of any duty or the exercise of any power 82452
mentioned in this section or in sections 3781.06 to 3781.18, 82453
3791.04, and 4104.43 of the Revised Code. 82454

(G) The board shall adopt rules and establish reasonable 82455
fees for the review of all applications submitted where the 82456
applicant applies for authority to use a new material, assembly, 82457
or product of a manufacturing process. The fee shall bear some 82458
reasonable relationship to the cost of the review or testing of 82459
the materials, assembly, or products and for the notification of 82460
approval or disapproval as provided in section 3781.12 of the 82461
Revised Code. 82462

(H) The residential construction advisory committee shall 82463
provide the board with a proposal for a state residential 82464
building code that the committee recommends pursuant to division 82465
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 82466
recommendation from the committee that is acceptable to the 82467
board, the board shall adopt rules establishing that code as the 82468
state residential building code. 82469

(I) (1) The committee may provide the board with proposed 82470
rules to update or amend the state residential building code 82471
that the committee recommends pursuant to division (E) of 82472
section 4740.14 of the Revised Code. 82473

(2) If the board receives a proposed rule to update or
amend the state residential building code as provided in
division (I) (1) of this section, the board either may accept or
reject the proposed rule for incorporation into the residential
building code. If the board does not act to either accept or
reject the proposed rule within ninety days after receiving the
proposed rule from the committee as described in division (I) (1)
of this section, the proposed rule shall become part of the
residential building code.

(J) The board shall cooperate with the director of
children and youth when the director promulgates rules pursuant
to section 5104.05 of the Revised Code regarding safety and
sanitation in type A family child care homes.

(K) The board shall adopt rules to implement the
requirements of section 3781.108 of the Revised Code.

Sec. 3781.102. (A) Any county or municipal building
department certified pursuant to division (E) of section 3781.10
of the Revised Code as of September 14, 1970, and that, as of
that date, was inspecting single-family, two-family, and three-
family residences, and any township building department
certified pursuant to division (E) of section 3781.10 of the
Revised Code, is hereby declared to be certified to inspect
single-family, two-family, and three-family residences
containing industrialized units, and shall inspect the buildings
or classes of buildings subject to division (E) of section
3781.10 of the Revised Code.

(B) Each board of county commissioners may adopt, by
resolution, rules establishing standards and providing for the
licensing of electrical and heating, ventilating, and air
conditioning contractors who are not required to hold a valid

and unexpired license pursuant to Chapter 4740. of the Revised 82504
Code. 82505

Rules adopted by a board of county commissioners pursuant 82506
to this division may be enforced within the unincorporated areas 82507
of the county and within any municipal corporation where the 82508
legislative authority of the municipal corporation has 82509
contracted with the board for the enforcement of the county 82510
rules within the municipal corporation pursuant to section 82511
307.15 of the Revised Code. The rules shall not conflict with 82512
rules adopted by the board of building standards pursuant to 82513
section 3781.10 of the Revised Code or by the department of 82514
commerce pursuant to Chapter 3703. of the Revised Code. This 82515
division does not impair or restrict the power of municipal 82516
corporations under Section 3 of Article XVIII, Ohio 82517
Constitution, to adopt rules concerning the erection, 82518
construction, repair, alteration, and maintenance of buildings 82519
and structures or of establishing standards and providing for 82520
the licensing of specialty contractors pursuant to section 82521
715.27 of the Revised Code. 82522

A board of county commissioners, pursuant to this 82523
division, may require all electrical contractors and heating, 82524
ventilating, and air conditioning contractors, other than those 82525
who hold a valid and unexpired license issued pursuant to 82526
Chapter 4740. of the Revised Code, to successfully complete an 82527
examination, test, or demonstration of technical skills, and may 82528
impose a fee and additional requirements for a license to engage 82529
in their respective occupations within the jurisdiction of the 82530
board's rules under this division. 82531

(C) No board of county commissioners shall require any 82532
specialty contractor who holds a valid and unexpired license 82533

issued pursuant to Chapter 4740. of the Revised Code to 82534
successfully complete an examination, test, or demonstration of 82535
technical skills in order to engage in the type of contracting 82536
for which the license is held, within the unincorporated areas 82537
of the county and within any municipal corporation whose 82538
legislative authority has contracted with the board for the 82539
enforcement of county regulations within the municipal 82540
corporation, pursuant to section 307.15 of the Revised Code. 82541

(D) A board may impose a fee for registration of a 82542
specialty contractor who holds a valid and unexpired license 82543
issued pursuant to Chapter 4740. of the Revised Code before that 82544
specialty contractor may engage in the type of contracting for 82545
which the license is held within the unincorporated areas of the 82546
county and within any municipal corporation whose legislative 82547
authority has contracted with the board for the enforcement of 82548
county regulations within the municipal corporation, pursuant to 82549
section 307.15 of the Revised Code, provided that the fee is the 82550
same for all specialty contractors who wish to engage in that 82551
type of contracting. If a board imposes such a fee, the board 82552
immediately shall permit a specialty contractor who presents 82553
proof of holding a valid and unexpired license and pays the 82554
required fee to engage in the type of contracting for which the 82555
license is held within the unincorporated areas of the county 82556
and within any municipal corporation whose legislative authority 82557
has contracted with the board for the enforcement of county 82558
regulations within the municipal corporation, pursuant to 82559
section 307.15 of the Revised Code. 82560

(E) The political subdivision associated with each 82561
municipal, township, and county building department the board of 82562
building standards certifies pursuant to division (E) of section 82563
3781.10 of the Revised Code may prescribe fees to be paid by 82564

persons, political subdivisions, or any department, agency, 82565
board, commission, or institution of the state, for the 82566
acceptance and approval of plans and specifications, and for the 82567
making of inspections, pursuant to sections 3781.03 and 3791.04 82568
of the Revised Code. 82569

(F) Each political subdivision that prescribes fees 82570
pursuant to division (E) of this section shall collect, on 82571
behalf of the board of building standards, fees equal to the 82572
following: 82573

(1) Three per cent of the fees the political subdivision 82574
collects in connection with nonresidential buildings; 82575

(2) One per cent of the fees the political subdivision 82576
collects in connection with the erection of and construction of 82577
new residential buildings and, if the political subdivision 82578
elects under division (E) of section 3781.10 of the Revised Code 82579
to enforce the state residential building code for the repair 82580
and alteration of existing residential buildings, one per cent 82581
of the fees the political subdivision collects in connection 82582
with the repair and alteration of existing residential 82583
buildings. 82584

(G) (1) The board shall adopt rules, in accordance with 82585
Chapter 119. of the Revised Code, specifying the manner in which 82586
the fee assessed pursuant to division (F) of this section shall 82587
be collected and remitted monthly to the board. The board shall 82588
pay the fees into the state treasury to the credit of the 82589
industrial compliance operating fund created in section 121.084 82590
of the Revised Code. 82591

(2) All money credited to the industrial compliance 82592
operating fund under this division shall be used exclusively for 82593

the following: 82594

(a) Operating costs of the board; 82595

(b) Providing services, including educational programs, 82596
for the building departments that are certified by the board 82597
pursuant to division (E) of section 3781.10 of the Revised Code; 82598

(c) Paying the expenses of the residential construction 82599
advisory committee, including the expenses of committee members 82600
as provided in section 4740.14 of the Revised Code. 82601

(H) A board of county commissioners that adopts rules 82602
providing for the licensing of electrical and heating, 82603
ventilating, and air conditioning contractors, pursuant to 82604
division (B) of this section, may accept, for purposes of 82605
satisfying the requirements of rules adopted under that 82606
division, a valid and unexpired license issued pursuant to 82607
Chapter 4740. of the Revised Code that is held by an electrical 82608
or heating, ventilating, and air conditioning contractor, for 82609
the construction, replacement, maintenance, or repair of one- 82610
family, two-family, or three-family dwelling houses or accessory 82611
structures incidental to those dwelling houses. 82612

(I) A board of county commissioners shall not register a 82613
specialty contractor who is required to hold a license under 82614
Chapter 4740. of the Revised Code but does not hold a valid 82615
license issued under that chapter. 82616

(J) If a board of county commissioners regulates a 82617
profession, occupation, or occupational activity under this 82618
section, the board shall comply with Chapter 4796. of the 82619
Revised Code. 82620

(K) As used in this section, "specialty contractor" means 82621
a heating, ventilating, and air conditioning contractor, 82622

refrigeration contractor, electrical contractor, plumbing 82623
contractor, or hydronics contractor, as those contractors are 82624
described in Chapter 4740. of the Revised Code. 82625

Sec. 3781.1011. (A) As used in this section: 82626

(1) "Alarm system" means a device or system that transmits 82627
a signal intended to summon law enforcement to a county, 82628
township, or municipal corporation in response to an alleged 82629
violation of an offense under Chapter 2911. of the Revised Code 82630
occurring in a nonresidential zone of the applicable county, 82631
township, or municipal corporation. The term includes an alarm 82632
that emits an audible signal on the exterior of a structure. The 82633
term does not include an alarm installed on a vehicle or an 82634
alarm designed to alert only the inhabitants within the 82635
premises. The term includes an alarm system for which a permit 82636
may be issued under any applicable section of the Revised Code 82637
or Ohio Constitution. 82638

(2) "Battery-charged fence" means a ~~fence connected to~~ 82639
system, including integrated components or equipment, that 82640
satisfies all of the following: 82641

(a) Functions with a battery-operated energizer that is 82642
intended to periodically to deliver voltage impulses to the 82643
fence, system with an impulse repetition rate that does not 82644
exceed one hertz and an impulse duration that does not exceed 82645
ten milliseconds; 82646

(b) Exclusively uses a battery charging device used 82647
exclusively to charge the battery, and any other ancillary 82648
components or equipment attached to such a system; 82649

(c) Interfaces with a monitored alarm system; 82650

(d) Has a battery-operated energizer that is powered by a 82651

commercial storage battery that is not more than twelve volts of 82652
direct current; 82653

(e) Is four to twelve inches behind a non-battery-charged 82654
perimeter fence, wall, or structure that is not less than five 82655
feet in height; 82656

(f) Is ten feet in height, or two feet higher than the 82657
height of the non-battery-charged perimeter fence, wall, or 82658
structure, whichever is higher; 82659

(g) Is marked with conspicuous warning signs that are 82660
located on the battery-charged fence at not more than thirty- 82661
foot intervals and that read: "WARNING-SHOCK HAZARD" or a 82662
similar warning message. 82663

(3) "Permit" means a certificate, license, permit, or 82664
other form of permission that authorizes a person to engage in 82665
an action. 82666

(B) A-Subject to division (D) of this section, a person 82667
may install, operate, and use a battery-charged fence installed- 82668
on private, nonresidential property within a county, township, 82669
or municipal corporation ~~shall satisfy all of the following:~~ 82670

~~(1) Interface with a monitored alarm system;~~ 82671

~~(2) Have a battery-operated energizer that is powered by a~~ 82672
~~commercial storage battery that is not more than twelve volts of~~ 82673
~~direct current, and that meets the standards set forth by the~~ 82674
~~international electrotechnical commission 60335-02-76 current-~~ 82675
~~edition;~~ 82676

~~(3) Be completely surrounded by a nonelectric perimeter~~ 82677
~~fence or wall that is not less than five feet in height;~~ 82678

~~(4) Be not more than the higher of ten feet in height, or-~~ 82679

~~two feet higher than the height of the nonelectric perimeter~~ 82680
~~fence or wall; and~~ 82681

~~(5) Be marked with conspicuous warning signs that are~~ 82682
~~located on the battery-charged fence at not more than forty-foot~~ 82683
~~intervals and that read: "WARNING--ELECTRIC FENCE."~~ 82684

(C) Division (B) of this section does not apply to any of 82685
the following fences, regardless of whether such fences are 82686
battery-charged fences under division (A)(2) of this section: 82687

(1) Fences that are required to be constructed by persons 82688
or corporations owning, controlling, or managing a railroad 82689
pursuant to Chapter 4959. of the Revised Code; 82690

(2) Partition fences constructed in accordance with 82691
Chapter 971. of the Revised Code; 82692

(3) Fences constructed or installed by the state or a 82693
political subdivision, or by the federal government; 82694

(4) Fences installed at a facility that is an accredited 82695
member of the association of zoos and aquariums or the 82696
zoological association of America and that is licensed by the 82697
United States department of agriculture under the federal animal 82698
welfare act; 82699

(5) Fences installed at a wildlife sanctuary; 82700

(6) Fences constructed and used for agricultural purposes, 82701
as agriculture is defined in either section 303.01 or 519.01 of 82702
the Revised Code. 82703

(D) ~~Notwithstanding any other section of the Revised Code,~~ 82704
~~a~~A county, township, or municipal corporation may adopt and 82705
enforce an ordinance, order, resolution, or regulation that does 82706
any of the following: 82707

(1) Imposes installation ~~or~~, operational, or use 82708
requirements for battery-charged fences in nonresidential 82709
properties that ~~are do not in conflict with the requirements and~~ 82710
~~standards set forth in~~ expressly, implicitly, or functionally 82711
prohibit the installation, operation, or use of such fences, as 82712
authorized under division (B) of this section; 82713

(2) Requires a permit or fee for the installation, 82714
operation, or use of a battery-charged fence to which this 82715
section applies in accordance with a permit or fee for an alarm 82716
system issued or charged by the county, township, or municipal 82717
corporation; 82718

(3) ~~Prohibits~~ Completely prohibits or imposes generally 82719
applicable requirements on the installation, operation, or use 82720
of a ~~battery-charged fence~~ non-battery-charged perimeter fence, 82721
wall, or structure or any system that does not constitute a 82722
battery-charged fence under division (A) (2) of this section in a 82723
nonresidential zone ~~that does not meet the requirements and~~ 82724
~~standards set forth in division (B) of this section.~~ 82725

Sec. 3901.3815. (A) As used in this section: 82726

(1) "Health plan issuer" has the same meaning as in 82727
section 3922.01 of the Revised Code, except that the term also 82728
includes any vendor contracted by a health plan issuer, as 82729
defined in that section. 82730

(2) "Health care provider" has the same meaning as in 82731
section 3701.74 of the Revised Code. 82732

(3) "Credit card" means a single-use or virtual payment 82733
card provided in an electronic, digital, facsimile, physical, or 82734
paper format. 82735

(4) "Business day" has the same meaning as in section 82736

3901.81 of the Revised Code.

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(B) A health plan issuer shall offer all reasonably available methods of payment to a health care provider, which shall include payment by check and electronic funds transfer. A health plan issuer shall not charge a health care provider a fee for delivering payment by check or electronic funds transfer, either directly or indirectly through an agent, affiliate, or third party contracted by the health plan issuer in connection with the method of payment.

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(C) A health plan issuer that offers payment by credit card shall provide a process by which a health care provider may opt out of that method of payment and select another method of payment.

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(D) If a health plan issuer or an agent, affiliate, or third party contracted by a health plan issuer in connection with one of the available payment methods, other than payment by check or electronic funds transfer, charges a fee, the health plan issuer shall, prior to initiating the first payment to a health care provider or upon changing the payment methods available to a health care provider, do both of the following:

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(1) Notify the provider about potential fees associated with a particular payment method, disclose any charges by the health plan issuer, and advise the provider to contact the provider's financial institution, credit card issuer, or payment processor for information about other fees that may apply;

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(2) Provide the health care provider with clear instructions as to how to select each payment method either on the health plan issuer's web site or through a means other than the contract offered to the health care provider.

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(E) (1) If a health care provider requests a change in the 82766
available payment method, the health plan issuer shall implement 82767
the change to the payment method selected by the health care 82768
provider within thirty-one business days. 82769

(2) The payment method selected by the health care 82770
provider shall remain in effect until either the health care 82771
provider requests a different payment method or the health plan 82772
issuer has not generated a payment to the provider for more than 82773
one year. 82774

(3) The health plan issuer shall not charge a fee for a 82775
change in payment method. 82776

Sec. 3902.51. (A) (1) (a) A health plan issuer shall 82777
reimburse an out-of-network provider for unanticipated out-of- 82778
network care when both of the following apply: 82779

(i) The services are provided to a covered person at an 82780
in-network facility. 82781

(ii) The services would be covered if provided by an in- 82782
network provider. 82783

(b) A health plan issuer shall reimburse both of the 82784
following for emergency services provided to a covered person at 82785
an out-of-network emergency facility: 82786

(i) An out-of-network provider; 82787

(ii) The out-of-network emergency facility. 82788

(c) A health plan issuer shall reimburse both of the 82789
following for emergency services provided to a covered person by 82790
an out-of-network ambulance: 82791

(i) An out-of-network provider; 82792

(ii) The out-of-network ambulance.	82793
(2) In the case of clinical laboratory services provided	82794
in connection with care described in division (A)(1) of this	82795
section, a health plan issuer shall reimburse any out-of-network	82796
provider and any out-of-network facility that provided the	82797
clinical laboratory services.	82798
(3) For purposes of sections 3902.50 to 3902.54 of the	82799
Revised Code:	82800
(a) In the request for reimbursement, the provider,	82801
facility, emergency facility, or ambulance shall include the	82802
proper billing code for the service for which reimbursement is	82803
requested.	82804
(b) The health plan issuer shall send the provider,	82805
facility, emergency facility, or ambulance its intended	82806
reimbursement as described in division (B)(1) of this section.	82807
(c) Within the period of time specified by the	82808
superintendent of insurance in rule, the provider, facility,	82809
emergency facility, or ambulance shall either notify the health	82810
plan issuer of its acceptance of the reimbursement or seek to	82811
negotiate reimbursement under division (B)(2) of this section.	82812
Failure to timely notify the issuer of an intent to negotiate	82813
shall be considered acceptance of the issuer's reimbursement.	82814
(B)(1) Unless the provider, facility, emergency facility,	82815
or ambulance wishes to negotiate reimbursement under division	82816
(B)(2) of this section, the reimbursement required to be paid to	82817
the provider, facility, emergency facility, or ambulance under	82818
division (A) of this section shall be the greatest of the	82819
following amounts:	82820
(a) The amount negotiated with in-network providers,	82821

facilities, emergency facilities, or ambulances for the service 82822
in question in that geographic region under that health benefit 82823
plan, excluding any in-network cost sharing imposed under the 82824
health benefit plan. If there is more than one such amount, the 82825
relevant amount shall be the median of those amounts, excluding 82826
any in-network cost sharing imposed under the health benefit 82827
plan. In determining the median amount, the amount negotiated 82828
with each in-network provider, facility, emergency facility, or 82829
ambulance shall be treated as a separate amount even if the same 82830
amount is paid to more than one provider. If there is no per- 82831
service amount, such as under a capitation or similar payment 82832
arrangement, the amount described in division (B)(1)(a) of this 82833
section shall be disregarded. 82834

(b) The amount for the service in question calculated 82835
using the same method the health benefit plan generally uses to 82836
determine payments for out-of-network health care services, such 82837
as the usual, customary, and reasonable amount, excluding any 82838
in-network cost sharing imposed under the health benefit plan. 82839
This amount shall be determined with the reduction for cost 82840
sharing that generally applies under the health benefit plan 82841
with respect to out-of-network health care services. 82842

(c) ~~The~~ Whichever of the following amounts apply to the 82843
service in question, calculated according to the amount that 82844
would be paid under the medicare program, part A or part B of 82845
Title XVIII of the "Social Security Act," 42 U.S.C. 1395, as 82846
amended, for the service in question, excluding any in-network 82847
cost sharing imposed under the health benefit plan: 82848

(i) One hundred per cent of the medicare payment amount, 82849
in the case of a provider, facility, or emergency facility; 82850

(ii) Two hundred fifty per cent of the medicare payment 82851

amount, in the case of an ambulance. 82852

(2) In lieu of accepting reimbursement under division (B) 82853
(1) of this section, a provider, facility, emergency facility, 82854
or ambulance may notify the health plan issuer that the 82855
provider, facility, emergency facility, or ambulance wishes to 82856
negotiate reimbursement. Upon receipt of such notice, the health 82857
plan issuer shall attempt a good faith negotiation with the 82858
provider, facility, emergency facility, or ambulance. 82859

(C) (1) For unanticipated out-of-network care provided at 82860
an in-network facility in this state, a provider shall not bill 82861
a covered person for the difference between the health plan 82862
issuer's reimbursement and the provider's charge for the 82863
services. 82864

(2) For emergency services provided at an out-of-network 82865
emergency facility in this state, neither the emergency facility 82866
nor an out-of-network provider shall bill a covered person for 82867
the difference between the health plan issuer's reimbursement 82868
and the emergency facility's or the provider's charge for the 82869
services. 82870

(3) For emergency services provided by an out-of-network 82871
ambulance in this state, neither the ambulance nor an out-of- 82872
network provider shall bill a covered person for the difference 82873
between the health plan issuer's reimbursement and the 82874
ambulance's or provider's charge for the services. 82875

(4) In the case of clinical laboratory services provided 82876
in this state in connection with care described in division (A) 82877
(1) of this section, no out-of-network provider or out-of- 82878
network facility shall bill a covered person for the difference 82879
between the health plan issuer's reimbursement and the 82880

provider's or facility's charge for the clinical laboratory 82881
services. 82882

(D) A health plan issuer shall not require cost sharing 82883
for any service described in division (A) of this section from 82884
the covered person at a rate higher than if the services were 82885
provided in network. 82886

(E) For health care services, other than those described 82887
in division (A) of this section, that are covered under a health 82888
benefit plan but are provided to a covered person by an out-of- 82889
network provider at an in-network facility, both of the 82890
following apply: 82891

(1) For services provided in this state, the provider 82892
shall not bill the covered person for the difference between the 82893
health plan issuer's out-of-network reimbursement and the 82894
provider's charge for the services unless all of the following 82895
conditions are met: 82896

(a) The provider informs the covered person that the 82897
provider is not in the covered person's health benefit plan 82898
network. 82899

(b) The provider provides to the covered person a good 82900
faith estimate of the cost of the services, including the 82901
provider's charge, the estimated reimbursement by the health 82902
plan issuer, and the covered person's responsibility. The 82903
estimate shall contain a disclaimer that the covered person is 82904
not required to obtain the health care service at that location 82905
or from that provider. 82906

(c) The covered person affirmatively consents to receive 82907
the services. 82908

(2) The health plan issuer may reimburse the provider at 82909

either the in-network or out-of-network rate as described in the 82910
covered person's health benefit plan. 82911

(F) Nothing in this section is subject to section 3901.71 82912
of the Revised Code. 82913

Sec. 3902.70. As used in this section and section 3902.71 82914
of the Revised Code: 82915

(A) "340B covered entity" and ~~"third-party administrator"~~ 82916
~~have the same meanings as in section 5167.01 of the Revised~~ 82917
~~Code~~ means an entity described in section 340B(a) (4) of the 82918
"Public Health Service Act," 42 U.S.C. 256b(a) (4) and includes 82919
any pharmacy under contract with the entity to dispense drugs on 82920
behalf of the entity. 82921

(B) "Terminal distributor of dangerous drugs" has the same 82922
meaning as in section 4729.01 of the Revised Code. 82923

(C) "Third-party administrator" has the same meaning as in 82924
section 5167.01 of the Revised Code. 82925

Sec. 3905.426. (A) As used in this section: 82926

(1) "Contract holder" means the person who purchased a 82927
motor vehicle ancillary product protection contract, any 82928
authorized transferee or assignee of the purchaser, or any other 82929
person assuming the purchaser's rights under the motor vehicle 82930
ancillary product protection contract. 82931

(2) "Finance agreement" means a loan or retail installment 82932
contract secured by a motor vehicle or a lease contract for the 82933
use of a motor vehicle. 82934

~~(2)~~ (3) "Motor vehicle" has the same meaning as in section 82935
4501.01 of the Revised Code and also includes utility vehicles 82936
and under-speed vehicles as defined in that section. 82937

~~(3) (a)~~ (4) (a) "Motor vehicle ancillary product protection contract" means a contract or agreement that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle, or its parts or equipment, to perform any one or more of the following services:

(i) Repair or replacement of glass on a motor vehicle necessitated by wear and tear or damage caused by a road hazard;

(ii) Removal of a dent, ding, or crease without affecting the existing paint finish using paintless dent removal techniques but which expressly excludes replacement of vehicle body panels, sanding, bonding, or painting;

(iii) Repair to the interior components of a motor vehicle necessitated by wear and tear but which expressly excludes replacement of any part or component of a motor vehicle's interior;

(iv) Repair or replacement of tires or wheels damaged because of a road hazard;

(v) Replacement of a lost, stolen, or inoperable key or key fob;

(vi) In conjunction with a motor vehicle leased for use, the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, missing interior or exterior parts, or excess mileage that results in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease, provided any such charge shall not exceed the purchase price of the vehicle at the end of the lease term;

<u>(vii) Provide a benefit under a vehicle value protection</u>	82967
<u>agreement.</u>	82968
(b) A motor vehicle ancillary product protection contract	82969
may, but is not required to, provide for incidental payment of	82970
indemnity under limited circumstances, including, without	82971
limitation, towing, rental, and emergency road services.	82972
(c) "Motor vehicle ancillary product protection contract"	82973
does not include any of the following:	82974
(i) A motor vehicle service contract;	82975
(ii) A vehicle protection product warranty as defined in	82976
section 3905.421 of the Revised Code;	82977
(iii) A home service contract as defined in section	82978
3905.422 of the Revised Code;	82979
(iv) A consumer goods service contract as defined in	82980
section 3905.423 of the Revised Code;	82981
(v) A contract for prepaid routine, scheduled maintenance	82982
only.	82983
(4) <u>(5)</u> "Motor vehicle service contract" means a contract	82984
or agreement to perform or pay for the repair, replacement, or	82985
maintenance of a motor vehicle due to defect in materials or	82986
workmanship, normal wear and tear, mechanical or electrical	82987
breakdown, or failure of parts or equipment of a motor vehicle,	82988
with or without additional provisions for incidental payment of	82989
indemnity under limited circumstances, including, without	82990
limitation, towing, rental, and emergency road services, that is	82991
effective for a specified duration and paid for by means other	82992
than the purchase of a motor vehicle.	82993
(5) <u>(6)</u> "Provider" means a person who is contractually	82994

obligated to a contract holder under the terms of a motor 82995
vehicle ancillary product protection contract. 82996

~~(6)~~ (7) "Road hazard" means a condition that may cause 82997
damage or wear and tear to a tire or wheel on a public or 82998
private roadway, roadside, driveway, or parking lot or garage, 82999
including potholes, nails, glass, road debris, and curbs. "Road 83000
hazard" does not include fire, theft, vandalism or malicious 83001
mischievous, or other perils normally covered by automobile 83002
physical damage insurance. 83003

~~(7)~~ (8) "Reimbursement insurance policy" means a policy of 83004
insurance issued by an insurer authorized or eligible to do 83005
business in this state to a provider to pay, on behalf of the 83006
provider in the event of the provider's nonperformance, all 83007
covered contractual obligations incurred by the provider under 83008
the terms and conditions of the motor vehicle ancillary product 83009
protection contract. 83010

~~(8)~~ (9) "Supplier" has the same meaning as in section 83011
1345.01 of the Revised Code. 83012

(10) "Vehicle value protection agreement" includes a 83013
contractual agreement that provides a benefit towards either the 83014
reduction of some or all of the contract holder's current 83015
finance agreement deficiency balance, or towards the purchase or 83016
lease of a replacement motor vehicle or motor vehicle services, 83017
upon the occurrence of an adverse event to the motor vehicle, 83018
including loss, theft, damage, obsolescence, diminished value, 83019
or depreciation. "Vehicle value protection agreement" includes 83020
trade-in-credit agreements, diminished value agreements, 83021
depreciation benefit agreements, or other similar agreements. 83022
"Vehicle value protection agreement" does not include a debt 83023
suspension or debt cancellation product. 83024

(B) All motor vehicle ancillary product protection 83025
contracts issued in this state shall be covered by a 83026
reimbursement insurance policy. 83027

(C) A motor vehicle ancillary product protection contract 83028
issued by a provider that is required to be covered by a 83029
reimbursement insurance policy under division (B) of this 83030
section shall conspicuously state all of the following: 83031

(1) "This contract is not insurance and is not subject to 83032
the insurance laws of this state." 83033

(2) That the obligations of the provider are guaranteed 83034
under a reimbursement insurance policy; 83035

(3) That if a provider fails to perform or make payment 83036
due under the terms of the contract within sixty days after the 83037
contract holder requests performance or payment pursuant to the 83038
terms of the contract, the contract holder may request 83039
performance or payment directly from the provider's 83040
reimbursement insurance policy insurer, including any obligation 83041
in the contract by which the provider must refund the contract 83042
holder upon cancellation of a contract; 83043

(4) The name, address, and telephone number of the 83044
provider's reimbursement insurance policy insurer. 83045

(D) A motor vehicle ancillary product protection contract 83046
that includes repair or replacement of glass on a motor vehicle 83047
as provided in division ~~(A) (3) (a) (i)~~ (A) (4) (a) (i) of this 83048
section, shall conspicuously state: "This contract may provide a 83049
duplication of coverage already provided by your automobile 83050
physical damage insurance policy." 83051

(E) A vehicle value protection agreement may be canceled 83052
by the contract holder within thirty days of the effective date 83053

of the agreement, and the contract holder shall be entitled to a 83054
full refund of the purchase price paid by the contract holder, 83055
if any, so long as no benefits have been provided under the 83056
contract. 83057

(F) A vehicle value protection agreement that, under the 83058
terms of the agreement, may be canceled by the contract holder 83059
more than thirty days after the effective date of the agreement 83060
must state the conditions under which it may be canceled, 83061
including the procedures for requesting any refund of the 83062
purchase price paid by the contract holder and the methodology 83063
for calculating any refund of the purchase price. 83064

(G) The contract provider of the vehicle value protection 83065
agreement shall mail a written notice to the contract holder at 83066
the last known address of the contract holder contained in the 83067
records of the contract provider at least five days prior to 83068
cancellation by the contract provider. Prior notice is not 83069
required if the reason for cancellation is nonpayment of the 83070
provider fee, a material misrepresentation by the contract 83071
holder to the contract provider or administrator, or a 83072
substantial breach of duties by the contract holder relating to 83073
the covered product or the use of the covered product. The 83074
notice shall state the effective date of the cancellation and 83075
the reason for the cancellation. If a vehicle value protection 83076
agreement is canceled by the contract provider for a reason 83077
other than nonpayment of the provider fee, the provider shall 83078
refund to the contract holder one hundred per cent of the 83079
unearned provider fee paid by the contract holder, if any. If 83080
coverage under the vehicle value protection agreement continues 83081
after a claim, then all claims paid may be deducted from any 83082
refund required by this division. A reasonable administrative 83083
fee of up to seventy-five dollars may be charged by the contract 83084

provider and deducted from any refund due under this division or 83085
division (F) of this section. 83086

(H) Any refund under divisions (E) and (F) of this section 83087
shall be paid to the seller or assignee of a retail installment 83088
contract or lease agreement unless otherwise agreed to by the 83089
contract holder and the seller or assignee. 83090

(I) A reimbursement insurance policy that is required to 83091
be issued under this section shall contain: 83092

(1) A statement that if a provider fails to perform or 83093
make payment due under the terms of the motor vehicle ancillary 83094
product protection contract within sixty days after the contract 83095
holder requests performance or payment pursuant to the terms of 83096
the contract, the contract holder may request performance or 83097
payment directly from the provider's reimbursement insurance 83098
policy insurer, including any obligation in the contract by 83099
which the provider must refund the contract holder upon 83100
cancellation of a contract. 83101

(2) A statement that in the event of cancellation of the 83102
provider's reimbursement insurance policy, insurance coverage 83103
will continue for all contract holders whose motor vehicle 83104
ancillary product protection contracts were issued by the 83105
provider and reported to the insurer for coverage during the 83106
term of the reimbursement insurance policy. 83107

~~(F)~~ (J) The sale or issuance of a motor vehicle ancillary 83108
product protection contract is a consumer transaction for 83109
purposes of sections 1345.01 to 1345.13 of the Revised Code. The 83110
provider is the supplier and the contract holder is the consumer 83111
for purposes of those sections. 83112

~~(G)~~ (K) Unless issued by an insurer authorized or eligible 83113

to do business in this state, a motor vehicle ancillary product 83114
protection contract does not constitute a contract substantially 83115
amounting to insurance, or the contract's issuance the business 83116
of insurance, under section 3905.42 of the Revised Code. 83117

~~(H)~~ (L) Unless issued by an insurer authorized or eligible 83118
to do business in this state, a contract identified in division 83119
~~(A) (3) (c) (i)~~ (A) (4) (c) (i) or (v) of this section does not 83120
constitute a contract substantially amounting to insurance, or 83121
the contract's issuance the business of insurance, under section 83122
3905.42 of the Revised Code. 83123

~~(I)~~ (M) The rights of a contract holder against a 83124
provider's reimbursement insurance policy insurer as provided in 83125
this section apply only in regard to a reimbursement insurance 83126
policy issued under this section. This section does not create 83127
any contractual rights in favor of a person that does not 83128
qualify as an insured under any other type of insurance policy 83129
described in Title XXXIX of the Revised Code. This section does 83130
not prohibit the insurer of a provider's reimbursement insurance 83131
policy from assuming liability for contracts issued prior to the 83132
effective date of the policy or July 1, 2009. 83133

~~(J)~~ (N) A contract or agreement described in division ~~(A)~~ 83134
~~(3) (a) (iv)~~ (A) (4) (a) (iv) of this section in which the provider is 83135
a tire manufacturer shall be exempt from the requirements of 83136
division (B) of this section if the contract or agreement 83137
conspicuously states all of the following: 83138

(1) That the contract or agreement is not an insurance 83139
contract; 83140

(2) That any covered obligations or claims under the 83141
contract or agreement are the responsibility of the provider; 83142

(3) The name, address, and telephone number of any administrator responsible for the administration of the contract or agreement, the provider obligated to perform under the contract or agreement, and the contract seller;

(4) The procedure for making a claim under the contract or agreement, including a toll-free telephone number for claims service and a procedure for obtaining emergency repairs or replacements performed outside normal business hours.

Sec. 3905.72. (A) (1) No person shall act as a managing general agent representing an insurer licensed in this state with respect to risks located in this state unless the person is licensed as a managing general agent pursuant to division (C) or (D) of this section.

(2) No person shall act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state unless the person is licensed as a managing general agent pursuant to division (C) of this section.

(B) Every person that seeks to act as a managing general agent as described in division (A) of this section shall apply to the superintendent of insurance for a license. Except as otherwise provided in division (D) of this section, the application shall be in writing on a form provided by the superintendent ~~and shall be sworn or affirmed before a notary public or other person empowered to administer oaths.~~ The application shall be kept on file by the superintendent and shall include all of the following:

(1) The name and principal business address of the applicant;

- (2) If the applicant is an individual, the applicant's
current occupation; 83172
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- (3) If the applicant is an individual, the applicant's
occupation or occupations during the five-year period prior to
applying for the license to act as a managing general agent; 83174
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- (4) A copy of the contract between the applicant and the
insurer as required by, and in compliance with, section 3905.73
of the Revised Code; 83177
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- (5) A copy of a certified resolution of the board of
directors of the insurer on whose behalf the applicant will act,
appointing the applicant as a managing general agent and agent
of the insurer, specifying the duties the applicant is expected
to perform on behalf of the insurer and the lines of insurance
the applicant will manage, and authorizing the insurer to enter
into a contract with the applicant as required by section
3905.73 of the Revised Code; 83180
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- (6) A statement that the applicant submits to the
jurisdiction of the superintendent and the courts of this state; 83188
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- (7) Any other information required by the superintendent. 83190
- (C) The superintendent shall issue to a resident of this
state or a business entity organized under the laws of this
state a license to act as a managing general agent representing
an insurer licensed to do business in this state with respect to
risks located in this state or a license to act as a managing
general agent representing an insurer organized under the laws
of this state with respect to risks located outside this state,
and shall renew such a license, if the superintendent is
satisfied that all of the following conditions are met: 83191
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- (1) The applicant is a suitable person and intends to hold 83200

self out in good faith as a managing general agent. 83201

(2) The applicant understands the duties and obligations 83202
of a managing general agent. 83203

(3) The applicant has filed a completed application that 83204
complies with division (B) of this section. 83205

(4) The applicant has paid a fee in the amount of twenty 83206
dollars. 83207

(5) The applicant maintains a bond in the amount of not 83208
less than fifty thousand dollars for the protection of the 83209
insurer. 83210

(6) The applicant maintains an errors and omissions policy 83211
of insurance. 83212

(7) The applicant is not, and has never been, under an 83213
order of suspension or revocation under section 3905.77 of the 83214
Revised Code or under any other law of this state, or any other 83215
state, relating to insurance, and is otherwise in compliance 83216
with sections 3905.71 to 3905.79 of the Revised Code and all 83217
other laws of this state relating to insurance. 83218

(D) If the applicant is a resident of another state or a 83219
business entity organized under the laws of another state, the 83220
applicant shall submit a request for licensure, along with a fee 83221
of twenty dollars, to the superintendent. The superintendent 83222
shall issue a license to act as a managing general agent if the 83223
request for licensure includes proof that the applicant is 83224
licensed and in good standing as a managing general agent in the 83225
applicant's home state and either a copy of the application for 83226
licensure the applicant submitted to the applicant's home state 83227
or the application described in division (B) of this section. 83228

If the applicant's home state does not license managing 83229
general agents under provisions similar to those in sections 83230
3905.71 to 3905.79 of the Revised Code, or if the applicant's 83231
home state does not grant licenses to residents of this state on 83232
the same reciprocal basis, the applicant shall comply with 83233
divisions (B) and (C) of this section. 83234

(E) Unless suspended or revoked by an order of the 83235
superintendent pursuant to section 3905.77 of the Revised Code 83236
and except as provided in division (F) of this section, any 83237
license issued or renewed pursuant to division (C) or (D) of 83238
this section shall expire on the last day of February next after 83239
its issuance or renewal. 83240

(F) If the appointment of a managing general agent is 83241
terminated by the insurer, the license of the managing general 83242
agent shall expire on the date of the termination. 83243

(G) A license shall be renewed in accordance with the 83244
standard renewal procedure specified in Chapter 4745. of the 83245
Revised Code. 83246

(H) All license fees collected pursuant to this section 83247
shall be paid into the state treasury to the credit of the 83248
department of insurance operating fund. 83249

Sec. 3921.22. (A) A fraternal benefit society shall hold, 83250
invest, and disburse all assets for the use and benefit of the 83251
society. No member or beneficiary shall have or acquire 83252
individual rights to the assets, or be entitled to any 83253
apportionment on the surrender of any part of the assets, except 83254
as provided in the benefit contract. 83255

(B) A society may create, maintain, invest, disburse, and 83256
apply any special fund or funds necessary to carry out any 83257

purpose permitted by the laws of the society. No society shall, 83258
directly or indirectly, pay or use, or offer, consent, or agree 83259
to pay or use, any of its funds, money, or property for or in 83260
aid of any political party, campaign committee, political action 83261
committee, ~~continuing association,~~ political contributing 83262
entity, or any other political organization. 83263

(C) A society may, pursuant to resolution of its supreme 83264
governing body, establish and operate one or more separate 83265
accounts and issue contracts on a variable basis, subject to the 83266
provisions of law regulating life insurers that establish such 83267
accounts and issue such contracts including those described in 83268
section 3911.011 of the Revised Code. To the extent the society 83269
considers it necessary in order to comply with any applicable 83270
federal or state law, or any rule issued under that law, the 83271
society may do any of the following: 83272

(1) Adopt special procedures for the conduct of the 83273
business and affairs of a separate account; 83274

(2) For persons having beneficial interests in the 83275
account, provide special voting and other rights, including 83276
special rights and procedures relating to investment policy, 83277
investment advisory services, selection of certified public 83278
accountants, and selection of a committee to manage the business 83279
and affairs of the account; 83280

(3) Issue contracts on a variable basis to which divisions 83281
(B) and (D) of section 3921.19 of the Revised Code do not apply. 83282

Sec. 3923.443. (A) (1) No agent shall sell, solicit, or 83283
negotiate long-term care insurance ~~on or after September 1,~~ 83284
~~2008,~~ without first completing an initial eight-hour partnership 83285
program training course as described in division (B) of this 83286

section. 83287

(2) (a) Any agent that sells, solicits, or negotiates any 83288
long-term care insurance shall complete at least four hours of 83289
continuing education in every ~~twenty-four-month period~~ 83290
~~commencing on the first day of January of the year immediately~~ 83291
~~following the year of the issuance of the agent's license~~ 83292
license renewal period beginning with the first license renewal period 83293
following the agent's completion of the partnership training 83294
course described in division (A) (1) of this section. 83295

(b) ~~No~~ An agent ~~shall fail who fails~~ to complete the 83296
continuing education requirements in division (A) (2) (a) of this 83297
section ~~in the twenty-four-month period described in that~~ 83298
~~division~~ before the end of a license renewal period shall not 83299
sell, solicit, or negotiate long-term care insurance until such 83300
requirements have been met. 83301

(B) The initial training course and continuing education 83302
required under division (A) of this section may be approved by 83303
the superintendent of insurance as continuing education courses 83304
under sections 3905.481 to 3905.486 of the Revised Code and 83305
shall consist of combined topics related to long-term care 83306
insurance, long-term care services, and state long-term care 83307
insurance partnership programs, including all of the following: 83308

(1) State and federal regulations and requirements and the 83309
relationship between state long-term care insurance partnership 83310
programs and other public and private coverage of long-term care 83311
services, including medicaid; 83312

(2) Available long-term care services and providers; 83313

(3) Changes or improvements in long-term care services or 83314
providers; 83315

(4) Alternatives to the purchase of private long-term care insurance; 83316
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(5) The effect of inflation on benefits and the importance of inflation protection; 83318
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(6) Consumer suitability standards and guidelines; 83320

(7) Any other topics required by the superintendent. 83321

(C) The initial training and continuing education required by division (A) of this section shall not include training that is specific to a particular insurer or company product or that includes any sales or marketing information, materials, or training other than those required by state or federal law. 83322
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(D) A resident agent shall satisfy the initial training and continuing education required by division (A) of this section by completing long-term care courses that are approved by the superintendent. A nonresident agent may satisfy the training and continuing education required by division (A) of this section by completing the training requirements in any other state, provided that the course is approved for credit by the insurance department of that state prior to the agent taking the course. 83327
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(E) Each insurer shall obtain records of the initial training and continuing education completed by agents of that insurer pursuant to division (A) of this section as well as the training completed by the insurer's agents concerning the distribution of the insurer's partnership program policies and shall make those records available to the superintendent upon request. 83336
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(F) Each insurer shall maintain records with respect to the training of its agents concerning the distribution of the 83343
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insurer's partnership program policies. Each insurer shall 83345
provide documentation to the superintendent that will allow the 83346
superintendent to provide assurance to the medicaid director 83347
that agents have received the training required by this section 83348
and that agents have demonstrated an understanding of the 83349
partnership program policies and their relationship to public 83350
and private coverage of long-term care in this state, including 83351
medicaid. The superintendent may audit each insurer's records 83352
annually to verify that the insurer is maintaining the records 83353
required by this division. The superintendent shall make the 83354
records provided to the superintendent pursuant to division (E) 83355
of this section available to the director. 83356

Sec. 3951.03. (A) Before any certificate of authority 83357
shall be issued by the superintendent of insurance there shall 83358
be filed in the superintendent's office a written application 83359
therefor. Such application shall be in the form or forms and 83360
supplements thereto prescribed by the superintendent and shall 83361
set forth: 83362

(1) The name and address of the applicant, and if the 83363
applicant be a firm, association, or partnership, the name and 83364
address of each member thereof, and if the applicant be a 83365
corporation, the name and address of each of its officers and 83366
directors; 83367

(2) Whether any license or certificate of authority as 83368
agent, broker, or public insurance adjuster has been issued 83369
previously by the superintendent of this state or by the 83370
insurance department of any state to the individual applicant, 83371
and, if the applicant be an individual, whether any such 83372
certificate has been issued previously to any firm, association, 83373
or partnership of which the individual was or is an officer or 83374

director, and, if the applicant be a firm, association, or 83375
partnership, whether any such certificate has been issued 83376
previously to any member thereof, and, if the applicant be a 83377
corporation, whether any such certificate has been issued 83378
previously to any officer or director of such corporation; 83379

(3) The business or employment in which the applicant has 83380
been engaged for the five years next preceding the date of the 83381
application, and the name and address of such business and the 83382
name or names and addresses of his employer or employers; 83383

(4) Such information as the superintendent may require of 83384
applicants in order to determine their trustworthiness and 83385
competency to transact the business of public insurance 83386
adjusters, in such manner as to safeguard the interest of the 83387
public; 83388

(B) Except as provided in division (C) of this section, 83389
the superintendent shall issue a public insurance adjuster agent 83390
certificate to a person, who is a bona fide employee of a public 83391
insurance adjuster without examination, provided said 83392
application is made by a person, partnership, association, or 83393
corporation engaged in the public insurance adjusting business. 83394
The fee to be paid by the applicant for such a license at the 83395
time the application is made, and annually thereafter for the 83396
renewal thereof according to the standard renewal procedure of 83397
sections 4745.01 to 4745.03, inclusive, of the Revised Code, 83398
shall be fifty dollars, and such applicant shall be bonded in 83399
the amount of one thousand dollars as provided for in division 83400
(D) of section 3951.06 of the Revised Code. 83401

(C) The superintendent shall issue a public insurance 83402
adjuster agent certificate in accordance with Chapter 4796. of 83403
the Revised Code to an applicant if either of the following 83404

applies: 83405

(1) The applicant holds a license or certificate in 83406
another state. 83407

(2) The applicant has satisfactory work experience, a 83408
government certification, or a private certification as 83409
described in that chapter as a public insurance adjuster agent 83410
in a state that does not issue that license or certificate. 83411

(D) An application for any certificate of authority shall 83412
be signed ~~and verified under oath~~ by the applicant and, if made 83413
by a firm, association, partnership, or corporation, by each 83414
member or officer and director thereof to be authorized thereby 83415
to act as a public insurance adjuster. 83416

Sec. 4113.31. (A) As used in this section: 83417

(1) "Employer," "mass layoff," and "plant closing" have 83418
the same meanings as in the WARN Act and 20 C.F.R. 639.3. 83419

(2) "WARN Act" means the "Worker Adjustment and Retraining 83420
Notification (WARN) Act," 29 U.S.C. 2101, et seq. 83421

(B) An employer in this state shall comply with all 83422
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. The 83423
requirements specified in this section do not establish a 83424
different standard than that established by federal statutes and 83425
regulations. 83426

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer 83427
must provide the notice required by 29 U.S.C. 2102(a) if both of 83428
the following apply: 83429

(1) The employer employs one hundred or more employees who 83430
in the aggregate work at least four thousand hours a week. 83431

(2) The employer lays off fifty or more employees at a 83432
single site of employment during any thirty-day period. 83433

(D) An employer is not required to provide the notice 83434
described in 29 U.S.C. 2102(a) when a plant closing or mass 83435
layoff constitutes a strike or constitutes a lockout as 83436
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 83437

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 83438
sixty days before the date a plant closing or mass layoff 83439
begins, an employer shall provide written notice of the closing 83440
or layoff to affected employees' authorized representatives or, 83441
if there are no such representatives at the time, to each 83442
affected employee. 83443

(1) The employer shall include all of the following in a 83444
notice provided to affected employees' authorized 83445
representatives: 83446

(a) The location of the facility affected by the plant 83447
closing or mass layoff; 83448

(b) A detailed statement explaining the reason for the 83449
plant closing or mass layoff and whether it will be permanent or 83450
temporary; 83451

(c) The expected date when the plant closing or mass 83452
layoff will commence and the anticipated date on which the 83453
employees' employment will cease; 83454

(d) The total number of employees affected by the plant 83455
closing or mass layoff, including the employees' job titles or 83456
positions and any department or division impacted. 83457

(2) The employer shall include all of the following in a 83458
notice provided to affected employees' who do not have an 83459

authorized representative at the time the notice is sent: 83460

(a) A detailed statement explaining the reason for the 83461
plant closing or mass layoff and whether it will be permanent or 83462
temporary; 83463

(b) The expected date when the plant closing or mass 83464
layoff will commence and the anticipated date on which the 83465
employees' employment will cease; 83466

(c) An indication as to whether an affected employee has 83467
bumping rights or other reemployment rights under a collective 83468
bargaining agreement or a company policy, including any 83469
procedures for exercising those rights; 83470

(d) Information on how affected employees can access 83471
unemployment insurance benefits and other assistance programs; 83472

(e) The name, title, and contact information of an 83473
employer representative who can answer questions about the plant 83474
closing or mass layoff; 83475

(f) Information about any available services for an 83476
affected employee, including job placement assistance, 83477
retraining programs, or counseling services. 83478

(F) In accordance with 29 U.S.C 2102(a) (2), an employer 83479
shall provide written notice of a plant closing or mass layoff 83480
to the director of job and family services and to the chief 83481
elected official of the municipal corporation and the county 83482
where the plant closing or mass layoff is to occur. The written 83483
notice shall include the same information required under 83484
division (E) of this section and all of the following: 83485

(1) A description of any action taken or planned to 83486
mitigate the impact of the plant closing or mass layoff, 83487

including any efforts to secure alternative employment or 83488
training for affected employees; 83489

(2) The name of each employee organization representing 83490
affected employees, and the name and address of the chief 83491
elected officer of each organization; 83492

(3) A copy of the notice provided to affected employees or 83493
their representatives, as applicable. 83494

(G) The period within which an employer shall provide 83495
notice may be reduced or waived under the circumstances 83496
described in 29 U.S.C. 2102(b). 83497

(H) The director of job and family services may issue 83498
guidance and procedures for the submission and review of notices 83499
by employers. 83500

(I) When an employer fails to comply with the WARN Act, an 83501
affected employee may seek the remedies specified in 29 U.S.C. 83502
2104. 83503

Sec. 4115.04. (A) (1) Every public authority authorized to 83504
contract for or construct with its own forces a public 83505
improvement, before advertising for bids or undertaking such 83506
construction with its own forces, shall have the director of 83507
commerce determine the prevailing rates of wages of mechanics 83508
and laborers in accordance with section 4115.05 of the Revised 83509
Code for the class of work called for by the public improvement, 83510
in the locality where the work is to be performed. Except as 83511
provided in division (A) (2) of this section, that schedule of 83512
wages shall be attached to and made part of the specifications 83513
for the work, and shall be printed on the bidding blanks where 83514
the work is done by contract. A copy of the bidding blank shall 83515
be filed with the director before the contract is awarded. A 83516

minimum rate of wages for common laborers, on work coming under 83517
the jurisdiction of the department of transportation, shall be 83518
fixed in each county of the state by the department of 83519
transportation, in accordance with section 4115.05 of the 83520
Revised Code. 83521

(2) In the case of contracts that are administered by the 83522
department of natural resources, the director of natural 83523
resources or the director's designee shall include language in 83524
the contracts requiring wage rate determinations and updates to 83525
be obtained directly from the department of commerce through 83526
electronic or other means as appropriate. Contracts that include 83527
this requirement are exempt from the requirements established in 83528
division (A)(1) of this section that involve attaching the 83529
schedule of wages to the specifications for the work, making the 83530
schedule part of those specifications, and printing the schedule 83531
on the bidding blanks where the work is done by contract. 83532

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 83533
apply to: 83534

(1) Public improvements in any case where the federal 83535
government or any of its agencies furnishes by loan or grant all 83536
or any part of the funds used in constructing such improvements, 83537
provided that the federal government or any of its agencies 83538
prescribes predetermined minimum wages to be paid to mechanics 83539
and laborers employed in the construction of such improvements; 83540

(2) A participant in a work activity, developmental 83541
activity, or an alternative work activity under sections 5107.40 83542
to 5107.69 of the Revised Code when a public authority directly 83543
uses the labor of the participant to construct a public 83544
improvement if the participant is not engaged in paid employment 83545
or subsidized employment pursuant to the activity; 83546

(3) Public improvements undertaken by, or under contract 83547
for, the board of education of any school district or the 83548
governing board of any educational service center; 83549

(4) Public improvements undertaken by, or under contract 83550
for, a county hospital operated pursuant to Chapter 339. of the 83551
Revised Code or a municipal hospital operated pursuant to 83552
Chapter 749. of the Revised Code if none of the funds used in 83553
constructing the improvements are the proceeds of bonds or other 83554
obligations that are secured by the full faith and credit of the 83555
state, a county, a township, or a municipal corporation and none 83556
of the funds used in constructing the improvements, including 83557
funds used to repay any amounts borrowed to construct the 83558
improvements, are funds that have been appropriated for that 83559
purpose by the state, a board of county commissioners, a 83560
township, or a municipal corporation from funds generated by the 83561
levy of a tax, provided that a county hospital or municipal 83562
hospital may elect to apply sections 4115.03 to 4115.16 of the 83563
Revised Code to a public improvement undertaken by, or under 83564
contract for, the hospital; 83565

(5) Any project described in divisions (D) (1) (a) to ~~(D) (1)~~ 83566
~~(e)~~ (D) (1) (f) of section 176.05 of the Revised Code; 83567

(6) Public improvements undertaken by, or under contract 83568
for, a port authority as defined in section 4582.01 or 4582.21 83569
of the Revised Code; 83570

(7) Any portion of a public improvement undertaken and 83571
completed solely with labor donated by the individuals 83572
performing the labor, by a labor organization and its members, 83573
or by a contractor or subcontractor that donates all labor and 83574
materials for that portion of the public improvement project. 83575

(C) Under no circumstances shall a public authority apply the prevailing wage requirements of this chapter to a public improvement that is exempt under division (B) (3) of this section.

Sec. 4117.08. (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) Neither of the following are appropriate subjects for collective bargaining:

(1) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists~~are not appropriate subjects for collective bargaining;~~

(2) For collective bargaining agreements that are entered into on or after the effective date of this amendment, the ability of state employees to perform their duties at a location designated as a worksite under division (B) (2) of section 124.184 of the Revised Code or other location designated under division (D) of section 124.184 of the Revised Code.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

(1) Determine matters of inherent managerial policy which

include, but are not limited to, areas of discretion or policy 83605
such as the functions and programs of the public employer, 83606
standards of services, its overall budget, utilization of 83607
technology, and organizational structure; 83608

(2) Direct, supervise, evaluate, or hire employees; 83609

(3) Maintain and improve the efficiency and effectiveness 83610
of governmental operations; 83611

(4) Determine the overall methods, process, means, or 83612
personnel by which governmental operations are to be conducted; 83613

(5) Suspend, discipline, demote, or discharge for just 83614
cause, or lay off, transfer, assign, schedule, promote, or 83615
retain employees; 83616

(6) Determine the adequacy of the work force; 83617

(7) Determine the overall mission of the employer as a 83618
unit of government; 83619

(8) Effectively manage the work force; 83620

(9) Take actions to carry out the mission of the public 83621
employer as a governmental unit. 83622

The employer is not required to bargain on subjects 83623
reserved to the management and direction of the governmental 83624
unit except as affect wages, hours, terms and conditions of 83625
employment, and the continuation, modification, or deletion of 83626
an existing provision of a collective bargaining agreement. A 83627
public employee or exclusive representative may raise a 83628
legitimate complaint or file a grievance based on the collective 83629
bargaining agreement. 83630

Sec. 4117.10. (A) An agreement between a public employer 83631

and an exclusive representative entered into pursuant to this 83632
chapter governs the wages, hours, and terms and conditions of 83633
public employment covered by the agreement. If the agreement 83634
provides for a final and binding arbitration of grievances, 83635
public employers, employees, and employee organizations are 83636
subject solely to that grievance procedure and the state 83637
personnel board of review or civil service commissions have no 83638
jurisdiction to receive and determine any appeals relating to 83639
matters that were the subject of a final and binding grievance 83640
procedure. Where no agreement exists or where an agreement makes 83641
no specification about a matter, the public employer and public 83642
employees are subject to all applicable state or local laws or 83643
ordinances pertaining to the wages, hours, and terms and 83644
conditions of employment for public employees. All of the 83645
following prevail over conflicting provisions of agreements 83646
between employee organizations and public employers: 83647

(1) Laws pertaining to any of the following subjects: 83648

(a) Civil rights; 83649

(b) Affirmative action; 83650

(c) Unemployment compensation; 83651

(d) Workers' compensation; 83652

(e) The retirement of public employees; 83653

(f) Residency requirements; 83654

(g) The minimum educational requirements contained in the 83655
Revised Code pertaining to public education including the 83656
requirement of a certificate by the fiscal officer of a school 83657
district pursuant to section 5705.41 of the Revised Code; 83658

(h) The provisions of division (A) of section 124.34 of 83659

the Revised Code governing the disciplining of officers and 83660
employees who have been convicted of a felony; 83661

(i) The minimum standards promulgated by the director of 83662
education and workforce pursuant to division (D) of section 83663
3301.07 of the Revised Code. 83664

(2) The law pertaining to the leave of absence and 83665
compensation provided under section 5923.05 of the Revised Code, 83666
if the terms of the agreement contain benefits which are less 83667
than those contained in that section or the agreement contains 83668
no such terms and the public authority is the state or any 83669
agency, authority, commission, or board of the state or if the 83670
public authority is another entity listed in division (B) of 83671
section 4117.01 of the Revised Code that elects to provide leave 83672
of absence and compensation as provided in section 5923.05 of 83673
the Revised Code; 83674

(3) The law pertaining to the leave established under 83675
section 5906.02 of the Revised Code, if the terms of the 83676
agreement contain benefits that are less than those contained in 83677
section 5906.02 of the Revised Code; 83678

(4) The law pertaining to excess benefits prohibited under 83679
section 3345.311 of the Revised Code with respect to an 83680
agreement between an employee organization and a public employer 83681
entered into on or after September 29, 2015; 83682

(5) The law pertaining to state employee work location 83683
policies under section 124.184 of the Revised Code with respect 83684
to an agreement between an employee organization and a public 83685
employer entered into on or after the effective date of this 83686
amendment. 83687

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 83688

the Revised Code and arrangements entered into thereunder, and 83689
section 4981.21 of the Revised Code as necessary to comply with 83690
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 83691
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 83692
entered into thereunder, this chapter prevails over any and all 83693
other conflicting laws, resolutions, provisions, present or 83694
future, except as otherwise specified in this chapter or as 83695
otherwise specified by the general assembly. Nothing in this 83696
section prohibits or shall be construed to invalidate the 83697
provisions of an agreement establishing supplemental workers' 83698
compensation or unemployment compensation benefits or exceeding 83699
minimum requirements contained in the Revised Code pertaining to 83700
public education or the minimum standards promulgated by the 83701
director of education and workforce pursuant to division (D) of 83702
section 3301.07 of the Revised Code. 83703

(B) The public employer shall submit a request for funds 83704
necessary to implement an agreement and for approval of any 83705
other matter requiring the approval of the appropriate 83706
legislative body to the legislative body within fourteen days of 83707
the date on which the parties finalize the agreement, unless 83708
otherwise specified, but if the appropriate legislative body is 83709
not in session at the time, then within fourteen days after it 83710
convenes. The legislative body must approve or reject the 83711
submission as a whole, and the submission is deemed approved if 83712
the legislative body fails to act within thirty days after the 83713
public employer submits the agreement. The parties may specify 83714
that those provisions of the agreement not requiring action by a 83715
legislative body are effective and operative in accordance with 83716
the terms of the agreement, provided there has been compliance 83717
with division (C) of this section. If the legislative body 83718
rejects the submission of the public employer, either party may 83719

reopen all or part of the entire agreement. 83720

As used in this section, "legislative body" includes the 83721
governing board of a municipal corporation, school district, 83722
college or university, village, township, or board of county 83723
commissioners or any other body that has authority to approve 83724
the budget of their public jurisdiction and, with regard to the 83725
state, "legislative body" means the controlling board. 83726

(C) The chief executive officer, or the chief executive 83727
officer's representative, of each municipal corporation, the 83728
designated representative of the board of education of each 83729
school district, college or university, or any other body that 83730
has authority to approve the budget of their public 83731
jurisdiction, the designated representative of the board of 83732
county commissioners and of each elected officeholder of the 83733
county whose employees are covered by the collective 83734
negotiations, and the designated representative of the village 83735
or the board of township trustees of each township is 83736
responsible for negotiations in the collective bargaining 83737
process; except that the legislative body may accept or reject a 83738
proposed collective bargaining agreement. When the matters about 83739
which there is agreement are reduced to writing and approved by 83740
the employee organization and the legislative body, the 83741
agreement is binding upon the legislative body, the employer, 83742
and the employee organization and employees covered by the 83743
agreement. 83744

(D) There is hereby established an office of collective 83745
bargaining in the department of administrative services for the 83746
purpose of negotiating with and entering into written agreements 83747
between state agencies, departments, boards, and commissions and 83748
the exclusive representative on matters of wages, hours, terms 83749

and other conditions of employment and the continuation, 83750
modification, or deletion of an existing provision of a 83751
collective bargaining agreement. Nothing in any provision of law 83752
to the contrary shall be interpreted as excluding the bureau of 83753
workers' compensation and the industrial commission from the 83754
preceding sentence. This office shall not negotiate on behalf of 83755
other statewide elected officials or boards of trustees of state 83756
institutions of higher education who shall be considered as 83757
separate public employers for the purposes of this chapter; 83758
however, the office may negotiate on behalf of these officials 83759
or trustees where authorized by the officials or trustees. The 83760
staff of the office of collective bargaining are in the 83761
unclassified service. The director of administrative services 83762
shall fix the compensation of the staff. 83763

The office of collective bargaining shall: 83764

(1) Assist the director in formulating management's 83765
philosophy for public collective bargaining as well as planning 83766
bargaining strategies; 83767

(2) Conduct negotiations with the exclusive 83768
representatives of each employee organization; 83769

(3) Coordinate the state's resources in all mediation, 83770
fact-finding, and arbitration cases as well as in all labor 83771
disputes; 83772

(4) Conduct systematic reviews of collective bargaining 83773
agreements for the purpose of contract negotiations; 83774

(5) Coordinate the systematic compilation of data by all 83775
agencies that is required for negotiating purposes; 83776

(6) Prepare and submit an annual report and other reports 83777
as requested to the governor and the general assembly on the 83778

implementation of this chapter and its impact upon state government. 83779
83780

Sec. 4123.442. When developing the investment policy for 83781
the investment of the assets of the funds specified in this 83782
chapter and Chapters 4121., 4127., and 4131. of the Revised 83783
Code, the workers' compensation investment committee shall do 83784
all of the following: 83785

(A) Specify the asset allocation targets and ranges, risk 83786
factors, asset class benchmarks, time horizons, total return 83787
objectives, and performance evaluation guidelines; 83788

(B) Prohibit investing the assets of those funds, directly 83789
or indirectly, in vehicles that target any of the following: 83790

(1) Coins; 83791

(2) Artwork; 83792

(3) Horses; 83793

(4) Jewelry or gems; 83794

(5) Stamps; 83795

(6) Antiques; 83796

(7) Artifacts; 83797

(8) Collectibles; 83798

(9) Memorabilia; 83799

(10) Similar unregulated investments that are not commonly 83800
part of an institutional portfolio, that lack liquidity, and 83801
that lack readily determinable valuation. 83802

(C) Specify that the administrator of workers' 83803
compensation may invest in an investment class only if the 83804

bureau of workers' compensation board of directors, by a 83805
majority vote, opens that class; 83806

(D) Prohibit investing the assets of those funds in any 83807
class of investments the board, by majority vote, closed, or any 83808
specific investment in which the board prohibits the 83809
administrator from investing; 83810

(E) Prohibit investing the assets of those funds with the 83811
primary purpose of influencing any social or environmental 83812
policy or attempting to influence the governance of any 83813
corporation; 83814

(F) Not specify in the investment policy that the 83815
administrator or employees of the bureau of workers' 83816
compensation are prohibited from conducting business with an 83817
investment management firm, any investment management 83818
professional associated with that firm, any third party 83819
solicitor associated with that firm, or any political action 83820
committee controlled by that firm or controlled by an investment 83821
management professional of that firm based on criteria that are 83822
more restrictive than the restrictions described in divisions 83823
~~(Y) and (Z)~~ and (AA) of section 3517.13 of the Revised Code. 83824

Sec. 4141.01. As used in this chapter, unless the context 83825
otherwise requires: 83826

(A) (1) "Employer" means the any of the following, provided 83827
the individual or entity is subject to this chapter under 83828
section 4141.011 of the Revised Code: any state, its 83829
instrumentalities, its political subdivisions and their 83830
instrumentalities, Indian tribes, and any individual or type of 83831
organization including any partnership, limited liability 83832
company, association, trust, estate, joint-stock company, 83833

insurance company, or corporation, whether domestic or foreign, 83834
or the receiver, trustee in bankruptcy, trustee, or the 83835
successor thereof, or the legal representative of a deceased 83836
~~person who subsequent to December 31, 1971, or in the case of~~ 83837
~~political subdivisions or their instrumentalities, subsequent to~~ 83838
~~December 31, 1973:~~ 83839

~~(a) Had in employment at least one individual, or in the~~ 83840
~~case of a nonprofit organization, subsequent to December 31,~~ 83841
~~1973, had not less than four individuals in employment for some~~ 83842
~~portion of a day in each of twenty different calendar weeks, in~~ 83843
~~either the current or the preceding calendar year whether or not~~ 83844
~~the same individual was in employment in each such day; or~~ 83845

~~(b) Except for a nonprofit organization, had paid for~~ 83846
~~service in employment wages of fifteen hundred dollars or more~~ 83847
~~in any calendar quarter in either the current or preceding~~ 83848
~~calendar year; or~~ 83849

~~(c) Had paid, subsequent to December 31, 1977, for~~ 83850
~~employment in domestic service in a local college club, or local~~ 83851
~~chapter of a college fraternity or sorority, cash remuneration~~ 83852
~~of one thousand dollars or more in any calendar quarter in the~~ 83853
~~current calendar year or the preceding calendar year, or had~~ 83854
~~paid subsequent to December 31, 1977, for employment in domestic~~ 83855
~~service in a private home cash remuneration of one thousand~~ 83856
~~dollars in any calendar quarter in the current calendar year or~~ 83857
~~the preceding calendar year:~~ 83858

~~(i) For the purposes of divisions (A) (1) (a) and (b) of~~ 83859
~~this section, there shall not be taken into account any wages~~ 83860
~~paid to, or employment of, an individual performing domestic~~ 83861
~~service as described in this division.~~ 83862

~~(ii) An employer under this division shall not be an
employer with respect to wages paid for any services other than
domestic service unless the employer is also found to be an
employer under division (A) (1) (a), (b), or (d) of this section.~~

~~(d) As a farm operator or a crew leader subsequent to
December 31, 1977, had in employment individuals in agricultural
labor; and~~

~~(i) During any calendar quarter in the current calendar
year or the preceding calendar year, paid cash remuneration of
twenty thousand dollars or more for the agricultural labor; or~~

~~(ii) Had at least ten individuals in employment in
agricultural labor, not including agricultural workers who are
aliens admitted to the United States to perform agricultural
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A.
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in
each of the twenty different calendar weeks, in either the
current or preceding calendar year whether or not the same
individual was in employment in each day; or~~

~~(e) Is not otherwise an employer as defined under division
(A) (1) (a) or (b) of this section; and~~

~~(i) For which, within either the current or preceding
calendar year, service, except for domestic service in a private
home not covered under division (A) (1) (c) of this section, is or
was performed with respect to which such employer is liable for
any federal tax against which credit may be taken for
contributions required to be paid into a state unemployment
fund;~~

~~(ii) Which, as a condition for approval of this chapter~~

~~for full tax credit against the tax imposed by the "Federal-~~ 83892
~~Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,~~ 83893
~~is required, pursuant to such act to be an employer under this~~ 83894
~~chapter; or~~ 83895

~~(iii) Who became an employer by election under division~~ 83896
~~(A) (4) or (5) of this section and for the duration of such~~ 83897
~~election; or~~ 83898

~~(f) In the case of the state, its instrumentalities, its~~ 83899
~~political subdivisions, and their instrumentalities, and Indian~~ 83900
~~tribes, had in employment, as defined in divisions (B) (2) (a) and~~ 83901
~~(B) (2) (1) of this section, at least one individual;~~ 83902

~~(g) For the purposes of division (A) (1) (a) of this~~ 83903
~~section, if any week includes both the thirty-first day of~~ 83904
~~December and the first day of January, the days of that week~~ 83905
~~before the first day of January shall be considered one calendar~~ 83906
~~week and the days beginning the first day of January another~~ 83907
~~week.~~ 83908

(2) Each individual employed to perform or to assist in 83909
performing the work of any agent or employee of an employer is 83910
employed by such employer for all the purposes of this chapter, 83911
whether such individual was hired or paid directly by such 83912
employer or by such agent or employee, provided the employer had 83913
actual or constructive knowledge of the work. All individuals 83914
performing services for an employer of any person in this state 83915
who maintains two or more establishments within this state are 83916
employed by a single employer for the purposes of this chapter. 83917

~~(3) An employer subject to this chapter within any~~ 83918
~~calendar year is subject to this chapter during the whole of~~ 83919
~~such year and during the next succeeding calendar year.~~ 83920

~~(4) An employer not otherwise subject to this chapter who files with the director of job and family services a written election to become an employer subject to this chapter for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject to this chapter to the same extent as all other employers as of the date stated in such approval, and shall cease to be subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January the employer has filed with the director a written notice to that effect.~~

~~(5) Any employer for whom services that do not constitute employment are performed may file with the director a written election that all such services performed by individuals in the employer's employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this chapter, for not less than two calendar years. Upon written approval of the election by the director, such services shall be deemed to constitute employment subject to this chapter from and after the date stated in such approval. Such services shall cease to be employment subject to this chapter as of the first day of January of any calendar year subsequent to such two calendar years only if at least thirty days prior to such first day of January such employer has filed with the director a written notice to that effect.~~

~~(6) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that~~

~~is not customarily exercised by a franchisor for the purpose of~~ 83952
~~protecting the franchisor's trademark, brand, or both. For~~ 83953
~~purposes of this division, "franchisor" and "franchisee" have~~ 83954
~~the same meanings as in 16 C.F.R. 436.1.~~ 83955

(B) (1) "Employment" means service performed by an 83956
individual for remuneration under any contract of hire, written 83957
or oral, express or implied, including service performed in 83958
interstate commerce and service performed by an officer of a 83959
corporation, without regard to whether such service is 83960
executive, managerial, or manual in nature, and without regard 83961
to whether such officer is a stockholder or a member of the 83962
board of directors of the corporation, unless it is shown to the 83963
satisfaction of the director that such individual has been and 83964
will continue to be free from direction or control over the 83965
performance of such service, both under a contract of service 83966
and in fact. The director of job and family services shall adopt 83967
rules to define "direction or control." 83968

(2) "Employment" includes: 83969

(a) Service performed after December 31, 1977, by an 83970
individual in the employ of the state or any of its 83971
instrumentalities, or any political subdivision thereof or any 83972
of its instrumentalities or any instrumentality of more than one 83973
of the foregoing or any instrumentality of any of the foregoing 83974
and one or more other states or political subdivisions and 83975
without regard to ~~divisions~~ division (A) ~~(1) (a) and (b)~~ of this 83976
section 4141.011 of the Revised Code, provided that such service 83977
is excluded from employment as defined in the "Federal 83978
Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 3306(c) 83979
(7) and is not excluded under division (B) (3) of this section; 83980
or the services of employees covered by voluntary election, as 83981

provided under divisions ~~(A) (4)~~ (H) and ~~(5) (I)~~ of ~~this~~ section_ 83982
4141.011 of the Revised Code; 83983

(b) Service performed after December 31, 1971, by an 83984
individual in the employ of a religious, charitable, 83985
educational, or other organization which is excluded from the 83986
term "employment" as defined in the "Federal Unemployment Tax 83987
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 83988
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 83989
excluded under division (B) (3) of this section; 83990

(c) Domestic service performed after December 31, 1977, 83991
for an employer, as provided in division ~~(A) (1) (e)~~ (C) of ~~this~~ 83992
section 4141.011 of the Revised Code; 83993

(d) Agricultural labor performed after December 31, 1977, 83994
for a farm operator or a crew leader, as provided in division 83995
~~(A) (1) (d)~~ (D) of ~~this~~ section 4141.011 of the Revised Code; 83996

(e) Subject to division (B) (2) (m) of this section, service 83997
not covered under division (B) (1) of this section which is 83998
performed after December 31, 1971: 83999

(i) As an agent-driver or commission-driver engaged in 84000
distributing meat products, vegetable products, fruit products, 84001
bakery products, beverages other than milk, laundry, or dry- 84002
cleaning services, for the individual's employer or principal; 84003

(ii) As a traveling or city salesperson, other than as an 84004
agent-driver or commission-driver, engaged on a full-time basis 84005
in the solicitation on behalf of and in the transmission to the 84006
salesperson's employer or principal except for sideline sales 84007
activities on behalf of some other person of orders from 84008
wholesalers, retailers, contractors, or operators of hotels, 84009
restaurants, or other similar establishments for merchandise for 84010

resale, or supplies for use in their business operations, 84011
provided that for the purposes of division (B) (2) (e) (ii) of this 84012
section, the services shall be deemed employment if the contract 84013
of service contemplates that substantially all of the services 84014
are to be performed personally by the individual and that the 84015
individual does not have a substantial investment in facilities 84016
used in connection with the performance of the services other 84017
than in facilities for transportation, and the services are not 84018
in the nature of a single transaction that is not a part of a 84019
continuing relationship with the person for whom the services 84020
are performed. 84021

(f) An individual's entire service performed within or 84022
both within and without the state if: 84023

(i) The service is localized in this state. 84024

(ii) The service is not localized in any state, but some 84025
of the service is performed in this state and either the base of 84026
operations, or if there is no base of operations then the place 84027
from which such service is directed or controlled, is in this 84028
state or the base of operations or place from which such service 84029
is directed or controlled is not in any state in which some part 84030
of the service is performed but the individual's residence is in 84031
this state. 84032

(g) Service not covered under division (B) (2) (f) (ii) of 84033
this section and performed entirely without this state, with 84034
respect to no part of which contributions are required and paid 84035
under an unemployment compensation law of any other state, the 84036
Virgin Islands, Canada, or of the United States, if the 84037
individual performing such service is a resident of this state 84038
and the director approves the election of the employer for whom 84039
such services are performed; or, if the individual is not a 84040

resident of this state but the place from which the service is 84041
directed or controlled is in this state, the entire services of 84042
such individual shall be deemed to be employment subject to this 84043
chapter, provided service is deemed to be localized within this 84044
state if the service is performed entirely within this state or 84045
if the service is performed both within and without this state 84046
but the service performed without this state is incidental to 84047
the individual's service within the state, for example, is 84048
temporary or transitory in nature or consists of isolated 84049
transactions; 84050

(h) Service of an individual who is a citizen of the 84051
United States, performed outside the United States except in 84052
Canada after December 31, 1971, or the Virgin Islands, after 84053
December 31, 1971, and before the first day of January of the 84054
year following that in which the United States secretary of 84055
labor approves the Virgin Islands law for the first time, in the 84056
employ of an American employer, other than service which is 84057
"employment" under divisions (B) (2) (f) and (g) of this section 84058
or similar provisions of another state's law, if: 84059

(i) The employer's principal place of business in the 84060
United States is located in this state; 84061

(ii) The employer has no place of business in the United 84062
States, but the employer is an individual who is a resident of 84063
this state; or the employer is a corporation which is organized 84064
under the laws of this state, or the employer is a partnership 84065
or a trust and the number of partners or trustees who are 84066
residents of this state is greater than the number who are 84067
residents of any other state; or 84068

(iii) None of the criteria of divisions (B) (2) (f) (i) and 84069
(ii) of this section is met but the employer has elected 84070

coverage in this state or the employer having failed to elect 84071
coverage in any state, the individual has filed a claim for 84072
benefits, based on such service, under this chapter. 84073

(i) For the purposes of division (B) (2) (h) of this 84074
section, the term "American employer" means an employer who is 84075
an individual who is a resident of the United States; or a 84076
partnership, if two-thirds or more of the partners are residents 84077
of the United States; or a trust, if all of the trustees are 84078
residents of the United States; or a corporation organized under 84079
the laws of the United States or of any state, provided the term 84080
"United States" includes the states, the District of Columbia, 84081
the Commonwealth of Puerto Rico, and the Virgin Islands. 84082

(j) Notwithstanding any other provisions of divisions (B) 84083
(1) and (2) of this section, service, except for domestic 84084
service in a private home not covered under division ~~(A) (1) (e)~~ 84085
(C) of this section 4141.011 of the Revised Code, with respect 84086
to which a tax is required to be paid under any federal law 84087
imposing a tax against which credit may be taken for 84088
contributions required to be paid into a state unemployment 84089
fund, or service, except for domestic service in a private home 84090
not covered under division ~~(A) (1) (e)~~ (C) of this section 4141.011 84091
of the Revised Code, which, as a condition for full tax credit 84092
against the tax imposed by the "Federal Unemployment Tax Act," 84093
84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be 84094
covered under this chapter. 84095

(k) Construction services performed by any individual 84096
under a construction contract, as defined in section 4141.39 of 84097
the Revised Code, if the director determines that the employer 84098
for whom services are performed has the right to direct or 84099
control the performance of the services and that the individuals 84100

who perform the services receive remuneration for the services 84101
performed. The director shall presume that the employer for whom 84102
services are performed has the right to direct or control the 84103
performance of the services if ten or more of the following 84104
criteria apply: 84105

(i) The employer directs or controls the manner or method 84106
by which instructions are given to the individual performing 84107
services; 84108

(ii) The employer requires particular training for the 84109
individual performing services; 84110

(iii) Services performed by the individual are integrated 84111
into the regular functioning of the employer; 84112

(iv) The employer requires that services be provided by a 84113
particular individual; 84114

(v) The employer hires, supervises, or pays the wages of 84115
the individual performing services; 84116

(vi) A continuing relationship between the employer and 84117
the individual performing services exists which contemplates 84118
continuing or recurring work, even if not full-time work; 84119

(vii) The employer requires the individual to perform 84120
services during established hours; 84121

(viii) The employer requires that the individual 84122
performing services be devoted on a full-time basis to the 84123
business of the employer; 84124

(ix) The employer requires the individual to perform 84125
services on the employer's premises; 84126

(x) The employer requires the individual performing 84127

services to follow the order of work established by the	84128
employer;	84129
(xi) The employer requires the individual performing	84130
services to make oral or written reports of progress;	84131
(xii) The employer makes payment to the individual for	84132
services on a regular basis, such as hourly, weekly, or monthly;	84133
(xiii) The employer pays expenses for the individual	84134
performing services;	84135
(xiv) The employer furnishes the tools and materials for	84136
use by the individual to perform services;	84137
(xv) The individual performing services has not invested	84138
in the facilities used to perform services;	84139
(xvi) The individual performing services does not realize	84140
a profit or suffer a loss as a result of the performance of the	84141
services;	84142
(xvii) The individual performing services is not	84143
performing services for more than two employers simultaneously;	84144
(xviii) The individual performing services does not make	84145
the services available to the general public;	84146
(xix) The employer has a right to discharge the individual	84147
performing services;	84148
(xx) The individual performing services has the right to	84149
end the individual's relationship with the employer without	84150
incurring liability pursuant to an employment contract or	84151
agreement.	84152
(1) Service performed by an individual in the employ of an	84153
Indian tribe as defined by section 4(e) of the "Indian Self-	84154

Determination and Education Assistance Act," 88 Stat. 2204 84155
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 84156
subsidiary, or business enterprise wholly owned by an Indian 84157
tribe provided that the service is excluded from employment as 84158
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 84159
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 84160
under division (B)(3) of this section. 84161

(m) Service performed by an individual for or on behalf of 84162
a motor carrier transporting property as an operator of a 84163
vehicle or vessel, unless all of the following factors apply to 84164
the individual and the motor carrier has not elected to consider 84165
the individual's service as employment: 84166

(i) The individual owns the vehicle or vessel that is used 84167
in performing the services for or on behalf of the carrier, or 84168
the individual leases the vehicle or vessel under a bona fide 84169
lease agreement that is not a temporary replacement lease 84170
agreement. For purposes of this division, a bona fide lease 84171
agreement does not include an agreement between the individual 84172
and the motor carrier transporting property for which, or on 84173
whose behalf, the individual provides services. 84174

(ii) The individual is responsible for supplying the 84175
necessary personal services to operate the vehicle or vessel 84176
used to provide the service. 84177

(iii) The compensation paid to the individual is based on 84178
factors related to work performed, including on a mileage-based 84179
rate or a percentage of any schedule of rates, and not solely on 84180
the basis of the hours or time expended. 84181

(iv) The individual substantially controls the means and 84182
manner of performing the services, in conformance with 84183

regulatory requirements and specifications of the shipper. 84184

(v) The individual enters into a written contract with the 84185
carrier for whom the individual is performing the services that 84186
describes the relationship between the individual and the 84187
carrier to be that of an independent contractor and not that of 84188
an employee. 84189

(vi) The individual is responsible for substantially all 84190
of the principal operating costs of the vehicle or vessel and 84191
equipment used to provide the services, including maintenance, 84192
fuel, repairs, supplies, vehicle or vessel insurance, and 84193
personal expenses, except that the individual may be paid by the 84194
carrier the carrier's fuel surcharge and incidental costs, 84195
including tolls, permits, and lump sum fees. 84196

(vii) The individual is responsible for any economic loss 84197
or economic gain from the arrangement with the carrier. 84198

(viii) The individual is not performing services described 84199
in 26 U.S.C. 3306(c) (7) or (8). 84200

(3) "Employment" does not include the following services 84201
if they are found not subject to the "Federal Unemployment Tax 84202
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 84203
services are not required to be included under division (B) (2) 84204
(j) of this section: 84205

(a) Service performed after December 31, 1977, in 84206
agricultural labor, except as provided in division ~~(A) (1) (d)~~ (D) 84207
of ~~this section~~ 4141.011 of the Revised Code; 84208

(b) Domestic service performed after December 31, 1977, in 84209
a private home, local college club, or local chapter of a 84210
college fraternity or sorority except as provided in division 84211
~~(A) (1) (c)~~ (C) of ~~this section~~ 4141.011 of the Revised Code; 84212

(c) Service performed after December 31, 1977, for this	84213
state or a political subdivision as described in division (B) (2)	84214
(a) of this section when performed:	84215
(i) As a publicly elected official;	84216
(ii) As a member of a legislative body, or a member of the	84217
judiciary;	84218
(iii) As a military member of the Ohio national guard;	84219
(iv) As an employee, not in the classified service as	84220
defined in section 124.11 of the Revised Code, serving on a	84221
temporary basis in case of fire, storm, snow, earthquake, flood,	84222
or similar emergency;	84223
(v) In a position which, under or pursuant to law, is	84224
designated as a major nontenured policymaking or advisory	84225
position, not in the classified service of the state, or a	84226
policymaking or advisory position the performance of the duties	84227
of which ordinarily does not require more than eight hours per	84228
week.	84229
(d) In the employ of any governmental unit or	84230
instrumentality of the United States;	84231
(e) Service performed after December 31, 1971:	84232
(i) Service in the employ of an educational institution or	84233
institution of higher education, including those operated by the	84234
state or a political subdivision, if such service is performed	84235
by a student who is enrolled and is regularly attending classes	84236
at the educational institution or institution of higher	84237
education; or	84238
(ii) By an individual who is enrolled at a nonprofit or	84239
public educational institution which normally maintains a	84240

regular faculty and curriculum and normally has a regularly 84241
organized body of students in attendance at the place where its 84242
educational activities are carried on as a student in a full- 84243
time program, taken for credit at the institution, which 84244
combines academic instruction with work experience, if the 84245
service is an integral part of the program, and the institution 84246
has so certified to the employer, provided that this subdivision 84247
shall not apply to service performed in a program established 84248
for or on behalf of an employer or group of employers. 84249

(f) Service performed by an individual in the employ of 84250
the individual's son, daughter, or spouse and service performed 84251
by a child under the age of eighteen in the employ of the 84252
child's father or mother; 84253

(g) Service performed for one or more principals by an 84254
individual who is compensated on a commission basis, who in the 84255
performance of the work is master of the individual's own time 84256
and efforts, and whose remuneration is wholly dependent on the 84257
amount of effort the individual chooses to expend, and which 84258
service is not subject to the "Federal Unemployment Tax Act," 53 84259
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 84260
after December 31, 1971: 84261

(i) By an individual for an employer as an insurance agent 84262
or as an insurance solicitor, if all this service is performed 84263
for remuneration solely by way of commission; 84264

(ii) As a home worker performing work, according to 84265
specifications furnished by the employer for whom the services 84266
are performed, on materials or goods furnished by such employer 84267
which are required to be returned to the employer or to a person 84268
designated for that purpose. 84269

- (h) Service performed after December 31, 1971: 84270
- (i) In the employ of a church or convention or association 84271
of churches, or in an organization which is operated primarily 84272
for religious purposes and which is operated, supervised, 84273
controlled, or principally supported by a church or convention 84274
or association of churches; 84275
- (ii) By a duly ordained, commissioned, or licensed 84276
minister of a church in the exercise of the individual's 84277
ministry or by a member of a religious order in the exercise of 84278
duties required by such order; or 84279
- (iii) In a facility conducted for the purpose of carrying 84280
out a program of rehabilitation for individuals whose earning 84281
capacity is impaired by age or physical or mental disability or 84282
injury, or providing remunerative work for individuals who 84283
because of their impaired physical or mental capacity cannot be 84284
readily absorbed in the competitive labor market, by an 84285
individual receiving such rehabilitation or remunerative work. 84286
- (i) Service performed after June 30, 1939, with respect to 84287
which unemployment compensation is payable under the "Railroad 84288
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 84289
351; 84290
- (j) Service performed by an individual in the employ of 84291
any organization exempt from income tax under section 501 of the 84292
"Internal Revenue Code of 1954," if the remuneration for such 84293
service does not exceed fifty dollars in any calendar quarter, 84294
or if such service is in connection with the collection of dues 84295
or premiums for a fraternal beneficial society, order, or 84296
association and is performed away from the home office or is 84297
ritualistic service in connection with any such society, order, 84298

or association; 84299

(k) Casual labor not in the course of an employer's trade 84300
or business; incidental service performed by an officer, 84301
appraiser, or member of a finance committee of a bank, building 84302
and loan association, savings and loan association, or savings 84303
association when the remuneration for such incidental service 84304
exclusive of the amount paid or allotted for directors' fees 84305
does not exceed sixty dollars per calendar quarter is casual 84306
labor; 84307

(l) Service performed in the employ of a voluntary 84308
employees' beneficial association providing for the payment of 84309
life, sickness, accident, or other benefits to the members of 84310
such association or their dependents or their designated 84311
beneficiaries, if admission to a membership in such association 84312
is limited to individuals who are officers or employees of a 84313
municipal or public corporation, of a political subdivision of 84314
the state, or of the United States and no part of the net 84315
earnings of such association inures, other than through such 84316
payments, to the benefit of any private shareholder or 84317
individual; 84318

(m) Service performed by an individual in the employ of a 84319
foreign government, including service as a consular or other 84320
officer or employee or of a nondiplomatic representative; 84321

(n) Service performed in the employ of an instrumentality 84322
wholly owned by a foreign government if the service is of a 84323
character similar to that performed in foreign countries by 84324
employees of the United States or of an instrumentality thereof 84325
and if the director finds that the secretary of state of the 84326
United States has certified to the secretary of the treasury of 84327
the United States that the foreign government, with respect to 84328

whose instrumentality exemption is claimed, grants an equivalent 84329
exemption with respect to similar service performed in the 84330
foreign country by employees of the United States and of 84331
instrumentalities thereof; 84332

(o) Service with respect to which unemployment 84333
compensation is payable under an unemployment compensation 84334
system established by an act of congress; 84335

(p) Service performed as a student nurse in the employ of 84336
a hospital or a nurses' training school by an individual who is 84337
enrolled and is regularly attending classes in a nurses' 84338
training school chartered or approved pursuant to state law, and 84339
service performed as an intern in the employ of a hospital by an 84340
individual who has completed a four years' course in a medical 84341
school chartered or approved pursuant to state law; 84342

(q) Service performed by an individual under the age of 84343
eighteen in the delivery or distribution of newspapers or 84344
shopping news, not including delivery or distribution to any 84345
point for subsequent delivery or distribution; 84346

(r) Service performed in the employ of the United States 84347
or an instrumentality of the United States immune under the 84348
Constitution of the United States from the contributions imposed 84349
by this chapter, except that to the extent that congress permits 84350
states to require any instrumentalities of the United States to 84351
make payments into an unemployment fund under a state 84352
unemployment compensation act, this chapter shall be applicable 84353
to such instrumentalities and to services performed for such 84354
instrumentalities in the same manner, to the same extent, and on 84355
the same terms as to all other employers, individuals, and 84356
services, provided that if this state is not certified for any 84357
year by the proper agency of the United States under section 84358

3304 of the "Internal Revenue Code of 1954," the payments 84359
required of such instrumentalities with respect to such year 84360
shall be refunded by the director from the fund in the same 84361
manner and within the same period as is provided in division (E) 84362
of section 4141.09 of the Revised Code with respect to 84363
contributions erroneously collected; 84364

(s) Service performed by an individual as a member of a 84365
band or orchestra, provided such service does not represent the 84366
principal occupation of such individual, and which service is 84367
not subject to or required to be covered for full tax credit 84368
against the tax imposed by the "Federal Unemployment Tax Act," 84369
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 84370

(t) Service performed in the employ of a day camp whose 84371
camping season does not exceed twelve weeks in any calendar 84372
year, and which service is not subject to the "Federal 84373
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 84374
3311. Service performed after December 31, 1971: 84375

(i) In the employ of a hospital, if the service is 84376
performed by a patient of the hospital, as defined in division 84377
(W) of this section; 84378

(ii) For a prison or other correctional institution by an 84379
inmate of the prison or correctional institution; 84380

(iii) Service performed after December 31, 1977, by an 84381
inmate of a custodial institution operated by the state, a 84382
political subdivision, or a nonprofit organization. 84383

(u) Service that is performed by a nonresident alien 84384
individual for the period the individual temporarily is present 84385
in the United States as a nonimmigrant under division (F), (J), 84386
(M), or (Q) of section 101(a)(15) of the "Immigration and 84387

Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 84388
that is excluded under section 3306(c)(19) of the "Federal 84389
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 84390
3311. 84391

(v) Notwithstanding any other provisions of division (B) 84392
(3) of this section, services that are excluded under divisions 84393
(B)(3)(g), (j), (k), and (l) of this section shall not be 84394
excluded from employment when performed for a nonprofit 84395
organization, as defined in division (X) of this section, or for 84396
this state or its instrumentalities, or for a political 84397
subdivision or its instrumentalities or for Indian tribes; 84398

(w) Service that is performed by an individual working as 84399
an election official or election worker if the amount of 84400
remuneration received by the individual during the calendar year 84401
for services as an election official or election worker is less 84402
than one thousand dollars; 84403

(x) Service performed for an elementary or secondary 84404
school that is operated primarily for religious purposes, that 84405
is described in subsection 501(c)(3) and exempt from federal 84406
income taxation under subsection 501(a) of the Internal Revenue 84407
Code, 26 U.S.C.A. 501; 84408

(y) Service performed by a person committed to a penal 84409
institution. 84410

(z) Service performed for an Indian tribe as described in 84411
division (B)(2)(l) of this section when performed in any of the 84412
following manners: 84413

(i) As a publicly elected official; 84414

(ii) As a member of an Indian tribal council; 84415

(iii) As a member of a legislative or judiciary body;	84416
(iv) In a position which, pursuant to Indian tribal law,	84417
is designated as a major nontenured policymaking or advisory	84418
position, or a policymaking or advisory position where the	84419
performance of the duties ordinarily does not require more than	84420
eight hours of time per week;	84421
(v) As an employee serving on a temporary basis in the	84422
case of a fire, storm, snow, earthquake, flood, or similar	84423
emergency.	84424
(aa) Service performed after December 31, 1971, for a	84425
nonprofit organization, this state or its instrumentalities, a	84426
political subdivision or its instrumentalities, or an Indian	84427
tribe as part of an unemployment work-relief or work-training	84428
program assisted or financed in whole or in part by any federal	84429
agency or an agency of a state or political subdivision,	84430
thereof, by an individual receiving the work-relief or work-	84431
training.	84432
(bb) Participation in a learn to earn program as defined	84433
in section 4141.293 of the Revised Code.	84434
(4) If the services performed during one half or more of	84435
any pay period by an employee for the person employing that	84436
employee constitute employment, all the services of such	84437
employee for such period shall be deemed to be employment; but	84438
if the services performed during more than one half of any such	84439
pay period by an employee for the person employing that employee	84440
do not constitute employment, then none of the services of such	84441
employee for such period shall be deemed to be employment. As	84442
used in division (B) (4) of this section, "pay period" means a	84443
period, of not more than thirty-one consecutive days, for which	84444

payment of remuneration is ordinarily made to the employee by 84445
the person employing that employee. Division (B) (4) of this 84446
section does not apply to services performed in a pay period by 84447
an employee for the person employing that employee, if any of 84448
such service is excepted by division (B) (3) (o) of this section. 84449

(C) "Benefits" means money payments payable to an 84450
individual who has established benefit rights, as provided in 84451
this chapter, for loss of remuneration due to the individual's 84452
unemployment. 84453

(D) "Benefit rights" means the weekly benefit amount and 84454
the maximum benefit amount that may become payable to an 84455
individual within the individual's benefit year as determined by 84456
the director. 84457

(E) "Claim for benefits" means a claim for waiting period 84458
or benefits for a designated week. 84459

(F) "Additional claim" means the first claim for benefits 84460
filed following any separation from employment during a benefit 84461
year; "continued claim" means any claim other than the first 84462
claim for benefits and other than an additional claim. 84463

(G) "Wages" means remuneration paid to an employee by each 84464
of the employee's employers with respect to employment; except 84465
that wages shall not include that part of remuneration paid 84466
during any calendar year to an individual by an employer or such 84467
employer's predecessor in interest in the same business or 84468
enterprise, which in any calendar year is in excess of nine 84469
thousand dollars on and after January 1, 1995; nine thousand 84470
five hundred dollars on and after January 1, 2018; and nine 84471
thousand dollars on and after January 1, 2020. Remuneration in 84472
excess of such amounts shall be deemed wages subject to 84473

contribution to the same extent that such remuneration is 84474
defined as wages under the "Federal Unemployment Tax Act," 84 84475
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 84476
remuneration paid an employee by an employer with respect to 84477
employment in another state, upon which contributions were 84478
required and paid by such employer under the unemployment 84479
compensation act of such other state, shall be included as a 84480
part of remuneration in computing the amount specified in this 84481
division. 84482

(H) (1) "Remuneration" means all compensation for personal 84483
services, including commissions and bonuses and the cash value 84484
of all compensation in any medium other than cash, except that 84485
in the case of agricultural or domestic service, "remuneration" 84486
includes only cash remuneration. Gratuities customarily received 84487
by an individual in the course of the individual's employment 84488
from persons other than the individual's employer and which are 84489
accounted for by such individual to the individual's employer 84490
are taxable wages. 84491

The reasonable cash value of compensation paid in any 84492
medium other than cash shall be estimated and determined in 84493
accordance with rules prescribed by the director, provided that 84494
"remuneration" does not include: 84495

(a) Payments as provided in divisions (b) (2) to (b) (20) of 84496
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 84497
713, 26 U.S.C.A. 3301 to 3311, as amended; 84498

(b) The payment by an employer, without deduction from the 84499
remuneration of the individual in the employer's employ, of the 84500
tax imposed upon an individual in the employer's employ under 84501
section 3101 of the "Internal Revenue Code of 1954," with 84502
respect to services performed after October 1, 1941. 84503

(2) "Cash remuneration" means all remuneration paid in 84504
cash, including commissions and bonuses, but not including the 84505
cash value of all compensation in any medium other than cash. 84506

(I) "Interested party" means the director and any party to 84507
whom notice of a determination of an application for benefit 84508
rights or a claim for benefits is required to be given under 84509
section 4141.28 of the Revised Code. 84510

(J) "Annual payroll" means the total amount of wages 84511
subject to contributions during a twelve-month period ending 84512
with the last day of the second calendar quarter of any calendar 84513
year. 84514

(K) "Average annual payroll" means the average of the last 84515
three annual payrolls of an employer, provided that if, as of 84516
any computation date, the employer has had less than three 84517
annual payrolls in such three-year period, such average shall be 84518
based on the annual payrolls which the employer has had as of 84519
such date. 84520

(L) (1) "Contributions" means the money payments to the 84521
state unemployment compensation fund required of employers by 84522
section 4141.25 of the Revised Code and of the state and any of 84523
its political subdivisions electing to pay contributions under 84524
section 4141.242 of the Revised Code. Employers paying 84525
contributions shall be described as "contributory employers." 84526

(2) "Payments in lieu of contributions" means the money 84527
payments to the state unemployment compensation fund required of 84528
reimbursing employers under sections 4141.241 and 4141.242 of 84529
the Revised Code. 84530

(M) An individual is "totally unemployed" in any week 84531
during which the individual performs no services and with 84532

respect to such week no remuneration is payable to the 84533
individual. 84534

(N) An individual is "partially unemployed" in any week 84535
if, due to involuntary loss of work, the total remuneration 84536
payable to the individual for such week is less than the 84537
individual's weekly benefit amount. 84538

(O) "Week" means the calendar week ending at midnight 84539
Saturday unless an equivalent week of seven consecutive calendar 84540
days is prescribed by the director. 84541

(1) "Qualifying week" means any calendar week in an 84542
individual's base period with respect to which the individual 84543
earns or is paid remuneration in employment subject to this 84544
chapter. A calendar week with respect to which an individual 84545
earns remuneration but for which payment was not made within the 84546
base period, when necessary to qualify for benefit rights, may 84547
be considered to be a qualifying week. The number of qualifying 84548
weeks which may be established in a calendar quarter shall not 84549
exceed the number of calendar weeks in the quarter. 84550

(2) "Average weekly wage" means the amount obtained by 84551
dividing an individual's total remuneration for all qualifying 84552
weeks during the base period by the number of such qualifying 84553
weeks, provided that if the computation results in an amount 84554
that is not a multiple of one dollar, such amount shall be 84555
rounded to the next lower multiple of one dollar. 84556

(P) "Weekly benefit amount" means the amount of benefits 84557
an individual would be entitled to receive for one week of total 84558
unemployment. 84559

(Q) (1) "Base period" means the first four of the last five 84560
completed calendar quarters immediately preceding the first day 84561

of an individual's benefit year, except as provided in division 84562
(Q) (2) of this section. 84563

(2) If an individual does not have sufficient qualifying 84564
weeks and wages in the base period to qualify for benefit 84565
rights, the individual's base period shall be the four most 84566
recently completed calendar quarters preceding the first day of 84567
the individual's benefit year. Such base period shall be known 84568
as the "alternate base period." If information as to weeks and 84569
wages for the most recent quarter of the alternate base period 84570
is not available to the director from the regular quarterly 84571
reports of wage information, which are systematically 84572
accessible, the director may, consistent with the provisions of 84573
section 4141.28 of the Revised Code, base the determination of 84574
eligibility for benefits on the affidavit of the claimant with 84575
respect to weeks and wages for that calendar quarter. The 84576
claimant shall furnish payroll documentation, where available, 84577
in support of the affidavit. The determination based upon the 84578
alternate base period as it relates to the claimant's benefit 84579
rights, shall be amended when the quarterly report of wage 84580
information from the employer is timely received and that 84581
information causes a change in the determination. As provided in 84582
division (B) of section 4141.28 of the Revised Code, any 84583
benefits paid and charged to an employer's account, based upon a 84584
claimant's affidavit, shall be adjusted effective as of the 84585
beginning of the claimant's benefit year. No calendar quarter in 84586
a base period or alternate base period shall be used to 84587
establish a subsequent benefit year. 84588

(3) The "base period" of a combined wage claim, as 84589
described in division (H) of section 4141.43 of the Revised 84590
Code, shall be the base period prescribed by the law of the 84591
state in which the claim is allowed. 84592

(4) For purposes of determining the weeks that comprise a completed calendar quarter under this division, only those weeks ending at midnight Saturday within the calendar quarter shall be utilized.

(R) (1) "Benefit year" with respect to an individual means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for determination of benefit rights, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application for determination of benefit rights after the termination of the individual's last preceding benefit year, except that the application shall not be considered valid unless the individual has had employment in six weeks that is subject to this chapter or the unemployment compensation act of another state, or the United States, and has, since the beginning of the individual's previous benefit year, in the employment earned three times the average weekly wage determined for the previous benefit year. The "benefit year" of a combined wage claim, as described in division (H) of section 4141.43 of the Revised Code, shall be the benefit year prescribed by the law of the state in which the claim is allowed. Any application for determination of benefit rights made in accordance with section 4141.28 of the Revised Code is valid if the individual filing such application is unemployed, has been employed by an employer or employers subject to this chapter in at least twenty qualifying weeks within the individual's base period, and has earned or been paid remuneration at an average weekly wage of not less than twenty-seven and one-half per cent of the statewide average weekly wage for such weeks. For purposes of determining whether an individual has had sufficient employment

since the beginning of the individual's previous benefit year to 84624
file a valid application, "employment" means the performance of 84625
services for which remuneration is payable. 84626

(2) Effective for benefit years beginning on and after 84627
December 26, 2004, but before July 1, 2022, any application for 84628
determination of benefit rights made in accordance with section 84629
4141.28 of the Revised Code is valid if the individual satisfies 84630
the criteria described in division (R)(1) of this section, and 84631
if the reason for the individual's separation from employment is 84632
not disqualifying pursuant to division (D)(2) of section 4141.29 84633
or section 4141.291 of the Revised Code. A disqualification 84634
imposed pursuant to division (D)(2) of section 4141.29 or 84635
section 4141.291 of the Revised Code must be removed as provided 84636
in those sections as a requirement of establishing a valid 84637
application for benefit years beginning on and after December 84638
26, 2004, but before July 1, 2022. Effective for benefit years 84639
beginning on and after July 1, 2022, any application for 84640
determination of benefit rights made in accordance with section 84641
4141.28 of the Revised Code is valid if the individual satisfies 84642
the criteria described in division (R)(1) of this section. A 84643
disqualification imposed pursuant to division (D)(2) of section 84644
4141.29 or section 4141.291 of the Revised Code does not affect 84645
the validity of an application. 84646

(3) The statewide average weekly wage shall be calculated 84647
by the director once a year based on the twelve-month period 84648
ending the thirtieth day of June, as set forth in division (B) 84649
(3) of section 4141.30 of the Revised Code, rounded down to the 84650
nearest dollar. Increases or decreases in the amount of 84651
remuneration required to have been earned or paid in order for 84652
individuals to have filed valid applications shall become 84653
effective on Sunday of the calendar week in which the first day 84654

of January occurs that follows the twelve-month period ending 84655
the thirtieth day of June upon which the calculation of the 84656
statewide average weekly wage was based. 84657

(4) As used in this division, an individual is 84658
"unemployed" if, with respect to the calendar week in which such 84659
application is filed, the individual is "partially unemployed" 84660
or "totally unemployed" as defined in this section or if, prior 84661
to filing the application, the individual was separated from the 84662
individual's most recent work for any reason which terminated 84663
the individual's employee-employer relationship, or was laid off 84664
indefinitely or for a definite period of seven or more days. 84665

(S) "Calendar quarter" means the period of three 84666
consecutive calendar months ending on the thirty-first day of 84667
March, the thirtieth day of June, the thirtieth day of 84668
September, and the thirty-first day of December, or the 84669
equivalent thereof as the director prescribes by rule. 84670

(T) "Computation date" means the first day of the third 84671
calendar quarter of any calendar year. 84672

(U) "Contribution period" means the calendar year 84673
beginning on the first day of January of any year. 84674

(V) "Agricultural labor," for the purpose of this 84675
division, means any service performed prior to January 1, 1972, 84676
which was agricultural labor as defined in this division prior 84677
to that date, and service performed after December 31, 1971: 84678

(1) On a farm, in the employ of any person, in connection 84679
with cultivating the soil, or in connection with raising or 84680
harvesting any agricultural or horticultural commodity, 84681
including the raising, shearing, feeding, caring for, training, 84682
and management of livestock, bees, poultry, and fur-bearing 84683

animals and wildlife; 84684

(2) In the employ of the owner or tenant or other operator 84685
of a farm in connection with the operation, management, 84686
conservation, improvement, or maintenance of such farm and its 84687
tools and equipment, or in salvaging timber or clearing land of 84688
brush and other debris left by hurricane, if the major part of 84689
such service is performed on a farm; 84690

(3) In connection with the production or harvesting of any 84691
commodity defined as an agricultural commodity in section 15 (g) 84692
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 84693
U.S.C. 1141j, as amended, or in connection with the ginning of 84694
cotton, or in connection with the operation or maintenance of 84695
ditches, canals, reservoirs, or waterways, not owned or operated 84696
for profit, used exclusively for supplying and storing water for 84697
farming purposes; 84698

(4) In the employ of the operator of a farm in handling, 84699
planting, drying, packing, packaging, processing, freezing, 84700
grading, storing, or delivering to storage or to market or to a 84701
carrier for transportation to market, in its unmanufactured 84702
state, any agricultural or horticultural commodity, but only if 84703
the operator produced more than one half of the commodity with 84704
respect to which such service is performed; 84705

(5) In the employ of a group of operators of farms, or a 84706
cooperative organization of which the operators are members, in 84707
the performance of service described in division (V) (4) of this 84708
section, but only if the operators produced more than one-half 84709
of the commodity with respect to which the service is performed; 84710

(6) Divisions (V) (4) and (5) of this section shall not be 84711
deemed to be applicable with respect to service performed: 84712

(a) In connection with commercial canning or commercial 84713
freezing or in connection with any agricultural or horticultural 84714
commodity after its delivery to a terminal market for 84715
distribution for consumption; or 84716

(b) On a farm operated for profit if the service is not in 84717
the course of the employer's trade or business. 84718

As used in division (V) of this section, "farm" includes 84719
stock, dairy, poultry, fruit, fur-bearing animal, and truck 84720
farms, plantations, ranches, nurseries, ranges, greenhouses, or 84721
other similar structures used primarily for the raising of 84722
agricultural or horticultural commodities and orchards. 84723

(W) "Hospital" means an institution which has been 84724
registered or licensed by the Ohio department of health as a 84725
hospital. 84726

(X) "Nonprofit organization" means an organization, or 84727
group of organizations, described in section 501(c)(3) of the 84728
"Internal Revenue Code of 1954," and exempt from income tax 84729
under section 501(a) of that code. 84730

(Y) "Institution of higher education" means a public or 84731
nonprofit educational institution, including an educational 84732
institution operated by an Indian tribe, which: 84733

(1) Admits as regular students only individuals having a 84734
certificate of graduation from a high school, or the recognized 84735
equivalent; 84736

(2) Is legally authorized in this state or by the Indian 84737
tribe to provide a program of education beyond high school; and 84738

(3) Provides an educational program for which it awards a 84739
bachelor's or higher degree, or provides a program which is 84740

acceptable for full credit toward such a degree, a program of 84741
post-graduate or post-doctoral studies, or a program of training 84742
to prepare students for gainful employment in a recognized 84743
occupation. 84744

For the purposes of this division, all colleges and 84745
universities in this state are institutions of higher education. 84746

(Z) For the purposes of this chapter, "states" includes 84747
the District of Columbia, the Commonwealth of Puerto Rico, and 84748
the Virgin Islands. 84749

(AA) "Alien" means, for the purposes of division ~~(A) (1) (d)~~ 84750
(D) of this section 4141.011 of the Revised Code, an individual 84751
who is an alien admitted to the United States to perform service 84752
in agricultural labor pursuant to sections 214 (c) and 101 (a) 84753
(15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 84754
8 U.S.C.A. 1101. 84755

(BB) (1) "Crew leader" means an individual who furnishes 84756
individuals to perform agricultural labor for any other employer 84757
or farm operator, and: 84758

(a) Pays, either on the individual's own behalf or on 84759
behalf of the other employer or farm operator, the individuals 84760
so furnished by the individual for the service in agricultural 84761
labor performed by them; 84762

(b) Has not entered into a written agreement with the 84763
other employer or farm operator under which the agricultural 84764
worker is designated as in the employ of the other employer or 84765
farm operator. 84766

(2) For the purposes of this chapter, any individual who 84767
is a member of a crew furnished by a crew leader to perform 84768
service in agricultural labor for any other employer or farm 84769

operator shall be treated as an employee of the crew leader if: 84770

(a) The crew leader holds a valid certificate of 84771
registration under the "Farm Labor Contractor Registration Act 84772
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 84773

(b) Substantially all the members of the crew operate or 84774
maintain tractors, mechanized harvesting or crop-dusting 84775
equipment, or any other mechanized equipment, which is provided 84776
by the crew leader; and 84777

(c) If the individual is not in the employment of the 84778
other employer or farm operator within the meaning of division 84779
(B) (1) of this section. 84780

(3) For the purposes of this division, any individual who 84781
is furnished by a crew leader to perform service in agricultural 84782
labor for any other employer or farm operator and who is not 84783
treated as in the employment of the crew leader under division 84784
(BB) (2) of this section shall be treated as the employee of the 84785
other employer or farm operator and not of the crew leader. The 84786
other employer or farm operator shall be treated as having paid 84787
cash remuneration to the individual in an amount equal to the 84788
amount of cash remuneration paid to the individual by the crew 84789
leader, either on the crew leader's own behalf or on behalf of 84790
the other employer or farm operator, for the service in 84791
agricultural labor performed for the other employer or farm 84792
operator. 84793

(CC) "Educational institution" means an institution other 84794
than an institution of higher education as defined in division 84795
(Y) of this section, including an educational institution 84796
operated by an Indian tribe, which: 84797

(1) Offers participants, trainees, or students an 84798

organized course of study or training designed to transfer to 84799
them knowledge, skills, information, doctrines, attitudes, or 84800
abilities from, by, or under the guidance of an instructor or 84801
teacher; and 84802

(2) Is approved, chartered, or issued a permit to operate 84803
as a school by the director of education and workforce, other 84804
government agency, or Indian tribe that is authorized within the 84805
state to approve, charter, or issue a permit for the operation 84806
of a school. 84807

For the purposes of this division, the courses of study or 84808
training which the institution offers may be academic, 84809
technical, trade, or preparation for gainful employment in a 84810
recognized occupation. 84811

(DD) "Cost savings day" means any unpaid day off from work 84812
in which employees continue to accrue employee benefits which 84813
have a determinable value including, but not limited to, 84814
vacation, pension contribution, sick time, and life and health 84815
insurance. 84816

(EE) "Motor carrier" has the same meaning as in section 84817
4923.01 of the Revised Code. 84818

Sec. 4141.011. (A) (1) Except as provided in this section, 84819
an employer is subject to this chapter if either of the 84820
following apply: 84821

(a) The employer had at least one individual in employment 84822
for some portion of a day in each of twenty different calendar 84823
weeks, in either the current or the preceding calendar year, 84824
whether or not the same individual was in employment in each 84825
such day; 84826

(b) The employer paid for service in employment wages of 84827

fifteen hundred dollars or more in any calendar quarter in 84828
either the current or preceding calendar year. 84829

(2) For purposes of division (A)(1)(a) of this section, if 84830
any week includes both the thirty-first day of December and the 84831
first day of January, the days of that week before the first day 84832
of January shall be considered one calendar week and the days to 84833
beginning the first day of January another week. 84834

(B) If an employer is a nonprofit organization, the 84835
employer is subject to this chapter if the employer had at least 84836
four individuals in employment for some portion of a day in each 84837
of twenty different calendar weeks, in either the current or the 84838
preceding calendar year, whether or not the same individual was 84839
in employment in each such day. 84840

(C)(1) An employer is subject to this chapter with respect 84841
to employment in domestic service in a local college club, local 84842
chapter of a college fraternity or sorority, or a private home 84843
if the employer paid cash remuneration for such employment of at 84844
least one thousand dollars in any calendar quarter in the 84845
current calendar year or the preceding calendar year. 84846

(2) Wages paid to, or employment of, an individual 84847
performing domestic service as described in division (C)(1) of 84848
this section do not apply to employment or wages for purposes of 84849
divisions (A) and (B) of this section. 84850

(3) An employer subject to this chapter under division (C) 84851
(1) of this section is not subject to this chapter with respect 84852
to wages paid for any services other than domestic service 84853
unless the employer is also found to be subject to this chapter 84854
under division (A), (B), or (D) of this section. 84855

(D) If an employer is a farm operator or a crew leader, 84856

the employer is subject to this chapter if the employer had 84857
individuals in employment in agricultural labor and either of 84858
the following apply: 84859

(1) The employer paid cash remuneration of twenty thousand 84860
dollars or more for the agricultural labor during any calendar 84861
quarter in the current calendar year or the preceding calendar 84862
year; 84863

(2) The employer had at least ten individuals in 84864
employment in agricultural labor, not including agricultural 84865
workers who are aliens admitted to the United States to perform 84866
agricultural labor pursuant to sections 1184(c) and 1101(a) (15) 84867
(H) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a) 84868
(15) (H) (ii) (a), 1184(c), for some portion of a day in each of 84869
the twenty different calendar weeks, in either the current or 84870
preceding calendar year whether or not the same individual was 84871
in employment in each day. 84872

(E) An employer who is not subject to this chapter under 84873
division (A) of this section is subject to this chapter if any 84874
of the following apply: 84875

(1) Service, except for domestic service in a private home 84876
not covered under division (C) of this section, is or was 84877
performed within either the current or preceding calendar year, 84878
and with respect to which such employer is liable for any 84879
federal tax against which credit may be taken for contributions 84880
required to be paid into a state unemployment fund; 84881

(2) As a condition for approval of this chapter for full 84882
tax credit against the tax imposed by the "Federal Unemployment 84883
Tax Act," 26 U.S.C. 3301 to 3311, is required, pursuant to such 84884
act to be an employer subject to this chapter; 84885

(3) The employer became subject to this chapter by 84886
election under division (H) or (I) of this section and for the 84887
duration of such election. 84888

(F) If an employer is any state, its instrumentalities, 84889
its political subdivisions, their instrumentalities, or an 84890
Indian tribe, the employer is subject to this chapter if the 84891
employer had at least one individual in employment, as defined 84892
in divisions (B) (2) (a) and (B) (2) (1) of section 4141.01 of the 84893
Revised Code. 84894

(G) An employer subject to this chapter within any 84895
calendar year is subject to this chapter during the whole of 84896
such year and during the next succeeding calendar year. 84897

(H) An employer not otherwise subject to this chapter who 84898
files with the director of job and family services a written 84899
election to become an employer subject to this chapter for not 84900
less than two calendar years shall, with the written approval of 84901
such election by the director, become an employer subject to 84902
this chapter to the same extent as all other employers as of the 84903
date stated in such approval, and shall cease to be subject to 84904
this chapter as of the first day of January of any calendar year 84905
subsequent to such two calendar years only if at least thirty 84906
days prior to such first day of January the employer has filed 84907
with the director a written notice to that effect. 84908

(I) Any employer for whom services that do not constitute 84909
employment are performed may file with the director a written 84910
election that all such services performed by individuals in the 84911
employer's employ in one or more distinct establishments or 84912
places of business shall be deemed to constitute employment for 84913
all the purposes of this chapter, for not less than two calendar 84914
years. Upon written approval of the election by the director, 84915

such services shall be deemed to constitute employment subject 84916
to this chapter from and after the date stated in such approval. 84917
Such services shall cease to be employment subject to this 84918
chapter as of the first day of January of any calendar year 84919
subsequent to such two calendar years only if at least thirty 84920
days prior to such first day of January such employer has filed 84921
with the director a written notice to that effect. 84922

(J) An employer who is a franchisor is not subject to this 84923
chapter with respect to the franchisor's relationship with a 84924
franchisee or an employee of a franchisee, unless the franchisor 84925
agrees to assume that role in writing or a court of competent 84926
jurisdiction determines that the franchisor exercises a type or 84927
degree of control over the franchisee or the franchisee's 84928
employees that is not customarily exercised by a franchisor for 84929
the purpose of protecting the franchisor's trademark, brand, or 84930
both. For purposes of this division, "franchisor" and 84931
"franchisee" have the same meanings as in 16 C.F.R. 436.1. 84932

Sec. 4141.02. ~~A nonprofit organization that does not meet~~ 84933
~~the definition of employer for purposes of~~ 84934
to this chapter pursuant to division (A)(1)(a)(B) of section 84935
~~4141.01-4141.011 of the Revised Code, and that does not elect to~~ 84936
become an employer subject to this chapter pursuant to division 84937
~~(A)(4)(H) of section 4141.01-4141.011 of the Revised Code, shall~~ 84938
notify the organization's employees upon hiring that the 84939
organization, and the employee's employment with the 84940
organization, are exempt from this chapter. 84941

Sec. 4141.162. (A) The director of job and family services 84942
shall establish an income and eligibility verification system 84943
that complies with section 1137 of the "Social Security Act." 84944
The programs included in the system are all of the following: 84945

(1) Unemployment compensation pursuant to section 3304 of the "Internal Revenue Code of 1954";

(2) The state programs funded in part under part A of Title IV of the "Social Security Act" and administered under Chapters 5107. and 5108. of the Revised Code;

(3) The medicaid program;

(4) The supplemental nutrition assistance program pursuant to the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(5) Any Ohio program under a plan approved under Title I, X, XIV, or XVI of the "Social Security Act."

(B) Wage information provided by employers to the director shall be furnished to the income and eligibility verification system. Such information shall be used by the director to determine eligibility of individuals for unemployment compensation benefits and the amount of those benefits and used by the agencies that administer the programs identified in divisions (A) (2) to (5) of this section to determine or verify eligibility for or the amount of benefits under those programs.

(C) The director shall, on request, disclose wage and claim information to any state or local agency administering a program identified in division (A) of this section that has entered into a written data sharing agreement with the director that meets the standards specified in federal law, including the requirements in 20 C.F.R. 603.10.

~~The director shall fully implement the use of wage information to determine eligibility for and the amount of unemployment compensation benefits by September 30, 1988.~~

(D) Information furnished under the system shall also be

made available to the appropriate state or local child support 84974
enforcement agency for the purposes of an approved plan under 84975
Title IV-D of the "Social Security Act" and to the appropriate 84976
federal agency for the purposes of Titles II and XVI of the 84977
"Social Security Act." 84978

~~(B) The director shall adopt rules as necessary under 84979
which the department of job and family services and other state 84980
agencies that the director determines must participate in order 84981
to ensure compliance with section 1137 of the "Social Security 84982
Act" exchange information with each other or authorized federal 84983
agencies about individuals who are applicants for or recipients 84984
of benefits under any of the programs enumerated in division (A) 84985
of this section. The rules shall extend to all of the following: 84986~~

~~(1) A requirement for standardized formats and procedures 84987
for a participating agency to request and receive information 84988
about an individual, which information shall include the 84989
individual's social security number; 84990~~

~~(2) A requirement that all applicants for and recipients 84991
of benefits under any program enumerated in division (A) of this 84992
section be notified at the time of application, and periodically 84993
thereafter, that information available through the system may be 84994
shared with agencies that administer other benefit programs and 84995
utilized in establishing or verifying eligibility or benefit 84996
amounts under the other programs enumerated in division (A) of 84997
this section; 84998~~

~~(3) A requirement that information is made available only 84999
to the extent necessary to assist in the valid administrative 85000
needs of the program receiving the information and is targeted 85001
for use in ways which are most likely to be productive in 85002
identifying and preventing ineligibility and incorrect payments; 85003~~

~~(4) A requirement that information is adequately protected against unauthorized disclosures for purposes other than to establish or verify eligibility or benefit amounts under the programs enumerated in division (A) of this section;~~

~~(5) A requirement that a program providing information is reimbursed by the program using the information for the actual costs of furnishing the information and that the director be reimbursed by the participating programs for any actual costs incurred in operating the system;~~

~~(6) Requirements for any other matters necessary to ensure the effective, efficient, and timely exchange of necessary information or that the director determines must be addressed in order to ensure compliance with the requirements of section 1137 of the "Social Security Act."~~

~~(C) Each participating agency shall furnish to the income and eligibility verification system established in division (A) of this section that information, which the director, by rule, determines is necessary in order to comply with section 1137 of the "Social Security Act."~~

~~(D) Notwithstanding the information disclosure requirements of this section and section 4141.21 and division (A) of section 4141.284 of the Revised Code, the director shall administer those provisions of law so as to comply with section 1137 of the "Social Security Act."~~

~~(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under~~

~~this section.~~

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~~(F) The director of job and family services shall consult
with the medicaid director and the director of administrative
services regarding the implementation of this section.~~

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Sec. 4141.23. (A) Contributions shall accrue and become
payable by each employer for each calendar year or other period
as prescribed by this chapter. Such contributions become due and
shall be paid by each employer to the director of job and family
services for the unemployment compensation fund in accordance
with such regulations as the director prescribes, and shall not
be deducted, in whole or in part, from the remuneration of
individuals in the employer's employ.

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In the payment of any contributions, a fractional part of
a dollar may be disregarded unless it amounts to fifty cents or
more, in which case it may be increased to the next higher
dollar.

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~~(B) (1) Any contribution or payment in lieu of
contribution, due from an employer on or before December 31,
1992, shall, if not paid when due, bear interest at the rate of
ten per cent per annum. In such computation any fraction of a
month shall be considered as a full month.~~

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~~(2) Any contribution, payment in lieu of contribution,
interest, forfeiture, or fine due from an employer on or after
January 1, 1993~~before December 31, 2025, shall, if not paid when
due, bear interest at the annual rate of fourteen per cent
compounded monthly on the aggregate receivable balance due. In
such computation any fraction of a month shall be considered as
a full month.

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(2) Any contribution, payment in lieu of contribution,

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interest, forfeiture, or fine due from an employer on or after 85062
January 1, 2026, shall, if not paid when due, bear interest at 85063
the interest rate established by the state tax commissioner 85064
pursuant to section 5703.47 of the Revised Code, not exceeding 85065
fifteen per cent. In such computation any fraction of a month 85066
shall be considered as a full month. 85067

(C) The director may waive the interest assessed under 85068
division ~~(B) (2)~~ (B) of this section if the employer meets all of 85069
the following conditions within thirty days after the date the 85070
director mails or delivers the notice of assessment of interest: 85071

(1) Provides to the director a written request for a 85072
waiver of interest clearly demonstrating that the employer's 85073
failure to timely pay contributions, payments in lieu of 85074
contributions, interest, forfeiture, and fines was a result of 85075
circumstances beyond the control of the employer or the 85076
employer's agent, except that negligence on the part of the 85077
employer or the employer's agent shall not be considered beyond 85078
the control of the employer or the employer's agent; 85079

(2) Furnishes to the director all quarterly reports 85080
required under section 4141.20 of the Revised Code; 85081

(3) Pays in full all contributions, payments in lieu of 85082
contributions, interest, forfeiture, and fines for each quarter 85083
for which such payments are due. 85084

The director shall deny an employer's request for a waiver 85085
of interest after finding that the employer's failure to timely 85086
furnish reports or make payments as required under this chapter 85087
was due to an attempt to evade payment. 85088

(D) Any contribution, interest, forfeiture, or fine 85089
required to be paid under this chapter by any employer shall, if 85090

not paid when due, become a lien upon the real and personal 85091
property of such employer. Upon failure of such employer to pay 85092
the contributions, interest, forfeiture, or fine required to be 85093
paid under this chapter, the director shall file notice of such 85094
lien, for which there shall be no charge, in the office of the 85095
county recorder of the county in which it is ascertained that 85096
such employer owns real estate or personal property. The 85097
director shall notify the employer by mail of the lien. The 85098
absence of proof that the notice was sent does not affect the 85099
validity of the lien. Such lien shall not be valid as against 85100
the claim of any mortgagee, pledgee, purchaser, judgment 85101
creditor, or other lienholder of record at the time such notice 85102
is filed. 85103

If the employer acquires real or personal property after 85104
notice of lien is filed, such lien shall not be valid as against 85105
the claim of any mortgagee, pledgee, subsequent bona fide 85106
purchaser for value, judgment creditor, or other lienholder of 85107
record to such after-acquired property, unless the notice of 85108
lien is refiled after such property was acquired by the employer 85109
and before the competing lien attached to such after-acquired 85110
property or before the conveyance to such subsequent bona fide 85111
purchaser for value. 85112

Such a notice shall be recorded in the county recorder's 85113
official records and indexed in the direct and reverse indexes 85114
under the name of the employer. When such unpaid contributions, 85115
interest, forfeiture, or fines have been paid, the employer may 85116
record with the county recorder of the county in which such 85117
notice of lien has been filed and recorded, notice of such 85118
payment, and the notice of payment shall be recorded in the 85119
county recorder's official records and indexed in the direct and 85120
reverse indexes. For recording the notice of payment, the county 85121

recorder shall charge and receive from the employer a base fee 85122
of two dollars for services and a housing trust fund fee of two 85123
dollars pursuant to section 317.36 of the Revised Code. 85124

(E) Notwithstanding other provisions in this section, the 85125
director may reduce, in whole or in part, the amount of 85126
interest, forfeiture, or fines required to be paid under this 85127
chapter if the director determines that the reduction is in the 85128
best interest of the unemployment compensation fund. 85129

(F) Assessment of contributions shall not be made after 85130
four years from the date on which such contributions became 85131
payable, and no action in court for the collection of 85132
contributions without assessment of such contributions shall be 85133
begun after the expiration of five years from the date such 85134
contributions became payable. In case of a false or fraudulent 85135
report or of a willful attempt in any manner to evade 85136
contributions, such contributions may be assessed or a 85137
proceeding in court for the collection of such contributions may 85138
be begun without assessment at any time. When the assessment of 85139
contributions has been made within such four-year period 85140
provided, action in court to collect such contributions may be 85141
begun within, but not later than, six years after such 85142
assessment. 85143

(G) In the event of a distribution of an employer's 85144
assets, pursuant to an order of any court under the law of this 85145
state, including any receivership, assignment for benefit of 85146
creditors, adjudicated insolvency, or similar proceedings, 85147
contributions, interest, forfeiture, or fine then or thereafter 85148
due have the same priority as provided by law for the payment of 85149
taxes due the state and shall be paid out of the trust fund in 85150
the same manner as provided for other claims for unpaid taxes 85151

due the state. 85152

(H) If the attorney general finds after investigation that 85153
any claim for delinquent contributions, interest, forfeitures, 85154
or fines owing to the director is uncollectible, in whole or in 85155
part, the attorney general shall recommend to the director the 85156
cancellation of such claim or any part thereof. The director may 85157
thereupon effect such cancellation. 85158

Sec. 4141.281. APPEALS 85159

(A) APPEAL FILED 85160

Any party notified of a determination of benefit rights or 85161
a claim for benefits determination may appeal within twenty-one 85162
calendar days after the written determination was sent to the 85163
party or within an extended period as provided under division 85164
(D) (9) of this section. 85165

(B) REDETERMINATION 85166

Within twenty-one days after receipt of the appeal, the 85167
director of job and family services shall issue a 85168
redetermination or transfer the appeal to the unemployment 85169
compensation review commission. A redetermination under this 85170
section is appealable in the same manner as an initial 85171
determination by the director. 85172

(C) REVIEW COMMISSION 85173

(1) JURISDICTION 85174

The commission shall provide an opportunity for a fair 85175
hearing to the interested parties of appeals over which the 85176
commission has jurisdiction. The commission has jurisdiction 85177
over an appeal on transfer or on direct appeal to the 85178
commission. If the commission concludes that a pending appeal 85179

does not warrant a hearing, the commission may remand the appeal 85180
to the director for redetermination. The commission retains 85181
jurisdiction until the appeal is remanded to the director or a 85182
final decision is issued and appealed to court, or the time to 85183
request a review or to appeal a decision of a hearing officer or 85184
the commission is expired. 85185

(2) CONDUCT OF HEARINGS 85186

Hearings before the commission are held at the hearing 85187
officer level and the review level. Unless otherwise provided in 85188
this chapter, initial hearings involving claims for compensation 85189
and other unemployment compensation issues are conducted at the 85190
hearing officer level by hearing officers appointed by the 85191
commission. Hearings at the review level are conducted by 85192
hearing officers appointed by the commission, by members of the 85193
commission acting either individually or collectively, and by 85194
members of the commission and hearing officers acting jointly. 85195
In all hearings conducted at the review level, the commission 85196
shall designate the hearing officer or officers who are to 85197
conduct the hearing. When the term "hearing officer" is used in 85198
reference to hearings conducted at the review level, the term 85199
includes members of the commission. All decisions issued at the 85200
review level are issued by the commission. 85201

Provisions contained in the remainder of this paragraph 85202
apply to hearings at both the hearing officer level and the 85203
review level. The principles of due process in administrative 85204
hearings shall be applied to all hearings conducted under the 85205
authority of the commission. In conducting hearings, all hearing 85206
officers shall control the conduct of the hearing, exclude 85207
irrelevant or cumulative evidence, and give weight to the kind 85208
of evidence on which reasonably prudent persons are accustomed 85209

to rely in the conduct of serious affairs. Hearing officers have 85210
an affirmative duty to question parties and witnesses in order 85211
to ascertain the relevant facts and to fully and fairly develop 85212
the record. Hearing officers are not bound by common law or 85213
statutory rules of evidence or by technical or formal rules of 85214
procedure. No person shall impose upon the claimant or the 85215
employer any burden of proof as is required in a court of law. 85216
The proceedings at hearings shall be recorded by mechanical 85217
means or otherwise as may be prescribed by the commission. In 85218
the absence of further proceedings, the record need not be 85219
transcribed. After considering all of the evidence, a hearing 85220
officer shall issue a written decision that sets forth the facts 85221
as the hearing officer finds them to be, cites the applicable 85222
law, and gives the reasoning for the decision. 85223

(3) HEARING OFFICER LEVEL 85224

When an appeal is transferred to the commission by the 85225
director, the commission shall notify all interested parties of 85226
the time and place of the hearing and assign the appeal for a 85227
hearing by a hearing officer. The hearings shall be de novo, 85228
except that the director's file pertaining to a case shall be 85229
included in the record to be considered. 85230

Following a hearing, the hearing officer shall affirm, 85231
modify, or reverse the determination of the director in the 85232
manner that appears just and proper. The hearing officer's 85233
written decision shall be sent to all interested parties. The 85234
decision shall state the right of an interested party to request 85235
a review by the commission. 85236

A request for review shall be filed within twenty-one days 85237
after the decision was sent to the party, or within an extended 85238
period as provided under division (D) (9) of this section. The 85239

hearing officer's decision shall become final unless a request 85240
for review is filed and allowed or the commission removes the 85241
appeal to itself within twenty-one days after the hearing 85242
officer's decision is sent. 85243

(4) REVIEW LEVEL 85244

At the review level, the commission may affirm, modify, or 85245
reverse previous determinations by the director or at the 85246
hearing officer level. At the review level, the commission may 85247
affirm, modify, or reverse a hearing officer's decision or 85248
remand the decision to the hearing officer level for further 85249
hearing. The commission shall consider an appeal at the review 85250
level under the following circumstances: when an appeal is 85251
required to be heard initially at the review level under this 85252
chapter; when the commission on its own motion removes an appeal 85253
to itself within twenty-one days after the hearing officer's 85254
decision is sent; when the assigned hearing officer refers an 85255
appeal to the commission before the hearing officer's decision 85256
is sent; or when an interested party files a request for review 85257
with the commission within twenty-one days after the hearing 85258
officer's decision is sent. 85259

(5) COMMISSION EXAMINATION 85260

The commission shall consider a request for review by an 85261
interested party, including the reasons for the request. The 85262
commission may adopt rules prescribing the methods for 85263
requesting a review. The commission may allow or disallow the 85264
request for review. The disallowance of a request for review 85265
constitutes a final decision by the commission. 85266

(6) REVIEW PROCEDURE 85267

If the commission allows a request for review, the 85268

commission shall notify all interested parties of that fact and 85269
provide a reasonable period of time, as the commission defines 85270
by rule, in which interested parties may file a response. After 85271
that period of time, the commission, based on the record before 85272
it, may do one of the following: affirm the decision of the 85273
hearing officer; provide for the appeal to be heard or reheard 85274
at the hearing officer or review level; provide for the appeal 85275
to be heard at the review level as a potential precedential 85276
decision; or provide for the decision to be rewritten without 85277
further hearing at the review level. When a further hearing is 85278
provided or the decision is rewritten, the commission may 85279
affirm, modify, or reverse the previous decision. 85280

If a member of the commission is unable or unavailable to 85281
consider an appeal allowed by the commission, the other members 85282
of the commission may appoint a hearing officer as a temporary 85283
commissioner to fulfill the unable or unavailable commissioner's 85284
duties with respect to the appeal. The members of the commission 85285
may not appoint the hearing officer who decided the appeal at 85286
the hearing officer level. 85287

(7) NOTICES 85288

The commission shall send written notice to all interested 85289
parties when it orders an appeal to be heard or reheard. The 85290
notice shall include the reasons for the hearing or rehearing. 85291

(8) PRECEDENTIAL 85292

An appeal the commission identifies as potentially 85293
precedential shall be heard at the review level. In the notice 85294
for that type of hearing, the commission shall notify the 85295
director, all interested parties, and any other parties, as the 85296
commission determines appropriate, that the appeal is designated 85297

as potentially precedential. After the hearing, parties shall be 85298
given the opportunity to submit briefs on the issue or issues 85299
involved. The commission may designate a decision as 85300
precedential after issuing the decision or at any point in the 85301
appeal process, even if the commission does not initially 85302
identify the appeal as potentially precedential. 85303

(9) MASS APPEALS 85304

When the commission determines that it has five appeals 85305
pending that have common facts or common issues, the commission 85306
may transfer the appeals to the review level on its own motion 85307
to be heard as a mass appeal, including appeals from claimants 85308
separated due to a labor dispute, on the condition that there 85309
are fewer than twenty-five claimants involved. 85310

To facilitate a mass hearing, the commission may allow an 85311
authorized agent to accept notice of hearing on behalf of 85312
claimants. An authorized agent may waive this notice of hearing 85313
and also the sending of decisions to individual claimants 85314
represented by the agent. 85315

(D) SPECIAL PROVISIONS 85316

(1) TIMELINESS OF APPEALS 85317

The date of the mailing provided by the director or the 85318
commission is sufficient evidence upon which to conclude that a 85319
determination, redetermination, or decision was sent to the 85320
party on that date. Appeals may be filed with the director, 85321
commission, with an employee of another state or federal agency 85322
charged with the duty of accepting claims, or with the 85323
unemployment insurance commission of Canada. Any timely written 85324
notice by an interested party indicating a desire to appeal 85325
shall be accepted. 85326

The director, commission, or authorized agent must receive 85327
the appeal within the specified appeal period in order for the 85328
appeal to be deemed timely filed, except that: if the United 85329
States postal service is used as the means of delivery, the 85330
enclosing envelope must have a postmark date or postal meter 85331
postmark that is on or before the last day of the specified 85332
appeal period; and where the postmark is illegible or missing, 85333
the appeal is timely filed if received not later than the end of 85334
the fifth calendar day following the last day of the specified 85335
appeal period. 85336

The director and the commission may adopt rules pertaining 85337
to alternate methods of filing appeals under this section. 85338

(2) WAIVER 85339

Interested parties may waive, in writing, a hearing at 85340
either the hearing officer or review level. If the parties waive 85341
a hearing, the hearing officer shall issue a decision based on 85342
the evidence of record. 85343

(3) TELEPHONE HEARINGS 85344

Hearing officers may conduct hearings at either the 85345
hearing officer or review level in person or by telephone or 85346
interactive video conference. The commission shall adopt rules 85347
that designate the circumstances under which hearing officers 85348
may conduct a hearing by telephone or interactive video 85349
conference or grant a party to the hearing the opportunity to 85350
object to a hearing by telephone or interactive video 85351
conference. An interested party whose hearing would be by 85352
telephone or interactive video conference may elect to have an 85353
in-person hearing, provided that the party agrees to have the 85354
hearing at the time and place the commission determines pursuant 85355

to rule. 85356

(4) EVENING HEARINGS 85357

Unless the commission grants a request for an evening 85358
telephone or interactive video conference hearing, hearing 85359
officers shall conduct hearings at the hearing officer and 85360
review level during normal business hours. An interested party 85361
who is regularly employed throughout those hours may request to 85362
have a hearing by telephone or interactive video conference 85363
during the evening. The commission shall grant or deny a request 85364
for an evening telephone or interactive video conference 85365
hearing. If a conflict concerning a request for an evening 85366
hearing and an in-person hearing arises, the commission shall 85367
schedule the hearing by telephone or interactive video 85368
conference during evening hours. 85369

(5) NO APPEARANCE -- APPELLANT 85370

For hearings at either the hearing officer or review 85371
level, if the appealing party fails to appear at the hearing, 85372
the hearing officer shall dismiss the appeal. The commission 85373
shall vacate the dismissal upon a showing that written notice of 85374
the hearing was not sent to that party's last known address, or 85375
good cause for the appellant's failure to appear is shown to the 85376
commission within fourteen days after the hearing date. 85377

If the commission finds that the appealing party's reason 85378
for failing to appear does not constitute good cause for failing 85379
to appear, the commission shall send written notice of that 85380
finding, and the appealing party may request a hearing to 85381
present testimony on the issue of good cause for failing to 85382
appear. The appealing party shall file a request for a hearing 85383
on the issue of good cause for failing to appear within ten days 85384

after the commission sends written notice indicating a finding 85385
of no good cause for failing to appear. 85386

(6) NO APPEARANCE -- APPELLEE 85387

For hearings at either the hearing officer or review 85388
level, if the appellee fails to appear at the hearing, the 85389
hearing officer shall proceed with the hearing and shall issue a 85390
decision based on the evidence of record. The commission shall 85391
vacate the decision upon a showing that written notice of the 85392
hearing was not sent to the appellee's last known address, or 85393
good cause for the appellee's failure to appear is shown to the 85394
commission within fourteen days after the hearing date. 85395

(7) AGENT 85396

Any appeal or request for review may be executed on behalf 85397
of any party or any group of claimants by an agent. 85398

(8) COLLATERAL ESTOPPEL 85399

No finding of fact or law, decision, or order of the 85400
director, hearing officer, the commission, or a reviewing court 85401
under this section or section 4141.28 of the Revised Code shall 85402
be given collateral estoppel or res judicata effect in any 85403
separate or subsequent judicial, administrative, or arbitration 85404
proceeding, other than a proceeding arising under this chapter. 85405

(9) EXTENSION OF APPEAL PERIODS 85406

The time for filing an appeal or a request for review 85407
under this section or a court appeal under section 4141.282 of 85408
the Revised Code shall be extended in the manner described in 85409
the following four sentences. When the last day of an appeal 85410
period is a Saturday, Sunday, or legal holiday, the appeal 85411
period is extended to the next work day after the Saturday, 85412

Sunday, or legal holiday. When an interested party provides 85413
certified medical evidence stating that the interested party's 85414
physical condition or mental capacity prevented the interested 85415
party from filing an appeal or request for review under this 85416
section within the appropriate twenty-one-day period, the appeal 85417
period is extended to twenty-one days after the end of the 85418
physical or mental condition, and the appeal or request for 85419
review is considered timely filed if filed within that extended 85420
period. When an interested party provides evidence, which 85421
evidence may consist of testimony from the interested party, 85422
that is sufficient to establish that the party did not actually 85423
receive the determination or decision within the applicable 85424
appeal period under this section, and the director or the 85425
commission finds that the interested party did not actually 85426
receive the determination or decision within the applicable 85427
appeal period, then the appeal period is extended to twenty-one 85428
days after the interested party actually receives the 85429
determination or decision. When an interested party provides 85430
evidence, which evidence may consist of testimony from the 85431
interested party, that is sufficient to establish that the party 85432
did not actually receive a decision within the thirty-day appeal 85433
period provided in section 4141.282 of the Revised Code, and a 85434
court of common pleas finds that the interested party did not 85435
actually receive the decision within that thirty-day appeal 85436
period, then the appeal period is extended to thirty days after 85437
the interested party actually receives the decision. 85438

Sec. 4141.29. Each eligible individual shall receive 85439
benefits as compensation for loss of remuneration due to 85440
involuntary total or partial unemployment in the amounts and 85441
subject to the conditions stipulated in this chapter. 85442

(A) No individual is entitled to a waiting period or 85443

benefits for any week unless the individual: 85444

(1) Has filed a valid application for determination of 85445
benefit rights in accordance with section 4141.28 of the Revised 85446
Code; 85447

(2) Has made a claim for benefits in accordance with 85448
section 4141.28 of the Revised Code; 85449

(3) (a) Has registered for work and thereafter continues to 85450
report to an employment office or other registration place 85451
maintained or designated by the director of job and family 85452
services. Registration shall be made in accordance with the time 85453
limits, frequency, and manner prescribed by the director. 85454

(b) For purposes of division (A) (3) of this section, an 85455
individual has "registered" upon doing any of the following: 85456

(i) Filing an application for benefit rights; 85457

(ii) Making a weekly claim for benefits; 85458

(iii) Reopening an existing claim following a period of 85459
employment or nonreporting. 85460

(c) After an applicant is registered, that registration 85461
continues for a period of three calendar weeks, including the 85462
week during which the applicant registered. However, an 85463
individual is not registered for purposes of division (A) (3) of 85464
this section during any period in which the individual fails to 85465
report, as instructed by the director, or fails to reopen an 85466
existing claim following a period of employment. 85467

(d) The director may, for good cause, extend the period of 85468
registration. 85469

(e) For purposes of this section, "report" means contact 85470

by phone, access electronically, or be present for an in-person 85471
appointment, as designated by the director. 85472

(4) (a) (i) Is able to work and available for suitable work 85473
and, except as provided in division (A) (4) (a) (ii) or (iii) of 85474
this section, is actively seeking suitable work either in a 85475
locality in which the individual has earned wages subject to 85476
this chapter during the individual's base period, or if the 85477
individual leaves that locality, then in a locality where 85478
suitable work normally is performed. 85479

(ii) The director may waive the requirement that a 85480
claimant be actively seeking work when the director finds that 85481
the individual has been laid off and the employer who laid the 85482
individual off has notified the director within ten days after 85483
the layoff, that work is expected to be available for the 85484
individual within a specified number of days not to exceed 85485
forty-five calendar days following the last day the individual 85486
worked. In the event the individual is not recalled within the 85487
specified period, this waiver shall cease to be operative with 85488
respect to that layoff. 85489

(iii) The director may waive the requirement that a 85490
claimant be actively seeking work if the director determines 85491
that the individual has been laid off and the employer who laid 85492
the individual off has notified the director in accordance with 85493
division (C) of section 4141.28 of the Revised Code that the 85494
employer has closed the employer's entire plant or part of the 85495
employer's plant for a purpose other than inventory or vacation 85496
that will cause unemployment for a definite period not exceeding 85497
twenty-six weeks beginning on the date the employer notifies the 85498
director, for the period of the specific shutdown, if all of the 85499
following apply: 85500

(I) The employer and the individuals affected by the 85501
layoff who are claiming benefits under this chapter jointly 85502
request the exemption. 85503

(II) The employer provides that the affected individuals 85504
shall return to work for the employer within twenty-six weeks 85505
after the date the employer notifies the director. 85506

(III) The director determines that the waiver of the 85507
active search for work requirement will promote productivity and 85508
economic stability within the state. 85509

(iv) Division (A) (4) (a) (iii) of this section does not 85510
exempt an individual from meeting the other requirements 85511
specified in division (A) (4) (a) (i) of this section to be able to 85512
work and otherwise fully be available for work. An exemption 85513
granted under division (A) (4) (a) (iii) of this section may be 85514
granted only with respect to a specific plant closing. 85515

(b) (i) The individual shall be instructed as to the 85516
efforts that the individual must make in the search for suitable 85517
work, including that, within six months after October 11, 2013, 85518
the individual shall register with the OhioMeansJobs web site, 85519
except in any of the following circumstances: 85520

(I) The individual is an individual described in division 85521
(A) (4) (b) (iii) of this section; 85522

(II) Where the active search for work requirement has been 85523
waived under division (A) (4) (a) of this section; 85524

(III) Where the active search for work requirement is 85525
considered to be met under division (A) (4) (c), (d), or (e) of 85526
this section. 85527

(ii) An individual who is registered with the 85528

OhioMeansJobs web site shall receive a weekly listing of 85529
available jobs based on information provided by the individual 85530
at the time of registration. For each week that the individual 85531
claims benefits, the individual shall keep a record of the 85532
individual's work search efforts and shall produce that record 85533
in the manner and means prescribed by the director. 85534

(iii) No individual shall be required to register with the 85535
OhioMeansJobs web site if the individual is legally prohibited 85536
from using a computer, has a physical or visual impairment that 85537
makes the individual unable to use a computer, or has a limited 85538
ability to read, write, speak, or understand a language in which 85539
the OhioMeansJobs web site is available. 85540

(iv) As used in division (A) (4) (b) of this section: 85541

(I) "OhioMeansJobs web site" has the same meaning as in 85542
section 6301.01 of the Revised Code. 85543

(II) "Registration" includes the creation, electronic 85544
posting, and maintenance of an active, searchable resume. 85545

(c) An individual who is attending a training course 85546
approved by the director meets the requirement of this division, 85547
if attendance was recommended by the director and the individual 85548
is regularly attending the course and is making satisfactory 85549
progress. An individual also meets the requirements of this 85550
division if the individual is participating and advancing in a 85551
training program, as defined in division (P) of section 5709.61 85552
of the Revised Code, and if an enterprise, defined in division 85553
(B) of section 5709.61 of the Revised Code, is paying all or 85554
part of the cost of the individual's participation in the 85555
training program with the intention of hiring the individual for 85556
employment as a new employee, as defined in division (L) of 85557

section 5709.61 of the Revised Code, for at least ninety days 85558
after the individual's completion of the training program. 85559

(d) An individual who becomes unemployed while attending a 85560
regularly established school and whose base period qualifying 85561
weeks were earned in whole or in part while attending that 85562
school, meets the availability and active search for work 85563
requirements of division (A) (4) (a) of this section if the 85564
individual regularly attends the school during weeks with 85565
respect to which the individual claims unemployment benefits and 85566
makes self available on any shift of hours for suitable 85567
employment with the individual's most recent employer or any 85568
other employer in the individual's base period, or for any other 85569
suitable employment to which the individual is directed, under 85570
this chapter. 85571

(e) An individual who is a member in good standing with a 85572
labor organization that refers individuals to jobs meets the 85573
active search for work requirement specified in division (A) (4) 85574
(a) of this section if the individual provides documentation 85575
that the individual is eligible for a referral or placement upon 85576
request and in a manner prescribed by the director. 85577

(f) Notwithstanding any other provisions of this section, 85578
no otherwise eligible individual shall be denied benefits for 85579
any week because the individual is in training approved under 85580
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 85581
U.S.C.A. 2296, nor shall that individual be denied benefits by 85582
reason of leaving work to enter such training, provided the work 85583
left is not suitable employment, or because of the application 85584
to any week in training of provisions in this chapter, or any 85585
applicable federal unemployment compensation law, relating to 85586
availability for work, active search for work, or refusal to 85587

accept work. 85588

For the purposes of division (A) (4) (f) of this section, 85589
"suitable employment" means with respect to an individual, work 85590
of a substantially equal or higher skill level than the 85591
individual's past adversely affected employment, as defined for 85592
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 85593
U.S.C.A. 2101, and wages for such work at not less than eighty 85594
per cent of the individual's average weekly wage as determined 85595
for the purposes of that federal act. 85596

(5) Is unable to obtain suitable work. ~~An individual who~~ 85597
~~is provided temporary work assignments by the individual's~~ 85598
~~employer under agreed terms and conditions of employment, and~~ 85599
~~who is required pursuant to those terms and conditions to~~ 85600
~~inquire with the individual's employer for available work~~ 85601
~~assignments upon the conclusion of each work assignment, is not~~ 85602
~~considered unable to obtain suitable employment if suitable work~~ 85603
~~assignments are available with the employer but the individual~~ 85604
~~fails to contact the employer to inquire about work assignments.~~ 85605

(6) Participates in reemployment services, such as job 85606
search assistance services, if the individual has been 85607
determined to be likely to exhaust benefits under this chapter, 85608
including compensation payable pursuant to 5 U.S.C.A. Chapter 85609
85, other than extended compensation, and needs reemployment 85610
services pursuant to the profiling system established by the 85611
director under division (K) of this section, unless the director 85612
determines that: 85613

(a) The individual has completed such services; or 85614

(b) There is justifiable cause for the claimant's failure 85615
to participate in such services. 85616

Ineligibility for failure to participate in reemployment services as described in division (A)(6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A)(7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A)(7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A)(4)(a) of this section or is considered to be satisfied under division (A)(4)(c), (d), or (e) of this section is exempt from the requirements of division (A)

(7) of this section. 85646

(B) An individual suffering total or partial unemployment 85647
is eligible for benefits for unemployment occurring subsequent 85648
to a waiting period of one week and no benefits shall be payable 85649
during this required waiting period. Not more than one week of 85650
waiting period shall be required of any individual in any 85651
benefit year in order to establish the individual's eligibility 85652
for total or partial unemployment benefits. 85653

(C) The waiting period for total or partial unemployment 85654
shall commence on the first day of the first week with respect 85655
to which the individual first files a claim for benefits at an 85656
employment office or other place of registration maintained or 85657
designated by the director or on the first day of the first week 85658
with respect to which the individual has otherwise filed a claim 85659
for benefits in accordance with the rules of the department of 85660
job and family services, provided such claim is allowed by the 85661
director. 85662

(D) Notwithstanding division (A) of this section, no 85663
individual may serve a waiting period or be paid benefits under 85664
the following conditions: 85665

(1) For any week with respect to which the director finds 85666
that: 85667

(a) The individual's unemployment was due to a labor 85668
dispute other than a lockout at any factory, establishment, or 85669
other premises located in this or any other state and owned or 85670
operated by the employer by which the individual is or was last 85671
employed; and for so long as the individual's unemployment is 85672
due to such labor dispute. No individual shall be disqualified 85673
under this provision if either of the following applies: 85674

(i) The individual's employment was with such employer at 85675
any factory, establishment, or premises located in this state, 85676
owned or operated by such employer, other than the factory, 85677
establishment, or premises at which the labor dispute exists, if 85678
it is shown that the individual is not financing, participating 85679
in, or directly interested in such labor dispute; 85680

(ii) The individual's employment was with an employer not 85681
involved in the labor dispute but whose place of business was 85682
located within the same premises as the employer engaged in the 85683
dispute, unless the individual's employer is a wholly owned 85684
subsidiary of the employer engaged in the dispute, or unless the 85685
individual actively participates in or voluntarily stops work 85686
because of such dispute. If it is established that the claimant 85687
was laid off for an indefinite period and not recalled to work 85688
prior to the dispute, or was separated by the employer prior to 85689
the dispute for reasons other than the labor dispute, or that 85690
the individual obtained a bona fide job with another employer 85691
while the dispute was still in progress, such labor dispute 85692
shall not render the employee ineligible for benefits. 85693

(b) The individual has been given a disciplinary layoff 85694
for misconduct in connection with the individual's work. 85695

(2) For the duration of the individual's unemployment if 85696
the director finds that: 85697

(a) The individual quit work without just cause or has 85698
been discharged for just cause in connection with the 85699
individual's work, provided division (D)(2) of this section does 85700
not apply to the separation of a person under any of the 85701
following circumstances: 85702

(i) Separation from employment for the purpose of entering 85703

the armed forces of the United States if the individual is 85704
inducted into the armed forces within one of the following 85705
periods: 85706

(I) Thirty days after separation; 85707

(II) One hundred eighty days after separation if the 85708
individual's date of induction is delayed solely at the 85709
discretion of the armed forces. 85710

(ii) Separation from employment pursuant to a labor- 85711
management contract or agreement, or pursuant to an established 85712
employer plan, program, or policy, which permits the employee, 85713
because of lack of work, to accept a separation from employment; 85714

(iii) The individual has left employment to accept a 85715
recall from a prior employer or, except as provided in division 85716
(D) (2) (a) (iv) of this section, to accept other employment as 85717
provided under section 4141.291 of the Revised Code, or left or 85718
was separated from employment that was concurrent employment at 85719
the time of the most recent separation or within six weeks prior 85720
to the most recent separation where the remuneration, hours, or 85721
other conditions of such concurrent employment were 85722
substantially less favorable than the individual's most recent 85723
employment and where such employment, if offered as new work, 85724
would be considered not suitable under the provisions of 85725
divisions (E) and (F) of this section. Any benefits that would 85726
otherwise be chargeable to the account of the employer from whom 85727
an individual has left employment or was separated from 85728
employment that was concurrent employment under conditions 85729
described in division (D) (2) (a) (iii) of this section, shall 85730
instead be charged to the mutualized account created by division 85731
(B) of section 4141.25 of the Revised Code, except that any 85732
benefits chargeable to the account of a reimbursing employer 85733

under division (D) (2) (a) (iii) of this section shall be charged 85734
to the account of the reimbursing employer and not to the 85735
mutualized account, except as provided in division (D) (2) of 85736
section 4141.24 of the Revised Code. 85737

(iv) When an individual has been issued a definite layoff 85738
date by the individual's employer and before the layoff date, 85739
the individual quits to accept other employment, the provisions 85740
of division (D) (2) (a) (iii) of this section apply and no 85741
disqualification shall be imposed under division (D) of this 85742
section. However, if the individual fails to meet the employment 85743
and earnings requirements of division (A) (2) of section 4141.291 85744
of the Revised Code, then the individual, pursuant to division 85745
(A) (5) of this section, shall be ineligible for benefits for any 85746
week of unemployment that occurs prior to the layoff date. 85747

(v) The individual's spouse is a member of the armed 85748
forces of the United States who is on active duty or a member of 85749
the commissioned corps of the national oceanic and atmospheric 85750
administration or public health service, the spouse is the 85751
subject of a transfer, the individual left employment to 85752
accompany the individual's spouse to a location from which it is 85753
impractical to commute to the individual's place of employment, 85754
and upon arrival at the new place of residence, the individual 85755
is in all respects able and available for suitable work. For- 85756
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 85757
"active duty" and "armed forces" have the same meanings as in 10 85758
U.S.C. 101. 85759

(b) The individual has refused without good cause to 85760
accept an offer of suitable work when made by an employer either 85761
in person or to the individual's last known address, or has 85762
refused or failed to investigate a referral to suitable work 85763

when directed to do so by a local employment office of this 85764
state or another state, provided that this division shall not 85765
cause a disqualification for a waiting week or benefits under 85766
the following circumstances: 85767

(i) When work is offered by the individual's employer and 85768
the individual is not required to accept the offer pursuant to 85769
the terms of the labor-management contract or agreement; or 85770

(ii) When the individual is attending a training course 85771
pursuant to division (A) (4) of this section except, in the event 85772
of a refusal to accept an offer of suitable work or a refusal or 85773
failure to investigate a referral, benefits thereafter paid to 85774
such individual shall not be charged to the account of any 85775
employer and, except as provided in division (B) (1) (b) of 85776
section 4141.241 of the Revised Code, shall be charged to the 85777
mutualized account as provided in division (B) of section 85778
4141.25 of the Revised Code. 85779

(c) Such individual quit work to marry or because of 85780
marital, parental, filial, or other domestic obligations. 85781

(d) The individual became unemployed by reason of 85782
commitment to any correctional institution. 85783

(e) The individual became unemployed because of dishonesty 85784
in connection with the individual's most recent or any base 85785
period work. Remuneration earned in such work shall be excluded 85786
from the individual's total base period remuneration and 85787
qualifying weeks that otherwise would be credited to the 85788
individual for such work in the individual's base period shall 85789
not be credited for the purpose of determining the total 85790
benefits to which the individual is eligible and the weekly 85791
benefit amount to be paid under section 4141.30 of the Revised 85792

Code. Such excluded remuneration and noncredited qualifying 85793
weeks shall be excluded from the calculation of the maximum 85794
amount to be charged, under division (D) of section 4141.24 and 85795
section 4141.33 of the Revised Code, against the accounts of the 85796
individual's base period employers. In addition, no benefits 85797
shall thereafter be paid to the individual based upon such 85798
excluded remuneration or noncredited qualifying weeks. 85799

For purposes of division (D) (2) (e) of this section, 85800
"dishonesty" means the commission of substantive theft, fraud, 85801
or deceitful acts. 85802

(3) For purposes of division (D) (2) (a) of this section, an 85803
individual shall be considered to have quit work without just 85804
cause if all of the following apply: 85805

(a) The individual is provided temporary work assignments 85806
by the individual's employer under agreed terms and conditions 85807
of employment. 85808

(b) The individual is required pursuant to those terms and 85809
conditions to inquire with the individual's employer for 85810
available work assignments upon the conclusion of each work 85811
assignment. 85812

(c) Suitable work assignments are available with the 85813
employer, but the individual fails to contact the employer to 85814
inquire about work assignments. 85815

(E) No individual otherwise qualified to receive benefits 85816
shall lose the right to benefits by reason of a refusal to 85817
accept new work if: 85818

(1) As a condition of being so employed the individual 85819
would be required to join a company union, or to resign from or 85820
refrain from joining any bona fide labor organization, or would 85821

be denied the right to retain membership in and observe the 85822
lawful rules of any such organization. 85823

(2) The position offered is vacant due directly to a 85824
strike, lockout, or other labor dispute. 85825

(3) The work is at an unreasonable distance from the 85826
individual's residence, having regard to the character of the 85827
work the individual has been accustomed to do, and travel to the 85828
place of work involves expenses substantially greater than that 85829
required for the individual's former work, unless the expense is 85830
provided for. 85831

(4) The remuneration, hours, or other conditions of the 85832
work offered are substantially less favorable to the individual 85833
than those prevailing for similar work in the locality. 85834

(F) Subject to the special exceptions contained in 85835
division (A) (4) (f) of this section and section 4141.301 of the 85836
Revised Code, in determining whether any work is suitable for a 85837
claimant in the administration of this chapter, the director, in 85838
addition to the determination required under division (E) of 85839
this section, shall consider the degree of risk to the 85840
claimant's health, safety, and morals, the individual's physical 85841
fitness for the work, the individual's prior training and 85842
experience, the length of the individual's unemployment, the 85843
distance of the available work from the individual's residence, 85844
and the individual's prospects for obtaining local work. 85845

(G) The "duration of unemployment" as used in this section 85846
means the full period of unemployment next ensuing after a 85847
separation from any base period or subsequent work and until an 85848
individual has become reemployed in employment subject to this 85849
chapter, or the unemployment compensation act of another state, 85850

or of the United States, and until such individual has worked 85851
six weeks and for those weeks has earned or been paid 85852
remuneration equal to six times an average weekly wage of not 85853
less than: eighty-five dollars and ten cents per week beginning 85854
on June 26, 1990; and beginning on and after January 1, 1992, 85855
twenty-seven and one-half per cent of the statewide average 85856
weekly wage as computed each first day of January under division 85857
(B) (3) of section 4141.30 of the Revised Code, rounded down to 85858
the nearest dollar, except for purposes of division (D) (2) (c) of 85859
this section, such term means the full period of unemployment 85860
next ensuing after a separation from such work and until such 85861
individual has become reemployed subject to the terms set forth 85862
above, and has earned wages equal to one-half of the 85863
individual's average weekly wage or sixty dollars, whichever is 85864
less. 85865

(H) If a claimant is disqualified under division (D) (2) 85866
(a), (c), or (d) of this section or found to be qualified under 85867
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 85868
or (v) of this section or division (A) (2) of section 4141.291 of 85869
the Revised Code, then benefits that may become payable to such 85870
claimant, which are chargeable to the account of the employer 85871
from whom the individual was separated under such conditions, 85872
shall be charged to the mutualized account provided in section 85873
4141.25 of the Revised Code, provided that no charge shall be 85874
made to the mutualized account for benefits chargeable to a 85875
reimbursing employer, except as provided in division (D) (2) of 85876
section 4141.24 of the Revised Code. In the case of a 85877
reimbursing employer, the director shall refund or credit to the 85878
account of the reimbursing employer any over-paid benefits that 85879
are recovered under division (B) of section 4141.35 of the 85880
Revised Code. Amounts chargeable to other states, the United 85881

States, or Canada that are subject to agreements and 85882
arrangements that are established pursuant to section 4141.43 of 85883
the Revised Code shall be credited or reimbursed according to 85884
the agreements and arrangements to which the chargeable amounts 85885
are subject. 85886

(I) (1) Benefits based on service in employment as provided 85887
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 85888
Code shall be payable in the same amount, on the same terms, and 85889
subject to the same conditions as benefits payable on the basis 85890
of other service subject to this chapter; except that after 85891
December 31, 1977: 85892

(a) Benefits based on service in an instructional, 85893
research, or principal administrative capacity in an institution 85894
of higher education, as defined in division (Y) of section 85895
4141.01 of the Revised Code; or for an educational institution 85896
as defined in division (CC) of section 4141.01 of the Revised 85897
Code, shall not be paid to any individual for any week of 85898
unemployment that begins during the period between two 85899
successive academic years or terms, or during a similar period 85900
between two regular but not successive terms or during a period 85901
of paid sabbatical leave provided for in the individual's 85902
contract, if the individual performs such services in the first 85903
of those academic years or terms and has a contract or a 85904
reasonable assurance that the individual will perform services 85905
in any such capacity for any such institution in the second of 85906
those academic years or terms. 85907

(b) Benefits based on service for an educational 85908
institution or an institution of higher education in other than 85909
an instructional, research, or principal administrative 85910
capacity, shall not be paid to any individual for any week of 85911

unemployment which begins during the period between two 85912
successive academic years or terms of the employing educational 85913
institution or institution of higher education, provided the 85914
individual performed those services for the educational 85915
institution or institution of higher education during the first 85916
such academic year or term and, there is a reasonable assurance 85917
that such individual will perform those services for any 85918
educational institution or institution of higher education in 85919
the second of such academic years or terms. 85920

If compensation is denied to any individual for any week 85921
under division (I) (1) (b) of this section and the individual was 85922
not offered an opportunity to perform those services for an 85923
institution of higher education or for an educational 85924
institution for the second of such academic years or terms, the 85925
individual is entitled to a retroactive payment of compensation 85926
for each week for which the individual timely filed a claim for 85927
compensation and for which compensation was denied solely by 85928
reason of division (I) (1) (b) of this section. An application for 85929
retroactive benefits shall be timely filed if received by the 85930
director or the director's deputy within or prior to the end of 85931
the fourth full calendar week after the end of the period for 85932
which benefits were denied because of reasonable assurance of 85933
employment. The provision for the payment of retroactive 85934
benefits under division (I) (1) (b) of this section is applicable 85935
to weeks of unemployment beginning on and after November 18, 85936
1983. The provisions under division (I) (1) (b) of this section 85937
shall be retroactive to September 5, 1982, only if, as a 85938
condition for full tax credit against the tax imposed by the 85939
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 85940
3301 to 3311, the United States secretary of labor determines 85941
that retroactivity is required by federal law. 85942

(c) With respect to weeks of unemployment beginning after 85943
December 31, 1977, benefits shall be denied to any individual 85944
for any week which commences during an established and customary 85945
vacation period or holiday recess, if the individual performs 85946
any services described in divisions (I)(1)(a) and (b) of this 85947
section in the period immediately before the vacation period or 85948
holiday recess, and there is a reasonable assurance that the 85949
individual will perform any such services in the period 85950
immediately following the vacation period or holiday recess. 85951

(d) With respect to any services described in division (I) 85952
(1)(a), (b), or (c) of this section, benefits payable on the 85953
basis of services in any such capacity shall be denied as 85954
specified in division (I)(1)(a), (b), or (c) of this section to 85955
any individual who performs such services in an educational 85956
institution or institution of higher education while in the 85957
employ of an educational service agency. For this purpose, the 85958
term "educational service agency" means a governmental agency or 85959
governmental entity that is established and operated exclusively 85960
for the purpose of providing services to one or more educational 85961
institutions or one or more institutions of higher education. 85962

(e) Any individual employed by a county board of 85963
developmental disabilities shall be notified by the thirtieth 85964
day of April each year if the individual is not to be reemployed 85965
the following academic year. 85966

(f) Any individual employed by a school district, other 85967
than a municipal school district as defined in section 3311.71 85968
of the Revised Code, shall be notified by the first day of June 85969
each year if the individual is not to be reemployed the 85970
following academic year. 85971

(2) No disqualification will be imposed, between academic 85972

years or terms or during a vacation period or holiday recess 85973
under this division, unless the director or the director's 85974
deputy has received a statement in writing from the educational 85975
institution or institution of higher education that the claimant 85976
has a contract for, or a reasonable assurance of, reemployment 85977
for the ensuing academic year or term. 85978

(3) If an individual has employment with an educational 85979
institution or an institution of higher education and employment 85980
with a noneducational employer, during the base period of the 85981
individual's benefit year, then the individual may become 85982
eligible for benefits during the between-term, or vacation or 85983
holiday recess, disqualification period, based on employment 85984
performed for the noneducational employer, provided that the 85985
employment is sufficient to qualify the individual for benefit 85986
rights separately from the benefit rights based on school 85987
employment. The weekly benefit amount and maximum benefits 85988
payable during a disqualification period shall be computed based 85989
solely on the nonschool employment. 85990

(J) Benefits shall not be paid on the basis of employment 85991
performed by an alien, unless the alien had been lawfully 85992
admitted to the United States for permanent residence at the 85993
time the services were performed, was lawfully present for 85994
purposes of performing the services, or was otherwise 85995
permanently residing in the United States under color of law at 85996
the time the services were performed, under section 212(d) (5) of 85997
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 85998
1101: 85999

(1) Any data or information required of individuals 86000
applying for benefits to determine whether benefits are not 86001
payable to them because of their alien status shall be uniformly 86002

required from all applicants for benefits. 86003

(2) In the case of an individual whose application for 86004
benefits would otherwise be approved, no determination that 86005
benefits to the individual are not payable because of the 86006
individual's alien status shall be made except upon a 86007
preponderance of the evidence that the individual had not, in 86008
fact, been lawfully admitted to the United States. 86009

(K) The director shall establish and utilize a system of 86010
profiling all new claimants under this chapter that: 86011

(1) Identifies which claimants will be likely to exhaust 86012
regular compensation and will need job search assistance 86013
services to make a successful transition to new employment; 86014

(2) Refers claimants identified pursuant to division (K) 86015
(1) of this section to reemployment services, such as job search 86016
assistance services, available under any state or federal law; 86017

(3) Collects follow-up information relating to the 86018
services received by such claimants and the employment outcomes 86019
for such claimant's subsequent to receiving such services and 86020
utilizes such information in making identifications pursuant to 86021
division (K) (1) of this section; and 86022

(4) Meets such other requirements as the United States 86023
secretary of labor determines are appropriate. 86024

(L) Except as otherwise provided in division (A) (6) of 86025
this section, ineligibility pursuant to division (A) of this 86026
section shall begin on the first day of the week in which the 86027
claimant becomes ineligible for benefits and shall end on the 86028
last day of the week preceding the week in which the claimant 86029
satisfies the eligibility requirements. 86030

(M) The director may adopt rules that the director 86031
considers necessary for the administration of division (A) of 86032
this section. 86033

Sec. 4141.33. (A) As used in this section: 86034

(1) "Reasonable assurance" means a written, verbal, or 86035
implied agreement that the individual will perform services in 86036
the same or similar capacity during the ensuing sports season or 86037
seasonal period. 86038

(2) "Seasonal employment" means employment of individuals 86039
hired primarily to perform services in an industry which because 86040
of climatic conditions or because of the seasonal nature of such 86041
industry it is customary to operate only during regularly 86042
recurring periods of forty weeks or less in any consecutive 86043
fifty-two weeks. 86044

(3) "Seasonal employer" means an employer determined by 86045
the director of job and family services to be an employer whose 86046
operations and business, with the exception of certain 86047
administrative and maintenance operations, are substantially all 86048
in a seasonal industry. 86049

(4) "Significantly" means forty per cent or more of an 86050
individual's base period consists of services performed in 86051
seasonal employment. 86052

(B) Any employer who claims to have seasonal employment in 86053
a seasonal industry may file with the director a written 86054
application for classification of such employment as seasonal. 86055
Whenever in any industry it is customary to operate because of 86056
climatic conditions or because of the seasonal nature of such 86057
industry only during regularly recurring periods of forty weeks 86058
or less duration, benefits shall be payable only during the 86059

longest seasonal periods which the best practice of such 86060
industry will reasonably permit. The director shall determine, 86061
~~after investigation, hearing, and due notice,~~ whether the 86062
industry is seasonal and, if seasonal, establish seasonal 86063
periods for such seasonal employer. The director shall make the 86064
determination based on the application for classification filed 86065
under this section and any other relevant information available. 86066
Until such determination by the director, no industry or 86067
employment shall be deemed seasonal. 86068

(C) When the director has determined such seasonal 86069
periods, the director shall also establish the proportionate 86070
number of weeks of employment and earnings required to qualify 86071
for seasonal benefit rights in place of the weeks of employment 86072
and earnings requirement stipulated in division (R) of section 86073
4141.01 and section 4141.30 of the Revised Code, and the 86074
proportionate number of weeks for which seasonal benefits may be 86075
paid. An individual whose base period employment consists of 86076
only seasonal employment for a single seasonal employer and who 86077
meets the employment and earnings requirements determined by the 86078
director pursuant to this division will have benefit rights 86079
determined in accordance with this division, except benefits 86080
shall not be paid for any week between two successive seasonal 86081
periods. Benefit charges for such seasonal employment shall be 86082
computed and charged in accordance with division (D) of section 86083
4141.24 of the Revised Code. The director may adopt rules for 86084
implementation of this section. 86085

(D) An individual whose base period employment consists of 86086
either seasonal employment with two or more seasonal employers 86087
or both seasonal employment and nonseasonal employment with 86088
employers subject to this chapter, will have benefit rights 86089
determined in accordance with division (R) of section 4141.01 86090

and section 4141.30 of the Revised Code. Benefit charges for 86091
both seasonal and nonseasonal employment shall be computed and 86092
charged in accordance with division (D) of section 4141.24 of 86093
the Revised Code. The total seasonal and nonseasonal benefits 86094
during a benefit year cannot exceed twenty-six times the weekly 86095
benefit amount. Effective October 30, 2011, an individual who 86096
performs services that significantly consist of services 86097
performed in seasonal employment shall not be paid benefits for 86098
those services for any week in the period between two successive 86099
seasonal periods if the individual performed those services in 86100
the first of the seasonal periods and there is reasonable 86101
assurance that the individual will perform those services in the 86102
later of the seasonal periods. The director shall adopt rules 86103
for the implementation of this division. 86104

(E) Benefits shall not be paid to any individual on the 86105
basis of any services, substantially all of which consist of 86106
participating in sports or athletic events or training or 86107
preparing to so participate, for any week which commences during 86108
the period between two successive sport seasons, or similar 86109
periods, if the individual performed services in the first of 86110
the seasons, or similar periods, and there is a reasonable 86111
assurance that the individual will perform services in the later 86112
of the seasons, or similar periods. 86113

(F) The director shall adopt rules concerning the 86114
eligibility for benefits of individuals under divisions (D) and 86115
(E) of this section. 86116

Sec. 4141.56. ~~Beginning one year after the effective date~~ 86117
~~of this section, and every year thereafter, the~~ The director of 86118
job and family services annually shall prepare a report and 86119
~~submit a report~~ it by the first day of August to the governor, 86120

the president and minority leader of the senate, and the speaker 86121
and the minority leader of the house of representatives ~~that~~ 86122
~~discusses~~. The report shall discuss the utilization of the 86123
SharedWork Ohio program created under section 4141.50 of the 86124
Revised Code. The director shall include in that report the 86125
number of employers and employees participating in the program, 86126
the amount of shared work compensation paid under the program 86127
during the immediately preceding year, and any other information 86128
the director considers to be relevant. 86129

Sec. 4141.60. (A) ~~Beginning on the last day of February~~ 86130
~~that occurs after the effective date of this section, and~~ 86131
~~annually thereafter, the~~ The director of job and family services 86132
annually shall prepare a report and submit a report it by the 86133
first day of August to the persons listed in division (B) of 86134
this section. The director shall include all of the following 86135
information in the report with respect to the calendar year 86136
preceding the date the report is submitted: 86137

(1) The number of calls received from applicants for and 86138
recipients of benefits under this chapter at all call centers 86139
operated by the director; 86140

(2) The total number of claims for benefits filed under 86141
this chapter; 86142

(3) The number of claims for benefits marked as 86143
potentially fraudulent; 86144

(4) The number of complaints submitted by applicants for 86145
and recipients of benefits under this chapter through the 86146
uniform process created by the director under section 4141.13 of 86147
the Revised Code; 86148

(5) A summary of updates or changes to the technology the 86149

director uses to administer this chapter that have occurred 86150
during the calendar year covered by the report. 86151

(B) The director shall submit the report required under 86152
division (A) of this section to the speaker of the house of 86153
representatives, the president of the senate, and the governor, 86154
~~and the members of the unemployment compensation modernization-~~ 86155
~~and improvement council.~~ 86156

Sec. 4301.12. (A) The division of liquor control shall 86157
provide for the custody, safekeeping, and deposit of all moneys, 86158
checks, and drafts received by it or any of its employees or 86159
agents prior to paying them to the treasurer of state as 86160
provided by section 113.08 of the Revised Code. 86161

(B) A sum equal to three dollars and thirty-eight cents 86162
for each gallon of spirituous liquor sold by the division, 86163
JobsOhio, or a designee of JobsOhio during the period covered by 86164
the payment shall be paid into the state treasury to the credit 86165
of the general revenue fund. All moneys Except as provided in 86166
division (G) of section 4301.30 of the Revised Code, all money 86167
received from permit fees, except B-2a, S-1, and S-2 permit fees 86168
from B-2a, S-1, and S-2 permit holders who do not also hold A-2- 86169
or A-2f permits, shall be paid to the credit of the undivided 86170
liquor permit fund established by section 4301.30 of the Revised 86171
Code. 86172

(C) Except as otherwise provided by law, the division 86173
shall deposit all moneys collected under Chapters 4301. and 86174
4303. of the Revised Code into the state treasury to the credit 86175
of the state liquor regulatory fund created in section 4301.30 86176
of the Revised Code. In addition, revenue resulting from any 86177
contracts with the department of commerce pertaining to the 86178
responsibilities and operations described in this chapter may be 86179

credited to the fund.

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(D) Whenever, in the judgment of the director of budget
and management, the amount in the liquor control fund is in
excess of that needed to meet the maturing obligations of the
division, as working capital for its further operations, to pay
the operating expenses of the commission, and for the alcohol
testing program under section 3701.143 of the Revised Code, the
director shall transfer the excess to the credit of the general
revenue fund. If the director determines that the amount in the
liquor control fund is insufficient, the director may transfer
money from the general revenue fund to the liquor control fund.

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Sec. 4301.19. The division of liquor control shall sell
spirituous liquor only, whether from a warehouse ~~or from~~, a
state liquor store ~~or~~, an agency store, or an A-3a permit
premises. All sales shall be in sealed containers and for resale
as authorized by this chapter and Chapter 4303. of the Revised
Code or for consumption off the premises only. Except as
otherwise provided in this section, sale of containers holding
one-half pint or less of spirituous liquor by the division shall
be made at retail only, and not for the purpose of resale by any
purchaser, by special order placed with a state liquor store or
agency store and subject to rules established by the
superintendent of liquor control. The division may sell at
wholesale spirituous liquor in fifty milliliter sealed
containers to any holder of a permit issued under Chapter 4303.
of the Revised Code that authorizes the sale of spirituous
liquor for consumption on the premises where sold. A person
appointed by the division to act as an agent for the sale of
spirituous liquor pursuant to section 4301.17 of the Revised
Code may provide and accept gift certificates and may accept
credit cards and debit cards for the retail purchase of

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spirituous liquor. Deliveries shall be made in the manner the 86211
superintendent determines by rule. 86212

Subject to division (A) (3) of section 4301.10 and division 86213
(A) of section 4301.14 of the Revised Code, if any person 86214
desires to purchase any variety or brand of spirituous liquor 86215
which is not in stock at the state liquor store or agency store 86216
where the variety or brand is ordered, the division shall 86217
immediately procure the variety or brand. The purchaser shall be 86218
immediately notified upon the arrival of the spirituous liquor 86219
at the store at which it was ordered. Unless the purchaser pays 86220
for the variety or brand and accepts delivery within five days 86221
after the giving of the notice, the division may place the 86222
spirituous liquor in stock for general sale. 86223

Sec. 4301.30. (A) ~~All~~ Except as provided in division (G) 86224
of this section, all fees collected by the division of liquor 86225
control shall be deposited in the state treasury to the credit 86226
of the undivided liquor permit fund, which is hereby created, at 86227
the time prescribed under section 4301.12 of the Revised Code. 86228
Each payment shall be accompanied by a statement showing 86229
separately the amount collected for each class of permits in 86230
each municipal corporation and in each township outside the 86231
limits of any municipal corporation in such township. 86232

(B) (1) An amount equal to forty-five per cent of the fund 86233
shall be paid from the fund into the state liquor regulatory 86234
fund, which is hereby created in the state treasury. The state 86235
liquor regulatory fund shall be used to pay the operating 86236
expenses of the division of liquor control in administering and 86237
enforcing Title XLIII of the Revised Code and the operating 86238
expenses of the liquor control commission. ~~Investment earnings~~ 86239
~~of the fund shall be credited to the fund.~~ 86240

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the division of liquor control derived under division (B) (4) of section 4301.10 of the Revised Code, to the department of mental health and addiction services. In planning for the allocation of and in allocating these amounts for the purposes of Chapter 5119. of the Revised Code, the department shall comply with the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, and any rules adopted under that act.

(D) Thirty-five per cent of the undivided liquor permit fund shall be distributed by the superintendent of liquor control at quarterly calendar periods as follows:

(1) To each municipal corporation, the aggregate amount shown by the statements to have been collected from permits in the municipal corporation, for the use of the general fund of the municipal corporation;

(2) To each township, the aggregate amount shown by the statements to have been collected from permits in its territory, outside the limits of any municipal corporation located in the township, for the use of the general fund of the township, or

for fire protection purposes, including buildings and equipment 86271
in the township or in an established fire district within the 86272
township, to the extent that the funds are derived from liquor 86273
permits within the territory comprising such fire district. 86274

(E) For the purpose of the distribution required by this 86275
section, E, H, and D permits covering boats or vessels are 86276
deemed to have been issued in the municipal corporation or 86277
township wherein the owner or operator of the vehicle, boat, 86278
vessel, or dining car equipment to which the permit relates has 86279
the owner's or operator's principal office or place of business 86280
within the state. 86281

(F) If the division determines that the police or other 86282
officers of any municipal corporation or township entitled to 86283
share in distributions under this section are refusing or 86284
culpably neglecting to enforce this chapter and Chapter 4303. of 86285
the Revised Code, or the penal laws of this state relating to 86286
the manufacture, importation, transportation, distribution, and 86287
sale of beer and intoxicating liquors, or if the prosecuting 86288
officer of a municipal corporation or a municipal court fails to 86289
comply with the request of the division authorized by division 86290
(A) (4) of section 4301.10 of the Revised Code, the division, by 86291
certified mail or by electronic means as determined by the 86292
superintendent to provide proper notice under the laws of this 86293
state, may notify the chief executive officer of the municipal 86294
corporation or the board of township trustees of the township of 86295
the failure and require the immediate cooperation of the 86296
responsible officers of the municipal corporation or township 86297
with the division in the enforcement of those chapters and penal 86298
laws. Within thirty days after the notice is served, the 86299
division shall determine whether the requirement has been 86300
complied with. If the division determines that the requirement 86301

has not been complied with, it may withhold the distributive 86302
share of the municipal corporation or township. This action of 86303
the division is reviewable within thirty days thereafter in the 86304
court of common pleas of Franklin county. 86305

(G) All fees collected by the division of liquor control 86306
from the issuance or renewal of ~~B-2a, S-1, and S-2 permits, and~~ 86307
~~paid by B-2a, S-1, and S-2 permit holders who do not also hold~~ 86308
~~A-1 or A-1c permits or A-2 or A-2f permits,~~ the following permits 86309
shall be deposited in the state treasury to the credit of the 86310
state liquor regulatory fund: 86311

(1) B-2a, S-1, and S-2 permits paid by B-2a, S-1, and S-2 86312
permit holders who do not also hold A-1 or A-1c permits or A-2 86313
or A-2f permits; 86314

(2) H permits where the permit premises are located 86315
outside of this state. ~~Once~~ 86316

Once during each fiscal year, an amount equal to fifty per 86317
cent of the fees collected shall be paid from the state liquor 86318
regulatory fund into the general revenue fund. 86319

Sec. 4301.421. (A) For the purposes of section 307.696 of 86320
the Revised Code, to pay the expenses of administering the tax, 86321
and to pay any or all of the charge the board of elections makes 86322
against the county to hold the election on the question of 86323
levying the tax, or for those purposes and to provide revenues 86324
to the county for permanent improvements, the board of county 86325
commissioners may levy a tax on the sale of beer at a rate not 86326
to exceed sixteen cents per gallon, on the sale of cider at a 86327
rate not to exceed twenty-four cents per gallon, and on the sale 86328
of wine and mixed beverages at a rate not to exceed thirty-two 86329
cents per gallon. The tax shall be imposed on all beer, cider, 86330

wine, and mixed beverages sold for resale at retail in the 86331
county, and on all beer, cider, wine, and mixed beverages sold 86332
at retail in the county by the manufacturer, bottler, importer, 86333
or other person upon which the tax has not been paid. The tax 86334
shall not be levied on the sale of wine to be used for known 86335
sacramental purposes. The tax may be levied for any number of 86336
years not exceeding twenty. The tax shall be in addition to the 86337
taxes imposed by sections 4301.42, 4301.43, 4301.432, and 86338
4305.01 of the Revised Code. The tax shall not be considered a 86339
cost in any computation required under rules of the liquor 86340
control commission regulating minimum prices or mark-ups. 86341

Only one sale of the same article shall be used in 86342
computing, reporting, and paying the amount of tax due. 86343

The tax shall be levied pursuant to a resolution of the 86344
county commissioners approved by a majority of the electors in 86345
the county voting on the question of levying the tax, which 86346
resolution shall specify the rate of the tax, the number of 86347
years the tax will be levied, and the purposes for which the tax 86348
is levied. The election may be held on the date of a general 86349
election or special election held not sooner than ninety days 86350
after the date the board certifies its resolution to the board 86351
of elections. If approved by the electors, the tax shall take 86352
effect on the first day of the month specified in the resolution 86353
but not sooner than the first day of the month that is at least 86354
sixty days after the certification of the election results by 86355
the board of elections. A copy of the resolution levying the tax 86356
and the certification of the board of elections shall be 86357
certified to the tax commissioner at least sixty days prior to 86358
the date on which the tax is to become effective. 86359

A resolution under this section may be joined on the 86360

ballot as a single question with a resolution adopted under 86361
section 307.697 or 5743.024 of the Revised Code to levy a tax 86362
for the same purposes and for the purpose of paying the expenses 86363
of administering the tax. The form of the ballot in an election 86364
held pursuant to this section shall be as prescribed in section 86365
307.697 of the Revised Code. 86366

(B) The board of county commissioners of a county in which 86367
a tax is imposed under this section on the effective date of the 86368
amendment of this section by H.B. 59 of the 130th general 86369
assembly, September 29, 2013, may levy a tax for the purpose of 86370
section 307.673 of the Revised Code regardless of whether or not 86371
the cooperative agreement authorized under that section has been 86372
entered into prior to the day the resolution adopted under 86373
division (B)(1) or (2) of this section is adopted, for the 86374
purpose of reimbursing a county for costs incurred in the 86375
construction of a sports facility pursuant to an agreement 86376
entered into by the county under section 307.696 of the Revised 86377
Code, or for the purpose of paying the costs of capital repairs 86378
of and improvements to a sports facility. The tax shall be 86379
levied and approved in one of the manners prescribed by division 86380
(B)(1) or (2) of this section. 86381

(1) The tax may be levied pursuant to a resolution adopted 86382
by a majority of the members of the board of county 86383
commissioners not later than September 2, 1995. A board of 86384
county commissioners approving a tax under division (B)(1) of 86385
this section may approve a tax under division (D)(1) of section 86386
307.697 or division (C)(1) of section 5743.024 of the Revised 86387
Code at the same time. Subject to the resolution being submitted 86388
to a referendum under sections 305.31 to 305.41 of the Revised 86389
Code, the resolution shall take effect immediately, but the tax 86390
levied pursuant to the resolution shall not be levied prior to 86391

the day following the last day that any tax previously levied 86392
pursuant to this division may be levied. 86393

(2) The tax may be levied pursuant to a resolution adopted 86394
by a majority of the members of the board of county 86395
commissioners not later than September 1, 2015, and approved by 86396
a majority of the electors of the county voting on the question 86397
of levying the tax. The board of county commissioners shall 86398
certify a copy of the resolution to the board of elections 86399
immediately upon adopting a resolution under division (D) (2) of 86400
this section. The election may be held on the date of a general 86401
or special election held not sooner than ninety days after the 86402
date the board certifies its resolution to the board of 86403
elections. The form of the ballot shall be as prescribed by 86404
division (C) of section 307.697 of the Revised Code, except that 86405
the phrase "paying not more than one-half of the costs of 86406
providing a sports facility together with related redevelopment 86407
and economic development projects" shall be replaced by the 86408
phrase "paying the costs of constructing, renovating, improving, 86409
or repairing a sports facility and reimbursing a county for 86410
costs incurred by the county in the construction of a sports 86411
facility," and the phrase ", beginning _____ (here insert 86412
the earliest date the tax would take effect)" shall be appended 86413
after "years." A board of county commissioners submitting the 86414
question of a tax under division (B) (2) of this section may 86415
submit the question of a tax under division (D) (2) of section 86416
307.697 or division (C) (2) of section 5743.024 of the Revised 86417
Code as a single question, and the form of the ballot shall 86418
include each of the proposed taxes. 86419

If approved by a majority of electors voting on the 86420
question, the tax shall take effect on the day specified on the 86421
ballot, which shall not be earlier than the day following the 86422

last day that any tax previously levied pursuant to this 86423
division may be levied. 86424

The rate of a tax levied pursuant to division (B) (1) or 86425
(2) of this section shall not exceed the rate specified in 86426
division (A) of this section. A tax levied pursuant to division 86427
(B) (1) or (2) of this section may be levied for any number of 86428
years not exceeding twenty. 86429

A board of county commissioners adopting a resolution 86430
under division (B) (1) or (2) of this section shall certify a 86431
copy of the resolution to the tax commissioner immediately upon 86432
adoption of the resolution. 86433

(C) The board of county commissioners of a county whose 86434
population is greater than one million one hundred thousand but 86435
less than one million three hundred thousand may levy a tax 86436
under this division for the purpose of section 307.673 of the 86437
Revised Code regardless of whether or not the cooperative 86438
agreement authorized under that section has been entered into 86439
prior to the day the resolution adopted under division (C) of 86440
this section is adopted, for the purpose of reimbursing a county 86441
for costs incurred in the construction of a sports facility 86442
pursuant to an agreement entered into by the county under 86443
section 307.696 of the Revised Code, or for the purpose of 86444
paying the costs of constructing, equipping, furnishing, 86445
maintaining, renovating, improving, or repairing a sports 86446
facility. The tax may be levied for any number of years or for a 86447
continuing period of time. 86448

The tax may be levied pursuant to a resolution adopted by 86449
the board of county commissioners and approved by a majority of 86450
the electors of the county voting on the question of levying the 86451
tax. The board of county commissioners shall certify a copy of 86452

the resolution to the board of elections immediately upon 86453
adopting a resolution under division (C) of this section. The 86454
election may be held on the date of a general or special 86455
election held not sooner than ninety days after the date the 86456
board certifies its resolution to the board of elections. The 86457
form of the ballot shall be as follows or in any other form 86458
acceptable to the secretary of state: 86459

"For the purpose of _____ (state the purpose or 86460
purposes), shall an excise tax be levied by _____ county at 86461
the rate of _____ cents per gallon on the sale of beer at 86462
wholesale in the county, _____ cents per gallon on the sale of 86463
wine and mixed beverages at wholesale in the county, and 86464
cents per gallon on the sale of cider at wholesale in the county 86465
for _____ (number of years or a continuing period of time), the 86466
tax beginning on _____ (the earliest date the tax would 86467
take effect)? 86468

	<u>Yes</u>
	<u>No</u>

"

A board of county commissioners submitting the question of 86470
a tax under division (C) of this section may submit the question 86471
of a tax under section 5743.511, division (E) of section 86472
307.697, or division (D) of section 5743.024 of the Revised 86473
Code, or all, as a single question, provided that each tax is 86474
for the same purpose and period of time and the form of the 86475
ballot states the rate of each of the proposed taxes. 86476

If approved by a majority of electors voting on the 86477
question, the tax shall take effect on the date specified in the 86478
resolution but not sooner than the first day of the month that 86479

is at least sixty days after the certification of the election 86480
results by the board of elections. The tax levied under division 86481
(C) of this section may be approved and take effect before the 86482
expiration of the tax levied under division (B) of this section. 86483
The tax levied under division (C) of this section shall 86484
supersede and replace any tax levied under division (B) of this 86485
section, and the tax levied under division (B) of this section 86486
shall no longer be levied once the tax levied under division (C) 86487
of this section takes effect. 86488

The rate of tax levied pursuant to division (C) of this 86489
section on the sale of beer shall not exceed thirty-two cents 86490
per gallon, on the sale of cider shall not exceed forty-eight 86491
cents per gallon, and on the sale of wine and mixed beverages 86492
shall not exceed sixty-four cents per gallon. The tax levied 86493
pursuant to division (C) of this section shall be imposed on all 86494
beer, cider, wine, and mixed beverages sold for resale at retail 86495
in the county, and on all beer, cider, wine, and mixed beverages 86496
sold at retail in the county by the bottler, importer, or other 86497
person upon which the tax has not been paid. The tax levied 86498
pursuant to division (C) of this section shall not be levied on 86499
the sale of wine to be used for known sacramental purposes. 86500

The tax levied pursuant to division (C) of this section 86501
shall be in addition to the taxes imposed by sections 4301.42, 86502
4301.43, 4301.432, and 4305.01 of the Revised Code. The tax 86503
levied pursuant to division (C) of this section shall not be 86504
considered a cost in any computation required under rules of the 86505
liquor control commission regulating minimum prices or mark-ups. 86506
Only one sale of the same article shall be used in computing, 86507
reporting, and paying the amount of tax due. 86508

A board of county commissioners adopting a resolution 86509

under division (C) of this section shall certify a copy of the 86510
resolution to the tax commissioner immediately upon adoption of 86511
the resolution. 86512

(D) No tax shall be levied under division (A) of this 86513
section on or after September 23, 2008. This division does not 86514
apply to a tax levied under division (B) or (C) of this section, 86515
and does not prevent the collection of any tax levied under this 86516
section before September 23, 2008, so long as that tax remains 86517
effective. 86518

Sec. 4303.181. (A) Permit D-5a may be issued either to the 86519
owner or operator of a hotel or motel that is required to be 86520
licensed under section 3731.03 of the Revised Code, that 86521
contains at least fifty rooms for registered transient guests or 86522
is owned by a state institution of higher education as defined 86523
in section 3345.011 of the Revised Code or a private college or 86524
university, and that qualifies under the other requirements of 86525
this section, or to the owner or operator of a restaurant 86526
specified under this section, to sell beer and any intoxicating 86527
liquor at retail, only by the individual drink in glass and from 86528
the container, for consumption on the premises where sold, and 86529
to registered guests in their rooms, which may be sold by means 86530
of a controlled access alcohol and beverage cabinet in 86531
accordance with division (B) of section 4301.21 of the Revised 86532
Code; and to sell the same products in the same manner and 86533
amounts not for consumption on the premises as may be sold by 86534
holders of D-1 and D-2 permits. The premises of the hotel or 86535
motel shall include a retail food establishment or a food 86536
service operation licensed pursuant to Chapter 3717. of the 86537
Revised Code that operates as a restaurant for purposes of this 86538
chapter and that is affiliated with the hotel or motel and 86539
within or contiguous to the hotel or motel, and that serves food 86540

within the hotel or motel, but the principal business of the 86541
owner or operator of the hotel or motel shall be the 86542
accommodation of transient guests. In addition to the privileges 86543
authorized in this division, the holder of a D-5a permit may 86544
exercise the same privileges, and shall observe the same hours 86545
of operation, as the holder of a D-5 permit. 86546

The owner or operator of a hotel, motel, or restaurant who 86547
qualified for and held a D-5a permit on August 4, 1976, may, if 86548
the owner or operator held another permit before holding a D-5a 86549
permit, either retain a D-5a permit or apply for the permit 86550
formerly held, and the division of liquor control shall issue 86551
the permit for which the owner or operator applies and formerly 86552
held, notwithstanding any quota. 86553

A D-5a permit shall not be transferred to another 86554
location. No quota restriction shall be placed on the number of 86555
D-5a permits that may be issued. 86556

The fee for this permit is two thousand three hundred 86557
forty-four dollars. 86558

(B) Permit D-5b may be issued to the owner, operator, 86559
tenant, lessee, or occupant of an enclosed shopping center to 86560
sell beer and intoxicating liquor at retail, only by the 86561
individual drink in glass and from the container, for 86562
consumption on the premises where sold; and to sell the same 86563
products in the same manner and amount not for consumption on 86564
the premises as may be sold by holders of D-1 and D-2 permits. 86565
In addition to the privileges authorized in this division, the 86566
holder of a D-5b permit may exercise the same privileges, and 86567
shall observe the same hours of operation, as a holder of a D-5 86568
permit. 86569

A D-5b permit shall not be transferred to another 86570
location. 86571

One D-5b permit may be issued at an enclosed shopping 86572
center containing at least two hundred twenty-five thousand, but 86573
less than four hundred thousand, square feet of floor area. 86574

Two D-5b permits may be issued at an enclosed shopping 86575
center containing at least four hundred thousand square feet of 86576
floor area. No more than one D-5b permit may be issued at an 86577
enclosed shopping center for each additional two hundred 86578
thousand square feet of floor area or fraction of that floor 86579
area, up to a maximum of five D-5b permits for each enclosed 86580
shopping center. The number of D-5b permits that may be issued 86581
at an enclosed shopping center shall be determined by 86582
subtracting the number of D-3 and D-5 permits issued in the 86583
enclosed shopping center from the number of D-5b permits that 86584
otherwise may be issued at the enclosed shopping center under 86585
the formulas provided in this division. Except as provided in 86586
this section, no quota shall be placed on the number of D-5b 86587
permits that may be issued. Notwithstanding any quota provided 86588
in this section, the holder of any D-5b permit first issued in 86589
accordance with this section is entitled to its renewal in 86590
accordance with section 4303.271 of the Revised Code. 86591

The holder of a D-5b permit issued before April 4, 1984, 86592
whose tenancy is terminated for a cause other than nonpayment of 86593
rent, may return the D-5b permit to the division of liquor 86594
control, and the division shall cancel that permit. Upon 86595
cancellation of that permit and upon the permit holder's payment 86596
of taxes, contributions, premiums, assessments, and other debts 86597
owing or accrued upon the date of cancellation to this state and 86598
its political subdivisions and a filing with the division of a 86599

certification of that payment, the division shall issue to that 86600
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, 86601
as that person requests. The division shall issue the D-5 86602
permit, or the D-1, D-2, and D-3 permits, even if the number of 86603
D-1, D-2, D-3, or D-5 permits currently issued in the municipal 86604
corporation or in the unincorporated area of the township where 86605
that person's proposed premises is located equals or exceeds the 86606
maximum number of such permits that can be issued in that 86607
municipal corporation or in the unincorporated area of that 86608
township under the population quota restrictions contained in 86609
section 4303.29 of the Revised Code. Any D-1, D-2, D-3, or D-5 86610
permit so issued shall not be transferred to another location. 86611
If a D-5b permit is canceled under the provisions of this 86612
paragraph, the number of D-5b permits that may be issued at the 86613
enclosed shopping center for which the D-5b permit was issued, 86614
under the formula provided in this division, shall be reduced by 86615
one if the enclosed shopping center was entitled to more than 86616
one D-5b permit under the formula. 86617

The fee for this permit is two thousand three hundred 86618
forty-four dollars. 86619

(C) Permit D-5c may be issued to the owner or operator of 86620
a retail food establishment or a food service operation licensed 86621
pursuant to Chapter 3717. of the Revised Code that operates as a 86622
restaurant for purposes of this chapter and that qualifies under 86623
the other requirements of this section to sell beer and any 86624
intoxicating liquor at retail, only by the individual drink in 86625
glass and from the container, for consumption on the premises 86626
where sold, and to sell the same products in the same manner and 86627
amounts not for consumption on the premises as may be sold by 86628
holders of D-1 and D-2 permits. In addition to the privileges 86629
authorized in this division, the holder of a D-5c permit may 86630

exercise the same privileges, and shall observe the same hours 86631
of operation, as the holder of a D-5 permit. 86632

To qualify for a D-5c permit, the owner or operator of a 86633
retail food establishment or a food service operation licensed 86634
pursuant to Chapter 3717. of the Revised Code that operates as a 86635
restaurant for purposes of this chapter, shall have operated the 86636
restaurant at the proposed premises for not less than twenty- 86637
four consecutive months immediately preceding the filing of the 86638
application for the permit, have applied for a D-5 permit no 86639
later than December 31, 1988, and appear on the division's quota 86640
waiting list for not less than six months immediately preceding 86641
the filing of the application for the permit. In addition to 86642
these requirements, the proposed D-5c permit premises shall be 86643
located within a municipal corporation and further within an 86644
election precinct that, at the time of the application, has no 86645
more than twenty-five per cent of its total land area zoned for 86646
residential use. 86647

A D-5c permit shall not be transferred to another 86648
location. No quota restriction shall be placed on the number of 86649
such permits that may be issued. 86650

Any person who has held a D-5c permit for at least two 86651
years may apply for a D-5 permit, and the division of liquor 86652
control shall issue the D-5 permit notwithstanding the quota 86653
restrictions contained in section 4303.29 of the Revised Code or 86654
in any rule of the liquor control commission. 86655

The fee for this permit is one thousand five hundred 86656
sixty-three dollars. 86657

(D) (1) Permit D-5d may be issued to the owner or operator 86658
of a retail food establishment or a food service operation 86659

licensed pursuant to Chapter 3717. of the Revised Code that 86660
operates as a restaurant for purposes of this chapter and that 86661
is located at an airport operated by a municipal corporation, at 86662
an airport operated by a board of county commissioners pursuant 86663
to section 307.20 of the Revised Code, at an airport operated by 86664
a port authority pursuant to Chapter 4582. of the Revised Code, 86665
or at an airport operated by a regional airport authority 86666
pursuant to Chapter 308. of the Revised Code. 86667

(2) The holder of a D-5d permit may sell either of the 86668
following: 86669

(a) Beer and any intoxicating liquor at retail, only by 86670
the individual drink in glass and from the container, for 86671
consumption on the premises where sold. In addition, such 86672
consumption may occur in the area of the airport terminal that 86673
is restricted to persons taking flights to and from the airport, 86674
provided all of the following apply: 86675

(i) The airport's governing body authorizes the 86676
consumption of beer and intoxicating liquor in that area. 86677

(ii) The D-5d permit holder is located in that area. 86678

(iii) The airport is a public-use airport, as defined in 86679
section 4563.30 of the Revised Code, that has commercial flight 86680
activity and has one or more passenger or property screening 86681
checkpoints or restricted areas used as security measures. 86682

(iv) The beer or intoxicating liquor is served solely in 86683
plastic bottles or other plastic containers that clearly 86684
identify the D-5d permit holder. 86685

(b) The same products in the same manner and amounts not 86686
for consumption on the premises where sold as may be sold by the 86687
holders of D-1 and D-2 permits. 86688

In addition to the privileges authorized in division (D) 86689
of this section, the holder of a D-5d permit may exercise the 86690
same privileges, and shall observe the same hours of operation, 86691
as the holder of a D-5 permit. 86692

(3) A D-5d permit shall not be transferred to another 86693
location. No quota restrictions shall be placed on the number of 86694
such permits that may be issued. 86695

(4) The fee for the D-5d permit is two thousand three 86696
hundred forty-four dollars. 86697

(E) Permit D-5e may be issued to any nonprofit 86698
organization that is exempt from federal income taxation under 86699
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86700
501(c)(3), as amended, or that is a charitable organization 86701
under any chapter of the Revised Code, and that owns or operates 86702
a riverboat that meets all of the following: 86703

(1) Is permanently docked at one location; 86704

(2) Is designated as an historical riverboat by the Ohio 86705
history connection; 86706

(3) Contains not less than fifteen hundred square feet of 86707
floor area; 86708

(4) Has a seating capacity of fifty or more persons. 86709

The holder of a D-5e permit may sell beer and intoxicating 86710
liquor at retail, only by the individual drink in glass and from 86711
the container, for consumption on the premises where sold. 86712

A D-5e permit shall not be transferred to another 86713
location. No quota restriction shall be placed on the number of 86714
such permits that may be issued. The population quota 86715
restrictions contained in section 4303.29 of the Revised Code or 86716

in any rule of the liquor control commission shall not apply to 86717
this division, and the division shall issue a D-5e permit to any 86718
applicant who meets the requirements of this division. However, 86719
the division shall not issue a D-5e permit if the permit 86720
premises or proposed permit premises are located within an area 86721
in which the sale of spirituous liquor by the glass is 86722
prohibited. 86723

In addition to the privileges authorized in this division, 86724
the holder of a D-5e permit may exercise the same privileges, 86725
and shall observe the same hours of operation, as the holder of 86726
a D-5 permit. 86727

The fee for this permit is one thousand two hundred 86728
nineteen dollars. 86729

(F) Permit D-5f may be issued to the owner or operator of 86730
a retail food establishment or a food service operation licensed 86731
under Chapter 3717. of the Revised Code that operates as a 86732
restaurant for purposes of this chapter and that meets all of 86733
the following: 86734

(1) It contains not less than twenty-five hundred square 86735
feet of floor area. 86736

(2) It is located on or in, or immediately adjacent to, 86737
the shoreline of, a navigable river. 86738

(3) It provides docking space for twenty-five boats. 86739

(4) It provides entertainment and recreation, provided 86740
that not less than fifty per cent of the business on the permit 86741
premises shall be preparing and serving meals for a 86742
consideration. 86743

In addition, each application for a D-5f permit shall be 86744

accompanied by a certification from the local legislative 86745
authority that the issuance of the D-5f permit is not 86746
inconsistent with that political subdivision's comprehensive 86747
development plan or other economic development goal as 86748
officially established by the local legislative authority. 86749

The holder of a D-5f permit may sell beer and intoxicating 86750
liquor at retail, only by the individual drink in glass and from 86751
the container, for consumption on the premises where sold. 86752

A D-5f permit shall not be transferred to another 86753
location. 86754

The division of liquor control shall not issue a D-5f 86755
permit if the permit premises or proposed permit premises are 86756
located within an area in which the sale of spirituous liquor by 86757
the glass is prohibited. In addition to the privileges 86758
authorized in this division, the holder of a D-5f permit may 86759
exercise the same privileges, and shall observe the same hours 86760
of operation, as the holder of a D-5 permit. 86761

A fee for this permit is two thousand three hundred forty- 86762
four dollars. 86763

As used in this division, "navigable river" means a river 86764
that is also a "navigable water" as defined in the "Federal 86765
Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 86766

(G) Permit D-5g may be issued to a nonprofit corporation 86767
that is either the owner or the operator of a national 86768
professional sports museum. The holder of a D-5g permit may sell 86769
beer and any intoxicating liquor at retail, only by the 86770
individual drink in glass and from the container, for 86771
consumption on the premises where sold. The holder of a D-5g 86772
permit shall sell no beer or intoxicating liquor for consumption 86773

on the premises where sold after two-thirty a.m. A D-5g permit 86774
shall not be transferred to another location. No quota 86775
restrictions shall be placed on the number of D-5g permits that 86776
may be issued. In addition to the privileges authorized in this 86777
division, the holder of a D-5g permit may exercise the same 86778
privileges, and shall observe the same hours of operation, as 86779
the holder of a D-5 permit. 86780

The fee for this permit is one thousand eight hundred 86781
seventy-five dollars. 86782

(H) (1) Permit D-5h may be issued to any nonprofit 86783
organization that is exempt from federal income taxation under 86784
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 86785
501(c) (3), as amended, that owns or operates any of the 86786
following: 86787

(a) A fine arts museum, provided that the nonprofit 86788
organization has no less than one thousand five hundred bona 86789
fide members possessing full membership privileges; 86790

(b) A community arts center. As used in division (H) (1) (b) 86791
of this section, "community arts center" means a facility that 86792
provides arts programming to the community in more than one arts 86793
discipline, including, but not limited to, exhibits of works of 86794
art and performances by both professional and amateur artists. 86795

(c) A community theater, provided that the nonprofit 86796
organization is a member of the Ohio arts council and the 86797
American community theatre association and has been in existence 86798
for not less than ten years. As used in division (H) (1) (c) of 86799
this section, "community theater" means a facility that contains 86800
at least one hundred fifty seats and has a primary function of 86801
presenting live theatrical performances and providing 86802

recreational opportunities to the community. 86803

(2) The holder of a D-5h permit may sell beer and any 86804
intoxicating liquor at retail, only by the individual drink in 86805
glass and from the container, for consumption on the premises 86806
where sold. A D-5h permit shall not be transferred to another 86807
location. No quota restrictions shall be placed on the number of 86808
D-5h permits that may be issued. 86809

(3) In addition to the privileges authorized in this 86810
division, the holder of a D-5h permit may exercise the same 86811
privileges, and shall observe the same hours of operation, as 86812
the holder of a D-5 permit. 86813

(4) The fee for a D-5h permit is one thousand eight 86814
hundred seventy-five dollars. 86815

(I) Permit D-5i may be issued to the owner or operator of 86816
a retail food establishment or a food service operation licensed 86817
under Chapter 3717. of the Revised Code that operates as a 86818
restaurant for purposes of this chapter and that meets all of 86819
the following requirements: 86820

(1) It is located in a municipal corporation or a township 86821
with a population of one hundred thousand or less. 86822

(2) It has inside seating capacity for at least one 86823
hundred forty persons. 86824

(3) It has at least four thousand square feet of floor 86825
area. 86826

(4) It offers full-course meals, appetizers, and 86827
sandwiches. 86828

(5) Its receipts from beer and liquor sales, excluding 86829
wine sales, do not exceed twenty-five per cent of its total 86830

gross receipts. 86831

(6) It has at least one of the following characteristics: 86832

(a) The value of its real and personal property exceeds 86833
seven hundred twenty-five thousand dollars. 86834

(b) It is located on property that is owned or leased by 86835
the state or a state agency, and its owner or operator has 86836
authorization from the state or the state agency that owns or 86837
leases the property to obtain a D-5i permit. 86838

The holder of a D-5i permit may sell beer and any 86839
intoxicating liquor at retail, only by the individual drink in 86840
glass and from the container, for consumption on the premises 86841
where sold, and may sell the same products in the same manner 86842
and amounts not for consumption on the premises where sold as 86843
may be sold by the holders of D-1 and D-2 permits. In addition 86844
to the privileges authorized in this division, the holder of a 86845
D-5i permit may exercise the same privileges, and shall observe 86846
the same hours of operation, as the holder of a D-5 permit. 86847

A D-5i permit shall not be transferred to another 86848
location. The division of liquor control shall not renew a D-5i 86849
permit unless the retail food establishment or food service 86850
operation for which it is issued continues to meet the 86851
requirements described in divisions (I)(1) to (6) of this 86852
section. No quota restrictions shall be placed on the number of 86853
D-5i permits that may be issued. The fee for the D-5i permit is 86854
two thousand three hundred forty-four dollars. 86855

(J) Permit D-5j may be issued to the owner or the operator 86856
of a retail food establishment or a food service operation 86857
licensed under Chapter 3717. of the Revised Code to sell beer 86858
and intoxicating liquor at retail, only by the individual drink 86859

in glass and from the container, for consumption on the premises 86860
where sold and to sell beer and intoxicating liquor in the same 86861
manner and amounts not for consumption on the premises where 86862
sold as may be sold by the holders of D-1 and D-2 permits. The 86863
holder of a D-5j permit may exercise the same privileges, and 86864
shall observe the same hours of operation, as the holder of a 86865
D-5 permit. 86866

The D-5j permit shall be issued only within a community 86867
entertainment district that is designated under section 4301.80 86868
of the Revised Code. The permit shall not be issued to a 86869
community entertainment district that is designated under 86870
divisions (B) and (C) of section 4301.80 of the Revised Code if 86871
the district does not meet one of the following qualifications: 86872

(1) It is located in a municipal corporation with a 86873
population of at least one hundred thousand. 86874

(2) It is located in a municipal corporation with a 86875
population of at least twenty thousand, and either of the 86876
following applies: 86877

(a) It contains an amusement park the rides of which have 86878
been issued a permit by the department of agriculture under 86879
Chapter 1711. of the Revised Code. 86880

(b) Not less than fifty million dollars will be invested 86881
in development and construction in the community entertainment 86882
district's area located in the municipal corporation. 86883

(3) It is located in a township with a population of at 86884
least forty thousand. 86885

(4) It is located in a township with a population of at 86886
least twenty thousand, and not less than seventy million dollars 86887
will be invested in development and construction in the 86888

community entertainment district's area located in the township. 86889

(5) It is located in a municipal corporation with a 86890
population between seven thousand and twenty thousand, and both 86891
of the following apply: 86892

(a) The municipal corporation ~~was incorporated as a~~ 86893
~~village prior to calendar year 1880 and~~ currently has a historic 86894
downtown business district. 86895

(b) The municipal corporation is located in the same 86896
county as another municipal corporation with at least one 86897
community entertainment district. 86898

(6) It is located in a municipal corporation with a 86899
population of at least ten thousand, and not less than seventy 86900
million dollars will be invested in development and construction 86901
in the community entertainment district's area located in the 86902
municipal corporation. 86903

(7) It is located in a municipal corporation with a 86904
population of at least three thousand, and not less than one 86905
hundred fifty million dollars will be invested in development 86906
and construction in the community entertainment district's area 86907
located in the municipal corporation. 86908

The location of a D-5j permit may be transferred only 86909
within the geographic boundaries of the community entertainment 86910
district in which it was issued and shall not be transferred 86911
outside the geographic boundaries of that district. 86912

Not more than one D-5j permit shall be issued within each 86913
community entertainment district for each five acres of land 86914
located within the district. Not more than fifteen D-5j permits 86915
may be issued within a single community entertainment district. 86916
Except as otherwise provided in division (J) (4) of this section, 86917

no quota restrictions shall be placed upon the number of D-5j permits that may be issued. 86918
86919

The fee for a D-5j permit is two thousand three hundred forty-four dollars. 86920
86921

(K) (1) Permit D-5k may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c) (3), as amended, that is the owner or operator of a botanical garden recognized by the American association of botanical gardens and arboreta, and that has not less than twenty-five hundred bona fide members. 86922
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(2) The holder of a D-5k permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, on the premises where sold. 86929
86930
86931

(3) In addition to the privileges authorized in this division, the holder of a D-5k permit may exercise the same privileges, and shall observe the same hours of operation, as the holder of a D-5 permit. 86932
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86935

(4) A D-5k permit shall not be transferred to another location. 86936
86937

(5) No quota restrictions shall be placed on the number of D-5k permits that may be issued. 86938
86939

(6) The fee for the D-5k permit is one thousand eight hundred seventy-five dollars. 86940
86941

(L) (1) Permit D-5l may be issued to the owner or the operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code to sell beer and intoxicating liquor at retail, only by the 86942
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86945

individual drink in glass and from the container, for 86946
consumption on the premises where sold and to sell beer and 86947
intoxicating liquor in the same manner and amounts not for 86948
consumption on the premises where sold as may be sold by the 86949
holders of D-1 and D-2 permits. The holder of a D-51 permit may 86950
exercise the same privileges, and shall observe the same hours 86951
of operation, as the holder of a D-5 permit. 86952

(2) The D-51 permit shall be issued only to a premises to 86953
which all of the following apply: 86954

(a) The premises has gross annual receipts from the sale 86955
of food and meals that constitute not less than seventy-five per 86956
cent of its total gross annual receipts. 86957

(b) The premises is located within a revitalization 86958
district that is designated under section 4301.81 of the Revised 86959
Code. 86960

(c) The premises is located in a municipal corporation or 86961
township in which the number of D-5 permits issued equals or 86962
exceeds the number of those permits that may be issued in that 86963
municipal corporation or township under section 4303.29 of the 86964
Revised Code. 86965

(d) The premises meets any of the following 86966
qualifications: 86967

(i) It is located in a county with a population of one 86968
hundred twenty-five thousand or less according to the population 86969
estimates certified by the development services agency for 86970
calendar year 2006. 86971

(ii) It is located in the municipal corporation that has 86972
the largest population in a county when the county has a 86973
population between two hundred fifteen thousand and two hundred 86974

twenty-five thousand according to the population estimates 86975
certified by the development services agency for calendar year 86976
2006. Division (L) (2) (d) (ii) of this section applies only to a 86977
municipal corporation that is wholly located in a county. 86978

(iii) It is located in the municipal corporation that has 86979
the largest population in a county when the county has a 86980
population between one hundred forty thousand and one hundred 86981
forty-one thousand according to the population estimates 86982
certified by the development services agency for calendar year 86983
2006. Division (L) (2) (d) (iii) of this section applies only to a 86984
municipal corporation that is wholly located in a county. 86985

(iv) It is located in a township with a population density 86986
of less than four hundred fifty people per square mile. For 86987
purposes of division (L) (2) (d) (iv) of this section, the 86988
population of a township is considered to be the population 86989
shown by the most recent regular federal decennial census. 86990

(v) It is located in a municipal corporation that is 86991
wholly located within the geographic boundaries of a township, 86992
provided that the municipal corporation and the unincorporated 86993
portion of the township have a combined population density of 86994
less than four hundred fifty people per square mile. For 86995
purposes of division (L) (2) (d) (v) of this section, the 86996
population of a municipal corporation and unincorporated portion 86997
of a township is the population shown by the most recent federal 86998
decennial census. 86999

(vi) It is located in a county with a population of not 87000
less than one hundred seventy-two thousand and not more than one 87001
hundred ninety-five thousand. For purposes of division (L) (2) (d) 87002
(vi) of this section, the population of a county is the 87003
population shown by the most recent decennial census. 87004

(vii) It is located in a municipal corporation with a 87005
population of less than ten thousand and the municipal 87006
corporation is located in a county with a population of more 87007
than one million. For purposes of division (L) (2) (d) (vii) of 87008
this section, the population of a municipal corporation and a 87009
county is the population shown by the most recent decennial 87010
census. 87011

(3) The location of a D-5l permit may be transferred only 87012
within the geographic boundaries of the revitalization district 87013
in which it was issued and shall not be transferred outside the 87014
geographic boundaries of that district. 87015

(4) Not more than one D-5l permit shall be issued within 87016
each revitalization district for each five acres of land located 87017
within the district. Not more than fifteen D-5l permits may be 87018
issued within a single revitalization district. Except as 87019
otherwise provided in division (L) (4) of this section, no quota 87020
restrictions shall be placed upon the number of D-5l permits 87021
that may be issued. 87022

(5) No D-5l permit shall be issued to an adult 87023
entertainment establishment as defined in section 2907.39 of the 87024
Revised Code. 87025

(6) The fee for a D-5l permit is two thousand three 87026
hundred forty-four dollars. 87027

(M) Permit D-5m may be issued to either the owner or the 87028
operator of a retail food establishment or food service 87029
operation licensed under Chapter 3717. of the Revised Code that 87030
operates as a restaurant for purposes of this chapter and that 87031
is located in, or affiliated with, a center for the preservation 87032
of wild animals as defined in section 4301.404 of the Revised 87033

Code, to sell beer and any intoxicating liquor at retail, only 87034
by the glass and from the container, for consumption on the 87035
premises where sold, and to sell the same products in the same 87036
manner and amounts not for consumption on the premises as may be 87037
sold by the holders of D-1 and D-2 permits. In addition to the 87038
privileges authorized by this division, the holder of a D-5m 87039
permit may exercise the same privileges, and shall observe the 87040
same hours of operation, as the holder of a D-5 permit. 87041

A D-5m permit shall not be transferred to another 87042
location. No quota restrictions shall be placed on the number of 87043
D-5m permits that may be issued. The fee for a permit D-5m is 87044
two thousand three hundred forty-four dollars. 87045

(N) Permit D-5n shall be issued to either a casino 87046
operator or a casino management company licensed under Chapter 87047
3772. of the Revised Code that operates a casino facility under 87048
that chapter, to sell beer and any intoxicating liquor at 87049
retail, only by the individual drink in glass and from the 87050
container, for consumption on the premises where sold, and to 87051
sell the same products in the same manner and amounts not for 87052
consumption on the premises as may be sold by the holders of D-1 87053
and D-2 permits. In addition to the privileges authorized by 87054
this division, the holder of a D-5n permit may exercise the same 87055
privileges, and shall observe the same hours for beer and 87056
intoxicating liquor sales, as the holder of a D-5 permit. A D-5n 87057
permit shall not be transferred to another location. Only one 87058
D-5n permit may be issued per casino facility and not more than 87059
four D-5n permits shall be issued in this state. The fee for a 87060
permit D-5n shall be twenty thousand dollars. The holder of a 87061
D-5n permit may conduct casino gaming on the permit premises 87062
notwithstanding any provision of the Revised Code or 87063
Administrative Code. 87064

(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges, and shall observe the same hours for beer and intoxicating liquor sales, as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars.

Sec. 4303.183. Permit D-7 may be issued to the holder of any D-2 permit issued by the division of liquor control, or if there is an insufficient number of D-2 permit holders to fill the resort quota, to the operator of a retail food establishment or a food service operation required to be licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and which qualifies under the other requirements of this section, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. Not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration in order to qualify for and continue to hold such D-7 permit. The

permit premises shall be located in a resort area.

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"Resort area" means a municipal corporation, township, county, or any combination thereof, which provides entertainment, recreation, and transient housing facilities specifically intended to provide leisure time activities for persons other than those whose permanent residence is within the "resort area" and who increase the population of the "resort area" on a seasonal basis, and which experiences seasonal peaks of employment and governmental services as a direct result of population increase generated by the transient, recreating public. A resort season shall begin on the first day of May and end on the last day of October. Notwithstanding section 4303.27 of the Revised Code, such permits may be issued for resort seasons without regard to the calendar year or permit year. Quota restrictions on the number of such permits shall take into consideration the transient population during the resort season, the custom and habits of visitors and tourists, and the promotion of the resort and tourist industry. The fee for this permit is ~~four hundred sixty-nine dollars per month~~ two thousand eight hundred fourteen dollars.

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Any suspension of a D-7 permit shall be satisfied during the resort season in which such suspension becomes final. If such suspension becomes final during the off-season, or if the period of the suspension extends beyond the last day of October, the suspension or remainder thereof shall be satisfied during the next resort season.

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The ownership of a D-7 permit may be transferred from one permit holder to another. The holder of a D-7 permit may file an application to transfer such permit to a new location within the same resort area, provided that such permit holder shall be the

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owner or operator of a retail food establishment or a food 87126
service operation, required to be licensed under Chapter 3717. 87127
of the Revised Code, that operates as a restaurant for purposes 87128
of this chapter, at such new location. 87129

Sec. 4303.204. (A) The division of liquor control may 87130
issue an F-4 permit to an organization or corporation organized 87131
not-for-profit in this state to conduct an event that includes 87132
the introduction, showcasing, or promotion of Ohio wines, if the 87133
event has all of the following characteristics: 87134

(1) It is coordinated by that organization or corporation, 87135
and the organization or corporation is responsible for the 87136
activities at it. 87137

(2) It has as one of its purposes the intent to introduce, 87138
showcase, or promote Ohio wines to persons who attend it. 87139

(3) It includes the sale of food for consumption on the 87140
premises where sold. 87141

(4) It features any combination of at least three A-2 or 87142
A-2f permit holders who sell Ohio wine at it. 87143

(B) The holder of an F-4 permit may furnish, with or 87144
without charge, wine that it has obtained from the A-2 or A-2f 87145
permit holders that are participating in the event for which the 87146
F-4 permit is issued, in two-ounce samples for consumption on 87147
the premises where furnished and may sell such wine by the glass 87148
for consumption on the premises where sold. The holder of an A-2 87149
or A-2f permit that is participating in the event for which the 87150
F-4 permit is issued may sell wine that it has manufactured, in 87151
sealed containers for consumption off the premises where sold. 87152
Wine may be furnished or sold on the premises of the event for 87153
which the F-4 permit is issued only where and when the sale of 87154

wine is otherwise permitted by law. 87155

(C) The premises of the event for which the F-4 permit is 87156
issued shall be clearly defined and sufficiently restricted to 87157
allow proper enforcement of the permit by state and local law 87158
enforcement officers. If an F-4 permit is issued for all or a 87159
portion of the same premises for which another class of permit 87160
is issued, that permit holder's privileges will be suspended in 87161
that portion of the premises in which the F-4 permit is in 87162
effect. 87163

(D) No F-4 permit shall be effective for more than 87164
seventy-two consecutive hours. No sales or furnishing of wine 87165
shall take place under an F-4 permit after one a.m. 87166

(E) The division shall not issue more than six F-4 permits 87167
to the same not-for-profit organization or corporation in any 87168
one calendar year. 87169

(F) An applicant for an F-4 permit shall apply for the 87170
permit not later than thirty days prior to the first day of the 87171
event for which the permit is sought. The application for the 87172
permit shall list all of the A-2 and A-2f permit holders that 87173
will participate in the event for which the F-4 permit is 87174
sought. The fee for the F-4 permit is ~~sixty dollars per day~~one 87175
hundred eighty dollars. 87176

The division shall prepare and make available an F-4 87177
permit application form and may require applicants for and 87178
holders of the F-4 permit to provide information that is in 87179
addition to that required by this section and that is necessary 87180
for the administration of this section. 87181

(G) (1) The holder of an F-4 permit is responsible for, and 87182
is subject to penalties for, any violations of this chapter or 87183

Chapter 4301. of the Revised Code or the rules adopted under 87184
this and that chapter. 87185

(2) An F-4 permit holder shall not allow an A-2 or A-2f 87186
permit holder to participate in the event for which the F-4 87187
permit is issued if the A-2 or A-2f or the A-1-A permit of that 87188
A-2 or A-2f permit holder is under suspension. 87189

(3) The division may refuse to issue an F-4 permit to an 87190
applicant who has violated any provision of this chapter or 87191
Chapter 4301. of the Revised Code during the applicant's 87192
previous operation under an F-4 permit, for a period of up to 87193
two years after the date of the violation. 87194

(H) (1) Notwithstanding division (D) of section 4301.22 of 87195
the Revised Code, an A-2 or A-2f permit holder that participates 87196
in an event for which an F-4 permit is issued may donate wine 87197
that it has manufactured to the holder of that F-4 permit. The 87198
holder of an F-4 permit may return unused and sealed containers 87199
of wine to the A-2 or A-2f permit holder that donated the wine 87200
at the conclusion of the event for which the F-4 permit was 87201
issued. 87202

(2) The participation by an A-2 or A-2f permit holder or 87203
its employees in an event for which an F-4 permit is issued does 87204
not violate section 4301.24 of the Revised Code. 87205

Sec. 4303.2011. (A) As used in this section, "nonprofit 87206
organization" means a corporation, association, group, 87207
institution, society, or other organization that: 87208

(1) Is exempt from federal income taxation; 87209

(2) Has a membership of two hundred fifty or more persons. 87210

(B) The division of liquor control may issue an F-11 87211

permit to a nonprofit organization to conduct an event if the 87212
event has all of the following characteristics: 87213

(1) The event is coordinated by the nonprofit organization 87214
and the nonprofit organization is responsible for the activities 87215
at the event. 87216

(2) One of the event's purposes is the introduction, 87217
showcasing, or promotion of craft beers manufactured in this 87218
state. 87219

(3) The event includes the sale of food for consumption on 87220
the premises where sold. 87221

(4) The event features at least twenty A-1c permit 87222
holders, who are members of the nonprofit organization that has 87223
organized the event, as participants. The nonprofit organization 87224
may allow any number of A-1 permit holders to participate in the 87225
event. 87226

(C) An F-11 permit holder may sell, at the event, beer 87227
that it has purchased from the A-1 or A-1c permit holders that 87228
are participating in the event or from the participating A-1 or 87229
A-1c permit holder's assigned B-1 permit holder. The F-11 permit 87230
holder may sell the beer in four-ounce samples or in containers 87231
not exceeding sixteen ounces for consumption on the premises 87232
where sold. 87233

The F-11 permit holder may sell beer on the F-11 permit 87234
premises only where and when the sale of beer is otherwise 87235
permitted by law. 87236

(D) The F-11 permit holder shall clearly define and 87237
sufficiently restrict the premises of the event to allow proper 87238
enforcement of the permit by state and local law enforcement 87239
officers. If an F-11 permit is issued for all or a portion of 87240

the same premises for which another class of permit is issued, 87241
that permit holder's privileges are suspended in that portion of 87242
the premises in which the F-11 permit is in effect. 87243

(E) (1) No F-11 permit is effective for more than seventy- 87244
two consecutive hours. However, for purposes of an exposition at 87245
the state fairgrounds, an F-11 permit is effective for the 87246
duration of the exposition. 87247

(2) No sales of beer shall take place under an F-11 permit 87248
after one a.m. 87249

(F) The division shall not issue more than six F-11 87250
permits to the same nonprofit organization in any one calendar 87251
year. 87252

(G) An applicant for an F-11 permit shall apply for the 87253
permit not later than thirty days prior to the first day of the 87254
event for which the permit is sought. In the application, the 87255
applicant shall list all of the A-1 and A-1c permit holders that 87256
will participate in the event. The fee for the F-11 permit is 87257
~~sixty dollars for each day of the event~~ one hundred eighty 87258
dollars. 87259

The division shall prepare and make available an F-11 87260
permit application form and may require applicants for and 87261
holders of the F-11 permit to provide information that is in 87262
addition to that required by this section and that is necessary 87263
for the administration of this section. 87264

(H) (1) An F-11 permit holder is responsible, and is 87265
subject to penalties, for any violations of this chapter or 87266
Chapter 4301. of the Revised Code that occur during the event. 87267

(2) An F-11 permit holder shall not allow an A-1 or A-1c 87268
permit holder to participate in the event if the A-1 or A-1c 87269

permit or, if applicable, the A-1-A permit of that A-1 or A-1c 87270
permit holder is under suspension. 87271

(3) The division may refuse to issue an F-11 permit to an 87272
applicant if both of the following apply: 87273

(a) The applicant has pleaded guilty to or has been 87274
convicted of violating this chapter or Chapter 4301. of the 87275
Revised Code while operating under a previously issued F-11 87276
permit. 87277

(b) The violation occurred within the two years preceding 87278
the filing of the new F-11 permit application. 87279

(I) Notwithstanding any provision of section 4301.24 of 87280
the Revised Code or any rule adopted by the liquor control 87281
commission to the contrary, employees of an A-1 or A-1c permit 87282
holder or B-1 permit holder, or employees or agents of a B-1 87283
permit holder may assist an F-11 permit holder in serving beer 87284
at an event for which an F-11 permit is issued. 87285

Sec. 4303.233. (A) As used in this section, "personal 87286
consumer" means an individual who is at least twenty-one years 87287
of age, is a resident of this state, does not hold a permit 87288
issued under this chapter, and intends to use wine purchased in 87289
accordance with this section for personal consumption only and 87290
not for resale or other commercial purposes. 87291

(B) (1) The division of liquor control may issue an S-2 87292
permit to a person that manufactures two hundred fifty thousand 87293
gallons or more of wine per year. If the person resides outside 87294
this state, the person shall comply with the requirements 87295
governing the issuance of licenses or permits that authorize the 87296
sale of beer or intoxicating liquor by the appropriate authority 87297
of the state in which the person resides and by the alcohol and 87298

tobacco tax and trade bureau of the United States department of 87299
the treasury. 87300

(2) An S-2 permit holder may sell wine to a personal 87301
consumer by receiving and filling orders that the personal 87302
consumer submits to the permit holder. The permit holder shall 87303
sell only wine that the permit holder has manufactured to a 87304
personal consumer. An S-2 permit holder may use a fulfillment 87305
warehouse registered under section 4303.234 of the Revised Code 87306
to send a shipment of wine to a personal consumer. A fulfillment 87307
warehouse is an agent of an S-2 permit holder and an S-2 permit 87308
holder is liable for violations of this chapter and Chapter 87309
4301. of the Revised Code that are committed by the fulfillment 87310
warehouse regarding wine shipped on behalf of the S-2 permit 87311
holder. 87312

(C) An S-2 permit holder shall collect and pay the taxes 87313
relating to the delivery of wine to a personal consumer that are 87314
levied under sections 4301.421, 4301.43, and 4301.432 and 87315
Chapters 5739. and 5741. of the Revised Code. 87316

(D) (1) An S-2 permit holder shall send a shipment of wine 87317
that has been paid for by a personal consumer to that personal 87318
consumer via an H permit holder. Prior to sending a shipment of 87319
wine to a personal consumer, the S-2 permit holder, or an 87320
employee of the permit holder, shall make a bona fide effort to 87321
ensure that the personal consumer is at least twenty-one years 87322
of age. The shipment of wine shall be shipped in a package that 87323
clearly states that it contains alcohol. No person shall fail to 87324
comply with division (D) (1) of this section. 87325

(2) Upon delivering a shipment of wine to a personal 87326
consumer, an H permit holder, or an employee of the permit 87327
holder, shall verify that the personal consumer is at least 87328

twenty-one years of age by checking the personal consumer's 87329
driver's or commercial driver's license or identification card 87330
issued under sections 4507.50 to 4507.52 of the Revised Code. 87331

(3) An S-2 permit holder shall keep a record of each 87332
shipment of wine that the permit holder sends to a personal 87333
consumer. The records shall be used for all of the following: 87334

(a) To provide a copy of each wine shipment invoice to the 87335
tax commissioner in a manner prescribed by the commissioner. The 87336
invoice shall include the name of each personal consumer that 87337
purchased wine from the S-2 permit holder in accordance with 87338
this section and any other information required by the tax 87339
commissioner. 87340

(b) To provide annually in electronic format by electronic 87341
means a report to the division. The report shall include the 87342
name and address of each personal consumer that purchased wine 87343
from the S-2 permit holder in accordance with this section, the 87344
quantity of wine purchased by each personal consumer, and any 87345
other information requested by the division. If the S-2 permit 87346
holder uses a fulfillment warehouse registered under section 87347
4303.234 of the Revised Code to send a shipment of wine on 87348
behalf of the S-2 permit holder, the S-2 permit holder need not 87349
include the personal consumer information for that shipment in 87350
the report. The division shall prescribe and provide an 87351
electronic form for the report and shall determine the specific 87352
electronic means that the S-2 permit holder must use to submit 87353
the report. 87354

(c) To notify a personal consumer of any health or welfare 87355
recalls of the wine that has been purchased by the personal 87356
consumer. 87357

(E) An S-2 permit holder shall comply with this chapter, 87358
Chapter 4301. of the Revised Code, and any rules adopted by the 87359
liquor control commission under section 4301.03 of the Revised 87360
Code. 87361

(F) (1) An S-2 permit holder shall renew the permit in 87362
accordance with section 4303.271 of the Revised Code, except 87363
that the renewal shall not be subject to the notice and hearing 87364
requirements established in division (B) of that section. 87365

(2) The division may refuse to renew an S-2 permit for any 87366
of the reasons specified in section 4303.292 of the Revised Code 87367
or if the permit holder fails to do any of the following: 87368

(a) Collect and pay all applicable taxes specified in 87369
division (C) of this section; 87370

(b) Pay the permit fee; 87371

(c) Comply with this section or any rules adopted by the 87372
liquor control commission under section 4301.03 of the Revised 87373
Code. 87374

(G) The ~~initial fee~~ for the S-2 permit is two hundred 87375
fifty dollars. ~~The renewal fee for the S-2 permit is one hundred~~ 87376
~~dollars.~~ 87377

Sec. 4305.131. (A) If any permit holder fails to pay the 87378
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 87379
of the Revised Code in the manner prescribed by section 4303.33 87380
of the Revised Code, or by section 4301.421 or 4301.424 of the 87381
Revised Code in the manner prescribed in section 4301.422 of the 87382
Revised Code, and by the rules of the tax commissioner, the 87383
commissioner may make an assessment against the permit holder 87384
based upon any information in the commissioner's possession. 87385

No assessment shall be made against any permit holder for 87386
any taxes imposed by section 4301.42, 4301.421, 4301.424, 87387
4301.43, 4301.432, or 4305.01 of the Revised Code more than 87388
three years after the last day of the calendar month in which 87389
the sale was made or more than three years after the return for 87390
that period is filed, whichever is later. This section does not 87391
bar an assessment against any permit holder or registrant as 87392
provided in section 4303.331 of the Revised Code who fails to 87393
file a return as required by section 4301.422 or 4303.33 of the 87394
Revised Code, or who files a fraudulent return. 87395

A penalty of up to thirty per cent may be added to the 87396
amount of every assessment made under this section. The 87397
commissioner may adopt rules providing for the imposition and 87398
remission of penalties added to assessments made under this 87399
section. 87400

The commissioner shall give the party assessed written 87401
notice of the assessment in the manner provided in section 87402
5703.37 of the Revised Code. With the notice, the commissioner 87403
shall provide instructions on how to petition for reassessment 87404
and request a hearing on the petition. 87405

(B) Unless the party assessed files with the tax 87406
commissioner within sixty days after service of the notice of 87407
assessment, ~~either personally or by certified mail,~~ a written 87408
petition for reassessment, signed by the party assessed or that 87409
party's authorized agent having knowledge of the facts, the 87410
assessment becomes final and the amount of the assessment is due 87411
and payable from the party assessed to the treasurer of state. 87412
The petition shall indicate the objections of the party 87413
assessed, but additional objections may be raised in writing if 87414
received by the commissioner prior to the date shown on the 87415

final determination. If the petition has been properly filed, 87416
the commissioner shall proceed under section 5703.60 of the 87417
Revised Code. 87418

(C) After an assessment becomes final, if any portion of 87419
the assessment remains unpaid, including accrued interest, a 87420
certified copy of the tax commissioner's entry making the 87421
assessment final may be filed in the office of the clerk of the 87422
court of common pleas in the county in which the permit holder's 87423
place of business is located or the county in which the party 87424
assessed resides. If the party assessed maintains no place of 87425
business in this state and is not a resident of this state, the 87426
certified copy of the entry may be filed in the office of the 87427
clerk of the court of common pleas of Franklin county. 87428

Immediately upon the filing of the entry, the clerk shall 87429
enter a judgment for the state against the party assessed in the 87430
amount shown on the entry. The judgment may be filed by the 87431
clerk in a loose-leaf book entitled "special judgments for state 87432
beer and liquor sales taxes," and shall have the same effect as 87433
other judgments. Execution shall issue upon the judgment upon 87434
the request of the commissioner, and all laws applicable to 87435
sales on execution shall apply to sales made under the judgment, 87436
except as otherwise provided in this chapter and Chapters 4301. 87437
and 4307. of the Revised Code. 87438

If the assessment is not paid in its entirety within sixty 87439
days after the day the assessment was issued, the portion of the 87440
assessment consisting of tax due shall bear interest at the rate 87441
per annum prescribed by section 5703.47 of the Revised Code from 87442
the day the commissioner issues the assessment until it is paid 87443
or until it is certified to the attorney general for collection 87444
under section 131.02 of the Revised Code, whichever comes first. 87445

If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected under this section shall be considered as revenue arising from the taxes imposed by sections 4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the Revised Code.

Sec. 4501.027. (A) Notwithstanding any provision of law to the contrary, the registrar of motor vehicles may conduct, or authorize a deputy registrar to conduct, any service or transaction authorized or required by law in an electronic or online format rather than in person. The registrar or deputy registrar also may accept electronically any documents required to accompany such service or transaction or any documents approved by the registrar for electronic or online submission and acceptance.

(B) The registrar or deputy registrar shall charge the same amount for the electronic or online service or transaction as the registrar or deputy registrar charges for the associated in-person transaction. The registrar or deputy registrar may accept payment for any such service or transaction by a financial transaction device. The registrar or deputy registrar may charge a person who tenders payment for an online service or transaction by means of a financial transaction device any costs the registrar or deputy registrar incurs from accepting payment by the financial transaction device.

Sec. 4501.21. (A) There is hereby created in the state 87476
treasury the license plate contribution fund. The fund shall 87477
consist of all contributions for specialty license plates paid 87478
by motor vehicle registrants and collected by the registrar of 87479
motor vehicles pursuant to the Revised Code sections referenced 87480
in division (B) of this section. 87481

(B) The registrar shall pay the contributions the 87482
registrar collects in the fund as follows: 87483

The registrar shall pay the contributions received 87484
pursuant to section 4503.491 of the Revised Code to the breast 87485
cancer fund of Ohio, which shall use that money only to pay for 87486
programs that provide assistance and education to Ohio breast 87487
cancer patients and that improve access for such patients to 87488
quality health care and clinical trials and shall not use any of 87489
the money for abortion information, counseling, services, or 87490
other abortion-related activities. 87491

The registrar shall pay the contributions the registrar 87492
receives pursuant to section 4503.492 of the Revised Code to the 87493
organization cancer support community central Ohio, which shall 87494
deposit the money into the Sheryl L. Kraner Fund of that 87495
organization. Cancer support community central Ohio shall expend 87496
the money it receives pursuant to this division only in the same 87497
manner and for the same purposes as that organization expends 87498
other money in that fund. 87499

The registrar shall pay the contributions received 87500
pursuant to section 4503.493 of the Revised Code to the autism 87501
society of Ohio, which shall use the contributions for programs 87502
and autism awareness efforts throughout the state. 87503

The registrar shall pay the contributions the registrar 87504

receives pursuant to section 4503.494 of the Revised Code to the 87505
national multiple sclerosis society for distribution in equal 87506
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 87507
chapters of the national multiple sclerosis society. These 87508
chapters shall use the money they receive under this section to 87509
assist in paying the expenses they incur in providing services 87510
directly to their clients. 87511

The registrar shall pay the contributions the registrar 87512
receives pursuant to section 4503.495 of the Revised Code to the 87513
national pancreatic cancer foundation, which shall use the money 87514
it receives under this section to assist those who have 87515
pancreatic cancer and their families. 87516

The registrar shall pay the contributions the registrar 87517
receives pursuant to section 4503.496 of the Revised Code to the 87518
Ohio sickle cell and health association, which shall use the 87519
contributions to help support educational, clinical, and social 87520
support services for adults who have sickle cell disease. 87521

The registrar shall pay the contributions the registrar 87522
receives pursuant to section 4503.497 of the Revised Code to the 87523
St. Baldrick's foundation, which shall use the contributions for 87524
its research and other programs. 87525

The registrar shall pay the contributions the registrar 87526
receives pursuant to section 4503.498 of the Revised Code to 87527
special olympics Ohio, inc., which shall use the contributions 87528
for its programs, charitable efforts, and other activities. 87529

The registrar shall pay the contributions the registrar 87530
receives pursuant to section 4503.499 of the Revised Code to the 87531
children's glioma cancer foundation, which shall use the 87532
contributions for its research and other programs. 87533

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4912 of the Revised Code to the Ben Morrison memorial fund, which shall use the contributions for scholarships and other programs that support mental health.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational and scholarship purposes of the future farmers of America foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.501 of the Revised Code to the 4-H youth development program of the Ohio state university extension program, which shall use those contributions to pay the expenses it incurs in conducting its educational activities.

The registrar shall pay the contributions received pursuant to section 4503.502 of the Revised Code to the Ohio cattlemen's foundation, which shall use those contributions for

scholarships and other educational activities. 87563

The registrar shall pay the contributions received 87564
pursuant to section 4503.505 of the Revised Code to the 87565
organization Ohio region phi theta kappa, which shall use those 87566
contributions for scholarships for students who are members of 87567
that organization. 87568

The registrar shall pay the contributions the registrar 87569
receives pursuant to section 4503.506 of the Revised Code to 87570
Ohio demolay, which shall use the contributions for 87571
scholarships, educational programs, and any other programs or 87572
events the organization holds or sponsors in this state. 87573

The registrar shall pay the contributions received 87574
pursuant to section 4503.507 of the Revised Code to the Ohio 87575
aerospace institute, which shall use those contributions to 87576
facilitate student internships in aerospace and educational 87577
programming. 87578

The registrar shall pay the contributions received 87579
pursuant to section 4503.508 of the Revised Code to the 87580
organization bottoms up diaper drive to provide funding for that 87581
organization for collecting and delivering diapers to parents in 87582
need. 87583

The registrar shall pay the contributions the registrar 87584
receives pursuant to section 4503.509 of the Revised Code to a 87585
kid again, incorporated for distribution in equal amounts to the 87586
Ohio chapters of a kid again. 87587

The registrar shall pay each contribution the registrar 87588
receives pursuant to section 4503.51 of the Revised Code to the 87589
university or college whose name or marking or design appears on 87590
collegiate license plates that are issued to a person under that 87591

section. A university or college that receives contributions 87592
from the fund shall deposit the contributions into its general 87593
scholarship fund. 87594

The registrar shall pay each contribution the registrar 87595
receives pursuant to section 4503.512 of the Revised Code to the 87596
Iota Phi Theta Fraternity, Incorporated Delta Theta Omega 87597
chapter in Ohio. The Iota Phi Theta Fraternity, Incorporated 87598
Delta Theta Omega chapter shall use the contributions for the 87599
development and perpetuation of scholarship, leadership, 87600
citizenship, fidelity, and brotherhood among men and youth in 87601
this state. 87602

The registrar shall pay the contributions the registrar 87603
receives pursuant to section 4503.514 of the Revised Code to the 87604
university of Notre Dame in South Bend, Indiana, for purposes of 87605
awarding grants or scholarships to residents of Ohio who attend 87606
the university. The university shall not use any of the funds it 87607
receives for purposes of administering the scholarship program. 87608
The registrar shall enter into appropriate agreements with the 87609
university of Notre Dame to effectuate the distribution of such 87610
funds as provided in this section. 87611

The registrar shall pay the contributions the registrar 87612
receives pursuant to section 4503.516 of the Revised Code to 87613
Marshall university in Huntington, West Virginia, for purposes 87614
of awarding grants or scholarships to residents of Ohio who 87615
attend the university. The university shall not use any of the 87616
funds it receives for purposes of administering the scholarship 87617
program. The registrar shall enter into appropriate agreements 87618
with Marshall university to effectuate the distribution of such 87619
funds as provided in this section. 87620

The registrar shall pay the contributions the registrar 87621

receives pursuant to section 4503.517 of the Revised Code to the 87622
university of Alabama in Tuscaloosa, Alabama, for purposes of 87623
awarding grants or scholarships to residents of Ohio who attend 87624
the university. The university shall not use any of the funds it 87625
receives for purposes of administering the scholarship program. 87626
The registrar shall enter into appropriate agreements with the 87627
university of Alabama to effectuate the distribution of such 87628
funds as provided in this section. 87629

The registrar shall pay the contributions the registrar 87630
receives pursuant to section 4503.518 of the Revised Code to the 87631
Nationwide children's hospital, which shall use the 87632
contributions for the "On Our Sleeves" campaign. 87633

The registrar shall pay the contributions the registrar 87634
receives pursuant to section 4503.519 of the Revised Code 87635
equally to NAMI Ohio (national alliance on mental illness of 87636
Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen 87637
advocates for addiction recovery). 87638

The registrar shall pay the contributions the registrar 87639
receives pursuant to section 4503.520 of the Revised Code to 87640
Purdue university in West Lafayette, Indiana, for purposes of 87641
awarding grants or scholarships to residents of Ohio who attend 87642
the university. The university shall not use any of the funds it 87643
receives for purposes of administering the scholarship program. 87644
The registrar shall enter into appropriate agreements with 87645
Purdue university to effectuate the distribution of such funds 87646
as provided in this section. 87647

The registrar shall pay the contributions the registrar 87648
receives pursuant to section 4503.521 of the Revised Code to the 87649
Ohio bicycle federation to assist that organization in paying 87650
for the educational programs it sponsors in support of Ohio 87651

cyclists of all ages. 87652

The registrar shall pay the contributions the registrar 87653
receives pursuant to section 4503.522 of the Revised Code to the 87654
"friends of Perry's victory and international peace memorial, 87655
incorporated," a nonprofit corporation organized under the laws 87656
of this state, to assist that organization in paying the 87657
expenses it incurs in sponsoring or holding charitable, 87658
educational, and cultural events at the monument. 87659

The registrar shall pay the contributions the registrar 87660
receives pursuant to section 4503.523 of the Revised Code to the 87661
fairport lights foundation, which shall use the money to pay for 87662
the restoration, maintenance, and preservation of the 87663
lighthouses of fairport harbor. 87664

The registrar shall pay the contributions the registrar 87665
receives pursuant to section 4503.524 of the Revised Code to the 87666
Massillon tiger football booster club, which shall use the 87667
contributions only to promote and support the football team of 87668
Washington high school of the Massillon city school district. 87669

The registrar shall pay the contributions the registrar 87670
receives pursuant to section 4503.525 of the Revised Code to the 87671
United States power squadron district seven which shall annually 87672
distribute the contributions in equal amounts to all United 87673
States power squadrons located in the state. Each power squadron 87674
district shall use the money it receives under this section to 87675
pay for the educational boating programs each district holds or 87676
sponsors within this state. 87677

The registrar shall pay the contributions the registrar 87678
receives pursuant to section 4503.526 of the Revised Code to the 87679
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 87680

international, which shall use the money it receives under this 87681
section to pay the costs of its educational and humanitarian 87682
activities. 87683

The registrar shall pay the contributions the registrar 87684
receives pursuant to section 4503.528 of the Revised Code to the 87685
Ohio children's alliance, which shall use the money it receives 87686
under this section to pay the expenses it incurs in advancing 87687
its mission of sustainably improving the provision of services 87688
to children, young adults, and families in this state. 87689

The registrar shall pay the contributions the registrar 87690
receives pursuant to section 4503.529 of the Revised Code to the 87691
Ohio nurses foundation. The foundation shall use the money it 87692
receives under this section to provide educational scholarships 87693
to assist individuals who aspire to join the nursing profession, 87694
to assist nurses in the nursing profession who seek to advance 87695
their education, and to support persons conducting nursing 87696
research concerning the evidence-based practice of nursing and 87697
the improvement of patient outcomes. 87698

The registrar shall pay the contributions the registrar 87699
receives pursuant to section 4503.53 of the Revised Code to the 87700
Indiana Kentucky Ohio regional council of carpenters. The 87701
council shall use the money it receives to assist its members 87702
who are experiencing financial hardship. 87703

The registrar shall pay the contributions the registrar 87704
receives pursuant to section 4503.531 of the Revised Code to the 87705
thank you foundation, incorporated, a nonprofit corporation 87706
organized under the laws of this state, to assist that 87707
organization in paying for the charitable activities and 87708
programs it sponsors in support of United States military 87709
personnel, veterans, and their families. 87710

The registrar shall pay the contributions the registrar receives pursuant to section 4503.532 of the Revised Code to the Ohio history connection, which shall use the contributions for the benefit of the Paul Laurence Dunbar house.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.533 of the Revised Code to the nonprofit organization Ohio conference of teamsters and industry health and welfare fund, which shall use the contributions to further the nonprofit's mission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.536 of the Revised Code to save a warrior, incorporated, which shall use the contributions to prevent suicide by active members of the armed forces of the United States, veterans of those armed forces, and first responders.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.542 of the Revised Code to the Ohio craft brewers association.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.541 of the Revised Code to Dolly Parton's imagination library of Ohio. The library shall use the money it receives under this section for operational costs, including the distribution of books.

The registrar shall pay the contributions that are paid to

the registrar pursuant to section 4503.545 of the Revised Code 87740
to the national rifle association foundation, which shall use 87741
the money to pay the costs of the educational activities and 87742
programs the foundation holds or sponsors in this state. 87743

The registrar shall pay the contributions the registrar 87744
receives pursuant to section 4503.55 of the Revised Code to the 87745
pro football hall of fame, which shall deposit the contributions 87746
into a special bank account that it establishes and which shall 87747
be separate and distinct from any other account the pro football 87748
hall of fame maintains, to be used exclusively for the purpose 87749
of promoting the pro football hall of fame as a travel 87750
destination. 87751

The registrar shall pay to the Ohio pet fund the 87752
contributions the registrar receives pursuant to section 87753
4503.551 of the Revised Code and any other money from any other 87754
source, including donations, gifts, and grants, that is 87755
designated by the source to be paid to the Ohio pet fund. The 87756
Ohio pet fund shall use the moneys it receives under this 87757
section to support programs for the sterilization of dogs and 87758
cats and for educational programs concerning the proper 87759
veterinary care of those animals, and for expenses of the Ohio 87760
pet fund that are reasonably necessary for it to obtain and 87761
maintain its tax-exempt status and to perform its duties. 87762

The registrar shall pay the contributions the registrar 87763
receives pursuant to section 4503.552 of the Revised Code to the 87764
rock and roll hall of fame and museum, incorporated. 87765

The registrar shall pay the contributions the registrar 87766
receives pursuant to section 4503.553 of the Revised Code to the 87767
Ohio coalition for animals, incorporated, a nonprofit 87768
corporation. Except as provided in division (B) of this section, 87769

the coalition shall distribute the money to its members, and the 87770
members shall use the money only to pay for educational, 87771
charitable, and other programs of each coalition member that 87772
provide care for unwanted, abused, and neglected horses. The 87773
Ohio coalition for animals may use a portion of the money to pay 87774
for reasonable marketing costs incurred in the design and 87775
promotion of the license plate and for administrative costs 87776
incurred in the disbursement and management of funds received 87777
under this section. 87778

The registrar shall pay the contributions the registrar 87779
receives pursuant to section 4503.554 of the Revised Code to the 87780
Ohio state council of the knights of Columbus, which shall use 87781
the contributions to pay for its charitable activities and 87782
programs. 87783

The registrar shall pay the contributions the registrar 87784
receives pursuant to section 4503.555 of the Revised Code to the 87785
western reserve historical society, which shall use the 87786
contributions to fund the Crawford auto aviation museum. 87787

The registrar shall pay the contributions the registrar 87788
receives pursuant to section 4503.556 of the Revised Code to the 87789
Erica J. Holloman foundation, inc., for the awareness of triple 87790
negative breast cancer. The foundation shall use the 87791
contributions for charitable and educational purposes. 87792

The registrar shall pay each contribution the registrar 87793
receives pursuant to section 4503.557 of the Revised Code to the 87794
central Ohio chapter of the Ronald McDonald house charities, 87795
which shall distribute the contribution to the chapter of the 87796
Ronald McDonald house charities in whose geographic territory 87797
the person who paid the contribution resides. 87798

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in writing of the name, address, and account to which such payments are to be made.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.562 of the Revised Code to the Mahoning river consortium, which shall use the money to pay the expenses it incurs in restoring and maintaining the Mahoning river watershed.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.564 of the Revised Code to the Glen Helen association to pay expenses related to the Glen Helen nature preserve.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.565 of the Revised Code to the

conservancy for Cuyahoga valley national park, which shall use 87829
the money in support of the park. 87830

The registrar shall pay the contributions the registrar 87831
receives pursuant to section 4503.566 of the Revised Code to the 87832
Ottawa national wildlife refuge, which shall use the 87833
contributions for wildlife preservation purposes. 87834

The registrar shall pay the contributions the registrar 87835
receives pursuant to section 4503.567 of the Revised Code to the 87836
girls on the run of Franklin county, inc., which shall use the 87837
contributions to support the activities of the organization. 87838

The registrar shall pay the contributions the registrar 87839
receives pursuant to section 4503.569 of the Revised Code to the 87840
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use 87841
the contributions for purposes of its operations, bird care and 87842
rehabilitation, and educational programs. 87843

The registrar shall pay the contributions the registrar 87844
receives pursuant to section 4503.576 of the Revised Code to the 87845
Ohio state beekeepers association, which shall use those 87846
contributions to promote beekeeping, provide educational 87847
information about beekeeping, and to support other state and 87848
local beekeeping programs. 87849

The registrar shall pay the contributions the registrar 87850
receives pursuant to section 4503.577 of the Revised Code to the 87851
national aviation hall of fame, which shall use the 87852
contributions to fulfill its mission of honoring aerospace 87853
legends to inspire future leaders. 87854

The registrar shall pay the contributions the registrar 87855
receives pursuant to section 4503.578 of the Revised Code to 87856
keep Ohio beautiful, incorporated, which shall use the 87857

contributions towards its mission of empowering Ohio communities 87858
to take greater responsibility for improving the local 87859
environment through litter prevention, beautification, community 87860
greening, waste reduction, and recycling. 87861

The registrar shall pay the contributions the registrar 87862
receives pursuant to section 4503.579 of the Revised Code to the 87863
national council of negro women, incorporated, which shall use 87864
the contributions for educational purposes. 87865

The registrar shall pay the contributions the registrar 87866
receives pursuant to section 4503.581 of the Revised Code to the 87867
Ohio past detachment commander's club, inc., which shall use the 87868
contributions to support the activities of the organization. 87869

The registrar shall pay the contributions the registrar 87870
receives pursuant to section 4503.582 of the Revised Code to the 87871
progressive animal welfare society adoption center, inc., which 87872
shall use the contributions to support the activities of the 87873
center. 87874

The registrar shall pay the contributions the registrar 87875
receives pursuant to section 4503.583 of the Revised Code to the 87876
American legion, department of Ohio, inc., which shall use the 87877
contributions to support the activities of the organization. 87878

The registrar shall pay the contributions the registrar 87879
receives, or has received, pursuant to section 4503.584 of the 87880
Revised Code to the Ohio natural energy foundation to fund 87881
scholarships for students pursuing careers in the oil and 87882
natural gas industry. 87883

The registrar shall pay the contributions the registrar 87884
receives pursuant to section 4503.585 of the Revised Code to the 87885
Terrace Park recreation committee, inc. to offer scholarships to 87886

young athletes of, and maintain athletic facilities in, the 87887
municipal corporation of Terrace Park. 87888

The registrar shall pay the contributions the registrar 87889
receives pursuant to section 4503.586 of the Revised Code to the 87890
Ohio mountain bike alliance. 87891

The registrar shall pay the contributions the registrar 87892
receives pursuant to section 4503.588 of the Revised Code to the 87893
Ohio grange patrons of husbandry foundation, which shall use the 87894
contributions to support the activities of the organization. 87895

The registrar shall pay to a sports commission created 87896
pursuant to section 4503.591 of the Revised Code each 87897
contribution the registrar receives under that section that an 87898
applicant pays to obtain license plates that bear the logo of a 87899
professional sports team located in the county of that sports 87900
commission and that is participating in the license plate 87901
program pursuant to division (E) of that section, irrespective 87902
of the county of residence of an applicant. 87903

The registrar shall pay to a community charity each 87904
contribution the registrar receives under section 4503.591 of 87905
the Revised Code that an applicant pays to obtain license plates 87906
that bear the logo of a professional sports team that is 87907
participating in the license plate program pursuant to division 87908
(G) of that section. 87909

The registrar shall pay the contributions the registrar 87910
receives pursuant to section 4503.592 of the Revised Code to 87911
pollinator partnership's monarch wings across Ohio program, 87912
which shall use the contributions for the protection and 87913
preservation of the monarch butterfly and pollinator corridor in 87914
Ohio and for educational programs. 87915

The registrar shall pay the contributions the registrar receives pursuant to section 4503.594 of the Revised Code to pelotonia, which shall use the contributions for the purpose of supporting cancer research.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.595 of the Revised Code to the Stan Hywet hall and gardens.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.596 of the Revised Code to the Cuyahoga valley scenic railroad.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.597 of the Revised Code to the Circleville pumpkin show, incorporated, which shall use the contributions to promote good will surrounding the Circleville pumpkin show as a nonprofit annual event.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.598 of the Revised Code equally to the Jackson local schools foundation and the Jackson high school alumni association. The foundation and alumni association shall use the contributions for the foundation's and alumni association's purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the girl scouts of Ohio's heartland. The girl scouts of Ohio's

heartland shall distribute all contributions in an equitable 87945
manner throughout the state to regional councils of the girl 87946
scouts. 87947

The registrar shall pay the contributions the registrar 87948
receives pursuant to section 4503.69 of the Revised Code to the 87949
Dan Beard council of the boy scouts of America. The council 87950
shall distribute all contributions in an equitable manner 87951
throughout the state to regional councils of the boy scouts. 87952

The registrar shall pay the contributions the registrar 87953
receives pursuant to section 4503.70 of the Revised Code to the 87954
charitable foundation of the grand lodge of Ohio, f. & a. m., 87955
which shall use the contributions for scholarship purposes. 87956

The registrar shall pay the contributions the registrar 87957
receives pursuant to section 4503.701 of the Revised Code to the 87958
Prince Hall grand lodge of free and accepted masons of Ohio, 87959
which shall use the contributions for scholarship purposes. 87960

The registrar shall pay the contributions the registrar 87961
receives pursuant to section 4503.702 of the Revised Code to the 87962
Ohio Association of the Improved Benevolent and Protective Order 87963
of the Elks of the World, which shall use the funds for 87964
charitable purposes. 87965

The registrar shall pay the contributions the registrar 87966
receives pursuant to section 4503.703 of the Revised Code to the 87967
Ohio state moose association. 87968

The registrar shall pay the contributions the registrar 87969
receives pursuant to section 4503.704 of the Revised Code to the 87970
Antioch shrine foundation located in the municipal corporation 87971
of Dayton. 87972

The registrar shall pay the contributions the registrar 87973

receives pursuant to section 4503.71 of the Revised Code to the 87974
fraternal order of police of Ohio, incorporated, which shall 87975
deposit the fees into its general account to be used for 87976
purposes of the fraternal order of police of Ohio, incorporated. 87977

The registrar shall pay the contributions the registrar 87978
receives pursuant to section 4503.711 of the Revised Code to the 87979
fraternal order of police of Ohio, incorporated, which shall 87980
deposit the contributions into an account that it creates to be 87981
used for the purpose of advancing and protecting the law 87982
enforcement profession, promoting improved law enforcement 87983
methods, and teaching respect for law and order. 87984

The registrar shall pay the contributions received 87985
pursuant to section 4503.712 of the Revised Code to Ohio 87986
concerns of police survivors, which shall use those 87987
contributions to provide whatever assistance may be appropriate 87988
to the families of Ohio law enforcement officers who are killed 87989
in the line of duty. 87990

The registrar shall pay the contributions received 87991
pursuant to section 4503.713 of the Revised Code to the greater 87992
Cleveland peace officers memorial society, which shall use those 87993
contributions to honor law enforcement officers who have died in 87994
the line of duty and support its charitable purposes. 87995

The registrar shall pay the contributions received 87996
pursuant to section 4503.714 of the Revised Code to the Ohio 87997
association of chiefs of police. 87998

The registrar shall pay the contributions the registrar 87999
receives, or has received, pursuant to section 4503.715 of the 88000
Revised Code to the community foundation of Ohio's electric 88001
cooperatives, which shall use the contributions to recognize and 88002

memorialize fallen or injured lineworkers and support their 88003
families. 88004

The registrar shall pay the contributions the registrar 88005
receives pursuant to section 4503.716 of the Revised Code to the 88006
fallen timbers battlefield preservation commission, which shall 88007
use the contributions to further the mission of the commission. 88008

The registrar shall pay the contributions the registrar 88009
receives pursuant to section 4503.72 of the Revised Code to the 88010
organization known on March 31, 2003, as the Ohio CASA/GAL 88011
association, a private, nonprofit corporation organized under 88012
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 88013
shall use these contributions to pay the expenses it incurs in 88014
administering a program to secure the proper representation in 88015
the courts of this state of abused, neglected, and dependent 88016
children, and for the training and supervision of persons 88017
participating in that program. 88018

The registrar shall pay the contributions the registrar 88019
receives pursuant to section 4503.722 of the Revised Code to the 88020
Down Syndrome Association of Central Ohio, which shall use the 88021
contributions for advocacy purposes throughout the state. 88022

The registrar shall pay the contributions the registrar 88023
receives pursuant to section 4503.724 of the Revised Code to the 88024
Ohio Chapter of the American Foundation for Suicide Prevention, 88025
which shall use the contributions for programs, education, and 88026
advocacy purposes throughout the state. 88027

The registrar shall pay the contributions the registrar 88028
receives pursuant to section 4503.726 of the Revised Code to the 88029
Ohio suicide prevention foundation, which shall use the 88030
contributions for suicide prevention programs, education, and 88031

advocacy. 88032

The registrar shall pay the contributions the registrar 88033
receives, or has received, pursuant to section 4503.725 of the 88034
Revised Code to the ALS united Ohio, incorporated, which shall 88035
split the contributions between that organization and the ALS 88036
association in accordance with any agreement between the two 88037
organizations. The contributions shall be used to discover 88038
treatments and a cure for ALS, and to serve, advocate for, and 88039
empower people affected by ALS to live their lives to the 88040
fullest. 88041

The registrar shall pay the contributions the registrar 88042
receives pursuant to section 4503.73 of the Revised Code to 88043
Wright B. Flyer, incorporated, which shall deposit the 88044
contributions into its general account to be used for purposes 88045
of Wright B. Flyer, incorporated. 88046

The registrar shall pay the contributions the registrar 88047
receives pursuant to section 4503.732 of the Revised Code to the 88048
Siegel Shuster society, a nonprofit organization dedicated to 88049
commemorating and celebrating the creation of Superman in 88050
Cleveland, Ohio. 88051

The registrar shall pay the contributions the registrar 88052
receives pursuant to section 4503.733 of the Revised Code to the 88053
central Ohio chapter of the juvenile diabetes research 88054
foundation, which shall distribute the contributions to the 88055
chapters of the juvenile diabetes research foundation in whose 88056
geographic territory the person who paid the contribution 88057
resides. 88058

The registrar shall pay the contributions the registrar 88059
receives pursuant to section 4503.734 of the Revised Code to the 88060

Ohio highway patrol auxiliary foundation, which shall use the 88061
contributions to fulfill the foundation's mission of supporting 88062
law enforcement education and assistance. 88063

The registrar shall pay the contributions the registrar 88064
receives pursuant to section 4503.735 of the Revised Code to the 88065
heart4seniors/healthcare evolution alert response technology 88066
foundation, inc., which shall use the contributions for purposes 88067
of the foundation's mission. 88068

The registrar shall pay the contributions the registrar 88069
receives pursuant to section 4503.74 of the Revised Code to the 88070
Columbus zoological park association, which shall disburse the 88071
moneys to Ohio's major metropolitan zoos, as defined in section 88072
4503.74 of the Revised Code, in accordance with a written 88073
agreement entered into by the major metropolitan zoos. 88074

The registrar shall pay the contributions the registrar 88075
receives pursuant to section 4503.741 of the Revised Code to the 88076
Ohio house rabbit rescue, which shall use the contributions for 88077
its rescue, adoption, and educational programs. 88078

The registrar shall pay the contributions the registrar 88079
receives pursuant to section 4503.75 of the Revised Code to the 88080
rotary foundation, located on March 31, 2003, in Evanston, 88081
Illinois, to be placed in a fund known as the permanent fund and 88082
used to endow educational and humanitarian programs of the 88083
rotary foundation. 88084

The registrar shall pay the contributions the registrar 88085
receives pursuant to section 4503.751 of the Revised Code to the 88086
Ohio association of realtors, which shall deposit the 88087
contributions into a property disaster relief fund maintained 88088
under the Ohio realtors charitable and education foundation. 88089

The registrar shall pay the contributions the registrar receives pursuant to section 4503.752 of the Revised Code to buckeye corvettes, incorporated, which shall use the contributions to pay for its charitable activities and programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.755 of the Revised Code to the little brown jug society to assist the society in maintaining, promulgating, and operating the little brown jug as part of Ohio's rich harness racing history.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.766 of the Revised Code to the

Ohio society daughters of the American revolution, which shall 88119
deposit the contributions into its general account to be used 88120
for continuing the organization's endeavors in service, historic 88121
preservation, education, and patriotism. 88122

The registrar shall pay the contributions the registrar 88123
receives pursuant to section 4503.767 of the Revised Code to 88124
folds of honor of central Ohio, which shall use the 88125
contributions to provide scholarships to spouses and children 88126
either of disabled veterans or of members of any branch of the 88127
armed forces who died during their service. 88128

The registrar shall pay the contributions the registrar 88129
receives pursuant to section 4503.85 of the Revised Code to the 88130
Ohio sea grant college program to be used for Lake Erie area 88131
research projects. 88132

The registrar shall pay the contributions the registrar 88133
receives pursuant to section 4503.851 of the Revised Code to 88134
West Virginia university in Morgantown, West Virginia for 88135
purposes of awarding grants or scholarships to residents of Ohio 88136
who attend the university. The university shall not use any of 88137
the funds it receives for purposes of administering the 88138
scholarship program. The registrar shall enter into appropriate 88139
agreements with West Virginia university to effectuate the 88140
distribution of such funds as provided in this section. 88141

The registrar shall pay the contributions the registrar 88142
receives pursuant to section 4503.86 of the Revised Code to the 88143
Ohio Lincoln highway historic byway, which shall use those 88144
contributions solely to promote and support the historical 88145
preservation and advertisement of the Lincoln highway in this 88146
state. 88147

The registrar shall pay the contributions the registrar 88148
receives pursuant to section 4503.87 of the Revised Code to the 88149
Grove City little league dream field fund, which shall use those 88150
contributions solely to build, maintain, and improve youth 88151
baseball fields within the municipal corporation of Grove City. 88152

The registrar shall pay the contributions the registrar 88153
receives pursuant to section 4503.871 of the Revised Code to the 88154
Solon city school district. The school district shall use the 88155
contributions it receives to pay the expenses it incurs in 88156
providing services to the school district's students that assist 88157
in developing or maintaining the mental and emotional well-being 88158
of the students. The services provided may include bereavement 88159
counseling, instruction in defensive driving techniques, 88160
sensitivity training, and the counseling and education of 88161
students regarding bullying, dating violence, drug abuse, 88162
suicide prevention, and human trafficking. The school district 88163
superintendent or, in the school district superintendent's 88164
discretion, the appropriate school principal or appropriate 88165
school counselors shall determine any charitable organizations 88166
that the school district hires to provide those services. The 88167
school district also may use the contributions it receives to 88168
pay for members of the faculty of the school district to receive 88169
training in providing such services to the students of the 88170
school district. The school district shall ensure that any 88171
charitable organization that is hired by the district is exempt 88172
from federal income taxation under subsection 501(c)(3) of the 88173
Internal Revenue Code. The school district shall not use the 88174
contributions it receives for any other purpose. 88175

The registrar shall pay the contributions the registrar 88176
receives pursuant to section 4503.872 of the Revised Code to the 88177
Canton city school district. The district may use the 88178

contributions for student welfare, but shall not use the 88179
contributions for any political purpose or to pay salaries of 88180
district employees. 88181

The registrar shall pay the contributions the registrar 88182
receives pursuant to section 4503.873 of the Revised Code to 88183
Padua Franciscan high school located in the municipal 88184
corporation of Parma. The school shall use fifty per cent of the 88185
contributions it receives to provide tuition assistance to its 88186
students. The school shall use the remaining fifty per cent to 88187
pay the expenses it incurs in providing services to the school's 88188
students that assist in developing or maintaining the mental and 88189
emotional well-being of the students. The services provided may 88190
include bereavement counseling, instruction in defensive driving 88191
techniques, sensitivity training, and the counseling and 88192
education of students regarding bullying, dating violence, drug 88193
abuse, suicide prevention, and human trafficking. As a part of 88194
providing such services, the school may pay for members of the 88195
faculty of the school to receive training in providing those 88196
services. The school principal or, in the school principal's 88197
discretion, appropriate school counselors shall determine any 88198
charitable organizations that the school hires to provide those 88199
services. The school shall ensure that any such charitable 88200
organization is exempt from federal income taxation under 88201
subsection 501(c)(3) of the Internal Revenue Code. The school 88202
shall not use the contributions it receives for any other 88203
purpose. 88204

The registrar shall pay the contributions the registrar 88205
receives pursuant to section 4503.874 of the Revised Code to St. 88206
Edward high school located in the municipal corporation of 88207
Lakewood. The school shall use fifty per cent of the 88208
contributions it receives to provide tuition assistance to its 88209

students. The school shall use the remaining fifty per cent to 88210
pay the expenses it incurs in providing services to the school's 88211
students that assist in developing or maintaining the mental and 88212
emotional well-being of the students. The services provided may 88213
include bereavement counseling, instruction in defensive driving 88214
techniques, sensitivity training, and the counseling and 88215
education of students regarding bullying, dating violence, drug 88216
abuse, suicide prevention, and human trafficking. As a part of 88217
providing such services, the school may pay for members of the 88218
faculty of the school to receive training in providing those 88219
services. The school principal or, in the school principal's 88220
discretion, appropriate school counselors shall determine any 88221
charitable organizations that the school hires to provide those 88222
services. The school shall ensure that any such charitable 88223
organization is exempt from federal income taxation under 88224
subsection 501(c)(3) of the Internal Revenue Code. The school 88225
shall not use the contributions it receives for any other 88226
purpose. 88227

The registrar shall pay the contributions the registrar 88228
receives pursuant to section 4503.875 of the Revised Code to 88229
Walsh Jesuit high school located in the municipal corporation of 88230
Cuyahoga Falls. The school shall use fifty per cent of the 88231
contributions it receives to provide tuition assistance to its 88232
students. The school shall use the remaining fifty per cent to 88233
pay the expenses it incurs in providing services to the school's 88234
students that assist in developing or maintaining the mental and 88235
emotional well-being of the students. The services provided may 88236
include bereavement counseling, instruction in defensive driving 88237
techniques, sensitivity training, and the counseling and 88238
education of students regarding bullying, dating violence, drug 88239
abuse, suicide prevention, and human trafficking. As a part of 88240

providing such services, the school may pay for members of the 88241
faculty of the school to receive training in providing those 88242
services. The school principal or, in the school principal's 88243
discretion, appropriate school counselors shall determine any 88244
charitable organizations that the school hires to provide those 88245
services. The school shall ensure that any such charitable 88246
organization is exempt from federal income taxation under 88247
subsection 501(c)(3) of the Internal Revenue Code. The school 88248
shall not use the contributions it receives for any other 88249
purpose. 88250

The registrar shall pay the contributions the registrar 88251
receives pursuant to section 4503.876 of the Revised Code to the 88252
North Royalton city school district. The school district shall 88253
use the contributions it receives to pay the expenses it incurs 88254
in providing services to the school district's students that 88255
assist in developing or maintaining the mental and emotional 88256
well-being of the students. The services provided may include 88257
bereavement counseling, instruction in defensive driving 88258
techniques, sensitivity training, and the counseling and 88259
education of students regarding bullying, dating violence, drug 88260
abuse, suicide prevention, and human trafficking. The school 88261
district superintendent or, in the school district 88262
superintendent's discretion, the appropriate school principal or 88263
appropriate school counselors shall determine any charitable 88264
organizations that the school district hires to provide those 88265
services. The school district also may use the contributions it 88266
receives to pay for members of the faculty of the school 88267
district to receive training in providing such services to the 88268
students of the school district. The school district shall 88269
ensure that any charitable organization that is hired by the 88270
district is exempt from federal income taxation under subsection 88271

501(c)(3) of the Internal Revenue Code. The school district 88272
shall not use the contributions it receives for any other 88273
purpose. 88274

The registrar shall pay the contributions the registrar 88275
receives pursuant to section 4503.877 of the Revised Code to the 88276
Independence local school district. The school district shall 88277
use the contributions it receives to pay the expenses it incurs 88278
in providing services to the school district's students that 88279
assist in developing or maintaining the mental and emotional 88280
well-being of the students. The services provided may include 88281
bereavement counseling, instruction in defensive driving 88282
techniques, sensitivity training, and the counseling and 88283
education of students regarding bullying, dating violence, drug 88284
abuse, suicide prevention, and human trafficking. The school 88285
district superintendent or, in the school district 88286
superintendent's discretion, the appropriate school principal or 88287
appropriate school counselors shall determine any charitable 88288
organizations that the school district hires to provide those 88289
services. The school district also may use the contributions it 88290
receives to pay for members of the faculty of the school 88291
district to receive training in providing such services to the 88292
students of the school district. The school district shall 88293
ensure that any charitable organization that is hired by the 88294
district is exempt from federal income taxation under subsection 88295
501(c)(3) of the Internal Revenue Code. The school district 88296
shall not use the contributions it receives for any other 88297
purpose. 88298

The registrar shall pay the contributions the registrar 88299
receives pursuant to section 4503.878 of the Revised Code to the 88300
Cuyahoga Heights local school district. The school district 88301
shall use the contributions it receives to pay the expenses it 88302

incurs in providing services to the school district's students 88303
that assist in developing or maintaining the mental and 88304
emotional well-being of the students. The services provided may 88305
include bereavement counseling, instruction in defensive driving 88306
techniques, sensitivity training, and the counseling and 88307
education of students regarding bullying, dating violence, drug 88308
abuse, suicide prevention, and human trafficking. The school 88309
district superintendent or, in the school district 88310
superintendent's discretion, the appropriate school principal or 88311
appropriate school counselors, shall determine any charitable 88312
organizations that the school district hires to provide those 88313
services. The school district also may use the contributions it 88314
receives to pay for members of the faculty of the school 88315
district to receive training in providing such services to the 88316
students of the school district. The school district shall 88317
ensure that any charitable organization that is hired by the 88318
district is exempt from federal income taxation under subsection 88319
501(c)(3) of the Internal Revenue Code. The school district 88320
shall not use the contributions it receives for any other 88321
purpose. 88322

The registrar shall pay the contributions the registrar 88323
receives pursuant to section 4503.879 of the Revised Code to the 88324
west technical high school alumni association, which shall use 88325
the contributions for activities sponsored by the association. 88326

The registrar shall pay the contributions the registrar 88327
receives pursuant to section 4503.88 of the Revised Code to the 88328
Kenston local school district. The school district shall use the 88329
contributions it receives to pay the expenses it incurs in 88330
providing services that assist in developing or maintaining a 88331
culture of environmental responsibility and an innovative 88332
science, technology, engineering, art, and math (S.T.E.A.M.) 88333

curriculum to the school district's students. The school 88334
district shall not use the contributions it receives for any 88335
other purpose. 88336

The registrar shall pay the contributions the registrar 88337
receives pursuant to section 4503.881 of the Revised Code to La 88338
Salle high school in the municipal corporation of Cincinnati. 88339
The high school shall not use the contributions it receives for 88340
any political purpose. 88341

The registrar shall pay the contributions the registrar 88342
receives pursuant to section 4503.882 of the Revised Code to St. 88343
John's Jesuit high school and academy located in the municipal 88344
corporation of Toledo. The school shall use the contributions it 88345
receives to provide tuition assistance for students attending 88346
the school. 88347

The registrar shall pay the contributions the registrar 88348
receives pursuant to section 4503.883 of the Revised Code to St. 88349
Charles preparatory school located in the municipal corporation 88350
of Columbus, which shall use the contributions for the school's 88351
alumni association and the alumni association's purposes. 88352

The registrar shall pay the contributions the registrar 88353
receives pursuant to section 4503.884 of the Revised Code to 88354
Archbishop Moeller high school located in the municipal 88355
corporation of Cincinnati. The high school shall not use the 88356
contributions it receives for any political purpose. 88357

The registrar shall pay the contributions the registrar 88358
receives pursuant to section 4503.885 of the Revised Code to the 88359
Revere schools foundation. The foundation shall use the 88360
contributions to promote its mission, including awarding 88361
scholarships to honor young people who are meaningfully engaged 88362

in their school or community. The foundation shall not use the 88363
contributions for any political purpose. 88364

The registrar shall pay the contributions the registrar 88365
receives pursuant to section 4503.886 of the Revised Code to 88366
Stephen T. Badin high school in the municipal corporation of 88367
Hamilton. 88368

The registrar shall pay the contributions the registrar 88369
receives pursuant to section 4503.887 of the Revised Code to 88370
Bishop Hartley high school located in the municipal corporation 88371
of Columbus, which shall use the contributions for the school's 88372
alumni association and the alumni association's purposes. 88373

The registrar shall pay the contributions the registrar 88374
receives pursuant to section 4503.888 of the Revised Code to St. 88375
Vincent-St. Mary high school located in the municipal 88376
corporation of Akron. 88377

The registrar shall pay the contributions the registrar 88378
receives pursuant to section 4503.89 of the Revised Code to the 88379
American red cross of greater Columbus on behalf of the Ohio 88380
chapters of the American red cross, which shall use the 88381
contributions for disaster readiness, preparedness, and response 88382
programs on a statewide basis. 88383

The registrar shall pay the contributions the registrar 88384
receives pursuant to section 4503.891 of the Revised Code to the 88385
Ohio lions foundation. The foundation shall use the 88386
contributions for charitable and educational purposes. 88387

The registrar shall pay the contributions the registrar 88388
receives pursuant to section 4503.892 of the Revised Code to the 88389
Hudson city school district. The school district shall not use 88390
the contributions it receives for any political purpose. 88391

The registrar shall pay the contributions the registrar receives pursuant to section 4503.893 of the Revised Code to the Harrison Central jr./sr. high school located in the municipal corporation of Cadiz.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.894 of the Revised Code to the Blanchester schools foundation for funding student scholarships and for funding activities and programs for at-risk students.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.895 of the Revised Code to the Lakeside Chautauqua foundation. The foundation shall use the contributions it receives for conservation and preservation of Lake Erie and the surrounding ecosystem.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.896 of the Revised Code to the American legion auxiliary department of Ohio. The auxiliary department shall use the contributions it receives to support the American legion, current and former military members, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.899 of the Revised Code to the Cleveland clinic foundation, which shall use the contributions to support Cleveland clinic children's education, research, and patient services.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.90 of the Revised Code to the nationwide children's hospital foundation.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.901 of the Revised Code to the

Ohio association for pupil transportation, which shall use the 88421
money to support transportation programs, provide training to 88422
school transportation professionals, and support other 88423
initiatives for school transportation safety. 88424

The registrar shall pay the contributions the registrar 88425
receives pursuant to section 4503.902 of the Revised Code to St. 88426
Ignatius high school located in the municipal corporation of 88427
Cleveland. The school shall use fifty per cent of the 88428
contributions it receives to provide tuition assistance to its 88429
students. The school shall use the remaining fifty per cent to 88430
pay the expenses it incurs in providing services to the school's 88431
students that assist in developing or maintaining the mental and 88432
emotional well-being of the students. The services provided may 88433
include bereavement counseling, instruction in defensive driving 88434
techniques, sensitivity training, and the counseling and 88435
education of students regarding bullying, dating violence, drug 88436
abuse, suicide prevention, and human trafficking. As a part of 88437
providing such services, the school may pay for members of the 88438
faculty of the school to receive training in providing those 88439
services. The school principal or, in the school principal's 88440
discretion, appropriate school counselors shall determine any 88441
charitable organizations that the school hires to provide those 88442
services. The school shall ensure that any such charitable 88443
organization is exempt from federal income taxation under 88444
subsection 501(c)(3) of the Internal Revenue Code. The school 88445
shall not use the contributions it receives for any other 88446
purpose. 88447

The registrar shall pay the contributions the registrar 88448
receives pursuant to section 4503.903 of the Revised Code to the 88449
Brecksville-Broadview Heights city school district. The school 88450
district shall use the contributions it receives to pay the 88451

expenses it incurs in providing services to the school 88452
district's students that assist in developing or maintaining the 88453
mental and emotional well-being of the students. The services 88454
provided may include bereavement counseling, instruction in 88455
defensive driving techniques, sensitivity training, and the 88456
counseling and education of students regarding bullying, dating 88457
violence, drug abuse, suicide prevention, and human trafficking. 88458
The school district superintendent or, in the school district 88459
superintendent's discretion, the appropriate school principal or 88460
appropriate school counselors shall determine any charitable 88461
organizations that the school district hires to provide those 88462
services. The school district also may use the contributions it 88463
receives to pay for members of the faculty of the school 88464
district to receive training in providing such services to the 88465
students of the school district. The school district shall 88466
ensure that any charitable organization that is hired by the 88467
district is exempt from federal income taxation under subsection 88468
501(c)(3) of the Internal Revenue Code. The school district 88469
shall not use the contributions it receives for any other 88470
purpose. 88471

The registrar shall pay the contributions the registrar 88472
receives pursuant to section 4503.904 of the Revised Code to the 88473
Chagrin Falls exempted village school district. The school 88474
district shall use the contributions it receives to pay the 88475
expenses it incurs in providing services to the school 88476
district's students that assist in developing or maintaining the 88477
mental and emotional well-being of the students. The services 88478
provided may include bereavement counseling, instruction in 88479
defensive driving techniques, sensitivity training, and the 88480
counseling and education of students regarding bullying, dating 88481
violence, drug abuse, suicide prevention, and human trafficking. 88482

The school district superintendent or, in the school district 88483
superintendent's discretion, the appropriate school principal or 88484
appropriate school counselors shall determine any charitable 88485
organizations that the school district hires to provide those 88486
services. The school district also may use the contributions it 88487
receives to pay for members of the faculty of the school 88488
district to receive training in providing such services to the 88489
students of the school district. The school district shall 88490
ensure that any charitable organization that is hired by the 88491
district is exempt from federal income taxation under subsection 88492
501(c)(3) of the Internal Revenue Code. The school district 88493
shall not use the contributions it receives for any other 88494
purpose. 88495

The registrar shall pay the contributions the registrar 88496
receives pursuant to section 4503.905 of the Revised Code to the 88497
Cuyahoga valley career center. The career center shall use the 88498
contributions it receives to pay the expenses it incurs in 88499
providing services to the career center's students that assist 88500
in developing or maintaining the mental and emotional well-being 88501
of the students. The services provided may include bereavement 88502
counseling, instruction in defensive driving techniques, 88503
sensitivity training, and the counseling and education of 88504
students regarding bullying, dating violence, drug abuse, 88505
suicide prevention, and human trafficking. The career center's 88506
superintendent or in the career center's superintendent's 88507
discretion, the school board or appropriate school counselors 88508
shall determine any charitable organizations that the career 88509
center hires to provide those services. The career center also 88510
may use the contributions it receives to pay for members of the 88511
faculty of the career center to receive training in providing 88512
such services to the students of the career center. The career 88513

center shall ensure that any charitable organization that is 88514
hired by the career center is exempt from federal income 88515
taxation under subsection 501(c)(3) of the Internal Revenue 88516
Code. The career center shall not use the contributions it 88517
receives for any other purpose. 88518

The registrar shall pay the contributions the registrar 88519
receives pursuant to section 4503.906 of the Revised Code to the 88520
Stow-Munroe Falls city school district. The school district 88521
shall not use the contributions it receives for any political 88522
purpose. 88523

The registrar shall pay the contributions the registrar 88524
receives pursuant to section 4503.907 of the Revised Code to the 88525
Twinsburg city school district. The school district shall not 88526
use the contributions it receives for any political purpose. 88527

The registrar shall pay the contributions the registrar 88528
receives pursuant to section 4503.908 of the Revised Code to St. 88529
Xavier high school located in Springfield township in Hamilton 88530
county. The school shall use fifty per cent of the contributions 88531
it receives to provide tuition assistance to its students. The 88532
school shall use the remaining fifty per cent to pay the 88533
expenses it incurs in providing services to the school's 88534
students that assist in developing or maintaining the mental and 88535
emotional well-being of the students. The services provided may 88536
include bereavement counseling, instruction in defensive driving 88537
techniques, sensitivity training, and the counseling and 88538
education of students regarding bullying, dating violence, drug 88539
abuse, suicide prevention, and human trafficking. As a part of 88540
providing such services, the school may pay for members of the 88541
faculty of the school to receive training in providing those 88542
services. The school principal or, in the school principal's 88543

discretion, appropriate school counselors shall determine any 88544
charitable organizations that the school hires to provide those 88545
services. The school shall ensure that any such charitable 88546
organization is exempt from federal income taxation under 88547
subsection 501(c)(3) of the Internal Revenue Code. The school 88548
shall not use the contributions it receives for any other 88549
purpose. 88550

The registrar shall pay the contributions the registrar 88551
receives pursuant to section 4503.909 of the Revised Code to the 88552
Grandview Heights city school district, which shall use the 88553
contributions for its gifted programs and special education and 88554
related services. 88555

The registrar shall pay the contributions received 88556
pursuant to section 4503.92 of the Revised Code to support our 88557
troops, incorporated, a national nonprofit corporation, which 88558
shall use those contributions in accordance with its articles of 88559
incorporation and for the benefit of servicemembers of the armed 88560
forces of the United States and their families when they are in 88561
financial need. 88562

The registrar shall pay the contributions received 88563
pursuant to section 4503.931 of the Revised Code to healthy New 88564
Albany, which shall use the contributions for its community 88565
programs, events, and other activities. 88566

The registrar shall pay the contributions the registrar 88567
receives pursuant to section 4503.932 of the Revised Code to 88568
habitat for humanity of Ohio, inc., which shall use the 88569
contributions for its projects related to building affordable 88570
houses. 88571

The registrar shall pay the contributions the registrar 88572

receives pursuant to section 4503.933 of the Revised Code to 88573
Ohio citizens for the arts foundation, which shall use the 88574
contributions for advocacy, education, and professional 88575
development programs. 88576

The registrar shall pay the contributions the registrar 88577
receives pursuant to section 4503.934 of the Revised Code to 88578
Ohio society for respiratory care of the American association 88579
for respiratory care, incorporated, which shall use the 88580
contributions to benefit the Ohio society for respiratory care 88581
student scholarship fund. 88582

The registrar shall pay the contributions the registrar 88583
receives pursuant to section 4503.935 of the Revised Code to 88584
Jesup W. Scott high school's principal activities fund. The high 88585
school shall use the contributions to enhance learning 88586
opportunities for the high school's students. 88587

The registrar shall pay the contributions the registrar 88588
receives pursuant to section 4503.936 of the Revised Code to the 88589
Hilliard Davidson baseball club, which shall use the 88590
contributions to support the team. 88591

The registrar shall pay the contributions the registrar 88592
receives pursuant to section 4503.94 of the Revised Code to the 88593
Michelle's leading star foundation, which shall use the money 88594
solely to fund the rental, lease, or purchase of the simulated 88595
driving curriculum of the Michelle's leading star foundation by 88596
boards of education of city, exempted village, local, and joint 88597
vocational school districts. 88598

The registrar shall pay the contributions the registrar 88599
receives pursuant to section 4503.941 of the Revised Code to the 88600
Ohio chapter international society of arboriculture, which shall 88601

use the money to increase consumer awareness on the importance 88602
of proper tree care and to raise funds for the chapter's 88603
educational efforts. 88604

The registrar shall pay the contributions received 88605
pursuant to section 4503.942 of the Revised Code to zero, the 88606
end of prostate cancer, incorporated, a nonprofit organization, 88607
which shall use those contributions to raise awareness of 88608
prostate cancer, to support research to end prostate cancer, and 88609
to support prostate cancer patients and their families. 88610

The registrar shall pay the contributions the registrar 88611
receives pursuant to section 4503.943 of the Revised Code to the 88612
nonprofit organization weirdo cat lovers of Cleveland, which 88613
shall use the contributions to further its mission of assisting 88614
pet parents with emergency veterinary bills for their feline 88615
companions, providing food and litter to those in economic need, 88616
and controlling feral cat populations through the process of 88617
trap-neuter-return to the community. 88618

The registrar shall pay the contributions the registrar 88619
receives pursuant to section 4503.944 of the Revised Code to the 88620
eastern European congress of Ohio, which shall use the 88621
contributions for charitable and educational purposes. 88622

The registrar shall pay the contributions the registrar 88623
receives pursuant to section 4503.945 of the Revised Code to the 88624
Summit metro parks foundation, which shall use the money in 88625
support of the Summit county metro parks. 88626

The registrar shall pay the contributions the registrar 88627
receives pursuant to section 4503.946 of the Revised Code to the 88628
Ohio society, sons of the American revolution, which shall use 88629
the contributions for special projects related to historical 88630

education. 88631

The registrar shall pay the contributions the registrar 88632
receives pursuant to section 4503.951 of the Revised Code to the 88633
Cincinnati city school district. 88634

The registrar shall pay the contributions the registrar 88635
receives pursuant to section 4503.952 of the Revised Code to 88636
Hawken school located in northeast Ohio. The school shall use 88637
fifty per cent of the contributions it receives to provide 88638
tuition assistance to its students. The school shall use the 88639
remaining fifty per cent to pay the expenses it incurs in 88640
providing services to the school's students that assist in 88641
developing or maintaining the mental and emotional well-being of 88642
the students. The services provided may include bereavement 88643
counseling, instruction in defensive driving techniques, 88644
sensitivity training, and the counseling and education of 88645
students regarding bullying, dating violence, drug abuse, 88646
suicide prevention, and human trafficking. As a part of 88647
providing such services, the school may pay for members of the 88648
faculty of the school to receive training in providing those 88649
services. The school principal or, in the school principal's 88650
discretion, appropriate school counselors shall determine any 88651
charitable organizations that the school hires to provide those 88652
services. The school shall ensure that any such charitable 88653
organization is exempt from federal income taxation under 88654
subsection 501(c)(3) of the Internal Revenue Code. The school 88655
shall not use the contributions it receives for any other 88656
purpose. 88657

The registrar shall pay the contributions the registrar 88658
receives pursuant to section 4503.953 of the Revised Code to 88659
Gilmour academy located in the municipal corporation of Gates 88660

Mills. The school shall use fifty per cent of the contributions 88661
it receives to provide tuition assistance to its students. The 88662
school shall use the remaining fifty per cent to pay the 88663
expenses it incurs in providing services to the school's 88664
students that assist in developing or maintaining the mental and 88665
emotional well-being of the students. The services provided may 88666
include bereavement counseling, instruction in defensive driving 88667
techniques, sensitivity training, and the counseling and 88668
education of students regarding bullying, dating violence, drug 88669
abuse, suicide prevention, and human trafficking. As a part of 88670
providing such services, the school may pay for members of the 88671
faculty of the school to receive training in providing those 88672
services. The school principal or, in the school principal's 88673
discretion, appropriate school counselors shall determine any 88674
charitable organizations that the school hires to provide those 88675
services. The school shall ensure that any such charitable 88676
organization is exempt from federal income taxation under 88677
subsection 501(c)(3) of the Internal Revenue Code. The school 88678
shall not use the contributions it receives for any other 88679
purpose. 88680

The registrar shall pay the contributions the registrar 88681
receives pursuant to section 4503.954 of the Revised Code to 88682
University school located in the suburban area near the 88683
municipal corporation of Cleveland. The school shall use fifty 88684
per cent of the contributions it receives to provide tuition 88685
assistance to its students. The school shall use the remaining 88686
fifty per cent to pay the expenses it incurs in providing 88687
services to the school's students that assist in developing or 88688
maintaining the mental and emotional well-being of the students. 88689
The services provided may include bereavement counseling, 88690
instruction in defensive driving techniques, sensitivity 88691

training, and the counseling and education of students regarding 88692
bullying, dating violence, drug abuse, suicide prevention, and 88693
human trafficking. As a part of providing such services, the 88694
school may pay for members of the faculty of the school to 88695
receive training in providing those services. The school 88696
principal or, in the school principal's discretion, appropriate 88697
school counselors shall determine any charitable organizations 88698
that the school hires to provide those services. The school 88699
shall ensure that any such charitable organization is exempt 88700
from federal income taxation under subsection 501(c)(3) of the 88701
Internal Revenue Code. The school shall not use the 88702
contributions it receives for any other purpose. 88703

The registrar shall pay the contributions the registrar 88704
receives pursuant to section 4503.955 of the Revised Code to 88705
Saint Albert the Great school located in North Royalton. The 88706
school shall use fifty per cent of the contributions it receives 88707
to provide tuition assistance to its students. The school shall 88708
use the remaining fifty per cent to pay the expenses it incurs 88709
in providing services to the school's students that assist in 88710
developing or maintaining the mental and emotional well-being of 88711
the students. The services provided may include bereavement 88712
counseling, instruction in defensive driving techniques, 88713
sensitivity training, and the counseling and education of 88714
students regarding bullying, dating violence, drug abuse, 88715
suicide prevention, and human trafficking. As a part of 88716
providing such services, the school may pay for members of the 88717
faculty of the school to receive training in providing those 88718
services. The school principal or, in the school principal's 88719
discretion, appropriate school counselors shall determine any 88720
charitable organizations that the school hires to provide those 88721
services. The school shall ensure that any such charitable 88722

organization is exempt from federal income taxation under 88723
subsection 501(c)(3) of the Internal Revenue Code. The school 88724
shall not use the contributions it receives for any other 88725
purpose. 88726

The registrar shall pay the contributions the registrar 88727
receives pursuant to section 4503.956 of the Revised Code to the 88728
Liberty Center local school district, which shall use the 88729
contributions for its gifted programs and special education and 88730
related services. 88731

The registrar shall pay the contributions the registrar 88732
receives pursuant to section 4503.957 of the Revised Code to 88733
John F. Kennedy Catholic school located in Warren. The school 88734
shall not use the contributions it receives for any political 88735
purpose. 88736

The registrar shall pay the contributions the registrar 88737
receives pursuant to section 4503.958 of the Revised Code to 88738
Elder high school located in the municipal corporation of 88739
Cincinnati. The school shall use fifty per cent of the 88740
contributions it receives to provide tuition assistance to its 88741
students, twenty-five per cent of the contributions to benefit 88742
arts and enrichment at the school, and twenty-five per cent of 88743
the contributions to benefit athletics at the school. 88744

The registrar shall pay the contributions the registrar 88745
receives pursuant to section 4503.959 of the Revised Code to the 88746
Dublin food pantry, which shall use the contributions to provide 88747
food, hygiene products, and other resources to individuals and 88748
families experiencing food insecurity. 88749

The registrar shall pay the contributions the registrar 88750
receives pursuant to section 4503.961 of the Revised Code to 88751

Fairfield senior high school located in the municipal 88752
corporation of Fairfield. The high school shall not use the 88753
contributions for any political purpose. 88754

The registrar shall pay the contributions the registrar 88755
receives pursuant to section 4503.962 of the Revised Code to 88756
Hamilton high school located in the municipal corporation of 88757
Hamilton. The high school shall not use the contributions for 88758
any political purpose. 88759

The registrar shall pay the contributions the registrar 88760
receives pursuant to section 4503.963 of the Revised Code to 88761
Ross high school located in Ross township in Butler county. The 88762
high school shall not use the contributions for any political 88763
purpose. 88764

The registrar shall pay the contributions the registrar 88765
receives pursuant to section 4503.964 of the Revised Code to 88766
Chardon hilltopper gridiron club. The club shall use 88767
contributions to fund college and career technical training 88768
scholarships for students. 88769

The registrar shall pay the contributions the registrar 88770
receives pursuant to section 4503.965 of the Revised Code to the 88771
Norton music boosters association. The association shall use the 88772
contributions to provide financial assistance to the Norton high 88773
school music boosters for equipment, travel, and programming 88774
expenses. 88775

The registrar shall pay the contributions the registrar 88776
receives pursuant to section 4503.97 of the Revised Code to the 88777
friends of united Hatzalah of Israel, which shall use the money 88778
to support united Hatzalah of Israel, which provides free 88779
emergency medical first response throughout Israel. 88780

The registrar shall pay the contributions the registrar receives pursuant to section 4503.98 of the Revised Code to the Westerville parks foundation to support the programs and activities of the foundation and its mission of pursuing the city of Westerville's vision of becoming "A City Within A Park."

(C) All investment earnings of the license plate contribution fund shall be credited to the fund. Not later than the first day of May of every year, the registrar shall distribute to each entity described in division (B) of this section the investment income the fund earned the previous calendar year. The amount of such a distribution paid to an entity shall be proportionate to the amount of money the entity received from the fund during the previous calendar year.

Sec. 4501.29. The department of administrative services shall collect user fees from participants in the multi-agency radio communications system (MARCS). The director of administrative services, with ~~the advice of the MARCS steering committee and~~ the consent of the director of budget and management, shall determine the amount of the user fees and the manner by which the fees shall be collected. All moneys from user fees shall be deposited in the MARCS administration fund, which is hereby created in the state treasury. All investment earnings on moneys in the fund shall be credited to the fund.

Sec. 4501.30. As used in sections 4501.30 to 4501.303 of the Revised Code:

"MARCS" means the multi-agency radio communications system.

"P25 standards" means standards for digital radio communications for use by federal, state, provincial, and local

public safety agencies in North America to enable communications 88810
with other agencies and mutual aid response teams in 88811
emergencies. "P25 standards" are the standards produced through 88812
the joint efforts of the association of public-safety 88813
communications officials, the national association of state 88814
technology directors, selected federal agencies, and the 88815
national communications system. 88816

"P25 system" means a communications system that meets P25 88817
standards and fosters interoperability in mission critical 88818
communications ~~as certified by the MARCS steering committee.~~ 88819

Sec. 4501.302. (A) The multi-agency radio communications 88820
system (MARCS) steering committee is established consisting of 88821
the following members: 88822

(1) The directors, or designees thereof, of administrative 88823
services, public safety, natural resources, transportation, 88824
rehabilitation and correction, and budget and management, and 88825
the state fire marshal or the state fire marshal's designee; 88826

(2) The following members appointed by the governor: 88827

(a) One representative of the Ohio chapter of the 88828
association of public safety communications officials or its 88829
successor organization; 88830

(b) One representative of the buckeye state sheriff's 88831
association or its successor organization; 88832

(c) One representative of the Ohio association of chiefs 88833
of police or its successor organization; 88834

(d) One representative of the Ohio fire chiefs' 88835
association or its successor organization. 88836

(3) Two members of the house of representatives appointed 88837

by the speaker of the house of representatives, one from the 88838
majority party and one from the minority party; 88839

(4) Two members of the senate appointed by the president 88840
of the senate, one from the majority party and one from the 88841
minority party. 88842

(B) The director of administrative services or the 88843
director's designee shall chair the committee. 88844

(C) The committee shall provide assistance to the director 88845
of administrative services for effective and efficient 88846
implementation of MARCS as well as develop policies for the 88847
ongoing management of the system. Upon dates prescribed by the 88848
directors of administrative services and budget and management, 88849
the MARCS steering committee shall report to the directors on 88850
the progress of MARCS implementation and the development of 88851
policies related to the system. 88852

(D) The committee shall establish a subcommittee to 88853
represent MARCS users on the local government level. The 88854
chairperson of the subcommittee shall serve as a member of the 88855
MARCS steering committee. 88856

(E) Divisions (A) to (D) of this section represent the 88857
codification of the existing MARCS steering committee and 88858
subcommittee. Upon the effective date of this amendment, members 88859
of the MARCS steering committee and the subcommittee may 88860
continue service on these committees, their terms unaffected by 88861
the codification. 88862

(F) The MARCS steering committee shall certify that the 88863
P25 system complies with P25 standards based on business 88864
planning documents it approves. The planning documents shall 88865
outline the various end user costs for monthly access to the 88866

system depending on the number of MARCS users and including 88867
adequate funding for future repairs, maintenance, and upgrades 88868
of MARCS statewide. 88869

Sec. 4503.03. (A) (1) (a) Except as provided in division (B) 88870
of this section, the registrar of motor vehicles may designate 88871
one or more of the following persons to act as a deputy 88872
registrar in each county: 88873

(i) The county auditor in any county; 88874

(ii) The clerk of a court of common pleas in any county; 88875

(iii) An individual; 88876

(iv) A nonprofit corporation as defined in division (C) of 88877
section 1702.01 of the Revised Code. 88878

All fees collected and retained by a clerk for conducting 88879
deputy registrar services shall be paid into the county treasury 88880
to the credit of the certificate of title administration fund 88881
created under section 325.33 of the Revised Code. 88882

(b) As part of the selection process in awarding a deputy 88883
registrar contract, the registrar shall consider the customer 88884
service performance record of any person previously awarded a 88885
deputy registrar contract pursuant to division (A) (1) of this 88886
section. 88887

(2) Deputy registrars shall accept applications for the 88888
annual license tax for any vehicle not taxed under section 88889
4503.63 of the Revised Code and shall assign distinctive numbers 88890
in the same manner as the registrar. Such deputies shall be 88891
located in such locations as the registrar sees fit. Except as 88892
provided in division (A) (3) of this section, there shall be at 88893
least one deputy registrar in each county. 88894

(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply:

(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy registrar;

(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar;

(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar;

(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county.

(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply:

(a) The county auditor requests to be designated as a deputy registrar;

(b) The clerk of court of common pleas requests to be designated as a deputy registrar;

(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county;

(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the

competitive selection process. 88923

Deputy registrar contracts are subject to the provisions 88924
of division (B) of section 125.081 of the Revised Code. 88925

(B) (1) The registrar shall not designate any person to act 88926
as a deputy registrar under division (A) (1) of this section if 88927
the person or, where applicable, the person's spouse or a member 88928
of the person's immediate family has made, within the current 88929
calendar year or any one of the previous three calendar years, 88930
one or more contributions totaling in excess of one hundred 88931
dollars to any person or entity included in division (A) (2) of 88932
section 4503.033 of the Revised Code. As used in this division, 88933
"immediate family" has the same meaning as in division (D) of 88934
section 102.01 of the Revised Code, and "entity" includes any 88935
political party and any ~~"continuing association"~~ "political 88936
contributing entity" as defined in ~~division (C) (4) of~~ section 88937
3517.01 of the Revised Code or "political action committee" as 88938
defined in ~~division (C) (8) of~~ that section that is primarily 88939
associated with that political party. For purposes of this 88940
division, contributions to any ~~continuing association~~ political 88941
contributing entity or any political action committee that is 88942
primarily associated with a political party shall be aggregated 88943
with contributions to that political party. 88944

The contribution limitations contained in this division do 88945
not apply to any county auditor or clerk of a court of common 88946
pleas. A county auditor or clerk of a court of common pleas is 88947
not required to file the disclosure statement or pay the filing 88948
fee required under section 4503.033 of the Revised Code. The 88949
limitations of this division also do not apply to a deputy 88950
registrar who, subsequent to being awarded a deputy registrar 88951
contract, is elected to an office of a political subdivision. 88952

(2) The registrar shall not designate either of the 88953
following to act as a deputy registrar: 88954

(a) Any elected public official other than a county 88955
auditor or, as authorized by division (A)(1) of this section, a 88956
clerk of a court of common pleas, acting in an official 88957
capacity, except that, the registrar shall continue and may 88958
renew a contract with any deputy registrar who, subsequent to 88959
being awarded a deputy registrar contract, is elected to an 88960
office of a political subdivision; 88961

(b) Any person holding a current, valid contract to 88962
conduct motor vehicle inspections under section 3704.14 of the 88963
Revised Code. 88964

(3) As used in division (B) of this section, "political 88965
subdivision" has the same meaning as in section 3501.01 of the 88966
Revised Code. 88967

(C)(1) Except as provided in division (C)(2) of this 88968
section, deputy registrars are independent contractors and 88969
neither they nor their employees are employees of this state, 88970
except that nothing in this section shall affect the status of 88971
county auditors or clerks of courts of common pleas as public 88972
officials, nor the status of their employees as employees of any 88973
of the counties of this state, which are political subdivisions 88974
of this state. Each deputy registrar shall be responsible for 88975
the payment of all unemployment compensation premiums, all 88976
workers' compensation premiums, social security contributions, 88977
and any and all taxes for which the deputy registrar is legally 88978
responsible. Each deputy registrar shall comply with all 88979
applicable federal, state, and local laws requiring the 88980
withholding of income taxes or other taxes from the compensation 88981
of the deputy registrar's employees. Each deputy registrar shall 88982

maintain during the entire term of the deputy registrar's 88983
contract a policy of business liability insurance satisfactory 88984
to the registrar and shall hold the department of public safety, 88985
the director of public safety, the bureau of motor vehicles, and 88986
the registrar harmless upon any and all claims for damages 88987
arising out of the operation of the deputy registrar agency. 88988

(2) For purposes of Chapter 4141. of the Revised Code, 88989
determinations concerning the employment of deputy registrars 88990
and their employees shall be made under Chapter 4141. of the 88991
Revised Code. 88992

(D) (1) With the approval of the director, the registrar 88993
shall adopt rules governing deputy registrars. The rules shall 88994
do all of the following: 88995

(a) Establish requirements governing the terms of the 88996
contract between the registrar and each deputy registrar and the 88997
services to be performed; 88998

(b) Establish requirements governing the amount of bond to 88999
be given as provided in this section; 89000

(c) Establish requirements governing the size and location 89001
of the deputy's office; 89002

(d) Establish requirements governing the leasing of 89003
equipment necessary to conduct the vision screenings required 89004
under section 4507.12 of the Revised Code and training in the 89005
use of the equipment; 89006

(e) Encourage every deputy registrar to inform the public 89007
of the location of the deputy registrar's office and hours of 89008
operation by means of public service announcements; 89009

(f) Allow any deputy registrar to advertise in regard to 89010

the operation of the deputy registrar's office, including 89011
allowing nonprofit corporations operating as a deputy registrar 89012
to advertise that a specified amount of proceeds collected by 89013
the nonprofit corporation are directed to a specified charitable 89014
organization or philanthropic cause; 89015

(g) Specify the hours the deputy's office is to be open to 89016
the public and require as a minimum that one deputy's office in 89017
each county be open to the public for at least four hours each 89018
weekend, provided that if only one deputy's office is located 89019
within the boundary of the county seat, that office is the 89020
office that shall be open for the four-hour period each weekend; 89021

(h) Specify that every deputy registrar, upon request, 89022
provide any person with information about the location and 89023
office hours of all deputy registrars in the county; 89024

(i) Allow a deputy registrar contract to be awarded to a 89025
nonprofit corporation formed under the laws of this state; 89026

(j) Establish procedures for a deputy registrar to request 89027
the authority to collect reinstatement fees under sections 89028
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 89029
4510.72, and 4511.191 of the Revised Code and to transmit the 89030
reinstatement fees and two dollars of the service fee collected 89031
under those sections. The registrar shall ensure that at least 89032
one deputy registrar in each county has the necessary equipment 89033
and is able to accept reinstatement fees. The registrar shall 89034
deposit the service fees received from a deputy registrar under 89035
those sections into the public safety - highway purposes fund 89036
created in section 4501.06 of the Revised Code and shall use the 89037
money for deputy registrar equipment necessary in connection 89038
with accepting reinstatement fees. 89039

(k) Establish standards for a deputy registrar, when the 89040
deputy registrar is not a county auditor or a clerk of a court 89041
of common pleas, to sell advertising rights to third party 89042
businesses to be placed in the deputy registrar's office; 89043

(l) Allow any deputy registrar that is not a county 89044
auditor or a clerk of a court of common pleas to operate a 89045
vending machine; 89046

(m) Establish such other requirements as the registrar and 89047
director consider necessary to provide a high level of service. 89048

(2) The rules may allow both of the following: 89049

(a) The registrar to award a contract to a deputy 89050
registrar to operate more than one deputy registrar's office if 89051
determined by the registrar to be practical; 89052

(b) A nonprofit corporation formed for the purposes of 89053
providing automobile-related services to its members or the 89054
public and that provides such services from more than one 89055
location in this state to operate a deputy registrar office at 89056
any location. 89057

(3) As a daily adjustment, the bureau of motor vehicles 89058
shall credit to a deputy registrar the amount established under 89059
section 4503.038 of the Revised Code for each damaged license 89060
plate or validation sticker the deputy registrar replaces as a 89061
service to a member of the public. 89062

(4) (a) With the prior approval of the registrar, each 89063
deputy registrar may conduct at the location of the deputy 89064
registrar's office any business that is consistent with the 89065
functions of a deputy registrar and that is not specifically 89066
mandated or authorized by this or another chapter of the Revised 89067
Code or by implementing rules of the registrar. 89068

(b) In accordance with guidelines the director of public 89069
safety shall establish, a deputy registrar may operate or 89070
contract for the operation of a vending machine at a deputy 89071
registrar location if products of the vending machine are 89072
consistent with the functions of a deputy registrar. 89073

(c) A deputy registrar may enter into an agreement with 89074
the Ohio turnpike and infrastructure commission pursuant to 89075
division (A) (11) of section 5537.04 of the Revised Code for the 89076
purpose of allowing the general public to acquire from the 89077
deputy registrar the electronic toll collection devices that are 89078
used under the multi-jurisdiction electronic toll collection 89079
agreement between the Ohio turnpike and infrastructure 89080
commission and any other entities or agencies that participate 89081
in such an agreement. The approval of the registrar is not 89082
necessary if a deputy registrar engages in this activity. 89083

(5) As used in this section and in section 4507.01 of the 89084
Revised Code, "nonprofit corporation" has the same meaning as in 89085
section 1702.01 of the Revised Code. 89086

(E) (1) Unless otherwise terminated and except for interim 89087
contracts lasting not longer than one year, contracts with 89088
deputy registrars shall be entered into through a competitive 89089
selection process and shall be limited in duration as follows: 89090

(a) For contracts entered into between July 1, 1996 and 89091
June 29, 2014, for a period of not less than two years, but not 89092
more than three years; 89093

(b) For contracts entered into on or after June 29, 2014, 89094
for a period of five years, unless the registrar determines that 89095
a shorter contract term is appropriate for a particular deputy 89096
registrar. 89097

(2) All contracts with deputy registrars shall expire on 89098
the last Saturday of June in the year of their expiration. Prior 89099
to the expiration of any deputy registrar contract, the 89100
registrar, with the approval of the director, may award a one- 89101
year contract extension to any deputy registrar who has provided 89102
exemplary service based upon objective performance evaluations. 89103

(3) (a) The auditor of state may examine the accounts, 89104
reports, systems, and other data of each deputy registrar at 89105
least every two years. The registrar, with the approval of the 89106
director, shall immediately remove a deputy who violates any 89107
provision of the Revised Code related to the duties as a deputy, 89108
any rule adopted by the registrar, or a term of the deputy's 89109
contract with the registrar. The registrar also may remove a 89110
deputy who, in the opinion of the registrar, has engaged in any 89111
conduct that is either unbecoming to one representing this state 89112
or is inconsistent with the efficient operation of the deputy's 89113
office. 89114

(b) If the registrar, with the approval of the director, 89115
determines that there is good cause to believe that a deputy 89116
registrar or a person proposing for a deputy registrar contract 89117
has engaged in any conduct that would require the denial or 89118
termination of the deputy registrar contract, the registrar may 89119
require the production of books, records, and papers as the 89120
registrar determines are necessary, and may take the depositions 89121
of witnesses residing within or outside the state in the same 89122
manner as is prescribed by law for the taking of depositions in 89123
civil actions in the court of common pleas, and for that purpose 89124
the registrar may issue a subpoena for any witness or a subpoena 89125
duces tecum to compel the production of any books, records, or 89126
papers, directed to the sheriff of the county where the witness 89127
resides or is found. Such a subpoena shall be served and 89128

returned in the same manner as a subpoena in a criminal case is 89129
served and returned. The fees of the sheriff shall be the same 89130
as that allowed in the court of common pleas in criminal cases. 89131
Witnesses shall be paid the fees and mileage provided for under 89132
section 119.094 of the Revised Code. The fees and mileage shall 89133
be paid from the fund in the state treasury for the use of the 89134
agency in the same manner as other expenses of the agency are 89135
paid. 89136

In any case of disobedience or neglect of any subpoena 89137
served on any person or the refusal of any witness to testify to 89138
any matter regarding which the witness lawfully may be 89139
interrogated, the court of common pleas of any county where the 89140
disobedience, neglect, or refusal occurs or any judge of that 89141
court, on application by the registrar, shall compel obedience 89142
by attachment proceedings for contempt, as in the case of 89143
disobedience of the requirements of a subpoena issued from that 89144
court, or a refusal to testify in that court. 89145

(4) Nothing in division (E) of this section shall be 89146
construed to require a hearing of any nature prior to the 89147
termination of any deputy registrar contract by the registrar, 89148
with the approval of the director, for cause. 89149

(F) Except as provided in section 2743.03 of the Revised 89150
Code, no court, other than the court of common pleas of Franklin 89151
county, has jurisdiction of any action against the department of 89152
public safety, the director, the bureau, or the registrar to 89153
restrain the exercise of any power or authority, or to entertain 89154
any action for declaratory judgment, in the selection and 89155
appointment of, or contracting with, deputy registrars. Neither 89156
the department, the director, the bureau, nor the registrar is 89157
liable in any action at law for damages sustained by any person 89158

because of any acts of the department, the director, the bureau, 89159
or the registrar, or of any employee of the department or 89160
bureau, in the performance of official duties in the selection 89161
and appointment of, and contracting with, deputy registrars. 89162

(G) The registrar shall assign to each deputy registrar a 89163
series of numbers sufficient to supply the demand at all times 89164
in the area the deputy registrar serves, and the registrar shall 89165
keep a record in the registrar's office of the numbers within 89166
the series assigned. Except as otherwise provided in section 89167
3.061 of the Revised Code, each deputy shall be required to give 89168
bond in the amount of at least twenty-five thousand dollars, or 89169
in such higher amount as the registrar determines necessary, 89170
based on a uniform schedule of bond amounts established by the 89171
registrar and determined by the volume of registrations handled 89172
by the deputy. The form of the bond shall be prescribed by the 89173
registrar. The bonds required of deputy registrars, in the 89174
discretion of the registrar, may be individual or schedule bonds 89175
or may be included in any blanket bond coverage carried by the 89176
department. 89177

(H) Each deputy registrar shall keep a file of each 89178
application received by the deputy and shall register that motor 89179
vehicle with the name and address of its owner. 89180

(I) Upon request, a deputy registrar shall make the 89181
physical inspection of a motor vehicle and issue the physical 89182
inspection certificate required in section 4505.061 of the 89183
Revised Code. 89184

(J) Each deputy registrar shall file a report semiannually 89185
with the registrar of motor vehicles listing the number of 89186
applicants for licenses the deputy has served, the number of 89187
voter registration applications the deputy has completed and 89188

transmitted to the board of elections, and the number of voter 89189
registration applications declined. 89190

Sec. 4503.038. (A) ~~Not later than ninety days after July~~ 89191
~~3, 2019, the~~ The registrar of motor vehicles shall ~~adopt rules~~ 89192
~~in accordance with Chapter 119. of the Revised Code establishing~~ 89193
establish a service fee that applies for purposes of sections 89194
4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 89195
4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 89196
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, 89197
and 4519.69 of the Revised Code. The service fee shall be ~~five~~ 89198
eight dollars. 89199

(B) ~~Not later than ninety days after July 3, 2019, the~~ The 89200
registrar shall ~~adopt rules in accordance with Chapter 119. of~~ 89201
~~the Revised Code establishing~~ establish prorated service fees 89202
that apply for purposes of multi-year registrations authorized 89203
under section 4503.103 of the Revised Code. 89204

(C) When a service fee is collected by the registrar, the 89205
following portion of the service fee that is not allocated to a 89206
deputy registrar but instead is deposited into the public safety 89207
- highway purposes fund created in section 4501.06 of the 89208
Revised Code shall be used exclusively for the state highway 89209
patrol for the enforcement of the motor vehicle and traffic laws 89210
of Ohio: 89211

(1) The three-dollar increase in the service fee under 89212
division (A) of this section that is effective on and after the 89213
date of this amendment; 89214

(2) Any increase in the service fee under division (B) of 89215
this section that is effective on and after the effective date 89216
of this amendment. 89217

Sec. 4503.06. (A) The owner of each manufactured or mobile 89218
home that has acquired situs in this state shall pay either a 89219
real property tax pursuant to Title LVII of the Revised Code or 89220
a manufactured home tax pursuant to division (C) of this 89221
section. 89222

(B) The owner of a manufactured or mobile home shall pay 89223
real property taxes if either of the following applies: 89224

(1) The manufactured or mobile home acquired situs in the 89225
state or ownership in the home was transferred on or after 89226
January 1, 2000, and all of the following apply: 89227

(a) The home is affixed to a permanent foundation as 89228
defined in division (C) (5) of section 3781.06 of the Revised 89229
Code. 89230

(b) The home is located on land that is owned by the owner 89231
of the home. 89232

(c) The certificate of title has been inactivated by the 89233
clerk of the court of common pleas that issued it, pursuant to 89234
division (H) of section 4505.11 of the Revised Code. 89235

(2) The manufactured or mobile home acquired situs in the 89236
state or ownership in the home was transferred before January 1, 89237
2000, and all of the following apply: 89238

(a) The home is affixed to a permanent foundation as 89239
defined in division (C) (5) of section 3781.06 of the Revised 89240
Code. 89241

(b) The home is located on land that is owned by the owner 89242
of the home. 89243

(c) The owner of the home has elected to have the home 89244
taxed as real property and, pursuant to section 4505.11 of the 89245

Revised Code, has surrendered the certificate of title to the 89246
auditor of the county containing the taxing district in which 89247
the home has its situs, together with proof that all taxes have 89248
been paid. 89249

(d) The county auditor has placed the home on the real 89250
property tax list and delivered the certificate of title to the 89251
clerk of the court of common pleas that issued it and the clerk 89252
has inactivated the certificate. 89253

(C) (1) Any mobile or manufactured home that is not taxed 89254
as real property as provided in division (B) of this section is 89255
subject to an annual manufactured home tax, payable by the 89256
owner, for locating the home in this state. The tax as levied in 89257
this section is for the purpose of supplementing the general 89258
revenue funds of the local subdivisions in which the home has 89259
its situs pursuant to this section. 89260

(2) The year for which the manufactured home tax is levied 89261
commences on the first day of January and ends on the following 89262
thirty-first day of December. The state shall have the first 89263
lien on any manufactured or mobile home on the list for the 89264
amount of taxes, penalties, and interest charged against the 89265
owner of the home under this section. The lien of the state for 89266
the tax for a year shall attach on the first day of January to a 89267
home that has acquired situs on that date. The lien for a home 89268
that has not acquired situs on the first day of January, but 89269
that acquires situs during the year, shall attach on the next 89270
first day of January. The lien shall continue until the tax, 89271
including any penalty or interest, is paid. 89272

(3) (a) The situs of a manufactured or mobile home located 89273
in this state on the first day of January is the local taxing 89274
district in which the home is located on that date. 89275

(b) The situs of a manufactured or mobile home not located 89276
in this state on the first day of January, but located in this 89277
state subsequent to that date, is the local taxing district in 89278
which the home is located thirty days after it is acquired or 89279
first enters this state. 89280

(4) The tax is collected by and paid to the county 89281
treasurer of the county containing the taxing district in which 89282
the home has its situs. 89283

(D) The manufactured home tax shall be computed and 89284
assessed by the county auditor of the county containing the 89285
taxing district in which the home has its situs as follows: 89286

(1) On a home that acquired situs in this state prior to 89287
January 1, 2000: 89288

(a) By multiplying the assessable value of the home by the 89289
tax rate of the taxing district in which the home has its situs, 89290
and deducting from the product thus obtained any reduction 89291
authorized under section 4503.065 of the Revised Code. The tax 89292
levied under this formula shall not be less than thirty-six 89293
dollars, unless the home qualifies for a reduction in assessable 89294
value under section 4503.065 of the Revised Code, in which case 89295
there shall be no minimum tax and the tax shall be the amount 89296
calculated under this division. 89297

(b) The assessable value of the home shall be forty per 89298
cent of the amount arrived at by the following computation: 89299

(i) If the cost to the owner, or market value at time of 89300
purchase, whichever is greater, of the home includes the 89301
furnishings and equipment, such cost or market value shall be 89302
multiplied according to the following schedule: 89303
89304

	1	2	3
A	For the first calendar year in which the home is owned by the current owner	x	80%
B	2nd calendar year	x	75%
C	3rd "	x	70%
D	4th "	x	65%
E	5th "	x	60%
F	6th "	x	55%
G	7th "	x	50%
H	8th "	x	45%
I	9th "	x	40%
J	10th and each year thereafter	x	35%

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year. 89305
89306
89307

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule: 89308
89309
89310
89311
89312

	1	2	3
A	For the first calendar year in which the	x	95%

home is owned by the current owner

B	2nd calendar year	x	90%
C	3rd "	x	85%
D	4th "	x	80%
E	5th "	x	75%
F	6th "	x	70%
G	7th "	x	65%
H	8th "	x	60%
I	9th "	x	55%
J	10th and each year thereafter	x	50%

The first calendar year means any period between the first 89313
day of January and the thirty-first day of December of the first 89314
year. 89315

(2) On a home in which ownership was transferred or that 89316
first acquired situs in this state on or after January 1, 2000: 89317

(a) By multiplying the assessable value of the home by the 89318
effective tax rate, as defined in section 323.08 of the Revised 89319
Code, for residential real property of the taxing district in 89320
which the home has its situs, and deducting from the product 89321
thus obtained the reductions required or authorized under 89322
section 319.302, division (B) of section 323.152, or section 89323
4503.065 of the Revised Code. 89324

(b) The assessable value of the home shall be thirty-five 89325

per cent of its true value as determined under division (L) of 89326
this section. 89327

(3) On or before the fifteenth day of January each year, 89328
the county auditor shall record the assessable value and the 89329
amount of tax on the manufactured or mobile home on the tax list 89330
and deliver a duplicate of the list to the county treasurer. In 89331
the case of an emergency as defined in section 323.17 of the 89332
Revised Code, the tax commissioner, by journal entry, may extend 89333
the times for delivery of the duplicate for an additional 89334
fifteen days upon receiving a written application from the 89335
county auditor regarding an extension for the delivery of the 89336
duplicate, or from the county treasurer regarding an extension 89337
of the time for the billing and collection of taxes. The 89338
application shall contain a statement describing the emergency 89339
that will cause the unavoidable delay and must be received by 89340
the tax commissioner on or before the last day of the month 89341
preceding the day delivery of the duplicate is otherwise 89342
required. When an extension is granted for delivery of the 89343
duplicate, the time period for payment of taxes shall be 89344
extended for a like period of time. When a delay in the closing 89345
of a tax collection period becomes unavoidable, the tax 89346
commissioner, upon application by the county auditor and county 89347
treasurer, may order the time for payment of taxes to be 89348
extended if the tax commissioner determines that penalties have 89349
accrued or would otherwise accrue for reasons beyond the control 89350
of the taxpayers of the county. The order shall prescribe the 89351
final extended date for payment of taxes for that collection 89352
period. 89353

(4) After January 1, 1999, the owner of a manufactured or 89354
mobile home taxed pursuant to division (D)(1) of this section 89355
may elect to have the home taxed pursuant to division (D)(2) of 89356

this section by filing a written request with the county auditor 89357
of the taxing district in which the home is located on or before 89358
the first day of December of any year. Upon the filing of the 89359
request, the county auditor shall determine whether all taxes 89360
levied under division (D) (1) of this section have been paid, and 89361
if those taxes have been paid, the county auditor shall tax the 89362
manufactured or mobile home pursuant to division (D) (2) of this 89363
section commencing in the next tax year. 89364

(5) A manufactured or mobile home that acquired situs in 89365
this state prior to January 1, 2000, shall be taxed pursuant to 89366
division (D) (2) of this section if no manufactured home tax had 89367
been paid for the home and the home was not exempted from 89368
taxation pursuant to division (E) of this section for the year 89369
for which the taxes were not paid. 89370

(6) (a) Immediately upon receipt of any manufactured home 89371
tax duplicate from the county auditor, but not less than twenty 89372
days prior to the last date on which the first one-half taxes 89373
may be paid without penalty as prescribed in division (F) of 89374
this section, the county treasurer shall cause to be prepared 89375
and mailed or delivered to each person charged on that duplicate 89376
with taxes, or to an agent designated by such person, the tax 89377
bill prescribed by the tax commissioner under division (D) (7) of 89378
this section. When taxes are paid by installments, the county 89379
treasurer shall mail or deliver to each person charged on such 89380
duplicate or the agent designated by that person a second tax 89381
bill showing the amount due at the time of the second tax 89382
collection. The second half tax bill shall be mailed or 89383
delivered at least twenty days prior to the close of the second 89384
half tax collection period. A change in the mailing address, 89385
electronic mail address, or telephone number of any tax bill 89386
shall be made in writing to the county treasurer. Failure to 89387

receive a bill required by this section does not excuse failure 89388
or delay to pay any taxes shown on the bill or, except as 89389
provided in division (B) (1) of section 5715.39 of the Revised 89390
Code, avoid any penalty, interest, or charge for such delay. 89391

A policy adopted by a county treasurer under division (A) 89392
(2) of section 323.13 of the Revised Code shall also allow any 89393
person required to receive a tax bill under division (D) (6) (a) 89394
of this section to request electronic delivery of that tax bill 89395
in the same manner. A person may rescind such a request in the 89396
same manner as a request made under division (A) (2) of section 89397
323.13 of the Revised Code. The request shall terminate upon a 89398
change in the name of the person charged with the taxes pursuant 89399
to section 4503.061 of the Revised Code. 89400

(b) After delivery of the copy of the delinquent 89401
manufactured home tax list under division (H) of this section, 89402
the county treasurer may prepare and mail to each person in 89403
whose name a home is listed an additional tax bill showing the 89404
total amount of delinquent taxes charged against the home as 89405
shown on the list. The tax bill shall include a notice that the 89406
interest charge prescribed by division (G) of this section has 89407
begun to accrue. 89408

(7) Each tax bill prepared and mailed or delivered under 89409
division (D) (6) of this section shall be in the form and contain 89410
the information required by the tax commissioner. The 89411
commissioner may prescribe different forms for each county and 89412
may authorize the county auditor to make up tax bills and tax 89413
receipts to be used by the county treasurer. The tax bill shall 89414
not contain or be mailed or delivered with any information or 89415
material that is not required by this section or that is not 89416
authorized by section 321.45 of the Revised Code or by the tax 89417

commissioner. In addition to the information required by the 89418
commissioner, each tax bill shall contain the following 89419
information: 89420

(a) The taxes levied and the taxes charged and payable 89421
against the manufactured or mobile home; 89422

(b) The following notice: "Notice: If the taxes are not 89423
paid within sixty days after the county auditor delivers the 89424
delinquent manufactured home tax list to the county treasurer, 89425
you and your home may be subject to collection proceedings for 89426
tax delinquency." Failure to provide such notice has no effect 89427
upon the validity of any tax judgment to which a home may be 89428
subjected. 89429

(c) In the case of manufactured or mobile homes taxed 89430
under division (D) (2) of this section, the following additional 89431
information: 89432

(i) The effective tax rate. The words "effective tax rate" 89433
shall appear in boldface type. 89434

(ii) The following notice: "Notice: If the taxes charged 89435
against this home have been reduced by the 2-1/2 per cent tax 89436
reduction for residences occupied by the owner but the home is 89437
not a residence occupied by the owner, the owner must notify the 89438
county auditor's office not later than March 31 of the year for 89439
which the taxes are due. Failure to do so may result in the 89440
owner being convicted of a fourth degree misdemeanor, which is 89441
punishable by imprisonment up to 30 days, a fine up to \$250, or 89442
both, and in the owner having to repay the amount by which the 89443
taxes were erroneously or illegally reduced, plus any interest 89444
that may apply. 89445

If the taxes charged against this home have not been 89446

reduced by the 2-1/2 per cent tax reduction and the home is a 89447
residence occupied by the owner, the home may qualify for the 89448
tax reduction. To obtain an application for the tax reduction or 89449
further information, the owner may contact the county auditor's 89450
office at _____ (insert the address and telephone number of 89451
the county auditor's office).". 89452

(d) For a manufactured or mobile home, the tax liability 89453
of which has been reduced under section 5705.316 of the Revised 89454
Code for the current tax year, the following notice: "Notice: 89455
The school district taxes shown due on this bill are reduced 89456
only for the current year due to the school district's excess 89457
carry-over balance." 89458

(E) (1) A manufactured or mobile home is not subject to 89459
this section when any of the following applies: 89460

(a) It is taxable as personal property pursuant to section 89461
5709.01 of the Revised Code. Any manufactured or mobile home 89462
that is used as a residence shall be subject to this section and 89463
shall not be taxable as personal property pursuant to section 89464
5709.01 of the Revised Code. 89465

(b) It bears a license plate issued by any state other 89466
than this state unless the home is in this state in excess of an 89467
accumulative period of thirty days in any calendar year. 89468

(c) The annual tax has been paid on the home in this state 89469
for the current year. 89470

(d) The tax commissioner has determined, pursuant to 89471
section 5715.27 of the Revised Code, that the property is exempt 89472
from taxation, or would be exempt from taxation under Chapter 89473
5709. of the Revised Code if it were classified as real 89474
property. 89475

(2) A travel trailer or park trailer, as these terms are 89476
defined in section 4501.01 of the Revised Code, is not subject 89477
to this section if it is unused or unoccupied and stored at the 89478
owner's normal place of residence or at a recognized storage 89479
facility. 89480

(3) A travel trailer or park trailer, as these terms are 89481
defined in section 4501.01 of the Revised Code, is subject to 89482
this section and shall be taxed as a manufactured or mobile home 89483
if it has a situs longer than thirty days in one location and is 89484
connected to existing utilities, unless either of the following 89485
applies: 89486

(a) The situs is in a state facility or a camping or park 89487
area as defined in division (C), (Q), (S), or (V) of section 89488
3729.01 of the Revised Code. 89489

(b) The situs is in a camping or park area that is a tract 89490
of land that has been limited to recreational use by deed or 89491
zoning restrictions and subdivided for sale of five or more 89492
individual lots for the express or implied purpose of occupancy 89493
by either self-contained recreational vehicles as defined in 89494
division (T) of section 3729.01 of the Revised Code or by 89495
dependent recreational vehicles as defined in division (D) of 89496
section 3729.01 of the Revised Code. 89497

(F) Except as provided in division (D) (3) of this section, 89498
the manufactured home tax is due and payable as follows: 89499

(1) When a manufactured or mobile home has a situs in this 89500
state, as provided in this section, on the first day of January, 89501
one-half of the amount of the tax is due and payable on or 89502
before the first day of March and the balance is due and payable 89503
on or before the thirty-first day of July. At the option of the 89504

owner of the home, the tax for the entire year may be paid in 89505
full on the first day of March. 89506

(2) When a manufactured or mobile home first acquires a 89507
situs in this state after the first day of January, no tax is 89508
due and payable for that year. 89509

(G) (1) (a) Except as otherwise provided in division (G) (1) 89510
(b) of this section, if one-half of the current taxes charged 89511
under this section against a manufactured or mobile home, 89512
together with the full amount of any delinquent taxes, are not 89513
paid on or before the first day of March in that year, or on or 89514
before the last day for such payment as extended pursuant to 89515
section 4503.063 of the Revised Code, a penalty of ten per cent 89516
shall be charged against the unpaid balance of such half of the 89517
current taxes. If the total amount of all such taxes is not paid 89518
on or before the thirty-first day of July, next thereafter, or 89519
on or before the last day for payment as extended pursuant to 89520
section 4503.063 of the Revised Code, a like penalty shall be 89521
charged on the balance of the total amount of the unpaid current 89522
taxes. 89523

(b) After a valid delinquent tax contract that includes 89524
unpaid current taxes from a first-half collection period 89525
described in division (F) of this section has been entered into 89526
under section 323.31 of the Revised Code, no ten per cent 89527
penalty shall be charged against such taxes after the second- 89528
half collection period while the delinquent tax contract remains 89529
in effect. On the day a delinquent tax contract becomes void, 89530
the ten per cent penalty shall be charged against such taxes and 89531
shall equal the amount of penalty that would have been charged 89532
against unpaid current taxes outstanding on the date on which 89533
the second-half penalty would have been charged thereon under 89534

division (G) (1) (a) of this section if the contract had not been 89535
in effect. 89536

(2) (a) On the first day of the month following the last 89537
day the second installment of taxes may be paid without penalty 89538
beginning in 2000, interest shall be charged against and 89539
computed on all delinquent taxes other than the current taxes 89540
that became delinquent taxes at the close of the last day such 89541
second installment could be paid without penalty. The charge 89542
shall be for interest that accrued during the period that began 89543
on the preceding first day of December and ended on the last day 89544
of the month that included the last date such second installment 89545
could be paid without penalty. The interest shall be computed at 89546
the rate per annum prescribed by section 5703.47 of the Revised 89547
Code and shall be entered as a separate item on the delinquent 89548
manufactured home tax list compiled under division (H) of this 89549
section. 89550

(b) On the first day of December beginning in 2000, the 89551
interest shall be charged against and computed on all delinquent 89552
taxes. The charge shall be for interest that accrued during the 89553
period that began on the first day of the month following the 89554
last date prescribed for the payment of the second installment 89555
of taxes in the current year and ended on the immediately 89556
preceding last day of November. The interest shall be computed 89557
at the rate per annum prescribed by section 5703.47 of the 89558
Revised Code and shall be entered as a separate item on the 89559
delinquent manufactured home tax list. 89560

(c) After a valid undertaking has been entered into for 89561
the payment of any delinquent taxes, no interest shall be 89562
charged against such delinquent taxes while the undertaking 89563
remains in effect in compliance with section 323.31 of the 89564

Revised Code. If a valid undertaking becomes void, interest 89565
shall be charged against the delinquent taxes for the periods 89566
that interest was not permitted to be charged while the 89567
undertaking was in effect. The interest shall be charged on the 89568
day the undertaking becomes void and shall equal the amount of 89569
interest that would have been charged against the unpaid 89570
delinquent taxes outstanding on the dates on which interest 89571
would have been charged thereon under divisions (G) (1) and (2) 89572
of this section had the undertaking not been in effect. 89573

(3) If the full amount of the taxes due at either of the 89574
times prescribed by division (F) of this section is paid within 89575
ten days after such time, the county treasurer shall waive the 89576
collection of and the county auditor shall remit one-half of the 89577
penalty provided for in this division for failure to make that 89578
payment by the prescribed time. 89579

(4) The treasurer shall compile and deliver to the county 89580
auditor a list of all tax payments the treasurer has received as 89581
provided in division (G) (3) of this section. The list shall 89582
include any information required by the auditor for the 89583
remission of the penalties waived by the treasurer. The taxes so 89584
collected shall be included in the settlement next succeeding 89585
the settlement then in process. 89586

(H) (1) The county auditor shall compile annually a 89587
"delinquent manufactured home tax list" consisting of homes the 89588
county treasurer's records indicate have taxes that were not 89589
paid within the time prescribed by divisions (D) (3) and (F) of 89590
this section, have taxes that remain unpaid from prior years, or 89591
have unpaid tax penalties or interest that have been assessed. 89592

(2) Within thirty days after the settlement under division 89593
(H) (2) of section 321.24 of the Revised Code, the county auditor 89594

shall deliver a copy of the delinquent manufactured home tax 89595
list to the county treasurer. The auditor shall update and 89596
publish the delinquent manufactured home tax list annually in 89597
the same manner as delinquent real property tax lists are 89598
published. The county auditor may apportion the cost of 89599
publishing the list among taxing districts in proportion to the 89600
amount of delinquent manufactured home taxes so published that 89601
each taxing district is entitled to receive upon collection of 89602
those taxes, or the county auditor may charge the owner of a 89603
home on the list a flat fee established under section 319.54 of 89604
the Revised Code for the cost of publishing the list and, if the 89605
fee is not paid, may place the fee upon the delinquent 89606
manufactured home tax list as a lien on the listed home, to be 89607
collected as other manufactured home taxes. 89608

(3) When taxes, penalties, or interest are charged against 89609
a person on the delinquent manufactured home tax list and are 89610
not paid within sixty days after the list is delivered to the 89611
county treasurer, the county treasurer shall, in addition to any 89612
other remedy provided by law for the collection of taxes, 89613
penalties, and interest, enforce collection of such taxes, 89614
penalties, and interest by civil action in the name of the 89615
treasurer against the owner for the recovery of the unpaid taxes 89616
following the procedures for the recovery of delinquent real 89617
property taxes in sections 323.25 to 323.28 of the Revised Code. 89618
The action may be brought in municipal or county court, provided 89619
the amount charged does not exceed the monetary limitations for 89620
original jurisdiction for civil actions in those courts. 89621

It is sufficient, having made proper parties to the suit, 89622
for the county treasurer to allege in the treasurer's bill of 89623
particulars or petition that the taxes stand chargeable on the 89624
books of the county treasurer against such person, that they are 89625

due and unpaid, and that such person is indebted in the amount 89626
of taxes appearing to be due the county. The treasurer need not 89627
set forth any other matter relating thereto. If it is found on 89628
the trial of the action that the person is indebted to the 89629
state, judgment shall be rendered in favor of the county 89630
treasurer prosecuting the action. The judgment debtor is not 89631
entitled to the benefit of any law for stay of execution or 89632
exemption of property from levy or sale on execution in the 89633
enforcement of the judgment. 89634

Upon the filing of an entry of confirmation of sale or an 89635
order of forfeiture in a proceeding brought under this division, 89636
title to the manufactured or mobile home shall be in the 89637
purchaser. The clerk of courts shall issue a certificate of 89638
title to the purchaser upon presentation of proof of filing of 89639
the entry of confirmation or order and, in the case of a 89640
forfeiture, presentation of the county auditor's certificate of 89641
sale. 89642

(I) The total amount of taxes collected shall be 89643
distributed in the following manner: four per cent shall be 89644
allowed as compensation to the county auditor for the county 89645
auditor's service in assessing the taxes; two per cent shall be 89646
allowed as compensation to the county treasurer for the services 89647
the county treasurer renders as a result of the tax levied by 89648
this section. Such amounts shall be paid into the county 89649
treasury, to the credit of the county general revenue fund, on 89650
the warrant of the county auditor. Fees to be paid to the credit 89651
of the real estate assessment fund shall be collected pursuant 89652
to division (C) of section 319.54 of the Revised Code and paid 89653
into the county treasury, on the warrant of the county auditor. 89654
The balance of the taxes collected shall be distributed among 89655
the taxing subdivisions of the county in which the taxes are 89656

collected and paid in the same proportions that the amount of 89657
manufactured home tax levied by each taxing subdivision of the 89658
county in the current tax year bears to the amount of such tax 89659
levied by all such subdivisions in the county in the current tax 89660
year. The taxes levied and revenues collected under this section 89661
shall be in lieu of any general property tax and any tax levied 89662
with respect to the privilege of using or occupying a 89663
manufactured or mobile home in this state except as provided in 89664
sections 4503.04 and 5741.02 of the Revised Code. 89665

(J) An agreement to purchase or a bill of sale for a 89666
manufactured home shall show whether or not the furnishings and 89667
equipment are included in the purchase price. 89668

(K) If the county treasurer and the county prosecuting 89669
attorney agree that an item charged on the delinquent 89670
manufactured home tax list is uncollectible, they shall certify 89671
that determination and the reasons to the county board of 89672
revision. If the board determines the amount is uncollectible, 89673
it shall certify its determination to the county auditor, who 89674
shall strike the item from the list. 89675

(L) (1) The county auditor shall appraise at its true value 89676
any manufactured or mobile home in which ownership is 89677
transferred or which first acquires situs in this state on or 89678
after January 1, 2000, and any manufactured or mobile home the 89679
owner of which has elected, under division (D) (4) of this 89680
section, to have the home taxed under division (D) (2) of this 89681
section. The true value shall include the value of the home, any 89682
additions, and any fixtures, but not any furnishings in the 89683
home. In determining the true value of a manufactured or mobile 89684
home, the auditor shall consider all facts and circumstances 89685
relating to the value of the home, including its age, its 89686

capacity to function as a residence, any obsolete 89687
characteristics, and other factors that may tend to prove its 89688
true value. 89689

(2) (a) If a manufactured or mobile home has been the 89690
subject of an arm's length sale between a willing seller and a 89691
willing buyer within a reasonable length of time prior to the 89692
determination of true value, the county auditor shall consider 89693
the sale price of the home to be the true value for taxation 89694
purposes. 89695

(b) The sale price in an arm's length transaction between 89696
a willing seller and a willing buyer shall not be considered the 89697
true value of the home if either of the following occurred after 89698
the sale: 89699

(i) The home has lost value due to a casualty. 89700

(ii) An addition or fixture has been added to the home. 89701

(3) The county auditor shall have each home viewed and 89702
appraised at least once in each six-year period in the same year 89703
in which real property in the county is appraised pursuant to 89704
Chapter 5713. of the Revised Code, and shall update the 89705
appraised values in the third calendar year following the 89706
appraisal. The person viewing or appraising a home may enter the 89707
home to determine by actual view any additions or fixtures that 89708
have been added since the last appraisal. In conducting the 89709
appraisals and establishing the true value, the auditor shall 89710
follow the procedures set forth for appraising real property in 89711
sections 5713.01 and 5713.03 of the Revised Code. 89712

(4) The county auditor shall place the true value of each 89713
home on the manufactured home tax list upon completion of an 89714
appraisal. 89715

(5) (a) If the county auditor changes the true value of a home, the auditor shall notify the owner of the home in writing, delivered by mail or in person. The notice shall be given at least thirty days prior to the issuance of any tax bill that reflects the change. Failure to receive the notice does not invalidate any proceeding under this section.

(b) Any owner of a home or any other person or party that would be authorized to file a complaint under division (A) of section 5715.19 of the Revised Code if the home was real property may file a complaint against the true value of the home as appraised under this section. The complaint shall be filed with the county auditor on or before the thirty-first day of March of the current tax year or the date of closing of the collection for the first half of manufactured home taxes for the current tax year, whichever is later. The auditor shall present to the county board of revision all complaints filed with the auditor under this section. The board shall hear and investigate the complaint and may take action on it as provided under sections 5715.11 to 5715.19 of the Revised Code.

(c) If the county board of revision determines, pursuant to a complaint against the valuation of a manufactured or mobile home filed under this section, that the amount of taxes, assessments, or other charges paid was in excess of the amount due based on the valuation as finally determined, then the overpayment shall be refunded in the manner prescribed in section 5715.22 of the Revised Code.

(d) Payment of all or part of a tax under this section for any year for which a complaint is pending before the county board of revision does not abate the complaint or in any way affect the hearing and determination thereof.

(M) If the county auditor determines that any tax or other charge or any part thereof has been erroneously charged as a result of a clerical error as defined in section 319.35 of the Revised Code, the county auditor shall call the attention of the county board of revision to the erroneous charges. If the board finds that the taxes or other charges have been erroneously charged or collected, it shall certify the finding to the auditor. Upon receipt of the certification, the auditor shall remove the erroneous charges on the manufactured home tax list or delinquent manufactured home tax list in the same manner as is prescribed in section 319.35 of the Revised Code for erroneous charges against real property, and refund any erroneous charges that have been collected, with interest, in the same manner as is prescribed in section 319.36 of the Revised Code for erroneous charges against real property.

(N) As used in this section and section 4503.061 of the Revised Code:

(1) "Manufactured home taxes" includes taxes, penalties, and interest charged under division (C) or (G) of this section and any penalties charged under division (G) or (H) (5) of section 4503.061 of the Revised Code.

(2) "Current taxes" means all manufactured home taxes charged against a manufactured or mobile home that have not appeared on the manufactured home tax list for any prior year. Current taxes become delinquent taxes if they remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent.

(3) "Delinquent taxes" means:

(a) Any manufactured home taxes that were charged against 89775
a manufactured or mobile home for a prior year, including any 89776
penalties or interest charged for a prior year and the costs of 89777
publication under division (H) (2) of this section, and that 89778
remain unpaid; 89779

(b) Any current manufactured home taxes charged against a 89780
manufactured or mobile home that remain unpaid after the last 89781
day prescribed for payment of the second installment of current 89782
taxes without penalty, whether or not they have been certified 89783
delinquent, including any penalties or interest and the costs of 89784
publication under division (H) (2) of this section. 89785

Sec. 4503.065. (A) (1) Division (A) of this section applies 89786
to any of the following persons: 89787

(a) An individual who is permanently and totally disabled; 89788

(b) An individual who is sixty-five years of age or older; 89789

(c) An individual who is the surviving spouse of a 89790
deceased person who was permanently and totally disabled or 89791
sixty-five years of age or older and who applied and qualified 89792
for a reduction in assessable value under this section in the 89793
year of death, provided the surviving spouse is at least fifty- 89794
nine but not sixty-five or more years of age on the date the 89795
deceased spouse dies. 89796

(2) The manufactured home tax on a manufactured or mobile 89797
home that is paid pursuant to division (C) of section 4503.06 of 89798
the Revised Code and that is owned and occupied as a home by an 89799
individual whose domicile is in this state and to whom this 89800
section applies, shall be reduced for any tax year for which an 89801
application for such reduction has been approved, provided the 89802
individual did not acquire ownership from a person, other than 89803

the individual's spouse, related by consanguinity or affinity 89804
for the purpose of qualifying for the reduction. An owner 89805
includes a settlor of a revocable or irrevocable inter vivos 89806
trust holding the title to a manufactured or mobile home 89807
occupied by the settlor as of right under the trust. 89808

(a) For manufactured and mobile homes for which the tax 89809
imposed by section 4503.06 of the Revised Code is computed under 89810
division (D) (2) of that section, the reduction shall equal one 89811
of the following amounts, as applicable to the person: 89812

(i) If the person received a reduction under this section 89813
for tax year 2007, the greater of the reduction for that tax 89814
year or the amount computed under division (A) (2) (b) of this 89815
section; 89816

(ii) If the person received, for any homestead, a 89817
reduction under division (A) of this section for tax year 2014 89818
or under division (A) (1) of section 323.152 of the Revised Code 89819
for tax year 2013 or the person is the surviving spouse of such 89820
a person and the surviving spouse is at least fifty-nine years 89821
of age on the date the deceased spouse dies, the amount computed 89822
under division (A) (2) (b) of this section. 89823

(iii) If the person is not described in division (A) (2) (a) 89824
(i) or (ii) of this section and the person's total income does 89825
not exceed ~~thirty-four~~ thirty-two thousand five hundred dollars, as 89826
adjusted under division (A) (2) (e) of this section, the amount 89827
computed under division (A) (2) (b) of this section. 89828

(b) The amount of the reduction under division (A) (2) (b) 89829
of this section equals the product of the following: 89830

(i) ~~Twenty-five~~ Thirty-two thousand dollars of the true 89831
value of the property in money, as adjusted under division (A) 89832

(2) (e) of this section; 89833

(ii) The assessment percentage established by the tax 89834
commissioner under division (B) of section 5715.01 of the 89835
Revised Code, not to exceed thirty-five per cent; 89836

(iii) The effective tax rate used to calculate the taxes 89837
charged against the property for the current year, where 89838
"effective tax rate" is defined as in section 323.08 of the 89839
Revised Code; 89840

(iv) The quantity equal to one minus the sum of the 89841
percentage reductions in taxes received by the property for the 89842
current tax year under section 319.302 of the Revised Code and 89843
division (B) of section 323.152 of the Revised Code. 89844

(c) For manufactured and mobile homes for which the tax 89845
imposed by section 4503.06 of the Revised Code is computed under 89846
division (D) (1) of that section, the reduction shall equal one 89847
of the following amounts, as applicable to the person: 89848

(i) If the person received a reduction under this section 89849
for tax year 2007, the greater of the reduction for that tax 89850
year or the amount computed under division (A) (2) (d) of this 89851
section; 89852

(ii) If the person received, for any homestead, a 89853
reduction under division (A) of this section for tax year 2014 89854
or under division (A) (1) of section 323.152 of the Revised Code 89855
for tax year 2013 or the person is the surviving spouse of such 89856
a person and the surviving spouse is at least fifty-nine years 89857
of age on the date the deceased spouse dies, the amount computed 89858
under division (A) (2) (d) of this section. 89859

(iii) If the person is not described in division (A) (2) (c) 89860
(i) or (ii) of this section and the person's total income does 89861

not exceed ~~thirty-four~~thirty-two thousand five hundred dollars, as 89862
adjusted under division (A) (2) (e) of this section, the amount 89863
computed under division (A) (2) (d) of this section. 89864

(d) The amount of the reduction under division (A) (2) (d) 89865
of this section equals the product of the following: 89866

(i) ~~Twenty-five~~Thirty-two thousand dollars of the cost to 89867
the owner, or the market value at the time of purchase, 89868
whichever is greater, as those terms are used in division (D) (1) 89869
of section 4503.06 of the Revised Code, and as adjusted under 89870
division (A) (2) (e) of this section; 89871

(ii) The percentage from the appropriate schedule in 89872
division (D) (1) (b) of section 4503.06 of the Revised Code; 89873

(iii) The assessment percentage of forty per cent used in 89874
division (D) (1) (b) of section 4503.06 of the Revised Code; 89875

(iv) The tax rate of the taxing district in which the home 89876
has its situs. 89877

(e) The tax commissioner shall adjust the income threshold 89878
described in divisions (A) (2) (a) (iii) and (A) (2) (c) (iii) and the 89879
reduction amounts described in divisions (A) (2) (b) (i), (A) (2) (d) 89880
(i), (B) (1), (B) (2), (C) (1), and (C) (2) of this section by 89881
completing the following calculations in September of each year: 89882

(i) Determine the percentage increase in the gross 89883
domestic product deflator determined by the bureau of economic 89884
analysis of the United States department of commerce from the 89885
first day of January of the preceding calendar year to the last 89886
day of December of the preceding calendar year; 89887

(ii) Multiply that percentage increase by the total income 89888
threshold or reduction amount for the ensuing tax year, as 89889

applicable; 89890

(iii) Add the resulting product to the total income 89891
threshold or reduction amount, as applicable for the ensuing tax 89892
year; 89893

(iv) Round the resulting sum to the nearest multiple of 89894
one hundred dollars. 89895

The commissioner shall certify the amount resulting from 89896
each adjustment to each county auditor not later than the first 89897
day of December each year. The certified amount applies to the 89898
second ensuing tax year. The commissioner shall not make the 89899
applicable adjustment in any calendar year in which the amount 89900
resulting from the adjustment would be less than the total 89901
income threshold or the reduction amount for the ensuing tax 89902
year. 89903

(B) (1) The manufactured home tax levied pursuant to 89904
division (C) of section 4503.06 of the Revised Code on a 89905
manufactured or mobile home that is owned and occupied by a 89906
disabled veteran shall be reduced for any tax year for which an 89907
application for such reduction has been approved, provided the 89908
disabled veteran did not acquire ownership from a person, other 89909
than the disabled veteran's spouse, related by consanguinity or 89910
affinity for the purpose of qualifying for the reduction. An 89911
owner includes an owner within the meaning of division (A) (2) of 89912
this section. 89913

(a) For manufactured and mobile homes for which the tax 89914
imposed by section 4503.06 of the Revised Code is computed under 89915
division (D) (2) of that section, the reduction shall equal the 89916
product obtained by multiplying fifty-fifty-nine thousand 89917
dollars of the true value of the property in money, as adjusted 89918

under division (A) (2) (e) of this section, by the amounts 89919
described in divisions (A) (2) (b) (ii) to (iv) of this section. 89920

(b) For manufactured and mobile homes for which the tax 89921
imposed by section 4503.06 of the Revised Code is computed under 89922
division (D) (1) of that section, the reduction shall equal the 89923
product obtained by multiplying ~~fifty~~fifty-nine thousand 89924
dollars of the cost to the owner, or the market value at the 89925
time of purchase, whichever is greater, as those terms are used 89926
in division (D) (1) of section 4503.06 of the Revised Code, as 89927
adjusted under division (A) (2) (e) of this section, by the 89928
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 89929
section. 89930

The reduction is in lieu of any reduction under section 89931
4503.0610 of the Revised Code or division (A), (B) (2), or (C) of 89932
this section. The reduction applies to only one manufactured or 89933
mobile home owned and occupied by a disabled veteran. 89934

(2) The manufactured home tax levied pursuant to division 89935
(C) of section 4503.06 of the Revised Code on a manufactured or 89936
mobile home that is owned and occupied by the surviving spouse 89937
of a disabled veteran shall be reduced for each tax year for 89938
which an application for such reduction has been approved. The 89939
reduction shall equal the amount of the reduction authorized 89940
under division (B) (1) (a) or (b) of this section, as applicable. 89941
An owner includes an owner within the meaning of division (A) (2) 89942
of this section. 89943

The reduction is in lieu of any reduction under section 89944
4503.0610 of the Revised Code or division (A), (B) (1), or (C) of 89945
this section. The reduction applies to only one manufactured or 89946
mobile home owned and occupied by the surviving spouse of a 89947
disabled veteran. A manufactured or mobile home qualifies for a 89948

reduction in taxes under division (B) (2) of this section 89949
beginning in one of the following tax years: 89950

(a) For a surviving spouse described in division (H) (1) of 89951
section 4503.064 of the Revised Code, the year the disabled 89952
veteran dies; 89953

(b) For a surviving spouse described in division (H) (2) of 89954
section 4503.064 of the Revised Code, the first year on the 89955
first day of January of which the total disability rating 89956
described in division (F) of section 323.151 of the Revised Code 89957
has been received for the deceased spouse. 89958

In either case, the reduction shall continue through the 89959
tax year in which the surviving spouse dies or remarries. 89960

(C) The manufactured home tax levied pursuant to division 89961
(C) of section 4503.06 of the Revised Code on a manufactured or 89962
mobile home that is owned and occupied by the surviving spouse 89963
of a public service officer killed in the line of duty shall be 89964
reduced for any tax year for which an application for such 89965
reduction has been approved, provided the surviving spouse did 89966
not acquire ownership from a person, other than the surviving 89967
spouse's deceased public service officer spouse, related by 89968
consanguinity or affinity for the purpose of qualifying for the 89969
reduction. An owner includes an owner within the meaning of 89970
division (A) (2) of this section. 89971

(1) For manufactured and mobile homes for which the tax 89972
imposed by section 4503.06 of the Revised Code is computed under 89973
division (D) (2) of that section, the reduction shall equal the 89974
product obtained by multiplying ~~fifty~~fifty-nine thousand 89975
dollars of the true value of the property in money, as adjusted 89976
under division (A) (2) (e) of this section, by the amounts 89977

described in divisions (A) (2) (b) (ii) to (iv) of this section. 89978

(2) For manufactured and mobile homes for which the tax 89979
imposed by section 4503.06 of the Revised Code is computed under 89980
division (D) (1) of that section, the reduction shall equal the 89981
product obtained by multiplying ~~fifty~~fifty-nine thousand 89982
dollars of the cost to the owner, or the market value at the 89983
time of purchase, whichever is greater, as those terms are used 89984
in division (D) (1) of section 4503.06 of the Revised Code, as 89985
adjusted under division (A) (2) (e) of this section, by the 89986
amounts described in divisions (A) (2) (d) (ii) to (iv) of this 89987
section. 89988

The reduction is in lieu of any reduction under section 89989
4503.0610 of the Revised Code or division (A) or (B) of this 89990
section. The reduction applies to only one manufactured or 89991
mobile home owned and occupied by such a surviving spouse. A 89992
manufactured or mobile home qualifies for a reduction in taxes 89993
under this division for the tax year in which the public service 89994
officer dies through the tax year in which the surviving spouse 89995
dies or remarries. 89996

(D) If the owner or the spouse of the owner of a 89997
manufactured or mobile home is eligible for a homestead 89998
exemption on the land upon which the home is located, the 89999
reduction to which the owner or spouse is entitled under this 90000
section shall not exceed the difference between the reduction to 90001
which the owner or spouse is entitled under division (A), (B), 90002
or (C) of this section and the amount of the reduction under the 90003
homestead exemption. 90004

(E) No reduction shall be made with respect to the home of 90005
any person convicted of violating division (C) or (D) of section 90006
4503.066 of the Revised Code for a period of three years 90007

following the conviction. 90008

Sec. 4503.10. (A) The owner of every snowmobile, off- 90009
highway motorcycle, and all-purpose vehicle required to be 90010
registered under section 4519.02 of the Revised Code shall file 90011
an application for registration under section 4519.03 of the 90012
Revised Code. The owner of a motor vehicle, other than a 90013
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 90014
is not designed and constructed by the manufacturer for 90015
operation on a street or highway may not register it under this 90016
chapter except upon certification of inspection pursuant to 90017
section 4513.02 of the Revised Code by the sheriff, or the chief 90018
of police of the municipal corporation or township, with 90019
jurisdiction over the political subdivision in which the owner 90020
of the motor vehicle resides. Except as provided in sections 90021
4503.103 and 4503.107 of the Revised Code, every owner of every 90022
other motor vehicle not previously described in this section and 90023
every person mentioned as owner in the last certificate of title 90024
of a motor vehicle that is operated or driven upon the public 90025
roads or highways shall cause to be filed each year, by mail or 90026
otherwise, in the office of the registrar of motor vehicles or a 90027
deputy registrar, a written or electronic application or a 90028
preprinted registration renewal notice issued under section 90029
4503.102 of the Revised Code, the form of which shall be 90030
prescribed by the registrar, for registration for the following 90031
registration year, which shall begin on the first day of January 90032
of every calendar year and end on the thirty-first day of 90033
December in the same year. Applications for registration and 90034
registration renewal notices shall be filed at the times 90035
established by the registrar pursuant to section 4503.101 of the 90036
Revised Code. A motor vehicle owner also may elect to apply for 90037
or renew a motor vehicle registration by electronic means using 90038

electronic signature in accordance with rules adopted by the 90039
registrar. Except as provided in division (J) of this section, 90040
applications for registration shall be made on blanks furnished 90041
by the registrar for that purpose, containing the following 90042
information: 90043

(1) A brief description of the motor vehicle to be 90044
registered, including the year, make, model, and vehicle 90045
identification number, and, in the case of commercial cars, the 90046
gross weight of the vehicle fully equipped computed in the 90047
manner prescribed in section 4503.08 of the Revised Code; 90048

(2) The name and residence address of the owner, and the 90049
township and municipal corporation in which the owner resides; 90050

(3) The district of registration, which shall be 90051
determined as follows: 90052

(a) In case the motor vehicle to be registered is used for 90053
hire or principally in connection with any established business 90054
or branch business, conducted at a particular place, the 90055
district of registration is the municipal corporation in which 90056
that place is located or, if not located in any municipal 90057
corporation, the county and township in which that place is 90058
located. 90059

(b) In case the vehicle is not so used, the district of 90060
registration is the municipal corporation or county in which the 90061
owner resides at the time of making the application. 90062

(4) Whether the motor vehicle is a new or used motor 90063
vehicle; 90064

(5) The date of purchase of the motor vehicle; 90065

(6) Whether the fees required to be paid for the 90066

registration or transfer of the motor vehicle, during the 90067
preceding registration year and during the preceding period of 90068
the current registration year, have been paid. Each application 90069
for registration shall be signed by the owner, either manually 90070
or by electronic signature, or pursuant to obtaining a limited 90071
power of attorney authorized by the registrar for registration, 90072
or other document authorizing such signature. If the owner 90073
elects to apply for or renew the motor vehicle registration with 90074
the registrar by electronic means, the owner's manual signature 90075
is not required. 90076

(7) The owner's social security number, driver's license 90077
number, or state identification number, or, where a motor 90078
vehicle to be registered is used for hire or principally in 90079
connection with any established business, the owner's federal 90080
taxpayer identification number. The bureau of motor vehicles 90081
shall retain in its records all social security numbers provided 90082
under this section, but the bureau shall not place social 90083
security numbers on motor vehicle certificates of registration. 90084

(8) Whether the applicant wishes to certify willingness to 90085
make an anatomical gift if an applicant has not so certified 90086
under section 2108.05 of the Revised Code. The applicant's 90087
response shall not be considered in the decision of whether to 90088
approve the application for registration. 90089

(B) (1) When an applicant first registers a motor vehicle 90090
in the applicant's name, the applicant shall provide proof of 90091
ownership of that motor vehicle. Proof of ownership may include 90092
any of the following: 90093

(a) The applicant may present for inspection a physical 90094
certificate of title or memorandum certificate showing title to 90095
the motor vehicle to be registered in the name of the applicant. 90096

(b) The applicant may present for inspection an electronic 90097
certificate of title for the applicant's motor vehicle in a 90098
manner prescribed by rules adopted by the registrar. 90099

(c) The registrar or deputy registrar may electronically 90100
confirm the applicant's ownership of the motor vehicle. 90101

An applicant is not required to present a certificate of 90102
title to an electronic motor vehicle dealer acting as a limited 90103
authority deputy registrar in accordance with rules adopted by 90104
the registrar. 90105

(2) When a motor vehicle inspection and maintenance 90106
program is in effect under section 3704.14 of the Revised Code 90107
and rules adopted under it, each application for registration 90108
for a vehicle required to be inspected under that section and 90109
those rules shall be accompanied by an inspection certificate or 90110
alternative emissions certificate for the motor vehicle issued 90111
in accordance with that section. 90112

(3) An application for registration shall be refused if 90113
any of the following applies: 90114

(a) The application is not in proper form. 90115

(b) The application is prohibited from being accepted by 90116
division (D) of section 2935.27, division (A) of section 90117
4503.13, division (B) of section 4510.22, division (D) of 90118
section 4503.234, division (B) (1) of section 4521.10, or 90119
division (B) of section 5537.041 of the Revised Code. 90120

(c) Proof of ownership is required but is not presented or 90121
confirmed in accordance with division (B) (1) of this section. 90122

(d) All registration and transfer fees for the motor 90123
vehicle, for the preceding year or the preceding period of the 90124

current registration year, have not been paid. 90125

(e) The owner or lessee does not have an inspection 90126
certificate or alternative emissions certificate for the motor 90127
vehicle as provided in section 3704.14 of the Revised Code, and 90128
rules adopted under it, if that section is applicable. 90129

(4) This section does not require the payment of license 90130
or registration taxes on a motor vehicle for any preceding year, 90131
or for any preceding period of a year, if the motor vehicle was 90132
not taxable for that preceding year or period under sections 90133
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 90134
of the Revised Code. 90135

(5) When a certificate of registration is issued upon the 90136
first registration of a motor vehicle by or on behalf of the 90137
owner, the official issuing the certificate shall indicate the 90138
issuance with a stamp on the certificate of title or memorandum 90139
certificate or, in the case of an electronic certificate of 90140
title or electronic verification of ownership, an electronic 90141
stamp or other notation as specified in rules adopted by the 90142
registrar, and with a stamp on the inspection certificate for 90143
the motor vehicle, if any. 90144

(6) The official also shall indicate, by a stamp or by 90145
other means the registrar prescribes, on the registration 90146
certificate issued upon the first registration of a motor 90147
vehicle by or on behalf of the owner the odometer reading of the 90148
motor vehicle as shown in the odometer statement included in or 90149
attached to the certificate of title. Upon each subsequent 90150
registration of the motor vehicle by or on behalf of the same 90151
owner, the official also shall so indicate the odometer reading 90152
of the motor vehicle as shown on the immediately preceding 90153
certificate of registration. 90154

(7) The registrar shall include in the permanent 90155
registration record of any vehicle required to be inspected 90156
under section 3704.14 of the Revised Code the inspection 90157
certificate number from the inspection certificate or the 90158
alternative emissions certificate number from the alternative 90159
emissions certificate that is presented at the time of 90160
registration of the vehicle as required under this division. 90161

~~(C) (1) Except as otherwise provided in division (C) (1) of~~ 90162
~~this section, the~~ The registrar and each deputy registrar shall 90163
collect ~~an~~ the following additional ~~fee of eleven dollars~~ fees 90164
for each application for registration and registration renewal 90165
received~~;~~: 90166

(a) Except as provided in division (C) (1) (b) of this 90167
section, a fee of eleven dollars on or before December 31, 2025, 90168
and a fee of sixteen dollars on and after January 1, 2026; 90169

(b) For vehicles specified in divisions (A) (1) to (21) of 90170
section 4503.042 of the Revised Code, the registrar and deputy 90171
registrar shall collect an additional a fee of thirty dollars 90172
for each application for registration and registration renewal 90173
received on or before December 31, 2025, and a fee of thirty-five 90174
dollars on and after January 1, 2026. 90175

No additional fee shall be charged for vehicles registered 90176
under section 4503.65 of the Revised Code. ~~The~~ Each additional 90177
fee is for the purpose of defraying the department of public 90178
safety's costs associated with the administration and 90179
enforcement of the motor vehicle and traffic laws of Ohio. Each 90180
deputy registrar shall transmit the fees collected under 90181
divisions (C) (1) and (3) of this section in the time and manner 90182
provided in this section. The registrar shall deposit all moneys 90183
received under division (C) (1) of this section into the public 90184

safety - highway purposes fund established in section 4501.06 of 90185
the Revised Code. 90186

(2) In addition, a charge of twenty-five cents shall be 90187
made for each reflectorized safety license plate issued, and a 90188
single charge of twenty-five cents shall be made for each county 90189
identification sticker or each set of county identification 90190
stickers issued, as the case may be, to cover the cost of 90191
producing the license plates and stickers, including material, 90192
manufacturing, and administrative costs. Those fees shall be in 90193
addition to the license tax. If the total cost of producing the 90194
plates is less than twenty-five cents per plate, or if the total 90195
cost of producing the stickers is less than twenty-five cents 90196
per sticker or per set issued, any excess moneys accruing from 90197
the fees shall be distributed in the same manner as provided by 90198
section 4501.04 of the Revised Code for the distribution of 90199
license tax moneys. If the total cost of producing the plates 90200
exceeds twenty-five cents per plate, or if the total cost of 90201
producing the stickers exceeds twenty-five cents per sticker or 90202
per set issued, the difference shall be paid from the license 90203
tax moneys collected pursuant to section 4503.02 of the Revised 90204
Code. 90205

(3) The registrar and each deputy registrar shall collect 90206
the following additional fee, as applicable, for each 90207
application for registration or registration renewal received 90208
for any hybrid motor vehicle, plug-in hybrid electric motor 90209
vehicle, or battery electric motor vehicle: 90210

(a) One hundred dollars for a hybrid motor vehicle; 90211

(b) One hundred fifty dollars for a plug-in hybrid 90212
electric motor vehicle; 90213

(c) Two hundred dollars for a battery electric motor vehicle. 90214
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Each fee imposed under this division shall be prorated 90216
based on the number of months for which the vehicle is 90217
registered. The registrar shall transmit all money arising from 90218
each fee to the treasurer of state for distribution in 90219
accordance with division (E) of section 5735.051 of the Revised 90220
Code, subject to division (D) of section 5735.05 of the Revised 90221
Code. 90222

(D) Each deputy registrar shall be allowed a fee equal to 90223
the amount established under section 4503.038 of the Revised 90224
Code for each application for registration and registration 90225
renewal notice the deputy registrar receives, which shall be for 90226
the purpose of compensating the deputy registrar for the deputy 90227
registrar's services, and such office and rental expenses, as 90228
may be necessary for the proper discharge of the deputy 90229
registrar's duties in the receiving of applications and renewal 90230
notices and the issuing of registrations. 90231

(E) Upon the certification of the registrar, the county 90232
sheriff or local police officials shall recover license plates 90233
erroneously or fraudulently issued. 90234

(F) Each deputy registrar, upon receipt of any application 90235
for registration or registration renewal notice, together with 90236
the license fee and any local motor vehicle license tax levied 90237
pursuant to Chapter 4504. of the Revised Code, shall transmit 90238
that fee and tax, if any, in the manner provided in this 90239
section, together with the original and duplicate copy of the 90240
application, to the registrar. The registrar, subject to the 90241
approval of the director of public safety, may deposit the funds 90242
collected by those deputies in a local bank or depository to the 90243

credit of the "state of Ohio, bureau of motor vehicles." Where a 90244
local bank or depository has been designated by the registrar, 90245
each deputy registrar shall deposit all moneys collected by the 90246
deputy registrar into that bank or depository not more than one 90247
business day after their collection and shall make reports to 90248
the registrar of the amounts so deposited, together with any 90249
other information, some of which may be prescribed by the 90250
treasurer of state, as the registrar may require and as 90251
prescribed by the registrar by rule. The registrar, within three 90252
days after receipt of notification of the deposit of funds by a 90253
deputy registrar in a local bank or depository, shall draw on 90254
that account in favor of the treasurer of state. The registrar, 90255
subject to the approval of the director and the treasurer of 90256
state, may make reasonable rules necessary for the prompt 90257
transmittal of fees and for safeguarding the interests of the 90258
state and of counties, townships, municipal corporations, and 90259
transportation improvement districts levying local motor vehicle 90260
license taxes. The registrar may pay service charges usually 90261
collected by banks and depositories for such service. If deputy 90262
registrars are located in communities where banking facilities 90263
are not available, they shall transmit the fees forthwith, by 90264
money order or otherwise, as the registrar, by rule approved by 90265
the director and the treasurer of state, may prescribe. The 90266
registrar may pay the usual and customary fees for such service. 90267

(G) This section does not prevent any person from making 90268
an application for a motor vehicle license directly to the 90269
registrar by mail, by electronic means, or in person at any of 90270
the registrar's offices, upon payment of a service fee equal to 90271
the amount established under section 4503.038 of the Revised 90272
Code for each application. 90273

(H) No person shall make a false statement as to the 90274

district of registration in an application required by division 90275
(A) of this section. Violation of this division is falsification 90276
under section 2921.13 of the Revised Code and punishable as 90277
specified in that section. 90278

(I) (1) Where applicable, the requirements of division (B) 90279
of this section relating to the presentation of an inspection 90280
certificate issued under section 3704.14 of the Revised Code and 90281
rules adopted under it for a motor vehicle, the refusal of a 90282
license for failure to present an inspection certificate or 90283
alternative emissions certificate, and the stamping of the 90284
inspection certificate or alternative emissions certificate by 90285
the official issuing the certificate of registration apply to 90286
the registration of and issuance of license plates for a motor 90287
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 90288
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 90289
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 90290
Code. 90291

(2) (a) The registrar shall adopt rules ensuring that each 90292
owner registering a motor vehicle in a county where a motor 90293
vehicle inspection and maintenance program is in effect under 90294
section 3704.14 of the Revised Code and rules adopted under it 90295
receives information about the requirements established in that 90296
section and those rules and about the need in those counties to 90297
present an inspection certificate or an alternative emissions 90298
certificate with an application for registration or 90299
preregistration. 90300

(b) Upon request, the registrar shall provide the director 90301
of environmental protection, or any person that has been awarded 90302
a contract under section 3704.14 of the Revised Code, an on-line 90303
computer data link to registration information for all passenger 90304

cars, noncommercial motor vehicles, and commercial cars that are 90305
subject to that section. The registrar also shall provide to the 90306
director of environmental protection a magnetic data tape 90307
containing registration information regarding passenger cars, 90308
noncommercial motor vehicles, and commercial cars for which a 90309
multi-year registration is in effect under section 4503.103 of 90310
the Revised Code or rules adopted under it, including, without 90311
limitation, the date of issuance of the multi-year registration, 90312
the registration deadline established under rules adopted under 90313
section 4503.101 of the Revised Code that was applicable in the 90314
year in which the multi-year registration was issued, and the 90315
registration deadline for renewal of the multi-year 90316
registration. 90317

(J) Subject to division (K) of this section, application 90318
for registration under the international registration plan, as 90319
set forth in sections 4503.60 to 4503.66 of the Revised Code, 90320
shall be made to the registrar on forms furnished by the 90321
registrar. In accordance with international registration plan 90322
guidelines and pursuant to rules adopted by the registrar, the 90323
forms shall include the following: 90324

(1) A uniform mileage schedule; 90325

(2) The gross vehicle weight of the vehicle or combined 90326
gross vehicle weight of the combination vehicle as declared by 90327
the registrant; 90328

(3) Any other information the registrar requires by rule. 90329

(K) The registrar shall determine the feasibility of 90330
implementing an electronic commercial fleet licensing and 90331
management program that will enable the owners of commercial 90332
tractors, commercial trailers, and commercial semitrailers to 90333

conduct electronic transactions by July 1, 2010, or sooner. If 90334
the registrar determines that implementing such a program is 90335
feasible, the registrar shall adopt new rules under this 90336
division or amend existing rules adopted under this division as 90337
necessary in order to respond to advances in technology. 90338

If international registration plan guidelines and 90339
provisions allow member jurisdictions to permit applications for 90340
registrations under the international registration plan to be 90341
made via the internet, the rules the registrar adopts under this 90342
division shall permit such action. 90343

Sec. 4503.102. ~~(A)~~ (A) (1) The registrar of motor vehicles 90344
~~shall may~~ adopt rules to establish a centralized system of motor 90345
vehicle registration for initial registration, registration 90346
renewal, and transfer of registration, by mail or by electronic 90347
means. ~~Any~~ 90348

(2) Any person applying electronically for initial 90349
registration or for transfer of registration may submit all 90350
associated documents electronically through the centralized 90351
system of motor vehicle registration established under this 90352
section. The registrar or a deputy registrar shall verify and 90353
authenticate such documents. 90354

(3) Any person owning a motor vehicle that was registered 90355
in the person's name during the preceding registration year 90356
shall renew the registration of the motor vehicle not more than 90357
ninety days prior to the expiration date of the registration 90358
either by through one of the following: 90359

(a) By mail or by electronic means through the centralized 90360
system of registration established under this section, ~~or in;~~ 90361

(b) In person at any office of the registrar or at a 90362

deputy registrar's office.

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(B) (1) Except as provided in division (B) (2) of this section, no less than forty-five days prior to the expiration date of any motor vehicle registration, the registrar shall mail a renewal notice to the person in whose name the motor vehicle is registered. The renewal notice shall clearly state that the registration of the motor vehicle may be renewed by mail or electronic means through the centralized system of registration or in person at any office of the registrar or at a deputy registrar's office and shall be preprinted with information including, but not limited to, the owner's name and residence address as shown in the records of the bureau of motor vehicles, a brief description of the motor vehicle to be registered, notice of the license taxes and fees due on the motor vehicle, the toll-free telephone number of the registrar as required under division (D) (1) of section 4503.031 of the Revised Code, ~~a statement that payment for a renewal may be made by financial transaction device using the toll-free telephone number,~~ and any additional information the registrar may require by rule. The renewal notice shall not include the social security number of either the owner of the motor vehicle or the person in whose name the motor vehicle is registered. The renewal notice shall be sent by regular mail to the owner's last known address as shown in the records of the bureau of motor vehicles.

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(2) The registrar is not required to mail a renewal notice if either of the following applies:

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(a) The owner of the vehicle has consented to receiving the renewal notice by electronic means only.

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(b) The application for renewal of the registration of a motor vehicle is prohibited from being accepted by the registrar

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or a deputy registrar by division (D) of section 2935.27, 90393
division (A) of section 4503.13, division (B) of section 90394
4510.22, division (D) of section 4503.234, division (B) (1) of 90395
section 4521.10, or division (B) of section 5537.041 of the 90396
Revised Code. 90397

(3) If the owner of a motor vehicle has consented to 90398
receiving a renewal notice by electronic means only, the 90399
registrar shall send an electronic renewal notice to the owner 90400
that contains the information specified in division (B) (1) of 90401
this section at the time specified under that division. 90402

(C) The owner of the motor vehicle shall verify the 90403
information contained in the notice, sign it either manually or 90404
by electronic means, and return it, either by mail or electronic 90405
means, or the owner may take it in person to any office of the 90406
registrar or of a deputy registrar. The owner shall include with 90407
the notice a financial transaction device number when renewing 90408
in person or by electronic means but not by mail, check, or 90409
money order in the amount of the registration taxes and fees 90410
payable on the motor vehicle and a service fee equal to the 90411
amount established under section 4503.038 of the Revised Code, 90412
plus postage as indicated on the notice if the registration is 90413
renewed or fulfilled by mail, and an inspection certificate or 90414
alternative emissions certificate for the motor vehicle as 90415
provided in section 3704.14 of the Revised Code. ~~For purposes of~~ 90416
~~the centralized system of motor vehicle registration, the~~ 90417
~~registrar shall accept payments via the toll-free telephone~~ 90418
~~number established under division (D) (1) of section 4503.031 of~~ 90419
~~the Revised Code for renewals made by mail.~~ If the motor vehicle 90420
owner chooses to renew the motor vehicle registration by 90421
electronic means, the owner shall proceed in accordance with the 90422
rules the registrar adopts. 90423

(D) If all registration and transfer fees for the motor vehicle for the preceding year or the preceding period of the current registration year have not been paid, if division (D) of section 2935.27, division (A) of section 4503.13, division (B) of section 4510.22, division (D) of section 4503.234, division (B)(1) of section 4521.10, or division (B) of section 5537.041 of the Revised Code prohibits acceptance of the renewal notice, or if the owner or lessee does not have an inspection certificate or alternative emissions certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, if that section is applicable, the license shall be refused, and the registrar or deputy registrar shall so notify the owner. This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised Code.

(E)(1) Failure to receive a renewal notice does not relieve a motor vehicle owner from the responsibility to renew the registration for the motor vehicle. Any person who has a motor vehicle registered in this state and who does not receive a renewal notice as provided in division (B) of this section prior to the expiration date of the registration shall request an application for registration from the registrar or a deputy registrar and sign the application manually or by electronic means and submit the application and pay any applicable license taxes and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application for registration and the registrar is prohibited by division (D) of section 2935.27, division (A) of section 4503.13, division

(B) of section 4510.22, division (D) of section 4503.234, 90455
division (B) (1) of section 4521.10, or division (B) of section 90456
5537.041 of the Revised Code from accepting the application, the 90457
registrar shall return the application and the payment to the 90458
owner. If the owner of a motor vehicle submits a registration 90459
renewal application to the registrar by electronic means and the 90460
registrar is prohibited from accepting the application as 90461
provided in this division, the registrar shall notify the owner 90462
of this fact and deny the application and return the payment or 90463
give a credit on the financial transaction device account of the 90464
owner in the manner the registrar prescribes by rule adopted 90465
pursuant to division (A) of this section. 90466

(F) Every deputy registrar shall post in a prominent place 90467
at the deputy's office a notice informing the public of the mail 90468
registration system required by this section and also shall post 90469
a notice that every owner of a motor vehicle and every chauffeur 90470
holding a certificate of registration is required to notify the 90471
registrar in writing of any change of residence within ten days 90472
after the change occurs. The notice shall be in such form as the 90473
registrar prescribes by rule. 90474

~~(G)~~ (G) (1) The service fee equal to the amount established 90475
under section 4503.038 of the Revised Code that is collected 90476
from a person who renews a motor vehicle registration by 90477
electronic means or by mail, plus postage collected by the 90478
registrar and any financial transaction device surcharge 90479
collected by the registrar, shall be paid to the credit of the 90480
public safety - highway purposes fund established by section 90481
4501.06 of the Revised Code. 90482

(2) A person who submits an initial registration or a 90483
transfer of registration by electronic means under this section 90484

shall pay a service fee equal to the amount established under 90485
section 4503.038 of the Revised Code, any necessary postage 90486
costs, and any financial transaction device surcharge, as 90487
applicable. The service fee collected shall be paid to the 90488
credit of the public safety - highway purposes fund established 90489
by section 4501.06 of the Revised Code. If the registrar 90490
authorizes a deputy registrar to mail the certificate of 90491
registration and any associated license plate to the applicant, 90492
the postage costs shall be paid to that deputy registrar. 90493

(H) (1) Pursuant to section 113.40 of the Revised Code, the 90494
registrar shall implement a program permitting payment of motor 90495
vehicle registration taxes and fees, driver's license and 90496
commercial driver's license fees, and any other taxes, fees, 90497
penalties, or charges imposed or levied by the state by means of 90498
a financial transaction device for transactions occurring 90499
online, at any office of the registrar, and at all deputy 90500
registrar locations. The program shall take effect not later 90501
than July 1, 2016. The registrar shall adopt rules as necessary 90502
for this purpose, but all such rules are subject to any action, 90503
policy, or procedure of the board of deposit or treasurer of 90504
state taken or adopted under section 113.40 of the Revised Code. 90505

(2) The rules adopted under division (H) (1) of this 90506
section shall require a deputy registrar to accept payments by 90507
means of a financial transaction device beginning on the 90508
effective date of the rules unless the deputy registrar contract 90509
entered into by the deputy registrar prohibits the acceptance of 90510
such payments by financial transaction device. However, 90511
commencing with deputy registrar contract awards that have a 90512
start date of July 1, 2016, and for all contract awards 90513
thereafter, the registrar shall require that the proposer accept 90514
payment by means of a financial transaction device, including 90515

credit cards and debit cards, for all department of public 90516
safety transactions conducted at that deputy registrar location. 90517

The bureau and deputy registrars are not required to pay 90518
any costs that result from accepting payment by means of a 90519
financial transaction device. A deputy registrar may charge a 90520
person who tenders payment for a department transaction by means 90521
of a financial transaction device any cost the deputy registrar 90522
incurs from accepting payment by the financial transaction 90523
device, but the deputy registrar shall not require the person to 90524
pay any additional fee of any kind in connection with the use by 90525
the person of the financial transaction device. 90526

(3) In accordance with division (H)(1) of this section and 90527
rules adopted by the registrar under that division, a county 90528
auditor or clerk of a court of common pleas that is designated a 90529
deputy registrar shall accept payment by means of a financial 90530
transaction device, including credit cards and debit cards, for 90531
all department transactions conducted at the office of the 90532
county auditor or clerk in the county auditor's or clerk's 90533
capacity as deputy registrar. The bureau is not required to pay 90534
any costs incurred by a county auditor or clerk that result from 90535
accepting payment by means of a financial transaction device for 90536
any department transaction. 90537

(I) For persons who reside in counties where tailpipe 90538
emissions inspections are required under the motor vehicle 90539
inspection and maintenance program, the notice required by 90540
division (B) of this section shall also include the toll-free 90541
telephone number maintained by the Ohio environmental protection 90542
agency to provide information concerning the locations of 90543
emissions testing centers. The registrar also shall include a 90544
statement in the notice that a battery electric motor vehicle is 90545

not required to undergo emissions inspection under the motor 90546
vehicle inspection and maintenance program established under 90547
section 3704.14 of the Revised Code. 90548

Sec. 4503.29. (A) The director of veterans services in 90549
conjunction with the registrar of motor vehicles shall develop 90550
and maintain a program to establish and issue specialty license 90551
plates recognizing military service and military honors 90552
pertaining to valor and service. 90553

(B) The director and the registrar shall jointly adopt 90554
rules in accordance with Chapter 119. of the Revised Code for 90555
purposes of establishing the program under this section. The 90556
director and registrar shall adopt the rules as soon as possible 90557
after June 29, 2018, but not later than nine months after June 90558
29, 2018. The rules shall do all of the following: 90559

(1) Establish specialty license plates recognizing 90560
military service; 90561

(2) Establish specialty license plates recognizing 90562
military honors pertaining to valor and service; 90563

(3) Establish eligibility criteria that apply to each 90564
specialty license plate issued under this section; 90565

(4) Establish requirements governing any necessary 90566
documentary evidence required to be presented by an applicant 90567
for a specialty license plate issued under this section. The 90568
rules shall allow an applicant to present a veterans 90569
identification card issued in accordance with section 317.241 of 90570
the Revised Code in lieu of a copy of the applicant's DD-214 or 90571
an equivalent document. An applicant may be required to present 90572
additional evidence if the veterans identification card does not 90573
show all of the information needed for issuance of the specific 90574

nonstandard license plate requested by the applicant. 90575

(5) Establish guidelines for the designs, markings, and 90576
inscriptions on a specialty license plate established under this 90577
section; 90578

(6) Establish procedures for altering the designs, 90579
markings, or inscriptions on a specialty license plate 90580
established under this section; 90581

(7) Prohibit specialty license plates established under 90582
this section from recognizing achievement awards or unit awards; 90583

(8) Establish any other procedures or requirements that 90584
are necessary for the implementation and administration of this 90585
section. 90586

(C) The rules adopted under division (B) of this section 90587
shall provide for the establishment of the military specialty 90588
license plates created prior to June 29, 2018, that are no 90589
longer codified in the Revised Code. 90590

(D) (1) Any person who meets the applicable qualifications 90591
for the issuance of a specialty license plate established by 90592
rule adopted under division (B) of this section may apply to the 90593
registrar of motor vehicles for the registration of any 90594
passenger car, noncommercial motor vehicle, recreational 90595
vehicle, or other vehicle the person owns or leases of a class 90596
approved by the registrar. The application may be combined with 90597
a request for a special reserved license plate under section 90598
4503.40 or 4503.42 of the Revised Code. 90599

(2) (a) Except as provided in division (D) (2) (b) of this 90600
section, upon receipt of an application for registration of a 90601
motor vehicle under this section and the required taxes and 90602
fees, compliance with all applicable laws relating to the 90603

registration of a motor vehicle, and, if necessary, upon 90604
presentation of the required documentary evidence, the registrar 90605
shall issue to the applicant the appropriate motor vehicle 90606
registration and a set of license plates and a validation 90607
sticker, or a validation sticker alone when required by section 90608
4503.191 of the Revised Code. 90609

(b) Any disabled veteran who qualifies to apply to the 90610
registrar for the registration of a motor vehicle under section 90611
4503.41 of the Revised Code without the payment of any 90612
registration taxes or fees, may apply instead for registration 90613
of the motor vehicle under this section. The disabled veteran 90614
applying for registration under this section is not required to 90615
pay any registration taxes or fees as required by sections 90616
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the 90617
Revised Code, any local motor vehicle tax levied under Chapter 90618
4504. of the Revised Code, ~~or~~ any fee charged under section 90619
4503.19 of the Revised Code for up to two motor vehicles, 90620
including any motor vehicle registered under section 4503.41 of 90621
the Revised Code, or any fees associated with transferring a 90622
registration under section 4503.12 of the Revised Code. Upon 90623
receipt of an application for registration of the motor vehicle 90624
and presentation of any documentation the registrar may require 90625
by rule, the registrar shall issue to the applicant the 90626
appropriate motor vehicle registration and a set of license 90627
plates authorized under this section and a validation sticker, 90628
or a validation sticker alone when required by section 4503.191 90629
of the Revised Code. 90630

(3) The license plates shall display county identification 90631
stickers that identify the county of registration as required 90632
under section 4503.19 of the Revised Code. 90633

Sec. 4503.41. (A) Any disabled veteran who, because of a 90634
service-connected disability, has been or is awarded funds for 90635
the purchase of a motor vehicle under the "Disabled Veterans'
and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 90636
1998, 38 U.S.C. 1901, and amendments thereto, and any disabled 90637
veteran having a service-connected disability either rated or 90638
compensated at one hundred per cent by the veterans' 90639
administration, may apply to the registrar for the registration 90640
of the disabled veteran's personal motor vehicle. Except as 90641
provided in division (C) of this section, a disabled veteran is 90642
not required to pay any registration fee and service fee as 90643
required by sections 4503.038, 4503.04, 4503.10, 4503.102, and 90644
4503.103 of the Revised Code, any local motor vehicle tax levied 90645
under Chapter 4504. of the Revised Code, ~~or~~ any fee charged 90646
under section 4503.19 of the Revised Code, or any fees 90647
associated with transferring a registration under section 90648
4503.12 of the Revised Code. The application for registration 90649
shall be accompanied by such documentary evidence of disability 90650
as the registrar may require by rule. 90651
90652

(B) Upon the receipt of an application for registration of 90653
a motor vehicle under this section, and presentation of 90654
satisfactory evidence of disability, the registrar or deputy 90655
registrar shall issue to the applicant a set of license plates, 90656
which shall be red, white, and blue in color and shall, in 90657
addition to the letters and numbers ordinarily inscribed 90658
thereon, be inscribed with the word "veteran" and imprinted with 90659
the international wheelchair symbol. 90660

(C) A disabled veteran who is eligible to register a motor 90661
vehicle under this section may register as many vehicles as are 90662
titled and registered in that disabled veteran's name. For each 90663
additional registration after the first registration, the 90664

registrar or deputy registrar shall collect any applicable fee 90665
imposed in sections 4503.038, 4503.04, 4503.10, 4503.102, 90666
4503.103, and 4503.19 of the Revised Code, and any local motor 90667
vehicle tax levied under Chapter 4504. of the Revised Code. 90668

Sec. 4503.91. (A) The owner or lessee of any passenger 90669
car, noncommercial motor vehicle, recreational vehicle, or other 90670
vehicle of a class approved by the registrar of motor vehicles 90671
may apply to the registrar for the registration of the vehicle 90672
and issuance of "choose life" license plates. The application 90673
for "choose life" license plates may be combined with a request 90674
for a special reserved license plate under section 4503.40 or 90675
4503.42 of the Revised Code. Upon receipt of the completed 90676
application and compliance with divisions (B) and (C) of this 90677
section, the registrar shall issue to the applicant the 90678
appropriate vehicle registration and a set of "choose life" 90679
license plates with a validation sticker or a validation sticker 90680
alone when required by section 4503.191 of the Revised Code. 90681

In addition to the letters and numbers ordinarily 90682
inscribed on license plates, "choose life" license plates shall 90683
be inscribed with the words "choose life" and a marking designed 90684
by "choose life, inc.," a private, nonprofit corporation 90685
incorporated in the state of Florida. The registrar shall review 90686
the design and approve it if the design is feasible. If the 90687
design is not feasible, the registrar shall notify "choose life, 90688
inc." and the organization may resubmit designs until a feasible 90689
one is approved. "Choose life" license plates shall bear county 90690
identification stickers that identify the county of registration 90691
as required under section 4503.19 of the Revised Code. 90692

(B) "Choose life" license plates and a validation sticker, 90693
or a validation sticker alone, shall be issued upon receipt of a 90694

contribution as provided in division (C) of this section and 90695
upon payment of the regular license tax prescribed in section 90696
4503.04 of the Revised Code, any applicable motor vehicle tax 90697
levied under Chapter 4504. of the Revised Code, any applicable 90698
additional fee prescribed by section 4503.40 or 4503.42 of the 90699
Revised Code, a fee of ten dollars for the purpose of 90700
compensating the bureau of motor vehicles for additional 90701
services required in the issuing of "choose life" license 90702
plates, and compliance with all other applicable laws relating 90703
to the registration of motor vehicles. 90704

(C) (1) For each application for registration and 90705
registration renewal received under this section, the registrar 90706
shall collect a contribution of twenty dollars. The registrar 90707
shall transmit this contribution to the treasurer of state for 90708
deposit in the "choose life" fund created in section ~~3701.65~~ 90709
5180.72 of the Revised Code. 90710

(2) The registrar shall deposit the additional fee of ten 90711
dollars specified in division (B) of this section for the 90712
purpose of compensating the bureau for the additional services 90713
required in issuing "choose life" license plates in the public 90714
safety - highway purposes fund created in section 4501.06 of the 90715
Revised Code. 90716

Sec. 4505.07. (A) A physical certificate of title shall be 90717
printed upon a special paper with a secure printing process or 90718
other secure process, for the printing of motor vehicle titles, 90719
as required by section 2 of the "Truth in Mileage Act of 1986," 90720
100 Stat. 3309, 15 U.S.C.A. 1901 et seq. 90721

An electronic certificate of title is an electronic record 90722
stored in the automated title processing system that established 90723
ownership of a motor vehicle, as well as any security interests 90724

that exist in that motor vehicle. 90725

(B) Every certificate of title shall bear the 90726
distinguishing number assigned to the title, and shall contain, 90727
on the front of the certificate, the following information: 90728

(1) An indication that the certificate is issued in this 90729
state; 90730

(2) The county in which the certificate is issued; 90731

(3) An indication that the certificate is an original, 90732
memorandum, duplicate, or salvage certificate; 90733

(4) The date of issuance of the certificate; 90734

(5) The name and address of the owner, in full; 90735

(6) The name and address of the previous owner, in full; 90736

(7) The previous certificate of title number; 90737

(8) The state in which the vehicle previously was titled; 90738

(9) The make, body type, year, model, and vehicle 90739
identification number of the vehicle; 90740

(10) First and second lien notation information, including 90741
the name and address of the lienholder in full and the date of 90742
the lien notation; 90743

(11) For discharging and canceling the lien notation, a 90744
notice that states: "lien discharge," a space for the signature 90745
of the lienholder, the discharge date, a space for the signature 90746
of the clerk of the court of common pleas, the cancellation 90747
date, and a space for the notation of the deputy clerk; 90748

(12) The purchase price of the motor vehicle and the 90749
amount of Ohio sales or use tax paid; 90750

(13) The mileage registered on the odometer and the status	90751
of the odometer of the vehicle at the time the previous title	90752
was assigned;	90753
(14) A space for the seal of the clerk;	90754
(15) The signature of the clerk;	90755
(16) A space for the notation of the deputy clerk;	90756
(17) A space for other pertinent information as may be	90757
required by the registrar of motor vehicles;	90758
(18) A consecutive number for control purposes;	90759
(19) In the case of a vehicle last previously registered	90760
in another state, a space to be used for recording any notation	90761
applicable to the vehicle and the abbreviation of the state in	90762
which the vehicle was last registered, as required by divisions	90763
(B) (1) and (2) of section 4505.08 of the Revised Code;	90764
(20) In the case of a vehicle last previously registered	90765
in this state, a space to be used for recording any information	90766
applicable to the vehicle as required by division (C) of section	90767
4505.08 of the Revised Code or by rule of the registrar of motor	90768
vehicles adopted under that division.	90769
(C) If the certificate of title is a duplicate	90770
certificate, that fact and the original title number must be	90771
stated on the front of the duplicate certificate.	90772
(D) If the certificate of title is a memorandum	90773
certificate, that fact and the original title number must be	90774
stated on the front of the memorandum certificate.	90775
(E) If the certificate of title is a salvage certificate,	90776
that fact and the original title number must be stated on the	90777

front of the salvage certificate. 90778

(F) The following information shall appear on the reverse 90779
side of each certificate of title: 90780

(1) A notice in bold lettering that states: "ERASURES AND 90781
ALTERATIONS VOID THIS TITLE ASSIGNMENT. (Type or print in 90782
ink.)"; 90783

(2) The total consideration of the vehicle; 90784

(3) A disclosure that states: "I (we) certify the vehicle 90785
described in this title was transferred for the price of 90786
\$_____ to:" and the printed name and address of the buyer 90787
in full; 90788

(4) An odometer certification statement that states: 90789
"Federal and state laws require that you state the mileage in 90790
connection with transfer of ownership. Failure to complete or 90791
providing false information may result in fines and 90792
imprisonment." 90793

The odometer certification language as required by federal law 90794
and division (C) of section 4505.06 of the Revised Code. 90795

(5) A disclosure that states: "I (we) warrant the title to 90796
be free of all liens." 90797

(6) A space for the signature of the transferor and the 90798
transferor's printed name and address in full; 90799

(7) A space for the seal of the clerk or a notary; 90800

(8) The acknowledgment statement of the clerk, the deputy 90801
clerk, or a notary; 90802

(9) A space for the signature of the clerk, the deputy 90803
clerk, or a notary; 90804

(10) The buyer's odometer acknowledgment statement, with a 90805
space for the buyer's printed name and address; 90806

(11) A notice in bold lettering that states: "WARNING TO 90807
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required 90808
by law to state the true selling price. A false statement is in 90809
violation of section 2921.13 of the Revised Code and is 90810
punishable by six months' imprisonment or a fine of up to one 90811
thousand dollars, or both. All transfers are audited by the 90812
department of taxation. 90813

The seller and buyer must provide any information 90814
requested by the department of taxation. The buyer may be 90815
assessed any additional tax found to be due." 90816

(12) An application for a certificate of title, memorandum 90817
certificate of title, or salvage certificate of title, as 90818
prescribed by the registrar, which shall include all of the 90819
following: 90820

(a) A disclosure that states: "Application for certificate 90821
of title (type or print in ink)"; 90822

(b) A disclosure that states: "Fee of \$5.00 for failure to 90823
apply for title within 30 days of assignment."; 90824

(c) A space for the applicant's printed name and address; 90825

(d) A space for the applicant's social security number or 90826
employer's identification number. The last four digits of the 90827
applicant's social security number is sufficient if the 90828
application for title is for a salvage certificate of title for 90829
an owner-retained vehicle or if the application is accompanied 90830
by an application to transfer title to an insurance company or a 90831
nonprofit corporation. 90832

(e) A space for the purchase price, tax paid, or tax exemption reason, or dealer's permit number, and vendor's number, and condition of the vehicle;

(f) A disclosure statement that states: "Lien information: If no lien state "none." If more than one lien, attach statement of all additional liens.";

(g) A space for the lienholder's name and address;

(h) A disclosure statement that states: "I (we) state that all information contained in this application is true and correct.";

(i) A space for the applicant's signature;

(j) A space for the acknowledgment statement of the clerk, the deputy clerk, or a notary;

(k) A space for the seal of the clerk or a notary;

(l) A space for the signature of the clerk, the deputy clerk, or a notary;

(m) Any other pertinent information as may be required by the registrar.

Sec. 4505.09. (A) (1) The clerk of a court of common pleas shall charge and retain fees as follows:

(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

(b) Fifteen dollars, or twenty dollars if a board of county commissioners adopts a resolution authorizing the increased fee for that county, for each certificate of title or

duplicate certificate of title including the issuance of a 90860
memorandum certificate of title, or authorization to print a 90861
non-negotiable evidence of ownership described in division (G) 90862
of section 4505.08 of the Revised Code, non-negotiable evidence 90863
of ownership printed by the clerk under division (H) of that 90864
section, and notation of any lien on a certificate of title that 90865
is applied for at the same time as the certificate of title. The 90866
clerk shall retain eleven dollars and fifty cents of that fee 90867
for each certificate of title when there is a notation of a lien 90868
or security interest on the certificate of title, twelve dollars 90869
and twenty-five cents when there is no lien or security interest 90870
noted on the certificate of title, and eleven dollars and fifty 90871
cents for each duplicate certificate of title. If a board of 90872
county commissioners adopts a resolution authorizing a twenty- 90873
dollar fee, the clerk shall retain the additional five dollars 90874
of that fee. 90875

(c) Four dollars and fifty cents for each certificate of 90876
title with no security interest noted that is issued to a 90877
licensed motor vehicle dealer for resale purposes and, in 90878
addition, a separate fee of fifty cents. The clerk shall retain 90879
two dollars and twenty-five cents of that fee. 90880

(d) Five dollars for each memorandum certificate of title 90881
or non-negotiable evidence of ownership that is applied for 90882
separately. The clerk shall retain that entire fee. 90883

(2) The fees that are not retained by the clerk shall be 90884
paid to the registrar of motor vehicles by monthly returns, 90885
which shall be forwarded to the registrar not later than the 90886
fifth day of the month next succeeding that in which the 90887
certificate is issued or that in which the registrar is notified 90888
of a lien or cancellation of a lien. 90889

(B) (1) The registrar shall pay twenty-five cents of the 90890
amount received for each certificate of title issued to a motor 90891
vehicle dealer for resale, one dollar for certificates of title 90892
issued with a lien or security interest noted on the certificate 90893
of title, and twenty-five cents for each certificate of title 90894
with no lien or security interest noted on the certificate of 90895
title into the public safety - highway purposes fund established 90896
in section 4501.06 of the Revised Code. 90897

(2) Fifty cents of the amount received for each 90898
certificate of title shall be paid by the registrar as follows: 90899

(a) Four cents shall be paid into the state treasury to 90900
the credit of the motor vehicle dealers board fund, which is 90901
hereby created. All investment earnings of the fund shall be 90902
credited to the fund. The moneys in the motor vehicle dealers 90903
board fund shall be used by the motor vehicle dealers board 90904
created under section 4517.30 of the Revised Code, together with 90905
other moneys appropriated to it, in the exercise of its powers 90906
and the performance of its duties under Chapter 4517. of the 90907
Revised Code, except that the director of budget and management 90908
may transfer excess money from the motor vehicle dealers board 90909
fund to the public safety - highway purposes fund if the 90910
registrar determines that the amount of money in the motor 90911
vehicle dealers board fund, together with other moneys 90912
appropriated to the board, exceeds the amount required for the 90913
exercise of its powers and the performance of its duties under 90914
Chapter 4517. of the Revised Code and requests the director to 90915
make the transfer. 90916

(b) Thirty-one cents shall be paid into the highway 90917
operating fund created by section 5735.051 of the Revised Code. 90918

(c) Fifteen cents shall be paid into the state treasury to 90919

the credit of the motor vehicle sales audit fund, which is 90920
hereby created. The moneys in the fund shall be used by the tax 90921
commissioner together with other funds available to the 90922
commissioner to conduct a continuing investigation of sales and 90923
use tax returns filed for motor vehicles in order to determine 90924
if sales and use tax liability has been satisfied. The 90925
commissioner shall refer cases of apparent violations of section 90926
2921.13 of the Revised Code made in connection with the titling 90927
or sale of a motor vehicle and cases of any other apparent 90928
violations of the sales or use tax law to the appropriate county 90929
prosecutor whenever the commissioner considers it advisable. 90930

(3) Two dollars of the amount received by the registrar 90931
under divisions (A)(1)(a), (b), and (d) of this section and one 90932
dollar and fifty cents of the amount received by the registrar 90933
under division (A)(1)(c) of this section for each certificate of 90934
title shall be paid into the state treasury to the credit of the 90935
automated title processing fund, which is hereby created and 90936
which shall consist of moneys collected under division (B)(3) of 90937
this section and under sections 1548.10 and 4519.59 of the 90938
Revised Code. All investment earnings of the fund shall be 90939
credited to the fund. The moneys in the fund shall be used as 90940
follows: 90941

(a) Except for moneys collected under section 1548.10 of 90942
the Revised Code, moneys collected under division (B)(3) of this 90943
section shall be used to implement and maintain an automated 90944
title processing system for the issuance of motor vehicle, off- 90945
highway motorcycle, and all-purpose vehicle certificates of 90946
title in the offices of the clerks of the courts of common 90947
pleas. Those moneys also shall be used to pay expenses that 90948
arise as a result of enabling electronic motor vehicle dealers 90949
to directly transfer applications for certificates of title 90950

under division (A) (3) of section 4505.06 of the Revised Code. 90951

(b) Moneys collected under section 1548.10 of the Revised 90952
Code shall be used to issue marine certificates of title in the 90953
offices of the clerks of the courts of common pleas as provided 90954
in Chapter 1548. of the Revised Code. 90955

(4) The registrar shall pay the fifty-cent separate fee 90956
collected from a licensed motor vehicle dealer under division 90957
(A) (1) (c) of this section into the title defect recision fund 90958
created by section 1345.52 of the Revised Code. 90959

(C) (1) The automated title processing board is hereby 90960
created consisting of the registrar or the registrar's 90961
representative, a person selected by the registrar, the 90962
president of the Ohio clerks of court association or the 90963
president's representative, the president of the Ohio automobile 90964
dealers association or the president's representative, and two- 90965
three clerks of courts of common pleas appointed by the 90966
governor. ~~The director of budget and management or the~~ 90967
~~director's designee, the~~ chief of the division of parks and 90968
watercraft in the department of natural resources or the chief's 90969
designee, and the tax commissioner or the commissioner's 90970
designee shall be nonvoting members of the board. The purpose of 90971
the board is to facilitate the operation and maintenance of an 90972
automated title processing system and approve the procurement of 90973
automated title processing system equipment and ribbons, 90974
cartridges, or other devices necessary for the operation of that 90975
equipment. Voting members of the board, excluding the registrar 90976
or the registrar's representative, shall serve without 90977
compensation, but shall be reimbursed for travel and other 90978
necessary expenses incurred in the conduct of their official 90979
duties. The registrar or the registrar's representative shall 90980

receive neither compensation nor reimbursement as a board 90981
member. 90982

(2) The automated title processing board shall determine 90983
each of the following: 90984

(a) The automated title processing equipment and 90985
certificates of title requirements for each county; 90986

(b) The payment of expenses that may be incurred by the 90987
counties in implementing an automated title processing system; 90988

(c) The repayment to the counties for existing title 90989
processing equipment; 90990

(d) With the approval of the director of public safety, 90991
the award of grants from the automated title processing fund to 90992
the clerk of courts of any county who employs a person who 90993
assists with the design of, updates to, tests of, installation 90994
of, or any other activity related to, an automated title 90995
processing system. Any grant awarded under division (C) (2) (d) of 90996
this section shall be deposited into the appropriate county 90997
certificate of title administration fund created under section 90998
325.33 of the Revised Code and shall not be used to supplant any 90999
other funds. 91000

(3) The registrar shall purchase, lease, or otherwise 91001
acquire any automated title processing equipment and 91002
certificates of title that the board determines are necessary 91003
from moneys in the automated title processing fund established 91004
by division (B) (3) of this section. 91005

(D) All counties shall conform to the requirements of the 91006
registrar regarding the operation of their automated title 91007
processing system for motor vehicle titles, certificates of 91008
title for off-highway motorcycles and all-purpose vehicles, and 91009

certificates of title for watercraft and outboard motors. 91010

Sec. 4506.01. As used in this chapter: 91011

(A) "Alcohol concentration" means the concentration of 91012
alcohol in a person's blood, breath, or urine. When expressed as 91013
a percentage, it means grams of alcohol per the following: 91014

(1) One hundred milliliters of whole blood, blood serum, 91015
or blood plasma; 91016

(2) Two hundred ten liters of breath; 91017

(3) One hundred milliliters of urine. 91018

(B) "Commercial driver's license" means a license issued 91019
in accordance with this chapter that authorizes an individual to 91020
drive a commercial motor vehicle. 91021

(C) "Commercial driver's license information system" means 91022
the information system established pursuant to the requirements 91023
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 91024
3207-171, 49 U.S.C.A. App. 2701. 91025

(D) Except when used in section 4506.25 of the Revised 91026
Code, "commercial motor vehicle" means any motor vehicle 91027
designed or used to transport persons or property that meets any 91028
of the following qualifications: 91029

(1) Any combination of vehicles with a gross vehicle 91030
weight or combined gross vehicle weight rating of twenty-six 91031
thousand one pounds or more, provided the gross vehicle weight 91032
or gross vehicle weight rating of the vehicle or vehicles being 91033
towed is in excess of ten thousand pounds; 91034

(2) Any single vehicle with a gross vehicle weight or 91035
gross vehicle weight rating of twenty-six thousand one pounds or 91036

more; 91037

(3) Any single vehicle or combination of vehicles that is 91038
not a class A or class B vehicle, but is designed to transport 91039
sixteen or more passengers including the driver; 91040

(4) Any school bus with a gross vehicle weight or gross 91041
vehicle weight rating of less than twenty-six thousand one 91042
pounds that is designed to transport fewer than sixteen 91043
passengers including the driver; 91044

(5) Is transporting hazardous materials for which 91045
placarding is required under subpart F of 49 C.F.R. part 172, as 91046
amended; 91047

(6) Any single vehicle or combination of vehicles that is 91048
designed to be operated and to travel on a public street or 91049
highway and is considered by the federal motor carrier safety 91050
administration to be a commercial motor vehicle, including, but 91051
not limited to, a motorized crane, a vehicle whose function is 91052
to pump cement, a rig for drilling wells, and a portable crane. 91053

(E) "Controlled substance" means all of the following: 91054

(1) Any substance classified as a controlled substance 91055
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 91056
U.S.C.A. 802(6), as amended; 91057

(2) Any substance included in schedules I through V of 21 91058
C.F.R. part 1308, as amended; 91059

(3) Any drug of abuse. 91060

(F) "Conviction" means an unvacated adjudication of guilt 91061
or a determination that a person has violated or failed to 91062
comply with the law in a court of original jurisdiction or an 91063
authorized administrative tribunal, an unvacated forfeiture of 91064

bail or collateral deposited to secure the person's appearance 91065
in court, a plea of guilty or nolo contendere accepted by the 91066
court, the payment of a fine or court cost, or violation of a 91067
condition of release without bail, regardless of whether or not 91068
the penalty is rebated, suspended, or probated. 91069

(G) "Disqualification" means any of the following: 91070

(1) The suspension, revocation, or cancellation of a 91071
person's privileges to operate a commercial motor vehicle; 91072

(2) Any withdrawal of a person's privileges to operate a 91073
commercial motor vehicle as the result of a violation of state 91074
or local law relating to motor vehicle traffic control other 91075
than parking, vehicle weight, or vehicle defect violations; 91076

(3) A determination by the federal motor carrier safety 91077
administration that a person is not qualified to operate a 91078
commercial motor vehicle under 49 C.F.R. 391. 91079

(H) "Domiciled" means having a true, fixed, principal, and 91080
permanent residence to which an individual intends to return. 91081

(I) "Downgrade" means any of the following, as applicable: 91082

(1) A change in the commercial driver's license, or 91083
commercial driver's license temporary instruction permit, 91084
holder's self-certified status as described in division (A) (1) 91085
of section 4506.10 of the Revised Code; 91086

(2) A change to a lesser class of vehicle; 91087

(3) Removal of commercial driver's license privileges from 91088
the individual's driver's license; 91089

(4) A change in the commercial driver's license, or 91090
commercial driver's license temporary instruction permit, 91091

<u>holder's privileges as described in division (F) (1) of section</u>	91092
<u>4506.13 of the Revised Code.</u>	91093
 (J) "Drive" means to drive, operate, or be in physical	91094
control of a motor vehicle.	91095
 (K) "Driver" means any person who drives, operates, or is	91096
in physical control of a commercial motor vehicle or is required	91097
to have a commercial driver's license.	91098
 (L) "Driver's license" means a license issued by the	91099
bureau of motor vehicles that authorizes an individual to drive.	91100
 (M) "Drug of abuse" means any controlled substance,	91101
dangerous drug as defined in section 4729.01 of the Revised	91102
Code, harmful intoxicant as defined in section 2925.01 of the	91103
Revised Code, or over-the-counter medication that, when taken in	91104
quantities exceeding the recommended dosage, can result in	91105
impairment of judgment or reflexes.	91106
 (N) "Electronic device" includes a cellular telephone, a	91107
personal digital assistant, a pager, a computer, and any other	91108
device used to input, write, send, receive, or read text.	91109
 (O) "Eligible unit of local government" means a village,	91110
township, or county that has a population of not more than three	91111
thousand persons according to the most recent federal census.	91112
 (P) "Employer" means any person, including the federal	91113
government, any state, and a political subdivision of any state,	91114
that owns or leases a commercial motor vehicle or assigns a	91115
person to drive such a motor vehicle.	91116
 (Q) "Endorsement" means an authorization on a person's	91117
commercial driver's license that is required to permit the	91118
person to operate a specified type of commercial motor vehicle.	91119

(R) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor carrier, as defined in section 4923.01 of the Revised Code.

(S) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of death.

(T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

(W) "Hazardous materials" means any material that has been 91150
designated as hazardous under 49 U.S.C. 5103 and is required to 91151
be placarded under subpart F of 49 C.F.R. part 172 or any 91152
quantity of a material listed as a select agent or toxin in 42 91153
C.F.R. part 73, as amended. 91154

(X) "Imminent hazard" means the existence of a condition 91155
that presents a substantial likelihood that death, serious 91156
illness, severe personal injury, or a substantial endangerment 91157
to health, property, or the environment may occur before the 91158
reasonably foreseeable completion date of a formal proceeding 91159
begun to lessen the risk of that death, illness, injury, or 91160
endangerment. 91161

(Y) "Medical variance" means one of the following received 91162
by a driver from the federal motor carrier safety administration 91163
that allows the driver to be issued a medical certificate: 91164

(1) An exemption letter permitting operation of a 91165
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 91166
C.F.R. 391.64; 91167

(2) A skill performance evaluation certificate permitting 91168
operation of a commercial motor vehicle pursuant to 49 C.F.R. 91169
391.49. 91170

(Z) "Mobile telephone" means a mobile communication device 91171
that falls under or uses any commercial mobile radio service as 91172
defined in 47 C.F.R. 20, except that mobile telephone does not 91173
include two-way or citizens band radio services. 91174

(AA) "Motor vehicle" means a vehicle, machine, tractor, 91175
trailer, or semitrailer propelled or drawn by mechanical power 91176
used on highways, except that such term does not include a 91177
vehicle, machine, tractor, trailer, or semitrailer operated 91178

exclusively on a rail. 91179

(BB) "Out-of-service order" means a declaration by an 91180
authorized enforcement officer of a federal, state, local, 91181
Canadian, or Mexican jurisdiction declaring that a driver, 91182
commercial motor vehicle, or commercial motor carrier operation 91183
is out of service as defined in 49 C.F.R. 390.5. 91184

(CC) "Peace officer" has the same meaning as in section 91185
2935.01 of the Revised Code. 91186

(DD) "Portable tank" means a liquid or gaseous packaging 91187
designed primarily to be loaded onto or temporarily attached to 91188
a vehicle and equipped with skids, mountings, or accessories to 91189
facilitate handling of the tank by mechanical means. 91190

(EE) "Public safety vehicle" has the same meaning as in 91191
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 91192

(FF) "Recreational vehicle" includes every vehicle that is 91193
defined as a recreational vehicle in section 4501.01 of the 91194
Revised Code and is used exclusively for purposes other than 91195
engaging in business for profit. 91196

(GG) "Residence" means any person's residence determined 91197
in accordance with standards prescribed in rules adopted by the 91198
registrar. 91199

(HH) "School bus" has the same meaning as in section 91200
4511.01 of the Revised Code. 91201

(II) "Serious traffic violation" means any of the 91202
following: 91203

(1) A conviction arising from a single charge of operating 91204
a commercial motor vehicle in violation of any provision of 91205
section 4506.03 of the Revised Code; 91206

(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following: 91207
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(i) Texting while driving; 91213

(ii) Using a handheld mobile telephone. 91214

(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services. 91215
91216
91217

(3) A conviction arising from the operation of any motor vehicle that involves any of the following: 91218
91219

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more; 91220
91221

(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state; 91222
91223
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91225

(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident; 91226
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91229

(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's 91230
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91234

license with the proper class or endorsement for the specific 91235
vehicle group being operated or for the passengers or type of 91236
cargo being transported; 91237

(e) Violation of section 4506.03 of the Revised Code or a 91238
substantially similar municipal ordinance or county or township 91239
resolution, or of any similar law of another state or political 91240
subdivision of another state, that involves the operation of a 91241
commercial motor vehicle without a valid commercial driver's 91242
license being in the person's possession; 91243

(f) Violation of section 4511.33 or 4511.34 of the Revised 91244
Code, or any municipal ordinance or county or township 91245
resolution substantially similar to either of those sections, or 91246
any substantially similar law of another state or political 91247
subdivision of another state; 91248

(g) Violation of any other law of this state, any law of 91249
another state, or any ordinance or resolution of a political 91250
subdivision of this state or another state that meets both of 91251
the following requirements: 91252

(i) It relates to traffic control, other than a parking 91253
violation; 91254

(ii) It is determined to be a serious traffic violation by 91255
the United States secretary of transportation and is designated 91256
by the director as such by rule. 91257

(JJ) "Sex" means an individual's biological sex, as 91258
defined in section 4507.01 of the Revised Code. 91259

(KK) "State" means a state of the United States and 91260
includes the District of Columbia. 91261

~~(KK)~~ (LL) "Tank vehicle" means any commercial motor vehicle 91262

that is designed to transport any liquid or gaseous materials 91263
within a tank or tanks that are either permanently or 91264
temporarily attached to the vehicle or its chassis and have an 91265
individual rated capacity of more than one hundred nineteen 91266
gallons and an aggregate rated capacity of one thousand gallons 91267
or more. "Tank vehicle" does not include a commercial motor 91268
vehicle transporting an empty storage container tank that is not 91269
designed for transportation, has a rated capacity of one 91270
thousand gallons or more, and is temporarily attached to a 91271
flatbed trailer. 91272

~~(LL)~~ (MM) "Tester" means a person or entity acting 91273
pursuant to a valid agreement entered into pursuant to division 91274
(B) of section 4506.09 of the Revised Code. 91275

~~(MM)~~ (NN) "Texting" means manually entering alphanumeric 91276
text into, or reading text from, an electronic device. Texting 91277
includes short message service, e-mail, instant messaging, a 91278
command or request to access a world wide web page, pressing 91279
more than a single button to initiate or terminate a voice 91280
communication using a mobile telephone, or engaging in any other 91281
form of electronic text retrieval or entry, for present or 91282
future communication. Texting does not include the following: 91283

(1) Using voice commands to initiate, receive, or 91284
terminate a voice communication using a mobile telephone; 91285

(2) Inputting, selecting, or reading information on a 91286
global positioning system or navigation system; 91287

(3) Pressing a single button to initiate or terminate a 91288
voice communication using a mobile telephone; or 91289

(4) Using, for a purpose that is not otherwise prohibited 91290
by law, a device capable of performing multiple functions, such 91291

as a fleet management system, a dispatching device, a mobile 91292
telephone, a citizens band radio, or a music player. 91293

~~(NN)~~ (OO) "Texting while driving" means texting while 91294
operating a commercial motor vehicle, with the motor running, 91295
including while temporarily stationary because of traffic, a 91296
traffic control device, or other momentary delays. Texting while 91297
driving does not include operating a commercial motor vehicle 91298
with or without the motor running when the driver has moved the 91299
vehicle to the side of, or off, a highway and is stopped in a 91300
location where the vehicle can safely remain stationary. 91301

~~(OO)~~ (PP) "United States" means the fifty states and the 91302
District of Columbia. 91303

~~(PP)~~ (QQ) "Upgrade" means a change in the class of 91304
vehicles, endorsements, or self-certified status as described in 91305
division (A)(1) of section 4506.10 of the Revised Code, that 91306
expands the ability of a current commercial driver's license 91307
holder to operate commercial motor vehicles under this chapter. 91308

~~(QQ)~~ (RR) "Use of a handheld mobile telephone" means: 91309

(1) Using at least one hand to hold a mobile telephone to 91310
conduct a voice communication; 91311

(2) Dialing or answering a mobile telephone by pressing 91312
more than a single button; or 91313

(3) Reaching for a mobile telephone in a manner that 91314
requires a driver to maneuver so that the driver is no longer in 91315
a seated driving position, or restrained by a seat belt that is 91316
installed in accordance with 49 C.F.R. 393.93 and adjusted in 91317
accordance with the vehicle manufacturer's instructions. 91318

~~(RR)~~ (SS) "Vehicle" has the same meaning as in section 91319

4511.01 of the Revised Code. 91320

Sec. 4506.05. (A) Notwithstanding any other provision of 91321
law, a person may drive a commercial motor vehicle on a highway 91322
in this state if all of the following conditions are met: 91323

(1) The person has a valid commercial driver's license or 91324
commercial driver's license temporary instruction permit issued 91325
by any state or jurisdiction in accordance with the minimum 91326
standards adopted by the federal motor carrier safety 91327
administration under the "Commercial Motor Vehicle Safety Act of 91328
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. for issuance of 91329
commercial driver's licenses; 91330

(2) The person's commercial driver's license or temporary 91331
instruction permit is not suspended, revoked, or canceled, and 91332
the person has the appropriate endorsements for the vehicle that 91333
is being driven; 91334

(3) The person is not disqualified from driving a 91335
commercial motor vehicle; 91336

(4) The person is not subject to an out-of-service order; 91337

(5) The person is medically certified as physically 91338
qualified to operate a commercial motor vehicle in accordance 91339
with this chapter. 91340

(a) A person who submitted a medical examiner's 91341
certificate to the registrar in accordance with division (A) (1) 91342
of section 4506.10 of the Revised Code and whose medical 91343
certification information is maintained in the commercial 91344
driver's license information system is not required to have the 91345
medical examiner's certificate in the person's possession when 91346
on duty. 91347

(b) A person whose medical certification information is 91348
not maintained in the commercial driver's license information 91349
system shall have in the person's possession when on duty the 91350
original or a copy of the current medical examiner's certificate 91351
that was submitted to the registrar. However, the person may 91352
operate a commercial motor vehicle with such proof of medical 91353
certification for not more than fifteen days after the date the 91354
current medical examiner's certificate was issued to the person. 91355

(c) A person who has a medical variance shall have in the 91356
person's possession the original or copy of the medical variance 91357
documentation at all times while on duty. 91358

(6) The person is not prohibited from operating a 91359
commercial motor vehicle because the person violated 49 C.F.R. 91360
382, subpart B. 91361

(B) No person shall drive a commercial motor vehicle on a 91362
highway in this state if the person does not meet the conditions 91363
specified in division (A) of this section. 91364

(C) Except as set forth in 49 C.F.R. 390.3(f), 391.2, 91365
391.62, 391.67, and 391.68, no person holding a commercial 91366
driver's license temporary instruction permit or a commercial 91367
driver's license issued under this chapter may drive a 91368
commercial motor vehicle in interstate commerce until the person 91369
is at least twenty-one years of age. 91370

(D) (1) Whoever violates this section is guilty of a 91371
misdemeanor of the first degree. 91372

(2) The offenses established under this section are strict 91373
liability offenses and section 2901.20 of the Revised Code does 91374
not apply. The designation of these offenses as strict liability 91375
offenses shall not be construed to imply that any other offense, 91376

for which there is no specified degree of culpability, is not a 91377
strict liability offense. 91378

Sec. 4506.07. (A) An applicant for a commercial driver's 91379
license, restricted commercial driver's license, or a commercial 91380
driver's license temporary instruction permit, or a duplicate of 91381
such a license or permit, shall submit an application upon a 91382
form approved and furnished by the registrar of motor vehicles. 91383
Except as provided in section 4506.24 of the Revised Code in 91384
regard to a restricted commercial driver's license, the 91385
applicant shall sign the application which shall contain the 91386
following information: 91387

(1) The applicant's name, date of birth, social security 91388
account number, sex, general description including height, 91389
weight, and color of hair and eyes, current residence, duration 91390
of residence in this state, state of domicile, country of 91391
citizenship, and occupation; 91392

(2) Whether the applicant previously has been licensed to 91393
operate a commercial motor vehicle or any other type of motor 91394
vehicle in another state or a foreign jurisdiction and, if so, 91395
when, by what state, and whether the license or driving 91396
privileges currently are suspended or revoked in any 91397
jurisdiction, or the applicant otherwise has been disqualified 91398
from operating a commercial motor vehicle, or is subject to an 91399
out-of-service order issued under this chapter or any similar 91400
law of another state or a foreign jurisdiction and, if so, the 91401
date of, locations involved, and reason for the suspension, 91402
revocation, disqualification, or out-of-service order; 91403

(3) Whether the applicant has any physical or mental 91404
disability or disease that prevents the applicant from 91405
exercising reasonable and ordinary control over a motor vehicle 91406

while operating it upon a highway or is or has been subject to 91407
any condition resulting in episodic impairment of consciousness 91408
or loss of muscular control and, if so, the nature and extent of 91409
the disability, disease, or condition, and the names and 91410
addresses of the physicians, certified nurse-midwives if 91411
authorized as described in section 4723.438 of the Revised Code, 91412
clinical nurse specialists, or certified nurse practitioners 91413
attending the applicant; 91414

(4) Whether the applicant has obtained a medical 91415
examiner's certificate as required by this chapter and, 91416
beginning January 30, 2012, the applicant, prior to or at the 91417
time of applying, has self-certified to the registrar the 91418
applicable status of the applicant under division (A)(1) of 91419
section 4506.10 of the Revised Code; 91420

(5) Whether the applicant has pending a citation for 91421
violation of any motor vehicle law or ordinance except a parking 91422
violation and, if so, a description of the citation, the court 91423
having jurisdiction of the offense, and the date when the 91424
offense occurred; 91425

(6) If an applicant has not certified the applicant's 91426
willingness to make an anatomical gift under section 2108.05 of 91427
the Revised Code, whether the applicant wishes to certify 91428
willingness to make such an anatomical gift, which shall be 91429
given no consideration in the issuance of a license; 91430

(7) Whether the applicant has executed a valid durable 91431
power of attorney for health care pursuant to sections 1337.11 91432
to 1337.17 of the Revised Code or has executed a declaration 91433
governing the use or continuation, or the withholding or 91434
withdrawal, of life-sustaining treatment pursuant to sections 91435
2133.01 to 2133.15 of the Revised Code and, if the applicant has 91436

executed either type of instrument, whether the applicant wishes 91437
the license issued to indicate that the applicant has executed 91438
the instrument; 91439

(8) Whether the applicant is a veteran, active duty, or 91440
reservist of the armed forces of the United States and, if the 91441
applicant is such, whether the applicant wishes the license 91442
issued to indicate that the applicant is a veteran, active duty, 91443
or reservist of the armed forces of the United States by a 91444
military designation on the license; 91445

(9) Whether the applicant currently is prohibited by the 91446
federal motor carrier safety administration from operating a 91447
commercial motor vehicle because the applicant violated 49 91448
C.F.R. 382, subpart B. 91449

(B) Every applicant shall certify, on a form approved and 91450
furnished by the registrar, all of the following: 91451

(1) That the motor vehicle in which the applicant intends 91452
to take the driving skills test is representative of the type of 91453
motor vehicle that the applicant expects to operate as a driver; 91454

(2) That the applicant is not subject to any 91455
disqualification or out-of-service order, or license suspension, 91456
revocation, or cancellation, under the laws of this state, of 91457
another state, or of a foreign jurisdiction and does not have 91458
more than one driver's license issued by this or another state 91459
or a foreign jurisdiction; 91460

(3) Any additional information, certification, or evidence 91461
that the registrar requires by rule in order to ensure that the 91462
issuance of a commercial driver's license or commercial driver's 91463
license temporary instruction permit to the applicant is in 91464
compliance with the law of this state and with federal law. 91465

(C) Every applicant shall execute a form, approved and 91466
furnished by the registrar, under which the applicant consents 91467
to the release by the registrar of information from the 91468
applicant's driving record. 91469

(D) The registrar or a deputy registrar, in accordance 91470
with section 3503.11 of the Revised Code, shall register as an 91471
elector any applicant for a commercial driver's license or for a 91472
renewal or duplicate of such a license under this chapter, if 91473
the applicant is eligible and wishes to be registered as an 91474
elector. The decision of an applicant whether to register as an 91475
elector shall be given no consideration in the decision of 91476
whether to issue the applicant a license or a renewal or 91477
duplicate. 91478

(E) The registrar or a deputy registrar, in accordance 91479
with section 3503.11 of the Revised Code, shall offer the 91480
opportunity of completing a notice of change of residence or 91481
change of name to any applicant for a commercial driver's 91482
license or for a renewal or duplicate of such a license who is a 91483
resident of this state, if the applicant is a registered elector 91484
who has changed the applicant's residence or name and has not 91485
filed such a notice. 91486

(F) In considering any application submitted pursuant to 91487
this section, the bureau of motor vehicles may conduct any 91488
inquiries necessary to ensure that issuance or renewal of a 91489
commercial driver's license would not violate any provision of 91490
the Revised Code or federal law. 91491

(G) In addition to any other information it contains, the 91492
form approved and furnished by the registrar of motor vehicles 91493
for an application for a commercial driver's license, restricted 91494
commercial driver's license, or a commercial driver's license 91495

temporary instruction permit or an application for a duplicate 91496
of such a license or permit shall inform applicants that the 91497
applicant must present a copy of the applicant's DD-214 or an 91498
equivalent document in order to qualify to have the license, or 91499
permit, or duplicate indicate that the applicant is a veteran, 91500
active duty, or reservist of the armed forces of the United 91501
States based on a request made pursuant to division (A) (8) of 91502
this section. 91503

Sec. 4506.13. (A) The registrar of motor vehicles may 91504
authorize the highway patrol or any other employee of the 91505
department of public safety to issue an examiner's commercial 91506
examinations passed form to an applicant who has passed the 91507
required examinations. The examiner's commercial examinations 91508
passed form shall be used to indicate the examinations taken and 91509
passed by the commercial driver's license applicant. 91510

(B) (1) Before issuing, renewing, transferring, or 91511
upgrading a commercial driver's license temporary instruction 91512
permit or a commercial driver's license, the registrar of motor 91513
vehicles shall obtain information about the applicant's driving 91514
record, whether the applicant was previously issued a commercial 91515
driver's license in another state, or whether the applicant is 91516
disqualified or prohibited from operating a commercial motor 91517
vehicle through the commercial driver's license information 91518
system, the drug and alcohol clearinghouse, the applicant's 91519
state of licensure, and when available, the national driver 91520
register. In addition, before initially issuing a class A or 91521
class B commercial driver's license, a passenger endorsement, a 91522
school bus endorsement, or a hazardous materials endorsement, 91523
the registrar shall verify that the applicant completed the 91524
training required under 49 C.F.R. 380, subpart F, through the 91525
federal motor carrier safety administration's training provider 91526

registry. The registrar also shall check the applicant's driver 91527
record to ensure that an applicant who self-certified under 91528
division (A) (1) (a) (i) of section 4506.10 of the Revised Code 91529
that the applicant's operation of a commercial motor vehicle is 91530
non-excepted interstate, is medically certified. 91531

(2) The registrar shall not issue, renew, upgrade, or 91532
transfer the applicant's commercial driver's license temporary 91533
instruction permit or commercial driver's license if any of the 91534
following apply: 91535

(a) The registrar obtains adverse information regarding 91536
the applicant's driving record. 91537

(b) There is no information regarding the driver's self- 91538
certification type as required by division (A) (1) of section 91539
4506.10 of the Revised Code. 91540

(c) The applicant's medical status is not certified, when 91541
required to be certified under division (A) (1) (a) (i) of section 91542
4506.10 of the Revised Code. 91543

(d) The applicant is prohibited from operating a 91544
commercial motor vehicle because the applicant violated the drug 91545
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 91546
B; 91547

(e) If required, the applicant did not successfully 91548
complete the training required by 49 C.F.R. 380, subpart F, as 91549
documented in the federal motor carrier safety administration's 91550
training provider registry. 91551

(3) If the record check reveals information that the 91552
applicant claims is outdated, contested, or invalid, the 91553
registrar shall deny the application until the applicant can 91554
resolve the conflict. 91555

- (C) The registrar shall do all of the following: 91556
- (1) Within ten days after issuing a commercial driver's 91557
license temporary instruction permit or commercial driver's 91558
license, notify the commercial driver's license information 91559
system, when available, of that fact and provide all information 91560
required to ensure identification of the licensee. If the 91561
registrar is notified that driver has been issued a medical 91562
variance, the registrar shall indicate the existence of the 91563
medical variance on the ~~commercial driver's license holder's~~ 91564
commercial driver's license information system driver record. 91565
- (2) For those drivers self-certifying under division (A) 91566
(1) (a) (i) of section 4506.10 of the Revised Code as non-excepted 91567
interstate, post the applicant's medical status as certified or 91568
non-certified on the applicant's commercial driver's license 91569
information system driver record upon receiving a valid original 91570
or copy of the medical examiner's certificate; 91571
- (3) Post the driver's self-certification type as set forth 91572
in division (A) (1) of section 4506.10 of the Revised Code; 91573
- (4) Post information from the medical examiner's 91574
certificate, if applicable, on the ~~commercial driver's license~~ 91575
~~holder's~~ commercial driver's license information system driver 91576
record within ten calendar days of receipt of the medical 91577
examiner's certificate; 91578
- (5) Retain the original or a copy of the commercial 91579
driver's license temporary instruction permit or commercial 91580
driver's license holder's medical certificate for a minimum of 91581
three years after the date the certificate was issued; 91582
- (6) Post and maintain as part of the commercial driver's 91583
license information system driver record all convictions, 91584

disqualifications, and other licensing actions for violations of 91585
any state or municipal ordinances related to motor vehicle 91586
traffic control, other than parking violations for all persons 91587
who hold a commercial driver's license temporary instruction 91588
permit or commercial driver's license or operate a motor vehicle 91589
for which a commercial driver's license is required; 91590

(7) Post an applicant's status of medically non-certified 91591
on the applicant's commercial driver's license information 91592
system driver record and downgrade the applicant's commercial 91593
driver's license temporary instruction permit or commercial 91594
driver's license in accordance with division (D) of this section 91595
if either of the following applies: 91596

(a) The commercial driver's license temporary instruction 91597
permit or commercial driver's license holder fails to provide 91598
the driver's self-certification type as required by division (A) 91599
(1) of section 4506.10 of the Revised Code. 91600

(b) The commercial driver's license temporary instruction 91601
permit or commercial driver's license holder self-certifying 91602
under division (A)(1)(a)(i) of section 4506.10 of the Revised 91603
Code as non-excepted interstate fails to provide the registrar 91604
with a current medical examiner's certificate. 91605

(8) Mark the commercial driver's license information 91606
system driver record as non-certified for any commercial 91607
driver's license temporary instruction permit or commercial 91608
driver's license holder who has not self-certified under 91609
division (A)(1) of section 4506.10 of the Revised Code by 91610
January 30, 2014 and initiate the ~~commercial driver's license~~ 91611
commercial driver's license downgrade procedures described in 91612
division (D) of this section; 91613

(9) Within ten days after a commercial driver's license 91614
temporary instruction permit or commercial driver's license 91615
holder's medical certification status expires or a medical 91616
variance expires or is rescinded, update the person's medical 91617
certification status to non-certified; 91618

(10) Within ten calendar days after receiving information 91619
from the federal motor carrier safety administration regarding 91620
issuance or renewal of a medical variance for a driver, update 91621
the driver's commercial driver's license information system 91622
driver record to include the medical variance information 91623
provided by the federal motor carrier safety administration; 91624

(11) Within ten calendar days after receiving information 91625
from the federal motor carrier safety administration that a 91626
commercial driver's license temporary instruction permit or 91627
commercial driver's license holder is prohibited from operating 91628
a commercial motor vehicle because of a violation of the drug 91629
and alcohol use and testing provisions of 49 C.F.R. 382, subpart 91630
B, initiate the commercial driver's license downgrade procedures 91631
described in division (F) (1) of this section; 91632

(12) Within ten calendar days after receiving information 91633
from the federal motor carrier safety administration that a 91634
commercial driver's license temporary instruction permit or 91635
commercial driver's license holder is no longer prohibited or 91636
was erroneously identified as prohibited from operating a 91637
commercial motor vehicle because of a violation of the drug and 91638
alcohol use and testing provisions of 49 C.F.R. 382, subpart B, 91639
initiate the reinstatement procedures described in division (F) 91640
(2) of this section. 91641

(D) If a driver's medical certification or medical 91642
variance expires or the federal motor carrier safety 91643

administration notifies the registrar that a medical variance 91644
was removed or rescinded, the registrar shall do the following: 91645

(1) Send notice to the commercial driver's license holder 91646
of the holder's medically not certified status. The notice shall 91647
inform the driver that the driver's commercial driver's license 91648
privileges will be removed unless the driver resolves the 91649
medical certification or medical variance defect by submitting a 91650
current medical certificate or medical variance, as applicable, 91651
or changing the driver's self-certification under division (A) 91652
(1) of section 4506.10 of the Revised Code to driving only in 91653
excepted interstate or excepted intrastate commerce within sixty 91654
days. 91655

(2) Sixty days after the change to a medically not 91656
certified status, if the commercial driver's license holder has 91657
not resolved the medical certification or medical variance 91658
defect as described in division (D) (1) of this section, the 91659
registrar shall change the person's commercial driver's license 91660
status to reflect no commercial driver's license privileges and 91661
shall send the person a second notice informing the person that 91662
the commercial driver's license privilege has been removed from 91663
the driver's license. 91664

(E) To the extent permitted by federal and state law, the 91665
registrar shall provide records from the commercial driver's 91666
license information system regarding a commercial driver's 91667
license holder or commercial motor vehicle operator to the 91668
following individuals and entities or their authorized agents 91669
within ten days of the receipt of conviction or disqualification 91670
information concerning the holder or operator from another state 91671
or within ten days of the date of conviction or disqualification 91672
of the holder or operator if it occurred in this state, as 91673

applicable: 91674

(1) Other states; 91675

(2) The secretary of the United States department of 91676
transportation; 91677

(3) The commercial driver's license holder or commercial 91678
motor vehicle operator referenced in the records; 91679

(4) A motor carrier that is a current or prospective 91680
employer of the commercial driver's license holder or commercial 91681
motor vehicle operator referenced in the records. 91682

(F) (1) If the registrar receives information in accordance 91683
with division (C) (11) of this section, the registrar shall 91684
notify the subject commercial driver's license temporary 91685
instruction permit or commercial driver's license holder. The 91686
notice shall inform the driver that the driver's commercial 91687
driver's license privileges will be downgraded unless the driver 91688
resolves the prohibition in accordance with the federal 91689
requirements within thirty days. If the driver does not resolve 91690
the prohibition within the thirty days, the registrar shall do 91691
all of the following: 91692

(a) Downgrade the driver's commercial driver's license 91693
temporary instruction permit or commercial driver's license to 91694
prohibit the driver from operating a commercial motor vehicle; 91695

(b) Send a second notice to the driver specifying that the 91696
driver's license has been downgraded and that the driver is 91697
prohibited from operating a commercial motor vehicle until the 91698
driver takes the steps necessary to reinstate commercial 91699
driver's license privileges; 91700

(c) Record the downgrade on the driver's commercial 91701

driver's license information system driver record not later than 91702
sixty days after the original notification to the registrar from 91703
the federal motor carrier safety administration. 91704

(2) If the registrar receives information in accordance 91705
with division (C)(12) of this section, the registrar shall do 91706
one of the following, as applicable: 91707

(a) If the registrar receives the information before the 91708
registrar has downgraded a driver's commercial driver's license 91709
privileges in accordance with division (F)(1) of this section, 91710
the registrar shall terminate the downgrade process and notify 91711
the applicable driver of the termination; 91712

(b) If the registrar receives the information after the 91713
registrar has downgraded a driver's commercial driver's license 91714
privileges in accordance with division (F)(1) of this section, 91715
the registrar shall reinstate the driver's commercial driver's 91716
license, provided that the driver is otherwise eligible for 91717
reinstatement and such commercial driving privileges. 91718

(3) If the registrar receives information in accordance 91719
with division (C)(12) of this section that the driver was 91720
erroneously identified as prohibited from operating a commercial 91721
motor vehicle, in addition to the reinstatement procedures under 91722
division (F)(2) of this section, the registrar shall remove any 91723
record of the downgrade from the driver's commercial driver's 91724
license information system driver record and motor vehicle 91725
driving record. 91726

Sec. 4506.131. ~~(A)~~(A)(1) The registrar of motor vehicles 91727
shall not issue, renew, upgrade, or transfer a hazardous 91728
materials endorsement for a commercial driver's license to any 91729
individual authorizing that individual to operate a commercial 91730

motor vehicle transporting a hazardous material in commerce 91731
unless the registrar has received from the transportation 91732
security administration a determination indicating that the 91733
individual does not pose a security risk warranting denial of 91734
the endorsement. 91735

(2) The registrar may issue, renew, upgrade, or transfer a 91736
hazardous materials endorsement for a commercial driver's 91737
license to an individual who is under twenty-one years of age if 91738
both of the following apply: 91739

(a) The individual uses the endorsement for purposes of 91740
intrastate commerce of hazardous materials only; 91741

(b) The individual meets all other federal and state 91742
requirements for issuance of the endorsement. 91743

(B) (1) Immediately upon receiving a determination from the 91744
transportation security administration that an individual poses 91745
a security risk warranting denial of a hazardous materials 91746
endorsement, the registrar shall revoke any existing hazardous 91747
materials endorsement and shall refuse to issue a hazardous 91748
materials endorsement for the individual named as a security 91749
risk. 91750

(2) Within fifteen days of receiving any determination 91751
from the transportation security administration indicating the 91752
status of an individual's security risk, the registrar shall 91753
notify the commercial driver license information system of the 91754
results of the security assessment. 91755

(C) The registrar shall order any revocation under 91756
division (B) of this section without a hearing. Any person 91757
adversely affected by the order may request an administrative 91758
hearing before the registrar. The scope of the hearing shall be 91759

limited to whether the bureau of motor vehicles properly revoked 91760
the hazardous material endorsement after receiving notification 91761
from the transportation security administration and shall not 91762
include consideration of whether the transportation security 91763
administration acted properly in sending the notification. 91764

Sec. 4506.14. (A) Commercial driver's licenses shall 91765
expire as follows: 91766

(1) Except as provided in division (A) (3) or (4) of this 91767
section, each such license issued to replace an operator's or 91768
chauffeur's license shall expire on the original expiration date 91769
of the operator's or chauffeur's license and, upon renewal, 91770
shall expire on the licensee's birthday in the fourth or eighth 91771
year after the date of issuance, based on the period of renewal 91772
requested by the applicant. A person who is sixty-five years of 91773
age or older may only apply for a commercial driver's license 91774
that expires on the birthday of the applicant in the fourth year 91775
after the date it is issued. 91776

(2) (a) Except as provided in division (A) (3) or (4) of 91777
this section, each such license issued as an original license to 91778
a person whose residence is in this state shall expire on the 91779
licensee's birthday in the fourth or eighth year after the date 91780
of issuance, based on the period of renewal requested by the 91781
applicant. A person who is sixty-five years of age or older may 91782
only apply for a commercial driver's license that expires on the 91783
birthday of the applicant in the fourth year after the date it 91784
is issued. 91785

(b) Each such license issued to a person whose temporary 91786
residence is in this state shall expire in accordance with rules 91787
adopted by the registrar of motor vehicles. A license issued to 91788
a person with a temporary residence in this state is 91789

~~nonrenewable, but may be replaced with a new license within~~ 91790
~~ninety days prior to its expiration upon the applicant's~~ 91791
~~compliance with all applicable requirements~~ 91792
a limited term 91793
license and may be renewed in accordance with division (C) of 91794
this section.

(3) The registrar or a deputy registrar may issue a 91795
license that expires on a date earlier than the licensee's 91796
birthday in the fourth year after the date of issuance if the 91797
licensee has undergone a security threat assessment required by 91798
federal law to obtain a hazardous materials endorsement and the 91799
assessment will expire before that date. No commercial driver's 91800
license shall be issued under division (A)(3) of this section 91801
for a period longer than four years and one hundred eighty days. 91802

(4) Each such license issued to replace the operator's or 91803
chauffeur's license of a person who is less than twenty-one 91804
years of age, and each such license issued as an original 91805
license to a person who is less than twenty-one years of age, 91806
shall expire on the licensee's twenty-first birthday. 91807

(B) No commercial driver's license shall be issued for a 91808
period longer than eight years. Except as provided in section 91809
4507.12 of the Revised Code, the registrar may waive the 91810
examination of any person applying for the renewal of a 91811
commercial driver's license issued under this chapter, provided 91812
that the applicant presents either an unexpired commercial 91813
driver's license or a commercial driver's license that has 91814
expired not more than six months prior to the date of 91815
application. 91816

~~(C)~~(C) (1) Subject to the requirements of this chapter and 91817
except as provided in division ~~(A)(2)~~(C) (2) of this section in 91818
regard to a person whose temporary residence is in this state, 91819

every commercial driver's license shall be renewable one hundred 91820
eighty days before its expiration upon payment of the fees 91821
required by section 4506.08 of the Revised Code. Each person 91822
applying for renewal or transfer of a commercial driver's 91823
license shall complete the application form prescribed by 91824
section 4506.07 of the Revised Code and shall provide all 91825
certifications required. 91826

(2) (a) Except as provided in division (C) (2) (b) of this 91827
section, a limited term commercial driver's license shall not be 91828
issued to a temporary resident for a period longer than the 91829
expiration date of the temporary resident's authorized stay in 91830
the United States, or for four years from the date of issuance, 91831
whichever date is earliest. 91832

(b) If there is no expiration date for a temporary 91833
resident's authorized stay in the United States, a limited term 91834
commercial driver's license shall not be issued to the temporary 91835
resident for a period longer than one year from the date of 91836
issuance. 91837

(c) A limited term commercial driver's license may be 91838
renewed within one hundred eighty days prior to its expiration 91839
upon the applicant's presentation of documentation verifying the 91840
applicant's legal presence or continued temporary lawful status 91841
in the United States. 91842

(3) Prior to applying for renewal of a commercial driver's 91843
license, each applicant shall submit a new copy or original 91844
medical examiner's certificate required by section 4506.10 of 91845
the Revised Code; if the person's medical status has changed, 91846
the registrar shall take the appropriate action to address the 91847
change in medical status. If the person wishes to retain an 91848
endorsement authorizing the person to transport hazardous 91849

materials, the person shall take and successfully complete the 91850
written test for the endorsement and shall submit to any 91851
background check required by federal law. 91852

(D) Each person licensed as a driver under this chapter 91853
shall notify the registrar of any change in the person's address 91854
within ten days following that change. The notification shall be 91855
in writing on a form provided by the registrar and shall include 91856
the full name, date of birth, license number, county of 91857
residence, social security number, and new address of the 91858
person. 91859

(E) Whoever violates division (D) of this section is 91860
guilty of a minor misdemeanor. 91861

Sec. 4507.01. (A) As used in this chapter, "motor 91862
vehicle," "motorized bicycle," "state," "owner," "operator," 91863
"chauffeur," and "highways" have the same meanings as in section 91864
4501.01 of the Revised Code. 91865

"Driver's license" means a class D license issued to any 91866
person to operate a motor vehicle or motor-driven cycle, other 91867
than a commercial motor vehicle, and includes "probationary 91868
license," "restricted license," "limited term license," and any 91869
operator's or chauffeur's license issued before January 1, 1990. 91870

"Probationary license" means the license issued to any 91871
person between sixteen and eighteen years of age to operate a 91872
motor vehicle. 91873

"Restricted license" means the license issued to any 91874
person to operate a motor vehicle subject to conditions or 91875
restrictions imposed by the registrar of motor vehicles. 91876

"Commercial driver's license" means the license issued to 91877
a person under Chapter 4506. of the Revised Code to operate a 91878

commercial motor vehicle. 91879

"Commercial motor vehicle" has the same meaning as in 91880
section 4506.01 of the Revised Code. 91881

"Motorcycle operator's temporary instruction permit, 91882
license, or endorsement" includes a temporary instruction 91883
permit, license, or endorsement for a motor-driven cycle or 91884
motor scooter unless otherwise specified. 91885

"Motorized bicycle license" means the license issued under 91886
section 4511.521 of the Revised Code to any person to operate a 91887
motorized bicycle including a "probationary motorized bicycle 91888
license." 91889

"Probationary motorized bicycle license" means the license 91890
issued under section 4511.521 of the Revised Code to any person 91891
between fourteen and sixteen years of age to operate a motorized 91892
bicycle. 91893

"Identification card" means a card issued under sections 91894
4507.50 to 4507.52 of the Revised Code. 91895

"Resident" means a person who, in accordance with 91896
standards prescribed in rules adopted by the registrar, resides 91897
in this state on a permanent basis. 91898

"Temporary resident" means a person who, in accordance 91899
with standards prescribed in rules adopted by the registrar, 91900
resides in this state on a temporary basis. 91901

"Sex" means an individual's biological sex. 91902

"Biological sex" means the biological indication of male 91903
and female, including sex chromosomes, naturally occurring sex 91904
hormones, gonads, and nonambiguous internal and external 91905
genitalia present at birth, without regard to an individual's 91906

psychological, chosen, or subjective experience of gender. 91907

(B) In the administration of this chapter and Chapter 91908
4506. of the Revised Code, the registrar has the same authority 91909
as is conferred on the registrar by section 4501.02 of the 91910
Revised Code. Any act of an authorized deputy registrar of motor 91911
vehicles under direction of the registrar is deemed the act of 91912
the registrar. 91913

To carry out this chapter, the registrar shall appoint 91914
such deputy registrars in each county as are necessary. 91915

The registrar also shall provide at each place where an 91916
application for a driver's or commercial driver's license or 91917
identification card may be made the necessary equipment to take 91918
a photograph of the applicant for such license or card as 91919
required under section 4506.11 or 4507.06 of the Revised Code, 91920
and to conduct the vision screenings required by section 4507.12 91921
of the Revised Code. 91922

The registrar shall assign one or more deputy registrars 91923
to any driver's license examining station operated under the 91924
supervision of the director of public safety, whenever the 91925
registrar considers such assignment possible. Space shall be 91926
provided in the driver's license examining station for any such 91927
deputy registrar so assigned. The deputy registrars shall not 91928
exercise the powers conferred by such sections upon the 91929
registrar, unless they are specifically authorized to exercise 91930
such powers by such sections. 91931

(C) No agent for any insurance company, writing automobile 91932
insurance, shall be appointed deputy registrar, and any such 91933
appointment is void. No deputy registrar shall in any manner 91934
solicit any form of automobile insurance, nor in any manner 91935

advise, suggest, or influence any licensee or applicant for 91936
license for or against any kind or type of automobile insurance, 91937
insurance company, or agent, nor have the deputy registrar's 91938
office directly connected with the office of any automobile 91939
insurance agent, nor impart any information furnished by any 91940
applicant for a license or identification card to any person, 91941
except the registrar. This division shall not apply to any 91942
nonprofit corporation appointed deputy registrar. 91943

(D) The registrar shall immediately remove a deputy 91944
registrar who violates the requirements of this chapter. 91945

Sec. 4507.061. (A) The registrar of motor vehicles may 91946
authorize the online renewal of a driver's license, commercial 91947
driver's license, or identification card issued by the bureau of 91948
motor vehicles for eligible applicants. An applicant is eligible 91949
for online renewal if all of the following apply: 91950

(1) The applicant's current driver's license, commercial 91951
driver's license, or identification card was processed in person 91952
at a deputy registrar office. 91953

(2) The applicant has a photo on file with the bureau of 91954
motor vehicles from the applicant's current driver's license, 91955
commercial driver's license, or identification card. 91956

(3) The applicant's current driver's license, commercial 91957
driver's license, or identification card expires on the birthday 91958
of the applicant in the fourth year after the date it was 91959
issued. 91960

(4) The applicant is applying for a driver's license, 91961
commercial driver's license, or identification card that expires 91962
on the birthday of the applicant in the fourth year after the 91963
date it is issued. 91964

- (5) The applicant's current driver's license, commercial driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application. 91965
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- (6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state. 91968
91969
- (7) The applicant's current driver's license, commercial driver's license, or identification card was issued when the applicant was twenty-one years of age or older. 91970
91971
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- (8) If the applicant is renewing a driver's license or commercial driver's license, the applicant is less than sixty-five years of age. 91973
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- (9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card. 91976
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- (10) The applicant has no changes to the applicant's name or personal information, other than a change of address. 91981
91982
- (11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications. 91983
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- (12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements. 91988
91989
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- (13) For a commercial driver's license, the applicant is 91992

not under any restriction specified by any federal regulation. 91993

(B) An applicant may not submit an application online for 91994
any of the following: 91995

(1) A temporary instruction permit; 91996

(2) A commercial driver's license temporary instruction 91997
permit; 91998

(3) An initial issuance of an Ohio driver's license, 91999
commercial driver's license, or identification card; 92000

(4) An initial issuance of a federally compliant driver's 92001
license, commercial driver's license, or identification card; 92002

(5) An ignition interlock license; 92003

(6) A limited term driver's license or ~~nonrenewable~~ 92004
limited term commercial driver's license issued to a temporary 92005
resident. 92006

(C) The registrar may require an applicant to provide a 92007
digital copy of any identification documents and supporting 92008
documents as required by statute or administrative rule to 92009
comply with current state and federal requirements. 92010

(D) Except as otherwise provided, an applicant shall 92011
comply with all other applicable laws related to the issuance of 92012
a driver's license, commercial driver's license, or 92013
identification card in order to renew a driver's license, 92014
commercial driver's license, or identification card under this 92015
section. 92016

(E) The registrar may adopt rules in accordance with 92017
Chapter 119. of the Revised Code to implement and administer 92018
this section. 92019

Sec. 4507.08. (A) No probationary license shall be issued 92020
to any person under the age of eighteen who has been adjudicated 92021
an unruly or delinquent child or a juvenile traffic offender for 92022
having committed any act that if committed by an adult would be 92023
a drug abuse offense, as defined in section 2925.01 of the 92024
Revised Code, a violation of division (B) of section 2917.11, or 92025
a violation of division (A) of section 4511.19 of the Revised 92026
Code, unless the person has been required by the court to attend 92027
a drug abuse or alcohol abuse education, intervention, or 92028
treatment program specified by the court and has satisfactorily 92029
completed the program. 92030

(B) No temporary instruction permit or driver's license 92031
shall be issued to any person whose license has been suspended, 92032
during the period for which the license was suspended, nor to 92033
any person whose license has been canceled, under Chapter 4510. 92034
or any other provision of the Revised Code. 92035

(C) No temporary instruction permit or driver's license 92036
shall be issued to any person whose commercial driver's license 92037
is suspended under Chapter 4510. or any other provision of the 92038
Revised Code during the period of the suspension. 92039

No temporary instruction permit or driver's license shall 92040
be issued to any person when issuance is prohibited by division 92041
(A) of section 4507.091 of the Revised Code. 92042

(D) No temporary instruction permit or driver's license 92043
shall be issued to, or retained by, any of the following 92044
persons: 92045

(1) Any person who has alcoholism, or is addicted to the 92046
use of controlled substances to the extent that the use 92047
constitutes an impairment to the person's ability to operate a 92048

motor vehicle with the required degree of safety; 92049

(2) Any person who is under the age of eighteen and has 92050
been adjudicated an unruly or delinquent child or a juvenile 92051
traffic offender for having committed any act that if committed 92052
by an adult would be a drug abuse offense, as defined in section 92053
2925.01 of the Revised Code, a violation of division (B) of 92054
section 2917.11, or a violation of division (A) of section 92055
4511.19 of the Revised Code, unless the person has been required 92056
by the court to attend a drug abuse or alcohol abuse education, 92057
intervention, or treatment program specified by the court and 92058
has satisfactorily completed the program; 92059

(3) Any person who, in the opinion of the registrar, has a 92060
physical or mental disability or disease that prevents the 92061
person from exercising reasonable and ordinary control over a 92062
motor vehicle while operating the vehicle upon the highways, 92063
except that a restricted license ~~effective for six months~~ may be 92064
issued to any person otherwise qualified who is or has been 92065
subject to any condition resulting in episodic impairment of 92066
consciousness or loss of muscular control and whose condition, 92067
in the opinion of the registrar, is dormant or is sufficiently 92068
under medical control that the person is capable of exercising 92069
reasonable and ordinary control over a motor vehicle. A 92070
restricted license ~~effective for six months~~ shall be issued to 92071
any person who otherwise is qualified and who is subject to any 92072
condition that causes episodic impairment of consciousness or a 92073
loss of muscular control if the person presents a statement from 92074
a licensed physician, certified nurse-midwife if authorized as 92075
described in section 4723.438 of the Revised Code, clinical 92076
nurse specialist, or certified nurse practitioner that the 92077
person's condition is under effective medical control and the 92078
period of time for which the control has been continuously 92079

maintained, unless, thereafter, a medical examination is ordered 92080
and, pursuant thereto, cause for denial is found. 92081

A person to whom a ~~six-month~~ restricted license has been 92082
issued shall give notice of the person's medical condition to 92083
the registrar on forms provided by the registrar and signed by 92084
the licensee's physician, certified nurse-midwife, clinical 92085
nurse specialist, or certified nurse practitioner at intervals 92086
required by the registrar. The ~~notice shall be sent to the~~ 92087
~~registrar six months after the issuance of the license.~~ 92088
~~Subsequent restricted licenses issued to the same individual~~ 92089
~~shall be effective for six months~~ determine the validity period 92090
of the restricted license. 92091

(4) Any person who is unable to understand highway 92092
warnings or traffic signs or directions given in the English 92093
language; 92094

(5) Any person making an application whose driver's 92095
license or driving privileges are under cancellation, 92096
revocation, or suspension in the jurisdiction where issued or 92097
any other jurisdiction, until the expiration of one year after 92098
the license was canceled or revoked or until the period of 92099
suspension ends. Any person whose application is denied under 92100
this division may file a petition in the municipal court or 92101
county court in whose jurisdiction the person resides agreeing 92102
to pay the cost of the proceedings and alleging that the conduct 92103
involved in the offense that resulted in suspension, 92104
cancellation, or revocation in the foreign jurisdiction would 92105
not have resulted in a suspension, cancellation, or revocation 92106
had the offense occurred in this state. If the petition is 92107
granted, the petitioner shall notify the registrar by a 92108
certified copy of the court's findings and a license shall not 92109

be denied under this division. 92110

(6) Any person who is under a class one or two suspension 92111
imposed for a violation of section 2903.01, 2903.02, 2903.04, 92112
2903.06, 2903.08, 2903.11, 2921.331, or 2923.02 of the Revised 92113
Code or whose driver's or commercial driver's license or permit 92114
was permanently revoked prior to January 1, 2004, for a 92115
substantially equivalent violation pursuant to section 4507.16 92116
of the Revised Code; 92117

(7) Any person who is not a resident or temporary resident 92118
of this state. 92119

(E) No person whose driver's license or permit has been 92120
suspended under Chapter 4510. of the Revised Code or any other 92121
provision of the Revised Code shall have driving privileges 92122
reinstated if the registrar determines that a warrant has been 92123
issued in this state or any other state for the person's arrest 92124
and that warrant is an active warrant. 92125

Sec. 4507.09. (A) (1) Except as provided in division (B) of 92126
this section, every driver's license issued to a resident of 92127
this state expires on the birthday of the applicant in the 92128
fourth or eighth year after the date it is issued, based on the 92129
period of renewal requested by the applicant. A resident who is 92130
sixty-five years of age or older may only apply for a driver's 92131
license that expires on the birthday of the applicant in the 92132
fourth year after the date it is issued. In no event shall any 92133
license be issued for a period longer than eight years and 92134
ninety days. 92135

Subject to the requirements of section 4507.12 of the 92136
Revised Code, every driver's license issued to a resident is 92137
renewable at any time prior to its expiration. 92138

(2) A driver's license issued to a temporary resident 92139
shall expire in accordance with rules adopted by the registrar 92140
of motor vehicles. A driver's license issued to a temporary 92141
resident is a limited term license, but may be renewed within 92142
ninety days prior to its expiration in accordance with division 92143
(E) of this section. 92144

(3) No refund shall be made or credit given for the 92145
unexpired portion of the driver's license that is renewed. The 92146
registrar shall notify each person whose driver's license has 92147
expired within forty-five days after the date of expiration. 92148
Notification shall be made by regular mail sent to the person's 92149
last known address as shown in the records of the bureau of 92150
motor vehicles. Failure to provide such notification shall not 92151
be construed as a renewal or extension of any license. 92152

(4) For the purposes of this section, the date of birth of 92153
any applicant born on the twenty-ninth day of February shall be 92154
deemed to be the first day of March in any year in which there 92155
is no twenty-ninth day of February. 92156

(B) Every driver's license or renewal of a driver's 92157
license issued to a resident applicant who is sixteen years of 92158
age or older, but less than twenty-one years of age, expires on 92159
the twenty-first birthday of the applicant, except that an 92160
applicant who applies no more than thirty days before the 92161
applicant's twenty-first birthday shall be issued a license in 92162
accordance with division (A) of this section. 92163

(C) Each person licensed as a driver under this chapter 92164
shall notify the registrar of any change in the person's address 92165
within ten days following that change. The notification shall be 92166
in writing on a form provided by the registrar and shall include 92167
the full name, date of birth, license number, county of 92168

residence, social security number, and new address of the 92169
person. The registrar shall offer the person the opportunity to 92170
submit a notice of change of address for voter registration 92171
purposes by electronic means in conjunction with the person's 92172
transaction with the registrar, in accordance with section 92173
3503.11 of the Revised Code. 92174

(D) No driver's license shall be renewed when renewal is 92175
prohibited by division (A) of section 4507.091 of the Revised 92176
Code. 92177

(E) (1) Except as provided in division (E) (2) of this 92178
section, a limited term license shall not be issued to a 92179
temporary resident for a period longer than the expiration date 92180
of the temporary resident's authorized stay in the United 92181
States, or for four years from the date of issuance, whichever 92182
date is earliest. 92183

(2) If there is no expiration date for a temporary 92184
resident's authorized stay in the United States, a limited term 92185
license shall not be issued to the temporary resident for a 92186
period longer than one year from the date of issuance. 92187

(3) A limited term license may be renewed within ninety 92188
days prior to its expiration upon the applicant's presentation 92189
of documentation verifying the applicant's legal presence or 92190
continued temporary lawful status in the United States. 92191

~~(3) A limited term license is not transferable, and the~~ 92192
~~applicant may not rely on it to obtain a driver's license in~~ 92193
~~another state.~~ 92194

(4) In accordance with Chapter 119. of the Revised Code, 92195
the registrar shall adopt rules governing limited term licenses 92196
for temporary residents. 92197

Sec. 4507.13. (A) (1) The registrar of motor vehicles shall 92198
issue a driver's license to every person licensed as an operator 92199
of motor vehicles other than commercial motor vehicles. No 92200
person licensed as a commercial motor vehicle driver under 92201
Chapter 4506. of the Revised Code need procure a driver's 92202
license, but no person shall drive any commercial motor vehicle 92203
unless licensed as a commercial motor vehicle driver. 92204

(2) Every driver's license shall display all of the 92205
following information: 92206

(a) The distinguishing number assigned to the licensee; 92207

(b) The licensee's name and date of birth; 92208

(c) The licensee's residence address and county of 92209
residence; 92210

(d) A photograph of the licensee; 92211

(e) A brief description of the licensee for the purpose of 92212
identification, including sex, height, and color of eyes and 92213
hair; 92214

(f) A facsimile of the signature of the licensee as it 92215
appears on the application for the license; 92216

(g) A notation, in a manner prescribed by the registrar, 92217
indicating any condition described in division (D) (3) of section 92218
4507.08 of the Revised Code to which the licensee is subject; 92219

(h) If the licensee has executed a durable power of 92220
attorney for health care or a declaration governing the use or 92221
continuation, or the withholding or withdrawal, of life- 92222
sustaining treatment and has specified that the licensee wishes 92223
the license to indicate that the licensee has executed either 92224
type of instrument, any symbol chosen by the registrar to 92225

indicate that the licensee has executed either type of 92226
instrument; 92227

(i) If the licensee has specified that the licensee wishes 92228
the license to indicate that the licensee is a veteran, active 92229
duty, or reservist of the armed forces of the United States and 92230
has presented a copy of the licensee's DD-214 form or an 92231
equivalent document, any symbol chosen by the registrar to 92232
indicate that the licensee is a veteran, active duty, or 92233
reservist of the armed forces of the United States; 92234

(j) If the licensee is a noncitizen of the United States, 92235
a notation designating that the licensee is a noncitizen; 92236

(k) Any additional information that the registrar requires 92237
by rule. 92238

(3) No license shall display the licensee's social 92239
security number unless the licensee specifically requests that 92240
the licensee's social security number be displayed on the 92241
license. If federal law requires the licensee's social security 92242
number to be displayed on the license, the social security 92243
number shall be displayed on the license notwithstanding this 92244
section. 92245

(4) The driver's license for licensees under twenty-one 92246
years of age shall have characteristics prescribed by the 92247
registrar distinguishing it from that issued to a licensee who 92248
is twenty-one years of age or older, except that a driver's 92249
license issued to a person who applies no more than thirty days 92250
before the applicant's twenty-first birthday shall have the 92251
characteristics of a license issued to a person who is twenty- 92252
one years of age or older. 92253

(5) The limited term license issued to a temporary 92254

resident shall contain the words "limited term" and shall have 92255
any additional characteristics prescribed by the registrar 92256
distinguishing it from a license issued to a resident. 92257

(6) Every driver's or commercial driver's license 92258
displaying a motorcycle operator's endorsement and every 92259
restricted license to operate a motor vehicle also shall display 92260
the designation "novice," if the endorsement or license is 92261
issued to a person who is eighteen years of age or older and 92262
previously has not been licensed to operate a motorcycle by this 92263
state or another jurisdiction recognized by this state. The 92264
"novice" designation shall be effective for one year after the 92265
date of issuance of the motorcycle operator's endorsement or 92266
license. 92267

(7) Each license issued under this section shall be of 92268
such material and so designed as to prevent its reproduction or 92269
alteration without ready detection. 92270

(B) Except in regard to a driver's license issued to a 92271
person who applies no more than thirty days before the 92272
applicant's twenty-first birthday, neither the registrar nor any 92273
deputy registrar shall issue a driver's license to anyone under 92274
twenty-one years of age that does not have the characteristics 92275
prescribed by the registrar distinguishing it from the driver's 92276
license issued to persons who are twenty-one years of age or 92277
older. 92278

(C) The registrar shall ensure that driver's licenses 92279
issued in accordance with the federal "Real ID Act," 49 U.S.C. 92280
30301, et seq., comply with the regulations specified in 6 92281
C.F.R. part 37. 92282

(D) Whoever violates division (B) of this section is 92283

guilty of a minor misdemeanor. 92284

Sec. 4507.40. (A) As used in this section, "Ohio 92285
credential" means a temporary instruction permit identification 92286
card, driver's license, commercial driver's license, motorcycle 92287
operator's license, motorized bicycle license, or identification 92288
card issued by the Ohio bureau of motor vehicles. 92289

(B) Any valid holder of an Ohio credential issued after 92290
July 2, 2018, may apply online to obtain an exact reprint of 92291
that Ohio credential. Not more than one hundred eighty days 92292
after ~~the effective date of this section~~ April 12, 2021, the 92293
registrar of motor vehicles shall make the reprint application 92294
process available through electronic means on the bureau of 92295
motor vehicle's web site. A reprint of an Ohio credential shall 92296
be available only through the online process. 92297

(C) An applicant may obtain not more than ~~one reprint~~ two 92298
reprints between the initial issuance and renewal of an Ohio 92299
credential or between renewals of an Ohio credential. A reprint 92300
shall be an exact copy of the last-issued Ohio credential that 92301
it replaces. A reprint expires on the same date as the Ohio 92302
credential it replaces. 92303

(D) The applicant shall do all of the following in the 92304
application: 92305

(1) Certify that the current Ohio credential is lost, 92306
destroyed, or mutilated; 92307

(2) Provide identifying information, as required by the 92308
registrar, in order to confirm the applicant's identity; 92309

(3) Include with the application a financial transaction 92310
device number to pay the applicable fees for the reprint of the 92311
Ohio credential, and a service fee equal to the amount 92312

established under section 4503.038 of the Revised Code. 92313

(E) Upon receipt of a completed application, the registrar 92314
shall issue a reprint Ohio credential to the applicant, if the 92315
applicant is eligible for the reprint. If the applicant does not 92316
qualify for a reprint, the registrar shall notify the applicant 92317
why the application was denied. 92318

(F) The fees that are collected from a person who applies 92319
for a reprint of an Ohio credential shall be paid to the credit 92320
of the public safety - highway purposes fund established by 92321
section 4501.06 of the Revised Code. 92322

Sec. 4507.53. Digitalized photographic records of the 92323
department of public safety may be released only to the 92324
following: 92325

(A) State, local, or federal governmental agencies for 92326
criminal justice purposes; 92327

(B) Any court; 92328

(C) The American association of motor vehicle 92329
administrators to allow state department of motor vehicles 92330
participating in the association's state-to-state verification 92331
services and digital image access and exchange program to use 92332
the photographic records for identity verification purposes; 92333

(D) The department of job and family services or the 92334
unemployment compensation review commission for the purpose of 92335
carrying out the department's or commission's functions under 92336
Chapter 4141. of the Revised Code. 92337

Sec. 4509.06. (A) ~~The driver of any motor vehicle which~~ 92338
Any person who is in any manner involved in a motor vehicle 92339
~~accident within six months of the accident,~~ including as the 92340

driver of a motor vehicle, the owner of property, or any person 92341
sustaining bodily injury or property damage, may, within six 92342
months after the accident, forward a written report of the 92343
accident to the registrar of motor vehicles on a form prescribed 92344
by the registrar alleging that a driver or owner of any ~~other~~ 92345
vehicle involved in the accident was uninsured at the time of 92346
the accident. 92347

(B) Upon receipt of the accident report, the registrar 92348
shall send a notice by regular mail to the driver and owner 92349
alleged to be uninsured requiring the person to give evidence 92350
that the person had proof of financial responsibility in effect 92351
at the time of the accident. 92352

(C) Within thirty days after the mailing of the notice by 92353
the registrar, the driver of the vehicle alleged to be uninsured 92354
shall forward a report together with acceptable proof of 92355
financial responsibility to the registrar in a form prescribed 92356
by the registrar. The forwarding of the report by the owner of 92357
the motor vehicle involved in the accident is deemed compliance 92358
with this section by the driver. This section does not change or 92359
modify the duties of the driver or operator of a motor vehicle 92360
as set forth in section 4549.02 of the Revised Code. 92361

Sec. 4509.07. The report prescribed by the registrar of 92362
motor vehicles shall request only information sufficient to 92363
enable the registrar to administer and enforce the provisions of 92364
sections 4509.01 to 4509.78, inclusive, of the Revised Code. 92365

The ~~driver or owner of a motor vehicle~~ person involved in 92366
an accident who submits or is the subject of a report submitted 92367
in accordance with section 4509.06 of the Revised Code shall 92368
furnish such additional relevant information as the registrar 92369
requires. 92370

Sec. 4509.101. (A) (1) No person shall operate, or permit 92371
the operation of, a motor vehicle in this state, unless proof of 92372
financial responsibility is maintained continuously throughout 92373
the registration period with respect to that vehicle, or, in the 92374
case of a driver who is not the owner, with respect to that 92375
driver's operation of that vehicle. 92376

(2) Whoever violates division (A) (1) of this section shall 92377
be subject to the following civil penalties: 92378

(a) Subject to divisions (A) (2) (b) and (c) of this 92379
section, a class (F) suspension of the person's driver's 92380
license, commercial driver's license, temporary instruction 92381
permit, probationary license, or nonresident operating privilege 92382
for the period of time specified in division (B) (6) of section 92383
4510.02 of the Revised Code and impoundment of the person's 92384
license. The court may grant limited driving privileges to the 92385
person, but only if the person presents proof of financial 92386
responsibility and is enrolled in a reinstatement fee payment 92387
plan pursuant to section 4510.10 of the Revised Code. 92388

(b) If, within one year of the violation, the person's 92389
operating privileges are again suspended and the person's 92390
license again is impounded for a violation of division (A) (1) of 92391
this section, a class C suspension of the person's driver's 92392
license, commercial driver's license, temporary instruction 92393
permit, probationary license, or nonresident operating privilege 92394
for the period of time specified in division (B) (3) of section 92395
4510.02 of the Revised Code. The court may grant limited driving 92396
privileges to the person only if the person presents proof of 92397
financial responsibility and has complied with division (A) (5) 92398
of this section, and no court may grant limited driving 92399
privileges for the first fifteen days of the suspension. 92400

(c) If, within one year of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A) (1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B) (2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A) (5) of this section, except that no court may grant limited driving privileges for the first thirty days of the suspension.

The clerk of court shall waive the cost of filing a petition for limited driving privileges if, pursuant to section 2323.311 of the Revised Code, the petitioner applies to be qualified as an indigent litigant and the court approves the application.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not

produced upon the request of a peace officer or state highway 92431
patrol trooper made in accordance with division (D) (2) of this 92432
section. 92433

(4) An order of the registrar that suspends a license 92434
shall state the date on or before which the person is required 92435
to surrender the person's license. The person is deemed to have 92436
surrendered the license, in compliance with the order, if the 92437
person does either of the following: 92438

(a) On or before the date specified in the order, delivers 92439
the license to the registrar; 92440

(b) Mails the license to the registrar in an envelope or 92441
container bearing a postmark showing a date no later than the 92442
date specified in the order. 92443

(5) Except as provided in division (L) of this section, 92444
the registrar shall not restore any operating privileges 92445
suspended under this section, return any license surrendered 92446
under this section, or reissue a license under section 4510.52 92447
of the Revised Code, if the registrar destroyed the suspended 92448
license under that section, unless the rights are not subject to 92449
suspension or revocation under any other law and unless the 92450
person, in addition to complying with all other conditions 92451
required by law for reinstatement of the operating privileges, 92452
complies with all of the following: 92453

(a) Pays to the registrar or an eligible deputy registrar 92454
a financial responsibility reinstatement fee of forty dollars 92455
for the first violation of division (A) (1) of this section, 92456
three hundred dollars for a second violation of that division, 92457
and six hundred dollars for a third or subsequent violation of 92458
that division; 92459

(b) Files and continuously maintains proof of financial 92460
responsibility in accordance with sections 4509.44 to 4509.65 of 92461
the Revised Code; 92462

(c) Pays a deputy registrar a service fee of ten dollars 92463
to compensate the deputy registrar for services performed under 92464
this section. The deputy registrar shall retain eight dollars of 92465
the service fee and shall transmit the reinstatement fee and two 92466
dollars of the service fee to the registrar in the manner the 92467
registrar shall determine. 92468

(B) (1) Every party required to file an accident report 92469
under section 4509.06 of the Revised Code also shall include 92470
with the report a document described in division (G) (1) (a) of 92471
this section or shall present proof of financial responsibility 92472
through use of an electronic wireless communications device as 92473
permitted by division (G) (1) (b) of this section. 92474

If the registrar determines, within forty-five days after 92475
the report is filed, that an operator or owner has violated 92476
division (A) (1) of this section, the registrar shall do all of 92477
the following: 92478

(a) Order the suspension required under division (A) (2) 92479
(a), (b), or (c) of this section of the license of any operator 92480
or owner who has violated division (A) (1) of this section; 92481

(b) Record the name and address of the person whose 92482
license has been suspended or is under an order of suspension, 92483
the serial number of the person's license, and the person's 92484
social security account number, if assigned, or, where the motor 92485
vehicle that is the subject of the violation is used for hire or 92486
principally in connection with any established business, the 92487
person's federal taxpayer identification number. The information 92488

shall be recorded in such a manner that it becomes a part of the 92489
person's permanent record, and assists the registrar in 92490
monitoring compliance with the orders of suspension. 92491

(c) Send written notification to every person to whom the 92492
order pertains, at the person's last known address as shown on 92493
the records of the bureau. The person, within ten days after the 92494
date of the mailing of the notification, shall surrender to the 92495
registrar, in a manner set forth in division (A) (4) of this 92496
section, any license under an order of suspension. 92497

(2) The registrar shall issue any order under division (B) 92498
(1) of this section without a hearing. Any person adversely 92499
affected by the order, within ~~ten~~fifteen days after the 92500
issuance of the order, may request an administrative hearing 92501
before the registrar, who shall provide the person with an 92502
opportunity for a hearing in accordance with this paragraph. A 92503
request for a hearing does not operate as a suspension of the 92504
order. The scope of the hearing shall be limited to whether the 92505
person in fact demonstrated to the registrar proof of financial 92506
responsibility in accordance with this section. The registrar 92507
shall determine the date, time, and place of any hearing, 92508
provided that the hearing shall be held, and an order issued or 92509
findings made, within thirty days after the registrar receives a 92510
request for a hearing. If requested by the person in writing, 92511
the registrar may designate as the place of hearing the county 92512
seat of the county in which the person resides or a place within 92513
fifty miles of the person's residence. The person shall pay the 92514
cost of the hearing before the registrar, if the registrar's 92515
order of suspension is upheld. 92516

(C) Any order of suspension issued under this section or 92517
division (B) of section 4509.37 of the Revised Code may be 92518

terminated at any time if the registrar determines upon a 92519
showing of proof of financial responsibility that the operator 92520
or owner of the motor vehicle was in compliance with division 92521
(A) (1) of this section at the time of the traffic offense, motor 92522
vehicle inspection, or accident that resulted in the order 92523
against the person. A determination may be made without a 92524
hearing. This division does not apply unless the person shows 92525
good cause for the person's failure to present satisfactory 92526
proof of financial responsibility to the registrar prior to the 92527
issuance of the order. 92528

(D) (1) (a) For the purpose of enforcing this section, every 92529
peace officer is deemed an agent of the registrar. 92530

(b) Any peace officer who, in the performance of the peace 92531
officer's duties as authorized by law, becomes aware of a person 92532
whose license is under an order of suspension, pursuant to this 92533
section, may confiscate the license and return it to the 92534
registrar. 92535

(2) A peace officer shall request the owner or operator of 92536
a motor vehicle to produce proof of financial responsibility in 92537
a manner described in division (G) of this section at the time 92538
the peace officer acts to enforce the traffic laws of this state 92539
and during motor vehicle inspections conducted pursuant to 92540
section 4513.02 of the Revised Code. 92541

(3) A peace officer shall indicate on every traffic ticket 92542
whether the person receiving the traffic ticket produced proof 92543
of the maintenance of financial responsibility in response to 92544
the officer's request under division (D) (2) of this section. The 92545
peace officer shall inform every person who receives a traffic 92546
ticket and who has failed to produce proof of the maintenance of 92547
financial responsibility that the person must submit proof to 92548

the traffic violations bureau with any payment of a fine and 92549
costs for the ticketed violation or, if the person is to appear 92550
in court for the violation, the person must submit proof to the 92551
court. 92552

(4) (a) If a person who has failed to produce proof of the 92553
maintenance of financial responsibility appears in court for a 92554
ticketed violation, the court may permit the defendant to 92555
present evidence of proof of financial responsibility to the 92556
court at such time and in such manner as the court determines to 92557
be necessary or appropriate. In a manner prescribed by the 92558
registrar, the clerk of courts shall provide the registrar with 92559
the identity of any person who fails to submit proof of the 92560
maintenance of financial responsibility pursuant to division (D) 92561
(3) of this section. 92562

(b) If a person who has failed to produce proof of the 92563
maintenance of financial responsibility also fails to submit 92564
that proof to the traffic violations bureau with payment of a 92565
fine and costs for the ticketed violation, the traffic 92566
violations bureau, in a manner prescribed by the registrar, 92567
shall notify the registrar of the identity of that person. 92568

(5) (a) Upon receiving notice from a clerk of courts or 92569
traffic violations bureau pursuant to division (D) (4) of this 92570
section, the registrar shall order the suspension of the license 92571
of the person required under division (A) (2) (a), (b), or (c) of 92572
this section, effective forty-five days after the date of the 92573
mailing of notification. The registrar also shall notify the 92574
person that the person must present the registrar with proof of 92575
financial responsibility in accordance with this section, 92576
surrender to the registrar the person's license, or submit a 92577
statement subject to section 2921.13 of the Revised Code that 92578

the person did not operate or permit the operation of the motor 92579
vehicle at the time of the offense. Notification shall be in 92580
writing and shall be sent to the person at the person's last 92581
known address as shown on the records of the bureau of motor 92582
vehicles. The person, within forty-five days after the date of 92583
the mailing of notification, shall present proof of financial 92584
responsibility, surrender the license to the registrar in a 92585
manner set forth in division (A) (4) of this section, or submit 92586
the statement required under this section together with other 92587
information the person considers appropriate. 92588

If the registrar does not receive proof or the person does 92589
not surrender the license, in accordance with this division, the 92590
registrar shall permit the order for the suspension of the 92591
license of the person to take effect. 92592

(b) In the case of a person who presents, within the 92593
forty-five-day period, proof of financial responsibility, the 92594
registrar shall terminate the order of suspension and shall send 92595
written notification to the person, at the person's last known 92596
address as shown on the records of the bureau. 92597

(c) Any person adversely affected by the order of the 92598
registrar under division (D) (5) (a) or (b) of this section, 92599
within ~~ten~~ fifteen days after the issuance of the order, may 92600
request an administrative hearing before the registrar, who 92601
shall provide the person with an opportunity for a hearing in 92602
accordance with this paragraph. A request for a hearing does not 92603
operate as a suspension of the order. The scope of the hearing 92604
shall be limited to whether, at the time of the hearing, the 92605
person presents proof of financial responsibility covering the 92606
vehicle and whether the person is eligible for an exemption in 92607
accordance with this section or any rule adopted under it. The 92608

registrar shall determine the date, time, and place of any 92609
hearing; provided, that the hearing shall be held, and an order 92610
issued or findings made, within thirty days after the registrar 92611
receives a request for a hearing. If requested by the person, 92612
the hearing may be held remotely by electronic means. If 92613
requested by the person in writing, the registrar may designate 92614
as the place of hearing the county seat of the county in which 92615
the person resides or a place within fifty miles of the person's 92616
residence. Such person shall pay the cost of the hearing before 92617
the registrar, if the registrar's order of suspension under 92618
division (D) (5) (a) or (b) of this section is upheld. 92619

(6) Any forms used by law enforcement agencies in 92620
administering this section shall be prescribed, supplied, and 92621
paid for by the registrar. 92622

(7) No peace officer, law enforcement agency employing a 92623
peace officer, or political subdivision or governmental agency 92624
that employs a peace officer shall be liable in a civil action 92625
for damages or loss to persons arising out of the performance of 92626
any duty required or authorized by this section. 92627

(8) As used in this section, "peace officer" has the 92628
meaning set forth in section 2935.01 of the Revised Code. 92629

(E) All fees, except court costs, fees paid to a deputy 92630
registrar, and those portions of the financial responsibility 92631
reinstatement fees as otherwise specified in this division, 92632
collected under this section shall be paid into the state 92633
treasury to the credit of the public safety - highway purposes 92634
fund established in section 4501.06 of the Revised Code and used 92635
to cover costs incurred by the bureau in the administration of 92636
this section and sections 4503.20, 4507.212, and 4509.81 of the 92637
Revised Code, and by any law enforcement agency employing any 92638

peace officer who returns any license to the registrar pursuant 92639
to division (C) of this section. 92640

Of each financial responsibility reinstatement fee the 92641
registrar collects pursuant to division (A) (5) (a) of this 92642
section or receives from a deputy registrar under division (A) 92643
(5) (c) of this section, the registrar shall deposit ten dollars 92644
of each forty-dollar reinstatement fee, fifty dollars of each 92645
three-hundred-dollar reinstatement fee, and one hundred dollars 92646
of each six-hundred-dollar reinstatement fee into the state 92647
treasury to the credit of the indigent defense support fund 92648
created by section 120.08 of the Revised Code. 92649

(F) Chapter 119. of the Revised Code applies to this 92650
section only to the extent that any provision in that chapter is 92651
not clearly inconsistent with this section. 92652

(G) (1) (a) The registrar, court, traffic violations bureau, 92653
or peace officer may require proof of financial responsibility 92654
to be demonstrated by use of a standard form prescribed by the 92655
registrar. If the use of a standard form is not required, a 92656
person may demonstrate proof of financial responsibility under 92657
this section by presenting to the traffic violations bureau, 92658
court, registrar, or peace officer any of the following 92659
documents or a copy of the documents: 92660

(i) A financial responsibility identification card as 92661
provided in section 4509.103 of the Revised Code; 92662

(ii) A certificate of proof of financial responsibility on 92663
a form provided and approved by the registrar for the filing of 92664
an accident report required to be filed under section 4509.06 of 92665
the Revised Code; 92666

(iii) A policy of liability insurance, a declaration page 92667

of a policy of liability insurance, or liability bond, if the 92668
policy or bond complies with section 4509.20 or sections 4509.49 92669
to 4509.61 of the Revised Code; 92670

(iv) A bond or certification of the issuance of a bond as 92671
provided in section 4509.59 of the Revised Code; 92672

(v) A certificate of deposit of money or securities as 92673
provided in section 4509.62 of the Revised Code; 92674

(vi) A certificate of self-insurance as provided in 92675
section 4509.72 of the Revised Code. 92676

(b) A person also may present proof of financial 92677
responsibility under this section to the traffic violations 92678
bureau, court, registrar, or peace officer through use of an 92679
electronic wireless communications device as specified under 92680
section 4509.103 of the Revised Code. 92681

(2) If a person fails to demonstrate proof of financial 92682
responsibility in a manner described in division (G)(1) of this 92683
section, the person may demonstrate proof of financial 92684
responsibility under this section by any other method that the 92685
court or the bureau, by reason of circumstances in a particular 92686
case, may consider appropriate. 92687

(3) A motor carrier certificated by the interstate 92688
commerce commission or by the public utilities commission may 92689
demonstrate proof of financial responsibility by providing a 92690
statement designating the motor carrier's operating authority 92691
and averring that the insurance coverage required by the 92692
certificating authority is in full force and effect. 92693

(4) (a) A finding by the registrar or court that a person 92694
is covered by proof of financial responsibility in the form of 92695
an insurance policy or surety bond is not binding upon the named 92696

insurer or surety or any of its officers, employees, agents, or 92697
representatives and has no legal effect except for the purpose 92698
of administering this section. 92699

(b) The preparation and delivery of a financial 92700
responsibility identification card or any other document 92701
authorized to be used as proof of financial responsibility and 92702
the generation and delivery of proof of financial responsibility 92703
to an electronic wireless communications device that is 92704
displayed on the device as text or images does not do any of the 92705
following: 92706

(i) Create any liability or estoppel against an insurer or 92707
surety, or any of its officers, employees, agents, or 92708
representatives; 92709

(ii) Constitute an admission of the existence of, or of 92710
any liability or coverage under, any policy or bond; 92711

(iii) Waive any defenses or counterclaims available to an 92712
insurer, surety, agent, employee, or representative in an action 92713
commenced by an insured or third-party claimant upon a cause of 92714
action alleged to have arisen under an insurance policy or 92715
surety bond or by reason of the preparation and delivery of a 92716
document for use as proof of financial responsibility or the 92717
generation and delivery of proof of financial responsibility to 92718
an electronic wireless communications device. 92719

(c) Whenever it is determined by a final judgment in a 92720
judicial proceeding that an insurer or surety, which has been 92721
named on a document or displayed on an electronic wireless 92722
communications device accepted by a court or the registrar as 92723
proof of financial responsibility covering the operation of a 92724
motor vehicle at the time of an accident or offense, is not 92725

liable to pay a judgment for injuries or damages resulting from 92726
such operation, the registrar, notwithstanding any previous 92727
contrary finding, shall forthwith suspend the operating 92728
privileges and registration rights of the person against whom 92729
the judgment was rendered as provided in division (A) (2) of this 92730
section. 92731

(H) In order for any document or display of text or images 92732
on an electronic wireless communications device described in 92733
division (G) (1) of this section to be used for the demonstration 92734
of proof of financial responsibility under this section, the 92735
document or words or images shall state the name of the insured 92736
or obligor, the name of the insurer or surety company, and the 92737
effective and expiration dates of the financial responsibility, 92738
and designate by explicit description or by appropriate 92739
reference all motor vehicles covered which may include a 92740
reference to fleet insurance coverage. 92741

(I) For purposes of this section, "owner" does not include 92742
a licensed motor vehicle leasing dealer as defined in section 92743
4517.01 of the Revised Code, but does include a motor vehicle 92744
renting dealer as defined in section 4549.65 of the Revised 92745
Code. Nothing in this section or in section 4509.51 of the 92746
Revised Code shall be construed to prohibit a motor vehicle 92747
renting dealer from entering into a contractual agreement with a 92748
person whereby the person renting the motor vehicle agrees to be 92749
solely responsible for maintaining proof of financial 92750
responsibility, in accordance with this section, with respect to 92751
the operation, maintenance, or use of the motor vehicle during 92752
the period of the motor vehicle's rental. 92753

(J) The purpose of this section is to require the 92754
maintenance of proof of financial responsibility with respect to 92755

the operation of motor vehicles on the highways of this state, 92756
so as to minimize those situations in which persons are not 92757
compensated for injuries and damages sustained in motor vehicle 92758
accidents. The general assembly finds that this section contains 92759
reasonable civil penalties and procedures for achieving this 92760
purpose. 92761

(K) Nothing in this section shall be construed to be 92762
subject to section 4509.78 of the Revised Code. 92763

(L) (1) The registrar may terminate any suspension imposed 92764
under this section and not require the owner to comply with 92765
division (A) (5) of this section if the registrar with or without 92766
a hearing determines that the owner of the vehicle has 92767
established by clear and convincing evidence that all of the 92768
following apply: 92769

(a) The owner customarily maintains proof of financial 92770
responsibility. 92771

(b) Proof of financial responsibility was not in effect 92772
for the vehicle on the date in question for one of the following 92773
reasons: 92774

(i) The vehicle was inoperable. 92775

(ii) The vehicle is operated only seasonally, and the date 92776
in question was outside the season of operation. 92777

(iii) A person other than the vehicle owner or driver was 92778
at fault for the lapse of proof of financial responsibility 92779
through no fault of the owner or driver. 92780

(iv) The lapse of proof of financial responsibility was 92781
caused by excusable neglect under circumstances that are not 92782
likely to recur and do not suggest a purpose to evade the 92783

requirements of this chapter. 92784

(2) The registrar may grant an owner or driver relief for 92785
a reason specified in division (L)(1)(b)(iii) or (iv) of this 92786
section only if the owner or driver has not previously been 92787
granted relief under division (L)(1)(b)(iii) or (iv) of this 92788
section. 92789

(M) The registrar shall adopt rules in accordance with 92790
Chapter 119. of the Revised Code that are necessary to 92791
administer and enforce this section. The rules shall include 92792
provisions relating to acceptable forms of proof of financial 92793
responsibility, the use of an electronic wireless communications 92794
device to present proof of financial responsibility, and 92795
verification of the existence of financial responsibility during 92796
the period of registration. 92797

(N)(1) When a person utilizes an electronic wireless 92798
communications device to present proof of financial 92799
responsibility, only the evidence of financial responsibility 92800
displayed on the device shall be viewed by the registrar, peace 92801
officer, employee or official of the traffic violations bureau, 92802
or the court. No other content of the device shall be viewed for 92803
purposes of obtaining proof of financial responsibility. 92804

(2) When a person provides an electronic wireless 92805
communications device to the registrar, a peace officer, an 92806
employee or official of a traffic violations bureau, or the 92807
court, the person assumes the risk of any resulting damage to 92808
the device unless the registrar, peace officer, employee, or 92809
official, or court personnel purposely, knowingly, or recklessly 92810
commits an action that results in damage to the device. 92811

Sec. 4509.70. (A) After consultation with the insurance 92812

companies authorized to issue automobile liability or physical 92813
damage policies, or both, in this state, the superintendent of 92814
insurance shall approve a reasonable plan, fair and equitable to 92815
the insurers and to their policyholders, for the apportionment 92816
among such companies of applicants for such policies and for 92817
motor-vehicle liability policies who are in good faith entitled 92818
to but are unable to procure such policies through ordinary 92819
methods. When any such plan has been approved by the 92820
superintendent, all such insurance companies shall subscribe and 92821
participate. Any applicant for such policy, any person insured 92822
under such plan of operation, and any insurance company 92823
affected, may appeal to the superintendent of insurance from any 92824
ruling or decision of the manager or committee designated in the 92825
plan to operate the assigned risk insurance plan. Any order or 92826
act of the superintendent under this section is subject to 92827
review as provided in sections 119.01 to 119.13 of the Revised 92828
Code, at the instance of any party in interest. 92829

(B) The plan described in division (A) of this section may 92830
permit the assigned risk insurance plan to directly issue and 92831
process claims arising from such policies described in division 92832
(A) of this section to applicants of automobile insurance 92833
policies who are in good faith entitled to but are unable to 92834
procure such policies through ordinary methods. 92835

(C) Every form of a policy, endorsement, rider, manual of 92836
classifications, rules, and rates, every rating plan, and every 92837
modification of any of them proposed to be used by the assigned 92838
risk insurance plan shall be filed, or the plan may satisfy its 92839
obligation to make such filings, as described in section 3937.03 92840
of the Revised Code. 92841

(D) Any automobile insurance policy issued by the assigned 92842

risk insurance plan under division (B) of this section: 92843

(1) Shall be recognized as if issued by an insurance 92844
company authorized to do business in this state; 92845

(2) Shall meet all requirements of proof of financial 92846
responsibility as described in division (K) of section 4509.01 92847
of the Revised Code. 92848

(E) Proof of financial responsibility provided by the 92849
assigned risk insurance plan to an automobile insurance 92850
policyholder that meets the requirements described in division 92851
(G) (1) (a) or (b) of section 4509.101 of the Revised Code shall 92852
be recognized as if issued by an insurance company authorized to 92853
do business in this state to demonstrate proof of financial 92854
responsibility under section 4509.101 of the Revised Code. 92855

(F) The assigned risk insurance plan designated in 92856
division (A) of this section shall do both of the following: 92857

(1) Make annual audited financial reports available to the 92858
superintendent of insurance promptly upon the completion of such 92859
audit; 92860

(2) Upon reasonable notice, make available to the 92861
superintendent of insurance all books and records relating to 92862
the insurance transactions of the assigned risk insurance plan. 92863

(G) (1) Except as provided in division (G) (2) of this 92864
section, records created, held by, or pertaining to the assigned 92865
risk insurance plan are not public records under section 149.43 92866
of the Revised Code, are confidential, and are not subject to 92867
inspection or disclosure. 92868

(2) Division (G) (1) of this section does not apply to the 92869
plan of operation and other information required to be filed 92870

under this section with the superintendent unless otherwise 92871
prohibited from release by law. 92872

(H) (1) For the purposes of division (H) of this section, 92873
"insurance agent" has the same meaning as in section 3905.01 of 92874
the Revised Code. 92875

(2) Provided that the assigned risk insurance plan 92876
establishes registration procedures for insurance agents under 92877
division (H) (3) of this section, the plan shall not accept an 92878
application for an automobile insurance policy issued under 92879
division (B) of this section unless that application is 92880
submitted through an insurance agent registered in accordance 92881
with those procedures. 92882

(3) The plan may do all of the following: 92883

(a) Establish procedures to register insurance agents; 92884

(b) Establish separate registrations for commercial and 92885
personal insurance agents, or one registration for both; 92886

(c) Empower the manager of the plan to make determinations 92887
on registration status, including by revoking an insurance 92888
agent's registration. 92889

(4) If an insurance agent is denied registration with the 92890
plan, or the insurance agent's registration is revoked, the plan 92891
may notify the superintendent of the plan's decision. The plan 92892
and manager are immune from civil liability for any decision to 92893
deny or revoke registration and from any decision to report 92894
denials or revocations to the superintendent. 92895

(5) All insurance agents submitting applications to the 92896
plan for automobile insurance coverage have an affirmative duty 92897
to ensure that all information included in the application and 92898

any supporting materials is true and accurate. 92899

(6) (a) An insurance agent shall not submit an application 92900
to the plan for automobile insurance coverage unless the agent 92901
exercises due diligence in confirming that the person seeking 92902
insurance is unable to obtain coverage through an insurer 92903
authorized to do business in this state. 92904

(b) For the purposes of this section, due diligence 92905
requires an insurance agent to contact at least five of the 92906
authorized insurers the agent represents or, if the agent does 92907
not represent five authorized insurers that customarily write 92908
automobile insurance coverage, as many of such insurers as the 92909
agent represents. 92910

(c) An insurance agent may assume that insurance coverage 92911
cannot be procured for the applicant through ordinary methods 92912
after each insurer contacted under division (H) (6) (b) of this 92913
section declines to provide coverage. 92914

(d) An insurance agent may assume that an authorized 92915
insurer declines to provide coverage to the applicant seeking 92916
insurance upon either of the following: 92917

(i) Receiving notice from the insurer declining coverage; 92918

(ii) Receiving no response from the insurer within ten 92919
days after the date the insurance agent initially makes contact 92920
with the insurer. 92921

(e) The determination of whether an insurance agent has 92922
adequately complied with the due diligence requirements is at 92923
the discretion of the manager of the plan. 92924

(f) An agent shall not submit an application on behalf of 92925
an applicant to the plan for any automobile insurance policy if 92926

any insurer admitted, authorized, or otherwise eligible to do 92927
business in this state has in any way communicated a willingness 92928
to insure the applicant, even if coverage provided by the plan 92929
costs less than other insurers. 92930

(g) The manager of the plan may revoke the registration of 92931
an insurance agent who fails to comply with division (H) (6) of 92932
this section. 92933

Sec. 4511.01. As used in this chapter and in Chapter 4513. 92934
of the Revised Code: 92935

(A) "Vehicle" means every device, including a bicycle, 92936
motorized bicycle, and an electric bicycle, in, upon, or by 92937
which any person or property may be transported or drawn upon a 92938
highway. "Vehicle" does not include any motorized wheelchair, 92939
any electric personal assistive mobility device, any low-speed 92940
micromobility device, any personal delivery device as defined in 92941
section 4511.513 of the Revised Code, any device that is moved 92942
by power collected from overhead electric trolley wires or that 92943
is used exclusively upon stationary rails or tracks, or any 92944
device that is moved by human power. 92945

(B) "Motor vehicle" means every vehicle propelled or drawn 92946
by power other than muscular power or power collected from 92947
overhead electric trolley wires, except motorized bicycles, 92948
electric bicycles, road rollers, traction engines, power 92949
shovels, power cranes, and other equipment used in construction 92950
work and not designed for or employed in general highway 92951
transportation, hole-digging machinery, well-drilling machinery, 92952
ditch-digging machinery, farm machinery, and trailers designed 92953
and used exclusively to transport a boat between a place of 92954
storage and a marina, or in and around a marina, when drawn or 92955
towed on a street or highway for a distance of no more than ten 92956

miles and at a speed of twenty-five miles per hour or less. 92957

(C) "Motorcycle" means every motor vehicle, other than a 92958
tractor, having a seat or saddle for the use of the operator and 92959
designed to travel on not more than three wheels in contact with 92960
the ground, including, but not limited to, motor vehicles known 92961
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 92962
enclosed motorcycle," or "motorcycle" without regard to weight 92963
or brake horsepower. 92964

(D) "Emergency vehicle" means emergency vehicles of 92965
municipal, township, or county departments or public utility 92966
corporations when identified as such as required by law, the 92967
director of public safety, or local authorities, and motor 92968
vehicles when commandeered by a police officer. 92969

(E) "Public safety vehicle" means any of the following: 92970

(1) Ambulances, including private ambulance companies 92971
under contract to a municipal corporation, township, or county, 92972
and private ambulances and nontransport vehicles bearing license 92973
plates issued under section 4503.49 of the Revised Code; 92974

(2) Motor vehicles used by public law enforcement officers 92975
or other persons sworn to enforce the criminal and traffic laws 92976
of the state; 92977

(3) Any motor vehicle when properly identified as required 92978
by the director of public safety, when used in response to fire 92979
emergency calls or to provide emergency medical service to ill 92980
or injured persons, and when operated by a duly qualified person 92981
who is a member of a volunteer rescue service or a volunteer 92982
fire department, and who is on duty pursuant to the rules or 92983
directives of that service. The state fire marshal shall be 92984
designated by the director of public safety as the certifying 92985

agency for all public safety vehicles described in division (E) 92986
(3) of this section. 92987

(4) Vehicles used by fire departments, including motor 92988
vehicles when used by volunteer fire fighters responding to 92989
emergency calls in the fire department service when identified 92990
as required by the director of public safety. 92991

Any vehicle used to transport or provide emergency medical 92992
service to an ill or injured person, when certified as a public 92993
safety vehicle, shall be considered a public safety vehicle when 92994
transporting an ill or injured person to a hospital regardless 92995
of whether such vehicle has already passed a hospital. 92996

(5) Vehicles used by the motor carrier enforcement unit 92997
for the enforcement of orders and rules of the public utilities 92998
commission as specified in section 5503.34 of the Revised Code. 92999

(F) "School bus" means every bus designed for carrying 93000
more than nine passengers that is owned by a public, private, or 93001
governmental agency or institution of learning and operated for 93002
the transportation of children to or from a school session or a 93003
school function, or owned by a private person and operated for 93004
compensation for the transportation of children to or from a 93005
school session or a school function. "School bus" does not 93006
include any of the following: 93007

(1) A bus operated by a municipally owned transportation 93008
system, a mass transit company operating exclusively within the 93009
territorial limits of a municipal corporation, or within such 93010
limits and the territorial limits of municipal corporations 93011
immediately contiguous to such municipal corporation, nor a 93012
common passenger carrier certified by the public utilities 93013
commission unless such bus is devoted exclusively to the 93014

transportation of children to and from a school session or a 93015
school function; 93016

(2) A van or bus used by a licensed child care center or 93017
type A family child care home to transport children from the 93018
child care center or type A family child care home to a school 93019
if the van or bus does not have more than fifteen children in 93020
the van or bus at any time; 93021

(3) An alternative vehicle as defined in section 4511.76 93022
of the Revised Code. 93023

(G) "Bicycle" means a pedal-powered vehicle upon which a 93024
human operator sits, including an electric bicycle. 93025

(H) "Motorized bicycle" or "moped" means any vehicle 93026
having either two tandem wheels or one wheel in the front and 93027
two wheels in the rear, that may be pedaled, and that is 93028
equipped with a helper motor of not more than fifty cubic 93029
centimeters piston displacement that produces not more than one 93030
brake horsepower and is capable of propelling the vehicle at a 93031
speed of not greater than twenty miles per hour on a level 93032
surface. "Motorized bicycle" or "moped" does not include an 93033
electric bicycle. 93034

(I) "Commercial tractor" means every motor vehicle having 93035
motive power designed or used for drawing other vehicles and not 93036
so constructed as to carry any load thereon, or designed or used 93037
for drawing other vehicles while carrying a portion of such 93038
other vehicles, or load thereon, or both. 93039

(J) "Agricultural tractor" and "traction engine" mean 93040
every self-propelling vehicle designed or used for drawing other 93041
vehicles or wheeled machinery but having no provision for 93042
carrying loads independently of such other vehicles, and used 93043

principally for agricultural purposes. 93044

(K) "Truck" means every motor vehicle, except trailers and 93045
semitrailers, designed and used to carry property. 93046

(L) "Bus" means every motor vehicle designed for carrying 93047
more than nine passengers and used for the transportation of 93048
persons other than in a ridesharing arrangement, and every motor 93049
vehicle, automobile for hire, or funeral car, other than a 93050
taxicab or motor vehicle used in a ridesharing arrangement, 93051
designed and used for the transportation of persons for 93052
compensation. 93053

(M) "Trailer" means every vehicle designed or used for 93054
carrying persons or property wholly on its own structure and for 93055
being drawn by a motor vehicle, including any such vehicle when 93056
formed by or operated as a combination of a "semitrailer" and a 93057
vehicle of the dolly type, such as that commonly known as a 93058
"trailer dolly," a vehicle used to transport agricultural 93059
produce or agricultural production materials between a local 93060
place of storage or supply and the farm when drawn or towed on a 93061
street or highway at a speed greater than twenty-five miles per 93062
hour, and a vehicle designed and used exclusively to transport a 93063
boat between a place of storage and a marina, or in and around a 93064
marina, when drawn or towed on a street or highway for a 93065
distance of more than ten miles or at a speed of more than 93066
twenty-five miles per hour. 93067

(N) "Semitrailer" means every vehicle designed or used for 93068
carrying persons or property with another and separate motor 93069
vehicle so that in operation a part of its own weight or that of 93070
its load, or both, rests upon and is carried by another vehicle. 93071

(O) "Pole trailer" means every trailer or semitrailer 93072

attached to the towing vehicle by means of a reach, pole, or by 93073
being boomed or otherwise secured to the towing vehicle, and 93074
ordinarily used for transporting long or irregular shaped loads 93075
such as poles, pipes, or structural members capable, generally, 93076
of sustaining themselves as beams between the supporting 93077
connections. 93078

(P) "Railroad" means a carrier of persons or property 93079
operating upon rails or tracks placed principally on a private 93080
right-of-way. 93081

(Q) "Train" means one or more locomotives coupled, with or 93082
without cars, that operates on rails or tracks and to which all 93083
other traffic is required by law to yield the right-of-way at 93084
highway-rail grade crossings. 93085

(R) "Streetcar" means a car, other than a train, for 93086
transporting persons or property, operated upon rails 93087
principally within a street or highway. 93088

(S) "Trackless trolley" means every car that collects its 93089
power from overhead electric trolley wires and that is not 93090
operated upon rails or tracks. 93091

(T) "Explosives" means any chemical compound or mechanical 93092
mixture that is intended for the purpose of producing an 93093
explosion that contains any oxidizing and combustible units or 93094
other ingredients in such proportions, quantities, or packing 93095
that an ignition by fire, by friction, by concussion, by 93096
percussion, or by a detonator of any part of the compound or 93097
mixture may cause such a sudden generation of highly heated 93098
gases that the resultant gaseous pressures are capable of 93099
producing destructive effects on contiguous objects, or of 93100
destroying life or limb. Manufactured articles shall not be held 93101

to be explosives when the individual units contain explosives in 93102
such limited quantities, of such nature, or in such packing, 93103
that it is impossible to procure a simultaneous or a destructive 93104
explosion of such units, to the injury of life, limb, or 93105
property by fire, by friction, by concussion, by percussion, or 93106
by a detonator, such as fixed ammunition for small arms, 93107
firecrackers, or safety fuse matches. 93108

(U) "Flammable liquid" means any liquid that has a flash 93109
point of seventy degrees fahrenheit, or less, as determined by a 93110
tagliabue or equivalent closed cup test device. 93111

(V) "Gross weight" means the weight of a vehicle plus the 93112
weight of any load thereon. 93113

(W) "Person" means every natural person, firm, co- 93114
partnership, association, or corporation. 93115

(X) "Pedestrian" means any person on foot, in a motorized 93116
or non-motorized wheelchair, or using another equivalent device, 93117
such as skates or a skateboard. "Pedestrian" includes a personal 93118
delivery device as defined in section 4511.513 of the Revised 93119
Code unless the context clearly suggests otherwise. 93120

(Y) "Driver or operator" means every person who drives or 93121
is in actual physical control of a vehicle, trackless trolley, 93122
or streetcar. 93123

(Z) "Police officer" means every officer authorized to 93124
direct or regulate traffic, or to make arrests for violations of 93125
traffic regulations. 93126

(AA) "Local authorities" means every county, municipal, 93127
and other local board or body having authority to adopt police 93128
regulations under the constitution and laws of this state. 93129

(BB) "Street" or "highway" means a general term for 93130
denoting a public way for purposes of travel by vehicles, 93131
streetcars, trackless trolleys, and vulnerable road users, 93132
including the entire area within the right-of-way. 93133

(CC) "Controlled-access highway" means every street or 93134
highway in respect to which owners or occupants of abutting 93135
lands and other persons have no legal right of access to or from 93136
the same except at such points only and in such manner as may be 93137
determined by the public authority having jurisdiction over such 93138
street or highway. 93139

(DD) "Private road" means every way or place in private 93140
ownership used for vehicular travel by the owner and those 93141
having express or implied permission from the owner but not by 93142
other persons. 93143

(EE) "Roadway" means that portion of a highway improved, 93144
designed, or ordinarily used for vehicular travel and parking 93145
lanes, not including the berm, sidewalk, or shoulder, even if 93146
the berm, sidewalk, or shoulder is used by a person operating a 93147
bicycle or other human-powered vehicle. If a highway includes 93148
two or more separate roadways the term "roadway" means any such 93149
roadway separately but not all such roadways collectively. 93150

(FF) "Sidewalk" means that portion of a street between the 93151
curb lines, or the lateral lines of a roadway, and the adjacent 93152
property lines or easements of private property, that is paved 93153
or improved, and is intended for the use of pedestrians. 93154

(GG) "Laned highway" means a highway the roadway of which 93155
is divided into two or more clearly marked lanes for vehicular 93156
traffic. 93157

(HH) "Through highway" means every street or highway as 93158

provided in section 4511.65 of the Revised Code. 93159

(II) "State highway" means a highway under the 93160
jurisdiction of the department of transportation, outside the 93161
limits of municipal corporations, provided that the authority 93162
conferred upon the director of transportation in section 5511.01 93163
of the Revised Code to erect state highway route markers and 93164
signs directing traffic shall not be modified by sections 93165
4511.01 to 4511.79 and 4511.99 of the Revised Code. 93166

(JJ) "State route" means every highway that is designated 93167
with an official state route number and so marked. 93168

(KK) "Intersection" means: 93169

(1) The area embraced within the prolongation or 93170
connection of the lateral curb lines, or, if none, the lateral 93171
boundary lines of the roadways of two highways that join one 93172
another at, or approximately at, right angles, or the area 93173
within which vehicles traveling upon different highways that 93174
join at any other angle might come into conflict. The junction 93175
of an alley, driveway, or site roadway open to public travel 93176
with a public roadway or highway does not constitute an 93177
intersection, unless the public roadway or highway at the 93178
junction is controlled by a traffic control device. 93179

(2) If a highway includes two roadways separated by a 93180
median, then every crossing of each roadway of such divided 93181
highway by an intersecting highway constitutes a separate 93182
intersection if the opposing left-turn paths cross and there is 93183
sufficient interior storage for the design vehicle. As used in 93184
this division, "design vehicle" means the longest vehicle 93185
authorized under section 5577.05 of the Revised Code to operate 93186
on that roadway without a permit. 93187

(3) At a location controlled by a highway traffic signal, 93188
regardless of the distance between the separate intersections as 93189
described in division (KK) (2) of this section: 93190

(a) If a stop line, yield line, or crosswalk has not been 93191
designated on the roadway within the median between the separate 93192
intersections, the two intersections and the roadway and median 93193
constitute one intersection. 93194

(b) Where a stop line, yield line, or crosswalk is 93195
designated on the roadway on the intersection approach, the area 93196
within the crosswalk and any area beyond the designated stop 93197
line or yield line constitute part of the intersection. 93198

(c) Where a crosswalk is designated on a roadway on the 93199
departure from the intersection, the intersection includes the 93200
area that extends to the far side of the crosswalk. 93201

(LL) "Crosswalk" means: 93202

(1) That part of a roadway at an intersection included 93203
within the connections of the lateral lines of the sidewalks on 93204
opposite sides of the highway measured from the curbs, or, in 93205
the absence of curbs, from the edges of the traversable roadway, 93206
and in the absence of a sidewalk on one side of the roadway, the 93207
part of a roadway included within the extension of the lateral 93208
lines of the sidewalk at right angles to the center line; 93209

(2) Any portion of a roadway at an intersection or 93210
elsewhere, distinctly indicated for pedestrian crossing by lines 93211
or other markings on the surface, which might be supplemented by 93212
contrasting pavement texture, style, or color; 93213

(3) Notwithstanding divisions (LL) (1) and (2) of this 93214
section, "crosswalk" does not include an area where local 93215
authorities have placed signs indicating no crossing. 93216

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

(PP) "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

(QQ) "Traffic control device" means a flagger, sign, signal, marking, channelization device, or other device that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a

street, highway, site roadway open to public travel, pedestrian 93247
facility, bikeway, or pathway. 93248

(RR) "Traffic control signal" means a highway traffic 93249
signal placed at an intersection, movable bridge, fire station, 93250
midblock crosswalk, alternating one-way sections of a single 93251
lane road, private driveway, or other location that requires 93252
conflicting traffic to be directed to stop and permitted to 93253
proceed in an orderly manner. "Traffic control signal" includes 93254
a vehicular signal indication, a pedestrian signal indication, 93255
and a bicycle symbol signal indication. "Traffic control signal" 93256
does not include an emergency-vehicle hybrid beacon or a 93257
pedestrian hybrid beacon. 93258

(SS) "Railroad sign or signal" means any sign, signal, or 93259
device erected by authority of a public body or official or by a 93260
railroad and intended to give notice of the presence of railroad 93261
tracks or the approach of a train. 93262

(TT) "Traffic" means pedestrians, ridden or herded 93263
animals, vehicles, streetcars, trackless trolleys, and other 93264
devices, either singly or together, while using for purposes of 93265
travel any highway or site roadway open to public travel. 93266

(UU) "Right-of-way" means either of the following, as the 93267
context requires: 93268

(1) The right of a vehicle, streetcar, trackless trolley, 93269
or pedestrian to proceed uninterruptedly in a lawful manner in 93270
the direction in which it or the individual is moving in 93271
preference to another vehicle, streetcar, trackless trolley, or 93272
pedestrian approaching from a different direction into its or 93273
the individual's path; 93274

(2) A general term denoting land, property, or the 93275

interest therein, usually in the configuration of a strip, 93276
acquired for or devoted to transportation purposes. When used in 93277
this context, right-of-way includes the roadway, shoulders or 93278
berm, ditch, and slopes extending to the right-of-way limits 93279
under the control of the state or local authority. 93280

(VV) "Rural mail delivery vehicle" means every vehicle 93281
used to deliver United States mail on a rural mail delivery 93282
route. 93283

(WW) "Funeral escort vehicle" means any motor vehicle, 93284
including a funeral hearse, while used to facilitate the 93285
movement of a funeral procession. 93286

(XX) "Alley" means a street or highway intended to provide 93287
access to the rear or side of lots or buildings in urban 93288
districts and not intended for the purpose of through vehicular 93289
traffic, and includes any street or highway that has been 93290
declared an "alley" by the legislative authority of the 93291
municipal corporation in which such street or highway is 93292
located. 93293

(YY) "Freeway" means a divided multi-lane highway for 93294
through traffic with all crossroads separated in grade and with 93295
full control of access. 93296

(ZZ) "Expressway" means a divided arterial street or 93297
highway for through traffic with full or partial control of 93298
access with an excess of fifty per cent of all crossroads 93299
separated in grade. 93300

(AAA) "Thruway" means a through highway whose entire 93301
roadway is reserved for through traffic and on which roadway 93302
parking is prohibited. 93303

(BBB) "Stop intersection" means any intersection at one or 93304

more entrances of which stop signs are erected. 93305

(CCC) "Arterial street or highway" means a street or 93306
highway primarily used by through traffic, usually on a 93307
continuous route or a street or highway designated as part of an 93308
arterial system. 93309

(DDD) "Ridesharing arrangement" means the transportation 93310
of persons in a motor vehicle where such transportation is 93311
incidental to another purpose of a volunteer driver and includes 93312
ridesharing arrangements known as carpools, vanpools, and 93313
buspools. 93314

(EEE) "Motorized wheelchair" means any self-propelled 93315
vehicle designed for, and used by, a person with a disability 93316
and that is incapable of a speed in excess of eight miles per 93317
hour. 93318

(FFF) "Child care center" and "type A family child care 93319
home" have the same meanings as in section 5104.01 of the 93320
Revised Code. 93321

(GGG) "Multi-wheel agricultural tractor" means a type of 93322
agricultural tractor that has two or more wheels or tires on 93323
each side of one axle at the rear of the tractor, is designed or 93324
used for drawing other vehicles or wheeled machinery, has no 93325
provision for carrying loads independently of the drawn vehicles 93326
or machinery, and is used principally for agricultural purposes. 93327

(HHH) "Operate" means to cause or have caused movement of 93328
a vehicle, streetcar, or trackless trolley. 93329

(III) "Predicate motor vehicle or traffic offense" means 93330
any of the following: 93331

(1) A violation of section 4511.03, 4511.051, 4511.12, 93332

4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 93333
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 93334
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 93335
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 93336
4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 93337
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 93338
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 93339
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 93340
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 93341
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 93342
4511.84 of the Revised Code; 93343

(2) A violation of division (A) (2) of section 4511.17, 93344
divisions (A) to (D) of section 4511.51, or division (A) of 93345
section 4511.74 of the Revised Code; 93346

(3) A violation of any provision of sections 4511.01 to 93347
4511.76 of the Revised Code for which no penalty otherwise is 93348
provided in the section that contains the provision violated; 93349

(4) A violation of section 4511.214 of the Revised Code; 93350

(5) A violation of a municipal ordinance that is 93351
substantially similar to any section or provision set forth or 93352
described in division (III) (1), (2), (3), or (4) of this 93353
section. 93354

(JJJ) "Road service vehicle" means wreckers, utility 93355
repair vehicles, and state, county, and municipal service 93356
vehicles equipped with visual signals by means of flashing, 93357
rotating, or oscillating lights. 93358

(KKK) "Beacon" means a highway traffic signal with one or 93359
more signal sections that operate in a flashing mode. 93360

(LLL) "Hybrid beacon" means a special type of beacon that 93361

is intentionally placed in a dark mode where no indications are 93362
displayed between periods of operation and, when operated, 93363
displays both steady and flashing highway traffic signal 93364
indications. "Hybrid beacon" includes both of the following: 93365

(1) An emergency-vehicle hybrid beacon used to warn and 93366
control traffic at an otherwise unsignalized location to assist 93367
authorized emergency vehicles in entering or crossing a street 93368
or highway; 93369

(2) A pedestrian hybrid beacon used to warn and control 93370
traffic at an otherwise unsignalized location to assist 93371
pedestrians in crossing a street or highway at a marked 93372
crosswalk. 93373

(MMM) "Highway traffic signal" means a power-operated 93374
traffic control device by which traffic is warned or directed to 93375
take some specific action. "Highway traffic signal" includes a 93376
beacon, an in-road warning light, a lane-use control signal, and 93377
a traffic control signal. "Highway traffic signal" does not 93378
include a power-operated sign, steadily illuminated pavement 93379
marker, gate, flashing light signal, warning light, or steady 93380
burning electric lamp. 93381

(NNN) "Median" means the portion of a highway separating 93382
opposing directions of the traveled way or the area between two 93383
roadways of a divided highway, measured from edge of traveled 93384
way to edge of traveled way. The median excludes turn lanes. The 93385
width of a median may be different between intersections, 93386
interchanges, and at opposite approaches of the same 93387
intersection. 93388

(OOO) "Site roadway open to public travel" means a roadway 93389
or bikeway on site of a shopping center, office park, airport, 93390

school, university, sports arena, recreational park, or other 93391
similar business, government, or recreation facility that is 93392
publicly or privately owned but where the public is allowed to 93393
travel without full-time access restrictions. "Site roadway open 93394
to public travel" does not include a roadway where access is 93395
restricted at all times by gates or guards to residents, 93396
employees, or other specifically authorized persons, a parking 93397
area, a driving aisle within a parking area, or a private 93398
highway-rail grade crossing. 93399

(PPP) "Shared-use path" means a bikeway outside the 93400
traveled way and physically separated from motorized vehicular 93401
traffic by an open space or barrier and either within the 93402
highway right-of-way or within an independent alignment. A 93403
shared-use path also may be used by pedestrians, including 93404
skaters, joggers, users of manual and motorized wheelchairs, and 93405
other authorized motorized and non-motorized users. A shared-use 93406
path does not include any trail that is intended to be used 93407
primarily for mountain biking, hiking, equestrian use, or other 93408
similar uses, or any other single track or natural surface trail 93409
that has historically been reserved for nonmotorized use. 93410

(QQQ) "Highway maintenance vehicle" means a vehicle used 93411
in snow and ice removal or road surface maintenance, including a 93412
snow plow, traffic line striper, road sweeper, mowing machine, 93413
asphalt distributing vehicle, or other such vehicle designed for 93414
use in specific highway maintenance activities. 93415

(RRR) "Waste collection vehicle" means a vehicle used in 93416
the collection of garbage, refuse, trash, or recyclable 93417
materials. 93418

(SSS) "Electric bicycle" means a "class 1 electric 93419
bicycle," a "class 2 electric bicycle," or a "class 3 electric 93420

bicycle" as defined in this section. 93421

(TTT) "Class 1 electric bicycle" means a bicycle that is 93422
equipped with fully operable pedals and an electric motor of 93423
less than seven hundred fifty watts that provides assistance 93424
only when the rider is pedaling and ceases to provide assistance 93425
when the bicycle reaches the speed of twenty miles per hour. 93426

(UUU) "Class 2 electric bicycle" means a bicycle that is 93427
equipped with fully operable pedals and an electric motor of 93428
less than seven hundred fifty watts that may provide assistance 93429
regardless of whether the rider is pedaling and is not capable 93430
of providing assistance when the bicycle reaches the speed of 93431
twenty miles per hour. 93432

(VVV) "Class 3 electric bicycle" means a bicycle that is 93433
equipped with fully operable pedals and an electric motor of 93434
less than seven hundred fifty watts that provides assistance 93435
only when the rider is pedaling and ceases to provide assistance 93436
when the bicycle reaches the speed of twenty-eight miles per 93437
hour. 93438

(WWW) "Low-speed micromobility device" means a device 93439
weighing less than one hundred pounds that has handlebars, is 93440
propelled by an electric motor or human power, and has an 93441
attainable speed on a paved level surface of not more than 93442
twenty miles per hour when propelled by the electric motor. 93443

(XXX) "Natural resources officer" means an officer 93444
appointed pursuant to section 1501.24 of the Revised Code. 93445

(YYY) "Wildlife officer" means an officer designated 93446
pursuant to section 1531.13 of the Revised Code. 93447

(ZZZ) "In-road warning light" means a special type of 93448
highway traffic signal that is installed in the roadway surface 93449

to warn road users that they are approaching a condition on or 93450
adjacent to the roadway that might not be readily apparent and 93451
might require the road users to reduce speed or come to a 93452
complete stop. 93453

(AAAA) "Lane-use control signal" means a signal face or 93454
comparable display on a full-matrix changeable message sign that 93455
displays indications to permit or prohibit the use of specific 93456
lanes of a roadway or a shoulder where driving is sometimes 93457
authorized or to indicate the impending prohibition of such use. 93458

(BBBB) "Bicycle box" means a designated area on the 93459
approach to a signalized intersection, between an advance 93460
motorist stop line and the crosswalk or intersection, that is 93461
intended to provide bicyclists a visible location to wait in 93462
front of stopped motorists during the red signal phase. 93463

(CCCC) "Two-stage bicycle turn box" means a designated 93464
area at an intersection that is intended to provide bicyclists a 93465
place to wait for traffic to clear before proceeding in a 93466
different direction of travel. 93467

(DDDD) "Bicycle lane" means a portion of a roadway that 93468
has been designated for preferential or exclusive use by 93469
bicyclists and is often delineated from the adjacent general- 93470
purpose lanes by longitudinal pavement markings and either a 93471
bicycle lane symbol, words, or signs. "Bicycle lane" includes 93472
all of the following: 93473

(1) A buffer-separated bicycle lane, which is separated 93474
from the adjacent general-purpose lanes by a pattern of standard 93475
longitudinal pavement markings that are wider than a normal or 93476
wide-lane pavement marking; 93477

(2) A counter-flow bicycle lane, which is a one- 93478

directional bicycle lane that provides a lawful path of travel 93479
for bicycles in the opposite direction from the general traffic 93480
on a roadway that otherwise requires the general traffic to 93481
travel in only one direction. A counter-flow bicycle lane is 93482
designated by the traffic control devices used for other bicycle 93483
lanes; 93484

(3) A separated bicycle lane, which is an exclusive 93485
facility for bicyclists that is located within or directly 93486
adjacent to the roadway and is physically separated from the 93487
motor vehicle traffic with a vertical element. 93488

(EEEE) "Bicycle signal face" means a signal face that 93489
displays only bicycle symbol signal indications in accordance 93490
with section 4511.15 of the Revised Code, that exclusively 93491
controls a bicyclist's movement from a designated bicycle lane 93492
or from a separate facility, and that displays signal 93493
indications that are applicable only to a bicyclist's movement. 93494

(FFFF) "Bicycle signal sign" means a sign meant to inform 93495
road users that the signal indications in the bicycle signal 93496
face are intended only for bicyclists, and to inform bicyclists 93497
which bicyclist movements are controlled by that bicycle signal 93498
face. 93499

(GGGG) "Bikeway" means any road, street, path, or way that 93500
in some manner is specifically designated for bicycle travel, 93501
regardless of whether the facility is designated for the 93502
exclusive use of bicycles or if it is shared with other modes of 93503
transportation. 93504

(HHHH) "Busway" means a traveled way that is used 93505
exclusively by buses. 93506

(IIII) "Driveway" means an access from a roadway to a 93507

building, site, or abutting property. 93508

(JJJJ) "Roundabout" means a circular intersection with a 93509
yield control at each entry, which permits a vehicle on the 93510
circulatory roadway to proceed, with deflection of the 93511
approaching vehicles counter-clockwise around a central island. 93512

(KKKK) "Shoulder" means a longitudinal area contiguous 93513
with the traveled way that is used for accommodating vehicles 93514
that are stopped for an emergency and for lateral support of 93515
base and surface courses; graded for emergency stopping; either 93516
paved or unpaved; and when paved, may be open for part-time 93517
travel by some or all vehicles or may also be available for use 93518
by pedestrians or bicycles in the absence of other pedestrian or 93519
bicycle facilities. 93520

(LLLL) "Autocycle," "cab-enclosed motorcycle," 93521
"electronic," "farm machinery," "motor-driven cycle or motor 93522
scooter," "limited driving privileges," and "state" have the 93523
same meanings as in section 4501.01 of the Revised Code. 93524

(MMMM) "Multifunction school activity bus" means a school 93525
bus whose purposes do not include transporting children to and 93526
from home or school bus stops. 93527

Sec. 4511.213. (A) The driver of a motor vehicle, upon 93528
approaching a stationary vehicle in distress or upon approaching 93529
a stationary public safety vehicle, emergency vehicle, road 93530
service vehicle, waste collection vehicle, vehicle used by the 93531
public utilities commission to conduct motor vehicle inspections 93532
in accordance with sections 4923.04 and 4923.06 of the Revised 93533
Code, or a highway maintenance vehicle that is displaying the 93534
appropriate visual signals by means of flashing, oscillating, or 93535
rotating lights, as prescribed in section 4513.17 of the Revised 93536

Code, shall do either of the following: 93537

(1) If the driver of the motor vehicle is traveling on a 93538
highway that consists of at least two lanes that carry traffic 93539
in the same direction of travel as that of the driver's motor 93540
vehicle, the driver shall proceed with due caution and, if 93541
possible and with due regard to the road, weather, and traffic 93542
conditions, shall change lanes into a lane that is not adjacent 93543
to that of the stationary vehicle in distress, public safety 93544
vehicle, emergency vehicle, road service vehicle, waste 93545
collection vehicle, vehicle used by the public utilities 93546
commission to conduct motor vehicle inspections in accordance 93547
with sections 4923.04 and 4923.06 of the Revised Code, or a 93548
highway maintenance vehicle. 93549

(2) If the driver is not traveling on a highway of a type 93550
described in division (A) (1) of this section, or if the driver 93551
is traveling on a highway of that type but it is not possible to 93552
change lanes or if to do so would be unsafe, the driver shall 93553
proceed with due caution, reduce the speed of the motor vehicle, 93554
and maintain a safe speed for the road, weather, and traffic 93555
conditions. 93556

(B) This section does not relieve the driver of a vehicle 93557
in distress, public safety vehicle, emergency vehicle, road 93558
service vehicle, waste collection vehicle, vehicle used by the 93559
public utilities commission to conduct motor vehicle inspections 93560
in accordance with sections 4923.04 and 4923.06 of the Revised 93561
Code, or a highway maintenance vehicle from the duty to drive 93562
with due regard for the safety of all persons and property upon 93563
the highway. 93564

(C) No person shall fail to drive a motor vehicle in 93565
compliance with division (A) (1) or (2) of this section when so 93566

required by division (A) of this section. 93567

(D) (1) Except as otherwise provided in this division and 93568
division (F) of this section, whoever violates this section is 93569
guilty of a minor misdemeanor. If, within one year of the 93570
offense, the offender previously has been convicted of or 93571
pleaded guilty to one predicate motor vehicle or traffic 93572
offense, whoever violates this section is guilty of a 93573
misdemeanor of the fourth degree. If, within one year of the 93574
offense, the offender previously has been convicted of two or 93575
more predicate motor vehicle or traffic offenses, whoever 93576
violates this section is guilty of a misdemeanor of the third 93577
degree. 93578

(2) Notwithstanding section 2929.28 of the Revised Code_ 93579
and except as provided in division (F) of this section, upon a 93580
finding that a person operated a motor vehicle in violation of 93581
division (C) of this section, the court, in addition to all 93582
other penalties provided by law, shall impose a fine of two 93583
times the usual amount imposed for the violation. 93584

(3) If the offender commits the offense while distracted 93585
and the distracting activity is a contributing factor to the 93586
commission of the offense, the offender is subject to the 93587
additional fine established under section 4511.991 of the 93588
Revised Code. Division (D) (3) of this section does not apply to 93589
an offense when the stationary vehicle is a vehicle in distress. 93590

(E) ~~The~~ Except as otherwise provided in division (F) of 93591
this section, the offense established under this section is a 93592
strict liability offense and section 2901.20 of the Revised Code 93593
does not apply. The designation of this offense as a strict 93594
liability offense shall not be construed to imply that any other 93595
offense, for which there is no specified degree of culpability, 93596

is not a strict liability offense. 93597

(F) (1) Whoever knowingly violates this section when the 93598
stationary vehicle is a vehicle in distress is guilty of a minor 93599
misdemeanor. 93600

(2) An arrest or conviction for an offender under division 93601
(F) (1) of this section does not constitute a criminal record and 93602
need not be reported by the person so arrested or convicted in 93603
response to any inquiries contained in any application for 93604
employment, license, or other right or privilege, or made in 93605
connection with the person's appearance as a witness. 93606

(G) As used in this section, "vehicle in distress" 93607
includes all of the following: 93608

(1) Any disabled vehicle indicating its disability as 93609
required under section 4513.28 of the Revised Code; 93610

(2) Any vehicle that is not subject to section 4513.28 of 93611
the Revised Code near which a fusee, flare, or other emergency 93612
sign is displayed; 93613

(3) Any vehicle that is displaying flashing emergency 93614
lights or hazard lights. 93615

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 93616
trackless trolley upon meeting or overtaking from either 93617
direction any school bus stopped for the purpose of receiving or 93618
discharging any school child, person attending programs offered 93619
by community boards of mental health and county boards of 93620
developmental disabilities, or child attending a program offered 93621
by a head start agency, shall stop at least ten feet from the 93622
front or rear of the school bus and shall not proceed until such 93623
school bus resumes motion, or until signaled by the school bus 93624
driver to proceed. 93625

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the department of education and workforce, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(C) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county

boards of developmental disabilities, or children attending 93657
programs offered by head start agencies. The driver of any 93658
vehicle, streetcar, or trackless trolley overtaking the school 93659
bus shall comply with division (A) of this section. 93660

(D) School buses operating on divided highways or on 93661
highways with four or more traffic lanes shall receive and 93662
discharge all school children, persons attending programs 93663
offered by community boards of mental health and county boards 93664
of developmental disabilities, and children attending programs 93665
offered by head start agencies on their residence side of the 93666
highway. 93667

(E) No school bus driver shall start the driver's bus 93668
until after any child, person attending programs offered by 93669
community boards of mental health and county boards of 93670
developmental disabilities, or child attending a program offered 93671
by a head start agency who may have alighted therefrom has 93672
reached a place of safety on the child's or person's residence 93673
side of the road. 93674

(F) (1) Whoever violates division (A) of this section may 93675
be fined an amount not to exceed five hundred dollars. A person 93676
who is issued a citation for a violation of division (A) of this 93677
section is not permitted to enter a written plea of guilty and 93678
waive the person's right to contest the citation in a trial but 93679
instead must appear in person in the proper court to answer the 93680
charge. 93681

(2) In addition to and independent of any other penalty 93682
provided by law, the court or mayor may impose upon an offender 93683
who violates this section a class seven suspension of the 93684
offender's driver's license, commercial driver's license, 93685
temporary instruction permit, probationary license, or 93686

nonresident operating privilege from the range specified in 93687
division (A) (7) of section 4510.02 of the Revised Code. When a 93688
license is suspended under this section, the court or mayor 93689
shall cause the offender to deliver the license to the court, 93690
and the court or clerk of the court immediately shall forward 93691
the license to the registrar of motor vehicles, together with 93692
notice of the court's action. 93693

(G) As used in this section: 93694

(1) "Head start agency" has the same meaning as in section 93695
3301.32 of the Revised Code. 93696

(2) "School bus," as used in relation to children who 93697
attend a program offered by a head start agency, means a bus 93698
that is owned and operated by a head start agency, is equipped 93699
with an automatically extended stop warning sign of a type 93700
approved by the department, is painted the color and displays 93701
the markings described in section 4511.77 of the Revised Code, 93702
and is equipped with amber and red visual signals meeting the 93703
requirements of section 4511.771 of the Revised Code, 93704
irrespective of whether or not the bus has fifteen or more 93705
children aboard at any time. "School bus" does not include a van 93706
owned and operated by a head start agency, irrespective of its 93707
color, lights, or markings, or a multifunction school activity 93708
bus. 93709

Sec. 4511.76. (A) The department of public safety, by and 93710
with the advice of the department of education and workforce, 93711
shall adopt and enforce rules relating to the construction, 93712
design, and equipment, including lighting equipment required by 93713
section 4511.771 of the Revised Code, of all school buses both 93714
publicly and privately owned and operated in this state. 93715

(B) The department of education and workforce, by and with 93716
the advice of the director of public safety, shall adopt and 93717
enforce rules relating to the operation of all vehicles used for 93718
pupil transportation. 93719

(C) No person shall operate a vehicle used for pupil 93720
transportation within this state in violation of the rules of 93721
the department of education and workforce or the department of 93722
public safety. No person, being the owner thereof or having the 93723
supervisory responsibility therefor, shall permit the operation 93724
of a vehicle used for pupil transportation within this state in 93725
violation of the rules of the department of education and 93726
workforce or the department of public safety. 93727

(D) The department of public safety shall adopt and 93728
enforce rules relating to the issuance of a license under 93729
section 4511.763 of the Revised Code. The rules may relate to 93730
the condition of the equipment to be operated; the liability and 93731
property damage insurance carried by the applicant; the posting 93732
of satisfactory and sufficient bond; and such other rules as the 93733
director of public safety determines reasonably necessary for 93734
the safety of the pupils to be transported. 93735

(E) A chartered nonpublic school or a community school may 93736
own and operate, or contract with a vendor that supplies, 93737
alternative vehicles to transport students to and from regularly 93738
scheduled school sessions, school-related activities, and 93739
school-sanctioned events when one of the following applies: 93740

(1) A student's school district of residence has declared 93741
the transportation of the student impractical pursuant to 93742
section 3327.02 of the Revised Code; 93743

(2) A student does not live within thirty minutes of the 93744

chartered nonpublic school or the community school, as 93745
applicable, and the student's school district is not required to 93746
transport the student under section 3327.01 of the Revised Code; 93747

(3) The governing authority of the chartered nonpublic 93748
school or the community school has offered to provide the 93749
transportation for its students in lieu of the students being 93750
transported by their school district of residence. 93751

(F) A school district may own and operate, or contract 93752
with a vendor that supplies, alternative vehicles to transport 93753
students to and from regularly scheduled school sessions, 93754
school-related activities, and school-sanctioned events. 93755

(G) A school district or the governing authority of a 93756
chartered nonpublic school or community school that uses an 93757
alternative vehicle in accordance with division (E) or (F) of 93758
this section, shall ensure that all of the following apply to 93759
the operation of that vehicle: 93760

(1) A qualified mechanic inspects the vehicle not fewer 93761
than two times each year and determines that it is safe for 93762
pupil transportation; 93763

(2) The driver of the vehicle does not stop on the roadway 93764
to load or unload passengers; 93765

(3) The driver of the vehicle meets the requirements 93766
specified for a driver of a school bus or motor van under 93767
section 3327.10 of the Revised Code and any corresponding rules 93768
adopted by the department of education and workforce. 93769
Notwithstanding that section or any department rules to the 93770
contrary, the driver is not required to have a commercial 93771
driver's license but shall have a current, valid driver's 93772
license, and shall be accustomed to operating the vehicle used 93773

to transport the students~~+~~. 93774

(4) The driver and all passengers in the vehicle comply 93775
with the requirements of sections 4511.81 and 4513.263 of the 93776
Revised Code, as applicable. 93777

~~(H)~~ (H) (1) A school district, a chartered nonpublic school, 93778
or a community school may own and operate, or contract with a 93779
vendor that supplies, a multifunction school activity bus to 93780
transport students between school and school functions or 93781
activities. 93782

(2) A multifunction school activity bus shall not be used 93783
to transport students between school and home or between school 93784
and designated school bus stops. 93785

(I) As used in this section: 93786

(1) "Alternative vehicle" means a motor vehicle originally 93787
manufactured and designed for not more than twelve passengers, 93788
not including the driver. 93789

(2) "Vehicle used for pupil transportation" means any 93790
vehicle that is identified as such by the department of 93791
education and workforce by rule and that is subject to Chapter 93792
3301-83 of the Administrative Code. 93793

~~(I)~~ (J) Except as otherwise provided in this division, 93794
whoever violates this section is guilty of a minor misdemeanor. 93795
If the offender previously has been convicted of or pleaded 93796
guilty to one or more violations of this section or section 93797
4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of 93798
the Revised Code or a municipal ordinance that is substantially 93799
similar to any of those sections, whoever violates this section 93800
is guilty of a misdemeanor of the fourth degree. 93801

Sec. 4511.77. (A) No person shall operate, nor shall any 93802
person being the owner thereof or having supervisory 93803
responsibility therefor permit the operation of, a school bus 93804
within this state unless it is painted national school bus 93805
yellow and is marked on both front and rear with the words 93806
"school bus" in black lettering not less than eight inches in 93807
height and on the rear of the bus with the word "stop" in black 93808
lettering not less than ten inches in height. 93809

(B) Except as otherwise provided in this division, whoever 93810
violates this section is guilty of a minor misdemeanor. If the 93811
offender previously has been convicted of or pleaded guilty to 93812
one or more violations of this section or section 4511.63, 93813
4511.76, 4511.761, 4511.762, 4511.764, or 4511.79 of the Revised 93814
Code or a municipal ordinance that is substantially similar to 93815
any of those sections, whoever violates this section is guilty 93816
of a misdemeanor of the fourth degree. 93817

(C) Whenever a person is found guilty in a court of record 93818
of a violation of this section, the trial judge, in addition to 93819
or independent of all other penalties provided by law, may 93820
suspend for any period of time not exceeding three years, or 93821
cancel the license of any person, partnership, association, or 93822
corporation, issued under section 4511.763 of the Revised Code. 93823

(D) This section does not apply to a multifunction school 93824
activity bus. 93825

Sec. 4511.771. (A) Every school bus shall, in addition to 93826
any other equipment and distinctive markings required pursuant 93827
to sections 4511.76, 4511.761, 4511.764, and 4511.77 of the 93828
Revised Code, be equipped with signal lamps mounted as high as 93829
practicable, which shall display to the front two alternately 93830
flashing red lights and two alternately flashing amber lights 93831

located at the same level and to the rear two alternately 93832
flashing red lights and two alternately flashing amber lights 93833
located at the same level, and these lights shall be visible at 93834
five hundred feet in normal sunlight. The alternately flashing 93835
red lights shall be spaced as widely as practicable, and the 93836
alternately flashing amber lights shall be located next to them. 93837

(B) Except as otherwise provided in this division, whoever 93838
violates this section is guilty of a minor misdemeanor. If, 93839
within one year of the offense, the offender previously has been 93840
convicted of or pleaded guilty to one predicate motor vehicle or 93841
traffic offense, whoever violates this section is guilty of a 93842
misdemeanor of the fourth degree. If, within one year of the 93843
offense, the offender previously has been convicted of two or 93844
more predicate motor vehicle or traffic offenses, whoever 93845
violates this section is guilty of a misdemeanor of the third 93846
degree. 93847

(C) This section does not apply to a multifunction school 93848
activity bus. 93849

Sec. 4511.78. (A) As used in this section: 93850

(1) "Mass transit system" means any county transit system, 93851
regional transit authority, regional transit commission, 93852
municipally owned transportation system, mass transit company 93853
operating exclusively within the territorial limits of a 93854
municipal corporation, or within such limits and the territorial 93855
limits of municipal corporations immediately contiguous to such 93856
municipal corporation, and any common passenger carrier, that 93857
provides transportation for children to or from a school session 93858
or a school function. 93859

(2) "Bus" means every motor vehicle designed for carrying 93860

more than nine passengers and used for the transportation of 93861
persons, but does not mean any school bus or a multifunction 93862
school activity bus as defined in section 4511.01 of the Revised 93863
Code. 93864

(B) Whenever a mass transit system transports children to 93865
or from a school session or school function, the mass transit 93866
system shall provide for: 93867

(1) Periodic safety inspections of all buses used to 93868
provide transportation service. The inspections shall be based 93869
on rules adopted by the public utilities commission under 93870
Chapters 4921. and 4923. of the Revised Code to ensure the 93871
safety of operation of motor carriers. 93872

(2) The safety training of all drivers operating buses 93873
used to provide transportation service; 93874

(3) The equipping of every bus with outside rear-view 93875
mirrors meeting the motor carrier regulations for bus equipment 93876
adopted by the federal highway administration. No exclusions 93877
from this requirement granted under the federal regulations 93878
shall be considered exclusions for the purposes of this 93879
division. 93880

(C) Except as otherwise provided in this division, whoever 93881
violates this section is guilty of a minor misdemeanor. If, 93882
within one year of the offense, the offender previously has been 93883
convicted of or pleaded guilty to one predicate motor vehicle or 93884
traffic offense, whoever violates this section is guilty of a 93885
misdemeanor of the fourth degree. If, within one year of the 93886
offense, the offender previously has been convicted of two or 93887
more predicate motor vehicle or traffic offenses, whoever 93888
violates this section is guilty of a misdemeanor of the third 93889

degree. 93890

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of 93891
the Revised Code: 93892

(A) "Persons" includes individuals, partnerships, 93893
associations, joint stock companies, corporations, sole 93894
proprietorships, limited liability companies, limited liability 93895
partnerships, business trusts, and any other legally recognized 93896
business entities or any combinations of individuals. 93897

(B) "Motor vehicle" means motor vehicle as defined in 93898
section 4501.01 of the Revised Code and also includes "all- 93899
purpose vehicle" and "off-highway motorcycle" as those terms are 93900
defined in section 4519.01 of the Revised Code. "Motor vehicle" 93901
does not include a snowmobile as defined in section 4519.01 of 93902
the Revised Code or manufactured and mobile homes. "Motor 93903
vehicle" includes a "fifth wheel trailer," "park trailer," 93904
"travel trailer," "tent-type fold-out camping trailer," and a 93905
"semitrailer" but does not otherwise include trailers as defined 93906
in section 4501.01 of the Revised Code. 93907

(C) "New motor vehicle" means a motor vehicle, the legal 93908
title to which has never been transferred by a manufacturer, 93909
remanufacturer, distributor, or dealer to an ultimate purchaser. 93910

(D) "Ultimate purchaser" means, with respect to any new 93911
motor vehicle, the first person, other than a dealer purchasing 93912
in the capacity of a dealer, who in good faith purchases such 93913
new motor vehicle for purposes other than resale. 93914

(E) "Business" includes any activities engaged in by any 93915
person for the object of gain, benefit, or advantage either 93916
direct or indirect, including activities conducted through the 93917
internet or another computer network. 93918

(F) "Engaging in business" means commencing, conducting, 93919
or continuing in business, or liquidating a business when the 93920
liquidator thereof holds self out to be conducting such 93921
business; making a casual sale or otherwise making transfers in 93922
the ordinary course of business when the transfers are made in 93923
connection with the disposition of all or substantially all of 93924
the transferor's assets is not engaging in business. 93925

(G) "Retail sale" or "selling at retail" means the act or 93926
attempted act of selling, bartering, exchanging, or otherwise 93927
disposing of a motor vehicle, including through use of the 93928
internet or another computer network, to an ultimate purchaser. 93929

(H) "Retail installment contract" includes any contract in 93930
the form of a note, chattel mortgage, conditional sales 93931
contract, lease, agreement, or other instrument payable in one 93932
or more installments over a period of time and arising out of 93933
the retail sale of a motor vehicle. 93934

(I) "Farm machinery" means all machines and tools used in 93935
the production, harvesting, and care of farm products. 93936

(J) "Dealer" or "motor vehicle dealer" means any new motor 93937
vehicle dealer, any motor vehicle leasing dealer, any adaptive 93938
mobility dealer, and any used motor vehicle dealer. 93939

(K) "New motor vehicle dealer" means any person engaged in 93940
the business of selling at retail, displaying, offering for 93941
sale, or dealing in new motor vehicles pursuant to a contract or 93942
agreement entered into with the manufacturer, remanufacturer, or 93943
distributor of the motor vehicles. 93944

(L) "Used motor vehicle dealer" means any person engaged 93945
in the business of selling, displaying, offering for sale, or 93946
dealing in used motor vehicles, at retail or wholesale, but does 93947

not mean any new motor vehicle dealer selling, displaying, 93948
offering for sale, or dealing in used motor vehicles 93949
incidentally to engaging in the business of selling, displaying, 93950
offering for sale, or dealing in new motor vehicles, any person 93951
engaged in the business of dismantling, salvaging, or rebuilding 93952
motor vehicles by means of using used parts, or any public 93953
officer performing official duties. 93954

(M) "Motor vehicle leasing dealer" means any person 93955
engaged in the business of regularly making available, offering 93956
to make available, or arranging for another person to use a 93957
motor vehicle pursuant to a bailment, lease, sublease, or other 93958
contractual arrangement under which a charge is made for its use 93959
at a periodic rate for a term of thirty days or more, and title 93960
to the motor vehicle is in and remains in the motor vehicle 93961
leasing dealer who originally leases it, irrespective of whether 93962
or not the motor vehicle is the subject of a later sublease, and 93963
not in the user, including any financial institution acting as a 93964
lessor for a lease or sublease. "Motor vehicle leasing dealer" 93965
does not include a new motor vehicle dealer that is not the 93966
lessor and that only assists in arranging a lease on the 93967
lessor's behalf or a manufacturer or its affiliate leasing to 93968
its employees or to dealers. 93969

(N) "Salesperson" means any person employed by a dealer to 93970
sell, display, and offer for sale, or deal in motor vehicles for 93971
a commission, compensation, or other valuable consideration, but 93972
does not mean any public officer performing official duties. 93973

(O) "Casual sale" means any transfer of a motor vehicle by 93974
a person other than a new motor vehicle dealer, used motor 93975
vehicle dealer, adaptive mobility dealer, motor vehicle salvage 93976
dealer, as defined in division (A) of section 4738.01 of the 93977

Revised Code, salesperson, motor vehicle auction owner, 93978
manufacturer, or distributor acting in the capacity of a dealer, 93979
salesperson, auction owner, manufacturer, or distributor, to a 93980
person who purchases the motor vehicle for use as a consumer. 93981

(P) "Motor vehicle auction owner" means any person who is 93982
engaged wholly or in part in the business of auctioning motor 93983
vehicles, but does not mean a construction equipment auctioneer 93984
or a construction equipment auction licensee. 93985

(Q) "Manufacturer" means a person who manufactures, 93986
assembles, or imports motor vehicles, including motor homes, but 93987
does not mean a person who only assembles or installs a body, 93988
special equipment unit, finishing trim, or accessories on a 93989
motor vehicle chassis supplied by a manufacturer or distributor. 93990

(R) "Tent-type fold-out camping trailer" means any vehicle 93991
intended to be used, when stationary, as a temporary shelter 93992
with living and sleeping facilities, and that is subject to the 93993
following properties and limitations: 93994

(1) A minimum of twenty-five per cent of the fold-out 93995
portion of the top and sidewalls combined must be constructed of 93996
canvas, vinyl, or other fabric, and form an integral part of the 93997
shelter. 93998

(2) When folded, the unit must not exceed: 93999

(a) Fifteen feet in length, exclusive of bumper and 94000
tongue; 94001

(b) Sixty inches in height from the point of contact with 94002
the ground; 94003

(c) Eight feet in width; 94004

(d) One ton gross weight at time of sale. 94005

(S) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.

(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any new motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.

(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.

(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.

(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.

(Y) "Factory representative" means a representative employed by a manufacturer, remanufacturer, or by a factory branch primarily for the purpose of promoting the sale of its

motor vehicles, parts, or accessories to dealers or for 94035
supervising or contacting its dealers or prospective dealers. 94036

(Z) "Administrative or executive management" means those 94037
individuals who are not subject to federal wage and hour laws. 94038

(AA) "Good faith" means honesty in the conduct or 94039
transaction concerned and the observance of reasonable 94040
commercial standards of fair dealing in the trade as is defined 94041
in section 1301.201 of the Revised Code, including, but not 94042
limited to, the duty to act in a fair and equitable manner so as 94043
to guarantee freedom from coercion, intimidation, or threats of 94044
coercion or intimidation; provided however, that recommendation, 94045
endorsement, exposition, persuasion, urging, or argument shall 94046
not be considered to constitute a lack of good faith. 94047

(BB) "Coerce" means to compel or attempt to compel by 94048
failing to act in good faith or by threat of economic harm, 94049
breach of contract, or other adverse consequences. Coerce does 94050
not mean to argue, urge, recommend, or persuade. 94051

(CC) "Relevant market area" means any area within a radius 94052
of ten miles from the site of a potential new dealership, except 94053
that for manufactured home or recreational vehicle dealerships 94054
the radius shall be twenty-five miles. The ten-mile radius shall 94055
be measured from the dealer's established place of business that 94056
is used exclusively for the purpose of selling, displaying, 94057
offering for sale, or dealing in motor vehicles. 94058

(DD) "Wholesale" or "at wholesale" means the act or 94059
attempted act of selling, bartering, exchanging, or otherwise 94060
disposing of a motor vehicle to a transferee for the purpose of 94061
resale and not for ultimate consumption by that transferee. 94062

(EE) "Motor vehicle wholesaler" means any person licensed 94063

as a dealer under the laws of another state and engaged in the 94064
business of selling, displaying, or offering for sale used motor 94065
vehicles, at wholesale, but does not mean any motor vehicle 94066
dealer as defined in this section. 94067

(FF) (1) "Remanufacturer" means a person who assembles or 94068
installs passenger seating, walls, a roof elevation, or a body 94069
extension on a conversion van with the motor vehicle chassis 94070
supplied by a manufacturer or distributor, a person who modifies 94071
a truck chassis supplied by a manufacturer or distributor for 94072
use as a public safety or public service vehicle, a person who 94073
modifies a motor vehicle chassis supplied by a manufacturer or 94074
distributor for use as a limousine or hearse, or a person who 94075
modifies an incomplete motor vehicle cab and chassis supplied by 94076
a new motor vehicle dealer or distributor for use as a tow 94077
truck, but does not mean either of the following: 94078

(a) A person who assembles or installs passenger seating, 94079
a roof elevation, or a body extension on a recreational vehicle 94080
as defined in division (Q) and referred to in division (B) of 94081
section 4501.01 of the Revised Code; 94082

(b) An adaptive mobility dealer. 94083

(2) For the purposes of division (FF) (1) of this section, 94084
"public safety vehicle or public service vehicle" means a fire 94085
truck, ambulance, school bus, street sweeper, garbage packing 94086
truck, or cement mixer, or a mobile self-contained facility 94087
vehicle. 94088

(3) For the purposes of division (FF) (1) of this section, 94089
"limousine" means a motor vehicle, designed only for the purpose 94090
of carrying nine or fewer passengers, that a person modifies by 94091
cutting the original chassis, lengthening the wheelbase by forty 94092

inches or more, and reinforcing the chassis in such a way that 94093
all modifications comply with all applicable federal motor 94094
vehicle safety standards. No person shall qualify as or be 94095
deemed to be a remanufacturer who produces limousines unless the 94096
person has a written agreement with the manufacturer of the 94097
chassis the person utilizes to produce the limousines to 94098
complete properly the remanufacture of the chassis into 94099
limousines. 94100

(4) For the purposes of division (FF)(1) of this section, 94101
"hearse" means a motor vehicle, designed only for the purpose of 94102
transporting a single casket, that is equipped with a 94103
compartment designed specifically to carry a single casket that 94104
a person modifies by cutting the original chassis, lengthening 94105
the wheelbase by ten inches or more, and reinforcing the chassis 94106
in such a way that all modifications comply with all applicable 94107
federal motor vehicle safety standards. No person shall qualify 94108
as or be deemed to be a remanufacturer who produces hearses 94109
unless the person has a written agreement with the manufacturer 94110
of the chassis the person utilizes to produce the hearses to 94111
complete properly the remanufacture of the chassis into hearses. 94112

(5) For the purposes of division (FF)(1) of this section, 94113
"mobile self-contained facility vehicle" means a mobile 94114
classroom vehicle, mobile laboratory vehicle, bookmobile, 94115
bloodmobile, testing laboratory, and mobile display vehicle, 94116
each of which is designed for purposes other than for passenger 94117
transportation and other than the transportation or displacement 94118
of cargo, freight, materials, or merchandise. A vehicle is 94119
remanufactured into a mobile self-contained facility vehicle in 94120
part by the addition of insulation to the body shell, and 94121
installation of all of the following: a generator, electrical 94122
wiring, plumbing, holding tanks, doors, windows, cabinets, 94123

shelving, and heating, ventilating, and air conditioning 94124
systems. 94125

(6) For the purposes of division (FF)(1) of this section, 94126
"tow truck" means both of the following: 94127

(a) An incomplete cab and chassis that are purchased by a 94128
remanufacturer from a new motor vehicle dealer or distributor of 94129
the cab and chassis and on which the remanufacturer then 94130
installs in a permanent manner a wrecker body it purchases from 94131
a manufacturer or distributor of wrecker bodies, installs an 94132
emergency flashing light pylon and emergency lights upon the 94133
mast of the wrecker body or rooftop, and installs such other 94134
related accessories and equipment, including push bumpers, front 94135
grille guards with pads and other custom-ordered items such as 94136
painting, special lettering, and safety striping so as to create 94137
a complete motor vehicle capable of lifting and towing another 94138
motor vehicle. 94139

(b) An incomplete cab and chassis that are purchased by a 94140
remanufacturer from a new motor vehicle dealer or distributor of 94141
the cab and chassis and on which the remanufacturer then 94142
installs in a permanent manner a car carrier body it purchases 94143
from a manufacturer or distributor of car carrier bodies, 94144
installs an emergency flashing light pylon and emergency lights 94145
upon the rooftop, and installs such other related accessories 94146
and equipment, including push bumpers, front grille guards with 94147
pads and other custom-ordered items such as painting, special 94148
lettering, and safety striping. 94149

As used in division (FF)(6)(b) of this section, "car 94150
carrier body" means a mechanical or hydraulic apparatus capable 94151
of lifting and holding a motor vehicle on a flat level surface 94152
so that one or more motor vehicles can be transported, once the 94153

car carrier is permanently installed upon an incomplete cab and 94154
chassis. 94155

(GG) "Operate as a new motor vehicle dealership" means 94156
engaging in activities such as displaying, offering for sale, 94157
and selling new motor vehicles at retail, operating a service 94158
facility to perform repairs and maintenance on motor vehicles, 94159
offering for sale and selling motor vehicle parts at retail, and 94160
conducting all other acts that are usual and customary to the 94161
operation of a new motor vehicle dealership. For the purposes of 94162
this chapter only, possession of either a valid new motor 94163
vehicle dealer franchise agreement or a new motor vehicle 94164
dealers license, or both of these items, is not evidence that a 94165
person is operating as a new motor vehicle dealership. 94166

(HH) "Outdoor power equipment" means garden and small 94167
utility tractors, walk-behind and riding mowers, chainsaws, and 94168
tillers. 94169

(II) "Remote service facility" means premises that are 94170
separate from a licensed new motor vehicle dealer's sales 94171
facility by not more than one mile and that are used by the 94172
dealer to perform repairs, warranty work, recall work, and 94173
maintenance on motor vehicles pursuant to a franchise agreement 94174
entered into with a manufacturer of motor vehicles. A remote 94175
service facility shall be deemed to be part of the franchise 94176
agreement and is subject to all the rights, duties, obligations, 94177
and requirements of Chapter 4517. of the Revised Code that 94178
relate to the performance of motor vehicle repairs, warranty 94179
work, recall work, and maintenance work by new motor vehicle 94180
dealers. 94181

(JJ) "Recreational vehicle" has the same meaning as in 94182
section 4501.01 of the Revised Code. 94183

(KK) "Construction equipment auctioneer" means a person 94184
who holds both a valid auction firm license issued under Chapter 94185
4707. of the Revised Code and a valid construction equipment 94186
auction license issued under this chapter. 94187

(LL) "Large construction or transportation equipment" 94188
means vehicles having a gross vehicle weight rating of more than 94189
ten thousand pounds and includes road rollers, traction engines, 94190
power shovels, power cranes, commercial cars and trucks, or farm 94191
trucks, and other similar vehicles obtained primarily from the 94192
construction, mining, transportation or farming industries. 94193

(MM) "Local market conditions" includes, but is not 94194
limited to: 94195

(1) Demographics in the franchisee's area; 94196

(2) Geographical and market characteristics in the 94197
franchisee's area; 94198

(3) Local economic circumstances; 94199

(4) The proximity of other motor vehicle dealers of the 94200
same line-make; 94201

(5) The proximity of motor vehicle manufacturing 94202
facilities; 94203

(6) The buying patterns of motor vehicle purchasers; 94204

(7) Customer drive time and drive distance. 94205

(NN) "Established place of business" means a permanent, 94206
enclosed building or structure that meets all of the following 94207
requirements: 94208

(1) It is either owned, leased, or rented by the motor 94209
vehicle dealer. 94210

- (2) It meets local zoning or municipal requirements. 94211
- (3) It is regularly occupied by at least one person. 94212
- (4) It is easily accessible to the public. 94213
- (5) The records and files necessary to conduct the 94214
business are generally kept and maintained at the location or 94215
are readily accessible and available for reasonable inspection 94216
from the location. 94217
- "Established place of business" does not mean a residence, 94218
tent, temporary stand, storage shed, lot, or any temporary 94219
quarters, unless authorized by the registrar of motor vehicles. 94220
- (OO) "Adaptive mobility dealer" means any person engaged 94221
in the business of all of the following: 94222
- (1) Selling at retail, displaying, offering for sale, 94223
delivering, and dealing in adaptive mobility vehicles; 94224
- (2) Selling and installing adaptive mobility equipment, 94225
related accessories, and other goods and services to meet the 94226
automotive adaptive mobility needs of drivers and passengers 94227
with disabilities; 94228
- (3) Providing maintenance and repair services for adaptive 94229
mobility vehicles and adaptive mobility equipment. 94230
- (PP) "Adaptive mobility equipment" means the mechanical or 94231
electronic devices or parts that are designed to facilitate the 94232
use of a motor vehicle by a person who is aging or a person with 94233
disabilities, in accordance with 49 C.F.R. part 571, and that 94234
are permanently attached to or incorporated into the motor 94235
vehicle. 94236
- Sec. 4517.52.** (A) Each franchisor shall fulfill warranty 94237

and recall obligations of diagnosing, repairing, and servicing 94238
motor vehicles, including all parts and components manufactured 94239
for installation in any motor vehicle. 94240

(B) Each franchisor shall compensate each of its 94241
franchisees for labor and parts used to fulfill warranty and 94242
recall obligations of diagnostic, repair-and, servicing, 94243
updates to vehicle accessories or functions, and initialization 94244
or repair of vehicle parts, systems, accessories, or functions 94245
at rates not less than the rates charged by the franchisee to 94246
its retail customers for warranty-like diagnosis, labor, and 94247
parts for nonwarranty work. A-Diagnostic work includes the time 94248
spent by a technician, who meets the franchisor's qualifications 94249
and requirements for the repair work, communicating with the 94250
franchisor's technical assistance or external franchisor source 94251
in order to complete a warranty repair. 94252

A franchisee, other than a franchisee that deals in 94253
recreational vehicles, may establish rates of compensation for 94254
labor performed and parts used by the franchisee for purposes of 94255
this section if all of the following apply: 94256

(1) The franchisee submits to the franchisor either of the 94257
following: 94258

(a) One hundred sequential nonwarranty service repair 94259
orders for warranty-like repairs that have been paid by a 94260
customer and closed by the time of submission; 94261

(b) All service repair orders for warranty-like repairs, 94262
that have been paid by a customer and closed by the time of 94263
submission, for a period of ninety consecutive days. 94264

A franchisee either may submit a set of repair orders for 94265
purposes of calculating both its retail labor rate and its 94266

retail parts markup percentage, or may submit separate sets of 94267
repair orders for purposes of calculating its retail labor rate 94268
and its retail parts markup percentage separately. The repair 94269
orders submitted under division (B) (1) (a) or (b) of this section 94270
must be from a period occurring not more than one hundred eighty 94271
days before the submission. 94272

Subject to division (C) (3) of this section, if a 94273
franchisor determines from any set of repair orders submitted 94274
under this section that the retail labor rate or parts markup 94275
percentage calculated under division (B) (2) or (3) of this 94276
section is substantially higher or lower than the rate currently 94277
on record with the franchisor for labor or parts, the franchisor 94278
may request additional documentation for a period of either 94279
~~ninety-sixty~~ days prior to or ~~ninety-sixty~~ days subsequent to 94280
the time period for which the repair orders were submitted for 94281
purposes of an alteration. 94282

(2) The franchisee calculates its retail labor rate by 94283
determining the franchisee's total labor sales from the service 94284
repair orders submitted under division (B) (1) of this section 94285
and dividing that amount by the total number of labor hours that 94286
generated those sales. 94287

(3) The franchisee calculates its retail parts markup 94288
percentage by determining the franchisee's total parts sales 94289
from the service repair orders submitted under division (B) (1) 94290
of this section and dividing that amount by the franchisee's 94291
total cost for the purchase of those parts, subtracting one from 94292
that amount, and then multiplying the amount by one hundred. 94293

(4) In calculating the retail labor rate in division (B) 94294
(2) of this section and the retail parts markup percentage in 94295
division (B) (3) of this section, the franchisee omits charges 94296

for any of the following from the calculation:	94297
(a) Manufacturer or distributor special events, specials,	94298
or promotional discounts for retail customer repairs;	94299
(b) Parts sold, or repairs performed, at wholesale;	94300
(c) Routine maintenance that is not covered under a retail	94301
customer warranty, including the replacement of fluids, filters,	94302
and belts that are not provided in the course of other repairs;	94303
(d) Items that do not have individual part numbers, such	94304
as nuts, bolts, and fasteners;	94305
(e) Vehicle reconditioning;	94306
(f) Accessories;	94307
(g) Repairs of damage caused by a collision, a road	94308
hazard, the force of the elements, vandalism, theft, or operator	94309
negligence;	94310
(h) Parts sold or repairs performed for insurance	94311
carriers;	94312
(i) Vehicle emission or safety inspections required by	94313
law;	94314
(j) Goodwill or policy repairs or replacements;	94315
(k) Repairs for which volume discounts have been	94316
negotiated with government agencies or insurance carriers;	94317
(l) Repairs performed on vehicles from a different line-	94318
make;	94319
(m) Replacement of tires or related elements.	94320
(5) The franchisee provides notice of its retail labor	94321
rate and retail parts markup percentage calculated in accordance	94322

with this section to the franchisor. 94323

(C) (1) A franchisor may contest the retail labor rate or 94324
retail parts markup percentage that was calculated by the 94325
franchisee under division (B) of this section within thirty days 94326
after receiving notice from the franchisee. If the franchisor 94327
seeks to contest the retail labor rate or retail parts markup 94328
percentage, the franchisor shall notify the franchisee that the 94329
franchisor believes the rate or markup percentage is materially 94330
~~inaccurate or substantially different than that of other~~ 94331
~~similarly situated, same line-make new motor vehicle dealers in~~ 94332
~~the vicinity,~~ provide a full explanation of the reasons the 94333
franchisor disagrees with the rate or markup percentage, provide 94334
evidence substantiating the franchisor's position, and propose 94335
an adjustment of the contested rate or markup percentage. The 94336
franchisor shall not modify its notice to the franchisee or its 94337
grounds for contesting the rate or markup percentage after 94338
submitting a notice to the franchisee under division (C) (1) of 94339
this section. 94340

(2) If the franchisor does not contest the rate or markup 94341
percentage that was calculated by the franchisee under division 94342
(B) of this section within thirty days after receiving notice of 94343
the rate or markup percentage from the franchisee, the 94344
uncontested rate or markup percentage takes effect. The 94345
franchisor then shall use the rate and markup percentage to 94346
determine compensation for any warranty and recall work and 94347
service performed by the franchisee until the rate or markup 94348
percentage is modified. 94349

(3) If the franchisor contests a rate or markup percentage 94350
established by the franchisee under division (B) of this 94351
section, the franchisor and franchisee shall resolve the 94352

disagreement through the franchisor's internal dispute 94353
resolution process. However, the franchisee may appeal a 94354
determination made as part of the dispute resolution process to 94355
a court of competent jurisdiction. Any rate or markup percentage 94356
established either through an internal dispute resolution 94357
process or by a court as part of an appeal under this section 94358
shall be applied retroactively to govern reimbursement for labor 94359
or parts, as applicable, beginning thirty days after the date 94360
the franchisee submitted the disputed rate or markup percentage 94361
under division (B) of this section. 94362

(4) A franchisee shall not establish or modify a retail 94363
labor rate or retail parts markup percentage more frequently 94364
than once per calendar year. 94365

(D) When calculating the compensation that must be 94366
provided to a franchisee for labor and parts used to fulfill 94367
warranty and recall obligations under this section, all of the 94368
following apply: 94369

(1) The franchisor shall use time allowances for the 94370
diagnosis and performance of the warranty and recall work and 94371
service that are reasonable and adequate for the work or 94372
services to be performed by a qualified technician. 94373

(2) The franchisor shall use any retail labor rate and any 94374
retail parts markup percentage established in accordance with 94375
this section in calculating the compensation. 94376

(3) If the franchisor provided a part or component to the 94377
franchisee at a reduced cost or no cost to use in performing 94378
repairs under a recall, campaign service action, or warranty 94379
repair, the franchisor shall provide to the franchisee an amount 94380
equal to the retail parts markup for that part or component, 94381

which shall be calculated by multiplying the dealer cost for the 94382
part or component as listed in the franchisor's price schedule 94383
by the retail parts markup percentage. 94384

(4) A franchisor shall not assess penalties, surcharges, 94385
or similar costs to a franchisee, transfer or shift any costs to 94386
a franchisee, limit allocation of vehicles or parts to a 94387
franchisee, or otherwise take retaliatory action against a 94388
franchisee based on any franchisee's exercise of its rights 94389
under this section. It is the burden of the franchisee to prove 94390
any claims under division (D) (4) of this section by a 94391
preponderance of the evidence. Nothing in this section prohibits 94392
a franchisor from increasing the price of a vehicle or part in 94393
the normal course of business. 94394

(5) A franchisor shall fully reimburse a franchisee for 94395
the cost of any rental vehicle provided to a customer when the 94396
rental is required, offered, advertised as available, or 94397
otherwise agreed to by the franchisor. The franchisor shall not 94398
deny or reduce the reimbursement to the franchisee because the 94399
franchisee is unable to provide a specific type of vehicle, 94400
including a particular line-make, size, or category of vehicle. 94401

(E) A franchisor shall not require a franchisee to 94402
establish a retail labor rate or retail parts markup percentage 94403
using any method that is unduly burdensome or time consuming, or 94404
require the use of information that is unduly burdensome or time 94405
consuming to obtain, including part-by-part or transaction-by- 94406
transaction calculations or utilization of the franchisee's 94407
financial statement. Further, no franchisor shall unilaterally 94408
calculate a retail labor rate or retail parts markup percentage 94409
for a franchisee. 94410

Divisions (A), (C), (D), and (E) of this section do not 94411

apply to franchisors or franchisees who deal in recreational 94412
vehicles. Division (B) of this section as it pertains to 94413
diagnostic work does not apply to franchisors or franchisees who 94414
deal in recreational vehicles. 94415

Sec. 4517.521. (A) As used in this section: 94416

(1) "Stop-sale or do-not-drive order" means a notification 94417
issued by a motor vehicle manufacturer to its franchised motor 94418
vehicle dealers stating that certain used motor vehicles in 94419
inventory shall not be sold, either at retail or wholesale, 94420
leased, or driven due to a federal safety recall or a federal or 94421
state emissions recall. 94422

(2) "Average trade-in value" means the approximate 94423
monetary value for a used motor vehicle that is indicated in an 94424
independent third-party guide, based on the year, make, and 94425
model of a vehicle. 94426

(B) (1) Pursuant to division (B) (2) of this section, a 94427
franchisor shall compensate a franchisee of not less than one 94428
and twenty-five hundredths per cent of the average trade-in 94429
value for a used motor vehicle that is the subject of a stop- 94430
sale or do-not-drive order if both of the following apply: 94431

(a) The franchisee is authorized to sell or perform recall 94432
repairs on motor vehicles that are the same line-make as the 94433
subject motor vehicle; 94434

(b) The parts or remedy that are necessary to perform the 94435
recall service or repair on the subject motor vehicle are not 94436
reasonably available to perform that service or repair within 94437
thirty days of the franchisor issuing the recall notice and 94438
associated stop-sale or do-not-drive order. 94439

(2) The compensation described in division (B) (1) of this 94440

section shall be paid per month, or prorated for a portion of 94441
the month. The compensation shall commence on the thirtieth day 94442
after the recall notice and stop-sale or do-not-drive order was 94443
issued. The compensation shall end on the earlier of the 94444
following dates: 94445

(a) The date that the remedy or repair parts that are 94446
necessary to resolve the recall notice and stop-sale or do-not- 94447
drive order are available to the franchisee for the subject 94448
motor vehicle; 94449

(b) The franchisee sells, trades, or otherwise disposes of 94450
the subject motor vehicle. 94451

(3) A franchisor is not required to compensate a 94452
franchisee for more than the total average trade-in value of the 94453
subject motor vehicle. 94454

(C) Division (B) of this section does not apply to motor 94455
vehicles purchased by a franchisee after the date the recall 94456
notice or stop-sale or do-not-drive order was issued or to motor 94457
vehicles that were purchased outside of the ordinary course of 94458
business. 94459

(D) A franchisor may compensate a franchisee under a 94460
national recall compensation program if the compensation under 94461
that program equals or exceeds the compensation specified in 94462
division (B) of this section or per any agreement between the 94463
franchisor and franchisee. 94464

(E) A franchisor shall not attempt to recover all or any 94465
other portion of its costs for compensating a franchisee in 94466
accordance with this section either through a reduction in the 94467
amount due to a franchisee or through a separate charge, 94468
surcharge, or other imposition related to the costs of recalled 94469

vehicles, parts, diagnostic work, or other services. Nothing in 94470
division (E) of this section prohibits a franchisor from 94471
changing its prices in the ordinary course of business or 94472
prohibits a franchisor from charging back a franchisee for an 94473
unnecessary or improperly performed repair. 94474

(F) A franchisor may determine the manner and method in 94475
which a franchisee demonstrates the inventory status of a motor 94476
vehicle that is eligible for compensation in accordance with 94477
this section. The manner, method, and type of information 94478
required shall not be unduly burdensome for the franchisee. 94479

(G) Any remedy provided to a franchisee in accordance with 94480
this section shall be the exclusive remedy provided to that 94481
franchisee for compensation related to a used motor vehicle that 94482
is the subject of a stop-sale or do-not-drive order. A remedy 94483
provided in accordance with this section shall not be combined 94484
with any other state or federal recall compensation remedy for 94485
used motor vehicles subject to a stop-sale or do-not-drive 94486
order. 94487

(H) This section does not apply to franchisors or 94488
franchisees who deal in recreational vehicles. 94489

Sec. 4517.60. Notwithstanding the terms, conditions, or 94490
provisions of any franchise, or the date such franchise was 94491
executed, each franchisor shall indemnify and hold harmless its 94492
franchisees against any losses, including, but not limited to, 94493
court costs and attorney fees reasonably incurred, or damages 94494
arising out of complaints, claims, or suits, whether or not 94495
meritorious, relating in whole or in part to claims under 94496
section 1345.72 of the Revised Code, or to the manufacture, 94497
assembly, or design of motor vehicles, parts, or accessories, to 94498
damage corrected by the franchisor prior to receipt of a motor 94499

vehicle by the franchisee, or relating to other functions of the 94500
franchisor beyond the control of the franchisee, including, but 94501
not limited to, the selection by the franchisor of parts or 94502
components for the motor vehicle, the franchisor's designation 94503
of features or equipment as optional, and any damage to 94504
merchandise occurring in transit to the franchisee where the 94505
carrier is designated by the franchisor. The franchisee shall 94506
give notice to the franchisor within twenty-eight days of 94507
service of summons on the franchisee of pending suits in which 94508
allegations are made that come within this section and shall 94509
cooperate with the franchisor in the defense of such suits. 94510

Sec. 4519.59. (A) (1) The clerk of a court of common pleas 94511
shall charge and retain fees as follows: 94512

(a) Fifteen dollars, or twenty dollars if a board of 94513
county commissioners adopts a resolution authorizing the 94514
increased fee for that county, for each certificate of title or 94515
duplicate certificate of title including the issuance of a 94516
memorandum certificate of title, authorization to print a non- 94517
negotiable evidence of ownership described in division (D) of 94518
section 4519.58 of the Revised Code, non-negotiable evidence of 94519
ownership printed by the clerk under division (E) of that 94520
section, and notation of any lien on a certificate of title that 94521
is applied for at the same time as the certificate of title. The 94522
clerk shall retain eleven dollars and fifty cents of that fee 94523
for each certificate of title when there is a notation of a lien 94524
or security interest on the certificate of title, twelve dollars 94525
and twenty-five cents when there is no lien or security interest 94526
noted on the certificate of title, and eleven dollars and fifty 94527
cents for each duplicate certificate of title. If a board of 94528
county commissioners adopts a resolution authorizing a twenty- 94529
dollar fee, the clerk shall retain the additional five dollars 94530

of that fee. 94531

(b) Five dollars for each certificate of title with no 94532
security interest noted that is issued to a licensed motor 94533
vehicle dealer for resale purposes. The clerk shall retain two 94534
dollars and twenty-five cents of that fee. 94535

(c) Five dollars for each memorandum certificate of title 94536
or non-negotiable evidence of ownership that is applied for 94537
separately. The clerk shall retain that entire fee. 94538

(2) The fees that are not retained by the clerk shall be 94539
paid to the registrar of motor vehicles by monthly returns, 94540
which shall be forwarded to the registrar not later than the 94541
fifth day of the month next succeeding that in which the 94542
certificate is forwarded or that in which the registrar is 94543
notified of a lien or cancellation of a lien. 94544

(B) (1) The registrar shall pay twenty-five cents of the 94545
amount received for each certificate of title that is issued to 94546
a motor vehicle dealer for resale, one dollar for certificates 94547
of title issued with a lien or security interest noted on the 94548
certificate of title, and twenty-five cents for each certificate 94549
of title with no lien or security interest noted on the 94550
certificate of title into the public safety - highway purposes 94551
fund established in section 4501.06 of the Revised Code. 94552

(2) Fifty cents of the amount received for each 94553
certificate of title shall be paid by the registrar as follows: 94554

(a) Four cents shall be paid into the state treasury to 94555
the credit of the motor vehicle dealers board fund created in 94556
section 4505.09 of the Revised Code, for use as described in 94557
division (B) (2) (a) of that section. 94558

(b) Twenty-one cents shall be paid into the highway 94559

operating fund. 94560

(c) Twenty-five cents shall be paid into the state 94561
treasury to the credit of the motor vehicle sales audit fund 94562
created in section 4505.09 of the Revised Code, for use as 94563
described in division (B) (2) (c) of that section. 94564

(3) Two dollars of the amount received by the registrar 94565
for each certificate of title shall be paid into the state 94566
treasury to the credit of the automated title processing fund 94567
created in section 4505.09 of the Revised Code, for use as 94568
described in divisions (B) (3) (a) and (c) of that section. 94569

Sec. 4582.024. After a port authority has been created, 94570
any municipal corporation, township, or county, acting by 94571
ordinance, resolution of the township trustees, or resolution of 94572
the county commissioners, respectively, which is contiguous to 94573
such port authority, or to any municipal corporation, township, 94574
or county which proposes to join such port authority at the same 94575
time and is contiguous to such port authority, or any county 94576
within which such port authority is situated, may join such port 94577
authority and thereupon the jurisdiction and territory of such 94578
port authority shall include such municipal corporation, county, 94579
or township. If more than one such political subdivision is to 94580
be joined to the port authority at the same time, then each such 94581
ordinance or resolution shall designate the political 94582
subdivisions which are to be so joined. Any territory or 94583
municipal corporation not included in a port authority and which 94584
is annexed to a municipal corporation included within the 94585
jurisdiction and territory of a port authority shall, on such 94586
annexation and without further proceedings, be annexed to and be 94587
included in the jurisdiction and territory of such port 94588
authority. Before such political subdivision or subdivisions are 94589

joined to a port authority, other than by annexation to a 94590
municipality, the political subdivision or subdivisions 94591
theretofore comprising such port authority shall agree upon the 94592
terms and conditions pursuant to which such political 94593
subdivision or subdivisions are to be joined. For all purposes 94594
of sections 4582.01 to 4582.20, inclusive, of the Revised Code, 94595
such political subdivision or subdivisions shall be considered 94596
to have participated in the creation of such port authority, 94597
except that the initial term of any director of the port 94598
authority appointed by such a political subdivision shall be 94599
four years. After each ordinance or resolution proposing joinder 94600
to the port authority has become effective and the terms and 94601
conditions of joinder have been agreed to, the board of 94602
directors of the port authority shall by resolution either 94603
accept or reject such joinder. Such joinder shall be effective 94604
on adoption of the resolution accepting such joinder, unless the 94605
port authority to which a political subdivision or subdivisions 94606
including a county within which such port authority is located, 94607
are to be joined has authority under section 4582.14 of the 94608
Revised Code to levy a tax on property within its jurisdiction, 94609
then such joinder shall not be effective until approved by the 94610
affirmative vote of a majority of the electors voting on the 94611
question of such joinder. If more than one political subdivision 94612
is to be joined to the port authority, then the electors of such 94613
subdivision shall vote as a district and the majority 94614
affirmative vote shall be determined by the vote cast in such 94615
district as a whole. 94616

If a tax on property is to be levied, the board of 94617
directors of the port authority and the county auditor shall 94618
proceed in the same manner as required for a tax levy under 94619
section 5705.03 of the Revised Code, except that the levy's 94620

annual collections shall be estimated assuming that the 94621
additional subdivision or subdivisions have joined the port 94622
authority. 94623

The election shall be called by the board of directors of 94624
the port authority and shall be held, canvassed, and certified 94625
in the manner provided for the submission of tax levies under 94626
section 5705.191 of the Revised Code except that the question 94627
appearing on the ballot shall read: 94628

"Shall _____ 94629

(name or names of political subdivisions to be joined) 94630

be joined to _____ (name) port authority and the 94631

existing tax levy (levies) of such port authority, that the 94632

county auditor estimates will collect \$_____ annually, at a rate 94633

not exceeding 94634

_____ mill(s) for each \$1 of taxable value, which amounts to 94635

\$_____ (effective rate) for each \$100,000 of ~~the county~~ 94636

~~auditor's appraised market~~ value, be authorized to be 94637

levied against properties within 94638

_____ " 94639

(name or names of political subdivisions to be joined) 94640

If the question is approved such joinder shall be 94641

immediately effective and the port authority shall be authorized 94642

to extend the levy of such tax against all the taxable property 94643

within the political subdivision or political subdivisions which 94644

have been joined. If such question is approved at a general 94645

election then the port authority may amend its budget and 94646

resolution adopted pursuant to section 5705.34 of the Revised 94647

Code and such levy shall be placed on the current tax list and 94648
duplicate and collected as other taxes are collected from all 94649
taxable property within the port authority including the 94650
political subdivision or political subdivisions joined as a 94651
result of such election. 94652

As used in this section, "~~the county auditor's appraised~~ 94653
market value" and "effective rate" have the same meanings as in 94654
section 5705.01 of the Revised Code. 94655

Sec. 4582.26. After a port authority has been created, any 94656
municipal corporation, township, county, or other political 94657
subdivision, acting by ordinance or resolution, which is 94658
contiguous to any municipal corporation, township, county, or 94659
other political subdivision which participated in the creation 94660
of such port authority or to any municipal corporation, 94661
township, county, or other political subdivision which proposes 94662
to join the port authority at the same time and is contiguous to 94663
any municipal corporation, township, county, or other political 94664
subdivision which participated in the creation of such port 94665
authority, may join such port authority, and thereupon the 94666
jurisdiction and territory of the port authority includes the 94667
municipal corporation, county, township, or other political 94668
subdivision so joining. If more than one such political 94669
subdivision is to be joined to the port authority at the same 94670
time, then each such ordinance or resolution shall designate the 94671
political subdivisions which are to be so joined. Any territory 94672
or municipal corporation not included in a port authority and 94673
which is annexed to a municipal corporation included within the 94674
jurisdiction and territory of a port authority shall, on such 94675
annexation and without further proceedings, be annexed to and be 94676
included in the jurisdiction and territory of the port 94677
authority. Before such political subdivision or subdivisions are 94678

joined to a port authority, other than by annexation to a 94679
municipal corporation, the political subdivision or subdivisions 94680
theretofore comprising such port authority shall agree upon the 94681
terms and conditions pursuant to which such political 94682
subdivision or subdivisions are to be joined. For all purposes 94683
of sections 4582.21 to 4582.59 of the Revised Code, such 94684
political subdivision or subdivisions shall be considered to 94685
have participated in the creation of such port authority, except 94686
that the initial term of any director of the port authority 94687
appointed by such a political subdivision shall be four years. 94688
After each ordinance or resolution proposing joinder to the port 94689
authority has become effective and the terms and conditions of 94690
joinder have been agreed to, the board of directors of the port 94691
authority shall by resolution either accept or reject such 94692
joinder. Such joinder shall be effective upon adoption of the 94693
resolution accepting such joinder, unless the port authority to 94694
which a political subdivision or subdivisions, including a 94695
county within which such port authority is located, are to be 94696
joined, has authority under section 4582.40 of the Revised Code 94697
to levy a tax on property within its jurisdiction, then such 94698
joinder shall not be effective until approved by the affirmative 94699
vote of a majority of the electors voting on the question of the 94700
joinder. If more than one political subdivision is to be joined 94701
to the port authority, then the electors of such subdivisions 94702
shall vote as a district and the majority affirmative vote shall 94703
be determined by the vote cast in such district as a whole. 94704

If a tax on property is to be levied, the board of 94705
directors of the port authority and the county auditor shall 94706
proceed in the manner as required for a tax levy under section 94707
5705.03 of the Revised Code, except that the levy's annual 94708
collections shall be estimated assuming that the additional 94709

subdivision or subdivisions have joined the port authority. 94710

The election shall be called by the board of directors of 94711
the port authority and shall be held, canvassed, and certified 94712
in the manner provided for the submission of tax levies under 94713
section 5705.191 of the Revised Code except that the question 94714
appearing on the ballot shall read: 94715

"Shall _____ 94716

(Name or names of political subdivisions to be joined) 94717

_____ 94718

be joined to _____ (Name) port authority 94719

and the existing tax levy (levies) of such port authority, that 94720
the county auditor estimates will collect \$_____ annually, at a 94721
rate not exceeding _____ mill(s) for each \$1 of 94722
taxable value, which amounts to \$_____ (effective rate) for 94723
each \$100,000 of ~~the county auditor's appraised market~~ value, 94724

be authorized to be levied against properties within 94725

_____?" 94726

(Name or names of political subdivisions to be joined) 94727

If the question is approved the joinder becomes 94728
immediately effective and the port authority is authorized to 94729
extend the levy of such tax against all the taxable property 94730
within the political subdivision or political subdivisions which 94731
have been joined. If such question is approved at a general 94732
election, then the port authority may amend its budget and 94733
resolution adopted pursuant to section 5705.34 of the Revised 94734
Code and such levy shall be placed on the current tax list and 94735
duplicate and collected as other taxes are collected from all 94736

taxable property within the port authority including the 94737
political subdivision or political subdivisions joined as a 94738
result of the election. 94739

As used in this section, "~~the county auditor's appraised~~ 94740
market value" and "effective rate" have the same meanings as in 94741
section 5705.01 of the Revised Code. 94742

Sec. 4582.61. (A) As used in this section, "capital 94743
leaseback agreement" means the sale or transfer of property by a 94744
port authority to another person contemporaneously followed by 94745
the leasing of the property to the port authority. 94746

(B) On and after the effective date of this section and 94747
notwithstanding any other provision in this chapter to the 94748
contrary, no port authority shall enter into a capital leaseback 94749
agreement with a non-public entity without approval from the 94750
board of county commissioners in which the applicable property 94751
is located or, if the property is located in more than one 94752
county, from the board of county commissioners of each county in 94753
which the property is located. 94754

Sec. 4582.72. Notwithstanding any other provision of this 94755
chapter, no port authority created under section 4582.02 or 94756
4582.22 of the Revised Code shall enter an agreement providing 94757
for the construction or renovation of improvements to real 94758
property to which all of the following applies without first 94759
obtaining approval from the board of county commissioners in the 94760
county where the property is located or, if the property is 94761
located in more than one county, from the board of county 94762
commissioners of each county in which the property is located: 94763

(A) The agreement is with a non-public entity. 94764

(B) The majority of the floor space of the improvements 94765

that are the subject of the agreement will not be occupied by 94766
the port authority upon completion of the construction or 94767
renovation. 94768

(C) Building materials purchased for the renovation or 94769
construction will qualify for the exemption authorized by 94770
division (B) (13) of section 5739.02 of the Revised Code. 94771

Sec. 4582.73. (A) As used in this section: 94772

(1) "Credit enhancement facilities" has the same meaning 94773
as in section 133.01 of the Revised Code. 94774

(2) "Common bond fund program" means any program 94775
authorized by a port authority for the purpose of financing port 94776
authority facilities and enhancing the credit of port authority 94777
obligations using credit enhancement facilities, cash reserves, 94778
or other moneys available for such purpose. 94779

(3) "Obligations" means bonds, notes, or other forms or 94780
evidences of obligation constituting revenue bonds as that term 94781
is used in division (A) (4) of section 4582.06 of the Revised 94782
Code, or port authority revenue bonds as that term is used in 94783
section 4582.48 and division (A) (8) of section 4582.31 of the 94784
Revised Code, issued by a port authority. 94785

(4) "Port authority" means a body corporate and politic 94786
created pursuant to the authority of this chapter. 94787

(5) "Port authority facilities" and "port authority 94788
facility" have the same meaning as in division (D) of section 94789
4582.01 or in division (E) of section 4582.21 of the Revised 94790
Code, as applicable. 94791

(B) A port authority may, by one or more resolutions of 94792
its board of directors, establish and maintain a common bond 94793

fund program. A port authority that has established a common 94794
bond fund program may operate and manage such program, authorize 94795
agreements and other documents for such program, and appropriate 94796
funds of the port authority for the support of such program. A 94797
port authority, as part of a common bond fund program, may 94798
authorize the use of one or more credit enhancement facilities 94799
and cash reserves or other money available for the purpose of 94800
financing port authority facilities, all as authorized in the 94801
bond proceedings associated with the obligations issued as part 94802
of the common bond fund program. 94803

Any obligations issued by a port authority and secured by 94804
a trust agreement between the port authority and a corporate 94805
trustee under division (A) (4) of section 4582.06 or section 94806
4582.50 may, in the discretion of the port authority, be issued 94807
as part of a common bond fund program. Any trust agreement used 94808
in a common bond fund program, and the establishment, deposit, 94809
investment and application of special funds, and the 94810
safeguarding of money, shall be governed by the bond proceedings 94811
associated with the obligations and by this chapter. More than 94812
one obligation may be secured by a trust agreement used in a 94813
common bond fund program. 94814

(C) All terms, provisions, and authorizations in this 94815
chapter as applicable to a port authority, and the terms, 94816
provisions, and authorizations of sections 9.96, 9.98, 9.981, 94817
9.982, and 9.983 of the Revised Code, apply to obligations 94818
issued as part of a common bond fund program and the associated 94819
bond proceedings, except as otherwise provided in this section, 94820
or except as otherwise provided in those obligations and 94821
associated bond proceedings. 94822

(D) This section shall be liberally construed to effect 94823

the purpose of authorizing common bond fund programs. The powers 94824
and authorizations granted in this section may be exercised 94825
jointly or separately by one or more port authorities and are in 94826
addition to and supplemental to the powers and authorizations 94827
otherwise granted to port authorities under the applicable 94828
provisions of this chapter and shall not be construed as a 94829
limitation on any such powers or authorizations. 94830

(E) This section provides additional optional authority 94831
for the establishment of a common bond fund program. Nothing in 94832
this section shall impair or affect any common bond fund program 94833
created prior to the effective date of this section. This 94834
section does not apply to any common bond fund program created 94835
prior to the effective date of this section unless the port 94836
authority elects to apply this section to its common bond fund 94837
program by one or more resolutions of its board of directors. 94838

Sec. 4701.01. As used in this chapter: 94839

(A) "Practice of public accounting" means performing or 94840
offering to perform any engagement that will result in the 94841
issuance of an attest report and, with respect to a person who 94842
holds a CPA certificate, PA registration, foreign certificate, 94843
or firm registration, any other services involving the use of 94844
accounting or auditing skills as established by rules adopted by 94845
the accountancy board. 94846

(B) "Public accounting firm" means a sole proprietorship, 94847
a partnership, a limited liability company, a professional 94848
association, a corporation-for-profit, or any other business 94849
organization that is engaged in the practice of public 94850
accounting in this state. 94851

(C) "Opinion report" means any opinion on a financial 94852

statement that is expressed in accordance with generally 94853
accepted auditing standards as to the fairness of presentation 94854
of information and that is used for guidance in financial 94855
transactions, for accounting, or for assessing the status or 94856
performance of commercial and noncommercial enterprises, whether 94857
public, private, or governmental. 94858

(D) "Peer review" means a study, appraisal, or review of 94859
one or more aspects of the professional work of a public 94860
accounting firm that meets the standards and requirements set 94861
forth by the accountancy board. 94862

(E) "Review report" means either of the following: 94863

(1) Any review report on a financial statement that is 94864
issued with respect to any of the following: 94865

(a) Interim financial information in accordance with 94866
generally accepted auditing standards; 94867

(b) The financial information of a nonpublic entity in 94868
accordance with statements on standards for accounting and 94869
review services; 94870

(c) The reliability of another party's written assertion 94871
in accordance with statements on standards for attestation 94872
engagements. 94873

(2) Any other review report on a financial statement that 94874
is not described in division (E) (1) of this section and that is 94875
issued in accordance with standards promulgated by the American 94876
institute of certified public accountants. 94877

(F) "Compilation report" means any compilation report on a 94878
financial statement that is issued with respect to financial 94879
information of a nonpublic entity in accordance with statements 94880

on standards for accounting and review services as promulgated 94881
by the American institute of certified public accountants. 94882

(G) "Examination report" means any examination report on a 94883
financial statement that is issued with respect to another 94884
party's written assertion in accordance with statements on 94885
standards for attestation engagements as promulgated by the 94886
American institute of certified public accountants. 94887

(H) "Agreed-upon procedures report" means any report that 94888
is on a financial statement and that is based on agreed-upon 94889
procedures issued with respect to another party's written 94890
assertion in accordance with statements on standards for 94891
attestation engagements as promulgated by the American institute 94892
of certified public accountants. 94893

(I) "Qualified firm" means a sole proprietorship, 94894
partnership, professional association, corporation-for-profit, 94895
limited liability company, or other business organization in 94896
which the individuals who own a majority of the business 94897
organization interests in the business organization and control 94898
the business organization hold an Ohio permit or a foreign 94899
certificate. 94900

(J) "Own" means any direct or indirect ownership of an 94901
equity interest or shares in a public accounting firm or 94902
qualified firm. 94903

(K) "Control" or "controlled" means the right to exercise 94904
the majority of the voting equity interests or shares in a 94905
public accounting firm or qualified firm with respect to any 94906
matter. 94907

(L) "Equity interest" means any capital interest or profit 94908
interest in a sole proprietorship, partnership, professional 94909

association, corporation-for-profit, limited liability company, 94910
or other business organization. 94911

(M) "Ohio permit" means a permit to practice public 94912
accounting issued under division (A) of section 4701.10 of the 94913
Revised Code that is not revoked or suspended. 94914

(N) "Ohio registration" means the registration under 94915
division (B) of section 4701.10 of the Revised Code of a holder 94916
of a CPA certificate or PA registration who is not in the 94917
practice of public accounting in this state. 94918

(O) "Firm registration" or "registered firm" means 94919
registration as a public accounting firm under section 4701.04 94920
of the Revised Code. 94921

(P) "PA registration" means registration as a public 94922
accountant under section 4701.07 of the Revised Code that is not 94923
revoked or suspended. 94924

(Q) "CPA certificate" means a certificate issued under 94925
section 4701.06 or 4701.061 of the Revised Code that is not 94926
revoked or suspended. 94927

(R) "Foreign certificate" means a license, permit, 94928
certificate, or registration issued to a certified public 94929
accountant under the laws of another state that authorizes the 94930
holder to practice public accounting in that state, is valid, is 94931
in good standing, and has not expired. 94932

(S) "Attest report" means an opinion report, review 94933
report, compilation report, examination report, agreed-upon 94934
procedures report, or any similar report prepared in accordance 94935
with standards established by the American institute of 94936
certified public accountants with respect to a financial 94937
statement or other financial information. 94938

(T) "Person" means any individual, corporation-for-profit, 94939
business trust, estate, partnership, limited liability company, 94940
professional association, or other business organization. 94941

(U) Technical terms that define specific public accounting 94942
engagements have the same meanings as in the professional 94943
standards promulgated by the American institute of certified 94944
public accountants. 94945

Sec. 4701.04. (A) No public accounting firm located in 94946
this state shall engage in the practice of public accounting in 94947
this state unless it registers with the accountancy board and 94948
pays a registration fee set by the board. 94949

(B) Public accounting firms shall apply for initial 94950
registration within ninety days after formation or within ninety 94951
days after the commencement of practicing public accounting in 94952
this state. All public accounting firms shall renew their 94953
registration triennially. All public accounting firms shall 94954
submit with their initial and renewal registration applications 94955
all of the following: 94956

(1) A list of the names, addresses, and certificate or 94957
registration numbers of all individuals who hold an Ohio permit 94958
and who own an equity interest or shares in the public 94959
accounting firm or are employed by the public accounting firm; 94960

(2) A list of the names and addresses of each person who 94961
does not hold an Ohio permit or a foreign certificate and who 94962
owns an equity interest or shares in the public accounting firm 94963
if the person's principal place of business is located in this 94964
state; 94965

(3) A statement that the public accounting firm and each 94966
person who owns an equity interest or shares in the public 94967

accounting firm or is employed by the public accounting firm and 94968
who does not hold an Ohio permit or a foreign certificate is in 94969
compliance with divisions (C) and (D) of this section. 94970

(C) A public accounting firm shall satisfy all of the 94971
following requirements in order to register: 94972

(1) Except as provided in division ~~(C)~~ (5) ~~(C)~~ (7) of this 94973
section, ~~each partner, shareholder, member, or other person who~~ 94974
~~owns an more than fifty per cent of the total equity interest or~~ 94975
~~shares~~ in the public accounting firm shall be owned by 94976
individuals who hold an Ohio permit or a foreign certificate. 94977

(2) If a public accounting firm has a board of directors, 94978
more than fifty per cent of the directors shall hold an Ohio 94979
permit or a foreign certificate. 94980

(3) If a public accounting firm has an employee stock 94981
ownership plan, more than fifty per cent of the trustees of the 94982
employee stock ownership plan shall hold an Ohio permit or a 94983
foreign certificate. 94984

(4) The public accounting firm shall designate an 94985
individual who holds an Ohio permit who shall be responsible for 94986
the proper registration of the firm. The public accounting firm 94987
shall identify this individual to the board. 94988

~~(3)~~ (5) Each individual in a public accounting firm who 94989
signs any attest report issued from an office of the public 94990
accounting firm located in this state shall hold an Ohio permit. 94991

~~(4)~~ (6) An individual who owns an equity interest or shares 94992
in the public accounting firm or is employed by the public 94993
accounting firm and who holds an Ohio permit or a foreign 94994
certificate, or a qualified firm that owns an equity interest or 94995
shares in the public accounting firm, shall assume ultimate 94996

responsibility for any attest report issued from an office of 94997
the public accounting firm located in this state. 94998

~~(5)~~(7) Any person who does not hold an Ohio permit or a 94999
foreign certificate and who holds an equity interest or shares 95000
in the public accounting firm shall satisfy the conditions set 95001
forth in division (D) of this section. 95002

~~(6)~~(8) The public accounting firm shall provide for the 95003
transfer of the equity interest or shares owned by persons who 95004
do not hold an Ohio permit or a foreign certificate to either 95005
the public accounting firm or to another person who owns an 95006
equity interest or shares in the firm if a person who does not 95007
hold an Ohio permit or a foreign certificate withdraws from or 95008
ceases to be employed by the public accounting firm. The public 95009
accounting firm may make payments in connection with the 95010
person's withdrawal from the firm to that person or, if that 95011
person is deceased or dissolved, to the person's estate or 95012
successor in interest. 95013

(D) A person who does not hold an Ohio permit or a foreign 95014
certificate may own an equity interest or shares in a public 95015
accounting firm if all of the following conditions are met: 95016

(1) All of the individuals who hold an Ohio permit or a 95017
foreign certificate and who own equity interests or shares in 95018
the public accounting firm, and qualified firms that own equity 95019
interests or shares in the public accounting firm, own, in the 95020
aggregate, a majority of the equity interests or shares in the 95021
public accounting firm and control the public accounting firm. 95022

(2) The person does not assume or use any titles or 95023
designations specified in division (A) of section 4701.14 of the 95024
Revised Code. The person may designate or refer to the person as 95025

a shareholder, partner, member, principal, owner, or officer of 95026
the public accounting firm and also may use any other title that 95027
the board authorizes by rule. 95028

(3) The person is not in violation of any standard 95029
regarding the character or conduct of that person that the board 95030
establishes by rule. 95031

(4) The person's participation in the business of the 95032
public accounting firm is the person's principal occupation and 95033
consists of providing services to or on behalf of the public 95034
accounting firm, and the person is not functioning solely or 95035
predominately as a passive investor in the public accounting 95036
firm. 95037

(5) The person meets or exceeds the continuing education 95038
requirements that the board establishes by rule. 95039

(6) A person who holds a professional license, 95040
registration, or certification issued by this state or another 95041
state complies with the requirements of that license, 95042
registration, or certification. 95043

(7) The person abides by the code of conduct of the 95044
American institute of certified public accountants or a 95045
comparable code of professional conduct that the board adopts by 95046
rule. 95047

(8) The person complies with all applicable provisions of 95048
this chapter and the rules adopted by the board. 95049

(E) A person who owns a voting equity interest or shares 95050
in a public accounting firm may not delegate, by proxy or 95051
otherwise, the duty to exercise any voting rights to a person 95052
that does not hold an Ohio permit or a foreign certificate or to 95053
a person that is not a qualified firm. 95054

(F) As a condition for initial or renewal registration of 95055
a public accounting firm on and after January 1, 1993, the 95056
board, by rule, shall require that each public accounting firm 95057
undergo a peer review to determine the public accounting firm's 95058
degree of compliance in the practice of public accounting with 95059
generally accepted accounting principles, generally accepted 95060
auditing standards, and other generally accepted technical 95061
standards as defined by the board in rule, unless the public 95062
accounting firm meets one of the exceptions in division (J) of 95063
this section. 95064

(G) The board shall adopt rules establishing guidelines 95065
for peer reviews, and may authorize an agent to administer all 95066
or part of the board's peer review program and to assess a 95067
reasonable fee to firms to cover the costs incurred by the agent 95068
for program administration. The rules shall do all of the 95069
following: 95070

(1) Designate a peer review committee consisting of 95071
accounting professionals to serve as advisors to the board and 95072
to ensure that the board's guidelines are followed. 95073

(2) Require that the peer review be conducted by a 95074
reviewer that is both independent of the public accounting firm 95075
reviewed and qualified pursuant to board rules; 95076

(3) Require that the standards and practices applied by 95077
the reviewer be at least as stringent as those applied by the 95078
American institute of certified public accountants; 95079

(4) Prohibit the use or disclosure of information obtained 95080
by members of the board or a committee of peer reviewers during 95081
or in connection with the peer review process for purposes other 95082
than those related to determining the degree of compliance by 95083

the public accounting firm with generally accepted accounting 95084
principles, generally accepted auditing standards, and other 95085
generally accepted technical standards as defined by the board 95086
in rule. Division (G) (4) of this section does not apply to the 95087
use or disclosure of information that is described in division 95088
(K) (3) of this section or that is necessary to comply with any 95089
provision of law. 95090

(H) (1) If a peer review report indicates that a public 95091
accounting firm does not comply with standards and practices set 95092
forth in the rules adopted by the board, the board, in its 95093
discretion, may review the results of the peer review report. If 95094
the board, or its authorized peer review program administrator, 95095
determines that the public accounting firm does not comply with 95096
the standards and practices, it may require both of the 95097
following: 95098

(a) Remedial action, which may include any of the 95099
following: 95100

(i) Requiring employees of the public accounting firm to 95101
complete general or specific continuing professional education 95102
courses; 95103

(ii) Requiring the public accounting firm to undergo peer 95104
review more frequently than triennially and peer review that is 95105
conducted in whole or part under the direct supervision of the 95106
board or its designee; 95107

(iii) Any other remedial action specified by the board. 95108

(b) An affidavit and supporting documentation from the 95109
public accounting firm submitted within the time specified by 95110
the board indicating completion of required remedial actions. 95111

(2) If the board, or its authorized peer review program 95112

administrator, determines that a public accounting firm has not 95113
complied with any requirement ordered under division (H) of this 95114
section, or if the board determines, after the review of a peer 95115
review report, that the public accounting firm has a history of 95116
noncompliance with standards and practices set forth in board 95117
rules, the board may hold a hearing to determine the extent of 95118
the firm's noncompliance. If the board, after conducting the 95119
hearing, determines that the public accounting firm does not 95120
comply with appropriate standards and practices, the board may 95121
issue an order that imposes any disciplinary measure set forth 95122
in division (B) of section 4701.16 of the Revised Code. 95123

(3) Notwithstanding divisions (K) (1) and (2) of this 95124
section, all matters relating to the procedures for determining 95125
compliance with the standards and practices under division (H) 95126
(2) of this section are subject to Chapter 119. of the Revised 95127
Code, including the notice and conduct of any hearing and the 95128
issuance and appeal of any order. Remedial orders made under 95129
division (H) (1) of this section are not subject to Chapter 119. 95130
of the Revised Code. 95131

(I) The public accounting firm reviewed shall pay for any 95132
peer review performed. 95133

(J) The board may exempt a public accounting firm from the 95134
requirement to undergo a peer review if the public accounting 95135
firm submits to the board a written and notarized statement that 95136
the public accounting firm meets at least one of the following 95137
grounds for exemption identified in the statement: 95138

(1) Within three years of the date of application for 95139
initial or renewal registration, the public accounting firm has 95140
completed a peer review acceptable to the board and conducted 95141
pursuant to standards not less stringent than the peer review 95142

standards promulgated by the American institute of certified 95143
public accountants. A peer review that does not comply with 95144
standards and practices set forth in the rules adopted by the 95145
board and that may subject a public accounting firm to remedial 95146
or disciplinary action pursuant to division (H) of this section, 95147
does not qualify as an acceptable peer review. The public 95148
accounting firm shall submit to the board a copy of the results 95149
of the peer review and any additional documentation required by 95150
the board. The board shall not require submittal of the working 95151
papers related to the peer review process. 95152

(2) Within three years of the date of application for 95153
initial or renewal registration, the public accounting firm has 95154
completed a peer review acceptable to the board that was 95155
conducted in another state or foreign country. The public 95156
accounting firm shall submit to the board a copy of the results 95157
of the peer review and any additional documentation required by 95158
the board, including a detailed report of the procedures and 95159
standards applied by the reviewer. 95160

(3) The public accounting firm has never practiced public 95161
accounting in this state or any other state or foreign country, 95162
will complete a peer review acceptable to the board within 95163
eighteen months of initial registration, and will review its 95164
registration with the board two years after initial registration 95165
as specified in rules the board adopts. 95166

(4) The public accounting firm, on a schedule as required 95167
by rule adopted by the board, submits a report to the board that 95168
states all of the following: 95169

(a) The public accounting firm does not undertake any 95170
engagement that will result in the issuance of an attest report 95171
or other engagement that is subject to peer review in accordance 95172

with division (F) of this section. 95173

(b) The public accounting firm agrees to notify the board 95174
within ninety days after accepting any engagement that will 95175
result in the issuance of any attest report or other engagement 95176
that is subject to peer review in accordance with division (F) 95177
of this section and will complete a peer review acceptable to 95178
the board within one year after the acceptance of an engagement 95179
of that nature. 95180

(5) Subject to the board's approval and for good cause as 95181
defined in rules the board adopts, the public accounting firm is 95182
entitled to an exemption. 95183

(K) In any civil action, arbitration, or administrative 95184
proceeding involving a public accounting firm, all of the 95185
following shall apply: 95186

(1) The proceedings, records, and work papers of any 95187
reviewer, including board members and review committee members, 95188
involved in the peer review process are privileged and not 95189
subject to discovery, subpoena, or other means of legal process 95190
and may not be introduced into evidence. 95191

(2) No reviewer, including board members and review 95192
committee members, involved in the peer review process shall be 95193
permitted or required to testify as to any matters produced, 95194
presented, disclosed, or discussed during or in connection with 95195
the peer review process or shall be required to testify to any 95196
finding, recommendation, evaluation, opinion, or other actions 95197
of those committees or their members. 95198

(3) No privilege exists under this section for either of 95199
the following: 95200

(a) Information presented or considered in the peer review 95201

process that was otherwise available to the public; 95202

(b) Materials prepared in connection with a particular 95203
engagement merely because they subsequently are presented or 95204
considered as part of the peer review process. 95205

(L) (1) If a peer review report indicates that a public 95206
accounting firm complies with standards and practices set forth 95207
in rules adopted by the board, the board shall destroy all 95208
documents and reports related to the peer review within thirty 95209
days after the board completes its review of the report. 95210

(2) If a peer review report indicates that a public 95211
accounting firm does not comply with those standards and 95212
practices set forth in rules adopted by the board, the board 95213
shall retain all documents and reports related to the peer 95214
review until completion of the next peer review that complies 95215
with standards and practices set forth in rules adopted by the 95216
board pursuant to division (G) of this section. The board also 95217
may use these documents to determine a history of noncompliance 95218
with standards and practices in any proceeding held under 95219
division (H) (2) of this section. 95220

Sec. 4701.16. (A) After notice and hearing as provided in 95221
Chapter 119. of the Revised Code, the accountancy board may 95222
discipline as described in division (B) of this section a person 95223
holding an Ohio permit, an Ohio registration, a firm 95224
registration, a CPA certificate, or a PA registration or any 95225
other person whose activities are regulated by the board for any 95226
one or any combination of the following causes: 95227

(1) Fraud or deceit in obtaining a firm registration or in 95228
obtaining a CPA certificate, a PA registration, an Ohio permit, 95229
or an Ohio registration; 95230

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;	95231 95232
(3) Violation of any of the provisions of section 4701.14 of the Revised Code;	95233 95234
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;	95235 95236 95237
(5) Conviction of a felony under the laws of any state or of the United States;	95238 95239
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	95240 95241 95242
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	95243 95244 95245 95246 95247
(8) Suspension or revocation of the right to practice before any state or federal agency;	95248 95249
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	95250 95251 95252 95253
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	95254 95255 95256
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	95257 95258

(B) For any of the reasons specified in division (A) of 95259
this section, the board may do any of the following: 95260

(1) Revoke, suspend, or refuse to renew any CPA 95261
certificate or PA registration or any Ohio permit, Ohio 95262
registration, or firm registration; 95263

(2) Disqualify a person who is not a holder of an Ohio 95264
permit or a foreign certificate from owning an equity interest_ 95265
or shares in a public accounting firm or qualified firm; 95266

(3) Publicly censure a registered firm or a holder of a 95267
CPA certificate, a PA registration, an Ohio permit, or an Ohio 95268
registration; 95269

(4) Levy against a registered firm or a holder of a CPA 95270
certificate, a PA registration, an Ohio permit, or an Ohio 95271
registration a penalty or fine not to exceed five thousand 95272
dollars for each offense. Any fine shall be reasonable and in 95273
relation to the severity of the offense. 95274

(5) In the case of violations of division (A) (2) or (4) of 95275
this section, require completion of remedial continuing 95276
education programs prescribed by the board in addition to those 95277
required by section 4701.11 of the Revised Code; 95278

(6) In the case of violations of division (A) (2) or (4) of 95279
this section, require the holder of a CPA certificate, PA 95280
registration, or firm registration to submit to a peer review by 95281
a professional committee designated by the board, which 95282
committee shall report to the board concerning that holder's 95283
compliance with generally accepted accounting principles, 95284
generally accepted auditing standards, or other generally 95285
accepted technical standards; 95286

(7) Revoke or suspend the privileges to offer or render 95287

attest services in this state or to use a CPA title or 95288
designation in this state of an individual who holds a foreign 95289
certificate. 95290

(C) If the board levies a fine against or suspends the 95291
certificate of a person or registration of a person or firm for 95292
a violation of division (A) (2) or (4) of this section, it may 95293
waive all or any portion of the fine or suspension if the holder 95294
of the CPA certificate, PA registration, or firm registration 95295
complies fully with division (B) (5) or (6) of this section. 95296

(D) A person engaged in the practice of public accounting 95297
shall not be subject to discipline by the accountancy board 95298
solely because the person provided professional accounting 95299
services to the holder of a license under Chapter 3796. of the 95300
Revised Code. 95301

Sec. 4707.024. (A) Not later than seventy-two hours after 95302
the end of an auction, a person licensed under this chapter 95303
shall deposit in one or more trust or escrow accounts all money 95304
received from the sale of an owner's or consignee's personal 95305
property at auction unless the licensee pays the money to the 95306
owner or consignee immediately after the end of the auction. 95307

(B) For purposes of this section, a person licensed under 95308
this chapter shall designate a trust or escrow account that 95309
contains an owner's or consignee's money as "client trust 95310
account" or with words of similar meaning. In addition, a trust 95311
or escrow account only shall contain money received from the 95312
sale of personal property at auction that has not been disbursed 95313
and money for expenses regarding the auction, including 95314
commission and advertisement fees, that are specifically 95315
delineated in the auction contract. 95316

~~(C)~~ (C) (1) Except for the payment of money to the owner or
consignee immediately after the end of the auction, a person
licensed under this chapter shall pay the owner or consignee
with money from the client's trust or escrow account. In
addition, the licensee may pay expenses, including commission
and advertisement fees, that are specifically delineated in the
auction contract with money from the trust or escrow account.
Money in the trust or escrow account shall not be disbursed for
any purpose that is inconsistent with this section. In addition,
except as provided in division (C) (2) of this section, the money
shall not be commingled with the licensee's personal or business
money. In administering the trust or escrow account, the
licensee shall keep detailed records that show deposits,
withdrawals, and interest accrued, if applicable.

Unless otherwise agreed to by the parties in the auction
contract or by the direction of a court of law or as otherwise
provided in division (C) (2) of this section, all money deposited
into a trust or escrow account shall be disbursed to the seller
not later than fifteen days after the auction.

(2) Notwithstanding division (C) (1) of this section, a
licensee may deposit money into a trust or escrow account, and
retain that money in the account, to pay expenses related to
bank charges necessary to maintain the account. A licensee shall
not utilize any of the owner's or consignee's money to pay such
expenses.

(D) Money from the sale of personal property at auction
may be deposited in an interest bearing account if the parties
to the auction contract specifically agree to such a deposit.
Interest earned in the account shall be credited to the seller
unless otherwise agreed to by the parties in the auction listing

contract. The interest credited to the account may remain in the 95347
account for a period of sixty days after the seller receives the 95348
money from the account. The interest money then shall be 95349
disbursed according to the terms of the auction contract. 95350

(E) All money received in connection with the sale of real 95351
property at auction shall be deposited in a broker's special or 95352
trust bank account in a depository located in this state that is 95353
described in division (A) (26) of section 4735.18 of the Revised 95354
Code. 95355

Sec. 4723.28. (A) The board of nursing, by a vote of a 95356
quorum, may impose one or more of the following sanctions if it 95357
finds that a person committed fraud in passing an examination 95358
required to obtain a license or dialysis technician certificate 95359
issued by the board or to have committed fraud, 95360
misrepresentation, or deception in applying for or securing any 95361
nursing license or dialysis technician certificate issued by the 95362
board: deny, revoke, suspend, or place restrictions on any 95363
nursing license or dialysis technician certificate issued by the 95364
board; reprimand or otherwise discipline a holder of a nursing 95365
license or dialysis technician certificate; or impose a fine of 95366
not more than five hundred dollars per violation. 95367

(B) Except as provided in section 4723.092 of the Revised 95368
Code, the board of nursing, by a vote of a quorum, may impose 95369
one or more of the following sanctions: deny, revoke, suspend, 95370
or place restrictions on any nursing license or dialysis 95371
technician certificate issued by the board; reprimand or 95372
otherwise discipline a holder of a nursing license or dialysis 95373
technician certificate; or impose a fine of not more than five 95374
hundred dollars per violation. The sanctions may be imposed for 95375
any of the following: 95376

(1) Denial, revocation, suspension, or restriction of 95377
authority to engage in a licensed profession or practice a 95378
health care occupation, including nursing or practice as a 95379
dialysis technician, for any reason other than a failure to 95380
renew, in Ohio or another state or jurisdiction; 95381

(2) Engaging in the practice of nursing or engaging in 95382
practice as a dialysis technician, having failed to renew a 95383
nursing license or dialysis technician certificate issued under 95384
this chapter, or while a nursing license or dialysis technician 95385
certificate is under suspension; 95386

(3) Conviction of, a plea of guilty to, a judicial finding 95387
of guilt of, a judicial finding of guilt resulting from a plea 95388
of no contest to, or a judicial finding of eligibility for a 95389
pretrial diversion or similar program or for intervention in 95390
lieu of conviction for, a misdemeanor committed in the course of 95391
practice; 95392

(4) Conviction of, a plea of guilty to, a judicial finding 95393
of guilt of, a judicial finding of guilt resulting from a plea 95394
of no contest to, or a judicial finding of eligibility for a 95395
pretrial diversion or similar program or for intervention in 95396
lieu of conviction for, any felony or of any crime involving 95397
gross immorality or moral turpitude; 95398

(5) Selling, giving away, or administering drugs or 95399
therapeutic devices for other than legal and legitimate 95400
therapeutic purposes; or conviction of, a plea of guilty to, a 95401
judicial finding of guilt of, a judicial finding of guilt 95402
resulting from a plea of no contest to, or a judicial finding of 95403
eligibility for a pretrial diversion or similar program or for 95404
intervention in lieu of conviction for, violating any municipal, 95405
state, county, or federal drug law; 95406

(6) Conviction of, a plea of guilty to, a judicial finding 95407
of guilt of, a judicial finding of guilt resulting from a plea 95408
of no contest to, or a judicial finding of eligibility for a 95409
pretrial diversion or similar program or for intervention in 95410
lieu of conviction for, an act in another jurisdiction that 95411
would constitute a felony or a crime of moral turpitude in Ohio; 95412

(7) Conviction of, a plea of guilty to, a judicial finding 95413
of guilt of, a judicial finding of guilt resulting from a plea 95414
of no contest to, or a judicial finding of eligibility for a 95415
pretrial diversion or similar program or for intervention in 95416
lieu of conviction for, an act in the course of practice in 95417
another jurisdiction that would constitute a misdemeanor in 95418
Ohio; 95419

(8) Self-administering or otherwise taking into the body 95420
any dangerous drug, as defined in section 4729.01 of the Revised 95421
Code, in any way that is not in accordance with a legal, valid 95422
prescription issued for that individual, or self-administering 95423
or otherwise taking into the body any drug that is a schedule I 95424
controlled substance; 95425

(9) Habitual or excessive use of controlled substances, 95426
other habit-forming drugs, or alcohol or other chemical 95427
substances to an extent that impairs the individual's ability to 95428
provide safe nursing care or safe dialysis care; 95429

(10) Impairment of the ability to practice according to 95430
acceptable and prevailing standards of safe nursing care or safe 95431
dialysis care because of the use of drugs, alcohol, or other 95432
chemical substances; 95433

(11) Impairment of the ability to practice according to 95434
acceptable and prevailing standards of safe nursing care or safe 95435

dialysis care because of a physical or mental disability;	95436
(12) Assaulting or causing harm to a patient or depriving	95437
a patient of the means to summon assistance;	95438
(13) Misappropriation or attempted misappropriation of	95439
money or anything of value in the course of practice;	95440
(14) Adjudication by a probate court of being mentally ill	95441
or mentally incompetent. The board may reinstate the person's	95442
nursing license or dialysis technician certificate upon	95443
adjudication by a probate court of the person's restoration to	95444
competency or upon submission to the board of other proof of	95445
competency.	95446
(15) The suspension or termination of employment by the	95447
United States department of defense or department of veterans	95448
affairs for any act that violates or would violate this chapter;	95449
(16) Violation of this chapter or any rules adopted under	95450
it;	95451
(17) Violation of any restrictions placed by the board on	95452
a nursing license or dialysis technician certificate;	95453
(18) Failure to use universal and standard precautions	95454
established by rules adopted under section 4723.07 of the	95455
Revised Code;	95456
(19) Failure to practice in accordance with acceptable and	95457
prevailing standards of safe nursing care or safe dialysis care;	95458
(20) In the case of a registered nurse, engaging in	95459
activities that exceed the practice of nursing as a registered	95460
nurse;	95461
(21) In the case of a licensed practical nurse, engaging	95462

in activities that exceed the practice of nursing as a licensed 95463
practical nurse; 95464

(22) In the case of a dialysis technician, engaging in 95465
activities that exceed those permitted under section 4723.72 of 95466
the Revised Code; 95467

(23) Aiding and abetting a person in that person's 95468
practice of nursing without a license or practice as a dialysis 95469
technician without a certificate issued under this chapter; 95470

(24) In the case of an advanced practice registered nurse, 95471
except as provided in division (M) of this section, either of 95472
the following: 95473

(a) Waiving the payment of all or any part of a deductible 95474
or copayment that a patient, pursuant to a health insurance or 95475
health care policy, contract, or plan that covers such nursing 95476
services, would otherwise be required to pay if the waiver is 95477
used as an enticement to a patient or group of patients to 95478
receive health care services from that provider; 95479

(b) Advertising that the nurse will waive the payment of 95480
all or any part of a deductible or copayment that a patient, 95481
pursuant to a health insurance or health care policy, contract, 95482
or plan that covers such nursing services, would otherwise be 95483
required to pay. 95484

(25) Failure to comply with the terms and conditions of 95485
participation in the safe haven program conducted under sections 95486
4723.35 and 4723.351 of the Revised Code; 95487

(26) Failure to comply with the terms and conditions 95488
required under the practice intervention and improvement program 95489
established under section 4723.282 of the Revised Code; 95490

(27) In the case of an advanced practice registered nurse:	95491
(a) Engaging in activities that exceed those permitted for	95492
the nurse's nursing specialty under section 4723.43 of the	95493
Revised Code;	95494
(b) Failure to meet the quality assurance standards	95495
established under section 4723.07 of the Revised Code.	95496
(28) In the case of an advanced practice registered nurse	95497
other than a certified registered nurse anesthetist, failure to	95498
maintain a standard care arrangement in accordance with section	95499
4723.431 of the Revised Code or to practice in accordance with	95500
the standard care arrangement;	95501
(29) In the case of an advanced practice registered nurse	95502
who is designated as a clinical nurse specialist, certified	95503
nurse-midwife, or certified nurse practitioner, failure to	95504
prescribe drugs and therapeutic devices in accordance with	95505
section 4723.481 of the Revised Code;	95506
(30) Prescribing any drug or device to perform or induce	95507
an abortion, or otherwise performing or inducing an abortion;	95508
(31) Failure to establish and maintain professional	95509
boundaries with a patient, as specified in rules adopted under	95510
section 4723.07 of the Revised Code;	95511
(32) Regardless of whether the contact or verbal behavior	95512
is consensual, engaging with a patient other than the spouse of	95513
the registered nurse, licensed practical nurse, or dialysis	95514
technician in any of the following:	95515
(a) Sexual contact, as defined in section 2907.01 of the	95516
Revised Code;	95517
(b) Verbal behavior that is sexually demeaning to the	95518

patient or may be reasonably interpreted by the patient as 95519
sexually demeaning. 95520

(33) Assisting suicide, as defined in section 3795.01 of 95521
the Revised Code; 95522

(34) Failure to comply with the requirements in section 95523
3719.061 of the Revised Code before issuing for a minor a 95524
prescription for an opioid analgesic, as defined in section 95525
3719.01 of the Revised Code; 95526

(35) Failure to comply with section 4723.487 of the 95527
Revised Code, unless the state board of pharmacy no longer 95528
maintains a drug database pursuant to section 4729.75 of the 95529
Revised Code; 95530

(36) The revocation, suspension, restriction, reduction, 95531
or termination of clinical privileges by the United States 95532
department of defense or department of veterans affairs or the 95533
termination or suspension of a certificate of registration to 95534
prescribe drugs by the drug enforcement administration of the 95535
United States department of justice; 95536

(37) In the case of an advanced practice registered nurse 95537
who is designated as a clinical nurse specialist, certified 95538
nurse-midwife, or certified nurse practitioner, failure to 95539
comply with the terms of a consult agreement entered into with a 95540
pharmacist pursuant to section 4729.39 of the Revised Code; 95541

(38) Violation of section 4723.93 of the Revised Code; 95542

(39) Failure to cooperate with an investigation conducted 95543
by the board under this chapter, including failure to comply 95544
with a subpoena or order issued by the board or failure to 95545
answer truthfully a question presented by the board in an 95546
investigative interview, in an investigative office conference, 95547

at a deposition, or in written interrogatories, except that 95548
failure to cooperate with an investigation does not constitute 95549
grounds for discipline if a court of competent jurisdiction has 95550
issued an order that either quashes a subpoena or permits the 95551
individual to withhold testimony or evidence at issue. 95552

(C) Disciplinary actions taken by the board under 95553
divisions (A) and (B) of this section shall be taken pursuant to 95554
an adjudication conducted under Chapter 119. of the Revised 95555
Code, except that in lieu of a hearing, the board may enter into 95556
a consent agreement with an individual to resolve an allegation 95557
of a violation of this chapter or any rule adopted under it. A 95558
consent agreement, when ratified by a vote of a quorum, shall 95559
constitute the findings and order of the board with respect to 95560
the matter addressed in the agreement. If the board refuses to 95561
ratify a consent agreement, the admissions and findings 95562
contained in the agreement shall be of no effect. 95563

(D) The hearings of the board shall be conducted in 95564
accordance with Chapter 119. of the Revised Code, the board may 95565
appoint a hearing examiner, as provided in section 119.09 of the 95566
Revised Code, to conduct any hearing the board is authorized to 95567
hold under Chapter 119. of the Revised Code. 95568

In any instance in which the board is required under 95569
Chapter 119. of the Revised Code to give notice of an 95570
opportunity for a hearing and the applicant, licensee, or 95571
certificate holder does not make a timely request for a hearing 95572
in accordance with section 119.07 of the Revised Code, the board 95573
is not required to hold a hearing, but may adopt, by a vote of a 95574
quorum, a final order that contains the board's findings. In the 95575
final order, the board may order any of the sanctions listed in 95576
division (A) or (B) of this section. 95577

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B) (3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis

technician committed such act, or if the registered nurse, 95609
licensed practical nurse, or dialysis technician does not 95610
request an adjudication, the board shall reinstate its action; 95611
otherwise, the board shall permanently rescind its action. 95612

Notwithstanding the provision of division (D) (2) of 95613
section 2953.32 or division (F) (1) of section 2953.39 of the 95614
Revised Code specifying that if records pertaining to a criminal 95615
case are sealed or expunged under that section the proceedings 95616
in the case shall be deemed not to have occurred, sealing or 95617
expungement of the following records on which the board has 95618
based an action under this section shall have no effect on the 95619
board's action or any sanction imposed by the board under this 95620
section: records of any conviction, guilty plea, judicial 95621
finding of guilt resulting from a plea of no contest, or a 95622
judicial finding of eligibility for a pretrial diversion program 95623
or intervention in lieu of conviction. 95624

The board shall not be required to seal, destroy, redact, 95625
or otherwise modify its records to reflect the court's sealing 95626
or expungement of conviction records. 95627

(F) The board may investigate an individual's criminal 95628
background in performing its duties under this section. As part 95629
of such investigation, the board may order the individual to 95630
submit, at the individual's expense, a request to the bureau of 95631
criminal identification and investigation for a criminal records 95632
check and check of federal bureau of investigation records in 95633
accordance with the procedure described in section 4723.091 of 95634
the Revised Code. 95635

(G) During the course of an investigation conducted under 95636
this section, the board may compel any registered nurse, 95637
licensed practical nurse, or dialysis technician or applicant 95638

under this chapter to submit to a mental or physical 95639
examination, or both, as required by the board and at the 95640
expense of the individual, if the board finds reason to believe 95641
that the individual under investigation may have a physical or 95642
mental impairment that may affect the individual's ability to 95643
provide safe nursing care. 95644

The board shall not compel an individual who has been 95645
referred to the safe haven program as described in sections 95646
4723.35 and 4723.351 of the Revised Code to submit to a mental 95647
or physical examination. 95648

Failure of any individual to submit to a mental or 95649
physical examination when directed constitutes an admission of 95650
the allegations, unless the failure is due to circumstances 95651
beyond the individual's control, and a default and final order 95652
may be entered without the taking of testimony or presentation 95653
of evidence. 95654

If the board finds that an individual is impaired, the 95655
board shall require the individual to submit to care, 95656
counseling, or treatment approved or designated by the board, as 95657
a condition for initial, continued, reinstated, or renewed 95658
authority to practice. The individual shall be afforded an 95659
opportunity to demonstrate to the board that the individual can 95660
begin or resume the individual's occupation in compliance with 95661
acceptable and prevailing standards of care under the provisions 95662
of the individual's authority to practice. 95663

For purposes of this division, any registered nurse, 95664
licensed practical nurse, or dialysis technician or applicant 95665
under this chapter shall be deemed to have given consent to 95666
submit to a mental or physical examination when directed to do 95667
so in writing by the board, and to have waived all objections to 95668

the admissibility of testimony or examination reports that 95669
constitute a privileged communication. 95670

(H) The board shall investigate evidence that appears to 95671
show that any person has violated any provision of this chapter 95672
or any rule of the board. Any person may report to the board any 95673
information the person may have that appears to show a violation 95674
of any provision of this chapter or rule of the board. In the 95675
absence of bad faith, any person who reports such information or 95676
who testifies before the board in any adjudication conducted 95677
under Chapter 119. of the Revised Code shall not be liable for 95678
civil damages as a result of the report or testimony. 95679

(I) All of the following apply under this chapter with 95680
respect to the confidentiality of information: 95681

(1) Information received by the board pursuant to a 95682
complaint or an investigation is confidential and not subject to 95683
discovery in any civil action, except that the board may 95684
disclose information to law enforcement officers and government 95685
entities for purposes of an investigation of either a licensed 95686
health care professional, including a registered nurse, licensed 95687
practical nurse, or dialysis technician, or a person who may 95688
have engaged in the unauthorized practice of nursing or dialysis 95689
care. No law enforcement officer or government entity with 95690
knowledge of any information disclosed by the board pursuant to 95691
this division shall divulge the information to any other person 95692
or government entity except for the purpose of a government 95693
investigation, a prosecution, or an adjudication by a court or 95694
government entity. 95695

(2) If an investigation requires a review of patient 95696
records, the investigation and proceeding shall be conducted in 95697
such a manner as to protect patient confidentiality. 95698

(3) All adjudications and investigations of the board 95699
shall be considered civil actions for the purposes of section 95700
2305.252 of the Revised Code. 95701

(4) Any board activity that involves continued monitoring 95702
of an individual as part of or following any disciplinary action 95703
taken under this section shall be conducted in a manner that 95704
maintains the individual's confidentiality. Information received 95705
or maintained by the board with respect to the board's 95706
monitoring activities is not subject to discovery in any civil 95707
action and is confidential, except that the board may disclose 95708
information to law enforcement officers and government entities 95709
for purposes of an investigation of a licensee or certificate 95710
holder. 95711

(J) Any action taken by the board under this section 95712
resulting in a suspension from practice shall be accompanied by 95713
a written statement of the conditions under which the person may 95714
be reinstated to practice. 95715

(K) When the board refuses to grant a license or 95716
certificate to an applicant, revokes a license or certificate, 95717
or refuses to reinstate a license or certificate, the board may 95718
specify that its action is permanent. An individual subject to 95719
permanent action taken by the board is forever ineligible to 95720
hold a license or certificate of the type that was refused or 95721
revoked and the board shall not accept from the individual an 95722
application for reinstatement of the license or certificate or 95723
for a new license or certificate. 95724

(L) No unilateral surrender of a nursing license or 95725
dialysis technician certificate issued under this chapter shall 95726
be effective unless accepted by majority vote of the board. No 95727
application for a nursing license or dialysis technician 95728

certificate issued under this chapter may be withdrawn without a 95729
majority vote of the board. The board's jurisdiction to take 95730
disciplinary action under this section is not removed or limited 95731
when an individual has a license or certificate classified as 95732
inactive or fails to renew a license or certificate. 95733

(M) Sanctions shall not be imposed under division (B) (24) 95734
of this section against any licensee who waives deductibles and 95735
copayments as follows: 95736

(1) In compliance with the health benefit plan that 95737
expressly allows such a practice. Waiver of the deductibles or 95738
copayments shall be made only with the full knowledge and 95739
consent of the plan purchaser, payer, and third-party 95740
administrator. Documentation of the consent shall be made 95741
available to the board upon request. 95742

(2) For professional services rendered to any other person 95743
licensed pursuant to this chapter to the extent allowed by this 95744
chapter and the rules of the board. 95745

Sec. 4723.483. (A) (1) Subject to division (A) (2) of this 95746
section, and notwithstanding any provision of this chapter or 95747
rule adopted by the board of nursing, a clinical nurse 95748
specialist, certified nurse-midwife, or certified nurse 95749
practitioner who holds a certificate to prescribe issued under 95750
section 4723.48 of the Revised Code may do either of the 95751
following without having examined an individual to whom 95752
epinephrine may be administered: 95753

(a) Personally furnish a supply of epinephrine 95754
autoinjectors for use in accordance with sections 3313.7110, 95755
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 95756
~~5101.76~~ 5180.26 of the Revised Code; 95757

(b) Issue a prescription for epinephrine autoinjectors for 95758
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 95759
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 95760
Revised Code. 95761

(2) An epinephrine autoinjector personally furnished or 95762
prescribed under division (A)(1) of this section must be 95763
furnished or prescribed in such a manner that it may be 95764
administered only in a manufactured dosage form. 95765

(B) A nurse who acts in good faith in accordance with this 95766
section is not liable for or subject to any of the following for 95767
any action or omission of an entity to which an epinephrine 95768
autoinjector is furnished or a prescription is issued: damages 95769
in any civil action, prosecution in any criminal proceeding, or 95770
professional disciplinary action. 95771

Sec. 4723.4811. (A)(1) Subject to division (A)(2) of this 95772
section, and notwithstanding any provision of this chapter or 95773
rule adopted by the board of nursing, a clinical nurse 95774
specialist, certified nurse-midwife, or certified nurse 95775
practitioner licensed as an advanced practice registered nurse 95776
under Chapter 4723. of the Revised Code may do either of the 95777
following without having examined an individual to whom glucagon 95778
may be administered: 95779

(a) Personally furnish a supply of injectable or nasally 95780
administered glucagon for use in accordance with sections 95781
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 95782
5180.262 of the Revised Code; 95783

(b) Issue a prescription for injectable or nasally 95784
administered glucagon for use in accordance with sections 95785
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, and ~~5101.78~~ 95786

5180.262 of the Revised Code. 95787

(2) Injectable or nasally administered glucagon personally 95788
furnished or prescribed under division (A)(1) of this section 95789
must be furnished or prescribed in such a manner that it may be 95790
administered only in a manufactured dosage form. 95791

(B) A nurse who acts in good faith in accordance with this 95792
section is not liable for or subject to any of the following for 95793
any action or omission of an entity to which injectable or 95794
nasally administered glucagon is furnished or a prescription is 95795
issued: damages in any civil action, prosecution in any criminal 95796
proceeding, or professional disciplinary action. 95797

Sec. 4725.48. (A) Any person who desires to engage in 95798
optical dispensing shall file a properly completed application 95799
for an examination with the state vision professionals board or 95800
with the testing service the board has contracted with pursuant 95801
to section 4725.49 of the Revised Code. The application for 95802
examination shall be made using a form provided by the board and 95803
shall be accompanied by an examination fee the board shall 95804
establish by rule. 95805

(B) Any person who desires to engage in optical dispensing 95806
shall file a properly completed application for a license with 95807
the board ~~with~~. The application for licensure shall be 95808
accompanied by a licensure application fee of one hundred 95809
ninety-five dollars. 95810

No person shall be eligible to apply for a license under 95811
this division, unless the person is at least eighteen years of 95812
age, is free of contagious or infectious disease, has received a 95813
passing score, as determined by the board, on the examination 95814
administered under division (A) of this section, is a graduate 95815

of an accredited high school of any state, or has received an 95816
equivalent education and has successfully completed one of the 95817
following: 95818

(1) For a spectacle dispensing optician license, one 95819
thousand hours of supervised experience under a licensed 95820
dispensing optician, optometrist, or physician engaged in the 95821
practice of ophthalmology; 95822

(2) For a spectacle-contact lens dispensing optician 95823
license, one thousand five hundred hours of supervised 95824
experience under a licensed dispensing optician, optometrist, or 95825
physician engaged in the practice of ophthalmology; 95826

(3) A two-year college level program in optical dispensing 95827
that has been approved by the board and that includes, but is 95828
not limited to, courses of study in mathematics, science, 95829
English, anatomy and physiology of the eye, applied optics, 95830
ophthalmic optics, measurement and inspection of lenses, lens 95831
grinding and edging, ophthalmic lens design, keratometry, and 95832
the fitting and adjusting of spectacle lenses and frames and 95833
contact lenses, including methods of fitting contact lenses and 95834
post-fitting care. 95835

~~(C) The board shall issue a license to practice as an~~ 95836
~~ocularist in accordance with Chapter 4796. of the Revised Code~~ 95837
~~to an applicant if either of the following applies:~~ 95838

~~(1) The applicant holds a license in another state.~~ 95839

~~(2) The applicant has satisfactory work experience, a~~ 95840
~~government certification, or a private certification as~~ 95841
~~described in that chapter as an ocularist in a state that does~~ 95842
~~not issue that license.~~ 95843

~~(D) (1) (C) (1)~~ Subject to divisions ~~(D) (3)~~ (C) (3) and (4) of 95844

this section, the board shall not adopt, maintain, renew, or 95845
enforce any rule that precludes an individual from renewing a 95846
license as a dispensing optician issued under sections 4725.40 95847
to 4725.59 of the Revised Code due to any past criminal activity 95848
or interpretation of moral character, unless the individual has 95849
committed a crime of moral turpitude or a disqualifying offense 95850
as those terms are defined in section 4776.10 of the Revised 95851
Code. 95852

If the board denies an individual a license or license 95853
renewal, the reasons for such denial shall be put in writing. 95854

(2) The board may refuse to issue a license to an 95855
applicant because of a conviction of or plea of guilty to an 95856
offense if the refusal is in accordance with section 9.79 of the 95857
Revised Code. 95858

(3) In considering a renewal of an individual's license, 95859
the board shall not consider any conviction or plea of guilty 95860
prior to the initial licensing. However, the board may consider 95861
a conviction or plea of guilty if it occurred after the 95862
individual was initially licensed, or after the most recent 95863
license renewal. 95864

(4) The board may grant an individual a conditional 95865
license that lasts for one year. After the one-year period has 95866
expired, the license is no longer considered conditional, and 95867
the individual shall be considered fully licensed. 95868

~~(E)~~ (D) The board, subject to the approval of the 95869
controlling board, may establish examination fees in excess of 95870
the amount established by rule pursuant to this section, 95871
provided that such fees do not exceed those amounts established 95872
in rule by more than fifty per cent. 95873

Sec. 4729.01. As used in this chapter: 95874

(A) "Pharmacy," except when used in a context that refers 95875
to the practice of pharmacy, means any area, room, rooms, place 95876
of business, department, or portion of any of the foregoing 95877
where the practice of pharmacy is conducted. 95878

(B) "Practice of pharmacy" means providing pharmacist care 95879
requiring specialized knowledge, judgment, and skill derived 95880
from the principles of biological, chemical, behavioral, social, 95881
pharmaceutical, and clinical sciences. As used in this division, 95882
"pharmacist care" includes the following: 95883

(1) Interpreting prescriptions; 95884

(2) Dispensing drugs and drug therapy related devices; 95885

(3) Compounding drugs; 95886

(4) Counseling individuals with regard to their drug 95887
therapy, recommending drug therapy related devices, and 95888
assisting in the selection of drugs and appliances for treatment 95889
of common diseases and injuries and providing instruction in the 95890
proper use of the drugs and appliances; 95891

(5) Performing drug regimen reviews with individuals by 95892
discussing all of the drugs that the individual is taking and 95893
explaining the interactions of the drugs; 95894

(6) Performing drug utilization reviews with licensed 95895
health professionals authorized to prescribe drugs when the 95896
pharmacist determines that an individual with a prescription has 95897
a drug regimen that warrants additional discussion with the 95898
prescriber; 95899

(7) Advising an individual and the health care 95900
professionals treating an individual with regard to the 95901

individual's drug therapy; 95902

(8) Acting pursuant to a consult agreement, if an 95903
agreement has been established; 95904

(9) Engaging in the administration of immunizations to the 95905
extent authorized by section 4729.41 of the Revised Code; 95906

(10) Engaging in the administration of drugs to the extent 95907
authorized by section 4729.45 of the Revised Code. 95908

(C) "Compounding" means the preparation, mixing, 95909
assembling, packaging, and labeling of one or more drugs in any 95910
of the following circumstances: 95911

(1) Pursuant to a prescription issued by a licensed health 95912
professional authorized to prescribe drugs; 95913

(2) Pursuant to the modification of a prescription made in 95914
accordance with a consult agreement; 95915

(3) As an incident to research, teaching activities, or 95916
chemical analysis; 95917

(4) In anticipation of orders for drugs pursuant to 95918
prescriptions, based on routine, regularly observed dispensing 95919
patterns; 95920

(5) Pursuant to a request made by a licensed health 95921
professional authorized to prescribe drugs for a drug that is to 95922
be used by the professional for the purpose of direct 95923
administration to patients in the course of the professional's 95924
practice, if all of the following apply: 95925

(a) At the time the request is made, the drug is not 95926
commercially available regardless of the reason that the drug is 95927
not available, including the absence of a manufacturer for the 95928

drug or the lack of a readily available supply of the drug from 95929
a manufacturer. 95930

(b) A limited quantity of the drug is compounded and 95931
provided to the professional. 95932

(c) The drug is compounded and provided to the 95933
professional as an occasional exception to the normal practice 95934
of dispensing drugs pursuant to patient-specific prescriptions. 95935

(D) "Consult agreement" means an agreement that has been 95936
entered into under section 4729.39 of the Revised Code. 95937

(E) "Drug" means: 95938

(1) Any article recognized in the United States 95939
pharmacopoeia and national formulary, or any supplement to them, 95940
intended for use in the diagnosis, cure, mitigation, treatment, 95941
or prevention of disease in humans or animals; 95942

(2) Any other article intended for use in the diagnosis, 95943
cure, mitigation, treatment, or prevention of disease in humans 95944
or animals; 95945

(3) Any article, other than food, intended to affect the 95946
structure or any function of the body of humans or animals; 95947

(4) Any article intended for use as a component of any 95948
article specified in division (E)(1), (2), or (3) of this 95949
section; but does not include devices or their components, 95950
parts, or accessories. 95951

"Drug" does not include "hemp" or a "hemp product" as 95952
those terms are defined in section 928.01 of the Revised Code. 95953

(F) "Dangerous drug" means any of the following: 95954

(1) Any drug to which either of the following applies: 95955

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 95956
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 95957
required to bear a label containing the legend "Caution: Federal 95958
law prohibits dispensing without prescription" or "Caution: 95959
Federal law restricts this drug to use by or on the order of a 95960
licensed veterinarian" or any similar restrictive statement, or 95961
the drug may be dispensed only upon a prescription; 95962

(b) Under Chapter 3715. or 3719. of the Revised Code, the 95963
drug may be dispensed only upon a prescription. 95964

(2) Any drug that contains a schedule V controlled 95965
substance and that is exempt from Chapter 3719. of the Revised 95966
Code or to which that chapter does not apply; 95967

(3) Any drug intended for administration by injection into 95968
the human body other than through a natural orifice of the human 95969
body; 95970

(4) Any drug that is a biological product, as defined in 95971
section 3715.01 of the Revised Code. 95972

(G) "Federal drug abuse control laws" has the same meaning 95973
as in section 3719.01 of the Revised Code. 95974

(H) "Prescription" means all of the following: 95975

(1) A written, electronic, or oral order for drugs or 95976
combinations or mixtures of drugs to be used by a particular 95977
individual or for treating a particular animal, issued by a 95978
licensed health professional authorized to prescribe drugs; 95979

(2) For purposes of sections 4723.4810, 4729.282, 95980
4730.432, and 4731.93 of the Revised Code, a written, 95981
electronic, or oral order for a drug to treat chlamydia, 95982
gonorrhea, or trichomoniasis issued to and in the name of a 95983

patient who is not the intended user of the drug but is the 95984
sexual partner of the intended user; 95985

(3) For purposes of sections 3313.7110, 3313.7111, 95986
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 95987
4731.96, and ~~5101.76~~5180.26 of the Revised Code, a written, 95988
electronic, or oral order for an epinephrine autoinjector issued 95989
to and in the name of a school, school district, or camp; 95990

(4) For purposes of Chapter 3728. and sections 4723.483, 95991
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 95992
electronic, or oral order for an epinephrine autoinjector issued 95993
to and in the name of a qualified entity, as defined in section 95994
3728.01 of the Revised Code; 95995

(5) For purposes of sections 3313.7115, 3313.7116, 95996
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 95997
~~5101.78~~5180.262 of the Revised Code, a written, electronic, or 95998
oral order for injectable or nasally administered glucagon in 95999
the name of a school, school district, or camp. 96000

(I) "Licensed health professional authorized to prescribe 96001
drugs" or "prescriber" means an individual who is authorized by 96002
law to prescribe drugs or dangerous drugs or drug therapy 96003
related devices in the course of the individual's professional 96004
practice, including only the following: 96005

(1) A dentist licensed under Chapter 4715. of the Revised 96006
Code; 96007

(2) A clinical nurse specialist, certified nurse-midwife, 96008
or certified nurse practitioner who holds a current, valid 96009
license issued under Chapter 4723. of the Revised Code to 96010
practice nursing as an advanced practice registered nurse; 96011

(3) A certified registered nurse anesthetist who holds a 96012

current, valid license issued under Chapter 4723. of the Revised 96013
Code to practice nursing as an advanced practice registered 96014
nurse, but only to the extent of the nurse's authority under 96015
sections 4723.43 and 4723.434 of the Revised Code; 96016

(4) An optometrist licensed under Chapter 4725. of the 96017
Revised Code to practice optometry; 96018

(5) A physician authorized under Chapter 4731. of the 96019
Revised Code to practice medicine and surgery, osteopathic 96020
medicine and surgery, or podiatric medicine and surgery; 96021

(6) A physician assistant who holds a license to practice 96022
as a physician assistant issued under Chapter 4730. of the 96023
Revised Code, holds a valid prescriber number issued by the 96024
state medical board, and has been granted physician-delegated 96025
prescriptive authority; 96026

(7) A veterinarian licensed under Chapter 4741. of the 96027
Revised Code; 96028

(8) A certified mental health assistant licensed under 96029
Chapter 4772. of the Revised Code who has been granted 96030
physician-delegated prescriptive authority by the physician 96031
supervising the certified mental health assistant. 96032

(J) "Sale" or "sell" includes any transaction made by any 96033
person, whether as principal proprietor, agent, or employee, to 96034
do or offer to do any of the following: deliver, distribute, 96035
broker, exchange, gift or otherwise give away, or transfer, 96036
whether the transfer is by passage of title, physical movement, 96037
or both. 96038

(K) "Wholesale sale" and "sale at wholesale" mean any sale 96039
in which the purpose of the purchaser is to resell the article 96040
purchased or received by the purchaser. 96041

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or 96071
"wholesale distributor" means a person engaged in the sale of 96072
dangerous drugs at wholesale and includes any agent or employee 96073
of such a person authorized by the person to engage in the sale 96074
of dangerous drugs at wholesale. 96075

(P) "Manufacturer of dangerous drugs" or "manufacturer" 96076
means a person, other than a pharmacist or prescriber, who 96077
manufactures dangerous drugs and who is engaged in the sale of 96078
those dangerous drugs. 96079

(Q) "Terminal distributor of dangerous drugs" or "terminal 96080
distributor" means a person who is engaged in the sale of 96081
dangerous drugs at retail, or any person, other than a 96082
manufacturer, repackager, outsourcing facility, third-party 96083
logistics provider, wholesale distributor, or pharmacist, who 96084
has possession, custody, or control of dangerous drugs for any 96085
purpose other than for that person's own use and consumption. 96086
"Terminal distributor" includes pharmacies, hospitals, nursing 96087
homes, and laboratories and all other persons who procure 96088
dangerous drugs for sale or other distribution by or under the 96089
supervision of a pharmacist, licensed health professional 96090
authorized to prescribe drugs, or other person authorized by the 96091
state board of pharmacy. 96092

(R) "Promote to the public" means disseminating a 96093
representation to the public in any manner or by any means, 96094
other than by labeling, for the purpose of inducing, or that is 96095
likely to induce, directly or indirectly, the purchase of a 96096
dangerous drug at retail. 96097

(S) "Person" includes any individual, partnership, 96098
association, limited liability company, or corporation, the 96099
state, any political subdivision of the state, and any district, 96100

department, or agency of the state or its political 96101
subdivisions. 96102

(T) (1) "Animal shelter" means a facility operated by a 96103
humane society or any society organized under Chapter 1717. of 96104
the Revised Code or a dog pound operated pursuant to Chapter 96105
955. of the Revised Code. 96106

(2) "County dog warden" means a dog warden or deputy dog 96107
warden appointed or employed under section 955.12 of the Revised 96108
Code. 96109

(U) "Food" has the same meaning as in section 3715.01 of 96110
the Revised Code. 96111

(V) "Pain management clinic" has the same meaning as in 96112
section 4731.054 of the Revised Code. 96113

(W) "Investigational drug or product" means a drug or 96114
product that has successfully completed phase one of the United 96115
States food and drug administration clinical trials and remains 96116
under clinical trial, but has not been approved for general use 96117
by the United States food and drug administration. 96118
"Investigational drug or product" does not include controlled 96119
substances in schedule I, as defined in section 3719.01 of the 96120
Revised Code. 96121

(X) "Product," when used in reference to an 96122
investigational drug or product, means a biological product, 96123
other than a drug, that is made from a natural human, animal, or 96124
microorganism source and is intended to treat a disease or 96125
medical condition. 96126

(Y) "Third-party logistics provider" means a person that 96127
provides or coordinates warehousing or other logistics services 96128
pertaining to dangerous drugs including distribution, on behalf 96129

of a manufacturer, wholesale distributor, or terminal 96130
distributor of dangerous drugs, but does not take ownership of 96131
the drugs or have responsibility to direct the sale or 96132
disposition of the drugs. 96133

(Z) "Repackager of dangerous drugs" or "repackager" means 96134
a person that repacks and relabels dangerous drugs for sale or 96135
distribution. 96136

(AA) "Outsourcing facility" means a facility that is 96137
engaged in the compounding and sale of sterile drugs and is 96138
registered as an outsourcing facility with the United States 96139
food and drug administration. 96140

(BB) "Laboratory" means a laboratory licensed under this 96141
chapter as a terminal distributor of dangerous drugs and 96142
entrusted to have custody of any of the following drugs and to 96143
use the drugs for scientific and clinical purposes and for 96144
purposes of instruction: dangerous drugs that are not controlled 96145
substances, as defined in section 3719.01 of the Revised Code; 96146
dangerous drugs that are controlled substances, as defined in 96147
that section; and controlled substances in schedule I, as 96148
defined in that section. 96149

(CC) "Overdose reversal drug" means both of the following: 96150

(1) Naloxone; 96151

(2) Any other drug that the state board of pharmacy, 96152
through rules adopted in accordance with Chapter 119. of the 96153
Revised Code, designates as a drug that is approved by the 96154
federal food and drug administration for the reversal of a known 96155
or suspected opioid-related overdose. 96156

Sec. 4729.261. (A) For purposes of division (D) (4) (b) of 96157
section 2925.14 of the Revised Code, and subject to division (B) 96158

of this section, the state board of pharmacy shall adopt rules 96159
establishing standards and procedures for its approval of types 96160
of instruments that are not to be considered drug paraphernalia 96161
because they demonstrate efficacy in reducing drug poisoning by 96162
determining the presence of a specific compound or group of 96163
compounds. The rules shall be adopted in accordance with Chapter 96164
119. of the Revised Code. 96165

(B) Under this section, the board shall not approve any 96166
type of instrument to the extent that the instrument is intended 96167
to measure the purity of a mixture. 96168

Sec. 4729.49. (A) As used in this section~~r~~: 96169

(1) "340B covered entity~~r~~" "~~medicaid~~ has the same meaning 96170
as in section 3902.70 of the Revised Code. 96171

(2) "Medicaid managed care organization," and "third-party 96172
administrator" have the same meanings as in section 5167.01 of 96173
the Revised Code. 96174

(B) A contract between a terminal distributor of dangerous 96175
drugs and a 340B covered entity shall require the terminal 96176
distributor to comply with division (C) of this section. 96177

(C) When paying a 340B covered entity for a dangerous drug 96178
dispensed to a patient, a terminal distributor shall pay to the 96179
340B covered entity the full reimbursement amount the terminal 96180
distributor receives from the patient and the patient's health 96181
insurer, including a third-party administrator or medicaid 96182
managed care organization, except that the terminal distributor 96183
may deduct from the full reimbursement amount a fee agreed on in 96184
writing by the terminal distributor and the 340B covered entity. 96185

Sec. 4729.52. (A) As used in this section: 96186

(1) "Category II" means any dangerous drug that is not 96187
included in category III. 96188

(2) "Category III" means any controlled substance that is 96189
contained in schedule I, II, III, IV, or V. 96190

(3) "Schedule I," "schedule II," "schedule III," "schedule 96191
IV," and "schedule V" have the same meanings as in section 96192
3719.01 of the Revised Code. 96193

(B) (1) (a) The state board of pharmacy shall license 96194
persons seeking to operate as any of the following persons, 96195
whether located within or outside this state: 96196

(i) Wholesale distributors of dangerous drugs; 96197

(ii) Manufacturers of dangerous drugs; 96198

(iii) Outsourcing facilities; 96199

(iv) Third-party logistics providers; 96200

(v) Repackagers of dangerous drugs. 96201

(b) ~~There shall be two categories for the licenses~~ When 96202
the board issues a license to a person identified in division 96203
(B) (1) (a) of this section. The, the license shall be issued 96204
according to one of the following categories are as follows, as 96205
the case may be for the person's business operations: 96206

(i) Category II license. A category II license applies to 96207
a person whose business operations are located within this 96208
state. A person who obtains this license may possess, have 96209
custody or control of, and distribute, only the dangerous drugs 96210
described in category II. 96211

(ii) Category III license. A category III license applies 96212
to a person whose business operations are located within this 96213

state. A person who obtains this license may possess, have 96214
custody or control of, and distribute, the dangerous drugs 96215
described in category II and the controlled substances described 96216
in category III. 96217

(iii) Nonresident license. A nonresident license applies 96218
to a person whose business operations are located outside this 96219
state. One of the following subcategories shall be designated by 96220
the board on the license, based on the license holder's business 96221
operations: wholesale distributor of dangerous drugs, 96222
manufacturer of dangerous drugs, outsourcing facility, third- 96223
party logistics provider, or repackager of dangerous drugs. A 96224
person who obtains a nonresident license may possess, have 96225
custody or control of, and distribute the dangerous drugs 96226
described in category II and the controlled substances described 96227
in category III. 96228

(c) The board may adopt rules under section 4729.26 of the 96229
Revised Code to create classification types of any license 96230
issued pursuant to this section. Persons who meet the 96231
definitions of the classification types shall comply with all 96232
requirements for the specific license classification specified 96233
in rule. 96234

(C) A person seeking a license ~~identified in division (B)~~ 96235
~~(1)(a) of~~ issued under this section shall file with the 96236
executive director of the board a verified application 96237
containing such information as the board requires of the 96238
applicant relative to the licensure qualifications set forth in 96239
section 4729.53 of the Revised Code and the rules adopted under 96240
that section. 96241

(D) (1) The board shall ~~license as~~ issue a category II or 96242
category III license, designated for a manufacturer, outsourcing 96243

facility, third-party logistics provider, repackager, or 96244
wholesale distributor as the case may be, to each applicant who 96245
~~has paid~~ whose business operations are located within this 96246
state, if the applicant pays the required license fee, ~~if and~~ 96247
the board determines that the applicant meets the licensure 96248
qualifications set forth in section 4729.53 of the Revised Code 96249
and the rules adopted under that section. 96250

~~(D)~~ (2) The board may shall issue a nonresident license 96251
with the appropriate subcategory designation to a person who 96252
~~does not reside in an~~ applicant whose business operations are 96253
located outside this state a license identified in division (B) 96254
~~(1)(a) of this section,~~ if the person applicant pays the 96255
required licensure license fee and meets the board determines 96256
either of the following: 96257

~~(1) Possesses~~ (a) That the applicant possesses a current 96258
and valid manufacturer, outsourcing facility, third-party 96259
logistics provider, repackager, or wholesale distributor 96260
license, or its equivalent, issued by another state in which 96261
that ~~person is~~ person's business operations are physically 96262
located, but only if that state has qualifications for licensure 96263
comparable to the licensure requirements in this state; 96264

~~(2) Meets~~ (b) That the applicant meets the requirements 96265
set forth by the board for issuance of a nonresident license 96266
~~identified in division (B) (1) (a) of this section,~~ as verified by 96267
a state, federal, or other entity recognized by the board to 96268
perform such verification. 96269

(E) All licenses issued or renewed pursuant to this 96270
section are effective for a period specified by the board in 96271
rules adopted under section 4729.26 of the Revised Code. The 96272
effective period for an initial or renewed license shall not 96273

exceed twenty-four months unless the board extends the period in 96274
rules to adjust license renewal schedules. A license shall be 96275
renewed by the board pursuant to this section, the standard 96276
renewal procedure of Chapter 4745. of the Revised Code, and 96277
rules adopted by the board under section 4729.26 of the Revised 96278
Code. A person seeking to renew a license shall submit an 96279
application for renewal and pay the required renewal fee before 96280
the date specified in the rules adopted by the board. 96281

(F) Each license issued under this section shall describe 96282
not more than one establishment or place where the license 96283
holder may engage in the activities authorized by the license. 96284
No license shall authorize or permit the person named therein to 96285
engage in the sale or distribution of drugs at wholesale or to 96286
maintain possession, custody, or control of dangerous drugs for 96287
any purpose other than for the licensee's own use and 96288
consumption at any establishment or place other than that 96289
described in the license. 96290

~~(G)(1)(a)~~ (G) (1) The category II license fee is one 96291
thousand nine hundred dollars and shall accompany each 96292
application for licensure. The license renewal fee is one 96293
thousand nine hundred dollars and shall accompany each renewal 96294
application. 96295

~~(b)~~ (2) The category III license fee is two thousand 96296
dollars and shall accompany each application for licensure. The 96297
license renewal fee is two thousand dollars and shall accompany 96298
each renewal application. 96299

~~(c)(i)~~ (3) The nonresident license fee is two thousand 96300
dollars and shall accompany each application for licensure. The 96301
license renewal fee is two thousand dollars and shall accompany 96302
each renewal application. 96303

(H) (1) Subject to division ~~(G) (1) (c) (ii)~~ (H) (2) of this 96304
section, a license issued pursuant to this section that has not 96305
been renewed by the date specified in rules adopted by the board 96306
may be reinstated upon payment of the renewal fee and a penalty 96307
of three hundred dollars. 96308

~~(ii)~~ (2) If a complete application for renewal has not been 96309
submitted by the sixty-first day after the renewal date 96310
specified in rules adopted by the board, the license is 96311
considered void and cannot be renewed, but the license holder 96312
may reapply for licensure. 96313

~~(2)~~ (I) Renewal fees and penalties assessed under division 96314
~~(G) (1)~~ (G) or (H) of this section shall not be returned if the 96315
applicant fails to qualify for renewal. 96316

~~(3)~~ (J) A person licensed pursuant to this section that 96317
fails to renew licensure in accordance with this section and 96318
rules adopted by the board is prohibited from engaging in 96319
manufacturing, repackaging, or compounding drugs, or 96320
distributing drugs as a third-party logistics provider or 96321
wholesale distributor, until a valid license is issued by the 96322
board. 96323

~~(H)~~ (K) Holding a license issued pursuant to this section 96324
subjects the holder and the holder's agents and employees to the 96325
jurisdiction of the board and to the laws of this state for the 96326
purpose of the enforcement of this chapter and the rules of the 96327
board. However, the filing of an application for licensure under 96328
this section by or on behalf of any person, or the issuance of a 96329
license pursuant to this section to or on behalf of any person, 96330
shall not of itself constitute evidence that the person is doing 96331
business within this state. 96332

~~(I)~~(L) A person holding a license issued under this 96333
section shall designate, and shall have available at all times, 96334
a person to serve for the licensed location in a position to be 96335
known as "responsible person." A person may be designated and 96336
serve as a responsible person only if the person meets the 96337
requirements established in rules the board shall adopt under 96338
section 4729.26 of the Revised Code. Along with the license 96339
holder, a responsible person shall accept responsibility for the 96340
operation of the licensed location in accordance with all 96341
applicable state and federal laws and rules. 96342

A license holder shall notify the board of the person who 96343
is designated to serve as the responsible person and, 96344
thereafter, shall notify the board each time a change is made in 96345
the designation. Notice to the board shall be provided in 96346
accordance with procedures established in rules that the board 96347
shall adopt under section 4729.26 of the Revised Code. For any 96348
change of responsible person, the board shall assess a fee of 96349
fifteen dollars. 96350

(M) The board may enter into agreements with other states, 96351
federal agencies, and other entities to exchange information 96352
concerning licensing and inspection of any manufacturer, 96353
outsourcing facility, third-party logistics provider, 96354
repackager, or wholesale distributor located within or outside 96355
this state and to investigate alleged violations of the laws and 96356
rules governing distribution of drugs by such persons. Any 96357
information received pursuant to such an agreement is subject to 96358
the same confidentiality requirements applicable to the agency 96359
or entity from which it was received and shall not be released 96360
without prior authorization from that agency or entity. Any 96361
information received is also subject to section 4729.23 of the 96362
Revised Code. 96363

Sec. 4729.53. (A) The state board of pharmacy shall not
license any person as a manufacturer of dangerous drugs,
outsourcing facility, third-party logistics provider, repackager
of dangerous drugs, or wholesale distributor of dangerous drugs
unless the applicant for licensure furnishes satisfactory proof
to the board that all of the following conditions are met:

(1) If the applicant has committed acts that the board
finds violate any federal, state, or local law, regulation, or
rule relating to drug samples, manufacturing, compounding,
repackaging, wholesale or retail drug distribution, or
distribution of dangerous drugs, including controlled
substances, or if the applicant has committed acts that the
board finds constitute a felony, or if a federal, state, or
local governmental entity has suspended or revoked any current
or prior license of the applicant for the manufacture,
compounding, repackaging, distribution, or sale of any dangerous
drugs, including controlled substances, the applicant, to the
satisfaction of the board, assures that the applicant has in
place adequate safeguards to prevent the recurrence of any such
violations, felonies, or license suspensions or revocations.

(2) The applicant's past experience in the manufacture,
compounding, repackaging, or distribution of dangerous drugs,
including controlled substances, is acceptable to the board.

(3) The applicant is properly equipped as to land,
buildings, equipment, and personnel to properly carry on its
business, including providing adequate security for and proper
storage conditions and handling for dangerous drugs, and is
complying with the requirements under this chapter and the rules
adopted pursuant thereto for maintaining and making available
records to properly identified board officials and federal,

state, and local law enforcement agencies. 96394

(4) Personnel employed by the applicant have the 96395
appropriate education or experience, as determined by the board, 96396
to assume responsibility for positions related to compliance 96397
with this chapter and the rules adopted pursuant thereto. 96398

(5) The applicant has designated the name and address of a 96399
person to whom communications from the board may be directed and 96400
upon whom the notices and citations provided for in section 96401
4729.56 of the Revised Code may be served. 96402

(6) Adequate safeguards are assured to prevent the sale of 96403
dangerous drugs other than in accordance with section 4729.51 of 96404
the Revised Code. 96405

(7) With respect to criminal records checks, the applicant 96406
has done both of the following, and the board has decided that 96407
the results of the criminal records checks do not make the 96408
applicant ineligible for a license issued pursuant to section 96409
4729.52 of the Revised Code: 96410

(a) ~~Complied~~ The applicant has complied with sections 96411
4776.01 to 4776.04 of the Revised Code~~+~~. 96412

(b) ~~Required any~~ The applicant has required each of the 96413
following to submit to a criminal records check in accordance 96414
with section 4776.02 of the Revised Code and send the results of 96415
the criminal records check directly to the board: 96416

(i) Any person who is seeking to serve as the responsible 96417
person on the license, as required by section 4729.52 of the 96418
Revised Code; 96419

(2) Any person who has an ownership interest, or who is a 96420
corporate officer, as set forth in rules adopted under division 96421

(C) of this section, ~~to submit to a criminal records check in~~ 96422
~~accordance with section 4776.02 of the Revised Code and send the~~ 96423
~~results of the criminal records check directly to the board.~~ 96424

(8) The applicant meets any other requirement or 96425
qualification the board, by rule adopted under division (C) of 96426
this section, considers relevant to and consistent with the 96427
public safety and health. 96428

(B) In addition to the causes described in section 4729.56 96429
of the Revised Code for refusing to grant or renew a license, 96430
the board may refuse to grant or renew a license if the board 96431
determines that the granting of the license or its renewal is 96432
not in the public interest. 96433

(C) The board shall adopt rules in accordance with Chapter 96434
119. of the Revised Code that do all of the following: 96435

(1) For purposes of division (A) (7) (b) of this section, 96436
~~define "responsible person" and specify the persons with~~ 96437
ownership interests and the corporate officers who are required 96438
to submit to criminal records checks; 96439

(2) For purposes of division (A) (8) of this section, 96440
specify other requirements or qualifications, if any, that an 96441
applicant must meet to receive a license; 96442

(3) Address any other matter the board considers 96443
appropriate to implement this section. 96444

Sec. 4729.54. (A) As used in this section: 96445

(1) "Category II" means any dangerous drug that is not 96446
included in category III. 96447

(2) "Category III" means any controlled substance that is 96448
contained in schedule I, II, III, IV, or V. 96449

(3) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Emergency medical service organization satellite" means a location where dangerous drugs are stored that is separate from, but associated with, the headquarters of an emergency medical service organization. "Emergency medical service organization satellite" does not include the units under the control of the emergency medical service organization.

(5) "Person" includes an emergency medical service organization or an emergency medical service organization satellite.

(6) "Schedule I," "schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(B) (1) The state board of pharmacy shall license persons seeking to operate as terminal distributors of dangerous drugs, whether located within or outside this state.

A person seeking to be licensed as a terminal distributor of dangerous drugs shall file with the executive director of the ~~state board of pharmacy~~ a verified application. After it is filed, the application may not be withdrawn without approval of the board.

(2) An application shall contain all the following that apply in the applicant's case:

(a) Information that the board requires relative to the qualifications of a terminal distributor of dangerous drugs set forth in section 4729.55 of the Revised Code;

(b) A statement as to ~~whether~~ the category of licensure,

identified under division (E) of this section, that the person 96478
is seeking to be licensed as a category II, category III, 96479
limited category II, or limited category III terminal 96480
distributor of dangerous drugs; 96481

(c) If the person is seeking to be licensed as a limited 96482
category II or limited category III terminal distributor of 96483
dangerous drugs, a list of the dangerous drugs described in 96484
category II or the controlled substances described in category 96485
III that the person is seeking to possess, have custody or 96486
control of, and distribute, which list shall also specify the 96487
purpose for which those drugs will be used and their source; 96488

(d) If the person is an emergency medical service 96489
organization, the information that is specified in divisions (C) 96490
(1) and (2) of this section, and if the person is an emergency 96491
medical service organization satellite, the information required 96492
under division (D) of this section; 96493

(e) Except with respect to the units under the control of 96494
an emergency medical service organization, the identity of the 96495
one establishment or place at which the person intends to engage 96496
in the sale or other distribution of dangerous drugs at retail, 96497
and maintain possession, custody, or control of dangerous drugs 96498
for purposes other than the person's own use or consumption; 96499

(f) If the application pertains to a pain management 96500
clinic, information that demonstrates, to the satisfaction of 96501
the board, compliance with division (A) of section 4729.552 of 96502
the Revised Code. 96503

(C) (1) Each emergency medical service organization that 96504
applies for a terminal distributor of dangerous drugs license 96505
shall submit with its application all of the following: 96506

(a) A copy of its standing orders or protocol, which 96507
orders or protocol shall be signed by a physician; 96508

(b) A list of the dangerous drugs that the units under its 96509
control may carry, expressed in standard dose units, which shall 96510
be signed by a physician; 96511

(c) A list of the personnel employed or used by the 96512
organization to provide emergency medical services in accordance 96513
with Chapter 4765. of the Revised Code. 96514

In accordance with Chapter 119. of the Revised Code, the 96515
board shall adopt rules specifying when an emergency medical 96516
service organization that is licensed as a terminal distributor 96517
must notify the board of any changes in its documentation 96518
submitted pursuant to division (C)(1) of this section. 96519

(2) An emergency medical service organization seeking to 96520
be licensed as a terminal distributor of dangerous drugs shall 96521
list in its application for licensure the following additional 96522
information: 96523

(a) The units under its control that the organization 96524
determines will possess dangerous drugs for the purpose of 96525
administering emergency medical services in accordance with 96526
Chapter 4765. of the Revised Code; 96527

(b) With respect to each such unit, whether the dangerous 96528
drugs that the organization determines the unit will possess are 96529
in category II or III. 96530

(3) An emergency medical service organization that is 96531
licensed as a terminal distributor of dangerous drugs shall file 96532
a new application for such licensure if there is any change in 96533
the number or location of any of its units or if there is any 96534
change in the category of the dangerous drugs that any unit will 96535

possess. 96536

(4) A unit listed in an application for licensure pursuant 96537
to division (C) (2) of this section may obtain the dangerous 96538
drugs it is authorized to possess from its emergency medical 96539
service organization or, on a replacement basis, from a hospital 96540
pharmacy. If units will obtain dangerous drugs from a hospital 96541
pharmacy, the organization shall file, and maintain in current 96542
form, the following items with the pharmacist who is responsible 96543
for the hospital's terminal distributor of dangerous drugs 96544
license: 96545

(a) A copy of its standing orders or protocol; 96546

(b) A list of the personnel employed or used by the 96547
organization to provide emergency medical services in accordance 96548
with Chapter 4765. of the Revised Code, who are authorized to 96549
possess the drugs, which list also shall indicate the personnel 96550
who are authorized to administer the drugs. 96551

(D) Each emergency medical service organization satellite 96552
that applies for a terminal distributor of dangerous drugs 96553
license shall submit with its application all of the information 96554
that the board requires to be submitted with the application, as 96555
specified in rules the board shall adopt in accordance with 96556
Chapter 119. of the Revised Code. 96557

(E) ~~There shall be four categories of terminal distributor~~ 96558
~~of dangerous drugs licenses. The~~ When the board issues a license 96559
to a person seeking to operate as a terminal distributor of 96560
dangerous drugs, the board shall issue the license according to 96561
one of the following categories as follows, as the case may 96562
be for the person's business operations: 96563

(1) Category II license. A category II license applies to 96564

a person whose business operations are located within this 96565
state. A person who obtains this license may possess, have 96566
custody or control of, and distribute only the dangerous drugs 96567
described in category II. 96568

(2) Limited category II license. A limited category II 96569
license applies to a person whose business operations are 96570
located within this state. A person who obtains this license may 96571
possess, have custody or control of, and distribute only the 96572
dangerous drugs described in category II that were listed in the 96573
application for licensure. 96574

(3) Category III license, which may include a pain 96575
management clinic classification issued under section 4729.552 96576
of the Revised Code. A category III license applies to a person 96577
whose business operations are located within this state. A 96578
person who obtains this license may possess, have custody or 96579
control of, and distribute the dangerous drugs described in 96580
category II and category III. If the license includes a pain 96581
management clinic classification, the person may operate a pain 96582
management clinic. 96583

(4) Limited category III license. A limited category III 96584
license applies to a person whose business operations are 96585
located within this state. A person who obtains this license may 96586
possess, have custody or control of, and distribute only the 96587
dangerous drugs described in category II or the controlled 96588
substances described in category III that were listed in the 96589
application for licensure. 96590

(5) Nonresident license. A nonresident license applies to 96591
a person whose business operations are located outside this 96592
state. A person who obtains a nonresident license may possess, 96593
have custody or control of, and distribute the dangerous drugs 96594

described in category II and the controlled substances described 96595
in category III. 96596

(F) Except for an application made by a county dog warden 96597
or on behalf of an animal shelter, if an applicant for a limited 96598
category II license or limited category III license intends to 96599
administer dangerous drugs to a person or animal, the applicant 96600
shall submit, with the application, a copy of its protocol or 96601
standing orders. The protocol or orders shall be signed by a 96602
licensed health professional authorized to prescribe drugs, 96603
specify the dangerous drugs to be administered, and list 96604
personnel who are authorized to administer the dangerous drugs 96605
in accordance with federal law or the law of this state. 96606

An application made by a county dog warden or on behalf of 96607
an animal shelter shall include a list of the dangerous drugs to 96608
be administered to animals and the personnel who are authorized 96609
to administer the drugs to animals in accordance with section 96610
4729.532 of the Revised Code. 96611

In accordance with Chapter 119. of the Revised Code, the 96612
board shall adopt rules specifying when a licensee must notify 96613
the board of any changes in its documentation submitted pursuant 96614
to this division. 96615

(G) (1) Except as provided in division (G) (3) of this 96616
section, each applicant for licensure as a terminal distributor 96617
of dangerous drugs shall submit, with the application, a license 96618
fee in the amount that applies to the category of licensure 96619
being sought. The amount assessed shall not be returned to the 96620
applicant if the applicant fails to qualify for the license. 96621

(2) The following fees apply under division (G) (1) of this 96622
section: 96623

(a) Except as provided in division (G) (2) (b) of this section: 96624
96625

(i) Three hundred ~~twenty-sixty~~ dollars for a category II or limited category II license; 96626
96627

(ii) Four hundred ~~forty-sixty~~ dollars for a category III license, including a license with a pain management clinic classification issued under section 4729.552 of the Revised Code, or a limited category III license; 96628
96629
96630
96631

(iii) Five hundred dollars for a nonresident license. 96632

(b) One hundred ~~twenty-sixty~~ dollars for all of the following whose business operations are located within this state: 96633
96634
96635

(i) A person who is required to hold a license as a terminal distributor of dangerous drugs pursuant to division (C) of section 4729.541 of the Revised Code; 96636
96637
96638

(ii) A professional association, corporation, partnership, or limited liability company organized for the purpose of practicing veterinary medicine that is not included in division (G) (2) (b) (i) of this section; 96639
96640
96641
96642

(iii) An emergency medical service organization satellite. 96643

(3) No fee applies for a license issued to a charitable pharmacy, as defined in section 3719.811 of the Revised Code, if the charitable pharmacy is participating in the drug repository program established under section 3715.87 of the Revised Code. 96644
96645
96646
96647

(H) (1) The board shall issue a terminal distributor of dangerous drugs license, in the appropriate category, to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is 96648
96649
96650
96651

determined by the board to meet the requirements set forth in 96652
section 4729.55 of the Revised Code, and satisfies any other 96653
applicable requirements of this section. 96654

(2) Except for the license of a county dog warden, the 96655
license shall describe the one establishment or place at which 96656
the licensee may engage in the sale or other distribution of 96657
dangerous drugs at retail and maintain possession, custody, or 96658
control of dangerous drugs for purposes other than the 96659
licensee's own use or consumption. The one establishment or 96660
place shall be that which is identified in the application for 96661
licensure. 96662

No such license shall authorize or permit the terminal 96663
distributor of dangerous drugs named in it to engage in the sale 96664
or other distribution of dangerous drugs at retail or to 96665
maintain possession, custody, or control of dangerous drugs for 96666
any purpose other than the distributor's own use or consumption, 96667
at any establishment or place other than that described in the 96668
license, except that an agent or employee of an animal shelter 96669
or county dog warden may possess and use dangerous drugs in the 96670
course of business as provided in section 4729.532 of the 96671
Revised Code. 96672

(3) The license of an emergency medical service 96673
organization shall cover the organization's headquarters and, in 96674
addition, shall cover and describe all the units of the 96675
organization listed in its application for licensure. 96676

(I) (1) All licenses issued or renewed pursuant to this 96677
section shall be effective for a period specified by the board 96678
in rules adopted under section 4729.26 of the Revised Code. The 96679
effective period for an initial or renewed license shall not 96680
exceed twenty-four months unless the board extends the period in 96681

rules to adjust license renewal schedules. A license shall be 96682
renewed by the board according to the provisions of this 96683
section, the standard renewal procedure of Chapter 4745. of the 96684
Revised Code, and rules adopted by the board under section 96685
4729.26 of the Revised Code. A person seeking to renew a license 96686
shall submit an application for renewal and pay the required fee 96687
on or before the date specified in the rules adopted by the 96688
board. The fee required for the renewal of a license shall be 96689
the same as the license fee that applies under division (G) (2) 96690
of this section. 96691

(2) (a) Subject to division (I) (2) (b) of this section, a 96692
license that has not been renewed by the date specified in rules 96693
adopted by the board may be reinstated only upon payment of the 96694
required renewal fee and a penalty fee of one hundred ten 96695
dollars. 96696

(b) If an application for renewal has not been submitted 96697
by the sixty-first day after the renewal date specified in rules 96698
adopted by the board, the license is considered void and cannot 96699
be renewed, but the license holder may reapply for licensure. 96700

(3) A terminal distributor of dangerous drugs that fails 96701
to renew licensure in accordance with this section and rules 96702
adopted by the board is prohibited from engaging in the retail 96703
sale, possession, or distribution of dangerous drugs until a 96704
valid license is issued by the board. 96705

(J) (1) No emergency medical service organization that is 96706
licensed as a terminal distributor of dangerous drugs shall fail 96707
to comply with division (C) (1), (3), or (4) of this section. 96708

(2) No licensed terminal distributor of dangerous drugs 96709
shall possess, have custody or control of, or distribute 96710

dangerous drugs that the terminal distributor is not entitled to 96711
possess, have custody or control of, or distribute by virtue of 96712
its category of licensure. 96713

(3) No licensee that is required by division (F) of this 96714
section to notify the board of changes in its protocol or 96715
standing orders, or in personnel, shall fail to comply with that 96716
division. 96717

(K) A person holding a license issued under this section 96718
shall designate, and shall have available at all times, a person 96719
to serve for the licensed location in a position to be known as 96720
"responsible person." A person may be designated and serve as a 96721
responsible person only if the person meets the requirements 96722
established in rules that the board shall adopt under section 96723
4729.26 of the Revised Code. Along with the license holder, a 96724
responsible person shall accept responsibility for the operation 96725
of the licensed location in accordance with all applicable state 96726
and federal laws and rules. 96727

A license holder shall notify the board of the person who 96728
is designated to serve as the responsible person and, 96729
thereafter, shall notify the board each time a change is made in 96730
the designation. Notice to the board shall be provided in 96731
accordance with procedures established in rules that the board 96732
shall adopt under section 4729.26 of the Revised Code. For any 96733
change of responsible person, the board shall assess a fee of 96734
fifteen dollars. 96735

(L) The board may enter into agreements with other states, 96736
federal agencies, and other entities to exchange information 96737
concerning licensing and inspection of terminal distributors of 96738
dangerous drugs located within or outside this state and to 96739
investigate alleged violations of the laws and rules governing 96740

distribution of drugs by terminal distributors. Any information 96741
received pursuant to such an agreement is subject to the same 96742
confidentiality requirements applicable to the agency or entity 96743
from which it was received and shall not be released without 96744
prior authorization from that agency or entity. Any information 96745
received is also subject to section 4729.23 of the Revised Code. 96746

Sec. 4729.541. (A) Except as provided in divisions (B) and 96747
(C) of this section, all of the following are exempt from 96748
licensure as a terminal distributor of dangerous drugs: 96749

(1) A licensed health professional authorized to prescribe 96750
drugs; 96751

(2) A business entity that is a corporation formed under 96752
division (B) of section 1701.03 of the Revised Code, a limited 96753
liability company formed under former Chapter 1705. of the 96754
Revised Code as that chapter existed prior to February 11, 2022, 96755
or Chapter 1706. of the Revised Code, or a professional 96756
association formed under Chapter 1785. of the Revised Code if 96757
the entity has a sole shareholder who is a prescriber and is 96758
authorized to provide the professional services being offered by 96759
the entity; 96760

(3) A business entity that is a corporation formed under 96761
division (B) of section 1701.03 of the Revised Code, a limited 96762
liability company formed under former Chapter 1705. of the 96763
Revised Code as that chapter existed prior to February 11, 2022, 96764
or Chapter 1706. of the Revised Code, a partnership or a limited 96765
liability partnership formed under Chapter 1775. of the Revised 96766
Code, or a professional association formed under Chapter 1785. 96767
of the Revised Code, if, to be a shareholder, member, or 96768
partner, an individual is required to be licensed, certified, or 96769
otherwise legally authorized under Title XLVII of the Revised 96770

Code to perform the professional service provided by the entity 96771
and each such individual is a prescriber; 96772

(4) An individual who holds a current license, 96773
certificate, or registration issued under Title XLVII of the 96774
Revised Code and has been certified to conduct diabetes 96775
education by a national certifying body specified in rules 96776
adopted by the state board of pharmacy under section 4729.68 of 96777
the Revised Code, but only with respect to insulin that will be 96778
used for the purpose of diabetes education and only if diabetes 96779
education is within the individual's scope of practice under 96780
statutes and rules regulating the individual's profession; 96781

(5) An individual who holds a valid certificate issued by 96782
a nationally recognized S.C.U.B.A. diving certifying 96783
organization approved by the state board of pharmacy under rules 96784
adopted by the board, but only with respect to medical oxygen 96785
that will be used for the purpose of emergency care or treatment 96786
at the scene of a diving emergency; 96787

(6) With respect to epinephrine autoinjectors that may be 96788
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 96789
or 3328.29 of the Revised Code, any of the following: the board 96790
of education of a city, local, exempted village, or joint 96791
vocational school district; a chartered or nonchartered 96792
nonpublic school; a community school established under Chapter 96793
3314. of the Revised Code; a STEM school established under 96794
Chapter 3326. of the Revised Code; or a college-preparatory 96795
boarding school established under Chapter 3328. of the Revised 96796
Code; 96797

(7) With respect to epinephrine autoinjectors that may be 96798
possessed under section ~~5101.76~~ 5180.26 of the Revised Code, any 96799
of the following: a residential camp, as defined in section 96800

2151.011 of the Revised Code; a child day camp, as defined in 96801
section 5104.01 of the Revised Code; or a child day camp 96802
operated by any county, township, municipal corporation, 96803
township park district created under section 511.18 of the 96804
Revised Code, park district created under section 1545.04 of the 96805
Revised Code, or joint recreation district established under 96806
section 755.14 of the Revised Code; 96807

(8) With respect to epinephrine autoinjectors that may be 96808
possessed under Chapter 3728. of the Revised Code, a qualified 96809
entity, as defined in section 3728.01 of the Revised Code; 96810

(9) With respect to inhalers that may be possessed under 96811
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 96812
the Revised Code, any of the following: the board of education 96813
of a city, local, exempted village, or joint vocational school 96814
district; a chartered or nonchartered nonpublic school; a 96815
community school established under Chapter 3314. of the Revised 96816
Code; a STEM school established under Chapter 3326. of the 96817
Revised Code; or a college-preparatory boarding school 96818
established under Chapter 3328. of the Revised Code; 96819

(10) With respect to inhalers that may be possessed under 96820
section ~~5101.77~~ 5180.261 of the Revised Code, any of the 96821
following: a residential camp, as defined in section 2151.011 of 96822
the Revised Code; a child day camp, as defined in section 96823
5104.01 of the Revised Code; or a child day camp operated by any 96824
county, township, municipal corporation, township park district 96825
created under section 511.18 of the Revised Code, park district 96826
created under section 1545.04 of the Revised Code, or joint 96827
recreation district established under section 755.14 of the 96828
Revised Code; 96829

(11) With respect to overdose reversal drugs that may be 96830

possessed for the purposes described in section 3715.50 of the Revised Code, any person or government entity exercising the authority conferred by that section;

(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section 3715.503 of the Revised Code, any individual exercising the authority conferred by that section;

(13) With respect to injectable or nasally administered glucagon that may be possessed under sections 3313.7115, 3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(14) With respect to injectable or nasally administered glucagon that may be possessed under section ~~5101.78~~ 5180.262 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(15) A person who possesses nitrous oxide for use as a direct ingredient in food pursuant to 21 C.F.R. 184.1545 or for

testing or maintaining a plumbing or heating, ventilation, and 96861
air conditioning system; 96862

(16) A person who possesses medical oxygen, sterile water, 96863
or sterile saline for direct administration to patients or for 96864
the purpose of installation or maintenance of home medical 96865
equipment, as defined in section 4752.01 of the Revised Code; 96866

(17) A facility that is owned and operated by the United 96867
States department of defense, the United States department of 96868
veterans affairs, or any other federal agency. 96869

(B) If a person described in division (A) of this section 96870
is a pain management clinic or is operating a pain management 96871
clinic, the person shall hold a license as a terminal 96872
distributor of dangerous drugs with a pain management clinic 96873
classification issued under section 4729.552 of the Revised 96874
Code. 96875

(C) Any of the persons described in divisions (A) (1) to 96876
(16) of this section shall hold a license as a terminal 96877
distributor of dangerous drugs in order to possess, have custody 96878
or control of, and distribute any of the following: 96879

(1) Dangerous drugs that are compounded or used for the 96880
purpose of compounding; 96881

(2) A schedule I, II, III, IV, or V controlled substance, 96882
as defined in section 3719.01 of the Revised Code. 96883

Sec. 4729.56. (A) (1) The state board of pharmacy, in 96884
accordance with Chapter 119. of the Revised Code, may impose any 96885
one or more of the following sanctions on a person licensed 96886
under ~~division (B) (1) (a) of~~ section 4729.52 of the Revised Code 96887
for any of the causes set forth in division (A) (2) of this 96888
section: 96889

(a) Suspend, revoke, restrict, limit, or refuse to grant 96890
or renew a license; 96891

(b) Reprimand or place the license holder on probation; 96892

(c) Impose a monetary penalty or forfeiture not to exceed 96893
in severity any fine designated under the Revised Code for a 96894
similar offense or two thousand five hundred dollars if the acts 96895
committed are not classified as an offense by the Revised Code; 96896

(2) The board may impose the sanctions set forth in 96897
division (A)(1) of this section for any of the following: 96898

(a) Making any false material statements in an application 96899
for licensure under section 4729.52 of the Revised Code; 96900

(b) Violating any federal, state, or local drug law; any 96901
provision of this chapter or Chapter 2925., 3715., or 3719. of 96902
the Revised Code; or any rule of the board; 96903

(c) A conviction of a felony; 96904

(d) Failing to satisfy the qualifications for licensure 96905
under section 4729.53 of the Revised Code or the rules of the 96906
board or ceasing to satisfy the qualifications after the 96907
registration is granted or renewed; 96908

(e) Falsely or fraudulently promoting to the public a drug 96909
that is a controlled substance included in schedule I, II, III, 96910
IV, or V, except that nothing in this division prohibits a 96911
manufacturer, outsourcing facility, third-party logistics 96912
provider, repackager, or wholesale distributor of dangerous 96913
drugs from furnishing information concerning a controlled 96914
substance to a health care provider or licensed terminal 96915
distributor; 96916

(f) Violating any provision of the "Federal Food, Drug, 96917

and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, or 96918
Chapter 3715. of the Revised Code; 96919

(g) Any other cause for which the board may impose 96920
sanctions as set forth in rules adopted under section 4729.26 of 96921
the Revised Code. 96922

(B) Upon the suspension or revocation of any license 96923
~~identified in division (B) (1) (a) of~~ issued under section 4729.52 96924
of the Revised Code, the licensee shall immediately surrender 96925
the license to the board. 96926

(C) If the board suspends, revokes, or refuses to renew 96927
any license ~~identified in division (B) (1) (a) of~~ issued under 96928
section 4729.52 of the Revised Code and determines that there is 96929
clear and convincing evidence of a danger of immediate and 96930
serious harm to any person, the board may place under seal all 96931
dangerous drugs owned by or in the possession, custody, or 96932
control of the affected licensee. Except as provided in this 96933
division, the board shall not dispose of the dangerous drugs 96934
sealed under this division until the licensee exhausts all of 96935
the licensee's appeal rights under Chapter 119. of the Revised 96936
Code. The court involved in such an appeal may order the board, 96937
during the pendency of the appeal, to sell sealed dangerous 96938
drugs that are perishable. The board shall deposit the proceeds 96939
of the sale with the court. 96940

(D) If the board is required under Chapter 119. of the 96941
Revised Code to give notice of an opportunity for a hearing and 96942
the license holder does not make a timely request for a hearing 96943
in accordance with section 119.07 of the Revised Code, the board 96944
is not required to hold a hearing, but may adopt a final order 96945
that contains the board's findings. In the final order, the 96946
board may impose any of the sanctions listed in division (A) of 96947

this section. 96948

(E) Notwithstanding division (D) (2) of section 2953.32 or 96949
division (F) (1) of section 2953.39 of the Revised Code 96950
specifying that if records pertaining to a criminal case are 96951
sealed or expunged under that section the proceedings in the 96952
case must be deemed not to have occurred, sealing or expungement 96953
of the following records on which the board has based an action 96954
under this section shall have no effect on the board's action or 96955
any sanction imposed by the board under this section: records of 96956
any conviction, guilty plea, judicial finding of guilt resulting 96957
from a plea of no contest, or a judicial finding of eligibility 96958
for a pretrial diversion program or intervention in lieu of 96959
conviction. The board is not required to seal, destroy, redact, 96960
or otherwise modify its records to reflect the court's sealing 96961
or expungement of conviction records. 96962

Sec. 4729.561. If the state board of pharmacy determines 96963
that there is clear and convincing evidence that the method used 96964
~~by a licensed manufacturer of dangerous drugs, outsourcing-~~ 96965
~~facility, third-party logistics provider, repackager of-~~ 96966
~~dangerous drugs, or wholesale distributor of dangerous drugs to~~ 96967
possess or distribute dangerous drugs by a person licensed under 96968
section 4729.52 of the Revised Code presents a danger of 96969
immediate and serious harm to others, the board may suspend 96970
without a hearing the person's license issued pursuant to that 96971
~~section 4729.52 of the Revised Code.~~ The board shall follow the 96972
procedure for suspension without a prior hearing in section 96973
119.07 of the Revised Code. The suspension shall remain in 96974
effect, unless removed by the board, until the board's final 96975
adjudication order becomes effective, except that if the board 96976
does not issue its final adjudication order within one hundred 96977
twenty days after the suspension, the suspension shall be void 96978

on the one hundred twenty-first day after the suspension. 96979

Sec. 4729.60. (A) (1) Before a ~~licensee identified in~~ 96980
~~division (B) (1) (a) of person licensed under~~ section 4729.52 of 96981
the Revised Code may sell or distribute dangerous drugs at 96982
wholesale to any person, except as provided in division (A) (2) 96983
of this section, the licensee shall query the roster established 96984
pursuant to section 4729.59 of the Revised Code to determine 96985
whether the purchaser is a licensed terminal distributor of 96986
dangerous drugs. 96987

If no documented query is conducted before a sale is made, 96988
it shall be presumed that the sale of dangerous drugs by the 96989
licensee is in violation of division (B) of section 4729.51 of 96990
the Revised Code and the purchase of dangerous drugs by the 96991
purchaser is in violation of division (E) of section 4729.51 of 96992
the Revised Code. If a licensee conducts a documented query and 96993
relies on the results of the query in selling or distributing 96994
dangerous drugs at wholesale to the terminal distributor of 96995
dangerous drugs, the licensee shall be deemed not to have 96996
violated division (B) of section 4729.51 of the Revised Code in 96997
making the sale. 96998

(2) Division (A) (1) of this section does not apply when a 96999
~~licensee identified in division (B) (1) (a) of person licensed~~ 97000
under section 4729.52 of the Revised Code sells or distributes 97001
dangerous drugs at wholesale to any of the following: 97002

(a) A person specified in division (B) (4) of section 97003
4729.51 of the Revised Code; 97004

(b) A person exempt from licensure as a terminal 97005
distributor of dangerous drugs under section 4729.541 of the 97006
Revised Code. 97007

(B) Before a licensed terminal distributor of dangerous drugs may purchase dangerous drugs at wholesale, the terminal distributor shall query the roster established pursuant to section 4729.59 of the Revised Code to confirm the seller is licensed to engage in the sale or distribution of dangerous drugs at wholesale.

If no documented query is conducted before a purchase is made, it shall be presumed that the purchase of dangerous drugs by the terminal distributor is in violation of division (F) of section 4729.51 of the Revised Code and the sale of dangerous drugs by the seller is in violation of division (A) of section 4729.51 of the Revised Code. If a licensed terminal distributor of dangerous drugs conducts a documented query at least annually and relies on the results of the query in purchasing dangerous drugs at wholesale, the terminal distributor shall be deemed not to have violated division (F) of section 4729.51 of the Revised Code in making the purchase.

Sec. 4729.80. (A) If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, the board is authorized or required to provide information from the database only as follows:

(1) On receipt of a request from a designated representative of a government entity responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs, the board may provide to the representative information from the database relating to the professional who is the subject of an active investigation being conducted by the government entity or relating to a professional who is acting as an expert witness for the government entity in such an

investigation. 97038

(2) On receipt of a request from a federal officer, or a 97039
state or local officer of this or any other state, whose duties 97040
include enforcing laws relating to drugs, the board shall 97041
provide to the officer information from the database relating to 97042
the person who is the subject of an active investigation of a 97043
drug abuse offense, as defined in section 2925.01 of the Revised 97044
Code, being conducted by the officer's employing government 97045
entity. 97046

(3) Pursuant to a subpoena issued by a grand jury, the 97047
board shall provide to the grand jury information from the 97048
database relating to the person who is the subject of an 97049
investigation being conducted by the grand jury. 97050

(4) Pursuant to a subpoena, search warrant, or court order 97051
in connection with the investigation or prosecution of a 97052
possible or alleged criminal offense, the board shall provide 97053
information from the database as necessary to comply with the 97054
subpoena, search warrant, or court order. 97055

(5) On receipt of a request from a prescriber or the 97056
prescriber's delegate approved by the board, the board shall 97057
provide to the prescriber a report of information from the 97058
database relating to a patient who is either a current patient 97059
of the prescriber or a potential patient of the prescriber based 97060
on a referral of the patient to the prescriber, if all of the 97061
following conditions are met: 97062

(a) The prescriber certifies in a form specified by the 97063
board that it is for the purpose of providing medical treatment 97064
to the patient who is the subject of the request; 97065

(b) The prescriber has not been denied access to the 97066

database by the board. 97067

(6) On receipt of a request from a pharmacist or the 97068
pharmacist's delegate approved by the board, the board shall 97069
provide to the pharmacist information from the database relating 97070
to a current patient of the pharmacist, if the pharmacist 97071
certifies in a form specified by the board that it is for the 97072
purpose of the pharmacist's practice of pharmacy involving the 97073
patient who is the subject of the request and the pharmacist has 97074
not been denied access to the database by the board. 97075

(7) On receipt of a request from an individual seeking the 97076
individual's own database information in accordance with the 97077
procedure established in rules adopted under section 4729.84 of 97078
the Revised Code, the board may provide to the individual the 97079
individual's own prescription history. 97080

(8) On receipt of a request from a medical director or a 97081
pharmacy director of a managed care organization that has 97082
entered into a contract with the department of medicaid under 97083
section 5167.10 of the Revised Code and a data security 97084
agreement with the board required by section 5167.14 of the 97085
Revised Code, the board shall provide to the medical director or 97086
the pharmacy director information from the database relating to 97087
a medicaid recipient enrolled in the managed care organization, 97088
including information in the database related to prescriptions 97089
for the recipient that were not covered or reimbursed under a 97090
program administered by the department of medicaid. 97091

(9) On receipt of a request from the medicaid director, 97092
the board shall provide to the director information from the 97093
database relating to a recipient of a program administered by 97094
the department of medicaid, including information in the 97095
database related to prescriptions for the recipient that were 97096

not covered or paid by a program administered by the department. 97097

(10) On receipt of a request from a medical director of a 97098
managed care organization that has entered into a contract with 97099
the administrator of workers' compensation under division (B) (4) 97100
of section 4121.44 of the Revised Code and a data security 97101
agreement with the board required by section 4121.447 of the 97102
Revised Code, the board shall provide to the medical director 97103
information from the database relating to a claimant under 97104
Chapter 4121., 4123., 4127., or 4131. of the Revised Code 97105
assigned to the managed care organization, including information 97106
in the database related to prescriptions for the claimant that 97107
were not covered or reimbursed under Chapter 4121., 4123., 97108
4127., or 4131. of the Revised Code, if the administrator of 97109
workers' compensation confirms, upon request from the board, 97110
that the claimant is assigned to the managed care organization. 97111

(11) On receipt of a request from the administrator of 97112
workers' compensation, the board shall provide to the 97113
administrator information from the database relating to a 97114
claimant under Chapter 4121., 4123., 4127., or 4131. of the 97115
Revised Code, including information in the database related to 97116
prescriptions for the claimant that were not covered or 97117
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 97118
Revised Code. 97119

(12) On receipt of a request from a prescriber or the 97120
prescriber's delegate approved by the board, the board shall 97121
provide to the prescriber information from the database relating 97122
to a patient's mother, if the prescriber certifies in a form 97123
specified by the board that it is for the purpose of providing 97124
medical treatment to a newborn or infant patient diagnosed as 97125
opioid dependent and the prescriber has not been denied access 97126

to the database by the board. 97127

(13) On receipt of a request from the director of health, 97128
the board shall provide to the director information from the 97129
database relating to the duties of the director or the 97130
department of health in implementing the Ohio violent death 97131
reporting system established under section 3701.93 of the 97132
Revised Code. 97133

(14) On receipt of a request from a requestor described in 97134
division (A)(1), (2), (5), or (6) of this section who is from or 97135
participating with another state's prescription monitoring 97136
program, the board may provide to the requestor information from 97137
the database, but only if there is a written agreement under 97138
which the information is to be used and disseminated according 97139
to the laws of this state. 97140

(15) On receipt of a request from a delegate of a retail 97141
dispensary licensed under Chapter 3796. of the Revised Code who 97142
is approved by the board to serve as the dispensary's delegate, 97143
the board shall provide to the delegate a report of information 97144
from the database pertaining only to a patient's use of medical 97145
marijuana, if both of the following conditions are met: 97146

(a) The delegate certifies in a form specified by the 97147
board that it is for the purpose of dispensing medical marijuana 97148
for use in accordance with Chapter 3796. of the Revised Code. 97149

(b) The retail dispensary or delegate has not been denied 97150
access to the database by the board. 97151

(16) On receipt of a request from a judge of a program 97152
certified by the Ohio supreme court as a specialized docket 97153
program for drugs, the board shall provide to the judge, or an 97154
employee of the program who is designated by the judge to 97155

receive the information, information from the database that 97156
relates specifically to a current or prospective program 97157
participant. 97158

(17) On receipt of a request from a coroner, deputy 97159
coroner, or coroner's delegate approved by the board, the board 97160
shall provide to the requestor information from the database 97161
relating to a deceased person about whom the coroner is 97162
conducting or has conducted an autopsy or investigation. 97163

(18) On receipt of a request from a prescriber, the board 97164
may provide to the prescriber a summary of the prescriber's 97165
prescribing record if such a record is created by the board. 97166
Information in the summary is subject to the confidentiality 97167
requirements of this chapter. 97168

~~(19)(a)~~ (19) On receipt of a request from a pharmacy's 97169
responsible person designated under section 4729.54 of the 97170
Revised Code, the board may provide to the responsible person a 97171
summary of the pharmacy's dispensing record if such a record is 97172
created by the board. Information in the summary is subject to 97173
the confidentiality requirements of this chapter. 97174

~~(b) As used in division (A) (19) (a) of this section,~~ 97175
~~"responsible person" has the same meaning as in rules adopted by~~ 97176
~~the board under section 4729.26 of the Revised Code.~~ 97177

(20) The board may provide information from the database 97178
without request to a prescriber or pharmacist who is authorized 97179
to use the database pursuant to this chapter. 97180

(21) (a) On receipt of a request from a prescriber or 97181
pharmacist, or the prescriber's or pharmacist's delegate, who is 97182
a designated representative of a peer review committee, the 97183
board shall provide to the committee information from the 97184

database relating to a prescriber who is subject to the 97185
committee's evaluation, supervision, or discipline if the 97186
information is to be used for one of those purposes. The board 97187
shall provide only information that it determines, in accordance 97188
with rules adopted under section 4729.84 of the Revised Code, is 97189
appropriate to be provided to the committee. 97190

(b) As used in division (A) (21) (a) of this section, "peer 97191
review committee" has the same meaning as in section 2305.25 of 97192
the Revised Code, except that it includes only a peer review 97193
committee of a hospital or a peer review committee of a 97194
nonprofit health care corporation that is a member of the 97195
hospital or of which the hospital is a member. 97196

(22) On receipt of a request from a requestor described in 97197
division (A) (5) or (6) of this section who is from or 97198
participating with a prescription monitoring program that is 97199
operated by a federal agency and approved by the board, the 97200
board may provide to the requestor information from the 97201
database, but only if there is a written agreement under which 97202
the information is to be used and disseminated according to the 97203
laws of this state. 97204

(23) Any personal health information submitted to the 97205
board pursuant to section 4729.772 of the Revised Code may be 97206
provided by the board only as authorized by the submitter of the 97207
information and in accordance with rules adopted under section 97208
4729.84 of the Revised Code. 97209

(24) On receipt of a request from a person described in 97210
division (A) (5), (6), or (17) of this section who is 97211
participating in a drug overdose fatality review committee 97212
described in section 307.631 of the Revised Code, the board may 97213
provide to the requestor information from the database, but only 97214

if there is a written agreement under which the information is 97215
to be used and disseminated according to the laws of this state. 97216

(25) On receipt of a request from a person described in 97217
division (A)(5), (6), or (17) of this section who is 97218
participating in a suicide fatality review committee described 97219
in section 307.641 of the Revised Code, the board may provide to 97220
the requestor information from the database, but only if there 97221
is a written agreement under which the information is to be used 97222
and disseminated according to the laws of this state. 97223

(26) On receipt of a request from a designated 97224
representative of the division of marijuana control in the 97225
department of commerce, the board shall provide to the 97226
representative information from the database relating to an 97227
individual who, or entity that, is the subject of an active 97228
investigation being conducted by the division. 97229

(B) The state board of pharmacy shall maintain a record of 97230
each individual or entity that requests information from the 97231
database pursuant to this section. In accordance with rules 97232
adopted under section 4729.84 of the Revised Code, the board may 97233
use the records to document and report statistics and law 97234
enforcement outcomes. 97235

The board may provide records of an individual's requests 97236
for database information only to the following: 97237

(1) A designated representative of a government entity 97238
that is responsible for the licensure, regulation, or discipline 97239
of health care professionals with authority to prescribe, 97240
administer, or dispense drugs who is involved in an active 97241
criminal or disciplinary investigation being conducted by the 97242
government entity of the individual who submitted the requests 97243

for database information; 97244

(2) A federal officer, or a state or local officer of this 97245
or any other state, whose duties include enforcing laws relating 97246
to drugs and who is involved in an active investigation being 97247
conducted by the officer's employing government entity of the 97248
individual who submitted the requests for database information; 97249

(3) A designated representative of the department of 97250
medicaid regarding a prescriber who is treating or has treated a 97251
recipient of a program administered by the department and who 97252
submitted the requests for database information. 97253

(C) Information contained in the database and any 97254
information obtained from it is confidential and is not a public 97255
record. Information contained in the records of requests for 97256
information from the database is confidential and is not a 97257
public record. Information contained in the database that does 97258
not identify a person, including any licensee or registrant of 97259
the board or other entity, may be released in summary, 97260
statistical, or aggregate form. 97261

(D) A pharmacist or prescriber shall not be held liable in 97262
damages to any person in any civil action for injury, death, or 97263
loss to person or property on the basis that the pharmacist or 97264
prescriber did or did not seek or obtain information from the 97265
database. 97266

Sec. 4729.901. (A) An applicant for registration under 97267
section 4729.90 of the Revised Code shall file with the state 97268
board of pharmacy an application in the form and manner 97269
prescribed in rules adopted under section 4729.94 of the Revised 97270
Code. The application shall be accompanied by an application fee 97271
of ~~fifty~~ sixty-five dollars, which shall not be returned if the 97272

applicant fails to qualify for registration. 97273

(B) If the board is satisfied that the applicant meets the 97274
requirements of section 4729.90 of the Revised Code and any 97275
additional requirements established by the board and determines 97276
that the results of a criminal records check do not make the 97277
applicant ineligible, the board shall register the applicant as 97278
a registered pharmacy technician or certified pharmacy 97279
technician, as applicable. 97280

(C) The board shall register as a registered pharmacy 97281
technician or certified pharmacy technician, as applicable, in 97282
accordance with Chapter 4796. of the Revised Code an applicant 97283
if either of the following applies: 97284

(1) The applicant holds a license or is registered in 97285
another state. 97286

(2) The applicant has satisfactory work experience, a 97287
government certification, or a private certification as 97288
described in that chapter as a pharmacy technician in a state 97289
that does not issue that license or registration. 97290

(D) ~~Registration under division (B) or (C) of this section~~ 97291
~~as a registered pharmacy technician or certified pharmacy~~ 97292
~~technician is valid for the a two-year period, unless a~~ 97293
~~different period is specified by the board in rules adopted~~ 97294
~~under section 4729.94 of the Revised Code. The period shall not~~ 97295
~~exceed twenty-four months unless the board extends the period in~~ 97296
~~the rules to account for initial registration, adjust license~~ 97297
~~registration renewal schedules, or to accommodate other matters~~ 97298
~~the board considers appropriate.~~ 97299

Sec. 4729.902. (A) A registered pharmacy technician or 97300
certified pharmacy technician shall file an application for_ 97301

biennial registration renewal in the form and manner prescribed 97302
by the state board of pharmacy in rules adopted under section 97303
4729.94 of the Revised Code. Registrations shall be renewed in 97304
accordance with the rules and the standard renewal procedure set 97305
forth in Chapter 4745. of the Revised Code. The biennial renewal 97306
fee is ~~twenty-five~~ sixty-five dollars ~~per year~~. 97307

(B) (1) A registered pharmacy technician or certified 97308
pharmacy technician who fails to renew registration in 97309
accordance with division (A) of this section is prohibited from 97310
engaging in the activities authorized by section 4729.91 of the 97311
Revised Code. 97312

(2) (a) A registration that is not renewed by a date 97313
determined under division (A) of this section but has not lapsed 97314
for more than ninety days may be reinstated if the applicant 97315
does both of the following: 97316

(i) Submits a renewal application in a form prescribed by 97317
the board in rules adopted under section 4729.94 of the Revised 97318
Code; 97319

(ii) Pays the renewal fee and a late fee of fifty dollars. 97320

(b) A registration that has lapsed for more than ninety 97321
days cannot be renewed, but the registration holder may reapply 97322
for registration. 97323

Sec. 4729.921. (A) An applicant for registration as a 97324
pharmacy technician trainee shall file with the state board of 97325
pharmacy an application in the form and manner prescribed in 97326
rules adopted under section 4729.94 of the Revised Code. The 97327
application shall be accompanied by an application fee of 97328
~~twenty-five~~ forty dollars, which shall not be returned if the 97329
applicant fails to qualify for registration. 97330

If the board is satisfied that an applicant meets the 97331
requirements of section 4729.92 of the Revised Code and any 97332
additional requirements established by the board and determines 97333
that the results of a criminal records check do not make the 97334
applicant ineligible, the board shall register the applicant as 97335
a pharmacy technician trainee. 97336

(B) (1) The board shall register as a pharmacy technician 97337
trainee in accordance with Chapter 4796. of the Revised Code an 97338
applicant who either holds a license or is registered in another 97339
state or has satisfactory work experience, a government 97340
certification, or a private certification as described in that 97341
chapter as a pharmacy technician trainee in a state that does 97342
not issue that license or registration. 97343

(2) The board may register as a pharmacy technician 97344
trainee an applicant who is seventeen years of age if either of 97345
the following apply: 97346

(a) The applicant possesses a high school diploma or 97347
certificate of high school equivalence; 97348

(b) The applicant does not possess a high school diploma 97349
or certificate of high school equivalence but is enrolled in a 97350
career-technical school program that is approved by the board 97351
and conducted by a city, exempted village, local, or joint 97352
vocational school district. 97353

(C) The board shall not refuse to register an applicant as 97354
a pharmacy technician trainee because of a conviction for an 97355
offense unless the refusal is in accordance with section 9.79 of 97356
the Revised Code. 97357

(D) Registration is valid for ~~one year~~ eighteen months 97358
from the date of registration, except that the board may extend 97359

the time period for which registration is valid. Registration is 97360
not renewable, but an individual may reapply for registration if 97361
the individual's previous registration has lapsed for more than 97362
five years or the board grants its approval. 97363

Sec. 4730.25. (A) The state medical board, by an 97364
affirmative vote of not fewer than six members, may refuse to 97365
grant a license to practice as a physician assistant to, or may 97366
revoke the license held by, an individual found by the board to 97367
have committed fraud, misrepresentation, or deception in 97368
applying for or securing the license. 97369

(B) Except as provided in division (N) of this section, 97370
the board, by an affirmative vote of not fewer than six members, 97371
shall, to the extent permitted by law, limit, revoke, or suspend 97372
an individual's license to practice as a physician assistant or 97373
prescriber number, refuse to issue a license to an applicant, 97374
refuse to renew a license, refuse to reinstate a license, or 97375
reprimand or place on probation the holder of a license for any 97376
of the following reasons: 97377

(1) Failure to practice in accordance with the supervising 97378
physician's supervision agreement with the physician assistant, 97379
including, if applicable, the policies of the health care 97380
facility in which the supervising physician and physician 97381
assistant are practicing; 97382

(2) Failure to comply with the requirements of this 97383
chapter, Chapter 4731. of the Revised Code, or any rules adopted 97384
by the board; 97385

(3) Violating or attempting to violate, directly or 97386
indirectly, or assisting in or abetting the violation of, or 97387
conspiring to violate, any provision of this chapter, Chapter 97388

4731. of the Revised Code, or the rules adopted by the board; 97389

(4) Inability to practice according to acceptable and 97390
prevailing standards of care by reason of mental illness or 97391
physical illness, including physical deterioration that 97392
adversely affects cognitive, motor, or perceptive skills; 97393

(5) Impairment of ability to practice according to 97394
acceptable and prevailing standards of care because of substance 97395
use disorder or excessive use or abuse of drugs, alcohol, or 97396
other substances that may impair ability to practice; 97397

(6) Administering drugs for purposes other than those 97398
authorized under this chapter; 97399

(7) Willfully betraying a professional confidence; 97400

(8) Making a false, fraudulent, deceptive, or misleading 97401
statement in soliciting or advertising for employment as a 97402
physician assistant; in connection with any solicitation or 97403
advertisement for patients; in relation to the practice of 97404
medicine as it pertains to physician assistants; or in securing 97405
or attempting to secure a license to practice as a physician 97406
assistant. 97407

As used in this division, "false, fraudulent, deceptive, 97408
or misleading statement" means a statement that includes a 97409
misrepresentation of fact, is likely to mislead or deceive 97410
because of a failure to disclose material facts, is intended or 97411
is likely to create false or unjustified expectations of 97412
favorable results, or includes representations or implications 97413
that in reasonable probability will cause an ordinarily prudent 97414
person to misunderstand or be deceived. 97415

(9) Representing, with the purpose of obtaining 97416
compensation or other advantage personally or for any other 97417

person, that an incurable disease or injury, or other incurable
condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or
anything of value by fraudulent misrepresentations in the course
of practice;

(11) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for, a felony;

(12) Commission of an act that constitutes a felony in
this state, regardless of the jurisdiction in which the act was
committed;

(13) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor committed in the course of
practice;

(14) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor involving moral turpitude;

(15) Commission of an act in the course of practice that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(16) Commission of an act involving moral turpitude that
constitutes a misdemeanor in this state, regardless of the
jurisdiction in which the act was committed;

(17) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for violating any state or federal law regulating the
possession, distribution, or use of any drug, including

trafficking in drugs; 97446

(18) Any of the following actions taken by the state 97447
agency responsible for regulating the practice of physician 97448
assistants in another state, for any reason other than the 97449
nonpayment of fees: the limitation, revocation, or suspension of 97450
an individual's license to practice; acceptance of an 97451
individual's license surrender; denial of a license; refusal to 97452
renew or reinstate a license; imposition of probation; or 97453
issuance of an order of censure or other reprimand; 97454

(19) A departure from, or failure to conform to, minimal 97455
standards of care of similar physician assistants under the same 97456
or similar circumstances, regardless of whether actual injury to 97457
a patient is established; 97458

(20) Violation of the conditions placed by the board on a 97459
license to practice as a physician assistant; 97460

(21) Failure to use universal blood and body fluid 97461
precautions established by rules adopted under section 4731.051 97462
of the Revised Code; 97463

(22) Failure to cooperate in an investigation conducted by 97464
the board under section 4730.26 of the Revised Code, including 97465
failure to comply with a subpoena or order issued by the board 97466
or failure to answer truthfully a question presented by the 97467
board at a deposition or in written interrogatories, except that 97468
failure to cooperate with an investigation shall not constitute 97469
grounds for discipline under this section if a court of 97470
competent jurisdiction has issued an order that either quashes a 97471
subpoena or permits the individual to withhold the testimony or 97472
evidence in issue; 97473

(23) Assisting suicide, as defined in section 3795.01 of 97474

the Revised Code; 97475

(24) Prescribing any drug or device to perform or induce 97476
an abortion, or otherwise performing or inducing an abortion; 97477

(25) Failure to comply with section 4730.53 of the Revised 97478
Code, unless the board no longer maintains a drug database 97479
pursuant to section 4729.75 of the Revised Code; 97480

(26) Failure to comply with the requirements in section 97481
3719.061 of the Revised Code before issuing for a minor a 97482
prescription for an opioid analgesic, as defined in section 97483
3719.01 of the Revised Code; 97484

(27) Having certification by the national commission on 97485
certification of physician assistants or a successor 97486
organization expire, lapse, or be suspended or revoked; 97487

(28) The revocation, suspension, restriction, reduction, 97488
or termination of clinical privileges by the United States 97489
department of defense or department of veterans affairs or the 97490
termination or suspension of a certificate of registration to 97491
prescribe drugs by the drug enforcement administration of the 97492
United States department of justice; 97493

(29) Failure to comply with terms of a consult agreement 97494
entered into with a pharmacist pursuant to section 4729.39 of 97495
the Revised Code; 97496

(30) Violation of section 4730.57 of the Revised Code. 97497

(C) Disciplinary actions taken by the board under 97498
divisions (A) and (B) of this section shall be taken pursuant to 97499
an adjudication under Chapter 119. of the Revised Code, except 97500
that in lieu of an adjudication, the board may enter into a 97501
consent agreement with a physician assistant or applicant to 97502

resolve an allegation of a violation of this chapter or any rule 97503
adopted under it. A consent agreement, when ratified by an 97504
affirmative vote of not fewer than six members of the board, 97505
shall constitute the findings and order of the board with 97506
respect to the matter addressed in the agreement. If the board 97507
refuses to ratify a consent agreement, the admissions and 97508
findings contained in the consent agreement shall be of no force 97509
or effect. 97510

(D) For purposes of divisions (B) (12), (15), and (16) of 97511
this section, the commission of the act may be established by a 97512
finding by the board, pursuant to an adjudication under Chapter 97513
119. of the Revised Code, that the applicant or license holder 97514
committed the act in question. The board shall have no 97515
jurisdiction under these divisions in cases where the trial 97516
court renders a final judgment in the license holder's favor and 97517
that judgment is based upon an adjudication on the merits. The 97518
board shall have jurisdiction under these divisions in cases 97519
where the trial court issues an order of dismissal upon 97520
technical or procedural grounds. 97521

(E) The sealing or expungement of conviction records by 97522
any court shall have no effect upon a prior board order entered 97523
under the provisions of this section or upon the board's 97524
jurisdiction to take action under the provisions of this section 97525
if, based upon a plea of guilty, a judicial finding of guilt, or 97526
a judicial finding of eligibility for intervention in lieu of 97527
conviction, the board issued a notice of opportunity for a 97528
hearing prior to the court's order to seal or expunge the 97529
records. The board shall not be required to seal, destroy, 97530
redact, or otherwise modify its records to reflect the court's 97531
sealing or expungement of conviction records. 97532

(F) For purposes of this division, any individual who 97533
holds a license issued under this chapter, or applies for a 97534
license issued under this chapter, shall be deemed to have given 97535
consent to submit to a mental or physical examination when 97536
directed to do so in writing by the board and to have waived all 97537
objections to the admissibility of testimony or examination 97538
reports that constitute a privileged communication. 97539

(1) In enforcing division (B) (4) of this section, the 97540
board, upon a showing of a possible violation, shall refer any 97541
individual who holds, or has applied for, a license issued under 97542
this chapter to the monitoring organization that conducts the 97543
confidential monitoring program established under section 97544
4731.25 of the Revised Code. The board also may compel the 97545
individual to submit to a mental examination, physical 97546
examination, including an HIV test, or both a mental and 97547
physical examination. The expense of the examination is the 97548
responsibility of the individual compelled to be examined. 97549
Failure to submit to a mental or physical examination or consent 97550
to an HIV test ordered by the board constitutes an admission of 97551
the allegations against the individual unless the failure is due 97552
to circumstances beyond the individual's control, and a default 97553
and final order may be entered without the taking of testimony 97554
or presentation of evidence. If the board finds a physician 97555
assistant unable to practice because of the reasons set forth in 97556
division (B) (4) of this section, the board shall require the 97557
physician assistant to submit to care, counseling, or treatment 97558
by physicians approved or designated by the board, as a 97559
condition for an initial, continued, reinstated, or renewed 97560
license. An individual affected under this division shall be 97561
afforded an opportunity to demonstrate to the board the ability 97562
to resume practicing in compliance with acceptable and 97563

prevailing standards of care. 97564

(2) For purposes of division (B)(5) of this section, if 97565
the board has reason to believe that any individual who holds a 97566
license issued under this chapter or any applicant for a license 97567
suffers such impairment, the board shall refer the individual to 97568
the monitoring organization that conducts the confidential 97569
monitoring program established under section 4731.25 of the 97570
Revised Code. The board also may compel the individual to submit 97571
to a mental or physical examination, or both. The expense of the 97572
examination is the responsibility of the individual compelled to 97573
be examined. Any mental or physical examination required under 97574
this division shall be undertaken by a treatment provider or 97575
physician qualified to conduct such examination and approved 97576
under section 4731.251 of the Revised Code. 97577

Failure to submit to a mental or physical examination 97578
ordered by the board constitutes an admission of the allegations 97579
against the individual unless the failure is due to 97580
circumstances beyond the individual's control, and a default and 97581
final order may be entered without the taking of testimony or 97582
presentation of evidence. If the board determines that the 97583
individual's ability to practice is impaired, the board shall 97584
suspend the individual's license or deny the individual's 97585
application and shall require the individual, as a condition for 97586
initial, continued, reinstated, or renewed licensure, to submit 97587
to treatment. 97588

Before being eligible to apply for reinstatement of a 97589
license suspended under this division, the physician assistant 97590
shall demonstrate to the board the ability to resume practice or 97591
prescribing in compliance with acceptable and prevailing 97592
standards of care. The demonstration shall include the 97593

following: 97594

(a) Certification from a treatment provider approved under 97595
section 4731.251 of the Revised Code that the individual has 97596
successfully completed any required inpatient treatment; 97597

(b) Evidence of continuing full compliance with an 97598
aftercare contract or consent agreement; 97599

(c) Two written reports indicating that the individual's 97600
ability to practice has been assessed and that the individual 97601
has been found capable of practicing according to acceptable and 97602
prevailing standards of care. The reports shall be made by 97603
individuals or providers approved by the board for making such 97604
assessments and shall describe the basis for their 97605
determination. 97606

The board may reinstate a license suspended under this 97607
division after such demonstration and after the individual has 97608
entered into a written consent agreement. 97609

When the impaired physician assistant resumes practice or 97610
prescribing, the board shall require continued monitoring of the 97611
physician assistant. The monitoring shall include compliance 97612
with the written consent agreement entered into before 97613
reinstatement or with conditions imposed by board order after a 97614
hearing, and, upon termination of the consent agreement, 97615
submission to the board for at least two years of annual written 97616
progress reports made under penalty of falsification stating 97617
whether the physician assistant has maintained sobriety. 97618

(G) (1) If either of the following circumstances occur, the 97619
secretary and supervising member may recommend that the board 97620
suspend the individual's license without a prior hearing: 97621

(a) The secretary and supervising member determine that 97622

there is clear and convincing evidence that a physician 97623
assistant has violated division (B) of this section and that the 97624
individual's continued practice or prescribing presents a danger 97625
of immediate and serious harm to the public. 97626

(b) The board receives verifiable information that a 97627
licensee has been charged in any state or federal court with a 97628
crime classified as a felony under the charging court's law and 97629
the conduct charged constitutes a violation of division (B) of 97630
this section. 97631

(2) If a recommendation is made to suspend without a prior 97632
hearing pursuant to division (G)(1) of this section, written 97633
allegations shall be prepared for consideration by the board. 97634

The board, upon review of those allegations and by an 97635
affirmative vote of not fewer than six of its members, excluding 97636
the secretary and supervising member, may suspend a license 97637
without a prior hearing. A telephone conference call may be 97638
utilized for reviewing the allegations and taking the vote on 97639
the summary suspension. 97640

The board shall serve a written order of suspension in 97641
accordance with sections 119.05 and 119.07 of the Revised Code. 97642
~~The order shall not be subject to suspension by the court during~~ 97643
~~pendency of any appeal filed under section 119.12 of the Revised~~ 97644
~~Code.~~ If the physician assistant requests an adjudicatory 97645
hearing by the board, the date set for the hearing shall be 97646
within fifteen days, but not earlier than seven days, after the 97647
physician assistant requests the hearing, unless otherwise 97648
agreed to by both the board and the license holder. 97649

(3) A summary suspension imposed under ~~this division~~ (G) 97650
(2) of this section is not a final appealable order and is not 97651

an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. ~~The~~

The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. Failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B) (11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician 97682
assistant and the physician assistant's practice in this state 97683
are automatically suspended as of the date the physician 97684
assistant pleads guilty to, is found by a judge or jury to be 97685
guilty of, or is subject to a judicial finding of eligibility 97686
for intervention in lieu of conviction in this state or 97687
treatment or intervention in lieu of conviction in another state 97688
for any of the following criminal offenses in this state or a 97689
substantially equivalent criminal offense in another 97690
jurisdiction: aggravated murder, murder, voluntary manslaughter, 97691
felonious assault, trafficking in persons, kidnapping, rape, 97692
sexual battery, gross sexual imposition, aggravated arson, 97693
aggravated robbery, or aggravated burglary. Continued practice 97694
after the suspension shall be considered practicing without a 97695
license. 97696

The board shall notify the individual subject to the 97697
suspension in accordance with sections 119.05 and 119.07 of the 97698
Revised Code. If an individual whose license is suspended under 97699
this division fails to make a timely request for an adjudication 97700
under Chapter 119. of the Revised Code, the board shall enter a 97701
final order permanently revoking the individual's license to 97702
practice. 97703

(J) In any instance in which the board is required by 97704
Chapter 119. of the Revised Code to give notice of opportunity 97705
for hearing and the individual subject to the notice does not 97706
timely request a hearing in accordance with section 119.07 of 97707
the Revised Code, the board is not required to hold a hearing, 97708
but may adopt, by an affirmative vote of not fewer than six of 97709
its members, a final order that contains the board's findings. 97710
In that final order, the board may order any of the sanctions 97711
identified under division (A) or (B) of this section. 97712

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code does not remove or limit the board's jurisdiction to take disciplinary

action under this section against the individual. 97742

(4) The placement of an individual's license on retired 97743
status, as described in section 4730.141 of the Revised Code, 97744
does not remove or limit the board's jurisdiction to take any 97745
disciplinary action against the individual with regard to the 97746
license as it existed before being placed on retired status. 97747

(N) The board shall not refuse to issue a license to an 97748
applicant because of a conviction, plea of guilty, judicial 97749
finding of guilt, judicial finding of eligibility for 97750
intervention in lieu of conviction, or the commission of an act 97751
that constitutes a criminal offense, unless the refusal is in 97752
accordance with section 9.79 of the Revised Code. 97753

Sec. 4730.433. (A) (1) Subject to division (A) (2) of this 97754
section, and notwithstanding any provision of this chapter or 97755
rule adopted by the state medical board, a physician assistant 97756
who holds a license issued under this chapter and a valid 97757
prescriber number issued by the state medical board and has been 97758
granted physician-delegated prescriptive authority may do either 97759
of the following without having examined an individual to whom 97760
epinephrine may be administered: 97761

(a) Personally furnish a supply of epinephrine 97762
autoinjectors for use in accordance with sections 3313.7110, 97763
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 97764
~~5101.76~~ 5180.26 of the Revised Code; 97765

(b) Issue a prescription for epinephrine autoinjectors for 97766
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 97767
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 97768
Revised Code. 97769

(2) An epinephrine autoinjector personally furnished or 97770

prescribed under division (A) (1) of this section must be 97771
furnished or prescribed in such a manner that it may be 97772
administered only in a manufactured dosage form. 97773

(B) A physician assistant who acts in good faith in 97774
accordance with this section is not liable for or subject to any 97775
of the following for any action or omission of an entity to 97776
which an epinephrine autoinjector is furnished or a prescription 97777
is issued: damages in any civil action, prosecution in any 97778
criminal proceeding, or professional disciplinary action. 97779

Sec. 4730.437. (A) (1) Subject to division (A) (2) of this 97780
section and notwithstanding any provision of this chapter or 97781
rule adopted by the state medical board, a physician assistant 97782
who holds a valid prescriber number issued by the board and has 97783
been granted physician-delegated prescriptive authority may do 97784
either of the following without having examined an individual to 97785
whom glucagon may be administered: 97786

(a) Personally furnish a supply of injectable or nasally 97787
administered glucagon for use in accordance with section 97788
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 97789
5180.262 of the Revised Code; 97790

(b) Issue a prescription for injectable or nasally 97791
administered glucagon in accordance with section 3313.7115, 97792
3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 5180.262 of 97793
the Revised Code. 97794

(2) Injectable or nasally administered glucagon personally 97795
furnished or prescribed under division (A) (1) of this section 97796
must be furnished or prescribed in such a manner that it may be 97797
administered only in a manufactured dosage form. 97798

(B) A physician assistant who acts in good faith in 97799

accordance with this section is not liable for or subject to any 97800
of the following for any action or omission of an entity to 97801
which injectable or nasally administered glucagon is furnished 97802
or a prescription is issued: damages in any civil action, 97803
prosecution in any criminal proceeding, or professional 97804
disciplinary action. 97805

Sec. 4730.99. (A) Whoever violates section 4730.02 of the 97806
Revised Code is guilty of a misdemeanor of the first degree on a 97807
first offense; on each subsequent offense, the person is guilty 97808
of a felony of the fourth degree. 97809

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 97810
(D), or (E) of section 4730.32 of the Revised Code is guilty of 97811
a minor misdemeanor on a first offense; on each subsequent 97812
offense the person is guilty of a misdemeanor of the fourth 97813
degree, except that an individual guilty of a subsequent offense 97814
shall not be subject to imprisonment, but to a fine alone of up 97815
to one thousand dollars for each offense. 97816

(2) Whoever violates division (B) (2) or (C) (3) of section 97817
4730.32 of the Revised Code is guilty of ~~failure to report~~ 97818
~~criminal conduct or sexual misconduct~~, a misdemeanor of the 97819
fourth degree. ~~If the offender has previously been convicted of~~ 97820
~~a violation of this division, the failure to report~~ on a first 97821
offense; on each subsequent offense, the person is guilty of a 97822
misdemeanor of the first degree. 97823

(C) Whoever violates division (F) of section 4730.26 of 97824
the Revised Code is guilty of ~~disclosing confidential~~ 97825
~~investigatory information~~, a misdemeanor of the first degree. 97826

Sec. 4731.22. (A) The state medical board, by an 97827
affirmative vote of not fewer than six of its members, may 97828

limit, revoke, or suspend a license or certificate to practice 97829
or certificate to recommend, refuse to grant a license or 97830
certificate, refuse to renew a license or certificate, refuse to 97831
reinstate a license or certificate, or reprimand or place on 97832
probation the holder of a license or certificate if the 97833
individual applying for or holding the license or certificate is 97834
found by the board to have committed fraud during the 97835
administration of the examination for a license or certificate 97836
to practice or to have committed fraud, misrepresentation, or 97837
deception in applying for, renewing, or securing any license or 97838
certificate to practice or certificate to recommend issued by 97839
the board. 97840

(B) Except as provided in division (P) of this section, 97841
the board, by an affirmative vote of not fewer than six members, 97842
shall, to the extent permitted by law, limit, revoke, or suspend 97843
a license or certificate to practice or certificate to 97844
recommend, refuse to issue a license or certificate, refuse to 97845
renew a license or certificate, refuse to reinstate a license or 97846
certificate, or reprimand or place on probation the holder of a 97847
license or certificate for one or more of the following reasons: 97848

(1) Permitting one's name or one's license or certificate 97849
to practice to be used by a person, group, or corporation when 97850
the individual concerned is not actually directing the treatment 97851
given; 97852

(2) Failure to maintain minimal standards applicable to 97853
the selection or administration of drugs, or failure to employ 97854
acceptable scientific methods in the selection of drugs or other 97855
modalities for treatment of disease; 97856

(3) Except as provided in section 4731.97 of the Revised 97857
Code, selling, giving away, personally furnishing, prescribing, 97858

or administering drugs for other than legal and legitimate 97859
therapeutic purposes or a plea of guilty to, a judicial finding 97860
of guilt of, or a judicial finding of eligibility for 97861
intervention in lieu of conviction of, a violation of any 97862
federal or state law regulating the possession, distribution, or 97863
use of any drug; 97864

(4) Willfully betraying a professional confidence. 97865

For purposes of this division, "willfully betraying a 97866
professional confidence" does not include providing any 97867
information, documents, or reports under sections 307.621 to 97868
307.629 of the Revised Code to a child fatality review board; 97869
does not include providing any information, documents, or 97870
reports under sections 307.631 to 307.6410 of the Revised Code 97871
to a drug overdose fatality review committee, a suicide fatality 97872
review committee, or hybrid drug overdose fatality and suicide 97873
fatality review committee; does not include providing any 97874
information, documents, or reports under sections 307.651 to 97875
307.659 of the Revised Code to a domestic violence fatality 97876
review board; does not include providing any information, 97877
documents, or reports to the director of health pursuant to 97878
guidelines established under section 3701.70 of the Revised 97879
Code; does not include written notice to a mental health 97880
professional under section 4731.62 of the Revised Code; does not 97881
include making a report as described in division (F) of section 97882
2921.22 and section 4731.224 of the Revised Code; and does not 97883
include the making of a report of an employee's use of a drug of 97884
abuse, or a report of a condition of an employee other than one 97885
involving the use of a drug of abuse, to the employer of the 97886
employee as described in division (B) of section 2305.33 of the 97887
Revised Code. Nothing in this division affects the immunity from 97888
civil liability conferred by section 2305.33 or 4731.62 of the 97889

Revised Code upon a physician who makes a report in accordance 97890
with section 2305.33 or notifies a mental health professional in 97891
accordance with section 4731.62 of the Revised Code. As used in 97892
this division, "employee," "employer," and "physician" have the 97893
same meanings as in section 2305.33 of the Revised Code. 97894

(5) Making a false, fraudulent, deceptive, or misleading 97895
statement in the solicitation of or advertising for patients; in 97896
relation to the practice of medicine and surgery, osteopathic 97897
medicine and surgery, podiatric medicine and surgery, or a 97898
limited branch of medicine; or in securing or attempting to 97899
secure any license or certificate to practice issued by the 97900
board. 97901

As used in this division, "false, fraudulent, deceptive, 97902
or misleading statement" means a statement that includes a 97903
misrepresentation of fact, is likely to mislead or deceive 97904
because of a failure to disclose material facts, is intended or 97905
is likely to create false or unjustified expectations of 97906
favorable results, or includes representations or implications 97907
that in reasonable probability will cause an ordinarily prudent 97908
person to misunderstand or be deceived. 97909

(6) A departure from, or the failure to conform to, 97910
minimal standards of care of similar practitioners under the 97911
same or similar circumstances, whether or not actual injury to a 97912
patient is established; 97913

(7) Representing, with the purpose of obtaining 97914
compensation or other advantage as personal gain or for any 97915
other person, that an incurable disease or injury, or other 97916
incurable condition, can be permanently cured; 97917

(8) The obtaining of, or attempting to obtain, money or 97918

anything of value by fraudulent misrepresentations in the course 97919
of practice; 97920

(9) A plea of guilty to, a judicial finding of guilt of, 97921
or a judicial finding of eligibility for intervention in lieu of 97922
conviction for, a felony; 97923

(10) Commission of an act that constitutes a felony in 97924
this state, regardless of the jurisdiction in which the act was 97925
committed; 97926

(11) A plea of guilty to, a judicial finding of guilt of, 97927
or a judicial finding of eligibility for intervention in lieu of 97928
conviction for, a misdemeanor committed in the course of 97929
practice; 97930

(12) Commission of an act in the course of practice that 97931
constitutes a misdemeanor in this state, regardless of the 97932
jurisdiction in which the act was committed; 97933

(13) A plea of guilty to, a judicial finding of guilt of, 97934
or a judicial finding of eligibility for intervention in lieu of 97935
conviction for, a misdemeanor involving moral turpitude; 97936

(14) Commission of an act involving moral turpitude that 97937
constitutes a misdemeanor in this state, regardless of the 97938
jurisdiction in which the act was committed; 97939

(15) Violation of the conditions of limitation placed by 97940
the board upon a license or certificate to practice; 97941

(16) Failure to pay license renewal fees specified in this 97942
chapter; 97943

(17) Except as authorized in section 4731.31 of the 97944
Revised Code, engaging in the division of fees for referral of 97945
patients, or the receiving of a thing of value in return for a 97946

specific referral of a patient to utilize a particular service 97947
or business; 97948

(18) Subject to section 4731.226 of the Revised Code, 97949
violation of any provision of a code of ethics of the American 97950
medical association, the American osteopathic association, the 97951
American podiatric medical association, or any other national 97952
professional organizations that the board specifies by rule. The 97953
state medical board shall obtain and keep on file current copies 97954
of the codes of ethics of the various national professional 97955
organizations. The individual whose license or certificate is 97956
being suspended or revoked shall not be found to have violated 97957
any provision of a code of ethics of an organization not 97958
appropriate to the individual's profession. 97959

For purposes of this division, a "provision of a code of 97960
ethics of a national professional organization" does not include 97961
any provision that would preclude the making of a report by a 97962
physician of an employee's use of a drug of abuse, or of a 97963
condition of an employee other than one involving the use of a 97964
drug of abuse, to the employer of the employee as described in 97965
division (B) of section 2305.33 of the Revised Code. Nothing in 97966
this division affects the immunity from civil liability 97967
conferred by that section upon a physician who makes either type 97968
of report in accordance with division (B) of that section. As 97969
used in this division, "employee," "employer," and "physician" 97970
have the same meanings as in section 2305.33 of the Revised 97971
Code. 97972

(19) Inability to practice according to acceptable and 97973
prevailing standards of care by reason of mental illness or 97974
physical illness, including, but not limited to, physical 97975
deterioration that adversely affects cognitive, motor, or 97976

perceptive skills.

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In enforcing this division, the board, upon a showing of a possible violation, shall refer any individual who is authorized to practice by this chapter or who has submitted an application pursuant to this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing

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by the board, and to have waived all objections to the 98008
admissibility of testimony or examination reports that 98009
constitute a privileged communication. 98010

(20) Except as provided in division (F)(1)(b) of section 98011
4731.282 of the Revised Code or when civil penalties are imposed 98012
under section 4731.225 of the Revised Code, and subject to 98013
section 4731.226 of the Revised Code, violating or attempting to 98014
violate, directly or indirectly, or assisting in or abetting the 98015
violation of, or conspiring to violate, any provisions of this 98016
chapter or any rule promulgated by the board. 98017

This division does not apply to a violation or attempted 98018
violation of, assisting in or abetting the violation of, or a 98019
conspiracy to violate, any provision of this chapter or any rule 98020
adopted by the board that would preclude the making of a report 98021
by a physician of an employee's use of a drug of abuse, or of a 98022
condition of an employee other than one involving the use of a 98023
drug of abuse, to the employer of the employee as described in 98024
division (B) of section 2305.33 of the Revised Code. Nothing in 98025
this division affects the immunity from civil liability 98026
conferred by that section upon a physician who makes either type 98027
of report in accordance with division (B) of that section. As 98028
used in this division, "employee," "employer," and "physician" 98029
have the same meanings as in section 2305.33 of the Revised 98030
Code. 98031

(21) The violation of section 3701.79 of the Revised Code 98032
or of any abortion rule adopted by the director of health 98033
pursuant to section 3701.341 of the Revised Code; 98034

(22) Any of the following actions taken by an agency 98035
responsible for authorizing, certifying, or regulating an 98036
individual to practice a health care occupation or provide 98037

health care services in this state or another jurisdiction, for 98038
any reason other than the nonpayment of fees: the limitation, 98039
revocation, or suspension of an individual's license to 98040
practice; acceptance of an individual's license surrender; 98041
denial of a license; refusal to renew or reinstate a license; 98042
imposition of probation; or issuance of an order of censure or 98043
other reprimand; 98044

(23) The violation of section 2919.12 of the Revised Code 98045
or the performance or inducement of an abortion upon a pregnant 98046
woman with actual knowledge that the conditions specified in 98047
division (B) of section 2317.56 of the Revised Code have not 98048
been satisfied or with a heedless indifference as to whether 98049
those conditions have been satisfied, unless an affirmative 98050
defense as specified in division (H)(2) of that section would 98051
apply in a civil action authorized by division (H)(1) of that 98052
section; 98053

(24) The revocation, suspension, restriction, reduction, 98054
or termination of clinical privileges by the United States 98055
department of defense or department of veterans affairs or the 98056
termination or suspension of a certificate of registration to 98057
prescribe drugs by the drug enforcement administration of the 98058
United States department of justice; 98059

(25) Termination or suspension from participation in the 98060
medicare or medicaid programs by the department of health and 98061
human services or other responsible agency; 98062

(26) Impairment of ability to practice according to 98063
acceptable and prevailing standards of care because of substance 98064
use disorder or excessive use or abuse of drugs, alcohol, or 98065
other substances that may impair ability to practice. 98066

For the purposes of this division, any individual 98067
authorized to practice by this chapter accepts the privilege of 98068
practicing in this state subject to supervision by the board. By 98069
filing an application for or holding a license or certificate to 98070
practice under this chapter, an individual shall be deemed to 98071
have given consent to submit to a mental or physical examination 98072
when ordered to do so by the board in writing, and to have 98073
waived all objections to the admissibility of testimony or 98074
examination reports that constitute privileged communications. 98075

If it has reason to believe that any individual authorized 98076
to practice by this chapter or any applicant for licensure or 98077
certification to practice suffers such impairment, the board 98078
shall refer the individual to the monitoring organization that 98079
conducts the confidential monitoring program established under 98080
section 4731.25 of the Revised Code. The board also may compel 98081
the individual to submit to a mental or physical examination, or 98082
both. The expense of the examination is the responsibility of 98083
the individual compelled to be examined. Any mental or physical 98084
examination required under this division shall be undertaken by 98085
a treatment provider or physician who is qualified to conduct 98086
the examination and who is approved under section 4731.251 of 98087
the Revised Code. 98088

Failure to submit to a mental or physical examination 98089
ordered by the board constitutes an admission of the allegations 98090
against the individual unless the failure is due to 98091
circumstances beyond the individual's control, and a default and 98092
final order may be entered without the taking of testimony or 98093
presentation of evidence. If the board determines that the 98094
individual's ability to practice is impaired, the board shall 98095
suspend the individual's license or certificate or deny the 98096
individual's application and shall require the individual, as a 98097

condition for initial, continued, reinstated, or renewed 98098
licensure or certification to practice, to submit to treatment. 98099

Before being eligible to apply for reinstatement of a 98100
license or certificate suspended under this division, the 98101
impaired practitioner shall demonstrate to the board the ability 98102
to resume practice in compliance with acceptable and prevailing 98103
standards of care under the provisions of the practitioner's 98104
license or certificate. The demonstration shall include, but 98105
shall not be limited to, the following: 98106

(a) Certification from a treatment provider approved under 98107
section 4731.251 of the Revised Code that the individual has 98108
successfully completed any required inpatient treatment; 98109

(b) Evidence of continuing full compliance with an 98110
aftercare contract or consent agreement; 98111

(c) Two written reports indicating that the individual's 98112
ability to practice has been assessed and that the individual 98113
has been found capable of practicing according to acceptable and 98114
prevailing standards of care. The reports shall be made by 98115
individuals or providers approved by the board for making the 98116
assessments and shall describe the basis for their 98117
determination. 98118

The board may reinstate a license or certificate suspended 98119
under this division after that demonstration and after the 98120
individual has entered into a written consent agreement. 98121

When the impaired practitioner resumes practice, the board 98122
shall require continued monitoring of the individual. The 98123
monitoring shall include, but not be limited to, compliance with 98124
the written consent agreement entered into before reinstatement 98125
or with conditions imposed by board order after a hearing, and, 98126

upon termination of the consent agreement, submission to the 98127
board for at least two years of annual written progress reports 98128
made under penalty of perjury stating whether the individual has 98129
maintained sobriety. 98130

(27) A second or subsequent violation of section 4731.66 98131
or 4731.69 of the Revised Code; 98132

(28) Except as provided in division (N) of this section: 98133

(a) Waiving the payment of all or any part of a deductible 98134
or copayment that a patient, pursuant to a health insurance or 98135
health care policy, contract, or plan that covers the 98136
individual's services, otherwise would be required to pay if the 98137
waiver is used as an enticement to a patient or group of 98138
patients to receive health care services from that individual; 98139

(b) Advertising that the individual will waive the payment 98140
of all or any part of a deductible or copayment that a patient, 98141
pursuant to a health insurance or health care policy, contract, 98142
or plan that covers the individual's services, otherwise would 98143
be required to pay. 98144

(29) Failure to use universal blood and body fluid 98145
precautions established by rules adopted under section 4731.051 98146
of the Revised Code; 98147

(30) Failure to provide notice to, and receive 98148
acknowledgment of the notice from, a patient when required by 98149
section 4731.143 of the Revised Code prior to providing 98150
nonemergency professional services, or failure to maintain that 98151
notice in the patient's medical record; 98152

(31) Failure of a physician supervising a physician 98153
assistant to maintain supervision in accordance with the 98154
requirements of Chapter 4730. of the Revised Code and the rules 98155

adopted under that chapter; 98156

(32) Failure of a physician or podiatrist to enter into a 98157
standard care arrangement with a clinical nurse specialist, 98158
certified nurse-midwife, or certified nurse practitioner with 98159
whom the physician or podiatrist is in collaboration pursuant to 98160
section 4731.27 of the Revised Code or failure to fulfill the 98161
responsibilities of collaboration after entering into a standard 98162
care arrangement; 98163

(33) Failure to comply with the terms of a consult 98164
agreement entered into with a pharmacist pursuant to section 98165
4729.39 of the Revised Code; 98166

(34) Failure to cooperate in an investigation conducted by 98167
the board under division (F) of this section, including failure 98168
to comply with a subpoena or order issued by the board or 98169
failure to answer truthfully a question presented by the board 98170
in an investigative interview, an investigative office 98171
conference, at a deposition, or in written interrogatories, 98172
except that failure to cooperate with an investigation shall not 98173
constitute grounds for discipline under this section if a court 98174
of competent jurisdiction has issued an order that either 98175
quashes a subpoena or permits the individual to withhold the 98176
testimony or evidence in issue; 98177

(35) Failure to supervise an anesthesiologist assistant in 98178
accordance with Chapter 4760. of the Revised Code and the 98179
board's rules for supervision of an anesthesiologist assistant; 98180

(36) Assisting suicide, as defined in section 3795.01 of 98181
the Revised Code; 98182

(37) Failure to comply with the requirements of section 98183
2317.561 of the Revised Code; 98184

(38) Failure to supervise a radiologist assistant in 98185
accordance with Chapter 4774. of the Revised Code and the 98186
board's rules for supervision of radiologist assistants; 98187

(39) Performing or inducing an abortion at an office or 98188
facility with knowledge that the office or facility fails to 98189
post the notice required under section 3701.791 of the Revised 98190
Code; 98191

(40) Failure to comply with the standards and procedures 98192
established in rules under section 4731.054 of the Revised Code 98193
for the operation of or the provision of care at a pain 98194
management clinic; 98195

(41) Failure to comply with the standards and procedures 98196
established in rules under section 4731.054 of the Revised Code 98197
for providing supervision, direction, and control of individuals 98198
at a pain management clinic; 98199

(42) Failure to comply with the requirements of section 98200
4729.79 or 4731.055 of the Revised Code, unless the state board 98201
of pharmacy no longer maintains a drug database pursuant to 98202
section 4729.75 of the Revised Code; 98203

(43) Failure to comply with the requirements of section 98204
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 98205
to submit to the department of health in accordance with a court 98206
order a complete report as described in section 2919.171 or 98207
2919.202 of the Revised Code; 98208

(44) Practicing at a facility that is subject to licensure 98209
as a category III terminal distributor of dangerous drugs with a 98210
pain management clinic classification unless the person 98211
operating the facility has obtained and maintains the license 98212
with the classification; 98213

- (45) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification; 98214
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- (46) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code; 98218
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- (47) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 98223
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- (48) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana; 98227
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- (49) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code; 98231
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- (50) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code; 98233
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- (51) Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that is not a hospital when a child is born alive; 98236
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- (52) Violation of section 4731.77 of the Revised Code; 98240
- (53) Failure of a physician supervising a certified mental 98241

health assistant to maintain supervision in accordance with the 98242
requirements of Chapter 4772. of the Revised Code and the rules 98243
adopted under that chapter; 98244

(54) Failure to comply with the requirements of section 98245
3705.16 of the Revised Code when certifying a decedent's cause 98246
of death and completing and signing the medical certificate of 98247
death. 98248

(C) Disciplinary actions taken by the board under 98249
divisions (A) and (B) of this section shall be taken pursuant to 98250
an adjudication under Chapter 119. of the Revised Code, except 98251
that in lieu of an adjudication, the board may enter into a 98252
consent agreement with an individual to resolve an allegation of 98253
a violation of this chapter or any rule adopted under it. A 98254
consent agreement, when ratified by an affirmative vote of not 98255
fewer than six members of the board, shall constitute the 98256
findings and order of the board with respect to the matter 98257
addressed in the agreement. If the board refuses to ratify a 98258
consent agreement, the admissions and findings contained in the 98259
consent agreement shall be of no force or effect. 98260

A telephone conference call may be utilized for 98261
ratification of a consent agreement that revokes or suspends an 98262
individual's license or certificate to practice or certificate 98263
to recommend. The telephone conference call shall be considered 98264
a special meeting under division (F) of section 121.22 of the 98265
Revised Code. 98266

If the board takes disciplinary action against an 98267
individual under division (B) of this section for a second or 98268
subsequent plea of guilty to, or judicial finding of guilt of, a 98269
violation of section 2919.123 or 2919.124 of the Revised Code, 98270
the disciplinary action shall consist of a suspension of the 98271

individual's license or certificate to practice for a period of 98272
at least one year or, if determined appropriate by the board, a 98273
more serious sanction involving the individual's license or 98274
certificate to practice. Any consent agreement entered into 98275
under this division with an individual that pertains to a second 98276
or subsequent plea of guilty to, or judicial finding of guilt 98277
of, a violation of that section shall provide for a suspension 98278
of the individual's license or certificate to practice for a 98279
period of at least one year or, if determined appropriate by the 98280
board, a more serious sanction involving the individual's 98281
license or certificate to practice. 98282

(D) For purposes of divisions (B) (10), (12), and (14) of 98283
this section, the commission of the act may be established by a 98284
finding by the board, pursuant to an adjudication under Chapter 98285
119. of the Revised Code, that the individual committed the act. 98286
The board does not have jurisdiction under those divisions if 98287
the trial court renders a final judgment in the individual's 98288
favor and that judgment is based upon an adjudication on the 98289
merits. The board has jurisdiction under those divisions if the 98290
trial court issues an order of dismissal upon technical or 98291
procedural grounds. 98292

(E) The sealing or expungement of conviction records by 98293
any court shall have no effect upon a prior board order entered 98294
under this section or upon the board's jurisdiction to take 98295
action under this section if, based upon a plea of guilty, a 98296
judicial finding of guilt, or a judicial finding of eligibility 98297
for intervention in lieu of conviction, the board issued a 98298
notice of opportunity for a hearing prior to the court's order 98299
to seal or expunge the records. The board shall not be required 98300
to seal, expunge, destroy, redact, or otherwise modify its 98301
records to reflect the court's sealing of conviction records. 98302

(F) (1) The board shall investigate evidence that appears 98303
to show that a person has violated any provision of this chapter 98304
or any rule adopted under it. Any person may report to the board 98305
in a signed writing any information that the person may have 98306
that appears to show a violation of any provision of this 98307
chapter or any rule adopted under it. In the absence of bad 98308
faith, any person who reports information of that nature or who 98309
testifies before the board in any adjudication conducted under 98310
Chapter 119. of the Revised Code shall not be liable in damages 98311
in a civil action as a result of the report or testimony. Each 98312
complaint or allegation of a violation received by the board 98313
shall be assigned a case number and shall be recorded by the 98314
board. 98315

(2) Investigations of alleged violations of this chapter 98316
or any rule adopted under it shall be supervised by the 98317
supervising member elected by the board in accordance with 98318
section 4731.02 of the Revised Code and by the secretary as 98319
provided in section 4731.39 of the Revised Code. The president 98320
may designate another member of the board to supervise the 98321
investigation in place of the supervising member. Upon a vote of 98322
the majority of the board to authorize the addition of a 98323
consumer member in the supervision of any part of any 98324
investigation, the president shall designate a consumer member 98325
for supervision of investigations as determined by the 98326
president. The authorization of consumer member participation in 98327
investigation supervision may be rescinded by a majority vote of 98328
the board. No member of the board who supervises the 98329
investigation of a case shall participate in further 98330
adjudication of the case. 98331

(3) In investigating a possible violation of this chapter 98332
or any rule adopted under this chapter, or in conducting an 98333

inspection under division (E) of section 4731.054 of the Revised 98334
Code, the board may question witnesses, conduct interviews, 98335
administer oaths, order the taking of depositions, inspect and 98336
copy any books, accounts, papers, records, or documents, issue 98337
subpoenas, and compel the attendance of witnesses and production 98338
of books, accounts, papers, records, documents, and testimony, 98339
except that a subpoena for patient record information shall not 98340
be issued without consultation with the attorney general's 98341
office and approval of the secretary of the board. 98342

(a) Before issuance of a subpoena for patient record 98343
information, the secretary shall determine whether there is 98344
probable cause to believe that the complaint filed alleges a 98345
violation of this chapter or any rule adopted under it and that 98346
the records sought are relevant to the alleged violation and 98347
material to the investigation. The subpoena may apply only to 98348
records that cover a reasonable period of time surrounding the 98349
alleged violation. 98350

(b) On failure to comply with any subpoena issued by the 98351
board and after reasonable notice to the person being 98352
subpoenaed, the board may move for an order compelling the 98353
production of persons or records pursuant to the Rules of Civil 98354
Procedure. 98355

(c) A subpoena issued by the board may be served by a 98356
sheriff, the sheriff's deputy, or a board employee or agent 98357
designated by the board. Service of a subpoena issued by the 98358
board may be made by delivering a copy of the subpoena to the 98359
person named therein, reading it to the person, or leaving it at 98360
the person's usual place of residence, usual place of business, 98361
or address on file with the board. When serving a subpoena to an 98362
applicant for or the holder of a license or certificate issued 98363

under this chapter, service of the subpoena may be made by 98364
certified mail, return receipt requested, and the subpoena shall 98365
be deemed served on the date delivery is made or the date the 98366
person refuses to accept delivery. If the person being served 98367
refuses to accept the subpoena or is not located, service may be 98368
made to an attorney who notifies the board that the attorney is 98369
representing the person. 98370

(d) A sheriff's deputy who serves a subpoena shall receive 98371
the same fees as a sheriff. Each witness who appears before the 98372
board in obedience to a subpoena shall receive the fees and 98373
mileage provided for under section 119.094 of the Revised Code. 98374

(4) All hearings, investigations, and inspections of the 98375
board shall be considered civil actions for the purposes of 98376
section 2305.252 of the Revised Code. 98377

(5) A report required to be submitted to the board under 98378
this chapter, a complaint, or information received by the board 98379
pursuant to an investigation or pursuant to an inspection under 98380
division (E) of section 4731.054 of the Revised Code is 98381
confidential and not subject to discovery in any civil action. 98382

The board shall conduct all investigations or inspections 98383
and proceedings in a manner that protects the confidentiality of 98384
patients and persons who file complaints with the board. The 98385
board shall not make public the names or any other identifying 98386
information about patients or complainants unless proper consent 98387
is given or, in the case of a patient, a waiver of the patient 98388
privilege exists under division (B) of section 2317.02 of the 98389
Revised Code, except that consent or a waiver of that nature is 98390
not required if the board possesses reliable and substantial 98391
evidence that no bona fide physician-patient relationship 98392
exists. 98393

The board may share any information it receives pursuant 98394
to an investigation or inspection, including patient records and 98395
patient record information, with law enforcement agencies, other 98396
licensing boards, and other governmental agencies that are 98397
prosecuting, adjudicating, or investigating alleged violations 98398
of statutes or administrative rules. An agency or board that 98399
receives the information shall comply with the same requirements 98400
regarding confidentiality as those with which the state medical 98401
board must comply, notwithstanding any conflicting provision of 98402
the Revised Code or procedure of the agency or board that 98403
applies when it is dealing with other information in its 98404
possession. In a judicial proceeding, the information may be 98405
admitted into evidence only in accordance with the Rules of 98406
Evidence, but the court shall require that appropriate measures 98407
are taken to ensure that confidentiality is maintained with 98408
respect to any part of the information that contains names or 98409
other identifying information about patients or complainants 98410
whose confidentiality was protected by the state medical board 98411
when the information was in the board's possession. Measures to 98412
ensure confidentiality that may be taken by the court include 98413
sealing its records or deleting specific information from its 98414
records. 98415

No person shall knowingly access, use, or disclose 98416
confidential investigatory information in a manner prohibited by 98417
law. 98418

(6) On a quarterly basis, the board shall prepare a report 98419
that documents the disposition of all cases during the preceding 98420
three months. The report shall contain the following information 98421
for each case with which the board has completed its activities: 98422

(a) The case number assigned to the complaint or alleged 98423

violation; 98424

(b) The type of license or certificate to practice, if 98425
any, held by the individual against whom the complaint is 98426
directed; 98427

(c) A description of the allegations contained in the 98428
complaint; 98429

(d) Whether witnesses were interviewed; 98430

(e) Whether the individual against whom the complaint is 98431
directed is the subject of any pending complaints; 98432

(f) The disposition of the case. 98433

The report shall state how many cases are still pending 98434
and shall be prepared in a manner that protects the identity of 98435
each person involved in each case. The report shall be a public 98436
record under section 149.43 of the Revised Code. 98437

(7) The board may provide a status update regarding an 98438
investigation to a complainant on request if the board verifies 98439
the complainant's identity. 98440

(G) (1) If either of the following circumstances occur, the 98441
secretary and supervising member may recommend that the board 98442
suspend an individual's license or certificate to practice or 98443
certificate to recommend without a prior hearing: 98444

(a) The secretary and supervising member determine both of 98445
the following: 98446

(i) That there is clear and convincing evidence that an 98447
individual has violated division (B) of this section; 98448

(ii) That the individual's continued practice presents a 98449
danger of immediate and serious harm to the public. 98450

(b) The board receives verifiable information that a
licensee has been charged in any state or federal court with a
crime classified as a felony under the charging court's law and
the conduct constitutes a violation of division (B) of this
section.

(2) If a recommendation is made to suspend without a prior
hearing pursuant to division (G)(1) of this section, written
allegations shall be prepared for consideration by the board.
The board, upon review of those allegations and by an
affirmative vote of not fewer than six of its members, excluding
the secretary and supervising member, may suspend a license or
certificate without a prior hearing. A telephone conference call
may be utilized for reviewing the allegations and taking the
vote on the summary suspension.

The board shall serve a written order of suspension in
accordance with sections 119.05 and 119.07 of the Revised Code.
~~The order shall not be subject to suspension by the court during
pendency of any appeal filed under section 119.12 of the Revised
Code.~~ If the individual subject to the summary suspension
requests an adjudicatory hearing by the board, the date set for
the hearing shall be within fifteen days, but not earlier than
seven days, after the individual requests the hearing, unless
otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division~~ (G)
(2) of this section is not a final appealable order and is not
an adjudication that may be appealed under section 119.12 of the
Revised Code. The summary suspension shall remain in effect,
~~unless reversed on appeal,~~ until a final adjudicative order
issued by the board pursuant to this section and Chapter 119. of
the Revised Code becomes effective. Once a final adjudicative

order has been issued by the board, any party adversely affected 98481
by it may file an appeal in accordance with the requirements of 98482
Chapter 119. of the Revised Code. ~~The~~ 98483

The board shall issue its final adjudicative order within 98484
seventy-five days after completion of its hearing. A failure to 98485
issue the order within seventy-five days shall result in 98486
dissolution of the summary suspension order but shall not 98487
invalidate any subsequent, final adjudicative order. 98488

(H) If the board takes action under division (B) (9), (11), 98489
or (13) of this section and the judicial finding of guilt, 98490
guilty plea, or judicial finding of eligibility for intervention 98491
in lieu of conviction is overturned on appeal, upon exhaustion 98492
of the criminal appeal, a petition for reconsideration of the 98493
order may be filed with the board along with appropriate court 98494
documents. Upon receipt of a petition of that nature and 98495
supporting court documents, the board shall reinstate the 98496
individual's license or certificate to practice. The board may 98497
then hold an adjudication under Chapter 119. of the Revised Code 98498
to determine whether the individual committed the act in 98499
question. Notice of an opportunity for a hearing shall be given 98500
in accordance with Chapter 119. of the Revised Code. If the 98501
board finds, pursuant to an adjudication held under this 98502
division, that the individual committed the act or if no hearing 98503
is requested, the board may order any of the sanctions 98504
identified under division (B) of this section. 98505

(I) The license or certificate to practice issued to an 98506
individual under this chapter and the individual's practice in 98507
this state are automatically suspended as of the date of the 98508
individual's second or subsequent plea of guilty to, or judicial 98509
finding of guilt of, a violation of section 2919.123 or 2919.124 98510

of the Revised Code. In addition, the license or certificate to 98511
practice or certificate to recommend issued to an individual 98512
under this chapter and the individual's practice in this state 98513
are automatically suspended as of the date the individual pleads 98514
guilty to, is found by a judge or jury to be guilty of, or is 98515
subject to a judicial finding of eligibility for intervention in 98516
lieu of conviction in this state or treatment or intervention in 98517
lieu of conviction in another jurisdiction for any of the 98518
following criminal offenses in this state or a substantially 98519
equivalent criminal offense in another jurisdiction: aggravated 98520
murder, murder, voluntary manslaughter, felonious assault, 98521
trafficking in persons, kidnapping, rape, sexual battery, gross 98522
sexual imposition, aggravated arson, aggravated robbery, or 98523
aggravated burglary. Continued practice after suspension shall 98524
be considered practicing without a license or certificate. 98525

The board shall notify the individual subject to the 98526
suspension in accordance with sections 119.05 and 119.07 of the 98527
Revised Code. If an individual whose license or certificate is 98528
automatically suspended under this division fails to make a 98529
timely request for an adjudication under Chapter 119. of the 98530
Revised Code, the board shall do whichever of the following is 98531
applicable: 98532

(1) If the automatic suspension under this division is for 98533
a second or subsequent plea of guilty to, or judicial finding of 98534
guilt of, a violation of section 2919.123 or 2919.124 of the 98535
Revised Code, the board shall enter an order suspending the 98536
individual's license or certificate to practice for a period of 98537
at least one year or, if determined appropriate by the board, 98538
imposing a more serious sanction involving the individual's 98539
license or certificate to practice. 98540

(2) In all circumstances in which division (I) (1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for

reinstatement of the license or certificate or for issuance of a 98571
new license or certificate. 98572

(M) Notwithstanding any other provision of the Revised 98573
Code, all of the following apply: 98574

(1) The surrender of a license or certificate issued under 98575
this chapter shall not be effective unless or until accepted by 98576
the board. A telephone conference call may be utilized for 98577
acceptance of the surrender of an individual's license or 98578
certificate to practice. The telephone conference call shall be 98579
considered a special meeting under division (F) of section 98580
121.22 of the Revised Code. Reinstatement of a license or 98581
certificate surrendered to the board requires an affirmative 98582
vote of not fewer than six members of the board. 98583

(2) An application for a license or certificate made under 98584
the provisions of this chapter may not be withdrawn without 98585
approval of the board. 98586

(3) Failure by an individual to renew a license or 98587
certificate to practice in accordance with this chapter or a 98588
certificate to recommend in accordance with rules adopted under 98589
section 4731.301 of the Revised Code does not remove or limit 98590
the board's jurisdiction to take any disciplinary action under 98591
this section against the individual. 98592

(4) The placement of an individual's license on retired 98593
status, as described in section 4731.283 of the Revised Code, 98594
does not remove or limit the board's jurisdiction to take any 98595
disciplinary action against the individual with regard to the 98596
license as it existed before being placed on retired status. 98597

(5) At the request of the board, a license or certificate 98598
holder shall immediately surrender to the board a license or 98599

certificate that the board has suspended, revoked, or 98600
permanently revoked. 98601

(N) Sanctions shall not be imposed under division (B) (28) 98602
of this section against any person who waives deductibles and 98603
copayments as follows: 98604

(1) In compliance with the health benefit plan that 98605
expressly allows such a practice. Waiver of the deductibles or 98606
copayments shall be made only with the full knowledge and 98607
consent of the plan purchaser, payer, and third-party 98608
administrator. Documentation of the consent shall be made 98609
available to the board upon request. 98610

(2) For professional services rendered to any other person 98611
authorized to practice pursuant to this chapter, to the extent 98612
allowed by this chapter and rules adopted by the board. 98613

(O) Under the board's investigative duties described in 98614
this section and subject to division (F) of this section, the 98615
board shall develop and implement a quality intervention program 98616
designed to improve through remedial education the clinical and 98617
communication skills of individuals authorized under this 98618
chapter to practice medicine and surgery, osteopathic medicine 98619
and surgery, and podiatric medicine and surgery. In developing 98620
and implementing the quality intervention program, the board may 98621
do all of the following: 98622

(1) Offer in appropriate cases as determined by the board 98623
an educational and assessment program pursuant to an 98624
investigation the board conducts under this section; 98625

(2) Select providers of educational and assessment 98626
services, including a quality intervention program panel of case 98627
reviewers; 98628

(3) Make referrals to educational and assessment service 98629
providers and approve individual educational programs 98630
recommended by those providers. The board shall monitor the 98631
progress of each individual undertaking a recommended individual 98632
educational program. 98633

(4) Determine what constitutes successful completion of an 98634
individual educational program and require further monitoring of 98635
the individual who completed the program or other action that 98636
the board determines to be appropriate; 98637

(5) Adopt rules in accordance with Chapter 119. of the 98638
Revised Code to further implement the quality intervention 98639
program. 98640

An individual who participates in an individual 98641
educational program pursuant to this division shall pay the 98642
financial obligations arising from that educational program. 98643

(P) The board shall not refuse to issue a license to an 98644
applicant because of a conviction, plea of guilty, judicial 98645
finding of guilt, judicial finding of eligibility for 98646
intervention in lieu of conviction, or the commission of an act 98647
that constitutes a criminal offense, unless the refusal is in 98648
accordance with section 9.79 of the Revised Code. 98649

(Q) A license or certificate to practice or certificate to 98650
recommend issued to an individual under this chapter and an 98651
individual's practice under this chapter in this state are 98652
automatically suspended if the individual's license or 98653
certificate to practice a health care occupation or provide 98654
health care services is suspended, revoked, or surrendered or 98655
relinquished in lieu of discipline by an agency responsible for 98656
authorizing, certifying, or regulating an individual to practice 98657

a health care occupation or provide health care services in this 98658
state or another jurisdiction. The automatic suspension begins 98659
immediately upon entry of the order by the agency and lasts for 98660
ninety days to permit the board to investigate the basis for the 98661
action under this chapter. Continued practice during the 98662
automatic suspension shall be considered practicing without a 98663
license or certificate. 98664

The board shall notify the individual subject to the 98665
automatic suspension by certified mail or in person in 98666
accordance with section 119.07 of the Revised Code. If an 98667
individual subject to an automatic suspension under this 98668
division fails to make a timely request for an adjudication 98669
under Chapter 119. of the Revised Code, the board is not 98670
required to hold a hearing, but may adopt, by an affirmative 98671
vote of not fewer than six of its members, a final order that 98672
contains the board's findings. In that final order, the board 98673
may order any of the sanctions identified under division (A) or 98674
(B) of this section. 98675

Sec. 4731.2210. (A) As used in this section: 98676

(1) "Key third party" means an individual closely involved 98677
in a patient's decision-making regarding health care services, 98678
including a patient's spouse or partner, parents, children, 98679
siblings, or guardians. An individual's status as a key third 98680
party ceases upon termination of a practitioner-patient 98681
relationship or termination of the relationship between a 98682
patient and the individual. 98683

(2) "Practitioner" means any of the following: 98684

(a) An individual authorized under this chapter to 98685
practice medicine and surgery, osteopathic medicine and surgery, 98686

podiatric medicine and surgery, or a limited branch of medicine; 98687

(b) An individual licensed under Chapter 4730. of the 98688
Revised Code to practice as a physician assistant; 98689

(c) An individual authorized under Chapter 4759. of the 98690
Revised Code to practice as a dietitian; 98691

(d) An individual authorized under Chapter 4760. of the 98692
Revised Code to practice as an anesthesiologist assistant; 98693

(e) An individual authorized under Chapter 4761. of the 98694
Revised Code to practice respiratory care; 98695

(f) An individual authorized under Chapter 4762. of the 98696
Revised Code to practice as an acupuncturist ~~or oriental~~ 98697
~~medicine practitioner;~~ 98698

(g) An individual authorized under Chapter 4772. of the 98699
Revised Code to practice as a certified mental health assistant; 98700

(h) An individual authorized under Chapter 4774. of the 98701
Revised Code to practice as a radiologist assistant; 98702

~~(h)~~ (i) An individual licensed under Chapter 4778. of the 98703
Revised Code to practice as a genetic counselor. 98704

(3) "Sexual misconduct" has the same meaning as in section 98705
4731.224 of the Revised Code. 98706

(B) Except as provided in division (D) of this section, 98707
the state medical board may require a practitioner that is 98708
subject to a probationary order of the board ~~that is made on or~~ 98709
~~after the effective date of this section, and that~~ involves a 98710
circumstance described in division (C) of this section, to 98711
provide to each patient, or to the patient's guardian or a key 98712
third party, a written disclosure signed by the practitioner 98713

that includes all of the following: 98714

(1) The practitioner's probation status; 98715

(2) The total length of the probation; 98716

(3) The probation end date; 98717

(4) Practice restrictions placed on the practitioner by 98718
the board; 98719

(5) The board's telephone number; 98720

(6) An explanation of how the patient can find additional 98721
information regarding the probation on the practitioner's 98722
profile page on the board's internet web site. 98723

The written disclosure, if required by the board, shall be 98724
provided before the patient's first visit following the 98725
probationary order of the board. The practitioner shall obtain a 98726
copy of the disclosure signed by the patient, or the patient's 98727
guardian or a key third party, and maintain the signed copy in 98728
the patient's medical record. The signed copy shall be made 98729
available to the board immediately upon request. 98730

(C) The written disclosure described in division (B) of 98731
this section applies in both of the following circumstances: 98732

(1) Issuance by the board of a final order, final 98733
adjudicative order under Chapter 119. of the Revised Code, or a 98734
consent agreement that is ratified by an affirmative vote of not 98735
fewer than six members of the board establishing any of the 98736
following: 98737

(a) Commission of any act of sexual misconduct with a 98738
patient or key third party; 98739

(b) Drug or alcohol abuse directly resulting in patient 98740

harm, or that impairs the ability of the practitioner to 98741
practice safely; 98742

(c) Criminal conviction directly resulting in harm to 98743
patient health; 98744

(d) Inappropriate prescribing directly resulting in 98745
patient harm. 98746

(2) A statement of issues alleged that the practitioner 98747
committed any of the acts described in divisions (C) (1) (a) 98748
through (d) and, notwithstanding a lack of admission of guilt, a 98749
consent agreement ratified by an affirmative vote of not fewer 98750
than six members of the board includes express acknowledgement 98751
that the disclosure requirements of this section would serve to 98752
protect the public interest. 98753

(D) Written disclosure as described in this section is not 98754
required in the following circumstances: 98755

(1) The patient is unconscious or otherwise unable to 98756
comprehend the disclosure and sign it, and a guardian or a key 98757
third party is unavailable to comprehend and sign it; 98758

(2) The direct patient interaction occurs in an emergency 98759
department or otherwise occurs as an immediate result of a 98760
medical emergency; 98761

(3) The practitioner does not have a direct treatment 98762
relationship with the patient and does not have direct contact 98763
or direct communication with the patient. 98764

(E) The board shall provide the following information 98765
regarding practitioners on probation and those practicing under 98766
probationary status, in plain view on a practitioner's profile 98767
page on the board's internet web site: 98768

(1) Formal action documents detailing the citation, 98769
reports and recommendations, board order, and consent agreement; 98770

(2) The length of the probation and the end date; 98771

(3) Practice restrictions placed on the practitioner by 98772
the board. 98773

(F) The board shall provide a sample probation disclosure 98774
letter on its internet web site to be used by practitioners to 98775
comply with this section. 98776

Sec. 4731.256. (A) In addition to all other powers and 98777
duties conferred on the monitoring organization under contract 98778
with the state medical board pursuant to section 4731.25 of the 98779
Revised Code, the board shall require the monitoring 98780
organization to implement this section as a condition of 98781
entering into and maintaining the contract. 98782

(B) Not later than thirty days after the effective date of 98783
this section, the monitoring organization, in collaboration with 98784
the Ohio state medical association and Ohio hospital 98785
association, shall create a foundation to be operated for the 98786
sole purpose of supporting programs approved under the criteria 98787
established by sections 4731.25 to 4731.254 of the Revised Code 98788
and any rules adopted under section 4731.255 of the Revised 98789
Code. Once the foundation is created, the monitoring 98790
organization shall notify the treasurer of state. 98791

As part of organizing the foundation's operations, the 98792
monitoring organization, in collaboration with the other 98793
creating entities, shall establish a three-member governing 98794
board. The members shall consist of one individual appointed by 98795
the chief executive officer of the monitoring organization, one 98796
individual appointed by the chief executive officer of Ohio 98797

state medical association, and one individual appointed by the 98798
chief executive officer of the Ohio hospital association. Any 98799
vacancy in the membership shall be filled in the same manner as 98800
the original appointment. 98801

The foundation's governing board shall hold at least one 98802
meeting each year to approve an annual plan for the disbursement 98803
of funds held by the foundation. In determining the amount to be 98804
disbursed, the governing board shall consider factors related to 98805
the cost of providing monitoring services, the revenue generated 98806
from participants who receive services from the monitoring 98807
organization, and the extent to which the monitoring 98808
organization's services are being used, particularly by 98809
individuals who are applicants and practitioners, as those terms 98810
are defined in section 4731.25 of the Revised Code. 98811

The determination of the amount to be disbursed under this 98812
section is solely a power and duty of the foundation's governing 98813
board. 98814

Sec. 4731.92. (A) As used in this section, "physician" 98815
means an individual authorized under this chapter to practice 98816
medicine and surgery, osteopathic medicine and surgery, or 98817
podiatric medicine and surgery. 98818

(B) (1) Subject to division (B) (2) of this section, and 98819
notwithstanding any provision of this chapter or rule adopted by 98820
the state medical board, a physician may do either of the 98821
following without having examined an individual to whom glucagon 98822
may be administered: 98823

(a) Personally furnish a supply of injectable or nasally 98824
administered glucagon for use in accordance with section 98825
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 98826

5180.262 of the Revised Code; 98827

(b) Issue a prescription for injectable or nasally 98828
administered glucagon for use in accordance with section 98829
3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, or ~~5101.78~~ 98830
5180.262 of the Revised Code. 98831

(2) Injectable or nasally administered glucagon personally 98832
furnished or prescribed under division (B) (1) of this section 98833
must be furnished or prescribed in such a manner that it may be 98834
administered only in a manufactured dosage form. 98835

(C) A physician who acts in good faith in accordance with 98836
this section is not liable for or subject to any of the 98837
following for any action or omission of an entity to which 98838
injectable or nasally administered glucagon is furnished or a 98839
prescription is issued: damages in any civil action, prosecution 98840
in any criminal proceeding, or professional disciplinary action. 98841

Sec. 4731.96. (A) As used in this section and section 98842
4731.961 of the Revised Code, "physician" means an individual 98843
authorized under this chapter to practice medicine and surgery, 98844
osteopathic medicine and surgery, or podiatric medicine and 98845
surgery. 98846

(B) (1) Subject to division (B) (2) of this section, and 98847
notwithstanding any provision of this chapter or rule adopted by 98848
the state medical board, a physician may do either of the 98849
following without having examined an individual to whom 98850
epinephrine may be administered: 98851

(a) Personally furnish a supply of epinephrine 98852
autoinjectors for use in accordance with sections 3313.7110, 98853
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 98854
~~5101.76~~ 5180.26 of the Revised Code; 98855

(b) Issue a prescription for epinephrine autoinjectors for 98856
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 98857
3326.28, 3328.29, 3728.03 to 3728.05, and ~~5101.76~~ 5180.26 of the 98858
Revised Code. 98859

(2) An epinephrine autoinjector personally furnished or 98860
prescribed under division (B) (1) of this section must be 98861
furnished or prescribed in such a manner that it may be 98862
administered only in a manufactured dosage form. 98863

(C) A physician who acts in good faith in accordance with 98864
this section is not liable for or subject to any of the 98865
following for any action or omission of an entity to which an 98866
epinephrine autoinjector is furnished or a prescription is 98867
issued: damages in any civil action, prosecution in any criminal 98868
proceeding, or professional disciplinary action. 98869

Sec. 4731.99. (A) Whoever violates section 4731.41, 98870
4731.43, or 4731.60 of the Revised Code is guilty of a felony of 98871
the fifth degree on a first offense and a felony of the fourth 98872
degree on each subsequent offense. 98873

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 98874
of the Revised Code is guilty of a misdemeanor of the fourth 98875
degree on a first offense and a misdemeanor of the first degree 98876
on each subsequent offense. 98877

(C) Whoever violates section 4731.46 or 4731.47 of the 98878
Revised Code is guilty of a felony of the fifth degree. 98879

(D) Whoever violates section 4731.48 of the Revised Code 98880
is guilty of a misdemeanor of the fourth degree. 98881

(E) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 98882
(D), or (E) of section 4731.224 of the Revised Code is guilty of 98883
a minor misdemeanor on a first offense and a misdemeanor of the 98884

fourth degree on each subsequent offense, except that an 98885
individual guilty of a subsequent offense shall not be subject 98886
to imprisonment, but to a fine alone of up to one thousand 98887
dollars for each offense. 98888

(2) Whoever violates division (B) (2) or (C) (3) of section 98889
4731.224 of the Revised Code is guilty of ~~failure to report~~ 98890
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 98891
fourth degree. ~~If the offender has previously been convicted of~~ 98892
~~a violation of this division, the failure to report is on a~~ 98893
first offense and a misdemeanor of the first degree on each 98894
subsequent offense. 98895

(F) Whoever violates section 4731.481 of the Revised Code 98896
is guilty of a misdemeanor of the first degree. 98897

(G) Whoever violates division (F) (5) of section 4731.22 of 98898
the Revised Code is guilty of ~~disclosing confidential~~ 98899
~~investigatory information,~~ a misdemeanor of the first degree. 98900

Sec. 4735.01. As used in this chapter: 98901

(A) "Real estate broker" includes any person, partnership, 98902
association, limited liability company, limited liability 98903
partnership, or corporation, foreign or domestic, who for 98904
another, whether pursuant to a power of attorney or otherwise, 98905
and who for a fee, commission, or other valuable consideration, 98906
or with the intention, or in the expectation, or upon the 98907
promise of receiving or collecting a fee, commission, or other 98908
valuable consideration does any of the following: 98909

(1) Sells, exchanges, purchases, rents, or leases, or 98910
negotiates the sale, exchange, purchase, rental, or leasing of 98911
any real estate; 98912

(2) Offers, attempts, or agrees to negotiate the sale, 98913

exchange, purchase, rental, or leasing of any real estate; 98914

(3) Lists, or offers, attempts, or agrees to list, or 98915
auctions, or offers, attempts, or agrees to auction, any real 98916
estate; 98917

(4) Buys or offers to buy, sells or offers to sell, or 98918
otherwise deals in options on real estate; 98919

(5) Operates, manages, or rents, or offers or attempts to 98920
operate, manage, or rent, other than as custodian, caretaker, or 98921
janitor, any building or portions of buildings to the public as 98922
tenants; 98923

(6) Advertises or holds self out as engaged in the 98924
business of selling, exchanging, purchasing, renting, or leasing 98925
real estate; 98926

(7) Directs or assists in the procuring of prospects or 98927
the negotiation of any transaction, other than mortgage 98928
financing, which does or is calculated to result in the sale, 98929
exchange, leasing, or renting of any real estate; 98930

(8) Is engaged in the business of charging an advance fee 98931
or contracting for collection of a fee in connection with any 98932
contract whereby the broker undertakes primarily to promote the 98933
sale, exchange, purchase, rental, or leasing of real estate 98934
through its listing in a publication issued primarily for such 98935
purpose, or for referral of information concerning such real 98936
estate to brokers, or both, except that this division does not 98937
apply to a publisher of listings or compilations of sales of 98938
real estate by their owners; 98939

(9) Collects rental information for purposes of referring 98940
prospective tenants to rental units or locations of such units 98941
and charges the prospective tenants a fee. 98942

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree or certificate programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited

liability partnership, or corporation, foreign or domestic, who 98971
for another, whether pursuant to a power of attorney or 98972
otherwise, and who for a fee, commission, or other valuable 98973
consideration, or with the intention, or in the expectation, or 98974
upon the promise of receiving or collecting a fee, commission, 98975
or other valuable consideration, does or deals in any act or 98976
transaction specified or comprehended in division (A) of this 98977
section with respect to foreign real estate. 98978

(G) "Foreign real estate salesperson" means any person 98979
associated with a licensed foreign real estate dealer to do or 98980
deal in any act or transaction specified or comprehended in 98981
division (A) of this section with respect to foreign real 98982
estate, for compensation or otherwise. 98983

(H) Any person, partnership, association, limited 98984
liability company, limited liability partnership, or 98985
corporation, who, for another, in consideration of compensation, 98986
by fee, commission, salary, or otherwise, or with the intention, 98987
in the expectation, or upon the promise of receiving or 98988
collecting a fee, does, or offers, attempts, or agrees to engage 98989
in, any single act or transaction contained in the definition of 98990
a real estate broker, whether an act is an incidental part of a 98991
transaction, or the entire transaction, shall be constituted a 98992
real estate broker or real estate salesperson under this 98993
chapter. 98994

(I) (1) The terms "real estate broker," "real estate 98995
salesperson," "foreign real estate dealer," and "foreign real 98996
estate salesperson" do not include a person, partnership, 98997
association, limited liability company, limited liability 98998
partnership, or corporation, or the regular employees thereof, 98999
who perform any of the acts or transactions specified or 99000

comprehended in division (A) of this section, whether or not 99001
for, or with the intention, in expectation, or upon the promise 99002
of receiving or collecting a fee, commission, or other valuable 99003
consideration: 99004

(a) With reference to real estate situated in this state 99005
owned by such person, partnership, association, limited 99006
liability company, limited liability partnership, or 99007
corporation, or acquired on its own account in the regular 99008
course of, or as an incident to the management of the property 99009
and the investment in it; 99010

(b) As receiver or trustee in bankruptcy, as guardian, 99011
executor, administrator, trustee, assignee, commissioner, or any 99012
person doing the things mentioned in this section, under 99013
authority or appointment of, or incident to a proceeding in, any 99014
court, or as a bona fide public officer, or as executor, 99015
trustee, or other bona fide fiduciary under any trust agreement, 99016
deed of trust, will, or other instrument that has been executed 99017
in good faith creating a like bona fide fiduciary obligation; 99018

(c) As a public officer while performing the officer's 99019
official duties; 99020

(d) As an attorney at law in the performance of the 99021
attorney's duties; 99022

(e) As a person who engages in the brokering of the sale 99023
of business assets, not including the sale, lease, exchange, or 99024
assignment of any interest in real estate; 99025

(f) As a person who engages in the sale of manufactured 99026
homes as defined in division (C) (4) of section 3781.06 of the 99027
Revised Code, or of mobile homes as defined in division (O) of 99028
section 4501.01 of the Revised Code, provided the sale does not 99029

include the negotiation, sale, lease, exchange, or assignment of 99030
any interest in real estate; 99031

(g) As a person who engages in the sale of commercial real 99032
estate pursuant to the requirements of section 4735.022 of the 99033
Revised Code; 99034

(h) As an oil and gas land professional in the performance 99035
of the oil and gas land professional's duties, provided the oil 99036
and gas land professional is not engaged in the purchase or sale 99037
of a fee simple absolute interest in oil and gas or other real 99038
estate and the oil and gas land professional complies with 99039
division (A) of section 4735.023 of the Revised Code; 99040

(i) As an oil and gas land professional employed by the 99041
person, partnership, association, limited liability company, 99042
limited liability partnership, or corporation for which the oil 99043
and gas land professional is performing the oil and gas land 99044
professional's duties. 99045

(2) A person, partnership, association, limited liability 99046
company, limited liability partnership, or corporation exempt 99047
under division (I)(1)(a) of this section shall be limited by the 99048
legal interest in the real estate held by that person or entity 99049
to performing any of the acts or transactions specified in or 99050
comprehended by division (A) of this section. 99051

(J) "Disabled licensee" means a person licensed pursuant 99052
to this chapter who is under a severe disability which is of 99053
such a nature as to prevent the person from being able to attend 99054
any instruction lasting at least three hours in duration. 99055

(K) "Division of real estate" may be used interchangeably 99056
with, and for all purposes has the same meaning as, "division of 99057
real estate and professional licensing." 99058

(L) "Superintendent" or "superintendent of real estate" 99059
means the superintendent of the division of real estate and 99060
professional licensing of this state. Whenever the division or 99061
superintendent of real estate is referred to or designated in 99062
any statute, rule, contract, or other document, the reference or 99063
designation shall be deemed to refer to the division or 99064
superintendent of real estate and professional licensing, as the 99065
case may be. 99066

(M) "Inactive license" means the license status in which a 99067
salesperson's license is in the possession of the division, 99068
renewed as required under this chapter or rules adopted under 99069
this chapter, and not associated with a real estate broker. 99070

(N) "Broker's license on deposit" means the license status 99071
in which a broker's license is in the possession of the division 99072
of real estate and professional licensing and renewed as 99073
required under this chapter or rules adopted under this chapter. 99074

(O) "Suspended license" means the license status that 99075
prohibits a licensee from providing services that require a 99076
license under this chapter for a specified interval of time. 99077

(P) "Reactivate" means the process prescribed by the 99078
superintendent of real estate and professional licensing to 99079
remove a license from an inactive, suspended, or broker's 99080
license on deposit status to allow a licensee to provide 99081
services that require a license under this chapter. 99082

(Q) "Revoked" means the license status in which the 99083
license is void and not eligible for reactivation. 99084

(R) "Commercial real estate" means any parcel of real 99085
estate in this state other than real estate containing one to 99086
four residential units. "Commercial real estate" does not 99087

include single-family residential units such as condominiums, 99088
townhouses, manufactured homes, or homes in a subdivision when 99089
sold, leased, or otherwise conveyed on a unit-by-unit basis, 99090
even when those units are a part of a larger building or parcel 99091
of real estate containing more than four residential units. 99092

(S) "Out-of-state commercial broker" includes any person, 99093
partnership, association, limited liability company, limited 99094
liability partnership, or corporation that is licensed to do 99095
business as a real estate broker in a jurisdiction other than 99096
Ohio. 99097

(T) "Out-of-state commercial salesperson" includes any 99098
person affiliated with an out-of-state commercial broker who is 99099
not licensed as a real estate salesperson in Ohio. 99100

(U) "Exclusive right to sell or lease listing agreement" 99101
means an agency agreement between a seller and broker that meets 99102
the requirements of section 4735.55 of the Revised Code and does 99103
both of the following: 99104

(1) Grants the broker the exclusive right to represent the 99105
seller in the sale or lease of the seller's property; 99106

(2) Provides the broker will be compensated if the broker, 99107
the seller, or any other person or entity produces a purchaser 99108
or tenant in accordance with the terms specified in the listing 99109
agreement or if the property is sold or leased during the term 99110
of the listing agreement to anyone other than to specifically 99111
exempted persons or entities. 99112

(V) "Exclusive agency agreement" means an agency agreement 99113
between a seller and broker that meets the requirements of 99114
section 4735.55 of the Revised Code and does both of the 99115
following: 99116

(1) Grants the broker the exclusive right to represent the 99117
seller in the sale or lease of the seller's property; 99118

(2) Provides the broker will be compensated if the broker 99119
or any other person or entity produces a purchaser or tenant in 99120
accordance with the terms specified in the listing agreement or 99121
if the property is sold or leased during the term of the listing 99122
agreement, unless the property is sold or leased solely through 99123
the efforts of the seller or to the specifically exempted 99124
persons or entities. 99125

(W) "Exclusive purchaser agency agreement" means an agency 99126
agreement between a purchaser or tenant and a broker that meets 99127
the requirements of section 4735.55 of the Revised Code and does 99128
both of the following: 99129

(1) Grants the broker the exclusive right to represent the 99130
purchaser or tenant in the purchase or lease of property; 99131

(2) Provides the broker will be compensated in accordance 99132
with the terms specified in the exclusive agency agreement or if 99133
a property is purchased or leased by the purchaser or tenant 99134
during the term of the agency agreement unless the property is 99135
specifically exempted in the agency agreement. 99136

The agreement may authorize the broker to receive 99137
compensation from the seller or the seller's agent and may 99138
provide that the purchaser or tenant is not obligated to 99139
compensate the broker if the property is purchased or leased 99140
solely through the efforts of the purchaser or tenant. 99141

(X) "Seller" means a party in a real estate transaction 99142
who is the potential transferor of property. "Seller" includes 99143
an owner of property who is seeking to sell the property and a 99144
landlord who is seeking to rent or lease property to another 99145

person. 99146

(Y) "Resigned" means the license status in which a license 99147
has been voluntarily and permanently surrendered to or is 99148
otherwise in the possession of the division of real estate and 99149
professional licensing, may not be renewed or reactivated in 99150
accordance with the requirements specified in this chapter or 99151
the rules adopted pursuant to it, and is not associated with a 99152
real estate broker. 99153

(Z) "Bona fide" means made in good faith or without 99154
purpose of circumventing license law. 99155

(AA) "Associate broker" means an individual licensed as a 99156
real estate broker under this chapter who does not function as 99157
the principal broker or a management level licensee. 99158

(BB) "Brokerage" means a corporation, partnership, limited 99159
partnership, association, limited liability company, limited 99160
liability partnership, or sole proprietorship, foreign or 99161
domestic, that has been issued a broker's license. "Brokerage" 99162
includes the affiliated licensees who have been assigned 99163
management duties that include supervision of licensees whose 99164
duties may conflict with those of other affiliated licensees. 99165

(CC) Except as provided in section 4735.011 of the Revised 99166
Code, "eligible course" means a credit or noncredit course 99167
offered by an institution of higher education that may be 99168
applied toward the requirements for a degree or certificate at 99169
the institution. 99170

(DD) "Distance education" means courses required by 99171
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 99172
and (J) of section 4735.09, and division (A) of section 4735.141 99173
of the Revised Code in which instruction is accomplished through 99174

use of interactive, electronic media and where the teacher and 99175
student are separated by distance or time, or both. 99176

(EE) "Licensee" means any individual licensed as a real 99177
estate broker or salesperson by the Ohio real estate commission 99178
pursuant to this chapter. 99179

(FF) "Management level licensee" means a licensee who is 99180
employed by or affiliated with a real estate broker and who has 99181
supervisory responsibility over other licensees employed by or 99182
affiliated with that real estate broker. 99183

(GG) "Oil and gas land professional" means a person 99184
regularly engaged in the preparation and negotiation of 99185
agreements for the purpose of exploring for, transporting, 99186
producing, or developing oil and gas mineral interests, 99187
including, but not limited to, oil and gas leases and pipeline 99188
easements. 99189

(HH) "Principal broker" means an individual licensed as a 99190
real estate broker under this chapter who oversees and directs 99191
the operations of the brokerage. 99192

(II) "Right-to-list home sale agreement" means an 99193
agreement whereby the owner of residential real estate agrees to 99194
provide another person with exclusive rights to list the real 99195
estate for sale at a future date in exchange for monetary 99196
consideration, or an equivalent to monetary consideration, and 99197
that meets one or both of the following: 99198

(1) The agreement states that it runs with the land or 99199
otherwise purports to bind future owners of the residential real 99200
estate; 99201

(2) The agreement purports to be a lien, encumbrance, or 99202
other real property security interest. 99203

(JJ) "Nonexclusive agency agreement" means an agency 99204
agreement between a purchaser, tenant, or seller and a broker 99205
that meets the requirements of section 4735.55 of the Revised 99206
Code and does both of the following: 99207

(1) Grants the broker the nonexclusive right to represent 99208
the purchaser, tenant, or seller in the purchase, sale, or lease 99209
of property; 99210

(2) Provides the broker will be compensated in accordance 99211
with the terms specified in the nonexclusive agency agreement, 99212
and the purchaser, tenant, or seller may obtain services from 99213
other brokers or brokerage firms, subject to the terms of the 99214
nonexclusive agency agreement. 99215

Sec. 4735.06. ~~(A)~~ (A) (1) Application for a license as a 99216
real estate broker shall be made to the superintendent of real 99217
estate on forms furnished by the superintendent and filed with 99218
the superintendent and shall be signed by the applicant or its 99219
members or officers. 99220

(2) Each application shall state the name of the person 99221
applying and the location of the place of business for which the 99222
license is desired, and give such other information as the 99223
superintendent requires in the form of application prescribed by 99224
the superintendent. 99225

(3) Each application shall include the address of the 99226
applicant's current residence or, if the applicant is not an 99227
individual, the address of the current residence of each of the 99228
applicant's members or officers. 99229

(4) The superintendent shall retain residential addresses 99230
submitted under division (A) (3) of this section as separate 99231
records that do not constitute public records for the purposes 99232

of section 149.43 of the Revised Code. 99233

(B) (1) If the applicant is a partnership, limited 99234
liability company, limited liability partnership, or 99235
association, the names of all the members also shall be stated, 99236
and, if the applicant is a corporation, the names of its 99237
president and of each of its officers also shall be stated. 99238

The superintendent has the right to reject the application 99239
of any partnership, association, limited liability company, 99240
limited liability partnership, or corporation if the name 99241
proposed to be used by such partnership, association, limited 99242
liability company, limited liability partnership, or corporation 99243
is likely to mislead the public or if the name is not such as to 99244
distinguish it from the name of any existing partnership, 99245
association, limited liability company, limited liability 99246
partnership, or corporation licensed under this chapter, unless 99247
there is filed with the application the written consent of such 99248
existing partnership, association, limited liability company, 99249
limited liability partnership, or corporation, executed by a 99250
duly authorized representative of it, permitting the use of the 99251
name of such existing partnership, association, limited 99252
liability company, limited liability partnership, or 99253
corporation. 99254

(2) The superintendent shall approve the use of a trade 99255
name by a brokerage, if the name meets both of the following 99256
criteria: 99257

(a) The proposed name is not the same as or is clearly 99258
distinguishable from a name registered with the division of real 99259
estate and professional licensing by another existing brokerage. 99260
If the superintendent determines that the proposed name is not 99261
clearly distinguishable from any other existing brokerage, the 99262

superintendent may approve the use of the trade name if there is 99263
filed with the superintendent the written consent of the 99264
existing brokerage with the same or similar name. 99265

(b) The name is not misleading or likely to mislead the 99266
public. 99267

(3) The superintendent may approve the use of more than 99268
one trade name for a brokerage. 99269

(4) When a brokerage has received the approval of the 99270
superintendent to conduct business under one or more trade 99271
names, those trade names shall be the only identifying names 99272
used by the brokerage in all advertising. 99273

(C) A fee of one hundred thirty-five dollars shall 99274
accompany the application for a real estate broker's license. 99275
The initial licensing period commences at the time the license 99276
is issued and ends on the applicant's first birthday thereafter. 99277
However, if the applicant was an inactive or active salesperson 99278
immediately preceding application for a broker's license, then 99279
the initial licensing period shall commence at the time the 99280
broker's license is issued and ends on the date the licensee's 99281
continuing education is due as set when the applicant was a 99282
salesperson. The application fee shall be nonrefundable. A fee 99283
of one hundred thirty-five dollars shall be charged by the 99284
superintendent for each successive application made by an 99285
applicant. In the case of issuance of a three-year license, upon 99286
passing the examination, or upon waiver of the examination 99287
requirement, if the superintendent determines it is necessary, 99288
the applicant shall submit an additional fee determined by the 99289
superintendent based upon the number of years remaining in a 99290
real estate salesperson's licensing period. 99291

(D) The Ohio real estate commission may use the division 99292
of real estate operating fund created under section 4735.211 of 99293
the Revised Code in discharging the duties prescribed in 99294
divisions (E), (F), (G), and (H) of section 4735.03 of the 99295
Revised Code and may use it in the advancement of education and 99296
research in real estate at any institution of higher education 99297
in the state, or in contracting with any such institution or a 99298
trade organization for a particular research or educational 99299
project in the field of real estate, or in advancing loans, not 99300
exceeding two thousand dollars, to applicants for salesperson 99301
licenses, to defray the costs of satisfying the educational 99302
requirements of division (F) of section 4735.09 of the Revised 99303
Code. Such loans shall be made according to rules established by 99304
the commission under the procedures of Chapter 119. of the 99305
Revised Code, and they shall be repaid to the fund within three 99306
years of the time they are made. No more than twenty-five 99307
thousand dollars shall be lent from the fund in any one fiscal 99308
year. 99309

The governor may appoint a representative from the 99310
executive branch to be a member ex officio of the commission for 99311
the purpose of advising on research requests or educational 99312
projects. The commission shall report to the general assembly on 99313
the third Tuesday after the third Monday in January of each year 99314
setting forth the total amount contained in the fund and the 99315
amount of each research grant that it has authorized and the 99316
amount of each research grant requested. A copy of all research 99317
reports shall be submitted to the state library of Ohio and the 99318
library of the legislative service commission. 99319

(E) If the superintendent, with the consent of the 99320
commission, enters into an agreement with a national testing 99321
service to administer the real estate broker's examination, 99322

pursuant to division (A) of section 4735.07 of the Revised Code, 99323
the superintendent may require an applicant to pay the testing 99324
service's examination fee directly to the testing service. If 99325
the superintendent requires the payment of the examination fee 99326
directly to the testing service, each applicant shall submit to 99327
the superintendent a processing fee in an amount determined by 99328
the Ohio real estate commission pursuant to division (A)(2) of 99329
section 4735.10 of the Revised Code. 99330

Sec. 4735.09. (A) Application for a license as a real 99331
estate salesperson shall be made to the superintendent of real 99332
estate on forms furnished by the superintendent and signed by 99333
the applicant. The application shall be in the form prescribed 99334
by the superintendent and shall contain such information as is 99335
required by this chapter and the rules of the Ohio real estate 99336
commission. The application shall include the address of the 99337
applicant's current residence. The superintendent shall retain 99338
the applicant's current residence address in a separate record 99339
that does not constitute a public record for purposes of section 99340
149.43 of the Revised Code. The application shall be accompanied 99341
by the recommendation of the real estate broker with whom the 99342
applicant is associated or with whom the applicant intends to be 99343
associated, certifying that the applicant is honest and 99344
truthful, and has not been finally adjudged by a court to have 99345
violated any municipal, state, or federal civil rights laws 99346
relevant to the protection of purchasers or sellers of real 99347
estate, which conviction or adjudication the applicant has not 99348
disclosed to the superintendent, and recommending that the 99349
applicant be admitted to the real estate salesperson 99350
examination. 99351

(B) A fee of eighty-one dollars shall accompany the 99352
application, which fee includes the fee for the initial year of 99353

the licensing period, if a license is issued. The initial year 99354
of the licensing period commences at the time the license is 99355
issued and ends on the applicant's first birthday thereafter. 99356
The application fee shall be nonrefundable. A fee of eighty-one 99357
dollars shall be charged by the superintendent for each 99358
successive application made by the applicant. 99359

(C) There shall be no limit placed on the number of times 99360
an applicant may retake the examination. 99361

(D) The superintendent, with the consent of the 99362
commission, may enter into an agreement with a recognized 99363
national testing service to administer the real estate 99364
salesperson's examination under the superintendent's supervision 99365
and control, consistent with the requirements of this chapter as 99366
to the contents of the examination. 99367

If the superintendent, with the consent of the commission, 99368
enters into an agreement with a national testing service to 99369
administer the real estate salesperson's examination, the 99370
superintendent may require an applicant to pay the testing 99371
service's examination fee directly to the testing service. If 99372
the superintendent requires the payment of the examination fee 99373
directly to the testing service, each applicant shall submit to 99374
the superintendent a processing fee in an amount determined by 99375
the Ohio real estate commission pursuant to division (A)(1) of 99376
section 4735.10 of the Revised Code. 99377

(E) The superintendent shall issue a real estate 99378
salesperson's license when satisfied that the applicant has 99379
received a passing score on each portion of the salesperson's 99380
examination as determined by rule by the real estate commission. 99381

(F) No applicant for a salesperson's license shall take 99382

the salesperson's examination who has not established to the 99383
satisfaction of the superintendent that the applicant: 99384

(1) Is honest and truthful; 99385

(2) (a) Has not been convicted of a disqualifying offense 99386
as determined in accordance with section 9.79 of the Revised 99387
Code; 99388

(b) Has not been finally adjudged by a court to have 99389
violated any municipal, state, or federal civil rights laws 99390
relevant to the protection of purchasers or sellers of real 99391
estate or, if the applicant has been so adjudged, at least two 99392
years have passed since the court decision and the 99393
superintendent has disregarded the adjudication because the 99394
applicant has proven, by a preponderance of the evidence, that 99395
the applicant is honest and truthful, and there is no basis in 99396
fact for believing that the applicant again will violate the 99397
laws involved. 99398

(3) Has not, during any period in which the applicant was 99399
licensed under this chapter, violated any provision of, or any 99400
rule adopted pursuant to this chapter, or, if the applicant has 99401
violated such provision or rule, has established to the 99402
satisfaction of the superintendent that the applicant will not 99403
again violate such provision or rule; 99404

(4) Is at least eighteen years of age; 99405

(5) If born after the year 1950, has a high school diploma 99406
or a certificate of high school equivalence issued under section 99407
3301.80 of the Revised Code; 99408

(6) Has successfully completed at an institution of higher 99409
education all of the following eligible courses by either 99410
classroom instruction or distance education: 99411

- (a) Forty hours of instruction in real estate practice; 99412
- (b) Forty hours of instruction that includes the subjects 99413
of Ohio real estate law, municipal, state, and federal civil 99414
rights law, new case law on housing discrimination, 99415
desegregation issues, and methods of eliminating the effects of 99416
prior discrimination. If feasible, the instruction in Ohio real 99417
estate law shall be taught by a member of the faculty of an 99418
accredited law school. If feasible, the instruction in 99419
municipal, state, and federal civil rights law, new case law on 99420
housing discrimination, desegregation issues, and methods of 99421
eliminating the effects of prior discrimination shall be taught 99422
by a staff member of the Ohio civil rights commission who is 99423
knowledgeable with respect to those subjects. The requirements 99424
of this division do not apply to an applicant who is admitted to 99425
practice before the supreme court. 99426
- (c) Ten hours of instruction in real estate appraisal; 99427
- (d) Ten hours of instruction in real estate finance. 99428
- (G) (1) Successful completion of the instruction required 99429
by division (F) (6) of this section shall be determined by the 99430
law in effect on the date the instruction was completed. 99431
- (2) Division (F) (6) (c) of this section does not apply to 99432
any new applicant who holds a valid Ohio real estate appraiser 99433
license or certificate issued prior to the date of application 99434
for a real estate salesperson's license. 99435
- (H) Only for noncredit course offerings, an institution of 99436
higher education shall obtain approval from the appropriate 99437
state authorizing entity prior to offering a real estate course 99438
that is designed and marketed as satisfying the salesperson 99439
license education requirements of division (F) (6) of this 99440

section. The state authorizing entity may consult with the 99441
superintendent in reviewing the course for compliance with this 99442
section. 99443

(I) Any person who has not been licensed as a real estate 99444
salesperson or broker within a four-year period immediately 99445
preceding the person's current application for the salesperson's 99446
examination shall have successfully completed the prelicensure 99447
instruction required by division (F)(6) of this section within a 99448
ten-year period immediately preceding the person's current 99449
application for the salesperson's examination. 99450

(J) Not earlier than the date of issue of a real estate 99451
salesperson's license to a licensee, but not later than twelve 99452
months after the date of issue of a real estate salesperson 99453
license to a licensee, the licensee shall submit proof 99454
satisfactory to the superintendent, on forms made available by 99455
the superintendent, of the completion of twenty hours of 99456
instruction that shall be completed in schools, seminars, and 99457
educational institutions approved by the commission. The 99458
instruction shall include, but is not limited to, current 99459
practices relating to commercial real estate, property 99460
management, short sales, and land contracts; contract law; 99461
federal and state programs; economic conditions; and fiduciary 99462
responsibility. Approval of the curriculum and providers shall 99463
be granted according to rules adopted pursuant to section 99464
4735.10 of the Revised Code and may be taken through classroom 99465
instruction or distance education. 99466

If proof of completion of the required instruction is not 99467
submitted within twelve months of the date a license is issued 99468
under this section, the licensee's license is suspended 99469
automatically without the taking of any action by the 99470

superintendent. The superintendent immediately shall notify the 99471
broker with whom such salesperson is associated of the 99472
suspension of the salesperson's license. A salesperson whose 99473
license has been suspended under this division shall have twelve 99474
months after the date of the suspension of the salesperson's 99475
license to submit proof of successful completion of the 99476
instruction required under this division. No such license shall 99477
be reactivated by the superintendent until it is established, to 99478
the satisfaction of the superintendent, that the requirements of 99479
this division have been met and that the licensee is in 99480
compliance with this chapter. A licensee's license is revoked 99481
automatically without the taking of any action by the 99482
superintendent when the licensee fails to submit the required 99483
proof of completion of the education requirements under division 99484
(I) of this section within twelve months of the date the license 99485
is suspended. 99486

(K) Examinations shall be administered with reasonable 99487
accommodations in accordance with the requirements of the 99488
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 99489
U.S.C. 12189. The contents of an examination shall be consistent 99490
with the classroom instructional requirements of division (F)(6) 99491
of this section. An applicant who has completed the classroom 99492
instructional requirements of division (F)(6) of this section at 99493
the time of application shall be examined no later than twelve 99494
months after the applicant is notified of the applicant's 99495
admission to the examination. 99496

(L) Notwithstanding any provision of this chapter or 99497
Chapter 4796. of the Revised Code to the contrary, the 99498
superintendent shall issue a real estate salesperson's license 99499
in accordance with Chapter 4796. of the Revised Code to an 99500
applicant if both of the following apply: 99501

(1) The applicant satisfies the requirements specified in 99502
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 99503
applicable. 99504

(2) The applicant passes an examination on Ohio real 99505
estate law. 99506

Sec. 4735.55. (A) As used in this section: 99507

(1) "Residential real property" has the same meaning as in 99508
section 5302.30 of the Revised Code. 99509

(2) "Residential premises" and "tenant" ~~has~~ have the same 99510
~~meaning-meanings~~ as in section 5321.01 of the Revised Code. 99511

(B) ~~Prior to marketing~~ A licensee shall enter into a 99512
written agency agreement before doing any of the following: 99513

(1) Advertising or showing ~~a seller's~~ residential real 99514
property, ~~making~~ on behalf of a seller; 99515

(2) Making an offer to purchase residential real property 99516
on behalf of a purchaser, ~~or making~~; 99517

(3) Making an offer to lease a residential premises on 99518
behalf of a ~~purchaser~~ tenant for a term exceeding eighteen 99519
months, ~~a licensee shall enter into a written agency agreement~~
~~that contains.~~ 99520
99521

(C) The written agency agreement shall contain all of the 99522
following: 99523

(1) An expiration date; 99524

(2) A statement that it is illegal, pursuant to the Ohio 99525
fair housing law, division (H) of section 4112.02 of the Revised 99526
Code, and the federal fair housing law, 42 U.S.C.A. 3601, as 99527
amended, to refuse to sell, transfer, assign, rent, lease, 99528

sublease, or finance housing accommodations, refuse to negotiate 99529
for the sale or rental of housing accommodations, or otherwise 99530
deny or make unavailable housing accommodations because of race, 99531
color, religion, sex, familial status as defined in section 99532
4112.01 of the Revised Code, ancestry, military status as 99533
defined in that section, disability as defined in that section, 99534
or national origin or to so discriminate in advertising the sale 99535
or rental of housing, in the financing of housing, or in the 99536
provision of real estate brokerage services; 99537

(3) A statement defining the practice known as 99538
"blockbusting" and stating that it is illegal; 99539

(4) A copy of the United States department of housing and 99540
urban development equal housing opportunity logotype, as set 99541
forth in 24 C.F.R. 109.30, as amended; 99542

(5) A statement that the licensee is appointed as an agent 99543
of the client, and an indication of whether the agency 99544
relationship is exclusive or nonexclusive; 99545

(6) The terms by which the real estate broker is to be 99546
compensated; 99547

(7) A conspicuous statement that broker fees and 99548
commissions are not set by law, are fully negotiable, and may be 99549
paid by the seller, the buyer, the landlord, the tenant, or a 99550
third party, or by sharing or splitting the fees and commissions 99551
between brokers. 99552

~~(C)~~ (D) Each written agency agreement shall contain a place 99553
for the licensee and the client to sign and date the agreement. 99554

~~(D)~~ (E) A licensee shall furnish a copy of any written 99555
agency agreement to a client in a timely manner after the 99556
licensee and the client have signed and dated it. 99557

Sec. 4735.56. (A) Each brokerage shall develop a written 99558
brokerage policy on agency to be given to prospective sellers, 99559
tenants, and purchasers in accordance with ~~divisions (C) and (D)~~ 99560
~~of~~ this section. 99561

(B) The brokerage policy on agency described in division 99562
(A) of this section shall include all of the following 99563
information: 99564

(1) An explanation of the permissible agency relationships 99565
available under section 4735.53 of the Revised Code and the 99566
duties that the agent owes the agent's client; 99567

(2) The brokerage's policy on representation of purchasers 99568
or sellers; 99569

(3) Whether at some time during the agency relationship 99570
the brokerage and its licensee may act as a dual agent, and the 99571
options and consequences for the client if a dual agency 99572
situation arises including the right of the client to terminate 99573
the agency relationship and seek representation from another 99574
source; 99575

(4) Whether at some time during the agency relationship, 99576
another licensee affiliated with the same brokerage as the 99577
licensee may become the exclusive agent for the other party in 99578
the transaction and whether each licensee will represent only 99579
the interests of that licensee's client; 99580

(5) The brokerage's policy on cooperation with other 99581
brokerages, including whether the brokerage offers compensation 99582
to other brokerages or will seek compensation from other 99583
brokerages; 99584

(6) That a brokerage that has a purchaser as a client 99585
represents the purchaser's interests even though the seller's 99586

agent or the seller may compensate that purchaser's brokerage; 99587

(7) That the signature of the purchaser or the seller 99588
indicates acknowledgement of receipt of the brokerage policy on 99589
agency. 99590

(C) A licensee working directly with a seller in a real 99591
estate transaction shall provide the seller with the brokerage 99592
policy on agency described in this section at the time the 99593
licensee and seller enter into an agency agreement, if required 99594
by section 4735.55 of the Revised Code or, if an agency 99595
agreement is not required by that section, prior to ~~marketing-~~ 99596
advertising or showing the seller's real estate, and shall 99597
obtain a signature from the seller acknowledging receipt unless 99598
the seller refuses to provide a signature. If the seller refuses 99599
to provide a signature, the licensee shall note this on the 99600
policy. 99601

(D) A licensee working directly with a purchaser in a real 99602
estate transaction, whether as the purchaser's agent, the 99603
seller's agent, or the seller's subagent, shall provide the 99604
purchaser with the brokerage policy on agency described in this 99605
section and obtain a signature from the purchaser acknowledging 99606
receipt of the policy unless the purchaser refuses to provide a 99607
signature. If the purchaser refuses to provide a signature, the 99608
licensee shall note this on the policy. Except as provided in 99609
division (E) of this section, the licensee shall provide the 99610
brokerage policy on agency to a purchaser prior to the earliest 99611
of the following actions of the licensee: 99612

(1) Initiating a prequalification evaluation to determine 99613
whether the purchaser has the financial ability to purchase or 99614
lease a particular real estate property; 99615

(2) Requesting specific financial information from the purchaser to determine the purchaser's ability to purchase or finance real estate in a particular price range;

(3) Showing the real estate to the purchaser other than at an open house;

(4) Discussing, with the purchaser, the making of an offer to purchase or lease real estate;

(5) Submitting an offer to purchase or lease real estate on behalf of the purchaser;

(6) Entering into an agency agreement with the purchaser under section 4735.55 of the Revised Code.

(E) If the earliest event described in division (D) of this section is by telephone or electronic mail, the licensee shall disclose by that same medium the nature of the agency relationship that the licensee has with both the seller and the purchaser. The licensee shall provide the purchaser with the brokerage policy on agency described in this section at the first meeting with the purchaser following this disclosure of the agency relationship.

(F) A licensee acting as a seller's agent is not required to provide a purchaser with the brokerage policy on agency described in this section except in the case of an event described in division (D) of this section.

(G) The requirements of this section regarding provision of a brokerage policy on agency apply only in the following situations:

(1) The sale or lease of vacant land;

(2) The sale of a parcel of real estate containing one to

four residential units; 99644

(3) The leasing of residential premises as defined in 99645
section 5321.01 of the Revised Code, if the rental or lease 99646
agreement is for a term of more than eighteen months. 99647

Sec. 4735.80. (A) The superintendent of real estate shall, 99648
within one year after ~~the effective date of this section~~ April 3, 99649
2025, adopt rules in accordance with Chapter 119. of the Revised 99650
Code that require a licensee, prior to listing residential real 99651
estate for sale, exchange, or purchase, to provide to the seller 99652
a disclosure form, developed and maintained by the division of 99653
real estate, that outlines both of the following: 99654

(1) The federal and state laws that relate to anti- 99655
discrimination in the home-buying process with which a seller of 99656
residential real estate shall comply, including the laws listed 99657
in divisions ~~(B) (2)~~ (C) (2) and (3) of section 4735.55 of the 99658
Revised Code; 99659

(2) The penalties associated with violating any of the 99660
laws specified pursuant to division (A) (1) of this section. 99661

(B) No licensee shall market or show a seller's 99662
residential real estate before providing the seller with the 99663
disclosure required by this section and receiving a copy of that 99664
disclosure that is signed and dated by the seller. The licensee 99665
shall retain the signed and dated copy of the disclosure for not 99666
less than three years following the closing date on the seller's 99667
residential real estate. 99668

(C) Notwithstanding any provision of section 121.95 of the 99669
Revised Code to the contrary, a regulatory restriction contained 99670
in a rule adopted under this section is not subject to sections 99671
121.95 to 121.953 of the Revised Code. 99672

Sec. 4740.06. (A) Any individual who applies for a license 99673
shall file a written application with the appropriate specialty 99674
section of the Ohio construction industry licensing board, 99675
accompanied with the application fee as determined pursuant to 99676
section 4740.09 of the Revised Code. The application shall be on 99677
the form the section prescribes ~~and verified by the applicant's~~ 99678
~~oath~~. The applicant shall provide information satisfactory to 99679
the section showing that the applicant meets the requirements of 99680
division (B), (C), or (D) of this section. 99681

(B) To qualify to take an examination, an individual 99682
shall: 99683

(1) Be at least eighteen years of age; 99684

(2) Be a United States citizen or legal alien who produces 99685
valid documentation to demonstrate the individual is a legal 99686
resident of the United States; 99687

(3) Either have been a tradesperson in the type of 99688
licensed trade for which the application is filed for not less 99689
than five years immediately prior to the date the application is 99690
filed, be a currently registered engineer in this state with 99691
three years of business experience in the construction industry 99692
in the trade for which the engineer is applying to take an 99693
examination, or have other experience acceptable to the 99694
appropriate specialty section of the board; 99695

(4) Maintain contractor's liability insurance in an amount 99696
the appropriate specialty section of the board determines and 99697
only in one contracting company name; 99698

(5) Not have done any of the following: 99699

(a) Violated this chapter or any rule adopted pursuant to 99700
it; 99701

(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;

(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.

(C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;

(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code;

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an

agent in this state in accordance with section 1706.09 of the Revised Code.

(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall:

(a) Provide proof that the individual was actively engaged in the activities in the service of the uniformed services for at least three of the five years immediately preceding the date the application is submitted;

(b) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section.

(2) Each specialty section of the board may adopt a rule in accordance with Chapter 119. of the Revised Code to waive the requirement that an applicant under division (D) (1) (a) of this section has been actively engaged in the activity for three of the five years immediately preceding the date the application is submitted.

(E) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) or (D) of this section within thirty days after receiving a complete application that meets the requirements of that division.

(F) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division

(B), (C), or (D) of this section and passes the required 99760
examination, the appropriate specialty section of the board, 99761
within ninety days after the application was filed, shall 99762
authorize the administrative section of the board to license the 99763
applicant for the type of contractor's license for which the 99764
applicant qualifies. A specialty section of the board may 99765
withdraw its authorization to the administrative section for 99766
issuance of a license for good cause shown, on the condition 99767
that notice of that withdrawal is given prior to the 99768
administrative section's issuance of the license. 99769

(G) (1) Except as provided in division (G) (2) of this 99770
section, if an applicant does not pass the required examination, 99771
the applicant may retake the examination not less than sixty 99772
days after the applicant's most recent examination. 99773

(2) An applicant who does not pass the required 99774
examination after taking the examination five times under this 99775
section shall reapply for a license under division (A) of this 99776
section before retaking the required examination any subsequent 99777
time. 99778

(H) All licenses a contractor holds pursuant to this 99779
chapter shall expire annually on the same date, which shall be 99780
the expiration date of the original license the contractor 99781
holds. An individual holding a valid, unexpired license may 99782
renew the license, without reexamination, by submitting an 99783
application to the appropriate specialty section of the board 99784
not more than ninety calendar days before the expiration of the 99785
license, along with the renewal fee the specialty section 99786
requires and proof of compliance with the applicable continuing 99787
education requirements. The applicant shall provide information 99788
in the renewal application satisfactory to demonstrate to the 99789

appropriate specialty section that the applicant continues to 99790
meet the requirements of divisions (B) (2), (4), and (5) of this 99791
section. 99792

Upon application and within one calendar year after a 99793
license has expired, a section may waive any of the requirements 99794
for renewal of a license upon finding that an applicant 99795
substantially meets the renewal requirements or that failure to 99796
timely apply for renewal is due to excusable neglect. A section 99797
that waives requirements for renewal of a license may impose 99798
conditions upon the licensee and assess a late filing fee of not 99799
more than double the usual renewal fee. An applicant shall 99800
satisfy any condition the section imposes before a license is 99801
reissued. 99802

(I) An individual holding a valid license may request the 99803
section of the board that authorized that license to place the 99804
license in inactive status under conditions, and for a period of 99805
time, as that section determines. 99806

(J) Except for the ninety-day extension provided for a 99807
license assigned to a contracting company under division (D) of 99808
section 4740.07 of the Revised Code, a license held by an 99809
individual immediately terminates upon the death of the 99810
individual. 99811

(K) Nothing in any license issued by the Ohio construction 99812
industry licensing board shall be construed to limit or 99813
eliminate any requirement of or any license issued by the Ohio 99814
fire marshal. 99815

(L) (1) Subject to division (L) (3) of this section, no 99816
specialty section of the board shall adopt, maintain, renew, or 99817
enforce any rule, or otherwise preclude in any way, an 99818

individual from renewing a license under this chapter due to any 99819
past criminal activity or interpretation of moral character. If 99820
the specialty section denies an individual a license renewal, 99821
the reasons for such denial shall be put in writing. 99822

(2) The section may refuse to issue a license to an 99823
applicant because of a conviction of or plea of guilty to an 99824
offense if the refusal is in accordance with section 9.79 of the 99825
Revised Code. 99826

(3) In considering a renewal of an individual's license, 99827
the section shall not consider any conviction or plea of guilty 99828
prior to the initial licensing. However, the board may consider 99829
a conviction or plea of guilty if it occurred after the 99830
individual was initially licensed, or after the most recent 99831
license renewal. 99832

(4) The section may grant an individual a conditional 99833
license that lasts for one year. After the one-year period has 99834
expired, the license is no longer considered conditional, and 99835
the individual shall be considered fully licensed. 99836

(M) Notwithstanding divisions (H) and (L) of this section 99837
and sections 4740.04 and 4740.05 of the Revised Code, the board 99838
may establish rules that amend the continuing education 99839
requirements and license renewal schedule for licensees as 99840
provided in or adopted pursuant to those sections for the 99841
purpose of establishing a compliance incentive program. These 99842
rules may include provisions for the creation of the program and 99843
the qualifications, continuing education requirements, and 99844
renewal schedule for the program. 99845

Sec. 4743.05. (A) Except as otherwise provided in sections 99846
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 99847

the Revised Code, all money collected under Chapters 3773., 99848
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 99849
4732., 4733., 4734., 4741., 4744., 4747., 4753., 4755., 4757., 99850
4758., 4771., 4775., 4779., and 4781. of the Revised Code and 99851
all license, certificate, and permit fees received by the state 99852
board of education, including the fees established under section 99853
3319.51 of the Revised Code, shall be paid into the state 99854
treasury to the credit of the occupational licensing and 99855
regulatory fund, which is hereby created for use in 99856
administering such chapters and in paying the operating expenses 99857
of the state board of education. 99858

(B) At the end of each quarter, the director of budget and 99859
management shall transfer from the occupational licensing and 99860
regulatory fund to the nurse education assistance fund created 99861
in section 3333.28 of the Revised Code the amount certified to 99862
the director under division (B) of section 4723.08 of the 99863
Revised Code. 99864

(C) At the end of each quarter, the director shall 99865
transfer from the occupational licensing and regulatory fund to 99866
the certified public accountant education assistance fund 99867
created in section 4701.26 of the Revised Code the amount 99868
certified to the director under division (H) (2) of section 99869
4701.10 of the Revised Code. 99870

(D) On August 30, 2021, and every two years thereafter, 99871
the director shall transfer from the occupational licensing and 99872
regulatory fund to the veterinary student debt assistance fund 99873
created in section 4741.56 of the Revised Code the amount 99874
certified to the director under section 4741.57 of the Revised 99875
Code. 99876

Sec. 4743.09. (A) As used in this section: 99877

(1) "Durable medical equipment" means a type of equipment, 99878
such as a remote monitoring device utilized by a physician, 99879
physician assistant, or advanced practice registered nurse in 99880
accordance with this section, that can withstand repeated use, 99881
is primarily and customarily used to serve a medical purpose, 99882
and generally is not useful to a person in the absence of 99883
illness or injury and, in addition, includes repair and 99884
replacement parts for the equipment. 99885

(2) "Facility fee" means any fee charged or billed for 99886
telehealth services provided in a facility that is intended to 99887
compensate the facility for its operational expenses and is 99888
separate and distinct from a professional fee. 99889

(3) "Health care professional" means: 99890

(a) An advanced practice registered nurse, as defined in 99891
section 4723.01 of the Revised Code; 99892

(b) An optometrist licensed under Chapter 4725. of the 99893
Revised Code to practice optometry; 99894

(c) A pharmacist licensed under Chapter 4729. of the 99895
Revised Code; 99896

(d) A physician assistant licensed under Chapter 4730. of 99897
the Revised Code; 99898

(e) A physician licensed under Chapter 4731. of the 99899
Revised Code to practice medicine and surgery, osteopathic 99900
medicine and surgery, or podiatric medicine and surgery; 99901

(f) A psychologist, independent school psychologist, or 99902
school psychologist licensed under Chapter 4732. of the Revised 99903
Code; 99904

(g) A chiropractor licensed under Chapter 4734. of the 99905

Revised Code;	99906
(h) An audiologist or speech-language pathologist licensed	99907
under Chapter 4753. of the Revised Code;	99908
(i) An occupational therapist or physical therapist	99909
licensed under Chapter 4755. of the Revised Code;	99910
(j) An occupational therapy assistant or physical	99911
therapist assistant licensed under Chapter 4755. of the Revised	99912
Code;	99913
(k) A professional clinical counselor, independent social	99914
worker, independent marriage and family therapist, art	99915
therapist, or music therapist licensed under Chapter 4757. of	99916
the Revised Code;	99917
(l) An independent chemical dependency counselor licensed	99918
under Chapter 4758. of the Revised Code;	99919
(m) <u>A peer recovery supporter, youth peer supporter, or</u>	99920
<u>family peer supporter certified under Chapter 4758. of the</u>	99921
<u>Revised Code;</u>	99922
<u>(n)</u> A dietitian licensed under Chapter 4759. of the	99923
Revised Code;	99924
(n) <u>(o)</u> A respiratory care professional licensed under	99925
Chapter 4761. of the Revised Code;	99926
(o) <u>(p)</u> A genetic counselor licensed under Chapter 4778. of	99927
the Revised Code;	99928
(p) <u>(q)</u> A certified Ohio behavior analyst certified under	99929
Chapter 4783. of the Revised Code;	99930
(q) <u>(r)</u> A certified mental health assistant licensed under	99931
Chapter 4772. of the Revised Code.	99932

- (4) "Health care professional licensing board" means any 99933
of the following: 99934
- (a) The board of nursing; 99935
 - (b) The state vision professionals board; 99936
 - (c) The state board of pharmacy; 99937
 - (d) The state medical board; 99938
 - (e) The state board of psychology; 99939
 - (f) The state chiropractic board; 99940
 - (g) The state speech and hearing professionals board; 99941
 - (h) The Ohio occupational therapy, physical therapy, and 99942
athletic trainers board; 99943
 - (i) The counselor, social worker, and marriage and family 99944
therapist board; 99945
 - (j) The chemical dependency professionals board. 99946
- (5) "Health plan issuer" has the same meaning as in 99947
section 3922.01 of the Revised Code. 99948
- (6) "Telehealth services" means health care services 99949
provided through the use of information and communication 99950
technology by a health care professional, within the 99951
professional's scope of practice, who is located at a site other 99952
than the site where either of the following is located: 99953
- (a) The patient receiving the services; 99954
 - (b) Another health care professional with whom the 99955
provider of the services is consulting regarding the patient. 99956
- (B) (1) Each health care professional licensing board shall 99957

permit a health care professional under its jurisdiction to 99958
provide the professional's services as telehealth services in 99959
accordance with this section. Subject to division (B) (2) of this 99960
section, a board may adopt any rules it considers necessary to 99961
implement this section. All rules adopted under this section 99962
shall be adopted in accordance with Chapter 119. of the Revised 99963
Code. Any such rules adopted by a board are not subject to the 99964
requirements of division (F) of section 121.95 of the Revised 99965
Code. 99966

(2) (a) Except as provided in division (B) (2) (b) of this 99967
section, the rules adopted by a health care professional 99968
licensing board under this section shall establish a standard of 99969
care for telehealth services that is equal to the standard of 99970
care for in-person services. 99971

(b) Subject to division (B) (2) (c) of this section, a board 99972
may require an initial in-person visit prior to prescribing a 99973
schedule II controlled substance to a new patient, equivalent to 99974
applicable state and federal requirements. 99975

(c) (i) A board shall not require an initial in-person 99976
visit for a new patient whose medical record indicates that the 99977
patient is receiving hospice or palliative care, who is 99978
receiving medication-assisted treatment or any other medication 99979
for opioid-use disorder, who is a patient with a mental health 99980
condition, or who, as determined by the clinical judgment of a 99981
health care professional, is in an emergency situation. 99982

(ii) Notwithstanding division (B) of section 3796.01 of 99983
the Revised Code, medical marijuana shall not be considered a 99984
schedule II controlled substance. 99985

(C) With respect to the provision of telehealth services, 99986

all of the following apply: 99987

(1) A health care professional may use synchronous or 99988
asynchronous technology to provide telehealth services to a 99989
patient during an initial visit if the appropriate standard of 99990
care for an initial visit is satisfied. 99991

(2) A health care professional may deny a patient 99992
telehealth services and, instead, require the patient to undergo 99993
an in-person visit. 99994

(3) When providing telehealth services in accordance with 99995
this section, a health care professional shall comply with all 99996
requirements under state and federal law regarding the 99997
protection of patient information. A health care professional 99998
shall ensure that any username or password information and any 99999
electronic communications between the professional and a patient 100000
are securely transmitted and stored. 100001

(4) A health care professional may use synchronous or 100002
asynchronous technology to provide telehealth services to a 100003
patient during an annual visit if the appropriate standard of 100004
care for an annual visit is satisfied. 100005

(5) In the case of a health care professional who is a 100006
physician, physician assistant, or advanced practice registered 100007
nurse, both of the following apply: 100008

(a) The professional may provide telehealth services to a 100009
patient located outside of this state if permitted by the laws 100010
of the state in which the patient is located. 100011

(b) The professional may provide telehealth services 100012
through the use of medical devices that enable remote 100013
monitoring, including such activities as monitoring a patient's 100014
blood pressure, heart rate, or glucose level. 100015

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the cost of providing the services, but the requirement to do so applies only once.

(F) Nothing in this section limits or otherwise affects any other provision of the Revised Code that requires a health care professional who is not a physician to practice under the supervision of, in collaboration with, in consultation with, or pursuant to the referral of another health care professional.

(G) It is the intent of the general assembly, through the
amendments to this section, to expand access to and investment
in telehealth services in this state in congruence with the
expansion and investment in telehealth services made during the
COVID-19 pandemic.

Sec. 4743.10. (A) As used in this section:

(1) "Health care service" means medical care provided to
any patient at any time over the entire course of the patient's
treatment and may include one or more of the following: testing;
diagnosis; referral; dispensing or administering a drug,
medication, or device; psychological therapy or counseling;
research; prognosis; therapy; record making procedures and notes
related to treatment; preparation for or performance of a
surgery or procedure; or any other care or services performed or
provided by any medical practitioner.

(2) "Medical practitioner" means any person who
facilitates or participates in the provision of health care
services, including nursing, physician services, counseling and
social work, psychological and psychiatric services, research
services, surgical services, laboratory services, and the
provision of pharmaceuticals and may include any of the
following: any student or faculty at a medical, nursing, mental
health, or counseling institution of higher education or an
allied health professional, paraprofessional, or employee or
contractor of a health care institution.

(3) "Participation in a health care service" means to
provide, perform, assist with, facilitate, refer for, counsel
for, advise with regard to, admit for the purposes of providing,
or take part in any way in providing, any health care service.

(B) Notwithstanding any conflicting provision of the Revised Code, a medical practitioner, health care institution, or health care payer has the freedom to decline to perform, participate in, or pay for any health care service which violates the practitioner's, institution's, or payer's conscience as informed by the moral, ethical, or religious beliefs or principles held by the practitioner, institution, or payer, including when the procedure is ordered by a court. Exercise of the right of conscience is limited to conscience-based objections to a particular health care service.

(C) Whenever a situation arises in which a requested course of treatment includes a particular health care service that conflicts with the moral, ethical, or religious beliefs or convictions of a medical practitioner, the medical practitioner shall be excused from participating in the particular health care service to which the practitioner has a conflict.

When a medical practitioner becomes aware of the conflict, the medical practitioner shall notify the practitioner's supervisor, if applicable, and request to be excused from participating in the particular health care service that conflicts with the practitioner's beliefs or convictions.

When possible and when the medical practitioner is willing, the medical practitioner shall seek to transfer the patient to a colleague who will provide the requested health care service.

If participation in a transfer of care for a particular health care service violates the medical practitioner's beliefs or convictions or no willing colleague is identified, the patient shall be notified and provided the opportunity to seek an alternate medical practitioner. Upon patient request, the

patient's medical records shall be promptly released to the 100104
patient. 100105

The medical practitioner is responsible for providing all 100106
appropriate health care services, other than the particular 100107
health care service that conflicts with the medical 100108
practitioner's beliefs or convictions, until another medical 100109
practitioner or facility is available. 100110

(D) A medical practitioner, health care institution, or 100111
health care payer shall not be civilly, criminally, or 100112
administratively liable for exercising the practitioner's, 100113
institution's, or payer's right of conscience by declining to 100114
participate in or pay for a particular health care service. 100115

A health care institution shall not be civilly, 100116
criminally, or administratively liable for the exercise of 100117
conscience rights not to participate in a particular health care 100118
service by a medical practitioner who is employed by, under 100119
contract with, or granted admitting privileges by the health 100120
care institution. 100121

A medical practitioner, health care institution, or health 100122
care payer shall not be discriminated against or suffer any 100123
other adverse action as a result of declining to participate in 100124
or pay for a particular health care service on the basis of 100125
conscience. 100126

(E) Unless specifically prohibited by law, a medical 100127
practitioner shall not be discriminated against or suffer any 100128
adverse action for disclosing any information that the medical 100129
practitioner reasonably believes evinces any violation of this 100130
section or any other law, rule, or regulation; any violation of 100131
any standard of care or other ethical guidelines for the 100132

provision of any health care service; or gross mismanagement, a 100133
gross waste of funds, an abuse of authority, or a substantial 100134
and specific danger to public health or safety. 100135

(F) A civil action for damages, injunctive relief, or any 100136
other appropriate relief may be brought by any medical 100137
practitioner, health care institution, or health care payer for 100138
any violation of any provision of this section. 100139

Upon a finding of a violation of the rights of conscience 100140
in this section, a court shall award threefold the actual 100141
damages sustained and reasonable costs and attorney's fees. A 100142
court considering such civil action may also award injunctive 100143
relief, which may include reinstatement of a medical 100144
practitioner to the practitioner's previous position, 100145
reinstatement of board certification, and relicensure of a 100146
health care institution or health care payer. 100147

(G) This section shall not be construed to override the 100148
requirement to provide emergency medical treatment to all 100149
patients as set forth in 42 U.S.C. § 1395dd. 100150

(H) With respect to the right of a health care payer to 100151
decline to pay for a health care service as established in 100152
division (B) of this section, the payer's right to decline 100153
applies only to payments and health care services for which a 100154
contract has been entered into between the payer and 100155
policyholder on or after ~~the effective date of this section~~ 100156
September 30, 2021. 100157

Sec. 4749.01. As used in this chapter: 100158

(A) "Private investigator" means any person who engages in 100159
the business of private investigation. 100160

(B) "Business of private investigation" means, except when 100161

performed by one excluded under division (H) of this section, 100162
the conducting, for hire, in person or through a partner or 100163
employees, of any investigation relevant to any crime or wrong 100164
done or threatened, or to obtain information on the identity, 100165
habits, conduct, movements, whereabouts, affiliations, 100166
transactions, reputation, credibility, or character of any 100167
person, or to locate and recover lost or stolen property, or to 100168
determine the cause of or responsibility for any libel or 100169
slander, or any fire, accident, or damage to property, or to 100170
secure evidence for use in any legislative, administrative, or 100171
judicial investigation or proceeding. 100172

(C) "Security guard provider" means any person who engages 100173
in the business of security services. 100174

(D) "Business of security services" means either of the 100175
following: 100176

(1) Furnishing, for hire, watchpersons, guards, private 100177
patrol officers, or other persons whose primary duties are to 100178
protect persons or property; 100179

(2) Furnishing, for hire, guard dogs, or armored motor 100180
vehicle security services, in connection with the protection of 100181
persons or property. 100182

(E) "Class A license" means a license issued under section 100183
4749.03 of the Revised Code that qualifies the person issued the 100184
license to engage in the business of private investigation and 100185
the business of security services. 100186

(F) "Class B license" means a license issued under section 100187
4749.03 of the Revised Code that qualifies the person issued the 100188
license to engage only in the business of private investigation. 100189

(G) "Class C license" means a license issued under section 100190

4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.

(H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:

(1) Public officers and employees whose official duties require them to engage in investigatory activities;

(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;

(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:

(a) The issuance of consumer credit reports;

(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;

(c) The business of pre-employment background investigation. As used in division (H) (3) (c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.

- (4) Certified public insurance adjusters that hold a 100219
certificate of authority issued pursuant to sections 3951.01 to 100220
3951.09 of the Revised Code, while the adjuster is investigating 100221
the cause of or responsibility for a fire, accident, or other 100222
damage to property with respect to a claim or claims for loss or 100223
damage under a policy of insurance covering real or personal 100224
property; 100225
- (5) Personnel placement services and persons who act as 100226
employees of such entities engaged in investigating matters 100227
related to personnel placement activities; 100228
- (6) An employee in the regular course of the employee's 100229
employment, engaged in investigating matters pertinent to the 100230
business of the employee's employer or protecting property in 100231
the possession of the employee's employer, provided the employer 100232
is deducting all applicable state and federal employment taxes 100233
on behalf of the employee and neither the employer nor the 100234
employee is employed by, associated with, or acting for or on 100235
behalf of any private investigator or security guard provider; 100236
- (7) Any better business bureau or similar organization or 100237
any of its employees while engaged in the maintenance of the 100238
quality of business activities relating to consumer sales and 100239
services; 100240
- (8) An accountant who is registered or certified under 100241
Chapter 4701. of the Revised Code or any of the accountant's 100242
employees while engaged in activities for which the accountant 100243
is certified or registered; 100244
- (9) Any person who, for hire or otherwise, conducts 100245
genealogical research in this state. 100246
- As used in division (H) (9) of this section, "genealogical 100247

research" means the determination of the origins and descent of 100248
families, including the identification of individuals, their 100249
family relationships, and the biographical details of their 100250
lives. "Genealogical research" does not include furnishing for 100251
hire services for locating missing persons or natural or birth 100252
parents or children. 100253

(10) Any person residing in this state who conducts 100254
research for the purpose of locating the last known owner of 100255
unclaimed funds, provided that the person is in compliance with 100256
Chapter 169. of the Revised Code and rules adopted thereunder. 100257
The exemption set forth in division (H) (10) of this section 100258
applies only to the extent that the person is conducting 100259
research for the purpose of locating the last known owner of 100260
unclaimed funds. 100261

As used in division (H) (10) of this section, "owner" and 100262
"unclaimed funds" have the same meanings as in section 169.01 of 100263
the Revised Code. 100264

(11) A professional engineer who is registered under 100265
Chapter 4733. of the Revised Code or any of ~~his~~ the engineer's 100266
employees. 100267

As used in division (H) (11) of this section and 100268
notwithstanding division (I) of this section, "employee" has the 100269
same meaning as in section 4101.01 of the Revised Code. 100270

(12) Any person residing in this state who, for hire or 100271
otherwise, conducts research for the purpose of locating persons 100272
to whom the state of Ohio owes money in the form of warrants, as 100273
defined in section 131.01 of the Revised Code, that the state 100274
voided but subsequently reissues. 100275

(13) An independent insurance adjuster who, as an 100276

individual, an independent contractor, an employee of an 100277
independent contractor, adjustment bureau association, 100278
corporation, insurer, partnership, local recording agent, 100279
managing general agent, or self-insurer, engages in the business 100280
of independent insurance adjustment, or any person who 100281
supervises the handling of claims except while acting as an 100282
employee of an insurer licensed in this state while handling 100283
claims pertaining to specific policies written by that insurer. 100284

As used in division (H) (13) of this section, "independent 100285
insurance adjustment" means conducting investigations to 100286
determine the cause of or circumstances concerning a fire, 100287
accident, bodily injury, or damage to real or personal property; 100288
determining the extent of damage of that fire, accident, injury, 100289
or property damage; securing evidence for use in a legislative, 100290
administrative, or judicial investigation or proceeding, 100291
adjusting losses; and adjusting or settling claims, including 100292
the investigation, adjustment, denial, establishment of damages, 100293
negotiation, settlement, or payment of claims in connection with 100294
insurance contractors, self-insured programs, or other similar 100295
insurance programs. "Independent adjuster" does not include 100296
either of the following: 100297

(a) An attorney who adjusts insurance losses incidental to 100298
the practice of law and who does not advertise or represent that 100299
the attorney is an independent insurance adjuster; 100300

(b) A licensed agent or general agent of an insurer 100301
licensed in this state who processes undisputed or uncontested 100302
losses for insurers under policies issued by that agent or 100303
general agent. 100304

(14) Except for a commissioned peace officer who engages 100305
in the business of private investigation or compensates others 100306

who engage in the business of private investigation or the 100307
business of security services or both, any commissioned peace 100308
officer as defined in division (B) of section 2935.01 of the 100309
Revised Code. 100310

(15) Security personnel and contractors for a security 100311
organization under an approved physical protection program at a 100312
commercial nuclear power plant licensed by the United States 100313
nuclear regulatory commission, or its successor agency, while 100314
performing duties related to protecting the plant and nuclear 100315
material from threats, thefts, and sabotage. 100316

(I) "Employee" means every person who may be required or 100317
directed by any employer, in consideration of direct or indirect 100318
gain or profit, to engage in any employment, or to go, or work, 100319
or be at any time in any place of employment, provided that the 100320
employer of the employee deducts all applicable state and 100321
federal employment taxes on behalf of the employee. 100322

Sec. 4751.20. (A) Except as provided in section 4751.201 100323
of the Revised Code, and subject to section 4751.32 of the 100324
Revised Code, the board of executives of long-term services and 100325
supports shall issue a nursing home administrator license to an 100326
individual under this section if all of the following 100327
requirements are satisfied: 100328

(1) The individual has submitted to the board a completed 100329
application for the license in accordance with rules adopted 100330
under section 4751.04 of the Revised Code and paid an 100331
application fee of two hundred fifty dollars. 100332

(2) If the individual is required by rules adopted under 100333
section 4751.04 of the Revised Code to serve as a nursing home 100334
administrator ~~in training~~ resident, the individual has paid to 100335

the board the ~~administrator in training~~ application fee of two 100336
hundred fifty dollars. 100337

(3) The individual is at least twenty-one years of age. 100338

(4) The individual has successfully completed educational 100339
requirements and work experience specified in rules adopted 100340
under section 4751.04 of the Revised Code, including, if so 100341
required by the rules, experience obtained as a nursing home 100342
administrator ~~in training~~ resident. 100343

(5) The individual has complied with section 4776.02 of 100344
the Revised Code regarding a criminal records check. 100345

(6) The board, in accordance with section 9.79 of the 100346
Revised Code, has determined that the results of the criminal 100347
records check do not make the individual ineligible for the 100348
license. 100349

(7) Except as provided in division (B) of this section, 100350
the individual has passed the licensing examination administered 100351
under section 4751.15 of the Revised Code. 100352

(8) The individual has paid to the board three hundred 100353
fifty dollars for a temporary license issued under division (B) 100354
of this section. 100355

(9) The individual has paid to the board a license fee of 100356
two eight hundred ~~fifty~~ dollars. 100357

~~(9)~~ (10) The individual has satisfied any additional 100358
requirements as may be prescribed in rules adopted under section 100359
4751.04 of the Revised Code. 100360

(B) Beginning January 1, 2025, the operator of a nursing 100361
home may request that the board issue a nursing home 100362
administrator license to an individual who meets the 100363

requirements specified in division (A) of this section but has 100364
not passed the licensing examination administered under section 100365
4751.15 of the Revised Code, in order to fill a vacancy in the 100366
position of nursing home administrator at the nursing home 100367
resulting from a death, illness, or other unexpected cause. An 100368
individual issued a license under division (B) of this section 100369
shall submit to the board, not later than one hundred eighty 100370
days after a license is issued, satisfactory evidence that the 100371
individual has passed the licensing examination administered 100372
under section 4751.15 of the Revised Code. 100373

(C) A nursing home administrator license shall certify 100374
that the individual to whom it was issued has met the applicable 100375
requirements of this chapter and any applicable rules adopted 100376
under section 4751.04 of the Revised Code and is authorized to 100377
practice nursing home administration while the license is valid. 100378

Sec. 4751.24. (A) Subject to section 4751.32 of the 100379
Revised Code, a nursing home administrator license is valid for 100380
two years and may be renewed and reinstated in accordance with 100381
this section. 100382

(B) If a licensed nursing home administrator intends to 100383
continue to practice nursing home administration without 100384
interruption after the administrator's license expires, the 100385
administrator shall apply to the board of executives of long- 100386
term services and supports for a renewed nursing home 100387
administrator license. Subject to section 4751.32 of the Revised 100388
Code, the board shall renew the license if the administrator 100389
does all of the following before the license expires: 100390

(1) Submits to the board a completed application for 100391
license renewal in accordance with rules adopted under section 100392
4751.04 of the Revised Code; 100393

(2) Pays to the board the license renewal fee of ~~six~~eight hundred dollars; 100394
100395

(3) Submits to the board satisfactory evidence of having 100396
attended such continuing education programs or courses of study 100397
as may be prescribed in rules adopted under section 4751.04 of 100398
the Revised Code; 100399

(4) Satisfies any other requirements as may be prescribed 100400
in rules adopted under section 4751.04 of the Revised Code. 100401

(C) If a nursing home administrator license issued under 100402
section 4751.20 or 4751.201 of the Revised Code is not renewed 100403
before it expires, the individual who held the license may apply 100404
to the board for the license's reinstatement. Subject to section 100405
4751.32 of the Revised Code, the board shall reinstate the 100406
license if the individual does all of the following not later 100407
than one year after the date the license expired: 100408

(1) Submits to the board the completed application for 100409
license reinstatement in accordance with rules adopted under 100410
section 4751.04 of the Revised Code; 100411

(2) Pays to the board the license reinstatement fee equal 100412
to the sum of the following: 100413

(a) ~~Three~~Eight hundred dollars; 100414

(b) Fifty dollars for each calendar quarter that occurs 100415
during the period beginning on the date the license expires and 100416
ending on the last day of the calendar quarter during which the 100417
individual applies for license reinstatement, up to a maximum of 100418
two hundred dollars. 100419

(3) Submits to the board satisfactory evidence of having 100420
attended such continuing education programs or courses of study 100421

as may be prescribed in rules adopted by the board under section 100422
4751.04 of the Revised Code; 100423

(4) Satisfies any other requirements as may be prescribed 100424
in rules adopted under section 4751.04 of the Revised Code. 100425

(D) A licensed nursing home administrator who determines 100426
to temporarily abandon the practice of nursing home 100427
administration shall notify the board in writing immediately. 100428
The former administrator may thereafter resume the practice of 100429
nursing home administration within the state upon complying with 100430
the requirements of this section regarding biennial license 100431
renewal or license reinstatement, whichever is applicable. 100432

Sec. 4751.25. (A) Subject to section 4751.32 of the 100433
Revised Code, a health services executive license is valid for 100434
one year and may be renewed and reinstated in accordance with 100435
this section. 100436

(B) A licensed health services executive may apply to the 100437
board of executives of long-term services and supports for a 100438
renewed license. Subject to section 4751.32 of the Revised Code, 100439
the board shall renew the license if the licensed health 100440
services executive does all of the following before the license 100441
expires: 100442

(1) Submits to the board the completed application for 100443
license renewal in accordance with rules adopted under section 100444
4751.04 of the Revised Code; 100445

(2) Pays to the board the license renewal fee of ~~fifty-one~~ 100446
hundred dollars; 100447

(3) Submits to the board satisfactory evidence of having 100448
attended such continuing education programs or courses of study 100449
as may be prescribed in rules adopted under section 4751.04 of 100450

the Revised Code. 100451

(C) (1) If a health services executive license is not 100452
renewed before it expires, the individual who held the license 100453
may apply to the board for the license's reinstatement. Subject 100454
to section 4751.32 of the Revised Code, the board shall 100455
reinstate the license if the individual does all of the 100456
following not later than one year after the date the license 100457
expired: 100458

(a) Submits to the board the completed application for 100459
license reinstatement in accordance with rules adopted under 100460
section 4751.04 of the Revised Code; 100461

(b) Pays to the board the license reinstatement fee 100462
specified in division (C) (2) of this section; 100463

(c) Submits to the board satisfactory evidence of having 100464
attended such continuing education programs or courses of study 100465
as may be prescribed in rules adopted under section 4751.04 of 100466
the Revised Code. 100467

(2) The fee to reinstate a health services executive 100468
license under division (C) (1) of this section is the following: 100469

(a) If the individual applying for reinstatement has, at 100470
the same time, applied for reinstatement of a nursing home 100471
administrator license under division (C) of section 4751.24 of 100472
the Revised Code and paid the reinstatement fee required by 100473
division (C) (2) of that section, one hundred dollars; 100474

(b) If division (C) (2) (a) of this section does not apply 100475
to the individual, the sum of the following: 100476

(i) One hundred dollars; 100477

(ii) Twenty-five dollars for each calendar quarter that 100478

occurs during the period beginning on the date the license 100479
expired and ending on the last day of the calendar quarter 100480
during which the individual applies for license reinstatement, 100481
up to a maximum of one hundred dollars. 100482

Sec. 4757.41. (A) This chapter shall not apply to the 100483
following: 100484

(1) A person certified by the state board of education 100485
under Chapter 3319. of the Revised Code while performing any 100486
services within the person's scope of employment by a board of 100487
education or by a private school meeting the standards 100488
prescribed by the director of education and workforce under 100489
division (D) of section 3301.07 of the Revised Code or in a 100490
program operated under Chapter 5126. of the Revised Code for 100491
training individuals with developmental disabilities; 100492

(2) Psychologists, independent school psychologists, or 100493
school psychologists licensed under Chapter 4732. of the Revised 100494
Code; 100495

(3) Members of other professions licensed, certified, or 100496
registered by this state while performing services within the 100497
recognized scope, standards, and ethics of their respective 100498
professions; 100499

(4) Rabbis, priests, Christian science practitioners, 100500
clergy, or members of religious orders and other individuals 100501
participating with them in pastoral counseling when the 100502
counseling activities are within the scope of the performance of 100503
their regular or specialized ministerial duties and are 100504
performed under the auspices or sponsorship of an established 100505
and legally cognizable church, denomination, or sect or an 100506
integrated auxiliary of a church as defined in federal tax 100507

regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 100508
when the individual rendering the service remains accountable to 100509
the established authority of that church, denomination, sect, or 100510
integrated auxiliary; 100511

(5) Any person who is not licensed under this chapter as a 100512
licensed professional clinical counselor, licensed professional 100513
counselor, independent social worker, or social worker and is 100514
employed in the civil service as defined in section 124.01 of 100515
the Revised Code while engaging in professional counseling or 100516
social work as a civil service employee, if on July 10, 2014, 100517
the person has at least two years of service in that capacity; 100518

(6) A student in an accredited educational institution 100519
while carrying out activities that are part of the student's 100520
prescribed course of study if the activities are supervised as 100521
required by the educational institution and if the student does 100522
not hold herself or himself out as a person licensed or 100523
registered under this chapter; 100524

(7) An individual who holds a license or certificate under 100525
Chapter 4758. of the Revised Code who is acting within the scope 100526
of the individual's license or certificate as a member of the 100527
profession of ~~chemical dependency~~ substance use disorder 100528
~~counseling or~~, prevention services, or peer support services; 100529

(8) Any person employed by the American red cross while 100530
engaging in activities relating to services for military 100531
families and veterans and disaster relief, as described in the 100532
"American National Red Cross Act," 33 Stat. 599 (1905), 36 100533
U.S.C.A. 1, as amended; 100534

(9) Members of labor organizations who hold union 100535
counselor certificates while performing services in their 100536

official capacity as union counselors; 100537

(10) Any person employed in a hospital as defined in 100538
section 3727.01 of the Revised Code or in a nursing home as 100539
defined in section 3721.01 of the Revised Code while providing 100540
as a hospital employee or nursing home employee, respectively, 100541
social services other than counseling and the use of 100542
psychosocial interventions and social psychotherapy; 100543

(11) A vocational rehabilitation professional who is 100544
providing rehabilitation services to individuals under section 100545
3304.17 of the Revised Code, or holds certification by the 100546
commission on rehabilitation counselor certification and is 100547
providing rehabilitation counseling services consistent with the 100548
commission's standards; 100549

(12) A caseworker not licensed under this chapter as an 100550
independent social worker or social worker who is employed by a 100551
public children services agency under section 5153.112 of the 100552
Revised Code; 100553

(13) A person completing supervised experience to qualify 100554
for a license as an art therapist or music therapist, provided 100555
that experience is completed under the supervision of a licensed 100556
art therapist or music therapist, as applicable. 100557

(B) Divisions (A)(5) and (10) of this section do not 100558
prevent a person described in those divisions from obtaining a 100559
license or certificate of registration under this chapter. 100560

(C) Except as provided in divisions (A) and (D) of this 100561
section, no employee in the service of the state, including 100562
public employees as defined by Chapter 4117. of the Revised 100563
Code, shall engage in the practice of professional counseling, 100564
social work, or marriage and family therapy without the 100565

appropriate license issued by the board. Failure to comply with 100566
this division constitutes nonfeasance under section 124.34 of 100567
the Revised Code or just cause under a collective bargaining 100568
agreement. Nothing in this division restricts the director of 100569
administrative services from developing new classifications 100570
related to this division or from reassigning affected employees 100571
to appropriate classifications based on the employee's duties 100572
and qualifications. 100573

(D) Except as provided in division (A) of this section, an 100574
employee who was engaged in the practice of professional 100575
counseling, social work, or marriage and family therapy in the 100576
service of the state prior to July 10, 2014, including public 100577
employees as defined by Chapter 4117. of the Revised Code, shall 100578
comply with division (C) of this section within two years after 100579
July 10, 2014. Any such employee who fails to comply shall be 100580
removed from employment. 100581

(E) Nothing in this chapter prevents a public children 100582
services agency from employing as a caseworker a person not 100583
licensed under this chapter as an independent social worker or 100584
social worker who has the qualifications specified in section 100585
5153.112 of the Revised Code. 100586

Sec. 4758.01. As used in this chapter: 100587

(A) "Accredited educational institution" means an 100588
educational institution accredited by an accrediting agency 100589
accepted by the ~~Ohio board~~ department of regents higher 100590
education. 100591

~~(B) (1) "Alcohol and other drug clinical counseling~~ 100592
~~principles, methods, or procedures" means an approach to~~ 100593
~~chemical dependency counseling that emphasizes the chemical~~ 100594

~~dependency counselor's role in systematically assisting clients through all of the following:~~ 100595
100596

~~(a) Analyzing background and current information;~~ 100597

~~(b) Exploring possible solutions;~~ 100598

~~(c) Developing and providing a treatment plan;~~ 100599

~~(d) In the case of an independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III only, diagnosing chemical dependency conditions.~~ 100600
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~~(2) "Alcohol and other drug clinical counseling principles, methods, or procedures" includes counseling, assessing, consulting, and referral as they relate to chemical dependency conditions.~~ 100604
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~~(C) "Chemical dependency conditions" means those conditions relating to the abuse of or dependency on alcohol or other drugs that are classified in accepted nosologies, including the diagnostic and statistical manual of mental disorders and the international classification of diseases, and in editions of those nosologies published after December 23, 2002.~~ 100608
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~~(D) "Chemical dependency counseling" means rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol and other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs.~~ 100615
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~~(E) (B) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.~~ 100621
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(C) "Family peer support services" means services that 100623
promote resiliency and recovery, self-determination, advocacy, 100624
well-being, and skill development for caregivers and families of 100625
individuals with a mental illness or substance use disorder, or 100626
both, and who may also have a co-occurring developmental 100627
disability. 100628

(D) "Gambling disorder" means a persistent and recurring 100629
maladaptive gambling behavior that is classified in accepted 100630
nosologies, including the diagnostic and statistical manual of 100631
mental disorders and the international classification of 100632
diseases, and in editions of those nosologies published after 100633
September 15, 2014. 100634

~~(F)~~ (E) "Peer recovery support services" means services 100635
that promote resiliency and recovery, self-determination, 100636
advocacy, well-being, and skill development for individuals with 100637
a mental illness or substance use disorder, or both, and who may 100638
also have a co-occurring developmental disability, or the 100639
caregivers or families of the foregoing. 100640

(F) "Peer supporter" includes a peer recovery supporter, a 100641
youth peer supporter, or a family peer supporter certified under 100642
this chapter. 100643

(G) "Peer support services" means services that promote 100644
resiliency and recovery, self-determination, advocacy, well- 100645
being, and skill development for individuals, caregivers of, and 100646
families of individuals with a mental illness or substance use 100647
disorder, or both, and who may also have a co-occurring 100648
developmental disability. 100649

(H) "Prevention services" means a comprehensive, multi- 100650
system set of individual and environmental approaches that 100651

~~maximizes physical health, promotes safety, and precludes the~~ 100652
~~onset of behavioral health disorders~~ services that are a planned 100653
sequence of culturally relevant, evidenced-based strategies 100654
designed to reduce the likelihood of, or delay the onset of, 100655
mental, emotional, and behavioral disorders. 100656

~~(G)~~ (I) Unless the context provides otherwise, "scope of 100657
practice" means the services, methods, and techniques in which 100658
and the areas for which a person who holds a license, 100659
certificate, or endorsement under this chapter is trained and 100660
qualified. 100661

~~(H)~~ (J) "Substance abuse professional" has the same meaning 100662
as in 49 C.F.R. 40.3. 100663

~~(I)~~ (K) "Substance use disorder clinical counseling 100664
principles, methods, or procedures" means counseling, assessing, 100665
treatment planning, crisis intervention, and referral as they 100666
relate to substance use disorder conditions. 100667

(L) "Substance use disorder conditions" means those 100668
conditions relating to the abuse of or dependency on alcohol or 100669
other drugs that are classified in accepted nosologies, 100670
including the diagnostic and statistical manual of mental 100671
disorders and the international classification of diseases. 100672

(M) "Substance use disorder counseling" means rendering or 100673
offering to render to individuals, groups, or the public a 100674
counseling service involving the application of substance use 100675
disorder clinical counseling principles, methods, or procedures. 100676

(N) "~~U.S.~~ United States department of transportation drug 100677
and alcohol testing program" means a transportation workplace 100678
drug and alcohol testing program governed by 49 C.F.R. part 40. 100679

(O) "Youth peer support services" means services that 100680

promote resiliency and recovery, self-determination, advocacy, 100681
well-being, and skill development primarily for individuals who 100682
are thirty years of age or younger with a mental illness or 100683
substance use disorder, or both, and who may also have a co- 100684
occurring developmental disability, as well as the individuals' 100685
caregivers or families. 100686

Sec. 4758.02. ~~(A)~~ Except as provided in section 4758.03 of 100687
the Revised Code, no person shall do any of the following: 100688

~~(1)~~ (A) Engage in or represent to the public that the 100689
person engages in ~~chemical dependency~~ substance use disorder 100690
counseling for a fee, salary, or other consideration unless the 100691
person holds a valid independent chemical dependency counselor- 100692
clinical supervisor license, independent chemical dependency 100693
counselor license, chemical dependency counselor III license, 100694
chemical dependency counselor II license, or chemical dependency 100695
counselor assistant certificate issued under this chapter; 100696

~~(2)~~ (B) Use the title "licensed independent chemical 100697
dependency counselor-clinical supervisor," "LICDC-CS," "licensed 100698
independent chemical dependency counselor," "LICDC," "licensed 100699
chemical dependency counselor III," "LCDC III," "licensed 100700
chemical dependency counselor II," "LCDC II," "chemical 100701
dependency counselor assistant," "CDCA," or any other title or 100702
description incorporating the ~~word~~ words "chemical dependency 100703
counselor" or any other initials used to identify persons acting 100704
in those capacities unless currently authorized under this 100705
chapter to act in the capacity indicated by the title or 100706
initials; 100707

~~(3)~~ (C) Represent to the public that the person holds a 100708
gambling disorder endorsement unless the person holds a valid 100709
gambling disorder endorsement issued under this chapter; 100710

~~(4)~~ (D) Represent to the public that the person is a 100711
registered applicant unless the person holds a valid registered 100712
applicant certificate issued under this chapter; 100713

~~(5)~~ (E) Use the title "~~certified licensed~~ prevention 100714
consultant," "~~CPC,~~" "~~certified licensed~~ prevention specialist," 100715
"~~CPS,~~" "~~certified prevention specialist assistant,~~" "~~CPSA,~~" 100716
"registered applicant," "~~RA,~~" or any other title, description, 100717
or initials used to identify persons acting in those capacities 100718
unless currently authorized under this chapter to act in the 100719
capacity indicated by the title or initials. 100720

~~(B) No person shall engage in or represent to the public 100721
that the person engages in chemical dependency counseling as a 100722
chemical dependency counselor I; 100723~~

(F) Beginning one year after the effective date of this 100724
amendment, engage in or represent to the public that the person 100725
engages in the provision of peer recovery support services, 100726
youth peer support services, or family peer support services for 100727
a fee, salary, or other consideration unless the person holds a 100728
valid peer recovery supporter certificate, youth peer supporter 100729
certificate, or family peer supporter certificate issued under 100730
this chapter; 100731

(G) Beginning one year after the effective date of this 100732
amendment, use the title "certified peer supporter," "certified 100733
peer recovery supporter," "certified youth peer supporter," 100734
"certified family peer supporter," "licensed peer supporter," 100735
"licensed peer recovery supporter, "licensed youth peer 100736
supporter, "licensed family peer supporter," "peer supporter," 100737
or any other title or initials used to identify persons acting 100738
in those capacities unless currently authorized under this 100739
chapter to act in the capacity indicated by the title or 100740

initials; 100741

(H) Beginning one year after the effective date of this 100742
amendment, represent to the public that the person holds a peer 100743
support supervisor endorsement unless the person holds a valid 100744
peer support supervisor endorsement issued under this chapter. 100745

Sec. 4758.03. ~~Division (A) of section~~ Section 4758.02 of 100746
the Revised Code does not apply to any of the following: 100747

(A) An individual who holds a valid license, registration, 100748
certificate, or credentials issued under another chapter of the 100749
Revised Code while performing services within the recognized 100750
scope, standards, and ethics of the individual's profession; 100751

(B) An individual who is a rabbi, priest, Christian 100752
Science practitioner, clergy, or member of a religious order and 100753
other individuals participating with them in pastoral counseling 100754
when the ~~chemical dependency~~ substance use disorder counseling 100755
activities are within the scope of the performance of their 100756
regular or specialized ministerial duties and are performed 100757
under the auspices or sponsorship of an established and legally 100758
cognizable church, denomination, or sect or an integrated 100759
auxiliary of a church as defined in paragraph (h) of 26 Code of 100760
Federal Regulations 1.6033-2 (2000) as amended, and the 100761
individual rendering the service remains accountable to the 100762
established authority of that church, denomination, sect, or 100763
integrated auxiliary; 100764

(C) A student in an accredited educational institution 100765
while carrying out activities that are part of the student's 100766
prescribed course of study if the activities are supervised as 100767
required by the educational institution and the student is not 100768
represented as an individual who holds a license or certificate 100769

issued under this chapter. 100770

Sec. 4758.10. (A) There is hereby created the chemical 100771
dependency professionals board. 100772

(B) The governor shall appoint all of the following voting 100773
members of the board with the advice and consent of the senate: 100774

(1) Four individuals who hold a valid independent chemical 100775
dependency counselor-clinical supervisor license or independent 100776
chemical dependency counselor license issued under this chapter, 100777
including at least two of whom have received ~~at least a~~ master's 100778
degree or higher in a field related to ~~chemical dependency~~ 100779
substance abuse counseling from an accredited educational 100780
institution; 100781

(2) Two individuals who hold a valid chemical dependency 100782
counselor III license issued under this chapter; 100783

(3) One individual who holds a valid chemical dependency 100784
counselor II license issued under this chapter; 100785

(4) One individual who holds a valid chemical dependency 100786
counselor assistant certificate issued under this chapter; 100787

(5) Two individuals who hold a valid prevention consultant 100788
~~certificate license~~ or prevention specialist ~~certificate license~~ 100789
issued under this chapter; 100790

~~(5)~~ (6) One individual who holds a valid peer recovery 100791
supporter certificate, youth peer supporter certificate, or 100792
family peer supporter certificate issued under this chapter; 100793

(7) One individual who is ~~authorized under Chapter 4731.~~ 100794
~~of the Revised Code to practice medicine and surgery or~~ 100795
~~osteopathic medicine and surgery and has experience practicing~~ 100796
~~in a field related to chemical dependency counseling;~~ 100797

~~(6)~~ any of the following employed by, or contracted to work 100798
for, a community addiction services provider or community mental 100799
health services provider as defined in section 5119.01 of the 100800
Revised Code: 100801

(a) A psychiatrist as defined in section 5122.01 of the 100802
Revised Code; 100803

(b) A clinical nurse specialist licensed under Chapter 100804
4723. of the Revised Code who is certified as a psychiatric- 100805
mental health clinical nurse specialist by a national certifying 100806
organization approved by the board of nursing under section 100807
4723.46 of the Revised Code; 100808

(c) A certified nurse practitioner licensed under Chapter 100809
4723. of the Revised Code who is certified as a psychiatric- 100810
mental health nurse practitioner by a national certifying 100811
organization approved by the board of nursing under section 100812
4723.46 of the Revised Code; 100813

(d) A psychologist licensed under Chapter 4732. of the 100814
Revised Code; 100815

(e) Any of the following licensed under Chapter 4757. of 100816
the Revised Code: a licensed professional clinical counselor, 100817
professional counselor, independent social worker, social 100818
worker, independent marriage and family therapist, or marriage 100819
and family therapist. 100820

(8) Two individuals who represent the public and have not 100821
practiced ~~chemical dependency substance use disorder~~ counseling- 100822
~~or~~, prevention services, or peer support services and have not 100823
been involved in the delivery of ~~chemical dependency substance~~ 100824
~~use disorder~~ counseling services-~~or~~, prevention services, or 100825
peer support services. At least one of these individuals shall 100826

be at least fifty years of age. During their terms, the public 100827
members shall not practice ~~chemical dependency substance use~~ 100828
~~disorder counseling or, prevention services, or peer support~~ 100829
~~services~~ or be involved in the delivery of ~~chemical dependency~~ 100830
~~substance use disorder counseling services or, prevention~~ 100831
~~services, or peer support services.~~ 100832

(C) ~~Not later than ninety days after December 23, 2002,~~ 100833
~~the~~ The director of mental health and addiction services shall 100834
appoint an individual who represents the department of mental 100835
health and addiction services to serve as an ex officio member 100836
of the chemical dependency professionals board. 100837

(D) Not more than one-half of the voting members of the 100838
board may be of the same gender or members of the same political 100839
party. At least two voting members of the board shall be of 100840
African, Native American, Hispanic, or Asian descent. 100841

Sec. 4758.11. ~~Of the initial appointees to the chemical~~ 100842
~~dependency professionals board appointed by the governor under~~ 100843
~~division (B) of section 4758.10 of the Revised Code, four shall~~ 100844
~~be appointed for terms ending one year after December 23, 2002,~~ 100845
~~four shall be appointed for terms ending two years after~~ 100846
~~December 23, 2002, and four shall be appointed for terms ending~~ 100847
~~three years after December 23, 2002. After the initial~~ 100848
~~appointments, terms~~ Terms of office of members of the chemical 100849
dependency professional board appointed by the governor under 100850
section 4758.10 of the Revised Code shall be three years, with 100851
each term ending on the same day of the same month of the year 100852
as the term it succeeds. 100853

A voting member of the board shall hold office from the 100854
date of appointment until the end of the term for which the 100855
member was appointed. A voting member appointed to fill a 100856

vacancy occurring prior to the expiration of the term for which 100857
the member's predecessor was appointed shall hold office for the 100858
remainder of that term. A voting member shall continue in office 100859
after the expiration date of the member's term until the 100860
member's successor takes office or until a period of sixty days 100861
has elapsed, whichever occurs first. Voting members may be 100862
reappointed, except that an individual who has held office for 100863
two consecutive full terms shall not be reappointed sooner than 100864
one year after the expiration of the second full term. 100865

The ex officio member of the board appointed by the 100866
director of mental health and addiction services under division 100867
(C) of section 4758.10 of the Revised Code shall serve at the 100868
pleasure of the director. 100869

Sec. 4758.13. The chemical dependency professionals board 100870
shall meet to discuss matters relating to the administration and 100871
operation of the board and the regulation of the practices of 100872
~~chemical dependency substance use disorder counseling, peer~~ 100873
support services, and prevention services. The board shall hold 100874
at least one regular meeting every three months. Additional 100875
meetings may be held at such times as the board determines, on 100876
the call of the chairperson, or on the written request to the 100877
executive director of three or more voting board members. If 100878
three or more voting members request a meeting, the executive 100879
director shall call a meeting, which shall be held not later 100880
than seven days after the request is received. 100881

~~Seven~~Nine voting members of the board constitute a quorum 100882
to conduct business. Except as provided in section 4758.32 of 100883
the Revised Code, no action shall be taken without the 100884
concurrence of at least a quorum. 100885

At its first meeting each year, the board shall elect a 100886

chairperson from among its voting members. No member shall serve 100887
more than two consecutive terms as chairperson. 100888

The board shall keep any records and minutes necessary to 100889
fulfill the duties established by this chapter and rules adopted 100890
under it. 100891

Sec. 4758.20. (A) The chemical dependency professionals 100892
board shall adopt rules to establish, specify, or provide for 100893
all of the following: 100894

(1) Fees for the purposes authorized by section 4758.21 of 100895
the Revised Code; 100896

(2) If the board, pursuant to section 4758.221 of the 100897
Revised Code, elects to administer examinations for individuals 100898
seeking to act as substance abuse professionals in a ~~U.S.~~United 100899
States department of transportation drug and alcohol testing 100900
program, the board's administration of the examinations; 100901

(3) For the purpose of section 4758.23 of the Revised 100902
Code, codes of ethical practice and professional conduct for 100903
individuals who hold a license, certificate, or endorsement 100904
issued under this chapter; 100905

(4) For the purpose of section 4758.24 of the Revised 100906
Code, all of the following: 100907

(a) The documents that an individual seeking such a 100908
license, certificate, or endorsement must submit to the board; 100909

(b) Requirements to obtain the license, certificate, or 100910
endorsement that are in addition to the requirements established 100911
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 100912
4758.44, 4758.45, 4758.46, 4758.47, ~~and 4758.48,~~ 4758.49, and 100913
4758.491 of the Revised Code. The additional requirements may 100914

include ~~preceptorships~~ internships and practicums. 100915

(c) Requirements for criminal records checks of applicants 100916
under section 4776.03 of the Revised Code; 100917

(d) The period of time that an individual whose registered 100918
applicant certificate has expired must wait before applying for 100919
a new registered applicant certificate. 100920

(5) For the purpose of section 4758.28 of the Revised 100921
Code, requirements for approval of ~~continuing education courses~~ 100922
~~of study for individuals who hold a license, certificate, or~~ 100923
~~endorsement issued under this chapter~~ programs; 100924

(6) For the purpose of section 4758.30 of the Revised 100925
Code, all of the following: 100926

(a) The intervention for and treatment of an individual 100927
holding a license, certificate, or endorsement issued under this 100928
chapter whose abilities to practice are impaired due to abuse of 100929
or dependency on alcohol or other drugs or other physical or 100930
mental condition; 100931

~~(7)~~ (b) Requirements governing reinstatement of a suspended 100932
or revoked license, certificate, or endorsement ~~under division~~ 100933
~~(C) of section 4758.30 of the Revised Code,~~ including 100934
requirements for determining the amount of time an individual 100935
must wait to apply for reinstatement; 100936

~~(8)~~ (c) For the purpose of determining the amount of a fine 100937
to be imposed, a graduated system of fines based on the scope 100938
and severity of violations and the history of compliance, not to 100939
exceed five hundred dollars per incident. 100940

(7) For the purpose of section 4758.31 of the Revised 100941
Code, methods of ensuring that all records the board holds 100942

pertaining to an investigation remain confidential during the 100943
investigation; 100944

~~(9)~~(8) Criteria for employees of the board to follow when 100945
performing their duties under division (B) of section 4758.35 of 100946
the Revised Code; 100947

~~(10)~~(9) For the purpose of division ~~(A)(1)~~(A) of section 100948
4758.39 ~~and~~, division ~~(A)(1)~~(A) of section 4758.40, and division 100949
(A) of section 4758.41 of the Revised Code, course requirements 100950
for a degree in a behavioral science or nursing that may include 100951
specific content areas and minimum hours for course 100952
requirements; 100953

~~(11)~~(10) For the purpose of division ~~(A)(2)~~(B) of section 100954
4758.39 of the Revised Code, the number of hours of compensated 100955
work or supervised internship experience that an individual must 100956
have and the number of those hours that must be in clinical 100957
supervisory experience; 100958

~~(12)~~(11) For the purpose of division ~~(A)(3)~~(C) of section 100959
4758.39, division ~~(A)(3)~~(C) of section 4758.40, division ~~(A)(3)~~ 100960
(C) of section 4758.41, and ~~divisions~~ division (A)(3) ~~and (D)(3)~~ 100961
of section 4758.42 of the Revised Code, both of the following: 100962

(a) The number of hours of training in ~~chemical dependency~~ 100963
substance use disorders an individual must have; 100964

(b) Training requirements for ~~chemical dependency~~ 100965
substance use disorders that shall, at a minimum, include 100966
qualifications for the individuals who provide the training and 100967
the content areas covered in the training. 100968

~~(13)~~(12) For the purpose of division ~~(A)(2)~~(B) of section 100969
4758.40, division ~~(A)(2)~~(B) of section 4758.41, and division (A) 100970
(2) of section 4758.42 of the Revised Code, the number of hours 100971

of compensated work or supervised internship experience that an 100972
individual must have; 100973

~~(14) For the purpose of division (B) (2) (b) of section 100974~~
~~4758.40 and division (B) (2) of section 4758.41 of the Revised 100975~~
~~Code, requirements for the forty clock hours of training on the 100976~~
~~version of the diagnostic and statistical manual of mental 100977~~
~~disorders that is current at the time of the training, including 100978~~
~~the number of the clock hours that must be on substance-related 100979~~
~~disorders, the number of the clock hours that must be on 100980~~
~~chemical dependency conditions, and the number of the clock 100981~~
~~hours that must be on awareness of other mental and emotional 100982~~
~~disorders;~~ 100983

~~(15) For the purpose of division (A) (1) of section 4758.41 100984~~
~~of the Revised Code, course requirements for a degree in a 100985~~
~~behavioral science or nursing;~~ 100986

~~(16)~~ (13) For the purpose of division (C) (2) of section 100987
4758.42 of the Revised Code, education both of the following: 100988

(a) Education requirements for chemical- 100989
~~dependency~~ substance use disorders; 100990

~~(17) For the purpose of division (C) (3) of section 4758.42 100991~~
~~of the Revised Code, requirements~~ (b) Requirements for programs 100992
that provide practicum experience in ~~chemical dependency;~~ 100993

~~(18)~~ substance use disorders. 100994

(14) For the purpose of ~~division (A) of~~ section 4758.43 of 100995
the Revised Code, ~~both~~ all of the following: 100996

(a) The number of hours of training or education in 100997
~~chemical dependency~~ substance use disorder counseling that an 100998
individual must have; 100999

(b) Training requirements for ~~chemical dependency~~ substance use disorder counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training; 101000
101001
101002
101003

(c) Requirements for obtaining a chemical dependency counselor preliminary certificate. 101004
101005

~~(19)~~ (15) For the purpose of ~~division (A) (1) of section~~ 4758.44 of the Revised Code, ~~the~~ all of the following: 101006
101007

(a) The number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services; 101008
101009
101010
101011

~~(20) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the~~ (b) The field of study in which an individual must obtain at least a bachelor's degree or higher; 101012
101013
101014

~~(21)~~ (c) The number of hours of administrative or supervisory education that an individual must have. 101015
101016

(16) For the purpose of division ~~(A) (3)~~ (C) of section 4758.44, division ~~(A) (3) (C)~~ of section 4758.45, and division (D) of section 4758.46 of the Revised Code, both of the following: 101017
101018
101019

(a) The number of hours of prevention-related education that an individual must have; 101020
101021

(b) Requirements for prevention-related education. 101022

~~(22) For the purpose of division (A) (4) of section 4758.44 of the Revised Code, the number of hours of administrative or supervisory education that an individual must have;~~ 101023
101024
101025

~~(23)~~ (17) For the purpose of ~~division (A) (1) of section~~ 101026

4758.45 of the Revised Code, ~~the~~ both of the following: 101027

(a) The number of hours of compensated or volunteer work, 101028
field placement, intern, or practicum experience in prevention 101029
services that an individual must have and the number of those 101030
hours that must be in planning or delivering the services; 101031

~~(24) For the purpose of division (A) (2) of section 4758.45~~ 101032
~~of the Revised Code, the~~ (b) The field of study in which an 101033
individual must obtain ~~at least an associate's degree,~~ 101034

~~(25) or higher.~~ 101035

(18) For the purpose of division (C) of section 4758.46 of 101036
the Revised Code, the number of hours of compensated or 101037
volunteer work, field placement, intern, or practicum experience 101038
in prevention services that an individual must have; 101039

~~(26)~~ (19) Standards for the one hundred hours of 101040
compensated work or supervised internship in gambling disorder 101041
direct clinical experience required by division (B) (2) of 101042
section 4758.48 of the Revised Code; 101043

~~(27)~~ (20) For the purpose of section 4758.49 of the Revised 101044
Code, both of the following: 101045

(a) The equivalent of a high school diploma acceptable for 101046
certification; 101047

(b) Standards and number of required hours for the 101048
competency-based peer services training. 101049

(21) For the purpose of section 4758.491 of the Revised 101050
Code, both of the following: 101051

(a) The number of hours of online learning that an 101052
individual is required to complete; 101053

(b) Standards for the supervising peers training program 101054
that an individual is required to complete. 101055

(22) For the purpose of section 4758.51 of the Revised 101056
Code, continuing both of the following: 101057

(a) Continuing education requirements for individuals who 101058
hold a license, certificate, or endorsement issued under this 101059
chapter; 101060

~~(28) For the purpose of section 4758.51 of the Revised~~ 101061
~~Code, the (b) The number of hours of continuing education that~~ 101062
~~an individual must complete to have an expired license,~~ 101063
~~certificate, or endorsement restored under section 4758.26 of~~ 101064
~~the Revised Code;~~ 101065

~~(29) For the purpose of divisions (A) and (B) of section~~ 101066
~~4758.52 of the Revised Code, training requirements for chemical~~ 101067
~~dependency counseling;~~ 101068

~~(30).~~ 101069

(23) The duties, which may differ, of all of the 101070
following: 101071

(a) An independent chemical dependency counselor-clinical 101072
supervisor licensed under this chapter who supervises a chemical 101073
dependency counselor III under section 4758.56 of the Revised 101074
Code; 101075

(b) An independent chemical dependency counselor-clinical 101076
supervisor, independent chemical dependency counselor, or 101077
chemical dependency counselor III licensed under this chapter 101078
who supervises a chemical dependency counselor assistant under 101079
section 4758.59 of the Revised Code; 101080

(c) A prevention consultant or prevention specialist 101081

~~certified~~licensed under this chapter who supervises a 101082
prevention specialist assistant or registered applicant under 101083
section 4758.61 of the Revised Code. 101084

~~(31)~~(24) The duties of an independent chemical dependency 101085
counselor licensed under this chapter who holds the gambling 101086
disorder endorsement who supervises a chemical dependency 101087
counselor III with the gambling disorder endorsement under 101088
section 4758.62 of the Revised Code. 101089

~~(32)~~(25) For the purpose of sections 4758.60 and 4758.61 101090
of the Revised Code, standards for the practice of prevention 101091
services, including specifications that require prevention 101092
services to be all of the following: 101093

(a) Intentionally designed to reduce risk or promote 101094
health before the onset of a disorder; 101095

(b) Population-focused and targeted to specific levels of 101096
risk; 101097

(c) Reserved for interventions designed to reduce the 101098
occurrence of new cases of mental, emotional, and behavioral 101099
disorders, and not be used for clinical assessment, treatment, 101100
relapse and recovery support services, or medications of any 101101
type. 101102

(26) For the purpose of section 4758.65 of the Revised 101103
Code, both of the following: 101104

(a) Any additional competencies that may be promoted by a 101105
peer supporter; 101106

(b) Any additional tasks within a peer supporter's scope 101107
of practice. 101108

(27) For the purposes of section 4758.651 of the Revised 101109

Code, training requirements for supervisors of peer supporters 101110
who do not hold a peer support supervisor endorsement issued 101111
under this chapter; 101112

(28) Anything else the board considers necessary to 101113
administer this chapter. 101114

(B) All rules adopted under this section shall be adopted 101115
in accordance with Chapter 119. of the Revised Code and any 101116
applicable federal laws and regulations. 101117

(C) When it adopts rules under this section, the board may 101118
consider standards established by any national association or 101119
other organization representing the interests of those involved 101120
in ~~chemical dependency~~ substance use disorder counseling ~~or,~~ 101121
prevention services, or peer support services. 101122

Sec. 4758.21. (A) In accordance with rules adopted under 101123
section 4758.20 of the Revised Code and subject to division (B) 101124
of this section, the chemical dependency professionals board 101125
shall establish, and may from time to time adjust, fees to be 101126
charged for the following: 101127

(1) Admitting an individual to an examination administered 101128
pursuant to section 4758.22 of the Revised Code; 101129

(2) Issuing an initial independent chemical dependency 101130
counselor-clinical supervisor license, independent chemical 101131
dependency counselor license, chemical dependency counselor III 101132
license, chemical dependency counselor II license, chemical 101133
dependency counselor assistant certificate, peer recovery 101134
supporter certificate, youth peer supporter certificate, family 101135
peer supporter certificate, prevention consultant 101136
~~certificate~~ license, prevention specialist ~~certificate~~ license, 101137
prevention specialist assistant certificate, or registered 101138

applicant certificate; 101139

(3) Issuing ~~an initial~~ a gambling disorder endorsement; 101140

(4) Issuing a peer support supervisor endorsement; 101141

(5) Renewing an independent chemical dependency counselor- 101142
clinical supervisor license, independent chemical dependency 101143
counselor license, chemical dependency counselor III license, 101144
chemical dependency counselor II license, chemical dependency 101145
counselor assistant certificate, peer recovery supporter 101146
certificate, youth peer supporter certificate, family peer 101147
supporter certificate, prevention consultant certificate license, 101148
prevention specialist certificate license, or prevention 101149
specialist assistant certificate; 101150

~~(5)~~ (6) Renewing a gambling disorder endorsement; 101151

~~(6)~~ (7) Renewing a peer support supervisor endorsement; 101152

(8) Approving continuing education courses programs under 101153
section 4758.28 of the Revised Code, except for online learning 101154
courses administered by the department of mental health and 101155
addiction services for the purposes of section 4758.49 of the 101156
Revised Code; 101157

~~(7)~~ (9) Doing anything else the board determines necessary 101158
to administer this chapter. 101159

(B) The fees established under division (A) of this 101160
section are nonrefundable. They shall be in amounts sufficient 101161
to cover the necessary expenses of the board in administering 101162
this chapter and rules adopted under it. The fees for a license, 101163
certificate, or endorsement and the renewal of a license, 101164
certificate, or endorsement may differ for the various types of 101165
licenses, certificates, or endorsements, but shall not exceed 101166

one hundred seventy-five dollars each, unless the board 101167
determines that amounts in excess of one hundred seventy-five 101168
dollars are needed to cover its necessary expenses in 101169
administering this chapter and rules adopted under it and the 101170
amounts in excess of one hundred seventy-five dollars are 101171
approved by the controlling board. 101172

(C) All vouchers of the board shall be approved by the 101173
chairperson or executive director of the board, or both, as 101174
authorized by the board. 101175

Sec. 4758.22. The chemical dependency professionals board 101176
shall prepare, cause to be prepared, or procure the use of, and 101177
grade, cause to be graded, or procure the grading of, 101178
examinations to determine the competence of individuals seeking 101179
an independent chemical dependency counselor-clinical supervisor 101180
license, independent chemical dependency counselor license, 101181
chemical dependency counselor III license, chemical dependency 101182
counselor II license, peer recovery supporter certificate, 101183
youth peer supporter certificate, family peer supporter 101184
certificate, prevention consultant ~~certificate~~ license, or 101185
prevention specialist ~~certificate~~ license. The board may develop 101186
the examinations or use examinations prepared by state or 101187
national organizations that represent the interests of those 101188
involved in chemical dependency substance use disorder 101189
counseling or, prevention services, or peer support services. 101190
The board shall conduct examinations at least twice each year 101191
and shall determine the level of competence necessary for a 101192
passing score. 101193

An individual may not sit for an examination administered 101194
pursuant to this section unless the individual meets the 101195
requirements to obtain the license or certificate the individual 101196

seeks, other than the requirement to have passed the 101197
examination, and pays the fee established under section 4758.21 101198
of the Revised Code. An individual who is denied admission to 101199
the examination may appeal the denial in accordance with Chapter 101200
119. of the Revised Code. 101201

Sec. 4758.221. In accordance with rules adopted under 101202
section 4758.20 of the Revised Code, the chemical dependency 101203
professionals board may administer examinations for individuals 101204
seeking to act as substance abuse professionals in a ~~U.S.~~United 101205
States department of transportation drug and alcohol testing 101206
program. If it elects to administer the examinations, the board 101207
shall use examinations that comprehensively cover all the 101208
elements of substance abuse professional qualification training 101209
listed in 49 C.F.R. 40.281(c) (1) and are prepared by a 101210
nationally recognized professional or training organization that 101211
represents the interests of those involved in ~~chemical-~~ 101212
~~dependency-~~substance use disorder counseling services. 101213

Sec. 4758.23. (A) In rules adopted under section 4758.20 101214
of the Revised Code, the chemical dependency professionals board 101215
shall establish codes of ethical practice and professional 101216
conduct for the following: 101217

(1) Individuals who hold a valid independent chemical 101218
dependency counselor-clinical supervisor license, independent 101219
chemical dependency counselor license, chemical dependency 101220
counselor III license, chemical dependency counselor II license, 101221
or chemical dependency counselor assistant certificate issued 101222
under this chapter; 101223

(2) Individuals who hold a valid peer recovery supporter 101224
certificate, youth peer supporter certificate, or family peer 101225
supporter certificate issued under this chapter; 101226

(3) Individuals who hold a valid prevention consultant 101227
~~certificate~~license, prevention specialist ~~certificate~~license, 101228
prevention specialist assistant certificate, or registered 101229
applicant certificate issued under this chapter; 101230

~~(3)~~ (4) Individuals who hold a valid peer support 101231
supervisor endorsement; 101232

(5) Individuals who hold a valid gambling disorder 101233
endorsement. 101234

(B) The codes for individuals identified under division 101235
~~(A) (1)~~ (A) of this section shall define unprofessional conduct, 101236
which shall include engaging in a ~~dual relationship~~ multiple 101237
relationships with a client, former client, consumer, or former 101238
consumer; committing an act of sexual abuse, misconduct, or 101239
exploitation of a client, former client, consumer, or former 101240
consumer; and, except as permitted by law, violating client or 101241
consumer confidentiality. 101242

~~(C)~~ The codes for individuals identified under ~~division~~ 101243
~~(A) (1)~~ divisions (A) (1) to (4) of this section may be based on 101244
any codes of ethical practice and professional conduct developed 101245
by national associations or other organizations representing the 101246
interests of those involved in ~~chemical dependency~~ substance use 101247
disorder counseling, peer support services, or prevention 101248
services. The codes for individuals identified under ~~division~~ 101249
~~(A) (2)~~ of this section may be based on any codes of ethical 101250
~~practice and professional conduct developed by national~~ 101251
~~associations or other organizations representing the interests~~ 101252
~~of those involved in prevention services~~. The board may 101253
establish standards in the codes that are more stringent than 101254
those established by the national associations or other 101255
organizations. 101256

Sec. 4758.24. (A) The chemical dependency professionals 101257
board shall issue a license, certificate, or endorsement under 101258
this chapter to an individual who meets all of the following 101259
requirements: 101260

(1) ~~Except as provided in section 4758.241 of the Revised~~ 101261
~~Code, submits~~ Submits a properly completed application and all 101262
other documentation specified in rules adopted under section 101263
4758.20 of the Revised Code; 101264

(2) ~~Except as provided in section 4758.241 of the Revised~~ 101265
~~Code, pays~~ Pays the fee established under section 4758.21 of the 101266
Revised Code for the license, certificate, or endorsement that 101267
the individual seeks; 101268

(3) Meets the requirements to obtain the license, 101269
certificate, or endorsement that the individual seeks as 101270
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 101271
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, ~~or~~ 4758.48, 101272
4758.49, or 4758.491 of the Revised Code; 101273

(4) Meets any additional requirements specified in rules 101274
adopted under section 4758.20 of the Revised Code to obtain the 101275
license, certificate, or endorsement that the individual seeks. 101276

(B) In addition to any other eligibility requirement set 101277
forth in this chapter, each applicant for an initial license, 101278
certificate, or endorsement issued under this chapter shall 101279
comply with sections 4776.01 to 4776.04 of the Revised Code. The 101280
board shall not grant a license, certificate, or endorsement to 101281
an applicant for an initial license, certificate, or endorsement 101282
issued under this chapter unless the applicant complies with 101283
sections 4776.01 to 4776.04 of the Revised Code. 101284

(C) The board shall not ~~do either of the following:~~ 101285

~~(1) Issue a certificate to practice as a chemical
dependency counselor I;~~ 101286
101287

~~(2) Issue~~ issue a new registered applicant certificate to 101288
an individual whose previous registered applicant certificate 101289
has been expired for less than the period of time specified in 101290
rules adopted under section 4758.20 of the Revised Code. 101291

Sec. 4758.26. (A) Subject to section 4758.30 of the 101292
Revised Code, a license, certificate, or endorsement issued 101293
under this chapter expires the following period of time after it 101294
is issued: 101295

(1) In the case of ~~an initial~~ a chemical dependency 101296
counselor assistant preliminary certificate or registered 101297
applicant, thirteen months; 101298

(2) In the case of any other license, certificate, or 101299
endorsement, two years. 101300

(B) Subject to section 4758.30 of the Revised Code and 101301
except as provided in section 4758.27 of the Revised Code, the 101302
chemical dependency professionals board shall renew a license, 101303
certificate, or endorsement issued under this chapter in 101304
accordance with the standard renewal procedure established under 101305
Chapter 4745. of the Revised Code if the individual seeking the 101306
renewal pays the renewal fee established under section 4758.21 101307
of the Revised Code and ~~does the following:~~ 101308

~~(1) In the case of an individual seeking renewal of an
initial chemical dependency counselor assistant certificate,
satisfies the additional training requirement established under
section 4758.52 of the Revised Code;~~ 101309
101310
101311
101312

~~(2) In the case of any other individual,~~ satisfies the 101313
continuing education requirements established under section 101314

4758.51 of the Revised Code. 101315

(C) Subject to section 4758.30 of the Revised Code and 101316
except as provided in section 4758.27 of the Revised Code, a 101317
license, certificate, or endorsement issued under this chapter 101318
that has expired may be restored if the individual seeking the 101319
restoration, not later than one year after the license, 101320
certificate, or endorsement expires, applies for restoration of 101321
the license, certificate, or endorsement. The board shall issue 101322
a restored license, certificate, or endorsement to the 101323
individual if the individual pays the renewal fee established 101324
under section 4758.21 of the Revised Code and ~~does the~~ 101325
~~following:~~ 101326

~~(1) In the case of an individual whose initial chemical~~ 101327
~~dependency counselor assistant certificate expired, satisfies~~ 101328
~~the additional training requirement established under section~~ 101329
~~4758.52 of the Revised Code;~~ 101330

~~(2) In the case of any other individual,~~ satisfies the 101331
continuing education requirements established under section 101332
4758.51 of the Revised Code for restoring the license, 101333
certificate, or endorsement. 101334

The board shall not require an individual to take an 101335
examination as a condition of having an expired license, 101336
certificate, or endorsement restored under this section. 101337

Sec. 4758.27. The chemical dependency professionals board 101338
shall not renew or restore under section 4758.26 of the Revised 101339
Code either of the following: 101340

(A) A ~~certificate to practice as a~~ chemical dependency 101341
counselor assistant preliminary certificate; 101342

(B) A registered applicant certificate. 101343

Sec. 4758.28. The chemical dependency professionals board 101344
shall approve, in accordance with rules adopted under section 101345
4758.20 of the Revised Code and subject to payment of the fee 101346
established under section 4758.21 of the Revised Code, 101347
~~continuing education courses of study for individuals who hold~~ 101348
programs that may be completed to meet the requirements to 101349
receive an initial license, certificate, or endorsement issued 101350
under this chapter or the renewal of a license, certificate, or 101351
endorsement issued under this chapter. Programs that may be 101352
approved under this section include degree and certificate 101353
training programs offered by accredited educational 101354
institutions, other training programs selected by the board, and 101355
continuing education courses. 101356

Sec. 4758.30. (A) The chemical dependency professionals 101357
board, in accordance with Chapter 119. of the Revised Code, may, 101358
except as provided in division (B) of this section, refuse to 101359
issue a license, certificate, or endorsement applied for under 101360
this chapter; refuse to renew or restore a license, certificate, 101361
or endorsement issued under this chapter; suspend, revoke, or 101362
otherwise restrict a license, certificate, or endorsement issued 101363
under this chapter; ~~or~~ reprimand an individual holding a 101364
license, certificate, or endorsement issued under this chapter; 101365
or impose a fine, in an amount determined in accordance with 101366
rules adopted under section 4758.20 of the Revised Code, against 101367
an individual holding a license, certificate, or endorsement 101368
under this chapter. These actions may be taken by the board 101369
regarding the applicant for a license, certificate, or 101370
endorsement or the individual holding a license, certificate, or 101371
endorsement for one or more of the following reasons: 101372

(1) Violation of any provision of this chapter or rules 101373
adopted under it; 101374

(2) Knowingly making a false statement on an application 101375
for a license, certificate, or endorsement or for renewal, 101376
restoration, or reinstatement of a license, certificate, or 101377
endorsement; 101378

(3) Acceptance of a commission or rebate for referring an 101379
individual to a person who holds a license or certificate issued 101380
by, or who is registered with, an entity of state government, 101381
including persons practicing ~~chemical dependency substance use~~ 101382
disorder counseling, peer support services, prevention services, 101383
gambling disorder counseling, or fields related to ~~chemical-~~ 101384
~~dependency counseling, prevention services, or gambling disorder~~ 101385
counselingany of the foregoing; 101386

(4) Conviction in this state or any other ~~state-~~ 101387
jurisdiction of any crime that is a felony in this state; 101388

(5) Conviction in this state or any other ~~state-~~ 101389
jurisdiction of a misdemeanor committed in the course of 101390
practice as an independent chemical dependency counselor- 101391
clinical supervisor, independent chemical dependency counselor, 101392
chemical dependency counselor III, chemical dependency counselor 101393
II, chemical dependency counselor assistant, peer recovery 101394
supporter, youth peer supporter, family peer supporter, 101395
prevention consultant, gambling disorder endorsee, prevention 101396
specialist, prevention specialist assistant, or registered 101397
applicant; 101398

(6) Inability to practice as an independent chemical 101399
dependency counselor-clinical supervisor, independent chemical 101400
dependency counselor, chemical dependency counselor III, 101401
chemical dependency counselor II, chemical dependency counselor 101402
assistant, peer recovery supporter, youth peer supporter, family 101403
peer supporter, gambling disorder endorsee, prevention 101404

consultant, prevention specialist, prevention specialist 101405
assistant, or registered applicant due to abuse of or dependency 101406
on alcohol or other drugs or ~~other physical or~~ by reason of 101407
~~mental condition~~ illness or physical illness, including physical 101408
deterioration that adversely affects cognitive, motor, or 101409
perceptive skills; 101410

(7) Practicing outside the individual's scope of practice; 101411

(8) Practicing without complying with the supervision 101412
requirements specified under section 4758.56, 4758.59, 4758.61, 101413
~~or~~ 4758.62, or 4758.65 of the Revised Code; 101414

(9) Violation of the code of ethical practice and 101415
professional conduct for ~~chemical dependency~~ substance use 101416
disorder counseling, peer support services, prevention services, 101417
or gambling disorder counseling adopted by the board pursuant to 101418
section 4758.23 of the Revised Code; 101419

(10) Revocation of a license, certificate, or endorsement 101420
or voluntary surrender of a license, certificate, or endorsement 101421
in another state or jurisdiction for an offense that would be a 101422
violation of this chapter. 101423

(B) The board shall not refuse to issue a license, 101424
certificate, or endorsement to an applicant because of a 101425
criminal conviction unless the refusal is in accordance with 101426
section 9.79 of the Revised Code. 101427

(C) An individual whose license, certificate, or 101428
endorsement has been suspended or revoked under this section may 101429
apply to the board for reinstatement after an amount of time the 101430
board shall determine in accordance with rules adopted under 101431
section 4758.20 of the Revised Code. The board may accept or 101432
refuse an application for reinstatement. The board may require 101433

an examination for reinstatement of a license, certificate, or 101434
endorsement that has been suspended or revoked. 101435

Sec. 4758.31. The chemical dependency professionals board 101436
shall investigate alleged violations of this chapter or the 101437
rules adopted under it and alleged irregularities in the 101438
delivery of ~~chemical dependency~~ substance use disorder 101439
counseling services, peer support services, prevention services, 101440
or gambling disorder counseling services by individuals who hold 101441
a license, certificate, or endorsement issued under this 101442
chapter. As part of an investigation, the board may issue 101443
subpoenas, examine witnesses, and administer oaths. 101444

The board may receive any information necessary to conduct 101445
an investigation under this section that has been obtained in 101446
accordance with federal laws and regulations. If the board is 101447
investigating the provision of ~~chemical dependency~~ substance use 101448
disorder counseling services or gambling disorder counseling 101449
services to a couple or group, it is not necessary for both 101450
members of the couple or all members of the group to consent to 101451
the release of information relevant to the investigation. 101452

The board shall ensure, in accordance with rules adopted 101453
under section 4758.20 of the Revised Code, that all records it 101454
holds pertaining to an investigation remain confidential during 101455
the investigation. After the investigation, the records are 101456
public records except as otherwise provided by federal or state 101457
law. 101458

Sec. 4758.35. (A) An individual seeking a license, 101459
certificate, or endorsement issued under this chapter shall ~~file~~ 101460
~~with~~ submit an application to the chemical dependency 101461
professionals board ~~a written application on a form prescribed~~ 101462
~~by~~ in a manner that the board shall prescribe. Each ~~form~~ 101463

application shall state that a false statement made on the ~~form-~~ 101464
application is the crime of falsification under section 2921.13 101465
of the Revised Code. 101466

(B) The board shall require an individual or individuals 101467
employed by the board under section 4758.15 of the Revised Code 101468
to do both of the following in accordance with criteria 101469
established by rules adopted under section 4758.20 of the 101470
Revised Code: 101471

(1) Receive and review all applications submitted to the 101472
board; 101473

(2) Submit to the board all applications the individual or 101474
individuals recommend the board review based on the criteria 101475
established in the rules. 101476

(C) The board shall review all applications submitted to 101477
the board pursuant to division (B)(2) of this section. 101478

Sec. 4758.36. As part of the review process under division 101479
(C) of section 4758.35 of the Revised Code of an application 101480
submitted by an applicant whose education or experience in 101481
chemical dependency substance use disorder counseling, peer 101482
support services, prevention services, or gambling disorder 101483
counseling was obtained outside the United States, or whose 101484
education and experience both were obtained outside the United 101485
States, the chemical dependency professionals board shall 101486
determine whether the applicant's command of the English 101487
language and education or experience meet the standards required 101488
by this chapter and rules adopted under it. 101489

Sec. 4758.39. An individual seeking an independent 101490
chemical dependency counselor-clinical supervisor license shall 101491
~~meet the requirements of division (A) or (B) of this section.~~ 101492

~~(A) To meet the requirements of this division, an~~ 101493
~~individual must meet all of the following requirements:~~ 101494

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 101495
~~least~~ a master's degree or higher in either a behavioral science 101496
or nursing that meets the course requirements specified in rules 101497
adopted under section 4758.20 of the Revised Code; 101498

~~(2)~~ (B) Have not less than the number of hours specified in 101499
rules adopted under section 4758.20 of the Revised Code of 101500
compensated work or supervised internship experience, including 101501
at least the number of hours specified in those rules of 101502
clinical supervisory experience, in any of the following, not 101503
less than twenty per cent of which are in ~~chemical dependency~~ 101504
substance use disorder counseling: 101505

~~(a) Chemical dependency services, substance abuse~~ 101506
~~services, or both types of services~~ (1) The provision of services 101507
in substance use disorder treatment within a scope of practice 101508
that the board considers appropriate for an individual seeking 101509
an independent chemical dependency counselor-clinical supervisor 101510
license; 101511

~~(b)~~ (2) The practice of psychology, as defined in section 101512
4732.01 of the Revised Code; 101513

~~(c)~~ (3) The practice of professional counseling, the 101514
practice of social work, or the practice of marriage and family 101515
therapy, all as defined in section 4757.01 of the Revised Code. 101516

~~(3)~~ (C) Have a minimum of the number of hours specified in 101517
rules adopted under section 4758.20 of the Revised Code of 101518
training in ~~chemical dependency~~ substance use disorders that 101519
meets the requirements specified in those rules; 101520

~~(4)~~ (D) Unless the individual holds a valid license, 101521

registration, certificate, or credentials issued under another 101522
chapter of the Revised Code that authorizes the individual to 101523
engage in a profession whose scope of practice includes the 101524
clinical supervision of ~~chemical dependency~~ substance use 101525
disorder counseling, ~~chemical dependency~~ substance use disorder 101526
counseling, and diagnosing and treating ~~chemical dependency~~ 101527
substance use disorder conditions, pass one or more examinations 101528
administered pursuant to section 4758.22 of the Revised Code for 101529
the purpose of determining competence to practice as an 101530
independent chemical dependency counselor-clinical supervisor. 101531

~~(B) To meet the requirement of this division, an~~ 101532
~~individual must hold, on March 22, 2013, a valid independent~~ 101533
~~chemical dependency counselor license.~~ 101534

Sec. 4758.40. An individual seeking an independent 101535
chemical dependency counselor license shall ~~meet the~~ 101536
~~requirements of division (A) or (B) of this section.~~ 101537

~~(A) To meet the requirements of this division, an~~ 101538
~~individual must meet all of the following requirements:~~ 101539

~~(1)~~ (A) Hold from an accredited educational institution ~~at~~ 101540
~~least a~~ master's degree or higher in a behavioral science or 101541
nursing that meets the course requirements specified in rules 101542
adopted under section 4758.20 of the Revised Code; 101543

~~(2)~~ (B) Have not less than the number of hours specified in 101544
rules adopted under section 4758.20 of the Revised Code of 101545
compensated work or supervised internship experience in any of 101546
the following, not less than twenty per cent of which are in 101547
~~chemical dependency~~ substance use disorder counseling: 101548

~~(a) Chemical dependency services, substance abuse~~ 101549
~~services, or both types of services~~ (1) The provision of services 101550

in substance use disorder treatment within a scope of practice 101551
that the board considers appropriate for an individual seeking 101552
an independent chemical dependency counselor license; 101553

~~(b)~~ (2) The practice of psychology, as defined in section 101554
4732.01 of the Revised Code; 101555

~~(c)~~ (3) The practice of professional counseling, the 101556
practice of social work, or the practice of marriage and family 101557
therapy, all as defined in section 4757.01 of the Revised Code. 101558

~~(3)~~ (C) Have a minimum of the number of hours specified in 101559
rules adopted under section 4758.20 of the Revised Code of 101560
training in ~~chemical dependency~~ substance use disorders that 101561
meets the requirements specified in those rules; 101562

~~(4)~~ (D) Unless the individual holds a valid license, 101563
registration, certificate, or credentials issued under another 101564
chapter of the Revised Code that authorizes the individual to 101565
engage in a profession whose scope of practice includes ~~chemical~~ 101566
~~dependency~~ substance use disorder counseling and diagnosing and 101567
treating ~~chemical dependency~~ substance use disorder conditions, 101568
pass one or more examinations administered pursuant to section 101569
4758.22 of the Revised Code for the purpose of determining 101570
competence to practice as an independent chemical dependency 101571
counselor. 101572

~~(B) To meet the requirements of this division, an~~ 101573
~~individual must meet both of the following requirements:~~ 101574

~~(1) Hold, on December 23, 2002, a certificate or~~ 101575
~~credentials that were accepted under former section 3793.07 of~~ 101576
~~the Revised Code as authority to practice as a certified~~ 101577
~~chemical dependency counselor III or certified chemical~~ 101578
~~dependency counselor III-E;~~ 101579

~~(2) Meet one of the following requirements:~~ 101580

~~(a) Hold the degree described in division (A) (1) of this section;~~ 101581
101582

~~(b) Have held a chemical dependency counselor III, II, or I certificate for at least eight consecutive years and have not less than forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training. The training must meet the requirements specified in rules adopted under section 4758.20 of the Revised Code. An individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, a psychologist licensed under Chapter 4732. of the Revised Code, or a licensed professional clinical counselor or independent social worker licensed under Chapter 4757. of the Revised Code may provide any portion of the training. An independent chemical dependency counselor licensed under this chapter who holds the degree described in division (A) (1) of this section may provide the portion of the training on chemical dependency conditions.~~ 101583
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Sec. 4758.41. An individual seeking a chemical dependency counselor III license shall ~~meet the requirements of division (A), (B), or (C) of this section.~~ 101599
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~~(A) To meet the requirements of this division, an individual must meet all of the following requirements:~~ 101602
101603

~~(1) (A) Hold from an accredited educational institution at least a bachelor's degree or higher in a behavioral science or nursing that meets the course requirements specified in rules adopted under section 4758.20 of the Revised Code;~~ 101604
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~~(2) (B) Have not less than the number of hours specified in~~ 101608

rules adopted under section 4758.20 of the Revised Code of 101609
compensated work or supervised internship experience in any of 101610
the following, not less than twenty per cent of which are in 101611
~~chemical dependency~~ substance use disorder counseling: 101612

~~(a) Chemical dependency services, substance abuse~~ 101613
~~services, or both types of services~~ (1) The provision of services 101614
in substance use disorder treatment within a scope of practice 101615
that the board considers appropriate for an individual seeking a 101616
chemical dependency counselor III license; 101617

~~(b)~~ (2) The practice of psychology, as defined in section 101618
4732.01 of the Revised Code; 101619

~~(c)~~ (3) The practice of professional counseling, the 101620
practice of social work, or the practice of marriage and family 101621
therapy, all as defined in section 4757.01 of the Revised Code. 101622

~~(3)~~ (C) Have a minimum of the number of hours specified in 101623
rules adopted under section 4758.20 of the Revised Code of 101624
training in ~~chemical dependency~~ substance use disorders that 101625
meets the requirements specified in those rules; 101626

~~(4)~~ (D) Unless the individual holds a valid license, 101627
registration, certificate, or credentials issued under another 101628
chapter of the Revised Code that authorizes the individual to 101629
engage in a profession whose scope of practice includes ~~chemical~~ 101630
~~dependency~~ substance use disorder counseling and diagnosing and 101631
treating ~~chemical dependency~~ substance use disorder conditions, 101632
pass one or more examinations administered pursuant to section 101633
4758.22 of the Revised Code for the purpose of determining 101634
competence to practice as a chemical dependency counselor III. 101635

~~(B) To meet the requirements of this division, an~~ 101636
~~individual must meet both of the following requirements:~~ 101637

~~(1) Hold, on December 23, 2002, a certificate or~~ 101638
~~credentials that were accepted under former section 3793.07 of~~ 101639
~~the Revised Code as authority to practice as a certified~~ 101640
~~chemical dependency counselor III or certified chemical~~ 101641
~~dependency counselor III-E;~~ 101642

~~(2) Have not less than forty clock hours of training on~~ 101643
~~the version of the diagnostic and statistical manual of mental~~ 101644
~~disorders that is current at the time of the training. The~~ 101645
~~training must meet the requirements specified in rules adopted~~ 101646
~~under section 4758.20 of the Revised Code. An individual~~ 101647
~~authorized under Chapter 4731. of the Revised Code to practice~~ 101648
~~medicine and surgery or osteopathic medicine and surgery, a~~ 101649
~~psychologist licensed under Chapter 4732. of the Revised Code,~~ 101650
~~or a licensed professional clinical counselor or independent~~ 101651
~~social worker licensed under Chapter 4757. of the Revised Code~~ 101652
~~may provide any portion of the training. An independent chemical~~ 101653
~~dependency counselor licensed under this chapter who holds the~~ 101654
~~degree described in division (A) (1) of section 4758.40 of the~~ 101655
~~Revised Code may provide the portion of the training on chemical~~ 101656
~~dependency conditions.~~ 101657

~~(C) To meet the requirements of this division, an~~ 101658
~~individual must meet all of the following requirements:~~ 101659

~~(1) Hold, on December 23, 2002, a certificate or~~ 101660
~~credentials that were accepted under former section 3793.07 of~~ 101661
~~the Revised Code as authority to practice as a certified~~ 101662
~~chemical dependency counselor II;~~ 101663

~~(2) Meet the requirement of division (B) (2) of this~~ 101664
~~section;~~ 101665

~~(3) Hold a bachelor's degree in a behavioral science.~~ 101666

Sec. 4758.42. An individual seeking a chemical dependency counselor II license shall meet the requirements of division (A) ~~or (B) or (C)~~ of this section ~~or, until three years after the effective date of this amendment, division (A), (B), (C), or (D) of this section.~~

(A) To meet the requirements of this division, an individual must meet all of the following requirements:

(1) Hold from an accredited educational institution an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;

(2) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency substance use disorder counseling:

(a) ~~Chemical dependency services, substance abuse services, or both types of services~~ The provision of services in substance use disorder treatment within a scope of practice that the board considers appropriate for an individual seeking a chemical dependency counselor II license;

(b) The practice of psychology, as defined in section 4732.01 of the Revised Code;

(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.

(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency substance use disorders that meets the requirements specified in those rules;

(4) Pass one or more examinations administered pursuant to 101696
section 4758.22 of the Revised Code for the purpose of 101697
determining competence to practice as a chemical dependency 101698
counselor II. 101699

~~(B) To meet the requirement of this division, an 101700
individual must hold, on December 23, 2002, a certificate or 101701
credentials that were accepted under former section 3793.07 of 101702
the Revised Code as authority to practice as a certified 101703
chemical dependency counselor II. 101704~~

~~(C)~~ To meet the requirements of this division, an 101705
individual must meet all of the following requirements: 101706

(1) Hold from an accredited educational institution an 101707
associate's or bachelor's degree in either of the following with 101708
a specialization in ~~chemical dependency~~ substance use disorder 101709
counseling: 101710

(a) A behavioral science; 101711

(b) Nursing. 101712

(2) Have a minimum of one hundred eighty hours of 101713
education in ~~chemical dependency~~ substance use disorders that 101714
meets the requirements specified in rules adopted under section 101715
4758.20 of the Revised Code; 101716

(3) While holding a valid chemical dependency counselor 101717
assistant certificate, have successfully completed, over the 101718
course of not more than any two semesters, at least two hundred 101719
forty hours of supervised practicum experience in ~~chemical-~~ 101720
~~dependency~~ substance use disorder treatment through a program 101721
that meets all of the following requirements: 101722

(a) The program includes at least two hours per week of 101723

supervised practicum experience; 101724

(b) The program provides intensive outpatient treatment or 101725
a higher level of care, or another level of care if specified in 101726
rules adopted under section 4758.20 of the Revised Code; 101727

(c) The program meets other requirements specified in 101728
rules adopted under that section. 101729

(4) Have at least one thousand hours of compensated work 101730
experience as a chemical dependency counselor assistant; 101731

(5) Provide to the chemical dependency professionals board 101732
a written recommendation from an individual who supervised the 101733
individual's practice of ~~chemical dependency~~ substance use 101734
disorder counseling as a chemical dependency counselor assistant 101735
as required by division (B) of section 4758.59 of the Revised 101736
Code; 101737

(6) Pass one or more examinations administered pursuant to 101738
section 4758.22 of the Revised Code for the purpose of 101739
determining competence to practice as a chemical dependency 101740
counselor II. 101741

~~(D) To meet the requirements of this division, an~~ 101742
~~individual must meet all of the following requirements:~~ 101743

~~(1) Since at least December 31, 2008, continuously have~~ 101744
~~done both of the following:~~ 101745

~~(a) Held a valid chemical dependency counselor assistant~~ 101746
~~certificate;~~ 101747

~~(b) Practiced chemical dependency counseling while under~~ 101748
~~supervision as required by division (B) of section 4758.59 of~~ 101749
~~the Revised Code.~~ 101750

~~(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;~~

~~(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;~~

~~(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.~~

Sec. 4758.43. An individual seeking a chemical dependency counselor assistant certificate shall meet ~~either~~ all of the following requirements:

(A) Be at least eighteen years of age;

(B) Hold a high school diploma, a certificate of high school equivalence, or a higher degree;

(C) Have at least the number of hours in training or education specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency related to substance use disorder counseling that meets the requirements specified in those rules;

~~(B) Hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a registered candidate~~ (D) Obtain a chemical dependency counselor preliminary certificate in accordance with rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.44. An individual seeking a prevention
consultant ~~certificate license shall meet the requirements of~~
~~division (A) or (B) of this section.~~

~~(A) To meet the requirements of this division, an~~
~~individual must meet all of the following requirements:~~

~~(1)~~ (A) Have at least the number of hours specified in
rules adopted under section 4758.20 of the Revised Code of
compensated work experience in prevention services, including at
least the number of hours specified in those rules of
administering or supervising the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at~~
~~least a bachelor's degree or higher~~ in a field of study
specified in rules adopted under section 4758.20 of the Revised
Code;

~~(3)~~ (C) Have at least the number of hours specified in
rules adopted under section 4758.20 of the Revised Code of
prevention-related education that meets the requirements
specified in those rules;

~~(4)~~ (D) Have at least the number of hours specified in
rules adopted under section 4758.20 of the Revised Code of
administrative or supervisory education;

~~(5)~~ (E) Pass one or more examinations administered pursuant
to section 4758.22 of the Revised Code for the purpose of
determining competence to practice as a prevention consultant.

~~(B) To meet the requirement of this division, an~~
~~individual must hold, on December 23, 2002, a certificate or~~
~~credentials that were accepted under former section 3793.07 of~~
~~the Revised Code as authority to practice as a certified~~
~~prevention specialist II.~~

Sec. 4758.45. An individual seeking a prevention specialist ~~certificate license shall meet the requirements of~~ division (A) or (B) of this section.

~~(A) To meet the requirements of this division, an individual must meet~~ all of the following requirements:

~~(1)~~ (A) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated or volunteer work, field placement, intern, or practicum experience in prevention services, including at least the number of hours specified in those rules of planning or delivering the services;

~~(2)~~ (B) Hold from an accredited educational institution ~~at least an associate's degree or higher~~ in a field of study specified in rules adopted under section 4758.20 of the Revised Code;

~~(3)~~ (C) Have at least the number of hours specified in rules adopted under section 4758.20 of the Revised Code of prevention-related education that meets the requirements specified in those rules;

~~(4)~~ (D) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a prevention specialist.

~~(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified prevention specialist I.~~

Sec. 4758.46. An individual seeking a prevention specialist assistant certificate shall meet all of the following

requirements: 101838

(A) Be at least eighteen years of age; 101839

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 101840
of high school equivalence, or a higher degree; 101841

(C) Have at least the number of hours specified in rules 101842
adopted under section 4758.20 of the Revised Code of compensated 101843
or volunteer work, field placement, intern, or practicum 101844
experience in prevention services; 101845

(D) Have at least the number of hours specified in rules 101846
adopted under section 4758.20 of the Revised Code of prevention- 101847
related education that meets the requirements specified in those 101848
rules. 101849

Sec. 4758.47. An individual seeking a registered applicant 101850
certificate shall meet all of the following requirements: 101851

(A) Be at least eighteen years of age; 101852

(B) Have ~~at least a~~ high school diploma ~~or~~, a certificate 101853
of high school equivalence, or a higher degree; 101854

(C) Submit to the chemical dependency professionals board 101855
a professional development plan that is acceptable to the board. 101856

Sec. 4758.49. (A) An individual seeking a peer recovery 101857
supporter certificate shall meet all of the following 101858
requirements: 101859

(1) Be at least eighteen years of age; 101860

(2) Hold a high school diploma, the equivalent of a high 101861
school diploma as determined by the board in rules adopted under 101862
section 4758.20 of the Revised Code, or a higher degree; 101863

(3) Attest that the individual has direct lived experience 101864

with mental illness or substance use disorder and is in recovery 101865
from a mental illness or substance use disorder; 101866

(4) Complete at least the number of hours of competency- 101867
based peer services training specified in rules adopted under 101868
section 4758.20 of the Revised Code; 101869

(5) Pass one or more examinations administered pursuant to 101870
section 4758.22 of the Revised Code for the purpose of 101871
determining competence to practice as a peer recovery supporter; 101872

(6) Attest to having read and understood the code of 101873
ethical practice and professional conduct established under 101874
section 4758.23 of the Revised Code for peer recovery 101875
supporters. 101876

(B) An individual seeking a youth peer supporter 101877
certificate shall meet all of the following requirements: 101878

(1) Be at least eighteen years of age but not more than 101879
thirty years of age; 101880

(2) Hold a high school diploma, the equivalent of a high 101881
school diploma as determined by the board in rules adopted under 101882
section 4758.20 of the Revised Code, or a higher degree; 101883

(3) Attest that the individual has direct lived experience 101884
with the behavioral health system and other child or youth 101885
services systems; 101886

(4) Complete at least the number of hours of competency- 101887
based peer services training, including training specific to 101888
youth peer support services, specified in rules adopted under 101889
section 4758.20 of the Revised Code; 101890

(5) Pass one or more examinations administered pursuant to 101891
section 4758.22 of the Revised Code for the purpose of 101892

<u>determining competence to practice as a youth peer supporter;</u>	101893
<u>(6) Attest to having read and understood the code of</u>	101894
<u>ethical practice and professional conduct established under</u>	101895
<u>section 4758.23 of the Revised Code for youth peer supporters.</u>	101896
<u>(C) An individual seeking a family peer supporter</u>	101897
<u>certificate shall meet all of the following requirements:</u>	101898
<u>(1) Be at least twenty-one years of age;</u>	101899
<u>(2) Hold a high school diploma, the equivalent of a high</u>	101900
<u>school diploma as determined by the board in rules adopted under</u>	101901
<u>section 4758.20 of the Revised Code, or a higher degree;</u>	101902
<u>(3) Attest that the individual has direct lived experience</u>	101903
<u>as the caregiver of an individual with mental illness or</u>	101904
<u>substance use disorder and has successfully navigated service</u>	101905
<u>systems for at least one year on behalf of the individual;</u>	101906
<u>(4) Complete at least the number of hours of competency-</u>	101907
<u>based peer services training, including training specific to</u>	101908
<u>family peer support services, specified in rules adopted under</u>	101909
<u>section 4758.20 of the Revised Code;</u>	101910
<u>(5) Pass one or more examinations administered pursuant to</u>	101911
<u>section 4758.22 of the Revised Code for the purpose of</u>	101912
<u>determining competence to practice as a family peer supporter;</u>	101913
<u>(6) Attest to having read and understood the code of</u>	101914
<u>ethical practice and professional conduct established under</u>	101915
<u>section 4758.23 of the Revised Code for family peer supporters.</u>	101916
<u>Sec. 4758.491. An individual seeking a peer support</u>	101917
<u>supervisor endorsement shall meet all of the following</u>	101918
<u>requirements:</u>	101919

(A) Hold an active independent chemical dependency 101920
counselor, chemical dependency counselor III, or chemical 101921
dependency counselor II license, or peer recovery supporter, 101922
youth peer supporter, or family peer supporter certificate 101923
issued under this chapter; 101924

(B) Have provided services under either of the following 101925
for at least two years: 101926

(1) An active license or certification described in 101927
division (A) of this section; 101928

(2) A peer recovery supporter, youth peer supporter, or 101929
family peer supporter certificate issued by the department of 101930
mental health and addiction services prior to one year after the 101931
effective date of this section. 101932

(C) Complete the number of hours of online learning 101933
specified in rules adopted under section 4758.20 of the Revised 101934
Code; 101935

(D) Complete a supervising peers training program that 101936
meets the standards established in rules adopted under section 101937
4758.20 of the Revised Code. 101938

Sec. 4758.51. (A) Except as provided in division (C) of 101939
this section and in accordance with rules adopted under section 101940
4758.20 of the Revised Code, each individual who holds a 101941
license, certificate, or endorsement issued under this chapter, 101942
other than ~~an initial~~ a chemical dependency counselor assistant 101943
preliminary certificate or registered applicant certificate, 101944
shall complete during the period that the license, certificate, 101945
or endorsement is in effect not less than the following number 101946
of clock hours of continuing education as a condition of 101947
receiving a renewed license, certificate, or endorsement: 101948

(1) In the case of an individual holding a prevention specialist assistant certificate, twenty; 101949
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(2) In the case of an individual holding a gambling disorder endorsement, six; 101951
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(3) In the case of any other individual, thirty, except as follows: 101953
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(a) If the individual is age sixty-five years or older, twenty; 101955
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(b) If the individual holds an international certificate from the international certification and reciprocity consortium, the number of clock hours required by the consortium. 101957
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101959

(B) Except as provided in division (C) of this section, an individual whose license, certificate, or endorsement issued under this chapter, other than ~~an initial~~ a chemical dependency counselor assistant preliminary certificate or registered applicant certificate, has expired shall complete the number of hours of continuing education specified in rules adopted under section 4758.20 of the Revised Code as a condition of receiving a restored license, certificate, or endorsement. 101960
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(C) The chemical dependency professionals board may waive the continuing education requirements established under this section for individuals who are unable to fulfill them because of military service, illness, residence outside the United States, or any other reason the board considers acceptable. 101968
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Sec. 4758.54. In addition to practicing ~~chemical dependency~~ substance use disorder counseling, an individual holding a valid independent chemical dependency counselor-clinical supervisor license may do all of the following: 101973
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101976

(A) Diagnose and treat ~~chemical dependency~~ substance use disorder conditions; 101977
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(B) Perform treatment planning, assessment, crisis 101979
intervention, individual and group counseling, case management, 101980
and education services as they relate to ~~abuse of and dependency~~ 101981
~~on alcohol and other drugs~~ behavioral health conditions related 101982
to substance use disorder; 101983

(C) Provide clinical supervision of ~~chemical dependency~~ 101984
substance use disorder counseling; 101985

~~(D) Refer individuals with nonchemical dependency~~ 101986
~~conditions to appropriate sources of help.~~ 101987

Sec. 4758.55. In addition to practicing ~~chemical~~ 101988
~~dependency~~ substance use disorder counseling, an individual 101989
holding a valid independent chemical dependency counselor 101990
license may do all of the following: 101991

(A) Diagnose and treat ~~chemical dependency~~ substance use 101992
disorder conditions; 101993

(B) Perform treatment planning, assessment, crisis 101994
intervention, individual and group counseling, case management, 101995
and education services as they relate to ~~abuse of and dependency~~ 101996
~~on alcohol and other drugs~~ behavioral health conditions related 101997
to substance use disorder; 101998

(C) Provide clinical supervision of ~~chemical dependency~~ 101999
substance use disorder counseling under the supervision of any 102000
of the following: 102001

(1) An independent chemical dependency counselor-clinical 102002
supervisor licensed under this chapter; 102003

(2) An individual authorized under Chapter 4731. of the 102004

Revised Code to practice medicine and surgery or osteopathic	102005
medicine and surgery;	102006
(3) A psychologist licensed under Chapter 4732. of the	102007
Revised Code;	102008
(4) A registered nurse licensed under Chapter 4723. of the	102009
Revised Code or licensed professional clinical counselor,	102010
independent social worker, or independent marriage and family	102011
therapist licensed under Chapter 4757. of the Revised Code if	102012
such supervision is consistent with the scope of practice of the	102013
registered nurse, licensed professional clinical counselor,	102014
independent social worker, or independent marriage and family	102015
therapist;	102016
(5) An individual authorized to practice as a certified	102017
nurse practitioner or clinical nurse specialist under Chapter	102018
4723. of the Revised Code.	102019
(D) Refer individuals with nonchemical dependency	102020
conditions to appropriate sources of help.	102021
Sec. 4758.56. (A) In addition to practicing chemical	102022
dependency <u>substance use disorder</u> counseling, an individual	102023
holding a valid chemical dependency counselor III license may do	102024
all of the following:	102025
(1) Diagnose chemical dependency <u>substance use disorder</u>	102026
conditions under the supervision of any of the professionals	102027
listed in section 4758.561 of the Revised Code;	102028
(2) Treat chemical dependency <u>substance use disorder</u>	102029
conditions;	102030
(3) Perform treatment planning, assessment, crisis	102031
intervention, individual and group counseling, case management,	102032

and education services as they relate to ~~abuse of and dependency~~ 102033
~~on alcohol and other drugs~~ behavioral health conditions related 102034
to substance use disorder; 102035

(4) Provide clinical supervision of ~~chemical dependency~~ 102036
substance use disorder counseling under the supervision of any 102037
of the professionals listed in section 4758.561 of the Revised 102038
Code. 102039

~~(5) Refer individuals with nonchemical dependency~~ 102040
~~conditions to appropriate sources of help.~~ 102041

(B) A chemical dependency counselor III may not practice 102042
as an individual practitioner. 102043

Sec. 4758.57. (A) In addition to practicing ~~chemical~~ 102044
~~dependency~~ substance use disorder counseling, an individual 102045
holding a valid chemical dependency counselor II license may ~~do~~ 102046
~~both of the following:~~ 102047

~~(1) Perform~~ perform treatment planning, assessment, crisis 102048
intervention, individual and group counseling, case management, 102049
and education services as they relate to ~~abuse of and dependency~~ 102050
~~on alcohol and other drugs;~~ 102051

~~(2) Refer individuals with nonchemical dependency~~ 102052
~~conditions to appropriate sources of help~~ behavioral health 102053
conditions related to substance use disorder. 102054

(B) A chemical dependency counselor II may not practice as 102055
an individual practitioner. 102056

Sec. 4758.59. (A) Subject to division (B) of this section, 102057
an individual holding a valid chemical dependency counselor 102058
assistant certificate ~~may do both of the following,~~ in addition 102059
to practicing chemical dependency counseling. 102060

~~(1) Perform, may perform~~ treatment planning, assessment, 102061
crisis intervention, individual and group counseling, case 102062
management, and education services as they relate to ~~abuse of or~~ 102063
~~dependency on alcohol and other drugs;~~ 102064

~~(2) Refer individuals with nonchemical dependency~~ 102065
~~conditions to appropriate sources of help~~ behavioral health 102066
conditions related to substance use disorder. 102067

(B) An individual holding a valid chemical dependency 102068
counselor assistant certificate may practice ~~chemical dependency~~ 102069
substance use disorder counseling and perform the tasks 102070
specified in division (A) of this section only while under the 102071
supervision of any of the following: 102072

(1) An independent chemical dependency counselor-clinical 102073
supervisor, independent chemical dependency counselor, or 102074
chemical dependency counselor III licensed under this chapter; 102075

(2) An individual authorized under Chapter 4731. of the 102076
Revised Code to practice medicine and surgery or osteopathic 102077
medicine and surgery; 102078

(3) A psychologist licensed under Chapter 4732. of the 102079
Revised Code; 102080

(4) A registered nurse licensed under Chapter 4723. of the 102081
Revised Code or licensed professional clinical counselor, 102082
independent social worker, or independent marriage and family 102083
therapist licensed under Chapter 4757. of the Revised Code if 102084
such supervision is consistent with the scope of practice of the 102085
registered nurse, licensed professional clinical counselor, 102086
independent social worker, or independent marriage and family 102087
therapist; 102088

(5) An individual authorized to practice as a certified 102089

nurse practitioner or clinical nurse specialist under Chapter 102090
4723. of the Revised Code. 102091

(C) A chemical dependency counselor assistant may not 102092
practice as an individual practitioner. 102093

Sec. 4758.60. An individual who holds a valid prevention 102094
consultant ~~certificate~~-license or prevention specialist 102095
~~certificate~~-license issued under this chapter may engage in the 102096
practice of prevention services as specified in rules adopted 102097
under section 4758.20 of the Revised Code. 102098

Sec. 4758.61. An individual who holds a valid prevention 102099
specialist assistant certificate or registered applicant 102100
certificate issued under this chapter may engage in the practice 102101
of prevention services, as specified in rules adopted under 102102
section 4758.20 of the Revised Code, under the supervision of 102103
any of the following: 102104

(A) A prevention consultant or prevention specialist 102105
~~certified~~-licensed under this chapter; 102106

(B) An individual authorized under Chapter 4731. of the 102107
Revised Code to practice medicine and surgery or osteopathic 102108
medicine and surgery; 102109

(C) A psychologist licensed under Chapter 4732. of the 102110
Revised Code; 102111

(D) A registered nurse licensed under Chapter 4723. of the 102112
Revised Code; 102113

(E) A licensed professional clinical counselor, a licensed 102114
professional counselor, an independent social worker, a social 102115
worker, an independent marriage and family therapist, or a 102116
marriage and family therapist licensed under Chapter 4757. of 102117

the Revised Code; 102118

(F) A school counselor licensed by the state board of 102119
education pursuant to section 3319.22 of the Revised Code; 102120

(G) A health education specialist certified by the 102121
national commission for health education credentialing; 102122

(H) An individual authorized to practice as a certified 102123
nurse practitioner or clinical nurse specialist under Chapter 102124
4723. of the Revised Code. 102125

Sec. 4758.62. An individual who holds an independent 102126
chemical dependency counselor license and a gambling disorder 102127
endorsement may do all of the following: 102128

(A) Diagnose and treat gambling disorder conditions; 102129

(B) Perform treatment planning, assessment, crisis 102130
intervention, individual and group counseling, case management, 102131
and educational services insofar as those functions relate to 102132
gambling disorders; 102133

(C) Supervise gambling disorder counseling; ~~and~~ 102134

~~(D) Refer individuals with other gambling conditions to~~ 102135
~~appropriate sources of help.~~ 102136

Sec. 4758.63. An individual who holds a chemical 102137
dependency counselor III license and a gambling disorder 102138
endorsement may do all of the following: 102139

(A) Treat gambling disorder conditions; 102140

(B) Diagnose gambling disorder conditions under 102141
supervision; 102142

(C) Perform treatment planning, assessment, crisis 102143
intervention, individual and group counseling, case management, 102144

and educational services insofar as those functions relate to 102145
gambling disorders; 102146

(D) Supervise gambling disorder counseling under 102147
supervision; ~~and~~ 102148

~~(E) Refer individuals with other gambling conditions to~~ 102149
~~appropriate sources of help.~~ 102150

The supervision required by divisions (B) and (D) of this 102151
section shall be provided by an independent chemical dependency 102152
counselor licensed under this chapter; an individual authorized 102153
to practice medicine and surgery or osteopathic medicine and 102154
surgery under Chapter 4731. of the Revised Code; a psychologist 102155
licensed under Chapter 4732. of the Revised Code; an individual 102156
authorized to practice as a certified nurse practitioner or 102157
clinical nurse specialist under Chapter 4723. of the Revised 102158
Code; a registered nurse licensed under Chapter 4723. of the 102159
Revised Code; or a professional clinical counselor, independent 102160
social worker, or independent marriage and family therapist 102161
licensed under Chapter 4757. of the Revised Code. 102162

An individual holding a chemical dependency counselor III 102163
license shall not practice as an individual practitioner. 102164

Sec. 4758.64. (A) An individual who holds a chemical 102165
dependency counselor II license and a gambling disorder 102166
endorsement may do ~~all~~ both of the following: 102167

~~(A)~~ (1) Treat gambling disorder conditions; 102168

~~(B)~~ (2) Perform treatment planning, assessment, crisis 102169
intervention, individual and group counseling, case management, 102170
and educational services insofar as those functions relate to 102171
gambling disorders; ~~and~~ 102172

~~(C) Refer individuals with other gambling conditions to~~ 102173
~~appropriate sources of help.~~ 102174

(B) An individual holding a chemical dependency II license 102175
shall not practice as an individual practitioner. 102176

Sec. 4758.65. (A) The activities described in division (B) 102177
of this section may be performed only under the supervision of 102178
an individual described in section 4758.651 of the Revised Code. 102179

(B) (1) A peer supporter certified under this chapter may 102180
work with the following populations: 102181

(a) In the case of a peer recovery supporter, individuals 102182
with a mental illness or substance use disorder, or both, and 102183
who may also have a co-occurring developmental disability, as 102184
well as the individuals' caregivers or families; 102185

(b) In the case of a youth peer supporter, individuals who 102186
primarily are thirty years of age or younger with a mental 102187
illness or substance use disorder, or both, and who may also 102188
have a co-occurring developmental disability, as well as the 102189
individuals' caregivers or families; 102190

(c) In the case of a family peer supporter, caregivers or 102191
families of individuals with a mental illness or substance use 102192
disorder, or both, and who may also have a co-occurring 102193
developmental disability. 102194

(2) A peer supporter certified under this chapter may 102195
promote any of the following competencies for the populations 102196
within the peer supporter's scope of practice as specified in 102197
division (B) (1) of this section: 102198

(a) Resiliency and recovery; 102199

(b) Self-determination; 102200

<u>(c) Advocacy;</u>	102201
<u>(d) Well-being;</u>	102202
<u>(e) Skill development;</u>	102203
<u>(f) Any other competencies specified in rules adopted</u>	102204
<u>pursuant to section 4758.20 of the Revised Code.</u>	102205
<u>(3) A peer supporter may perform any other tasks within</u>	102206
<u>the peer supporter's scope of practice as established in rules</u>	102207
<u>adopted pursuant to section 4758.20 of the Revised Code.</u>	102208
<u>(C) A peer supporter may not practice as an individual</u>	102209
<u>practitioner.</u>	102210
<u>Sec. 4758.651. For purposes of section 4758.65 of the</u>	102211
<u>Revised Code, any of the following may supervise a peer</u>	102212
<u>supporter certified under this chapter:</u>	102213
<u>(A) A peer recovery supporter, youth peer supporter, or</u>	102214
<u>family peer supporter certified under this chapter who holds a</u>	102215
<u>peer support supervisor endorsement issued under this chapter;</u>	102216
<u>(B) A chemical dependency counselor II, chemical</u>	102217
<u>dependency counselor III, or independent chemical dependency</u>	102218
<u>counselor licensed under this chapter who holds a peer support</u>	102219
<u>supervisor endorsement issued under this chapter;</u>	102220
<u>(C) Any of the following who has completed the training</u>	102221
<u>requirements specified in rules adopted under section 4758.20 of</u>	102222
<u>the Revised Code to supervise peer supporters without holding a</u>	102223
<u>peer support supervisor endorsement issued under this chapter:</u>	102224
<u>(1) A social worker, independent social worker,</u>	102225
<u>professional counselor, professional clinical counselor,</u>	102226
<u>marriage and family therapist, or independent marriage and</u>	102227

family therapist licensed under Chapter 4757. of the Revised 102228
Code, if such supervision is consistent with the scope of 102229
practice of the social worker, independent social worker, 102230
professional counselor, professional clinical counselor, 102231
marriage and family therapist, or independent marriage and 102232
family therapist; 102233

(2) A psychologist licensed under Chapter 4732. of the 102234
Revised Code; 102235

(3) A psychiatrist, as defined in section 5122.01 of the 102236
Revised Code. 102237

Sec. 4758.70. (A) Except to the extent of providing 102238
services authorized by this chapter, this chapter does not 102239
authorize any individual to engage in either of the following: 102240

~~(A)~~ (1) The practice of psychology as defined in section 102241
4732.01 of the Revised Code; 102242

~~(B)~~ (2) The practice of professional counseling, practice 102243
of social work, or practice of marriage and family therapy, as 102244
those terms are defined in section 4757.01 of the Revised Code. 102245

(B) Peer recovery supporters, youth peer supporters, or 102246
family peer supporters certified under this chapter are not 102247
authorized to engage in the practice of substance use disorder 102248
counseling or prevention services. 102249

Sec. 4758.80. An independent chemical dependency 102250
counselor, peer recovery supporter, youth peer supporter, or 102251
family peer supporter may provide telehealth services in 102252
accordance with section 4743.09 of the Revised Code. 102253

Sec. 4758.99. Whoever violates ~~division (A) or (B) of~~ 102254
section 4758.02 of the Revised Code is guilty of a misdemeanor 102255

of the fourth degree on a first offense; on each subsequent 102256
offense, the person is guilty of a misdemeanor of the third 102257
degree. 102258

Sec. 4759.07. (A) The state medical board, by an 102259
affirmative vote of not fewer than six members, shall, except as 102260
provided in division (B) of this section, and to the extent 102261
permitted by law, limit, revoke, or suspend an individual's 102262
license or limited permit, refuse to issue a license or limited 102263
permit to an individual, refuse to renew a license or limited 102264
permit, refuse to reinstate a license or limited permit, or 102265
reprimand or place on probation the holder of a license or 102266
limited permit for one or more of the following reasons: 102267

(1) Except when civil penalties are imposed under section 102268
4759.071 of the Revised Code, violating or attempting to 102269
violate, directly or indirectly, or assisting in or abetting the 102270
violation of, or conspiring to violate, any provision of this 102271
chapter or the rules adopted by the board; 102272

(2) Making a false, fraudulent, deceptive, or misleading 102273
statement in the solicitation of or advertising for patients; in 102274
relation to the practice of dietetics; or in securing or 102275
attempting to secure any license or permit issued by the board 102276
under this chapter. 102277

As used in division (A) (2) of this section, "false, 102278
fraudulent, deceptive, or misleading statement" means a 102279
statement that includes a misrepresentation of fact, is likely 102280
to mislead or deceive because of a failure to disclose material 102281
facts, is intended or is likely to create false or unjustified 102282
expectations of favorable results, or includes representations 102283
or implications that in reasonable probability will cause an 102284
ordinarily prudent person to misunderstand or be deceived. 102285

- (3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;
- (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;
- (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;
- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics;
- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient

is established; 102314

(12) The obtaining of, or attempting to obtain, money or 102315
anything of value by fraudulent misrepresentations in the course 102316
of practice; 102317

(13) Violation of the conditions of limitation placed by 102318
the board on a license or permit; 102319

(14) Inability to practice according to acceptable and 102320
prevailing standards of care by reason of mental illness or 102321
physical illness, including, physical deterioration that 102322
adversely affects cognitive, motor, or perceptive skills; 102323

(15) Any of the following actions taken by an agency 102324
responsible for authorizing, certifying, or regulating an 102325
individual to practice a health care occupation or provide 102326
health care services in this state or another jurisdiction, for 102327
any reason other than the nonpayment of fees: the limitation, 102328
revocation, or suspension of an individual's license; acceptance 102329
of an individual's license surrender; denial of a license; 102330
refusal to renew or reinstate a license; imposition of 102331
probation; or issuance of an order of censure or other 102332
reprimand; 102333

(16) The revocation, suspension, restriction, reduction, 102334
or termination of practice privileges by the United States 102335
department of defense or department of veterans affairs; 102336

(17) Termination or suspension from participation in the 102337
medicare or medicaid programs by the department of health and 102338
human services or other responsible agency for any act or acts 102339
that also would constitute a violation of division (A) (11), 102340
(12), or (14) of this section; 102341

(18) Impairment of ability to practice according to 102342

acceptable and prevailing standards of care because of substance 102343
use disorder or excessive use or abuse of drugs, alcohol, or 102344
other substances that may impair ability to practice; 102345

(19) Failure to cooperate in an investigation conducted by 102346
the board under division (B) of section 4759.05 of the Revised 102347
Code, including failure to comply with a subpoena or order 102348
issued by the board or failure to answer truthfully a question 102349
presented by the board in an investigative interview, an 102350
investigative office conference, at a deposition, or in written 102351
interrogatories, except that failure to cooperate with an 102352
investigation shall not constitute grounds for discipline under 102353
this section if a court of competent jurisdiction has issued an 102354
order that either quashes a subpoena or permits the individual 102355
to withhold the testimony or evidence in issue; 102356

(20) Representing with the purpose of obtaining 102357
compensation or other advantage as personal gain or for any 102358
other person, that an incurable disease or injury, or other 102359
incurable condition, can be permanently cured. 102360

(B) The board shall not refuse to issue a license or 102361
limited permit to an applicant because of a plea of guilty to, a 102362
judicial finding of guilt of, or a judicial finding of 102363
eligibility for intervention in lieu of conviction for an 102364
offense unless the refusal is in accordance with section 9.79 of 102365
the Revised Code. 102366

(C) Any action taken by the board under division (A) of 102367
this section resulting in a suspension from practice shall be 102368
accompanied by a written statement of the conditions under which 102369
the individual's license or permit may be reinstated. The board 102370
shall adopt rules governing conditions to be imposed for 102371
reinstatement. Reinstatement of a license or permit suspended 102372

pursuant to division (A) of this section requires an affirmative 102373
vote of not fewer than six members of the board. 102374

(D) When the board refuses to grant or issue a license or 102375
permit to an applicant, revokes an individual's license or 102376
permit, refuses to renew an individual's license or permit, or 102377
refuses to reinstate an individual's license or permit, the 102378
board may specify that its action is permanent. An individual 102379
subject to a permanent action taken by the board is forever 102380
thereafter ineligible to hold a license or permit and the board 102381
shall not accept an application for reinstatement of the license 102382
or permit or for issuance of a new license or permit. 102383

(E) Disciplinary actions taken by the board under division 102384
(A) of this section shall be taken pursuant to an adjudication 102385
under Chapter 119. of the Revised Code, except that in lieu of 102386
an adjudication, the board may enter into a consent agreement 102387
with an individual to resolve an allegation of a violation of 102388
this chapter or any rule adopted under it. A consent agreement, 102389
when ratified by an affirmative vote of not fewer than six 102390
members of the board, shall constitute the findings and order of 102391
the board with respect to the matter addressed in the agreement. 102392
If the board refuses to ratify a consent agreement, the 102393
admissions and findings contained in the consent agreement shall 102394
be of no force or effect. 102395

A telephone conference call may be utilized for 102396
ratification of a consent agreement that revokes or suspends an 102397
individual's license or permit. The telephone conference call 102398
shall be considered a special meeting under division (F) of 102399
section 121.22 of the Revised Code. 102400

(F) In enforcing division (A)(14) of this section, the 102401
board, upon a showing of a possible violation, shall refer any 102402

individual authorized to practice by this chapter or who has 102403
submitted an application pursuant to this chapter to the 102404
monitoring organization that conducts the confidential 102405
monitoring program established under section 4731.25 of the 102406
Revised Code. The board also may compel the individual to submit 102407
to a mental examination, physical examination, including an HIV 102408
test, or both a mental and a physical examination. The expense 102409
of the examination is the responsibility of the individual 102410
compelled to be examined. Failure to submit to a mental or 102411
physical examination or consent to an HIV test ordered by the 102412
board constitutes an admission of the allegations against the 102413
individual unless the failure is due to circumstances beyond the 102414
individual's control, and a default and final order may be 102415
entered without the taking of testimony or presentation of 102416
evidence. If the board finds an individual unable to practice 102417
because of the reasons set forth in division (A) (14) of this 102418
section, the board shall require the individual to submit to 102419
care, counseling, or treatment by physicians approved or 102420
designated by the board, as a condition for initial, continued, 102421
reinstated, or renewed authority to practice. An individual 102422
affected under this division shall be afforded an opportunity to 102423
demonstrate to the board the ability to resume practice in 102424
compliance with acceptable and prevailing standards under the 102425
provisions of the individual's license or permit. For the 102426
purpose of division (A) (14) of this section, any individual who 102427
applies for or receives a license or permit under this chapter 102428
accepts the privilege of practicing in this state and, by so 102429
doing, shall be deemed to have given consent to submit to a 102430
mental or physical examination when directed to do so in writing 102431
by the board, and to have waived all objections to the 102432
admissibility of testimony or examination reports that 102433
constitute a privileged communication. 102434

(G) For the purposes of division (A)(18) of this section, 102435
any individual authorized to practice by this chapter accepts 102436
the privilege of practicing in this state subject to supervision 102437
by the board. By filing an application for or holding a license 102438
or permit under this chapter, an individual shall be deemed to 102439
have given consent to submit to a mental or physical examination 102440
when ordered to do so by the board in writing, and to have 102441
waived all objections to the admissibility of testimony or 102442
examination reports that constitute privileged communications. 102443

If it has reason to believe that any individual authorized 102444
to practice by this chapter or any applicant for a license or 102445
permit suffers such impairment, the board shall refer the 102446
individual to the monitoring organization that conducts the 102447
confidential monitoring program established under section 102448
4731.25 of the Revised Code. The board also may compel the 102449
individual to submit to a mental or physical examination, or 102450
both. The expense of the examination is the responsibility of 102451
the individual compelled to be examined. Any mental or physical 102452
examination required under this division shall be undertaken by 102453
a treatment provider or physician who is qualified to conduct 102454
the examination and who is approved under section 4731.251 of 102455
the Revised Code. 102456

Failure to submit to a mental or physical examination 102457
ordered by the board constitutes an admission of the allegations 102458
against the individual unless the failure is due to 102459
circumstances beyond the individual's control, and a default and 102460
final order may be entered without the taking of testimony or 102461
presentation of evidence. If the board determines that the 102462
individual's ability to practice is impaired, the board shall 102463
suspend the individual's license or permit or deny the 102464
individual's application and shall require the individual, as a 102465

condition for an initial, continued, reinstated, or renewed 102466
license or permit, to submit to treatment. 102467

Before being eligible to apply for reinstatement of a 102468
license or permit suspended under this division, the impaired 102469
practitioner shall demonstrate to the board the ability to 102470
resume practice in compliance with acceptable and prevailing 102471
standards of care under the provisions of the practitioner's 102472
license or permit. The demonstration shall include, but shall 102473
not be limited to, the following: 102474

(1) Certification from a treatment provider approved under 102475
section 4731.251 of the Revised Code that the individual has 102476
successfully completed any required inpatient treatment; 102477

(2) Evidence of continuing full compliance with an 102478
aftercare contract or consent agreement; 102479

(3) Two written reports indicating that the individual's 102480
ability to practice has been assessed and that the individual 102481
has been found capable of practicing according to acceptable and 102482
prevailing standards of care. The reports shall be made by 102483
individuals or providers approved by the board for making the 102484
assessments and shall describe the basis for their 102485
determination. 102486

The board may reinstate a license or permit suspended 102487
under this division after that demonstration and after the 102488
individual has entered into a written consent agreement. 102489

When the impaired practitioner resumes practice, the board 102490
shall require continued monitoring of the individual. The 102491
monitoring shall include, but not be limited to, compliance with 102492
the written consent agreement entered into before reinstatement 102493
or with conditions imposed by board order after a hearing, and, 102494

upon termination of the consent agreement, submission to the 102495
board for at least two years of annual written progress reports 102496
made under penalty of perjury stating whether the individual has 102497
maintained sobriety. 102498

(H) (1) If either of the following circumstances occur, the 102499
secretary and supervising member may recommend that the board 102500
suspend an individual's license or permit without a prior 102501
hearing: 102502

(a) The secretary and supervising member determine both of 102503
the following: 102504

(i) That there is clear and convincing evidence that an 102505
individual has violated division (A) of this section; 102506

(ii) That the individual's continued practice presents a 102507
danger of immediate and serious harm to the public. 102508

(b) The board receives verifiable information that a 102509
licensee has been charged in any state or federal court for a 102510
crime classified as a felony under the charging court's law and 102511
the conduct charged constitutes a violation of division (A) of 102512
this section. 102513

(2) If a recommendation is made to suspend without a prior 102514
hearing pursuant to division (H) (1) of this section, written 102515
allegations shall be prepared for consideration by the board. 102516
The board, upon review of those allegations and by an 102517
affirmative vote of not fewer than six of its members, excluding 102518
the secretary and supervising member, may suspend a license or 102519
permit without a prior hearing. A telephone conference call may 102520
be utilized for reviewing the allegations and taking the vote on 102521
the summary suspension. 102522

The board shall serve a written order of suspension in 102523

accordance with sections 119.05 and 119.07 of the Revised Code. 102524
~~The order shall not be subject to suspension by the court during~~ 102525
~~pendency of any appeal filed under section 119.12 of the Revised~~ 102526
~~Code.~~ If the individual subject to the summary suspension 102527
requests an adjudicatory hearing by the board, the date set for 102528
the hearing shall be within fifteen days, but not earlier than 102529
seven days, after the individual requests the hearing, unless 102530
otherwise agreed to by both the board and the individual. 102531

(3) Any summary suspension imposed under ~~this division~~ (H) 102532
(2) of this section is not a final appealable order and is not 102533
an adjudication that may be appealed under section 119.12 of the 102534
Revised Code. The summary suspension shall remain in effect, 102535
~~unless reversed on appeal,~~ until a final adjudicative order 102536
issued by the board pursuant to this section and Chapter 119. of 102537
the Revised Code becomes effective. Once a final adjudicative 102538
order has been issued by the board, any party adversely affected 102539
by it may file an appeal in accordance with the requirements of 102540
Chapter 119. of the Revised Code. ~~The~~ 102541

The board shall issue its final adjudicative order within 102542
seventy-five days after completion of its hearing. A failure to 102543
issue the order within seventy-five days shall result in 102544
dissolution of the summary suspension order but shall not 102545
invalidate any subsequent, final adjudicative order. 102546

(I) If the board is required by Chapter 119. of the 102547
Revised Code to give notice of an opportunity for a hearing and 102548
if the individual subject to the notice does not timely request 102549
a hearing in accordance with section 119.07 of the Revised Code, 102550
the board is not required to hold a hearing, but may adopt, by 102551
an affirmative vote of not fewer than six of its members, a 102552
final order that contains the board's findings. In the final 102553

order, the board may order any of the sanctions identified under 102554
division (A) of this section. 102555

(J) For purposes of divisions (A) (5), (7), and (9) of this 102556
section, the commission of the act may be established by a 102557
finding by the board, pursuant to an adjudication under Chapter 102558
119. of the Revised Code, that the individual committed the act. 102559
The board does not have jurisdiction under those divisions if 102560
the trial court renders a final judgment in the individual's 102561
favor and that judgment is based upon an adjudication on the 102562
merits. The board has jurisdiction under those divisions if the 102563
trial court issues an order of dismissal upon technical or 102564
procedural grounds. 102565

(K) The sealing or expungement of conviction records by 102566
any court shall have no effect upon a prior board order entered 102567
under this section or upon the board's jurisdiction to take 102568
action under this section if, based upon a plea of guilty, a 102569
judicial finding of guilt, or a judicial finding of eligibility 102570
for intervention in lieu of conviction, the board issued a 102571
notice of opportunity for a hearing prior to the court's order 102572
to seal or expunge the records. The board shall not be required 102573
to seal, destroy, redact, or otherwise modify its records to 102574
reflect the court's sealing or expungement of conviction 102575
records. 102576

(L) If the board takes action under division (A) (4), (6), 102577
or (8) of this section, and the judicial finding of guilt, 102578
guilty plea, or judicial finding of eligibility for intervention 102579
in lieu of conviction is overturned on appeal, upon exhaustion 102580
of the criminal appeal, a petition for reconsideration of the 102581
order may be filed with the board along with appropriate court 102582
documents. Upon receipt of a petition for reconsideration and 102583

supporting court documents, the board shall reinstate the 102584
individual's license or permit. The board may then hold an 102585
adjudication under Chapter 119. of the Revised Code to determine 102586
whether the individual committed the act in question. Notice of 102587
an opportunity for a hearing shall be given in accordance with 102588
Chapter 119. of the Revised Code. If the board finds, pursuant 102589
to an adjudication held under this division, that the individual 102590
committed the act or if no hearing is requested, the board may 102591
order any of the sanctions identified under division (A) of this 102592
section. 102593

(M) The license or permit issued to an individual under 102594
this chapter and the individual's practice in this state are 102595
automatically suspended as of the date the individual pleads 102596
guilty to, is found by a judge or jury to be guilty of, or is 102597
subject to a judicial finding of eligibility for intervention in 102598
lieu of conviction in this state or treatment or intervention in 102599
lieu of conviction in another jurisdiction for any of the 102600
following criminal offenses in this state or a substantially 102601
equivalent criminal offense in another jurisdiction: aggravated 102602
murder, murder, voluntary manslaughter, felonious assault, 102603
trafficking in persons, kidnapping, rape, sexual battery, gross 102604
sexual imposition, aggravated arson, aggravated robbery, or 102605
aggravated burglary. Continued practice after suspension shall 102606
be considered practicing without a license or permit. 102607

The board shall serve the individual subject to the 102608
suspension in accordance with sections 119.05 and 119.07 of the 102609
Revised Code. If an individual whose license or permit is 102610
automatically suspended under this division fails to make a 102611
timely request for an adjudication under Chapter 119. of the 102612
Revised Code, the board shall enter a final order permanently 102613
revoking the individual's license or permit. 102614

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4759.064 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4759.99. Whoever violates section 4759.02 of the Revised Code is guilty of a minor misdemeanor. If the offender

has been previously convicted once of a violation of ~~the~~ section 102644
4759.02 of the Revised Code, then the ~~violation~~ offender is 102645
guilty of a misdemeanor of the fourth degree. If the offender 102646
has been previously convicted more than once of a violation of 102647
~~the~~ section 4759.02 of the Revised Code, then the ~~violation~~ 102648
offender is guilty of a misdemeanor of the first degree. 102649

Whoever violates division (B) (1) or (2) of section 4759.14 102650
of the Revised Code is guilty of ~~failure to report criminal~~ 102651
~~conduct or sexual misconduct,~~ a misdemeanor of the fourth 102652
degree. ~~If the offender has previously been convicted of a~~ 102653
~~violation of this division, the failure to report on a first~~ 102654
offense; on each subsequent offense, the offender is guilty of a 102655
misdemeanor of the first degree. 102656

Whoever violates division (B) of section 4759.05 of the 102657
Revised Code is guilty of ~~disclosing confidential investigatory~~ 102658
~~information,~~ a misdemeanor of the first degree. 102659

Sec. 4760.13. (A) The state medical board, by an 102660
affirmative vote of not fewer than six members, may refuse to 102661
grant a license to practice as an anesthesiologist assistant to, 102662
or may revoke the license held by, an individual found by the 102663
board to have committed fraud, misrepresentation, or deception 102664
in applying for or securing the license. 102665

(B) The board, by an affirmative vote of not fewer than 102666
six members, shall, except as provided in division (C) of this 102667
section, and to the extent permitted by law, limit, revoke, or 102668
suspend an individual's license to practice as an 102669
anesthesiologist assistant, refuse to issue a license to an 102670
applicant, refuse to renew a license, refuse to reinstate a 102671
license, or reprimand or place on probation the holder of a 102672
license for any of the following reasons: 102673

- (1) Permitting the holder's name or license to be used by another person; 102674
102675
- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 102676
102677
102678
- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 102679
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- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 102683
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102686
- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 102687
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102689
102690
- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice; 102691
102692
102693
102694
- (7) Willfully betraying a professional confidence; 102695
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant. 102696
102697
102698
- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive 102699
102700
102701

because of a failure to disclose material facts, is intended or 102702
is likely to create false or unjustified expectations of 102703
favorable results, or includes representations or implications 102704
that in reasonable probability will cause an ordinarily prudent 102705
person to misunderstand or be deceived. 102706

(9) The obtaining of, or attempting to obtain, money or a 102707
thing of value by fraudulent misrepresentations in the course of 102708
practice; 102709

(10) A plea of guilty to, a judicial finding of guilt of, 102710
or a judicial finding of eligibility for intervention in lieu of 102711
conviction for, a felony; 102712

(11) Commission of an act that constitutes a felony in 102713
this state, regardless of the jurisdiction in which the act was 102714
committed; 102715

(12) A plea of guilty to, a judicial finding of guilt of, 102716
or a judicial finding of eligibility for intervention in lieu of 102717
conviction for, a misdemeanor committed in the course of 102718
practice; 102719

(13) A plea of guilty to, a judicial finding of guilt of, 102720
or a judicial finding of eligibility for intervention in lieu of 102721
conviction for, a misdemeanor involving moral turpitude; 102722

(14) Commission of an act in the course of practice that 102723
constitutes a misdemeanor in this state, regardless of the 102724
jurisdiction in which the act was committed; 102725

(15) Commission of an act involving moral turpitude that 102726
constitutes a misdemeanor in this state, regardless of the 102727
jurisdiction in which the act was committed; 102728

(16) A plea of guilty to, a judicial finding of guilt of, 102729

or a judicial finding of eligibility for intervention in lieu of 102730
conviction for violating any state or federal law regulating the 102731
possession, distribution, or use of any drug, including 102732
trafficking in drugs; 102733

(17) Any of the following actions taken by the state 102734
agency responsible for regulating the practice of 102735
anesthesiologist assistants in another jurisdiction, for any 102736
reason other than the nonpayment of fees: the limitation, 102737
revocation, or suspension of an individual's license to 102738
practice; acceptance of an individual's license surrender; 102739
denial of a license; refusal to renew or reinstate a license; 102740
imposition of probation; or issuance of an order of censure or 102741
other reprimand; 102742

(18) Violation of the conditions placed by the board on a 102743
license to practice; 102744

(19) Failure to use universal blood and body fluid 102745
precautions established by rules adopted under section 4731.051 102746
of the Revised Code; 102747

(20) Failure to cooperate in an investigation conducted by 102748
the board under section 4760.14 of the Revised Code, including 102749
failure to comply with a subpoena or order issued by the board 102750
or failure to answer truthfully a question presented by the 102751
board at a deposition or in written interrogatories, except that 102752
failure to cooperate with an investigation shall not constitute 102753
grounds for discipline under this section if a court of 102754
competent jurisdiction has issued an order that either quashes a 102755
subpoena or permits the individual to withhold the testimony or 102756
evidence in issue; 102757

(21) Failure to comply with any code of ethics established 102758

by the national commission for the certification of 102759
anesthesiologist assistants; 102760

(22) Failure to notify the state medical board of the 102761
revocation or failure to maintain certification from the 102762
national commission for certification of anesthesiologist 102763
assistants. 102764

(C) The board shall not refuse to issue a certificate to 102765
an applicant because of a plea of guilty to, a judicial finding 102766
of guilt of, or a judicial finding of eligibility for 102767
intervention in lieu of conviction for an offense unless the 102768
refusal is in accordance with section 9.79 of the Revised Code. 102769

(D) Disciplinary actions taken by the board under 102770
divisions (A) and (B) of this section shall be taken pursuant to 102771
an adjudication under Chapter 119. of the Revised Code, except 102772
that in lieu of an adjudication, the board may enter into a 102773
consent agreement with an anesthesiologist assistant or 102774
applicant to resolve an allegation of a violation of this 102775
chapter or any rule adopted under it. A consent agreement, when 102776
ratified by an affirmative vote of not fewer than six members of 102777
the board, shall constitute the findings and order of the board 102778
with respect to the matter addressed in the agreement. If the 102779
board refuses to ratify a consent agreement, the admissions and 102780
findings contained in the consent agreement shall be of no force 102781
or effect. 102782

(E) For purposes of divisions (B) (11), (14), and (15) of 102783
this section, the commission of the act may be established by a 102784
finding by the board, pursuant to an adjudication under Chapter 102785
119. of the Revised Code, that the applicant or license holder 102786
committed the act in question. The board shall have no 102787
jurisdiction under these divisions in cases where the trial 102788

court renders a final judgment in the license holder's favor and 102789
that judgment is based upon an adjudication on the merits. The 102790
board shall have jurisdiction under these divisions in cases 102791
where the trial court issues an order of dismissal on technical 102792
or procedural grounds. 102793

(F) The sealing or expungement of conviction records by 102794
any court shall have no effect on a prior board order entered 102795
under the provisions of this section or on the board's 102796
jurisdiction to take action under the provisions of this section 102797
if, based upon a plea of guilty, a judicial finding of guilt, or 102798
a judicial finding of eligibility for intervention in lieu of 102799
conviction, the board issued a notice of opportunity for a 102800
hearing prior to the court's order to seal or expunge the 102801
records. The board shall not be required to seal, destroy, 102802
redact, or otherwise modify its records to reflect the court's 102803
sealing or expungement of conviction records. 102804

(G) For purposes of this division, any individual who 102805
holds a license to practice issued under this chapter, or 102806
applies for a license to practice, shall be deemed to have given 102807
consent to submit to a mental or physical examination when 102808
directed to do so in writing by the board and to have waived all 102809
objections to the admissibility of testimony or examination 102810
reports that constitute a privileged communication. 102811

(1) In enforcing division (B) (5) of this section, the 102812
board, on a showing of a possible violation, shall refer any 102813
individual who holds, or has applied for, a license issued under 102814
this chapter to the monitoring organization that conducts the 102815
confidential monitoring program established under section 102816
4731.25 of the Revised Code. The board also may compel the 102817
individual to this chapter to submit to a mental or physical 102818

examination, or both. A physical examination may include an HIV 102819
test. The expense of the examination is the responsibility of 102820
the individual compelled to be examined. Failure to submit to a 102821
mental or physical examination or consent to an HIV test ordered 102822
by the board constitutes an admission of the allegations against 102823
the individual unless the failure is due to circumstances beyond 102824
the individual's control, and a default and final order may be 102825
entered without the taking of testimony or presentation of 102826
evidence. If the board finds an anesthesiologist assistant 102827
unable to practice because of the reasons set forth in division 102828
(B) (5) of this section, the board shall require the 102829
anesthesiologist assistant to submit to care, counseling, or 102830
treatment by physicians approved or designated by the board, as 102831
a condition for an initial, continued, reinstated, or renewed 102832
license to practice. An individual affected by this division 102833
shall be afforded an opportunity to demonstrate to the board the 102834
ability to resume practicing in compliance with acceptable and 102835
prevailing standards of care. 102836

(2) For purposes of division (B) (6) of this section, if 102837
the board has reason to believe that any individual who holds a 102838
license to practice issued under this chapter or any applicant 102839
for a license to practice suffers such impairment, the board 102840
shall report the individual to the monitoring organization that 102841
conducts the confidential monitoring program established under 102842
section 4731.25 of the Revised Code. The board also may compel 102843
the individual to submit to a mental or physical examination, or 102844
both. The expense of the examination is the responsibility of 102845
the individual compelled to be examined. Any mental or physical 102846
examination required under this division shall be undertaken by 102847
a treatment provider or physician qualified to conduct such 102848
examination and approved under section 4731.251 of the Revised 102849

Code. 102850

Failure to submit to a mental or physical examination 102851
ordered by the board constitutes an admission of the allegations 102852
against the individual unless the failure is due to 102853
circumstances beyond the individual's control, and a default and 102854
final order may be entered without the taking of testimony or 102855
presentation of evidence. If the board determines that the 102856
individual's ability to practice is impaired, the board shall 102857
suspend the individual's license or deny the individual's 102858
application and shall require the individual, as a condition for 102859
an initial, continued, reinstated, or renewed license to 102860
practice, to submit to treatment. 102861

Before being eligible to apply for reinstatement of a 102862
license suspended under this division, the anesthesiologist 102863
assistant shall demonstrate to the board the ability to resume 102864
practice in compliance with acceptable and prevailing standards 102865
of care. The demonstration shall include the following: 102866

(a) Certification from a treatment provider approved under 102867
section 4731.251 of the Revised Code that the individual has 102868
successfully completed any required inpatient treatment; 102869

(b) Evidence of continuing full compliance with an 102870
aftercare contract or consent agreement; 102871

(c) Two written reports indicating that the individual's 102872
ability to practice has been assessed and that the individual 102873
has been found capable of practicing according to acceptable and 102874
prevailing standards of care. The reports shall be made by 102875
individuals or providers approved by the board for making such 102876
assessments and shall describe the basis for their 102877
determination. 102878

The board may reinstate a license suspended under this 102879
division after such demonstration and after the individual has 102880
entered into a written consent agreement. 102881

When the impaired anesthesiologist assistant resumes 102882
practice, the board shall require continued monitoring of the 102883
anesthesiologist assistant. The monitoring shall include 102884
monitoring of compliance with the written consent agreement 102885
entered into before reinstatement or with conditions imposed by 102886
board order after a hearing, and, on termination of the consent 102887
agreement, submission to the board for at least two years of 102888
annual written progress reports made under penalty of 102889
falsification stating whether the anesthesiologist assistant has 102890
maintained sobriety. 102891

(H) (1) If either of the following circumstances occur, the 102892
secretary and supervising member may recommend that the board 102893
suspend the individual's license without a prior hearing: 102894

(a) The secretary and supervising member determine that 102895
there is clear and convincing evidence that an anesthesiologist 102896
assistant has violated division (B) of this section and that the 102897
individual's continued practice presents a danger of immediate 102898
and serious harm to the public. 102899

(b) The board receives verifiable information that a 102900
licensee has been charged in any state or federal court for a 102901
crime classified as a felony under the charging court's law and 102902
the conduct charged constitutes a violation of division (B) of 102903
this section. 102904

(2) If a recommendation is made to suspend without a prior 102905
hearing pursuant to division (H) (1) of this section, written 102906
allegations shall be prepared for consideration by the board. 102907

The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the anesthesiologist assistant requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the anesthesiologist assistant requests the hearing, unless otherwise agreed to by both the board and the license holder.

(3) A summary suspension imposed under ~~this division~~ (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. The

The board shall issue its final adjudicative order within ~~sixty-seventy-five~~ days after completion of its hearing. Failure to issue the order within ~~sixty-seventy-five~~ days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11), 102938
(13), or (14) of this section, and the judicial finding of 102939
guilt, guilty plea, or judicial finding of eligibility for 102940
intervention in lieu of conviction is overturned on appeal, on 102941
exhaustion of the criminal appeal, a petition for 102942
reconsideration of the order may be filed with the board along 102943
with appropriate court documents. On receipt of a petition and 102944
supporting court documents, the board shall reinstate the 102945
license to practice. The board may then hold an adjudication 102946
under Chapter 119. of the Revised Code to determine whether the 102947
individual committed the act in question. Notice of opportunity 102948
for hearing shall be given in accordance with Chapter 119. of 102949
the Revised Code. If the board finds, pursuant to an 102950
adjudication held under this division, that the individual 102951
committed the act, or if no hearing is requested, it may order 102952
any of the sanctions specified in division (B) of this section. 102953

(J) The license to practice of an anesthesiologist 102954
assistant and the assistant's practice in this state are 102955
automatically suspended as of the date the anesthesiologist 102956
assistant pleads guilty to, is found by a judge or jury to be 102957
guilty of, or is subject to a judicial finding of eligibility 102958
for intervention in lieu of conviction in this state or 102959
treatment or intervention in lieu of conviction in another 102960
jurisdiction for any of the following criminal offenses in this 102961
state or a substantially equivalent criminal offense in another 102962
jurisdiction: aggravated murder, murder, voluntary manslaughter, 102963
felonious assault, trafficking in persons, kidnapping, rape, 102964
sexual battery, gross sexual imposition, aggravated arson, 102965
aggravated robbery, or aggravated burglary. Continued practice 102966
after the suspension shall be considered practicing without a 102967
license. 102968

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the anesthesiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as an anesthesiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An

individual subject to a permanent action taken by the board is 102999
forever thereafter ineligible to hold a license to practice as 103000
an anesthesiologist assistant and the board shall not accept an 103001
application for reinstatement of the license or for issuance of 103002
a new license. 103003

(N) Notwithstanding any other provision of the Revised 103004
Code, all of the following apply: 103005

(1) The surrender of a license to practice issued under 103006
this chapter is not effective unless or until accepted by the 103007
board. Reinstatement of a license surrendered to the board 103008
requires an affirmative vote of not fewer than six members of 103009
the board. 103010

(2) An application made under this chapter for a license 103011
to practice may not be withdrawn without approval of the board. 103012

(3) Failure by an individual to renew a license to 103013
practice in accordance with section 4760.06 of the Revised Code 103014
does not remove or limit the board's jurisdiction to take 103015
disciplinary action under this section against the individual. 103016

(4) The placement of an individual's license on retired 103017
status, as described in section 4760.062 of the Revised Code, 103018
does not remove or limit the board's jurisdiction to take any 103019
disciplinary action against the individual with regard to the 103020
license as it existed before being placed on retired status. 103021

Sec. 4760.99. (A) Whoever violates section 4760.02 of the 103022
Revised Code is guilty of a misdemeanor of the first degree on a 103023
first offense; on each subsequent offense, the person is guilty 103024
of a felony of the fourth degree. 103025

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103026
(D), or (E) of section 4760.16 of the Revised Code is guilty of 103027

a minor misdemeanor on a first offense; on each subsequent 103028
offense the person is guilty of a misdemeanor of the fourth 103029
degree, except that an individual guilty of a subsequent offense 103030
shall not be subject to imprisonment, but to a fine alone of up 103031
to one thousand dollars for each offense. 103032

(2) Whoever violates division (B) (2) or (C) (3) of section 103033
4760.16 of the Revised Code is guilty of ~~failure to report~~ 103034
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103035
fourth degree. ~~If the offender has previously been convicted of~~ 103036
~~a violation of this division, the failure to report~~ on a first 103037
offense; on each subsequent offense, the person is guilty of a 103038
misdemeanor of the first degree. 103039

(C) Whoever violates division (E) of section 4760.14 of 103040
the Revised Code is guilty of ~~disclosing confidential~~ 103041
~~investigatory information,~~ a misdemeanor of the first degree. 103042

Sec. 4761.09. (A) The state medical board, by an 103043
affirmative vote of not fewer than six members, shall, except as 103044
provided in division (B) of this section, and to the extent 103045
permitted by law, limit, revoke, or suspend an individual's 103046
license or limited permit, refuse to issue a license or limited 103047
permit to an individual, refuse to renew a license or limited 103048
permit, refuse to reinstate a license or limited permit, or 103049
reprimand or place on probation the holder of a license or 103050
limited permit for one or more of the following reasons: 103051

(1) A plea of guilty to, a judicial finding of guilt of, 103052
or a judicial finding of eligibility for intervention in lieu of 103053
conviction for, a felony; 103054

(2) Commission of an act that constitutes a felony in this 103055
state, regardless of the jurisdiction in which the act was 103056

committed; 103057

(3) A plea of guilty to, a judicial finding of guilt of, 103058
or a judicial finding of eligibility for intervention in lieu of 103059
conviction for, a misdemeanor committed in the course of 103060
practice; 103061

(4) Commission of an act in the course of practice that 103062
constitutes a misdemeanor in this state, regardless of the 103063
jurisdiction in which the act was committed; 103064

(5) A plea of guilty to, a judicial finding of guilt of, 103065
or a judicial finding of eligibility for intervention in lieu of 103066
conviction for, a misdemeanor involving moral turpitude; 103067

(6) Commission of an act involving moral turpitude that 103068
constitutes a misdemeanor in this state, regardless of the 103069
jurisdiction in which the act was committed; 103070

(7) Except when civil penalties are imposed under section 103071
4761.091 of the Revised Code, violating or attempting to 103072
violate, directly or indirectly, or assisting in or abetting the 103073
violation of, or conspiring to violate, any provision of this 103074
chapter or the rules adopted by the board; 103075

(8) Making a false, fraudulent, deceptive, or misleading 103076
statement in the solicitation of or advertising for patients; in 103077
relation to the practice of respiratory care; or in securing or 103078
attempting to secure any license or permit issued by the board 103079
under this chapter. 103080

As used in division (A) (8) of this section, "false, 103081
fraudulent, deceptive, or misleading statement" means a 103082
statement that includes a misrepresentation of fact, is likely 103083
to mislead or deceive because of a failure to disclose material 103084
facts, is intended or is likely to create false or unjustified 103085

expectations of favorable results, or includes representations 103086
or implications that in reasonable probability will cause an 103087
ordinarily prudent person to misunderstand or be deceived. 103088

(9) Committing fraud during the administration of the 103089
examination for a license to practice or committing fraud, 103090
misrepresentation, or deception in applying for, renewing, or 103091
securing any license or permit issued by the board; 103092

(10) A departure from, or failure to conform to, minimal 103093
standards of care of similar practitioners under the same or 103094
similar circumstances, whether or not actual injury to a patient 103095
is established; 103096

(11) Violating the standards of ethical conduct adopted by 103097
the board, in the practice of respiratory care; 103098

(12) The obtaining of, or attempting to obtain, money or 103099
anything of value by fraudulent misrepresentations in the course 103100
of practice; 103101

(13) Violation of the conditions of limitation placed by 103102
the board upon a license or permit; 103103

(14) Inability to practice according to acceptable and 103104
prevailing standards of care by reason of mental illness or 103105
physical illness, including physical deterioration that 103106
adversely affects cognitive, motor, or perceptive skills; 103107

(15) Any of the following actions taken by an agency 103108
responsible for authorizing, certifying, or regulating an 103109
individual to practice a health care occupation or provide 103110
health care services in this state or another jurisdiction, for 103111
any reason other than the nonpayment of fees: the limitation, 103112
revocation, or suspension of an individual's license; acceptance 103113
of an individual's license surrender; denial of a license; 103114

refusal to renew or reinstate a license; imposition of 103115
probation; or issuance of an order of censure or other 103116
reprimand; 103117

(16) The revocation, suspension, restriction, reduction, 103118
or termination of practice privileges by the United States 103119
department of defense or department of veterans affairs; 103120

(17) Termination or suspension from participation in the 103121
medicare or medicaid programs by the department of health and 103122
human services or other responsible agency for any act or acts 103123
that also would constitute a violation of division (A) (10), 103124
(12), or (14) of this section; 103125

(18) Impairment of ability to practice according to 103126
acceptable and prevailing standards of care because of substance 103127
use disorder or excessive use or abuse of drugs, alcohol, or 103128
other substances that may impair ability to practice; 103129

(19) Failure to cooperate in an investigation conducted by 103130
the board under division (E) of section 4761.03 of the Revised 103131
Code, including failure to comply with a subpoena or order 103132
issued by the board or failure to answer truthfully a question 103133
presented by the board in an investigative interview, an 103134
investigative office conference, at a deposition, or in written 103135
interrogatories, except that failure to cooperate with an 103136
investigation shall not constitute grounds for discipline under 103137
this section if a court of competent jurisdiction has issued an 103138
order that either quashes a subpoena or permits the individual 103139
to withhold the testimony or evidence in issue; 103140

(20) Practicing in an area of respiratory care for which 103141
the person is clearly untrained or incompetent or practicing in 103142
a manner that conflicts with section 4761.17 of the Revised 103143

Code; 103144

(21) Employing, directing, or supervising a person who is 103145
not authorized to practice respiratory care under this chapter 103146
in the performance of respiratory care procedures; 103147

(22) Misrepresenting educational attainments or authorized 103148
functions for the purpose of obtaining some benefit related to 103149
the practice of respiratory care; 103150

(23) Assisting suicide as defined in section 3795.01 of 103151
the Revised Code; 103152

(24) Representing, with the purpose of obtaining 103153
compensation or other advantage as personal gain or for any 103154
other person, that an incurable disease or injury, or other 103155
incurable condition, can be permanently cured. 103156

Disciplinary actions taken by the board under division (A) 103157
of this section shall be taken pursuant to an adjudication under 103158
Chapter 119. of the Revised Code, except that in lieu of an 103159
adjudication, the board may enter into a consent agreement with 103160
an individual to resolve an allegation of a violation of this 103161
chapter or any rule adopted under it. A consent agreement, when 103162
ratified by an affirmative vote of not fewer than six members of 103163
the board, shall constitute the findings and order of the board 103164
with respect to the matter addressed in the agreement. If the 103165
board refuses to ratify a consent agreement, the admissions and 103166
findings contained in the consent agreement shall be of no 103167
effect. 103168

A telephone conference call may be utilized for 103169
ratification of a consent agreement that revokes or suspends an 103170
individual's license or permit. The telephone conference call 103171
shall be considered a special meeting under division (F) of 103172

section 121.22 of the Revised Code. 103173

(B) The board shall not refuse to issue a license or 103174
limited permit to an applicant because of a plea of guilty to, a 103175
judicial finding of guilt of, or a judicial finding of 103176
eligibility for intervention in lieu of conviction for an 103177
offense unless the refusal is in accordance with section 9.79 of 103178
the Revised Code. 103179

(C) Any action taken by the board under division (A) of 103180
this section resulting in a suspension from practice shall be 103181
accompanied by a written statement of the conditions under which 103182
the individual's license or permit may be reinstated. The board 103183
shall adopt rules governing conditions to be imposed for 103184
reinstatement. Reinstatement of a license or permit suspended 103185
pursuant to division (A) of this section requires an affirmative 103186
vote of not fewer than six members of the board. 103187

(D) When the board refuses to grant or issue a license or 103188
permit to an applicant, revokes an individual's license or 103189
permit, refuses to renew an individual's license or permit, or 103190
refuses to reinstate an individual's license or permit, the 103191
board may specify that its action is permanent. An individual 103192
subject to a permanent action taken by the board is forever 103193
thereafter ineligible to hold a license or permit and the board 103194
shall not accept an application for reinstatement of the license 103195
or permit or for issuance of a new license or permit. 103196

(E) If the board is required by Chapter 119. of the 103197
Revised Code to give notice of an opportunity for a hearing and 103198
if the individual subject to the notice does not timely request 103199
a hearing in accordance with section 119.07 of the Revised Code, 103200
the board is not required to hold a hearing, but may adopt, by 103201
an affirmative vote of not fewer than six of its members, a 103202

final order that contains the board's findings. In the final 103203
order, the board may order any of the sanctions identified under 103204
division (A) of this section. 103205

(F) In enforcing division (A)(14) of this section, the 103206
board, upon a showing of a possible violation, shall refer any 103207
individual authorized to practice by this chapter or who has 103208
submitted an application pursuant to this chapter to the 103209
monitoring organization that conducts the confidential 103210
monitoring program established under section 4731.25 of the 103211
Revised Code. The board also may compel the individual to submit 103212
to a mental examination, physical examination, including an HIV 103213
test, or both a mental and a physical examination. The expense 103214
of the examination is the responsibility of the individual 103215
compelled to be examined. Failure to submit to a mental or 103216
physical examination or consent to an HIV test ordered by the 103217
board constitutes an admission of the allegations against the 103218
individual unless the failure is due to circumstances beyond the 103219
individual's control, and a default and final order may be 103220
entered without the taking of testimony or presentation of 103221
evidence. If the board finds an individual unable to practice 103222
because of the reasons set forth in division (A)(14) of this 103223
section, the board shall require the individual to submit to 103224
care, counseling, or treatment by physicians approved or 103225
designated by the board, as a condition for initial, continued, 103226
reinstated, or renewed authority to practice. An individual 103227
affected under this division shall be afforded an opportunity to 103228
demonstrate to the board the ability to resume practice in 103229
compliance with acceptable and prevailing standards under the 103230
provisions of the individual's license or permit. For the 103231
purpose of division (A)(14) of this section, any individual who 103232
applies for or receives a license or permit to practice under 103233

this chapter accepts the privilege of practicing in this state 103234
and, by so doing, shall be deemed to have given consent to 103235
submit to a mental or physical examination when directed to do 103236
so in writing by the board, and to have waived all objections to 103237
the admissibility of testimony or examination reports that 103238
constitute a privileged communication. 103239

(G) For the purposes of division (A)(18) of this section, 103240
any individual authorized to practice by this chapter accepts 103241
the privilege of practicing in this state subject to supervision 103242
by the board. By filing an application for or holding a license 103243
or permit under this chapter, an individual shall be deemed to 103244
have given consent to submit to a mental or physical examination 103245
when ordered to do so by the board in writing, and to have 103246
waived all objections to the admissibility of testimony or 103247
examination reports that constitute privileged communications. 103248

If it has reason to believe that any individual authorized 103249
to practice by this chapter or any applicant for a license or 103250
permit suffers such impairment, the board shall refer the 103251
individual to the monitoring organization that conducts the 103252
confidential monitoring program established under section 103253
4731.25 of the Revised Code. The board also may compel the 103254
individual to submit to a mental or physical examination, or 103255
both. The expense of the examination is the responsibility of 103256
the individual compelled to be examined. Any mental or physical 103257
examination required under this division shall be undertaken by 103258
a treatment provider or physician who is qualified to conduct 103259
the examination and who is approved under section 4731.251 of 103260
the Revised Code. 103261

Failure to submit to a mental or physical examination 103262
ordered by the board constitutes an admission of the allegations 103263

against the individual unless the failure is due to 103264
circumstances beyond the individual's control, and a default and 103265
final order may be entered without the taking of testimony or 103266
presentation of evidence. If the board determines that the 103267
individual's ability to practice is impaired, the board shall 103268
suspend the individual's license or permit or deny the 103269
individual's application and shall require the individual, as a 103270
condition for an initial, continued, reinstated, or renewed 103271
license or permit, to submit to treatment. 103272

Before being eligible to apply for reinstatement of a 103273
license or permit suspended under this division, the impaired 103274
practitioner shall demonstrate to the board the ability to 103275
resume practice in compliance with acceptable and prevailing 103276
standards of care under the provisions of the practitioner's 103277
license or permit. The demonstration shall include, but shall 103278
not be limited to, the following: 103279

(1) Certification from a treatment provider approved under 103280
section 4731.251 of the Revised Code that the individual has 103281
successfully completed any required inpatient treatment; 103282

(2) Evidence of continuing full compliance with an 103283
aftercare contract or consent agreement; 103284

(3) Two written reports indicating that the individual's 103285
ability to practice has been assessed and that the individual 103286
has been found capable of practicing according to acceptable and 103287
prevailing standards of care. The reports shall be made by 103288
individuals or providers approved by the board for making the 103289
assessments and shall describe the basis for their 103290
determination. 103291

The board may reinstate a license or permit suspended 103292

under this division after that demonstration and after the 103293
individual has entered into a written consent agreement. 103294

When the impaired practitioner resumes practice, the board 103295
shall require continued monitoring of the individual. The 103296
monitoring shall include, but not be limited to, compliance with 103297
the written consent agreement entered into before reinstatement 103298
or with conditions imposed by board order after a hearing, and, 103299
upon termination of the consent agreement, submission to the 103300
board for at least two years of annual written progress reports 103301
made under penalty of perjury stating whether the individual has 103302
maintained sobriety. 103303

(H) (1) If either of the following circumstances occur, the 103304
secretary and supervising member may recommend that the board 103305
suspend an individual's license or permit without a prior 103306
hearing: 103307

(a) The secretary and supervising member determine both of 103308
the following: 103309

(i) That there is clear and convincing evidence that an 103310
individual has violated division (A) of this section; 103311

(ii) That the individual's continued practice presents a 103312
danger of immediate and serious harm to the public. 103313

(b) The board receives verifiable information that a 103314
licensee has been charged in any state or federal court for a 103315
crime classified as a felony under the charging court's law and 103316
the conduct charged constitutes a violation of division (A) of 103317
this section. 103318

(2) If a recommendation is made to suspend without a prior 103319
hearing pursuant to division (H) (1) of this section, written 103320
allegations shall be prepared for consideration by the board. 103321

The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall serve a written order of suspension in accordance with sections 119.05 and 119.07 of the Revised Code. ~~The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code.~~ If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

(3) Any summary suspension imposed under ~~this division~~ (H) (2) of this section is not a final appealable order and is not an adjudication that may be appealed under section 119.12 of the Revised Code. The summary suspension shall remain in effect, ~~unless reversed on appeal,~~ until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. Once a final adjudicative order has been issued by the board, any party adversely affected by it may file an appeal in accordance with the requirements of Chapter 119. of the Revised Code. The

The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

(I) For purposes of divisions (A) (2), (4), and (6) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if the trial court renders a final judgment in the individual's favor and that judgment is based upon an adjudication on the merits. The board has jurisdiction under those divisions if the trial court issues an order of dismissal upon technical or procedural grounds.

(J) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under this section or upon the board's jurisdiction to take action under this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(K) If the board takes action under division (A) (1), (3), or (5) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine

whether the individual committed the act in question. Notice of 103383
an opportunity for a hearing shall be given in accordance with 103384
Chapter 119. of the Revised Code. If the board finds, pursuant 103385
to an adjudication held under this division, that the individual 103386
committed the act or if no hearing is requested, the board may 103387
order any of the sanctions identified under division (A) of this 103388
section. 103389

(L) The license or permit issued to an individual under 103390
this chapter and the individual's practice in this state are 103391
automatically suspended as of the date the individual pleads 103392
guilty to, is found by a judge or jury to be guilty of, or is 103393
subject to a judicial finding of eligibility for intervention in 103394
lieu of conviction in this state or treatment or intervention in 103395
lieu of conviction in another jurisdiction for any of the 103396
following criminal offenses in this state or a substantially 103397
equivalent criminal offense in another jurisdiction: aggravated 103398
murder, murder, voluntary manslaughter, felonious assault, 103399
trafficking in persons, kidnapping, rape, sexual battery, gross 103400
sexual imposition, aggravated arson, aggravated robbery, or 103401
aggravated burglary. Continued practice after suspension shall 103402
be considered practicing without a license or permit. 103403

The board shall serve the individual subject to the 103404
suspension in accordance with sections 119.05 and 119.07 of the 103405
Revised Code. If an individual whose license or permit is 103406
automatically suspended under this division fails to make a 103407
timely request for an adjudication under Chapter 119. of the 103408
Revised Code, the board shall enter a final order permanently 103409
revoking the individual's license or permit. 103410

(M) Notwithstanding any other provision of the Revised 103411
Code, all of the following apply: 103412

(1) The surrender of a license or permit issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license or permit surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license or permit in accordance with this chapter does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4761.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

(5) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4761.99. Whoever violates division (A) of section 4761.10 of the Revised Code is guilty of a minor misdemeanor on a first offense. On a second offense, the person is guilty of a misdemeanor of the fourth degree. On each subsequent offense,

the person is guilty of a misdemeanor of the first degree. 103442

Whoever violates division (B) (2) or (C) of section 4761.14 103443
of the Revised Code is guilty of ~~failure to report criminal~~ 103444
~~conduct or sexual misconduct,~~ a misdemeanor of the fourth 103445
degree. ~~If the offender has previously been convicted of a~~ 103446
~~violation of this division, the failure to report;~~ on each 103447
subsequent offense, the person is guilty of a misdemeanor of the 103448
first degree. 103449

Whoever violates division (E) (5) of section 4761.03 of the 103450
Revised Code is guilty of ~~disclosing confidential investigatory~~ 103451
~~information,~~ a misdemeanor of the first degree. 103452

Sec. 4762.13. (A) The state medical board, by an 103453
affirmative vote of not fewer than six members, may refuse to 103454
grant a license to practice as an oriental medicine practitioner 103455
or license to practice as an acupuncturist to, or may revoke the 103456
license held by, an individual found by the board to have 103457
committed fraud, misrepresentation, or deception in applying for 103458
or securing the license. 103459

(B) The board, by an affirmative vote of not fewer than 103460
six members, shall, except as provided in division (C) of this 103461
section, and to the extent permitted by law, limit, revoke, or 103462
suspend an individual's license to practice, refuse to issue a 103463
license to an applicant, refuse to renew a license, refuse to 103464
reinstate a license, or reprimand or place on probation the 103465
holder of a license for any of the following reasons: 103466

(1) Permitting the holder's name or license to be used by 103467
another person; 103468

(2) Failure to comply with the requirements of this 103469
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103470

by the board; 103471

(3) Violating or attempting to violate, directly or 103472
indirectly, or assisting in or abetting the violation of, or 103473
conspiring to violate, any provision of this chapter, Chapter 103474
4731. of the Revised Code, or the rules adopted by the board; 103475

(4) A departure from, or failure to conform to, minimal 103476
standards of care of similar practitioners under the same or 103477
similar circumstances whether or not actual injury to the 103478
patient is established; 103479

(5) Inability to practice according to acceptable and 103480
prevailing standards of care by reason of mental illness or 103481
physical illness, including physical deterioration that 103482
adversely affects cognitive, motor, or perceptive skills; 103483

(6) Impairment of ability to practice according to 103484
acceptable and prevailing standards of care because of substance 103485
use disorder or excessive use or abuse of drugs, alcohol, or 103486
other substances that may impair ability to practice; 103487

(7) Willfully betraying a professional confidence; 103488

(8) Making a false, fraudulent, deceptive, or misleading 103489
statement in soliciting or advertising for patients or in 103490
securing or attempting to secure a license to practice as an 103491
oriental medicine practitioner or license to practice as an 103492
acupuncturist. 103493

As used in this division, "false, fraudulent, deceptive, 103494
or misleading statement" means a statement that includes a 103495
misrepresentation of fact, is likely to mislead or deceive 103496
because of a failure to disclose material facts, is intended or 103497
is likely to create false or unjustified expectations of 103498
favorable results, or includes representations or implications 103499

that in reasonable probability will cause an ordinarily prudent 103500
person to misunderstand or be deceived. 103501

(9) Representing, with the purpose of obtaining 103502
compensation or other advantage personally or for any other 103503
person, that an incurable disease or injury, or other incurable 103504
condition, can be permanently cured; 103505

(10) The obtaining of, or attempting to obtain, money or a 103506
thing of value by fraudulent misrepresentations in the course of 103507
practice; 103508

(11) A plea of guilty to, a judicial finding of guilt of, 103509
or a judicial finding of eligibility for intervention in lieu of 103510
conviction for, a felony; 103511

(12) Commission of an act that constitutes a felony in 103512
this state, regardless of the jurisdiction in which the act was 103513
committed; 103514

(13) A plea of guilty to, a judicial finding of guilt of, 103515
or a judicial finding of eligibility for intervention in lieu of 103516
conviction for, a misdemeanor committed in the course of 103517
practice; 103518

(14) A plea of guilty to, a judicial finding of guilt of, 103519
or a judicial finding of eligibility for intervention in lieu of 103520
conviction for, a misdemeanor involving moral turpitude; 103521

(15) Commission of an act in the course of practice that 103522
constitutes a misdemeanor in this state, regardless of the 103523
jurisdiction in which the act was committed; 103524

(16) Commission of an act involving moral turpitude that 103525
constitutes a misdemeanor in this state, regardless of the 103526
jurisdiction in which the act was committed; 103527

(17) A plea of guilty to, a judicial finding of guilt of, 103528
or a judicial finding of eligibility for intervention in lieu of 103529
conviction for violating any state or federal law regulating the 103530
possession, distribution, or use of any drug, including 103531
trafficking in drugs; 103532

(18) Any of the following actions taken by the state 103533
agency responsible for regulating the practice of oriental 103534
medicine or acupuncture in another jurisdiction, for any reason 103535
other than the nonpayment of fees: the limitation, revocation, 103536
or suspension of an individual's license to practice; acceptance 103537
of an individual's license surrender; denial of a license; 103538
refusal to renew or reinstate a license; imposition of 103539
probation; or issuance of an order of censure or other 103540
reprimand; 103541

(19) Violation of the conditions placed by the board on a 103542
license to practice as an oriental medicine practitioner or 103543
license to practice as an acupuncturist; 103544

(20) Failure to use universal blood and body fluid 103545
precautions established by rules adopted under section 4731.051 103546
of the Revised Code; 103547

(21) Failure to cooperate in an investigation conducted by 103548
the board under section 4762.14 of the Revised Code, including 103549
failure to comply with a subpoena or order issued by the board 103550
or failure to answer truthfully a question presented by the 103551
board at a deposition or in written interrogatories, except that 103552
failure to cooperate with an investigation shall not constitute 103553
grounds for discipline under this section if a court of 103554
competent jurisdiction has issued an order that either quashes a 103555
subpoena or permits the individual to withhold the testimony or 103556
evidence in issue; 103557

(22) Failure to comply with the standards of the national 103558
certification commission for acupuncture and oriental medicine 103559
regarding professional ethics, commitment to patients, 103560
commitment to the profession, and commitment to the public; 103561

(23) Failure to have adequate professional liability 103562
insurance coverage in accordance with section 4762.22 of the 103563
Revised Code; 103564

(24) Failure to maintain a current and active designation 103565
as a diplomate in oriental medicine, diplomate of acupuncture 103566
and Chinese herbology, or diplomate in acupuncture, as 103567
applicable, from the national certification commission for 103568
acupuncture and oriental medicine, including revocation by the 103569
commission of the individual's designation, failure by the 103570
individual to meet the commission's requirements for 103571
redesignation, or failure to notify the board that the 103572
appropriate designation has not been maintained. 103573

(C) The board shall not refuse to issue a certificate to 103574
an applicant because of a plea of guilty to, a judicial finding 103575
of guilt of, or a judicial finding of eligibility for 103576
intervention in lieu of conviction for an offense unless the 103577
refusal is in accordance with section 9.79 of the Revised Code. 103578

(D) Disciplinary actions taken by the board under 103579
divisions (A) and (B) of this section shall be taken pursuant to 103580
an adjudication under Chapter 119. of the Revised Code, except 103581
that in lieu of an adjudication, the board may enter into a 103582
consent agreement with an oriental medicine practitioner or 103583
acupuncturist or applicant to resolve an allegation of a 103584
violation of this chapter or any rule adopted under it. A 103585
consent agreement, when ratified by an affirmative vote of not 103586
fewer than six members of the board, shall constitute the 103587

findings and order of the board with respect to the matter 103588
addressed in the agreement. If the board refuses to ratify a 103589
consent agreement, the admissions and findings contained in the 103590
consent agreement shall be of no force or effect. 103591

(E) For purposes of divisions (B) (12), (15), and (16) of 103592
this section, the commission of the act may be established by a 103593
finding by the board, pursuant to an adjudication under Chapter 103594
119. of the Revised Code, that the applicant or license holder 103595
committed the act in question. The board shall have no 103596
jurisdiction under these divisions in cases where the trial 103597
court renders a final judgment in the license holder's favor and 103598
that judgment is based upon an adjudication on the merits. The 103599
board shall have jurisdiction under these divisions in cases 103600
where the trial court issues an order of dismissal upon 103601
technical or procedural grounds. 103602

(F) The sealing or expungement of conviction records by 103603
any court shall have no effect upon a prior board order entered 103604
under the provisions of this section or upon the board's 103605
jurisdiction to take action under the provisions of this section 103606
if, based upon a plea of guilty, a judicial finding of guilt, or 103607
a judicial finding of eligibility for intervention in lieu of 103608
conviction, the board issued a notice of opportunity for a 103609
hearing or entered into a consent agreement prior to the court's 103610
order to seal or expunge the records. The board shall not be 103611
required to seal, destroy, redact, or otherwise modify its 103612
records to reflect the court's sealing or expungement of 103613
conviction records. 103614

(G) For purposes of this division, any individual who 103615
holds a license to practice issued under this chapter, or 103616
applies for a license to practice, shall be deemed to have given 103617

consent to submit to a mental or physical examination when 103618
directed to do so in writing by the board and to have waived all 103619
objections to the admissibility of testimony or examination 103620
reports that constitute a privileged communication. 103621

(1) In enforcing division (B) (5) of this section, the 103622
board, upon a showing of a possible violation, shall refer any 103623
individual who holds, or has applied for, a license under this 103624
chapter to the monitoring organization that conducts the 103625
confidential monitoring program established under section 103626
4731.25 of the Revised Code. The board also may compel the 103627
individual to submit to a mental examination, physical 103628
examination, including an HIV test, or both a mental and 103629
physical examination. The expense of the examination is the 103630
responsibility of the individual compelled to be examined. 103631
Failure to submit to a mental or physical examination or consent 103632
to an HIV test ordered by the board constitutes an admission of 103633
the allegations against the individual unless the failure is due 103634
to circumstances beyond the individual's control, and a default 103635
and final order may be entered without the taking of testimony 103636
or presentation of evidence. If the board finds an oriental 103637
medicine practitioner or acupuncturist unable to practice 103638
because of the reasons set forth in division (B) (5) of this 103639
section, the board shall require the individual to submit to 103640
care, counseling, or treatment by physicians approved or 103641
designated by the board, as a condition for an initial, 103642
continued, reinstated, or renewed license to practice. An 103643
individual affected by this division shall be afforded an 103644
opportunity to demonstrate to the board the ability to resume 103645
practicing in compliance with acceptable and prevailing 103646
standards of care. 103647

(2) For purposes of division (B) (6) of this section, if 103648

the board has reason to believe that any individual who holds a 103649
license to practice issued under this chapter or any applicant 103650
for a license suffers such impairment, the board shall refer the 103651
individual to the monitoring organization that conducts the 103652
confidential monitoring program established under section 103653
4731.25 of the Revised Code. The board also may compel the 103654
individual to submit to a mental or physical examination, or 103655
both. The expense of the examination is the responsibility of 103656
the individual compelled to be examined. Any mental or physical 103657
examination required under this division shall be undertaken by 103658
a treatment provider or physician qualified to conduct such 103659
examination and approved under section 4731.251 of the Revised 103660
Code. 103661

Failure to submit to a mental or physical examination 103662
ordered by the board constitutes an admission of the allegations 103663
against the individual unless the failure is due to 103664
circumstances beyond the individual's control, and a default and 103665
final order may be entered without the taking of testimony or 103666
presentation of evidence. If the board determines that the 103667
individual's ability to practice is impaired, the board shall 103668
suspend the individual's license or deny the individual's 103669
application and shall require the individual, as a condition for 103670
an initial, continued, reinstated, or renewed license, to submit 103671
to treatment. 103672

Before being eligible to apply for reinstatement of a 103673
license suspended under this division, the oriental medicine 103674
practitioner or acupuncturist shall demonstrate to the board the 103675
ability to resume practice in compliance with acceptable and 103676
prevailing standards of care. The demonstration shall include 103677
the following: 103678

(a) Certification from a treatment provider approved under 103679
section 4731.251 of the Revised Code that the individual has 103680
successfully completed any required inpatient treatment; 103681

(b) Evidence of continuing full compliance with an 103682
aftercare contract or consent agreement; 103683

(c) Two written reports indicating that the individual's 103684
ability to practice has been assessed and that the individual 103685
has been found capable of practicing according to acceptable and 103686
prevailing standards of care. The reports shall be made by 103687
individuals or providers approved by the board for making such 103688
assessments and shall describe the basis for their 103689
determination. 103690

The board may reinstate a license suspended under this 103691
division after such demonstration and after the individual has 103692
entered into a written consent agreement. 103693

When the impaired individual resumes practice, the board 103694
shall require continued monitoring of the individual. The 103695
monitoring shall include monitoring of compliance with the 103696
written consent agreement entered into before reinstatement or 103697
with conditions imposed by board order after a hearing, and, 103698
upon termination of the consent agreement, submission to the 103699
board for at least two years of annual written progress reports 103700
made under penalty of falsification stating whether the 103701
individual has maintained sobriety. 103702

(H) (1) If either of the following circumstances occur, the 103703
secretary and supervising member may recommend that the board 103704
suspend an individual's license to practice without a prior 103705
hearing: 103706

(a) The secretary and supervising member determine both of 103707

the following: 103708

(i) That there is clear and convincing evidence that an 103709
oriental medicine practitioner or acupuncturist has violated 103710
division (B) of this section; 103711

(ii) That the individual's continued practice presents a 103712
danger of immediate and serious harm to the public. 103713

(b) The board receives verifiable information that a 103714
licensee has been charged in any state or federal court for a 103715
crime classified as a felony under the charging court's law and 103716
the conduct charged constitutes a violation of division (B) of 103717
this section. 103718

(2) If a recommendation is made to suspend without a prior 103719
hearing pursuant to division (H) (1) of this section, written 103720
allegations shall be prepared for consideration by the board. 103721
The board, upon review of the allegations and by an affirmative 103722
vote of not fewer than six of its members, excluding the 103723
secretary and supervising member, may suspend a license without 103724
a prior hearing. A telephone conference call may be utilized for 103725
reviewing the allegations and taking the vote on the summary 103726
suspension. 103727

The board shall serve a written order of suspension in 103728
accordance with sections 119.05 and 119.07 of the Revised Code. 103729
~~The order shall not be subject to suspension by the court during~~ 103730
~~pendency of any appeal filed under section 119.12 of the Revised~~ 103731
~~Code.~~ If the oriental medicine practitioner or acupuncturist 103732
requests an adjudicatory hearing by the board, the date set for 103733
the hearing shall be within fifteen days, but not earlier than 103734
seven days, after the hearing is requested, unless otherwise 103735
agreed to by both the board and the license holder. 103736

(3) A summary suspension imposed under ~~this~~ division (H)
(2) of this section is not a final appealable order and is not
an adjudication that may be appealed under section 119.12 of the
Revised Code. The summary suspension shall remain in effect,
~~unless reversed on appeal,~~ until a final adjudicative order
issued by the board pursuant to this section and Chapter 119. of
the Revised Code becomes effective. Once a final adjudicative
order has been issued by the board, any party adversely affected
by it may file an appeal in accordance with the requirements of
Chapter 119. of the Revised Code. ~~The~~

The board shall issue its final adjudicative order within
~~sixty-seventy-five~~ days after completion of its hearing. Failure
to issue the order within ~~sixty-seventy-five~~ days shall result
in dissolution of the summary suspension order, but shall not
invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B) (11),
(13), or (14) of this section, and the judicial finding of
guilt, guilty plea, or judicial finding of eligibility for
intervention in lieu of conviction is overturned on appeal, upon
exhaustion of the criminal appeal, a petition for
reconsideration of the order may be filed with the board along
with appropriate court documents. Upon receipt of a petition and
supporting court documents, the board shall reinstate the
license. The board may then hold an adjudication under Chapter
119. of the Revised Code to determine whether the individual
committed the act in question. Notice of opportunity for hearing
shall be given in accordance with Chapter 119. of the Revised
Code. If the board finds, pursuant to an adjudication held under
this division, that the individual committed the act, or if no
hearing is requested, it may order any of the sanctions
specified in division (B) of this section.

(J) The license to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, trafficking in persons, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall serve the individual subject to the suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of 103799
this section resulting in a suspension shall be accompanied by a 103800
written statement of the conditions under which the license may 103801
be reinstated. The board shall adopt rules in accordance with 103802
Chapter 119. of the Revised Code governing conditions to be 103803
imposed for reinstatement. Reinstatement of a license suspended 103804
pursuant to division (B) of this section requires an affirmative 103805
vote of not fewer than six members of the board. 103806

(M) When the board refuses to grant or issue a license to 103807
an applicant, revokes an individual's license, refuses to renew 103808
an individual's license, or refuses to reinstate an individual's 103809
license, the board may specify that its action is permanent. An 103810
individual subject to a permanent action taken by the board is 103811
forever thereafter ineligible to hold a license to practice as 103812
an oriental medicine practitioner or license to practice as an 103813
acupuncturist and the board shall not accept an application for 103814
reinstatement of the license or for issuance of a new license. 103815

(N) Notwithstanding any other provision of the Revised 103816
Code, all of the following apply: 103817

(1) The surrender of a license to practice as an oriental 103818
medicine practitioner or license to practice as an acupuncturist 103819
issued under this chapter is not effective unless or until 103820
accepted by the board. Reinstatement of a license surrendered to 103821
the board requires an affirmative vote of not fewer than six 103822
members of the board. 103823

(2) An application made under this chapter for a license 103824
may not be withdrawn without approval of the board. 103825

(3) Failure by an individual to renew a license in 103826
accordance with section 4762.06 of the Revised Code does not 103827

remove or limit the board's jurisdiction to take disciplinary 103828
action under this section against the individual. 103829

(4) The placement of an individual's license on retired 103830
status, as described in section 4762.062 of the Revised Code, 103831
does not remove or limit the board's jurisdiction to take any 103832
disciplinary action against the individual with regard to the 103833
license as it existed before being placed on retired status. 103834

Sec. 4762.99. (A) Whoever violates section 4762.02 of the 103835
Revised Code is guilty of a misdemeanor of the first degree on a 103836
first offense; on each subsequent offense, the person is guilty 103837
of a felony of the fourth degree. 103838

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 103839
(D), or (E) of section 4762.16 of the Revised Code is guilty of 103840
a minor misdemeanor on a first offense; on each subsequent 103841
offense the person is guilty of a misdemeanor of the fourth 103842
degree, except that an individual guilty of a subsequent offense 103843
shall not be subject to imprisonment, but to a fine alone of up 103844
to one thousand dollars for each offense. 103845

(2) Whoever violates division (B) (2) or (C) (3) of section 103846
4762.16 of the Revised Code is guilty of ~~failure to report~~ 103847
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 103848
fourth degree. ~~If the offender has previously been convicted of~~ 103849
~~a violation of this division, the failure to report on a first~~ 103850
~~offense; on each subsequent offense, the person is guilty of a~~ 103851
misdemeanor of the first degree. 103852

(C) Whoever violates division (E) of section 4762.14 of 103853
the Revised Code is guilty of ~~disclosing confidential~~ 103854
~~investigatory information,~~ a misdemeanor of the first degree. 103855

Sec. 4767.10. (A) The division of real estate in the 103856

department of commerce shall use ~~one dollar~~ six dollars of each 103857
burial permit fee collected pursuant to section 3705.17 of the 103858
Revised Code and paid into the state treasury to the credit of 103859
the cemetery registration fund created under section 4767.03 of 103860
the Revised Code to advance grants to cemeteries registered with 103861
the division to defray the costs of exceptional cemetery 103862
maintenance or training cemetery personnel in the maintenance 103863
and operation of cemeteries. The division may not provide a 103864
grant to a corporation or association that operates a cemetery 103865
for profit. Grants provided under this section shall not exceed 103866
five thousand dollars. An operator of five or more cemeteries 103867
registered with the division may apply for and receive one grant 103868
per year. All other operators of cemeteries registered with the 103869
division may apply for and receive one grant every other year. 103870
The division shall advance grants from the cemetery registration 103871
fund in accordance with rules adopted by the Ohio cemetery 103872
dispute resolution commission under Chapter 119. of the Revised 103873
Code. 103874

(B) The director of commerce may increase, by rule adopted 103875
under Chapter 119. of the Revised Code, the amount of total 103876
grants the division may advance in a fiscal year if the director 103877
determines the total amount of funds generated exceeds the 103878
amount of funds the division needs to carry out its powers and 103879
duties under this section. If the director determines the 103880
increased amount depletes the amount of funds the division needs 103881
to carry out its powers and duties under this section, the 103882
director may decrease the amount not below the amount specified 103883
in division (A) of this section. 103884

Sec. 4772.20. (A) The state medical board, by an 103885
affirmative vote of not fewer than six members, may revoke or 103886
may refuse to grant a license to practice as a certified mental 103887

health assistant to an individual found by the board to have 103888
committed fraud, misrepresentation, or deception in applying for 103889
or securing the license. 103890

(B) The board, by an affirmative vote of not fewer than 103891
six members, shall, except as provided in division (C) of this 103892
section, and to the extent permitted by law, limit, revoke, or 103893
suspend an individual's license to practice as a certified 103894
mental health assistant, refuse to issue a license to an 103895
applicant, refuse to renew a license, refuse to reinstate a 103896
license, or reprimand or place on probation the holder of a 103897
license for any of the following reasons: 103898

(1) Permitting the holder's name or license to be used by 103899
another person; 103900

(2) Failure to comply with the requirements of this 103901
chapter, Chapter 4731. of the Revised Code, or any rules adopted 103902
by the board; 103903

(3) Violating or attempting to violate, directly or 103904
indirectly, or assisting in or abetting the violation of, or 103905
conspiring to violate, any provision of this chapter, Chapter 103906
4731. of the Revised Code, or the rules adopted by the board; 103907

(4) A departure from, or failure to conform to, minimal 103908
standards of care of similar practitioners under the same or 103909
similar circumstances whether or not actual injury to the 103910
patient is established; 103911

(5) Inability to practice according to acceptable and 103912
prevailing standards of care by reason of mental illness or 103913
physical illness, including physical deterioration that 103914
adversely affects cognitive, motor, or perceptive skills; 103915

(6) Impairment of ability to practice according to 103916

acceptable and prevailing standards of care because of habitual 103917
or excessive use or abuse of drugs, alcohol, or other substances 103918
that impair ability to practice; 103919

(7) Willfully betraying a professional confidence; 103920

(8) Making a false, fraudulent, deceptive, or misleading 103921
statement in securing or attempting to secure a license to 103922
practice as a certified mental health assistant. 103923

As used in this division, "false, fraudulent, deceptive, 103924
or misleading statement" means a statement that includes a 103925
misrepresentation of fact, is likely to mislead or deceive 103926
because of a failure to disclose material facts, is intended or 103927
is likely to create false or unjustified expectations of 103928
favorable results, or includes representations or implications 103929
that in reasonable probability will cause an ordinarily prudent 103930
person to misunderstand or be deceived. 103931

(9) The obtaining of, or attempting to obtain, money or a 103932
thing of value by fraudulent misrepresentations in the course of 103933
practice; 103934

(10) A plea of guilty to, a judicial finding of guilt of, 103935
or a judicial finding of eligibility for intervention in lieu of 103936
conviction for, a felony; 103937

(11) Commission of an act that constitutes a felony in 103938
this state, regardless of the jurisdiction in which the act was 103939
committed; 103940

(12) A plea of guilty to, a judicial finding of guilt of, 103941
or a judicial finding of eligibility for intervention in lieu of 103942
conviction for, a misdemeanor committed in the course of 103943
practice; 103944

(13) A plea of guilty to, a judicial finding of guilt of, 103945
or a judicial finding of eligibility for intervention in lieu of 103946
conviction for, a misdemeanor involving moral turpitude; 103947

(14) Commission of an act in the course of practice that 103948
constitutes a misdemeanor in this state, regardless of the 103949
jurisdiction in which the act was committed; 103950

(15) Commission of an act involving moral turpitude that 103951
constitutes a misdemeanor in this state, regardless of the 103952
jurisdiction in which the act was committed; 103953

(16) A plea of guilty to, a judicial finding of guilt of, 103954
or a judicial finding of eligibility for intervention in lieu of 103955
conviction for violating any state or federal law regulating the 103956
possession, distribution, or use of any drug, including 103957
trafficking in drugs; 103958

(17) Any of the following actions taken by the state 103959
agency responsible for regulating the practice of certified 103960
mental health assistants in another jurisdiction, for any reason 103961
other than the nonpayment of fees: the limitation, revocation, 103962
or suspension of an individual's license to practice; acceptance 103963
of an individual's license surrender; denial of a license; 103964
refusal to renew or reinstate a license; imposition of 103965
probation; or issuance of an order of censure or other 103966
reprimand; 103967

(18) Violation of the conditions placed by the board on a 103968
license to practice as a certified mental health assistant; 103969

(19) Failure to use universal blood and body fluid 103970
precautions established by rules adopted under section 4731.051 103971
of the Revised Code; 103972

(20) Failure to cooperate in an investigation conducted by 103973

the board under section 4772.21 of the Revised Code, including 103974
failure to comply with a subpoena or order issued by the board 103975
or failure to answer truthfully a question presented by the 103976
board at a deposition or in written interrogatories, except that 103977
failure to cooperate with an investigation shall not constitute 103978
grounds for discipline under this section if a court of 103979
competent jurisdiction has issued an order that either quashes a 103980
subpoena or permits the individual to withhold the testimony or 103981
evidence in issue; 103982

(21) Failure to practice in accordance with the 103983
supervising physician's supervision agreement with the certified 103984
mental health assistant; 103985

(22) Administering drugs for purposes other than those 103986
authorized under this chapter; 103987

(23) Failure to comply with section 4772.13 of the Revised 103988
Code, unless the board no longer maintains a drug database 103989
pursuant to section 4729.75 of the Revised Code; 103990

(24) Assisting suicide, as defined in section 3795.01 of 103991
the Revised Code. 103992

(C) The board shall not refuse to issue a license to an 103993
applicant because of a plea of guilty to, a judicial finding of 103994
guilt of, or a judicial finding of eligibility for intervention 103995
in lieu of conviction for an offense unless the refusal is in 103996
accordance with section 9.79 of the Revised Code. 103997

(D) Disciplinary actions taken by the board under 103998
divisions (A) and (B) of this section shall be taken pursuant to 103999
an adjudication under Chapter 119. of the Revised Code, except 104000
that in lieu of an adjudication, the board may enter into a 104001
consent agreement with a certified mental health assistant or 104002

applicant to resolve an allegation of a violation of this 104003
chapter or any rule adopted under it. A consent agreement, when 104004
ratified by an affirmative vote of not fewer than six members of 104005
the board, shall constitute the findings and order of the board 104006
with respect to the matter addressed in the agreement. If the 104007
board refuses to ratify a consent agreement, the admissions and 104008
findings contained in the consent agreement shall be of no force 104009
or effect. 104010

(E) For purposes of divisions (B) (11), (14), and (15) of 104011
this section, the commission of the act may be established by a 104012
finding by the board, pursuant to an adjudication under Chapter 104013
119. of the Revised Code, that the applicant or license holder 104014
committed the act in question. The board shall have no 104015
jurisdiction under these divisions in cases where the trial 104016
court renders a final judgment in the license holder's favor and 104017
that judgment is based upon an adjudication on the merits. The 104018
board shall have jurisdiction under these divisions in cases 104019
where the trial court issues an order of dismissal on technical 104020
or procedural grounds. 104021

(F) The sealing or expungement of conviction records by 104022
any court shall have no effect on a prior board order entered 104023
under the provisions of this section or on the board's 104024
jurisdiction to take action under the provisions of this section 104025
if, based upon a plea of guilty, a judicial finding of guilt, or 104026
a judicial finding of eligibility for intervention in lieu of 104027
conviction, the board issued a notice of opportunity for a 104028
hearing prior to the court's order to seal or expunge the 104029
records. The board shall not be required to seal, destroy, 104030
redact, or otherwise modify its records to reflect the court's 104031
sealing or expungement of conviction records. 104032

(G) For purposes of this division, any individual who 104033
holds a license to practice as a certified mental health 104034
assistant issued under this chapter, or applies for a license, 104035
shall be deemed to have given consent to submit to a mental or 104036
physical examination when directed to do so in writing by the 104037
board and to have waived all objections to the admissibility of 104038
testimony or examination reports that constitute a privileged 104039
communication. 104040

(1) In enforcing division (B) (5) of this section, the 104041
board, on a showing of a possible violation, may compel any 104042
individual who holds a license to practice as a certified mental 104043
health assistant issued under this chapter or who has applied 104044
for a license to submit to a mental or physical examination, or 104045
both. A physical examination may include an HIV test. The 104046
expense of the examination is the responsibility of the 104047
individual compelled to be examined. Failure to submit to a 104048
mental or physical examination or consent to an HIV test ordered 104049
by the board constitutes an admission of the allegations against 104050
the individual unless the failure is due to circumstances beyond 104051
the individual's control, and a default and final order may be 104052
entered without the taking of testimony or presentation of 104053
evidence. If the board finds a certified mental health assistant 104054
unable to practice because of the reasons set forth in division 104055
(B) (5) of this section, the board shall require the certified 104056
mental health assistant to submit to care, counseling, or 104057
treatment by physicians approved or designated by the board, as 104058
a condition for an initial, continued, reinstated, or renewed 104059
license. An individual affected by this division shall be 104060
afforded an opportunity to demonstrate to the board the ability 104061
to resume practicing in compliance with acceptable and 104062
prevailing standards of care. 104063

(2) For purposes of division (B)(6) of this section, if 104064
the board has reason to believe that any individual who holds a 104065
license to practice as a certified mental health assistant 104066
issued under this chapter or any applicant for a license suffers 104067
such impairment, the board may compel the individual to submit 104068
to a mental or physical examination, or both. The expense of the 104069
examination is the responsibility of the individual compelled to 104070
be examined. Any mental or physical examination required under 104071
this division shall be undertaken by a treatment provider or 104072
physician qualified to conduct such examination and chosen by 104073
the board. 104074

Failure to submit to a mental or physical examination 104075
ordered by the board constitutes an admission of the allegations 104076
against the individual unless the failure is due to 104077
circumstances beyond the individual's control, and a default and 104078
final order may be entered without the taking of testimony or 104079
presentation of evidence. If the board determines that the 104080
individual's ability to practice is impaired, the board shall 104081
suspend the individual's license or deny the individual's 104082
application and shall require the individual, as a condition for 104083
an initial, continued, reinstated, or renewed license to 104084
practice, to submit to treatment. 104085

Before being eligible to apply for reinstatement of a 104086
license suspended under this division, the certified mental 104087
health assistant shall demonstrate to the board the ability to 104088
resume practice in compliance with acceptable and prevailing 104089
standards of care. The demonstration shall include the 104090
following: 104091

(a) Certification from a treatment provider approved under 104092
section 4731.25 of the Revised Code that the individual has 104093

successfully completed any required inpatient treatment; 104094

(b) Evidence of continuing full compliance with an 104095
aftercare contract or consent agreement; 104096

(c) Two written reports indicating that the individual's 104097
ability to practice has been assessed and that the individual 104098
has been found capable of practicing according to acceptable and 104099
prevailing standards of care. The reports shall be made by 104100
individuals or providers approved by the board for making such 104101
assessments and shall describe the basis for their 104102
determination. 104103

The board may reinstate a license suspended under this 104104
division after such demonstration and after the individual has 104105
entered into a written consent agreement. 104106

When the impaired certified mental health assistant 104107
resumes practice, the board shall require continued monitoring 104108
of the certified mental health assistant. The monitoring shall 104109
include monitoring of compliance with the written consent 104110
agreement entered into before reinstatement or with conditions 104111
imposed by board order after a hearing, and, on termination of 104112
the consent agreement, submission to the board for at least two 104113
years of annual written progress reports made under penalty of 104114
falsification stating whether the certified mental health 104115
assistant has maintained sobriety. 104116

~~(H)~~ (H) (1) If either of the following circumstances occur, 104117
the secretary and supervising member ~~determine that may~~ 104118
recommend that the board suspend the individual's license 104119
without a prior hearing: 104120

(a) The secretary and supervising member determine both of 104121
the following: 104122

(i) That there is clear and convincing evidence that a 104123
certified mental health assistant has violated division (B) of 104124
this section ~~and that;~~ 104125

(ii) That the individual's continued practice presents a 104126
danger of immediate and serious harm to the public, ~~they may~~ 104127
~~recommend that the board suspend the individual's license to~~ 104128
~~practice without a prior hearing.~~ 104129

(b) The board receives verifiable information that a 104130
licensee has been charged in any state or federal court with a 104131
crime classified as a felony under the charging court's law and 104132
the conduct charged constitutes a violation of division (B) of 104133
this section. Written 104134

(2) If a recommendation is made to suspend without a prior 104135
hearing pursuant to division (H) (1) of this section, written 104136
allegations shall be prepared for consideration by the board. 104137

The board, on review of the allegations and by an 104138
affirmative vote of not fewer than six of its members, excluding 104139
the secretary and supervising member, may suspend a license 104140
without a prior hearing. A telephone conference call may be 104141
utilized for reviewing the allegations and taking the vote on 104142
the summary suspension. 104143

The board shall issue a written order of suspension by 104144
certified mail or in person in accordance with section 119.07 of 104145
the Revised Code. ~~The order shall not be subject to suspension~~ 104146
~~by the court during pendency of any appeal filed under section~~ 104147
~~119.12 of the Revised Code.~~ If the certified mental health 104148
assistant requests an adjudicatory hearing by the board, the 104149
date set for the hearing shall be within fifteen days, but not 104150
earlier than seven days, after the certified mental health 104151

assistant requests the hearing, unless otherwise agreed to by 104152
both the board and the license holder. 104153

(3) A summary suspension imposed under this division is 104154
not a final appealable order and is not an adjudication that may 104155
be appealed under section 119.12 of the Revised Code. The 104156
summary suspension shall remain in effect,~~unless reversed on~~ 104157
~~appeal,~~ until a final adjudicative order issued by the board 104158
pursuant to this section and Chapter 119. of the Revised Code 104159
becomes effective. Once a final adjudicative order has been 104160
issued by the board, any party adversely affected by it may file 104161
an appeal in accordance with Chapter 119. of the Revised Code. 104162
~~The~~ 104163

The board shall issue its final adjudicative order within 104164
~~sixty-seventy-five~~ days after completion of its hearing. Failure 104165
to issue the order within ~~sixty-seventy-five~~ days shall result 104166
in dissolution of the summary suspension order, but shall not 104167
invalidate any subsequent, final adjudicative order. 104168

(I) If the board takes action under division (B) (10), 104169
(12), or (13) of this section, and the judicial finding of 104170
guilt, guilty plea, or judicial finding of eligibility for 104171
intervention in lieu of conviction is overturned on appeal, on 104172
exhaustion of the criminal appeal, a petition for 104173
reconsideration of the order may be filed with the board along 104174
with appropriate court documents. On receipt of a petition and 104175
supporting court documents, the board shall reinstate the 104176
license to practice as a certified mental health assistant. The 104177
board may then hold an adjudication under Chapter 119. of the 104178
Revised Code to determine whether the individual committed the 104179
act in question. Notice of opportunity for hearing shall be 104180
given in accordance with Chapter 119. of the Revised Code. If 104181

the board finds, pursuant to an adjudication held under this 104182
division, that the individual committed the act, or if no 104183
hearing is requested, it may order any of the sanctions 104184
specified in division (B) of this section. 104185

(J) The license to practice of a certified mental health 104186
assistant and the assistant's practice in this state are 104187
automatically suspended as of the date the certified mental 104188
health assistant pleads guilty to, is found by a judge or jury 104189
to be guilty of, or is subject to a judicial finding of 104190
eligibility for intervention in lieu of conviction in this state 104191
or treatment of intervention in lieu of conviction in another 104192
jurisdiction for any of the following criminal offenses in this 104193
state or a substantially equivalent criminal offense in another 104194
jurisdiction: aggravated murder, murder, voluntary manslaughter, 104195
felonious assault, trafficking in persons, kidnapping, rape, 104196
sexual battery, gross sexual imposition, aggravated arson, 104197
aggravated robbery, or aggravated burglary. Continued practice 104198
after the suspension shall be considered practicing without a 104199
license. 104200

The board shall notify the individual subject to the 104201
suspension by certified mail or in person in accordance with 104202
section 119.07 of the Revised Code. If an individual whose 104203
license is suspended under this division fails to make a timely 104204
request for an adjudication under Chapter 119. of the Revised 104205
Code, the board shall enter a final order permanently revoking 104206
the individual's license. 104207

(K) In any instance in which the board is required by 104208
Chapter 119. of the Revised Code to give notice of opportunity 104209
for hearing and the individual subject to the notice does not 104210
timely request a hearing in accordance with section 119.07 of 104211

the Revised Code, the board is not required to hold a hearing, 104212
but may adopt, by an affirmative vote of not fewer than six of 104213
its members, a final order that contains the board's findings. 104214
In the final order, the board may order any of the sanctions 104215
identified under division (A) or (B) of this section. 104216

(L) Any action taken by the board under division (B) of 104217
this section resulting in a suspension shall be accompanied by a 104218
written statement of the conditions under which the certified 104219
mental health assistant's license may be reinstated. The board 104220
shall adopt rules in accordance with Chapter 119. of the Revised 104221
Code governing conditions to be imposed for reinstatement. 104222
Reinstatement of a license suspended pursuant to division (B) of 104223
this section requires an affirmative vote of not fewer than six 104224
members of the board. 104225

(M) When the board refuses to grant or issue a license to 104226
practice as a certified mental health assistant to an applicant, 104227
revokes an individual's license, refuses to renew an 104228
individual's license, or refuses to reinstate an individual's 104229
license, the board may specify that its action is permanent. An 104230
individual subject to a permanent action taken by the board is 104231
forever thereafter ineligible to hold a license to practice as a 104232
certified mental health assistant and the board shall not accept 104233
an application for reinstatement of the license or for issuance 104234
of a new license. 104235

(N) Notwithstanding any other provision of the Revised 104236
Code, all of the following apply: 104237

(1) The surrender of a license to practice as a certified 104238
mental health assistant issued under this chapter is not 104239
effective unless or until accepted by the board. Reinstatement 104240
of a license surrendered to the board requires an affirmative 104241

vote of not fewer than six members of the board. 104242

(2) An application made under this chapter for a license 104243
to practice may not be withdrawn without approval of the board. 104244

(3) Failure by an individual to renew a license to 104245
practice in accordance with section 4772.08 of the Revised Code 104246
shall not remove or limit the board's jurisdiction to take 104247
disciplinary action under this section against the individual. 104248

Sec. 4772.21. (A) The state medical board shall 104249
investigate evidence that appears to show that any person has 104250
violated this chapter or the rules adopted under it. Any person 104251
may report to the board in a signed writing any information the 104252
person has that appears to show a violation of any provision of 104253
this chapter or the rules adopted under it. In the absence of 104254
bad faith, a person who reports such information or testifies 104255
before the board in an adjudication conducted under Chapter 119. 104256
of the Revised Code shall not be liable for civil damages as a 104257
result of reporting the information or providing testimony. Each 104258
complaint or allegation of a violation received by the board 104259
shall be assigned a case number and be recorded by the board. 104260

(B) Investigations of alleged violations of this chapter 104261
or rules adopted under it shall be supervised by the supervising 104262
member elected by the board in accordance with section 4731.02 104263
of the Revised Code and by the secretary as provided in section 104264
4772.24 of the Revised Code. The board's president may designate 104265
another member of the board to supervise the investigation in 104266
place of the supervising member. Upon a vote of the majority of 104267
the board to authorize the addition of a consumer member in the 104268
supervision of any part of any investigation, the president 104269
shall designate a consumer member for supervision of 104270
investigations as determined by the president. The authorization 104271

of consumer member participation in investigation supervision 104272
may be rescinded by a majority vote of the board. A member of 104273
the board who supervises the investigation of a case shall not 104274
participate in further adjudication of the case. 104275

(C) In investigating a possible violation of this chapter 104276
or the rules adopted under it, the board may administer oaths, 104277
order the taking of depositions, issue subpoenas, and compel the 104278
attendance of witnesses and production of books, accounts, 104279
papers, records, documents, and testimony, except that a 104280
subpoena for patient record information shall not be issued 104281
without consultation with the attorney general's office and 104282
approval of the secretary and supervising member of the board. 104283
Before issuance of a subpoena for patient record information, 104284
the secretary and supervising member shall determine whether 104285
there is probable cause to believe that the complaint filed 104286
alleges a violation of this chapter or the rules adopted under 104287
it and that the records sought are relevant to the alleged 104288
violation and material to the investigation. The subpoena may 104289
apply only to records that cover a reasonable period of time 104290
surrounding the alleged violation. 104291

On failure to comply with any subpoena issued by the board 104292
and after reasonable notice to the person being subpoenaed, the 104293
board may move for an order compelling the production of persons 104294
or records pursuant to the Rules of Civil Procedure. 104295

A subpoena issued by the board may be served by a sheriff, 104296
the sheriff's deputy, or a board employee designated by the 104297
board. Service of a subpoena issued by the board may be made by 104298
delivering a copy of the subpoena to the person named therein, 104299
reading it to the person, or leaving it at the person's usual 104300
place of residence. When the person being served is a certified 104301

mental health assistant, service of the subpoena may be made by 104302
certified mail, restricted delivery, return receipt requested, 104303
and the subpoena shall be deemed served on the date delivery is 104304
made or the date the person refuses to accept delivery. 104305

A sheriff's deputy who serves a subpoena shall receive the 104306
same fees as a sheriff. Each witness who appears before the 104307
board in obedience to a subpoena shall receive the fees and 104308
mileage provided for witnesses in civil cases in the courts of 104309
common pleas. 104310

(D) All hearings and investigations of the board shall be 104311
considered civil actions for the purposes of section 2305.252 of 104312
the Revised Code. 104313

(E) Information received by the board pursuant to an 104314
investigation is confidential and not subject to discovery in 104315
any civil action. 104316

The board shall conduct all investigations and proceedings 104317
in a manner that protects the confidentiality of patients and 104318
persons who file complaints with the board. The board shall not 104319
make public the names or any other identifying information about 104320
patients or complainants unless proper consent is given. 104321

The board may share any information it receives pursuant 104322
to an investigation, including patient records and patient 104323
record information, with law enforcement agencies, other 104324
licensing boards, and other governmental agencies that are 104325
prosecuting, adjudicating, or investigating alleged violations 104326
of statutes or administrative rules. An agency or board that 104327
receives the information shall comply with the same requirements 104328
regarding confidentiality as those with which the state medical 104329
board must comply, notwithstanding any conflicting provision of 104330

the Revised Code or procedure of the agency or board that 104331
applies when it is dealing with other information in its 104332
possession. In a judicial proceeding, the information may be 104333
admitted into evidence only in accordance with the Rules of 104334
Evidence, but the court shall require that appropriate measures 104335
are taken to ensure that confidentiality is maintained with 104336
respect to any part of the information that contains names or 104337
other identifying information about patients or complainants 104338
whose confidentiality was protected by the state medical board 104339
when the information was in the board's possession. Measures to 104340
ensure confidentiality that may be taken by the court include 104341
sealing its records or deleting specific information from its 104342
records. 104343

No person shall knowingly access, use, or disclose 104344
confidential investigatory information in a manner prohibited by 104345
law. 104346

(F) On a quarterly basis, the board shall prepare a report 104347
that documents the disposition of all cases during the preceding 104348
three months. The report shall contain the following information 104349
for each case with which the board has completed its activities: 104350

(1) The case number assigned to the complaint or alleged 104351
violation; 104352

(2) The type of license, if any, held by the individual 104353
against whom the complaint is directed; 104354

(3) A description of the allegations contained in the 104355
complaint; 104356

(4) Whether witnesses were interviewed; 104357

(5) Whether the individual against whom the complaint is 104358
directed is the subject of any pending complaints; 104359

(6) The disposition of the case.

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The report shall state how many cases are still pending,
and shall be prepared in a manner that protects the identity of
each person involved in each case. The report is a public record
for purposes of section 149.43 of the Revised Code.

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(G) The board may provide a status update regarding an
investigation to a complainant on request if the board verifies
the complainant's identity.

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Sec. 4772.23. (A) As used in this section, "criminal
conduct" and "sexual misconduct" have the same meanings as in
section 4731.224 of the Revised Code.

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(B) (1) Within ~~sixty~~ thirty days after the imposition of
any formal disciplinary action taken by any health care
facility, including a hospital, health care facility operated by
a health insuring corporation, ambulatory surgical facility, or
similar facility, against any individual holding a valid license
to practice as a certified mental health assistant, the chief
administrator or executive officer of the facility shall report
to the state medical board the name of the individual, the
action taken by the facility, and a summary of the underlying
facts leading to the action taken. On request, the board shall
be provided certified copies of the patient records that were
the basis for the facility's action. Prior to release to the
board, the summary shall be approved by the peer review
committee that reviewed the case or by the governing board of
the facility.

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The filing of a report with the board or decision not to
file a report, investigation by the board, or any disciplinary
action taken by the board, does not preclude a health care

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facility from taking disciplinary action against a certified 104389
mental health assistant. 104390

In the absence of fraud or bad faith, no individual or 104391
entity that provides patient records to the board shall be 104392
liable in damages to any person as a result of providing the 104393
records. 104394

(2) Within thirty days after commencing an investigation 104395
regarding criminal conduct or sexual misconduct against any 104396
individual holding a valid license to practice issued pursuant 104397
to this chapter, a health care facility, including a hospital, 104398
health care facility operated by a health insuring corporation, 104399
ambulatory surgical center, or similar facility, shall report to 104400
the board the name of the individual and a summary of the 104401
underlying facts related to the investigation being commenced. 104402

~~(B) (1)~~ (C) (1) Except as provided in division ~~(B) (2)~~ (C) (2) 104403
of this section and subject to division (C) (3) of this section, 104404
a certified mental health assistant, professional association or 104405
society of certified mental health assistants, physician, or 104406
professional association or society of physicians that believes 104407
a violation of any provision of this chapter, Chapter 4731. of 104408
the Revised Code, or rule of the board has occurred shall report 104409
to the board the information on which the belief is based. 104410

(2) A certified mental health assistant, professional 104411
association or society of certified mental health assistants, 104412
physician, or professional association or society of physicians 104413
that believes a violation of division (B) (6) of section 4772.20 104414
of the Revised Code has occurred shall report the information 104415
upon which the belief is based to the monitoring organization 104416
conducting the program established by the board under section 104417
4731.251 of the Revised Code. If any such report is made to the 104418

board, it shall be referred to the monitoring organization 104419
unless the board is aware that the individual who is the subject 104420
of the report does not meet the program eligibility requirements 104421
of section 4731.252 of the Revised Code. 104422

~~(C)~~ (3) If any individual authorized to practice under this 104423
chapter or any professional association or society of such 104424
individuals knows or has reasonable cause to suspect based on 104425
facts that would cause a reasonable person in a similar position 104426
to suspect that an individual authorized to practice under this 104427
chapter has committed or participated in criminal conduct or 104428
sexual misconduct, the information upon which the belief is 104429
based shall be reported to the board within thirty days. 104430

This division does not apply to a professional association 104431
or society whose staff interacts with members of the association 104432
or society only in advocacy, governance, or educational 104433
capacities and whose staff does not regularly interact with 104434
members in practice settings. 104435

(4) In addition to the self-reporting of criminal offenses 104436
that is required for license renewal, an individual authorized 104437
to practice under this chapter shall report to the board 104438
criminal charges regarding criminal conduct, sexual misconduct, 104439
or any conduct involving the use of a motor vehicle while under 104440
the influence of alcohol or drugs, including offenses that are 104441
equivalent offenses under division (A) of section 4511.181 of 104442
the Revised Code, violations of division (D) of section 4511.194 104443
of the Revised Code, and violations of division (C) of section 104444
4511.79 of the Revised Code. Reports under this division shall 104445
be made within thirty days of the criminal charge being filed. 104446

(D) Any professional association or society composed 104447
primarily of certified mental health assistants that suspends or 104448

revokes an individual's membership for violations of 104449
professional ethics, or for reasons of professional incompetence 104450
or professional malpractice, within ~~sixty~~thirty days after a 104451
final decision, shall report to the board, on forms prescribed 104452
and provided by the board, the name of the individual, the 104453
action taken by the professional organization, and a summary of 104454
the underlying facts leading to the action taken. 104455

The filing of a report with the board or decision not to 104456
file a report, investigation by the board, or any disciplinary 104457
action taken by the board, does not preclude a professional 104458
organization from taking disciplinary action against a certified 104459
mental health assistant. 104460

~~(D)~~ (E) Any insurer providing professional liability 104461
insurance to any person holding a valid license to practice as a 104462
certified mental health assistant or any other entity that seeks 104463
to indemnify the professional liability of a certified mental 104464
health assistant shall notify the board within thirty days after 104465
the final disposition of any written claim for damages where 104466
such disposition results in a payment exceeding twenty-five 104467
thousand dollars. The notice shall contain the following 104468
information: 104469

(1) The name and address of the person submitting the 104470
notification; 104471

(2) The name and address of the insured who is the subject 104472
of the claim; 104473

(3) The name of the person filing the written claim; 104474

(4) The date of final disposition; 104475

(5) If applicable, the identity of the court in which the 104476
final disposition of the claim took place. 104477

~~(E)~~ (F) The board may investigate possible violations of 104478
this chapter or the rules adopted under it that are brought to 104479
its attention as a result of the reporting requirements of this 104480
section, except that the board shall conduct an investigation if 104481
a possible violation involves repeated malpractice. As used in 104482
this division, "repeated malpractice" means three or more claims 104483
for malpractice within the previous five-year period, each 104484
resulting in a judgment or settlement in excess of twenty-five 104485
thousand dollars in favor of the claimant, and each involving 104486
negligent conduct by the certified mental health assistant. 104487

~~(F)~~ (G) All summaries, reports, and records received and 104488
maintained by the board pursuant to this section shall be held- 104489
~~in confidence and shall not be subject to discovery or~~ 104490
~~introduction in evidence in any federal or state civil action~~ 104491
~~involving a certified mental health assistant, supervising~~ 104492
~~physician, or health care facility arising out of matters that~~ 104493
~~are the subject of the reporting required by this section. The~~ 104494
~~board may use the information obtained only as the basis for an~~ 104495
~~investigation, as evidence in a disciplinary hearing against a~~ 104496
~~certified mental health assistant or supervising physician, or~~ 104497
~~in any subsequent trial or appeal of a board action or order.~~ 104498

~~The board may disclose the summaries and reports it~~ 104499
~~receives under this section only to health care facility~~ 104500
~~committees within or outside this state that are involved in~~ 104501
~~credentialing or recredentialing a certified mental health~~ 104502
~~assistant or supervising physician, if applicable, or reviewing~~ 104503
~~their privilege to practice within a particular facility. The~~ 104504
~~board shall indicate whether or not the information has been~~ 104505
~~verified. Information transmitted by the board shall be subject~~ 104506
~~to the same confidentiality provisions as when maintained by the~~ 104507
~~board~~ confidential pursuant to division (E) of section 4772.21 of 104508

the Revised Code. 104509

~~(G)~~(H) Except for reports filed by an individual pursuant 104510
to division ~~(B)~~(B) (2) or (C) of this section, the board shall 104511
send a copy of any reports or summaries it receives pursuant to 104512
this section to the certified mental health assistant. The 104513
certified mental health assistant shall have the right to file a 104514
statement with the board concerning the correctness or relevance 104515
of the information. The statement shall at all times accompany 104516
that part of the record in contention. 104517

~~(H)~~(I) An individual or entity that reports to the board, 104518
reports to the monitoring organization described in section 104519
4731.251 of the Revised Code, or refers an impaired certified 104520
mental health assistant to a treatment provider approved by the 104521
board under section 4731.25 of the Revised Code shall not be 104522
subject to suit for civil damages as a result of the report, 104523
referral, or provision of the information. 104524

~~(I)~~(J) In the absence of fraud or bad faith, a 104525
professional association or society of certified mental health 104526
assistants that sponsors a committee or program to provide peer 104527
assistance to a certified mental health assistant with substance 104528
abuse problems, a representative or agent of such a committee or 104529
program, a representative or agent of the monitoring 104530
organization described in section 4731.251 of the Revised Code, 104531
and a member of the state medical board shall not be held liable 104532
in damages to any person by reason of actions taken to refer a 104533
certified mental health assistant to a treatment provider 104534
approved under section 4731.25 of the Revised Code for 104535
examination or treatment. 104536

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 104537
Revised Code is guilty of a misdemeanor of the first degree on a 104538

first offense; on each subsequent offense, the person is guilty 104539
of a felony of the fourth degree. 104540

~~(B)~~ (B) (1) Whoever violates division ~~(A)~~, ~~(B)~~ (B) (1), ~~(C)~~ (C) 104541
(1), ~~or~~ (C) (2), (D), or (E) of section 4772.23 of the Revised 104542
Code is guilty of a minor misdemeanor on a first offense; on 104543
each subsequent offense the person is guilty of a misdemeanor of 104544
the fourth degree, except that an individual guilty of a 104545
subsequent offense shall not be subject to imprisonment, but to 104546
a fine alone of up to one thousand dollars for each offense. 104547

(2) Whoever violates division (B) (2) or (C) (3) of section 104548
4772.23 of the Revised Code is guilty of a misdemeanor of the 104549
fourth degree; on each subsequent offense, the person is guilty 104550
of a misdemeanor of the first degree. 104551

(C) Whoever violates division (E) of section 4772.21 of 104552
the Revised Code is guilty of a misdemeanor of the first degree. 104553

Sec. 4774.13. (A) The state medical board, by an 104554
affirmative vote of not fewer than six members, may refuse to 104555
grant a license to practice as a radiologist assistant to, or 104556
may revoke the license held by, an individual found by the board 104557
to have committed fraud, misrepresentation, or deception in 104558
applying for or securing the license. 104559

(B) The board, by an affirmative vote of not fewer than 104560
six members, shall, except as provided in division (C) of this 104561
section, and to the extent permitted by law, limit, revoke, or 104562
suspend an individual's license to practice as a radiologist 104563
assistant, refuse to issue a license to an applicant, refuse to 104564
renew a license, refuse to reinstate a license, or reprimand or 104565
place on probation the holder of a license for any of the 104566
following reasons: 104567

- (1) Permitting the holder's name or license to be used by another person; 104568
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- (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 104570
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- (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 104573
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- (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 104577
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- (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 104581
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- (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice; 104585
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- (7) Willfully betraying a professional confidence; 104589
- (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant. 104590
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- As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive 104593
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because of a failure to disclose material facts, is intended or 104596
is likely to create false or unjustified expectations of 104597
favorable results, or includes representations or implications 104598
that in reasonable probability will cause an ordinarily prudent 104599
person to misunderstand or be deceived. 104600

(9) The obtaining of, or attempting to obtain, money or a 104601
thing of value by fraudulent misrepresentations in the course of 104602
practice; 104603

(10) A plea of guilty to, a judicial finding of guilt of, 104604
or a judicial finding of eligibility for intervention in lieu of 104605
conviction for, a felony; 104606

(11) Commission of an act that constitutes a felony in 104607
this state, regardless of the jurisdiction in which the act was 104608
committed; 104609

(12) A plea of guilty to, a judicial finding of guilt of, 104610
or a judicial finding of eligibility for intervention in lieu of 104611
conviction for, a misdemeanor committed in the course of 104612
practice; 104613

(13) A plea of guilty to, a judicial finding of guilt of, 104614
or a judicial finding of eligibility for intervention in lieu of 104615
conviction for, a misdemeanor involving moral turpitude; 104616

(14) Commission of an act in the course of practice that 104617
constitutes a misdemeanor in this state, regardless of the 104618
jurisdiction in which the act was committed; 104619

(15) Commission of an act involving moral turpitude that 104620
constitutes a misdemeanor in this state, regardless of the 104621
jurisdiction in which the act was committed; 104622

(16) A plea of guilty to, a judicial finding of guilt of, 104623

or a judicial finding of eligibility for intervention in lieu of 104624
conviction for violating any state or federal law regulating the 104625
possession, distribution, or use of any drug, including 104626
trafficking in drugs; 104627

(17) Any of the following actions taken by the state 104628
agency responsible for regulating the practice of radiologist 104629
assistants in another jurisdiction, for any reason other than 104630
the nonpayment of fees: the limitation, revocation, or 104631
suspension of an individual's license to practice; acceptance of 104632
an individual's license surrender; denial of a license; refusal 104633
to renew or reinstate a license; imposition of probation; or 104634
issuance of an order of censure or other reprimand; 104635

(18) Violation of the conditions placed by the board on a 104636
license to practice as a radiologist assistant; 104637

(19) Failure to use universal blood and body fluid 104638
precautions established by rules adopted under section 4731.051 104639
of the Revised Code; 104640

(20) Failure to cooperate in an investigation conducted by 104641
the board under section 4774.14 of the Revised Code, including 104642
failure to comply with a subpoena or order issued by the board 104643
or failure to answer truthfully a question presented by the 104644
board at a deposition or in written interrogatories, except that 104645
failure to cooperate with an investigation shall not constitute 104646
grounds for discipline under this section if a court of 104647
competent jurisdiction has issued an order that either quashes a 104648
subpoena or permits the individual to withhold the testimony or 104649
evidence in issue; 104650

(21) Failure to maintain a license as a radiographer under 104651
Chapter 4773. of the Revised Code; 104652

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B) (11), (14), and (15) of 104683
this section, the commission of the act may be established by a 104684
finding by the board, pursuant to an adjudication under Chapter 104685
119. of the Revised Code, that the applicant or license holder 104686
committed the act in question. The board shall have no 104687
jurisdiction under these divisions in cases where the trial 104688
court renders a final judgment in the license holder's favor and 104689
that judgment is based upon an adjudication on the merits. The 104690
board shall have jurisdiction under these divisions in cases 104691
where the trial court issues an order of dismissal on technical 104692
or procedural grounds. 104693

(F) The sealing or expungement of conviction records by 104694
any court shall have no effect on a prior board order entered 104695
under the provisions of this section or on the board's 104696
jurisdiction to take action under the provisions of this section 104697
if, based upon a plea of guilty, a judicial finding of guilt, or 104698
a judicial finding of eligibility for intervention in lieu of 104699
conviction, the board issued a notice of opportunity for a 104700
hearing prior to the court's order to seal or expunge the 104701
records. The board shall not be required to seal, destroy, 104702
redact, or otherwise modify its records to reflect the court's 104703
sealing or expungement of conviction records. 104704

(G) For purposes of this division, any individual who 104705
holds a license to practice as a radiologist assistant issued 104706
under this chapter, or applies for a license, shall be deemed to 104707
have given consent to submit to a mental or physical examination 104708
when directed to do so in writing by the board and to have 104709
waived all objections to the admissibility of testimony or 104710
examination reports that constitute a privileged communication. 104711

(1) In enforcing division (B) (5) of this section, the 104712

board, on a showing of a possible violation, shall refer any 104713
individual who holds, or has applied for, a license to practice 104714
as a radiologist assistant issued under this chapter to the 104715
monitoring organization that conducts the confidential 104716
monitoring program established under section 4731.25 of the 104717
Revised Code. The board also may compel the individual to submit 104718
to a mental or physical examination, or both. A physical 104719
examination may include an HIV test. The expense of the 104720
examination is the responsibility of the individual compelled to 104721
be examined. Failure to submit to a mental or physical 104722
examination or consent to an HIV test ordered by the board 104723
constitutes an admission of the allegations against the 104724
individual unless the failure is due to circumstances beyond the 104725
individual's control, and a default and final order may be 104726
entered without the taking of testimony or presentation of 104727
evidence. If the board finds a radiologist assistant unable to 104728
practice because of the reasons set forth in division (B) (5) of 104729
this section, the board shall require the radiologist assistant 104730
to submit to care, counseling, or treatment by physicians 104731
approved or designated by the board, as a condition for an 104732
initial, continued, reinstated, or renewed license. An 104733
individual affected by this division shall be afforded an 104734
opportunity to demonstrate to the board the ability to resume 104735
practicing in compliance with acceptable and prevailing 104736
standards of care. 104737

(2) For purposes of division (B) (6) of this section, if 104738
the board has reason to believe that any individual who holds a 104739
license to practice as a radiologist assistant issued under this 104740
chapter or any applicant for a license suffers such impairment, 104741
the board shall refer the individual to the monitoring 104742
organization that conducts the confidential monitoring program 104743

established under section 4731.25 of the Revised Code. The board 104744
also may compel the individual to submit to a mental or physical 104745
examination, or both. The expense of the examination is the 104746
responsibility of the individual compelled to be examined. Any 104747
mental or physical examination required under this division 104748
shall be undertaken by a treatment provider or physician 104749
qualified to conduct such examination and approved under section 104750
4731.251 of the Revised Code. 104751

Failure to submit to a mental or physical examination 104752
ordered by the board constitutes an admission of the allegations 104753
against the individual unless the failure is due to 104754
circumstances beyond the individual's control, and a default and 104755
final order may be entered without the taking of testimony or 104756
presentation of evidence. If the board determines that the 104757
individual's ability to practice is impaired, the board shall 104758
suspend the individual's license or deny the individual's 104759
application and shall require the individual, as a condition for 104760
an initial, continued, reinstated, or renewed license to 104761
practice, to submit to treatment. 104762

Before being eligible to apply for reinstatement of a 104763
license suspended under this division, the radiologist assistant 104764
shall demonstrate to the board the ability to resume practice in 104765
compliance with acceptable and prevailing standards of care. The 104766
demonstration shall include the following: 104767

(a) Certification from a treatment provider approved under 104768
section 4731.251 of the Revised Code that the individual has 104769
successfully completed any required inpatient treatment; 104770

(b) Evidence of continuing full compliance with an 104771
aftercare contract or consent agreement; 104772

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the radiologist assistant has maintained sobriety.

(H) (1) If either of the following circumstances occur, the secretary and supervising member may recommend that the board suspend the individual's license to practice without a prior hearing:

(a) The secretary and supervising member determine that there is clear and convincing evidence that a radiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public.

(b) The board receives verifiable information that a

licensee has been charged in any state or federal court for a 104802
crime classified as a felony under the charging court's law and 104803
the conduct charged constitutes a violation of division (B) of 104804
this section. 104805

(2) If a recommendation is made to suspend without a prior 104806
hearing pursuant to division (H)(1) of this section, written 104807
allegations shall be prepared for consideration by the board. 104808

The board, on review of the allegations and by an 104809
affirmative vote of not fewer than six of its members, excluding 104810
the secretary and supervising member, may suspend a license 104811
without a prior hearing. A telephone conference call may be 104812
utilized for reviewing the allegations and taking the vote on 104813
the summary suspension. 104814

The board shall serve a written order of suspension in 104815
accordance with sections 119.05 and 119.07 of the Revised Code. 104816
~~The order shall not be subject to suspension by the court during~~ 104817
~~pendency of any appeal filed under section 119.12 of the Revised~~ 104818
~~Code.~~ If the radiologist assistant requests an adjudicatory 104819
hearing by the board, the date set for the hearing shall be 104820
within fifteen days, but not earlier than seven days, after the 104821
radiologist assistant requests the hearing, unless otherwise 104822
agreed to by both the board and the license holder. 104823

(3) A summary suspension imposed under ~~this division~~ (H) 104824
(2) of this section is not a final appealable order and is not 104825
an adjudication that may be appealed under section 119.12 of the 104826
Revised Code. The summary suspension shall remain in effect, 104827
~~unless reversed on appeal,~~ until a final adjudicative order 104828
issued by the board pursuant to this section and Chapter 119. of 104829
the Revised Code becomes effective. Once a final adjudicative 104830
order has been issued by the board, any party adversely affected 104831

by it may file an appeal in accordance with the requirements of 104832
Chapter 119. of the Revised Code. The— 104833

The board shall issue its final adjudicative order within 104834
sixty-seventy-five days after completion of its hearing. Failure 104835
to issue the order within sixty-seventy-five days shall result 104836
in dissolution of the summary suspension order, but shall not 104837
invalidate any subsequent, final adjudicative order. 104838

(I) If the board takes action under division (B) (10), 104839
(12), or (13) of this section, and the judicial finding of 104840
guilt, guilty plea, or judicial finding of eligibility for 104841
intervention in lieu of conviction is overturned on appeal, on 104842
exhaustion of the criminal appeal, a petition for 104843
reconsideration of the order may be filed with the board along 104844
with appropriate court documents. On receipt of a petition and 104845
supporting court documents, the board shall reinstate the 104846
license to practice as a radiologist assistant. The board may 104847
then hold an adjudication under Chapter 119. of the Revised Code 104848
to determine whether the individual committed the act in 104849
question. Notice of opportunity for hearing shall be given in 104850
accordance with Chapter 119. of the Revised Code. If the board 104851
finds, pursuant to an adjudication held under this division, 104852
that the individual committed the act, or if no hearing is 104853
requested, it may order any of the sanctions specified in 104854
division (B) of this section. 104855

(J) The license to practice of a radiologist assistant and 104856
the assistant's practice in this state are automatically 104857
suspended as of the date the radiologist assistant pleads guilty 104858
to, is found by a judge or jury to be guilty of, or is subject 104859
to a judicial finding of eligibility for intervention in lieu of 104860
conviction in this state or treatment or intervention in lieu of 104861

conviction in another jurisdiction for any of the following 104862
criminal offenses in this state or a substantially equivalent 104863
criminal offense in another jurisdiction: aggravated murder, 104864
murder, voluntary manslaughter, felonious assault, trafficking 104865
in persons, kidnapping, rape, sexual battery, gross sexual 104866
imposition, aggravated arson, aggravated robbery, or aggravated 104867
burglary. Continued practice after the suspension shall be 104868
considered practicing without a license. 104869

The board shall serve the individual subject to the 104870
suspension in accordance with sections 119.05 and 119.07 of the 104871
Revised Code. If an individual whose license is suspended under 104872
this division fails to make a timely request for an adjudication 104873
under Chapter 119. of the Revised Code, the board shall enter a 104874
final order permanently revoking the individual's license. 104875

(K) In any instance in which the board is required by 104876
Chapter 119. of the Revised Code to give notice of opportunity 104877
for hearing and the individual subject to the notice does not 104878
timely request a hearing in accordance with section 119.07 of 104879
the Revised Code, the board is not required to hold a hearing, 104880
but may adopt, by an affirmative vote of not fewer than six of 104881
its members, a final order that contains the board's findings. 104882
In the final order, the board may order any of the sanctions 104883
identified under division (A) or (B) of this section. 104884

(L) Any action taken by the board under division (B) of 104885
this section resulting in a suspension shall be accompanied by a 104886
written statement of the conditions under which the radiologist 104887
assistant's license may be reinstated. The board shall adopt 104888
rules in accordance with Chapter 119. of the Revised Code 104889
governing conditions to be imposed for reinstatement. 104890
Reinstatement of a license suspended pursuant to division (B) of 104891

this section requires an affirmative vote of not fewer than six 104892
members of the board. 104893

(M) When the board refuses to grant or issue a license to 104894
practice as a radiologist assistant to an applicant, revokes an 104895
individual's license, refuses to renew an individual's license, 104896
or refuses to reinstate an individual's license, the board may 104897
specify that its action is permanent. An individual subject to a 104898
permanent action taken by the board is forever thereafter 104899
ineligible to hold a license to practice as a radiologist 104900
assistant and the board shall not accept an application for 104901
reinstatement of the license or for issuance of a new license. 104902

(N) Notwithstanding any other provision of the Revised 104903
Code, all of the following apply: 104904

(1) The surrender of a license to practice as a 104905
radiologist assistant issued under this chapter is not effective 104906
unless or until accepted by the board. Reinstatement of a 104907
license surrendered to the board requires an affirmative vote of 104908
not fewer than six members of the board. 104909

(2) An application made under this chapter for a license 104910
to practice may not be withdrawn without approval of the board. 104911

(3) Failure by an individual to renew a license to 104912
practice in accordance with section 4774.06 of the Revised Code 104913
does not remove or limit the board's jurisdiction to take 104914
disciplinary action under this section against the individual. 104915

(4) The placement of an individual's license on retired 104916
status, as described in section 4774.062 of the Revised Code, 104917
does not remove or limit the board's jurisdiction to take any 104918
disciplinary action against the individual with regard to the 104919
license as it existed before being placed on retired status. 104920

Sec. 4774.99. (A) Whoever violates division (A) (1) or (2) 104921
of section 4774.02 of the Revised Code is guilty of a 104922
misdemeanor of the first degree on a first offense; on each 104923
subsequent offense, the person is guilty of a felony of the 104924
fourth degree. 104925

(B) (1) Whoever violates division (B) (1), (C) (1), (C) (2), 104926
(D), or (E) of section 4774.16 of the Revised Code is guilty of 104927
a minor misdemeanor on a first offense; on each subsequent 104928
offense the person is guilty of a misdemeanor of the fourth 104929
degree, except that an individual guilty of a subsequent offense 104930
shall not be subject to imprisonment, but to a fine alone of up 104931
to one thousand dollars for each offense. 104932

(2) Whoever violates division (B) (2) or (C) (3) of section 104933
4774.16 of the Revised Code is guilty of ~~failure to report~~ 104934
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 104935
fourth degree. ~~If the offender has previously been convicted of~~ 104936
~~a violation of this division, the failure to report~~ on a first 104937
offense; on each subsequent offense, the person is guilty of a 104938
misdemeanor of the first degree. 104939

(C) Whoever violates division (E) of section 4774.14 of 104940
the Revised Code is guilty of ~~disclosing confidential~~ 104941
~~investigatory information,~~ a misdemeanor of the first degree. 104942

Sec. 4776.01. As used in this chapter: 104943

(A) "License" means an authorization evidenced by a 104944
license, certificate, registration, permit, card, or other 104945
authority that is issued or conferred by a licensing agency to a 104946
licensee or to an applicant for an initial license by which the 104947
licensee or initial license applicant has or claims the 104948
privilege to engage in a profession, occupation, or occupational 104949

activity, or, except in the case of the state dental board, to 104950
have control of and operate certain specific equipment, 104951
machinery, or premises, over which the licensing agency has 104952
jurisdiction. 104953

(B) Except as provided in section 4776.20 of the Revised 104954
Code, "licensee" means the person to whom the license is issued 104955
by a licensing agency. "Licensee" includes a person who, for 104956
purposes of section 3796.13 of the Revised Code, has complied 104957
with sections 4776.01 to 4776.04 of the Revised Code and has 104958
been determined by the division of marijuana control, as the 104959
applicable licensing agency, to meet the requirements for 104960
employment. 104961

(C) Except as provided in section 4776.20 of the Revised 104962
Code, "licensing agency" means any of the following: 104963

(1) The board authorized by Chapters 4701., 4717., 4725., 104964
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 104965
4753., 4755., 4757., 4758., 4759., 4760., 4761., 4762., 4772., 104966
4774., 4778., 4779., and 4783. of the Revised Code to issue a 104967
license to engage in a specific profession, occupation, or 104968
occupational activity, or to have charge of and operate certain 104969
specific equipment, machinery, or premises. 104970

(2) The state dental board, relative to its authority to 104971
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 104972
or 4715.27 of the Revised Code; 104973

(3) The division of marijuana control, relative to its 104974
authority under Chapter 3796. of the Revised Code and any rules 104975
adopted under that chapter with respect to a person who is 104976
subject to section 3796.13 of the Revised Code; 104977

(4) The director of agriculture, relative to the 104978

director's authority to issue licenses under Chapter 928. of the 104979
Revised Code. 104980

(D) "Applicant for an initial license" includes persons 104981
seeking a license for the first time and persons seeking a 104982
license by reciprocity, endorsement, or similar manner of a 104983
license issued in another state. "Applicant for an initial 104984
license" also includes a person who, for purposes of section 104985
3796.13 of the Revised Code, is required to comply with sections 104986
4776.01 to 4776.04 of the Revised Code. 104987

(E) "Applicant for a restored license" includes persons 104988
seeking restoration of a license under section 4730.14, 4730.28, 104989
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 104990
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 104991
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 104992
"Applicant for a restored license" does not include a person 104993
seeking restoration of a license under section 4751.33 of the 104994
Revised Code. 104995

(F) "Criminal records check" has the same meaning as in 104996
section 109.572 of the Revised Code. 104997

Sec. 4776.20. (A) As used in this section: 104998

(1) "Licensing agency" means, in addition to each board 104999
identified in division (C) of section 4776.01 of the Revised 105000
Code, the board or other government entity authorized to issue a 105001
license under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 105002
4719., 4723., 4727., 4728., 4733., 4735., 4737., 4738., 4740., 105003
4747., 4749., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 105004
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 105005
agency" includes an administrative officer that has authority to 105006
issue a license. 105007

(2) "Licensee" means, in addition to a licensee as 105008
described in division (B) of section 4776.01 of the Revised 105009
Code, the person to whom a license is issued by the board or 105010
other government entity authorized to issue a license under 105011
Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 4723., 105012
4727., 4728., 4733., 4735., 4737., 4738., 4740., 4747., 4749., 105013
4751., 4752., ~~4753., 4758., 4759.,~~ 4763., 4764., 4765., 4766., 105014
4771., 4773., and 4781. of the Revised Code. 105015

(3) "Prosecutor" has the same meaning as in section 105016
2935.01 of the Revised Code. 105017

(B) On a licensee's conviction of, plea of guilty to, 105018
judicial finding of guilt of, or judicial finding of guilt 105019
resulting from a plea of no contest to the offense of 105020
trafficking in persons in violation of section 2905.32 of the 105021
Revised Code, the prosecutor in the case shall promptly notify 105022
the licensing agency of the conviction, plea, or finding and 105023
provide the licensee's name and residential address. On receipt 105024
of this notification, the licensing agency shall immediately 105025
suspend the licensee's license. 105026

(C) If there is a conviction of, plea of guilty to, 105027
judicial finding of guilt of, or judicial finding of guilt 105028
resulting from a plea of no contest to the offense of 105029
trafficking in persons in violation of section 2905.32 of the 105030
Revised Code and all or part of the violation occurred on the 105031
premises of a facility that is licensed by a licensing agency, 105032
the prosecutor in the case shall promptly notify the licensing 105033
agency of the conviction, plea, or finding and provide the 105034
facility's name and address and the offender's name and 105035
residential address. On receipt of this notification, the 105036
licensing agency shall immediately suspend the facility's 105037

license. 105038

(D) Notwithstanding any provision of the Revised Code to 105039
the contrary, the suspension of a license under division (B) or 105040
(C) of this section shall be implemented by a licensing agency 105041
without a prior hearing. After the suspension, the licensing 105042
agency shall give written notice to the subject of the 105043
suspension of the right to request a hearing under Chapter 119. 105044
of the Revised Code. After a hearing is held, the licensing 105045
agency shall either revoke or permanently revoke the license of 105046
the subject of the suspension, unless it determines that the 105047
license holder has not been convicted of, pleaded guilty to, 105048
been found guilty of, or been found guilty based on a plea of no 105049
contest to the offense of trafficking in persons in violation of 105050
section 2905.32 of the Revised Code. 105051

Sec. 4778.14. (A) The state medical board, by an 105052
affirmative vote of not fewer than six members, may refuse to 105053
grant a license to practice as a genetic counselor to, or may 105054
revoke the license held by, an individual found by the board to 105055
have committed fraud, misrepresentation, or deception in 105056
applying for or securing the license. 105057

(B) The board, by an affirmative vote of not fewer than 105058
six members, shall, except as provided in division (C) of this 105059
section, and to the extent permitted by law, limit, revoke, or 105060
suspend an individual's license to practice as a genetic 105061
counselor, refuse to issue a license to an applicant, refuse to 105062
renew a license, refuse to reinstate a license, or reprimand or 105063
place on probation the holder of a license for any of the 105064
following reasons: 105065

(1) Permitting the holder's name or license to be used by 105066
another person; 105067

(2) Failure to comply with the requirements of this 105068
chapter, Chapter 4731. of the Revised Code, or any rules adopted 105069
by the board; 105070

(3) Violating or attempting to violate, directly or 105071
indirectly, or assisting in or abetting the violation of, or 105072
conspiring to violate, any provision of this chapter, Chapter 105073
4731. of the Revised Code, or the rules adopted by the board; 105074

(4) A departure from, or failure to conform to, minimal 105075
standards of care of similar practitioners under the same or 105076
similar circumstances whether or not actual injury to the 105077
patient is established; 105078

(5) Inability to practice according to acceptable and 105079
prevailing standards of care by reason of mental illness or 105080
physical illness, including physical deterioration that 105081
adversely affects cognitive, motor, or perceptive skills; 105082

(6) Impairment of ability to practice according to 105083
acceptable and prevailing standards of care because of substance 105084
use disorder or excessive use or abuse of drugs, alcohol, or 105085
other substances that may impair ability to practice; 105086

(7) Willfully betraying a professional confidence; 105087

(8) Making a false, fraudulent, deceptive, or misleading 105088
statement in securing or attempting to secure a license to 105089
practice as a genetic counselor. 105090

As used in this division, "false, fraudulent, deceptive, 105091
or misleading statement" means a statement that includes a 105092
misrepresentation of fact, is likely to mislead or deceive 105093
because of a failure to disclose material facts, is intended or 105094
is likely to create false or unjustified expectations of 105095
favorable results, or includes representations or implications 105096

that in reasonable probability will cause an ordinarily prudent 105097
person to misunderstand or be deceived. 105098

(9) The obtaining of, or attempting to obtain, money or a 105099
thing of value by fraudulent misrepresentations in the course of 105100
practice; 105101

(10) A plea of guilty to, a judicial finding of guilt of, 105102
or a judicial finding of eligibility for intervention in lieu of 105103
conviction for, a felony; 105104

(11) Commission of an act that constitutes a felony in 105105
this state, regardless of the jurisdiction in which the act was 105106
committed; 105107

(12) A plea of guilty to, a judicial finding of guilt of, 105108
or a judicial finding of eligibility for intervention in lieu of 105109
conviction for, a misdemeanor committed in the course of 105110
practice; 105111

(13) A plea of guilty to, a judicial finding of guilt of, 105112
or a judicial finding of eligibility for intervention in lieu of 105113
conviction for, a misdemeanor involving moral turpitude; 105114

(14) Commission of an act in the course of practice that 105115
constitutes a misdemeanor in this state, regardless of the 105116
jurisdiction in which the act was committed; 105117

(15) Commission of an act involving moral turpitude that 105118
constitutes a misdemeanor in this state, regardless of the 105119
jurisdiction in which the act was committed; 105120

(16) A plea of guilty to, a judicial finding of guilt of, 105121
or a judicial finding of eligibility for intervention in lieu of 105122
conviction for violating any state or federal law regulating the 105123
possession, distribution, or use of any drug, including 105124

trafficking in drugs; 105125

(17) Any of the following actions taken by an agency 105126
responsible for authorizing, certifying, or regulating an 105127
individual to practice a health care occupation or provide 105128
health care services in this state or in another jurisdiction, 105129
for any reason other than the nonpayment of fees: the 105130
limitation, revocation, or suspension of an individual's license 105131
to practice; acceptance of an individual's license surrender; 105132
denial of a license; refusal to renew or reinstate a license; 105133
imposition of probation; or issuance of an order of censure or 105134
other reprimand; 105135

(18) Violation of the conditions placed by the board on a 105136
license to practice as a genetic counselor; 105137

(19) Failure to cooperate in an investigation conducted by 105138
the board under section 4778.18 of the Revised Code, including 105139
failure to comply with a subpoena or order issued by the board 105140
or failure to answer truthfully a question presented by the 105141
board at a deposition or in written interrogatories, except that 105142
failure to cooperate with an investigation shall not constitute 105143
grounds for discipline under this section if a court of 105144
competent jurisdiction has issued an order that either quashes a 105145
subpoena or permits the individual to withhold the testimony or 105146
evidence in issue; 105147

(20) Failure to maintain the individual's status as a 105148
certified genetic counselor; 105149

(21) Failure to comply with the code of ethics established 105150
by the national society of genetic counselors. 105151

(C) The board shall not refuse to issue a license to an 105152
applicant because of a plea of guilty to, a judicial finding of 105153

guilt of, or a judicial finding of eligibility for intervention 105154
in lieu of conviction for an offense unless the refusal is in 105155
accordance with section 9.79 of the Revised Code. 105156

(D) Disciplinary actions taken by the board under 105157
divisions (A) and (B) of this section shall be taken pursuant to 105158
an adjudication under Chapter 119. of the Revised Code, except 105159
that in lieu of an adjudication, the board may enter into a 105160
consent agreement with a genetic counselor or applicant to 105161
resolve an allegation of a violation of this chapter or any rule 105162
adopted under it. A consent agreement, when ratified by an 105163
affirmative vote of not fewer than six members of the board, 105164
shall constitute the findings and order of the board with 105165
respect to the matter addressed in the agreement. If the board 105166
refuses to ratify a consent agreement, the admissions and 105167
findings contained in the consent agreement shall be of no force 105168
or effect. 105169

A telephone conference call may be utilized for 105170
ratification of a consent agreement that revokes or suspends an 105171
individual's license. The telephone conference call shall be 105172
considered a special meeting under division (F) of section 105173
121.22 of the Revised Code. 105174

(E) For purposes of divisions (B) (11), (14), and (15) of 105175
this section, the commission of the act may be established by a 105176
finding by the board, pursuant to an adjudication under Chapter 105177
119. of the Revised Code, that the applicant or license holder 105178
committed the act in question. The board shall have no 105179
jurisdiction under these divisions in cases where the trial 105180
court renders a final judgment in the license holder's favor and 105181
that judgment is based upon an adjudication on the merits. The 105182
board shall have jurisdiction under these divisions in cases 105183

where the trial court issues an order of dismissal on technical 105184
or procedural grounds. 105185

(F) The sealing or expungement of conviction records by 105186
any court shall have no effect on a prior board order entered 105187
under the provisions of this section or on the board's 105188
jurisdiction to take action under the provisions of this section 105189
if, based upon a plea of guilty, a judicial finding of guilt, or 105190
a judicial finding of eligibility for intervention in lieu of 105191
conviction, the board issued a notice of opportunity for a 105192
hearing or took other formal action under Chapter 119. of the 105193
Revised Code prior to the court's order to seal or expunge the 105194
records. The board shall not be required to seal, destroy, 105195
redact, or otherwise modify its records to reflect the court's 105196
sealing or expungement of conviction records. 105197

(G) For purposes of this division, any individual who 105198
holds a license to practice as a genetic counselor, or applies 105199
for a license, shall be deemed to have given consent to submit 105200
to a mental or physical examination when directed to do so in 105201
writing by the board and to have waived all objections to the 105202
admissibility of testimony or examination reports that 105203
constitute a privileged communication. 105204

(1) In enforcing division (B)(5) of this section, the 105205
board, on a showing of a possible violation, shall refer any 105206
individual who holds, or has applied for, a license to practice 105207
as a genetic counselor to the monitoring organization that 105208
conducts the confidential monitoring program established under 105209
section 4731.25 of the Revised Code. The board also may compel 105210
the individual to submit to a mental or physical examination, or 105211
both. A physical examination may include an HIV test. The 105212
expense of the examination is the responsibility of the 105213

individual compelled to be examined. Failure to submit to a 105214
mental or physical examination or consent to an HIV test ordered 105215
by the board constitutes an admission of the allegations against 105216
the individual unless the failure is due to circumstances beyond 105217
the individual's control, and a default and final order may be 105218
entered without the taking of testimony or presentation of 105219
evidence. If the board finds a genetic counselor unable to 105220
practice because of the reasons set forth in division (B) (5) of 105221
this section, the board shall require the genetic counselor to 105222
submit to care, counseling, or treatment by physicians approved 105223
or designated by the board, as a condition for an initial, 105224
continued, reinstated, or renewed license to practice. An 105225
individual affected by this division shall be afforded an 105226
opportunity to demonstrate to the board the ability to resume 105227
practicing in compliance with acceptable and prevailing 105228
standards of care. 105229

(2) For purposes of division (B) (6) of this section, if 105230
the board has reason to believe that any individual who holds a 105231
license to practice as a genetic counselor or any applicant for 105232
a license suffers such impairment, the board shall refer the 105233
individual to the monitoring organization that conducts the 105234
confidential monitoring program established under section 105235
4731.25 of the Revised Code. The board also may compel the 105236
individual to submit to a mental or physical examination, or 105237
both. The expense of the examination is the responsibility of 105238
the individual compelled to be examined. Any mental or physical 105239
examination required under this division shall be undertaken by 105240
a treatment provider or physician qualified to conduct such 105241
examination and approved under section 4731.251 of the Revised 105242
Code. 105243

Failure to submit to a mental or physical examination 105244

ordered by the board constitutes an admission of the allegations 105245
against the individual unless the failure is due to 105246
circumstances beyond the individual's control, and a default and 105247
final order may be entered without the taking of testimony or 105248
presentation of evidence. If the board determines that the 105249
individual's ability to practice is impaired, the board shall 105250
suspend the individual's license or deny the individual's 105251
application and shall require the individual, as a condition for 105252
an initial, continued, reinstated, or renewed license, to submit 105253
to treatment. 105254

Before being eligible to apply for reinstatement of a 105255
license suspended under this division, the genetic counselor 105256
shall demonstrate to the board the ability to resume practice in 105257
compliance with acceptable and prevailing standards of care. The 105258
demonstration shall include the following: 105259

(a) Certification from a treatment provider approved under 105260
section 4731.251 of the Revised Code that the individual has 105261
successfully completed any required inpatient treatment; 105262

(b) Evidence of continuing full compliance with an 105263
aftercare contract or consent agreement; 105264

(c) Two written reports indicating that the individual's 105265
ability to practice has been assessed and that the individual 105266
has been found capable of practicing according to acceptable and 105267
prevailing standards of care. The reports shall be made by 105268
individuals or providers approved by the board for making such 105269
assessments and shall describe the basis for their 105270
determination. 105271

The board may reinstate a license suspended under this 105272
division after such demonstration and after the individual has 105273

entered into a written consent agreement. 105274

When the impaired genetic counselor resumes practice, the 105275
board shall require continued monitoring of the genetic 105276
counselor. The monitoring shall include monitoring of compliance 105277
with the written consent agreement entered into before 105278
reinstatement or with conditions imposed by board order after a 105279
hearing, and, on termination of the consent agreement, 105280
submission to the board for at least two years of annual written 105281
progress reports made under penalty of falsification stating 105282
whether the genetic counselor has maintained sobriety. 105283

(H) (1) If either of the following circumstances occur, the 105284
secretary and supervising member may recommend that the board 105285
suspend an individual's license to practice without a prior 105286
hearing: 105287

(a) The secretary and supervising member determine both of 105288
the following: 105289

(i) That there is clear and convincing evidence that a 105290
genetic counselor has violated division (B) of this section; 105291

(ii) That the individual's continued practice presents a 105292
danger of immediate and serious harm to the public. 105293

(b) The board receives verifiable information that a 105294
licensee has been charged in any state or federal court for a 105295
crime classified as a felony under the charging court's law and 105296
the conduct charged constitutes a violation of division (B) of 105297
this section. 105298

(2) If a recommendation is made to suspend without a prior 105299
hearing pursuant to division (H) (1) of this section, written 105300
allegations shall be prepared for consideration by the board. 105301
The board, on review of the allegations and by an affirmative 105302

vote of not fewer than six of its members, excluding the 105303
secretary and supervising member, may suspend a license without 105304
a prior hearing. A telephone conference call may be utilized for 105305
reviewing the allegations and taking the vote on the summary 105306
suspension. 105307

The board shall serve a written order of suspension in 105308
accordance with sections 119.05 and 119.07 of the Revised Code. 105309
~~The order shall not be subject to suspension by the court during~~ 105310
~~pendency of any appeal filed under section 119.12 of the Revised~~ 105311
~~Code.~~ If the genetic counselor requests an adjudicatory hearing 105312
by the board, the date set for the hearing shall be within 105313
fifteen days, but not earlier than seven days, after the genetic 105314
counselor requests the hearing, unless otherwise agreed to by 105315
both the board and the genetic counselor. 105316

(3) A summary suspension imposed under ~~this~~ division (H) 105317
(2) of this section is not a final appealable order and is not 105318
an adjudication that may be appealed under section 119.12 of the 105319
Revised Code. The summary suspension shall remain in effect, 105320
~~unless reversed on appeal,~~ until a final adjudicative order 105321
issued by the board pursuant to this section and Chapter 119. of 105322
the Revised Code becomes effective. Once a final adjudicative 105323
order has been issued by the board, any party adversely affected 105324
by it may file an appeal in accordance with the requirements of 105325
Chapter 119. of the Revised Code. ~~The~~ 105326

The board shall issue its final adjudicative order within 105327
~~sixty-seventy-five~~ days after completion of its hearing. Failure 105328
to issue the order within ~~sixty-seventy-five~~ days shall result 105329
in dissolution of the summary suspension order, but shall not 105330
invalidate any subsequent, final adjudicative order. 105331

(I) If the board takes action under division (B) (10), 105332

(12), or (13) of this section, and the judicial finding of 105333
guilt, guilty plea, or judicial finding of eligibility for 105334
intervention in lieu of conviction is overturned on appeal, on 105335
exhaustion of the criminal appeal, a petition for 105336
reconsideration of the order may be filed with the board along 105337
with appropriate court documents. On receipt of a petition and 105338
supporting court documents, the board shall reinstate the 105339
license to practice as a genetic counselor. The board may then 105340
hold an adjudication under Chapter 119. of the Revised Code to 105341
determine whether the individual committed the act in question. 105342
Notice of opportunity for hearing shall be given in accordance 105343
with Chapter 119. of the Revised Code. If the board finds, 105344
pursuant to an adjudication held under this division, that the 105345
individual committed the act, or if no hearing is requested, it 105346
may order any of the sanctions specified in division (B) of this 105347
section. 105348

(J) The license to practice as a genetic counselor and the 105349
counselor's practice in this state are automatically suspended 105350
as of the date the genetic counselor pleads guilty to, is found 105351
by a judge or jury to be guilty of, or is subject to a judicial 105352
finding of eligibility for intervention in lieu of conviction in 105353
this state or treatment or intervention in lieu of conviction in 105354
another jurisdiction for any of the following criminal offenses 105355
in this state or a substantially equivalent criminal offense in 105356
another jurisdiction: aggravated murder, murder, voluntary 105357
manslaughter, felonious assault, trafficking in persons, 105358
kidnapping, rape, sexual battery, gross sexual imposition, 105359
aggravated arson, aggravated robbery, or aggravated burglary. 105360
Continued practice after the suspension shall be considered 105361
practicing without a license. 105362

The board shall serve the individual subject to the 105363

suspension in accordance with sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter

ineligible to hold a license to practice as a genetic counselor 105394
and the board shall not accept an application for reinstatement 105395
of the license or for issuance of a new license. 105396

(N) Notwithstanding any other provision of the Revised 105397
Code, all of the following apply: 105398

(1) The surrender of a license to practice as a genetic 105399
counselor is not effective unless or until accepted by the 105400
board. A telephone conference call may be utilized for 105401
acceptance of the surrender of an individual's license. The 105402
telephone conference call shall be considered a special meeting 105403
under division (F) of section 121.22 of the Revised Code. 105404
Reinstatement of a license surrendered to the board requires an 105405
affirmative vote of not fewer than six members of the board. 105406

(2) An application made under this chapter for a license 105407
to practice may not be withdrawn without approval of the board. 105408

(3) Failure by an individual to renew a license in 105409
accordance with section 4778.06 of the Revised Code does not 105410
remove or limit the board's jurisdiction to take disciplinary 105411
action under this section against the individual. 105412

(4) The placement of an individual's license on retired 105413
status, as described in section 4778.072 of the Revised Code, 105414
does not remove or limit the board's jurisdiction to take any 105415
disciplinary action against the individual with regard to the 105416
license as it existed before being placed on retired status. 105417

Sec. 4778.99. Whoever violates section 4778.02 of the 105418
Revised Code is guilty of a misdemeanor of the first degree on a 105419
first offense and felony of the fifth degree on each subsequent 105420
offense. 105421

Whoever violates division (B) (1) or (2) of section 105422

4778.171 of the Revised Code is guilty of ~~failure to report~~ 105423
~~criminal conduct or sexual misconduct,~~ a misdemeanor of the 105424
fourth degree. ~~If the offender has previously been convicted of~~ 105425
~~a violation of this division, the failure to report is on a~~ 105426
first offense and a misdemeanor of the first degree on each 105427
subsequent offense. 105428

Whoever violates division (E) of section 4778.18 of the 105429
Revised Code is guilty of ~~disclosing confidential investigatory~~ 105430
~~information,~~ a misdemeanor of the first degree. 105431

Sec. 4785.041. (A) The division of industrial compliance 105432
within the department of commerce may renew a license issued 105433
under section 4785.04 of the Revised Code if the licensee does 105434
all of the following: 105435

(1) Submits an application for license renewal on a form 105436
prescribed by the division; 105437

(2) Pays the license renewal fee established by the 105438
division; 105439

(3) If the licensee is an elevator mechanic, submits 105440
evidence that the applicant has completed the continuing 105441
education coursework described in division (B) of this section; 105442

(4) If the license is an elevator contractor's license, 105443
submits proof that the applicant is in compliance with the 105444
insurance requirements prescribed in section 4785.07 of the 105445
Revised Code. 105446

(B) The continuing education courses described in division 105447
(A) (3) of this section shall: 105448

(1) Instruct licensees on new and existing rules and 105449
standards adopted by the division; 105450

(2) Consist of not less than eight hours of instruction; 105451

(3) Be attended and completed within one year immediately 105452
preceding the scheduled date for the license renewal; 105453

(4) Be taught by instructors through continuing education 105454
providers approved by the division. 105455

(C) A continuing education instructor who holds a license 105456
under this chapter is exempt from the continuing education 105457
requirement prescribed in division (A) (3) of this section, 105458
provided that any such applicant was qualified as an instructor 105459
at any time during the year immediately preceding the scheduled 105460
date for the license renewal. 105461

(D) (1) A licensee who is unable to complete the continuing 105462
education coursework required under this section before the 105463
expiration of the licensee's license due to a temporary 105464
disability may apply for a temporary continuing education waiver 105465
from the division. 105466

(2) An application for a temporary continuing education 105467
waiver shall be made in a form prescribed by the division, which 105468
shall be signed by the applicant ~~under the penalty of perjury~~ 105469
and accompanied by a ~~certified~~ statement from a competent 105470
physician attesting to the temporary disability. If the division 105471
grants the waiver, the licensee's license does not expire but is 105472
placed on inactive status. 105473

(3) On the termination of the temporary disability, the 105474
licensee shall submit to the division a ~~certified~~ statement from 105475
the same physician, if practicable, attesting to the termination 105476
of the temporary disability. The division shall then take the 105477
licensee's license off inactive status and shall issue a waiver 105478
sticker, valid for ninety days, to the licensee and affix the 105479

sticker to the license. The licensee may then perform the tasks 105480
the license authorizes the licensee to perform but the licensee 105481
shall meet the continuing education requirement during this 105482
ninety-day period or be considered to have not met the 105483
continuing education requirement and the license shall be deemed 105484
to be expired. 105485

(E) (1) Approved continuing education providers shall keep 105486
uniform records, for a period of ten years, of attendance of 105487
licensees in a format approved by the division. Such records 105488
shall be available for inspection by the division on request. 105489

(2) Approved training providers are responsible for the 105490
security of all attendance records and certificates of 105491
completion, provided, however, that falsifying or knowingly 105492
allowing another to falsify such attendance records or 105493
certificates of completion constitutes grounds for suspension or 105494
revocation of a continuing education provider's division 105495
approval. 105496

(F) The division shall not renew the license of an 105497
individual or entity if the individual or entity would be denied 105498
an initial license for a reason listed in division (E) of 105499
section 4785.04 of the Revised Code. 105500

Sec. 4903.10. After any order has been made by the public 105501
utilities commission, any party who has entered an appearance in 105502
person or by counsel in the proceeding may apply for a rehearing 105503
in respect to any matters determined in the proceeding. Such 105504
application shall be filed within thirty days after the entry of 105505
the order upon the journal of the commission. 105506

Notwithstanding the preceding paragraph, in any 105507
uncontested proceeding or, by leave of the commission first had 105508

in any other proceeding, any affected person, firm, or 105509
corporation may make an application for a rehearing within 105510
thirty days after the entry of any final order upon the journal 105511
of the commission. Leave to file an application for rehearing 105512
shall not be granted to any person, firm, or corporation who did 105513
not enter an appearance in the proceeding unless the commission 105514
first finds: 105515

(A) The applicant's failure to enter an appearance prior 105516
to the entry upon the journal of the commission of the order 105517
complained of was due to just cause; and, 105518

(B) The interests of the applicant were not adequately 105519
considered in the proceeding. 105520

Every applicant for rehearing or for leave to file an 105521
application for rehearing shall give due notice of the filing of 105522
such application to all parties who have entered an appearance 105523
in the proceeding in the manner and form prescribed by the 105524
commission. 105525

Such application shall be in writing and shall set forth 105526
specifically the ground or grounds on which the applicant 105527
considers the order to be unreasonable or unlawful. No party 105528
shall in any court urge or rely on any ground for reversal, 105529
vacation, or modification not so set forth in the application. 105530

Where such application for rehearing has been filed before 105531
the effective date of the order as to which a rehearing is 105532
sought, the effective date of such order, unless otherwise 105533
ordered by the commission, shall be postponed or stayed pending 105534
disposition of the matter by the commission or by operation of 105535
law. In all other cases the making of such an application shall 105536
not excuse any person from complying with the order, or operate 105537

to stay or postpone the enforcement thereof, without a special 105538
order of the commission. 105539

Where such application for rehearing has been filed, the 105540
commission may grant and hold such rehearing on the matter 105541
specified in such application, if in its judgment sufficient 105542
reason therefor is made to appear. Notice of such rehearing 105543
shall be given by regular mail to all parties who have entered 105544
an appearance in the proceeding. 105545

If the commission does not grant or deny such application 105546
for rehearing within thirty days from the date of filing 105547
thereof, it is denied by operation of law. 105548

If the commission grants such rehearing, it shall specify 105549
in the notice of such granting the purpose for which it is 105550
granted. The commission shall also specify the scope of the 105551
additional evidence, if any, that will be taken, but it shall 105552
not upon such rehearing take any evidence that, with reasonable 105553
diligence, could have been offered upon the original hearing. 105554

If, after such rehearing, the commission is of the opinion 105555
that the original order or any part thereof is in any respect 105556
unjust or unwarranted, or should be changed, the commission may 105557
abrogate or modify the same; otherwise such order shall be 105558
affirmed. An order made after such rehearing, abrogating or 105559
modifying the original order, shall have the same effect as an 105560
original order, but shall not affect any right or the 105561
enforcement of any right arising from or by virtue of the 105562
original order prior to the receipt of notice by the affected 105563
party of the filing of the application for rehearing. 105564

If the commission does not affirm, abrogate, or modify the 105565
original order within ninety days from the date granting such 105566

rehearing, the order is affirmed by operation of law. 105567

No cause of action arising out of any order of the 105568
commission, other than in support of the order, shall accrue in 105569
any court to any person, firm, or corporation unless such 105570
person, firm, or corporation has made a proper application to 105571
the commission for a rehearing. 105572

Sec. 4905.311. (A) As used in this section, "electric 105573
distribution utility" has the same meaning as in section 4928.01 105574
of the Revised Code. 105575

(B) Notwithstanding any provision of the Revised Code to 105576
the contrary, an electric distribution utility may supply behind 105577
the meter electric generation service, provided that an 105578
application for any behind the meter electric generation 105579
facilities that the utility intends to use to supply such 105580
service ~~were~~ was filed with the public utilities commission 105581
under section 4928.47 of the Revised Code, as that section 105582
existed prior to its repeal by H.B. 15 of the 136th General 105583
Assembly, no later than March 31, 2025. 105584

(C) No electric distribution utility shall recover any of 105585
the following costs through any rate, charge, or recovery from 105586
retail electric service customers that are not receiving behind 105587
the meter electric generation service from the utility: 105588

(1) Costs associated with supplying behind the meter 105589
electric generation service; 105590

(2) Costs associated with any behind the meter electric 105591
generation service facility; 105592

(3) Stranded costs associated with the closing of any 105593
behind the meter electric generation service facility or an end- 105594
use customer of the behind the meter electric generation service 105595

ceasing operations. 105596

(D) No electric distribution utility shall offer direct, 105597
associated inducements for contracting with the utility for any 105598
behind the meter electric generation service. 105599

(E) The public utilities commission shall periodically 105600
audit all electric distribution utilities that provide any 105601
behind the meter electric generation service to ensure 105602
compliance with this section. 105603

Sec. 4911.18. (A) For the sole purpose of maintaining and 105604
administering the office of the consumers' counsel and 105605
exercising the powers of the consumers' counsel under this 105606
chapter, an amount equal to the appropriation to the office of 105607
the consumers' counsel in each fiscal year shall be apportioned 105608
among and assessed against each public utility within this 105609
state, as defined in section 4911.01 of the Revised Code, by 105610
first computing an assessment as though it were to be made in 105611
proportion to the intrastate gross earnings or receipts of the 105612
public utility for the calendar year next preceding that in 105613
which the assessment is made, excluding earnings or receipts 105614
from sales to other public utilities for resale. The office may 105615
include in that first computation any amount of a public 105616
utility's intrastate gross earnings or receipts underreported in 105617
a prior year. In addition to whatever penalties apply under the 105618
Revised Code to such underreporting, the office shall assess the 105619
public utility interest at the rate stated in division (A) of 105620
section 1343.01 of the Revised Code. The office shall deposit 105621
any interest so collected into the consumers' counsel operating 105622
fund. The office may exclude from that first computation any 105623
such amounts that were over-reported in a prior year. 105624

The final computation of the assessment shall consist of 105625

imposing upon each public utility whose assessment under the 105626
first computation would have been one hundred dollars or less an 105627
assessment of one hundred dollars and recomputing the assessment 105628
of the remaining companies by apportioning an amount equal to 105629
the appropriation to the office of consumers' counsel in each 105630
fiscal year less the total amount to be recovered from those 105631
paying the minimum assessment, in proportion to the intrastate 105632
gross earnings or receipts of the remaining companies for the 105633
calendar year next preceding that in which the assessments are 105634
made, excluding earnings or receipts from sales to other public 105635
utilities for resale. 105636

In the case of an assessment based on intrastate gross 105637
receipts under this section against a public utility that is an 105638
electric utility as defined in section 4928.01 of the Revised 105639
Code, or an electric services company, electric cooperative, or 105640
governmental aggregator subject to certification under section 105641
4928.08 of the Revised Code, such receipts shall be those 105642
specified in the utility's, company's, cooperative's, or 105643
aggregator's most recent report of intrastate gross receipts and 105644
sales of kilowatt hours of electricity, filed with the public 105645
utilities commission pursuant to division (F) of section 4928.06 105646
of the Revised Code, and verified by the commission. 105647

In the case of an assessment based on intrastate gross 105648
receipts under this section against a retail natural gas 105649
supplier or governmental aggregator subject to certification 105650
under section 4929.20 of the Revised Code, such receipts shall 105651
be those specified in the supplier's or aggregator's most recent 105652
report of intrastate gross receipts and sales of hundred cubic 105653
feet of natural gas, filed with the commission pursuant to 105654
division (B) of section 4929.23 of the Revised Code, and 105655
verified by the commission. However, no such retail natural gas 105656

supplier or such governmental aggregator serving or proposing to 105657
serve customers of a particular natural gas company, as defined 105658
in section 4929.01 of the Revised Code, shall be assessed under 105659
this section until after the commission, pursuant to section 105660
4905.26 or 4909.18 of the Revised Code, has removed from the 105661
base rates of the natural gas company the amount of assessment 105662
under this section that is attributable to the value of 105663
commodity sales service, as defined in section 4929.01 of the 105664
Revised Code, in the base rates paid by those customers of the 105665
company that do not purchase that service from the natural gas 105666
company. 105667

(B) Through calendar year 2005, on or before the first day 105668
of October in each year, the office of consumers' counsel shall 105669
notify each public utility of the sum assessed against it, 105670
whereupon payment shall be made to the counsel, who shall 105671
deposit it into the state treasury to the credit of the 105672
consumers' counsel operating fund, which is hereby created. 105673
Beginning in calendar year 2006, on or before the fifteenth day 105674
of May in each year, the consumers' counsel shall notify each 105675
public utility that had a sum assessed against it for the 105676
current fiscal year of more than one thousand dollars that fifty 105677
per cent of that amount shall be paid to the consumers' counsel 105678
by the twentieth day of June of that year as an initial payment 105679
of the assessment against the company for the next fiscal year. 105680
On or before the first day of October in each year, the 105681
consumers' counsel shall make a final determination of the sum 105682
of the assessment against each public utility and shall notify 105683
each public utility of the sum assessed against it. The 105684
consumers' counsel shall deduct from the assessment for each 105685
public utility any initial payment received. Payment of the 105686
assessment shall be made to the consumers' counsel by the first 105687

day of November of that year. The consumers' counsel shall 105688
deposit the payments received into the state treasury to the 105689
credit of the consumers' counsel operating fund. Any such 105690
amounts paid into the fund but not expended by the office shall 105691
be credited ratably by the office to the public utilities that 105692
pay more than the minimum assessment, according to the 105693
respective portions of such sum assessable against them for the 105694
ensuing fiscal year, after first deducting any deficits 105695
accumulated from prior years. The assessments for such fiscal 105696
year shall be reduced correspondingly. 105697

(C) Within five days after the beginning of each fiscal 105698
year through fiscal year 2006, the director of budget and 105699
management shall transfer from the general revenue fund to the 105700
consumers' counsel operating fund an amount sufficient for 105701
maintaining and administering the office of the consumers' 105702
counsel and exercising the powers of the consumers' counsel 105703
under this chapter during the first four months of the fiscal 105704
year. Not later than the thirty-first day of December of the 105705
fiscal year, the same amount shall be transferred back to the 105706
general revenue fund from the consumers' counsel operating fund. 105707

~~(D)~~ (D) (1) As used in this section, "public utility" 105708
includes: 105709

~~(1)~~ (a) In addition to an electric utility as defined in 105710
section 4928.01 of the Revised Code, an electric services 105711
company, an electric cooperative, or a governmental aggregator 105712
subject to certification under section 4928.08 of the Revised 105713
Code, to the extent of the company's, cooperative's, or 105714
aggregator's engagement in the business of supplying or 105715
arranging for the supply in this state of any retail electric 105716
service for which it must be so certified; 105717

~~(2)~~—(b) In addition to a natural gas company as defined in 105718
section 4929.01 of the Revised Code, a retail natural gas 105719
supplier or governmental aggregator subject to certification 105720
under section 4929.20 of the Revised Code, to the extent of the 105721
supplier's or aggregator's engagement in the business of 105722
supplying or arranging for the supply in this state of any 105723
competitive retail natural gas service for which it must be 105724
certified. 105725

(2) As used in this section, "public utility" does not 105726
include a wireless service provider or reseller as defined in 105727
section 128.01 of the Revised Code, to the extent either of them 105728
are providing wireless service as defined under section 128.01 105729
of the Revised Code. 105730

Sec. 4921.01. As used in this chapter: 105731

(A) "Ambulance" has the same meaning as in section 4766.01 105732
of the Revised Code. 105733

(B) "For-hire motor carrier" means a person engaged in the 105734
business of transporting persons or property by motor vehicle 105735
for compensation, except when engaged in any of the following in 105736
intrastate commerce: 105737

(1) The transportation of persons in taxicabs in the usual 105738
taxicab service; 105739

(2) The transportation of pupils in school buses operating 105740
to or from school sessions or school events; 105741

(3) The transportation of farm supplies to the farm or 105742
farm products from farm to market or to food fabricating plants; 105743

(4) The distribution of newspapers; 105744

(5) The transportation of crude petroleum incidental to 105745

gathering from wells and delivery to destination by pipeline; 105746

(6) The transportation of injured, ill, or deceased 105747
persons by hearse or ambulance; 105748

(7) The transportation of compost (a combination of manure 105749
and sand or shredded bark mulch) or shredded bark mulch; 105750

(8) The transportation of persons in a ridesharing 105751
arrangement when any fee charged each person so transported is 105752
in such amount as to recover only the person's share of the 105753
costs of operating the motor vehicle for such purpose; 105754

(9) The operation of motor vehicles for contractors on 105755
public road work; 105756

(10) The operation of trailers that are both of the 105757
following: 105758

(a) Designed and used exclusively to transport a single 105759
boat between the following that are not more than ten miles 105760
apart: 105761

(i) A place of storage; 105762

(ii) A marina, or a place that is in and around a marina; 105763

(b) Drawn or towed within this state on a public road or 105764
highway at a speed of twenty-five miles per hour or less. 105765

"For-hire motor carrier" includes the carrier's agents, 105766
officers, and representatives, as well as employees responsible 105767
for hiring, supervising, training, assigning, or dispatching 105768
drivers and employees concerned with the installation, 105769
inspection, and maintenance of motor-vehicle equipment and 105770
accessories. 105771

Divisions (B) (1) to (9) of this section shall not be 105772

construed to relieve a person from compliance with rules 105773
governing unified carrier registration adopted under section 105774
4921.11 of the Revised Code. 105775

(C) "Household goods" means personal effects and property 105776
used or to be used in a dwelling, excluding property moving from 105777
a factory or store. 105778

(D) "Interstate commerce" means trade, traffic, or 105779
transportation in the United States that is any of the 105780
following: 105781

(1) Between a place in a state and a place outside of that 105782
state (including a place outside of the United States); 105783

(2) Between two places in a state through another state or 105784
a place outside of the United States; 105785

(3) Between two places in a state as part of trade, 105786
traffic, or transportation originating or terminating outside 105787
the state or the United States. 105788

(E) "Intrastate commerce" means any trade, traffic, or 105789
transportation in any state which is not described in the term 105790
"interstate commerce." 105791

(F) "Motor vehicle" means any vehicle, machine, tractor, 105792
trailer, or semitrailer propelled or drawn by mechanical power 105793
and used upon the highways in the transportation of persons or 105794
property, or any combination thereof, but does not include any 105795
vehicle, locomotive, or car operated exclusively on a rail or 105796
rails, or a trolley bus operated by electric power derived from 105797
a fixed overhead wire, furnishing local passenger transportation 105798
similar to street-railway service and does not include trailers 105799
that are both of the following: 105800

(1) Designed and used exclusively to transport a single 105801
boat between the following that are not more than ten miles 105802
apart: 105803

(a) A place of storage; 105804

(b) A marina, or a place that is in and around a marina; 105805

(2) Drawn or towed within this state on a public road or 105806
highway at a speed of twenty-five miles per hour or less. 105807

(G) "Public highway" means any public street, road, or 105808
highway in this state, whether within or without the corporate 105809
limits of a municipal corporation. 105810

(H) "Ridesharing arrangement" means the transportation of 105811
persons in a motor vehicle where such transportation is 105812
incidental to another purpose of a volunteer driver, and 105813
includes ridesharing arrangements known as carpools, vanpools, 105814
and buspools. 105815

(I) "School bus" has the same meaning as in section 105816
4511.01 of the Revised Code. 105817

(J) "Trailer" means any vehicle without motive power 105818
designed or used for carrying persons or property and for being 105819
drawn by a separate motor vehicle, including any vehicle of the 105820
trailer type, whether designed or used for carrying persons or 105821
property wholly on its own structure, or so designed or used 105822
that a part of its own weight or the weight of its load rests 105823
upon and is carried by such motor vehicle. 105824

Sec. 4923.01. As used in this chapter: 105825

(A) "Ambulance," "interstate commerce," "intrastate 105826
commerce," "motor vehicle," "public highway," "ridesharing 105827
arrangement," and "school bus" have the same meanings as in 105828

section 4921.01 of the Revised Code. 105829

(B) "For-hire motor carrier" means a person engaged in the 105830
business of transporting persons or property by motor vehicle 105831
for compensation, except when engaged in any of the following in 105832
intrastate commerce: 105833

(1) The transportation of persons in taxicabs in the usual 105834
taxicab service; 105835

(2) The transportation of pupils in school ~~busses~~ buses 105836
operating to or from school sessions or school events; 105837

(3) The transportation of farm supplies to the farm or 105838
farm products from farm to market or to food fabricating plants; 105839

(4) The distribution of newspapers; 105840

(5) The transportation of crude petroleum incidental to 105841
gathering from wells and delivery to destination by pipe line; 105842

(6) The transportation of injured, ill, or deceased 105843
persons by hearse or ambulance; 105844

(7) The transportation of compost (a combination of manure 105845
and sand or shredded bark mulch) or shredded bark mulch; 105846

(8) The transportation of persons in a ridesharing 105847
arrangement when any fee charged each person so transported is 105848
in such amount as to recover only the person's share of the 105849
costs of operating the motor vehicle for such purpose; 105850

(9) The operation of motor vehicles for contractors on 105851
public road work; 105852

(10) The operation of trailers that are both of the 105853
following: 105854

(a) Designed and used exclusively to transport a single 105855

boat between the following that are not more than ten miles 105856
apart: 105857

(i) A place of storage; 105858

(ii) A marina, or a place that is in and around a marina; 105859

(b) Drawn or towed within this state on a public road or 105860
highway at a speed of twenty-five miles per hour or less. 105861

 "For-hire motor carrier" includes the carrier's agents, 105862
officers, and representatives, as well as employees responsible 105863
for hiring, supervising, training, assigning, or dispatching 105864
drivers and employees concerned with the installation, 105865
inspection, and maintenance of motor-vehicle equipment and 105866
accessories. 105867

 Divisions (B) (1) to (9) of this section shall not be 105868
construed to relieve a person from compliance with rules adopted 105869
under division (A) (2) of section 4923.04 of the Revised Code, 105870
division (E) of section 4923.06 of the Revised Code, division 105871
(B) of section 4923.07 of the Revised Code, and section 4923.11 105872
of the Revised Code, or from compliance with rules regarding 105873
commercial driver's licenses adopted under division (A) (1) of 105874
section 4923.04 of the Revised Code. 105875

 (C) "Motor carrier" means both a for-hire motor carrier 105876
and a private motor carrier. 105877

 (D) "Private motor carrier" means a person who is not a 105878
for-hire motor carrier but is engaged in the business of 105879
transporting persons or property by motor vehicle, except as 105880
provided in section 4923.02 of the Revised Code. "Private motor 105881
carrier" includes the carrier's agents, officers, and 105882
representatives, as well as employees responsible for hiring, 105883
supervising, training, assigning, or dispatching drivers and 105884

employees concerned with the installation, inspection, and 105885
maintenance of motor-vehicle equipment and accessories. 105886

Sec. 4927.01. (A) As used in this chapter: 105887

(1) "Basic local exchange service" means residential-end- 105888
user access to and usage of telephone-company-provided services 105889
over a single line or small-business-end-user access to and 105890
usage of telephone-company-provided services over the primary 105891
access line of service, which in the case of residential and 105892
small-business access and usage is not part of a bundle or 105893
package of services, that does both of the following: 105894

(a) Enables a customer to originate or receive voice 105895
communications within a local service area as that area exists 105896
on September 13, 2010, or as that area is changed with the 105897
approval of the public utilities commission; 105898

(b) Consists of all of the following services: 105899

(i) Local dial tone service; 105900

(ii) For residential end users, flat-rate telephone 105901
exchange service; 105902

(iii) Touch tone dialing service; 105903

(iv) Access to and usage of 9-1-1 services, where such 105904
services are available; 105905

(v) Access to operator services and directory assistance; 105906

(vi) Provision of a telephone directory in any reasonable 105907
format, which includes, at the telephone company's option, an 105908
internet-accessible database of directory listings, for no 105909
additional charge and a listing in that directory, with 105910
reasonable accommodations made for private listings, and for a 105911

telephone company that no longer offers a printed directory, 105912
provision of reasonable customer notice of the available options 105913
to obtain directory information; 105914

(vii) Per call, caller identification blocking services; 105915

(viii) Access to telecommunications relay service; and 105916

(ix) Access to toll presubscription, interexchange or toll 105917
providers or both, and networks of other telephone companies. 105918

"Basic local exchange service" excludes any voice service 105919
to which customers are transitioned following a withdrawal of 105920
basic local exchange service under section 4927.10 of the 105921
Revised Code. 105922

(2) "Bundle or package of services" means one or more 105923
telecommunications services or other services offered together 105924
as one service option at a single price. 105925

(3) "Carrier access" means access to and usage of 105926
telephone company-provided facilities that enable end user 105927
customers originating or receiving voice grade, data, or image 105928
communications, over a local exchange telephone company network 105929
operated within a local service area, to access interexchange or 105930
other networks and includes special access. 105931

(4) "Federal poverty level" means the income level 105932
represented by the poverty guidelines as revised annually by the 105933
United States department of health and human services in 105934
accordance with section 673(2) of the "Omnibus Reconciliation 105935
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 105936
family size equal to the size of the family of the person whose 105937
income is being determined. 105938

(5) "Incumbent local exchange carrier" means, with respect 105939

to an area, the local exchange carrier that: 105940

(a) On February 8, 1996, provided telephone exchange 105941
service in such area; and 105942

(b) (i) On February 8, 1996, was deemed to be a member of 105943
the exchange carrier association pursuant to 47 C.F.R. 105944
69.601(b); or 105945

(ii) Is a person or entity that, on or after February 8, 105946
1996, became a successor or assign of a member described in 105947
division (A) (5) (b) (i) of this section. 105948

(6) "Internet protocol-enabled services" means any 105949
services, capabilities, functionalities, or applications that 105950
are provided using internet protocol or a successor protocol to 105951
enable an end user to send or receive communications in internet 105952
protocol format or a successor format, regardless of how any 105953
particular such service is classified by the federal 105954
communications commission, and includes voice over internet 105955
protocol service. 105956

(7) "Interstate-access component" means the portion of 105957
carrier access that is within the jurisdiction of the federal 105958
communications commission. 105959

(8) "Local exchange carrier" means any person engaged in 105960
the provision of telephone exchange service, or the offering of 105961
access to telephone exchange service or facilities for the 105962
purpose of originating or terminating telephone toll service. 105963

(9) "Local service area" means the geographic area that 105964
may encompass more than one exchange area and within which a 105965
telephone customer, by paying the rate for basic local exchange 105966
service, may complete calls to other telephone customers without 105967
being assessed long distance toll charges. 105968

- (10) "Small business" means a nonresidential service customer with three or fewer service access lines. 105969
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- (11) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. 105971
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- (12) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153. 105975
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- (13) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 105978
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- (14) "Telephone company" means a company described in division (A) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code. 105982
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- (15) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or other facilities, or combination thereof, by which a customer can originate and terminate a telecommunications service. 105985
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- (16) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers 105995
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105997

for exchange service. 105998

(17) "Voice over internet protocol service" means a 105999
service that enables real-time, two-way, voice communications 106000
that originate or terminate from the user's location using 106001
internet protocol or a successor protocol, including, but not 106002
limited to, any such service that permits an end user to receive 106003
calls from and terminate calls to the public switched network. 106004

(18) "Voice service" includes all of the applicable 106005
functionalities described in 47 C.F.R. 54.101(a). "Voice 106006
service" is not the same as basic local exchange service. 106007

(19) "Wireless service" means federally licensed 106008
commercial mobile service as defined in the "Telecommunications 106009
Act of 1996," 110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and 106010
further defined as commercial mobile radio service in 47 C.F.R. 106011
20.3. Under division (A)(19) of this section, commercial mobile 106012
radio service is specifically limited to mobile telephone, 106013
mobile cellular telephone, paging, personal communications 106014
services, and specialized mobile radio service provided by a 106015
common carrier in this state and excludes fixed wireless 106016
service. 106017

(20) "Wireless service provider" means a facilities-based 106018
provider of wireless service to one or more end users in this 106019
state. 106020

(21) "Broadband internet access service" has the same 106021
meaning as in 47 C.F.R. 8.1. 106022

(B) The definitions of this section shall be applied 106023
consistent with the definitions in the "Telecommunications Act 106024
of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and 106025
with federal decisions interpreting those definitions. 106026

<u>Sec. 4927.22. (A) Notwithstanding any provision of the</u>	106027
<u>Revised Code, other than division (B) of this section:</u>	106028
<u>(1) Broadband internet access service is not subject to</u>	106029
<u>regulation by the public utilities commission.</u>	106030
<u>(2) No agency, commission, or political subdivision of</u>	106031
<u>this state shall enact, adopt, or enforce, either directly or</u>	106032
<u>indirectly, any law, rule, regulation, ordinance, standard,</u>	106033
<u>order or other provision having the force or effect of law that</u>	106034
<u>regulates, or has the effect of regulating, the rates, terms, or</u>	106035
<u>conditions of any broadband internet access service, or</u>	106036
<u>otherwise treats providers of broadband internet access services</u>	106037
<u>as public utilities or telecommunications carriers.</u>	106038
<u>(B) This section shall not be construed to do any of the</u>	106039
<u>following:</u>	106040
<u>(1) Restrict any authority delegated to the commission or</u>	106041
<u>to any state agency to administer a state or federal grant</u>	106042
<u>program under state or federal statute, rule, or order;</u>	106043
<u>(2) Restrict the application to broadband internet access</u>	106044
<u>service, or providers thereof, of any law that applies generally</u>	106045
<u>to the conduct of business in the state relating to consumer</u>	106046
<u>protection and fair competition;</u>	106047
<u>(3) Restrict the authority of any political subdivision in</u>	106048
<u>the state to manage access to and use of any public way or</u>	106049
<u>public rights-of-way.</u>	106050
<u>Sec. 4928.041. (A) Except as provided in sections 4928.141</u>	106051
<u>and 4928.142 of the Revised Code, no electric utility shall</u>	106052
<u>provide in this state, either directly or through an affiliate,</u>	106053
<u>a competitive retail electric service in this state if that</u>	106054
<u>service was deemed competitive or otherwise legally classified</u>	106055

as competitive prior to ~~the effective date of this section~~August 106056
14, 2025. 106057

(B) The standard service offer under section 4928.141 of 106058
the Revised Code shall continue to be provided to consumers in 106059
this state by electric utilities. 106060

Sec. 4928.06. (A) Beginning on the starting date of 106061
competitive retail electric service, the public utilities 106062
commission shall ensure that the policy specified in section 106063
4928.02 of the Revised Code is effectuated. To the extent 106064
necessary, the commission shall adopt rules to carry out this 106065
chapter. Initial rules necessary for the commencement of the 106066
competitive retail electric service under this chapter shall be 106067
adopted within one hundred eighty days after the effective date 106068
of this section. Except as otherwise provided in this chapter, 106069
the proceedings and orders of the commission under the chapter 106070
shall be subject to and governed by Chapter 4903. of the Revised 106071
Code. 106072

(B) If the commission determines, on or after the starting 106073
date of competitive retail electric service, that there is a 106074
decline or loss of effective competition with respect to a 106075
competitive retail electric service of an electric utility, 106076
which service was declared competitive by commission order 106077
issued pursuant to division (A) of section 4928.04 of the 106078
Revised Code, the commission shall ensure that that service is 106079
provided at compensatory, fair, and nondiscriminatory prices and 106080
terms and conditions. 106081

(C) In addition to its authority under section 4928.04 of 106082
the Revised Code and divisions (A) and (B) of this section, the 106083
commission, on an ongoing basis, shall monitor and evaluate the 106084
provision of retail electric service in this state for the 106085

purpose of discerning any noncompetitive retail electric service 106086
that should be available on a competitive basis on or after the 106087
starting date of competitive retail electric service pursuant to 106088
a declaration in the Revised Code, and for the purpose of 106089
discerning any competitive retail electric service that is no 106090
longer subject to effective competition on or after that date. 106091
Upon such evaluation, the commission periodically shall report 106092
its findings and any recommendations for legislation to the 106093
standing committees of both houses of the general assembly that 106094
have primary jurisdiction regarding public utility legislation. 106095
~~Until 2008, the commission and the consumer's counsel also shall~~ 106096
~~provide biennial reports to those standing committees, regarding~~ 106097
~~the effectiveness of competition in the supply of competitive~~ 106098
~~retail electric services in this state. In addition, until the~~ 106099
~~end of all market development periods as determined by the~~ 106100
~~commission under section 4928.40 of the Revised Code, those~~ 106101
~~standing committees shall meet at least biennially to consider~~ 106102
~~the effect on this state of electric service restructuring and~~ 106103
~~to receive reports from the commission, consumers' counsel, and~~ 106104
~~director of development.~~ 106105

(D) In determining, for purposes of division (B) or (C) of 106106
this section, whether there is effective competition in the 106107
provision of a retail electric service or reasonably available 106108
alternatives for that service, the commission shall consider 106109
factors including, but not limited to, all of the following: 106110

(1) The number and size of alternative providers of that 106111
service; 106112

(2) The extent to which the service is available from 106113
alternative suppliers in the relevant market; 106114

(3) The ability of alternative suppliers to make 106115

functionally equivalent or substitute services readily available 106116
at competitive prices, terms, and conditions; 106117

(4) Other indicators of market power, which may include 106118
market share, growth in market share, ease of entry, and the 106119
affiliation of suppliers of services. 106120

The burden of proof shall be on any entity requesting, 106121
under division (B) or (C) of this section, a determination by 106122
the commission of the existence of or a lack of effective 106123
competition or reasonably available alternatives. 106124

(E) (1) Beginning on the starting date of competitive 106125
retail electric service, the commission has authority under 106126
Chapters 4901. to 4909. of the Revised Code, and shall exercise 106127
that authority, to resolve abuses of market power by any 106128
electric utility that interfere with effective competition in 106129
the provision of retail electric service. 106130

(2) In addition to the commission's authority under 106131
division (E) (1) of this section, the commission, beginning the 106132
first year after the market development period of a particular 106133
electric utility and after reasonable notice and opportunity for 106134
hearing, may take such measures within a transmission 106135
constrained area in the utility's certified territory as are 106136
necessary to ensure that retail electric generation service is 106137
provided at reasonable rates within that area. The commission 106138
may exercise this authority only upon findings that an electric 106139
utility is or has engaged in the abuse of market power and that 106140
that abuse is not adequately mitigated by rules and practices of 106141
any independent transmission entity controlling the transmission 106142
facilities. Any such measure shall be taken only to the extent 106143
necessary to protect customers in the area from the particular 106144
abuse of market power and to the extent the commission's 106145

authority is not preempted by federal law. The measure shall 106146
remain in effect until the commission, after reasonable notice 106147
and opportunity for hearing, determines that the particular 106148
abuse of market power has been mitigated. 106149

(F) An electric utility, electric services company, 106150
electric cooperative, or governmental aggregator subject to 106151
certification under section 4928.08 of the Revised Code shall 106152
provide the commission with such information, regarding a 106153
competitive retail electric service for which it is subject to 106154
certification, as the commission considers necessary to carry 106155
out this chapter. An electric utility shall provide the 106156
commission with such information as the commission considers 106157
necessary to carry out divisions (B) to (E) of this section. The 106158
commission shall take such measures as it considers necessary to 106159
protect the confidentiality of any such information. 106160

The commission shall require each electric utility to file 106161
with the commission on and after the starting date of 106162
competitive retail electric service an annual report of its 106163
intrastate gross receipts and sales of kilowatt hours of 106164
electricity, and shall require each electric services company, 106165
electric cooperative, and governmental aggregator subject to 106166
certification to file an annual report on and after that 106167
starting date of such receipts and sales from the provision of 106168
those retail electric services for which it is subject to 106169
certification. For the purpose of the reports, sales of kilowatt 106170
hours of electricity are deemed to occur at the meter of the 106171
retail customer. 106172

Sec. 4928.34. (A) The public utilities commission shall 106173
not approve or prescribe a transition plan under division (A) or 106174
(B) of section 4928.33 of the Revised Code unless the commission 106175

first makes all of the following determinations: 106176

(1) The unbundled components for the electric transmission 106177
component of retail electric service, as specified in the 106178
utility's rate unbundling plan required by division (A) (1) of 106179
section 4928.31 of the Revised Code, equal the tariff rates 106180
determined by the federal energy regulatory commission that are 106181
in effect on the date of the approval of the transition plan 106182
under sections 4928.31 to 4928.40 of the Revised Code, as each 106183
such rate is determined applicable to each particular customer 106184
class and rate schedule by the commission. The unbundled 106185
transmission component shall include a sliding scale of charges 106186
under division (B) of section 4905.31 of the Revised Code to 106187
ensure that refunds determined or approved by the federal energy 106188
regulatory commission are flowed through to retail electric 106189
customers. 106190

(2) The unbundled components for retail electric 106191
distribution service in the rate unbundling plan equal the 106192
difference between the costs attributable to the utility's 106193
transmission and distribution rates and charges under its 106194
schedule of rates and charges in effect on the effective date of 106195
this section, based upon the record in the most recent rate 106196
proceeding of the utility for which the utility's schedule was 106197
established, and the tariff rates for electric transmission 106198
service determined by the federal energy regulatory commission 106199
as described in division (A) (1) of this section. 106200

(3) All other unbundled components required by the 106201
commission in the rate unbundling plan equal the costs 106202
attributable to the particular service as reflected in the 106203
utility's schedule of rates and charges in effect on the 106204
effective date of this section. 106205

(4) The unbundled components for retail electric 106206
generation service in the rate unbundling plan equal the 106207
residual amount remaining after the determination of the 106208
transmission, distribution, and other unbundled components, and 106209
after any adjustments necessary to reflect the effects of the 106210
amendment of section 5727.111 of the Revised Code by Sub. S.B. 106211
No. 3 of the 123rd general assembly. 106212

(5) All unbundled components in the rate unbundling plan 106213
have been adjusted to reflect any base rate reductions on file 106214
with the commission and as scheduled to be in effect by December 106215
31, 2005, under rate settlements in effect on the effective date 106216
of this section. However, all earnings obligations, 106217
restrictions, or caps imposed on an electric utility in a 106218
commission order prior to the effective date of this section are 106219
void. 106220

(6) Subject to division (A) (5) of this section, the total 106221
of all unbundled components in the rate unbundling plan are 106222
capped and shall equal during the market development period, 106223
except as specifically provided in this chapter, the total of 106224
all rates and charges in effect under the applicable bundled 106225
schedule of the electric utility pursuant to section 4905.30 of 106226
the Revised Code in effect on the day before the effective date 106227
of this section, including the transition charge determined 106228
under section 4928.40 of the Revised Code, adjusted for any 106229
changes in the taxation of electric utilities and retail 106230
electric service under Sub. S.B. No. 3 of the 123rd General 106231
Assembly, and the universal service rider authorized by section 106232
4928.51 of the Revised Code, ~~and the temporary rider authorized~~ 106233
~~by section 4928.61 of the Revised Code.~~ For the purpose of this 106234
division, the rate cap applicable to a customer receiving 106235
electric service pursuant to an arrangement approved by the 106236

commission under section 4905.31 of the Revised Code is, for the 106237
term of the arrangement, the total of all rates and charges in 106238
effect under the arrangement. For any rate schedule filed 106239
pursuant to section 4905.30 of the Revised Code or any 106240
arrangement subject to approval pursuant to section 4905.31 of 106241
the Revised Code, the initial tax-related adjustment to the rate 106242
cap required by this division shall be equal to the rate of 106243
taxation specified in section 5727.81 of the Revised Code and 106244
applicable to the schedule or arrangement. To the extent such 106245
total annual amount of the tax-related adjustment is greater 106246
than or less than the comparable amount of the total annual tax 106247
reduction experienced by the electric utility as a result of the 106248
provisions of Sub. S.B. No. 3 of the 123rd general assembly, 106249
such difference shall be addressed by the commission through 106250
accounting procedures, refunds, or an annual surcharge or credit 106251
to customers, or through other appropriate means, to avoid 106252
placing the financial responsibility for the difference upon the 106253
electric utility or its shareholders. Any adjustments in the 106254
rate of taxation specified in section 5727.81 of the Revised 106255
Code shall not occur without a corresponding adjustment to the 106256
rate cap for each such rate schedule or arrangement. The 106257
department of taxation shall advise the commission and self- 106258
assessors under section 5727.81 of the Revised Code prior to the 106259
effective date of any change in the rate of taxation specified 106260
under that section, and the commission shall modify the rate cap 106261
to reflect that adjustment so that the rate cap adjustment is 106262
effective as of the effective date of the change in the rate of 106263
taxation. This division shall be applied, to the extent 106264
possible, to eliminate any increase in the price of electricity 106265
for customers that otherwise may occur as a result of 106266
establishing the taxes contemplated in section 5727.81 of the 106267
Revised Code. 106268

(7) The rate unbundling plan complies with any rules 106269
adopted by the commission under division (A) of section 4928.06 106270
of the Revised Code. 106271

(8) The corporate separation plan required by division (A) 106272
(2) of section 4928.31 of the Revised Code complies with section 106273
4928.17 of the Revised Code and any rules adopted by the 106274
commission under division (A) of section 4928.06 of the Revised 106275
Code. 106276

(9) Any plan or plans the commission requires to address 106277
operational support systems and any other technical 106278
implementation issues pertaining to competitive retail electric 106279
service comply with any rules adopted by the commission under 106280
division (A) of section 4928.06 of the Revised Code. 106281

(10) The employee assistance plan required by division (A) 106282
(4) of section 4928.31 of the Revised Code sufficiently provides 106283
severance, retraining, early retirement, retention, 106284
outplacement, and other assistance for the utility's employees 106285
whose employment is affected by electric industry restructuring 106286
under this chapter. 106287

(11) The consumer education plan required under division 106288
(A) (5) of section 4928.31 of the Revised Code complies with 106289
former section 4928.42 of the Revised Code and any rules adopted 106290
by the commission under division (A) of section 4928.06 of the 106291
Revised Code. 106292

(12) The transition revenues for which an electric utility 106293
is authorized a revenue opportunity under sections 4928.31 to 106294
4928.40 of the Revised Code are the allowable transition costs 106295
of the utility as such costs are determined by the commission 106296
pursuant to section 4928.39 of the Revised Code, and the 106297

transition charges for the customer classes and rate schedules 106298
of the utility are the charges determined pursuant to section 106299
4928.40 of the Revised Code. 106300

(13) Any independent transmission plan included in the 106301
transition plan filed under section 4928.31 of the Revised Code 106302
reasonably complies with section 4928.12 of the Revised Code and 106303
any rules adopted by the commission under division (A) of 106304
section 4928.06 of the Revised Code, unless the commission, for 106305
good cause shown, authorizes the utility to defer compliance 106306
until an order is issued under division (G) of section 4928.35 106307
of the Revised Code. 106308

(14) The utility is in compliance with sections 4928.01 to 106309
4928.11 of the Revised Code and any rules or orders of the 106310
commission adopted or issued under those sections. 106311

(15) All unbundled components in the rate unbundling plan 106312
have been adjusted to reflect the elimination of the tax on 106313
gross receipts imposed by section 5727.30 of the Revised Code. 106314

In addition, a transition plan approved by the commission 106315
under section 4928.33 of the Revised Code but not containing an 106316
approved independent transmission plan shall contain the express 106317
conditions that the utility will comply with an order issued 106318
under division (G) of section 4928.35 of the Revised Code. 106319

(B) If the commission finds that any part of the 106320
transition plan would constitute an abandonment under sections 106321
4905.20 and 4905.21 of the Revised Code, the commission shall 106322
not approve that part of the transition plan unless it makes the 106323
finding required for approval of an abandonment application 106324
under section 4905.21 of the Revised Code. Sections 4905.20 and 106325
4905.21 of the Revised Code otherwise shall not apply to a 106326

transition plan under sections 4928.31 to 4928.40 of the Revised Code. 106327
106328

Sec. 4928.43. (A) Each state agency that provides 106329
employment assistance and job training programs, including the 106330
~~bureau of employment~~ department of job and family services ~~and~~ 106331
~~the department of development~~, shall provide concentrated 106332
attention through those programs to assisting employees whose 106333
employment is affected by electric industry restructuring under 106334
this chapter. 106335

(B) To the extent not prohibited by federal law or any law 106336
of this state and except as otherwise provided in a labor 106337
contract or other agreement, no unencumbered money in a pension 106338
fund for employees of electric utilities shall be used for any 106339
purpose other than to pay allowable pensions or early retirement 106340
buyouts for the employees. 106341

Sec. 4928.51. ~~(A)~~ There is hereby established in the state 106342
treasury ~~a universal service~~ the electric partnership plan fund, 106343
into which shall be deposited all ~~universal service~~ revenues 106344
remitted to the director of development under this section, for 106345
the exclusive purposes of providing funding for the low-income 106346
customer assistance programs ~~and for the consumer education~~ 106347
~~program authorized under section 4928.56 of the Revised Code,~~ 106348
~~and paying the administrative costs of the low-income customer~~ 106349
~~assistance programs~~ and the consumer education program. Interest 106350
on the fund shall be credited to the fund. Disbursements from 106351
the fund shall be made to any supplier that provides a 106352
competitive retail electric service or a noncompetitive retail 106353
electric service to a customer who is approved to receive 106354
assistance under a specified low-income customer assistance 106355
program and to any authorized provider of weatherization or 106356

energy efficiency service to a customer approved to receive such 106357
assistance under a specified low-income customer assistance 106358
program. 106359

~~(B) Universal service revenues~~ Revenues deposited in the 106360
electric partnership plan fund shall include all ~~of the~~ 106361
~~following:~~ 106362

~~(1) Revenues~~ revenues remitted to the director after 106363
collection by an electric distribution utility ~~beginning July 1,~~ 106364
~~2000, attributable to the collection from customers of the~~ 106365
~~universal service rider prescribed under pursuant to~~ section 106366
4928.52 of the Revised Code. 106367

~~(2) Revenues remitted to the director that have been~~ 106368
~~collected by an electric distribution utility beginning July 1,~~ 106369
~~2000, as customer payments under the percentage of income~~ 106370
~~payment plan program, including revenues remitted under division~~ 106371
~~(C) of this section,~~ 106372

~~(3) Adequate revenues remitted to the director after~~ 106373
~~collection by a municipal electric utility or electric~~ 106374
~~cooperative in this state not earlier than July 1, 2000, upon~~ 106375
~~the utility's or cooperative's decision to participate in the~~ 106376
~~low-income customer assistance programs.~~ 106377

~~(C) (1) Beginning July 1, 2000, an electric distribution~~ 106378
~~utility shall transfer to the director the right to collect all~~ 106379
~~arrearage payments of a customer for percentage of income~~ 106380
~~payment plan program debt owed to the utility on the day before~~ 106381
~~that date or retain the right to collect that debt but remit to~~ 106382
~~the director all program revenues received by the utility for~~ 106383
~~that customer.~~ 106384

~~(2) A current or past percentage of income payment plan~~ 106385

~~program customer is relieved of any payment obligation under the~~ 106386
~~percentage of income payment program for any unpaid arrears~~ 106387
~~accrued by the customer under the program as of the effective~~ 106388
~~date of this section if the customer, as determined by the~~ 106389
~~director, meets both of the following criteria:~~ 106390

~~(a) The customer as of that date has complied with~~ 106391
~~customer payment responsibilities under the program.~~ 106392

~~(b) The customer is permanently and totally disabled as~~ 106393
~~defined in section 5117.01 of the Revised Code or is sixty-five~~ 106394
~~years of age or older as defined in that section.~~ 106395

~~(D) The public utilities commission shall complete an~~ 106396
~~audit of each electric utility by July 1, 2000, for the purpose~~ 106397
~~of establishing a baseline for the percentage of income payment~~ 106398
~~plan program component of the low-income assistance programs.~~ 106399

Sec. 4928.55. The director of development-job and family 106400
services shall establish an energy efficiency and weatherization 106401
program targeted, to the extent practicable, to high-cost, high- 106402
volume use structures occupied by customers eligible for the 106403
percentage of income payment plan program, with the goal of 106404
reducing the energy bills of the occupants. Acceptance of energy 106405
efficiency and weatherization services provided by the program 106406
shall be a condition for the eligibility of any such customer to 106407
participate in the percentage of income payment plan program. 106408

Sec. 4928.56. The director of development-job and family 106409
services may adopt rules in accordance with Chapter 119. of the 106410
Revised Code establishing an education program for consumers 106411
eligible to participate in the low-income customer assistance 106412
programs. The education program shall provide information to 106413
consumers regarding energy efficiency and energy conservation. 106414

Sec. 4928.58. (A) There is hereby created the public 106415
benefits advisory board, which has the purpose of ensuring that 106416
energy services be provided to low-income consumers in this 106417
state in an affordable manner consistent with the policy 106418
specified in section 4928.02 of the Revised Code. The advisory 106419
board shall consist of twenty-one members as follows: the 106420
director of ~~development~~job and family services, the chairperson 106421
of the public utilities commission, the consumers' counsel, and 106422
the director of the air quality development authority, each 106423
serving ex officio and represented by a designee at the 106424
official's discretion; two members of the house of 106425
representatives appointed by the speaker of the house of 106426
representatives, neither of the same political party, and two 106427
members of the senate appointed by the president of the senate, 106428
neither of the same political party; and thirteen members 106429
appointed by the governor with the advice and consent of the 106430
senate, consisting of one representative of suppliers of 106431
competitive retail electric service; one representative of the 106432
residential class of electric utility customers; one 106433
representative of the industrial class of electric utility 106434
customers; one representative of the commercial class of 106435
electric utility customers; one representative of agricultural 106436
or rural customers of an electric utility; two customers 106437
receiving assistance under one or more of the low-income 106438
customer assistance programs, to represent customers eligible 106439
for any such assistance, including senior citizens; one 106440
representative of the general public; one representative of 106441
local intake agencies; one representative of a community-based 106442
organization serving low-income customers; one representative of 106443
environmental protection interests; one representative of 106444
lending institutions; and one person considered an expert in 106445
energy efficiency or renewables technology. Initial appointments 106446

shall be made not later than November 1, 1999. 106447

(B) Initial terms of six of the appointed members shall 106448
end on June 30, 2003, and initial terms of the remaining seven 106449
appointed members shall end on June 30, 2004. Thereafter, terms 106450
of appointed members shall be for three years, with each term 106451
ending on the same day of the same month as the term it 106452
succeeds. Each member shall hold office from the date of the 106453
member's appointment until the end of the term for which the 106454
member was appointed. Members may be reappointed. 106455

Vacancies shall be filled in the manner provided for 106456
original appointments. Any member appointed to fill a vacancy 106457
occurring prior to the expiration date of the term for which the 106458
member's predecessor was appointed shall hold office as a member 106459
for the remainder of that term. A member shall continue in 106460
office after the expiration date of the member's term until the 106461
member's successor takes office or until a period of sixty days 106462
has elapsed, whichever occurs first. 106463

(C) Board members shall be reimbursed for their actual and 106464
necessary expenses incurred in the performance of board duties. 106465
The reimbursements constitute, as applicable, administrative 106466
costs of the low-income customer assistance programs for the 106467
purpose of ~~division (A) of section~~ sections 4928.51 and 4928.52 106468
of the Revised Code ~~or administrative costs of the advanced-~~ 106469
~~energy program for the purpose of division (A) of section-~~ 106470
~~4528.61 of the Revised Code.~~ 106471

(D) The advisory board shall select a chairperson from 106472
among its members. Only board members appointed by the governor 106473
with the advice and consent of the senate shall be voting 106474
members of the board; each shall have one vote in all 106475
deliberations of the board. A majority of the voting members 106476

constitute a quorum. 106477

(E) ~~The duties of the advisory board shall be as follows:~~ 106478

~~(1) Advise advise the director of job and family services~~ 106479
~~in the administration of the universal service fund and the low-~~ 106480
~~income customer assistance programs and advise the director on~~ 106481
~~the director's recommendation to the commission regarding the~~ 106482
~~appropriate level of the universal service rider;~~ 106483

~~(2) Advise the director on the administration of the~~ 106484
~~advanced energy program and the advanced energy fund under~~ 106485
~~sections 4928.61 to 4928.63 of the Revised Code.~~ 106486

(F) The advisory board is not an agency for purposes of 106487
sections 101.82 to 101.87 of the Revised Code. 106488

Sec. 4928.61. (A) There is hereby established in the state 106489
treasury the advanced energy fund, into which shall be deposited 106490
all advanced energy revenues remitted to the director of 106491
development under division (B) of this section, for the 106492
exclusive purposes of funding the advanced energy program 106493
created under section 4928.62 of the Revised Code and paying the 106494
program's administrative costs. Interest on the fund shall be 106495
credited to the fund. 106496

(B) Advanced energy revenues shall include all of the 106497
following: 106498

~~(1) Revenues remitted to the director after collection by~~ 106499
~~each electric distribution utility in this state of a temporary~~ 106500
~~rider on retail electric distribution service rates as such~~ 106501
~~rates are determined by the public utilities commission pursuant~~ 106502
~~to this chapter. The rider shall be a uniform amount statewide,~~ 106503
~~determined by the director of development, after consultation~~ 106504
~~with the public benefits advisory board created by section~~ 106505

~~4928.58 of the Revised Code. The amount shall be determined by~~ 106506
~~dividing an aggregate revenue target for a given year as~~ 106507
~~determined by the director, after consultation with the advisory~~ 106508
~~board, by the number of customers of electric distribution~~ 106509
~~utilities in this state in the prior year. Such aggregate~~ 106510
~~revenue target shall not exceed more than fifteen million~~ 106511
~~dollars in any year through 2005 and shall not exceed more than~~ 106512
~~five million dollars in any year after 2005. The rider shall be~~ 106513
~~imposed beginning on the effective date of the amendment of this~~ 106514
~~section by Sub. H.B. 251 of the 126th general assembly, January~~ 106515
~~4, 2007, and shall terminate at the end of ten years following~~ 106516
~~the starting date of competitive retail electric service or~~ 106517
~~until the advanced energy fund, including interest, reaches one~~ 106518
~~hundred million dollars, whichever is first.~~ 106519

~~(2)~~ Revenues from payments, repayments, and collections 106520
under the advanced energy program and from program income; 106521

~~(3)~~ (2) Revenues remitted to the director after collection 106522
by a municipal electric utility or electric cooperative in this 106523
state upon the utility's or cooperative's decision to 106524
participate in the advanced energy fund; 106525

~~(4)~~ (3) Revenues from renewable energy compliance payments 106526
as provided under division (C) (2) of section 4928.64 of the 106527
Revised Code; 106528

~~(5)~~ (4) Revenue from forfeitures under division (C) of 106529
section 4928.66 of the Revised Code; 106530

~~(6)~~ (5) Funds transferred pursuant to division (B) of 106531
Section 512.10 of S.B. 315 of the 129th general assembly; 106532

~~(7)~~ (6) Interest earnings on the advanced energy fund. 106533

~~(C) (1) Each electric distribution utility in this state~~ 106534

~~shall remit to the director on a quarterly basis the revenues described in divisions (B) (1) and (2) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter.~~ 106535
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~~(2) Each participating electric cooperative and participating municipal electric utility shall remit to the director on a quarterly basis the revenues described in division (B) (3) of this section. Such remittances shall occur within thirty days after the end of each calendar quarter. For the purpose of division (B) (3) of this section, the participation of an electric cooperative or municipal electric utility in the energy efficiency revolving loan program as it existed immediately prior to the effective date of the amendment of this section by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, does not constitute a decision to participate in the advanced energy fund under this section as so amended.~~ 106539
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~~(3) All remittances under divisions (C) (1) and (2) of this section shall continue only until the end of ten years following the starting date of competitive retail electric service or until the advanced energy fund, including interest, reaches one hundred million dollars, whichever is first.~~ 106551
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~~(D) Any moneys collected in rates for non-low-income customer energy efficiency programs, as of October 5, 1999, and not contributed to the energy efficiency revolving loan fund authorized under this section prior to the effective date of its amendment by Sub. H.B. 251 of the 126th general assembly, January 4, 2007, shall be used to continue to fund cost-effective, residential energy efficiency programs, be contributed into the universal service fund as a supplement to that required under section 4928.53 of the Revised Code, or be~~ 106556
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~~returned to ratepayers in the form of a rate reduction at the~~ 106565
~~option of the affected electric distribution utility.~~ 106566

Sec. 4928.62. (A) There is hereby created the advanced 106567
energy program, which shall be administered by the director of 106568
development. Under the program, the director may authorize the 106569
use of moneys in the advanced energy fund for financial, 106570
technical, and related assistance for advanced energy projects 106571
in this state or for economic development assistance, in 106572
furtherance of the purposes set forth in section 4928.63 of the 106573
Revised Code. 106574

(1) To the extent feasible given approved applications for 106575
assistance, the assistance shall be distributed among the 106576
certified territories of electric distribution utilities and 106577
participating electric cooperatives, and among the service areas 106578
of participating municipal electric utilities, in amounts 106579
proportionate to the remittances of each utility and cooperative 106580
under ~~divisions (B)(1) and (3)~~division (B)(2) of section 4928.61 106581
of the Revised Code. 106582

(2) The funds described in division ~~(B)(6)~~(B)(5) of 106583
section 4928.61 of the Revised Code shall not be subject to the 106584
territorial requirements of division (A)(1) of this section. 106585

(3) The director shall not authorize financial assistance 106586
for an advanced energy project under the program unless the 106587
director first determines that the project will create new jobs 106588
or preserve existing jobs in this state or use innovative 106589
technologies or materials. 106590

(B) In carrying out sections 4928.61 to 4928.63 of the 106591
Revised Code, the director may do all of the following to 106592
further the public interest in advanced energy projects and 106593

economic development: 106594

(1) Award grants, contracts, loans, loan participation 106595
agreements, linked deposits, and energy production incentives; 106596

(2) Acquire in the name of the director any property of 106597
any kind or character in accordance with this section, by 106598
purchase, purchase at foreclosure, or exchange, on such terms 106599
and in such manner as the director considers proper; 106600

(3) Make and enter into all contracts and agreements 106601
necessary or incidental to the performance of the director's 106602
duties and the exercise of the director's powers under sections 106603
4928.61 to 4928.63 of the Revised Code; 106604

(4) Employ or enter into contracts with financial 106605
consultants, marketing consultants, consulting engineers, 106606
architects, managers, construction experts, attorneys, technical 106607
monitors, energy evaluators, or other employees or agents as the 106608
director considers necessary, and fix their compensation; 106609

(5) Adopt rules prescribing the application procedures for 106610
financial assistance under the advanced energy program; the 106611
fees, charges, interest rates, payment schedules, local match 106612
requirements, and other terms and conditions of any grants, 106613
contracts, loans, loan participation agreements, linked 106614
deposits, and energy production incentives; criteria pertaining 106615
to the eligibility of participating lending institutions; and 106616
any other matters necessary for the implementation of the 106617
program; 106618

(6) Do all things necessary and appropriate for the 106619
operation of the program. 106620

(C) The department of development may hold ownership to 106621
any unclaimed energy efficiency and renewable energy emission 106622

allowances provided for in Chapter 3745-14 of the Administrative Code or otherwise, that result from advanced energy projects that receive funding from the advanced energy fund, and it may use the allowances to further the public interest in advanced energy projects or for economic development.

(D) Financial statements, financial data, and trade secrets submitted to or received by the director from an applicant or recipient of financial assistance under sections 4928.61 to 4928.63 of the Revised Code, or any information taken from those statements, data, or trade secrets for any purpose, are not public records for the purpose of section 149.43 of the Revised Code.

(E) Nothing in the amendments of sections 4928.61, 4928.62, and 4928.63 of the Revised Code by Sub. H.B. 251 of the 126th general assembly shall affect any pending or effected assistance, pending or effected purchases or exchanges of property made, or pending or effected contracts or agreements entered into pursuant to division (A) or (B) of this section as the section existed prior to the effective date of those amendments, January 4, 2007, or shall affect the exemption provided under division (C) of this section as the section existed prior to that effective date.

(F) Any assistance a school district receives for an advanced energy project, including a geothermal heating, ventilating, and air conditioning system, shall be in addition to any assistance provided under Chapter 3318. of the Revised Code and shall not be included as part of the district or state portion of the basic project cost under that chapter.

Sec. 4928.63. The director of development ~~and the public benefits advisory board have~~ has the powers and duties provided

in sections 4928.61 and 4928.62 of the Revised Code, in order to 106653
promote the welfare of the people of this state; stabilize the 106654
economy; assist in the improvement and development within this 106655
state of not-for-profit entity, industrial, commercial, 106656
distribution, residential, and research buildings and activities 106657
required for the people of this state; improve the economic 106658
welfare of the people of this state by reducing energy costs and 106659
by reducing energy usage in a cost-efficient manner using, as 106660
determined by the director, both the most appropriate national, 106661
federal, or other standards for products and the best practices 106662
for the use of technology, products, or services in the context 106663
of a total facility or building; and assist in the lowering of 106664
energy demand to reduce air, water, or thermal pollution. It is 106665
hereby determined that the accomplishment of those purposes is 106666
essential so that the people of this state may maintain their 106667
present high standards in comparison with the people of other 106668
states and so that opportunities for improving the economic 106669
welfare of the people of this state, for improving the housing 106670
of residents of this state, and for favorable markets for the 106671
products of this state's natural resources, agriculture, and 106672
manufacturing shall be improved; and that it is necessary for 106673
this state to establish the program authorized pursuant to 106674
sections 4928.61 and 4928.62 of the Revised Code. 106675

Sec. 4928.66. (A) (1) (a) Beginning in 2009, an electric 106676
distribution utility shall implement energy efficiency programs 106677
that achieve energy savings equivalent to at least three-tenths 106678
of one per cent of the total, annual average, and normalized 106679
kilowatt-hour sales of the electric distribution utility during 106680
the preceding three calendar years to customers in this state. 106681
An energy efficiency program may include a combined heat and 106682
power system placed into service or retrofitted on or after the 106683

effective date of the amendment of this section by S.B. 315 of 106684
the 129th general assembly, September 10, 2012, or a waste 106685
energy recovery system placed into service or retrofitted on or 106686
after September 10, 2012, except that a waste energy recovery 106687
system described in division (A)(38)(b) of section 4928.01 of 106688
the Revised Code may be included only if it was placed into 106689
service between January 1, 2002, and December 31, 2004. For a 106690
waste energy recovery or combined heat and power system, the 106691
savings shall be as estimated by the public utilities 106692
commission. The savings requirement, using such a three-year 106693
average, shall increase to an additional five-tenths of one per 106694
cent in 2010, seven-tenths of one per cent in 2011, eight-tenths 106695
of one per cent in 2012, nine-tenths of one per cent in 2013, 106696
and one per cent in 2014. In 2015 and 2016, an electric 106697
distribution utility shall achieve energy savings equal to the 106698
result of subtracting the cumulative energy savings achieved 106699
since 2009 from the product of multiplying the baseline for 106700
energy savings, described in division (A)(2)(a) of this section, 106701
by four and two-tenths of one per cent. If the result is zero or 106702
less for the year for which the calculation is being made, the 106703
utility shall not be required to achieve additional energy 106704
savings for that year, but may achieve additional energy savings 106705
for that year. The annual savings requirements shall be, for 106706
years 2017, 2018, 2019, and 2020, an additional one per cent of 106707
the baseline. For purposes of a waste energy recovery or 106708
combined heat and power system, an electric distribution utility 106709
shall not apply more than the total annual percentage of the 106710
electric distribution utility's industrial-customer load, 106711
relative to the electric distribution utility's total load, to 106712
the annual energy savings requirement. 106713

(b) Beginning in 2009, an electric distribution utility 106714

shall implement peak demand reduction programs designed to 106715
achieve a one per cent reduction in peak demand in 2009 and an 106716
additional seventy-five hundredths of one per cent reduction 106717
each year through 2014. In 2015 and 2016, an electric 106718
distribution utility shall achieve a reduction in peak demand 106719
equal to the result of subtracting the cumulative peak demand 106720
reductions achieved since 2009 from the product of multiplying 106721
the baseline for peak demand reduction, described in division 106722
(A) (2) (a) of this section, by four and seventy-five hundredths 106723
of one per cent. If the result is zero or less for the year for 106724
which the calculation is being made, the utility shall not be 106725
required to achieve an additional reduction in peak demand for 106726
that year, but may achieve an additional reduction in peak 106727
demand for that year. In 2017 and each year thereafter through 106728
2020, the utility shall achieve an additional seventy-five 106729
hundredths of one per cent reduction in peak demand. 106730

(2) For the purposes of divisions (A) (1) (a) and (b) of 106731
this section: 106732

(a) The baseline for energy savings under division (A) (1) 106733
(a) of this section shall be the average of the total kilowatt 106734
hours the electric distribution utility sold in the preceding 106735
three calendar years. The baseline for a peak demand reduction 106736
under division (A) (1) (b) of this section shall be the average 106737
peak demand on the utility in the preceding three calendar 106738
years, except that the commission may reduce either baseline to 106739
adjust for new economic growth in the utility's certified 106740
territory. Neither baseline shall include the load and usage of 106741
any of the following customers: 106742

(i) Beginning January 1, 2017, a customer for which a 106743
reasonable arrangement has been approved under section 4905.31 106744

of the Revised Code; 106745

(ii) A customer that has opted out of the utility's 106746
portfolio plan under section 4928.6611 of the Revised Code; 106747

(iii) A customer that has opted out of the utility's 106748
portfolio plan under Section 8 of S.B. 310 of the 130th general 106749
assembly. 106750

(b) The commission may amend the benchmarks set forth in 106751
division (A)(1)(a) or (b) of this section if, after application 106752
by the electric distribution utility, the commission determines 106753
that the amendment is necessary because the utility cannot 106754
reasonably achieve the benchmarks due to regulatory, economic, 106755
or technological reasons beyond its reasonable control. 106756

(c) Compliance with divisions (A)(1)(a) and (b) of this 106757
section shall be measured by including the effects of all 106758
demand-response programs for mercantile customers of the subject 106759
electric distribution utility, all waste energy recovery systems 106760
and all combined heat and power systems, and all such mercantile 106761
customer-sited energy efficiency, including waste energy 106762
recovery and combined heat and power, and peak demand reduction 106763
programs, adjusted upward by the appropriate loss factors. Any 106764
mechanism designed to recover the cost of energy efficiency, 106765
including waste energy recovery and combined heat and power, and 106766
peak demand reduction programs under divisions (A)(1)(a) and (b) 106767
of this section may exempt mercantile customers that commit 106768
their demand-response or other customer-sited capabilities, 106769
whether existing or new, for integration into the electric 106770
distribution utility's demand-response, energy efficiency, 106771
including waste energy recovery and combined heat and power, or 106772
peak demand reduction programs, if the commission determines 106773
that that exemption reasonably encourages such customers to 106774

commit those capabilities to those programs. If a mercantile 106775
customer makes such existing or new demand-response, energy 106776
efficiency, including waste energy recovery and combined heat 106777
and power, or peak demand reduction capability available to an 106778
electric distribution utility pursuant to division (A) (2) (c) of 106779
this section, the electric utility's baseline under division (A) 106780
(2) (a) of this section shall be adjusted to exclude the effects 106781
of all such demand-response, energy efficiency, including waste 106782
energy recovery and combined heat and power, or peak demand 106783
reduction programs that may have existed during the period used 106784
to establish the baseline. The baseline also shall be normalized 106785
for changes in numbers of customers, sales, weather, peak 106786
demand, and other appropriate factors so that the compliance 106787
measurement is not unduly influenced by factors outside the 106788
control of the electric distribution utility. 106789

(d) (i) Programs implemented by a utility may include the 106790
following: 106791

(I) Demand-response programs; 106792

(II) Smart grid investment programs, provided that such 106793
programs are demonstrated to be cost-beneficial; 106794

(III) Customer-sited programs, including waste energy 106795
recovery and combined heat and power systems; 106796

(IV) Transmission and distribution infrastructure 106797
improvements that reduce line losses; 106798

(V) Energy efficiency savings and peak demand reduction 106799
that are achieved, in whole or in part, as a result of funding 106800
provided from the ~~universal service~~ electric partnership plan 106801
fund established by section 4928.51 of the Revised Code to 106802
benefit low-income customers through programs that include, but 106803

are not limited to, energy audits, the installation of energy 106804
efficiency insulation, appliances, and windows, and other 106805
weatherization measures. 106806

(ii) No energy efficiency or peak demand reduction 106807
achieved under divisions (A) (2) (d) (i) (IV) and (V) of this 106808
section shall qualify for shared savings. 106809

(iii) Division (A) (2) (c) of this section shall be applied 106810
to include facilitating efforts by a mercantile customer or 106811
group of those customers to offer customer-sited demand- 106812
response, energy efficiency, including waste energy recovery and 106813
combined heat and power, or peak demand reduction capabilities 106814
to the electric distribution utility as part of a reasonable 106815
arrangement submitted to the commission pursuant to section 106816
4905.31 of the Revised Code. 106817

(e) No programs or improvements described in division (A) 106818
(2) (d) of this section shall conflict with any statewide 106819
building code adopted by the board of building standards. 106820

(B) In accordance with rules it shall adopt, the public 106821
utilities commission shall produce and docket at the commission 106822
an annual report containing the results of its verification of 106823
the annual levels of energy efficiency and of peak demand 106824
reductions achieved by each electric distribution utility 106825
pursuant to division (A) of this section. A copy of the report 106826
shall be provided to the consumers' counsel. 106827

(C) If the commission determines, after notice and 106828
opportunity for hearing and based upon its report under division 106829
(B) of this section, that an electric distribution utility has 106830
failed to comply with an energy efficiency or peak demand 106831
reduction requirement of division (A) of this section, the 106832

commission shall assess a forfeiture on the utility as provided 106833
under sections 4905.55 to 4905.60 and 4905.64 of the Revised 106834
Code, either in the amount, per day per undercompliance or 106835
noncompliance, relative to the period of the report, equal to 106836
that prescribed for noncompliances under section 4905.54 of the 106837
Revised Code, or in an amount equal to the then existing market 106838
value of one renewable energy credit per megawatt hour of 106839
undercompliance or noncompliance. Revenue from any forfeiture 106840
assessed under this division shall be deposited to the credit of 106841
the advanced energy fund created under section 4928.61 of the 106842
Revised Code. 106843

(D) The commission may establish rules regarding the 106844
content of an application by an electric distribution utility 106845
for commission approval of a revenue decoupling mechanism under 106846
this division. Such an application shall not be considered an 106847
application to increase rates and may be included as part of a 106848
proposal to establish, continue, or expand energy efficiency or 106849
conservation programs. The commission by order may approve an 106850
application under this division if it determines both that the 106851
revenue decoupling mechanism provides for the recovery of 106852
revenue that otherwise may be forgone by the utility as a result 106853
of or in connection with the implementation by the electric 106854
distribution utility of any energy efficiency or energy 106855
conservation programs and reasonably aligns the interests of the 106856
utility and of its customers in favor of those programs. 106857

(E) The commission additionally shall adopt rules that 106858
require an electric distribution utility to provide a customer 106859
upon request with two years' consumption data in an accessible 106860
form. 106861

(F) (1) As used in divisions (F) (2), (3), and (4) of this 106862

section, "portfolio plan" has the same meaning as in division 106863
(C) (1) of section 4928.6610 of the Revised Code. 106864

(2) If an electric distribution utility has a portfolio 106865
plan in effect as of October 22, 2019, and that plan expires 106866
before December 31, 2020, the commission shall extend the plan 106867
through that date. All portfolio plans shall terminate on that 106868
date. 106869

(3) If a portfolio plan is extended beyond its commission 106870
approved term by division (F) (2) of this section, the existing 106871
plan's budget shall be increased for the extended term to 106872
include an amount equal to the annual average of the approved 106873
budget for all years of the portfolio plan in effect as of 106874
October 22, 2019. 106875

(4) All other terms and conditions of a portfolio plan 106876
extended beyond its commission-approved term by division (F) (2) 106877
of this section shall remain the same unless changes are 106878
authorized by the commission. 106879

(G) (1) Not later than February 1, 2021, the commission 106880
shall determine the cumulative energy savings collectively 106881
achieved, since 2009, by all electric distribution utilities in 106882
this state as of December 31, 2020. In determining that 106883
cumulative total, the commission shall do both of the following: 106884

(a) Include energy savings that were estimated by the 106885
commission to be achieved as of December 31, 2020, and banked 106886
under division (G) of section 4928.662 of the Revised Code; 106887

(b) Use an energy savings baseline that is the average of 106888
the total kilowatt hours sold by all electric distribution 106889
utilities in this state in the calendar years 2018, 2019, and 106890
2020. The baseline shall exclude the load and usage described in 106891

division (A) (2) (a) (i), (ii), and (iii) of this section. That 106892
baseline may also be reduced for new economic growth in the 106893
utility's certified territory as provided in division (A) (2) (a) 106894
of this section and adjusted and normalized as provided in 106895
division (A) (2) (c) of this section. 106896

(2) (a) If the cumulative energy savings collectively 106897
achieved as determined by the commission under division (G) (1) 106898
of this section is at least seventeen and one-half per cent of 106899
the baseline described in division (G) (1) (b) of this section, 106900
then full compliance with division (A) (1) (a) of this section 106901
shall be deemed to have been achieved notwithstanding any 106902
provision of this section to the contrary. 106903

(b) If the cumulative energy savings collectively achieved 106904
as determined by the commission under division (G) (1) of this 106905
section is less than seventeen and one-half per cent of the 106906
baseline described in division (G) (1) (b) of this section, then 106907
both of the following shall apply: 106908

(i) The commission shall determine the manner in which 106909
further implementation of energy efficiency programs shall occur 106910
as may be reasonably necessary for collective achievement of 106911
cumulative energy savings equal to seventeen and one-half per 106912
cent, and not more, of the baseline described in division (G) (1) 106913
(b) of this section. 106914

(ii) Full compliance with division (A) (1) (a) of this 106915
section shall be deemed to be achieved as of a date certain 106916
established by the commission notwithstanding any provision of 106917
this section to the contrary. 106918

(3) Upon the date that full compliance with division (A) 106919
(1) (a) of this section is deemed achieved under division (G) (2) 106920

(a) or (b) of this section, any electric distribution utility 106921
cost recovery mechanisms authorized by the commission for 106922
compliance with this section shall terminate except as may be 106923
necessary to reconcile the difference between revenue collected 106924
and the allowable cost of compliance associated with compliance 106925
efforts occurring prior to December 31, 2021, for programs re- 106926
established under section 4928.661 of the Revised Code, and 106927
prior to the date upon which full compliance with division (A) 106928
(1) (a) of this section is deemed achieved, for all other 106929
compliance efforts. No such cost recovery mechanism shall be 106930
authorized by the commission beyond the period of time required 106931
to complete this final reconciliation. 106932

Sec. 4928.75. ~~Beginning in fiscal year 2021 and each~~ 106933
~~fiscal year thereafter, the~~ The director of development job and 106934
family services shall, in each fiscal year, submit a completed 106935
waiver request in accordance with section 96.83 of Title 45 of 106936
the Code of Federal Regulations to the United States department 106937
of health and human services and any other applicable federal 106938
agencies for the state to expend twenty-five per cent of federal 106939
low-income home energy assistance programs funds from the home 106940
energy assistance block grants for weatherization services 106941
allowed by section 96.83(a) of Title 45 of the Code of Federal 106942
Regulations to the United States department of health and human 106943
services. 106944

Sec. 4928.86. (A) Except as provided in division (C) of 106945
this section, each ~~entity~~ public utility, as defined in section 106946
4905.02 of the Revised Code, that owns or controls transmission 106947
facilities located in this state and is not a regional 106948
transmission organization shall create a heat map that includes 106949
both of the following: 106950

(1) For major transmission lines and substations, the 106951
additional power load the lines and substations can take at the 106952
time that the map is created, accounting for all signed electric 106953
service agreements; 106954

(2) The amount of localized generation that can be hosted 106955
on each transmission line. 106956

(B) If a heat map created under this section is not 106957
critical electric infrastructure information, then the ~~entity~~ 106958
utility that created the map shall publish the map on the 106959
~~entity's~~ utility's web site. 106960

(C) The following entities are exempt from the 106961
requirements of this section: 106962

(1) An electric utility owned or operated by a municipal 106963
corporation; 106964

(2) An electric cooperative. 106965

Sec. 4981.02. (A) There is hereby created the Ohio rail 106966
development commission, as an independent agency of the state 106967
within the department of transportation, consisting of the 106968
following members: 106969

(1) Two members of the Ohio senate, one of whom shall be 106970
appointed by and serve at the pleasure of the president of the 106971
senate and one of whom shall be appointed by and serve at the 106972
pleasure of the minority leader of the senate; 106973

(2) Two members of the Ohio house of representatives, one 106974
of whom shall be appointed by and serve at the pleasure of the 106975
speaker of the house of representatives and one of whom shall be 106976
appointed by and serve at the pleasure of the minority leader of 106977
the house of representatives; 106978

(3) Two members representing the general public, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the speaker of the house of representatives;

(4) The director of transportation, or the director's designee, who shall be an ex officio member;

(5) The director of development, or the director's designee, who shall be an ex officio member;

(6) The following members appointed by the governor with the advice and consent of the senate:

(a) One member, who shall serve as chairperson of the commission until October 21, 2025, or an earlier date if the member resigns or otherwise leaves office;

(b) ~~One member~~ Two members, who shall represent the interests of a freight rail company. One such member shall represent a class I railroad and one such member shall represent a class II or class III railroad, as defined by the surface transportation board under 49 C.F.R. 1201;

~~(c) One member, who shall represent the interests of passenger rail service;~~

~~(d)~~ One member, who shall have expertise in infrastructure financing;

~~(e)~~ (d) One member, who shall represent the interests of organized labor;

~~(f)~~ (e) One member, who shall represent the interests of manufacturers;

~~(g)~~ (f) One member who shall represent the general public,

subject to division (B) of this section. 107006

(B) Beginning on October 21, 2025, or at an earlier date 107007
if there is a vacancy in the position of chairperson, the 107008
director of transportation or the director's designee shall 107009
serve as the chairperson of the commission. Upon the director or 107010
director's designee assuming the position of chairperson, the 107011
governor shall appoint an additional member to the commission to 107012
represent the general public. 107013

(C) All members shall be reimbursed for actual expenses 107014
incurred in the performance of their duties. The members of the 107015
commission from the Ohio senate and the Ohio house of 107016
representatives shall serve as nonvoting members. No more than 107017
four members of the seven appointed to the commission by the 107018
governor shall be from the same political party. Each member of 107019
the commission shall be a resident of this state.—, except for 107020
the two members appointed under division (A) (6) (b) of this 107021
section who may be nonresidents with a substantial connection to 107022
freight rail operations in Ohio. 107023

(D) Within sixty days after October 20, 1994, the governor 107024
shall make initial appointments to the commission. Of the 107025
initial appointments made to the commission, three shall be for 107026
a term ending three years after October 20, 1994, and three 107027
shall be for a term ending six years after that date. Terms for 107028
all other appointments made to the commission shall be for six 107029
years. Vacancies shall be filled in the manner provided for 107030
original appointments. Any member appointed to fill a vacancy 107031
shall have the same qualifications as the member's predecessor. 107032
Each term shall end on the same day of the same month of the 107033
year as did the term which it succeeds. Each appointed member 107034
shall hold office from the date of the member's appointment 107035

until the end of the term for which the member was appointed. 107036
Any member appointed to fill a vacancy before the expiration of 107037
the term for which the member's predecessor was appointed shall 107038
hold office for the remainder of that term. Any appointed member 107039
shall continue in office subsequent to the expiration date of 107040
the member's term until the member's successor takes office, or 107041
for a period of sixty days, whichever occurs first. All members 107042
shall be eligible for reappointment. 107043

(E) The commission may employ an executive director, who 107044
shall have appropriate experience as determined by the 107045
commission, and a secretary-treasurer and other employees that 107046
the commission considers appropriate. The commission may fix the 107047
compensation of the employees. 107048

(F) Six members of the commission shall constitute a 107049
quorum, and the affirmative vote of six members shall be 107050
necessary for any action taken by the commission. No vacancy in 107051
the membership of the commission shall impair the rights of a 107052
quorum to exercise all the rights and perform all the duties of 107053
the commission. 107054

(G) All members of the commission are subject to Chapter 107055
102. of the Revised Code. 107056

(H) The department of transportation may use all 107057
appropriate sources of revenue to assist the commission in 107058
developing and implementing rail service. 107059

(I) Expenditures by the department of transportation, the 107060
Ohio rail development commission, or any other state agency for 107061
capital improvements for the development of passenger rail shall 107062
be subject to the approval of the controlling board with an 107063
affirmative vote of not fewer than five members, including the 107064

affirmative vote of a majority of the controlling board members 107065
appointed by the president of the senate and a majority of the 107066
controlling board members appointed by the speaker of the house 107067
of representatives. All public funds acquired by the commission 107068
shall be used for developing, implementing, and regulating rail 107069
service and not for operating rail service unless the general 107070
assembly specifically approves the expenditure of funds for 107071
operating rail service. 107072

Sec. 5101.042. (A) As used in this section, "public 107073
assistance benefits" means all of the following: 107074

(1) Supplemental nutrition assistance program benefits; 107075

(2) Benefits funded in part by the temporary assistance 107076
for needy families block grant; 107077

(3) Cash assistance provided through the Ohio works first 107078
program; 107079

(4) Benefits provided by the medicaid program; 107080

(5) Publicly funded child care as defined in section 107081
5104.01 of the Revised Code. 107082

(B) The department of job and family services shall update 107083
the systems used by the department and by county departments of 107084
job and family services to determine eligibility for public 107085
assistance benefits programs. The updates shall include a 107086
mechanism by which application information input by individual 107087
caseworkers may be tracked and audited and shall require county 107088
departments of job and family services to provide caseworker 107089
training regarding improper determinations. 107090

Sec. 5101.101. (A) This section establishes the order of 107091
priority to be followed by the department of job and family 107092

services when distributing funds for the purpose of providing 107093
family planning services, including funds the department 107094
receives through Title XX of the "Social Security Act," 88 Stat. 107095
2337 (1974), 42 U.S.C. 1397, as amended, and funds the 107096
department receives through Title IV-A of the "Social Security 107097
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be 107098
used for purposes of providing Title XX social services. This 107099
section does not apply to payments made under the medicaid 107100
program. 107101

(B) With respect to each period during which funds from a 107102
particular source are distributed for the purpose of providing 107103
family planning services, the department is subject to both of 107104
the following when distributing the funds to applicants seeking 107105
those funds: 107106

(1) Foremost priority shall be given to public entities 107107
that are operated by state or local government entities and that 107108
provide or are able to provide family planning services. 107109

(2) If any funds remain after the department distributes 107110
funds to public entities under division (B) (1) of this section, 107111
the department may distribute funds to nonpublic entities. If 107112
funds are distributed to nonpublic entities, the department 107113
shall distribute the funds in the following order of descending 107114
priority: 107115

(a) Nonpublic entities that are federally qualified health 107116
centers or federally qualified health center look-alikes, both 107117
as defined in section 3701.047 of the Revised Code, or community 107118
action agencies, as defined in section ~~122.66~~ 5101.311 of the 107119
Revised Code; 107120

(b) Nonpublic entities that provide comprehensive primary 107121

and preventive care services in addition to family planning 107122
services; 107123

(c) Nonpublic entities that provide family planning 107124
services, but do not provide comprehensive primary and 107125
preventive care services. 107126

Sec. 5101.211. The director of job and family services or 107127
the director of children and youth may provide for a grant 107128
agreement entered into under section 5101.21 of the Revised Code 107129
to have a retroactive effective date of the first day of July of 107130
an odd-numbered year if both of the following are the case: 107131

(A) The agreement is entered into after that date and 107132
before the last day of that July. 107133

(B) The board of county commissioners requests the 107134
retroactive effective date and provides the director good cause 107135
satisfactory to the director for the reason the agreement was 107136
not entered into on or before the first day of that July. 107137

Sec. 5101.212. The department of job and family services 107138
or the director of children and youth shall publish in a manner 107139
accessible to the public all of the following that concern 107140
family services duties for which grants included in grant 107141
agreements entered into under section 5101.21 of the Revised 107142
Code are awarded: state plans for receipt of federal financial 107143
participation, agreements between the department and a federal 107144
agency, and executive orders issued by the governor. The 107145
department may publish the materials electronically or 107146
otherwise. 107147

Sec. 5101.215. If the director of job and family services 107148
or the director of children and youth enters into an agreement 107149
or contracts with, or issues a grant to, a religious 107150

organization under section 5101.214 of the Revised Code, the 107151
religious organization shall comply with section 104 of the 107152
Personal Responsibility and Work Opportunity and Reconciliation 107153
Act of 1996 (P.L. 104-193). 107154

Sec. 5101.222. The director of job and family services or 107155
the director of children and youth may adopt rules in accordance 107156
with section 111.15 of the Revised Code to implement sections 107157
5101.22 to 5101.222 of the Revised Code. If the director adopts 107158
the rules, the director shall adopt the rules as if they were 107159
internal management rules. 107160

Sec. 5101.242. The department of job and family services 107161
or the director of children and youth may certify a claim to the 107162
attorney general under section 131.02 of the Revised Code for 107163
the attorney general to take action under that section against a 107164
responsible county grantee or responsible entity to recover any 107165
funds that the department determines the responsible county 107166
grantee or responsible entity owes the department for actions 107167
taken under division (C) (2), (3), (4), or (5) of section 5101.24 107168
or 5101.241 of the Revised Code. 107169

Sec. 5101.26. As used in this section and in sections 107170
5101.27 to 5101.30 of the Revised Code: 107171

(A) "Community control sanction" has the same meaning as 107172
in section 2929.01 of the Revised Code. 107173

(B) "County agency" means a county department of job and 107174
family services or a public children services agency. 107175

(C) "Fugitive felon" means an individual who is fleeing to 107176
avoid prosecution, or custody or confinement after conviction, 107177
under the laws of the place from which the individual is 107178
fleeing, for a crime or an attempt to commit a crime that is a 107179

felony under the laws of the place from which the individual is 107180
fleeing or, in the case of New Jersey, a high misdemeanor, 107181
regardless of whether the individual has departed from the 107182
individual's usual place of residence. 107183

(D) "Information" means records as defined in section 107184
149.011 of the Revised Code, any other documents in any format, 107185
and data derived from records and documents that are generated, 107186
acquired, or maintained by the department of job and family 107187
services, the department of children and youth, a county agency, 107188
or an entity performing duties on behalf of the department or a 107189
county agency. 107190

(E) "Law enforcement agency" has the same meaning as in 107191
section 109.573 of the Revised Code. 107192

(F) "Post-release control sanction" has the same meaning 107193
as in section 2967.01 of the Revised Code. 107194

(G) "Public assistance" means financial assistance or 107195
social services that are provided under a program administered 107196
by the department of job and family services, department of 107197
children and youth, or a county agency pursuant to Chapter 329., 107198
5101., 5104., 5107., or 5108. of the Revised Code or an 107199
executive order issued under section 107.17 of the Revised Code. 107200
"Public assistance" does not mean medical assistance provided 107201
under a medical assistance program, as defined in section 107202
5160.01 of the Revised Code. 107203

(H) "Public assistance recipient" means an applicant for 107204
or recipient or former recipient of public assistance. 107205

(I) "Publicly funded child care" has the same meaning as 107206
in section 5104.01 of the Revised Code. 107207

(J) "Tuberculosis control unit" means the county 107208

tuberculosis control unit designated by a board of county 107209
commissioners under section 339.72 of the Revised Code or the 107210
district tuberculosis control unit designated pursuant to an 107211
agreement entered into by two or more boards of community 107212
commissioners under that section. 107213

Sec. 5101.272. (A) For the purposes of section 5101.27 of 107214
the Revised Code, an authorization shall be made on a form that 107215
uses language understandable to the average person and contains 107216
all of the following: 107217

(1) A description of the information to be used or 107218
disclosed that identifies the information in a specific and 107219
meaningful fashion; 107220

(2) The name or other specific identification of the 107221
person or class of persons authorized to make the requested use 107222
or disclosure; 107223

(3) The name or other specific identification of the 107224
person or governmental entity to which the information may be 107225
released; 107226

(4) A description of each purpose of the requested use or 107227
disclosure of the information; 107228

(5) The date on which the authorization expires or an 107229
event related either to the individual who is the subject of the 107230
request or to the purposes of the requested use or disclosure, 107231
the occurrence of which will cause the authorization to expire; 107232

(6) A statement that the information used or disclosed 107233
pursuant to the authorization may be disclosed by the recipient 107234
of the information and may no longer be protected from 107235
disclosure; 107236

(7) The signature of the individual or the individual's 107237
authorized representative and the date on which the 107238
authorization was signed; 107239

(8) If signed by an authorized representative, a 107240
description of the representative's authority to act for the 107241
individual; 107242

(9) A statement of the individual or authorized 107243
representative's right to prospectively revoke the written 107244
authorization in writing, along with one of the following: 107245

(a) A description of how the individual or authorized 107246
representative may revoke the authorization; 107247

(b) If the department of job and family services' or 107248
department of children and youth's privacy notice contains a 107249
description of how the individual or authorized representative 107250
may revoke the authorization, a reference to that privacy 107251
notice. 107252

(10) A statement that treatment, payment, enrollment, or 107253
eligibility for public assistance cannot be conditioned on 107254
signing the authorization unless the authorization is necessary 107255
for determining eligibility for the public assistance program. 107256

(B) When an individual requests information pursuant to 107257
section 5101.27 of the Revised Code regarding the individual's 107258
receipt of public assistance and does not wish to provide a 107259
statement of purpose, the statement "at request of the 107260
individual" is a sufficient description for purposes of division 107261
(A) (4) of this section. 107262

Sec. 5101.273. The department of job and family services 107263
or the department of children and youth shall enter into any 107264
necessary agreements with the United States department of health 107265

and human services and neighboring states to join and 107266
participate as an active member in the public assistance 107267
reporting information system. The department may disclose 107268
information regarding a public assistance recipient to the 107269
extent necessary to participate as an active member in the 107270
public assistance reporting information system. 107271

Sec. 5101.28. (A) (1) On request of the department of job 107272
and family services, the department of children and youth, or a 107273
county agency, a law enforcement agency shall provide 107274
information regarding public assistance recipients to enable the 107275
department of job and family services, department of children 107276
and youth, or county agency to determine, for eligibility 107277
purposes, whether a recipient or a member of a recipient's 107278
assistance group is a fugitive felon or violating a condition of 107279
probation, a community control sanction, parole, or a post- 107280
release control sanction imposed under state or federal law. 107281

(2) A county agency may enter into a written agreement 107282
with a local law enforcement agency establishing procedures 107283
concerning access to information and providing for compliance 107284
with this section. 107285

(B) To the extent permitted by federal law, the department 107286
of job and family services, department of children and youth, 107287
and county agencies shall provide information regarding 107288
recipients of public assistance to a law enforcement agency on 107289
request for use in the performance of the law enforcement 107290
agency's official duties. 107291

(C) Information about a public assistance recipient shall 107292
be exchanged, obtained, or shared only if the department of job 107293
and family services, department of children and youth, county 107294
agency, or law enforcement agency requesting the information 107295

gives sufficient information to specifically identify the 107296
recipient. In addition to the recipient's name, identifying 107297
information may include the recipient's current or last known 107298
address, social security number, other identifying number, age, 107299
gender, physical characteristics, any information specified in 107300
an agreement entered into under division (A) of this section, or 107301
any information considered appropriate by the department of job 107302
and family services, department of children and youth or agency. 107303

(D) (1) The department of job and family services, 107304
department of children and youth, and ~~its~~ each department's 107305
officers and employees are not liable in damages in a civil 107306
action for any injury, death, or loss to person or property that 107307
allegedly arises from the release of information in accordance 107308
with divisions (A), (B), and (C) of this section. This section 107309
does not affect any immunity or defense that the department of 107310
job and family services, department of children and youth, and 107311
~~its~~ each department's officers and employees may be entitled to 107312
under another section of the Revised Code or the common law of 107313
this state, including section 9.86 of the Revised Code. 107314

(2) The county agencies and their employees are not liable 107315
in damages in a civil action for any injury, death, or loss to 107316
person or property that allegedly arises from the release of 107317
information in accordance with divisions (A), (B), and (C) of 107318
this section. "Employee" has the same meaning as in division (B) 107319
of section 2744.01 of the Revised Code. This section does not 107320
affect any immunity or defense that the county agencies and 107321
their employees may be entitled to under another section of the 107322
Revised Code or the common law of this state, including section 107323
2744.02 and division (A) (6) of section 2744.03 of the Revised 107324
Code. 107325

(E) To the extent permitted by federal law, the department 107326
of job and family services, department of children and youth, 107327
and county agencies shall provide access to information to the 107328
auditor of state acting pursuant to Chapter 117. or sections 107329
5101.181 and 5101.182 of the Revised Code and to any other 107330
government entity authorized by federal law to conduct an audit 107331
of, or similar activity involving, a public assistance program. 107332

(F) To the extent permitted by law, nothing in this 107333
section prohibits the department of job and family services, the 107334
department of children and youth, county departments of job and 107335
family services, and employees of the departments from reporting 107336
to a public children services agency or other appropriate agency 107337
information on known or suspected physical or mental injury, 107338
sexual abuse or exploitation, or negligent treatment or 107339
maltreatment, of a child. 107340

Sec. 5101.30. (A) The director of job and family services 107341
and the director of children and youth shall adopt rules in 107342
accordance with Chapter 119. of the Revised Code implementing 107343
sections 5101.26 to 5101.30 of the Revised Code and governing 107344
the custody, use, disclosure, and preservation of the 107345
information generated or received by the department of job and 107346
family services, the department of children and youth, county 107347
agencies, other state and county entities, contractors, 107348
grantees, private entities, or officials participating in the 107349
administration of public assistance programs. The rules shall 107350
comply with applicable federal statutes and regulations. 107351

(1) The rules shall specify conditions and procedures for 107352
the release of information which may include, among other 107353
conditions and procedures, both of the following: 107354

(a) Permitting providers of services or assistance under 107355

public assistance programs limited access to information that is 107356
essential for the providers to render services or assistance or 107357
to bill for services or assistance rendered. The department of 107358
aging, when investigating a complaint under section 173.20 of 107359
the Revised Code, shall be granted any limited access permitted 107360
in the rules pursuant to division (A)(1) of this section. 107361

(b) Permitting a contractor, grantee, or other state or 107362
county entity limited access to information that is essential 107363
for the contractor, grantee, or entity to perform administrative 107364
or other duties on behalf of the department or county agency. A 107365
contractor, grantee, or entity given access to information 107366
pursuant to division (A)(2) of this section is bound by the 107367
director's rules, and disclosure of the information by the 107368
contractor, grantee, or entity in a manner not authorized by the 107369
rules is a violation of section 5101.27 of the Revised Code. 107370

(2) The rules may define who is an "authorized 107371
representative" for purposes of sections 5101.27 and 5101.272 of 107372
the Revised Code. 107373

(B) Whenever names, addresses, or other information 107374
relating to public assistance recipients is held by any agency 107375
other than the department or a county agency, that other agency 107376
shall adopt rules consistent with sections 5101.26 to 5101.30 of 107377
the Revised Code to prevent the publication or disclosure of 107378
names, lists, or other information concerning those recipients. 107379

Sec. ~~122.66~~ 5101.311. As used in sections ~~122.66~~ 5101.311 107380
to ~~122.702~~ 5101.317 of the Revised Code: 107381

(A) "Poverty line" means the official poverty line 107382
established by the director of the United States office of 107383
management and budget and as revised by the secretary of health 107384

and human services in accordance with section 673(2) of the 107385
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 107386
9902. 107387

(B) "Low-income person" means a person whose adjusted 107388
gross income as defined in division (A) of section 5747.01 of 107389
the Revised Code is below the poverty line as defined in 107390
division (A) of this section. 107391

(C) "Advocacy" means the act of pleading for, supporting, 107392
or recommending actions on behalf of low-income persons. 107393

(D) "Community action agency" means a community-based and 107394
operated private nonprofit agency or organization incorporated 107395
under Chapter 1702. of the Revised Code that includes or is 107396
designed to include a sufficient number of projects or 107397
components to provide a range of services and activities having 107398
a measurable and potentially major impact on the causes of 107399
poverty in the community or those areas of the community where 107400
poverty is a particularly acute problem and is designated as a 107401
community action agency by the ~~community services division~~ 107402
department of job and family services pursuant to sections 107403
~~122.68-5101.313~~ and ~~122.69-5101.315~~ of the Revised Code. A 107404
"community action agency" is not a state agency or public 107405
office. 107406

(E) "Community" means a city, village, county, multicity 107407
or multicounty unit, a neighborhood or other area, disregarding 107408
boundaries or political subdivisions, which provides a suitable 107409
organizational base and possesses a commonality of needs and 107410
interests for a community action program suitable to be served 107411
by a community action agency. 107412

(F) "Service area" means the geographical area served by a 107413

community action agency. 107414

Sec. ~~122.67~~ 5101.312. ~~There is hereby created in the~~ 107415
~~development services agency the community services division.~~ The 107416
director of ~~development services~~ job and family services shall 107417
employ and fix the compensation of professional and technical 107418
unclassified personnel as necessary to carry out the provisions 107419
of sections ~~122.66~~ 5101.311 to ~~122.701~~ 5101.317 of the Revised 107420
Code. 107421

Sec. ~~122.68~~ 5101.313. ~~The community services division~~ 107422
department of job and family services shall: 107423

(A) Administer all federal funds appropriated to the state 107424
from the "Community Services Block Grant Act," 95 Stat. 511, 42 107425
U.S.C.A. 9901, and comply with requirements imposed by that act 107426
in its application for, and administration of, the funds; 107427

(B) Designate community action agencies to receive 107428
community services block grant funds; 107429

(C) (1) Subject to division (C) (2) of this section, 107430
disburse at least ninety-one per cent of the funds received in 107431
the state from the "Community Services Block Grant Act" to 107432
community action agencies that comply with the requirements of 107433
section ~~122.69~~ 5101.315 of the Revised Code and migrant and 107434
seasonal farm worker organizations that are not designated 107435
community action agencies but which provide the services 107436
described in division (B) (1) of section ~~122.69~~ 5101.315 of the 107437
Revised Code; 107438

(2) Disburse at least four and one-half per cent of the 107439
funds received in the state from the "Community Services Block 107440
Grant Act" to one or more nonprofit organizations to which both 107441
of the following apply: 107442

(a) The organization or organizations were incorporated 107443
under the laws of this state before January 1, 2015. 107444

(b) The primary purpose of the organization or 107445
organizations is to provide training and technical assistance to 107446
community action agencies that comply with the requirements of 107447
section ~~122.69~~5101.315 of the Revised Code. 107448

(D) Provide technical assistance to community action 107449
agencies to improve program planning, development, and 107450
administration; 107451

(E) Conduct yearly performance assessments, according to 107452
criteria determined by ~~development services agency~~ department of
job and family services rule, to determine whether community 107453
action agencies are in compliance with section ~~122.69~~5101.315 107454
of the Revised Code; 107455
107456

(F) Annually prepare and submit to the United States 107457
secretary of health and human services, the governor, the 107458
president of the Ohio senate, and the speaker of the Ohio house 107459
of representatives, a comprehensive report that includes: 107460

(1) Certification that all community action agencies 107461
designated to receive funds from the "Community Services Block 107462
Grant Act" are in compliance with section ~~122.69~~5101.315 of the 107463
Revised Code; 107464

(2) A program plan for the next federal fiscal year that 107465
has been made available for public inspection and that details 107466
how community services block grant funds will be disbursed and 107467
used during that fiscal year; 107468

(3) Information detailing how funds were expended for the 107469
current fiscal year; 107470

(4) An audit of community services block grant expenditures for the preceding federal fiscal year that is conducted in accordance with generally accepted accounting principles by an independent auditing firm that has no connection with any community action agency receiving community services block grant funds or with any employee of the division.

(G) Serve as a statewide advocate for social and economic opportunities for low-income persons.

Sec. ~~122.681~~ 5101.314. (A) Except as permitted by this section, or when required by federal law, no person or government entity shall solicit, release, disclose, receive, use, or knowingly permit or participate in the use of any information regarding an individual receiving assistance pursuant to a ~~community services division~~ department of job and family services program under sections ~~122.66~~ 5101.311 to ~~122.702~~ 5101.317 of the Revised Code for any purpose not directly related to the administration of a ~~division~~ department assistance program.

(B) To the extent permitted by federal law, the ~~division~~ department, and any entity that receives ~~division~~ department funds to administer a ~~division~~ department program to assist individuals, shall release information regarding an individual assistance recipient to the following:

(1) A government entity responsible for administering the assistance program for purposes directly related to the administration of the program;

(2) A law enforcement agency for the purpose of any investigation, prosecution, or criminal or civil proceeding relating to the administration of the assistance program;

(3) A government entity responsible for administering a 107500
children's protective services program, for the purpose of 107501
protecting children; 107502

(4) Any appropriate person in compliance with a search 107503
warrant, subpoena, or other court order. 107504

(C) To the extent permitted by federal law and section 107505
1347.08 of the Revised Code, the ~~division~~department, and any 107506
entity administering a ~~division~~department program, shall 107507
provide access to information regarding an individual assistance 107508
recipient to all of the following: 107509

(1) The individual assistance recipient; 107510

(2) The authorized representative of the individual 107511
assistance recipient; 107512

(3) The legal guardian of the individual assistance 107513
recipient; 107514

(4) The attorney of the individual assistance recipient. 107515

(D) To the extent permitted by federal law, the 107516
~~division~~department, and any entity administering a ~~division~~ 107517
department program, may do either of the following: 107518

(1) Release information about an individual assistance 107519
recipient if the recipient gives voluntary, written 107520
authorization; 107521

(2) Release information regarding an individual assistance 107522
recipient to a state, federal, or federally assisted program 107523
that provides cash or in-kind assistance or services directly to 107524
individuals based on need. 107525

(E) The ~~community services division~~department of job and 107526

family services, or an entity administering a ~~division~~
department program, shall provide, at no cost, a copy of each
written authorization to the individual who signed it.

(F) The ~~development services agency~~ department may adopt
rules defining who may serve as an individual assistance
recipient's authorized representative for purposes of division
(C) (2) of this section.

Sec. ~~122.69~~ 5101.315. (A) Any nonprofit agency or
organization seeking designation as a community action agency by
the ~~community services division~~ department of job and family
services shall obtain the endorsement of the chief elected
officials of at least two-thirds of the municipal corporations
and the counties within the community to be served by the agency
or organization.

(B) Any nonprofit agency or organization that receives the
endorsement provided for in division (A) of this section shall
be designated by the ~~division~~ department as the community action
agency for the community it serves and shall receive community
services block grant funds for any period of time that the
nonprofit agency or organization:

(1) Provides a range of services and opportunities having
a measurable and potentially major impact on the causes of
poverty in the community or those areas of the community where
poverty is a particularly acute problem. These activities may
include but shall not be limited to:

(a) Providing activities designed to assist low-income
persons, including low-income persons who are elderly and who
have disabilities, to:

(i) Secure and maintain meaningful employment, training,

work experience, and unsubsidized employment;	107556
(ii) Attain an adequate education;	107557
(iii) Make better use of available income;	107558
(iv) Obtain and maintain adequate housing and a suitable living environment;	107559 107560
(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;	107561 107562 107563 107564
(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency;	107565 107566
(vii) Achieve greater participation in the affairs of the community;	107567 107568
(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions;	107569 107570
(ix) Obtain energy assistance, conservation, and weatherization services.	107571 107572
(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons;	107573 107574 107575 107576
(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals;	107577 107578 107579
(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth	107580 107581 107582

development services, and community services to persons who are 107583
elderly and who have disabilities; 107584

(e) Encouraging entities in the private sector to 107585
participate in efforts to ameliorate poverty in the community. 107586

(2) Annually submits to the ~~division~~department a program 107587
plan and budget for use of community services block grant funds 107588
for the next federal fiscal year. At least ten days prior to its 107589
submission to the ~~division~~department, a copy of the program plan 107590
and budget shall be made available to the chief elected 107591
officials of the municipal corporations and counties within the 107592
service area in order to provide them the opportunity to review 107593
and comment upon such plan and budget. 107594

(3) Composes its board of directors in compliance with 107595
~~section (c) (3) of section 675 of the "Community Services Block~~ 107596
~~Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904~~U.S.C. 9910, except 107597
that the board shall consist of not less than fifteen nor more 107598
than thirty-three members; 107599

(4) Complies with the prohibitions against discrimination 107600
and political activity, as provided in the "Community Services 107601
Block Grant Act"; 107602

(5) Complies with fiscal and program requirements 107603
established by ~~development services agency~~department rule. 107604

Sec. ~~122.70~~ 5101.316. The board of directors of a 107605
community action agency shall: 107606

(A) Select, appoint, and may remove the executive director 107607
of the community action agency; 107608

(B) Approve contracts, annual program budgets, and 107609
policies of the community action agency; 107610

(C) Advise the elected officials of any political subdivision located within its service area, and state and federal elected officials who represent its service area, of the nature and extent of poverty within its community, and advise them of any needed changes;

(D) Convene public meetings to provide community members the opportunity to comment on public policies and programs to reduce poverty;

(E) Annually evaluate the policies and programs of the community action agency according to criteria determined by ~~department of development~~ department of job and family services rule;

(F) Submit the results of the evaluation required by division (E) of this section, along with recommendations for improved administration of the community action agency, to the ~~community services division~~ department;

(G) Adopt a code of ethics for the board of directors and the employees of the community action agency;

(H) Adopt written policies describing all of the following:

(1) How the community action agency is to expend and distribute the community services block grant funds that it receives from the division under sections ~~122.68~~ 5101.313 and ~~122.69~~ 5101.315 of the Revised Code;

(2) The salary, benefits, travel expenses, and any other compensation that persons are to receive for serving on the community action agency's board of directors;

(3) The operating procedures to be used by the board to

conduct its meetings, to vote on all official business it 107639
considers, and to provide notice of its meetings. 107640

The written operating procedures described in this 107641
division shall specify the methods by which the board may 107642
conduct meetings using virtual electronic technology, and shall 107643
specify that the board may provide notice of its meetings by any 107644
means deemed appropriate to the board. 107645

(I) Provide for the posting of notices in a conspicuous 107646
place indicating that the code of ethics described in division 107647
(G) of this section and the policies described in division (H) 107648
of this section are available for public inspection at the 107649
community action agency during normal business hours. 107650

Sec. ~~122.701~~ 5101.317. (A) Prior to designating a new 107651
community action agency or rescinding a community action 107652
agency's designation, the ~~community services division~~ department
of job and family services shall: 107653
107654

(1) Determine whether a community action agency is in 107655
compliance with section ~~122.69~~ 5101.315 of the Revised Code; 107656

(2) Consult with the chief elected officials of political 107657
subdivisions located within a community action agency's service 107658
area, and, in designating a new community action agency, obtain 107659
their endorsement of the agency in accordance with division (A) 107660
of section ~~122.69~~ 5101.315 of the Revised Code; 107661

(3) Hold at least one public meeting within a community 107662
action agency's service area for the purpose of allowing 107663
citizens to comment on the community action agency's delivery of 107664
services; 107665

(4) Evaluate the proposed service area of the community 107666
action agency, and, as may be necessary, modify the boundaries 107667

of the service area so that low-income persons in the area are 107668
adequately and efficiently served. 107669

(B) After providing notice and hearing pursuant to 107670
sections 119.01 to 119.13 of the Revised Code, the director of 107671
~~development~~ job and family services: 107672

(1) May rescind the designation of a community action 107673
agency after finding that the agency is not in compliance with 107674
any or all of the provisions of section ~~122.69~~ 5101.315 of the 107675
Revised Code; 107676

(2) Shall rescind the designation of a community action 107677
agency upon notification from the chief elected officials of 107678
more than one-half of the municipal corporations and the 107679
counties within a community currently served by a community 107680
action agency that such agency is not endorsed by them and after 107681
finding that the agency is not in compliance with section ~~122.69~~ 107682
5101.315 of the Revised Code. 107683

Any agency whose designation is rescinded pursuant to this 107684
section may appeal from an order rescinding such designation 107685
pursuant to section 119.12 of the Revised Code. 107686

Sec. 5101.33. (A) As used in this section, "benefits" 107687
means any of the following: 107688

(1) Cash assistance paid under Chapter 5107. of the 107689
Revised Code; 107690

(2) Supplemental nutrition assistance program benefits 107691
provided under section 5101.54 of the Revised Code; 107692

(3) Any other program administered by the department of 107693
job and family services or the department of children and youth 107694
under which assistance is provided or service rendered; 107695

(4) Any other program, service, or assistance administered 107696
by a person or government entity that the department determines 107697
may be delivered through the medium of electronic benefit 107698
transfer. 107699

(B) The department of job and family services or 107700
department of children and youth may make any payment or 107701
delivery of benefits to eligible individuals through the medium 107702
of electronic benefit transfer by doing all of the following: 107703

(1) Contracting with an agent to supply debit cards to the 107704
department of job and family services or the department of 107705
children and youth for use by such individuals in accessing 107706
their benefits and to credit such cards electronically with the 107707
amounts specified by the director of job and family services or 107708
the director of children and youth pursuant to law; 107709

(2) Informing such individuals about the use of the 107710
electronic benefit transfer system and furnishing them with 107711
debit cards and information that will enable them to access 107712
their benefits through the system; 107713

(3) Arranging with specific financial institutions or 107714
vendors, county departments of job and family services, or 107715
persons or government entities for individuals to have their 107716
cards credited electronically with the proper amounts at their 107717
facilities; 107718

(4) Periodically preparing vouchers for the payment of 107719
such benefits by electronic benefit transfer; 107720

(5) Satisfying any applicable requirements of federal and 107721
state law. 107722

(C) The department may enter into a written agreement with 107723
any person or government entity to provide benefits administered 107724

by that person or entity through the medium of electronic 107725
benefit transfer. A written agreement may require the person or 107726
government entity to pay to the department either or both of the 107727
following: 107728

(1) A charge that reimburses the department for all costs 107729
the department incurs in having the benefits administered by the 107730
person or entity provided through the electronic benefit 107731
transfer system; 107732

(2) A fee for having the benefits provided through the 107733
electronic benefit transfer system. 107734

(D) The department may designate which counties will 107735
participate in the medium of electronic benefit transfer, 107736
specify the date a designated county will begin participation, 107737
and specify which benefits will be provided through the medium 107738
of electronic benefit transfer in a designated county. 107739

(E) The department of job and family services or the 107740
department of children and youth may adopt rules in accordance 107741
with Chapter 119. of the Revised Code for the efficient 107742
administration of this section. 107743

Sec. 5101.35. (A) As used in this section: 107744

(1) (a) "Agency" means the following entities that 107745
administer a family services program: 107746

(i) The department of job and family services; 107747

(ii) The department of children and youth; 107748

(iii) A county department of job and family services; 107749

(iv) A public children services agency; 107750

(v) A private or government entity administering, in whole 107751

or in part, a family services program for or on behalf of the 107752
department of job and family services, the department of 107753
children and youth, or a county department of job and family 107754
services or public children services agency. 107755

(b) If the department of medicaid contracts with the 107756
department of job and family services to hear appeals authorized 107757
by section 5160.31 of the Revised Code regarding medical 107758
assistance programs, "agency" includes the department of 107759
medicaid. 107760

(2) "Appellant" means an applicant, participant, former 107761
participant, recipient, or former recipient of a family services 107762
program who is entitled by federal or state law to a hearing 107763
regarding a decision or order of the agency that administers the 107764
program. 107765

(3) (a) "Family services program" means all of the 107766
following: 107767

(i) A Title IV-A program as defined in section 5101.80 of 107768
the Revised Code; 107769

(ii) Programs that provide assistance under Chapter 5104. 107770
of the Revised Code; 107771

(iii) Programs that provide assistance under section 107772
~~5101.141~~, 5101.461, 5101.54, 5119.41, 5153.163, ~~or~~ 5153.165, or 107773
5180.42 of the Revised Code; 107774

(iv) Title XX social services provided under section 107775
5101.46 of the Revised Code, other than such services provided 107776
by the department of mental health and addiction services, the 107777
department of developmental disabilities, a board of alcohol, 107778
drug addiction, and mental health services, or a county board of 107779
developmental disabilities. 107780

(b) If the department of medicaid contracts with the 107781
department of job and family services to hear appeals authorized 107782
by section 5160.31 of the Revised Code regarding medical 107783
assistance programs, "family services program" includes medical 107784
assistance programs. 107785

(4) "Medical assistance program" has the same meaning as 107786
in section 5160.01 of the Revised Code. 107787

(B) Except as provided by divisions (G) and (H) of this 107788
section, an appellant who appeals under federal or state law a 107789
decision or order of an agency administering a family services 107790
program shall, at the appellant's request, be granted a state 107791
hearing by the department of job and family services or the 107792
department of children and youth, as appropriate. This state 107793
hearing shall be conducted in accordance with rules adopted 107794
under this section. The state hearing shall be recorded, but 107795
neither the recording nor a transcript of the recording shall be 107796
part of the official record of the proceeding. Except as 107797
provided in section 5160.31 of the Revised Code, a state hearing 107798
decision is binding upon the agency and department, unless it is 107799
reversed or modified on appeal to the director of job and family 107800
services, director of children and youth, or a court of common 107801
pleas. 107802

(C) Except as provided by division (G) of this section, an 107803
appellant who disagrees with a state hearing decision may make 107804
an administrative appeal to the director of job and family 107805
services or director of children and youth in accordance with 107806
rules adopted under this section. This administrative appeal 107807
does not require a hearing, but the director or the director's 107808
designee shall review the state hearing decision and previous 107809
administrative action and may affirm, modify, remand, or reverse 107810

the state hearing decision. An administrative appeal decision is 107811
the final decision of the department and, except as provided in 107812
section 5160.31 of the Revised Code, is binding upon the 107813
department and agency, unless it is reversed or modified on 107814
appeal to the court of common pleas. 107815

(D) An agency shall comply with a decision issued pursuant 107816
to division (B) or (C) of this section within the time limits 107817
established by rules adopted under this section. If a county 107818
department of job and family services or a public children 107819
services agency fails to comply within these time limits, the 107820
department may take action pursuant to section 5101.24 of the 107821
Revised Code. If another agency, other than the department of 107822
medicaid, fails to comply within the time limits, the department 107823
may force compliance by withholding funds due the agency or 107824
imposing another sanction established by rules adopted under 107825
this section. 107826

(E) An appellant who disagrees with an administrative 107827
appeal decision of the director of job and family services, the 107828
director of children and youth, or either director's designee 107829
issued under division (C) of this section may appeal from the 107830
decision to the court of common pleas pursuant to section 119.12 107831
of the Revised Code. The appeal shall be governed by section 107832
119.12 of the Revised Code except that: 107833

(1) The person may apply to the court for designation as 107834
an indigent and, if the court grants this application, the 107835
appellant shall not be required to furnish the costs of the 107836
appeal. 107837

(2) The appellant shall mail the notice of appeal to the 107838
department of job and family services or director of children 107839
and youth, as appropriate, and file notice of appeal with the 107840

court within thirty days after the department mails the 107841
administrative appeal decision to the appellant. For good cause 107842
shown, the court may extend the time for mailing and filing 107843
notice of appeal, but such time shall not exceed six months from 107844
the date the department mails the administrative appeal 107845
decision. Filing notice of appeal with the court shall be the 107846
only act necessary to vest jurisdiction in the court. 107847

(3) The department shall be required to file a transcript 107848
of the testimony of the state hearing with the court only if the 107849
court orders the department to file the transcript. The court 107850
shall make such an order only if it finds that the department 107851
and the appellant are unable to stipulate to the facts of the 107852
case and that the transcript is essential to a determination of 107853
the appeal. The department shall file the transcript not later 107854
than thirty days after the day such an order is issued. 107855

(F) The department of job and family service and 107856
department of children and youth, as applicable, shall adopt 107857
rules in accordance with Chapter 119. of the Revised Code to 107858
implement this section, including rules governing the following: 107859

(1) State hearings under division (B) of this section. The 107860
rules shall include provisions regarding notice of eligibility 107861
termination and the opportunity of an appellant appealing a 107862
decision or order of a county department of job and family 107863
services to request a county conference with the county 107864
department before the state hearing is held. 107865

(2) Administrative appeals under division (C) of this 107866
section; 107867

(3) Time limits for complying with a decision issued under 107868
division (B) or (C) of this section; 107869

(4) Sanctions that may be applied against an agency under 107870
division (D) of this section. 107871

(G) The department of job and family services and the 107872
department of children and youth, as applicable, may adopt rules 107873
in accordance with Chapter 119. of the Revised Code establishing 107874
an appeals process for an appellant who appeals a decision or 107875
order regarding a Title IV-A program identified under division 107876
(A) (4) (c), (d), (e), (f), (g), or (h) of section 5101.80 of the 107877
Revised Code that is different from the appeals process 107878
established by this section. The different appeals process may 107879
include having a state agency that administers the Title IV-A 107880
program pursuant to an interagency agreement entered into under 107881
section 5101.801 of the Revised Code administer the appeals 107882
process. 107883

(H) If an appellant receiving medicaid through a health 107884
insuring corporation that holds a certificate of authority under 107885
Chapter 1751. of the Revised Code is appealing a denial of 107886
medicaid services based on lack of medical necessity or other 107887
clinical issues regarding coverage by the health insuring 107888
corporation, the person hearing the appeal may order an 107889
independent medical review if that person determines that a 107890
review is necessary. The review shall be performed by a health 107891
care professional with appropriate clinical expertise in 107892
treating the recipient's condition or disease. The department 107893
shall pay the costs associated with the review. 107894

A review ordered under this division shall be part of the 107895
record of the hearing and shall be given appropriate evidentiary 107896
consideration by the person hearing the appeal. 107897

(I) The requirements of Chapter 119. of the Revised Code 107898
apply to a state hearing or administrative appeal under this 107899

section only to the extent, if any, specifically provided by 107900
rules adopted under this section. 107901

Sec. 5101.351. The department of job and family services 107902
or the department of children and youth may employ or contract 107903
with hearing officers to draft and recommend state hearing 107904
decisions under division (B) of section 5101.35 of the Revised 107905
Code. The department may employ or contract with hearing 107906
authorities to issue state hearing decisions under division (B) 107907
of section 5101.35 of the Revised Code. A hearing authority 107908
employed or contracted with under this section is not required 107909
to have been admitted to the practice of law in this state. 107910

Sec. 5101.38. The department of job and family services or 107911
the department of children and youth may appoint and commission 107912
any competent officer, employee, agency, or person to serve as a 107913
special agent, investigator, or representative to perform a 107914
designated duty for and in behalf of the department. Specific 107915
credentials shall be given by the department to each person so 107916
designated, and each credential shall state: 107917

(A) The person's name; 107918

(B) Agency with which such person is connected; 107919

(C) Purpose of appointment; 107920

(D) Date of expiration of appointment, if appropriate; 107921

(E) Such information as the department considers proper. 107922

Sec. 5101.461. (A) As used in this section: 107923

(1) "Title IV-A" means Title IV-A of the "Social Security 107924
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 107925

(2) "Title XX" has the same meaning as in section 5101.46 107926

of the Revised Code. 107927

(B) To the extent authorized by federal law, the 107928
department of job and family services or the department of 107929
children and youth may use funds received through the Title IV-A 107930
temporary assistance for needy families block grant for purposes 107931
of providing Title XX social services. The amount used under 107932
this section shall not exceed the maximum amount permitted by 107933
federal law. The funds and provision of Title XX social services 107934
with the funds are not subject to section 5101.46 of the Revised 107935
Code. 107936

Funds distributed under this section for the purpose of 107937
providing family planning services shall be distributed by a 107938
county department of job and family services according to the 107939
same order of priority that applies to the department of job and 107940
family services under section 5101.101 of the Revised Code. 107941

(C) The department and any county department of job and 107942
family services may require an entity under contract to provide 107943
Title XX social services with funds used under this section to 107944
submit to an audit on the basis of alleged misuse or improper 107945
accounting of funds. If an audit is required, the social 107946
services provider shall reimburse the state department or county 107947
department for the cost it incurred in conducting the audit or 107948
having the audit conducted. 107949

If an audit demonstrates that a social services provider 107950
is responsible for one or more adverse findings, the provider 107951
shall reimburse the state department or county department the 107952
amount of the adverse findings. The amount shall not be 107953
reimbursed with funds received under this section. The state 107954
department and county departments may terminate or refuse to 107955
enter into a contract with a social services provider to provide 107956

services with funds available pursuant to this section if there 107957
are adverse findings in an audit that are the responsibility of 107958
the provider. 107959

(D) The state department of job and family services or the 107960
department of children and youth may adopt rules to implement 107961
and carry out the purposes of this section. Rules governing 107962
financial and operational matters of the department or matters 107963
between the department and county departments of job and family 107964
services shall be adopted as internal management rules in 107965
accordance with section 111.15 of the Revised Code. Rules 107966
governing eligibility for services, program participation, and 107967
other matters pertaining to applicants and participants shall be 107968
adopted in accordance with Chapter 119. of the Revised Code. 107969

Sec. 5101.548. (A) (1) Except as otherwise provided in 107970
division (A) (2) of this section, the department of job and 107971
family services shall not implement the option available under 107972
section 6(o) (6) of the "Food and Nutrition Act of 2008," 7 107973
U.S.C. 2015(o) (6). 107974

(2) The department of job and family services may 107975
implement the option described in division (A) (1) of this 107976
section only to prevent a federal penalty and to maintain 107977
compliance with federal rules governing the supplemental 107978
nutrition assistance program. The department shall not delegate 107979
the authority to waive individual work requirements or otherwise 107980
grant exemptions to county departments of job and family 107981
services. The department shall notify the chairpersons of the 107982
standing committees having jurisdiction in both the house of 107983
representatives and the senate when implementing the option 107984
described in division (A) (1) of this section. 107985

(B) The department of job and family services shall not 107986

request, apply for, or renew a waiver authorized by section 6(o) 107987
(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 2015(o) 107988
(4) . 107989

Sec. 5101.612. (A) As used in this section, "federal 107990
poverty line" has the same meaning as in section 5162.01 of the 107991
Revised Code. 107992

(B) Within available funds, the department of job and 107993
family services shall distribute funds to the counties not later 107994
than thirty days after the beginning of each calendar quarter 107995
for a part of the counties' costs for protective services. Funds 107996
provided to a county under this section shall be deposited into 107997
the public assistance fund created under section 5101.161 of the 107998
Revised Code. 107999

(C) In each fiscal year, the amount of funds available for 108000
distribution under this section shall be allocated to counties 108001
as follows: 108002

(1) If the amount is less than the amount initially 108003
appropriated for the immediately preceding fiscal year, each 108004
county shall receive an amount equal to the percentage of the 108005
funding it received in the immediately preceding fiscal year, 108006
exclusive of any releases from or additions to the allocation or 108007
any sanctions imposed under this section; 108008

(2) If the amount is equal to the amount initially 108009
appropriated for the immediately preceding fiscal year, each 108010
county shall receive an amount equal to the amount it received 108011
in the preceding fiscal year, exclusive of any releases from or 108012
additions to the allocation or any sanctions imposed under this 108013
section; 108014

(3) If the amount is greater than the amount initially 108015

appropriated for the immediately preceding fiscal year, each 108016
county shall receive the amount determined under division (C) (2) 108017
of this section as a base allocation, plus a percentage of the 108018
amount that exceeds the amount initially appropriated for the 108019
immediately preceding fiscal year. The amount exceeding the 108020
amount initially appropriated in the immediately preceding 108021
fiscal year shall be allocated to the counties as follows: 108022

(a) Twelve per cent divided equally among all counties; 108023

(b) Forty-eight per cent in the ratio that the number of 108024
residents of the county aged sixty or older bears to the total 108025
number of such persons residing in this state; 108026

(c) Forty per cent in the ratio that the number of 108027
residents of the county with incomes under the federal poverty 108028
line bears to the total number of such persons in this state. 108029

(D) Not later than ninety days after the end of each state 108030
fiscal biennium, each county shall return any unspent funds to 108031
the department. 108032

(E) The director of job and family services may adopt 108033
rules in accordance with section 111.15 of the Revised Code to 108034
allocate funds under this section and prescribe reports on 108035
expenditures to be submitted by the counties as necessary for 108036
the implementation of this section. 108037

Sec. 5101.80. (A) As used in this section and in section 108038
5101.801 of the Revised Code: 108039

(1) "County family services agency" has the same meaning 108040
as in section 307.981 of the Revised Code. 108041

(2) "State agency" has the same meaning as in section 9.82 108042
of the Revised Code. 108043

(3) "Title IV-A administrative agency" means both of the following: 108044
108045

(a) A county family services agency or state agency 108046
administering a Title IV-A program under the supervision of the 108047
department of job and family services or the department of 108048
children and youth; 108049

(b) A government agency or private, not-for-profit entity 108050
administering a project funded in whole or in part with funds 108051
provided under the Title IV-A demonstration program created 108052
under section 5101.803 of the Revised Code. 108053

(4) "Title IV-A program" means all of the following that 108054
are funded in part with funds provided under the temporary 108055
assistance for needy families block grant established by Title 108056
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 108057
U.S.C. 601, as amended: 108058

(a) The Ohio works first program established under Chapter 108059
5107. of the Revised Code; 108060

(b) The prevention, retention, and contingency program 108061
established under Chapter 5108. of the Revised Code; 108062

(c) A program established by the general assembly or an 108063
executive order issued by the governor that is administered or 108064
supervised by the department of job and family services or 108065
department of children and youth pursuant to section 5101.801 of 108066
the Revised Code; 108067

(d) The kinship permanency incentive program created under 108068
section ~~5101.802~~ 5180.52 of the Revised Code; 108069

(e) The Title IV-A demonstration program created under 108070
section 5101.803 of the Revised Code; 108071

(f) The Ohio parenting and pregnancy program created under 108072
section ~~5101.804~~5180.71 of the Revised Code; 108073

(g) Fatherhood programs recommended by the Ohio commission 108074
on fatherhood under section ~~5101.805~~5180.704 of the Revised 108075
Code; 108076

(h) A component of a Title IV-A program identified under 108077
divisions (A) (4) (a) to (g) of this section that the Title IV-A 108078
state plan prepared under division (C) (1) of this section 108079
identifies as a component. 108080

(B) The department of job and family services shall act as 108081
the single state agency to administer and supervise the 108082
administration of Title IV-A programs. The Title IV-A state plan 108083
and amendments to the plan prepared under division (C) of this 108084
section are binding on Title IV-A administrative agencies. No 108085
Title IV-A administrative agency may establish, by rule or 108086
otherwise, a policy governing a Title IV-A program that is 108087
inconsistent with a Title IV-A program policy established, in 108088
rule or otherwise, by the director of job and family services. 108089

(C) The department of job and family services shall do all 108090
of the following: 108091

(1) Prepare and submit to the United States secretary of 108092
health and human services a Title IV-A state plan for Title IV-A 108093
programs; 108094

(2) Prepare and submit to the United States secretary of 108095
health and human services amendments to the Title IV-A state 108096
plan that the department determines necessary, including 108097
amendments necessary to implement Title IV-A programs identified 108098
in divisions (A) (4) (c) to (h) of this section; 108099

(3) Prescribe forms for applications, certificates, 108100

reports, records, and accounts of Title IV-A administrative 108101
agencies, and other matters related to Title IV-A programs; 108102

(4) Make such reports, in such form and containing such 108103
information as the department may find necessary to assure the 108104
correctness and verification of such reports, regarding Title 108105
IV-A programs; 108106

(5) Require reports and information from each Title IV-A 108107
administrative agency as may be necessary or advisable regarding 108108
a Title IV-A program; 108109

(6) Afford a fair hearing in accordance with section 108110
5101.35 of the Revised Code to any applicant for, or participant 108111
or former participant of, a Title IV-A program aggrieved by a 108112
decision regarding the program; 108113

(7) Administer and expend, pursuant to Chapters 5104., 108114
5107., and 5108. of the Revised Code and sections 5101.801, 108115
~~5101.802,~~ 5101.803, ~~and 5101.804~~ 5180.52, and 5180.71 of the 108116
Revised Code, any sums appropriated by the general assembly for 108117
the purpose of those chapters and sections and all sums paid to 108118
the state by the secretary of the treasury of the United States 108119
as authorized by Title IV-A of the "Social Security Act," 110 108120
Stat. 2113 (1996), 42 U.S.C. 601, as amended; 108121

(8) Conduct investigations and audits as are necessary 108122
regarding Title IV-A programs; 108123

(9) Enter into reciprocal agreements with other states 108124
relative to the provision of Ohio works first and prevention, 108125
retention, and contingency to residents and nonresidents; 108126

(10) Contract with a private entity to conduct an 108127
independent on-going evaluation of the Ohio works first program 108128
and the prevention, retention, and contingency program. The 108129

contract must require the private entity to do all of the 108130
following: 108131

(a) Examine issues of process, practice, impact, and 108132
outcomes; 108133

(b) Study former participants of Ohio works first who have 108134
not participated in Ohio works first for at least one year to 108135
determine whether they are employed, the type of employment in 108136
which they are engaged, the amount of compensation they are 108137
receiving, whether their employer provides health insurance, 108138
whether and how often they have received benefits or services 108139
under the prevention, retention, and contingency program, and 108140
whether they are successfully self sufficient; 108141

(c) Provide the department with reports at times the 108142
department specifies. 108143

(11) Not later than the last day of each January and July, 108144
prepare a report containing information on the following: 108145

(a) Individuals exhausting the time limits for 108146
participation in Ohio works first set forth in section 5107.18 108147
of the Revised Code. 108148

(b) Individuals who have been exempted from the time 108149
limits set forth in section 5107.18 of the Revised Code and the 108150
reasons for the exemption. 108151

(D) The department shall provide copies of the reports it 108152
receives under division (C) (10) of this section and prepares 108153
under division (C) (11) of this section to the governor, the 108154
president and minority leader of the senate, and the speaker and 108155
minority leader of the house of representatives. The department 108156
shall provide copies of the reports to any private or government 108157
entity on request. 108158

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), (g), or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the

department's supervision. 108189

(2) The department of job and family services and the 108190
department of children and youth may enter into an agreement 108191
with a government entity and, to the extent permitted by federal 108192
law, a private, not-for-profit entity for the entity to receive 108193
funding for a project under the Title IV-A demonstration program 108194
created under section 5101.803 of the Revised Code. 108195

(3) To the extent permitted by federal law, the department 108196
of children and youth may enter into an agreement with a 108197
private, not-for-profit entity for the entity to receive funds 108198
under the Ohio parenting and pregnancy program created under 108199
section ~~5101.804~~5180.71 of the Revised Code. 108200

(4) To the extent permitted by federal law, the department 108201
of children and youth may enter into an agreement with a 108202
private, not-for-profit entity for the entity to receive funds 108203
as recommended by the Ohio commission on fatherhood under 108204
section ~~5101.805~~5180.704 of the Revised Code. 108205

(C) The department of job and family services and the 108206
department of children and youth, may adopt rules governing 108207
Title IV-A programs identified under divisions (A) (4) (c), (d), 108208
(e), (f), (g), and (h) of section 5101.80 of the Revised Code. 108209
Rules governing financial and operational matters of either 108210
department or between either department and county family 108211
services agencies shall be adopted as internal management rules 108212
adopted in accordance with section 111.15 of the Revised Code. 108213
All other rules shall be adopted in accordance with Chapter 119. 108214
of the Revised Code. 108215

(D) If the department of job and family services or the 108216
department of children and youth, enters into an agreement 108217

regarding a Title IV-A program identified under division (A) (4) 108218
(c), (e), (f), (g), or (h) of section 5101.80 of the Revised 108219
Code pursuant to division (B) (1) (b) or (2) of this section, the 108220
agreement shall include at least all of the following: 108221

(1) A requirement that the state agency or entity comply 108222
with the requirements for the program or project, including all 108223
of the following requirements established by federal statutes 108224
and regulations, state statutes and rules, the United States 108225
office of management and budget, and the Title IV-A state plan 108226
prepared under section 5101.80 of the Revised Code: 108227

(a) Eligibility; 108228

(b) Reports; 108229

(c) Benefits and services; 108230

(d) Use of funds; 108231

(e) Appeals for applicants for, and recipients and former 108232
recipients of, the benefits and services; 108233

(f) Audits. 108234

(2) A complete description of all of the following: 108235

(a) The benefits and services that the program or project 108236
is to provide; 108237

(b) The methods of program or project administration; 108238

(c) The appeals process under section 5101.35 of the 108239
Revised Code for applicants for, and recipients and former 108240
recipients of, the program or project's benefits and services; 108241

(d) Other requirements that the department of job and 108242
family services or the department of children and youth, as 108243
applicable, requires be included. 108244

(3) Procedures for the department of job and family 108245
services or the department of children and youth, as applicable, 108246
to approve a policy, established by rule or otherwise, that the 108247
state agency or entity establishes for the program or project 108248
before the policy is established; 108249

(4) Provisions regarding how the department of job and 108250
family services or the department of children and youth, as 108251
applicable, is to reimburse the state agency or entity for 108252
allowable expenditures under the program or project that the 108253
applicable department approves, including all of the following: 108254

(a) Limitations on administrative costs; 108255

(b) The department of job and family services or the 108256
department of children and youth, as applicable, at its 108257
discretion, doing either of the following: 108258

(i) Withholding no more than five per cent of the funds 108259
that the department of job and family services or the department 108260
of children and youth, as applicable, would otherwise provide to 108261
the state agency or entity for the program or project; 108262

(ii) Charging the state agency or entity for the costs to 108263
the department of job and family services or the department of 108264
children and youth, as applicable, of performing, or contracting 108265
for the performance of, audits and other administrative 108266
functions associated with the program or project. 108267

(5) If the state agency or entity arranges by contract, 108268
grant, or other agreement for another entity to perform a 108269
function the state agency or entity would otherwise perform 108270
regarding the program or project, the state agency or entity's 108271
responsibilities for both of the following: 108272

(a) Ensuring that the other entity complies with the 108273

agreement between the state agency or entity and the department 108274
of job and family services or the department of children and 108275
youth, as applicable and federal statutes and regulations and 108276
state statutes and rules governing the use of funds for the 108277
program or project; 108278

(b) Auditing the other entity in accordance with 108279
requirements established by the United States office of 108280
management and budget. 108281

(6) The state agency or entity's responsibilities 108282
regarding the prompt payment, including any interest assessed, 108283
of any adverse audit finding, final disallowance of federal 108284
funds, or other sanction or penalty imposed by the federal 108285
government, auditor of state, department of job and family 108286
services or the department of children and youth, as applicable, 108287
a court, or other entity regarding funds for the program or 108288
project; 108289

(7) Provisions for the department of job and family 108290
services or the department of children and youth, as applicable, 108291
to terminate the agreement or withhold reimbursement from the 108292
state agency or entity if either of the following occur: 108293

(a) The federal government disapproves the program or 108294
project or reduces federal funds for the program or project; 108295

(b) The state agency or entity fails to comply with the 108296
terms of the agreement. 108297

(8) Provisions for both of the following: 108298

(a) The department of job and family services or the 108299
department of children and youth, as applicable, and state 108300
agency or entity determining the performance outcomes expected 108301
for the program or project; 108302

(b) An evaluation of the program or project to determine 108303
its success in achieving the performance outcomes determined 108304
under division (D) (8) (a) of this section. 108305

(E) To the extent consistent with the law enacted by the 108306
general assembly or executive order issued by the governor 108307
establishing the Title IV-A program and subject to the approval 108308
of the director of budget and management, the director of job 108309
and family services or the director of children and youth, as 108310
applicable, may terminate a Title IV-A program identified under 108311
division (A) (4) (c), (d), (e), (f), (g), or (h) of section 108312
5101.80 of the Revised Code or reduce funding for the program if 108313
the applicable director determines that federal or state funds 108314
are insufficient to fund the program. If the director of budget 108315
and management approves the termination or reduction in funding 108316
for such a program, the director of job and family services or 108317
the department of children and youth, as applicable, shall issue 108318
instructions for the termination or funding reduction. If a 108319
Title IV-A administrative agency is administering the program, 108320
the agency is bound by the termination or funding reduction and 108321
shall comply with the applicable director's instructions. 108322

(F) The director of job and family services and the 108323
director of children and youth may adopt internal management 108324
rules in accordance with section 111.15 of the Revised Code as 108325
necessary to implement this section. The rules are binding on 108326
each Title IV-A administrative agency. 108327

Sec. 5101.89. As used in sections 5101.89 to 5101.899 of 108328
the Revised Code: 108329

(A) "Youth" means a person who is any of the following: 108330

(1) Less than eighteen years of age; 108331

(2) An emancipated young adult; 108332

(3) Is in the temporary or permanent custody of a public 108333
children services agency, a planned permanent living 108334
arrangement, or in the Title-IV-E-eligible care and placement 108335
responsibility of a juvenile court or other governmental agency 108336
that provides Title IV-E reimbursable placement services. 108337

(B) "Emancipated young adult" has the same meaning as in 108338
section ~~5101.141~~5180.42 of the Revised Code. 108339

Sec. 5101.891. (A) There is created a youth and family 108340
~~ombudsman~~ombudsmen office under the department of job and 108341
family services consisting of the following: 108342

(1) A family ombudsman, who shall be appointed by the 108343
governor, to investigate complaints made by adults; 108344

(2) A youth ombudsman, who shall be appointed by the 108345
governor with advice from the overcoming hurdles in Ohio youth 108346
advisory board, to investigate complaints made by youth and to 108347
advocate for the best interests of children involved in concerns 108348
investigated by the office; 108349

(3) Not fewer than two regional ombudsmen; 108350

(4) Any necessary support staff. 108351

(B) The office shall investigate and resolve concerns made 108352
by or on behalf of children and families involved with public 108353
children services agencies, Title IV-E agencies, or private 108354
provider agencies that administer or oversee foster care or 108355
placement services for the children services system. The office 108356
shall ensure the independent and impartial review of youth, 108357
family, and community complaints or concerns. 108358

Sec. 5101.892. The youth and family ~~ombudsman~~ombudsmen 108359

office shall perform all of the following duties: 108360

(A) Receive, investigate, and attempt to resolve 108361
complaints from citizens, including children in the custody of a 108362
public children services agency or in the care and placement of 108363
a Title IV-E agency, related to government services regarding 108364
child protective services, foster care, and adoption; 108365

(B) Establish procedures for receiving, investigating, and 108366
resolving complaints, consistent with state and federal law; 108367

(C) Provide an annual report to the governor, speaker of 108368
the house of representatives, president of the senate, minority 108369
leadership of the house of representatives and senate, the 108370
director of job and family services, the director of children 108371
and youth, and representatives of the overcoming hurdles in Ohio 108372
youth advisory board. 108373

Sec. 5101.893. Not later than sixty days after release of 108374
the annual report described under section 5101.892 of the 108375
Revised Code, the overcoming hurdles in Ohio youth advisory 108376
board shall provide an evaluation of the report to the governor 108377
and the youth ombudsman of the youth and family ~~ombudsman~~ 108378
ombudsmen office. 108379

Sec. 5101.894. To the extent permitted by state or federal 108380
law, a representative of the youth and family ~~ombudsman~~ 108381
ombudsmen office may report to an appropriate authority any 108382
suspected violation of state law discovered during the course of 108383
a complaint review. 108384

Sec. 5101.895. The department of job and family services 108385
shall be responsible for all administrative undertakings for the 108386
youth and family ~~ombudsman~~ ombudsmen office, including the 108387
provision of offices, equipment, and supplies, as necessary. 108388

Sec. 5101.897. (A) No employee of the youth and family	108389
ombudsman <u>ombudsmen</u> office shall do any of the following:	108390
(1) Hold any office of trust or profit;	108391
(2) Engage in any occupation or business interfering or	108392
inconsistent with the duties of the office;	108393
(3) Serve on any committee of any political party;	108394
(4) Have any interest that is, or may be, in conflict with	108395
the interests and concerns of the office.	108396
(B) As used in this section, "office of trust or profit"	108397
means any of the following:	108398
(1) A federal or state elective office or an elective	108399
office of a political subdivision of the state;	108400
(2) A position on a board or commission of the state that	108401
is appointed by the governor;	108402
(3) An office set forth in section 121.03, 121.04, or	108403
121.05 of the Revised Code;	108404
(4) An office of the government of the United States that	108405
is appointed by the president of the United States.	108406
Sec. 5101.899. (A) The youth and family ombudsman	108407
<u>ombudsmen</u> office shall have access to only the records of the	108408
<u>department of children and youth and the</u> department of job and	108409
family services that are necessary for the administration of	108410
sections 5101.89 to 5101.899 of the Revised Code and in the	108411
performance of its official duties, including any records	108412
maintained in the uniform statewide automated child welfare	108413
information system under section 5101.13 <u>5180.40</u> of the Revised	108414
Code. The office has the right to request of the <u>director of</u>	108415

children and youth and the director of job and family services 108416
necessary information from any work unit of the department 108417
having information. The collection, compilation, analysis, and 108418
dissemination of information by the office shall be performed in 108419
a manner that protects complainants, individuals providing 108420
information about a complaint, public entities, and confidential 108421
records. 108422

(B) The office shall have access to any necessary records 108423
in the control of a public children services agency, a Title IV- 108424
E agency, or a private provider agency that administers or 108425
oversees foster care or placement services for the children 108426
services system. 108427

(C) Files of the office and any records contained in those 108428
files are not public records subject to inspection or copying 108429
under section 149.43 of the Revised Code. Information contained 108430
in investigative and other files maintained by the office shall 108431
be disclosed only at the discretion of the office or if 108432
disclosure is required by a court order. 108433

Sec. 5101.91. (A) As used in this section: 108434

(1) "Multi-system youth" are children and adolescents who 108435
are receiving services from two or more of the following 108436
systems: child protective services, behavioral health services, 108437
developmental disabilities services, juvenile court, and 108438
medicaid. 108439

(2) "Licensed care" means detention facilities, shelter 108440
facilities, certified children's crisis care facilities, 108441
certified foster homes, placement in a prospective adoptive home 108442
prior to the issuance of a final decree of adoption, 108443
organizations, certified organizations, group home providers, 108444

group homes, institutions, state institutions, residential 108445
facilities, or residential care facilities. 108446

(B) The following departments must collaborate to identify 108447
and take appropriate action with available resources to meet the 108448
needs of multi-system youth more effectively: 108449

(1) The department of job and family services; 108450

(2) The department of children and youth; 108451

(3) The department of behavioral health; 108452

(4) The department of developmental disabilities; 108453

(5) The department of youth services; 108454

(6) The department of medicaid. 108455

(C) Not later than one year after the effective date of 108456
this section, the departments described in division (B) of this 108457
section must jointly submit to the general assembly a report 108458
with policy recommendations and the following information: 108459

(1) Data on the number of multi-system youth; 108460

(2) Data on the number of multi-system youth who are 108461
placed in licensed care; 108462

(3) Information on how the departments described in 108463
division (B) of this section track multi-system youth; 108464

(4) A summary of actions taken by the departments to 108465
better serve multi-system youth. 108466

Sec. 5101.95. Not later than thirty days before submitting 108467
a waiver or state plan amendment relating to a public assistance 108468
benefit program to the appropriate federal entity, the director 108469
of job and family services shall submit a copy of the waiver or 108470

state plan amendment to the speaker of the house of 108471
representatives, the president of the senate, and the 108472
chairpersons of the relevant house of representatives and senate 108473
committees with jurisdiction over the subject matter of the 108474
waiver or state plan amendment. 108475

Sec. 5101.98. (A) Quarterly, the department of job and 108476
family services shall compile a report on public assistance 108477
programs in this state, including the following information: 108478

(1) Regarding the supplemental nutrition assistance 108479
program, ~~the number of:~~ 108480

(a) ~~Accounts~~ The number of accounts with high balances, as 108481
determined by the department; 108482

(b) ~~Out-of-state~~ The number of out-of-state transactions, 108483
including the city and state in which the transaction occurred, 108484
and the amount of each out-of-state transaction; 108485

(c) ~~Transactions~~ The number of transactions when the final 108486
amount processed was a whole dollar amount without additional 108487
cents; 108488

(d) The number of accounts with a transaction in which the 108489
final amount processed was a whole dollar amount without 108490
additional cents; 108491

(e) The number of electronic benefit transfer cards 108492
reported lost; 108493

(f) The number of electronic benefit transfer cards 108494
reported stolen; 108495

(g) The amount of funds that have been stolen through card 108496
skimming, card cloning, or similar fraudulent methods; 108497

(h) Any enhancements made to electronic benefit transfer 108498
cards during the quarterly period; 108499

(i) Electronic benefit transfer payment error rates. 108500

(2) Regarding public assistance programs in this state, 108501
including ~~medicaid~~, the supplemental nutrition assistance 108502
program, temporary assistance for needy families, or cash 108503
assistance, the number of the following, itemized separately by 108504
program: 108505

(a) Payments made in error, and the dollar amount of those 108506
payments; 108507

(b) Work requirement exemptions issued; 108508

(c) Confirmed cases of intentional program violation and 108509
fraud. 108510

(B) The department of medicaid shall collaborate with the 108511
department of job and family services to provide all information 108512
required under division (A) of this section that the department 108513
of medicaid oversees. 108514

(C) The department of job and family services shall submit 108515
the report to the president of the senate and the speaker of the 108516
house of representatives, who shall distribute the report to the 108517
chairs of any legislative committee with jurisdiction over 108518
public assistance. 108519

Sec. 5101.99. (A) Whoever violates division (A) of section 108520
5101.27 of the Revised Code is guilty of a misdemeanor of the 108521
first degree. 108522

(B) Whoever violates ~~section 5101.133~~, division (A) of 108523
section 5101.63, or division (C) (2) of section 5101.631 of the 108524
Revised Code is guilty of a misdemeanor of the fourth degree. 108525

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 108526
the Revised Code: 108527

(A) (1) "Association" or "institution" includes all of the 108528
following: 108529

(a) Any incorporated or unincorporated organization, 108530
society, association, or agency, public or private, that 108531
receives or cares for children for two or more consecutive 108532
weeks; 108533

(b) Any individual, including the operator of a foster 108534
home, who, for hire, gain, or reward, receives or cares for 108535
children for two or more consecutive weeks, unless the 108536
individual is related to them by blood or marriage; 108537

(c) Any individual not in the regular employ of a court, 108538
or of an institution or association certified in accordance with 108539
section 5103.03 of the Revised Code, who in any manner becomes a 108540
party to the placing of children in foster homes, unless the 108541
individual is related to such children by blood or marriage or 108542
is the appointed guardian of such children. 108543

(2) "Association" or "institution" does not include any of 108544
the following: 108545

(a) Any organization, society, association, school, 108546
agency, child guidance center, detention or rehabilitation 108547
facility, or children's clinic licensed, regulated, approved, 108548
operated under the direction of, or otherwise certified by the 108549
department of education and workforce, a local board of 108550
education, the department of youth services, the department of 108551
mental health and addiction services, or the department of 108552
developmental disabilities; 108553

(b) Any individual who provides care for only a single- 108554

family group, placed there by their parents or other relative 108555
having custody; 108556

(c) A private, nonprofit therapeutic wilderness camp; 108557

(d) A qualified organization as defined in section 2151.90 108558
of the Revised Code. 108559

(B) "Family foster home" means a foster home that is not a 108560
specialized foster home. 108561

(C) "Foster caregiver" means a person holding a valid 108562
foster home certificate issued under section 5103.03 of the 108563
Revised Code. 108564

(D) "Foster home" means a private residence in which 108565
children are received apart from their parents, guardian, or 108566
legal custodian, by an individual reimbursed for providing the 108567
children nonsecure care, supervision, or training twenty-four 108568
hours a day. "Foster home" does not include care provided for a 108569
child in the home of a person other than the child's parent, 108570
guardian, or legal custodian while the parent, guardian, or 108571
legal custodian is temporarily away. Family foster homes and 108572
specialized foster homes are types of foster homes. 108573

(E) "Kinship caregiver" has the same meaning as in section 108574
~~5101.85~~ 5180.50 of the Revised Code. 108575

(F) "Medically fragile foster home" means a foster home 108576
that provides specialized medical services designed to meet the 108577
needs of children with intensive health care needs who meet all 108578
of the following criteria: 108579

(1) Under rules adopted by the medicaid director governing 108580
medicaid payments for long-term care services, the children 108581
require a skilled level of care. 108582

(2) The children require the services of a doctor of 108583
medicine or osteopathic medicine at least once a week due to the 108584
instability of their medical conditions. 108585

(3) The children require the services of a registered 108586
nurse on a daily basis. 108587

(4) The children are at risk of institutionalization in a 108588
hospital, skilled nursing facility, or intermediate care 108589
facility for individuals with intellectual disabilities. 108590

(G) "Private, nonprofit therapeutic wilderness camp" means 108591
a structured, alternative residential setting for children who 108592
are experiencing emotional, behavioral, moral, social, or 108593
learning difficulties at home or school in which all of the 108594
following are the case: 108595

(1) The children spend the majority of their time, 108596
including overnight, either outdoors or in a primitive 108597
structure. 108598

(2) The children have been placed there by their parents 108599
or another relative having custody. 108600

(3) The camp accepts no public funds for use in its 108601
operations. 108602

(H) "Recommending agency" means a public children services 108603
agency, private child placing agency, or private noncustodial 108604
agency that recommends that the department of children and youth 108605
take any of the following actions under section 5103.03 of the 108606
Revised Code regarding a foster home: 108607

(1) Issue a certificate; 108608

(2) Deny a certificate; 108609

- (3) Revoke a certificate. 108610
- (I) "Resource caregiver" means a foster caregiver or a 108611
kinship caregiver. 108612
- (J) "Resource family" means a foster home or the kinship 108613
caregiver family. 108614
- (K) "Specialized foster home" means a medically fragile 108615
foster home or a treatment foster home. 108616
- (L) "Treatment foster home" means a foster home that 108617
incorporates special rehabilitative services designed to treat 108618
the specific needs of the children received in the foster home 108619
and that receives and cares for children who are emotionally or 108620
behaviorally disturbed, who are chemically dependent, who have 108621
developmental disabilities, or who otherwise have exceptional 108622
needs. 108623
- Sec. 5103.021.** (A) As used in this section, a "scholars 108624
residential center" is a center that meets all of the following: 108625
- (1) The center is a certified affiliate in good standing 108626
of a national organization with a mission to help underserved 108627
children in middle school and high school in a comprehensive 108628
manner that is academically focused and service-oriented and in 108629
a family-like setting. 108630
- (2) The center is private and not-for-profit. 108631
- (3) The center does not receive Title IV-E funding or any 108632
associated Title IV funds related to child welfare. 108633
- (4) The center only accepts children placed by their 108634
parents or legal custodian. 108635
- (5) The center is voluntary and uses a competitive 108636

selection process. 108637

(B) The director of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the 108638
Revised Code to implement standards regarding a scholars 108639
residential center. The rules shall be substantially similar, as 108640
determined by the director, to other similarly situated 108641
providers of residential care for children, including rules 108642
provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative 108643
Code, except that the rules shall reflect all of the following: 108644
108645

(1) A center is not subject to any policy that is not 108646
specific or relevant to the center. 108647

(2) A center is not required to provide discharge 108648
summaries. 108649

(3) A center is permitted to request agency waivers. 108650

(4) A center is not required to implement case plans or 108651
service plans. 108652

(5) Training requirements for center staff are limited to 108653
completion of all of the following: 108654

(a) Orientation training; 108655

(b) Current American red cross, American heart 108656
association, or equivalent first aid and cardiopulmonary 108657
resuscitation certification; 108658

(c) One hour of annual trauma training. 108659

(6) A center is not subject to existing rules regarding: 108660

(a) Recreation and leisure activity requirements, provided 108661
that the center has a recreation area available and permits 108662
children to swim if a person who has completed life-saving or 108663

water safety training is present; 108664

(b) Visiting and communications policies, provided that 108665
the center ensures that children have contact with their family; 108666

(c) Qualified residential treatment program requirements; 108667

(d) Treatment-focused requirements established for 108668
residential agencies. 108669

(7) A center shall provide notification and documentation 108670
of critical incidents to parents and legal custodians. 108671

(C) The director shall certify a scholars residential 108672
center that submits an application to the director, on a form 108673
prescribed by the director, that indicates to the director's 108674
satisfaction that the center meets the standards set forth in 108675
rules adopted under division (B) of this section. 108676

Sec. 5103.039. (A) The department of children and youth 108677
may suspend, without a prior hearing, the certificate of an 108678
institution or association, as defined in section 5103.02 of the 108679
Revised Code, which includes a foster caregiver, if any of the 108680
following occur: 108681

(1) A child dies or suffers a serious injury while placed 108682
or residing with the institution or association, including a 108683
foster home, as defined in section 5103.02 of the Revised Code. 108684

(2) A public children services agency receives a report 108685
pursuant to section 2151.421 of the Revised Code, and the person 108686
alleged to have inflicted abuse or neglect on the child who is 108687
the subject of the report is any of the following: 108688

(a) A principal of the institution or association; 108689

(b) An employee or volunteer of the institution or 108690

association who has not immediately been placed on 108691
administrative leave or released from employment; 108692

(c) Any person who resides in the foster home. 108693

(3) One of the following is charged by an indictment, 108694
information, or complaint with an offense relating to the death, 108695
injury, abuse, or neglect of a child: 108696

(a) A principal of the institution or association; 108697

(b) An employee or volunteer of the institution or 108698
association who has not immediately been placed on 108699
administrative leave or released from employment. 108700

(4) The department, the recommending agency, a public 108701
children services agency, or a county department of job and 108702
family services determines that a principal, employee, or 108703
volunteer of the institution or association, including a foster 108704
caregiver, or a person residing in the foster home, created a 108705
serious risk to the health or safety of a child placed therein 108706
that resulted in or could have resulted in a child's death or 108707
injury. 108708

(5) The department determines that the owner of the 108709
institution or association or the foster caregiver does not meet 108710
the requirements of section 2151.86, 5103.0310, or 5103.053 of 108711
the Revised Code. 108712

(B) In suspending a license under division (A) of this 108713
section, the department shall comply with section 119.07 of the 108714
Revised Code. A principal of an institution or association, 108715
including a foster caregiver, may request an adjudicatory 108716
hearing before the department pursuant to sections 119.06 and 108717
119.12 of the Revised Code. If a hearing is requested and the 108718
department does not issue its final adjudication order within 108719

one hundred twenty days after the suspension, the suspension is 108720
void on the one hundred twenty-first day after the suspension, 108721
unless the hearing on the suspension is continued on agreement 108722
by the parties or for good cause. 108723

(C) A summary suspension imposed under this section shall 108724
remain in effect until any of the following occurs: 108725

(1) The public children services agency completes its 108726
investigation of the report pursuant to section 2151.421 of the 108727
Revised Code and determines that all of the allegations are 108728
unsubstantiated. 108729

(2) All criminal charges are disposed of through dismissal 108730
or a finding of not guilty. 108731

(3) The department issues pursuant to Chapter 119. of the 108732
Revised Code a final order terminating the suspension. 108733

(D) An institution or association shall not have children 108734
placed in the institution or association while a summary 108735
suspension remains in effect. Upon the issuance of the order of 108736
suspension, the department shall place a hold on the certificate 108737
or indicate that the certificate is suspended in Ohio's 108738
statewide automated child welfare information system. 108739

(E) The director of children and youth may adopt rules in 108740
accordance with Chapter 119. of the Revised Code establishing 108741
standards and procedures for the summary suspension of 108742
certificates. 108743

(F) This section does not limit the authority of the 108744
department to revoke a certificate pursuant to section 5103.03 108745
of the Revised Code. 108746

(G) As used in this section, "principal" means any of the 108747

following: 108748

(1) The institution or association's administrator or 108749
director; 108750

(2) The institution or association's owners or partners; 108751

(3) Members of the institution or association's governing 108752
body; 108753

(4) A foster caregiver. 108754

Sec. 5103.0329. ~~(A)~~ A recommending agency may submit a 108755
request to the department of children and youth, on a case-by- 108756
case basis only, to waive any non-safety standards for a kinship 108757
caregiver seeking foster home certification. Non-safety 108758
standards include training hours and other requirements under 108759
sections 5103.031 and 5103.032 of the Revised Code and standards 108760
established by rules adopted under sections 5103.03 and 108761
5103.0316 of the Revised Code, in accordance with 42 U.S.C. 671 108762
(a) (10). 108763

~~(B) "Kinship caregiver" has the same meaning as in section~~ 108764
~~5101.85 of the Revised Code.~~ 108765

Sec. 5103.0520. (A) As used in this section, "group home" 108766
has the same meaning as "group home for children" in section 108767
5103.05 of the Revised Code. 108768

(B) Not later than two hundred seventy days after the 108769
effective date of this section, the director of children and 108770
youth shall adopt rules in accordance with Chapter 119. of the 108771
Revised Code to establish requirements regarding all of the 108772
following for group homes: 108773

(1) The use of the Ohio professional registry, as operated 108774
by the Ohio child care resource and referral association or its 108775

successor organization or entity, to complete background checks 108776
or criminal records checks pursuant to section 2151.86, 108777
5103.037, 5103.0310, or 5103.053 of the Revised Code for any 108778
owner, board president, administrator, officer, operator, staff, 108779
volunteer, intern, and subcontractor of a group home; 108780

(2) Training on behavioral intervention, including the use 108781
of de-escalation, for all new and existing individuals working 108782
at a group home; 108783

(3) The supervision of children, including a ratio of at 108784
least one staff person for every five children or, if the group 108785
home accepts placement of fewer than five children, one staff 108786
person for every four children. 108787

(C) The operator of a group home shall comply with the 108788
ratio requirements established in rules adopted under division 108789
(B) (3) of this section as a requirement for certification. 108790

(D) The director of children and youth may suspend or 108791
revoke the certificate of a group home in accordance with 108792
Chapter 119. of the Revised Code for any violation under this 108793
section or rules adopted under this section. 108794

Sec. 5103.09. (A) As used in this section, "Title IV-E 108795
agency" has the same meaning as in section 5101.132 of the 108796
Revised Code. 108797

(B) Upon receiving the care and placement of a child, a 108798
Title IV-E agency shall determine if the child is eligible for 108799
or receiving benefits administered by the United States social 108800
security administration, the United States department of 108801
veterans affairs, the Ohio public employee retirement system, 108802
the Ohio police and fire pension fund, the state teachers 108803
retirement system of Ohio, the school employees retirement 108804

system of Ohio, or the Ohio highway patrol retirement system. If 108805
the child is eligible for or receiving such benefits, the agency 108806
shall not use the child's benefits to pay for or reimburse the 108807
agency, county, or state for any cost of the child's care. 108808

(C) The director of children and youth may adopt rules in 108809
accordance with section 111.15 of the Revised Code to implement 108810
this section, including the establishment of new procedures 108811
necessary to assist a Title IV-E agency in complying with this 108812
section. 108813

Sec. 5103.15. (A) (1) The parents, guardian, or other 108814
persons having the custody of a child may enter into an 108815
agreement with any public children services agency or private 108816
child placing agency, whereby the child is placed without the 108817
approval of the juvenile court in the temporary custody of the 108818
agency for a period of time of up to thirty days, except that an 108819
agreement for temporary custody can be for a period of time of 108820
up to sixty days without court approval if the agreement is 108821
executed solely for the purpose of obtaining the adoption of a 108822
child who is less than six months of age on the date of the 108823
execution of the agreement. 108824

(2) Except as provided in division (A) (3) of this section 108825
for agreements entered into to obtain the adoption of a child 108826
under the age of six months, any public children services agency 108827
or private child placing agency that obtains, without court 108828
approval, temporary custody of a child pursuant to an agreement 108829
executed in accordance with this division may request the 108830
juvenile court of the county in which the child has a residence 108831
or legal settlement for an original thirty-day extension of the 108832
temporary custody agreement. Upon the filing of a request for 108833
the extension of the temporary custody agreement, the juvenile 108834

court shall determine whether the extension is in the best 108835
interest of the child and may extend the temporary custody 108836
agreement for a period of thirty days beyond the initial thirty- 108837
day period for which court approval is not required by this 108838
division. The agency requesting the original extension shall 108839
file a case plan, prepared pursuant to section 2151.412 of the 108840
Revised Code, with the court at the same time that it files its 108841
request for an extension. 108842

At the expiration of the original thirty-day extension 108843
period, the agency may request the juvenile court to grant an 108844
additional thirty-day extension of the temporary custody 108845
agreement. Upon the filing of the request for the additional 108846
extension, the juvenile court may extend the temporary custody 108847
agreement for a period of thirty days beyond the original 108848
thirty-day extension period if it determines that the additional 108849
extension is in the best interest of the child. The agency shall 108850
file an updated version of the child's case plan at the same 108851
time that it files its request for an additional extension. 108852

At the expiration of an additional thirty-day extension 108853
period and at the expiration of the original thirty-day 108854
extension period if the agency does not request an additional 108855
thirty-day extension, the agency shall either return the child 108856
to the child's parents, guardian, or other person having custody 108857
of the child or file a complaint with the court pursuant to 108858
section 2151.27 of the Revised Code requesting temporary or 108859
permanent custody of the child. The complaint shall be 108860
accompanied by a case plan prepared in accordance with section 108861
2151.412 of the Revised Code. 108862

(3) Any public children services agency or private child 108863
placing agency that obtains, without court approval and solely 108864

for the purpose of obtaining the adoption of the child, 108865
temporary custody of a child who is under the age of six months 108866
pursuant to an agreement executed in accordance with this 108867
division may request the juvenile court in the county in which 108868
the child has a residence or legal settlement to grant a thirty 108869
day extension of the temporary custody agreement. Upon the 108870
filing of the request, the court shall determine whether the 108871
extension is in the best interest of the child and may extend 108872
the temporary custody agreement for a period of thirty days 108873
beyond the sixty day period for which the court approval is not 108874
required by this division. The agency requesting the extension 108875
shall file a case plan, prepared pursuant to section 2151.412 of 108876
the Revised Code, with the court at the same time that it files 108877
its request for an extension. 108878

At the expiration of the thirty day extension, the agency 108879
shall either return the child to the parents, guardian, or other 108880
person having custody of the child or file a complaint with the 108881
court pursuant to section 2151.27 of the Revised Code requesting 108882
temporary or permanent custody of the child. The complaint shall 108883
be accompanied by a case plan prepared in accordance with 108884
section 2151.412 of the Revised Code. 108885

(B) (1) Subject to juvenile court approval, the following 108886
may enter into an agreement with a public children services 108887
agency or private child placing agency surrendering the child 108888
into the permanent custody of that agency: 108889

(a) The parents, guardian, or other persons having custody 108890
of the child; 108891

(b) The parents of a child who is in the temporary custody 108892
of a public children services agency or private child placing 108893
agency. 108894

(2) An agency that enters into an agreement under division 108895
(B) (1) of this section may take and care for the child or place 108896
the child in a family home. 108897

(3) A private child placing agency or public children 108898
services agency that seeks permanent custody of a child pursuant 108899
to division (B) (1) of this section shall file a request with the 108900
juvenile court of the county in which the child has a residence 108901
or legal settlement for approval of the agency's permanent 108902
surrender agreement with the parents, guardian, or other persons 108903
having custody of the child. Not later than fourteen business 108904
days after the request is filed, the juvenile court shall 108905
determine whether the permanent surrender agreement is in the 108906
best interest of the child. The court may approve the permanent 108907
surrender agreement if it determines that the agreement is in 108908
the best interest of the child and, in the case of an agreement 108909
between a parent and an agency, the requirements of section 108910
5103.151 of the Revised Code are met. The agency requesting the 108911
approval of the permanent surrender agreement shall file with 108912
the court an original or amended case plan, prepared pursuant to 108913
section 2151.412 of the Revised Code, at the same time that it 108914
files its request for the approval of the permanent surrender 108915
agreement. 108916

(4) Notwithstanding division (B) (1) of this section, the 108917
parents of a child less than six months of age may enter into an 108918
agreement with a private child placing agency surrendering the 108919
child into the permanent custody of the agency without juvenile 108920
court approval if the agreement is executed solely for the 108921
purpose of obtaining the adoption of the child. The agency 108922
shall, not later than two business days after entering into the 108923
agreement, notify the juvenile court. The agency also shall 108924
notify the court not later than two business days after the 108925

agency places the child for adoption. The court shall journalize 108926
the notices it receives under division (B) (4) of this section. 108927

(C) The agreements provided for in this section shall be 108928
in writing, on forms prescribed and furnished by the department_ 108929
of children and youth, and may contain any proper and legal 108930
stipulations for proper care of the child, and may authorize the 108931
public children services agency or private child placing agency 108932
when such agreements are for permanent care and custody to 108933
appear in any proceeding for the legal adoption of the child, 108934
and consent to the child's adoption, as provided in section 108935
3107.06 of the Revised Code. If an agreement for permanent care 108936
and custody of a child is executed, social and medical histories 108937
shall be completed in relation to the child in accordance with 108938
section 3107.09 of the Revised Code. The adoption order of the 108939
probate court judge made upon the consent shall be binding upon 108940
the child and the child's parents, guardian, or other person, as 108941
if those persons were personally in court and consented to the 108942
order, whether made party to the proceeding or not. 108943

(D) An agreement entered into under this section by a 108944
parent under age eighteen is as valid as an agreement entered 108945
into by a parent age eighteen or older. 108946

Sec. 5103.155. As used in this section, "children with 108947
special needs" has the same meaning as in rules adopted under 108948
section 5153.163 of the Revised Code. 108949

If the department of ~~job and family services~~ children and 108950
youth determines that money in the putative father registry fund 108951
created under section 2101.16 of the Revised Code is more than 108952
is needed to perform its duties related to the putative father 108953
registry, the department may ~~transfer~~ use surplus moneys in the 108954
fund to ~~the department of children and youth to promote adoption~~ 108955

of children with special needs. 108956

Sec. 5103.18. (A) (1) Prior to certification as a foster 108957
home under section 5103.03 of the Revised Code, a recommending 108958
agency shall obtain a summary report of a search of the uniform 108959
statewide automated child welfare information system, 108960
established under section ~~5101.13~~5180.40 of the Revised Code, 108961
from an entity listed in section ~~5101.132~~5180.402 of the 108962
Revised Code. 108963

(2) Whenever a prospective foster parent or any other 108964
person eighteen years of age or older who resides with a 108965
prospective foster parent has resided in another state within 108966
the five-year period immediately prior to the date on which a 108967
criminal records check is requested for the person under 108968
division (A) of section 2151.86 of the Revised Code, the 108969
recommending agency shall request a check of the central 108970
registry of abuse and neglect of this state from the department 108971
of children and youth regarding the prospective foster parent or 108972
the person eighteen years of age or older who resides with the 108973
prospective foster parent to enable the agency to check any 108974
child abuse and neglect registry maintained by that other state. 108975
The recommending agency shall make the request and shall review 108976
the results of the check before the prospective foster parent 108977
may be finally approved for placement of a child. Information 108978
received pursuant to such a request shall be considered for 108979
purposes of this chapter as if it were a summary report required 108980
under division (A) of this section. The department of children 108981
and youth shall comply with any request to check the central 108982
registry that is similar to the request described in this 108983
division and that is received from any other state. 108984

(B) (1) The summary report required under division (A) of 108985

this section shall contain, if applicable, a chronological list 108986
of abuse and neglect determinations or allegations of which a 108987
person seeking to become a foster caregiver of a child is 108988
subject and in regards to which a public children services 108989
agency has done one of the following: 108990

(a) Determined that abuse or neglect occurred; 108991

(b) Initiated an investigation, and the investigation is 108992
ongoing; 108993

(c) Initiated an investigation, and the agency was unable 108994
to determine whether abuse or neglect occurred. 108995

(2) The summary report required under division (A) of this 108996
section shall not contain any of the following: 108997

(a) An abuse and neglect determination of which a person 108998
seeking to become a foster caregiver of a child is subject and 108999
in regards to which a public children services agency determined 109000
that abuse or neglect did not occur; 109001

(b) Information or reports the dissemination of which is 109002
prohibited by, or interferes with eligibility under, the "Child 109003
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 109004
U.S.C. 5101 et seq., as amended; 109005

(c) The name of the person who or entity that made, or 109006
participated in the making of, the report of abuse or neglect. 109007

(C) (1) A foster home certification may be denied based on 109008
a summary report containing the information described under 109009
division (B) (1) (a) of this section, when considered within the 109010
totality of the circumstances. 109011

(2) A foster home certification shall not be denied solely 109012
based on a summary report containing the information described 109013

under division (B) (1) (b) or (c) of this section. 109014

(D) The director of children and youth shall adopt rules 109015
in accordance with Chapter 119. of the Revised Code necessary 109016
for the implementation and execution of this section. 109017

Sec. 5103.30. The Ohio child welfare training program is 109018
hereby established in the department of children and youth as a 109019
statewide program. The program shall provide all of the 109020
following: 109021

(A) The training that section 3107.014 of the Revised Code 109022
requires an assessor to complete; 109023

(B) The preplacement training that sections 5103.031 and 109024
5103.033 of the Revised Code require a prospective foster 109025
caregiver to complete; 109026

(C) The continuing training that sections 5103.032 and 109027
5103.033 of the Revised Code require a foster caregiver to 109028
complete; 109029

(D) The training that section 5153.122 of the Revised Code 109030
requires a PCSA caseworker to complete; 109031

(E) The training that section 5153.123 of the Revised Code 109032
requires a PCSA caseworker supervisor to complete; 109033

(F) The training required under section ~~5101.1414~~ 109034
5180.4211 of the Revised Code for a case manager and supervisor. 109035

Sec. 5103.32. (A) As used in this section: 109036

(1) "Title IV-B" means Title IV-B of the "Social Security 109037
Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 109038

(2) "Title IV-E" means Title IV-E of the "Social Security 109039
Act," 94 Stat. 501, 42 U.S.C. 670 (1980). 109040

(3) "Title XX" has the same meaning as in section 5101.46 109041
of the Revised Code. 109042

(B) For purposes of adequately funding the Ohio child 109043
welfare training program, the department of children and youth 109044
may use any of the following: 109045

(1) The federal financial participation funds withheld 109046
pursuant to division (E) of section ~~5101.141~~ 5180.42 of the 109047
Revised Code in an amount determined by the department; 109048

(2) Funds available under Title XX, Title IV-B, and Title 109049
IV-E to pay for training costs; 109050

(3) Other available state or federal funds; 109051

(4) Funds that a person, including a foundation, makes 109052
available for the program. 109053

Sec. 5103.41. The department of ~~job and family~~ 109054
~~services~~ children and youth, in consultation with the Ohio child 109055
welfare training program steering committee, shall designate 109056
training regions in the state. The department ~~of children and~~ 109057
~~youth~~, at times it selects, shall review the composition of the 109058
training regions. The committee, at times it selects, shall also 109059
review the training regions' composition and provide the 109060
department recommendations on changes. The department ~~of~~ 109061
~~children and youth~~ may change the composition of the training 109062
regions as the department considers necessary. 109063

The department may make a grant to a public children 109064
services agency that establishes and maintains a regional 109065
training center under this section for the purpose of wholly or 109066
partially subsidizing the operation of the center. The 109067
department shall specify in the grant all of the center's 109068
duties, including the duties specified in section 5103.42 of the 109069

Revised Code. 109070

Sec. 5104.01. As used in this chapter: 109071

(A) "Administrator" means the person responsible for the 109072
daily operation of a center, type A home, or approved child day 109073
camp. The administrator and the owner may be the same person. 109074

(B) "Approved child day camp" means a child day camp 109075
approved pursuant to section 5104.22 of the Revised Code. 109076

(C) "Authorized representative" means an individual 109077
employed by a center, type A home, or approved child day camp 109078
that is owned by a person other than an individual and who is 109079
authorized by the owner to do all of the following: 109080

(1) Communicate on the owner's behalf; 109081

(2) Submit on the owner's behalf applications for 109082
licensure or approval; 109083

(3) Enter into on the owner's behalf provider agreements 109084
for publicly funded child care. 109085

(D) "Border state child care provider" means a child care 109086
provider that is located in a state bordering Ohio and that is 109087
licensed, certified, or otherwise approved by that state to 109088
provide child care funded by the child care block grant act. 109089

(E) "Career pathways model" means an alternative pathway 109090
to meeting the requirements to be a child care staff member or 109091
administrator that does both of the following: 109092

(1) Uses a framework approved by the director of children 109093
and youth to document formal education, training, experience, 109094
and specialized credentials and certifications; 109095

(2) Allows the child care staff member or administrator to 109096

achieve a designation as an early childhood professional level 109097
one, two, three, four, five, or six. 109098

(F) "Caretaker parent" means the father or mother of a 109099
child whose presence in the home is needed as the caretaker of 109100
the child, a person who has legal custody of a child and whose 109101
presence in the home is needed as the caretaker of the child, a 109102
guardian of a child whose presence in the home is needed as the 109103
caretaker of the child, and any other person who stands in loco 109104
parentis with respect to the child and whose presence in the 109105
home is needed as the caretaker of the child. 109106

(G) "Chartered nonpublic school" means a school that meets 109107
standards for nonpublic schools prescribed by the director of 109108
education and workforce for nonpublic schools pursuant to 109109
section 3301.07 of the Revised Code. 109110

(H) "Child" includes an infant, toddler, preschool-age 109111
child, or school-age child. 109112

(I) "Child care block grant act" means the "Child Care and 109113
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 109114
U.S.C. 9858, as amended. 109115

(J) "Child day camp" means a program in which only school- 109116
age children attend or participate, that operates for no more 109117
than twelve hours per day and no more than fifteen weeks during 109118
the summer. For purposes of this division, the maximum twelve 109119
hours of operation time does not include transportation time 109120
from a child's home to a child day camp and from a child day 109121
camp to a child's home. 109122

(K) "Child care" means all of the following: 109123

(1) Administering to the needs of infants, toddlers, 109124
preschool-age children, and school-age children outside of 109125

school hours; 109126

(2) By persons other than their parents, guardians, or 109127
custodians; 109128

(3) For part of the twenty-four-hour day; 109129

(4) In a place other than a child's own home, except that 109130
an in-home aide provides child care in the child's own home; 109131

(5) By a provider required by this chapter to be licensed 109132
or approved by the department of children and youth, certified 109133
by a county department of job and family services, or under 109134
contract with the department to provide publicly funded child 109135
care as described in section 5104.32 of the Revised Code. 109136

(L) "Child care center" and "center" mean any place that 109137
is not the permanent residence of the licensee or administrator 109138
in which child care or publicly funded child care is provided 109139
for seven or more children at one time. "Child care center" and 109140
"center" do not include any of the following: 109141

(1) A place located in and operated by a hospital, as 109142
defined in section 3727.01 of the Revised Code, in which the 109143
needs of children are administered to, if all the children whose 109144
needs are being administered to are monitored under the on-site 109145
supervision of a physician licensed under Chapter 4731. of the 109146
Revised Code or a registered nurse licensed under Chapter 4723. 109147
of the Revised Code, and the services are provided only for 109148
children who, in the opinion of the child's parent, guardian, or 109149
custodian, are exhibiting symptoms of a communicable disease or 109150
other illness or are injured; 109151

(2) A child day camp; 109152

(3) A place that provides care, if all of the following 109153

apply: 109154

(a) An organized religious body provides the care; 109155

(b) A parent, custodian, or guardian of at least one child 109156
receiving care is on the premises and readily accessible at all 109157
times; 109158

(c) The care is not provided for more than thirty days a 109159
year; 109160

(d) The care is provided only for preschool-age and 109161
school-age children. 109162

(M) "Child care resource and referral service 109163
organization" means a community-based nonprofit organization 109164
that provides child care resource and referral services but not 109165
child care. 109166

(N) "Child care resource and referral services" means all 109167
of the following services: 109168

(1) Maintenance of a uniform data base of all child care 109169
providers in the community that are in compliance with this 109170
chapter, including current occupancy and vacancy data; 109171

(2) Provision of individualized consumer education to 109172
families seeking child care; 109173

(3) Provision of timely referrals of available child care 109174
providers to families seeking child care; 109175

(4) Recruitment of child care providers; 109176

(5) Assistance in developing, conducting, and 109177
disseminating training for child care professionals and 109178
provision of technical assistance to current and potential child 109179
care providers, employers, and the community; 109180

(6) Collection and analysis of data on the supply of and	109181
demand for child care in the community;	109182
(7) Technical assistance concerning locally, state, and	109183
federally funded child care and early childhood education	109184
programs;	109185
(8) Stimulation of employer involvement in making child	109186
care more affordable, more available, safer, and of higher	109187
quality for their employees and for the community;	109188
(9) Provision of written educational materials to	109189
caretaker parents and informational resources to child care	109190
providers;	109191
(10) Coordination of services among child care resource	109192
and referral service organizations to assist in developing and	109193
maintaining a statewide system of child care resource and	109194
referral services if required by the department of children and	109195
youth;	109196
(11) Cooperation with the county department of job and	109197
family services in encouraging the establishment of parent	109198
cooperative child care centers and parent cooperative type A	109199
family child care homes.	109200
(O) "Child care staff member" means an employee of a child	109201
care center, type A family child care home, licensed type B	109202
family child care home, or approved child day camp who is	109203
primarily responsible for the care and supervision of children.	109204
The administrator, authorized representative, or owner may be a	109205
child care staff member when not involved in other duties.	109206
(P) "Drop-in child care center," "drop-in center," "drop-	109207
in type A family child care home," and "drop-in type A home"	109208
mean a center or type A home that provides child care or	109209

publicly funded child care for children on a temporary, 109210
irregular basis. 109211

(Q) "Early learning and development program" has the same 109212
meaning as "licensed child care program." 109213

(R) "Employee" means a person who either: 109214

(1) Receives compensation for duties performed in a child 109215
care center, type A family child care home, licensed type B 109216
family child care home, or approved child day camp; 109217

(2) Is assigned specific working hours or duties in a 109218
child care center, type A family child care home, licensed type 109219
B family child care home, or approved child day camp. 109220

~~(R)~~ (S) "Employer" means a person, firm, institution, 109221
organization, or agency that operates a child care center, type 109222
A family child care home, licensed type B family child care 109223
home, or approved child day camp subject to licensure or 109224
approval under this chapter. 109225

~~(S)~~ (T) "Federal poverty line" means the official poverty 109226
guideline as revised annually in accordance with section 673(2) 109227
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 109228
511, 42 U.S.C. 9902, as amended, for a family size equal to the 109229
size of the family of the person whose income is being 109230
determined. 109231

~~(T)~~ (U) "Head start program" means a school-readiness 109232
program that satisfies all of the following: 109233

(1) Is for children from birth to age five who are from 109234
low-income families; 109235

(2) Receives funds distributed under the "Improving Head 109236
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as 109237

amended; 109238

(3) Is licensed as a child care program. 109239

~~(U)~~ (V) "Home education" has the same meaning as in section 109240
3321.042 of the Revised Code. 109241

~~(V)~~ (W) "Home education learning pod" means a voluntary 109242
association of parents who direct their children's education 109243
through home education and includes the following 109244
characteristics: 109245

(1) The parents choose to group their children together in 109246
a home or other location at various times, which may include 109247
hours when home education is not provided. 109248

(2) The pod includes only the parents' children who are 109249
receiving home education, except that it also may include 109250
siblings of those children, or other children who are under the 109251
care of the parents, regardless of age. 109252

(3) At least one parent of any of the children 109253
participating in the pod must be on the premises while the pod 109254
is meeting. 109255

~~(W)~~ (X) "Homeless child care" means child care provided to 109256
a child who satisfies any of the following: 109257

(1) Is homeless as defined in 42 U.S.C. 11302; 109258

(2) Is a homeless child or youth as defined in 42 U.S.C. 109259
11434a; 109260

(3) Resides temporarily with a caretaker in a facility 109261
providing emergency shelter for homeless families or is 109262
determined by a county department of job and family services to 109263
be homeless. 109264

~~(X)~~ (Y) "Income" means gross income, as defined in section 109265
5107.10 of the Revised Code, less any amounts required by 109266
federal statutes or regulations to be disregarded. 109267

~~(Y)~~ (Z) "Indicator checklist" means an inspection tool, 109268
used in conjunction with an instrument-based program monitoring 109269
information system, that contains selected licensing 109270
requirements that are statistically reliable indicators or 109271
predictors of a child care center's, type A family child care 109272
home's, or licensed type B family child care home's compliance 109273
with licensing requirements. 109274

~~(Z)~~ (AA) "Infant" means a child who is less than eighteen 109275
months of age. 109276

~~(AA)~~ (BB) "In-home aide" means a person who does not reside 109277
with the child but provides care in the child's home and is 109278
certified by a county director of job and family services 109279
pursuant to section 5104.12 of the Revised Code to provide 109280
publicly funded child care to a child in a child's own home 109281
pursuant to this chapter and any rules adopted under it. 109282

~~(BB)~~ (CC) "Instrument-based program monitoring information 109283
system" means a method to assess compliance with licensing 109284
requirements for child carecenters, type A family child care 109285
homes, and licensed type B family child care homes in which each 109286
licensing requirement is assigned a weight indicative of the 109287
relative importance of the requirement to the health, growth, 109288
and safety of the children that is used to develop an indicator 109289
checklist. 109290

~~(CC)~~ (DD) "License capacity" means the maximum number in 109291
each age category of children who may be cared for in a child 109292
care center, type A family child care home, or licensed type B 109293

family child care home at one time as determined by the director 109294
of children and youth considering building occupancy limits 109295
established by the department of commerce, amount of available 109296
indoor floor space and outdoor play space, and amount of 109297
available play equipment, materials, and supplies. 109298

~~(DD)~~ (EE) "Licensed child care program" means any of the 109299
following: 109300

(1) A child care center licensed by the department of 109301
children and youth pursuant to this chapter; 109302

(2) A type A family child care home or type B family child 109303
care home licensed by the department of children and youth 109304
pursuant to this chapter; 109305

(3) A licensed preschool program or licensed school child 109306
program. 109307

~~(EE)~~ (FF) "Licensed preschool program" or "licensed school 109308
child program" means a preschool program or school child 109309
program, as defined in section 3301.52 of the Revised Code, that 109310
is licensed by the department of children and youth pursuant to 109311
sections 3301.52 to 3301.59 of the Revised Code. 109312

~~(FF)~~ (GG) "Licensed type B family child care home" and 109313
"licensed type B home" mean a type B family child care home for 109314
which there is a valid license issued by the director of 109315
children and youth pursuant to section 5104.03 of the Revised 109316
Code. 109317

~~(GG)~~ (HH) "Licensee" means the owner of a child care 109318
center, type A family child care home, or type B family child 109319
care home that is licensed pursuant to this chapter and who is 109320
responsible for ensuring compliance with this chapter and rules 109321
adopted pursuant to this chapter. 109322

~~(HH)~~ (II) "Operate a child day camp" means to operate, 109323
establish, manage, conduct, or maintain a child day camp. 109324

~~(II)~~ (JJ) "Owner" includes a person, as defined in section 109325
1.59 of the Revised Code, or government entity. 109326

~~(JJ)~~ (KK) "Parent cooperative child care center," "parent 109327
cooperative center," "parent cooperative type A family child 109328
care home," and "parent cooperative type A home" mean a 109329
corporation or association organized for providing educational 109330
services to the children of members of the corporation or 109331
association, without gain to the corporation or association as 109332
an entity, in which the services of the corporation or 109333
association are provided only to children of the members of the 109334
corporation or association, ownership and control of the 109335
corporation or association rests solely with the members of the 109336
corporation or association, and at least one parent-member of 109337
the corporation or association is on the premises of the center 109338
or type A home during its hours of operation. 109339

~~(KK)~~ (LL) "Part-time child care center," "part-time 109340
center," "part-time type A family child care home," and "part- 109341
time type A home" mean a center or type A home that provides 109342
child care or publicly funded child care for not more than four 109343
hours a day for any child or not more than fifteen consecutive 109344
weeks per year, regardless of the number of hours per day. 109345

~~(LL)~~ (MM) "Place of worship" means a building where 109346
activities of an organized religious group are conducted and 109347
includes the grounds and any other buildings on the grounds used 109348
for such activities. 109349

~~(MM)~~ (NN) "Preschool-age child" means a child who is three 109350
years old or older but is not a school-age child. 109351

~~(NN)~~ (OO) "Protective child care" means publicly funded
child care for the direct care and protection of a child to whom
all of the following apply:

(1) A case plan has been prepared and maintained for the
child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian,
or another person who stands in loco parentis as defined in
rules adopted under section 5104.38 of the Revised Code.

~~(OO)~~ (PP) "Publicly funded child care" means administering
to the needs of infants, toddlers, preschool-age children, and
school-age children under age thirteen during any part of the
twenty-four-hour day by persons other than their caretaker
parents for remuneration wholly or in part with federal or state
funds, including funds available under the child care block
grant act, Title IV-A, and Title XX, distributed by the
department of children and youth.

~~(PP)~~ (QQ) "Religious activities" means any of the
following: worship or other religious services; religious
instruction; Sunday school classes or other religious classes
conducted during or prior to worship or other religious
services; youth or adult fellowship activities; choir or other
musical group practices or programs; meals; festivals; or
meetings conducted by an organized religious group.

~~(QQ)~~ (RR) "School-age child" means a child who is enrolled
in or is eligible to be enrolled in a grade of kindergarten or
above but is less than fifteen years old or, in the case of a
child who is receiving special needs child care, is less than
eighteen years old.

~~(RR)~~ (SS) "Serious risk noncompliance" means a licensure or 109381
certification rule violation that leads to a great risk of harm 109382
to, or death of, a child, and is observable, not inferable. 109383

~~(SS)~~ (TT) "Special needs child care" means child care 109384
provided to a child who is less than eighteen years of age and 109385
either has one or more chronic health conditions or does not 109386
meet age appropriate expectations in one or more areas of 109387
development, including social, emotional, cognitive, 109388
communicative, perceptual, motor, physical, and behavioral 109389
development and that may include on a regular basis such 109390
services, adaptations, modifications, or adjustments needed to 109391
assist in the child's function or development. 109392

~~(TT)~~ (UU) "Title IV-A" means Title IV-A of the "Social 109393
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 109394

~~(UU)~~ (VV) "Title XX" means Title XX of the "Social Security 109395
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 109396

~~(VV)~~ (WW) "Toddler" means a child who is at least eighteen 109397
months of age but less than three years of age. 109398

~~(WW)~~ (XX) "Type A family child care home" and "type A home" 109399
mean the permanent residence of the administrator in which child 109400
care or publicly funded child care is provided for seven to 109401
twelve children at one time or a permanent residence of the 109402
administrator in which child care is provided for four to twelve 109403
children at one time if four or more children at one time are 109404
under two years of age. In counting children for the purposes of 109405
this division, any children under six years of age who are 109406
related to a licensee, administrator, or employee and who are on 109407
the premises of the type A home shall be counted. "Type A family 109408
child care home" and "type A home" do not include any child day 109409

camp. 109410

~~(XX)~~(YY) "Type B family child care home" and "type B home" 109411
mean a permanent residence of the provider in which care is 109412
provided for one to six children at one time and in which no 109413
more than three children are under two years of age at one time. 109414
In counting children for the purposes of this division, any 109415
children under six years of age who are related to the provider 109416
and who are on the premises of the type B home shall be counted. 109417
"Type B family child care home" and "type B home" do not include 109418
any child day camp. 109419

Sec. 5104.12. (A) (1) A county director of job and family 109420
services may certify in-home aides to provide publicly funded 109421
child care pursuant to this chapter and any rules adopted under 109422
it. Any in-home aide who receives a certificate pursuant to this 109423
section to provide publicly funded child care is an independent 109424
contractor and is not an employee of the county department of 109425
job and family services that issues the certificate. 109426

(2) Every person desiring to receive certification as an 109427
in-home aide shall apply for certification to a county director 109428
of job and family services on such forms as the director of 109429
children and youth prescribes. A county director shall provide 109430
at no charge to each applicant a copy of rules for certifying 109431
in-home aides adopted pursuant to this chapter. 109432

(B) To be eligible for certification as an in-home aide, a 109433
person shall not be either of the following: 109434

(1) The owner of a center or home whose license was 109435
revoked pursuant to section 5104.04 of the Revised Code within 109436
the previous five years; 109437

(2) An in-home aide whose certificate was revoked under 109438

division (C) (2) of this section within the previous five years. 109439

(C) (1) If the county director of job and family services 109440
determines that the applicant complies with this chapter and any 109441
rules adopted under it, the county director shall certify the 109442
person as an in-home aide and issue the person a certificate to 109443
provide publicly funded child care ~~for twenty-four months~~. The 109444
county director shall furnish a copy of the certificate to the 109445
parent, custodian, or guardian. The certificate shall state the 109446
name and address of the in-home aide, ~~the expiration date of the~~
~~certification~~, and the name and telephone number of the county 109447
director who issued the certificate. 109448
109449

(2) The county director may revoke the certificate in 109450
either of the following circumstances: 109451

(a) The county director determines, pursuant to rules 109452
adopted under Chapter 119. of the Revised Code, that revocation 109453
is necessary; 109454

(b) The in-home aide does not comply with division (C) (2) 109455
of section 5104.32 of the Revised Code. 109456

(D) (1) The county director of job and family services 109457
shall inspect every home of a child who is receiving publicly 109458
funded child care in the child's own home while the in-home aide 109459
is providing the services. Inspections may be unannounced. Upon 109460
receipt of a complaint, the county director shall investigate 109461
the in-home aide, shall investigate the home of a child who is 109462
receiving publicly funded child care in the child's own home, 109463
and division (D) (2) of this section applies regarding the 109464
complaint. The caretaker parent shall permit the county director 109465
to inspect any part of the child's home. The county director 109466
shall prepare a written inspection report and furnish one copy 109467

each to the in-home aide and the caretaker parent within a 109468
reasonable time after the inspection. 109469

(2) Upon receipt of a complaint as described in division 109470
(D) (1) of this section, in addition to the investigations that 109471
are required under that division, both of the following apply: 109472

(a) If the complaint alleges that a child suffered 109473
physical harm while receiving publicly funded child care in the 109474
child's own home from an in-home aide or that the noncompliance 109475
with law or act alleged in the complaint involved, resulted in, 109476
or poses a substantial risk of physical harm to a child 109477
receiving publicly funded child care in the child's own home 109478
from an in-home aide, the county director shall inspect the home 109479
of the child. 109480

(b) If division (D) (2) (a) of this section does not apply 109481
regarding the complaint, the county director may inspect the 109482
home of the child. 109483

(3) Division (D) (2) of this section does not limit, 109484
restrict, or negate any duty of the county director to inspect a 109485
home of a child who is receiving publicly funded child care from 109486
an in-home aide that otherwise is imposed under this section, or 109487
any authority of the county director to inspect such a home that 109488
otherwise is granted under this section when the county director 109489
believes the inspection is necessary and it is permitted under 109490
the grant. 109491

Sec. 5104.29. (A) ~~As used in this section, "early learning~~ 109492
~~and development program" has the same meaning as "licensed child~~ 109493
~~care program" as defined in section 5104.01 of the Revised Code.~~ 109494

~~(B)~~ There is hereby created in the department of children 109495
and youth the step up to quality program, under which the 109496

department of children and youth, in cooperation with the 109497
department of education and workforce, shall develop a tiered 109498
quality rating and improvement system for all early learning and 109499
development programs in this state. The step up to quality 109500
program shall include all of the following components: 109501

(1) Quality program standards for early learning and 109502
development programs; 109503

(2) Accountability measures that include tiered ratings 109504
representing each program's level of quality; 109505

(3) Program and provider outreach and support to help 109506
programs meet higher standards and promote participation in the 109507
step up to quality program; 109508

(4) Financial incentives for early learning and 109509
development programs that provide publicly funded child care and 109510
are linked to achieving and maintaining quality standards; 109511

(5) Parent and consumer education to help parents learn 109512
about program quality and ratings so they can make informed 109513
choices on behalf of their children. 109514

~~(C)~~ (B) The step up to quality program shall have the 109515
following goals: 109516

(1) Increasing the number of low-income children, special 109517
needs children, and children with limited English proficiency 109518
participating in quality early learning and development 109519
programs; 109520

(2) Providing families with an easy-to-use tool for 109521
evaluating the quality of early learning and development 109522
programs; 109523

(3) Recognizing and supporting early learning and 109524

development programs that achieve higher levels of quality; 109525

(4) Providing incentives and supports to help early 109526
learning and development programs implement continuous quality 109527
improvement systems. 109528

~~(D)~~ (C) Under the step up to quality program, participating 109529
early learning and development programs may be eligible for 109530
grants, technical assistance, training, and other assistance. 109531
Programs that maintain a quality rating may be eligible for 109532
unrestricted monetary awards. 109533

~~(E)~~ (D) The tiered ratings developed pursuant to this 109534
section shall be based on an early learning and development 109535
program's performance in meeting program standards in the 109536
following four domains: 109537

(1) Learning and development; 109538

(2) Administration and leadership practices; 109539

(3) Staff quality and professional development; 109540

(4) Family and community partnerships. 109541

The ratings developed under this section shall not take 109542
into consideration whether an administrator or employee of an 109543
early learning and development program holds or obtains a 109544
bachelor's, master's, or doctoral degree. 109545

~~(F)~~ (E) The director of children and youth, in 109546
collaboration with the director of education and workforce, 109547
shall adopt rules in accordance with Chapter 119. of the Revised 109548
Code to implement the step up to quality program described in 109549
this section. 109550

Sec. 5104.30. (A) The department of children and youth is 109551

hereby designated as the state agency responsible for 109552
administration and coordination of federal and state funding for 109553
publicly funded child care in this state. Publicly funded child 109554
care shall be provided to the following: 109555

(1) Recipients of transitional child care as provided 109556
under section 5104.34 of the Revised Code; 109557

(2) Participants in the Ohio works first program 109558
established under Chapter 5107. of the Revised Code; 109559

(3) Individuals who would be participating in the Ohio 109560
works first program if not for a sanction under section 5107.16 109561
of the Revised Code and who continue to participate in a work 109562
activity, developmental activity, or alternative work activity 109563
pursuant to an assignment under section 5107.42 of the Revised 109564
Code; 109565

(4) A family receiving publicly funded child care on 109566
October 1, 1997, until the family's income reaches one hundred 109567
fifty per cent of the federal poverty line; 109568

(5) Subject to available funds, other individuals 109569
determined eligible in accordance with rules adopted under 109570
section 5104.38 of the Revised Code. 109571

The department shall apply to the United States department 109572
of health and human services for authority to operate a 109573
coordinated program for publicly funded child care, if the 109574
director of children and youth determines that the application 109575
is necessary. For purposes of this section, the department of 109576
children and youth may enter into agreements with other state 109577
agencies that are involved in regulation or funding of child 109578
care. The department shall consider the special needs of migrant 109579
workers when it administers and coordinates publicly funded 109580

child care and shall develop appropriate procedures for 109581
accommodating the needs of migrant workers for publicly funded 109582
child care. 109583

(B) The department of children and youth shall distribute 109584
state and federal funds for publicly funded child care, 109585
including appropriations of state funds for publicly funded 109586
child care and appropriations of federal funds available under 109587
the child care block grant act, Title IV-A, and Title XX. The 109588
department may use any state funds appropriated for publicly 109589
funded child care as the state share required to match any 109590
federal funds appropriated for publicly funded child care. 109591

(C) In the use of federal funds available under the child 109592
care block grant act, all of the following apply: 109593

(1) The department may use the federal funds to hire staff 109594
to prepare any rules required under this chapter and to 109595
administer and coordinate federal and state funding for publicly 109596
funded child care. 109597

(2) Not more than five per cent of the aggregate amount of 109598
the federal funds received for a fiscal year may be expended for 109599
administrative costs. 109600

(3) The department shall allocate and use at least four 109601
per cent of the federal funds for the following: 109602

(a) Activities designed to provide comprehensive consumer 109603
education to parents and the public; 109604

(b) Activities that increase parental choice; 109605

(c) Activities, including child care resource and referral 109606
services, designed to improve the quality, and increase the 109607
supply, of child care; 109608

(d) Establishing the step up to quality program pursuant 109609
to section 5104.29 of the Revised Code. 109610

(4) The department shall ensure that the federal funds 109611
will be used only to supplement, and will not be used to 109612
supplant, federal, state, and local funds available on the 109613
effective date of the child care block grant act for publicly 109614
funded child care and related programs. If authorized by rules 109615
adopted by the department pursuant to section 5104.42 of the 109616
Revised Code, county departments of job and family services may 109617
purchase child care from funds obtained through any other means. 109618

(D) The department shall encourage the development of 109619
suitable child care throughout the state, especially in areas 109620
with high concentrations of recipients of public assistance and 109621
families with low incomes. The department shall encourage the 109622
development of suitable child care designed to accommodate the 109623
special needs of migrant workers. On request, the department, 109624
through its employees or contracts with state or community child 109625
care resource and referral service organizations, shall provide 109626
consultation to groups and individuals interested in developing 109627
child care. The department of children and youth may enter into 109628
interagency agreements with the department of education and 109629
workforce, the chancellor of higher education, the department of 109630
development, and other state agencies and entities whenever the 109631
cooperative efforts of the other state agencies and entities are 109632
necessary for the department of children and youth to fulfill 109633
its duties and responsibilities under this chapter. 109634

The department shall develop and maintain a registry of 109635
persons providing child care. The director shall adopt rules in 109636
accordance with Chapter 119. of the Revised Code establishing 109637
procedures and requirements for the registry's administration. 109638

(E) (1) The director shall adopt rules in accordance with 109639
Chapter 119. of the Revised Code establishing both of the 109640
following: 109641

(a) ~~Reimbursement~~ Payment rates for providers of publicly 109642
funded child care not later than the first day of July in each 109643
odd-numbered year; 109644

(b) A procedure for ~~reimbursing and~~ paying providers of 109645
publicly funded child care. 109646

(2) In establishing ~~reimbursement~~ payment rates under 109647
division (E) (1) (a) of this section, the director shall do all of 109648
the following: 109649

(a) Use the information obtained from the market rate 109650
survey developed and conducted in accordance with 45 C.F.R. 109651
98.45; 109652

(b) Establish an enhanced ~~reimbursement~~ payment rate for 109653
providers who ~~provide child care for~~ enroll children whose 109654
caretaker parents ~~who~~ work nontraditional hours; 109655

(c) With regard to the step up to quality program 109656
established pursuant to section 5104.29 of the Revised Code, 109657
establish enhanced ~~reimbursement~~ payment rates for child care 109658
providers that participate in the program. 109659

(3) In establishing ~~reimbursement~~ payment rates under 109660
division (E) (1) (a) of this section, the director may establish 109661
different ~~reimbursement~~ payment rates based on any of the 109662
following: 109663

(a) Geographic location of the provider; 109664

(b) Type of care provided; 109665

(c) Age of the child served;	109666
(d) Special needs of the child served;	109667
(e) Whether the expanded hours of service are provided;	109668
(f) Whether weekend service is provided;	109669
(g) Whether the provider has exceeded the minimum	109670
requirements of state statutes and rules governing child care;	109671
(h) Any other factors the director considers appropriate.	109672
Sec. 5104.302. <u>In addition to establishing payment rates</u>	109673
<u>for publicly funded child care providers in each odd-numbered</u>	109674
<u>year, as required by section 5104.30 of the Revised Code, the</u>	109675
<u>director of children and youth may contract with a third-party</u>	109676
<u>entity to analyze information regarding the prices charged for</u>	109677
<u>child care for the subsequent even-numbered year.</u>	109678
Sec. 5104.32. (A) All purchases of publicly funded child	109679
care shall be made under a contract entered into by a licensed	109680
child care center, licensed type A family child care home,	109681
licensed type B family child care home, certified in-home aide,	109682
approved child day camp, licensed preschool program, licensed	109683
school child program, or border state child care provider and	109684
the department of children and youth. All contracts for publicly	109685
funded child care shall be contingent upon the availability of	109686
state and federal funds. The department shall prescribe a	109687
standard form to be used for all contracts for the purchase of	109688
publicly funded child care, regardless of the source of public	109689
funds used to purchase the child care. To the extent permitted	109690
by federal law and notwithstanding any other provision of the	109691
Revised Code that regulates state contracts or contracts	109692
involving the expenditure of state or federal funds, all	109693
contracts for publicly funded child care shall be entered into	109694

in accordance with the provisions of this chapter and are exempt 109695
from any other provision of the Revised Code that regulates 109696
state contracts or contracts involving the expenditure of state 109697
or federal funds. 109698

(B) Each contract for publicly funded child care shall 109699
specify at least the following: 109700

(1) That the provider of publicly funded child care agrees 109701
to be paid ~~for rendering services at the lower of the rate~~ 109702
~~customarily charged by the provider for children enrolled for~~ 109703
~~child care or the reimbursement rate of payment established~~ 109704
pursuant to section 5104.30 of the Revised Code; 109705

(2) ~~That, if a provider provides child care to an~~ 109706
~~individual potentially eligible for publicly funded child care~~ 109707
~~who is subsequently determined to be eligible, the department~~ 109708
~~agrees to pay for all child care provided between the date the~~ 109709
~~county department of job and family services receives the~~ 109710
~~individual's completed application and the date the individual's~~ 109711
~~eligibility is determined;~~ 109712

~~(3)~~ Whether the county department of job and family 109713
services, the provider, or a child care resource and referral 109714
service organization will make eligibility determinations, 109715
whether the provider or a child care resource and referral 109716
service organization will be required to collect information to 109717
be used by the county department to make eligibility 109718
determinations, and the time period within which the provider or 109719
child care resource and referral service organization is 109720
required to complete required eligibility determinations or to 109721
transmit to the county department any information collected for 109722
the purpose of making eligibility determinations; 109723

~~(4)~~(3) That the provider, other than a border state child care provider, shall continue to be licensed, approved, or certified pursuant to this chapter and shall comply with all standards and other requirements in this chapter and in rules adopted pursuant to this chapter for maintaining the provider's license, approval, or certification;

~~(5)~~(4) That, in the case of a border state child care provider, the provider shall continue to be licensed, certified, or otherwise approved by the state in which the provider is located and shall comply with all standards and other requirements established by that state for maintaining the provider's license, certificate, or other approval;

~~(6)~~(5) Whether the provider will be paid by the department of children and youth or in some other manner as prescribed by rules adopted under section 5104.42 of the Revised Code;

~~(7)~~(6) That the contract is subject to the availability of state and federal funds.

(C) (1) The department shall establish an automated child care system to track child attendance and enrollment and calculate payments for publicly funded child care. Not later than July 1, 2026, and thereafter, the department shall calculate payments for publicly funded child care based on a child's enrollment, as described in 45 C.F.R. 98.45(m), rather than on a child's attendance.

(2) Each eligible provider that provides publicly funded child care shall participate in the automated child care system. A provider participating in the system shall not do any of the following:

- (a) Use or have possession of a personal identification number or password issued to a caretaker parent under the automated child care system; 109753
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109755
- (b) Falsify child attendance or enrollment records; 109756
- (c) Knowingly seek or accept payment for publicly funded child care ~~that was not provided for a child not enrolled with the provider or for which the provider was not eligible~~; 109757
109758
109759
- (d) Knowingly seek or accept payment for child care ~~provided to for~~ a child who resides in the provider's own home. 109760
109761
- (D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following: 109762
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109764
109765
109766
- (1) The terms of the contract entered into under this section; 109767
109768
- (2) This chapter or any rules adopted under it. 109769
- (E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care. 109770
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- (F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. 109777
109778
109779
109780

of the Revised Code. 109781

Sec. 5104.34. (A) (1) Each county department of job and 109782
family services shall implement procedures for making 109783
determinations of eligibility for publicly funded child care. 109784
Under those procedures, the eligibility determination for each 109785
applicant shall be made no later than thirty calendar days from 109786
the date the county department receives a completed application 109787
for publicly funded child care. Each applicant shall be notified 109788
promptly of the results of the eligibility determination. An 109789
applicant aggrieved by a decision or delay in making an 109790
eligibility determination may appeal the decision or delay to 109791
the department of children and youth in accordance with section 109792
5101.35 of the Revised Code. The due process rights of 109793
applicants shall be protected. 109794

To the extent permitted by federal law, the county 109795
department may make all determinations of eligibility for 109796
publicly funded child care, may contract with child care 109797
providers or child care resource and referral service 109798
organizations for the providers or resource and referral service 109799
organizations to make all or any part of the determinations, and 109800
may contract with child care providers or child care resource 109801
and referral service organizations for the providers or resource 109802
and referral service organizations to collect specified 109803
information for use by the county department in making 109804
determinations. If a county department contracts with a child 109805
care provider or a child care resource and referral service 109806
organization for eligibility determinations or for the 109807
collection of information, the contract shall require the 109808
provider or resource and referral service organization to make 109809
each eligibility determination no later than thirty calendar 109810
days from the date the provider or resource and referral 109811

organization receives a completed application that is the basis 109812
of the determination and to collect and transmit all necessary 109813
information to the county department within a period of time 109814
that enables the county department to make each eligibility 109815
determination no later than thirty days after the filing of the 109816
application that is the basis of the determination. 109817

The county department may station employees of the 109818
department in various locations throughout the county to collect 109819
information relevant to applications for publicly funded child 109820
care and to make eligibility determinations. The county 109821
department, child care provider, and child care resource and 109822
referral service organization shall make each determination of 109823
eligibility for publicly funded child care no later than thirty 109824
days after the filing of the application that is the basis of 109825
the determination, shall make each determination in accordance 109826
with any relevant rules adopted pursuant to section 5104.38 of 109827
the Revised Code, and shall notify promptly each applicant for 109828
publicly funded child care of the results of the determination 109829
of the applicant's eligibility. 109830

The director of children and youth shall adopt rules in 109831
accordance with Chapter 119. of the Revised Code for monitoring 109832
the eligibility determination process. In accordance with those 109833
rules, the state department shall monitor eligibility 109834
determinations made by county departments of job and family 109835
services and shall direct any entity that is not in compliance 109836
with this division or any rule adopted under this division to 109837
implement corrective action specified by the department. 109838

(2) (a) All eligibility determinations for publicly funded 109839
child care shall be made in accordance with rules adopted 109840
pursuant to division (A) of section 5104.38 of the Revised Code. 109841

Except as otherwise provided in this section, all of the 109842
following apply: 109843

(i) Publicly funded child care may be provided only to 109844
eligible infants, toddlers, preschool-age children, school-age 109845
children under age thirteen, or children receiving special needs 109846
child care. 109847

(ii) For an applicant to be eligible for publicly funded 109848
child care, the caretaker parent must be employed or 109849
participating in a program of education or training for an 109850
amount of time reasonably related to the time that the parent's 109851
children are receiving publicly funded child care. This 109852
restriction does not apply to families whose children are 109853
eligible for protective child care. 109854

(iii) The eligibility period for publicly funded child 109855
care shall be at least twelve months. 109856

~~(b) In accordance with rules adopted under division (B) of 109857
section 5104.38 of the Revised Code, an applicant may receive 109858
publicly funded child care while the county department 109859
determines eligibility. An applicant may receive publicly funded 109860
child care while a county department determines eligibility only 109861
once during a twelve-month period. If the county department 109862
determines that an applicant is not eligible for publicly funded 109863
child care, the child care provider shall be paid for providing 109864
publicly funded child care for up to five days after that 109865
determination if the county department received a completed 109866
application with all required documentation. A program may 109867
appeal a denial of payment under this division. 109868~~

~~(c) If a caretaker parent who has been determined eligible 109869
to receive publicly funded child care no longer meets the 109870~~

requirements of division (A) (2) (a) (ii) of this section, the 109871
caretaker parent may continue to receive publicly funded child 109872
care for a period of at least three but not more than four 109873
months not to extend beyond the caretaker parent's eligibility 109874
period. 109875

~~(d)~~ (c) If a child turns thirteen, or if a child receiving 109876
special needs child care turns eighteen, during the eligibility 109877
period, the caretaker parent may continue to receive publicly 109878
funded child care until the end of that eligibility period. 109879

Subject to available funds, the department of children and 109880
youth shall allow a family to receive publicly funded child care 109881
unless the family's income exceeds the maximum income 109882
eligibility limit. Initial and continued eligibility for 109883
publicly funded child care is subject to available funds unless 109884
the family is receiving child care pursuant to division (A) (1), 109885
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 109886
department must limit eligibility due to lack of available 109887
funds, it shall give first priority for publicly funded child 109888
care to an assistance group whose income is not more than the 109889
maximum income eligibility limit that received transitional 109890
child care in the previous month but is no longer eligible 109891
because the eligibility period has expired. Such an assistance 109892
group shall continue to receive priority for publicly funded 109893
child care until its income exceeds the maximum income 109894
eligibility limit. 109895

(3) An assistance group that ceases to participate in the 109896
Ohio works first program established under Chapter 5107. of the 109897
Revised Code is eligible for transitional child care at any time 109898
during the immediately following twelve-month period that both 109899
of the following apply: 109900

(a) The assistance group requires child care due to employment; 109901
109902

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line. 109903
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An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care. 109905
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(B) To the extent permitted by federal law, the department of children and youth may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child. 109909
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(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs. 109917
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(D) If the department of children and youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income. 109922
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(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child 109928
109929

during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child care center, type A family child care home, or licensed type B family child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child enrolled with the center, home, in-home aide, camp, or provider, to be made available to the county department of job and family services or the department of children and youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;

(C) The name and address of the caretaker parent's place of employment or program of education or training;

(D) The hours for which the child has been enrolled with the center, home, in-home aide, camp, or provider and the hours

for which child care services have been provided for the child; 109958

(E) Any other information required by the county 109959
department of job and family services or the department of 109960
children and youth. 109961

Sec. 5104.37. (A) In addition to the duties described in 109962
division (D) of section 5104.30 of the Revised Code, the 109963
director of ~~job and family services~~ children and youth shall 109964
engage in activities to do the following: 109965

(1) Encourage the establishment and licensure of family 109966
~~day-care~~ child care homes in this state, especially in areas 109967
with the greatest need for child care; 109968

(2) Connect families and caretaker parents in need of 109969
child care with family ~~day-care~~ child care homes not meeting the 109970
license capacity specified on their licenses, as described in 109971
division (E) of section 5104.03 of the Revised Code. 109972

(B) The director may contract with one or more third-party 109973
entities to assist the director in performing the duties 109974
described in division (A) of this section. 109975

(C) Not later than May 30, 2023, and periodically 109976
thereafter, the director shall submit to the general assembly a 109977
report documenting any barriers that may prevent the 109978
establishment or licensure of family ~~day-care~~ child care homes. 109979
The director shall submit the required report in accordance with 109980
section 101.68 of the Revised Code. 109981

Sec. 5104.38. In addition to any other rules adopted under 109982
this chapter, the director of children and youth shall adopt 109983
rules in accordance with Chapter 119. of the Revised Code 109984
governing financial and administrative requirements for publicly 109985
funded child care and establishing all of the following: 109986

(A) Procedures and criteria to be used in making 109987
determinations of eligibility for publicly funded child care 109988
that give priority to children of families with lower incomes 109989
and procedures and criteria for eligibility for publicly funded 109990
protective child care or homeless child care. The rules shall 109991
specify the maximum amount of income a family may have for 109992
initial and continued eligibility. The maximum amount shall not 109993
exceed three hundred per cent of the federal poverty line. The 109994
rules may specify exceptions to the eligibility requirements in 109995
the case of a family that previously received publicly funded 109996
child care and is seeking to have the child care reinstated 109997
after the family's eligibility was terminated. 109998

~~(B) Procedures under which an applicant for publicly 109999
funded child care may receive publicly funded child care while 110000
the county department of job and family services determines 110001
eligibility and under which a child care provider may appeal a 110002
denial of payment under division (A) (2) (b) of section 5104.34 of 110003
the Revised Code; 110004~~

~~(C)~~ A schedule of fees requiring all eligible caretaker 110005
parents to pay a fee for publicly funded child care according to 110006
income and family size, which shall be uniform for all types of 110007
publicly funded child care, except as authorized by rule, and, 110008
to the extent permitted by federal law, shall permit the use of 110009
state and federal funds to pay the customary deposits and other 110010
advance payments that a provider charges all children who 110011
receive child care from that provider. 110012

~~(D)~~ (C) A formula for determining the amount of state and 110013
federal funds appropriated for publicly funded child care that 110014
may be allocated to a county department to use for 110015
administrative purposes; 110016

(F) <u>(D)</u> Procedures to be followed by the department and	110017
county departments in recruiting individuals and groups to	110018
become providers of child care;	110019
(F) <u>(E)</u> Procedures to be followed in establishing state or	110020
local programs designed to assist individuals who are eligible	110021
for publicly funded child care in identifying the resources	110022
available to them and to refer the individuals to appropriate	110023
sources to obtain child care;	110024
(G) <u>(F)</u> Procedures to deal with fraud and abuse committed	110025
by either recipients or providers of publicly funded child care;	110026
(H) <u>(G)</u> Procedures for establishing a child care grant or	110027
loan program in accordance with the child care block grant act;	110028
(I) <u>(H)</u> Standards and procedures for applicants to apply	110029
for grants and loans, and for the department to make grants and	110030
loans;	110031
(J) <u>(I)</u> A definition of "person who stands in loco	110032
parentis" for the purposes of division (NN) (3) <u>(OO) (3)</u> of section	110033
5104.01 of the Revised Code;	110034
(K) <u>(J)</u> Procedures for a county department of job and	110035
family services to follow in making eligibility determinations	110036
and redeterminations for publicly funded child care available	110037
through telephone, computer, and other means at locations other	110038
than the county department;	110039
(L) <u>(K)</u> If the director establishes a different	110040
reimbursement <u>payment</u> rate under division (E) (3) (d) of section	110041
5104.30 of the Revised Code, standards and procedures for	110042
determining the amount of the higher payment that is to be	110043
issued to a child care provider based on the special needs of	110044
the child being served;	110045

~~(M)~~ (L) To the extent permitted by federal law, procedures for enrolling and paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

~~(N)~~ (M) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.41. A child and the child's caretaker who are otherwise ineligible for publicly funded child care are eligible for homeless child care for ~~the lesser of the following:~~

~~(A) Not more than ninety days;~~

~~(B) The period of time they reside in a facility providing emergency shelter for homeless families or the period of time in which the county department determines they are homeless twelve months.~~

Sec. 5104.53. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(B) The early childhood education grant program is created in the department of children and youth. Subject to available funds, the program shall support and invest in early learning and development programs operating in this state by awarding grants to programs that meet the conditions of this section in

an amount that corresponds to the number of eligible children 110074
served by the programs. 110075

(C) To be eligible for a grant under this section, an 110076
early learning and development program shall meet each of the 110077
following conditions: 110078

(1) The program is rated through the step up to quality 110079
program established under section 5104.29 of the Revised Code at 110080
the tiered rating specified by the department in rules adopted 110081
under this section. 110082

(2) The program provides early learning and development 110083
services to one or more preschool-age children described in 110084
division (D) of this section. 110085

(3) The program meets any other eligibility condition 110086
specified by the department in rules adopted under this section. 110087

(D) A preschool-age child who meets all of the following 110088
conditions, as determined by a county department of job and 110089
family services, is eligible to participate in the early 110090
childhood education grant program if a slot is available: 110091

(1) Either the amount of the child's family income does 110092
not exceed two hundred per cent of the federal poverty line or 110093
the child meets one of the following conditions: 110094

(a) An IEP has been developed for the child; 110095

(b) The child is placed with a resource caregiver as 110096
described in Chapter 5103. of the Revised Code, with such 110097
placement documented by either a family case plan or kinship 110098
permanency incentive payments; 110099

(c) The child is homeless as described in division (V) of 110100
section 5104.01 of the Revised Code. 110101

(2) The child is a citizen of the United States or a 110102
qualified alien. 110103

(3) The child meets any other eligibility condition 110104
specified by the department in rules adopted under this section. 110105

(E) Any funds appropriated to the department for purposes 110106
of the early childhood education grant program shall be used as 110107
follows: 110108

(1) In each fiscal year, not more than two per cent of 110109
appropriated funds shall be used for program support and 110110
technical assistance. 110111

(2) Appropriated funds other than those described in 110112
division (E) (1) of this section shall be distributed to grant 110113
recipients. 110114

(F) In accordance with Chapter 119. of the Revised Code, 110115
the director shall adopt rules to implement this section and 110116
administer the early childhood education grant program, 110117
including rules addressing all of the following topics: 110118

(1) Eligibility conditions and other requirements for 110119
participation in the grant program by early learning and 110120
development programs, including the tiered rating at which a 110121
program becomes eligible to participate; 110122

(2) Eligibility conditions for children participating in 110123
the early childhood education grant program if a slot is 110124
available; 110125

(3) Standards, procedures, and requirements to apply for 110126
and distribute funds to participating early learning and 110127
development programs; 110128

(4) In the event funds are distributed in error under the 110129

program, methods by which the department may recover those 110130
funds. 110131

Sec. 5104.60. The director of children and youth shall 110132
contract with a third-party entity to develop a registry 110133
information system to provide, on an ongoing basis, training and 110134
professional development opportunities to the employees of early 110135
learning and development programs that receive funding under the 110136
child care block grant act. The registry information system 110137
shall be known as the Ohio professional registry. 110138

In developing the registry information system, the third- 110139
party entity shall comply with requirements set forth in the 110140
child care block grant act and 45 C.F.R. Part 98. 110141

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 110142
Revised Code shall be punished as follows: 110143

(1) For each offense, the offender shall be fined not less 110144
than one hundred dollars nor more than five hundred dollars 110145
multiplied by the number of children receiving child care at the 110146
child care center or type A family child care home that either 110147
exceeds the number of children to which a type B family ~~day-care~~ 110148
child care home may provide child care or, if the offender is a 110149
licensed type A family child care home that is operating as a 110150
child care center without being licensed as a center, exceeds 110151
the license capacity of the type A home. 110152

(2) In addition to the fine specified in division (A) (1) 110153
of this section, all of the following apply: 110154

(a) Except as provided in divisions (A) (2) (b), (c), and 110155
(d) of this section, the court shall order the offender to 110156
reduce the number of children to which it provides child care to 110157
a number that does not exceed either the number of children to 110158

which a type B family child care home may provide child care or, 110159
if the offender is a licensed type A family child care home that 110160
is operating as a child care center without being licensed as a 110161
center, the license capacity of the type A home. 110162

(b) If the offender previously has been convicted of or 110163
pleaded guilty to one violation of section 5104.02 of the 110164
Revised Code, the court shall order the offender to cease the 110165
provision of child care to any person until it obtains a child 110166
care center license or a type A family child care home license, 110167
as appropriate, under section 5104.03 of the Revised Code. 110168

(c) If the offender previously has been convicted of or 110169
pleaded guilty to two violations of section 5104.02 of the 110170
Revised Code, the offender is guilty of a misdemeanor of the 110171
first degree, and the court shall order the offender to cease 110172
the provision of child care to any person until it obtains a 110173
child care center license or a type A family child care home 110174
license, as appropriate, under section 5104.03 of the Revised 110175
Code. The court shall impose the fine specified in division (A) 110176
(1) of this section and may impose an additional fine provided 110177
that the total amount of the fines so imposed does not exceed 110178
the maximum fine authorized for a misdemeanor of the first 110179
degree under section 2929.28 of the Revised Code. 110180

(d) If the offender previously has been convicted of or 110181
pleaded guilty to three or more violations of section 5104.02 of 110182
the Revised Code, the offender is guilty of a felony of the 110183
fifth degree, and the court shall order the offender to cease 110184
the provision of child care to any person until it obtains a 110185
child care center license or a type A family child care home 110186
license, as appropriate, under section 5104.03 of the Revised 110187
Code. The court shall impose the fine specified in division (A) 110188

(1) of this section and may impose an additional fine provided 110189
that the total amount of the fines so imposed does not exceed 110190
the maximum fine authorized for a felony of the fifth degree 110191
under section 2929.18 of the Revised Code. 110192

(B) Whoever violates section 5104.09 of the Revised Code 110193
is guilty of a misdemeanor of the third degree. 110194

Sec. 5117.07. (A) On or before the first day of October, 110195
the director of development shall review all applications 110196
submitted under division (C) of section 5117.03 of the Revised 110197
Code and shall determine the eligibility of each applicant to 110198
receive a credit or payment. The total income and current total 110199
income amounts set forth in division (A) of this section are 110200
subject to adjustment under section 5117.071 of the Revised 110201
Code. 110202

(1) An applicant is eligible for a credit of thirty per 110203
cent if the applicant is a head of household, has a total income 110204
of five thousand dollars or less or a current total income of 110205
two thousand five hundred dollars or less, owns and occupies or 110206
rents and occupies a household receiving the source of energy 110207
for its primary heating system from an energy company and such 110208
energy is separately metered, and is either of the following: 110209

(a) Sixty-five years of age or older; 110210

(b) Permanently and totally disabled. 110211

(2) An applicant is eligible for a credit of twenty-five 110212
per cent if the applicant is a head of household, has a total 110213
income of more than five thousand dollars but not more than nine 110214
thousand dollars or a current total income of more than two 110215
thousand five hundred dollars but not more than four thousand 110216
five hundred dollars, is sixty-five years of age or older or 110217

permanently and totally disabled, and owns and occupies or rents 110218
and occupies a household receiving the source of energy for its 110219
primary heating system from an energy company and such energy is 110220
separately metered. 110221

(3) An applicant is eligible for a payment if either of 110222
the following applies to the applicant: 110223

(a) The applicant would be eligible for the credit under 110224
division (A) (1) or (2) of this section but for the fact that the 110225
source of energy for the primary heating system of the 110226
applicant's household is not separately metered; 110227

(b) The applicant is a head of household, has a total 110228
income of no more than nine thousand dollars or a current total 110229
income of no more than four thousand five hundred dollars, is 110230
sixty-five years of age or older or permanently and totally 110231
disabled, and owns and occupies or rents and occupies a 110232
household receiving the source of energy for its primary heating 110233
system from an energy dealer. 110234

(4) In the case of a multiple unit dwelling for which 110235
separate metering for the source of energy for its primary 110236
heating system is not provided, more than one applicant 110237
occupying such dwelling may be determined eligible for a payment 110238
under division (A) (3) (a) of this section. 110239

(B) Notwithstanding division (A) of this section: 110240

(1) No head of household who resides in public housing or 110241
receives a rent subsidy from a government agency is eligible for 110242
a credit or payment unless the person's rent subsidy does not 110243
reflect the costs of that person's household receiving the 110244
source of energy for its primary heating system; 110245

(2) A resident of a nursing home, hospital, or other 110246

extended health care facility is not eligible for a credit or 110247
payment for the costs of providing the source of energy for the 110248
primary heating system of the facility. 110249

(C) The director shall establish a procedure whereby the 110250
director~~-commissioner~~ can verify total income and current total 110251
income for the calendar year in which an applicant is determined 110252
eligible for a payment or credit. If a person receives a credit 110253
or payment that the person is ineligible to receive under 110254
division (A) of this section as determined by the director, that 110255
person shall refund to the director the credit or payment, or 110256
excess portion of a credit or payment, that person received. The 110257
sum refunded shall be deposited in the state treasury to the 110258
credit of the ~~universal service~~ electric partnership plan fund 110259
created in section 4928.51 of the Revised Code. 110260

(D) The director may request an additional certification 110261
of permanent and total disability for any applicant claiming 110262
such status on an application renewal form submitted under 110263
section 5117.03 of the Revised Code. Such certification shall be 110264
requested from the person or agency named on the form pursuant 110265
to division (B)(1) of section 5117.03 of the Revised Code. If 110266
such additional certification is refused due to a conclusion by 110267
the person or agency that the applicant is not permanently and 110268
totally disabled, the director shall determine the applicant 110269
ineligible for any credit or payment. If such additional 110270
certification is unavailable or refused for any other reason, 110271
the director may determine the applicant to be eligible for a 110272
credit or payment provided the director~~-commissioner~~ has good 110273
cause to believe the applicant is permanently and totally 110274
disabled. 110275

(E) On or before the first day of October, the director 110276

shall notify each applicant of the disposition of the 110277
applicant's application under divisions (A) and (B) of this 110278
section. At the same time, the director~~-tax commissioner~~ shall 110279
notify the applicant, regardless of whether the applicant's 110280
application is approved or disapproved, that the applicant may 110281
be eligible to participate in a state or federal weatherization 110282
program and should contact the applicant's community action 110283
agency for further information. If an application is 110284
disapproved, the applicant may appeal to the director for a 110285
hearing on the matter. A notice of disapproval shall include a 110286
detailed explanation of the applicant's right of appeal under 110287
this chapter. Any such appeal shall be on an appeal form 110288
prescribed by the director and shall be filed with the director 110289
within twenty days of the receipt of the notice of disapproval. 110290

Sec. 5117.12. (A) On or before the thirty-first day of 110291
August of each year, each energy company shall file a written 110292
report with the director of development regarding the impact, if 110293
any, of the requirements of division (E) of section 5117.11 of 110294
the Revised Code on the number of uncollectible and past due 110295
residential accounts for the twelve-month period ending on the 110296
preceding thirty-first day of July. The report shall include 110297
such information as is prescribed by the director. The 110298
information shall be based on actual reviews of residential 110299
customer accounts and shall be presented in verifiable form. The 110300
director may consult with the public utilities commission and 110301
the consumers' counsel in prescribing the contents of such 110302
reports and complying with the requirements of division (C) (4) 110303
of this section. 110304

(B) Before the thirty-first day of January of each year, 110305
the director shall prepare a written report including a final 110306
review of the Ohio energy credit program for which applications 110307

were required to be mailed or provided by the fifteenth day of 110308
June of the second preceding calendar year pursuant to section 110309
5117.03 of the Revised Code and an interim review of the program 110310
for which applications were required to be mailed or provided by 110311
the fifteenth day of June of the preceding calendar year under 110312
such section. On or before the thirty-first day of January of 110313
each year, the director shall provide written copies of such 110314
report to the speaker of the house of representatives, president 110315
of the senate, minority leaders of the house of representatives 110316
and senate, chairpersons of the house finance and appropriations 110317
committee and senate finance committee, chairpersons of the 110318
committees of the house of representatives and senate 110319
customarily entrusted with matters concerning public utilities, 110320
clerk of the house of representatives, and clerk of the senate. 110321

(C) Each report prepared under division (B) of this 110322
section shall include a review of: 110323

(1) Program costs; 110324

(2) The number of persons receiving credits or payments 110325
under the program; 110326

(3) Progress in the implementation of any changes in the 110327
program made by the general assembly within the period covered 110328
by the report; 110329

(4) The impact, if any, of the requirements of division 110330
(E) of section 5117.11 of the Revised Code on the number of 110331
uncollectible and past due residential accounts of energy 110332
companies for the twelve-month period ending on the preceding 110333
thirty-first day of July; 110334

(5) The impact of any federal energy assistance programs 110335
available to the same groups of people as are eligible for the 110336

energy credit program under sections 5117.01 to 5117.12 of the 110337
Revised Code, together with any recommendations on modifications 110338
that may, because of the federal programs, be needed in the 110339
energy credit program; 110340

(6) Any suggestions for improving the program; 110341

(7) Any other matters considered appropriate by the 110342
director. 110343

(D) The director shall consult with ~~the auditor of state,~~ 110344
energy companies, energy dealers, department of aging, and 110345
commission on Hispanic-Latino affairs in the preparation of any 110346
report under this section. The director may require information 110347
from such agencies for the purpose of preparing such report. 110348

Sec. 5119.01. (A) As used in this chapter: 110349

(1) "Addiction" means the chronic and habitual use of 110350
alcoholic beverages, the use of a drug of abuse as defined in 110351
section 3719.011 of the Revised Code, or the use of gambling by 110352
an individual to the extent that the individual no longer can 110353
control the individual's use of alcohol, the individual becomes 110354
physically or psychologically dependent on the drug, the 110355
individual's use of alcohol or drugs endangers the health, 110356
safety, or welfare of the individual or others, or the 110357
individual's gambling causes psychological, financial, 110358
emotional, marital, legal, or other difficulties endangering the 110359
health, safety, or welfare of the individual or others. 110360

(2) "Addiction services" means services, including 110361
intervention, for the treatment of persons with alcohol, drug, 110362
or gambling addictions, and for the prevention of such 110363
addictions. 110364

(3) "Alcohol and drug addiction services" means services, 110365

including intervention, for the treatment of persons with 110366
alcohol use disorder or persons who abuse drugs of abuse and for 110367
the prevention of alcohol use disorder and drug addiction. 110368

(4) "Alcohol use disorder" means a medical condition 110369
characterized by an individual's impaired ability to stop or 110370
control the individual's alcohol use despite adverse social, 110371
occupational, or health consequences. An alcohol use disorder 110372
may be classified as mild, moderate, or severe. 110373

(5) "Certifiable services and supports" means all of the 110374
following: 110375

(a) Alcohol and drug addiction services; 110376

(b) Mental health services; 110377

(c) The types of recovery supports that are specified in 110378
rules adopted under section 5119.36 of the Revised Code as 110379
requiring certification under that section. 110380

(6) "Community addiction services provider" means an 110381
agency, association, corporation or other legal entity, 110382
individual, or program that provides one or more of the 110383
following: 110384

(a) Alcohol and drug addiction services that are certified 110385
by the director of ~~mental-behavioral health and addiction~~ 110386
~~services~~ under section 5119.36 of the Revised Code; 110387

(b) Gambling addiction services; 110388

(c) Recovery supports that are related to alcohol and drug 110389
addiction services or gambling addiction services and paid for 110390
with federal, state, or local funds administered by the 110391
department of ~~mental-behavioral health and addiction services~~ or 110392
a board of alcohol, drug addiction, and mental health services. 110393

(7) "Community mental health services provider" means an 110394
agency, association, corporation, individual, or program that 110395
provides either of the following: 110396

(a) Mental health services that are certified by the 110397
director of ~~mental-behavioral health and addiction services~~ 110398
under section 5119.36 of the Revised Code; 110399

(b) Recovery supports that are related to mental health 110400
services and paid for with federal, state, or local funds 110401
administered by the department of ~~mental-behavioral health and~~ 110402
~~addiction services~~ or a board of alcohol, drug addiction, and 110403
mental health services. 110404

(8) "Drug addiction" means the use of a drug of abuse, as 110405
defined in section 3719.011 of the Revised Code, by an 110406
individual to the extent that the individual becomes physically 110407
or psychologically dependent on the drug or endangers the 110408
health, safety, or welfare of the individual or others. 110409

(9) "Gambling addiction" means the use of gambling by an 110410
individual to the extent that it causes psychological, 110411
financial, emotional, marital, legal, or other difficulties 110412
endangering the health, safety, or welfare of the individual or 110413
others. 110414

(10) "Gambling addiction services" means services for the 110415
treatment of persons who have a gambling addiction and for the 110416
prevention of gambling addiction. 110417

(11) "Hospital" means a hospital or inpatient unit 110418
licensed by the department of ~~mental-behavioral health and~~ 110419
~~addiction services~~ under section 5119.33 of the Revised Code, 110420
and any institution, hospital, or other place established, 110421
controlled, or supervised by the department under this chapter. 110422

(12) "Included opioid and co-occurring drug addiction services and recovery supports" means the addiction services and recovery supports that, pursuant to section 340.033 of the Revised Code, are included in the array of services and recovery supports for all levels of opioid and co-occurring drug addiction required to be included in the community-based continuum of care established under section 340.032 of the Revised Code.

(13) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(14) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(15) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness and for the prevention of mental illness.

(16) "Opioid treatment program" has the same meaning as in 42 C.F.R. 8.2.

(17) "Recovery housing residence" means a residence for individuals recovering from alcohol use disorder or drug addiction that provides an alcohol-free and drug-free living environment, peer support, assistance with obtaining alcohol and drug addiction services, and other recovery assistance for alcohol use disorder and drug addiction.

(18) "Recovery supports" means assistance that is intended to help an individual with alcohol use disorder, drug addiction, or mental illness, or a member of such an individual's family, initiate and sustain the individual's recovery from alcohol use

disorder, drug addiction, or mental illness. "Recovery supports" 110452
does not mean alcohol and drug addiction services or mental 110453
health services. 110454

(19) (a) "Residence," except when referring to a recovery 110455
housing residence or the meaning of "residence" in section 110456
5119.90 of the Revised Code, means a person's physical presence 110457
in a county with intent to remain there, except in either of the 110458
following circumstances: 110459

(i) If a person is receiving a mental health treatment 110460
service at a facility that includes nighttime sleeping 110461
accommodations, "residence" means that county in which the 110462
person maintained the person's primary place of residence at the 110463
time the person entered the facility; 110464

(ii) If a person is committed pursuant to section 2945.38, 110465
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 110466
"residence" means the county where the criminal charges were 110467
filed. 110468

(b) When the residence of a person is disputed, the matter 110469
of residence shall be referred to the department of ~~mental~~ 110470
behavioral health and addiction services for investigation and 110471
determination. Residence shall not be a basis for a board of 110472
alcohol, drug addiction, and mental health services to deny 110473
services to any person present in the board's service district, 110474
and the board shall provide services for a person whose 110475
residence is in dispute while residence is being determined and 110476
for a person in an emergency situation. 110477

(B) Any reference in this chapter to a board of alcohol, 110478
drug addiction, and mental health services also refers to an 110479
alcohol and drug addiction services board or a community mental 110480

health board in a service district in which an alcohol and drug 110481
addiction services board or a community mental health board has 110482
been established under section 340.021 or former section 340.02 110483
of the Revised Code. 110484

Sec. 5119.011. (A) Whenever the term ~~"department of mental~~ 110485
~~health," the term "Ohio department of mental health," the term~~ 110486
~~"department of alcohol and drug addiction services," or the term~~ 110487
~~"Ohio department of alcohol and drug addiction services"~~ 110488
"department of mental health and addiction services" is used, 110489
referred to, or designated in any statute, rule, contract, 110490
grant, or other document, the use, reference, or designation 110491
shall be construed to mean the department of mental behavioral 110492
~~health and addiction services.~~ 110493

(B) Whenever the term ~~"director of mental health" or the~~ 110494
~~term "director of alcohol and drug addiction services"~~ "director 110495
of mental health and addiction services" is used, referred to, 110496
or designated in any statute, rule, contract, grant, or other 110497
document, the use, reference, or designation shall be construed 110498
to mean the director of mental behavioral ~~health and addiction~~ 110499
~~services.~~ 110500

Sec. 5119.04. The department of mental behavioral health 110501
~~and addiction services~~ and any institutions under its 110502
supervision or jurisdiction shall, where applicable, be in 110503
substantial compliance with standards set forth for psychiatric 110504
facilities by the joint commission or medical assistance 110505
standards under Title XIX of the "Social Security Act," 49 Stat. 110506
620 (1935), 42 U.S.C. 301, as amended, or other applicable 110507
standards. 110508

The requirements of this section are in addition to any 110509
other requirements established by the Revised Code and nothing 110510

in this section shall be construed to limit any rights, 110511
privileges, protections, or immunities which may exist under the 110512
constitution and laws of the United States or this state. 110513

Sec. 5119.05. Subject to the rules of the director of 110514
~~mental behavioral health and addiction services~~, each 110515
institution under the jurisdiction of the department shall be 110516
under the management and control of a managing officer to be 110517
known as a chief executive officer or by another appropriate 110518
title. Such managing officer shall be appointed by the director 110519
of ~~mental behavioral health and addiction services~~, and shall be 110520
in the unclassified service and serve at the pleasure of the 110521
director. Each managing officer shall be of good moral character 110522
and have skill, ability, and experience in the managing 110523
officer's profession. 110524

The managing officer, under the director, shall serve as 110525
the appointing authority of the institution to which such 110526
managing officer is appointed. Subject to civil service rules, 110527
the managing officer shall have the power to appoint and remove 110528
employees of the institution. On behalf of the institution, the 110529
managing officer has the authority and responsibility for 110530
entering into contracts and other agreements for the efficient 110531
operations of the institution. 110532

Sec. 5119.051. The department of ~~mental behavioral health~~ 110533
~~and addiction services~~ shall keep in its office a proper and 110534
complete set of books and accounts with each institution, which 110535
shall clearly show the nature and amount of every expenditure 110536
authorized and made at such institution, and which shall contain 110537
an account of all appropriations made by the general assembly 110538
and of all other funds, together with the disposition of such 110539
funds. 110540

The department shall prescribe the form of vouchers, 110541
records, and methods of keeping accounts at each of the 110542
institutions, which shall be as nearly uniform as possible. The 110543
department may examine the records of each institution at any 110544
time. 110545

The department may authorize any of its bookkeepers, 110546
accountants, or employees to examine and check the records, 110547
accounts, and vouchers or take an inventory of the property of 110548
any institution, or do whatever is necessary, and pay the actual 110549
and reasonable expenses incurred in such service when an 110550
itemized account is filed and approved. 110551

Sec. 5119.06. The department of ~~mental-behavioral~~ health 110552
~~and addiction services~~ shall keep in its office, accessible only 110553
to its employees, except by the consent of the department or the 110554
order of the judge of a court of record, a record showing the 110555
name, residence, sex, age, nativity, occupation, condition, and 110556
date of entrance or commitment of every patient in the 110557
institutions governed by it, the date, cause, and terms of 110558
discharge and the condition of such person at the time of 110559
leaving, and also a record of all transfers from one institution 110560
to another, and, if such person dies while in the care or 110561
custody of the department, the date and cause of death. These 110562
and such other facts as the department requires shall be 110563
furnished by the managing officer of each institution within 110564
twenty-four hours after the commitment, entrance, death, or 110565
discharge of a patient. 110566

In case of an accident or injury or peculiar death of a 110567
patient the managing officer shall make a special report to the 110568
department within twenty-four hours thereafter, giving the 110569
circumstances as fully as possible. 110570

Sec. 5119.07. A person, firm, or corporation may file a petition in the court of common pleas of the county in which a benevolent institution of the department of ~~mental-behavioral~~ health and addiction services is located, in which petition the desire to erect or carry on at a less distance than that prescribed in section 3767.19 of the Revised Code shall be set forth, the business prohibited, the precise point of its establishment, and the reasons and circumstances, in its opinion, why the erection or carrying on of the business would not annoy or endanger the health, convenience, or recovery of the patients of such institution. The petitioner shall give notice in a newspaper of general circulation in the county of the pendency and prayer of the petition for at least six consecutive weeks before the day set for hearing the petition and serve a written notice upon the managing officer of the institution at least thirty days before the day set for hearing the petition.

If, upon the hearing of the petition, it appears that the notice has been given as required and the court is of the opinion that no good reason exists why such establishment may not be erected or such business carried on and that by the erection or carrying on of the business at the point named, the institution will sustain no detriment, the court may issue an order granting the prayer of the petitioner. Thereafter the petitioner may locate such establishment or carry on such business at the point named in the petition.

Sec. 5119.08. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B) (1) Subject to division (C) of this section, upon the recommendation of the director of ~~mental-behavioral~~ health and

~~addiction services~~, the managing officer of an institution under 110601
the jurisdiction of the department of ~~mental-behavioral~~ health 110602
~~and addiction services~~ may designate one or more employees to be 110603
special police officers of the department. The special police 110604
officers shall take an oath of office, wear the badge of office, 110605
and give bond for the proper and faithful discharge of their 110606
duties in an amount that the director requires. 110607

(2) In accordance with section 109.77 of the Revised Code, 110608
the special police officers shall be required to complete 110609
successfully a peace officer basic training program approved by 110610
the Ohio peace officer training commission and to be certified 110611
by the commission. The cost of the training shall be paid by the 110612
department of ~~mental-behavioral~~ health ~~and addiction services~~. 110613

(3) Special police officers, on the premises of 110614
institutions under the jurisdiction of the department of ~~mental-~~ 110615
~~behavioral~~ health ~~and addiction services~~ and subject to the 110616
rules of the department, shall protect the property of the 110617
institutions and the persons and property of patients in the 110618
institutions, suppress riots, disturbances, and breaches of the 110619
peace, and enforce the laws of the state and the rules of the 110620
department for the preservation of good order. They may arrest 110621
any person without a warrant and detain the person until a 110622
warrant can be obtained under the circumstances described in 110623
division (F) of section 2935.03 of the Revised Code. 110624

(C) (1) The managing officer of an institution under the 110625
jurisdiction of the department of ~~mental-behavioral~~ health ~~and-~~ 110626
~~addiction services~~ shall not designate an employee as a special 110627
police officer of the department pursuant to division (B) (1) of 110628
this section on a permanent basis, on a temporary basis, for a 110629
probationary term, or on other than a permanent basis if the 110630

employee previously has been convicted of or has pleaded guilty 110631
to a felony. 110632

(2) (a) The managing officer of an institution under the 110633
jurisdiction of the department of ~~mental-behavioral health and~~ 110634
~~addiction services~~ shall terminate the employment as a special 110635
police officer of the department of an employee designated as a 110636
special police officer under division (B) (1) of this section if 110637
that employee does either of the following: 110638

(i) Pleads guilty to a felony; 110639

(ii) Pleads guilty to a misdemeanor pursuant to a 110640
negotiated plea agreement as provided in division (D) of section 110641
2929.43 of the Revised Code in which the employee agrees to 110642
surrender the certificate awarded to that employee under section 110643
109.77 of the Revised Code. 110644

(b) The managing officer shall suspend from employment as 110645
a special police officer of the department an employee 110646
designated as a special police officer under division (B) (1) of 110647
this section if that employee is convicted, after trial, of a 110648
felony. If the special police officer files an appeal from that 110649
conviction and the conviction is upheld by the highest court to 110650
which the appeal is taken or if the special police officer does 110651
not file a timely appeal, the managing officer shall terminate 110652
the employment of that special police officer. If the special 110653
police officer files an appeal that results in that special 110654
police officer's acquittal of the felony or conviction of a 110655
misdemeanor, or in the dismissal of the felony charge against 110656
that special police officer, the managing officer shall 110657
reinstate that special police officer. A special police officer 110658
of the department who is reinstated under division (C) (2) (b) of 110659
this section shall not receive any back pay unless that special 110660

police officer's conviction of the felony was reversed on 110661
appeal, or the felony charge was dismissed, because the court 110662
found insufficient evidence to convict the special police 110663
officer of the felony. 110664

(3) Division (C) of this section does not apply regarding 110665
an offense that was committed prior to January 1, 1997. 110666

(4) The suspension from employment, or the termination of 110667
the employment, of a special police officer under division (C) 110668
(2) of this section shall be in accordance with applicable 110669
collective bargaining agreements. 110670

Sec. 5119.091. The attorney general shall attend to all 110671
claims instituted on behalf of or against the department of 110672
~~mental-behavioral health and addiction services~~ or any 110673
institution under the jurisdiction of the department and the 110674
managing officer thereof, except such institutions as are 110675
privately owned or operated under a license from the department 110676
of ~~mental-behavioral health and addiction services~~, and shall 110677
represent the public hospital in proceedings under section 110678
5122.15 of the Revised Code. The department of ~~mental-behavioral~~ 110679
~~health and addiction services~~ shall reimburse the attorney 110680
general for the compensation of assistant attorneys general 110681
required to represent the public hospital in proceedings under 110682
section 5122.15 of the Revised ~~code~~Code and shall also pay the 110683
costs of litigation incurred by the attorney general under that 110684
section. 110685

If a writ of habeas corpus is applied for, the clerk of 110686
the court shall give notice of the time and place of hearing to 110687
the attorney general. 110688

Sec. 5119.10. (A) The director of ~~mental-behavioral health~~ 110689

~~and addiction services~~ is the chief executive and appointing 110690
authority of the department of ~~mental behavioral health and~~ 110691
~~addiction services~~. The director may organize the department for 110692
its efficient operation, including creating divisions or offices 110693
as necessary. The director may establish procedures for the 110694
governance of the department, conduct of its employees and 110695
officers, performance of its business, and custody, use, and 110696
preservation of departmental records, papers, books, documents, 110697
and property. Whenever the Revised Code imposes a duty upon or 110698
requires an action of the department or any of its institutions, 110699
the director or the director's designee shall perform the action 110700
or duty in the name of the department, except that the medical 110701
director appointed pursuant to section 5119.11 of the Revised 110702
Code shall be responsible for decisions relating to medical 110703
diagnosis, treatment, rehabilitation, quality assurance, and the 110704
clinical aspects of the following: licensure of hospitals and 110705
residential facilities, research, community addiction and mental 110706
health plans, and certification and delivery of addiction 110707
services and mental health services. 110708

(B) The director shall: 110709

(1) Adopt rules for the proper execution of the powers and 110710
duties of the department with respect to the institutions under 110711
its control, and require the performance of additional duties by 110712
the officers of the institutions as necessary to fully meet the 110713
requirements, intents, and purposes of this chapter. In case of 110714
an apparent conflict between the powers conferred upon any 110715
managing officer and those conferred by such sections upon the 110716
department, the presumption shall be conclusive in favor of the 110717
department. 110718

(2) Adopt rules for the nonpartisan management of the 110719

institutions under the department's control. An officer or 110720
employee of the department or any officer or employee of any 110721
institution under its control who, by solicitation or otherwise, 110722
exerts influence directly or indirectly to induce any other 110723
officer or employee of the department or any of its institutions 110724
to adopt the exerting officer's or employee's political views or 110725
to favor any particular person, issue, or candidate for office 110726
shall be removed from the exerting officer's or employee's 110727
office or position, by the department in case of an officer or 110728
employee, and by the governor in case of the director. 110729

(3) Appoint such employees, including the medical 110730
director, as are necessary for the efficient conduct of the 110731
department, and prescribe their titles and duties; 110732

(4) Prescribe the forms of affidavits, applications, 110733
medical certificates, orders of hospitalization and release, and 110734
all other forms, reports, and records that are required in the 110735
hospitalization or admission and release of all persons to the 110736
institutions under the control of the department, or are 110737
otherwise required under this chapter or Chapter 5122. of the 110738
Revised Code; 110739

(5) Exercise the powers and perform the duties relating to 110740
addiction and mental health facilities, addiction services, 110741
mental health services, 9-8-8 suicide and crisis response, and 110742
recovery supports that are assigned to the director under this 110743
chapter and Chapter 340. of the Revised Code; 110744

(6) Develop and implement clinical evaluation and 110745
monitoring of services that are operated by the department; 110746

(7) Adopt rules establishing standards for the performance 110747
of evaluations by a forensic center or other psychiatric program 110748

or facility of the mental condition of defendants ordered by the 110749
court under section 2919.271, or 2945.371 of the Revised Code, 110750
and for the treatment of defendants who have been found 110751
incompetent to stand trial and ordered by the court under 110752
section 2945.38, 2945.39, 2945.401, or 2945.402 of the Revised 110753
Code to receive treatment in facilities; 110754

(8) On behalf of the department, have the authority and 110755
responsibility for entering into contracts and other agreements 110756
with providers, agencies, institutions, and other entities, both 110757
public and private, as necessary for the department to carry out 110758
its duties under this chapter and Chapters 340., 2919., 2945., 110759
and 5122. of the Revised Code. Chapter 125. of the Revised Code 110760
does not apply to contracts the director enters into under this 110761
section for addiction services, mental health services, or 110762
recovery supports provided to individuals who have an addiction 110763
or mental illness by providers, agencies, institutions, and 110764
other entities not owned or operated by the department. 110765

(9) Adopt rules in accordance with Chapter 119. of the 110766
Revised Code specifying the supplemental services that may be 110767
provided through a trust authorized by section 5815.28 of the 110768
Revised Code; 110769

(10) Adopt rules in accordance with Chapter 119. of the 110770
Revised Code establishing standards for the maintenance and 110771
distribution to a beneficiary of assets of a trust authorized by 110772
section 5815.28 of the Revised Code. 110773

(C) The director may contract with hospitals licensed by 110774
the department under section 5119.33 of the Revised Code for the 110775
care and treatment of patients with mental illnesses, or with 110776
persons, organizations, or agencies for the custody, evaluation, 110777
supervision, care, or treatment of persons with mental illnesses 110778

receiving services elsewhere than within the enclosure of a 110779
hospital operated under section 5119.14 of the Revised Code. 110780

Sec. 5119.11. (A) The director of ~~mental~~behavioral health 110781
~~and addiction services~~ shall appoint a medical director who is 110782
eligible or certified by the American board of psychiatry and 110783
neurology or the American osteopathic board of neurology and 110784
psychiatry, and has at least five years of clinical and two 110785
years of administrative experience. The medical director shall 110786
also have certification or substantial training and experience 110787
in the field of addiction medicine or addiction psychiatry. The 110788
medical director shall be responsible for decisions relating to 110789
medical diagnosis, treatment, prevention, rehabilitation, 110790
quality assurance, and the clinical aspects of addiction 110791
services and mental health services involving all of the 110792
following: 110793

(1) Licensure of hospitals, residential facilities, and 110794
outpatient facilities; 110795

(2) Research; 110796

(3) Community addiction and mental health plans; 110797

(4) Certification and delivery of addiction and mental 110798
health services. 110799

(B) The medical director shall also exercise clinical 110800
supervision of the chief clinical officers of hospitals and 110801
institutions under the jurisdiction of the department and shall 110802
review and approve decisions relating to the employment of the 110803
chief clinical officers. The medical director or the medical 110804
director's designee shall advise the director on matters 110805
relating to licensure, research, the certification and delivery 110806
of addiction services and mental health services, and community 110807

addiction and mental health plans. The medical director shall 110808
participate in the development of guidelines for community 110809
addiction and mental health plans. The director of ~~mental~~ 110810
behavioral health ~~and addiction services~~ may establish other 110811
duties of the medical director. 110812

Sec. 5119.14. (A) The department of ~~mental behavioral~~ 110813
health ~~and addiction services~~ shall maintain, operate, manage, 110814
and govern state institutions and other services for the care 110815
and treatment of persons with mental illnesses. 110816

(B) (1) The department of ~~mental behavioral~~ health ~~and~~ 110817
~~addiction services~~ may, with the approval of the governor, 110818
designate the name and purpose of any institutions under its 110819
jurisdiction and may change, with the approval of the governor, 110820
the designation and name when necessary. 110821

(2) The department shall divide the state into districts 110822
for the purpose of designating the institution in which persons 110823
with mental illnesses are hospitalized and may change the 110824
districts. 110825

~~(C)~~ (C) Subject to section 5139.08 and pursuant to Chapter 110826
5122. of the Revised Code and on the agreement of the 110827
~~departments~~ department of ~~mental behavioral~~ health ~~and addiction~~ 110828
~~services~~ and department of youth services, the department of 110829
~~mental behavioral~~ health ~~and addiction services~~ may receive from 110830
the department of youth services for psychiatric observation, 110831
diagnosis, or treatment any person eighteen years of age or 110832
older in the custody of the department of youth services. The 110833
departments may enter into a written agreement specifying the 110834
procedures necessary to implement this division. 110835

~~(C)~~ (D) The department of ~~mental behavioral~~ health ~~and~~ 110836

~~addiction services~~ shall designate hospitals, facilities, and 110837
community mental health services providers for the custody, 110838
care, and special treatment of, and authorize payment for such 110839
custody, care, and special treatment provided to, persons who 110840
are charged with a crime and who are found incompetent to stand 110841
trial or not guilty by reason of insanity. 110842

~~(D)~~ (E) The department of ~~mental behavioral health and~~ 110843
~~addiction services~~ may do any of the following: 110844

(1) Require reports from the managing officer of any 110845
institution under the department's jurisdiction, relating to the 110846
admission, examination, comprehensive evaluation, diagnosis, 110847
release, or discharge of any patient; 110848

(2) Visit each institution regularly to review its 110849
operations and to investigate complaints made by any patient or 110850
by any person on behalf of a patient, provided these duties may 110851
be performed by a person designated by the director. 110852

~~(E)~~ (F) The department of ~~mental behavioral health and~~ 110853
~~addiction services~~ may provide or contract to provide addiction 110854
services for offenders incarcerated in the state prison system. 110855

~~(F)~~ (G) In addition to the powers expressly conferred on 110856
the department of behavioral health, the department ~~of mental~~ 110857
~~health and addiction services~~ shall have all other powers and 110858
authority necessary for the full and efficient exercise of the 110859
executive, administrative, and fiscal supervision over the state 110860
institutions described in this section. 110861

Sec. 5119.141. ~~The~~ In addition to the powers and duties 110862
expressly conferred on the department of behavioral health, the 110863
department ~~of mental health and addiction services~~ has all the 110864
~~authority~~ may take any other action it considers necessary to 110865

carry out ~~its powers and duties under~~ the purposes of this 110866
chapter and Chapters 340., 2919., 2945., and 5122. of the 110867
Revised Code, ~~including~~ . Actions authorized by this section 110868
include the authority to adopt rules pursuant to Chapter 119. of 110869
the Revised Code that may be necessary to carry out the purposes 110870
of this chapter and Chapters 340., 2919., 2945., and 5122. of 110871
the Revised Code. 110872

Sec. 5119.15. The department of ~~mental~~ behavioral health 110873
~~and addiction services~~ may make such investigations as are 110874
necessary in the performance of its duties and to that end the 110875
director of ~~mental~~ behavioral health ~~and addiction services~~ 110876
shall have the same power as a judge of a county court to 110877
administer oaths and to enforce the attendance and testimony of 110878
witnesses and the production of books or papers. 110879

The department shall keep a record of such investigations 110880
stating the time, place, charges or subject, witnesses summoned 110881
and examined, and its conclusions. 110882

In matters involving the conduct of an officer, a 110883
stenographic report of the evidence shall be taken and a copy of 110884
such report, with all documents introduced, kept on file at the 110885
office of the department. 110886

The fees of witnesses for attendance and travel shall be 110887
the same as in the court of common pleas, but no officer or 110888
employee of the institution under investigation is entitled to 110889
such fees. 110890

Any judge of the probate court or of the court of common 110891
pleas, upon application of the department, may compel the 110892
attendance of witnesses, the production of books or papers, and 110893
the giving of testimony before the department, by a judgment for 110894

contempt or otherwise, in the same manner as in cases before 110895
such courts. 110896

The department of ~~mental-behavioral health and addiction-~~ 110897
~~services~~ may appoint and commission any competent agency or 110898
person, to serve without compensation, as a special agent, 110899
investigator, or representative to perform a designated duty for 110900
the department. Specific credentials shall be given by the 110901
department to each person so designated. Each credential shall 110902
state the: 110903

(A) Name of the agent, investigator, or representative; 110904

(B) Agency with which such person is connected; 110905

(C) Purpose of appointment; 110906

(D) Date of expiration of appointment; 110907

(E) Such information as the department considers proper. 110908

Sec. 5119.161. The department of ~~mental-behavioral health-~~ 110909
~~and addiction services~~, in conjunction with the department of 110910
job and family services, shall develop a joint state plan to 110911
improve the accessibility and timeliness of alcohol and drug 110912
addiction services for individuals identified by a public 110913
children services agency as in need of those services. The plan 110914
shall address the fact that Ohio works first participants may be 110915
among the persons receiving services under section 340.15 of the 110916
Revised Code and shall require the department of job and family 110917
services to seek federal funds available under Title IV-A of the 110918
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 110919
amended, for the provision of the services to Ohio works first 110920
participants who are receiving services under section 340.15 of 110921
the Revised Code. 110922

The departments shall review and amend the plan as 110923
necessary. 110924

Sec. 5119.17. (A) The department of ~~mental~~ behavioral 110925
~~health and addiction services,~~ in accordance with division (B) 110926
of this section, shall give priority to developing, and promptly 110927
shall develop, with available public and private resources a 110928
program that does all of the following: 110929

(1) Provides a manner of identifying the aggregate number 110930
of pregnant women in this state who are addicted to a drug of 110931
abuse; 110932

(2) Provides for an effective means of intervention to 110933
eliminate the addiction of pregnant women to drugs of abuse 110934
prior to the birth of their children; 110935

(3) Gives priority to the treatment of pregnant women 110936
addicted to drugs of abuse, including by requiring community 110937
addiction services providers that receive public funds to give 110938
priority to pregnant women referred for treatment; 110939

(4) Provides for the continued monitoring of women who 110940
were addicted to a drug of abuse during their pregnancies, after 110941
the birth of their children, and for the availability of 110942
treatment and rehabilitation for those women; 110943

(5) Provides a manner of determining the aggregate number 110944
of children who are born in this state to women who are 110945
addicted, at the time of birth, to a drug of abuse, and of 110946
children who are born in this state with an addiction to or a 110947
dependency on a drug of abuse; 110948

(6) Provides for the continued monitoring of children who 110949
are born in this state to women who are addicted, at the time of 110950
birth, to a drug of abuse, or who are born in this state with an 110951

addiction to or dependency on a drug of abuse, after their 110952
birth; 110953

(7) Provides for the treatment and rehabilitation of any 110954
child who is born to a woman who is addicted, at the time of 110955
birth, to a drug of abuse, and of any child who is born with an 110956
addiction to or dependency on a drug of abuse. 110957

(B) In developing the program described in division (A) of 110958
this section, the department may obtain information from the 110959
department of health and the department of job and family 110960
services, and those departments shall cooperate with the 110961
department of ~~mental-behavioral~~ health and ~~addiction services~~ in 110962
its development and implementation of the program. 110963

(C) Immediately upon its development of the program 110964
described in division (A) of this section, the department shall 110965
implement the program. 110966

(D) Any record or information that is obtained or 110967
maintained by the department in connection with the program 110968
described in division (A) of this section and could enable the 110969
identification of any woman or child described in division (A) 110970
(1) or (5) of this section is not a public record subject to 110971
inspection or copying under section 149.43 of the Revised Code. 110972

(E) A community addiction services provider that receives 110973
public funds shall not refuse to treat a person solely because 110974
the person is pregnant if appropriate treatment is offered by 110975
the provider. 110976

Sec. 5119.18. An appointing authority may appoint a person 110977
who holds a certified or permanent position in the classified 110978
service within the department of ~~mental-behavioral~~ health and ~~and~~ 110979
~~addiction services~~ to a position in the unclassified service 110980

within the department. A person appointed pursuant to this 110981
section to a position in the unclassified service shall retain 110982
the right to resume the position and status held by the person 110983
in the classified service immediately prior to the person's 110984
appointment to the position in the unclassified service, 110985
pursuant to division (D) of section 124.11 of the Revised Code. 110986

A person who holds a position in the classified service 110987
and who is appointed to a position in the unclassified service 110988
on or after January 1, 2016, shall have the right to resume a 110989
position in the classified service under this section only 110990
within five years after the effective date of the person's 110991
appointment in the unclassified service. 110992

Sec. 5119.181. (A) No appointing officer shall appoint a 110993
person to fill a position in either the classified or 110994
unclassified service of the department of ~~mental-behavioral~~ 110995
~~health and addiction services~~ if the person has been convicted 110996
of or pleaded guilty to a violation of the following: 110997

(1) Any felony contained in the Revised Code, if the 110998
felony bears a direct and substantial relationship to the 110999
position being filled; 111000

(2) Any crime contained in the Revised Code constituting a 111001
misdemeanor of the first degree on the first offense and a 111002
felony on subsequent offenses, if the crime bears a direct and 111003
substantial relationship to the position being filled; 111004

(3) An existing or former law of this state, any other 111005
state, or the United States, if the law violated is 111006
substantially equivalent to any of the offenses described in 111007
division (A)(1) or (2) of this section. 111008

(B) The director of ~~mental-behavioral~~ health and addiction 111009

~~services~~ shall adopt rules, in accordance with Chapter 119. of 111010
the Revised Code, to implement this section. 111011

(C) The director or an appointing officer shall request 111012
the bureau of criminal identification and investigation created 111013
by section 109.51 of the Revised Code or, at the director's or 111014
appointing officer's discretion, any other state or federal 111015
agency, to supply the director or appointing officer with a 111016
written report regarding the criminal records of any applicant. 111017
For each investigation undertaken at the department's request 111018
under this section, the department shall pay a reasonable fee to 111019
the bureau or other state or federal agency conducting the 111020
investigation. The amount of the fee shall be determined by the 111021
bureau or other state or federal agency conducting the 111022
investigation and shall be sufficient to cover the costs of 111023
conducting the investigation. The report made by the bureau or 111024
other state or federal agency is not a public record for 111025
purposes of section 149.43 of the Revised Code and shall not be 111026
made available to any person, except the applicant, the 111027
director, the appointing officer or the appointing officer's 111028
designees, or any hearing officer involved in a case denying 111029
employment. 111030

(D) As used in this section, "applicant" means a person 111031
who is under final consideration for appointment to a position 111032
in the classified or unclassified service of the department of 111033
~~mental behavioral health and addiction services.~~ 111034

Sec. 5119.182. The department of ~~mental behavioral health~~ 111035
~~and addiction services~~ may require any of its employees and each 111036
officer and employee of every institution under its control who 111037
may be charged with custody or control of any money or property 111038
belonging to the state or who is required to give bond, to give 111039

a surety company bond, properly conditioned, in a sum to be 111040
fixed by the department which when approved by the department, 111041
shall be filed in the office of the secretary of state. The cost 111042
of such bonds, when approved by the department, shall be paid 111043
from funds available for the department. The bonds required or 111044
authorized by this section may, in the discretion of the 111045
director of ~~mental-behavioral health-and-addiction services~~, be 111046
individual, schedule, or blanket bonds. 111047

Sec. 5119.184. The department of ~~mental-behavioral health~~ 111048
~~and-addiction services~~ may provide educational grants or tuition 111049
reimbursements to upgrade the education, training, and 111050
professional achievement of its employees, whenever it 111051
determines that provision of such grants or reimbursements is 111052
essential to the achievement of its goals. The department may 111053
enter into agreements with its employees for the purposes of 111054
this section. The agreements may require, as a condition of each 111055
grant or reimbursement, that the employee continue employment 111056
with the department or with another federal, state, or local 111057
public agency designated by the department for a period of time 111058
stated in the agreement. If an employee does not fulfill the 111059
employment requirement stated in the agreement, the department 111060
may take action to recover the amount of all educational grants 111061
or tuition reimbursements paid to the employee under this 111062
section, plus interest at the rate of ten per cent per year 111063
calculated from the date of payment of each grant or 111064
reimbursement. 111065

Sec. 5119.185. (A) As used in this section: 111066

(1) "Advanced practice registered nurse" has the same 111067
meaning as in section 4723.01 of the Revised Code. 111068

(2) "Clinician" means any of the following: 111069

- (a) An advanced practice registered nurse; 111070
- (b) A physician; 111071
- (c) A physician assistant. 111072
- (3) "Physician" means an individual authorized under 111073
Chapter 4731. of the Revised Code to practice medicine and 111074
surgery or osteopathic medicine and surgery. 111075
- (4) "Physician assistant" means an individual who holds a 111076
current, valid license to practice as a physician assistant 111077
issued under Chapter 4730. of the Revised Code. 111078
- (B) The department of ~~mental-behavioral~~ health ~~and-~~ 111079
~~addiction services~~ may establish a clinician recruitment program 111080
under which the department agrees to repay all or part of the 111081
principal and interest of a government or other educational loan 111082
incurred by a clinician who agrees to provide services to 111083
inpatients and outpatients of institutions under the 111084
department's administration. To be eligible to participate in 111085
the program, a clinician must have attended the following: 111086
- (1) In the case of a physician, a school that was, at the 111087
time of attendance, a medical school or osteopathic medical 111088
school in this country accredited by the ~~liason~~ liaison 111089
committee on medical education or the American osteopathic 111090
association, or a medical school or osteopathic medical school 111091
located outside this country that was acknowledged by the world 111092
health organization and verified by a member state of that 111093
organization as operating within that state's jurisdiction; 111094
- (2) In the case of a physician assistant, a school that 111095
was, at the time of attendance, accredited by the accreditation 111096
review commission on education for the physician assistant or a 111097
regional or specialized and professional accrediting agency 111098

recognized by the council for higher education accreditation; 111099

(3) In the case of an advanced practice registered nurse, 111100
a school that was, at the time of attendance, accredited by a 111101
national or regional accrediting organization. 111102

(C) The department shall enter into a contract with each 111103
clinician it recruits under this section. Each contract shall 111104
include at least the following terms: 111105

(1) The clinician agrees to provide a specified scope of 111106
health care services for a specified number of hours per week 111107
and a specified number of years to patients of one or more 111108
specified institutions administered by the department. 111109

(2) The department agrees to repay all or a specified 111110
portion of the principal and interest of a government or other 111111
educational loan taken by the clinician for the following 111112
expenses if the clinician meets the service obligation agreed to 111113
and the expenses were incurred while the clinician was enrolled 111114
in, for up to a maximum of four years, a school that qualifies 111115
the clinician to participate in the program: 111116

(a) Tuition; 111117

(b) Other educational expenses for specific purposes, 111118
including fees, books, and laboratory expenses, in amounts 111119
determined to be reasonable in accordance with rules adopted 111120
under division (D) of this section; 111121

(c) Room and board, in an amount determined to be 111122
reasonable in accordance with rules adopted under division (D) 111123
of this section. 111124

(3) The clinician agrees to pay the department a specified 111125
amount, which shall be not less than the amount already paid by 111126

the department pursuant to its agreement, as damages if the 111127
clinician fails to complete the service obligation agreed to or 111128
fails to comply with other specified terms of the contract. The 111129
contract may vary the amount of damages based on the portion of 111130
the clinician's service obligation that remains uncompleted as 111131
determined by the department. 111132

(4) Other terms agreed upon by the parties. 111133

(D) If the department elects to implement the clinician 111134
recruitment program, it shall adopt rules in accordance with 111135
Chapter 119. of the Revised Code that establish all of the 111136
following: 111137

(1) Criteria for designating institutions for which 111138
clinicians will be recruited; 111139

(2) Criteria for selecting clinicians for participation in 111140
the program; 111141

(3) Criteria for determining the portion of a clinician's 111142
loan that the department will agree to repay; 111143

(4) Criteria for determining reasonable amounts of the 111144
expenses described in divisions (C) (2) (b) and (c) of this 111145
section; 111146

(5) Procedures for monitoring compliance by clinicians 111147
with the terms of their contracts; 111148

(6) Any other criteria or procedures necessary to 111149
implement the program. 111150

Sec. 5119.186. (A) The director of ~~mental-behavioral~~ 111151
~~health and addiction services~~ or the managing officer of an 111152
institution of the department may enter into an agreement with 111153
boards of trustees or boards of directors of one or more 111154

institutions of higher education or hospitals licensed pursuant 111155
to section 5119.33 of the Revised Code to establish, manage, and 111156
conduct collaborative training efforts for students enrolled in 111157
courses of studies for occupations or professions that involve 111158
the care and treatment for persons receiving addiction or mental 111159
health services. 111160

(B) Such collaborative training efforts may include but 111161
are not limited to programs in psychiatry, psychology, nursing, 111162
social work, counseling professions, and others considered 111163
appropriate by the director of ~~mental-behavioral health-and-~~ 111164
~~addiction services~~. Any such program shall be approved or 111165
accredited by its respective professional organization or state 111166
board having jurisdiction over the profession. 111167

(1) The department shall require that the following be 111168
provided for in agreements between the department and 111169
institutions of higher education or hospitals licensed pursuant 111170
to section 5119.33 of the Revised Code: 111171

(a) Establishment of inter-disciplinary committees to 111172
advise persons responsible for training programs. Each committee 111173
shall have representation drawn from the geographical community 111174
the institution of higher education or hospital serves and shall 111175
include representatives of agencies, boards, targeted 111176
populations as determined by the department, racial and ethnic 111177
minority groups, and publicly funded programs; 111178

(b) Funding procedures; 111179

(c) Specific outcomes and accomplishments that are 111180
expected or required of a program under such agreement; 111181

(d) The types of services to be provided under such 111182
agreement. 111183

(2) The department may require that the following be 111184
provided for in agreements between the department and 111185
institutions of higher education or hospitals licensed pursuant 111186
to section 5119.33 of the Revised Code: 111187

(a) Special arrangements for individual residents or 111188
trainees to encourage their employment in publicly funded 111189
settings upon completion of their training; 111190

(b) Procedures for the selection of residents or trainees 111191
to promote the admission, retention, and graduation of women, 111192
minorities, and disabled persons; 111193

(c) Cross-cultural training and other subjects considered 111194
necessary to enhance training efforts and the care and treatment 111195
of patients and clients; 111196

(d) Funding of faculty positions oriented toward meeting 111197
the needs of publicly funded programs. 111198

Subject to appropriations by the general assembly, the 111199
director of ~~mental-behavioral health and addiction services~~ has 111200
final approval of the funding of these collaborative training 111201
efforts. 111202

Sec. 5119.187. The courses of study for the instruction 111203
and training of all persons in institutions under the control of 111204
the department of ~~mental-behavioral health and addiction-~~ 111205
~~services~~ shall be subject to the approval of the superintendent 111206
of public instruction. 111207

All teachers employed in institutions under the control of 111208
the department of ~~mental-behavioral health and addiction-~~ 111209
~~services~~ shall possess such educator licenses or have such 111210
qualifications and approval as the superintendent of public 111211
instruction, after consulting with the officers in charge of the 111212

institutions, prescribes for the various types of service in the 111213
institutions. 111214

Sec. 5119.188. (A) As used in this section, "state 111215
correctional institution" has the same meaning as in section 111216
2967.01 of the Revised Code. 111217

(B) The department of ~~mental-behavioral health and~~ 111218
~~addiction services~~ shall develop a program that is designed to 111219
educate and train the employees of each state correctional 111220
institution, the employees of each department of youth services 111221
institution, and other persons associated by contract or 111222
otherwise with each state correctional institution or each 111223
department of youth services institution, who will be 111224
responsible for the conduct of, or otherwise providing treatment 111225
or rehabilitation services pursuant to, a substance abuse 111226
treatment or rehabilitation program offered in the institution 111227
to adult prisoners or juvenile offenders. Upon the development 111228
of the educational and training program, the department of 111229
~~mental-behavioral health and addiction services~~ promptly shall 111230
commence its implementation. The department of ~~mental-behavioral~~ 111231
~~health and addiction services~~ may charge to the department of 111232
rehabilitation and correction and to the department of youth 111233
services a reasonable annual fee that reflects the expenses 111234
incurred by it during the immediately preceding calendar year in 111235
preparing and offering the educational and training program 111236
during that year to the respective employees and other 111237
associated persons described in this division. 111238

The director of rehabilitation and correction and the 111239
director of youth services shall require the respective 111240
employees and other associated persons described in this 111241
division to attend and successfully complete the educational and 111242

training program developed pursuant to this division as a 111243
condition of their continuing to have responsibility for the 111244
conduct of, or their continuing to provide treatment or 111245
rehabilitation services pursuant to, any treatment or 111246
rehabilitation program that is offered in a state correctional 111247
institution or in a department of youth services institution to 111248
adult prisoners or juvenile offenders. If the department of 111249
~~mental behavioral health and addiction services~~ charges a 111250
reasonable annual fee as described in this division, the 111251
director involved shall cause that fee to be paid from any 111252
available funds of the department of rehabilitation and 111253
correction or any available funds of the department of youth 111254
services. 111255

(C) The department of rehabilitation and correction and 111256
the department of ~~mental behavioral health and addiction~~ 111257
~~services~~ jointly shall develop program specifications for the 111258
alcohol and drug addiction treatment programs offered in state 111259
correctional institutions. 111260

Sec. 5119.19. (A) As used in this section: 111261

(1) "Community-based correctional facility" has the same 111262
meaning as in section 2929.01 of the Revised Code. 111263

(2) "Drug used in medication-assisted treatment" means a 111264
drug approved by the United States food and drug administration 111265
for use in medication-assisted treatment, regardless of the 111266
method the drug is administered or the form in which it is 111267
dispensed, including an oral drug, an injectable drug, or a 111268
long-acting or extended-release drug. "Drug used in medication- 111269
assisted treatment" includes all of the following: 111270

(a) A full agonist; 111271

(b) A partial agonist;	111272
(c) An antagonist.	111273
(3) "Drug used in withdrawal management or detoxification"	111274
means a drug approved by the United States food and drug	111275
administration for use in, or a drug in standard use for,	111276
mitigating opioid or alcohol withdrawal symptoms or assisting	111277
with detoxification, regardless of the method the drug is	111278
administered or the form in which it is dispensed, including an	111279
oral drug, an injectable drug, or a long-acting or extended-	111280
release drug. "Drug used in withdrawal management or	111281
detoxification" includes all of the following:	111282
(a) A full agonist;	111283
(b) A partial agonist;	111284
(c) An antagonist;	111285
(d) An alpha-2 adrenergic agonist.	111286
(4) "Medication-assisted treatment" has the same meaning	111287
as in section 340.01 of the Revised Code.	111288
(5) "Prescribed drug" has the same meaning as in section	111289
5164.01 of the Revised Code.	111290
(6) (a) "Psychotropic drug" means, except as provided in	111291
division (A) (6) (b) of this section, a drug that has the	111292
capability of changing or controlling mental functioning or	111293
behavior through direct pharmacological action. "Psychotropic	111294
drug" includes all of the following:	111295
(i) Antipsychotic medications, including those	111296
administered or dispensed in a long-acting injectable form;	111297
(ii) Antidepressant medications;	111298

(iii) Anti-anxiety medications; 111299

(iv) Mood stabilizing medications. 111300

(b) "Psychotropic drug" excludes a stimulant prescribed 111301
for the treatment of attention deficit hyperactivity disorder. 111302

(7) "Withdrawal management or detoxification" means a set 111303
of medical interventions aimed at managing the acute physical 111304
symptoms of intoxication and withdrawal. Withdrawal management 111305
seeks to minimize the physical harm caused by the intoxication 111306
and withdrawal from a substance of abuse. Detoxification denotes 111307
a clearing of toxins from the body of the patient who is acutely 111308
intoxicated, dependent on a substance of abuse, or both. 111309

(B) There is hereby created a program to be known as the 111310
behavioral health drug reimbursement ~~program. The program, which~~ 111311
shall be administered by the department of ~~mental-behavioral~~ 111312
~~health-and-addiction-services.~~ 111313

The purpose of the program is to provide state 111314
~~reimbursement~~ financial assistance to counties for the cost of 111315
the following drugs that are administered or dispensed to 111316
inmates of county jails in this state and individuals confined 111317
in community-based correctional facilities in this state: 111318
psychotropic drugs, drugs used in medication-assisted treatment, 111319
and drugs used in withdrawal management or detoxification. 111320

Each county shall ensure that inmates of county jails and 111321
individuals confined in community-based correctional facilities 111322
have access to all behavioral health drugs specified in this 111323
division that are prescribed drugs covered by the fee-for- 111324
service component of the medicaid program. 111325

(C) The department, based on factors it considers 111326
appropriate, shall allocate an amount to each county for 111327

~~reimbursement of drug costs~~ that have been or will be incurred 111328
by the county pursuant to this section. 111329

(D) The director of ~~mental behavioral health and addiction~~ 111330
~~services~~ may adopt rules as necessary to implement this section. 111331
The rules, if adopted, shall be adopted in accordance with 111332
Chapter 119. of the Revised Code. 111333

Sec. 5119.20. (A) As used in this section: 111334

"Electroencephalogram (EEG) combined transcranial magnetic 111335
stimulation" means treatment in which transcranial magnetic 111336
stimulation (TMS) frequency pulses are tuned to the patient's 111337
physiology and biometric data. 111338

"First responder" has the meaning defined in section 111339
2903.01 of the Revised Code. 111340

"Law enforcement officer" has the meaning defined in 111341
section 9.69 of the Revised Code. 111342

(B) The director of ~~mental behavioral health and addiction~~ 111343
~~services~~ shall establish a program to make electroencephalogram 111344
(EEG) combined transcranial magnetic stimulation available for 111345
veterans, first responders, and law enforcement officers. 111346
Eligible individuals must have substance use disorders, mental 111347
illness, sleep disorders, traumatic brain injuries, sexual 111348
trauma, post traumatic stress disorder and accompanying 111349
comorbidities, concussions or other brain trauma, or other 111350
issues identified by the individual's qualified medical 111351
practitioner as issues that would warrant treatment under the 111352
program. The program shall be operated in conjunction with a 111353
supplier selected under this section. 111354

(C) The director shall choose a location for the program 111355
and for up to ten branch sites, and shall enter into a contract 111356

for the purchase of services related to the program. Each branch 111357
site may operate one or more portable units or EEG combined 111358
neuromodulation portable units if the director determines that 111359
portable units or EEG combined neuromodulation portable units 111360
are necessary to expand access to care. The contract shall 111361
include provisions requiring the supplier to create and conduct 111362
a clinical trial, to establish and operate a clinical practice, 111363
to evaluate outcomes of the clinical trial and the clinical 111364
practice, to expend payments received from the state as needed 111365
for purposes of the program, and to report quarterly regarding 111366
the program to the president of the senate and to the standing 111367
committee of the senate that generally considers legislation 111368
regarding veterans affairs. 111369

(D) There is the electroencephalogram (EEG) combined 111370
transcranial magnetic stimulation fund in the state treasury. It 111371
shall consist of moneys appropriated to it by the general 111372
assembly. The director, with the approval of the controlling 111373
board, may authorize a disbursement from the fund for services 111374
rendered under the contract. 111375

(E) The director shall adopt rules under Chapter 119. of 111376
the Revised Code as necessary to administer this section. 111377

(F) The supplier, in conducting the clinical trial and in 111378
operating the clinical practice, shall adhere to all of the 111379
following: 111380

(1) The United States food and drug administration 111381
regulations governing the conduct of clinical practice and 111382
clinical trials; 111383

(2) A peer-to-peer support network shall be made available 111384
by the supplier to any individual receiving treatment under the 111385

program. 111386

(3) The program protocol shall use adapted stimulation 111387
frequency and intensity modulation based on EEG and motor 111388
threshold testing as well as clinical symptoms and signs, and 111389
biometrics. 111390

(4) Each individual who receives treatment under the 111391
program also shall receive neurophysiological monitoring, 111392
monitoring for symptoms of substance use and mental health 111393
disorders, and access to counseling and wellness programming. 111394
Each individual also shall participate in the peer-to-peer 111395
support network established by the supplier. 111396

(5) Clinical protocols and outcomes of the clinical trial, 111397
and of any treatment provided by the clinical practice, shall be 111398
collected and reported quarterly in a report provided by the 111399
supplier to the director of ~~mental-behavioral~~ health ~~and~~ 111400
~~addiction services~~ and to the United States food and drug 111401
administration. 111402

(6) Any individual who receives treatment at the clinical 111403
practice shall be eligible for a minimum of two 111404
electroencephalograms, plus an additional electroencephalogram 111405
for every ten treatments, during the course of the individual's 111406
treatment. 111407

(7) The report required by this section shall include a 111408
thorough accounting of the use and expenditure of all funds 111409
received from the state under this section. 111410

(G) Contracts entered into under this section are subject 111411
to section 9.231 and Chapter 125. of the Revised Code. 111412

(H) Operation of the program established under this 111413
section is contingent upon an appropriation by the general 111414

assembly designated for that purpose. 111415

Sec. 5119.201. (A) The director of mental-behavioral 111416
~~health and addiction services~~ may acquire by purchase, lease, or 111417
otherwise such real and personal property rights in the name of 111418
the state as are necessary for the purposes of the department. 111419

(B) When it is necessary for a state institution under the 111420
jurisdiction of the department to acquire any real estate, 111421
right-of-way, or easement in real estate in order to accomplish 111422
the purposes for which it was organized or is being conducted, 111423
and the department is unable to agree with the owner of such 111424
property upon the price to be paid for the property, such 111425
property may be appropriated in the manner provided for the 111426
appropriation of property for other state purposes. 111427

(C) The director may work with the department of 111428
administrative services to sell, lease, or exchange portions of 111429
real and personal property of the department when the sale, 111430
lease, or exchange is advantageous to the state. Money received 111431
from such sales, leases, or exchanges shall be credited to the 111432
the department of mental-behavioral ~~health and addiction-~~ 111433
~~services~~ trust fund, created in section 5119.46 of the Revised 111434
Code. 111435

(D) Any instrument by which real property is acquired 111436
pursuant to this section shall identify the agency of the state 111437
that has the use and benefit of the real property as specified 111438
in section 5301.012 of the Revised Code. 111439

Sec. 5119.21. (A) The department of mental-behavioral 111440
~~health and addiction services~~ shall: 111441

(1) To the extent the department has available resources 111442
and in consultation with boards of alcohol, drug addiction, and 111443

mental health services, support the community-based continuum of 111444
care that the boards are required by section 340.032 of the 111445
Revised Code to establish. The department shall provide the 111446
support on a district or multi-district basis. The department 111447
shall assist in identifying resources, and may prioritize 111448
support, for one or more of the elements of the community-based 111449
continuum of care. For the purpose of division (A)(10) of 111450
section 340.032 of the Revised Code and to the extent the 111451
department determines is necessary, the department shall define 111452
additional elements to be included in the community-based 111453
continuum of care. 111454

(2) Provide training, consultation, and technical 111455
assistance regarding addiction services, mental health services, 111456
recovery supports, and appropriate prevention, recovery, and 111457
mental health promotion activities, including those that are 111458
culturally competent, to employees of the department, community 111459
addiction services providers, community mental health services 111460
providers, and boards of alcohol, drug addiction, and mental 111461
health services; 111462

(3) To the extent the department has available resources, 111463
promote and support a full range of addiction services, mental 111464
health services, and recovery supports that are available and 111465
accessible to all residents of this state, especially for 111466
severely emotionally disturbed children and adolescents, adults 111467
with severe mental disabilities, pregnant women, parents, 111468
guardians or custodians of children at risk of abuse or neglect, 111469
and other special target populations, including racial and 111470
ethnic minorities, as determined by the department; 111471

(4) Develop standards and measures for both of the 111472
following: 111473

(a) Evaluating the effectiveness of addiction services, 111474
including opioid treatment programs, of mental health services, 111475
and of recovery supports; 111476

(b) Increasing the accountability of community addiction 111477
services providers and community mental health services 111478
providers. 111479

(5) Design and set criteria for the determination of 111480
priority populations; 111481

(6) Promote, direct, conduct, and coordinate scientific 111482
research, taking ethnic and racial differences into 111483
consideration, concerning all of the following: 111484

(a) The causes and prevention of mental illness and 111485
addiction; 111486

(b) Methods of providing effective addiction services, 111487
mental health services, and recovery supports; 111488

(c) Means of enhancing the mental health of and recovery 111489
from addiction of all residents of this state. 111490

(7) Foster the establishment and availability of 111491
vocational rehabilitation services and the creation of 111492
employment opportunities for individuals with addiction and 111493
mental health needs, including members of racial and ethnic 111494
minorities; 111495

(8) Establish a program to protect and promote the rights 111496
of persons receiving addiction services, mental health services, 111497
and recovery supports, including the issuance of guidelines on 111498
informed consent and other rights; 111499

(9) Promote the involvement of persons who are receiving 111500
or have received addiction services, mental health services, and 111501

recovery supports including families and other persons having a 111502
close relationship to a person receiving those services and 111503
supports, in the planning, evaluation, delivery, and operation 111504
of addiction services, mental health services, and recovery 111505
supports; 111506

(10) Notify and consult with the relevant constituencies 111507
that may be affected by rules, standards, and guidelines issued 111508
by the department of ~~mental-behavioral health-and-addiction-~~ 111509
~~services~~. These constituencies shall include consumers of 111510
addiction services, mental health services, and recovery 111511
supports and the families of such consumers. These 111512
constituencies may include public and private providers, 111513
employee organizations, and others when appropriate. Whenever 111514
the department proposes the adoption, amendment, or rescission 111515
of rules under Chapter 119. of the Revised Code, the 111516
notification and consultation required by this division shall 111517
occur prior to the commencement of proceedings under Chapter 111518
119. The department shall adopt rules under Chapter 119. of the 111519
Revised Code that establish procedures for the notification and 111520
consultation required by this division. 111521

(11) Provide consultation to the department of 111522
rehabilitation and correction concerning the delivery of 111523
addiction services and mental health services in state 111524
correctional institutions; 111525

(12) Promote and coordinate efforts in the provision of 111526
addiction services by other state agencies, as defined in 111527
section 1.60 of the Revised Code; courts; hospitals; clinics; 111528
physicians in private practice; public health authorities; 111529
boards of alcohol, drug addiction, and mental health services; 111530
community addiction services providers; law enforcement 111531

agencies; and related groups; 111532

(13) Provide to each court of record, and biennially 111533
update, a list of the treatment and education programs within 111534
that court's jurisdiction that the court may require an 111535
offender, sentenced pursuant to section 4511.19 of the Revised 111536
Code, to attend; 111537

(14) Make the warning sign described in sections 3313.752, 111538
3345.41, and 3707.50 of the Revised Code available on the 111539
department's internet web site; 111540

(15) Provide a program of gambling addiction services on 111541
behalf of the state lottery commission, pursuant to an agreement 111542
entered into with the director of the commission under division 111543
(K) of section 3770.02 of the Revised Code, and provide a 111544
program of gambling addiction services on behalf of the Ohio 111545
casino control commission, under an agreement entered into with 111546
the executive director of the commission under section 3772.062 111547
of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio 111548
Constitution, the department may enter into agreements with 111549
boards of alcohol, drug addiction, and mental health services, 111550
including boards with districts in which a casino facility is 111551
not located, and nonprofit organizations to provide addiction 111552
services, and with state institutions of higher education or 111553
private nonprofit institutions that possess a certificate of 111554
authorization issued under Chapter 1713. of the Revised Code to 111555
perform related research. 111556

(B) The department may accept and administer grants from 111557
public or private sources for carrying out any of the duties 111558
enumerated in this section. 111559

(C) The department may adopt rules in accordance with 111560

Chapter 119. of the Revised Code as necessary to implement the 111561
requirements of this chapter. 111562

Sec. 5119.211. The department of behavioral health may 111563
establish a process and standards for the state certification of 111564
certified community behavioral health clinics. The process and 111565
standards may be based on the provisions of section 223 of the 111566
"Protecting Access to Medicare Act of 2014," 42 U.S.C. 1396a 111567
note. 111568

If the department establishes a process and standards for 111569
the state certification of certified community behavioral health 111570
clinics, the department may coordinate with local, state, and 111571
federal government entities for the development and 111572
establishment of the clinics. 111573

The director of behavioral health may adopt rules as the 111574
director considers necessary to implement this section. If the 111575
director adopts rules, the rules shall be adopted in accordance 111576
with Chapter 119. of the Revised Code. 111577

Sec. 5119.22. The director of ~~mental-behavioral health-and~~ 111578
~~addiction services,~~ with respect to all mental health and 111579
addiction facilities, addiction services, mental health 111580
services, and recovery supports established and operated or 111581
provided under Chapter 340. of the Revised Code, shall do all of 111582
the following: 111583

(A) Adopt rules pursuant to Chapter 119. of the Revised 111584
Code that may be necessary to carry out the purposes of this 111585
chapter and Chapters 340. and 5122. of the Revised Code. 111586

(B) Review and evaluate the community-based continuum of 111587
care required by section 340.032 of the Revised Code to be 111588
established in each service district, taking into account the 111589

findings and recommendations of the board of alcohol, drug 111590
addiction, and mental health services of the district submitted 111591
under division (A) (4) of section 340.03 of the Revised Code and 111592
the priorities and plans of the department of ~~mental~~ behavioral 111593
~~health and addiction services~~, including the needs of residents 111594
of the district currently receiving services in state-operated 111595
hospitals, and make recommendations for needed improvements to 111596
boards of alcohol, drug addiction, and mental health services; 111597

(C) At the director's discretion, provide to boards of 111598
alcohol, drug addiction, and mental health services state or 111599
federal funds, in addition to those allocated under section 111600
5119.23 of the Revised Code, for special programs or projects 111601
the director considers necessary but for which local funds are 111602
not available; 111603

(D) Establish criteria by which each board of alcohol, 111604
drug addiction, and mental health services reviews and evaluates 111605
the quality, effectiveness, and efficiency of the facility 111606
services, addiction services, mental health services, and 111607
recovery supports for which it contracts under section 340.036 111608
of the Revised Code. The criteria shall include requirements 111609
ensuring appropriate utilization of the services and supports. 111610
The department shall assess each board's evaluation of the 111611
services and supports and the compliance of each board with this 111612
section, Chapter 340. of the Revised Code, and other state or 111613
federal law and regulations. The department, in cooperation with 111614
the board, periodically shall review and evaluate the quality, 111615
effectiveness, and efficiency of the facility services, 111616
addiction services, mental health services, and recovery 111617
supports for which each board contracts under section 340.036 of 111618
the Revised Code and the facilities, addiction services, and 111619
mental health services that each board operates or provides 111620

under section 340.037 of the Revised Code. The department shall 111621
collect information that is necessary to perform these 111622
functions. 111623

(E) To the extent the director determines necessary and 111624
after consulting with boards of alcohol, drug addiction, and 111625
mental health services, community addiction services providers, 111626
and community mental health services providers, develop and 111627
operate, or contract for the operation of, a community 111628
behavioral health information system or systems. The department 111629
shall specify the information that must be provided by the 111630
boards and providers for inclusion in the system or systems. 111631

Boards of alcohol, drug addiction, and mental health 111632
services, community addiction services providers, and community 111633
mental health services providers shall submit information 111634
requested by the department in the form and manner and in 111635
accordance with time frames prescribed by the department. 111636
Information collected by the department may include all of the 111637
following: 111638

(1) Information on addiction services, mental health 111639
services, and recovery supports provided; 111640

(2) Financial information regarding expenditures of 111641
federal, state, or local funds; 111642

(3) Information about persons served. 111643

The department shall not collect any personal information 111644
from the boards or providers except as required or permitted by 111645
state or federal law for purposes related to payment, health 111646
care operations, program and service evaluation, reporting 111647
activities, research, system administration, and oversight. 111648

(F) In consultation with representatives of boards of 111649

alcohol, drug addiction, and mental health services and after 111650
consideration of recommendations made by the medical director 111651
appointed under section 5119.11 of the Revised Code, establish 111652
all of the following: 111653

(1) Guidelines, including a timetable, for the boards' 111654
development and submission of proposed community addiction and 111655
mental health plans, budgets, and lists of addiction services, 111656
mental health services, and recovery supports under sections 111657
340.03 and 340.08 of the Revised Code; 111658

(2) Procedures, including a timetable, for the director's 111659
review and approval or disapproval of the plans, budgets, and 111660
lists; 111661

(3) Procedures for corrective action regarding the plans, 111662
budgets, and lists, including submission of revised or new 111663
plans, budgets, and lists; 111664

(4) Procedures for the director to follow in offering 111665
technical assistance to boards to assist them in making the 111666
plans, budgets, and lists acceptable or in making proposed 111667
amendments to approved plans, budgets, and lists meet criteria 111668
for approval; 111669

(5) Procedures for issuing time-limited waivers under 111670
section 5119.221 of the Revised Code. 111671

(G) Review each board's proposed community addiction and 111672
mental health plan, budget, and list of addiction services, 111673
mental health services, and recovery supports submitted pursuant 111674
to sections 340.03 and 340.08 of the Revised Code and approve or 111675
disapprove the plan, the budget, and the list in whole or in 111676
part. The director shall disapprove a board's proposed budget in 111677
whole or in part if the proposed budget would not make available 111678

in the board's service district the essential elements of the 111679
community-based continuum of care required by section 340.032 of 111680
the Revised Code, including, except as otherwise authorized by a 111681
time-limited waiver issued under section 5119.221 of the Revised 111682
Code, an array of addiction services and recovery supports for 111683
all levels of opioid and co-occurring drug addiction. 111684

Prior to a final decision to disapprove a plan, budget, or 111685
list in whole or in part, a representative of the director shall 111686
meet with the board and discuss the reason for the action the 111687
director proposes to take and any corrective action that should 111688
be taken to make the plan, budget, or list acceptable to the 111689
director. In addition, the director shall offer technical 111690
assistance to the board to assist it to make the plan, budget, 111691
or list acceptable. The director shall give the board a 111692
reasonable time in which to revise the plan, budget, or list. 111693
The board thereafter shall submit a revised plan, budget, or 111694
list or a new plan, budget, or list. 111695

(H) Approve or disapprove all or part of proposed 111696
amendments that a board of alcohol, drug addiction, or mental 111697
health services submits under section 340.03 or 340.08 of the 111698
Revised Code to an approved community addiction and mental 111699
health plan, budget, or list of addiction services, mental 111700
health services, and recovery supports. 111701

If the director disapproves of all or part of any proposed 111702
amendment, the director shall provide the board an opportunity 111703
to present its position. The director shall inform the board of 111704
the reasons for the disapproval and of the criteria that must be 111705
met before the proposed amendment may be approved. The director 111706
shall give the board a reasonable time within which to meet the 111707
criteria and shall offer technical assistance to the board to 111708

help it meet the criteria. 111709

Sec. 5119.221. (A) The director of ~~mental-behavioral~~ 111710
~~health and addiction services~~, in accordance with procedures 111711
established under division (F) (5) of section 5119.22 of the 111712
Revised Code, may issue to a board of alcohol, drug addiction, 111713
and mental health services a time-limited waiver of the 111714
requirement of section 340.033 of the Revised Code that 111715
ambulatory detoxification and medication-assisted treatment be 111716
made available within the borders of the board's service 111717
district if the director determines that both of the following 111718
apply: 111719

(1) The board seeking the waiver has made reasonable 111720
efforts to make ambulatory detoxification and medication- 111721
assisted treatment available within the borders of the board's 111722
service district; 111723

(2) Ambulatory detoxification and medication-assisted 111724
treatment can be made available through one or more contracts 111725
between the board seeking the waiver and community addiction 111726
services providers that are located not more than thirty miles 111727
beyond the borders of the board's service district. 111728

(B) Each waiver issued under this section shall specify 111729
the amount of time for which it is in effect and whether it 111730
applies to ambulatory detoxification, medication-assisted 111731
treatment, or both. 111732

Sec. 5119.23. (A) The department of ~~mental-behavioral~~ 111733
~~health and addiction services~~ shall establish a methodology for 111734
allocating to boards of alcohol, drug addiction, and mental 111735
health services the funds appropriated by the general assembly 111736
to the department for the purpose of the community-based 111737

continuum of care that each board establishes under section 111738
340.032 of the Revised Code. The department shall establish the 111739
methodology after notifying and consulting with relevant 111740
constituencies as required by division (A)(10) of section 111741
5119.21 of the Revised Code. The methodology may provide for the 111742
funds to be allocated to boards on a district or multi-district 111743
basis. 111744

(B) Subject to section 5119.25 of the Revised Code, and to 111745
required submissions and approvals under sections 340.08 and 111746
5119.22 of the Revised Code, the department shall allocate the 111747
funds to the boards in a manner consistent with the methodology, 111748
this section, other state and federal laws, rules, and 111749
regulations. 111750

(C) In consultation with boards, community addiction 111751
services providers, community mental health services providers, 111752
and persons receiving addiction services, mental health 111753
services, and recovery supports, the department shall establish 111754
guidelines for the use of funds allocated under this section. 111755

Sec. 5119.24. (A) As used in this section, "administrative 111756
function" means a function related to one or more of the 111757
following: 111758

- (1) Continuous quality improvement; 111759
- (2) Utilization review; 111760
- (3) Resource development; 111761
- (4) Fiscal administration; 111762
- (5) General administration; 111763
- (6) Any other function related to administration that is 111764
required by Chapter 340. of the Revised Code. 111765

(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental-behavioral health and addiction services~~ specifying how the board used funds allocated to the board under section 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental-behavioral health and addiction services~~ shall establish the date by which the report must be submitted each year.

Sec. 5119.25. (A) The director of ~~mental-behavioral health and addiction services~~ may withhold funds, in whole or in part, that otherwise are to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The board fails to comply with Chapter 340. or 5119. of the Revised Code or rules of the department of ~~mental-behavioral health and addiction services~~;

(2) The board denies available service on the basis of race, color, religion, ancestry, military status, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(B) The director shall withhold funds, in whole or in part, that otherwise are to be allocated to a board under section 5119.23 of the Revised Code if either of the following circumstances apply:

(1) The director, under division (G) of section 5119.22 of the Revised Code, disapproves all or part of the board's proposed community addiction and mental health plan, budget, or list of addiction services, mental health services, and recovery supports;

(2) The board's use of state and federal funds fails to 111795
comply with the board's approved budget, including approved 111796
amendments to the budget. 111797

(C) The director shall issue a notice identifying the 111798
areas of noncompliance and the action necessary to achieve 111799
compliance. The director may offer technical assistance to the 111800
board to achieve compliance. The board shall have thirty days 111801
from receipt of the notice of noncompliance to present its 111802
position that it is in compliance or to submit to the director 111803
evidence of corrective action the board took to achieve 111804
compliance. Before withholding funds, the director or the 111805
director's designee shall hold a hearing within thirty days of 111806
receipt of the board's position or evidence to determine if 111807
there are continuing violations and that either assistance is 111808
rejected or the board is unable, or has failed, to achieve 111809
compliance. The director may appoint a representative from 111810
another board of alcohol, drug addiction, and mental health 111811
services to serve as a mentor for the board in developing and 111812
executing a plan of corrective action to achieve compliance. Any 111813
such representative shall be from a board that is in compliance 111814
with Chapter 340. of the Revised Code, this chapter, and the 111815
department's rules. Subsequent to the hearing process, if it is 111816
determined that compliance has not been achieved, the director 111817
may allocate all or part of the withheld funds to one or more 111818
community mental health services providers or community 111819
addiction services providers to provide the mental health 111820
service, addiction service, or recovery support for which the 111821
board is not in compliance until the time that there is 111822
compliance. 111823

(D) The director shall adopt rules in accordance with 111824
Chapter 119. of the Revised Code to implement this section. 111825

Sec. 5119.27. (A) As used in this section: 111826

(1) "Community control sanction" has the same meaning as 111827
in section 2929.01 of the Revised Code. 111828

(2) "Federally assisted," "program," and "substance use 111829
disorder" have the same meanings as in 42 C.F.R. 2.11 and as 111830
further described in 42 C.F.R. 2.12(b). 111831

(3) "Post-release control sanction" has the same meaning 111832
as in section 2967.01 of the Revised Code. 111833

(B) In accordance with 42 U.S.C. 290dd-2, records or 111834
information created or maintained by a federally assisted 111835
program for the treatment of substance use disorders shall be 111836
kept confidential and may be disclosed only for the purposes and 111837
under the circumstances expressly authorized under 42 C.F.R. 111838
Part 2. 111839

(C) When the person, with respect to whom any record or 111840
information referred to in division (B) of this section is 111841
maintained, gives consent in the form of a written release 111842
signed by the person, the content of the record or information 111843
may be disclosed if the written release conforms to all of the 111844
requirements set forth in 42 C.F.R. 2.31. 111845

(D) In accordance with 42 C.F.R. 2.35, a person who is 111846
subject to a community control sanction, a post-release control 111847
sanction, is on parole, or is ordered to intervention in lieu of 111848
conviction, and who has agreed to participate in a federally 111849
assisted program for the treatment of substance use disorders as 111850
a condition of the community control sanction, post-release 111851
control sanction, parole, or intervention order, shall consent 111852
to the release of records and information relating to the 111853
progress of treatment, frequency of treatment, adherence to 111854

treatment requirements, and probable outcome of treatment. 111855
Release of information and records under this division shall be 111856
limited to the court or governmental personnel having the 111857
responsibility for supervising the person's community control 111858
sanction, post-release control sanction, parole, or intervention 111859
order. A person, described in this division, who refuses to 111860
allow disclosure may be considered in violation of the 111861
conditions of the person's community control sanction, post- 111862
release control sanction, parole, or intervention order. 111863

(E) In accordance with 42 C.F.R. 2.52 and 2.53, disclosure 111864
of a person's record may be made without the person's consent to 111865
qualified personnel for the purpose of conducting scientific 111866
research, management, financial audits, or program evaluation, 111867
but these personnel may not identify, directly or indirectly, 111868
any particular person in any report of the research, audit, or 111869
evaluation, or otherwise disclose a person's identity in any 111870
manner. 111871

(F) In accordance with 42 C.F.R. 2.66, upon the request of 111872
a prosecuting attorney or the director of mental-behavioral 111873
~~health-and-addiction services~~, a court of competent jurisdiction 111874
may order the disclosure of records or information referred to 111875
in division (B) of this section if the court has reason to 111876
believe that a federally assisted program for the treatment of 111877
substance use disorders is being operated or used in a manner 111878
contrary to law. The use of any information or record so 111879
disclosed shall be limited to the prosecution of persons who are 111880
or may be charged with any offense related to the illegal 111881
operation or use of the program, or to the decision to withdraw 111882
the authority of a the program to continue operation. For 111883
purposes of this division the court shall do all of the 111884
following: 111885

(1) Limit disclosure to those parts of the person's record 111886
considered essential to fulfill the objective for which the 111887
order was granted; 111888

(2) Require, where appropriate, that all information be 111889
disclosed in chambers; 111890

(3) Include any other appropriate measures to keep 111891
disclosure to a minimum, consistent with the protection of the 111892
persons seeking or receiving services, the provider-client 111893
relationship, and the administration of the program. 111894

Sec. 5119.28. (A) All records, and reports, other than 111895
court journal entries or court docket entries, identifying a 111896
person and pertaining to the person's mental health condition, 111897
assessment, provision of care, treatment, or recovery supports, 111898
or payment for assessment, care, treatment, or recovery supports 111899
that are maintained in connection with any services certified by 111900
the department of ~~mental-behavioral health-and-addiction-~~ 111901
~~services,~~ any recovery supports paid for with funds administered 111902
by the department or a board of alcohol, drug addiction, and 111903
mental health services, or any hospitals or facilities licensed 111904
or operated by the department, shall be kept confidential and 111905
shall not be disclosed by any person except: 111906

(1) If the person identified, or the person's legal 111907
guardian, if any, or if the person is a minor, the person's 111908
parent or legal guardian, consents; 111909

(2) When disclosure is provided for in this chapter or 111910
Chapter 340. or 5122. of the Revised Code or in accordance with 111911
other provisions of state or federal law authorizing such 111912
disclosure; 111913

(3) That hospitals, boards of alcohol, drug addiction, and 111914

mental health services, licensed facilities, and community 111915
mental health services providers may release necessary 111916
information to insurers and other third-party payers, including 111917
government entities responsible for processing and authorizing 111918
payment, to obtain payment for goods and services furnished to 111919
the person; 111920

(4) Pursuant to a court order signed by a judge; 111921

(5) That a person shall be granted access to the person's 111922
own psychiatric and medical records, unless access specifically 111923
is restricted in a person's treatment plan for clear treatment 111924
reasons; 111925

(6) That the department of ~~mental-behavioral health and~~ 111926
~~addiction services~~ may exchange psychiatric records and other 111927
pertinent information with community mental health services 111928
providers and boards of alcohol, drug addiction, and mental 111929
health services relating to the person's care or services. 111930
Records and information that may be exchanged pursuant to this 111931
division shall be limited to medication history, physical health 111932
status and history, financial status, summary of course of 111933
treatment, summary of treatment needs, and a discharge summary, 111934
if any. 111935

(7) That the department of ~~mental-behavioral health and~~ 111936
~~addiction services~~, hospitals and community providers operated 111937
by the department, hospitals licensed by the department under 111938
section 5119.33 of the Revised Code, and community mental health 111939
services providers may exchange psychiatric records and other 111940
pertinent information with payers and other providers of 111941
treatment and health services if the purpose of the exchange is 111942
to facilitate continuity of care for the person or for the 111943
emergency treatment of the person; 111944

(8) That the department of ~~mental behavioral health and~~ 111945
~~addiction services~~ and community mental health services 111946
providers may exchange psychiatric records and other pertinent 111947
information with boards of alcohol, drug addiction, and mental 111948
health services for purposes of any board function set forth in 111949
Chapter 340. of the Revised Code. Boards of alcohol, drug 111950
addiction, and mental health services shall not access any 111951
personal information from the department or providers except as 111952
required or permitted by this section, or Chapter 340. or 5122. 111953
of the Revised Code for purposes related to payment, care 111954
coordination, health care operations, program and service 111955
evaluation, reporting activities, research, system 111956
administration, oversight, or other authorized purposes. 111957

(9) That a person's family member who is involved in the 111958
provision, planning, and monitoring of services to the person 111959
may receive medication information, a summary of the person's 111960
diagnosis and prognosis, and a list of the services and 111961
personnel available to assist the person and the person's 111962
family, if the person's treatment provider determines that the 111963
disclosure would be in the best interests of the person. No such 111964
disclosure shall be made unless the person is notified first and 111965
receives the information and does not object to the disclosure. 111966

(10) That community mental health services providers may 111967
exchange psychiatric records and certain other information with 111968
the board of alcohol, drug addiction, and mental health services 111969
and other providers in order to provide services to a person 111970
involuntarily committed to a board. Release of records under 111971
this division shall be limited to medication history, physical 111972
health status and history, financial status, summary of course 111973
of treatment, summary of treatment needs, and discharge summary, 111974
if any. 111975

(11) That information may be disclosed to the executor or 111976
the administrator of an estate of a deceased person when the 111977
information is necessary to administer the estate; 111978

(12) That information may be disclosed to staff members of 111979
the appropriate board or to staff members designated by the 111980
director of ~~mental-behavioral health and addiction services~~ for 111981
the purpose of evaluating the quality, effectiveness, and 111982
efficiency of mental health services and recovery supports and 111983
determining if the services and supports meet minimum standards. 111984
Information obtained during such evaluations shall not be 111985
retained with the name of any person. 111986

(13) That records pertaining to the person's diagnosis, 111987
course of treatment, treatment needs, and prognosis shall be 111988
disclosed and released to the appropriate prosecuting attorney 111989
if the person was committed pursuant to section 2945.38, 111990
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 111991
to the attorney designated by the board for proceedings pursuant 111992
to involuntary commitment under Chapter 5122. of the Revised 111993
Code; 111994

(14) That the department of ~~mental-behavioral health and~~ 111995
~~addiction services~~ may exchange psychiatric hospitalization 111996
records, other mental health treatment records, and other 111997
pertinent information with the department of rehabilitation and 111998
correction and with the department of youth services to ensure 111999
continuity of care for inmates and offenders who are receiving 112000
mental health services in an institution of the department of 112001
rehabilitation and correction or the department of youth 112002
services and may exchange psychiatric hospitalization records, 112003
other mental health treatment records, and other pertinent 112004
information with boards of alcohol, drug addiction, and mental 112005

health services and community mental health services providers 112006
to ensure continuity of care for inmates or offenders who are 112007
receiving mental health services in an institution and are 112008
scheduled for release within six months. The release of records 112009
under this division is limited to records regarding an inmate's 112010
or offender's medication history, physical health status and 112011
history, summary of course of treatment, summary of treatment 112012
needs, and a discharge summary, if any. 112013

(15) That a community mental health services provider that 112014
ceases to operate may transfer to either a community mental 112015
health services provider that assumes its caseload or to the 112016
board of alcohol, drug addiction, and mental health services of 112017
the service district in which the person resided at the time 112018
mental health services or recovery supports were most recently 112019
provided any records concerning the services or supports that 112020
have not been transferred elsewhere at the person's request; 112021

(16) That records and reports relating to a person who has 112022
been deceased for fifty years or more are no longer considered 112023
confidential. 112024

(B) Before records are disclosed pursuant to divisions (A) 112025
(3), (6), and (10) of this section, the custodian of the records 112026
shall attempt to obtain the person's consent for the disclosure. 112027

(C) No person shall reveal the content of a medical record 112028
of a person that is confidential pursuant to this section, 112029
except as authorized by law. 112030

Sec. 5119.29. The department of ~~mental-behavioral health-~~ 112031
~~and addiction services,~~ in conjunction with boards of alcohol, 112032
drug addiction, and mental health services and community mental 112033
health boards, shall develop a coordinated system for tracking 112034

and monitoring persons found not guilty by reason of insanity 112035
and committed pursuant to section 2945.40 of the Revised Code 112036
who have been granted a conditional release and persons found 112037
incompetent to stand trial and committed pursuant to section 112038
2945.39 of the Revised Code who have been granted a conditional 112039
release. The system shall do all of the following: 112040

(A) Centralize responsibility for the tracking of those 112041
persons; 112042

(B) Develop uniformity in monitoring those persons; 112043

(C) Develop a mechanism to allow prompt rehospitalization, 112044
reinstitutionalization, or detention when a violation of the 112045
conditional release or decompensation occurs. 112046

Sec. 5119.30. The department of ~~mental-behavioral~~ health 112047
~~and addiction services~~ promptly shall develop and maintain a 112048
program that continually provides the courts of this state with 112049
relevant information pertaining to addiction services and 112050
programs available both within their jurisdictions and statewide 112051
in order to facilitate the ability of the courts to utilize 112052
treatment and rehabilitation alternatives in addition to or in 112053
lieu of imposing sentences of imprisonment upon appropriate 112054
offenders. 112055

Sec. 5119.31. The department of administrative services 112056
shall purchase all supplies needed for the proper support and 112057
maintenance of the institutions under the control of the 112058
department of ~~mental-behavioral~~ health ~~and addiction services~~ in 112059
accordance with the competitive selection procedures of Chapter 112060
125. of the Revised Code and such rules as the department of 112061
administrative services adopts. All bids shall be publicly 112062
opened on the day and hour and at the place specified in the 112063

advertisement. 112064

Preference shall be given to bidders in localities wherein 112065
the institution is located, if the price is fair and reasonable 112066
and not greater than the usual price; but bids not meeting the 112067
specifications shall be rejected. 112068

The department of administrative services may require such 112069
security as it considers proper to accompany the bids and shall 112070
fix the security to be given by the contractor. 112071

The department of administrative services may reject any 112072
or all bids and secure new bids, if for any reason it is deemed 112073
for the best interest of the state to do so, and it may 112074
authorize the managing officer of any institution to purchase 112075
perishable goods and supplies for use in cases of emergency, in 112076
which cases such managing officer shall certify such fact in 112077
writing and the department of administrative services shall 112078
record the reasons for such purchase. 112079

Sec. 5119.311. The department of ~~mental-behavioral health~~ 112080
~~and addiction services~~ may examine into, with or without expert 112081
assistance, the question of the mental and physical condition of 112082
any person committed to or involuntarily confined in any 112083
hospital for persons with mental illnesses, or restrained of 112084
liberty at any place within this state by reason of alleged 112085
mental illness and may order and compel the discharge of any 112086
such person who is not a person with a mental illness subject to 112087
court order as defined in division (B) of section 5122.01 of the 112088
Revised Code and direct what disposition shall be made of the 112089
person. The order of discharge shall be signed by the director 112090
of ~~mental-behavioral health and addiction services~~. Upon receipt 112091
of such order by the superintendent or other person in charge of 112092
the building in which the person named in such order is 112093

confined, such person shall forthwith be discharged or otherwise 112094
disposed of according to the terms of said order, and any 112095
further or other detention of such person is unlawful. No such 112096
order shall be made in favor of any person committed and held 112097
for trial on a criminal charge, in confinement by an order of a 112098
judge or court made in a criminal proceeding, or in any case 112099
unless notice is given to the superintendent or other person 112100
having charge of the building in which the alleged person with a 112101
mental illness is detained, and a reasonable opportunity is 112102
allowed the person in charge to justify further detention of the 112103
person confined. 112104

Sec. 5119.32. The department of ~~mental-behavioral~~ health 112105
~~and addiction services~~ is hereby designated as the state 112106
administrative agency for the substance abuse prevention 112107
treatment block grant and the community mental health services 112108
block grant authorized by the "Public Health Services Act," 95 112109
Stat. 357, 543, 42 U.S.C. 300x, as amended, and similar alcohol, 112110
drug abuse, or mental health programs that are specified in an 112111
appropriations act. 112112

Sec. 5119.33. ~~(A)(1)~~ (A) The department of ~~mental-~~ 112113
~~behavioral health and addiction services~~ shall inspect and 112114
license all hospitals that receive persons with mental 112115
illnesses, except those hospitals managed by the department. No 112116
hospital may receive for care or treatment, either at public or 112117
private expense, any person who is or appears to have a mental 112118
illness, whether or not so adjudicated, unless the hospital has 112119
received a license from the department authorizing it to receive 112120
for care or treatment persons with mental illnesses or the 112121
hospital is managed by the department. 112122

~~(2) No such license shall be granted to a hospital for the~~ 112123

~~treatment of persons with mental illnesses unless both of the~~ 112124
~~following are the case:—~~ 112125

~~(a) The department is satisfied, after investigation, that~~ 112126
~~the hospital is managed and operated by qualified persons, is~~ 112127
~~adequately staffed and equipped to operate, and has on its staff~~ 112128
~~one or more qualified physicians responsible for the medical~~ 112129
~~care of the patients confined there. At least one such physician~~ 112130
~~shall be a psychiatrist.—~~ 112131

~~(b) The department has not been notified under section~~ 112132
~~5119.334 of the Revised Code or is not otherwise aware that the~~ 112133
~~hospital, or any owner, sponsor, medical director,~~ 112134
~~administrator, or principal of the hospital, has been the~~ 112135
~~subject of an adverse action, as defined in that section, taken~~ 112136
~~during the three-year period immediately preceding the date of~~ 112137
~~application.—~~ 112138

(B) The department shall adopt rules under Chapter 119. of 112139
the Revised Code prescribing minimum standards for the operation 112140
of hospitals for the care and treatment of persons with mental 112141
illnesses and establishing standards and procedures for the 112142
issuance, renewal, or revocation of full, probationary, and 112143
interim licenses. No license shall be granted to any hospital 112144
established or used for the care of persons with mental 112145
illnesses unless such hospital is operating in accordance with 112146
this section and rules adopted pursuant to this section. A full 112147
license shall expire one year after the date of issuance, a 112148
probationary license shall expire at the time prescribed by rule 112149
adopted pursuant to Chapter 119. of the Revised Code by the 112150
director of mental behavioral health and addiction services, and 112151
an interim license shall expire ninety days after the date of 112152
issuance. A full, probationary, or interim license may be 112153

renewed, except that an interim license may be renewed only 112154
twice. The department may fix reasonable fees for licenses and 112155
for license renewals. Such hospitals are subject to inspection 112156
and on-site review by the department. 112157

(C) Except as otherwise provided in Chapter 5122. of the 112158
Revised Code, neither the director of ~~mental-behavioral health-~~ 112159
~~and addiction services;~~ an employee of the department; a board 112160
of alcohol, drug addiction, and mental health services or 112161
employee of a community mental health services provider; nor any 112162
other public official shall hospitalize any person with a mental 112163
illness for care or treatment in any hospital that is not 112164
licensed in accordance with this section. 112165

(D) (1) The department may issue an order suspending the 112166
admission of patients with mental illnesses to a hospital for 112167
care or treatment if it finds either of the following: 112168

(a) The hospital is not in compliance with rules adopted 112169
by the director pursuant to this section. 112170

(b) The hospital has been cited for more than one 112171
violation of statutes or rules during any previous period of 112172
time during which the hospital is licensed pursuant to this 112173
section. 112174

(2) (a) Except as provided in division (D) (2) (b) of this 112175
section, proceedings initiated to suspend the admission of 112176
patients are governed by Chapter 119. of the Revised Code. 112177

(b) If a suspension of admissions is proposed because the 112178
director has determined that the licensee has demonstrated a 112179
pattern of serious noncompliance or that a violation creates a 112180
substantial risk to the health and safety of patients, the 112181
director may issue an order imposing the suspension of 112182

admissions before providing an opportunity for an adjudication 112183
under Chapter 119. of the Revised Code. The director shall lift 112184
the order for the suspension of admissions if the director 112185
determines that the violation that formed the basis for the 112186
order has been corrected. 112187

(3) Appeals from proceedings initiated to order the 112188
suspension of admissions shall be conducted in accordance with 112189
Chapter 119. of the Revised Code, unless the order was issued 112190
before providing an opportunity for an adjudication, in which 112191
case all of the following apply: 112192

(a) The licensee may request a hearing not later than ten 112193
days after being served in accordance with sections 119.05 and 112194
119.07 of the Revised Code. 112195

(b) If a timely request for a hearing that includes the 112196
licensee's current address is made, the hearing shall commence 112197
not later than thirty days after the department receives the 112198
request. 112199

(c) After commencing, the hearing shall continue 112200
uninterrupted, except for Saturdays, Sundays, and legal 112201
holidays, unless other interruptions are agreed to by the 112202
licensee and the director. 112203

(d) If the hearing is conducted by a hearing examiner, the 112204
hearing examiner shall file a report and recommendations with 112205
the department not later than ten days after the last of the 112206
following: 112207

(i) The close of the hearing; 112208

(ii) If a transcript of the proceedings is ordered, the 112209
hearing examiner receives the transcript; 112210

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 112211
112212

(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 112213
112214
112215
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 112217
112218
112219

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 112220
112221
112222
112223

(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 112224
112225
112226
112227

(E) (1) ~~Any license issued by the department under this section may be revoked or not renewed by the department~~ The department may deny, refuse to renew, or revoke a license for any of the following reasons: 112228
112229
112230
112231

(a) The hospital is ~~no longer~~ not a suitable place for the care or treatment of persons with mental illnesses. 112232
112233

(b) The hospital refuses to be subject to inspection or on-site review by the department. 112234
112235

(c) The hospital ~~has failed~~ fails to furnish humane, kind, and adequate treatment and care. 112236
112237

(d) The hospital fails to comply with the licensure rules 112238

of the department. 112239

(e) The department finds that the hospital is not managed 112240
and operated by qualified persons, is not adequately staffed and 112241
equipped to operate, or does not have on its staff one or more 112242
qualified physicians, including at least one psychiatrist, who 112243
is responsible for the care of the patients in the hospital. 112244

(f) The department has been notified under section 112245
5119.334 of the Revised Code or otherwise becomes aware that the 112246
hospital, any owner, sponsor, medical director, administrator, 112247
or principal of the hospital, or any subsidiary of the hospital, 112248
owner, or sponsor has been the subject of an adverse action, as 112249
defined in that section, taken during the three-year period 112250
immediately preceding the date of notification or date of 112251
becoming aware of the adverse action. 112252

(2) Proceedings initiated to deny applications for full or 112253
probationary licenses, to refuse to renew full or probationary 112254
licenses, or to revoke full or probationary licenses are 112255
governed by Chapter 119. of the Revised Code. If an order has 112256
been issued suspending the admission of patients, the order 112257
remains in effect during the pendency of those proceedings. 112258

(F) (1) In a proceeding initiated to suspend the admission 112259
of patients, to deny an application for a full or probationary 112260
license, to refuse to renew a full or probationary license, or 112261
to revoke a full or probationary license, the department may 112262
order the suspension, denial, refusal, or revocation regardless 112263
of whether some or all of the deficiencies that prompted the 112264
proceedings have been corrected at the time of the hearing. 112265

(2) When the department issues an order suspending the 112266
admission of patients, denies an application for a full or 112267

probationary license, refuses to renew a full or probationary 112268
license, or revokes a full or probationary license, the 112269
department shall not grant an opportunity for submitting a plan 112270
of correction. 112271

(G) The department may inspect, conduct an on-site review, 112272
and review the records of any hospital that the department has 112273
reason to believe is operating without a license. 112274

Sec. 5119.331. If the department of ~~mental-behavioral~~ 112275
~~health and addiction services~~ determines that a hospital not 112276
licensed by the department is receiving for care or treatment 112277
any person who is or appears to have a mental illness, the 112278
department may request in writing that the attorney general 112279
petition the court of common pleas in the county where the 112280
hospital is located to enjoin the hospital from continued 112281
operation in violation of section 5119.33 of the Revised Code. 112282

Sec. 5119.332. No third-party payer shall directly or 112283
indirectly reimburse, nor shall any person be obligated to pay 112284
any hospital for psychiatric services for which a license is 112285
required under section 5119.33 of the Revised Code unless the 112286
hospital is licensed by the department of ~~mental-behavioral~~ 112287
~~health and addiction services~~. 112288

As used in this section, "third-party payer" means a 112289
health insuring corporation licensed under Chapter 1751. of the 112290
Revised Code, an insurance company that issues sickness and 112291
accident insurance in conformity with Chapter 3923. of the 112292
Revised Code, a state-financed health insurance program under 112293
Chapter 3701., 4123., or 5101. of the Revised Code, or any self- 112294
insurance plan. 112295

Sec. 5119.333. No person shall keep or maintain a hospital 112296

for the care or treatment of persons with mental illnesses 112297
unless it is licensed by the department of ~~mental-behavioral~~ 112298
~~health-and-addiction-services~~, as provided by section 5119.33 of 112299
the Revised Code. 112300

Sec. 5119.334. (A) As used in this section, "adverse 112301
action" means an action by a state, provincial, federal, or 112302
other licensing or regulatory authority other than the 112303
department of behavioral health to deny, revoke, suspend, place 112304
on probation, or otherwise restrict a license, certificate, or 112305
other approval to operate a hospital or practice a health care 112306
profession. 112307

(B) (1) When submitting an application for initial or 112308
renewed licensure of a hospital under section 5119.33 of the 112309
Revised Code, the applicant shall notify the department of 112310
~~mental-behavioral health and addiction-services~~ of any adverse 112311
action taken against any of the following during the three-year 112312
period immediately preceding the date of application: 112313

(a) The hospital-or-the-hospital's; 112314

(b) Any owner, sponsor, medical director, administrator, 112315
~~or any of its principals within principal of the three-year-~~ 112316
~~period immediately preceding the date of application~~hospital; 112317

(c) Any subsidiary of the hospital, owner, or sponsor. 112318

(2) Not later than seven days after receiving a notice of 112319
adverse action ~~from a licensing or regulatory authority that is-~~ 112320
~~other than the department of mental health and addiction-~~ 112321
~~services~~, the holder of a hospital license issued under section 112322
5119.33 of the Revised Code shall notify the department of the 112323
action. 112324

(C) To notify the department as required by this section, 112325

a copy of the notice of adverse action shall be provided to the 112326
department. 112327

Sec. 5119.34. (A) As used in this section and sections 112328
5119.341 to 5119.343 of the Revised Code: 112329

(1) "Accommodations" means housing, daily meal 112330
preparation, laundry, housekeeping, arranging for 112331
transportation, social and recreational activities, maintenance, 112332
security, and other services that do not constitute personal 112333
care services or skilled nursing care. 112334

(2) "ADAMHS board" means a board of alcohol, drug 112335
addiction, and mental health services. 112336

(3) "Adult" means a person who is eighteen years of age or 112337
older, other than a person described in division (A) (4) of this 112338
section who is between eighteen and twenty-one years of age. 112339

(4) "Child" means a person who is under eighteen years of 112340
age or a person with a mental disability who is under twenty-one 112341
years of age. 112342

(5) ~~"Community mental health services provider" means a~~ 112343
~~community mental health services provider as defined in section~~ 112344
~~5119.01 of the Revised Code.~~ 112345

~~(6) "Community mental health services" means any mental~~ 112346
~~health services certified by the department pursuant to section~~ 112347
~~5119.36 of the Revised Code.~~ 112348

~~(7)~~ "Operator" means the person or persons, firm, 112349
partnership, agency, governing body, association, corporation, 112350
or other entity that is responsible for the administration and 112351
management of a residential facility and that is the applicant 112352
for a residential facility license. 112353

~~(8)~~ (6) "Personal care services" means services including, 112354
but not limited to, the following: 112355

(a) Assisting residents with activities of daily living; 112356

(b) Assisting residents with self-administration of 112357
medication in accordance with rules adopted under this section; 112358

(c) Preparing special diets, other than complex 112359
therapeutic diets, for residents pursuant to the instructions of 112360
a physician or a licensed dietitian, in accordance with rules 112361
adopted under this section. 112362

"Personal care services" does not include "skilled nursing 112363
care" as defined in section 3721.01 of the Revised Code. A 112364
facility need not provide more than one of the services listed 112365
in division ~~(A)~~ ~~(8)~~ (A) (6) of this section to be considered to be 112366
providing personal care services. 112367

~~(9)~~ (7) "Room and board" means the provision of sleeping 112368
and living space, meals or meal preparation, laundry services, 112369
housekeeping services, or any combination thereof. 112370

~~(10)~~ (8) "Residential state supplement program" means the 112371
program established under section 5119.41 of the Revised Code. 112372

~~(11)~~ (9) "Supervision" means any of the following: 112373

(a) Observing a resident to ensure the resident's health, 112374
safety, and welfare while the resident engages in activities of 112375
daily living or other activities; 112376

(b) Reminding a resident to perform or complete an 112377
activity, such as reminding a resident to engage in personal 112378
hygiene or other self-care activities; 112379

(c) Assisting a resident in making or keeping an 112380

appointment. 112381

~~(12)~~(10) "Unrelated" means that a resident is not related 112382
to the owner or operator of a residential facility or to the 112383
owner's or operator's spouse as a parent, grandparent, child, 112384
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 112385
uncle, or as the child of an aunt or uncle. 112386

(B) (1) A "residential facility" is a publicly or privately 112387
operated home or facility that falls into one of the following 112388
categories: 112389

(a) Class one facilities provide accommodations, 112390
supervision, personal care services, and mental health services 112391
for one or more unrelated adults with mental illness or one or 112392
more unrelated children or adolescents with severe emotional 112393
disturbances; 112394

(b) Class two facilities provide accommodations, 112395
supervision, and personal care services to any of the following: 112396

(i) One or two unrelated persons with mental illness; 112397

(ii) One or two unrelated adults who are receiving 112398
payments under the residential state supplement program; 112399

(iii) Three to sixteen unrelated adults. 112400

(c) Class three facilities provide room and board for five 112401
or more unrelated adults with mental illness. 112402

(2) "Residential facility" does not include any of the 112403
following: 112404

(a) A hospital subject to licensure under section 5119.33 112405
of the Revised Code or an institution maintained, operated, 112406
managed, and governed by the department of ~~mental~~behavioral 112407

~~health and addiction services~~ for the hospitalization of persons 112408
with mental illnesses pursuant to section 5119.14 of the Revised 112409
Code; 112410

(b) A residential facility licensed under section 5123.19 112411
of the Revised Code or otherwise regulated by the department of 112412
developmental disabilities; 112413

(c) An institution or association subject to certification 112414
under section 5103.03 of the Revised Code; 112415

(d) A facility operated by a hospice care program licensed 112416
under section 3712.04 of the Revised Code that is used 112417
exclusively for care of hospice patients; 112418

(e) A nursing home, residential care facility, or home for 112419
the aging as defined in section 3721.02 of the Revised Code; 112420

(f) A facility licensed under section 5119.37 of the 112421
Revised Code to operate an opioid treatment program; 112422

(g) Any facility that receives funding for operating costs 112423
from the department of development under any program established 112424
to provide emergency shelter housing or transitional housing for 112425
the homeless; 112426

(h) A terminal care facility for the homeless that has 112427
entered into an agreement with a hospice care program under 112428
section 3712.07 of the Revised Code; 112429

(i) A facility approved by the veterans administration 112430
under section 104(a) of the "Veterans Health Care Amendments of 112431
1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used 112432
exclusively for the placement and care of veterans; 112433

(j) The residence of a relative or guardian of a person 112434
with mental illness. 112435

(C) Nothing in division (B) of this section shall be 112436
construed to permit personal care services to be imposed on a 112437
resident who is capable of performing the activity in question 112438
without assistance. 112439

(D) Except in the case of a residential facility described 112440
in division (B) (1) (a) of this section, members of the staff of a 112441
residential facility shall not administer medication to the 112442
facility's residents, but may do any of the following: 112443

(1) Remind a resident when to take medication and watch to 112444
ensure that the resident follows the directions on the 112445
container; 112446

(2) Assist a resident in the self-administration of 112447
medication by taking the medication from the locked area where 112448
it is stored, in accordance with rules adopted pursuant to this 112449
section, and handing it to the resident. If the resident is 112450
physically unable to open the container, a staff member may open 112451
the container for the resident. 112452

(3) Assist a resident who is physically impaired but 112453
mentally alert, such as a resident with arthritis, cerebral 112454
palsy, or Parkinson's disease, in removing oral or topical 112455
medication from containers and in consuming or applying the 112456
medication, upon request by or with the consent of the resident. 112457
If a resident is physically unable to place a dose of medicine 112458
to the resident's mouth without spilling it, a staff member may 112459
place the dose in a container and place the container to the 112460
mouth of the resident. 112461

(E) A person operating or seeking to operate a residential 112462
facility shall apply for licensure of the facility to the 112463
department of ~~mental-behavioral health-and-addiction services~~. 112464

The application shall be submitted by the operator. When 112465
applying for the license, the applicant shall pay to the 112466
department the application fee specified in rules adopted under 112467
division (N) of this section. The fee is nonrefundable. 112468

The department shall send a copy of an application to the 112469
ADAMHS board serving the county in which the person operates or 112470
seeks to operate the facility. The ADAMHS board shall review the 112471
application and provide to the department any information about 112472
the applicant or the facility that the board would like the 112473
department to consider in reviewing the application. 112474

(F) The department of ~~mental behavioral health and~~ 112475
~~addiction services~~ shall inspect and license the operation of 112476
residential facilities. ~~The department may issue a license to~~ 112477
~~operate a residential facility only if all of the following are~~ 112478
~~the case:—~~ 112479

~~(1) The department is satisfied, after investigation, that~~ 112480
~~the facility is managed and operated by qualified persons and is~~ 112481
~~adequately staffed and equipped to operate.—~~ 112482

~~(2) The department has not been notified under section~~ 112483
~~5119.343 of the Revised Code or is not otherwise aware that the~~ 112484
~~residential facility or any owner, operator, or manager of the~~ 112485
~~residential facility has been the subject of an adverse action,~~ 112486
~~as defined in that section, taken during the three-year period~~ 112487
~~immediately preceding the date of application.—~~ 112488

~~(3) The department has not been notified or is not~~ 112489
~~otherwise aware that the residential facility or any owner,~~ 112490
~~operator, or manager of the facility has been the subject of an~~ 112491
~~adverse action, as defined in that section, taken at any time~~ 112492
~~based on an act or omission that violated the right of a~~ 112493

~~residential facility resident to be free from abuse, neglect, or~~ 112494
~~exploitation.~~ 112495

The department may issue full, probationary, and interim 112496
licenses. A full license shall expire up to three years after 112497
the date of issuance, a probationary license shall expire in a 112498
shorter period of time as specified in rules adopted by the 112499
director of ~~mental behavioral health and addiction services~~ 112500
under division (N) of this section, and an interim license shall 112501
expire ninety days after the date of issuance. A license may be 112502
renewed in accordance with rules adopted by the director under 112503
division (N) of this section. The renewal application shall be 112504
submitted by the operator. When applying for renewal of a 112505
license, the applicant shall pay to the department the renewal 112506
fee specified in rules adopted under division (N) of this 112507
section. The fee is nonrefundable. 112508

(G) (1) If the department finds any of the following with 112509
respect to a residential facility, the department may issue an 112510
order suspending the admission of residents to the facility, 112511
refuse to issue or renew a license for the facility, or revoke 112512
the facility's license: 112513

(a) The facility is not in compliance with rules adopted 112514
by the director pursuant to division (N) of this section; 112515

(b) Any facility operated by the applicant or licensee has 112516
been cited for a pattern of serious noncompliance or repeated 112517
violations of statutes or rules during the period of current or 112518
previous licenses; 112519

(c) The applicant or licensee submits false or misleading 112520
information as part of a license application, renewal, or 112521
investigation. 112522

(d) The facility is not managed and operated by qualified 112523
persons or adequately staffed and equipped to operate. 112524

(e) The department has been notified under section 112525
5119.343 of the Revised Code or otherwise becomes aware that the 112526
facility, any owner, operator, or manager of the facility, or 112527
any subsidiary of the facility, owner, or operator has been the 112528
subject of an adverse action, as defined in that section, taken 112529
during the three-year period immediately preceding the date of 112530
notification or date of becoming aware of the adverse action. 112531

(f) The department has been notified under section 112532
5119.343 of the Revised Code or otherwise becomes aware that the 112533
facility, any owner, operator, or manager of the facility, or 112534
any subsidiary of the facility, owner, or operator has been the 112535
subject of an adverse action, as defined in that section, taken 112536
at any time based on an act or omission that violated the right 112537
of a residential facility resident to be free from abuse, 112538
neglect, or exploitation. 112539

(2) Proceedings initiated to deny applications for full or 112540
probationary licenses, to refuse to renew full or probationary 112541
licenses, or to revoke full or probationary licenses are 112542
governed by Chapter 119. of the Revised Code. If an order has 112543
been issued suspending the admission of residents to the 112544
facility, the order remains in effect during the pendency of 112545
those proceedings. 112546

Proceedings initiated to suspend the admission of 112547
residents to a facility are governed by Chapter 119. of the 112548
Revised Code, except as provided in division (H) of this 112549
section. 112550

(3) In a proceeding initiated to suspend the admission of 112551

residents to a facility, to deny an application for a full or 112552
probationary license, to refuse to renew a full or probationary 112553
license, or to revoke a full or probationary license, the 112554
department may order the suspension, denial, refusal, or 112555
revocation regardless of whether some or all of the deficiencies 112556
that prompted the proceedings have been corrected at the time of 112557
the hearing. 112558

(4) When the department issues an order suspending the 112559
admission of residents to a facility, denies an application for 112560
a full or probationary license, refuses to renew a full or 112561
probationary license, or revokes a full or probationary license, 112562
the department shall not grant an opportunity for submitting a 112563
plan of correction. 112564

(H) (1) If a suspension of admissions of residents to a 112565
facility is proposed because the director has determined that 112566
the licensee has demonstrated a pattern of serious noncompliance 112567
or that a violation creates a substantial risk to the health and 112568
safety of residents, the director may issue an order imposing 112569
the suspension of admissions before providing an opportunity for 112570
an adjudication under Chapter 119. of the Revised Code. The 112571
director shall lift the order for the suspension of admissions 112572
if the director determines that the violation that formed the 112573
basis for the order has been corrected. 112574

(2) Appeals from proceedings initiated to order the 112575
suspension of admissions to a facility shall be conducted in 112576
accordance with Chapter 119. of the Revised Code, unless the 112577
order was issued before providing an opportunity for an 112578
adjudication, in which case all of the following apply: 112579

(a) The licensee may request a hearing not later than ten 112580
days after being served in accordance with sections 119.05 and 112581

119.07 of the Revised Code. 112582

(b) If a timely request for a hearing that includes the 112583
licensee's current address is made, the hearing shall commence 112584
not later than thirty days after the department receives the 112585
request. 112586

(c) After commencing, the hearing shall continue 112587
uninterrupted, except for Saturdays, Sundays, and legal 112588
holidays, unless other interruptions are agreed to by the 112589
licensee and the director. 112590

(d) If the hearing is conducted by a hearing examiner, the 112591
hearing examiner shall file a report and recommendations with 112592
the department not later than ten days after the last of the 112593
following: 112594

(i) The close of the hearing; 112595

(ii) If a transcript of the proceedings is ordered, the 112596
hearing examiner receives the transcript; 112597

(iii) If post-hearing briefs are timely filed, the hearing 112598
examiner receives the briefs. 112599

(e) The hearing examiner shall send a written copy of the 112600
report and recommendations, by certified mail, to the licensee, 112601
or the licensee's attorney, if applicable, not later than five 112602
days after the report is filed with the department. 112603

(f) Not later than five days after receiving the report 112604
and recommendations, the licensee may file objections with the 112605
department. 112606

(g) Not later than fifteen days after the hearing examiner 112607
files the report and recommendations, the department shall issue 112608
an order approving, modifying, or disapproving the report and 112609

recommendations. 112610

(h) Notwithstanding the pendency of the hearing, the 112611
department shall lift the order for the suspension of admissions 112612
if the department determines the violation that formed the basis 112613
for the order has been corrected. 112614

(I) The department may issue an interim license to operate 112615
a residential facility if both of the following conditions are 112616
met: 112617

(1) The department determines that the closing of or the 112618
need to remove residents from another residential facility has 112619
created an emergency situation requiring immediate removal of 112620
residents and an insufficient number of licensed beds are 112621
available. 112622

(2) The residential facility applying for an interim 112623
license meets standards established for interim licenses in 112624
rules adopted by the director under division (N) of this 112625
section. 112626

An interim license shall be valid for ninety days and may 112627
be renewed by the director no more than twice. Proceedings 112628
initiated to deny applications for or to revoke interim licenses 112629
under this division are not subject to Chapter 119. of the 112630
Revised Code. 112631

(J) (1) The department of ~~mental~~ behavioral health and 112632
~~addiction services~~ may conduct an inspection of a residential 112633
facility as follows: 112634

(a) Prior to issuance of a license for the facility; 112635

(b) Prior to renewal of the license; 112636

(c) To determine whether the facility has completed a plan 112637

of correction required pursuant to division (J) (2) of this 112638
section and corrected deficiencies to the satisfaction of the 112639
department and in compliance with this section and rules adopted 112640
pursuant to it; 112641

(d) Upon complaint by any individual or agency; 112642

(e) At any time the director considers an inspection to be 112643
necessary in order to determine whether the facility is in 112644
compliance with this section and rules adopted pursuant to this 112645
section. 112646

(2) In conducting inspections the department may conduct 112647
an on-site examination and evaluation of the residential 112648
facility and its personnel, activities, and services. The 112649
department shall have access to examine and copy all records, 112650
accounts, and any other documents relating to the operation of 112651
the residential facility, including records pertaining to 112652
residents, and shall have access to the facility in order to 112653
conduct interviews with the operator, staff, and residents. 112654
Following each inspection and review, the department shall 112655
complete a report listing any deficiencies, and including, when 112656
appropriate, a time table within which the operator shall 112657
correct the deficiencies. The department may require the 112658
operator to submit a plan of correction describing how the 112659
deficiencies will be corrected. 112660

(K) No person shall do any of the following: 112661

(1) Operate a residential facility unless the facility 112662
holds a valid license; 112663

(2) Violate any of the conditions of licensure after 112664
having been granted a license; 112665

(3) Interfere with a state or local official's inspection 112666

or investigation of a residential facility; 112667

(4) Violate any of the provisions of this section or any 112668
rules adopted pursuant to this section. 112669

(L) The following may enter a residential facility at any 112670
time: 112671

(1) Employees designated by the director of ~~mental-~~ 112672
behavioral health and addiction services; 112673

(2) Employees of an ADAMHS board under either of the 112674
following circumstances: 112675

(a) When a resident of the facility is receiving services 112676
from a community mental health services provider under contract 112677
with that ADAMHS board or another ADAMHS board; 112678

(b) When authorized by section 340.05 of the Revised Code. 112679

(3) Employees of a community mental health services 112680
provider under either of the following circumstances: 112681

(a) When the provider has a person receiving services 112682
residing in the facility; 112683

(b) When the provider is acting as an agent of an ADAMHS 112684
board other than the board with which it is under contract. 112685

(4) Representatives of the state long-term care ombudsman 112686
program when the facility provides accommodations, supervision, 112687
and personal care services for three to sixteen unrelated adults 112688
or to one or two unrelated adults who are receiving payments 112689
under the residential state supplement program. 112690

The persons specified in division (L) of this section 112691
shall be afforded access to examine and copy all records, 112692
accounts, and any other documents relating to the operation of 112693

the residential facility, including records pertaining to 112694
residents. 112695

(M) Employees of the department of ~~mental~~ behavioral 112696
~~health and addiction services~~ may enter, for the purpose of 112697
investigation, any institution, residence, facility, or other 112698
structure which has been reported to the department as, or that 112699
the department has reasonable cause to believe is, operating as 112700
a residential facility without a valid license. 112701

(N) The director of behavioral health shall adopt and may 112702
amend and rescind rules pursuant to Chapter 119. of the Revised 112703
Code governing the licensing and operation of residential 112704
facilities. The rules shall establish all of the following: 112705

(1) Minimum standards for the health, safety, adequacy, 112706
and cultural competency of treatment of and services for persons 112707
in residential facilities; 112708

(2) Procedures for the issuance, renewal, or revocation of 112709
the licenses of residential facilities; 112710

(3) Procedures for conducting background investigations 112711
for prospective or current operators, employees, volunteers, and 112712
other non-resident occupants who may have direct access to 112713
facility residents; 112714

(4) The fee to be paid when applying for a new residential 112715
facility license or renewing the license; 112716

(5) Procedures for the operator of a residential facility 112717
to follow when notifying the ADAMHS board serving the county in 112718
which the facility is located when the facility is serving 112719
residents with mental illness or severe mental disability, 112720
including the circumstances under which the operator is required 112721
to make such a notification; 112722

(6) Procedures for the issuance and termination of orders 112723
of suspension of admission of residents to a residential 112724
facility; 112725

(7) Measures to be taken by residential facilities 112726
relative to residents' medication; 112727

(8) Requirements relating to preparation of special diets; 112728

(9) The maximum number of residents who may be served in a 112729
residential facility; 112730

(10) The rights of residents of residential facilities and 112731
procedures to protect such rights; 112732

(11) Standards and procedures under which the director may 112733
waive the requirements of any of the rules adopted. 112734

(O) (1) The department of behavioral health may withhold 112735
the source of any complaint reported as a violation of this 112736
section when the department determines that disclosure could be 112737
detrimental to the department's purposes or could jeopardize the 112738
investigation. The department may disclose the source of any 112739
complaint if the complainant agrees in writing to such 112740
disclosure and shall disclose the source upon order by a court 112741
of competent jurisdiction. 112742

(2) Any person who makes a complaint under division (O) (1) 112743
of this section, or any person who participates in an 112744
administrative or judicial proceeding resulting from such a 112745
complaint, is immune from civil liability and is not subject to 112746
criminal prosecution, other than for perjury, unless the person 112747
has acted in bad faith or with malicious purpose. 112748

(P) (1) The director of ~~mental~~ behavioral health ~~and~~ 112749
~~addiction services~~ may petition the court of common pleas of the 112750

county in which a residential facility is located for an order 112751
enjoining any person from operating a residential facility 112752
without a license or from operating a licensed facility when, in 112753
the director's judgment, there is a present danger to the health 112754
or safety of any of the occupants of the facility. The court 112755
shall have jurisdiction to grant such injunctive relief upon a 112756
showing that the respondent named in the petition is operating a 112757
facility without a license or there is a present danger to the 112758
health or safety of any residents of the facility. 112759

(2) When the court grants injunctive relief in the case of 112760
a facility operating without a license, the court shall issue, 112761
at a minimum, an order enjoining the facility from admitting new 112762
residents to the facility and an order requiring the facility to 112763
assist with the safe and orderly relocation of the facility's 112764
residents. 112765

(3) If injunctive relief is granted against a facility for 112766
operating without a license and the facility continues to 112767
operate without a license, the director shall refer the case to 112768
the attorney general for further action. 112769

(Q) The director of behavioral health may fine a person 112770
for violating division (K) of this section. The fine shall be 112771
five hundred dollars for a first offense; for each subsequent 112772
offense, the fine shall be one thousand dollars. The director's 112773
actions in imposing a fine shall be taken in accordance with 112774
Chapter 119. of the Revised Code. 112775

Sec. 5119.342. (A) Upon petition by the director of ~~mental~~ 112776
behavioral health and addiction services, the court of common 112777
pleas or the probate court may appoint a receiver to take 112778
possession of and operate a residential facility licensed 112779
pursuant to section 5119.34 of the Revised Code, when conditions 112780

existing at the residential facility present a substantial risk 112781
of physical or mental harm to residents and no other remedies at 112782
law are adequate to protect the health, safety, and welfare of 112783
the residents. 112784

Petitions filed pursuant to this section shall include: 112785

(1) A description of the specific conditions existing at 112786
the residential facility which present a substantial risk of 112787
physical or mental harm to residents; 112788

(2) A statement of the absence of other adequate remedies 112789
at law; 112790

(3) The number of individuals residing at the facility; 112791

(4) A statement that the facts have been brought to the 112792
attention of the owner or licensee and that conditions have not 112793
been remedied within a reasonable period of time or that the 112794
conditions, though remedied periodically, habitually exist at 112795
the residential facility as a pattern or practice; and 112796

(5) The name and address of the person holding the license 112797
for the residential facility. 112798

(B) A court in which a petition is filed pursuant to this 112799
section shall notify the person holding the license for the 112800
facility of the filing. The department shall send notice of the 112801
filing to the following, as appropriate: the Ohio protection and 112802
advocacy system as defined in section 5123.60 of the Revised 112803
Code; facility owner; facility operator; board of alcohol, drug 112804
addiction, and mental health services; board of health; 112805
department of developmental disabilities; department of job and 112806
family services; facility residents; and residents' families and 112807
guardians. The court shall provide a hearing on the petition 112808
within five court days of the time it was filed, except that the 112809

court may appoint a receiver prior to that time if it determines 112810
that the circumstances necessitate such action. 112811

Following a hearing on the petition, and upon a 112812
determination that the appointment of a receiver is warranted, 112813
the court shall appoint a receiver and notify the department of 112814
~~mental-behavioral health and addiction services~~ and appropriate 112815
persons of this action. 112816

In setting forth the powers of the receiver, the court may 112817
generally authorize the receiver to do all that is prudent and 112818
necessary to safely and efficiently operate the residential 112819
facility within the requirements of state and federal law, but 112820
shall require the receiver to obtain court approval prior to 112821
making any single expenditure of more than five thousand dollars 112822
to correct deficiencies in the structure or furnishings of a 112823
facility. The court shall closely review the conduct of the 112824
receiver and shall require regular and detailed reports. 112825

(C) A receivership established pursuant to this section 112826
shall be terminated, following notification of the appropriate 112827
parties and a hearing, if the court determines either of the 112828
following: 112829

(1) The residential facility has been closed and the 112830
former residents have been relocated to an appropriate facility; 112831

(2) Circumstances no longer exist at the residential 112832
facility which present a substantial risk of physical or mental 112833
harm to residents, and there is no deficiency in the residential 112834
facility that is likely to create a future risk of harm. 112835

Notwithstanding division (C) (2) of this section, the court 112836
shall not terminate a receivership for a residential facility 112837
that has previously operated under another receivership unless 112838

the responsibility for the operation of the facility is 112839
transferred to an operator approved by the court and the 112840
department of ~~mental-behavioral health-and-addiction services~~. 112841

(D) Except for the department of ~~mental-behavioral health~~ 112842
~~and-addiction services~~ or appropriate board of alcohol, drug 112843
addiction, and mental health services, no party or person 112844
interested in an action shall be appointed a receiver pursuant 112845
to this section. 112846

To assist the court in identifying persons qualified to be 112847
named as receivers, the director of ~~mental-behavioral health and~~ 112848
~~addiction services~~ shall maintain a list of the names of such 112849
persons. The department of ~~mental-behavioral health-and-~~ 112850
~~addiction services~~, the department of job and family services, 112851
and the department of health shall provide technical assistance 112852
to any receiver appointed pursuant to this section. 112853

Before entering upon the duties of receiver, the receiver 112854
must be sworn to perform the duties faithfully, and, with surety 112855
approved by the court, judge, or clerk, execute a bond to such 112856
person, and in such sum as the court or judge directs, to the 112857
effect that such receiver will faithfully discharge the duties 112858
of receiver in the action, and obey the orders of the court 112859
therein. 112860

(1) Under the control of the appointing court, a receiver 112861
may do the following: 112862

(a) Bring and defend actions in the appointee's name as 112863
receiver; 112864

(b) Take and keep possession of property. 112865

(2) The court shall authorize the receiver to do the 112866
following: 112867

(a) Collect payment for all goods and services provided to 112868
the residents or others during the period of the receivership at 112869
the same rate as was charged by the licensee at the time the 112870
petition for receivership was filed, unless a different rate is 112871
set by the court; 112872

(b) Honor all leases, mortgages, and secured transactions 112873
governing all buildings, goods, and fixtures of which the 112874
receiver has taken possession, but, in the case of a rental 112875
agreement only to the extent of payments that are for the use of 112876
the property during the period of the receivership, or, in the 112877
case of a purchase agreement, only to the extent that payments 112878
come due during the period of the receivership; 112879

(c) If transfer of residents is necessary, provide for the 112880
orderly transfer of residents by: 112881

(i) Cooperating with all appropriate state and local 112882
agencies in carrying out the transfer of residents to 112883
alternative community placements; 112884

(ii) Providing for the transportation of residents' 112885
belongings and records; 112886

(iii) Helping to locate alternative placements and develop 112887
plans for transfer; 112888

(iv) Encouraging residents or guardians to participate in 112889
transfer planning except when an emergency exists and immediate 112890
transfer is necessary. 112891

(d) Make periodic reports on the status of the residential 112892
facility to the court; the appropriate state agencies; and the 112893
board of alcohol, drug addiction, and mental health services. 112894
Each report shall be made available to residents, their 112895
guardians, and families. 112896

(e) Compromise demands or claims; and 112897

(f) Generally do such acts respecting the residential 112898
facility as the court authorizes. 112899

Notwithstanding any other provision of law, contracts 112900
which are necessary to carry out the powers and duties of the 112901
receiver need not be competitively bid. 112902

Sec. 5119.343. (A) As used in this section, "adverse 112903
action" means an action by a state, provincial, federal, or 112904
other licensing or regulatory authority other than the 112905
department of behavioral health to deny, revoke, suspend, place 112906
on probation, or otherwise restrict a license, certificate, or 112907
other approval to operate a residential facility or practice a 112908
health care profession. 112909

(B) (1) When submitting an application for initial or 112910
renewed licensure of a residential facility under section 112911
5119.34 of the Revised Code, the applicant shall notify the 112912
department of ~~mental-behavioral health and addiction services~~ of 112913
any adverse action taken against any of the following during the 112914
three-year period immediately preceding the date of application: 112915

(a) The residential facility or the facility's; 112916

(b) Any owner, operator, or manager within of the three- 112917
year period immediately preceding the date of 112918
applicationfacility; 112919

(c) Any subsidiary of the facility, owner, or operator. 112920

(2) Not later than seven days after receiving a notice of 112921
adverse action ~~from a licensing or regulatory authority that is~~ 112922
~~other than the department of mental health and addiction~~ 112923
~~services~~, the holder of a residential facility license issued 112924

under section 5119.34 of the Revised Code shall notify the 112925
department of the action. 112926

(3) To notify the department as required by this section, 112927
a copy of the notice of adverse action shall be provided to the 112928
department. 112929

Sec. 5119.345. The department of behavioral health shall 112930
publish a directory of all residential facilities licensed under 112931
section 5119.34 of the Revised Code on the department's web 112932
site. For each facility, the directory shall include all of the 112933
following: 112934

(A) The name of the facility; 112935

(B) The facility's full address; 112936

(C) The facility's categorization as a class one, class 112937
two, or class three facility; 112938

(D) The services offered at the facility. 112939

Sec. 5119.35. (A) Except as provided in division (B) of 112940
this section, if a mental health service or alcohol and drug 112941
addiction service has been specified in rules adopted under this 112942
section as a service that is required to be certified, no person 112943
or government entity shall provide that service unless it has 112944
been certified under section 5119.36 of the Revised Code. 112945

(B) Division (A) of this section does not apply to either 112946
of the following: 112947

(1) An individual who holds a valid license, certificate, 112948
or registration issued by this state authorizing the practice of 112949
a health care profession that includes the performance of any 112950
service that is required to be certified as described in this 112951
section, regardless of whether the service is performed as part 112952

of a sole proprietorship, partnership, or group practice; 112953

(2) An individual who provides any service that is 112954
required to be certified as described in this section as part of 112955
an employment or contractual relationship with a hospital 112956
outpatient clinic that is accredited by an accreditation agency 112957
or organization approved by the director of ~~mental-behavioral~~ 112958
~~health-and-addiction services~~. 112959

(C) (1) If the director of ~~mental-behavioral~~ health and 112960
~~addiction services~~ determines that a person or government entity 112961
is violating division (A) of this section, the director may 112962
request, in writing, that the attorney general petition the 112963
court of common pleas in the county where the person or 112964
government entity is located or providing the services to enjoin 112965
the person or government entity from engaging in the conduct 112966
that violates division (A) of this section. 112967

(2) No person or government entity that is subject to this 112968
section is eligible to receive, for a service that is subject to 112969
this section, any federal funds, state funds, or funds 112970
administered by a board of alcohol, drug addiction, and mental 112971
health services, unless that service has been certified under 112972
section 5119.36 of the Revised Code. This limitation is in 112973
addition to the injunction that may be sought under division (C) 112974
(1) of this section for a violation of division (A) of this 112975
section. 112976

(D) The director may adopt rules in accordance with 112977
Chapter 119. of the Revised Code to specify mental health 112978
services and alcohol and drug addiction services that are 112979
required to be certified under section 5119.36 of the Revised 112980
Code. 112981

Sec. 5119.36. (A) A person or government entity that seeks 112982
initial certification of one or more certifiable services and 112983
supports, or that seeks to renew certification of one or more 112984
certifiable services and supports, shall submit an application 112985
to the director of ~~mental-behavioral health-and-addiction-~~ 112986
~~services~~. On receipt of the application, the director shall 112987
determine whether the standards established by ~~divisions-~~ 112988
division (B) ~~and (C)~~ of this section and any rules adopted under 112989
this section are satisfied or continue to be satisfied by the 112990
applicant. As part of the determination the director may conduct 112991
an on-site review of the applicant. In doing so, the director 112992
may conduct the review in cooperation with a board of alcohol, 112993
drug addiction, and mental health services that seeks to 112994
contract or has a contract with the applicant under section 112995
340.036 of the Revised Code. 112996

Not later than fourteen days after receipt of an ~~initial-~~ 112997
~~or renewal~~ application for initial or renewed certification, the 112998
director shall inform the board of alcohol, drug addiction, and 112999
mental health services serving the alcohol, drug addiction, and 113000
mental health service district in which the applicant's 113001
certifiable services and supports will be provided of the 113002
receipt of the application. On the board's request, the director 113003
shall provide the board with a copy of the application. 113004

Not later than thirty days after a provider's 113005
certification ceases to be valid for any reason, including the 113006
provider's failure to renew the certification prior to 113007
expiration, the director's acceptance of the provider's 113008
surrender of the certification, or the issuance of a final order 113009
for disciplinary action under division ~~(G)~~ (F) or ~~(M)~~ (L) of this 113010
section, the director shall provide notice to the applicable 113011
board of alcohol, drug addiction, and mental health services of 113012

the reason the certification ceased to be valid and the date it 113013
became invalid. 113014

(B) (1) Except as provided in division (B) (4) of this 113015
section, beginning on ~~the effective date of this amendment~~ 113016
October 3, 2023, an applicant seeking initial certification of 113017
certifiable services and supports shall be accredited by one or 113018
more national accrediting organizations specified in division 113019
(B) (3) of this section for certifiable services and supports for 113020
which national accreditation exists for such services and 113021
supports or equivalent services and supports. 113022

(2) Except as provided in division (B) (4) of this section, 113023
beginning October 1, 2025, an applicant seeking to renew 113024
certification of certifiable services and supports shall be 113025
accredited by one or more national accrediting organizations 113026
specified in division (B) (3) of this section for certifiable 113027
services and supports for which national accreditation exists 113028
for such services and supports or equivalent services and 113029
supports. 113030

(3) For purposes of divisions (B) (1) and (2) of this 113031
section, the director shall accept appropriate accreditation of 113032
an applicant's certifiable services and supports from any of the 113033
following national accrediting organizations: 113034

(a) The joint commission; 113035

(b) The commission on accreditation of rehabilitation 113036
facilities; 113037

(c) The council on accreditation; 113038

(d) Any other national accrediting organization the 113039
director considers appropriate. 113040

(4) The accreditation requirements of divisions (B) (1) and 113041
(2) of this section do not apply to an applicant seeking an 113042
initial or renewed certification to provide prevention services, 113043
as that term is defined in rules adopted under this section. For 113044
such applicants, accreditation is optional. 113045

~~(C) In addition to meeting the accreditation standard set 113046
forth in division (B) of this section, an applicant seeking 113047
initial or renewed certification of one or more certifiable 113048
services and supports is eligible to receive the certification 113049
only if both of the following are the case, as determined by the 113050
director:— 113051~~

~~(1) The applicant has adequate staff and equipment to 113052
provide the certifiable services and supports;— 113053~~

~~(2) The department has not been notified under section 113054
5119.367 of the Revised Code or is not otherwise aware that the 113055
applicant, or any owner or principal of the applicant, has been 113056
the subject of an adverse action, as defined in that section, 113057
taken during the three-year period immediately preceding the 113058
date of application.— 113059~~

~~(D) (1) (C) (1)~~ Except as provided in division ~~(D) (2) (C) (2)~~ 113060
of this section, if the director determines that an applicant 113061
has paid any required certification fee, that the applicant's 113062
accreditation of certifiable services and supports is current 113063
and appropriate for the services and supports for which the 113064
applicant is seeking initial or renewed certification, ~~that the 113065
applicant meets the requirements of division (C) of this 113066
section,~~ and that the applicant meets any other requirements 113067
established by this section or rules adopted under it, the 113068
director shall certify the services and supports or renew the 113069
certification of the services and supports, as applicable. 113070

Except as provided in division ~~(J)~~(I) of this section, the 113071
director shall issue or renew the certification without further 113072
evaluation of the services and supports. 113073

(2) Prior to October 1, 2025, if an applicant that seeks 113074
to renew certification of certifiable services and supports is 113075
not accredited to provide those services and supports by one or 113076
more national accrediting organizations specified in division 113077
(B) (3) of this section, the director shall conduct an evaluation 113078
of the applicant to determine whether the applicant's 113079
certifiable services and supports satisfy the standards for 113080
certification. The evaluation is in addition to any on-site 113081
review conducted under division (A) of this section and shall be 113082
performed in cooperation with a board of alcohol, drug 113083
addiction, and mental health services that seeks to contract or 113084
has a contract with the applicant under section 340.036 of the 113085
Revised Code. If the director determines that an applicant has 113086
paid any required certification fee, that the applicant's 113087
certifiable services and supports satisfy the standards for 113088
renewed certification, ~~that the applicant meets the requirements~~ 113089
~~of division (C) of this section,~~ and that the applicant meets 113090
any other requirements established by this section or the rules 113091
adopted under it, the director shall certify the certifiable 113092
services and supports. 113093

~~(E)~~(D) For purposes of the accreditation requirements of 113094
this section, both of the following apply: 113095

(1) The director may review the accrediting organizations 113096
specified in division (B) (3) of this section to evaluate whether 113097
the accreditation standards and processes used by the 113098
organizations are consistent with service delivery models the 113099
director considers appropriate for mental health services, 113100

alcohol and drug addiction services, or physical health 113101
services. The director may communicate to an accrediting 113102
organization any identified concerns, trends, needs, and 113103
recommendations. 113104

(2) The director shall require a community mental health 113105
services provider and a community addiction services provider to 113106
notify the director not later than ten days after any change in 113107
the provider's accreditation status. The provider may notify the 113108
director by providing a copy of the relevant document the 113109
provider received from the accrediting organization. 113110

~~(F)~~ (E) The director may require a community mental health 113111
services provider or a community addiction services provider to 113112
submit to the director cost reports pertaining to the provider. 113113

~~(G)~~ (F) The director may refuse to certify certifiable 113114
services and supports, refuse to renew certification, or revoke 113115
certification if any of the following apply to an applicant for 113116
certification or the holder of the certification: 113117

(1) The applicant or holder is not in compliance with 113118
rules adopted under this section. 113119

(2) The applicant or holder has been cited for a pattern 113120
of serious noncompliance or repeated violations of statutes or 113121
rules during the current certification period or any previous 113122
certification period. 113123

(3) The applicant or holder has been found to be in 113124
violation of section 5119.396 of the Revised Code; 113125

(4) The applicant or holder submits false or misleading 113126
information as part of a certification application, renewal, or 113127
investigation. 113128

(5) The applicant does not have adequate staff and 113129
equipment to provide the certifiable services and supports. 113130

(6) The department has been notified under section 113131
5119.367 of the Revised Code or is otherwise aware that the 113132
applicant, any owner or principal of the applicant, or any 113133
subsidiary of the applicant or owner has been the subject of an 113134
adverse action, as defined in that section, taken during the 113135
three-year period immediately preceding the date of notification 113136
or date of becoming aware of the adverse action. 113137

~~(H)~~ (G) Proceedings initiated to deny applications to 113138
certify certifiable services and supports, to refuse to renew 113139
certification, or to revoke certification are governed by 113140
Chapter 119. of the Revised Code. If an order has been issued 113141
suspending admissions to a community addiction services 113142
provider, as provided in division ~~(M)~~ (L) of this section, the 113143
order remains in effect during the pendency of those 113144
proceedings. 113145

~~(I)~~ (H) The director may conduct an on-site review or 113146
otherwise evaluate a community mental health services provider 113147
or a community addiction services provider at any time based on 113148
cause, including complaints made by or on behalf of persons 113149
receiving mental health services or alcohol and drug addiction 113150
services and confirmed or alleged deficiencies brought to the 113151
attention of the director. This authority does not affect the 113152
director's duty to conduct the inspections required by section 113153
5119.37 of the Revised Code. 113154

In conducting an on-site review under this division, the 113155
director may do so in cooperation with a board of alcohol, drug 113156
addiction, and mental health services that seeks to contract or 113157
has a contract with the applicant under section 340.036 of the 113158

Revised Code. In conducting any other evaluation under this 113159
division, the director shall do so in cooperation with such a 113160
board. 113161

~~(J)~~(I) If the director proposes to take action under 113162
division ~~(G)~~(F) of this section, the director shall notify the 113163
board of alcohol, drug addiction, and mental health services 113164
serving the alcohol, drug addiction, and mental health service 113165
district in which the certifiable services and supports will be 113166
or were provided, and provide the board opportunity to respond 113167
as specified in division (A) of this section with respect to 113168
initial or renewal applications. 113169

When a final order is issued by the director under 113170
division ~~(G)~~(F) of this section, the director may request that 113171
the appropriate board of alcohol, drug addiction, and mental 113172
health services reallocate any funds for the certifiable 113173
services and supports the applicant was to provide to a 113174
community mental health services provider or community addiction 113175
services provider whose certifiable services and supports 113176
satisfy the standards. If the board does not reallocate such 113177
funds in a reasonable period of time, the director may withhold 113178
state and federal funds for the certifiable services and 113179
supports and allocate those funds directly to a community mental 113180
health services provider or community addiction services 113181
provider whose certifiable services and supports satisfy the 113182
standards. 113183

~~(K)~~(J) Each applicant seeking initial or renewed 113184
certification of its certifiable services and supports shall pay 113185
a fee for the certification required by this section, unless the 113186
applicant is exempt under rules adopted under this section. Fees 113187
shall be paid into the state treasury to the credit of the sale 113188

of goods and services fund created pursuant to section 5119.45 113189
of the Revised Code. 113190

~~(L)~~(K) The director shall adopt rules in accordance with 113191
Chapter 119. of the Revised Code to implement this section. The 113192
rules shall do all of the following: 113193

(1) Subject to section 340.034 of the Revised Code, 113194
specify the types of recovery supports that are required to be 113195
certified under this section; 113196

(2) Establish certification standards for certifiable 113197
services and supports that are consistent with nationally 113198
recognized applicable standards and facilitate participation in 113199
federal assistance programs. The rules shall include as 113200
certification standards only requirements that improve the 113201
quality of certifiable services and supports or the health and 113202
safety of persons receiving certifiable services and supports. 113203
The standards shall address at a minimum all of the following: 113204

(a) Reporting major unusual incidents to the director; 113205

(b) Procedures for applicants for and persons receiving 113206
certifiable services and supports to file grievances and 113207
complaints; 113208

(c) Seclusion; 113209

(d) Restraint; 113210

(e) Requirements regarding the physical facilities in 113211
which certifiable services and supports are provided; 113212

(f) Requirements with regard to health, safety, adequacy, 113213
and cultural specificity and sensitivity; 113214

(g) Standards for evaluating certifiable services and 113215

supports; 113216

(h) Standards and procedures for granting full, 113217
probationary, and interim certification of the certifiable 113218
services and supports of an applicant; 113219

(i) Standards and procedures for revoking the 113220
certification of a community mental health services provider's 113221
or community addiction services provider's certifiable services 113222
and supports that do not continue to meet the minimum standards 113223
established pursuant to this section; 113224

(j) The limitations to be placed on a provider whose 113225
certifiable services and supports are granted probationary or 113226
interim certification; 113227

(k) Development of written policies addressing the rights 113228
of persons receiving certifiable services and supports, 113229
including all of the following: 113230

(i) The right to a copy of the written policies addressing 113231
the rights of persons receiving certifiable services and 113232
supports; 113233

(ii) The right at all times to be treated with 113234
consideration and respect for the person's privacy and dignity; 113235

(iii) The right to have access to the person's own 113236
psychiatric, medical, or other treatment records unless access 113237
is specifically restricted in the person's treatment plan for 113238
clear treatment reasons; 113239

(iv) The right to have a client rights officer provided by 113240
the provider or board of alcohol, drug addiction, and mental 113241
health services advise the person of the person's rights, 113242
including the person's rights under Chapter 5122. of the Revised 113243

Code if the person is committed to the provider or board. 113244

(1) Documentation that must be submitted as evidence of 113245
holding appropriate accreditation; 113246

(m) A process by which the director may review the 113247
accreditation standards and process used by the national 113248
accrediting organizations specified in division (B) (3) of this 113249
section. 113250

(3) Establish the process for certification of certifiable 113251
services and supports; 113252

(4) Set the amount of initial and renewal certification 113253
fees and any reasons for which applicants may be exempt from the 113254
fees; 113255

(5) Specify the type of notice and hearing to be provided 113256
prior to a decision on whether to reallocate funds; 113257

(6) Establish a process by which the director, based on 113258
deficiencies identified as a result of conducting an on-site 113259
review or otherwise evaluating a community mental health 113260
services provider or community addiction services provider under 113261
division ~~(I)~~ (H) of this section, may take any range of 113262
correction actions, including revocation of the provider's 113263
certification. 113264

~~(M)~~ ~~(1)~~ (L) (1) The director may issue an order suspending 113265
admissions to a community addiction services provider that 113266
provides overnight accommodations if the director finds either 113267
of the following: 113268

(a) The provider's certifiable services and supports are 113269
not in compliance with rules adopted under this section; 113270

(b) The provider has been cited for more than one 113271

violation of statutes or rules during any previous certification 113272
period of the provider. 113273

(2) (a) Except as provided in division ~~(M) (2) (b)~~ (L) (2) (b) 113274
of this section, proceedings initiated to suspend admissions to 113275
a community addiction services provider that provides overnight 113276
accommodations are governed by Chapter 119. of the Revised Code. 113277

(b) If a suspension of admissions is proposed because the 113278
director has determined that the provider has demonstrated a 113279
pattern of serious noncompliance or that a violation creates a 113280
substantial risk to the health and safety of patients, the 113281
director may issue an order suspending admissions before 113282
providing an opportunity for an adjudication under Chapter 119. 113283
of the Revised Code. The director shall lift the order for the 113284
suspension of admissions if the director determines that the 113285
violation that formed the basis for the order has been 113286
corrected. 113287

(3) Appeals from proceedings initiated to order the 113288
suspension of admissions shall be conducted in accordance with 113289
Chapter 119. of the Revised Code, unless the order was issued 113290
before providing an opportunity for an adjudication, in which 113291
case all of the following apply: 113292

(a) The provider may request a hearing not later than ten 113293
days after being served in accordance with sections 119.05 and 113294
119.07 of the Revised Code. 113295

(b) If a timely request for a hearing that includes the 113296
provider's current address is made, the hearing shall commence 113297
not later than thirty days after the department receives the 113298
request. 113299

(c) After commencing, the hearing shall continue 113300

uninterrupted, except for Saturdays, Sundays, and legal 113301
holidays, unless other interruptions are agreed to by the 113302
provider and the director. 113303

(d) If the hearing is conducted by a hearing examiner, the 113304
hearing examiner shall file a report and recommendations with 113305
the department not later than ten days after the last of the 113306
following: 113307

(i) The close of the hearing; 113308

(ii) If a transcript of the proceedings is ordered, the 113309
hearing examiner receives the transcript; 113310

(iii) If post-hearing briefs are timely filed, the hearing 113311
examiner receives the briefs. 113312

(e) The hearing examiner shall send a written copy of the 113313
report and recommendations, by certified mail, to the provider, 113314
or the provider's attorney, if applicable, not later than five 113315
days after the report is filed with the department. 113316

(f) Not later than five days after receiving the report 113317
and recommendations, the provider may file objections with the 113318
department. 113319

(g) Not later than fifteen days after the hearing examiner 113320
files the report and recommendations, the department shall issue 113321
an order approving, modifying, or disapproving the report and 113322
recommendations. 113323

(h) Notwithstanding the pendency of the hearing, the 113324
department shall lift the order for the suspension of admissions 113325
if the department determines the violation that formed the basis 113326
for the order has been corrected. 113327

~~(N) (1)~~ (M) (1) In a proceeding initiated to suspend 113328

admissions to a community addiction services provider that 113329
provides overnight accommodations, to deny an application for 113330
certification of certifiable services and supports, to refuse to 113331
renew certification, or to revoke certification, the department 113332
may order the suspension, denial, refusal, or revocation 113333
regardless of whether some or all of the deficiencies that 113334
prompted the proceedings have been corrected at the time of the 113335
hearing. 113336

(2) When the department issues an order suspending 113337
admissions to a community addiction services provider that 113338
provides overnight accommodations, denies an application for 113339
certification of certifiable services and supports, refuses to 113340
renew certification, or revokes a certification, the department 113341
shall not grant an opportunity for submitting a plan of 113342
correction. 113343

~~(O)~~ (N) The department of ~~mental-behavioral~~ health and 113344
~~addiction services~~ shall maintain a current list of community 113345
addiction services providers and shall provide a copy of the 113346
list to a judge of a court of common pleas who requests a copy 113347
for the use of the judge under division (H) of section 2925.03 113348
of the Revised Code. The list shall identify each provider by 113349
its name, its address, and the county in which it is located. 113350

~~(P)~~ (O) No person shall represent in any manner that a 113351
community mental health services provider's or community 113352
addiction services provider's certifiable services and supports 113353
are certified by the director if the certifiable services and 113354
supports are not so certified at the time the representation is 113355
made. 113356

~~(O)~~ (P) If a board of alcohol, drug addiction, and mental 113357
health services requests the department of ~~mental-behavioral~~ 113358

~~health and addiction services~~ to investigate a community mental 113359
health services provider or community addiction services 113360
provider pursuant to this section, the department shall initiate 113361
the investigation not later than ten business days after receipt 113362
of the request. If the department initiates an investigation of 113363
a community mental health services provider or community 113364
addiction services provider under this section for any other 113365
reason, the department shall notify the board of alcohol, drug 113366
addiction, and mental health services serving the applicable 113367
alcohol, drug addiction, and mental health service district of 113368
the investigation and the reason for the investigation not later 113369
than three business days after the investigation begins. On the 113370
board's request, the department shall provide the board with 113371
information specifying the status of the investigation and the 113372
final disposition of the investigation. 113373

Sec. 5119.362. (A) In accordance with rules adopted under 113374
section 5119.363 of the Revised Code, each community addiction 113375
services provider shall do all of the following: 113376

(1) Maintain a waiting list for the provider's included 113377
opioid and co-occurring drug addiction services and recovery 113378
supports; 113379

(2) Notify an individual included on the provider's 113380
waiting list when the provider has a slot available for the 113381
individual and, if the individual does not contact the provider 113382
about the slot within a period of time specified in the rules, 113383
contact the individual to determine why the individual did not 113384
contact the provider and to assess whether the individual still 113385
needs the included opioid and co-occurring drug addiction 113386
services and recovery supports; 113387

(3) Remove an individual from the waiting list if either 113388

of the following applies: 113389

(a) The individual withdraws the individual's request for 113390
included opioid and co-occurring drug addiction services and 113391
recovery supports; 113392

(b) When the provider notifies the individual about an 113393
available slot, the individual does not contact the provider 113394
about the slot within the period of time specified in the rules 113395
or otherwise vacates the slot before beginning to receive the 113396
services and supports. 113397

(4) As part of the process of maintaining the waiting 113398
list, determine both of the following: 113399

(a) For each individual who seeks from the provider 113400
included opioid and co-occurring drug addiction services and 113401
recovery supports, the number of days that starts with the day 113402
the individual first contacts the provider about accessing the 113403
services and supports and ends on the following day: 113404

(i) If the individual is required to be assessed for the 113405
individual's clinical need for the services and supports, the 113406
day of the assessment; 113407

(ii) If the individual is not required to be assessed for 113408
the individual's clinical need for the services and supports, 113409
the first day of the individual's access to the services and 113410
supports. 113411

(b) For each such individual who is required to be 113412
assessed for the individual's clinical need for the services and 113413
supports, the number of days that starts with the day of the 113414
assessment and ends with the first day of the individual's 113415
access to the services and supports. 113416

(5) Using information the provider acquires by maintaining the waiting list, determine whether included opioid and co-occurring drug addiction services and recovery supports are insufficient to meet the needs of individuals on the waiting list;

(6) Subject to division (B) of this section, report all of the following information not later than the last day of each month to the department of ~~mental behavioral health and~~ addiction services:

(a) An unduplicated count of all individuals who were included on the provider's waiting list during the immediately preceding month and each type of included opioid and co-occurring drug addiction services and recovery supports for which they were waiting;

(b) The total number of days each such individual had been on the provider's waiting list during the immediately preceding month;

(c) The last known type of residential setting in which each such individual resided during the immediately preceding month;

(d) The total number of individuals who did not contact the provider after receiving, during the immediately preceding month, the notices under division (A) (2) of this section about the provider having slots available for the individuals and, if known, the reasons the contacts were not made;

(e) The total number of such individuals who withdrew, in the immediately preceding month, their requests for included opioid and co-occurring drug addiction services and recovery supports, each type of service and support that those

individuals had requested or been assessed as having a clinical 113446
need for, and, if known, the reasons those individuals withdrew 113447
their requests; 113448

(f) An unduplicated count of all individuals who were 113449
referred to another community addiction services provider 113450
because the referring provider does not provide the type of 113451
included opioid and co-occurring drug addiction services and 113452
recovery supports that those individuals had requested or been 113453
assessed as having a clinical need for and each type of service 113454
and support for which those individuals were referred; 113455

(g) All other information specified in the rules. 113456

(B) Each report that a community addiction services 113457
provider provides to the department under this section shall do 113458
both of the following: 113459

(1) For the purposes of divisions (A) (6) (a) and (f) of 113460
this section, specify the counties of residence of the 113461
individuals in the unduplicated counts and include identifying 113462
information required by the rules adopted under section 5119.363 113463
of the Revised Code so that the department is able to identify 113464
any individuals who are inadvertently duplicated in the counts; 113465

(2) For the purpose of the information reported under 113466
division (A) (6) (c) of this section, identify the types of 113467
residential settings at least as either institutional or 113468
noninstitutional. 113469

Sec. 5119.363. The director of ~~mental-behavioral~~ health 113470
~~and addiction services~~ shall adopt rules governing the duties of 113471
community addiction services providers under section 5119.362 of 113472
the Revised Code. The rules shall be adopted in accordance with 113473
Chapter 119. of the Revised Code. 113474

The director shall adopt rules under this section that 113475
authorize the department of ~~mental-behavioral health and~~ 113476
~~addiction services~~ to determine an advanced practice registered 113477
nurse's, physician assistant's, or physician's compliance with 113478
section 3719.064 of the Revised Code if such practitioner works 113479
for a community addiction services provider. 113480

Sec. 5119.364. (A) The department of ~~mental-behavioral~~ 113481
~~health and addiction services~~ shall do both of the following 113482
with the reports it receives from community addiction services 113483
providers under section 5119.362 of the Revised Code: 113484

(1) Subject to division (B) of this section, make the 113485
reports available on the department's internet web site; 113486

(2) Make the reports available in an electronic format to 113487
boards of alcohol, drug addiction, and mental health services in 113488
a manner that provides the information about an individual 113489
contained in a report to the board that serves the individual's 113490
county. 113491

(B) In making the reports available on the department's 113492
web site, the department shall present the information contained 113493
in the reports on both a statewide aggregate basis and county- 113494
level aggregate basis. The information on the web site shall be 113495
updated monthly after the community addiction services providers 113496
submit new reports to the department. 113497

Sec. 5119.365. The director of ~~mental-behavioral~~ health 113498
~~and addiction services~~ shall adopt rules in accordance with 113499
Chapter 119. of the Revised Code to do both of the following: 113500

(A) Streamline the intake procedures used by a community 113501
addiction services provider accepting and beginning to serve a 113502
new individual, including procedures regarding intake forms and 113503

questionnaires; 113504

(B) Enable a community addiction services provider to 113505
retain an individual as an active patient even though the 113506
patient last received services from the provider more than 113507
thirty days before resumption of services so that the individual 113508
and provider do not have to repeat the intake procedures. 113509

Sec. 5119.366. The director of ~~mental-behavioral~~ health 113510
~~and addiction services~~ shall require that each board of alcohol, 113511
drug addiction, and mental health services ensure that each 113512
community mental health services provider and community 113513
addiction services provider with which it contracts under 113514
section 340.036 of the Revised Code to provide certifiable 113515
services and supports establish grievance procedures consistent 113516
with rules adopted under section 5119.36 of the Revised Code 113517
that are available to all persons seeking or receiving 113518
certifiable services and supports from a community mental health 113519
services provider or community addiction services provider. 113520

Sec. 5119.367. (A) As used in this section, "adverse 113521
action" means an action by a state, provincial, federal, or 113522
other licensing or regulatory authority other than the 113523
department of behavioral health to deny, revoke, suspend, place 113524
on probation, or otherwise restrict a license, certification, or 113525
other approval to provide certifiable services and supports or 113526
an equivalent to certifiable services and supports. 113527

(B) (1) When submitting an application for initial or 113528
renewed certification of one or more certifiable services and 113529
supports, the applicant shall notify the department of ~~mental-~~ 113530
behavioral health ~~and addiction services~~ of any adverse action 113531
taken against the following during the three-year period 113532
immediately preceding the date of application: 113533

- (a) The applicant~~or any~~; 113534
- (b) Any owner or principal of the applicant~~within~~; 113535
- (c) Any subsidiary of the ~~three-year period immediately~~
~~preceding the date of application~~applicant or owner. 113537
- (2) Not later than seven days after receiving a notice of 113538
adverse action ~~from a licensing or regulatory authority that is~~ 113539
~~other than the department of mental health and addiction~~ 113540
~~services, an applicant for initial or renewed certification or~~ 113541
the holder of a certification issued under section 5119.36 of 113542
the Revised Code shall notify the department of the action. 113543
- (C) To notify the department as required by this section, 113544
a copy of the notice of adverse action shall be provided to the 113545
department. 113546
- Sec. 5119.368.** (A) As used in this section, "telehealth 113547
services" has the same meaning as in section 4743.09 of the 113548
Revised Code. 113549
- (B) Each community mental health services provider and 113550
community addiction services provider shall establish written 113551
policies and procedures describing how the provider will ensure 113552
that staff persons assisting clients with receiving telehealth 113553
services or providing telehealth services are fully trained in 113554
using equipment necessary for providing the services. 113555
- (C) Prior to providing telehealth services to a client, a 113556
provider shall describe to the client the potential risks 113557
associated with receiving treatment through telehealth services 113558
and shall document that the client was provided with the risks 113559
and agreed to assume those risks. The risks communicated to a 113560
client shall address the following: 113561

- (1) Clinical aspects of receiving treatment through telehealth services; 113562
113563
- (2) Security considerations when receiving treatment through telehealth services; 113564
113565
- (3) Confidentiality for individual and group counseling. 113566
- (D) It is the responsibility of the provider, to the extent possible, to ensure contractually that any entity or individuals involved in the transmission of information through telehealth mechanisms guarantee that the confidentiality of the information is protected. 113567
113568
113569
113570
113571
- (E) Every provider shall have a contingency plan for providing telehealth services to clients in the event that technical problems occur during the provision of those services. 113572
113573
113574
- (F) Providers shall maintain, at a minimum, the following information pertaining to local resources: 113575
113576
- (1) The local suicide prevention telephone hotline, if available, or the national suicide prevention telephone hotline. 113577
113578
- (2) Contact information for the local police and fire departments. 113579
113580
- The provider shall provide the client written information on how to access assistance in a crisis, including one caused by equipment malfunction or failure. 113581
113582
113583
- (G) It is the responsibility of the provider to ensure that equipment meets standards sufficient to do the following: 113584
113585
- (1) To the extent possible, ensure confidentiality of communication; 113586
113587
- (2) Provide for interactive communication between the 113588

provider and the client; 113589

(3) When providing telehealth services using synchronous 113590
technology, ensure that video or audio are sufficient to enable 113591
real-time interaction between the client and the provider and to 113592
ensure the quality of the service provided. 113593

(H) A mental health facility or unit that is serving as a 113594
client site shall be maintained in such a manner that 113595
appropriate staff persons are on hand at the facility or unit in 113596
the event of a malfunction with the equipment used to provide 113597
telehealth services. 113598

(I) (1) All telehealth services provided by interactive 113599
videoconferencing shall meet both of the following conditions: 113600

(a) Begin with the verification of the client through a 113601
name and password or personal identification number when 113602
treatment services are being provided; 113603

(b) Be provided in accordance with state and federal law. 113604

(2) When providing telehealth services in accordance with 113605
this section, a provider shall comply with all requirements 113606
under state and federal law regarding the protection of patient 113607
information. Each provider shall ensure that any username or 113608
password information and any electronic communications between 113609
the provider and a client are securely transmitted and stored. 113610

(J) The department of ~~mental-behavioral health and~~ 113611
~~addiction services~~ may adopt rules as it considers necessary to 113612
implement this section. The rules shall be adopted in accordance 113613
with Chapter 119. of the Revised Code. Any such rules adopted by 113614
the department are not subject to the requirements of division 113615
(F) of section 121.95 of the Revised Code. 113616

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 113617
(1) (b) of this section, no person or government entity shall 113618
operate an opioid treatment program requiring certification, as 113619
certification is defined in 42 C.F.R. 8.2, unless the person or 113620
government entity is a community addiction services provider and 113621
the program is licensed under this section. 113622

(b) Division (A) (1) (a) of this section does not apply to a 113623
program operated by the United States department of veterans 113624
affairs. 113625

(2) No community addiction services provider licensed 113626
under this section shall operate an opioid treatment program in 113627
a manner inconsistent with this section and the rules adopted 113628
under it. 113629

(B) A community addiction services provider seeking a 113630
license to operate an opioid treatment program shall apply to 113631
the department of ~~mental behavioral health and addiction~~ 113632
~~services~~. The department shall review all applications received. 113633

(C) The department may issue a license to operate an 113634
opioid treatment program to a community addiction services 113635
provider only if all of the following apply: 113636

(1) During the three-year period immediately preceding the 113637
date of application, the provider ~~or any owner, sponsor, medical~~ 113638
~~director, administrator, or principal of the provider has and~~ 113639
each of the following, as the case may be, have been in good 113640
standing to operate an opioid treatment program in all other 113641
locations where the provider or such other person has been 113642
operating a similar program, ~~as~~: an owner, sponsor, medical 113643
director, administrator, or principal of the provider; a 113644
subsidiary of the provider; or a subsidiary of the provider's 113645

owner or sponsor. Good standing shall be evidenced by both of 113646
the following: 113647

(a) Not having been denied a license, certificate, or 113648
similar approval to operate an opioid treatment program by this 113649
state or another jurisdiction; 113650

(b) Not having been the subject of any of the following in 113651
this state or another jurisdiction: 113652

(i) An action that resulted in the suspension or 113653
revocation of the license, certificate, or similar approval of 113654
the provider or other person; 113655

(ii) A voluntary relinquishment, withdrawal, or other 113656
action taken by the provider or other person to avoid suspension 113657
or revocation of the license, certificate, or similar approval; 113658

(iii) A disciplinary action that was based, in whole or in 113659
part, on the provider or other person engaging in the 113660
inappropriate prescribing, dispensing, administering, personally 113661
furnishing, diverting, storing, supplying, compounding, or 113662
selling of a controlled substance or other dangerous drug. 113663

(2) It affirmatively appears to the department that the 113664
provider is adequately staffed and equipped to operate an opioid 113665
treatment program. 113666

(3) It affirmatively appears to the department that the 113667
provider will operate an opioid treatment program in strict 113668
compliance with all laws relating to drug abuse and the rules 113669
adopted by the department. 113670

(4) Except as provided in division (D) of this section and 113671
section 5119.371 of the Revised Code, if the provider is seeking 113672
an initial license for a particular location, the proposed 113673

opioid treatment program is not located on a parcel of real 113674
estate that is within a radius of five hundred linear feet of 113675
the boundaries of a parcel of real estate having situated on it 113676
a public or private school, child care center licensed under 113677
Chapter 5104. of the Revised Code, or child-serving agency 113678
regulated by the department under this chapter. 113679

(5) The provider meets any additional requirements 113680
established by the department in rules adopted under division 113681
(F) of this section. 113682

(D) The department may waive the requirement of division 113683
(C) (4) of this section if it receives, from each public or 113684
private school, child care center, or child-serving agency that 113685
is within the five hundred linear feet radius described in that 113686
division, a letter of support for the location. The department 113687
shall determine whether a letter of support is satisfactory for 113688
purposes of waiving the requirement. 113689

(E) (1) Except as provided in division (E) (2) of this 113690
section, a license to operate an opioid treatment program shall 113691
expire two years from the date of issuance. Licenses may be 113692
renewed. 113693

(2) In circumstances in which the director of ~~mental-~~ 113694
behavioral health ~~and addiction services~~ has concerns regarding 113695
compliance of a community addiction services provider licensed 113696
as an opioid treatment program, the department shall notify the 113697
provider of those concerns and stipulate that the provider's 113698
license expires annually on a date determined by the department. 113699

(F) The department shall establish procedures and adopt 113700
rules for licensing, inspection, and supervision of community 113701
addiction services providers that operate an opioid treatment 113702

program. The rules shall establish standards for the control, 113703
storage, furnishing, use, dispensing, and administering of 113704
medications used in medication-assisted treatment; prescribe 113705
minimum standards for the operation of the opioid treatment 113706
program component of the provider's operations; and comply with 113707
federal laws and regulations. 113708

All rules adopted under this division shall be adopted in 113709
accordance with Chapter 119. of the Revised Code. All actions 113710
taken by the department regarding the licensing of providers to 113711
operate opioid treatment programs shall be conducted in 113712
accordance with Chapter 119. of the Revised Code, except as 113713
provided in division (L) of this section. 113714

(G) (1) The department shall inspect all community 113715
addiction services providers licensed to operate an opioid 113716
treatment program. Inspections shall be conducted at least 113717
biennially and may be conducted more frequently. 113718

In addition, the department may inspect any provider or 113719
other person that it reasonably believes to be operating an 113720
opioid treatment program without a license issued under this 113721
section. 113722

(2) When conducting an inspection, the department may do 113723
both of the following: 113724

(a) Examine and copy all records, accounts, and other 113725
documents relating to the provider's or other person's 113726
operations, including records pertaining to patients or clients; 113727

(b) Conduct interviews with any individual employed by or 113728
contracted or otherwise associated with the provider or person, 113729
including an administrator, staff person, patient, or client. 113730

(3) No person or government entity shall interfere with a 113731

state or local government official acting on behalf of the 113732
department while conducting an inspection. 113733

(H) A community addiction services provider shall not 113734
administer or dispense methadone in a tablet, powder, or 113735
intravenous form. Methadone shall be administered or dispensed 113736
only in a liquid form intended for ingestion. 113737

A community addiction services provider shall not 113738
administer or dispense a medication used in medication-assisted 113739
treatment for pain or other medical reasons. 113740

(I) As used in this division, "program sponsor" means a 113741
person who assumes responsibility for the operation and 113742
employees of the opioid treatment program component of a 113743
community addiction services provider's operations. 113744

A provider shall not permit an individual to act as a 113745
program sponsor, medical director, or director of the provider 113746
if the individual is receiving a medication used in medication- 113747
assisted treatment from any community addiction services 113748
provider. 113749

(J) The department may issue orders to ensure compliance 113750
with all laws relating to drug abuse and the rules adopted under 113751
this section. Subject to section 5119.27 of the Revised Code, 113752
the department may hold hearings, require the production of 113753
relevant matter, compel testimony, issue subpoenas, and make 113754
adjudications. Upon failure of a person without lawful excuse to 113755
obey a subpoena or to produce relevant matter, the department 113756
may apply to a court of common pleas for an order compelling 113757
compliance. 113758

(K) The department may refuse to issue, or may withdraw or 113759
revoke, a license to operate an opioid treatment program. A 113760

license may be refused if a community addiction services 113761
provider does not meet the requirements of division (C) of this 113762
section. A license may be withdrawn at any time the department 113763
determines that the provider no longer meets the requirements 113764
for receiving the license. A license may be revoked in 113765
accordance with division (L) of this section. 113766

Once a license is issued under this section, the 113767
department shall not consider the requirement of division (C) (4) 113768
of this section in determining whether to renew, withdraw, or 113769
revoke the license or whether to reissue the license as a result 113770
of a change in ownership. 113771

(L) If the department finds reasonable cause to believe 113772
that a community addiction services provider licensed under this 113773
section is in violation of any state or federal law or rule 113774
relating to drug abuse, the department may issue an order 113775
immediately revoking the license, subject to division (M) of 113776
this section. The department shall set a date not more than 113777
fifteen days later than the date of the order of revocation for 113778
a hearing on the continuation or cancellation of the revocation. 113779
For good cause, the department may continue the hearing on 113780
application of any interested party. In conducting hearings, the 113781
department has all the authority and power set forth in division 113782
(J) of this section. Following the hearing, the department shall 113783
either confirm or cancel the revocation. The hearing shall be 113784
conducted in accordance with Chapter 119. of the Revised Code, 113785
except that the provider shall not be permitted to operate an 113786
opioid treatment program pending the hearing or pending any 113787
appeal from an adjudication made as a result of the hearing. 113788
Notwithstanding any provision of Chapter 119. of the Revised 113789
Code to the contrary, a court shall not stay or suspend any 113790
order of revocation issued by the department under this division 113791

pending judicial appeal. 113792

(M) The department shall not revoke a license to operate 113793
an opioid treatment program unless all clients receiving 113794
medication used in medication-assisted treatment from the 113795
community addiction services provider are provided adequate 113796
substitute medication or treatment. For purposes of this 113797
division, the department may transfer the clients to other 113798
providers licensed to operate opioid treatment programs or 113799
replace any or all of the administrators and staff of the 113800
provider with representatives of the department who shall 113801
continue on a provisional basis the opioid treatment component 113802
of the provider's operations. 113803

(N) Each time the department receives an application from 113804
a community addiction services provider for a license to operate 113805
an opioid treatment program, issues or refuses to issue a 113806
license, or withdraws or revokes a license, the department shall 113807
notify the board of alcohol, drug addiction, and mental health 113808
services of each alcohol, drug addiction, and mental health 113809
service district in which the provider operates. 113810

(O) Whenever it appears to the department from files, upon 113811
complaint, or otherwise, that a community addiction services 113812
provider has engaged in any practice declared to be illegal or 113813
prohibited by section 3719.61 of the Revised Code, or any other 113814
state or federal laws or regulations relating to drug abuse, or 113815
when the department believes it to be in the best interest of 113816
the public and necessary for the protection of the citizens of 113817
the state, the department may request criminal proceedings by 113818
laying before the prosecuting attorney of the proper county any 113819
evidence of criminality which may come to its knowledge. 113820

(P) The department shall maintain a current list of 113821

community addiction services providers licensed by the 113822
department under this section and shall provide a copy of the 113823
current list to a judge of a court of common pleas who requests 113824
a copy for the use of the judge under division (H) of section 113825
2925.03 of the Revised Code and to a board of alcohol, drug 113826
addiction, and mental health services that requests a copy for 113827
purposes of division (I) (3) of section 340.08 of the Revised 113828
Code. The list of licensed community addiction services 113829
providers shall identify each licensed provider by its name, its 113830
address, and the county in which it is located. 113831

Sec. 5119.371. (A) On application by a community addiction 113832
services provider that has purchased or leased real property to 113833
be used as the location of an opioid treatment program subject 113834
to licensure under section 5119.37 of the Revised Code, the 113835
department of ~~mental-behavioral health and addiction services~~ 113836
shall determine whether the location of the proposed program 113837
complies with the requirements of division (C) (4) of section 113838
5119.37 of the Revised Code by not being located on a parcel of 113839
real estate that is within a radius of five hundred linear feet 113840
of the boundaries of a parcel of real estate having situated on 113841
it a public or private school, child care center licensed under 113842
Chapter 5104. of the Revised Code, or child-serving agency 113843
regulated by the department under this chapter. 113844

If the department determines that the location is in 113845
compliance with division (C) (4) of section 5119.37 of the 113846
Revised Code, the department shall issue a declaration stating 113847
that the location is in compliance. The declaration is valid for 113848
two years from the date of issuance. 113849

The department shall provide to the provider either a copy 113850
of the declaration or a notice that the department has 113851

determined that the location is not in compliance with division 113852
(C) (4) of section 5119.37 of the Revised Code. 113853

If, before expiration of the declaration, a community 113854
addiction services provider applies for a license to operate an 113855
opioid treatment program, the department shall not consider the 113856
requirement of division (C) (4) of section 5119.37 of the Revised 113857
Code in determining whether to issue the license. 113858

(B) A community addiction services provider seeking to 113859
relocate an opioid treatment program licensed under section 113860
5119.37 of the Revised Code may apply for and be granted a 113861
declaration under division (A) of this section. If, before 113862
expiration of the declaration, the provider applies for issuance 113863
of a license due to relocation, the department shall not 113864
consider the requirement of division (C) (4) of section 5119.37 113865
of the Revised Code in determining whether to reissue the 113866
license due to relocation. 113867

Sec. 5119.38. A drivers' intervention program may be used 113868
as an alternative to a term of imprisonment for an offender 113869
sentenced pursuant to division (G) (1) (a) of section 4511.19 of 113870
the Revised Code, if it is certified by the director of ~~mental-~~ 113871
behavioral health and addiction services pursuant to this 113872
section. No drivers' intervention program shall be used as an 113873
alternative to a term of imprisonment that is imposed pursuant 113874
to division (G) (1) (b), (c), (d), or (e) of section 4511.19 of 113875
the Revised Code. 113876

To qualify for certification by the director and to 113877
receive funds from the statewide treatment and prevention fund 113878
created by section 4301.30 of the Revised Code in any amounts 113879
and at any times that the director determines are appropriate, a 113880
drivers' intervention program shall meet state minimum standards 113881

that the director shall establish by rule. The rules shall 113882
include, but are not limited to, standards governing program 113883
course hours and content, qualifications of program personnel, 113884
methods of identifying and testing participants to isolate 113885
participants with alcohol and drug abuse problems, referral of 113886
such persons to community addiction services providers, the 113887
prompt notification of courts by program operators of the 113888
completion of the programs by persons required by courts to 113889
attend them, and record keeping, including methods of tracking 113890
participants for a reasonable time after they have left the 113891
program. 113892

The director shall issue a certificate to any qualified 113893
drivers' intervention program. The certificate is valid for 113894
three years. 113895

Sec. 5119.39. (A) The department of ~~mental-behavioral~~ 113896
~~health and addiction services~~ shall monitor the operation of 113897
recovery housing in this state by doing either of the following: 113898

(1) Certifying recovery housing residences through a 113899
process established by the department; 113900

(2) Accepting accreditation, or its equivalent for 113901
recovery housing, from one or more of the following: 113902

(a) The Ohio affiliate of the national alliance for 113903
recovery residences; 113904

(b) Oxford house, inc.; 113905

(c) Any other organization that is designated by the 113906
department for purposes of this section. 113907

(B) If the department certifies recovery housing 113908
residences, the department shall, in rules adopted under section 113909

5119.397 of the Revised Code, establish requirements for initial 113910
certification and renewal certification, as well as grounds and 113911
procedures for disciplinary action against operators of recovery 113912
housing residences. 113913

Sec. 5119.391. (A) The department of ~~mental-behavioral~~ 113914
~~health and addiction services~~ shall monitor the establishment of 113915
recovery housing residences in this state. 113916

(B) For purposes of division (A) of this section, and 113917
within the timeframe specified in division (C) of this section, 113918
each person or government entity that will operate a recovery 113919
housing residence on or after ~~the effective date of this section~~ 113920
October 3, 2023, including any recovery housing that was 113921
established and in operation prior to ~~the effective date of this~~ 113922
~~section~~ October 3, 2023, shall file with the department, on a 113923
form prescribed by the department, all of the following 113924
information: 113925

(1) The name of the recovery housing residence and any 113926
other name under which the residence does business; 113927

(2) The address of the recovery housing residence; 113928

(3) The name of the person or government entity operating 113929
the residence; 113930

(4) The primary telephone number and electronic mail 113931
address for the recovery housing operator; 113932

(5) The date the recovery housing residence was first 113933
occupied, or will be occupied, by its first resident; 113934

(6) Information related to any existing accreditation or 113935
its equivalent that the recovery housing residence has obtained 113936
or is in the process of obtaining; 113937

(7) Any other information the department considers appropriate. 113938
113939

(C) The form required by division (B) of this section shall be filed with the department as follows: 113940
113941

(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after ~~the effective date of this section~~ October 3, 2023; 113942
113943
113944

(2) For a recovery housing residence that will begin operating on or after ~~the effective date of this section~~ October 3, 2023, not later than thirty days after the first resident begins occupying the residence. 113945
113946
113947
113948

(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization. 113949
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113952

Sec. 5119.392. (A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies: 113953
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113955

(1) (a) If the department of ~~mental-behavioral health and-addiction services~~ certifies recovery housing residences, the recovery housing residence is certified by the department. 113956
113957
113958

(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization. 113959
113960
113961
113962

(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For 113963
113964
113965

purposes of identifying this eighteen-month timeframe, a 113966
recovery housing residence is considered to begin operating on 113967
the date that the first resident occupies the residence, as 113968
specified on the form filed in accordance with section 5119.391 113969
of the Revised Code. 113970

(B) If the director of ~~mental-behavioral health and~~ 113971
~~addiction services~~ determines that a recovery housing residence 113972
is operating in violation of this section, the director may 113973
request, in writing, that the attorney general petition the 113974
court of common pleas of the county in which the recovery 113975
housing residence is located for an order enjoining operation of 113976
the recovery housing residence. 113977

Sec. 5119.393. (A) The department of ~~mental-behavioral~~ 113978
~~health and addiction services~~ shall establish a procedure to 113979
receive and investigate complaints from residents, staff, and 113980
the public regarding recovery housing residences. The department 113981
may contract with one or more of the organizations specified in 113982
section 5119.39 of the Revised Code to fulfill some or all of 113983
the functions associated with receiving and investigating 113984
complaints. 113985

(B) Any organization under contract with the department to 113986
receive and investigate complaints shall make reports to the 113987
department as follows: 113988

(1) Not less than monthly, the contractor shall report the 113989
status of each pending investigation and shall report the 113990
outcome of each investigation that has been completed since the 113991
last report was made; 113992

(2) As soon as practicable, but not later than ten days 113993
after making an adverse decision, if a contractor's 113994

accreditation or its equivalent is accepted by the department 113995
for purposes of section 5119.39 of the Revised Code, the 113996
contractor shall report that decision to the department in a 113997
manner prescribed by the department. 113998

Sec. 5119.394. (A) The department of ~~mental-behavioral~~ 113999
~~health and addiction services~~ shall establish and maintain a 114000
registry of recovery housing residences that meet the criteria 114001
described in division (A) (1) or (2) of section 5119.392 of the 114002
Revised Code. For each residence, the registry shall include all 114003
of the following: 114004

(1) Any information from the form required by division (B) 114005
of section 5119.391 of the Revised Code that the department 114006
chooses to include in the registry; 114007

(2) If a complaint received under section 5119.393 of the 114008
Revised Code has been investigated and substantiated, a 114009
description of the complaint, the date the complaint was 114010
submitted to the department or its contractor, and the outcome 114011
of the investigation; 114012

(3) Any other information the department considers 114013
appropriate. 114014

(B) The department shall immediately remove from the 114015
registry a recovery housing residence that ceases to meet the 114016
criteria described in division (A) (1) or (2) of section 5119.392 114017
of the Revised Code, including if the criteria described in 114018
those divisions ceases to be met because the residence has had 114019
its certification or accreditation, as applicable, revoked or 114020
not renewed. 114021

(C) The department shall make the registry available to 114022
the public on the department's web site. 114023

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 114024
government entity shall advertise or represent any residence or 114025
other building to be a recovery housing residence, sober living 114026
home, or any other alcohol and drug free housing for persons 114027
recovering from alcohol use disorder or drug addiction unless 114028
the residence or building meets either of the following 114029
conditions: 114030

(1) The residence or building is on the registry 114031
established and maintained under section 5119.394 of the Revised 114032
Code; 114033

(2) The residence or building is regulated by the 114034
department of rehabilitation and correction under section 114035
2967.14 of the Revised Code. 114036

(B) If the director of ~~mental-behavioral~~ health and 114037
~~addiction services~~ determines that a person or government entity 114038
is violating division (A) of this section, the director may 114039
request, in writing, that the attorney general petition the 114040
court of common pleas of the county where the person or 114041
government entity is operating the residence or other building 114042
to enjoin that person or government entity from engaging in the 114043
conduct that violates division (A) of this section. 114044

Sec. 5119.397. The director of ~~mental-behavioral~~ health 114045
~~and addiction services~~ may adopt rules in accordance with 114046
Chapter 119. of the Revised Code to implement sections 5119.39 114047
to 5119.396 of the Revised Code. 114048

Sec. 5119.40. (A) As used in this section, "individual 114049
with a mental illness" and "specialized services" have the same 114050
meanings as in section 5165.03 of the Revised Code. 114051

(B) (1) Except as provided in division (B) (2) of this 114052

section and rules adopted under division (E) (3) of this section, 114053
for purposes of section 5165.03 of the Revised Code, the 114054
department of ~~mental behavioral health and addiction services~~ 114055
shall determine in accordance with the "Social Security Act," 114056
section 1919(e) (7), 42 U.S.C. 1396r(e) (7), and regulations 114057
adopted under section 1919(f) (8) (A) of that act, 42 U.S.C. 114058
1396r(f) (8) (A), whether, because of the individual's physical 114059
and mental condition, an individual with a mental illness 114060
seeking admission to a nursing facility requires the level of 114061
services provided by a nursing facility and, if the individual 114062
requires that level of services, whether the individual requires 114063
specialized services for mental illness. The determination 114064
required by this division shall be based on an independent 114065
physical and mental evaluation performed by a person or entity 114066
other than the department. 114067

(2) Except as provided in division (B) (3) of this section, 114068
a determination under division (B) (1) of this section is not 114069
required for any of the following: 114070

(a) An individual seeking readmission to a nursing 114071
facility after having been transferred from a nursing facility 114072
to a hospital for care; 114073

(b) An individual who meets all of the following 114074
conditions: 114075

(i) The individual is admitted to the nursing facility 114076
directly from a hospital after receiving inpatient care at the 114077
hospital; 114078

(ii) The individual requires nursing facility services for 114079
the condition for which care in the hospital was received; 114080

(iii) The individual's attending physician has certified, 114081

before admission to the nursing facility, that the individual is 114082
likely to require less than thirty days of nursing facility 114083
services. 114084

(c) An individual transferred from one nursing facility to 114085
another nursing facility, with or without an intervening 114086
hospital stay. 114087

(3) A determination under division (B) (1) of this section 114088
is required for an individual described in division (B) (2) (a) or 114089
(b) of this section if the hospital from which the individual is 114090
transferred or directly admitted to a nursing facility is either 114091
of the following: 114092

(a) A hospital that the department maintains, operates, 114093
manages, and governs under section 5119.14 of the Revised Code 114094
for the care and treatment of persons with mental illnesses; 114095

(b) A free-standing hospital, or unit of a hospital, 114096
licensed by the department under section 5119.33 of the Revised 114097
Code. 114098

(C) Except as provided in rules adopted under division (E) 114099
(3) of this section, the department of ~~mental-behavioral~~ health 114100
~~and addiction services~~ shall review and determine for each 114101
resident of a nursing facility who has a mental illness, whether 114102
the resident, because of the resident's physical and mental 114103
condition, requires the level of services provided by a nursing 114104
facility and whether the resident requires specialized services 114105
for mental illness. The review and determination shall be 114106
conducted in accordance with section 1919(e) (7) of the "Social 114107
Security Act" and the regulations adopted under section 1919(f) 114108
(8) (A) of the act and based on an independent physical and 114109
mental evaluation performed by a person or entity other than the 114110

department. The review and determination shall be completed 114111
promptly after a nursing facility has notified the department 114112
that there has been a significant change in the resident's 114113
mental or physical condition. 114114

(D) (1) In the case of a nursing facility resident who has 114115
continuously resided in a nursing facility for at least thirty 114116
months before the date of a review and determination under 114117
division (C) of this section, if the resident is determined not 114118
to require the level of services provided by a nursing facility, 114119
but is determined to require specialized services for mental 114120
illness, the department, in consultation with the resident's 114121
family or legal representative and care givers, shall do all of 114122
the following: 114123

(a) Inform the resident of the institutional and 114124
noninstitutional alternatives covered under the state plan for 114125
medical assistance; 114126

(b) Offer the resident the choice of remaining in the 114127
nursing facility or receiving covered services in an alternative 114128
institutional or noninstitutional setting; 114129

(c) Clarify the effect on eligibility for services under 114130
the state plan for medical assistance if the resident chooses to 114131
leave the facility, including its effect on readmission to the 114132
facility; 114133

(d) Provide for or arrange for the provision of 114134
specialized services for the resident's mental illness in the 114135
setting chosen by the resident. 114136

(2) In the case of a nursing facility resident who has 114137
continuously resided in a nursing facility for less than thirty 114138
months before the date of the review and determination under 114139

division (C) of this section, if the resident is determined not 114140
to require the level of services provided by a nursing facility, 114141
but is determined to require specialized services for mental 114142
illness, or if the resident is determined to require neither the 114143
level of services provided by a nursing facility nor specialized 114144
services for mental illness, the department shall act in 114145
accordance with its alternative disposition plan approved by the 114146
United States department of health and human services under 114147
section 1919(e) (7) (E) of the "Social Security Act." 114148

(3) In the case of an individual who is determined under 114149
division (B) or (C) of this section to require both the level of 114150
services provided by a nursing facility and specialized services 114151
for mental illness, the department of ~~mental-behavioral~~ health 114152
~~and addiction services~~ shall provide or arrange for the 114153
provision of the specialized services needed by the individual 114154
or resident while residing in a nursing facility. 114155

(E) The department of ~~mental-behavioral~~ health ~~and~~ 114156
~~addiction services~~ shall adopt rules in accordance with Chapter 114157
119. of the Revised Code that do all of the following: 114158

(1) Establish criteria to be used in making the 114159
determinations required by divisions (B) and (C) of this 114160
section. The criteria shall not exceed the criteria established 114161
by regulations adopted by the United States department of health 114162
and human services under section 1919(f) (8) (A) of the "Social 114163
Security Act." 114164

(2) Specify information to be provided by the individual 114165
or nursing facility resident being assessed; 114166

(3) Specify any circumstances, in addition to 114167
circumstances listed in division (B) of this section, under 114168

which determinations under divisions (B) and (C) of this section 114169
are not required to be made. 114170

Sec. 5119.41. (A) The department of ~~mental-behavioral~~ 114171
~~health and addiction services~~ shall implement the residential 114172
state supplement program under which the state supplements the 114173
amounts received by aged, blind, or disabled adults as 114174
supplemental security income payments under Title XVI of the 114175
"Social Security Act," 42 U.S.C. 1381 et seq., or as social 114176
security benefits or social security disability insurance 114177
benefits under Title II of the "Social Security Act," 42 U.S.C. 114178
401 et seq. Residential state supplement payments shall be used 114179
for the provision of accommodations, supervision, and personal 114180
care services to recipients of supplemental security income 114181
payments, social security benefits, and social security 114182
disability insurance benefits who the department determines are 114183
at risk of needing institutional care. 114184

In implementing the program, the department may designate 114185
one or more entities to be responsible for providing 114186
administrative services regarding the program. The department 114187
may designate an entity either by entering into a contract with 114188
the entity to ~~provide~~ provide the services or by otherwise 114189
delegating to the entity the responsibility to provide the 114190
services. 114191

(B) To be eligible for residential state supplement 114192
payments, an individual must satisfy all eligibility 114193
requirements established by rules adopted under this section. 114194

(C) The director of ~~mental-behavioral~~ health and addiction 114195
~~services~~ and the medicaid director shall adopt rules as 114196
necessary to implement the residential state supplement program, 114197
including the requirements that an individual must satisfy to be 114198

eligible for payments under the program. The rules shall be 114199
adopted in accordance with Chapter 119. of the Revised Code. 114200

The rules adopted by the director of ~~mental behavioral~~ 114201
~~health and addiction services~~ may establish the method to be 114202
used to determine the payment an eligible individual will 114203
receive under the program. The amount the general assembly 114204
appropriates for the program may be a factor included in the 114205
method that director establishes. 114206

To the extent permitted by Title XVI of the "Social 114207
Security Act" and any other provision of federal law, the rules 114208
adopted by the medicaid director may establish standards for 114209
adjusting the eligibility requirements concerning the level of 114210
impairment an individual must have so that the amount 114211
appropriated for the program by the general assembly is adequate 114212
for the number of eligible individuals. The rules shall not 114213
limit the eligibility of individuals who are disabled solely on 114214
a basis classifying disabilities as physical or mental. 114215

(D) The county department of job and family services of 114216
the county in which an applicant for the residential state 114217
supplement program resides or the department of medicaid shall 114218
determine whether the applicant meets income and resource 114219
requirements for the program. 114220

The county department of job and family services or the 114221
department of medicaid shall notify each individual who is 114222
denied approval for payments under the program of the 114223
individual's right to a hearing. On request, the hearing shall 114224
be provided in accordance with section 5101.35 of the Revised 114225
Code. 114226

(E) An individual in a licensed or certified living 114227

arrangement receiving state supplementation on November 15, 114228
1990, under former section 5101.531 of the Revised Code shall 114229
not become ineligible for payments under this program solely by 114230
reason of the individual's living arrangement as long as the 114231
individual remains in the living arrangement in which the 114232
individual resided on November 15, 1990. 114233

Sec. 5119.42. (A) As used in this section, "private, 114234
nonprofit organization" means a private association, 114235
organization, corporation, or other entity that is tax exempt 114236
under section 501(a) and described in section 501(c) of the 114237
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 114238

(B) To the extent funds are available and on application 114239
by boards of alcohol, drug addiction, and mental health 114240
services, the director of ~~mental behavioral health and addiction~~ 114241
~~services~~ may approve state reimbursement of, or state grants 114242
for, community construction programs including residential 114243
housing for persons with severe mental disabilities and persons 114244
with substance use disorders. The director may also approve an 114245
application for reimbursement or a grant for such programs 114246
submitted by other governmental entities or by private, 114247
nonprofit organizations, after the application has been reviewed 114248
and recommended for approval or disapproval by the board of 114249
alcohol, drug addiction, and mental health services for the 114250
district from which the application came, and the application is 114251
consistent with the board's approved community addiction and 114252
mental health plan submitted under division (A) of section 114253
340.03 of the Revised Code and the board's approved budget and 114254
list of addiction services, mental health services, and recovery 114255
supports submitted under divisions (A) and (B) of section 340.08 114256
of the Revised Code. 114257

(C) (1) The director of ~~mental behavioral health and~~ 114258
~~addiction services~~ shall adopt rules in accordance with Chapter 114259
119. of the Revised Code that specify procedures for applying 114260
for state reimbursement of and state grants for community 114261
construction programs, including residential housing for persons 114262
with severe mental disabilities and persons with substance use 114263
disorders and procedures and criteria for approval of such 114264
reimbursement and grants. 114265

(2) The director of ~~mental behavioral health and addiction~~ 114266
~~services~~ shall not approve state reimbursement or a state grant 114267
unless all of the following conditions are met: 114268

(a) The applicant includes with the application a plan 114269
specifying the services, in addition to housing, that will be 114270
provided to persons who will reside in the residential housing. 114271
Services specified may include any of the services described in 114272
section 340.09 of the Revised Code. 114273

(b) The director is satisfied that the residential housing 114274
for persons with severe mental disabilities will be developed to 114275
promote the maximum practical integration of persons with severe 114276
mental disabilities with persons at the same site who do not 114277
have severe mental disabilities. 114278

(c) The use of any funds distributed pursuant to the 114279
reimbursement or grant will not subject any obligation from 114280
which the funds are derived to federal income taxation. 114281

(3) The director may enter into an agreement establishing 114282
terms for any reimbursement or grant approved under this 114283
division with the organization, board, or other government 114284
entity that is the recipient of the reimbursement or grant. Any 114285
such agreement is subject to any covenant or agreement 114286

pertaining to any obligation issued to provide funds for the 114287
reimbursement or grant. 114288

Sec. 5119.421. (A) This section applies to a board of 114289
alcohol, drug addiction, and mental health services, another 114290
governmental entity, or a private, nonprofit organization that 114291
received a grant or reimbursement under section 5119.42 of the 114292
Revised Code for a facility on which the department of ~~mental-~~ 114293
behavioral health and addiction services holds a security 114294
interest. 114295

(B) A board of alcohol, drug addiction, and mental health 114296
services, another governmental entity, or a private, nonprofit 114297
organization to which this section applies may apply to the 114298
director of ~~mental-behavioral health and addiction services~~ for 114299
approval to sell its facility and acquire, construct, or 114300
renovate a replacement facility pursuant to this section. The 114301
director shall prescribe the form of the application. Before 114302
submitting an application to the director, a governmental entity 114303
or private, nonprofit organization must obtain approval of the 114304
application from the board of alcohol, drug addiction, and 114305
mental health services with jurisdiction over the service 114306
district in which the existing facility is located. The director 114307
shall approve an application for a replacement project upon 114308
determining that the project provides for the continuation of 114309
appropriate mental health and addiction services to the 114310
population served by the board, entity, or organization. 114311

(C) A board, entity, or organization that obtains approval 114312
for a project under division (B) of this section shall pay the 114313
proceeds of the sale of its facility to the director of ~~mental-~~ 114314
behavioral health and addiction services. The director shall 114315
deposit the proceeds to the credit of the community capital 114316

replacement facilities fund. 114317

(D) When a board, entity, or organization that has sold 114318
its facility notifies the director of ~~mental behavioral health~~ 114319
~~and addiction services~~ that it is ready to acquire, construct, 114320
or renovate a replacement facility, the director shall do one of 114321
the following: 114322

(1) If the replacement facility is located in the same 114323
alcohol, drug addiction, and mental health service district as 114324
the original facility, and if the purposes for which the 114325
replacement facility will be used are the same as or similar to 114326
those for the original facility, the director shall pay to the 114327
board, entity, or organization from the community capital 114328
replacement facilities fund an amount equal to the lesser of an 114329
amount equal to the proceeds of the sale of the original 114330
facility or the amount of the state's agreed-upon participation 114331
(as a per cent of the total cost) in the cost of the replacement 114332
facility. If the amount of the state's agreed-upon participation 114333
in the cost of the replacement facility is less than the value 114334
of the state's security interest in the original facility, the 114335
difference between the state's agreed-upon participation in the 114336
cost of the replacement facility and the value of the state's 114337
security interest in the original facility shall be retained in 114338
the community capital replacement facilities fund, and any 114339
excess proceeds shall be paid to the board, entity, or 114340
organization. 114341

(2) If the replacement facility is located in a different 114342
alcohol, drug addiction, and mental health service district than 114343
the original facility, or if the purposes for which the 114344
replacement facility will be used are not the same as or similar 114345
to those for the original facility, the director shall request 114346

controlling board approval for release of funds for the project. 114347
If the controlling board so approves, the director shall pay to 114348
the board, entity, or organization from the community capital 114349
replacement facilities fund the lesser of an amount equal to the 114350
proceeds of the sale of the original facility or the amount of 114351
the state's agreed-upon participation (as a per cent of the 114352
total cost) in the cost of the replacement facility. If the 114353
amount of the state's agreed-upon participation in the cost of 114354
the replacement facility is less than the value of the state's 114355
security interest in the original facility, the difference 114356
between the state's agreed-upon participation in the cost of the 114357
replacement facility and the value of the state's security 114358
interest in the original facility shall be retained in the 114359
community capital replacement facilities fund, and any excess 114360
proceeds shall be paid to the board, entity, or organization. 114361

(E) The director of ~~mental-behavioral health and addiction~~ 114362
~~services~~ and a board, entity, or organization shall enter into 114363
an agreement specifying the terms of any payment made to the 114364
board, entity, or organization under division (D) of this 114365
section. The terms may include provision for the department of 114366
~~mental-behavioral health and addiction services~~ to hold a 114367
security interest in the facility. 114368

(F) (1) When approving an application under division (B) of 114369
this section, the director of ~~mental-behavioral health and~~ 114370
~~addiction services~~ shall establish a deadline by which the 114371
board, entity, or organization must notify the director that it 114372
is ready to acquire, construct, or renovate a replacement 114373
facility. If the board, entity, or organization does not notify 114374
the director on or before the deadline, the director may cancel 114375
the project. Upon canceling the project, the director shall pay 114376
to the board, entity, or organization from the community capital 114377

replacement facilities fund an amount equal to the portion of 114378
the proceeds of the sale of the original facility that exceeds 114379
the value of the state's security interest in the facility. 114380

(2) Notwithstanding the deadline established under 114381
division (F)(1) of this section, if at any time a board, entity, 114382
or organization notifies the director that it does not intend to 114383
acquire, construct, or renovate a replacement facility under 114384
this section, the director shall cancel the replacement project 114385
and pay to the board, entity, or organization from the community 114386
capital replacement facilities fund an amount equal to the 114387
portion of the proceeds of the sale of the original facility 114388
that exceeds the value of the state's security interest in the 114389
facility. 114390

(G) If a replacement project is canceled after the sale of 114391
the original facility, the director of ~~mental-behavioral~~ health 114392
~~and addiction services~~ shall use funds equal to the value of the 114393
state's security interest in the original facility for 114394
additional grants or reimbursements under section 5119.42 of the 114395
Revised Code. The director shall obtain the approval of the 114396
controlling board before releasing the additional grants or 114397
reimbursements. 114398

(H) The community capital replacement facilities fund is 114399
hereby created in the state treasury. The director of ~~mental-~~ 114400
~~behavioral~~ health ~~and addiction services~~ shall use the fund for 114401
the purposes of this section. 114402

Sec. 5119.43. (A) The director of ~~mental-behavioral~~ health 114403
~~and addiction services~~ may enter into agreements with any 114404
person, political subdivision, or state agency for the sale or 114405
lease of land or facilities under the jurisdiction of the 114406
director of ~~mental-behavioral~~ health ~~and addiction services~~ in 114407

the following manner: 114408

(1) The director of ~~mental-behavioral health and addiction~~ 114409
~~services~~ shall designate lands and facilities that are not 114410
needed by the department of ~~mental-behavioral health and~~ 114411
~~addiction services~~ and are under the jurisdiction of the 114412
department. 114413

(2) The director of ~~mental-behavioral health and addiction~~ 114414
~~services~~ shall have a preliminary appraisal made of any lands or 114415
facilities designated under division (A) (1) of this section by a 114416
disinterested professional appraiser from the department of 114417
administrative services. The appraiser shall deliver to the 114418
director of ~~mental-behavioral health and addiction services~~ a 114419
signed certificate of the probable market value of the lands and 114420
facilities as determined from the preliminary appraisal. 114421

(3) The director of ~~mental-behavioral health and addiction~~ 114422
~~services~~ shall certify to the clerk of the house of 114423
representatives and to the clerk of the senate a list of all 114424
lands and facilities which may be sold or leased, and shall 114425
include with the list the results of the preliminary appraisals 114426
of the lands and facilities, a general description of the land 114427
and facilities, and a description of the current use of the land 114428
and facilities. 114429

(4) Every list of lands and facilities certified by the 114430
director of ~~mental-behavioral health and addiction services~~ to 114431
the clerk of the house of representatives and to the clerk of 114432
the senate under division (A) (3) of this section, shall 114433
immediately be transmitted by the respective clerks to the 114434
committees in the house and the senate to which land conveyance 114435
bills are usually referred. If either committee files in its 114436
clerk's office, within sixty calendar days of the original 114437

certification of the lands and facilities by the director of 114438
~~mental-behavioral health and addiction services~~, a report 114439
disapproving the sale or lease of any lands or facilities, the 114440
sale or lease of the lands or facilities disapproved in the 114441
report shall not be made under this section. With respect to a 114442
sale or lease of lands and facilities that has not been 114443
disapproved under this division, the director of ~~mental-~~ 114444
behavioral health and addiction services shall certify those 114445
lands and facilities to the director of administrative services. 114446

(5) After certification to the director of administrative 114447
services under division (A) (4) of this section, the director of 114448
~~mental-behavioral health and addiction services~~ shall have a 114449
formal appraisal made of the lands and facilities by a 114450
disinterested professional appraiser from the department of 114451
administrative services. The director of ~~mental-behavioral~~ 114452
health and addiction services may accept the formal appraisal or 114453
may reject it and order a new formal appraisal by a 114454
disinterested professional appraiser who shall not be from the 114455
department of administrative services. The director of ~~mental-~~ 114456
behavioral health and addiction services may then sell or lease 114457
the lands or facilities in accordance with this division and 114458
department of administrative services procedures as set forth in 114459
Chapter 123. of the Revised Code. Any such deed or lease shall 114460
be prepared and recorded pursuant to section 5301.13 of the 114461
Revised Code. The department of administrative services shall be 114462
the sole agent for the state and shall complete the sale or 114463
lease of the lands or facilities, up to and including the 114464
closing thereof, after the director of ~~mental-behavioral~~ health 114465
~~and addiction services~~ approves the sale price. The director of 114466
~~mental-behavioral health and addiction services~~ and the director 114467
of administrative services may, if it is determined to be in the 114468

best interests of the state, agree to sell surplus land for an 114469
amount less than the formal appraised value but shall not sell 114470
any land for less than two-thirds of the formal appraised value. 114471

(B) Coincident with the certification made under division 114472
(A) (3) of this section concerning lands which may be sold, the 114473
director of ~~mental-behavioral health and addiction services~~ 114474
shall give written notice of intention to sell the lands by 114475
certified mail to the executive officer of each county, 114476
township, municipal corporation, and school district within 114477
which the lands are situated. In each notice, the director of 114478
~~mental-behavioral health and addiction services~~ shall specify 114479
the conditions under which the lands shall be sold, including 114480
whether the lands will be sold as a single unit or sold in 114481
specific parcels that the director designates, and shall solicit 114482
from the subdivision offers to purchase the lands in accordance 114483
with the conditions the director of ~~mental-behavioral health and~~ 114484
~~addiction services~~ has specified and at a price equal to the 114485
preliminary appraised value determined pursuant to division (A) 114486
(2) of this section. If, within thirty days of having certified 114487
the lands to the director of administrative services under 114488
division (A) (4) of this section, the director of ~~mental-~~ 114489
~~behavioral health and addiction services~~ receives from the 114490
executive officer of a subdivision a written offer to purchase 114491
the lands at or above the price specified in the original notice 114492
from the director of ~~mental-behavioral health and addiction-~~ 114493
~~services~~ to the officer, provided such offer otherwise complies 114494
with the conditions of purchase specified in the original notice 114495
from the director of ~~mental-behavioral health and addiction-~~ 114496
~~services~~, the director of ~~mental-behavioral health and addiction~~ 114497
~~services~~ shall forthwith enter into an agreement to sell the 114498
lands to the subdivision. The agreement shall incorporate any 114499

and all terms that are acceptable to both parties and that are 114500
consistent with the terms specified in the original notice from 114501
the director of ~~mental-behavioral health and addiction services~~. 114502
If no offer to purchase is received by the director of ~~mental-~~ 114503
~~behavioral health and addiction services~~ within the thirty-day 114504
period provided in this division, the original notice from the 114505
director of ~~mental-behavioral health and addiction services~~ 114506
shall be considered withdrawn and the director of ~~mental-~~ 114507
~~behavioral health and addiction services~~ shall be under no 114508
obligation to sell any of the lands specified in the notice to 114509
the subdivision. If two or more offers to purchase the same 114510
parcels of land are received by the director of ~~mental-~~ 114511
~~behavioral health and addiction services~~ within the required 114512
time period from the executive officers of two or more 114513
subdivisions, the director of ~~mental-behavioral health and-~~ 114514
~~addiction services~~ shall accept the offer or offers to purchase 114515
that the director considers to be in the best interests of the 114516
state and of the department of ~~mental-behavioral health and-~~ 114517
~~addiction services~~ and shall proceed to enter into agreements of 114518
sale pursuant to this division. If all of the original notices 114519
from the director of ~~mental-behavioral health and addiction-~~ 114520
~~services~~ relating to a given parcel of land become withdrawn, 114521
the director of ~~mental-behavioral health and addiction services-~~ 114522
may thereupon proceed to sell the parcel as otherwise provided 114523
in this section. No subdivision may commence an action to 114524
enforce the provisions of this division, or to seek any other 114525
legal or equitable remedy relative to this division, with 114526
respect to any lands certified to the director of administrative 114527
services under division (A) (4) of this section, except within 114528
sixty days of the date on which the lands were so certified. 114529

(C) Any agreement under this section shall be at such 114530

terms as will be in the best interests of the state and the 114531
department of ~~mental-behavioral health-and-addiction services~~. 114532
However, the terms of any agreement for sale shall include a 114533
provision that the purchaser will abide by any comprehensive 114534
plan for the area that has been adopted by the local government 114535
in which the property is located before the parties enter into 114536
the agreement. No lease shall be of a duration greater than 114537
fifteen years. No agreement, except an agreement entered into 114538
under division (B) of this section, shall be entered into before 114539
the proposal to sell or lease the land or facilities has been 114540
advertised once each week for four weeks in a newspaper of 114541
general circulation in every county in which the lands or 114542
facilities are located and if the preliminary appraised value of 114543
the land to be sold or leased is more than one hundred thousand 114544
dollars, advertisement shall be made once each week for four 114545
weeks in at least two newspapers in the state having a daily 114546
circulation of one hundred thousand or more. If a city in this 114547
state is served by more than one newspaper having a circulation 114548
of one hundred thousand or more, advertisement may be made in 114549
only one of the newspapers serving the city. 114550

(D) Each deed or lease prepared and recorded pursuant to 114551
this section shall contain a recital stating that all provisions 114552
of this section have been complied with. The recital shall be 114553
considered binding and conclusive against all subdivisions of 114554
the state provided no action has been commenced pursuant to 114555
division (B) of this section. Any deed or lease containing such 114556
a recital shall be conclusively presumed to have been executed 114557
in compliance with this section insofar as title or other 114558
interest of any bona fide purchasers, lessees, or transferees of 114559
the property is concerned. 114560

(E) Nothing in this section shall be construed as 114561

establishing a precedent for the disposal of state lands and 114562
facilities by other departments of the state. 114563

Sec. 5119.431. When it is necessary for a state 114564
institution under the jurisdiction of the department of ~~mental-~~ 114565
~~behavioral health and addiction services~~ to acquire any real 114566
estate, right of way, or easement in real estate in order to 114567
accomplish the purposes for which it was organized or is being 114568
conducted, and the department is unable to agree with the owner 114569
of such property upon the price to be paid therefor, such 114570
property may be appropriated in the manner provided for the 114571
appropriation of property for other state purposes. 114572

Any instrument by which real property is acquired pursuant 114573
to this section shall identify the agency of the state that has 114574
the use and benefit of the real property as specified in section 114575
5301.012 of the Revised Code. 114576

Sec. 5119.44. As used in this section, "free clinic" has 114577
the same meaning as in section 2305.2341 of the Revised Code. 114578

(A) The department of ~~mental-behavioral health and-~~ 114579
~~addiction services~~ may provide certain goods and services for 114580
the department of ~~mental-behavioral health-and-addiction-~~ 114581
~~services~~, the department of developmental disabilities, the 114582
department of rehabilitation and correction, the department of 114583
youth services, and other state, county, or municipal agencies 114584
requesting such goods and services when the department of ~~mental-~~ 114585
~~behavioral health and addiction services~~ determines that it is 114586
in the public interest, and considers it advisable, to provide 114587
these goods and services. The department of ~~mental-behavioral~~ 114588
health ~~and addiction services~~ also may provide goods and 114589
services to agencies operated by the United States government 114590
and to public or private nonprofit agencies, other than free 114591

clinics, that are funded in whole or in part by the state if the 114592
public or private nonprofit agencies are designated for 114593
participation in this program by the director of ~~mental-~~ 114594
behavioral health and addiction services for community addiction 114595
services providers and community mental health services 114596
providers, the director of developmental disabilities for 114597
community developmental disabilities agencies, the director of 114598
rehabilitation and correction for community rehabilitation and 114599
correction agencies, or the director of youth services for 114600
community youth services agencies. 114601

Designated community agencies or services providers shall 114602
receive goods and services through the department of ~~mental-~~ 114603
behavioral health and addiction services only in those cases 114604
where the designating state agency certifies that providing such 114605
goods and services to the agency or services provider will 114606
conserve public resources to the benefit of the public and where 114607
the provision of such goods and services is considered feasible 114608
by the department of ~~mental-behavioral health and addiction-~~ 114609
~~services.~~ 114610

(B) The department of ~~mental-behavioral health and-~~ 114611
~~addiction services~~ may permit free clinics to purchase certain 114612
goods and services to the extent the purchases fall within the 114613
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 114614
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 114615
amended. 114616

(C) The goods and services that may be provided by the 114617
department of ~~mental-behavioral health and addiction services-~~ 114618
under divisions (A) and (B) of this section may include: 114619

(1) Procurement, storage, processing, and distribution of 114620
food and professional consultation on food operations; 114621

(2) Procurement, storage, and distribution of medical and 114622
laboratory supplies, dental supplies, medical records, forms, 114623
optical supplies, and sundries; 114624

(3) Procurement, storage, repackaging, distribution, and 114625
dispensing of drugs, the provision of professional pharmacy 114626
consultation, and drug information services; 114627

(4) Other goods and services. 114628

(D) The department of ~~mental-behavioral health and~~ 114629
~~addiction services~~ may provide the goods and services designated 114630
in division (C) of this section to its institutions and to 114631
state-operated community-based mental health or addiction 114632
services providers. 114633

(E) After consultation with and advice from the director 114634
of developmental disabilities, the director of rehabilitation 114635
and correction, and the director of youth services, the 114636
department of ~~mental-behavioral health and addiction services~~ 114637
may provide the goods and services designated in division (C) of 114638
this section to the department of developmental disabilities, 114639
the department of rehabilitation and correction, and the 114640
department of youth services. 114641

(F) The cost of administration of this section shall be 114642
determined by the department of ~~mental-behavioral health and~~ 114643
~~addiction services~~ and paid by the agencies, services providers, 114644
or free clinics receiving the goods and services to the 114645
department for deposit in the state treasury to the credit of 114646
the Ohio pharmacy services fund, which is hereby created. The 114647
fund shall be used to pay the cost of administration of this 114648
section to the department. 114649

(G) Whenever a state agency fails to make a payment for 114650

goods and services provided under this section within thirty-one 114651
days after the date the payment was due, the office of budget 114652
and management may transfer moneys from the state agency to the 114653
department of ~~mental-behavioral health and addiction services~~. 114654
The amount transferred shall not exceed the amount of overdue 114655
payments. Prior to making a transfer under this division, the 114656
office of budget and management shall apply any credits the 114657
state agency has accumulated in payments for goods and services 114658
provided under this section. 114659

(H) Purchases of goods and services under this section are 114660
not subject to section 307.86 of the Revised Code. 114661

Sec. 5119.45. Unless otherwise specifically provided by 114662
law, all moneys received by the department of ~~mental-behavioral~~ 114663
~~health and addiction services~~ from the sale of goods and 114664
services, including, but not limited to, shared service 114665
agreements with other governmental entities and nongovernmental 114666
entities, employee housing and cafeteria receipts, fees for 114667
copying services, and sales of other tangible personal property 114668
under the department's control, shall be paid into the state 114669
treasury to the credit of the sale of goods and services fund, 114670
which is hereby created. Moneys received by the department 114671
pursuant to section 5119.44 of the Revised Code shall not be 114672
paid into the fund. The department shall use the moneys in the 114673
fund for paying operating expenses of the department. 114674

Sec. 5119.46. There is hereby created in the state 114675
treasury the department of ~~mental-behavioral health and~~ 114676
~~addiction services~~ trust fund. ~~Not later than the first day of~~ 114677
~~September of each year, the director of mental health and~~ 114678
~~addiction services shall certify to the director of budget and~~ 114679
~~management the amount of all of the unexpended, unencumbered~~ 114680

~~balances of general revenue fund appropriations made to the~~ 114681
~~department of mental health and addiction services for the~~ 114682
~~previous fiscal year, excluding funds appropriated for rental~~ 114683
~~payments to the Ohio public facilities commission. On receipt of~~ 114684
~~the certification, the director of budget and management shall~~ 114685
~~transfer cash to the trust fund in an amount up to, but not~~ 114686
~~exceeding, the total of the amounts certified by the director of~~ 114687
~~mental health and addiction services.~~ 114688

~~In addition, the~~ The trust fund shall receive all amounts, 114689
subject to any provisions in bond documents, received from the 114690
sale or lease of lands and facilities by the department. 114691

All moneys in the trust fund ~~shall be used by the~~ 114692
~~department of mental health and addiction services to pay for~~ 114693
~~expenditures the department incurs in performing any of its~~ 114694
~~duties under this chapter~~ are subject to appropriation by the 114695
general assembly or may be used with the approval of the 114696
controlling board. The use of moneys in the trust fund pursuant 114697
to this section does not represent an ongoing commitment to the 114698
continuation of the trust fund or to the use of moneys in the 114699
trust fund. 114700

Sec. 5119.47. The director of ~~mental~~ behavioral health ~~and~~ 114701
~~addiction services~~ shall administer the problem casino gambling 114702
and addictions fund. The director shall use the money in the 114703
fund to support gambling addiction services, alcohol and drug 114704
addiction services, other services that relate to gambling 114705
addiction and substance abuse, and research that relates to 114706
gambling addiction and substance abuse. Treatment and prevention 114707
services supported by money in the fund under this section shall 114708
be services that are certified by the department of ~~mental~~ 114709
behavioral health ~~and addiction services~~. 114710

The director shall prepare an annual report describing the 114711
use of the fund for these purposes. The director shall submit 114712
the report to the Ohio casino control commission, the speaker 114713
and minority leader of the house of representatives, the 114714
president and minority leader of the senate, and the governor. 114715

Sec. 5119.48. (A) The department of ~~mental-behavioral~~ 114716
~~health and addiction services~~ shall create the all roads lead to 114717
home program. The program shall include all of the following 114718
initiatives: 114719

(1) A media campaign. As part of the campaign, the 114720
department shall develop public service announcements and shall 114721
make the announcements available to television and radio media 114722
outlets. The announcements shall be made available beginning on 114723
January 1, 2018, ~~and~~. Thereafter, the announcements shall be 114724
made at least twice annually, once between January and March of 114725
each year, and once in September of each year as part of 114726
national recovery month. 114727

(2) A web site ~~as~~ that meets the requirements described in 114728
division (C) of this section; 114729

(3) A twenty-four-hour hotline, that is operated by a call 114730
center, for the purpose of helping individuals access addiction 114731
services. 114732

(B) The media campaign described in division (A) (1) of 114733
this section shall do all of the following: 114734

(1) Include messages to reduce the stigma associated with 114735
seeking help for drug addiction; 114736

(2) Provide directions for people who are in need of drug 114737
addiction assistance to a web-based location that includes all 114738
of the following: 114739

- (a) Information on where to find help for drug addiction; 114740
- (b) Information on intervention and referral options; 114741
- (c) Contact information for ~~county board~~ boards of
alcohol, drug addiction-assistance authorities, and mental
health services. 114742
114743
114744
- (3) Prioritize its efforts in media markets that have the 114745
highest rates of drug overdose deaths in this state; 114746
- (4) Utilize television and radio public service 114747
announcements provided to media outlets, as well as internet 114748
advertising models such as low-cost social media outlets. 114749
- (C) Before January 1, 2018, for purposes of division (A) 114750
(2) of this section, the department shall create a web site as- 114751
described in division (A) (2) of this section that is interactive 114752
and offers all of the following components: 114753
- (1) If reasonably available for use, an evidence-based 114754
self-reporting screening tool approved by the department's 114755
medical director; 114756
- (2) Community detoxification and withdrawal management 114757
options and community treatment options; 114758
- (3) A searchable database of certified substance abuse 114759
providers organized by zip code; 114760
- (4) Information on recovery supports, including recovery 114761
housing residences; 114762
- (5) Clinical information regarding what a person may 114763
expect during detoxification, withdrawal, and treatment. 114764
- (D) The department may contract with private vendors for 114765
the creation and maintenance of the ~~interactive~~ web site 114766

described in division (C) of this section. 114767

Sec. 5119.49. (A) The director of ~~mental-behavioral health~~ 114768
~~and addiction services~~ shall collaborate with the state board of 114769
pharmacy and attorney general in the establishment and 114770
administration of a drug take-back program, as provided under 114771
section 4729.69 of the Revised Code. 114772

(B) The department may accept grants, gifts, or donations 114773
for purposes of the program. Money received under this division 114774
shall be deposited into the drug take-back program fund 114775
established under section 109.90 of the Revised Code. 114776

Sec. 5119.50. The director of ~~mental-behavioral health and~~ 114777
~~addiction services~~ may accept, hold, and administer in trust on 114778
behalf of the state, if it is for the public interest, any 114779
grant, gift, devise, or bequest of money or property made to the 114780
state for the use or benefit of any institution described in 114781
section 5119.14 of the Revised Code or for the use and benefit 114782
of persons with mental illnesses under its control. If the trust 114783
so provides, the money or property may be used for any work 114784
which the department of ~~mental-behavioral health and addiction~~ 114785
~~services~~ is authorized to undertake. 114786

The department shall keep such gift, grant, devise, or 114787
bequest as a distinct property or fund and, if it is in money, 114788
shall invest it in the manner provided by law. The department 114789
may deposit in a proper trust company or savings bank any money 114790
left in trust during a specified life or lives and shall adopt 114791
rules governing the deposit, transfer, withdrawal, or investment 114792
of such money and the income thereof. 114793

The department shall, in the manner prescribed by the 114794
director of budget and management pursuant to section 126.21 of 114795

the Revised Code, account for all money or property received or 114796
expended under this section. The records, together with a 114797
statement certified by the depository showing the funds 114798
deposited there to the credit of the trust, shall be open to 114799
public inspection. The director of budget and management may 114800
require the department to file a report with the director on any 114801
particular portion, or the whole, of any trust property received 114802
or expended by it. 114803

The department shall, upon the expiration of any trust 114804
according to its terms, dispose of the funds or property held 114805
thereunder in the manner provided in the instrument creating the 114806
trust. If the instrument creating the trust failed to make any 114807
terms of disposition, or if no trust was in evidence, then the 114808
decedent patient's money, saving or commercial deposits, 114809
dividends or distributions, bonds, or any other interest-bearing 114810
debt certificate or stamp issued by the United States government 114811
shall escheat to the state. All such unclaimed intangible 114812
personal property of a former patient shall be retained by the 114813
managing officer in such institution for the period of one year, 114814
during which time every possible effort shall be made to find 114815
such former patient or the former patient's legal 114816
representative. 114817

If, after a period of one year from the time the patient 114818
has left the institution or has died, the managing officer has 114819
been unable to locate such person or the person's legal 114820
representative, then upon proper notice of such fact the 114821
director shall at that time formulate in writing a method of 114822
disposition on the minutes of the department authorizing the 114823
managing officer to convert such intangible personal property to 114824
cash to be paid into the state treasury to the credit of the 114825
general revenue fund. 114826

The department shall include in its annual report a 114827
statement of all money and property and the terms and conditions 114828
relating thereto. 114829

Sec. 5119.51. (A) As used in this section, "supplemental 114830
services" has the same meaning as in section 5815.28 of the 114831
Revised Code. 114832

(B) There is hereby created in the state treasury the 114833
services fund for individuals with mental illness. On the death 114834
of the beneficiary of a trust created pursuant to section 114835
5815.28 of the Revised Code, the portion of the remaining assets 114836
of the trust specified in the trust instrument shall be 114837
deposited to the credit of the fund. Money credited to the fund 114838
shall be used for individuals with mental illness. 114839

Supplemental services may be provided through the 114840
department or boards of alcohol, drug addiction, and mental 114841
health services. In accordance with Chapter 119. of the Revised 114842
Code, the department of ~~mental-behavioral health and addiction-~~ 114843
~~services~~ may adopt any rules necessary to implement this 114844
section. 114845

Sec. 5119.52. Each managing officer of an institution 114846
under the jurisdiction of the department of ~~mental-behavioral~~ 114847
~~health and addiction services~~ as described in section 5119.14 of 114848
the Revised Code, with the approval of the director of ~~mental-~~ 114849
~~behavioral health and addiction services~~, may establish local 114850
institution funds designated as follows: 114851

(A) Industrial and entertainment fund created and 114852
maintained for the entertainment and welfare of the patients of 114853
the institution. The director shall establish rules for the 114854
operation of the industrial and entertainment fund. 114855

(B) Commissary fund created and maintained for the benefit 114856
of patients in the institution. Commissary revenue over and 114857
above operating costs and reserve shall be considered profits. 114858
All profits from the commissary fund operations shall be paid 114859
into the industrial and entertainment fund and used only for the 114860
entertainment and welfare of patients. The director shall 114861
establish rules for the operation of the commissary fund. 114862

Sec. 5119.54. The treasurer of state shall have charge of 114863
all funds under the jurisdiction of the department of ~~mental-~~ 114864
behavioral health and addiction services and shall pay out the 114865
same only in accordance with this chapter. 114866

The department shall cause to be furnished a contract of 114867
indemnity to cover all funds received by it or by its managing 114868
officers, employees, or agents while the funds are in the 114869
possession of such managing officers, employees or agents. Such 114870
funds are designated as follows: 114871

(A) Funds which are due and payable to the treasurer of 114872
state as provided by Chapter 131. of the Revised Code; 114873

(B) Those funds which are held in trust by the managing 114874
officers, employees, or agents of the institution as local funds 114875
or accounts under the jurisdiction of the department. 114876

Such contract of indemnity shall be made payable to the 114877
state and the premium for such contract of indemnity may be paid 114878
from any of the moneys received for the use of the department 114879
under this chapter and Chapters 5121. and 5122. of the Revised 114880
Code. 114881

Funds collected from various sources, such as the sale of 114882
goods, and all miscellaneous articles, shall be transmitted on 114883
or before Monday of each week to the treasurer of state and a 114884

detailed statement of such collections shall be made to the 114885
department. 114886

Sec. 5119.55. The department of ~~mental-behavioral~~ health 114887
~~and addiction services~~ may pay an amount for personal use to 114888
each individual residing in a state institution as described in 114889
section 5119.14 of the Revised Code who would be eligible for 114890
supplemental security income benefits at the reduced rate 114891
established by Title XVI of the "Social Security Act," 42 U.S.C. 114892
1381 et seq., if the medicaid program covers services provided 114893
in such institutions. The amount paid by the department shall 114894
not exceed the reduced supplemental security income benefit rate 114895
established by Title XVI of the "Social Security Act." 114896

Sec. 5119.56. Money or property deposited with managing 114897
officers of institutions under the jurisdiction of the 114898
department of ~~mental-behavioral~~ health ~~and addiction services~~ by 114899
any patient under the department's control or by relatives, 114900
guardians, conservators, and others for the special benefit of 114901
such patient, as well as all other funds and all other income 114902
paid to the patient, the patient's estate, or on the patient's 114903
behalf, or paid to the managing officer or to the institution as 114904
representative payee or otherwise paid on the patient's behalf, 114905
shall remain in the hands of such officers in appropriate 114906
accounts for use accordingly. The managing officer shall keep 114907
itemized book accounts of the receipt and disposition of such 114908
money and property, which book shall be open at all times to the 114909
inspection of the department. The director of ~~mental-behavioral~~ 114910
health ~~and addiction services~~ shall adopt rules governing the 114911
deposit, transfer, withdrawal, or investment of the funds and 114912
the income thereof, as well as rules under which such funds and 114913
income shall be paid by managing officers for the support of the 114914
patients pursuant to Chapter 5121. of the Revised Code, or for 114915

their other needs. 114916

Whenever any patient confined in any state institution 114917
subject to the jurisdiction of the department dies, escapes, or 114918
is discharged from such institution, and any personal funds of 114919
such person remain in the hands of the managing officer thereof 114920
and no demand for such funds is made upon such managing officer 114921
by the owner of the funds or the owner's legally appointed 114922
representative, the managing officer shall hold the funds in the 114923
personal deposit fund for a period of at least one year during 114924
which time the managing officer shall make every effort possible 114925
to locate the owner or the owner's legally appointed 114926
representative. 114927

If at the end of this period no demand has been made for 114928
the funds, the managing officer shall dispose of the funds as 114929
follows: 114930

(A) All money in a personal deposit fund in excess of ten 114931
dollars due for the support of a patient shall be paid in 114932
accordance with the provisions of Chapter 5121. of the Revised 114933
Code. 114934

(B) All money in a personal deposit fund in excess of ten 114935
dollars not due for the support of a patient shall be placed to 114936
the credit of the institution's local account designated as the 114937
"industrial and entertainment" fund. 114938

(C) The first ten dollars to the credit of a patient shall 114939
be placed to the credit of the institution's local account 114940
designated as the "industrial and entertainment" fund. 114941

Whenever any patient in any state institution subject to 114942
the jurisdiction of the department dies, escapes, or is 114943
discharged from such institution, and any personal effects of 114944

such person remain in the hands of the managing officer thereof, 114945
and no demand is made upon such managing officer by the owner of 114946
the property or the owner's legally appointed representative, 114947
the managing officer shall hold and dispose of such property in 114948
the following manner. 114949

All the miscellaneous personal effects shall be held for a 114950
period of at least one year, during which time the managing 114951
officer shall make every effort possible to locate the owner or 114952
the owner's legal representative. If at the end of this period, 114953
no demand has been made by the owner of the property or the 114954
owner's legal representative, the managing officer shall file 114955
with the county recorder of the county of commitment of such 114956
owner, all deeds, wills, contract mortgages, or assignments. The 114957
balance of the personal effects shall be sold at public auction 114958
after being duly advertised, and the funds turned over to the 114959
treasurer of state for credit to the general revenue fund. If 114960
any of the property is not of a type to be filed with the county 114961
recorder and is not salable at public auction, then the managing 114962
officer of the institution shall destroy such property. 114963

Sec. 5119.60. The department of ~~mental-behavioral~~ health 114964
~~and addiction services~~ shall submit an annual report to the 114965
governor that shall describe the services the department offers 114966
and how appropriated funds have been spent. The report shall 114967
include all of the following: 114968

(A) The utilization of state hospitals by each alcohol, 114969
drug addiction, and mental health service district; 114970

(B) The number of persons served by community addiction 114971
services providers that receive funds distributed by the 114972
department, with a breakdown into categories including age, sex, 114973
race, the type of drug to which the person is addicted, and any 114974

other categories the director of ~~mental-behavioral~~ health and- 114975
~~addiction services~~ considers significant; 114976

(C) The number of persons with severe mental disabilities 114977
served in each district; 114978

(D) The number and types of addiction services, mental 114979
health services, and recovery supports provided to persons with 114980
severe mental disabilities through state-operated services, 114981
community addiction services providers, and community mental 114982
health services providers; 114983

(E) A report measuring the success of community addiction 114984
services providers, based on the measures for accountability 114985
developed by the department, including the percentage of persons 114986
served by such community addiction services providers who have 114987
not relapsed; 114988

(F) Any other information that the director considers 114989
significant or is requested by the governor. 114990

Sec. 5119.61. (A) The department of ~~mental-behavioral~~ 114991
health and ~~addiction services~~ shall collect and compile 114992
statistics and other information on the care and treatment of 114993
persons with mental disabilities, and the care, treatment, and 114994
rehabilitation of persons with alcohol use disorder, persons 114995
with drug dependencies, persons in danger of drug dependence, 114996
and persons with or in danger of developing a gambling addiction 114997
in this state. The information shall include, without 114998
limitation, information on the number of such persons, the type 114999
of drug involved, if any, the type of care, treatment, or 115000
rehabilitation prescribed or undertaken, and the success or 115001
failure of the care, treatment, or rehabilitation. The 115002
department shall collect information about addiction services, 115003

mental health services, and recovery supports delivered and 115004
persons served as required for reporting and evaluation relating 115005
to state and federal funds expended for such purposes. 115006

(B) No community addiction services provider or community 115007
mental health services provider shall fail to supply statistics 115008
and other information within its knowledge and with respect to 115009
its addiction services, mental health services, and recovery 115010
supports upon request of the department. 115011

(C) Communications by a person seeking aid in good faith 115012
for alcohol use disorder or drug dependence are confidential, 115013
and this section does not require the collection or permit the 115014
disclosure of information which reveals or comprises the 115015
identity of any person seeking aid. 115016

(D) Based on the information collected and compiled under 115017
division (A) of this section, the department shall develop a 115018
project to assess the outcomes of persons served by community 115019
addiction services providers and community mental health 115020
services providers that receive funds distributed by the 115021
department. 115022

(E) The director of ~~mental-behavioral health and addiction~~ 115023
~~services~~ may fine a community addiction services provider or 115024
community mental health services provider for violating division 115025
(B) of this section. In determining whether to impose a fine, 115026
the director shall consider whether the provider has engaged in 115027
a pattern of noncompliance. If a fine is imposed, it shall be 115028
one thousand dollars for a first failure to comply with division 115029
(B) of this section and two thousand dollars for each subsequent 115030
failure. The director's actions in imposing a fine shall be 115031
taken in accordance with Chapter 119. of the Revised Code. 115032

All fines collected under this division shall be deposited 115033
in the state treasury to the credit of the department's 115034
statewide treatment and prevention fund created by section 115035
4301.30 of the Revised Code. 115036

Sec. 5119.71. Pursuant to Article X of the compact set 115037
forth in section 5119.70 of the Revised Code, the director of 115038
~~mental-behavioral health and addiction services~~ and the director 115039
of developmental disabilities each shall designate an officer 115040
who shall be the compact administrator for the department and 115041
who, acting jointly with like officers of other party states, 115042
shall adopt rules to carry out more effectively the terms of the 115043
compact. The compact administrators of each department shall 115044
serve subject to the pleasure of the governor and shall 115045
cooperate with all departments, agencies, and officers of and in 115046
the government of this state and its subdivisions in 115047
facilitating the proper administration of the compact or of any 115048
supplementary agreements entered into by this state thereunder. 115049

Sec. 5119.82. There is hereby established a 9-8-8 115050
administrator within the department of ~~mental-behavioral health~~ 115051
~~and addiction services~~ to oversee the administration of the 9-8- 115052
8 suicide prevention and mental health crisis hotline system 115053
statewide. 115054

Sec. 5119.85. (A) As used in this section, "telephone 115055
company" has the same meaning as in section 128.01 of the 115056
Revised Code. 115057

(B) Except for willful or wanton misconduct, a telephone 115058
company, a provider of interconnected voice over internet 115059
protocol service, and any other installer, maintainer, or 115060
provider, through the sale or otherwise, of customer premises 115061
equipment, or service used for or with the 9-8-8 hotline, and 115062

their respective officers, directors, employees, agents, 115063
suppliers, corporate parents, and affiliates are not liable in 115064
damages in a civil action for injuries, death or loss to persons 115065
or property incurred by any person resulting from such an 115066
entity's or its officers', directors', employees', agents', or 115067
suppliers' participation in or acts or omissions in connection 115068
with participating in or developing, maintaining, or operating 115069
the 9-8-8 hotline. 115070

Sec. 5119.89. The director of ~~mental-behavioral health and~~ 115071
~~addiction services~~ shall consult with the superintendent of 115072
insurance as required by section 3901.90 of the Revised Code to 115073
develop consumer and payer education on ~~mental-behavioral health~~ 115074
~~and addiction services~~ insurance parity and establish and 115075
promote a consumer hotline to collect information and help 115076
consumers understand and access their insurance benefits. 115077

The department of ~~mental-behavioral health and addiction-~~ 115078
~~services~~ and the department of insurance shall jointly report 115079
annually on the departments' efforts, which shall include 115080
information on consumer and payer outreach activities and 115081
identification of trends and barriers to access and coverage in 115082
this state. The departments shall submit the report to the 115083
general assembly, the joint medicaid oversight committee, and 115084
the governor, not later than the thirtieth day of January of 115085
each year. 115086

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of 115087
the Revised Code: 115088

(A) "Alcohol and other drug abuse" means alcohol use 115089
disorder or drug addiction. 115090

(B) "Another drug" means a controlled substance as defined 115091

in section 3719.01 of the Revised Code or a harmful intoxicant 115092
as defined in section 2925.01 of the Revised Code. 115093

(C) "Board of alcohol, drug addiction, and mental health 115094
services" means a board of alcohol, drug addiction, and mental 115095
health services established under section 340.02 or 340.021 of 115096
the Revised Code. 115097

(D) "Danger" or "threat of danger to self, family, or 115098
others" means substantial physical harm or threat of substantial 115099
physical harm upon self, family, or others. 115100

(E) "Hospital" has the same meaning as in section 3701.01 115101
or 3727.01 of the Revised Code but does not include either a 115102
hospital operated by the department of ~~mental-behavioral~~ health 115103
~~and addiction services~~ or an inpatient unit licensed by the 115104
department. 115105

(F) "Intoxicated" means being under the influence of 115106
alcohol, another drug, or both alcohol and another drug and, as 115107
a result, having a significantly impaired ability to function. 115108

(G) "Petitioner" means a person who institutes a 115109
proceeding under sections 5119.91 to 5119.98 of the Revised 115110
Code. 115111

(H) "Probate court" means the probate division of the 115112
court of common pleas. 115113

(I) "Qualified health professional" means a person that is 115114
properly credentialed or licensed to conduct a drug and alcohol 115115
assessment and diagnosis under Ohio law. 115116

(J) "Residence" means the legal residence of a person as 115117
determined by applicable principles governing conflicts of law. 115118

(K) "Respondent" means a person alleged in a petition 115119

filed or hearing under sections 5119.91 to 5119.98 of the 115120
Revised Code to be a person who is experiencing alcohol and 115121
other drug abuse and who may be ordered under those sections to 115122
undergo treatment. 115123

(L) "Treatment" means services and programs for the care 115124
and rehabilitation of intoxicated persons and persons 115125
experiencing alcohol and other drug abuse. "Treatment" includes 115126
residential treatment, a halfway house setting, and an intensive 115127
outpatient or outpatient level of care. 115128

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 115129
Revised Code is guilty of a misdemeanor of the first degree. 115130

(B) Whoever violates section 5119.27 or 5119.28, division 115131
~~(P)~~(O) of section 5119.36, or division (A)(1) or (2) of section 115132
5119.37 of the Revised Code is guilty of a felony of the fifth 115133
degree. 115134

Sec. 5120.16. (A) Persons sentenced to any institution, 115135
division, or place under the control of the department of 115136
rehabilitation and correction are committed to the control, 115137
care, and custody of the department. Subject to division ~~(B)~~(C) 115138
of this section, the director of rehabilitation and correction 115139
or the director's designee may direct that persons sentenced to 115140
the department, or to any institution or place within the 115141
department, shall be conveyed by the sheriff initially to an 115142
appropriate facility established and maintained by the 115143
department, or committed electronically in accordance with 115144
division (B) of this section, for reception, examination, 115145
observation, and classification of the persons so sentenced. 115146
Prior to removal of an individual on an out of jurisdiction 115147
detainer, the sheriff shall convey the sentenced person to the 115148
department of rehabilitation and correction or electronically 115149

commit the sentenced person in accordance with division (B) of 115150
this section. 115151

If a presentence investigation report was not prepared 115152
pursuant to section 2947.06 or 2951.03 of the Revised Code or 115153
Criminal Rule 32.2 regarding any person sentenced to the 115154
department or to any institution or place within the department, 115155
the director or the director's designee may order the 115156
department's field staff to conduct an offender background 115157
investigation and prepare an offender background investigation 115158
report regarding the person. The investigation and report shall 115159
be conducted in accordance with division (A) of section 2951.03 115160
of the Revised Code and the report shall contain the same 115161
information as a presentence investigation report prepared 115162
pursuant to that section. 115163

When the examination, observation, and classification of 115164
the person have been completed by the facility and a written 115165
report of the examination, observation, and classification is 115166
filed with the commitment papers, the director or the director's 115167
designee, subject to division (B) of this section, shall assign 115168
the person to a suitable state institution or place maintained 115169
by the state within the director's department or shall designate 115170
that the person is to be housed in a county, multicounty, 115171
municipal, municipal-county, or multicounty-municipal jail or 115172
workhouse, if authorized by section 5120.161 of the Revised 115173
Code, there to be confined, cared for, treated, trained, and 115174
rehabilitated until paroled, released in accordance with section 115175
2929.20, 2967.26, 2967.28, or 5120.036 of the Revised Code, or 115176
otherwise released under the order of the court that imposed the 115177
person's sentence. No person committed by a probate court, a 115178
trial court pursuant to section 2945.40, 2945.401, or 2945.402 115179
of the Revised Code subsequent to a finding of not guilty by 115180

reason of insanity, or a juvenile court shall be assigned to a 115181
state correctional institution. 115182

If a person is sentenced, committed, or assigned for the 115183
commission of a felony to any one of the institutions or places 115184
maintained by the department or to a county, multicounty, 115185
municipal, municipal-county, or multicounty-municipal jail or 115186
workhouse, the department, by order duly recorded and subject to 115187
division (B) of this section, may transfer the person to any 115188
other institution, or, if authorized by section 5120.161 of the 115189
Revised Code, to a county, multicounty, municipal, municipal- 115190
county, or multicounty-municipal jail or workhouse. 115191

(B) An agreement may be entered into between a court of 115192
common pleas and the department of rehabilitation and correction 115193
under which persons may be electronically committed to the 115194
department of rehabilitation and correction. 115195

(C) If the case of a child who is alleged to be a 115196
delinquent child is transferred for criminal prosecution to the 115197
appropriate court having jurisdiction of the offense pursuant to 115198
section 2152.12 of the Revised Code, if the child is convicted 115199
of or pleads guilty to a felony in that case, if the child is 115200
sentenced to a prison term, as defined in section 2901.01 of the 115201
Revised Code, and if the child is under eighteen years of age 115202
when delivered to the custody of the department of 115203
rehabilitation and correction, all of the following apply 115204
regarding the housing of the child: 115205

(1) Until the child attains eighteen years of age, subject 115206
to divisions ~~(B)~~ ~~(2)~~ (C) (2), (3), and (4) of this section, the 115207
department shall house the child in a housing unit in a state 115208
correctional institution separate from inmates who are eighteen 115209
years of age or older. 115210

(2) The department is not required to house the child in 115211
the manner described in division ~~(B) (1)~~ (C) (1) of this section if 115212
the child does not observe the rules and regulations of the 115213
institution or the child otherwise creates a security risk by 115214
being housed separately. 115215

(3) If the department receives too few inmates who are 115216
under eighteen years of age to fill a housing unit in a state 115217
correctional institution separate from inmates who are eighteen 115218
years of age or older, as described in division ~~(B) (1)~~ (C) (1) of 115219
this section, the department may house the child in a housing 115220
unit in a state correctional institution that includes both 115221
inmates who are under eighteen years of age and inmates who are 115222
eighteen years of age or older and under twenty-one years of 115223
age. 115224

(4) Upon the child's attainment of eighteen years of age, 115225
the department may house the child with the adult population of 115226
the state correctional institution. 115227

~~(C)~~ (D) The director or the director's designee shall 115228
develop a policy for dealing with problems related to infection 115229
with the human immunodeficiency virus. The policy shall include 115230
methods of identifying individuals committed to the custody of 115231
the department who are at high risk of infection with the virus 115232
and counseling those individuals. 115233

Arrangements for housing individuals diagnosed as having 115234
AIDS or an AIDS-related condition shall be made by the 115235
department based on security and medical considerations and in 115236
accordance with division ~~(B)~~ (C) of this section, if applicable. 115237

Sec. 5120.85. (A) As used in this section: 115238

(1) "Correction officer" means a correction officer, 115239

corporal, sergeant, lieutenant, or captain, and the equivalents 115240
of all such persons, at an institution under the control of the 115241
department of rehabilitation and correction. 115242

(2) "Killed in the line of duty" has the same meaning as 115243
in section 742.63 of the Revised Code. 115244

(B) (1) The director of rehabilitation and correction shall 115245
notify the director of administrative services when a correction 115246
officer is killed in the line of duty. On receiving the notice, 115247
the director of administrative services shall enroll the 115248
surviving spouse of the deceased correction officer in any 115249
health, medical, hospital, dental, surgical, or vision benefit 115250
the department of administrative services contracts for under 115251
section 124.82 of the Revised Code or otherwise provides for the 115252
benefit of state employees who are paid directly by warrant of 115253
the director of budget and management. Receiving benefits under 115254
this section does not make the surviving spouse a state 115255
employee. 115256

(2) A surviving spouse is ineligible to participate in a 115257
health, medical, hospital, dental, surgical, or vision benefit 115258
under division (B) (1) of this section if the spouse is either of 115259
the following: 115260

(a) An employee paid directly by warrant of the director 115261
of budget and management who is eligible to participate in those 115262
benefits pursuant to section 124.82 of the Revised Code; 115263

(b) Eligible to enroll in the medicare program established 115264
by Title XVIII of the "Social Security Act," 42 U.S.C. 1395c. 115265

(C) The department of rehabilitation and correction shall 115266
pay the department of administrative services for the total cost 115267
of a surviving spouse's health, medical, hospital, dental, 115268

surgical, or vision benefit under division (B) (1) of this 115269
section, plus any applicable administrative costs. 115270

(D) A surviving spouse who is receiving a health, medical, 115271
hospital, dental, surgical, or vision benefit under division (B) 115272
(1) of this section shall apply to the director of 115273
administrative services to participate in any health, medical, 115274
hospital, dental, surgical, or vision benefit available under 115275
section 124.824 of the Revised Code as soon as practicable after 115276
the spouse's application for a death benefit paid under section 115277
742.63 of the Revised Code is approved by the board of trustees 115278
of the Ohio police and fire pension fund. 115279

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of 115280
the Revised Code: 115281

(A) "Countable assets" means all of the following: 115282

- (1) Cash; 115283
- (2) Bank deposits; 115284
- (3) Securities; 115285
- (4) Individual retirement accounts; 115286
- (5) Qualified employer plans, including 401(k) and Keogh 115287
plans; 115288
- (6) Annuities; 115289
- (7) Funds in a trust created under section 5815.28 of the 115290
Revised Code; 115291
- (8) Investment property and income; 115292
- (9) The cash surrender values of life insurance policies; 115293
- (10) Assets acquired by gift, bequest, devise, or 115294

inheritance; 115295

(11) Any other asset determined by the department of 115296
mental health and addiction services to be equivalent to the 115297
assets enumerated in this division. 115298

(B) "Federal poverty level" or "FPL" means the income 115299
level represented by the poverty guidelines as revised annually 115300
by the United States department of health and human services in 115301
accordance with section 673(2) of the "Omnibus Reconciliation 115302
Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a 115303
family size equal to the size of the family of the person whose 115304
income is being determined. 115305

(C) "Federal poverty guidelines" means the poverty 115306
guidelines as revised annually by the United States department 115307
of health and human services in accordance with section 673(2) 115308
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 115309
511, 42 U.S.C. 9902, as amended, for a family size equal to the 115310
size of the family of the person whose income is being 115311
determined. 115312

(D) "Hospital" means an institution, hospital, or other 115313
place established, controlled, or supervised by the department 115314
of mental health and addiction services under Chapter 5119. of 115315
the Revised Code, except when otherwise described only as a 115316
hospital operated by the department. 115317

(E) "Liable relative" means all of the following: 115318

(1) A patient's spouse; 115319

(2) A patient's mother or father, or both, if the patient 115320
is under eighteen years of age; 115321

(3) A patient's guardian. 115322

(F) "Patient" means a person admitted to a hospital for inpatient care or treatment, including a person transferred to a hospital from a state correctional institution or a person under indictment or conviction who has been transferred to a hospital.

Sec. 5121.32. On an annual basis, the department of mental health and addiction services shall determine both of the following using generally accepted governmental accounting principles:

(A) The ~~applicable~~ per diem charge for each hospital operated by the department;

(B) The ancillary per diem rate for each hospital operated by the department.

In determining a hospital's ~~applicable~~ per diem charge and ancillary per diem rate, the department shall consider the average actual per diem cost of maintaining and treating a patient at the hospital or, at the department's discretion, the average actual per diem cost of maintaining and treating a patient in a unit of the hospital.

Sec. 5121.33. (A) Except as provided in sections 5121.35, 5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code, the department of mental health and addiction services shall, for each billing cycle, charge a patient, patient's estate, or liable relative ~~an amount equal to the sum of the following:~~

~~(A) The applicable per diem charge multiplied the amount calculated under division (B) of this section for care and treatment the patient receives in a hospital operated by the department.~~

(B) The amount to be charged under division (A) of this

section shall be calculated by multiplying the hospital's per 115352
diem charge or ancillary per diem rate determined under section 115353
5121.32 of the Revised Code, whichever the department determines 115354
applies, by the number of days the patient was admitted to the 115355
hospital. 115356

~~(B) An amount that was previously billed but not paid~~ 115357
during the period that is covered by the billing cycle. 115358

Sec. 5121.34. (A) A patient, patient's estate, and 115359
patient's liable relatives shall be jointly and severally liable 115360
for amounts charged by the department of mental health and 115361
addiction services in accordance with section 5121.33 or 5121.35 115362
of the Revised Code. In no case shall any of the foregoing 115363
persons be liable for more than one hundred per cent of the full 115364
~~sum~~ amount charged under section 5121.33 of the Revised Code. 115365

(B) Collections of support payments shall be made by the 115366
department and, subject to meeting prior requirements for 115367
payment and crediting of such collections and other available 115368
receipts, in accordance with the bond proceedings applicable to 115369
obligations issued pursuant to section 154.20 of the Revised 115370
Code. The collections and other available receipts designated by 115371
the director of mental health and addiction services for deposit 115372
in the special accounts, together with insurance contract 115373
payments provided for in section 5121.43 of the Revised Code, 115374
shall be remitted to the treasurer of state for deposit in the 115375
state treasury to the credit of the mental health operating 115376
fund, which is hereby created, to be used for the general 115377
purposes of the department. The department shall make refunds of 115378
overpayment of support charges from the mental health operating 115379
fund. 115380

Sec. 5121.41. (A) If the assets of a patient, patient's 115381

estate, or liable relative do not exceed the countable asset 115382
limit in section 5121.40 of the Revised Code and the annual 115383
income of the patient, estate, or relative does not exceed four 115384
hundred per cent of the federal poverty level, the patient, 115385
estate, or relative shall be charged an amount discounted from 115386
the amount the department charges under section 5121.33 of the 115387
Revised Code for the first thirty days the patient is admitted 115388
as an inpatient in a hospital and for which the patient is 115389
liable for the cost of care. The amount of the discount shall be 115390
computed according to the following schedule: 115391

Annual Gross Income 115392

Expressed as a Percentage of FPL 115393

115394

	1	2	3	4	5	6	7
A Inpatient Days at	0 -	176 -	200 -	250 -	300 -	350 -	
a Hospital	175	199	249	299	349	400	

Percentage discount from charged amount 115395

115396

	1	2	3	4	5	6	7
A 1 - 14	100	90	70	50	30	10	
B 15 - 30	100	95	75	55	35	15	

(B) A patient, estate, or relative who is charged a 115397
discounted amount for the first thirty days the patient is 115398
admitted as an inpatient and who has an annual income not 115399
greater than one hundred seventy-five per cent of the federal 115400
poverty level shall not be charged for the days the patient is 115401
admitted beyond the thirtieth day. 115402

(C) A patient, estate, or relative who is charged a
discounted amount for the first thirty days the patient is
admitted as an inpatient and who has an annual income greater
than one hundred seventy-five per cent of the federal poverty
level shall be charged an amount equal to the sum of the
following for the days the patient is admitted beyond the
thirtieth day:

(1) The ancillary per diem rate that applies to the
hospital, as determined under section 5121.32 of the Revised
Code, multiplied by the number of days the patient was admitted
to the hospital;

(2) An amount that was previously charged but not paid.

Sec. 5121.43. (A) If a patient is covered by an insurance
policy or other contract that provides for payment of expenses
for care and treatment for mental illness at or from a hospital
under the jurisdiction of operated by the department of mental
health and addiction services, sections 5121.33 to 5121.55 of
the Revised Code are inapplicable to the extent that the policy
or contract is in force. Any insurance carrier or other third
party payor providing coverage for such care and treatment shall
pay for the patient's support obligation in amounts equal to the
lesser of amounts charged by the department under section
5121.33 of the Revised Code or the benefits provided under the
policy or other contract. Whether or not an insured, owner of,
or other person having an interest in such policy or other
contract is liable for support payments, the all of the
following apply with respect to the amount owed to the
department for such care and treatment:

(1) The insured, policy owner, or other person having an
interest in the policy or other contract shall assign payment

directly to the department of all assignable benefits under the 115433
policy or other contract and shall pay to the department, within 115434
ten days of receipt, all insurance or other benefits received as 115435
reimbursement or payment for expenses incurred by the patient or 115436
for any other reason. ~~If the insured, policy owner, or other~~ 115437
~~person refuses to assign payment to the department or refuses to~~ 115438
~~pay received reimbursements or payments to the department within~~ 115439
~~ten days of receipt, the total liability of the insured, policy~~ 115440
~~owner, or other person for the services is an amount equal to~~ 115441
~~the per diem charge for the hospital where the patient was~~ 115442
~~admitted multiplied by the number of days the patient was~~ 115443
~~admitted.~~ 115444

(2) (a) Regardless of the coverage provided by the policy 115445
or other contract, the patient, patient's estate, or patient's 115446
liable relative is liable to the department for the actual cost 115447
of care and treatment calculated under section 5121.33 of the 115448
Revised Code. 115449

(b) If the amount the department receives through the 115450
assignment of benefits, as required by division (A) (1) of this 115451
section, is less than the actual cost of care and treatment that 115452
is calculated under section 5121.33 of the Revised Code, the 115453
department shall charge the patient, patient's estate, or liable 115454
relative the lesser of the following: 115455

(i) The amount calculated under section 5121.33 of the 115456
Revised Code that remains after subtracting the amount the 115457
department receives through the assignment of benefits; 115458

(ii) The amount calculated under section 5121.33 of the 115459
Revised Code that applies after the department takes into 115460
consideration the exceptions described in sections 5121.35, 115461
5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code. 115462

(3) In no event shall ~~this total~~ a patient, patient's 115463
estate, or liable relative have liability ~~exceed~~ under this 115464
section for an amount that exceeds either, as the case may be, 115465
the department's actual cost of providing care and treatment to 115466
a patient calculated under section 5121.33 of the Revised Code 115467
or the amount that is charged under division (A) (2) (b) of this 115468
section. 115469

(B) With respect to the requirements of division (A) (1) of 115470
this section, both of the following apply: 115471

(1) The department may disqualify patients and liable 115472
relatives who have failed to assign benefits in accordance with 115473
division (A) (1) of this section, and retained third party funds, 115474
from future discounts that otherwise may have been available. 115475

(2) The department may request that the attorney general 115476
petition a court of competent jurisdiction to compel ~~the~~ an 115477
insured, policy owner ~~of~~, or other person having an interest in 115478
the policy or other contract to comply with the assignment 115479
requirements ~~in~~ of division (A) (1) of this section. 115480

Sec. 5122.01. As used in this chapter and Chapter 5119. of 115481
the Revised Code: 115482

(A) "Mental illness" means a substantial disorder of 115483
thought, mood, perception, orientation, or memory that grossly 115484
impairs judgment, behavior, capacity to recognize reality, or 115485
ability to meet the ordinary demands of life. 115486

(B) "Person with a mental illness subject to court order" 115487
means a person with a mental illness who, because of the 115488
person's illness: 115489

(1) Represents a substantial risk of physical harm to self 115490
as manifested by evidence of threats of, or attempts at, suicide 115491

or serious self-inflicted bodily harm; 115492

(2) Represents a substantial risk of physical harm to 115493
others as manifested by evidence of recent homicidal or other 115494
violent behavior, evidence of recent threats that place another 115495
in reasonable fear of violent behavior and serious physical 115496
harm, or other evidence of present dangerousness; 115497

(3) Represents a substantial and immediate risk of serious 115498
physical impairment or injury to self as manifested by evidence 115499
that the person is unable to provide for and is not providing 115500
for the person's basic physical needs because of the person's 115501
mental illness and that appropriate provision for those needs 115502
cannot be made immediately available in the community; 115503

(4) Would benefit from treatment for the person's mental 115504
illness and is in need of such treatment as manifested by 115505
evidence of behavior that creates a grave and imminent risk to 115506
substantial rights of others or the person; 115507

(5) (a) Would benefit from treatment as manifested by 115508
evidence of behavior that indicates all of the following: 115509

(i) The person is unlikely to survive safely in the 115510
community without supervision, based on a clinical 115511
determination. 115512

(ii) The person has a history of lack of compliance with 115513
treatment for mental illness and one of the following applies: 115514

(I) At least twice within the thirty-six months prior to 115515
the filing of an affidavit seeking court-ordered treatment of 115516
the person under section 5122.111 of the Revised Code, the lack 115517
of compliance has been a significant factor in necessitating 115518
hospitalization in a hospital or receipt of services in a 115519
forensic or other mental health unit of a correctional facility, 115520

provided that the thirty-six-month period shall be extended by 115521
the length of any hospitalization or incarceration of the person 115522
that occurred within the thirty-six-month period. 115523

(II) Within the forty-eight months prior to the filing of 115524
an affidavit seeking court-ordered treatment of the person under 115525
section 5122.111 of the Revised Code, the lack of compliance 115526
resulted in one or more acts of serious violent behavior toward 115527
self or others or threats of, or attempts at, serious physical 115528
harm to self or others, provided that the forty-eight-month 115529
period shall be extended by the length of any hospitalization or 115530
incarceration of the person that occurred within the forty- 115531
eight-month period. 115532

(iii) The person, as a result of the person's mental 115533
illness, is unlikely to voluntarily participate in necessary 115534
treatment. 115535

(iv) In view of the person's treatment history and current 115536
behavior, the person is in need of treatment in order to prevent 115537
a relapse or deterioration that would be likely to result in 115538
substantial risk of serious harm to the person or others. 115539

(b) An individual who meets only the criteria described in 115540
division (B) (5) (a) of this section is not subject to 115541
hospitalization. 115542

(C) (1) "Patient" means, subject to division (C) (2) of this 115543
section, a person who is admitted either voluntarily or 115544
involuntarily to a hospital or other place under section 115545
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 115546
subsequent to a finding of not guilty by reason of insanity or 115547
incompetence to stand trial or under this chapter, who is under 115548
observation or receiving treatment in such place. 115549

(2) "Patient" does not include a person admitted to a hospital or other place under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to patient, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(D) "Licensed physician" means a person licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of the person's official duties.

(E) "Psychiatrist" means a licensed physician who has satisfactorily completed a residency training program in psychiatry, as approved by the residency review committee of the American medical association, the committee on post-graduate education of the American osteopathic association, or the American osteopathic board of neurology and psychiatry, or who on July 1, 1989, has been recognized as a psychiatrist by the Ohio state medical association or the Ohio osteopathic association on the basis of formal training and five or more years of medical practice limited to psychiatry.

(F) "Hospital" means a hospital or inpatient unit licensed by the department of ~~mental-behavioral health and addiction services~~ under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(G) "Public hospital" means a facility that is tax-supported and under the jurisdiction of the department of ~~mental-behavioral health and addiction services~~.

(H) "Community mental health services provider" means an 115579
agency, association, corporation, individual, or program that 115580
provides community mental health services that are certified by 115581
the director of ~~mental-behavioral health and addiction services~~ 115582
under section 5119.36 of the Revised Code. 115583

(I) "Licensed clinical psychologist" means a person who 115584
holds a current, valid psychologist license issued under section 115585
4732.12 of the Revised Code, and in addition, meets the 115586
educational requirements set forth in division (B) of section 115587
4732.10 of the Revised Code and has a minimum of two years' 115588
full-time professional experience, or the equivalent as 115589
determined by rule of the state board of psychology, at least 115590
one year of which shall be a predoctoral internship, in clinical 115591
psychological work in a public or private hospital or clinic or 115592
in private practice, diagnosing and treating problems of mental 115593
illness or intellectual disability under the supervision of a 115594
psychologist who is licensed or who holds a diploma issued by 115595
the American board of professional psychology, or whose 115596
qualifications are substantially similar to those required for 115597
licensure by the state board of psychology when the supervision 115598
has occurred prior to enactment of laws governing the practice 115599
of psychology. 115600

(J) "Health officer" means any public health physician; 115601
public health nurse; or other person authorized or designated by 115602
a city or general health district or a board of alcohol, drug 115603
addiction, and mental health services to perform the duties of a 115604
health officer under this chapter. 115605

(K) "Chief clinical officer" means the medical director of 115606
a hospital, community mental health services provider, or board 115607
of alcohol, drug addiction, and mental health services, or, if 115608

there is no medical director, the licensed physician responsible 115609
for the treatment provided by a hospital or community mental 115610
health services provider. The chief clinical officer may 115611
delegate to the attending physician responsible for a patient's 115612
care the duties imposed on the chief clinical officer by this 115613
chapter. In the case of a community mental health services 115614
provider, the chief clinical officer shall be designated by the 115615
governing body of the services provider and shall be a licensed 115616
physician or licensed clinical psychologist who supervises 115617
diagnostic and treatment services. A licensed physician or 115618
licensed clinical psychologist designated by the chief clinical 115619
officer may perform the duties and accept the responsibilities 115620
of the chief clinical officer in the chief clinical officer's 115621
absence. 115622

(L) "Working day" or "court day" means Monday, Tuesday, 115623
Wednesday, Thursday, and Friday, except when such day is a 115624
holiday. 115625

(M) "Indigent" means unable without deprivation of 115626
satisfaction of basic needs to provide for the payment of an 115627
attorney and other necessary expenses of legal representation, 115628
including expert testimony. 115629

(N) "Respondent" means the person whose detention, 115630
commitment, hospitalization, continued hospitalization or 115631
commitment, or discharge is being sought in any proceeding under 115632
this chapter. 115633

(O) "Ohio protection and advocacy system" has the same 115634
meaning as in section 5123.60 of the Revised Code. 115635

(P) "Independent expert evaluation" means an evaluation 115636
conducted by a licensed clinical psychologist, psychiatrist, or 115637

licensed physician who has been selected by the respondent or 115638
the respondent's counsel and who consents to conducting the 115639
evaluation. 115640

(Q) "Court" means the probate division of the court of 115641
common pleas. 115642

(R) "Expunge" means: 115643

(1) The removal and destruction of court files and 115644
records, originals and copies, and the deletion of all index 115645
references; 115646

(2) The reporting to the person of the nature and extent 115647
of any information about the person transmitted to any other 115648
person by the court; 115649

(3) Otherwise insuring that any examination of court files 115650
and records in question shall show no record whatever with 115651
respect to the person; 115652

(4) That all rights and privileges are restored, and that 115653
the person, the court, and any other person may properly reply 115654
that no such record exists, as to any matter expunged. 115655

(S) "Residence" means a person's physical presence in a 115656
county with intent to remain there, except that: 115657

(1) If a person is receiving a mental health service at a 115658
facility that includes nighttime sleeping accommodations, 115659
residence means that county in which the person maintained the 115660
person's primary place of residence at the time the person 115661
entered the facility; 115662

(2) If a person is committed pursuant to section 2945.38, 115663
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 115664
residence means the county where the criminal charges were 115665

filed. 115666

When the residence of a person is disputed, the matter of 115667
residence shall be referred to the department of ~~mental~~ 115668
~~behavioral health and addiction services~~ for investigation and 115669
determination. Residence shall not be a basis for a board of 115670
alcohol, drug addiction, and mental health services to deny 115671
services to any person present in the board's service district, 115672
and the board shall provide services for a person whose 115673
residence is in dispute while residence is being determined and 115674
for a person in an emergency situation. 115675

(T) "Admission" to a hospital or other place means that a 115676
patient is accepted for and stays at least one night at the 115677
hospital or other place. 115678

(U) "Prosecutor" means the prosecuting attorney, village 115679
solicitor, city director of law, or similar chief legal officer 115680
who prosecuted a criminal case in which a person was found not 115681
guilty by reason of insanity, who would have had the authority 115682
to prosecute a criminal case against a person if the person had 115683
not been found incompetent to stand trial, or who prosecuted a 115684
case in which a person was found guilty. 115685

(V) (1) "Treatment plan" means a written statement of 115686
reasonable objectives and goals for an individual established by 115687
the treatment team, with specific criteria to evaluate progress 115688
towards achieving those objectives. 115689

(2) The active participation of the patient in 115690
establishing the objectives and goals shall be documented. The 115691
treatment plan shall be based on patient needs and include 115692
services to be provided to the patient while the patient is 115693
hospitalized, after the patient is discharged, or in an 115694

outpatient setting. The treatment plan shall address services to 115695
be provided. In the establishment of the treatment plan, 115696
consideration should be given to the availability of services, 115697
which may include but are not limited to all of the following: 115698

(a) Community psychiatric supportive treatment; 115699

(b) Assertive community treatment; 115700

(c) Medications; 115701

(d) Individual or group therapy; 115702

(e) Peer support services; 115703

(f) Financial services; 115704

(g) Housing or supervised living services; 115705

(h) Alcohol or substance abuse treatment; 115706

(i) Any other services prescribed to treat the patient's 115707
mental illness and to either assist the patient in living and 115708
functioning in the community or to help prevent a relapse or a 115709
deterioration of the patient's current condition. 115710

(3) If the person subject to the treatment plan has 115711
executed an advance directive for mental health treatment, the 115712
treatment team shall consider any directions included in such 115713
advance directive in developing the treatment plan. 115714

(W) "Community control sanction" has the same meaning as 115715
in section 2929.01 of the Revised Code. 115716

(X) "Post-release control sanction" has the same meaning 115717
as in section 2967.01 of the Revised Code. 115718

(Y) "Local correctional facility" has the same meaning as 115719
in section 2903.13 of the Revised Code. 115720

(Z) "Clinical nurse specialist" and "certified nurse practitioner" have the same meanings as in section 4723.01 of the Revised Code. 115721
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Sec. 5122.03. A patient admitted under section 5122.02 of the Revised Code who requests release in writing, or whose release is requested in writing by the patient's counsel, legal guardian, parent, spouse, or adult next of kin shall be released forthwith, except when any of the following is the case: 115724
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(A) The patient was admitted on the patient's own application and the request for release is made by a person other than the patient, release may be conditional upon the agreement of the patient. 115729
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(B) The patient was, within the past twelve months, a defendant described in division (B) (1) (a) (v) (I) of section 2945.38 of the Revised Code and the chief clinical officer of the hospital decides not to file or cause to be filed an affidavit under section 5122.11 of the Revised Code as described in division (C) of this section. In that circumstance, the chief clinical officer shall immediately notify the trial court or prosecutor described in division (B) (1) (a) (v) (I) of section 2945.38 of the Revised Code of the chief clinical officer's decision and intent to release the patient. Not later than three court days after being notified of the intent to release, the trial court or prosecutor may file or cause to be filed with the court of the county where the patient is hospitalized, or the court of the county where the patient resides, an affidavit under section 5122.11 of the Revised Code. If such an affidavit is filed, the patient's release must be postponed until a hearing under section 5122.141 of the Revised Code is held. 115733
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(C) The chief clinical officer of the hospital, within 115750

three court days from the receipt of the request for release, 115751
files or causes to be filed with the court of the county where 115752
the patient is hospitalized or of the county where the patient 115753
is a resident, an affidavit under section 5122.11 of the Revised 115754
Code. Release may be postponed until the hearing held under 115755
section 5122.141 of the Revised Code. A telephone communication 115756
within three court days from the receipt of the request for 115757
release from the chief clinical officer to the court, indicating 115758
that the required affidavit has been mailed, is sufficient 115759
compliance with the time limit for filing such affidavit. 115760

Unless the patient is released within three days from the 115761
receipt of the request by the chief clinical officer, the 115762
request shall serve as a request for an initial hearing under 115763
section 5122.141 of the Revised Code. If the court finds that 115764
the patient is a person with a mental illness subject to court 115765
order, all provisions of this chapter with respect to 115766
involuntary hospitalization apply to such person. 115767

Judicial proceedings for hospitalization shall not be 115768
commenced with respect to a voluntary patient except pursuant to 115769
this section. 115770

Sections 5121.30 to 5121.56 of the Revised Code apply to 115771
persons received in a hospital operated by the department of 115772
~~mental-behavioral health and addiction services~~ on a voluntary 115773
application. 115774

The chief clinical officer of the hospital shall provide 115775
reasonable means and arrangements for informing patients of 115776
their rights to release as provided in this section and for 115777
assisting them in making and presenting requests for release or 115778
for a hearing under section 5122.141 of the Revised Code. 115779

Before a patient is released from a public hospital, the
chief clinical officer shall, when possible, ~~notify~~ provide
notice of the patient's pending release to the board of alcohol,
drug addiction, and mental health services serving the patient's
county of residence ~~of the patient's pending release after.~~
Before the notice is given, the chief clinical officer ~~has~~
~~informed~~ shall inform the patient that the board will be so
notified.

Sec. 5122.10. (A) (1) Any of the following who has reason
to believe that a person is a person with a mental illness
subject to court order and represents a substantial risk of
physical harm to self or others if allowed to remain at liberty
pending examination may take the person into custody and may
immediately transport the person to a hospital or,
notwithstanding section 5119.33 of the Revised Code, to a
general hospital not licensed by the department of ~~mental~~
behavioral health and addiction services where the person may be
held for the period prescribed in this section:

- (a) A psychiatrist;
- (b) A licensed physician;
- (c) A licensed clinical psychologist;
- (d) A clinical nurse specialist who is certified as a
psychiatric-mental health CNS by the American nurses
credentialing center;
- (e) A certified nurse practitioner who is certified as a
psychiatric-mental health NP by the American nurses
credentialing center;
- (f) A health officer;

(g) A parole officer; 115808

(h) A police officer; 115809

(i) A sheriff. 115810

(2) If the chief of the adult parole authority or a parole 115811
or probation officer with the approval of the chief of the 115812
authority has reason to believe that a parolee, an offender 115813
under a community control sanction or post-release control 115814
sanction, or an offender under transitional control is a person 115815
with a mental illness subject to court order and represents a 115816
substantial risk of physical harm to self or others if allowed 115817
to remain at liberty pending examination, the chief or officer 115818
may take the parolee or offender into custody and may 115819
immediately transport the parolee or offender to a hospital or, 115820
notwithstanding section 5119.33 of the Revised Code, to a 115821
general hospital not licensed by the department of ~~mental~~ 115822
behavioral health ~~and addiction services~~ where the parolee or 115823
offender may be held for the period prescribed in this section. 115824

(B) A written statement shall be given to the hospital by 115825
the individual authorized under division (A) (1) or (2) of this 115826
section to transport the person. The statement shall specify the 115827
circumstances under which such person was taken into custody and 115828
the reasons for the belief that the person is a person with a 115829
mental illness subject to court order and represents a 115830
substantial risk of physical harm to self or others if allowed 115831
to remain at liberty pending examination. This statement shall 115832
be made available to the respondent or the respondent's attorney 115833
upon request of either. 115834

(C) Every reasonable and appropriate effort shall be made 115835
to take persons into custody in the least conspicuous manner 115836

possible. A person taking the respondent into custody pursuant 115837
to this section shall explain to the respondent: the name and 115838
professional designation and affiliation of the person taking 115839
the respondent into custody; that the custody-taking is not a 115840
criminal arrest; and that the person is being taken for 115841
examination by mental health professionals at a specified mental 115842
health facility identified by name. 115843

(D) If a person taken into custody under this section is 115844
transported to a general hospital, the general hospital may 115845
admit the person, or provide care and treatment for the person, 115846
or both, notwithstanding section 5119.33 of the Revised Code, 115847
but by the end of twenty-four hours after arrival at the general 115848
hospital, the person shall be transferred to a hospital as 115849
defined in section 5122.01 of the Revised Code. 115850

(E) A person transported or transferred to a hospital or 115851
community mental health services provider under this section 115852
shall be examined by the staff of the hospital or services 115853
provider within twenty-four hours after arrival at the hospital 115854
or services provider. If to conduct the examination requires 115855
that the person remain overnight, the hospital or services 115856
provider shall admit the person in an unclassified status until 115857
making a disposition under this section. After the examination, 115858
if the chief clinical officer of the hospital or services 115859
provider believes that the person is not a person with a mental 115860
illness subject to court order, the chief clinical officer shall 115861
release or discharge the person immediately unless a court has 115862
issued a temporary order of detention applicable to the person 115863
under section 5122.11 of the Revised Code. After the 115864
examination, if the chief clinical officer believes that the 115865
person is a person with a mental illness subject to court order, 115866
the chief clinical officer may detain the person for not more 115867

than three court days following the day of the examination and 115868
during such period admit the person as a voluntary patient under 115869
section 5122.02 of the Revised Code or file an affidavit under 115870
section 5122.11 of the Revised Code. If neither action is taken 115871
and a court has not otherwise issued a temporary order of 115872
detention applicable to the person under section 5122.11 of the 115873
Revised Code, the chief clinical officer shall discharge the 115874
person at the end of the three-day period unless the person has 115875
been sentenced to the department of rehabilitation and 115876
correction and has not been released from the person's sentence, 115877
in which case the person shall be returned to that department. 115878

Sec. 5122.15. (A) Full hearings shall be conducted in a 115879
manner consistent with this chapter and with due process of law. 115880
The hearings shall be conducted by a judge of the probate court 115881
or a referee designated by a judge of the probate court and may 115882
be conducted in or out of the county in which the respondent is 115883
held. Any referee designated under this division shall be an 115884
attorney. 115885

(1) With the consent of the respondent, the following 115886
shall be made available to counsel for the respondent: 115887

(a) All relevant documents, information, and evidence in 115888
the custody or control of the state or prosecutor; 115889

(b) All relevant documents, information, and evidence in 115890
the custody or control of the hospital in which the respondent 115891
currently is held, or in which the respondent has been held 115892
pursuant to this chapter; 115893

(c) All relevant documents, information, and evidence in 115894
the custody or control of any hospital, facility, or person not 115895
included in division (A) (1) (a) or (b) of this section. 115896

(2) The respondent has the right to attend the hearing and 115897
to be represented by counsel of the respondent's choice. The 115898
right to attend the hearing may be waived only by the respondent 115899
or counsel for the respondent after consultation with the 115900
respondent. 115901

(3) If the respondent is not represented by counsel, is 115902
absent from the hearing, and has not validly waived the right to 115903
counsel, the court shall appoint counsel immediately to 115904
represent the respondent at the hearing, reserving the right to 115905
tax costs of appointed counsel to the respondent, unless it is 115906
shown that the respondent is indigent. If the court appoints 115907
counsel, or if the court determines that the evidence relevant 115908
to the respondent's absence does not justify the absence, the 115909
court shall continue the case. 115910

(4) The respondent shall be informed that the respondent 115911
may retain counsel and have independent expert evaluation. If 115912
the respondent is unable to obtain an attorney, the respondent 115913
shall be represented by court-appointed counsel. If the 115914
respondent is indigent, court-appointed counsel and independent 115915
expert evaluation shall be provided as an expense under section 115916
5122.43 of the Revised Code. 115917

(5) The hearing shall be closed to the public, unless 115918
counsel for the respondent, with the permission of the 115919
respondent, requests that the hearing be open to the public. 115920

(6) If the hearing is closed to the public, the court, for 115921
good cause shown, may admit persons who have a legitimate 115922
interest in the proceedings. If the respondent, the respondent's 115923
counsel, or the designee of the director or of the chief 115924
clinical officer objects to the admission of any person, the 115925
court shall hear the objection and any opposing argument and 115926

shall rule upon the admission of the person to the hearing. 115927

(7) The affiant under section 5122.11 of the Revised Code 115928
shall be subject to subpoena by either party. 115929

(8) The court shall examine the sufficiency of all 115930
documents filed and shall inform the respondent, if present, and 115931
the respondent's counsel of the nature and content of the 115932
documents and the reason for which the respondent is being 115933
detained, or for which the respondent's placement is being 115934
sought. 115935

(9) The court shall receive only reliable, competent, and 115936
material evidence. 115937

(10) Unless proceedings are initiated pursuant to section 115938
5120.17 or 5139.08 of the Revised Code, an attorney that the 115939
board designates shall present the case demonstrating that the 115940
respondent is a person with a mental illness subject to court 115941
order. The attorney shall offer evidence of the diagnosis, 115942
prognosis, record of treatment, if any, and less restrictive 115943
treatment plans, if any. In proceedings pursuant to section 115944
5120.17 or 5139.08 of the Revised Code, the attorney general 115945
shall designate an attorney who shall present the case 115946
demonstrating that the respondent is a person with a mental 115947
illness subject to court order. The attorney shall offer 115948
evidence of the diagnosis, prognosis, record of treatment, if 115949
any, and less restrictive treatment plans, if any. 115950

(11) The respondent or the respondent's counsel has the 115951
right to subpoena witnesses and documents and to examine and 115952
cross-examine witnesses. 115953

(12) The respondent has the right, but shall not be 115954
compelled, to testify, and shall be so advised by the court. 115955

(13) On motion of the respondent or the respondent's 115956
counsel for good cause shown, or on the court's own motion, the 115957
court may order a continuance of the hearing. 115958

(14) If the respondent is represented by counsel and the 115959
respondent's counsel requests a transcript and record, or if the 115960
respondent is not represented by counsel, the court shall make 115961
and maintain a full transcript and record of the proceeding. If 115962
the respondent is indigent and the transcript and record is 115963
made, a copy shall be provided to the respondent upon request 115964
and be treated as an expense under section 5122.43 of the 115965
Revised Code. 115966

(15) To the extent not inconsistent with this chapter, the 115967
Rules of Civil Procedure are applicable. 115968

(B) Unless, upon completion of the hearing the court finds 115969
by clear and convincing evidence that the respondent is a person 115970
with a mental illness subject to court order, it shall order the 115971
respondent's discharge immediately. 115972

(C) If, upon completion of the hearing, the court finds by 115973
clear and convincing evidence that the respondent is a person 115974
with a mental illness subject to court order, the court shall 115975
order the respondent for a period not to exceed ninety days to 115976
any of the following: 115977

(1) A hospital operated by the department of ~~mental~~ 115978
behavioral health and addiction services ~~and addiction services~~ if the respondent is 115979
committed pursuant to section 5139.08 of the Revised Code; 115980

(2) A nonpublic hospital; 115981

(3) The veterans' administration or other agency of the 115982
United States government; 115983

(4) A board of alcohol, drug addiction, and mental health services or services provider the board designates; 115984
115985

(5) Receive private psychiatric or psychological care and treatment; 115986
115987

(6) Any other suitable facility or person consistent with the diagnosis, prognosis, and treatment needs of the respondent. 115988
115989
A jail or other local correctional facility is not a suitable facility. 115990
115991

(D) Any order made pursuant to division (C) (2), (3), (5), or (6) of this section shall be conditioned upon the receipt by the court of consent by the hospital, facility, agency, or person to accept the respondent and may include a requirement that a person or entity described in division (C) (2), (3), (5), or (6) of this section inform the board of alcohol, drug addiction, and mental health services or community mental health services provider the board designates about the progress of the respondent with the treatment plan. 115992
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(E) In determining the entity or person to which the respondent is to be committed under division (C) of this section, the court shall consider all of the following: 116001
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116003

(1) The respondent's diagnosis and prognosis made by a psychiatrist, licensed clinical psychologist, clinical nurse specialist who is certified as a psychiatric-mental health clinical nurse specialist by the American nurses credentialing center, or certified nurse practitioner who is certified as a psychiatric-mental health nurse practitioner by the American nurses credentialing center; 116004
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(2) The respondent's preferences; 116011

(3) The respondent's projected treatment plan. 116012

The court shall order the implementation of the least restrictive alternative available and consistent with treatment goals. If the court determines that the least restrictive alternative available that is consistent with treatment goals is inpatient hospitalization, the court's order shall so state.

(F) During the ninety-day period the entity or person shall examine and treat the respondent. If the respondent is receiving treatment in an outpatient setting, or receives treatment in an outpatient setting during a subsequent period of continued commitment under division (H) of this section, the entity or person to whom the respondent is committed shall determine the appropriate outpatient treatment for the respondent. If, at any time prior to the expiration of the ninety-day period, it is determined by the entity or person that the respondent's treatment needs could be equally well met in an available and appropriate less restrictive setting, both of the following apply:

(1) The respondent shall be released from the care of the entity or person immediately and shall be referred to the court together with a report of the findings and recommendations of the entity or person;

(2) The entity or person shall notify the respondent's counsel or the attorney designated by a board of alcohol, drug addiction, and mental health services or, if the respondent was committed to a board or a services provider designated by the board, it shall place the respondent in the least restrictive setting available consistent with treatment goals and notify the court and the respondent's counsel of the placement.

The court shall dismiss the case or order placement in the least restrictive setting.

(G) (1) Except as provided in division (G) (2) of this 116043
section, any person for whom proceedings for treatment have been 116044
commenced pursuant to section 5122.11 of the Revised Code, may 116045
apply at any time for voluntary admission or treatment to the 116046
entity or person to which the person was committed. Upon 116047
admission as a voluntary patient the chief clinical officer of 116048
the entity or the person immediately shall notify the court, the 116049
patient's counsel, and the attorney designated by the board, if 116050
the attorney has entered the proceedings, in writing of that 116051
fact, and, upon receipt of the notice, the court shall dismiss 116052
the case. 116053

(2) A person who is found incompetent to stand trial or 116054
not guilty by reason of insanity and who is committed pursuant 116055
to section 2945.39, 2945.40, 2945.401, or 2945.402 of the 116056
Revised Code shall not voluntarily commit the person pursuant to 116057
this section until after the final termination of the 116058
commitment, as described in division (J) of section 2945.401 of 116059
the Revised Code. 116060

(H) If, at the end of the first ninety-day period or any 116061
subsequent period of continued commitment, there has been no 116062
disposition of the case, either by discharge or voluntary 116063
admission or treatment, the entity or person shall discharge the 116064
patient immediately, unless at least ten days before the 116065
expiration of the period the attorney the board designates or 116066
the prosecutor files with the court an application for continued 116067
commitment. The application of the attorney or the prosecutor 116068
shall include a written report containing the diagnosis, 116069
prognosis, past treatment, a list of alternative treatment 116070
settings and plans, and identification of the treatment setting 116071
that is the least restrictive consistent with treatment needs. 116072
The attorney the board designates or the prosecutor shall file 116073

the written report at least three days prior to the full 116074
hearing. A copy of the application and written report shall be 116075
provided to the respondent's counsel immediately. 116076

The court shall hold a full hearing on applications for 116077
continued commitment at the expiration of the first ninety-day 116078
period and at least every two years after the expiration of the 116079
first ninety-day period. 116080

Hearings following any application for continued 116081
commitment are mandatory and may not be waived. 116082

For a respondent who is ordered to receive treatment in an 116083
outpatient setting, if at any time after the first ninety-day 116084
period the entity or person to whom the respondent was ordered 116085
determines that the respondent has demonstrated voluntary 116086
consent for treatment, that entity or person shall immediately 116087
notify the respondent, the respondent's counsel, the attorney 116088
designated by the board, and the court. The entity or person 116089
shall submit to the court a report of the findings and 116090
recommendations. The court may dismiss the case upon review of 116091
the facts. 116092

Upon request of a person who is involuntarily committed 116093
under this section, or the person's counsel, that is made more 116094
than one hundred eighty days after the person's last full 116095
hearing, mandatory or requested, the court shall hold a full 116096
hearing on the person's continued commitment. Upon the 116097
application of a person involuntarily committed under this 116098
section, supported by an affidavit of a psychiatrist or licensed 116099
clinical psychologist, alleging that the person no longer is a 116100
person with a mental illness subject to court order, the court 116101
for good cause shown may hold a full hearing on the person's 116102
continued commitment prior to the expiration of one hundred 116103

eighty days after the person's last full hearing. Section 116104
5122.12 of the Revised Code applies to all hearings on continued 116105
commitment. 116106

If the court, after a hearing for continued commitment 116107
finds by clear and convincing evidence that the respondent is a 116108
person with a mental illness subject to court order, the court 116109
may order continued commitment at places or to persons specified 116110
in division (C) of this section. 116111

(I) Unless the admission is pursuant to section 5120.17 or 116112
5139.08 of the Revised Code, the chief clinical officer of the 116113
entity admitting a respondent pursuant to a judicial proceeding, 116114
within ten working days of the admission, shall make a report of 116115
the admission to the board of alcohol, drug addiction, and 116116
mental health services serving the respondent's county of 116117
residence. 116118

(J) A referee appointed by the court may make all orders 116119
that a judge may make under this section and sections 5122.11 116120
and 5122.141 of the Revised Code, except an order of contempt of 116121
court. The orders of a referee take effect immediately. Within 116122
fourteen days of the making of an order by a referee, a party 116123
may file written objections to the order with the court. The 116124
filed objections shall be considered a motion, shall be 116125
specific, and shall state their grounds with particularity. 116126
Within ten days of the filing of the objections, a judge of the 116127
court shall hold a hearing on the objections and may hear and 116128
consider any testimony or other evidence relating to the 116129
respondent's mental condition. At the conclusion of the hearing, 116130
the judge may ratify, rescind, or modify the referee's order. 116131

(K) An order of the court under division (C), (H), or (J) 116132
of this section is a final order. 116133

(L) Before a board, or a services provider the board
designates, may place an unconsenting respondent in an inpatient
setting from a less restrictive placement, the board or services
provider shall do all of the following:

(1) Determine that the respondent is in immediate need of
treatment in an inpatient setting because the respondent
represents a substantial risk of physical harm to the respondent
or others if allowed to remain in a less restrictive setting;

(2) On the day of placement in the inpatient setting or on
the next court day, file with the court a motion for transfer to
an inpatient setting or communicate to the court by telephone
that the required motion has been mailed;

(3) Ensure that every reasonable and appropriate effort is
made to take the respondent to the inpatient setting in the
least conspicuous manner possible;

(4) Immediately notify the board's designated attorney and
the respondent's attorney.

At the respondent's request, the court shall hold a
hearing on the motion and make a determination pursuant to
division (E) of this section within five days of the placement.

(M) Before a board, or a services provider the board
designates, may move a respondent from one residential placement
to another, the board or services provider shall consult with
the respondent about the placement. If the respondent objects to
the placement, the proposed placement and the need for it shall
be reviewed by a qualified mental health professional who
otherwise is not involved in the treatment of the respondent.

(N) The entity or person to whom the respondent was
ordered for treatment in an outpatient setting may submit a

report to the court indicating that the respondent has either 116163
failed to comply with the treatment plan or begun to demonstrate 116164
signs of decompensation that may be grounds for hospitalization. 116165
On receipt of the report, the court shall promptly schedule a 116166
hearing to review the case. The court shall conduct the hearing 116167
in a manner consistent with this chapter and due process of law. 116168
The board shall receive notice of the hearing and the board and 116169
entity or person treating the respondent shall submit a report 116170
to the court with a plan for appropriate alternative treatment, 116171
if any, or recommend that the court discontinue the court- 116172
ordered treatment. The court shall consider available and 116173
appropriate alternative placements but shall not impose criminal 116174
sanctions that result in confinement in a jail or other local 116175
correctional facility based on the respondent's failure to 116176
comply with the treatment plan. The court may not order the 116177
respondent to a more restrictive placement unless the criteria 116178
specified in division (L) of this section are met and may not 116179
order the respondent to an inpatient setting unless the court 116180
determines by clear and convincing evidence presented by the 116181
board that the respondent meets the criteria specified in 116182
divisions (A) and (B) (1), (2), (3), or (4) of section 5122.01 of 116183
the Revised Code. 116184

Sec. 5122.20. The director of ~~mental-behavioral~~ health and 116185
~~addiction services~~ or the director's designee may transfer, or 116186
authorize the transfer of, an involuntary patient, or a 116187
consenting voluntary patient hospitalized pursuant to section 116188
5122.02 or sections 5122.11 to 5122.15 of the Revised Code, from 116189
one public hospital to another, or to a hospital, community 116190
mental health services provider, or other facility offering 116191
treatment or other services for mental illness, if the medical 116192
director of the department of ~~mental-behavioral~~ health and- 116193

~~addiction services~~ determines that it would be consistent with 116194
the medical needs of the patient to do so. If such a transfer is 116195
made to a private facility, the transfer shall be conditioned 116196
upon the consent of the facility. 116197

Before an involuntary patient may be transferred to a more 116198
restrictive setting, the chief clinical officer shall file a 116199
motion with the court requesting the court to amend its order of 116200
placement issued under section 5122.15 of the Revised Code. At 116201
the patient's request, the court shall hold a hearing on the 116202
motion at which the patient has the same rights as at a full 116203
hearing under section 5122.15 of the Revised Code. The hearing 116204
shall be held within ten days after the date on which the 116205
respondent was transferred to the more restrictive setting or on 116206
which the motion was filed, whichever is earlier. On the motion 116207
of the respondent, the respondent's counsel, or the chief 116208
clinical officer, or on its own motion, and for good cause 116209
shown, the court may order a continuance of the hearing for up 116210
to ten days. 116211

Whenever an involuntary patient is transferred, written 116212
notice of the transfer shall be given to the patient's legal 116213
guardian, parents, spouse, and counsel, or, if none is known, to 116214
the patient's nearest known relative or friend. If the patient 116215
is a minor, the department, before making such a transfer, shall 116216
make a minute of the order for the transfer and the reason for 116217
it upon its record and shall send a certified copy at least 116218
seven days prior to the transfer to the person shown by its 116219
record to have had the care or custody of the minor immediately 116220
prior to the minor's commitment. Whenever a consenting voluntary 116221
patient is transferred, the notification shall be given only at 116222
the patient's request. The chief clinical officer shall advise a 116223
voluntary patient who is being transferred that the patient may 116224

decide if the notification shall be given. In all such 116225
transfers, due consideration shall be given to the wishes of the 116226
patient, and the relationship of the patient to the patient's 116227
family, legal guardian, or friends, so as to maintain the 116228
relationship and encourage visits beneficial to the patient. 116229

When a voluntary patient whose medical or psychological 116230
needs are found by the chief clinical officer to warrant a 116231
transfer refuses to be transferred to an alternate facility, the 116232
chief clinical officer may file an affidavit for a hearing under 116233
section 5122.11 of the Revised Code. 116234

Sec. 5122.21. (A) The chief clinical officer shall as 116235
frequently as practicable, and at least once every thirty days, 116236
examine or cause to be examined every patient, and, whenever the 116237
chief clinical officer determines that the conditions justifying 116238
involuntary hospitalization or commitment no longer obtain, 116239
shall discharge the patient not under indictment or conviction 116240
for crime and immediately make a report of the discharge to the 116241
department of ~~mental-behavioral health-and-addiction services~~. 116242
The chief clinical officer may discharge a patient who is under 116243
an indictment, a sentence of imprisonment, a community control 116244
sanction, or a post-release control sanction or on parole ten 116245
days after written notice of intent to discharge the patient has 116246
been given by personal service or certified mail, return receipt 116247
requested, to the court having criminal jurisdiction over the 116248
patient. Except when the patient was found not guilty by reason 116249
of insanity and the defendant's commitment is pursuant to 116250
section 2945.40 of the Revised Code, the chief clinical officer 116251
has final authority to discharge a patient who is under an 116252
indictment, a sentence of imprisonment, a community control 116253
sanction, or a post-release control sanction or on parole. 116254

(B) After a finding pursuant to section 5122.15 of the Revised Code that a person is a person with a mental illness subject to court order, the chief clinical officer of the hospital or community mental health services provider to which the person is ordered or to which the person is transferred under section 5122.20 of the Revised Code, may grant a discharge without the consent or authorization of any court.

Upon discharge, the chief clinical officer shall notify the court that caused the judicial hospitalization of the discharge from the hospital.

Sec. 5122.23. The chief clinical officer of a public hospital shall immediately report to the department of ~~mental-behavioral health and addiction services~~ and the board of alcohol, drug addiction, and mental health services serving the patient's county of residence the removal, death, escape, discharge, or trial visit of any patient hospitalized under section 5122.15 of the Revised Code, or the return of such an escaped or visiting patient to the department, the probate judge of the county from which such patient was hospitalized, and the probate judge of the county of residence of such patient. In case of death, the chief clinical officer also shall notify one or more of the nearest relatives of the deceased patient, if known to the chief clinical officer, by letter, telegram, or telephone. If the place of residence of such relative is unknown to the chief clinical officer, immediately upon receiving notification the probate judge shall in the speediest manner possible notify such relatives, if known to the probate judge.

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence

of such a patient, shall make a report to the judge of the 116285
condition of any patient under the care, treatment, custody, or 116286
control of the chief clinical officer. 116287

Sec. 5122.26. (A) If a patient is absent without leave, on 116288
a verbal or written order issued within five days of the time of 116289
the unauthorized absence by the department of ~~mental~~-behavioral 116290
~~health-and-addiction services~~, the chief clinical officer of the 116291
hospital from which the patient is absent without leave, or the 116292
court of either the county from which the patient was committed 116293
or in which the patient is found, any health or police officer 116294
or sheriff may take the patient into custody and transport the 116295
patient to the hospital in which the patient was hospitalized or 116296
to a place that is designated in the order. The officer 116297
immediately shall report such fact to the entity that issued the 116298
order. 116299

The chief clinical officer of a hospital may discharge a 116300
patient who is under an indictment, a sentence of imprisonment, 116301
a community control sanction, or a post-release control sanction 116302
or on parole and who has been absent without leave for more than 116303
thirty days but shall give written notice of the discharge to 116304
the court with criminal jurisdiction over the patient. The chief 116305
clinical officer of a hospital may discharge any other patient 116306
who has been absent without leave for more than fourteen days. 116307

The chief clinical officer shall take all proper measures 116308
for the apprehension of an escaped patient. The expense of the 116309
return of an escaped patient shall be borne by the hospital 116310
where the patient is hospitalized. 116311

(B) (1) Subject to division (B) (2) of this section, no 116312
patient hospitalized under Chapter 5122. of the Revised Code 116313
whose absence without leave was caused or contributed to by the 116314

patient's mental illness shall be subject to a charge of escape. 116315

(2) Division (B)(1) of this section does not apply to any 116316
person who was hospitalized, institutionalized, or confined in a 116317
facility under an order made pursuant to or under authority of 116318
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 116319
or 2945.402 of the Revised Code and who escapes from the 116320
facility, from confinement in a vehicle for transportation to or 116321
from the facility, or from supervision by an employee of the 116322
facility that is incidental to hospitalization, 116323
institutionalization, or confinement in the facility and that 116324
occurs outside the facility, in violation of section 2921.34 of 116325
the Revised Code. 116326

Sec. 5122.27. The chief clinical officer of the hospital 116327
or the chief clinical officer's designee shall assure that all 116328
patients hospitalized or committed pursuant to this chapter 116329
shall: 116330

(A) Receive, within twenty days of their admission 116331
sufficient professional care to assure that an evaluation of 116332
current status, differential diagnosis, probable prognosis, and 116333
description of the current treatment plan is stated on the 116334
official chart; 116335

(B) Have a written treatment plan consistent with the 116336
evaluation, diagnosis, prognosis, and goals which shall be 116337
provided, upon request of the patient or patient's counsel, to 116338
the patient's counsel and to any private physician or licensed 116339
clinical psychologist designated by the patient or the patient's 116340
counsel or to the Ohio protection and advocacy system; 116341

(C) Receive treatment consistent with the treatment plan. 116342
The department of ~~mental-behavioral health and addiction~~ 116343

~~services~~ shall set standards for treatment provided to such 116344
patients, consistent wherever possible with standards set by the 116345
joint commission. 116346

(D) Receive periodic reevaluations of the treatment plan 116347
by the professional staff at intervals not to exceed ninety 116348
days; 116349

(E) Be provided with adequate medical treatment for 116350
physical disease or injury; 116351

(F) Receive humane care and treatment, including without 116352
limitation, the following: 116353

(1) The least restrictive environment consistent with the 116354
treatment plan; 116355

(2) The necessary facilities and personnel required by the 116356
treatment plan; 116357

(3) A humane psychological and physical environment; 116358

(4) The right to obtain current information concerning the 116359
patient's treatment program and expectations in terms that the 116360
patient can reasonably understand; 116361

(5) Participation in programs designed to afford the 116362
patient substantial opportunity to acquire skills to facilitate 116363
return to the community or to terminate an involuntary 116364
commitment; 116365

(6) The right to be free from unnecessary or excessive 116366
medication; 116367

(7) Freedom from restraints or isolation unless it is 116368
stated in a written order by the chief clinical officer or the 116369
chief clinical officer's designee, or the patient's individual 116370

physician or psychologist in a private or general hospital. 116371

If the chief clinical officer of the hospital is unable to 116372
provide the treatment required by divisions (C), (E), and (F) of 116373
this section for any patient hospitalized pursuant to Chapter 116374
5122. of the Revised Code, the chief clinical officer shall 116375
immediately notify the patient, the court, the Ohio protection 116376
and advocacy system, the director of ~~mental-behavioral health-~~ 116377
~~and addiction services~~, and the patient's counsel and legal 116378
guardian, if known. If within ten days after receipt of such 116379
notification by the director, the director is unable to effect a 116380
transfer of the patient, pursuant to section 5122.20 of the 116381
Revised Code, to a hospital, community mental health services 116382
provider, or other medical facility where treatment is 116383
available, or has not received an order of the court to the 116384
contrary, the involuntary commitment of any patient hospitalized 116385
pursuant to Chapter 5122. of the Revised Code and defined as a 116386
person with a mental illness subject to court order under 116387
division (B)(4) of section 5122.01 of the Revised Code shall 116388
automatically be terminated. 116389

Sec. 5122.31. (A) All certificates, applications, records, 116390
and reports made for the purpose of this chapter and sections 116391
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 116392
Code, other than court journal entries or court docket entries, 116393
and directly or indirectly identifying a patient or former 116394
patient or person whose hospitalization or commitment has been 116395
sought under this chapter, shall be kept confidential and shall 116396
not be disclosed by any person except: 116397

(1) If the person identified, or the person's legal 116398
guardian, if any, or if the person is a minor, the person's 116399
parent or legal guardian, consents, and if the disclosure is in 116400

the best interests of the person, as may be determined by the 116401
court for judicial records and by the chief clinical officer for 116402
medical records; 116403

(2) When disclosure is provided for in this chapter or 116404
Chapters 340. or 5119. of the Revised Code or in accordance with 116405
other provisions of state or federal law authorizing such 116406
disclosure; 116407

(3) That hospitals, boards of alcohol, drug addiction, and 116408
mental health services, and community mental health services 116409
providers may release necessary medical information to insurers 116410
and other third-party payers, including government entities 116411
responsible for processing and authorizing payment, to obtain 116412
payment for goods and services furnished to the patient; 116413

(4) Pursuant to a court order signed by a judge; 116414

(5) That a patient shall be granted access to the 116415
patient's own psychiatric and medical records, unless access 116416
specifically is restricted in a patient's treatment plan for 116417
clear treatment reasons; 116418

(6) That hospitals and other institutions and facilities 116419
within the department of ~~mental behavioral health and addiction~~ 116420
~~services~~ may exchange psychiatric records and other pertinent 116421
information with other hospitals, institutions, and facilities 116422
of the department, and with community mental health services 116423
providers and boards of alcohol, drug addiction, and mental 116424
health services with which the department has a current 116425
agreement for patient care or services. Records and information 116426
that may be released pursuant to this division shall be limited 116427
to medication history, physical health status and history, 116428
financial status, summary of course of treatment in the 116429

hospital, summary of treatment needs, and a discharge summary, 116430
if any. 116431

(7) That hospitals within the department and other 116432
institutions and facilities within the department may exchange 116433
psychiatric records and other pertinent information with payers 116434
and other providers of treatment, health services, and recovery 116435
supports if the purpose of the exchange is to facilitate 116436
continuity of care for a patient or for the emergency treatment 116437
of an individual; 116438

(8) That a patient's family member who is involved in the 116439
provision, planning, and monitoring of services to the patient 116440
may receive medication information, a summary of the patient's 116441
diagnosis and prognosis, and a list of the services and 116442
personnel available to assist the patient and the patient's 116443
family, if the patient's treating physician determines that the 116444
disclosure would be in the best interests of the patient. No 116445
such disclosure shall be made unless the patient is notified 116446
first and receives the information and does not object to the 116447
disclosure. 116448

(9) That community mental health services providers may 116449
exchange psychiatric records and certain other information with 116450
the board of alcohol, drug addiction, and mental health services 116451
and other services providers in order to provide services to a 116452
person involuntarily committed to a board. Release of records 116453
under this division shall be limited to medication history, 116454
physical health status and history, financial status, summary of 116455
course of treatment, summary of treatment needs, and discharge 116456
summary, if any. 116457

(10) That information may be disclosed to the executor or 116458
the administrator of an estate of a deceased patient when the 116459

information is necessary to administer the estate; 116460

(11) That records in the possession of the Ohio history 116461
connection may be released to the closest living relative of a 116462
deceased patient upon request of that relative; 116463

(12) That records pertaining to the patient's diagnosis, 116464
course of treatment, treatment needs, and prognosis shall be 116465
disclosed and released to the appropriate prosecuting attorney 116466
if the patient was committed pursuant to section 2945.38, 116467
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or 116468
to the attorney designated by the board for proceedings pursuant 116469
to involuntary commitment under this chapter. 116470

(13) That the department of ~~mental-behavioral health and~~ 116471
~~addiction services~~ may exchange psychiatric hospitalization 116472
records, other mental health treatment records, and other 116473
pertinent information with the department of rehabilitation and 116474
correction and with the department of youth services to ensure 116475
continuity of care for inmates or offenders who are receiving 116476
mental health services in an institution of the department of 116477
rehabilitation and correction or the department of youth 116478
services and may exchange psychiatric hospitalization records, 116479
other mental health treatment records, and other pertinent 116480
information with boards of alcohol, drug addiction, and mental 116481
health services and community mental health services providers 116482
to ensure continuity of care for inmates or offenders who are 116483
receiving mental health services in an institution and are 116484
scheduled for release within six months. The release of records 116485
under this division is limited to records regarding an inmate's 116486
or offender's medication history, physical health status and 116487
history, summary of course of treatment, summary of treatment 116488
needs, and a discharge summary, if any; 116489

(14) That records and reports relating to a person who has 116490
been deceased for fifty years or more are no longer considered 116491
confidential. 116492

(B) Before records are disclosed pursuant to divisions (A) 116493
(3), (6), and (9) of this section, the custodian of the records 116494
shall attempt to obtain the patient's consent for the 116495
disclosure. No person shall reveal the contents of a medical 116496
record of a patient except as authorized by law. 116497

(C) The managing officer of a hospital who releases 116498
necessary medical information under division (A) (3) of this 116499
section to allow an insurance carrier or other third party payor 116500
to comply with section 5121.43 of the Revised Code shall neither 116501
be subject to criminal nor civil liability. 116502

Sec. 5122.32. (A) As used in this section: 116503

(1) "Quality assurance committee" means a committee that 116504
is appointed in the central office of the department of ~~mental-~~ 116505
~~behavioral health and addiction services~~ by the director of 116506
~~mental-behavioral health and addiction services~~, a committee of 116507
a hospital or community setting program, or a duly authorized 116508
subcommittee of a committee of that nature and that is 116509
designated to carry out quality assurance program activities. 116510

(2) "Quality assurance program" means a comprehensive 116511
program within the department of ~~mental-behavioral health and-~~ 116512
~~addiction services~~ to systematically review and improve the 116513
quality of medical and mental health services within the 116514
department and its hospitals and community setting programs, the 116515
safety and security of persons receiving or administering 116516
medical and mental health services within the department and its 116517
hospitals and community setting programs, and the efficiency and 116518

effectiveness of the utilization of staff and resources in the 116519
delivery of medical and mental health services within the 116520
department and its hospitals and community setting programs. 116521
"Quality assurance program" includes the central office quality 116522
assurance committees, morbidity and mortality review committees, 116523
quality assurance programs of community setting programs, 116524
quality assurance committees of hospitals operated by the 116525
department of ~~mental-behavioral health and addiction services~~, 116526
and the office of licensure and certification of the department. 116527

(3) "Quality assurance program activities" include 116528
collecting or compiling information and reports required by a 116529
quality assurance committee, receiving, reviewing, or 116530
implementing the recommendations made by a quality assurance 116531
committee, and credentialing, privileging, infection control, 116532
tissue review, peer review, utilization review including access 116533
to patient care records, patient care assessment records, and 116534
medical and mental health records, medical and mental health 116535
resource management, mortality and morbidity review, and 116536
identification and prevention of medical or mental health 116537
incidents and risks, whether performed by a quality assurance 116538
committee or by persons who are directed by a quality assurance 116539
committee. 116540

(4) "Quality assurance records" means the proceedings, 116541
discussion, records, findings, recommendations, evaluations, 116542
opinions, minutes, reports, and other documents or actions that 116543
emanate from quality assurance committees, quality assurance 116544
programs, or quality assurance program activities. "Quality 116545
assurance records" does not include aggregate statistical 116546
information that does not disclose the identity of persons 116547
receiving or providing medical or mental health services in 116548
department of ~~mental-behavioral health and addiction services~~ 116549

hospitals or community setting programs. 116550

(B) (1) Except as provided in division (E) of this section, 116551
quality assurance records are confidential and are not public 116552
records under section 149.43 of the Revised Code, and shall be 116553
used only in the course of the proper functions of a quality 116554
assurance program. 116555

(2) Except as provided in division (E) of this section, no 116556
person who possesses or has access to quality assurance records 116557
and who knows that the records are quality assurance records 116558
shall willfully disclose the contents of the records to any 116559
person or entity. 116560

(C) (1) Except as provided in division (E) of this section, 116561
no quality assurance record shall be subject to discovery, and 116562
is not admissible in evidence, in any judicial or administrative 116563
proceeding. 116564

(2) Except as provided in division (E) of this section, no 116565
member of a quality assurance committee or a person who is 116566
performing a function that is part of a quality assurance 116567
program shall be permitted or required to testify in a judicial 116568
or administrative proceeding with respect to quality assurance 116569
records or with respect to any finding, recommendation, 116570
evaluation, opinion, or other action taken by the committee, 116571
member, or person. 116572

(3) Information, documents, or records otherwise available 116573
from original sources are not to be construed as being 116574
unavailable for discovery or admission in evidence in a judicial 116575
or administrative proceeding merely because they were presented 116576
to a quality assurance committee. No person testifying before a 116577
quality assurance committee or person who is a member of a 116578

quality assurance committee shall be prevented from testifying 116579
as to matters within the person's knowledge, but the witness 116580
cannot be asked about the witness' testimony before the quality 116581
assurance committee or about an opinion formed by the person as 116582
a result of the quality assurance committee proceedings. 116583

(D) (1) A person who, without malice and in the reasonable 116584
belief that the information is warranted by the facts known to 116585
the person, provides information to a person engaged in quality 116586
assurance program activities is not liable for damages in a 116587
civil action for injury, death, or loss to person or property to 116588
any person as a result of providing the information. 116589

(2) A member of a quality assurance committee, a person 116590
engaged in quality assurance program activities, and an employee 116591
of the department of ~~mental-behavioral health and addiction-~~ 116592
~~services~~ shall not be liable in damages in a civil action for 116593
injury, death, or loss to person or property to any person for 116594
any acts, omissions, decisions, or other conduct within the 116595
scope of the functions of the quality assurance program. 116596

(3) Nothing in this section shall relieve any institution 116597
or individual from liability arising from the treatment of a 116598
patient. 116599

(E) Quality assurance records may be disclosed, and 116600
testimony may be provided concerning quality assurance records, 116601
only to the following persons or entities: 116602

(1) Persons who are employed or retained by the department 116603
of ~~mental-behavioral health and addiction services~~ and who have 116604
authority to evaluate or implement the recommendations of a 116605
state-operated hospital, community setting program, or central 116606
office quality assurance committee; 116607

(2) Public or private agencies or organizations if needed 116608
to perform a licensing or accreditation function related to 116609
department of ~~mental-behavioral health and addiction services~~ 116610
hospitals or community setting programs, or to perform 116611
monitoring of a hospital or program of that nature as required 116612
by law. 116613

(F) A disclosure of quality assurance records pursuant to 116614
division (E) of this section does not otherwise waive the 116615
confidential and privileged status of the disclosed quality 116616
assurance records. 116617

(G) Nothing in this section shall limit the access of the 116618
Ohio protection and advocacy system to records or personnel as 116619
required under section 5123.601 of the Revised Code. Nothing in 116620
this section shall limit the admissibility of documentary or 116621
testimonial evidence in an action brought by the Ohio protection 116622
and advocacy system in its own name or on behalf of a client. 116623

Sec. 5122.33. The department of ~~mental-behavioral health~~ 116624
~~and addiction services~~ may prescribe the form of applications, 116625
reports, records, and medical certificates provided for under 116626
this chapter, and the information required to be contained 116627
therein; require reports from the chief clinical officer of any 116628
public hospital relating to the admission, examination, 116629
diagnosis, release, or discharge of any patient; visit each such 116630
hospital regularly to review the admission procedures of all new 116631
patients admitted between visits; investigate by personal visit 116632
complaints made by any patient or by any person on behalf of a 116633
patient; and adopt such rules as are reasonably necessary to 116634
effectuate the provisions of this chapter. 116635

Sec. 5122.341. (A) As used in this section: 116636

(1) "Facility or provider" means, in the context of a 116637
person committed to the department of ~~mental-behavioral health~~ 116638
~~and addiction services~~ under sections 2945.37 to 2945.402 of the 116639
Revised Code, any entity in which the department of ~~mental-~~ 116640
~~behavioral health and addiction services~~ places such a person. 116641

(2) "Person committed to the department" means a person 116642
committed to the department of ~~mental-behavioral health and-~~ 116643
~~addiction services~~ under sections 2945.37 to 2945.402 of the 116644
Revised Code. 116645

(B) No member of a board of directors, or employee, of a 116646
facility or provider in which the department of ~~mental-~~ 116647
~~behavioral health and addiction services~~ places a person 116648
committed to the department is liable for injury or damages 116649
caused by any action or inaction taken within the scope of the 116650
board member's official duties or employee's employment relating 116651
to the commitment of, and services provided to, the person 116652
committed to the department, unless the action or inaction 116653
constitutes willful or wanton misconduct. A board member's or 116654
employee's action or inaction does not constitute willful or 116655
wanton misconduct if the board member or employee acted in good 116656
faith and reasonably under the circumstances and with the 116657
knowledge reasonably attributable to the board member or 116658
employee. 116659

The immunity from liability conferred by this section is 116660
in addition to and not in limitation of any immunity conferred 116661
by any other section of the Revised Code or by judicial 116662
precedent. 116663

Sec. 5122.36. If the legal residence of a person with a 116664
mental illness is in another county of the state, the necessary 116665
expense of the person's return is a proper charge against the 116666

county of legal residence. If an adjudication and order of 116667
hospitalization by the probate court of the county of temporary 116668
residence are required, the regular probate court fees and 116669
expenses incident to the order of hospitalization under this 116670
chapter and any other expense incurred on the person's behalf 116671
shall be charged to and paid by the county of the person's legal 116672
residence upon the approval and certification of the probate 116673
judge of the county of the person's legal residence. The 116674
ordering court shall send to the probate court of the person's 116675
county of legal residence a certified copy of the commitment 116676
order from the ordering court. The receiving court shall enter 116677
and record the commitment order. The certified commitment order 116678
is prima facie evidence of the residence of the person. When the 116679
residence of the person cannot be established as represented by 116680
the ordering court, the matter of residence shall be referred to 116681
the department of ~~mental-behavioral health and addiction-~~ 116682
~~services~~ for investigation and determination. 116683

Sec. 5122.44. As used in sections 5122.44 to 5122.47 of 116684
the Revised Code: 116685

(A) "Compilation" means a written list of the following 116686
information, as the department of ~~mental-behavioral health and-~~ 116687
~~addiction-services~~ is able to reasonably ascertain, for every 116688
patient who was buried, entombed, or inurned prior to March 31, 116689
2005, in a cemetery located on the grounds of or adjacent to the 116690
grounds of a public hospital: 116691

(1) Name; 116692

(2) Date of birth; 116693

(3) Date of death or burial; 116694

(4) Specific physical location of the burial, entombment, 116695

or inurnment, including the plot or grave site number if 116696
available. 116697

(B) "Patient" means an individual who died while admitted 116698
to a public hospital that was under the control of the 116699
department of ~~mental-behavioral health-and-addiction services~~. 116700

(C) "Record" has the same meaning as in section 149.011 of 116701
the Revised Code. 116702

(D) "State agency" means every organized body, office, or 116703
agency established by the laws of the state for the exercise of 116704
any function of state government. 116705

Sec. 5122.45. The department of ~~mental-behavioral health~~ 116706
~~and addiction services~~ shall create a separate compilation for 116707
each cemetery located on the grounds of or adjacent to the 116708
grounds of a public hospital that is under the control of the 116709
department on March 31, 2005. The compilation shall be created 116710
within a reasonable time not exceeding three years after March 116711
31, 2005. The department shall use its best efforts to create 116712
the most complete compilations possible using records in the 116713
department's possession and records obtained in accordance with 116714
section 5122.46 of the Revised Code. 116715

Sec. 5122.46. The Ohio history connection and each state 116716
agency shall, at the request of the department of ~~mental-~~ 116717
~~behavioral health-and-addiction services~~, provide the department 116718
access to records and information in the possession of the Ohio 116719
history connection or state agency for purposes of creating 116720
compilations. 116721

Sec. 5122.47. The department of ~~mental-behavioral health~~ 116722
~~and addiction services~~ shall deposit a copy of each compilation 116723
with the Ohio history connection and the state library as soon 116724

as a compilation is completed. The department shall not disclose 116725
any record or information used to create a compilation except as 116726
provided in sections 149.43 and 5122.31 of the Revised Code. 116727

Sec. 5123.081. (A) As used in this section: 116728

(1) (a) "Applicant" means any of the following: 116729

(i) A person who is under final consideration for 116730
appointment to or employment with the department of 116731
developmental disabilities or a county board of developmental 116732
disabilities; 116733

(ii) A person who is being transferred to the department 116734
or a county board; 116735

(iii) An employee who is being recalled to or reemployed 116736
by the department or a county board after a layoff; 116737

(iv) A person under final consideration for a direct 116738
services position with a provider or subcontractor. 116739

(b) Neither of the following is an applicant: 116740

(i) A person who is employed by a responsible entity in a 116741
position for which a criminal records check is required by this 116742
section and either is being considered for a different position 116743
with the responsible entity or is returning after a leave of 116744
absence or seasonal break in employment, unless the responsible 116745
entity has reason to believe that the person has committed a 116746
disqualifying offense; 116747

(ii) A person who is to provide only respite care under a 116748
family support services program established under section 116749
5126.11 of the Revised Code if a family member of the individual 116750
with a developmental disability who is to receive the respite 116751
care selects the person. 116752

- (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 116753
116754
- (3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities. 116755
116756
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116758
- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A) (3) (a) to (e) of section 109.572 of the Revised Code. 116759
116760
116761
- (5) (a) "Employee" means either of the following: 116762
- (i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 116763
116764
116765
- (ii) A person employed in a direct services position by a provider or subcontractor. 116766
116767
- (b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person. 116768
116769
116770
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116772
- (6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 116773
116774
- (7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions. 116775
116776
116777
- (8) "Responsible entity" means the following: 116778
- (a) The department of developmental disabilities in the 116779

case of either of the following: 116780

(i) A person who is an applicant because the person is 116781
under final consideration for appointment to or employment with 116782
the department, being transferred to the department, or being 116783
recalled to or reemployed by the department after a layoff; 116784

(ii) A person who is an employee because the person is 116785
appointed to or employed by the department. 116786

(b) A county board of developmental disabilities in the 116787
case of either of the following: 116788

(i) A person who is an applicant because the person is 116789
under final consideration for appointment to or employment with 116790
the county board, being transferred to the county board, or 116791
being recalled to or reemployed by the county board after a 116792
layoff; 116793

(ii) A person who is an employee because the person is 116794
appointed to or employed by the county board. 116795

(c) A provider in the case of either of the following: 116796

(i) A person who is an applicant because the person is 116797
under final consideration for a direct services position with 116798
the provider; 116799

(ii) A person who is an employee because the person is 116800
employed in a direct services position by the provider. 116801

(d) A subcontractor in the case of either of the 116802
following: 116803

(i) A person who is an applicant because the person is 116804
under final consideration for a direct services position with 116805
the subcontractor; 116806

(ii) A person who is an employee because the person is 116807
employed in a direct services position by the subcontractor. 116808

(9) "Specialized services" means any program or service 116809
designed and operated to serve primarily individuals with 116810
developmental disabilities, including a program or service 116811
provided by an entity licensed or certified by the department of 116812
developmental disabilities. If there is a question as to whether 116813
a provider or subcontractor is providing specialized services, 116814
the provider or subcontractor may request that the director of 116815
developmental disabilities make a determination. The director's 116816
determination is final. 116817

(10) "Subcontractor" means a person to which both of the 116818
following apply: 116819

(a) The person has either of the following: 116820

(i) A subcontract with a provider to provide specialized 116821
services included in the contract between the provider and the 116822
department of developmental disabilities or a county board of 116823
developmental disabilities; 116824

(ii) A subcontract with another subcontractor to provide 116825
specialized services included in a subcontract between the other 116826
subcontractor and a provider or other subcontractor. 116827

(b) The person employs one or more persons in direct 116828
services positions. 116829

(B) A responsible entity shall not employ an applicant or 116830
continue to employ an employee if either of the following 116831
applies: 116832

(1) The applicant or employee fails to comply with 116833
division (D)(3) of this section. 116834

(2) Except as provided in rules adopted under this 116835
section, the applicant or employee is found by a criminal 116836
records check required by this section to have been convicted 116837
of, pleaded guilty to, or been found eligible for intervention 116838
in lieu of conviction for a disqualifying offense. 116839

(C) Before employing an applicant in a position for which 116840
a criminal records check is required by this section, a 116841
responsible entity shall require the applicant to submit a 116842
statement with the applicant's signature attesting that the 116843
applicant has not been convicted of, pleaded guilty to, or been 116844
found eligible for intervention in lieu of conviction for a 116845
disqualifying offense. The responsible entity also shall require 116846
the applicant to sign an agreement under which the applicant 116847
agrees to notify the responsible entity within fourteen calendar 116848
days if, while employed by the responsible entity, the applicant 116849
is formally charged with, is convicted of, pleads guilty to, or 116850
is found eligible for intervention in lieu of conviction for a 116851
disqualifying offense. The agreement shall provide that the 116852
applicant's failure to provide the notification may result in 116853
termination of the applicant's employment. 116854

(D) (1) As a condition of employing any applicant in a 116855
position for which a criminal records check is required by this 116856
section, a responsible entity shall request the superintendent 116857
of the bureau of criminal identification and investigation to 116858
conduct a criminal records check of the applicant. If rules 116859
adopted under this section require an employee to undergo a 116860
criminal records check, a responsible entity shall request the 116861
superintendent to conduct a criminal records check of the 116862
employee at times specified in the rules as a condition of the 116863
responsible entity's continuing to employ the employee in a 116864
position for which a criminal records check is required by this 116865

section. If an applicant or employee does not present proof that 116866
the applicant or employee has been a resident of this state for 116867
the five-year period immediately prior to the date upon which 116868
the criminal records check is requested, the responsible entity 116869
shall request that the superintendent obtain information from 116870
the federal bureau of investigation as a part of the criminal 116871
records check. If the applicant or employee presents proof that 116872
the applicant or employee has been a resident of this state for 116873
that five-year period, the responsible entity may request that 116874
the superintendent include information from the federal bureau 116875
of investigation in the criminal records check. For purposes of 116876
this division, an applicant or employee may provide proof of 116877
residency in this state by presenting, with a ~~notarized~~ 116878
statement asserting that the applicant or employee has been a 116879
resident of this state for that five-year period, a valid 116880
driver's license, notification of registration as an elector, a 116881
copy of an officially filed federal or state tax form 116882
identifying the applicant's or employee's permanent residence, 116883
or any other document the responsible entity considers 116884
acceptable. 116885

(2) A responsible entity shall do all of the following: 116886

(a) Provide to each applicant and employee for whom a 116887
criminal records check is required by this section a copy of the 116888
form prescribed pursuant to division (C)(1) of section 109.572 116889
of the Revised Code and a standard impression sheet to obtain 116890
fingerprint impressions prescribed pursuant to division (C)(2) 116891
of section 109.572 of the Revised Code; 116892

(b) Obtain the completed form and standard impression 116893
sheet from the applicant or employee; 116894

(c) Forward the completed form and standard impression 116895

sheet to the superintendent at the time the criminal records 116896
check is requested. 116897

(3) Any applicant or employee who receives pursuant to 116898
this division a copy of the form prescribed pursuant to division 116899
(C) (1) of section 109.572 of the Revised Code and a copy of the 116900
standard impression sheet prescribed pursuant to division (C) (2) 116901
of that section and who is requested to complete the form and 116902
provide a set of the applicant's or employee's fingerprint 116903
impressions shall complete the form or provide all the 116904
information necessary to complete the form and shall provide the 116905
standard impression sheet with the impressions of the 116906
applicant's or employee's fingerprints. 116907

(4) A responsible entity shall pay to the bureau of 116908
criminal identification and investigation the fee prescribed 116909
pursuant to division (C) (3) of section 109.572 of the Revised 116910
Code for each criminal records check requested and conducted 116911
pursuant to this section. 116912

(E) A responsible entity may request any other state or 116913
federal agency to supply the responsible entity with a written 116914
report regarding the criminal record of an applicant or 116915
employee. If an employee holds an occupational or professional 116916
license or other credentials, the responsible entity may request 116917
that the state or federal agency that regulates the employee's 116918
occupation or profession supply the responsible entity with a 116919
written report of any information pertaining to the employee's 116920
criminal record that the agency obtains in the course of 116921
conducting an investigation or in the process of renewing the 116922
employee's license or other credentials. The responsible entity 116923
may consider the reports when determining whether to employ the 116924
applicant or to continue to employ the employee. 116925

(F) As a condition of employing an applicant in a position 116926
for which a criminal records check is required by this section 116927
and that involves transporting individuals with developmental 116928
disabilities or operating a responsible entity's vehicles for 116929
any purpose, the responsible entity shall obtain the applicant's 116930
driving record from the bureau of motor vehicles. If rules 116931
adopted under this section require a responsible entity to 116932
obtain an employee's driving record, the responsible entity 116933
shall obtain the employee's driving record from the bureau at 116934
times specified in the rules as a condition of continuing to 116935
employ the employee. The responsible entity may consider the 116936
applicant's or employee's driving record when determining 116937
whether to employ the applicant or to continue to employ the 116938
employee. 116939

(G) A responsible entity may employ an applicant 116940
conditionally pending receipt of a report regarding the 116941
applicant requested under this section. The responsible entity 116942
shall request the report before employing the applicant 116943
conditionally. The responsible entity shall terminate the 116944
applicant's employment if it is determined from a report that 116945
the applicant failed to inform the responsible entity that the 116946
applicant had been convicted of, pleaded guilty to, or been 116947
found eligible for intervention in lieu of conviction for a 116948
disqualifying offense. 116949

(H) A responsible entity may charge an applicant a fee for 116950
costs the responsible entity incurs in obtaining a report 116951
regarding the applicant under this section if the responsible 116952
entity notifies the applicant of the amount of the fee at the 116953
time of the applicant's initial application for employment and 116954
that, unless the fee is paid, the responsible entity will not 116955
consider the applicant for employment. The fee shall not exceed 116956

the amount of the fee, if any, the responsible entity pays for 116957
the report. 116958

(I) (1) Any report obtained pursuant to this section is not 116959
a public record for purposes of section 149.43 of the Revised 116960
Code and shall not be made available to any person, other than 116961
the following: 116962

(a) The applicant or employee who is the subject of the 116963
report or the applicant's or employee's representative; 116964

(b) The responsible entity that requested the report or 116965
its representative; 116966

(c) The department if a county board, provider, or 116967
subcontractor is the responsible entity that requested the 116968
report and the department requests the responsible entity to 116969
provide a copy of the report to the department; 116970

(d) A county board if a provider or subcontractor is the 116971
responsible entity that requested the report and the county 116972
board requests the responsible entity to provide a copy of the 116973
report to the county board; 116974

(e) Any court, hearing officer, or other necessary 116975
individual involved in a case dealing with any of the following: 116976

(i) The denial of employment to the applicant or employee; 116977

(ii) The denial, suspension, or revocation of a 116978
certificate under section 5123.166 or 5123.45 of the Revised 116979
Code; 116980

(iii) A civil or criminal action regarding the medicaid 116981
program or a program the department administers. 116982

(2) An applicant or employee for whom the responsible 116983

entity has obtained reports under this section may submit a 116984
written request to the responsible entity to have copies of the 116985
reports sent to any state agency, entity of local government, or 116986
private entity. The applicant or employee shall specify in the 116987
request the agencies or entities to which the copies are to be 116988
sent. On receiving the request, the responsible entity shall 116989
send copies of the reports to the agencies or entities 116990
specified. 116991

(3) A responsible entity may request that a state agency, 116992
entity of local government, or private entity send copies to the 116993
responsible entity of any report regarding a records check or 116994
criminal records check that the agency or entity possesses, if 116995
the responsible entity obtains the written consent of the 116996
individual who is the subject of the report. 116997

(4) A responsible entity shall provide each applicant and 116998
employee with a copy of any report obtained about the applicant 116999
or employee under this section. 117000

(J) The director of developmental disabilities shall adopt 117001
rules in accordance with Chapter 119. of the Revised Code to 117002
implement this section. 117003

(1) The rules may do the following: 117004

(a) Require employees to undergo criminal records checks 117005
under this section; 117006

(b) Require responsible entities to obtain the driving 117007
records of employees under this section; 117008

(c) If the rules require employees to undergo criminal 117009
records checks, require responsible entities to obtain the 117010
driving records of employees, or both, exempt one or more 117011
classes of employees from the requirements. 117012

- (2) The rules shall do all of the following: 117013
- (a) If the rules require employees to undergo criminal 117014
records checks, require responsible entities to obtain the 117015
driving records of employees, or both, specify the times at 117016
which the criminal records checks are to be conducted and the 117017
driving records are to be obtained; 117018
- (b) Specify circumstances under which a responsible entity 117019
may employ an applicant or employee who is found by a criminal 117020
records check required by this section to have been convicted 117021
of, pleaded guilty to, or been found eligible for intervention 117022
in lieu of conviction for a disqualifying offense but meets 117023
standards in regard to rehabilitation set by the director; 117024
- (c) Require a responsible entity to request a criminal 117025
records check under this section before employing an applicant 117026
conditionally as permitted under division (G) of this section. 117027
- Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1611~~ 117028
5123.1613 of the Revised Code: 117029
- (1) "Applicant" means any of the following: 117030
- (a) The chief executive officer of a business that applies 117031
under section 5123.161 of the Revised Code for a certificate to 117032
provide supported living; 117033
- (b) The chief executive officer of a business that seeks 117034
renewal of the business's supported living certificate under 117035
section 5123.164 of the Revised Code; 117036
- (c) An individual who applies under section 5123.161 of 117037
the Revised Code for a certificate to provide supported living 117038
as an independent provider; 117039
- (d) An independent provider who seeks renewal of the 117040

independent provider's supported living certificate under 117041
section 5123.164 of the Revised Code. 117042

(2) "Business" means an association, corporation, 117043
nonprofit organization, partnership, trust, or other group of 117044
persons. "Business" does not mean an independent provider. 117045

(3) "Criminal records check" has the same meaning as in 117046
section 109.572 of the Revised Code. 117047

(4) "Disqualifying offense" means any of the offenses 117048
listed or described in divisions (A) (3) (a) to (e) of section 117049
109.572 of the Revised Code. 117050

(5) "Independent provider" means a provider who provides 117051
supported living on a self-employed basis and does not employ, 117052
directly or through contract, another person to provide the 117053
supported living. 117054

(6) "Provider" means a person or government entity 117055
certified by the director of developmental disabilities to 117056
provide supported living. For the purpose of division (A) (8) of 117057
this section, "provider" includes a person or government entity 117058
that seeks or previously held a certificate to provide supported 117059
living. 117060

(7) "Minor drug possession offense" has the same meaning 117061
as in section 2925.01 of the Revised Code. 117062

(8) "Related party" means any of the following: 117063

(a) In the case of a provider who is an individual, any of 117064
the following: 117065

(i) The spouse of the provider; 117066

(ii) A parent or stepparent of the provider or provider's 117067

spouse; 117068

(iii) A child of the provider or provider's spouse; 117069

(iv) A sibling, half sibling, or stepsibling of the 117070
provider or provider's spouse; 117071

(v) A grandparent of the provider or provider's spouse; 117072

(vi) A grandchild of the provider or provider's spouse. 117073

(b) In the case of a provider that is a person other than 117074
an individual, any of the following: 117075

(i) Any person or government entity that directly or 117076
indirectly controls the provider's day-to-day operations 117077
(including as a general manager, business manager, financial 117078
manager, administrator, or director), regardless of whether the 117079
person or government entity exercises the control pursuant to a 117080
contract or other arrangement and regardless of whether the 117081
person or government entity is required to file an Internal 117082
Revenue Code form W-2 for the provider; 117083

(ii) An officer of the provider, including the chief 117084
executive officer, president, vice-president, secretary, and 117085
treasurer; 117086

(iii) A member of the provider's board of directors or 117087
trustees; 117088

(iv) A person owning a financial interest of five per cent 117089
or more in the provider, including a direct, indirect, security, 117090
or mortgage financial interest; 117091

(v) The spouse, parent, stepparent, child, sibling, half 117092
sibling, stepsibling, grandparent, or grandchild of any of the 117093
persons specified in divisions (A) (8) (b) (i) to (iv) of this 117094

section; 117095

(vi) A person over which the provider has control of the 117096
day-to-day operation; 117097

(vii) A corporation that has a subsidiary relationship 117098
with the provider. 117099

(c) In the case of a provider that is a government entity, 117100
any of the following: 117101

(i) Any person or government entity that directly or 117102
indirectly controls the provider's day-to-day operations 117103
(including as a general manager, financial manager, 117104
administrator, or director), regardless of whether the person or 117105
government entity exercises the control pursuant to a contract 117106
or other arrangement; 117107

(ii) An officer of the provider; 117108

(iii) A member of the provider's governing board; 117109

(iv) A person or government entity over which the provider 117110
has control of the day-to-day operation. 117111

(B) No person or government entity may provide supported 117112
living without a valid supported living certificate issued by 117113
the director of developmental disabilities. 117114

(C) A county board of developmental disabilities may 117115
provide supported living only to the extent permitted by rules 117116
adopted under section 5123.1611 of the Revised Code. 117117

Sec. 5123.168. The director of developmental disabilities 117118
~~may issue an adjudication order in accordance with Chapter 119.~~ 117119
~~of the Revised Code to shall~~ terminate a supported living 117120
certificate if the certificate holder has not billed for 117121

supported living for ~~twelve~~twenty-four consecutive months. To 117122
terminate a supported living certificate under this section, the 117123
director shall send a notice by certified mail to the 117124
certificate holder at the address on file with the department of 117125
developmental disabilities explaining why the certificate is 117126
terminated. 117127

Sec. 5123.169. (A) The director of developmental 117128
disabilities shall not issue a supported living certificate to 117129
an applicant or renew an applicant's supported living 117130
certificate if either of the following applies: 117131

(1) The applicant fails to comply with division (C) (2) of 117132
this section; 117133

(2) Except as provided in rules adopted under section 117134
5123.1611 of the Revised Code, the applicant is found by a 117135
criminal records check required by this section to have been 117136
convicted of, pleaded guilty to, or been found eligible for 117137
intervention in lieu of conviction for a disqualifying offense. 117138

(B) Before issuing a supported living certificate to an 117139
applicant or renewing an applicant's supported living 117140
certificate, the director shall require the applicant to submit 117141
a statement with the applicant's signature attesting that the 117142
applicant has not been convicted of, pleaded guilty to, or been 117143
found eligible for intervention in lieu of conviction for a 117144
disqualifying offense. The director also shall require the 117145
applicant to sign an agreement under which the applicant agrees 117146
to notify the director within fourteen calendar days if, while 117147
holding a supported living certificate, the applicant is 117148
formally charged with, is convicted of, pleads guilty to, or is 117149
found eligible for intervention in lieu of conviction for a 117150
disqualifying offense. The agreement shall provide that the 117151

applicant's failure to provide the notification may result in 117152
action being taken by the director against the applicant under 117153
section 5123.166 of the Revised Code. 117154

(C) (1) As a condition of receiving a supported living 117155
certificate or having a supported living certificate renewed, an 117156
applicant shall request the superintendent of the bureau of 117157
criminal identification and investigation to conduct a criminal 117158
records check of the applicant. If an applicant does not present 117159
proof to the director that the applicant has been a resident of 117160
this state for the five-year period immediately prior to the 117161
date that the applicant applies for issuance or renewal of the 117162
supported living certificate, the director shall require the 117163
applicant to request that the superintendent obtain information 117164
from the federal bureau of investigation as a part of the 117165
criminal records check. If the applicant presents proof to the 117166
director that the applicant has been a resident of this state 117167
for that five-year period, the director may require the 117168
applicant to request that the superintendent include information 117169
from the federal bureau of investigation in the criminal records 117170
check. For purposes of this division, an applicant may provide 117171
proof of residency in this state by presenting, with a ~~notarized~~ 117172
statement asserting that the applicant has been a resident of 117173
this state for that five-year period, a valid driver's license, 117174
notification of registration as an elector, a copy of an 117175
officially filed federal or state tax form identifying the 117176
applicant's permanent residence, or any other document the 117177
director considers acceptable. 117178

(2) Each applicant shall do all of the following: 117179

(a) Obtain a copy of the form prescribed pursuant to 117180
division (C) (1) of section 109.572 of the Revised Code and a 117181

standard impression sheet prescribed pursuant to division (C) (2) 117182
of section 109.572 of the Revised Code; 117183

(b) Complete the form and provide the applicant's 117184
fingerprint impressions on the standard impression sheet; 117185

(c) Forward the completed form and standard impression 117186
sheet to the superintendent at the time the criminal records 117187
check is requested; 117188

(d) Instruct the superintendent to submit the completed 117189
report of the criminal records check directly to the director; 117190

(e) Pay to the bureau of criminal identification and 117191
investigation the fee prescribed pursuant to division (C) (3) of 117192
section 109.572 of the Revised Code for each criminal records 117193
check of the applicant requested and conducted pursuant to this 117194
section. 117195

(D) The director may request any other state or federal 117196
agency to supply the director with a written report regarding 117197
the criminal record of an applicant. The director may consider 117198
the reports when determining whether to issue a supported living 117199
certificate to the applicant or to renew an applicant's 117200
supported living certificate. 117201

(E) An applicant who seeks to be an independent provider 117202
or is an independent provider seeking renewal of the applicant's 117203
supported living certificate shall obtain the applicant's 117204
driving record from the bureau of motor vehicles and provide a 117205
copy of the record to the director if the supported living that 117206
the applicant will provide involves transporting individuals 117207
with developmental disabilities. The director may consider the 117208
applicant's driving record when determining whether to issue the 117209
applicant a supported living certificate or to renew the 117210

applicant's supported living certificate. 117211

(F) (1) A report obtained pursuant to this section is not a 117212
public record for purposes of section 149.43 of the Revised Code 117213
and shall not be made available to any person, other than the 117214
following: 117215

(a) The applicant who is the subject of the report or the 117216
applicant's representative; 117217

(b) The director or the director's representative; 117218

(c) Any court, hearing officer, or other necessary 117219
individual involved in a case dealing with any of the following: 117220

(i) The denial of a supported living certificate or 117221
refusal to renew a supported living certificate; 117222

(ii) The denial, suspension, or revocation of a 117223
certificate under section 5123.45 of the Revised Code; 117224

(iii) A civil or criminal action regarding the medicaid 117225
program. 117226

(2) An applicant for whom the director has obtained 117227
reports under this section may submit a written request to the 117228
director to have copies of the reports sent to any person or 117229
state or local government entity. The applicant shall specify in 117230
the request the person or entities to which the copies are to be 117231
sent. On receiving the request, the director shall send copies 117232
of the reports to the persons or entities specified. 117233

(3) The director may request that a person or state or 117234
local government entity send copies to the director of any 117235
report regarding a records check or criminal records check that 117236
the person or entity possesses, if the director obtains the 117237
written consent of the individual who is the subject of the 117238

report. 117239

(4) The director shall provide each applicant with a copy 117240
of any report obtained about the applicant under this section. 117241

Sec. 5123.1613. (A) A person who has been granted 117242
guardianship of an individual with a developmental disability 117243
shall not provide supported living to that individual either as 117244
an independent provider or as an employee or contractor of a 117245
supported living certificate holder unless there is a 117246
relationship by blood, adoption, or marriage between the 117247
guardian and the individual. 117248

(B) A supported living certificate holder owned or 117249
operated by a guardian of an individual with a developmental 117250
disability shall not provide supported living to that individual 117251
unless there is a relationship by blood, adoption, or marriage 117252
between the guardian and the individual. 117253

Sec. 5123.191. (A) The court of common pleas or a judge 117254
thereof in the judge's county, or the probate court, may appoint 117255
a receiver to take possession of and operate a residential 117256
facility licensed by the department of developmental 117257
disabilities, in causes pending in such courts respectively, 117258
when conditions existing at the facility present a substantial 117259
risk of physical or mental harm to residents and no other 117260
remedies at law are adequate to protect the health, safety, and 117261
welfare of the residents. Conditions at the facility that may 117262
present such risk of harm include, but are not limited to, 117263
instances when any of the following occur: 117264

(1) The residential facility is in violation of state or 117265
federal law or regulations. 117266

(2) The facility has had its license revoked or procedures 117267

for revocation have been initiated, or the facility is closing 117268
or intends to cease operations. 117269

(3) Arrangements for relocating residents need to be made. 117270

(4) Insolvency of the operator, licensee, or landowner 117271
threatens the operation of the facility. 117272

(5) The facility or operator has demonstrated a pattern 117273
and practice of repeated violations of state or federal laws or 117274
regulations. 117275

(B) A court in which a petition is filed pursuant to this 117276
section shall notify the person holding the license for the 117277
facility and the department of developmental disabilities of the 117278
filing. The court shall order the department to notify the 117279
facility owner, facility operator, county board of developmental 117280
disabilities, facility residents, and residents' parents and 117281
guardians of the filing of the petition. 117282

The court shall provide a hearing on the petition within 117283
five court days of the time it was filed, except that the court 117284
may appoint a receiver prior to that time if it determines that 117285
the circumstances necessitate such action. Following a hearing 117286
on the petition, and upon a determination that the appointment 117287
of a receiver is warranted, the court shall appoint a receiver 117288
and notify the department of developmental disabilities and 117289
appropriate persons of this action. 117290

(C) A residential facility for which a receiver has been 117291
named is deemed to be in compliance with section 5123.19 and 117292
Chapter 3721. of the Revised Code for the duration of the 117293
receivership. 117294

(D) When the operating revenue of a residential facility 117295
in receivership is insufficient to meet its operating expenses, 117296

including the cost of bringing the facility into compliance with 117297
state or federal laws or regulations, the court may order the 117298
state to provide necessary funding, except as provided in 117299
division (K) of this section. The state shall provide such 117300
funding, subject to the approval of the controlling board. The 117301
court may also order the appropriate authorities to expedite all 117302
inspections necessary for the issuance of licenses or the 117303
certification of a facility, and order a facility to be closed 117304
if it determines that reasonable efforts cannot bring the 117305
facility into substantial compliance with the law. 117306

(E) In establishing a receivership, the court shall set 117307
forth the powers and duties of the receiver. The court may 117308
generally authorize the receiver to do all that is prudent and 117309
necessary to safely and efficiently operate the residential 117310
facility within the requirements of state and federal law, but 117311
shall require the receiver to obtain court approval prior to 117312
making any single expenditure of more than five thousand dollars 117313
to correct deficiencies in the structure or furnishings of a 117314
facility. The court shall closely review the conduct of the 117315
receiver it has appointed and shall require regular and detailed 117316
reports. The receivership shall be reviewed at least every sixty 117317
days. 117318

(F) A receivership established pursuant to this section 117319
shall be terminated, following notification of the appropriate 117320
parties and a hearing, if the court determines either of the 117321
following: 117322

(1) The residential facility has been closed and the 117323
former residents have been relocated to an appropriate facility. 117324

(2) Circumstances no longer exist at the facility that 117325
present a substantial risk of physical or mental harm to 117326

residents, and there is no deficiency in the facility that is 117327
likely to create a future risk of harm. 117328

Notwithstanding division (F) (2) of this section, the court 117329
shall not terminate a receivership for a residential facility 117330
that has previously operated under another receivership unless 117331
the responsibility for the operation of the facility is 117332
transferred to an operator approved by the court and the 117333
department of developmental disabilities. 117334

(G) The department of developmental disabilities may, upon 117335
its own initiative or at the request of an owner, operator, or 117336
resident of a residential facility, or at the request of a 117337
resident's guardian or relative or a county board of 117338
developmental disabilities, petition the court to appoint a 117339
receiver to take possession of and operate a residential 117340
facility. When the department has been requested to file a 117341
petition by any of the parties listed above, it shall, within 117342
forty-eight hours of such request, either file such a petition 117343
or notify the requesting party of its decision not to file. If 117344
the department refuses to file, the requesting party may file a 117345
petition with the court requesting the appointment of a receiver 117346
to take possession of and operate a residential facility. 117347

Petitions filed pursuant to this division shall include 117348
the following: 117349

(1) A description of the specific conditions existing at 117350
the facility which present a substantial risk of physical or 117351
mental harm to residents; 117352

(2) A statement of the absence of other adequate remedies 117353
at law; 117354

(3) The number of individuals residing at the facility; 117355

(4) A statement that the facts have been brought to the 117356
attention of the owner or licensee and that conditions have not 117357
been remedied within a reasonable period of time or that the 117358
conditions, though remedied periodically, habitually exist at 117359
the facility as a pattern or practice; 117360

(5) The name and address of the person holding the license 117361
for the facility and the address of the department of 117362
developmental disabilities. 117363

The court may award to an operator appropriate costs and 117364
expenses, including reasonable attorney's fees, if it determines 117365
that a petitioner has initiated a proceeding in bad faith or 117366
merely for the purpose of harassing or embarrassing the 117367
operator. 117368

(H) Except for the department of developmental 117369
disabilities or a county board of developmental disabilities, no 117370
party or person interested in an action shall be appointed a 117371
receiver pursuant to this section. 117372

To assist the court in identifying persons qualified to be 117373
named as receivers, the director of developmental disabilities 117374
shall maintain a list of the names of such persons. The director 117375
shall, in accordance with Chapter 119. of the Revised Code, 117376
establish standards for evaluating persons desiring to be 117377
included on such a list. 117378

(I) Before a receiver enters upon the duties of that 117379
person, the receiver must be sworn to perform the duties of 117380
receiver faithfully, and, with surety approved by the court, 117381
judge, or clerk, execute a bond to such person, and in such sum 117382
as the court or judge directs, to the effect that such receiver 117383
will faithfully discharge the duties of receiver in the action, 117384

and obey the orders of the court therein. 117385

(J) Under the control of the appointing court, a receiver 117386
may bring and defend actions in the receiver's own name as 117387
receiver and take and keep possession of property. 117388

The court shall authorize the receiver to do the 117389
following: 117390

(1) Collect payment for all goods and services provided to 117391
the residents or others during the period of the receivership at 117392
the same rate as was charged by the licensee at the time the 117393
petition for receivership was filed, unless a different rate is 117394
set by the court; 117395

(2) Honor all leases, mortgages, and secured transactions 117396
governing all buildings, goods, and fixtures of which the 117397
receiver has taken possession and continues to use, subject to 117398
the following conditions: 117399

(a) In the case of a rental agreement, only to the extent 117400
of payments that are for the use of the property during the 117401
period of the receivership; 117402

(b) In the case of a purchase agreement only to the extent 117403
of payments that come due during the period of the receivership. 117404

(3) If transfer of residents is necessary, provide for the 117405
orderly transfer of residents by doing the following: 117406

(a) Cooperating with all appropriate state and local 117407
agencies in carrying out the transfer of residents to 117408
alternative community placements; 117409

(b) Providing for the transportation of residents' 117410
belongings and records; 117411

(c) Helping to locate alternative placements and develop discharge plans; 117412
117413

(d) Preparing residents for the trauma of discharge; 117414

(e) Permitting residents or guardians to participate in transfer or discharge planning except when an emergency exists and immediate transfer is necessary. 117415
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(4) Make periodic reports on the status of the residential program to the appropriate state agency, county board of developmental disabilities, parents, guardians, and residents; 117418
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(5) Compromise demands or claims; 117421

(6) Generally do such acts respecting the residential facility as the court authorizes. 117422
117423

(K) Neither the receiver nor the department of developmental disabilities is liable for debts incurred by the owner or operator of a residential facility for which a receiver has been appointed. 117424
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(L) The department of developmental disabilities may contract for the operation of a residential facility in receivership. The department shall establish the conditions of a contract. Notwithstanding any other provision of law, contracts that are necessary to carry out the powers and duties of the receiver need not be competitively bid. 117428
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(M) The department of developmental disabilities, the department of ~~job and family services~~children and youth, and the department of health shall provide technical assistance to any receiver appointed pursuant to this section. 117434
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Sec. 5123.41. As used in this section and sections 5123.42 to 5123.47 of the Revised Code: 117438
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(A) "Adult services" has the same meaning as in section 117440
5126.01 of the Revised Code. 117441

(B) "Certified supported living provider" means a person 117442
or government entity certified under section 5123.161 of the 117443
Revised Code. 117444

(C) "Drug" has the same meaning as in section 4729.01 of 117445
the Revised Code. 117446

(D) "Family member" means a parent, sibling, spouse, son, 117447
daughter, grandparent, aunt, uncle, cousin, or guardian of an 117448
individual with a developmental disability if the individual 117449
with a developmental disability lives with the person and is 117450
dependent on the person to the extent that, if the supports were 117451
withdrawn, another living arrangement would have to be found. 117452

(E) "Family support services" has the same meaning as in 117453
section 5126.01 of the Revised Code. 117454

~~(E)~~ (F) "Health-related activities" means the following: 117455

(1) Taking vital signs; 117456

(2) Application of clean dressings that do not require 117457
health assessment; 117458

(3) Basic measurement of bodily intake and output; 117459

(4) Oral suctioning; 117460

(5) Use of glucometers; 117461

(6) External urinary catheter cleaning; 117462

(7) Emptying and replacing ostomy bags; 117463

(8) Collection of specimens by noninvasive means; 117464

(9) Pulse oximetry reading; 117465

(10) Use of continuous positive airway pressure machines;	117466
(11) Application of percussion vests;	117467
(12) Use of cough assist devices and insufflators;	117468
(13) Application of prescribed compression hosiery.	117469
(F) <u>(G)</u> "Licensed health professional authorized to	117470
prescribe drugs" has the same meaning as in section 4729.01 of	117471
the Revised Code.	117472
(G) <u>(H)</u> "Metered dose inhaled medication" means a	117473
premeasured medication administered by inhalation using a hand-	117474
held dispenser or aerosol nebulizer.	117475
(H) <u>(I)</u> "Developmental disabilities personnel" means the	117476
employees and the workers under contract who provide specialized	117477
services to individuals with developmental disabilities.	117478
"Developmental disabilities personnel" includes those who	117479
provide the services as follows:	117480
(1) Through direct employment with the department of	117481
developmental disabilities or a county board of developmental	117482
disabilities;	117483
(2) Through an entity under contract with the department	117484
of developmental disabilities or a county board of developmental	117485
disabilities;	117486
(3) Through direct employment or by being under contract	117487
with private entities, including private entities that operate	117488
residential facilities.	117489
(I) <u>(J)</u> "Nursing delegation" means the process established	117490
in rules adopted by the board of nursing pursuant to Chapter	117491
4723. of the Revised Code under which a registered nurse or	117492

licensed practical nurse acting at the direction of a registered 117493
nurse transfers the performance of a particular nursing activity 117494
or task to another person who is not otherwise authorized to 117495
perform the activity or task. 117496

~~(J)~~ (K) "Over-the-counter medication" means a drug that may 117497
be sold and purchased without a prescription. 117498

~~(K)~~ (L) "Prescribed medication" means a drug that is to be 117499
administered according to the instructions of a licensed health 117500
professional authorized to prescribe drugs. 117501

~~(L)~~ (M) "Residential facility" means a facility licensed 117502
under section 5123.19 of the Revised Code. 117503

~~(M)~~ (N) "Specialized services" has the same meaning as in 117504
section 5123.50 of the Revised Code. 117505

~~(N)~~ (O) "Topical over-the-counter musculoskeletal 117506
medication" means an over-the-counter medication that is applied 117507
topically or passes through the skin to provide relief from 117508
discomfort in the muscles, joints, or bones. 117509

Sec. 5123.42. (A) Developmental disabilities personnel who 117510
are not specifically authorized by other provisions of the 117511
Revised Code to administer medications or perform health-related 117512
activities may do so pursuant to this section as part of the 117513
specialized services the developmental disabilities personnel 117514
provide to individuals with developmental disabilities in the 117515
following categories: 117516

(1) Recipients of early intervention, preschool, and 117517
school-age services offered or provided pursuant to this chapter 117518
or Chapter 5126. of the Revised Code; 117519

(2) Recipients of adult services, if the services are 117520

received in a setting where seventeen or more individuals 117521
receive the services and the services are offered or provided 117522
pursuant to this chapter or Chapter 5126. of the Revised Code; 117523

(3) Recipients of adult services, if the services are 117524
received in a setting where not more than sixteen individuals 117525
receive the services and the services are offered or provided 117526
pursuant to this chapter or Chapter 5126. of the Revised Code; 117527

(4) Recipients of family support services offered or 117528
provided pursuant to this chapter or Chapter 5126. of the 117529
Revised Code; 117530

(5) Recipients of services from certified supported living 117531
providers, if the services are offered or provided pursuant to 117532
this chapter or Chapter 5126. of the Revised Code; 117533

(6) Recipients of residential support services from 117534
certified home and community-based services providers, if the 117535
services are received in a community living arrangement that 117536
includes not more than four individuals with developmental 117537
disabilities and the services are offered or provided pursuant 117538
to this chapter or Chapter 5126. of the Revised Code; 117539

(7) Recipients of services not included in divisions (A) 117540
(1) to (6) of this section that are offered or provided pursuant 117541
to this chapter or Chapter 5126. of the Revised Code; 117542

(8) Residents of a residential facility with not more than 117543
five resident beds; 117544

(9) Residents of a residential facility with at least six 117545
resident beds. 117546

(B) (1) In the case of individuals described in divisions 117547
(A) (1) to (9) of this section, developmental disabilities 117548

personnel may do all of the following without nursing delegation 117549
and without a certificate issued under section 5123.45 of the 117550
Revised Code: 117551

(a) Activate a ~~vagal~~-vagus nerve stimulator; 117552

(b) ~~Use an epinephrine autoinjector to~~ To treat 117553
anaphylaxis, administer prescribed epinephrine either by 117554
autoinjector or intranasally; 117555

(c) Administer topical over-the-counter medications for 117556
the purpose of cleaning, protecting, or comforting the skin, 117557
hair, nails, teeth, or oral surfaces, but not for the purpose of 117558
treating an open wound or a condition that requires a medical 117559
diagnosis, including a fungal infection. 117560

(2) The authority of developmental disabilities personnel 117561
~~to activate a vagal nerve stimulator, use an epinephrine~~ 117562
~~autoinjector, and perform the health-related activity or~~ 117563
~~administer topical over-the-counter the medications described in~~ 117564
division (B) (1) of this section is subject to all of the 117565
following: 117566

(a) ~~To activate a vagal nerve stimulator or use an~~ 117567
~~epinephrine autoinjector, developmental~~ Developmental 117568
disabilities personnel shall successfully complete the training 117569
course or courses developed under section 5123.43 of the Revised 117570
Code for developmental disabilities personnel. Developmental 117571
disabilities personnel shall ~~activate a vagal nerve stimulator~~ 117572
~~or use an epinephrine autoinjector~~ perform the health-related 117573
activity or administer the medications described in division (B) 117574
(1) of this section only as authorized by the training 117575
completed. 117576

(b) The employer of developmental disabilities personnel 117577

shall ensure that the personnel have been trained specifically 117578
with respect to each individual for whom they ~~activate a vagal~~ 117579
~~nerve stimulator or use an epinephrine autoinjector~~perform the 117580
health-related activity or administer the medications described 117581
in division (B)(1) of this section. Developmental disabilities 117582
personnel shall not ~~activate a vagal nerve stimulator or use an~~ 117583
~~epinephrine autoinjector~~perform such an activity or administer 117584
such medications for any individual for whom they have not been 117585
specifically trained. 117586

(c) If the employer of developmental disabilities 117587
personnel believes that the personnel have not or will not 117588
safely ~~activate a vagal nerve stimulator or use an epinephrine~~ 117589
~~autoinjector~~perform the health-related activity or administer 117590
the medications described in division (B)(1) of this section, 117591
the employer shall prohibit the developmental disabilities 117592
personnel from continuing or commencing to do so. Developmental 117593
disabilities personnel shall not engage in the action or actions 117594
subject to an employer's prohibition. 117595

(d) Developmental disabilities personnel shall activate a 117596
~~vagal-vagus~~ nerve stimulator, ~~use an~~administer prescribed 117597
epinephrine either by autoinjector or intranasally, or 117598
administer topical over-the-counter medications in accordance 117599
with the manufacturer's instructions. 117600

(C)(1) In the case of recipients of early intervention, 117601
preschool, and school-age services, as specified in division (A) 117602
(1) of this section, all of the following apply: 117603

(a) With nursing delegation, developmental disabilities 117604
personnel may perform health-related activities. 117605

(b) With nursing delegation, developmental disabilities 117606

personnel may administer oral and topical prescribed medications 117607
and topical over-the-counter musculoskeletal medications. 117608

(c) With nursing delegation, developmental disabilities 117609
personnel may administer oxygen and metered dose inhaled 117610
medications. 117611

(d) With nursing delegation, developmental disabilities 117612
personnel may administer prescribed medications through 117613
gastrostomy and jejunostomy tubes, if the tubes being used are 117614
stable and labeled. 117615

(e) With nursing delegation, developmental disabilities 117616
personnel may administer routine doses of insulin through 117617
subcutaneous injections, inhalation, and insulin pumps. 117618

(f) With nursing delegation, developmental disabilities 117619
personnel may administer prescribed medications for the 117620
treatment of metabolic glycemc disorders through subcutaneous 117621
injections. 117622

(2) In the case of individuals described in divisions (A) 117623
(2), (7), and (9) of this section, all of the following apply: 117624

(a) With nursing delegation, developmental disabilities 117625
personnel may perform health-related activities. 117626

(b) With nursing delegation, developmental disabilities 117627
personnel may administer oral and topical prescribed medications 117628
and topical over-the-counter musculoskeletal medications. 117629

(c) With nursing delegation, developmental disabilities 117630
personnel may administer oxygen and metered dose inhaled 117631
medications. 117632

(d) With nursing delegation, developmental disabilities 117633
personnel may administer prescribed medications through 117634

gastrostomy and jejunostomy tubes, if the tubes being used are 117635
stable and labeled. 117636

(e) With nursing delegation, developmental disabilities 117637
personnel may administer routine doses of insulin through 117638
subcutaneous injections, inhalation, and insulin pumps. 117639

(f) With nursing delegation, developmental disabilities 117640
personnel may administer prescribed medications for the 117641
treatment of metabolic glyceimic disorders through subcutaneous 117642
injections. 117643

(3) In the case of individuals described in divisions (A) 117644
(3), (4), (5), (6), and (8) of this section, all of the 117645
following apply: 117646

(a) Without nursing delegation, developmental disabilities 117647
personnel may perform health-related activities. 117648

(b) Without nursing delegation, developmental disabilities 117649
personnel may administer oral and topical prescribed medications 117650
and topical over-the-counter musculoskeletal medications. 117651

(c) Without nursing delegation, developmental disabilities 117652
personnel may administer oxygen and metered dose inhaled 117653
medications. 117654

(d) With nursing delegation, developmental disabilities 117655
personnel may administer prescribed medications through 117656
gastrostomy and jejunostomy tubes, if the tubes being used are 117657
stable and labeled. 117658

(e) With nursing delegation, developmental disabilities 117659
personnel may administer routine doses of insulin through 117660
subcutaneous injections, inhalation, and insulin pumps. 117661

(f) With nursing delegation, developmental disabilities 117662

personnel may administer prescribed medications for the 117663
treatment of metabolic glyceimic disorders through subcutaneous 117664
injections. 117665

(D) The authority of developmental disabilities personnel 117666
to administer medications and perform health-related activities 117667
pursuant to division (C) of this section is subject to all of 117668
the following: 117669

(1) To administer medications or perform health-related 117670
activities for individuals in the categories specified under 117671
divisions (A) (1) to (9) of this section, developmental 117672
disabilities personnel shall obtain the certificate or 117673
certificates required by the department of developmental 117674
disabilities and issued under section 5123.45 of the Revised 117675
Code. Developmental disabilities personnel shall administer 117676
medications and perform health-related activities only as 117677
authorized by the certificate or certificates held. 117678

(2) If nursing delegation is required under division (C) 117679
of this section, developmental disabilities personnel shall not 117680
act without nursing delegation or in a manner that is 117681
inconsistent with the delegation. 117682

(3) The employer of developmental disabilities personnel 117683
shall ensure that the personnel have been trained specifically 117684
with respect to each individual for whom they administer 117685
medications or perform health-related activities. Developmental 117686
disabilities personnel shall not administer medications or 117687
perform health-related activities for any individual for whom 117688
they have not been specifically trained. 117689

(4) If the employer of developmental disabilities 117690
personnel believes that the developmental disabilities personnel 117691

have not or will not safely administer medications or perform 117692
health-related activities, the employer shall prohibit the ~~the~~ 117693
personnel from continuing or commencing to do so. Developmental 117694
disabilities personnel shall not engage in the action or actions 117695
subject to an employer's prohibition. 117696

(E) In accordance with section 5123.46 of the Revised 117697
Code, the department of developmental disabilities shall adopt 117698
rules governing its implementation of this section. The rules 117699
shall include the following: 117700

(1) Requirements for documentation of the administration 117701
of medications and performance of health-related activities by 117702
developmental disabilities personnel pursuant to the authority 117703
granted under this section; 117704

(2) Procedures for reporting errors that occur in the 117705
administration of medications and performance of health-related 117706
activities by developmental disabilities personnel pursuant to 117707
the authority granted under this section; 117708

(3) Other standards and procedures the department 117709
considers necessary for implementation of this section. 117710

Sec. 5123.423. A family member may administer medications 117711
or perform health-related activities as described in section 117712
5123.42 of the Revised Code without either of the following: 117713
nursing delegation or a certificate issued under section 5123.45 117714
of the Revised Code. 117715

Sec. 5123.47. (A) As used in this section: 117716

(1) "In-home care" means the supportive services provided 117717
within the home of an individual with a developmental disability 117718
who receives funding for the services through a county board of 117719
developmental disabilities, including any recipient of 117720

residential services funded as home and community-based 117721
services, family support services provided under section 5126.11 117722
of the Revised Code, or supported living provided in accordance 117723
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 117724
care" includes care that is provided outside an individual's 117725
home in places incidental to the home, and while traveling to 117726
places incidental to the home, except that "in-home care" does 117727
not include care provided in the facilities of a county board of 117728
developmental disabilities or care provided in schools. 117729

(2) "Parent" means either parent of a child, including an 117730
adoptive parent but not a foster parent. 117731

(3) "Unlicensed in-home care worker" means an individual 117732
who provides in-home care on a self-employed basis and does not 117733
employ, either directly or through contract, another person to 117734
provide the in-home care, but who is not a health care 117735
professional. 117736

~~(4) "Family member" means a parent, sibling, spouse, son,~~ 117737
~~daughter, grandparent, aunt, uncle, cousin, or guardian of the~~ 117738
~~individual with a developmental disability if the individual~~ 117739
~~with a developmental disability lives with the person and is~~ 117740
~~dependent on the person to the extent that, if the supports were~~ 117741
~~withdrawn, another living arrangement would have to be found.~~ 117742

~~(5)~~ "Health care professional" means any of the following: 117743

(a) A dentist who holds a valid license issued under 117744
Chapter 4715. of the Revised Code; 117745

(b) A registered or licensed practical nurse who holds a 117746
valid license issued under Chapter 4723. of the Revised Code; 117747

(c) An optometrist who holds a valid license issued under 117748
Chapter 4725. of the Revised Code; 117749

(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code; 117750
117751

(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine; 117752
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(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code; 117756
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(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code; 117758
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(h) A respiratory care professional who holds a valid license issued under Chapter 4761. of the Revised Code; 117762
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(i) A certified mental health assistant who holds a valid license issued under Chapter 4772. of the Revised Code. 117764
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~~(6)~~ (5) "Health care task" means a task that is prescribed, ordered, ~~delegated,~~ or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of ~~oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through subcutaneous injections, inhalation, and insulin pumps; and administration of prescribed medications for the treatment of metabolic glyceimic disorders through subcutaneous injections.~~ 117766
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(B) Except as provided in division ~~(E)~~ (F) of this section, a family member of an individual with a developmental disability 117777
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may authorize an unlicensed in-home care worker to perform 117779
health care tasks as part of the in-home care the worker 117780
provides to the individual, if all of the following apply: 117781

(1) The family member is the primary supervisor of the 117782
care. 117783

(2) At the time the family member both authorizes the 117784
unlicensed in-home care worker to perform health care tasks and 117785
supervises the care provided to the individual, the family 117786
member is not acting as a paid provider for the individual. 117787

(3) The unlicensed in-home care worker has been selected 117788
by the family member or the individual receiving care and is 117789
under the direct supervision of the family member. 117790

~~(3) The unlicensed in-home care worker is providing the 117791~~
~~care through an employment or other arrangement entered into 117792~~
~~directly with the family member and is not otherwise employed by 117793~~
~~or under contract with a person or government entity to provide 117794~~
~~services to individuals with developmental disabilities. 117795~~

(4) The health care task is completed in accordance with 117796
standard, written instructions. 117797

(5) Performance of the health care task requires no 117798
judgment based on specialized health care knowledge or 117799
expertise. 117800

(6) The outcome of the health care task is reasonably 117801
predictable. 117802

(7) Performance of the health care task requires no 117803
complex observation of the individual receiving the care. 117804

(8) Improper performance of the health care task will 117805
result in only minimal complications that are not life- 117806

threatening. 117807

(C) A family member who authorizes an unlicensed in-home 117808
care worker to perform health care tasks under this section 117809
shall ~~obtain~~ do all of the following: 117810

(1) Obtain a prescription, if applicable, and written 117811
instructions from a health care professional for the care to be 117812
provided to the individual. ~~The family member shall authorize;~~ 117813

(2) Authorize the unlicensed in-home care worker to 117814
provide the care by preparing a written document granting the 117815
authority. ~~The family member shall provide;~~ 117816

(3) Provide the unlicensed in-home care worker with 117817
appropriate training and written instructions in accordance with 117818
the instructions obtained from the health care professional. ~~The~~ 117819
~~family member or a health care professional shall be;~~ 117820

(4) Be available to communicate with the unlicensed in- 117821
home care worker either in person or by telecommunication while 117822
the in-home care worker performs a health care task. 117823

(D) Before an unlicensed in-home care worker may perform 117824
the health care tasks authorized by a family member under this 117825
section, the worker shall accept the written document described 117826
in division (C) (2) of this section granting the worker that 117827
authority. 117828

(E) A family member who authorizes an unlicensed in-home 117829
care worker to ~~administer oral and topical prescribed~~ 117830
~~medications or perform other~~ health care tasks retains full 117831
responsibility for the health and safety of the individual 117832
receiving the care and for ensuring that the worker provides the 117833
care appropriately and safely. No entity that funds or monitors 117834
the provision of in-home care may be held liable for the results 117835

of the care provided under this section by an unlicensed in-home care worker, including such entities as the county board of developmental disabilities and the department of developmental disabilities.

An unlicensed in-home care worker who is authorized under this section by a family member to provide care to an individual may not be held liable for any injury caused in providing the care, unless the worker provides the care in a manner that is not in accordance with the training and instructions received or the worker acts in a manner that constitutes willful or wanton misconduct.

~~(E)~~ (F) A county board of developmental disabilities may evaluate the authority granted by a family member under this section to an unlicensed in-home care worker at any time it considers necessary and shall evaluate the authority on receipt of a complaint. ~~If~~ In evaluating the authority, the board shall use appropriately licensed health care professionals.

If, after its evaluation, the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, then all of the following apply:

(1) The authorization granted by the family member to an unlicensed in-home care worker is void, ~~and the~~.

(2) The family member may not authorize other unlicensed in-home care workers to provide the care. ~~In making such a determination, the~~

(3) The board shall use ~~authorize~~ appropriately licensed health care professionals and or certified providers to instead perform the health care tasks.

(4) The board shall provide the family member an 117865
opportunity to file a complaint under section 5126.06 of the 117866
Revised Code. 117867

Sec. 5124.15. (A) Except as otherwise provided by section 117868
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of 117869
the Revised Code, and division (B) of this section, the total 117870
per medicaid day payment rate that the department of 117871
developmental disabilities shall pay to an ICF/IID provider for 117872
ICF/IID services the provider's ICF/IID provides during a fiscal 117873
year shall equal the sum of all of the following: 117874

(1) The per medicaid day capital component rate determined 117875
for the ICF/IID under section 5124.17 of the Revised Code; 117876

(2) The per medicaid day direct care costs component rate 117877
determined for the ICF/IID under section 5124.19 of the Revised 117878
Code; 117879

(3) The per medicaid day indirect care costs component 117880
rate determined for the ICF/IID under section 5124.21 of the 117881
Revised Code; 117882

(4) The per medicaid day other protected costs component 117883
rate determined for the ICF/IID under section 5124.23 of the 117884
Revised Code; 117885

(5) The sum of the following: 117886

(a) The per medicaid day quality incentive payment 117887
determined for the ICF/IID under section 5124.24 of the Revised 117888
Code; 117889

(b) A direct support personnel payment equal to two and 117890
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 117891
allowable, per medicaid day direct care costs from the 117892

applicable cost report year; 117893

(c) ~~A For state fiscal year 2026, a professional workforce~~ 117894
~~development payment equal to thirteen and fifty-five hundredths~~ 117895
~~for state fiscal year 2024 and twenty and eighty-one hundredths~~ 117896
~~during fiscal year 2025 ten and four hundred five thousandths~~ 117897
per cent of the ICF/IID's desk-reviewed, actual, allowable, per 117898
medicaid day direct care costs from the applicable cost report 117899
year. 117900

(B) The department shall adjust the total per medicaid day 117901
payment rate otherwise determined for an ICF/IID under this 117902
section as directed by the general assembly through the 117903
enactment of law governing medicaid payments to ICF/IID 117904
providers. 117905

(C) (1) In addition to paying an ICF/IID provider the total 117906
per medicaid day payment rate determined for the provider's 117907
ICF/IID under divisions (A) and (B) of this section for a fiscal 117908
year, the department may do either or both of the following: 117909

(a) In accordance with section 5124.25 of the Revised 117910
Code, pay the provider a rate add-on for ventilator-dependent 117911
outlier ICF/IID services if the rate add-on is to be paid under 117912
that section and the department approves the provider's 117913
application for the rate add-on; 117914

(b) In accordance with section 5124.26 of the Revised 117915
Code, pay the provider for outlier ICF/IID services the ICF/IID 117916
provides to residents identified as needing intensive behavioral 117917
health support services if the rate add-on is to be paid under 117918
that section and the department approves the provider's 117919
application for the rate add-on. 117920

(2) The rate add-ons are not to be part of the ICF/IID's 117921

total per medicaid day payment rate. 117922

Sec. 5126.222. (A) A superintendent of a county board of 117923
developmental disabilities shall ensure that a service and 117924
support administrator, a conditional status service and support 117925
administrator, and a service and support administration 117926
supervisor successfully completes a web-based training program 117927
established by the department of developmental disabilities not 117928
later than thirty days after being hired. The training shall 117929
include all of the following topics: 117930

(1) Empowering individuals serviced through the 117931
development of person-centered individual service plans; 117932

(2) Coordinating services; 117933

(3) Enhancing team effectiveness; 117934

(4) Understanding medicaid; 117935

(5) An overview of ICFs/IID; 117936

(6) An overview of medicaid home and community-based 117937
services waivers administered by the department of developmental 117938
disabilities and county boards of developmental disabilities, 117939
including self-directed services, budget authority, and employer 117940
authority; 117941

(7) Targeted case management; 117942

(8) Employment navigation. 117943

(B) Before a superintendent of a county board of 117944
developmental disabilities renews the certification of a service 117945
and support administrator or service and support administration 117946
supervisor, the superintendent shall ensure that the renewal 117947
applicant has successfully completed the training program 117948

described in division (A) of this section.

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Sec. 5139.05. (A) The juvenile court may commit any child to the department of youth services as authorized in Chapter 2152. of the Revised Code, provided that any child so committed shall be at least ten years of age at the time of the child's delinquent act, and, if the child is ten or eleven years of age, the delinquent act is a violation of section 2909.03 of the Revised Code or would be aggravated murder, murder, or a first or second degree felony offense of violence if committed by an adult. Any order to commit a child to an institution under the control and management of the department shall have the effect of ordering that the child be committed to the department and assigned to an institution or placed in a community corrections facility in accordance with division (E) of section 5139.36 of the Revised Code as follows:

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(1) For an indefinite term consisting of the prescribed minimum period specified by the court under division (A)(1) of section 2152.16 of the Revised Code and a maximum period not to exceed the child's attainment of twenty-one years of age, if the child was committed pursuant to section 2152.16 of the Revised Code;

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(2) Until the child's attainment of twenty-one years of age, if the child was committed for aggravated murder or murder pursuant to section 2152.16 of the Revised Code;

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(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to section 2152.17 of the Revised Code;

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(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of ~~job and family services~~ children and youth that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately.

(B) (1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth services, in accordance with section 5139.51 of the Revised Code and at any time after the end of the minimum period specified under division (A) (1) of section 2152.16 of the Revised Code, may grant the release from custody of any child committed to the department.

The order committing a child to the department of youth services shall state that the child has been adjudicated a delinquent child and state the minimum period. The jurisdiction of the court terminates at the end of the minimum period except as follows:

(a) In relation to judicial release procedures, supervision, and violations;

(b) With respect to functions of the court related to the revocation of supervised release that are specified in sections 5139.51 and 5139.52 of the Revised Code;

(c) In relation to its duties relating to serious youthful offender dispositional sentences under sections 2152.13 and 2152.14 of the Revised Code.

(2) When a child has been committed to the department under section 2152.16 of the Revised Code, the department shall retain legal custody of the child until one of the following:

(a) The department discharges the child to the exclusive management, control, and custody of the child's parent or the guardian of the child's person or, if the child is eighteen years of age or older, discharges the child.

(b) The committing court, upon its own motion, upon petition of the parent, guardian of the person, or next friend of a child, or upon petition of the department, terminates the department's legal custody of the child.

(c) The committing court grants the child a judicial release to court supervision under section 2152.22 of the Revised Code.

(d) The department's legal custody of the child is terminated automatically by the child attaining twenty-one years of age.

(e) If the child is subject to a serious youthful offender dispositional sentence, the adult portion of that dispositional sentence is imposed under section 2152.14 of the Revised Code.

(C) When a child is committed to the department of youth services, the department may assign the child to a hospital for mental, physical, and other examination, inquiry, or treatment for the period of time that is necessary. The department may remove any child in its custody to a hospital for observation, and a complete report of every observation at the hospital shall

be made in writing and shall include a record of observation, 118036
treatment, and medical history and a recommendation for future 118037
treatment, custody, and maintenance. The department shall 118038
thereupon order the placement and treatment that it determines 118039
to be most conducive to the purposes of Chapters 2151. and 5139. 118040
of the Revised Code. The committing court and all public 118041
authorities shall make available to the department all pertinent 118042
data in their possession with respect to the case. 118043

(D) Records maintained by the department of youth services 118044
pertaining to the children in its custody shall be accessible 118045
only to department employees, except by consent of the 118046
department, upon the order of the judge of a court of record, or 118047
as provided in divisions (D)(1) and (2) of this section. These 118048
records shall not be considered "public records," as defined in 118049
section 149.43 of the Revised Code. 118050

(1) Except as otherwise provided by a law of this state or 118051
the United States, the department of youth services may release 118052
records that are maintained by the department of youth services 118053
and that pertain to children in its custody to the department of 118054
rehabilitation and correction regarding persons who are under 118055
the jurisdiction of the department of rehabilitation and 118056
correction and who have previously been committed to the 118057
department of youth services. The department of rehabilitation 118058
and correction may use those records for the limited purpose of 118059
carrying out the duties of the department of rehabilitation and 118060
correction. Records released by the department of youth services 118061
to the department of rehabilitation and correction shall remain 118062
confidential and shall not be considered public records as 118063
defined in section 149.43 of the Revised Code. 118064

(2) The department of youth services shall provide to the 118065

superintendent of the school district in which a child 118066
discharged or released from the custody of the department is 118067
entitled to attend school under section 3313.64 or 3313.65 of 118068
the Revised Code the records described in divisions (D) (4) (a) to 118069
(d) of section 2152.18 of the Revised Code. Subject to the 118070
provisions of section 3319.321 of the Revised Code and the 118071
Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, as 118072
amended, the records released to the superintendent shall remain 118073
confidential and shall not be considered public records as 118074
defined in section 149.43 of the Revised Code. 118075

(E) (1) When a child is committed to the department of 118076
youth services, the department, orally or in writing, shall 118077
notify the parent, guardian, or custodian of a child that the 118078
parent, guardian, or custodian may request at any time from the 118079
superintendent of the institution in which the child is located 118080
any of the information described in divisions (E) (1) (a), (b), 118081
(c), and (d) of this section. The parent, guardian, or custodian 118082
may provide the department with the name, address, and telephone 118083
number of the parent, guardian, or custodian, and, until the 118084
department is notified of a change of name, address, or 118085
telephone number, the department shall use the name, address, 118086
and telephone number provided by the parent, guardian, or 118087
custodian to provide notices or answer inquiries concerning the 118088
following information: 118089

(a) When the department of youth services makes a 118090
permanent assignment of the child to a facility, the department, 118091
orally or in writing and on or before the third business day 118092
after the day the permanent assignment is made, shall notify the 118093
parent, guardian, or custodian of the child of the name of the 118094
facility to which the child has been permanently assigned. 118095

If a parent, guardian, or custodian of a child who is 118096
committed to the department of youth services requests, orally 118097
or in writing, the department to provide the parent, guardian, 118098
or custodian with the name of the facility in which the child is 118099
currently located, the department, orally or in writing and on 118100
or before the next business day after the day on which the 118101
request is made, shall provide the name of that facility to the 118102
parent, guardian, or custodian. 118103

(b) If a parent, guardian, or custodian of a child who is 118104
committed to the department of youth services, orally or in 118105
writing, asks the superintendent of the institution in which the 118106
child is located whether the child is being disciplined by the 118107
personnel of the institution, what disciplinary measure the 118108
personnel of the institution are using for the child, or why the 118109
child is being disciplined, the superintendent or the 118110
superintendent's designee, on or before the next business day 118111
after the day on which the request is made, shall provide the 118112
parent, guardian, or custodian with written or oral responses to 118113
the questions. 118114

(c) If a parent, guardian, or custodian of a child who is 118115
committed to the department of youth services, orally or in 118116
writing, asks the superintendent of the institution in which the 118117
child is held whether the child is receiving any medication from 118118
personnel of the institution, what type of medication the child 118119
is receiving, or what condition of the child the medication is 118120
intended to treat, the superintendent or the superintendent's 118121
designee, on or before the next business day after the day on 118122
which the request is made, shall provide the parent, guardian, 118123
or custodian with oral or written responses to the questions. 118124

(d) When a major incident occurs with respect to a child 118125

who is committed to the department of youth services, the 118126
department, as soon as reasonably possible after the major 118127
incident occurs, shall notify the parent, guardian, or custodian 118128
of the child that a major incident has occurred with respect to 118129
the child and of all the details of that incident that the 118130
department has ascertained. 118131

(2) The failure of the department of youth services to 118132
provide any notification required by or answer any requests made 118133
pursuant to division (E) of this section does not create a cause 118134
of action against the state. 118135

(F) The department of youth services, as a means of 118136
punishment while the child is in its custody, shall not prohibit 118137
a child who is committed to the department from seeing that 118138
child's parent, guardian, or custodian during standard 118139
visitation periods allowed by the department of youth services 118140
unless the superintendent of the institution in which the child 118141
is held determines that permitting that child to visit with the 118142
child's parent, guardian, or custodian would create a safety 118143
risk to that child, that child's parents, guardian, or 118144
custodian, the personnel of the institution, or other children 118145
held in that institution. 118146

(G) As used in this section: 118147

(1) "Permanent assignment" means the assignment or 118148
transfer for an extended period of time of a child who is 118149
committed to the department of youth services to a facility in 118150
which the child will receive training or participate in 118151
activities that are directed toward the child's successful 118152
rehabilitation. "Permanent assignment" does not include the 118153
transfer of a child to a facility for judicial release hearings 118154
pursuant to section 2152.22 of the Revised Code or for any other 118155

temporary assignment or transfer to a facility. 118156

(2) "Major incident" means the escape or attempted escape 118157
of a child who has been committed to the department of youth 118158
services from the facility to which the child is assigned; the 118159
return to the custody of the department of a child who has 118160
escaped or otherwise fled the custody and control of the 118161
department without authorization; the allegation of any sexual 118162
activity with a child committed to the department; physical 118163
injury to a child committed to the department as a result of 118164
alleged abuse by department staff; an accident resulting in 118165
injury to a child committed to the department that requires 118166
medical care or treatment outside the institution in which the 118167
child is located; the discovery of a controlled substance upon 118168
the person or in the property of a child committed to the 118169
department; a suicide attempt by a child committed to the 118170
department; a suicide attempt by a child committed to the 118171
department that results in injury to the child requiring 118172
emergency medical services outside the institution in which the 118173
child is located; the death of a child committed to the 118174
department; an injury to a visitor at an institution under the 118175
control of the department that is caused by a child committed to 118176
the department; and the commission or suspected commission of an 118177
act by a child committed to the department that would be an 118178
offense if committed by an adult. 118179

(3) "Sexual activity" has the same meaning as in section 118180
2907.01 of the Revised Code. 118181

(4) "Controlled substance" has the same meaning as in 118182
section 3719.01 of the Revised Code. 118183

(5) "Residential care facility" and "residential facility" 118184
have the same meanings as in section 2151.011 of the Revised 118185

Code. 118186

Sec. 5139.08. The department of youth services may enter 118187
into an agreement with the director of rehabilitation and 118188
correction pursuant to which the department of youth services, 118189
in accordance with division (C) (2) of section 5139.06 and 118190
section 5120.162 of the Revised Code, may transfer to a 118191
correctional medical center established by the department of 118192
rehabilitation and correction, children who are within its 118193
custody for diagnosis or treatment of an illness, physical 118194
condition, or other medical problem. The department of youth 118195
services may enter into any other agreements with the director 118196
of children and youth, the director of job and family services, 118197
the director of mental health and addiction services, the 118198
director of developmental disabilities, the director of 118199
rehabilitation and correction, with the courts having probation 118200
officers or other public officials, and with private agencies or 118201
institutions for separate care or special treatment of children 118202
subject to the control of the department of youth services. The 118203
department of youth services may, upon the request of a juvenile 118204
court not having a regular probation officer, provide probation 118205
services for such court. 118206

Upon request by the department of youth services, any 118207
public agency or group care facility established or administered 118208
by the state for the care and treatment of children and youth 118209
shall, consistent with its functions, accept and care for any 118210
child whose custody is vested in the department in the same 118211
manner as it would be required to do if custody had been vested 118212
by a court in such agency or group care facility. If the 118213
department has reasonable grounds to believe that any child or 118214
youth whose custody is vested in it is mentally ill or has an 118215
intellectual disability, the department may file an affidavit 118216

under section 5122.11 or 5123.76 of the Revised Code. The 118217
department's affidavit for admission of a child or youth to such 118218
institution shall be filed with the probate court of the county 118219
from which the child was committed to the department. Such court 118220
may request the probate court of the county in which the child 118221
is held to conduct the hearing on the application, in which case 118222
the court making such request shall bear the expenses of the 118223
proceeding. If the department files such an affidavit, the child 118224
or youth may be kept in such institution until a final decision 118225
on the affidavit is made by the appropriate court. 118226

Sec. 5139.34. (A) Funds may be appropriated to the 118227
department of youth services for the purpose of granting state 118228
subsidies to counties. A county or the juvenile court that 118229
serves a county shall use state subsidies granted to the county 118230
pursuant to this section only in accordance with divisions (B) 118231
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 118232
rules pertaining to the state subsidy funds that the department 118233
adopts pursuant to division (D) of section 5139.04 of the 118234
Revised Code. The department shall not grant financial 118235
assistance pursuant to this section for the provision of care 118236
and services for children in a placement facility unless the 118237
facility has been certified, licensed, or approved by a state or 118238
national agency with certification, licensure, or approval 118239
authority, including, but not limited to, the department of ~~job-~~ 118240
~~and family services~~ children and youth, department of education 118241
and workforce, department of mental health and addiction 118242
services, department of developmental disabilities, or American 118243
correctional association. For the purposes of this section, 118244
placement facilities do not include a state institution or a 118245
county or district children's home. 118246

The department of youth services also shall not grant 118247

financial assistance pursuant to this section for the provision 118248
of care and services for children, including, but not limited 118249
to, care and services in a detention facility, in another 118250
facility, or in out-of-home placement, unless the minimum 118251
standards applicable to the care and services that the 118252
department prescribes in rules adopted pursuant to division (D) 118253
of section 5139.04 of the Revised Code have been satisfied. 118254

(B) The department of youth services shall apply the 118255
following formula to determine the amount of the annual grant 118256
that each county is to receive pursuant to division (A) of this 118257
section, subject to the appropriation for this purpose to the 118258
department made by the general assembly: 118259

(1) Each county shall receive a basic annual grant of 118260
fifty thousand dollars. 118261

(2) The sum of the basic annual grants provided under 118262
division (B)(1) of this section shall be subtracted from the 118263
total amount of funds appropriated to the department of youth 118264
services for the purpose of making grants pursuant to division 118265
(A) of this section to determine the remaining portion of the 118266
funds appropriated. The remaining portion of the funds 118267
appropriated shall be distributed on a per capita basis to each 118268
county that has a population of more than twenty-five thousand 118269
for that portion of the population of the county that exceeds 118270
twenty-five thousand. 118271

(C) (1) Prior to a county's receipt of an annual grant 118272
pursuant to this section, the juvenile court that serves the 118273
county shall prepare, submit, and file in accordance with 118274
division (B)(3)(a) of section 5139.43 of the Revised Code an 118275
annual grant agreement and application for funding that is for 118276
the combined purposes of, and that satisfies the requirements 118277

of, this section and section 5139.43 of the Revised Code. In 118278
addition to the subject matters described in division (B) (3) (a) 118279
of section 5139.43 of the Revised Code or in the rules that the 118280
department adopts to implement that division, the annual grant 118281
agreement and application for funding shall address fiscal 118282
accountability and performance matters pertaining to the 118283
programs, care, and services that are specified in the agreement 118284
and application and for which state subsidy funds granted 118285
pursuant to this section will be used. 118286

(2) The county treasurer of each county that receives an 118287
annual grant pursuant to this section shall deposit the state 118288
subsidy funds so received into the county's felony delinquent 118289
care and custody fund created pursuant to division (B) (1) of 118290
section 5139.43 of the Revised Code. Subject to exceptions 118291
prescribed in section 5139.43 of the Revised Code that may apply 118292
to the disbursement, the department shall disburse the state 118293
subsidy funds to which a county is entitled in a lump sum 118294
payment that shall be made in July of each calendar year. 118295

(3) Upon an order of the juvenile court that serves a 118296
county and subject to appropriation by the board of county 118297
commissioners of that county, a county treasurer shall disburse 118298
from the county's felony delinquent care and custody fund the 118299
state subsidy funds granted to the county pursuant to this 118300
section for use only in accordance with this section, the 118301
applicable provisions of section 5139.43 of the Revised Code, 118302
and the county's approved annual grant agreement and application 118303
for funding. 118304

(4) The moneys in a county's felony delinquent care and 118305
custody fund that represent state subsidy funds granted pursuant 118306
to this section are subject to appropriation by the board of 118307

county commissioners of the county; shall be disbursed by the 118308
county treasurer as required by division (C) (3) of this section; 118309
shall be used in the manners referred to in division (C) (3) of 118310
this section; shall not revert to the county general fund at the 118311
end of any fiscal year; shall carry over in the felony 118312
delinquent care and custody fund from the end of any fiscal year 118313
to the next fiscal year; shall be in addition to, and shall not 118314
be used to reduce, any usual annual increase in county funding 118315
that the juvenile court is eligible to receive or the current 118316
level of county funding of the juvenile court and of any 118317
programs, care, or services for alleged or adjudicated 118318
delinquent children, unruly children, or juvenile traffic 118319
offenders or for children who are at risk of becoming delinquent 118320
children, unruly children, or juvenile traffic offenders; and 118321
shall not be used to pay for the care and custody of felony 118322
delinquents who are in the care and custody of an institution 118323
pursuant to a commitment, recommitment, or revocation of a 118324
release on parole by the juvenile court of that county or who 118325
are in the care and custody of a community corrections facility 118326
pursuant to a placement by the department as described in 118327
division (E) of section 5139.36 of the Revised Code. 118328

(5) As a condition of the continued receipt of state 118329
subsidy funds pursuant to this section, each county and the 118330
juvenile court that serves each county that receives an annual 118331
grant pursuant to this section shall comply with divisions (B) 118332
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 118333

Sec. 5145.32. Every officer or employee of a correctional 118334
institution under the control or supervision of the department 118335
of rehabilitation and correction, and every contractor, or 118336
employee of such contractor, upon entering the grounds of a 118337
state correctional institution, shall be subject to screening to 118338

prevent the conveyance of drugs of abuse into the institution. 118339

Sec. 5153.10. Each public children services agency shall 118340
designate an executive officer known as the "executive 118341
director," who shall not be in the classified civil service. The 118342
superintendent of the children's home, the county director of 118343
job and family services, or other individual may serve as the 118344
executive director. 118345

The agency shall, from time to time, inquire into 118346
community conditions affecting the welfare of children and study 118347
the work of the agency and its relation to the work of other 118348
organizations whose functions are related to child welfare. The 118349
agency may, after consultation with the executive director, 118350
adopt rules of general application, not inconsistent with law or 118351
with the rules adopted by the director of ~~job and family~~ 118352
~~services~~ children and youth. 118353

Sec. 5153.122. Each PCSA caseworker hired after January 1, 118354
2007, shall complete in-service training during the first year 118355
of the caseworker's continuous employment as a PCSA caseworker, 118356
except that the executive director of the public children 118357
services agency may waive the training requirement for a school 118358
of social work graduate who participated in the university 118359
partnership program described in division (E) of section 118360
~~5101.141~~ 5180.42 of the Revised Code and as provided in section 118361
5153.124 of the Revised Code. The training shall consist of 118362
courses in all of the following: 118363

(A) Recognizing, accepting reports of, and preventing 118364
child abuse, neglect, and dependency; 118365

(B) Assessing child safety; 118366

(C) Assessing risks; 118367

(D) Interviewing persons;	118368
(E) Investigating cases;	118369
(F) Intervening;	118370
(G) Providing services to children and their families;	118371
(H) The importance of and need for accurate data;	118372
(I) Preparation for court;	118373
(J) Maintenance of case record information;	118374
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	118375 118376 118377 118378 118379 118380
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	118381 118382 118383 118384
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	118385 118386 118387 118388
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of children and youth shall adopt pursuant to Chapter 119. of the Revised Code.	118389 118390 118391 118392 118393 118394

Sec. 5153.16. (A) Except as provided in section 2151.422 118395
of the Revised Code, in accordance with rules adopted under 118396
section 5153.166 of the Revised Code, and on behalf of children 118397
in the county whom the public children services agency considers 118398
to be in need of public care or protective services, the public 118399
children services agency shall do all of the following: 118400

(1) Make an investigation concerning any child alleged to 118401
be an abused, neglected, or dependent child; 118402

(2) Enter into agreements with the parent, guardian, or 118403
other person having legal custody of any child, or with the 118404
department of children and youth, department of mental health 118405
and addiction services, department of developmental 118406
disabilities, other department, any certified organization 118407
within or outside the county, or any agency or institution 118408
outside the state, having legal custody of any child, with 118409
respect to the custody, care, or placement of any child, or with 118410
respect to any matter, in the interests of the child, provided 118411
the permanent custody of a child shall not be transferred by a 118412
parent to the public children services agency without the 118413
consent of the juvenile court; 118414

(3) Enter into a contract with an agency providing 118415
prevention services in an effort to prevent neglect or abuse, to 118416
enhance a child's welfare, and to preserve the family unit 118417
intact when referring a family for prevention services under 118418
division (J) of section 2151.421 of the Revised Code. 118419

(4) Accept custody of children committed to the public 118420
children services agency by a court exercising juvenile 118421
jurisdiction; 118422

(5) Provide such care as the public children services 118423

agency considers to be in the best interests of any child 118424
adjudicated to be an abused, neglected, or dependent child the 118425
agency finds to be in need of public care or service; 118426

(6) Provide social services to any unmarried girl 118427
adjudicated to be an abused, neglected, or dependent child who 118428
is pregnant with or has been delivered of a child; 118429

(7) Make available to the children with medical handicaps 118430
program of the department of health at its request any 118431
information concerning a child with a disability found to be in 118432
need of treatment under sections 3701.021 to 3701.028 of the 118433
Revised Code who is receiving services from the public children 118434
services agency; 118435

(8) Provide temporary emergency care for any child 118436
considered by the public children services agency to be in need 118437
of such care, without agreement or commitment; 118438

(9) Find certified foster homes, within or outside the 118439
county, for the care of children, including children with 118440
disabilities from other counties attending special schools in 118441
the county; 118442

(10) Subject to the approval of the board of county 118443
commissioners and the department of children and youth, 118444
establish and operate a training school or enter into an 118445
agreement with any municipal corporation or other political 118446
subdivision of the county respecting the operation, acquisition, 118447
or maintenance of any children's home, training school, or other 118448
institution for the care of children maintained by such 118449
municipal corporation or political subdivision; 118450

(11) Acquire and operate a county children's home, 118451
establish, maintain, and operate a receiving home for the 118452

temporary care of children, or procure certified foster homes 118453
for this purpose; 118454

(12) Enter into an agreement with the trustees of any 118455
district children's home, respecting the operation of the 118456
district children's home in cooperation with the other county 118457
boards in the district; 118458

(13) Cooperate with, make its services available to, and 118459
act as the agent of persons, courts, the department of children 118460
and youth, the department of health, and other organizations 118461
within and outside the state, in matters relating to the welfare 118462
of children, except that the public children services agency 118463
shall not be required to provide supervision of or other 118464
services related to the exercise of parenting time rights 118465
granted pursuant to section 3109.051 or 3109.12 of the Revised 118466
Code or companionship or visitation rights granted pursuant to 118467
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 118468
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 118469
or a common pleas court, pursuant to division (E) (6) of section 118470
3113.31 of the Revised Code, requires the provision of 118471
supervision or other services related to the exercise of the 118472
parenting time rights or companionship or visitation rights; 118473

(14) Make investigations at the request of any 118474
superintendent of schools in the county or the principal of any 118475
school concerning the application of any child adjudicated to be 118476
an abused, neglected, or dependent child for release from 118477
school, where such service is not provided through a school 118478
attendance department; 118479

(15) Administer funds provided under Title IV-E of the 118480
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 118481
amended, in accordance with rules adopted under section ~~5101.141~~ 118482

5180.42 of the Revised Code; 118483

(16) In addition to administering Title IV-E adoption 118484
assistance funds, enter into agreements to make adoption 118485
assistance payments under section 5153.163 of the Revised Code; 118486

(17) Implement a system of safety and risk assessment, in 118487
accordance with rules adopted by the director of children and 118488
youth, to assist the public children services agency in 118489
determining the risk of abuse or neglect to a child; 118490

(18) Enter into a plan of cooperation with the board of 118491
county commissioners under section 307.983 of the Revised Code 118492
and comply with each fiscal agreement the board enters into 118493
under section 307.98 of the Revised Code that include family 118494
services duties of public children services agencies and 118495
contracts the board enters into under sections 307.981 and 118496
307.982 of the Revised Code that affect the public children 118497
services agency; 118498

(19) Make reasonable efforts to prevent the removal of an 118499
alleged or adjudicated abused, neglected, or dependent child 118500
from the child's home, eliminate the continued removal of the 118501
child from the child's home, or make it possible for the child 118502
to return home safely, except that reasonable efforts of that 118503
nature are not required when a court has made a determination 118504
under division (A) (2) of section 2151.419 of the Revised Code; 118505

(20) Make reasonable efforts to place the child in a 118506
timely manner in accordance with the permanency plan approved 118507
under division (E) of section 2151.417 of the Revised Code and 118508
to complete whatever steps are necessary to finalize the 118509
permanent placement of the child; 118510

(21) Administer a Title IV-A program identified under 118511

division (A) (4) (c) or (h) of section 5101.80 of the Revised Code 118512
that the department of children and youth provides for the 118513
public children services agency to administer under the 118514
department's supervision pursuant to section 5101.801 of the 118515
Revised Code; 118516

(22) Administer the kinship permanency incentive program 118517
created under section ~~5101.802~~ 5180.52 of the Revised Code under 118518
the supervision of the director of children and youth; 118519

(23) Provide independent living services pursuant to 118520
sections 2151.81 to 2151.84 of the Revised Code; 118521

(24) File a missing child report with a local law 118522
enforcement agency upon becoming aware that a child in the 118523
custody of the public children services agency is or may be 118524
missing. 118525

(B) The public children services agency shall use the 118526
system implemented pursuant to division (A) (17) of this section 118527
in connection with an investigation undertaken pursuant to 118528
division (G) (1) of section 2151.421 of the Revised Code to 118529
assess both of the following: 118530

(1) The ongoing safety of the child; 118531

(2) The appropriateness of the intensity and duration of 118532
the services provided to meet child and family needs throughout 118533
the duration of a case. 118534

(C) Except as provided in section 2151.422 of the Revised 118535
Code, in accordance with rules of the director of children and 118536
youth, and on behalf of children in the county whom the public 118537
children services agency considers to be in need of public care 118538
or protective services, the public children services agency may 118539
do the following: 118540

(1) Provide or find, with other child serving systems, 118541
specialized foster care for the care of children in a 118542
specialized foster home, as defined in section 5103.02 of the 118543
Revised Code, certified under section 5103.03 of the Revised 118544
Code; 118545

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 118546
this section, contract with the following for the purpose of 118547
assisting the agency with its duties: 118548

(i) County departments of job and family services; 118549

(ii) Boards of alcohol, drug addiction, and mental health 118550
services; 118551

(iii) County boards of developmental disabilities; 118552

(iv) Regional councils of political subdivisions 118553
established under Chapter 167. of the Revised Code; 118554

(v) Private and government providers of services; 118555

(vi) Managed care organizations and prepaid health plans. 118556

(b) A public children services agency contract under 118557
division (C) (2) (a) of this section regarding the agency's duties 118558
under section 2151.421 of the Revised Code may not provide for 118559
the entity under contract with the agency to perform any service 118560
not authorized by the department's rules. 118561

(c) Only a county children services board appointed under 118562
section 5153.03 of the Revised Code that is a public children 118563
services agency may contract under division (C) (2) (a) of this 118564
section. If an entity specified in division (B) or (C) of 118565
section 5153.02 of the Revised Code is the public children 118566
services agency for a county, the board of county commissioners 118567
may enter into contracts pursuant to section 307.982 of the 118568

Revised Code regarding the agency's duties. 118569

Sec. 5153.163. (A) As used in this section: 118570

(1) "Adoptive parent" means, as the context requires, a 118571
prospective adoptive parent or an adoptive parent. 118572

(2) "Relative" has the same meaning as in section ~~5101.141~~ 118573
5180.42 of the Revised Code. 118574

(B) (1) Before a child's adoption is finalized, a public 118575
children services agency may enter into an agreement with the 118576
child's adoptive parent under which the agency, to the extent 118577
state funds are available, may make state adoption maintenance 118578
subsidy payments as needed on behalf of the child when all of 118579
the following apply: 118580

(a) The child is a child with special needs. 118581

(b) The child was placed in the adoptive home by a public 118582
children services agency or a private child placing agency and 118583
may legally be adopted. 118584

(c) The adoptive parent has the capability of providing 118585
the permanent family relationships needed by the child. 118586

(d) The needs of the child are beyond the economic 118587
resources of the adoptive parent. 118588

(e) Acceptance of the child as a member of the adoptive 118589
parent's family would not be in the child's best interest 118590
without payments on the child's behalf under this section. 118591

(f) The gross income of the adoptive parent's family does 118592
not exceed one hundred twenty per cent of the median income of a 118593
family of the same size, including the child, as most recently 118594
determined for this state by the secretary of health and human 118595

services under Title XX of the "Social Security Act," 88 Stat. 118596
2337, 42 U.S.C.A. 1397, as amended. 118597

(g) The child is not eligible for adoption assistance 118598
payments under Title IV-E of the "Social Security Act," 94 Stat. 118599
501 (1980), 42 U.S.C.A. 671, as amended. 118600

(2) State adoption maintenance subsidy payment agreements 118601
must be made by either the public children services agency that 118602
has permanent custody of the child or the public children 118603
services agency of the county in which the private child placing 118604
agency that has permanent custody of the child is located. 118605

(3) State adoption maintenance subsidy payments shall be 118606
made in accordance with the agreement between the public 118607
children services agency and the adoptive parent and are subject 118608
to an annual redetermination of need. 118609

(4) Payments under this division may begin either before 118610
or after issuance of the final adoption decree, except that 118611
payments made before issuance of the final adoption decree may 118612
be made only while the child is living in the adoptive parent's 118613
home. Preadoption payments may be made for not more than twelve 118614
months, unless the final adoption decree is not issued within 118615
that time because of a delay in court proceedings. Payments that 118616
begin before issuance of the final adoption decree may continue 118617
after its issuance. 118618

(C) (1) A public children services agency may enter into an 118619
agreement with a child's relative under which the agency, to the 118620
extent state funds are available, may provide state kinship 118621
guardianship assistance as needed on behalf of the child when 118622
all of the following apply: 118623

(a) The relative has cared for the eligible child as a 118624

foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 118625
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(b) Both of the following apply: 118627

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 118628
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(ii) The relative has committed to care for the child on a permanent basis. 118632
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(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 118634
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(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 118637
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(e) Returning the child home or adoption are not appropriate permanency options for the child. 118641
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(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 118643
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(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 118646
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(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 118649
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C) (1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative.

(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C) (1) of this section and is subject to an annual redetermination of need.

~~(4) Not later than fifteen months after September 30, 2021, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall be implemented.~~

(D) No payment shall be made under division (B) or (C) of this section on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a person with a mental or physical disability twenty-one years of age or older.

(E) The director of children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

(1) The application process for all forms of assistance provided under this section;

(2) The method to determine the amount of assistance

payable under division (B) of this section; 118681

(3) The definition of "child with special needs" for this 118682
section; 118683

(4) The process whereby a child's continuing need for 118684
services provided under division (B) or (C) of this section is 118685
annually redetermined; 118686

(5) Any other rule, requirement, or procedure the 118687
department considers appropriate for the implementation of this 118688
section. 118689

(F) The state adoption special services subsidy program 118690
ceases to exist on July 1, 2004, except that, subject to the 118691
findings of the annual redetermination process established under 118692
division (E) of this section and the child's individual need for 118693
services, a public children services agency may continue to 118694
provide state adoption special services subsidy payments on 118695
behalf of a child for whom payments were being made prior to 118696
July 1, 2004. 118697

(G) Benefits and services provided under this section are 118698
inalienable whether by way of assignment, charge, or otherwise 118699
and exempt from execution, attachment, garnishment, and other 118700
like processes. 118701

Sec. 5160.25. (A) Regarding individuals with end-stage 118702
renal disease in this state, the department of medicaid shall do 118703
all of the following: 118704

(1) Evaluate medicare application requirements and review 118705
state policies and procedures related to patients who are sixty- 118706
five years of age or younger that have end-stage renal disease; 118707

(2) Review and identify whether there exist medicare 118708

eligibility gaps for individuals with end-stage renal disease; 118709

(3) Take steps to address any eligibility gaps identified 118710
under division (A) (2) of this section to improve patient access 118711
to medicare benefits; 118712

(4) Develop a process to assist patients with end-stage 118713
renal disease apply for medicare benefits. 118714

(B) Not later than September 1, 2026, the department shall 118715
prepare and submit a report to the general assembly in 118716
accordance with section 101.68 of the Revised Code. The report 118717
shall detail the department's review conducted in accordance 118718
with division (A) of this section, including the feasibility of 118719
developing a process to assist patients with end-stage renal 118720
disease apply for medicare benefits. If the department 118721
determines assisting patients apply for medicare benefits is not 118722
feasible, the report shall include the results of the 118723
department's finding and the steps the department took to reach 118724
its conclusion. 118725

Sec. 5160.37. (A) A medical assistance recipient's 118726
enrollment in a medical assistance program gives an automatic 118727
right of recovery to the department of medicaid and a county 118728
department of job and family services against the liability of a 118729
third party for the cost of medical assistance paid on behalf of 118730
the recipient. When an action or claim is brought against a 118731
third party by a medical assistance recipient, any payment, 118732
settlement or compromise of the action or claim, or any court 118733
award or judgment, is subject to the recovery right of the 118734
department of medicaid or county department. Except in the case 118735
of a medical assistance recipient who receives medical 118736
assistance through a medicaid managed care organization, the 118737
department's or county department's claim shall not exceed the 118738

amount of medical assistance paid by the department or county 118739
department on behalf of the recipient. A payment, settlement, 118740
compromise, judgment, or award that excludes the cost of medical 118741
assistance paid for by the department or county department shall 118742
not preclude a department from enforcing its rights under this 118743
section. 118744

(B) (1) In the case of a medical assistance recipient who 118745
receives medical assistance through a medicaid managed care 118746
organization that has a capitation agreement with a provider, 118747
the amount of the department's or county department's claim 118748
shall be the amount the medicaid managed care organization would 118749
have paid in the absence of a capitation agreement. 118750

(2) In the case of a medical assistance recipient who 118751
receives medical assistance through a medicaid managed care 118752
organization that does not have a capitation agreement with a 118753
provider, the amount of the department's or county department's 118754
claim shall be the amount the medicaid managed care organization 118755
pays for medical assistance rendered to the recipient, even if 118756
that amount is more than the amount the department or county 118757
department pays to the medicaid managed care organization for 118758
the recipient's medical assistance. 118759

(C) A medical assistance recipient, and the recipient's 118760
attorney, if any, shall cooperate with the departments. In 118761
furtherance of this requirement, the medical assistance 118762
recipient, or the recipient's attorney, if any, shall, not later 118763
than thirty days after initiating informal recovery activity or 118764
filing a legal recovery action against a third party, provide 118765
written notice of the activity or action to the department of 118766
medicaid or county department if it has paid for medical 118767
assistance under a medical assistance program. 118768

(D) The written notice that must be given under division 118769
(C) of this section shall disclose the identity and address of 118770
any third party against whom the medical assistance recipient 118771
has or may have a right of recovery. 118772

(E) No settlement, compromise, judgment, or award or any 118773
recovery in any action or claim by a medical assistance 118774
recipient where the department or county department has a right 118775
of recovery shall be made final without first giving the 118776
department or county department written notice as described in 118777
division (C) of this section and a reasonable opportunity to 118778
perfect its rights of recovery. If the department or county 118779
department is not given the appropriate written notice, the 118780
medical assistance recipient and, if there is one, the 118781
recipient's attorney, are liable to reimburse the department or 118782
county department for the recovery received to the extent of 118783
medical assistance payments made by the department or county 118784
department. 118785

(F) The department or county department shall be permitted 118786
to enforce its recovery rights against the third party even 118787
though it accepted prior payments in discharge of its rights 118788
under this section if, at the time the department or county 118789
department received such payments, it was not aware that 118790
additional medical expenses had been incurred but had not yet 118791
been paid by the department or county department. The third 118792
party becomes liable to the department or county department as 118793
soon as the third party is notified in writing of the valid 118794
claims for recovery under this section. 118795

(G) (1) Subject to division (G) (2) of this section, the 118796
right of recovery of the department or county department does 118797
not apply to that portion of any judgment, award, settlement, or 118798

compromise of a claim, to the extent of attorneys' fees, costs, 118799
or other expenses incurred by a medical assistance recipient in 118800
securing the judgment, award, settlement, or compromise, or to 118801
the extent of medical, surgical, and hospital expenses paid by 118802
such recipient from the recipient's own resources. 118803

(2) Reasonable attorneys' fees, not to exceed one-third of 118804
the total judgment, award, settlement, or compromise, plus costs 118805
and other expenses incurred by the medical assistance recipient 118806
in securing the judgment, award, settlement, or compromise, 118807
shall first be deducted from the total judgment, award, 118808
settlement, or compromise. After fees, costs, and other expenses 118809
are deducted from the total judgment, award, settlement, or 118810
compromise, there shall be a rebuttable presumption that the 118811
department of medicaid or county department shall receive no 118812
less than one-half of the remaining amount, or the actual amount 118813
of medical assistance paid, whichever is less. A party may rebut 118814
the presumption in accordance with division (L) (1) ~~or~~, (2), or 118815
(3) of this section, as applicable. 118816

(H) A right of recovery created by this section may be 118817
enforced separately or jointly by the department of medicaid or 118818
county department. To enforce its recovery rights, the 118819
department or county department may do any of the following: 118820

(1) Intervene or join in any action or proceeding brought 118821
by the medical assistance recipient or on the recipient's behalf 118822
against any third party who may be liable for the cost of 118823
medical assistance paid; 118824

(2) Institute and pursue legal proceedings against any 118825
third party who may be liable for the cost of medical assistance 118826
paid; 118827

(3) Initiate legal proceedings in conjunction with any 118828
injured, diseased, or disabled medical assistance recipient or 118829
the recipient's attorney or representative. 118830

(I) A medical assistance recipient shall not assess 118831
attorney fees, costs, or other expenses against the department 118832
of medicaid or a county department when the department or county 118833
department enforces its right of recovery created by this 118834
section. 118835

(J) The right of recovery given to the department under 118836
this section includes payments made by a third party under 118837
contract with a person having a duty to support. 118838

(K) The department of medicaid may assign to a medical 118839
assistance provider the right of recovery given to the 118840
department under this section with respect to any claim for 118841
which the department has notified the provider that the 118842
department intends to recoup the department's prior payment for 118843
the claim. 118844

(L) (1) Prior to any payment to the department or a county 118845
department pursuant to the department's or county department's 118846
right of recovery under this section, a party that desires to 118847
rebut the presumption in division (G) of this section shall 118848
submit to the department or county department a request for a 118849
hearing in accordance with the procedure the department 118850
establishes in rules required by division (O) of this section. 118851
The amount sought by the department or county department shall 118852
be held in escrow or in an interest on lawyers' trust account 118853
until the hearing examiner renders a decision or the case is 118854
otherwise concluded. A party successfully rebuts the presumption 118855
by a showing of clear and convincing evidence that a different 118856
allocation is warranted. 118857

(2) A medical assistance recipient who has repaid money, 118858
on or after September 29, 2007, to the department or a county 118859
department pursuant to the department's or county department's 118860
right of recovery under this section, section 5160.38 of the 118861
Revised Code, or former section 5101.58 or 5101.59 of the 118862
Revised Code may request a hearing to rebut the presumption in 118863
division (G) of this section. The request shall be made in 118864
accordance with the procedure the department establishes for 118865
this purpose in rules required by division (O) of this section. 118866
It must be made not later than one hundred eighty days after 118867
September 29, 2015, or ninety days after the payment is made, 118868
whichever is later. A party successfully rebuts the presumption 118869
by a showing of clear and convincing evidence that a different 118870
allocation is warranted. 118871

(3) A medical assistance recipient who has repaid money, 118872
between April 6, 2007 and September 28, 2007, to the department 118873
or a county department pursuant to the department's or county 118874
department's right of recovery under this section, section 118875
5160.38 of the Revised Code, or former section 5101.58 or 118876
5101.59 of the Revised Code may request a hearing to rebut the 118877
presumption in division (G) of this section. The request shall 118878
be made not later than one hundred eighty days after the 118879
effective date of this amendment in accordance with the 118880
procedure the department establishes for this purpose in rules 118881
required by division (O) of this section. The presumption is 118882
successfully rebutted if the requestor demonstrates by clear and 118883
convincing evidence that a different allocation is warranted. 118884

(4) With respect to a hearing requested under division (L) 118885
(1) ~~or~~, (2), or (3) of this section, all of the following are 118886
the case: 118887

(a) The hearing examiner may consider, but is not bound by the allocation of, medical expenses specified in a settlement agreement between the medical assistance recipient and the relevant third party;

(b) The department or county department may raise affirmative defenses during the hearing, including the existence of a prior settlement with the medical assistance recipient, the doctrine of accord and satisfaction, or the common law principle of res judicata;

(c) If the parties agree, live testimony shall not be presented at the hearing;

(d) The hearing may be governed by rules adopted under section 5160.02 of the Revised Code. If such rules are adopted, Chapter 119. of the Revised Code applies to the hearing only to the extent specified in those rules;

(e) The hearing examiner's decision is binding on the department or county department and the medical assistance recipient unless the decision is reversed or modified on appeal to the medicaid director as described in division (M) of this section;

(f) A request for a hearing may be submitted by any of the following:

(i) The medical assistance recipient;

(ii) The medical assistance recipient's authorized representative;

(iii) The executor or administrator of a medical assistance recipient's estate authorized to make or pursue a request;

(iv) A court-appointed guardian; 118916

(v) An attorney who has been directly retained by the 118917
medical assistance recipient, or the recipient's parent, legal 118918
guardian, or court-appointed guardian. 118919

(M) (1) A medical assistance recipient who disagrees with a 118920
hearing examiner's decision under division (L) of this section 118921
may file an administrative appeal with the medicaid director in 118922
accordance with the procedure the department establishes for 118923
this purpose in rules required by division (O) of this section. 118924
A hearing is not required during the administrative appeal, but 118925
the director or the director's designee shall review the hearing 118926
examiner's decision and any prior relevant administrative 118927
action. After the review, the director or the director's 118928
designee shall affirm, modify, remand, or reverse the hearing 118929
decision. A decision made under this division is final and 118930
binding on the department or county department and the medical 118931
assistance recipient unless it is reversed or modified on appeal 118932
to a court of common pleas as described in division (N) of this 118933
section. 118934

(2) An administrative appeal may be governed by rules 118935
adopted under section 5160.02 of the Revised Code. If such rules 118936
are adopted, Chapter 119. of the Revised Code applies to an 118937
administrative appeal only to the extent specified in those 118938
rules. 118939

(N) A party to an administrative appeal described in 118940
division (M) of this section may file an appeal with a court of 118941
common pleas in accordance with section 119.12 of the Revised 118942
Code. 118943

(O) The medicaid director shall adopt rules under section 118944

5160.02 of the Revised Code as necessary to implement this 118945
section, including rules establishing procedures a party may use 118946
to request a hearing under division (L) (1) ~~or~~, (2), or (3) of 118947
this section or an administrative appeal under division (M) (1) 118948
of this section. The rules shall be adopted in accordance with 118949
Chapter 119. of the Revised Code. 118950

(P) Divisions (L) to (N) of this section are remedial in 118951
nature and shall be liberally construed by the courts of this 118952
state in accordance with section 1.11 of the Revised Code. Those 118953
divisions specify the sole remedy available to a party who 118954
claims the department or a county department has received or is 118955
to receive more money than entitled to receive under this 118956
section, section 5160.38 of the Revised Code, or former section 118957
5101.58 or 5101.59 of the Revised Code. 118958

Sec. 5162.08. (A) Notwithstanding any provision of law to 118959
the contrary, and in accordance with section 5166.03 of the 118960
Revised Code, the department of medicaid shall not seek or 118961
implement an amendment to the medicaid state plan or a medicaid 118962
waiver under section 1115 or 1915 of the "Social Security Act," 118963
42 U.S.C. 1315 and 42 U.S.C. 1396n, that would expand medicaid 118964
coverage to any additional individuals or class of individuals 118965
or increase any net costs to the state, without first providing 118966
notice to the joint medicaid oversight committee and the 118967
standing committees in the house of representatives and the 118968
senate with jurisdiction over medicaid. 118969

(B) The department shall provide regular updates to those 118970
committees, on a schedule determined by the chairpersons of each 118971
committee, regarding the status of any amendment to the medicaid 118972
state plan or medicaid waiver described in division (A) of this 118973
section and shall seek input from the committees to design any 118974

amendment or waiver.

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Sec. 5162.132. ~~Annually~~ (A) Not later than the thirty-first day of December of each year, the department of medicaid shall prepare a report on the department's efforts to minimize fraud, waste, and abuse in the medicaid program. The report shall include all of the following for the most recently concluded state fiscal year:

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(1) Improper medicaid payments and expenditures, including the individual and total dollar amounts for claims that were determined to be the result of fraud, waste, or abuse;

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(2) Federal and state recovered funds, including the dollar amounts per claim and the total dollar amounts concerning fraud, waste, and abuse in the medicaid program;

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(3) Aggregate data concerning improper payments and ineligible medicaid recipients who received medicaid services as a percentage of the claims investigated or reviewed;

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(4) The number of payments made in error, the dollar amount of those payments within the medicaid program, and the number of confirmed cases of intentional program violation and fraud.

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(B) Each report shall be made available on the department's web site. The department shall submit a copy of each report to the ~~governor, general assembly, and joint medicaid oversight committee~~ and the chairpersons and ranking members of the committees of the house of representatives and senate with jurisdiction over medicaid. ~~The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. Copies of the report also shall be made available to the public on request.~~

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Sec. 5162.133. Not less than once each year, the medicaid director shall submit a report on the medicaid buy-in for workers with disabilities program to the governor, general assembly, and joint medicaid oversight committee. The copy to the general assembly shall be submitted in accordance with section 101.68 of the Revised Code. The report shall include all of the following information:

(A) The number of individuals who participated in the medicaid buy-in for workers with disabilities program;

(B) The cost of the program;

~~(C) The amount of revenue generated by premiums that participants pay under section 5163.094 of the Revised Code;~~

~~(D) The average amount of earned income of participants' families;~~

~~(E)~~ (D) The average amount of time participants have participated in the program;

~~(F)~~ (E) The types of other health insurance participants have been able to obtain.

Sec. 5162.25. (A) As used in this section:

(1) "State directed payment program" means a payment program authorized by the United States centers for medicare and medicaid services under 42 C.F.R. 438.6(c).

(2) "Preprint" means a form created by the United States centers for medicare and medicaid services to request approval of a state directed payment program, as required under 42 C.F.R. 438.6(c).

(B) (1) Except as provided in division (B) (2) or (3) of

this section, the medicaid director shall comply with this 119031
section for all new and existing state directed payment 119032
programs. 119033

(2) The medicaid director shall not establish more than 119034
fifty state directed payment programs during a fiscal biennium. 119035

(3) This section does not apply to a state directed 119036
payment program that is funded by the department of medicaid or 119037
the hospital franchise permit fee program. 119038

(C) All of the following apply to a state directed payment 119039
program that is subject to this section: 119040

(1) The program shall comply with the requirements of 42 119041
C.F.R. 438.6(c), including all of the following: 119042

(a) The program shall be approved by the United States 119043
centers for medicare and medicaid services, and the director 119044
shall seek approval for the program in accordance with section 119045
5162.07 of the Revised Code. 119046

(b) Directed payments under the program shall not exceed 119047
the average commercial rate for all providers participating 119048
under a preprint unless exempted by a value-based purchasing 119049
agreement approved by the United States centers for medicare and 119050
medicaid services. 119051

(c) The program shall be subject to an evaluation plan, in 119052
accordance with 42 C.F.R. 438.6(c) (2) (ii) (D). 119053

(2) The program shall be for hospital providers and 119054
services or professional services provided by hospitals. 119055

(3) Unless otherwise determined by the medicaid director, 119056
only one state directed payment preprint may be approved for 119057
each of the following provider classes: 119058

<u>(a) Inpatient and outpatient hospital services;</u>	119059
<u>(b) Physician services;</u>	119060
<u>(c) Children's hospitals participating in the outcomes</u>	119061
<u>acceleration for kids quality initiative.</u>	119062
<u>(D) A hospital provider participating in a state directed</u>	119063
<u>payment program shall do all of the following:</u>	119064
<u>(1) Enter into one or more contracts related to the state</u>	119065
<u>directed payment program as necessary, as determined by the</u>	119066
<u>department;</u>	119067
<u>(2) Comply with all average commercial rate reporting</u>	119068
<u>requirements established by the department, related to the</u>	119069
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);</u>	119070
<u>(3) Comply with the department's state directed payment</u>	119071
<u>quality measure set, including the metrics and targets set by</u>	119072
<u>the department for the state directed payment program to advance</u>	119073
<u>the goals and objectives specified in the department's quality</u>	119074
<u>strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42</u>	119075
<u>C.F.R. 438.340;</u>	119076
<u>(4) Cooperate with any evaluation or reporting</u>	119077
<u>requirements established by the department related to the</u>	119078
<u>requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F).</u>	119079
<u>(E) For any preprint effective for a rating period</u>	119080
<u>beginning on or after January 1, 2027, a hospital provider</u>	119081
<u>contract required under division (D) (1) of this section shall be</u>	119082
<u>executed not later than the first day of October preceding the</u>	119083
<u>first fiscal year of a biennium. A contract required under this</u>	119084
<u>section may be entered into in accordance with section 5162.32</u>	119085
<u>of the Revised Code.</u>	119086

(F) The department shall enter into an agreement with the 119087
authorized representative of each entity participating in a 119088
state directed payment program established under this section. 119089
No agreement entered into under this section shall be valid and 119090
enforceable unless the director of budget and management first 119091
certifies that there is a balance in the appropriation used to 119092
support state directed payment programs that is not already 119093
obligated under existing directed payment programs, in an amount 119094
at least equal to the cost in the current fiscal year of the 119095
state directed payment program that is the subject of the 119096
agreement. 119097

(G) (1) All funds supporting a state directed payment 119098
program shall comply with the requirements specified in 42 119099
C.F.R. 433.51. No hospital provider may participate in a state 119100
directed payment program unless sufficient funds are obligated 119101
and appropriated. 119102

(2) The department shall not at any time provide general 119103
revenue funds or other state funds for a state directed payment 119104
program that is subject to this section. The director shall 119105
terminate or decline to establish any state directed payment 119106
program if either of the following is the case: 119107

(a) Local funding is not available or sufficient to 119108
sustain the program. 119109

(b) The federal government restricts or limits the 119110
availability of federal funds to support state directed payment 119111
programs or otherwise requires the state to utilize general 119112
revenue funds or other state funds as a condition of 119113
establishing or maintaining a state directed payment program. 119114

(H) The department shall not utilize more than two per 119115

cent of funds received to support a state directed payment 119116
program established under this section, including federal 119117
financial participation, for the administration of state 119118
directed payment programs. Additionally, the department shall 119119
not utilize more than two per cent of funds received to support 119120
a state directed payment program established under this section, 119121
including federal financial participation, for the 119122
administration of the department and the medicaid program. 119123

Sec. 5163.03. (A) ~~Subject to section 5163.05 of the~~ 119124
~~Revised Code, the~~ The medicaid program shall cover all mandatory 119125
eligibility groups. 119126

(B) The medicaid program shall cover all of the optional 119127
eligibility groups that state statutes require the medicaid 119128
program to cover. 119129

(C) The medicaid program may cover any of the optional 119130
eligibility groups to which either of the following applies: 119131

(1) State statutes expressly permit the medicaid program 119132
to cover the optional eligibility group. 119133

(2) The medicaid program covers the optional eligibility 119134
group ~~on the effective date of this amendment~~ November 22, 2017. 119135

(D) The medicaid program shall not cover an optional 119136
eligibility group to which either of the following applies: 119137

(1) State statutes prohibit the medicaid program from 119138
covering the optional eligibility group. 119139

(2) Except as provided in divisions (B) and (C) (1) of this 119140
section, the medicaid program does not cover the optional 119141
eligibility group ~~on the effective date of this amendment~~ 119142
November 22, 2017. 119143

Sec. 5163.04. (A) If the federal medical assistance 119144
percentage for medical assistance provided to members of the 119145
expansion eligibility group is set below ninety per cent, the 119146
department of medicaid shall do both of the following: 119147

(1) Immediately discontinue all medical assistance for 119148
members of the group. 119149

(2) Not later than fifteen business days after the change 119150
to the federal medical assistance percentage, certify to the 119151
director of budget and management, the joint medicaid oversight 119152
committee, the president of the senate, and the speaker of the 119153
house of representatives the state and federal shares of total 119154
actual expenditure for the expansion eligibility group for the 119155
most recently completed month prior to the change. 119156

(B) (1) Except as provided in division (B) (2) of this 119157
section, the state share amount certified under division (A) (2) 119158
of this section shall be multiplied by the number of months 119159
remaining in the fiscal year. The amount calculated under this 119160
division shall remain in the general revenue fund until the end 119161
of the fiscal year, at which time the funds shall be transferred 119162
in accordance with section 131.44 of the Revised Code. 119163

(2) If the change to the federal medical assistance 119164
percentage described in division (A) of this section occurs 119165
during the first year of a fiscal biennium, the state share 119166
amount certified under division (A) (2) of this section shall be 119167
multiplied by twelve for the second year of the fiscal biennium. 119168
The amount calculated under this division shall remain in the 119169
general revenue fund until the end of the fiscal biennium, at 119170
which time the funds shall be transferred in accordance with 119171
section 131.44 of the Revised Code. 119172

Sec. 5163.091. Under the medicaid buy-in for workers with 119173
disabilities program, an individual who does ~~all~~ both of the 119174
following in accordance with rules authorized by section 119175
5163.098 of the Revised Code qualifies for the medicaid program: 119176

(A) Applies for the medicaid buy-in for workers with 119177
disabilities program; 119178

(B) Provides satisfactory evidence of all of the 119179
following: 119180

(1) That the individual is at least sixteen years of age 119181
and under sixty-five years of age; 119182

(2) Except as provided in section 5163.096 of the Revised 119183
Code, that one of the following applies to the individual: 119184

(a) The individual is considered disabled for the purpose 119185
of the supplemental security income program, regardless of 119186
whether the individual receives supplemental security income 119187
benefits, and the individual has earnings from employment. 119188

(b) The individual is an employed individual with a 119189
medically improved disability. 119190

(3) That the value of the individual's resources, less 119191
amounts disregarded pursuant to rules authorized by section 119192
5163.098 of the Revised Code, does not exceed the amount 119193
provided for by section 5163.092 of the Revised Code; 119194

(4) That the individual's income, less amounts disregarded 119195
pursuant to section 5163.093 of the Revised Code, does not 119196
exceed two hundred fifty per cent of the federal poverty line; 119197

(5) That the individual meets the additional eligibility 119198
requirements for the medicaid buy-in for workers with 119199
disabilities program established in rules authorized by section 119200

5163.098 of the Revised Code. 119201

~~(C) To the extent required by section 5163.094 of the~~ 119202
~~Revised Code, pays the premium established under that section.~~ 119203

Sec. 5163.093. For the purpose of determining whether an 119204
individual is within the income eligibility limit for the 119205
medicaid buy-in for workers with disabilities program, all of 119206
the following apply: 119207

(A) Twenty thousand dollars of the individual's earned 119208
income shall be disregarded. 119209

(B) No amount that the individual's employer pays to 119210
obtain health insurance for one or more members of the 119211
individual's family, ~~including any amount of a premium~~ 119212
~~established under section 5163.094 of the Revised Code that the~~ 119213
~~employer pays,~~ shall be treated as the individual's income. 119214

(C) Any other amounts, if any, specified in rules 119215
authorized by section 5163.098 of the Revised Code shall be 119216
disregarded from the individual's earned income, unearned 119217
income, or both. 119218

Sec. 5163.094. An individual ~~whose income exceeds one~~ 119219
~~hundred fifty per cent of the federal poverty line shall not be~~ 119220
~~required to pay an annual a premium~~ as a condition of qualifying 119221
for the medicaid buy-in for workers with disabilities program. 119222
~~The amount of the premium shall be determined as follows:~~ 119223

~~(A) Subtract one hundred fifty per cent of the federal~~ 119224
~~poverty line, as applicable for a family size equal to the size~~ 119225
~~of the individual's family, from the amount of the income of the~~ 119226
~~individual's family,~~ 119227

~~(B) Subtract an amount specified in rules authorized by~~ 119228

~~section 5163.098 of the Revised Code from the difference~~ 119229
~~determined under division (A) of this section;~~ 119230

~~(C) Multiply the difference determined under division (B)~~ 119231
~~of this section by one tenth.~~ 119232

Sec. 5163.098. (A) The medicaid director shall adopt rules 119233
under section 5163.02 of the Revised Code as necessary to 119234
implement the medicaid buy-in for workers with disabilities 119235
program. The rules shall do all of the following: 119236

(1) Specify assets, asset values, and amounts to be 119237
disregarded in determining asset and income eligibility limits 119238
for the program; 119239

(2) Establish meanings for the terms "earned income," 119240
"health insurance," "resources," "spouse," and "unearned 119241
income"; 119242

(3) Establish additional eligibility requirements for the 119243
program that must be established for the United States secretary 119244
of health and human services to approve the program; 119245

~~(4) For the purpose of division (B) of section 5163.094 of~~ 119246
~~the Revised Code, specify an amount to be subtracted from the~~ 119247
~~difference determined under division (A) of that section.~~ 119248

(B) The director may adopt rules under section 5163.02 of 119249
the Revised Code to specify amounts to be disregarded from an 119250
individual's earned income, unearned income, or both under 119251
division (C) of section 5163.093 of the Revised Code for the 119252
purpose of determining whether the individual is within the 119253
income eligibility limit for the medicaid buy-in for workers 119254
with disabilities program. 119255

Sec. 5163.104. As used in this section, "presumptive 119256

eligibility error rate" has the same meaning as in section 119257
5163.103 of the Revised Code. 119258

Quarterly, the department of medicaid shall report to the 119259
general assembly the presumptive eligibility error rate for 119260
presumptive eligibility determinations made during the previous 119261
quarter. Reports made under this section shall be submitted to 119262
the general assembly in accordance with section 101.68 of the 119263
Revised Code. 119264

Sec. 5163.11. To the extent permissible under federal law, 119265
the department of medicaid shall redetermine the eligibility of 119266
members of the expansion eligibility group for medicaid benefits 119267
every six months. 119268

Sec. 5163.30. (A) As used in this section: 119269

(1) "Assets" include all of an individual's income and 119270
resources and those of the individual's spouse, including any 119271
income or resources the individual or spouse is entitled to but 119272
does not receive because of action by any of the following: 119273

(a) The individual or spouse; 119274

(b) A person or government entity, including a court or 119275
administrative agency, with legal authority to act in place of 119276
or on behalf of the individual or spouse; 119277

(c) A person or government entity, including a court or 119278
administrative agency, acting at the direction or on the request 119279
of the individual or spouse. 119280

(2) "Home and community-based services" means home and 119281
community-based services furnished under a medicaid waiver 119282
granted by the United States secretary of health and human 119283
services under the "Social Security Act," section 1915(c) or 119284

(d), 42 U.S.C. 1396n(c) or (d). 119285

(3) "Institutionalized individual" means a resident of a 119286
nursing facility, an inpatient in a medical institution for whom 119287
a payment is made based on a level of care provided in a nursing 119288
facility, or an individual described in the "Social Security 119289
Act," section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A) 119290
(ii)(VI). 119291

(4) "Look-back date" means the date that is a number of 119292
months specified in rules adopted under section 5163.02 of the 119293
Revised Code immediately before either of the following: 119294

(a) The date an individual becomes an institutionalized 119295
individual if the individual is eligible for medicaid on that 119296
date; 119297

(b) The date an individual applies for medicaid while an 119298
institutionalized individual. 119299

(5) "Nursing facility equivalent services" means services 119300
that are covered by the medicaid program, equivalent to nursing 119301
facility services, provided by an institution that provides the 119302
same level of care as a nursing facility, and provided to an 119303
inpatient of the institution who is a medicaid recipient 119304
eligible for medicaid-covered nursing facility equivalent 119305
services. 119306

(6) "Undue hardship" means being deprived of either of the 119307
following: 119308

(a) Medical care such that an individual's health or life 119309
is endangered; 119310

(b) Food, clothing, shelter, or other necessities of life. 119311

(B) Except as provided in division (C) of this section and 119312

rules adopted under section 5163.02 of the Revised Code, an 119313
institutionalized individual is ineligible for nursing facility 119314
services, nursing facility equivalent services, and home and 119315
community-based services if the individual or individual's 119316
spouse disposes of assets for less than fair market value on or 119317
after the look-back date. The institutionalized individual's 119318
ineligibility shall begin on a date determined in accordance 119319
with rules adopted under section 5163.02 of the Revised Code and 119320
shall continue for a number of months determined in accordance 119321
with such rules. 119322

(C) (1) An institutionalized individual may be granted a 119323
waiver of all or a portion of the period of ineligibility to 119324
which the individual would otherwise be subjected under division 119325
(B) of this section if the ineligibility would cause an undue 119326
hardship for the individual. 119327

(2) An institutionalized individual ~~shall~~may be granted a 119328
waiver of all or a portion of the period of ineligibility if the 119329
administrator of the nursing facility in which the individual 119330
resides has notified the individual of a proposed transfer or 119331
discharge under section 3721.16 of the Revised Code due to 119332
failure to pay for the care the nursing facility has provided to 119333
the individual, the individual or the individual's sponsor 119334
requests a hearing on the proposed transfer or discharge in 119335
accordance with section 3721.161 of the Revised Code, and the 119336
transfer or discharge is upheld by a final determination that is 119337
not subject to further appeal. 119338

(3) An institutionalized individual may be granted a 119339
waiver of all of the period of ineligibility if all of the 119340
assets that were disposed of for less than fair market value are 119341
returned to the individual or individual's spouse or if the 119342

individual or individual's spouse receives cash or other 119343
personal or real property that equals the difference between 119344
what the individual or individual's spouse received for the 119345
assets and the fair market value of the assets. Except as 119346
provided in division (C) (1) or (2) of this section, no waiver of 119347
any part of the period of ineligibility shall be granted if the 119348
amount the individual or individual's spouse receives is less 119349
than the difference between what the individual or individual's 119350
spouse received for the assets and the fair market value of the 119351
assets. 119352

(4) Waivers shall be granted in accordance with rules 119353
adopted under section 5163.02 of the Revised Code. 119354

(D) To secure compliance with this section, the medicaid 119355
director may require an individual, as a condition of initial or 119356
continued eligibility for medicaid, to provide documentation of 119357
the individual's assets up to five years before the date the 119358
individual becomes an institutionalized individual if the 119359
individual is eligible for medicaid on that date or the date the 119360
individual applies for medicaid while an institutionalized 119361
individual. Documentation may include tax returns, records from 119362
financial institutions, and real property records. 119363

Sec. 5163.50. (A) The department of medicaid shall issue 119364
one or more requests for information relating to medicaid 119365
eligibility data and operations to identify and assess systems 119366
and solutions that may be available to improve or augment the 119367
management, efficiency, frequency, and accuracy of medicaid 119368
eligibility determinations and processing. The requests for 119369
information shall include systems and data relating to all of 119370
the following: 119371

(1) Medicaid enrollee or applicant identity verification; 119372

<u>(2) Medicaid enrollee death verification;</u>	119373
<u>(3) Employment and wages;</u>	119374
<u>(4) Lottery winnings;</u>	119375
<u>(5) Residency verification including residency relating to</u>	119376
<u>concurrent enrollment in medicaid programs in other states;</u>	119377
<u>(6) Household composition;</u>	119378
<u>(7) Medicaid enrollee incarceration status;</u>	119379
<u>(8) Third-party liability verification;</u>	119380
<u>(9) Asset verification;</u>	119381
<u>(10) Any other records or systems the department considers</u>	119382
<u>appropriate in order to strengthen program integrity, reduce</u>	119383
<u>costs, and reduce fraud, waste, and abuse in the medicaid</u>	119384
<u>program.</u>	119385
<u>(B) As part of the considerations under division (A) of</u>	119386
<u>this section, the department shall consider augmenting existing</u>	119387
<u>vendor arrangements relating to processing and managing medicaid</u>	119388
<u>eligibility cases.</u>	119389
<u>(C) The department may procure one or more vendors to</u>	119390
<u>implement any solutions identified as cost effective and</u>	119391
<u>feasible. Any vendor compensation under this section shall be</u>	119392
<u>performance-based.</u>	119393
<u>Sec. 5164.093.</u> <u>(A) As used in this section, "rapid whole</u>	119394
<u>genome sequencing" means an investigation of the entire human</u>	119395
<u>genome, including coding and non-coding regions and</u>	119396
<u>mitochondrial deoxyribonucleic acid, to identify disease-causing</u>	119397
<u>genetic changes, and includes patient-only whole genome</u>	119398
<u>sequencing and duo and trio whole genome sequencing of the</u>	119399

patient and biological parent or parents. 119400

(B) Beginning one year after the effective date of this 119401
section, and subject to approval from the centers for medicare 119402
and medicaid services, the medicaid program shall reimburse 119403
medicaid providers for rapid whole genome sequencing for 119404
patients who are Medicaid recipients and meet all of the 119405
following criteria: 119406

(1) The patient is under one year of age. 119407

(2) The patient has a complex or acute illness of unknown 119408
etiology that is not confirmed to be caused by an environmental 119409
exposure, toxic ingestion, infection with normal response to 119410
therapy, or trauma. 119411

(3) The patient is receiving hospital services in an 119412
intensive care unit or other high acuity care unit within a 119413
hospital. 119414

(C) A laboratory performing the rapid whole genome 119415
sequencing provided pursuant to this section shall return the 119416
preliminary positive results within seven days and final results 119417
within fifteen days from the date of receipt of the sample. 119418

(D) Payment provided pursuant to this section may be 119419
subject to any of the following evidence-based medical necessity 119420
criteria: 119421

(1) The patient has symptoms that suggest a broad 119422
differential diagnosis that would require an evaluation by 119423
multiple genetic tests if rapid whole genome sequencing is not 119424
performed. 119425

(2) The patient's treating health care provider has 119426
determined that timely identification of a molecular diagnosis 119427

is necessary to guide clinical decision-making and testing 119428
results may guide the treatment or management of the patient's 119429
condition. 119430

(3) The patient has a family genetic history related to 119431
the patient's condition. 119432

(4) The patient has a complex or acute illness of unknown 119433
etiology including at least one of the following conditions: 119434

(a) Congenital anomalies involving at least two organ 119435
systems or complex or multiple congenital anomalies in one organ 119436
system; 119437

(b) Specific organ malformations highly suggestive of a 119438
genetic etiology; 119439

(c) Abnormal laboratory tests or abnormal chemistry 119440
profiles suggesting the presence of a genetic disease, complex 119441
metabolic disorder, or inborn error of metabolism; 119442

(d) Refractory or severe hypoglycemia or hyperglycemia; 119443

(e) Abnormal response to therapy related to an underlying 119444
medical condition affecting vital organs or bodily systems; 119445

(f) Severe muscle weakness, rigidity, or spasticity; 119446

(g) A high-risk stratification for a brief, resolved, 119447
unexplained, and recurrent event that is any of the following: 119448

(i) An event without respiratory infection; 119449

(ii) A witnessed seizure-like event; 119450

(iii) A cardiopulmonary resuscitation event. 119451

(h) Refractory seizures; 119452

(i) Abnormal cardiac diagnostic testing results suggestive 119453

of possible channelopathies, arrhythmias, cardiomyopathies, 119454
myocarditis, or structural heart disease; 119455

(j) Abnormal diagnostic imaging studies suggestive of an 119456
underlying genetic condition; 119457

(k) Abnormal physiologic function studies suggestive of an 119458
underlying genetic etiology. 119459

(E) The director may add conditions to those specified in 119460
division (D) (4) of this section based on new medical evidence 119461
and may provide coverage for rapid whole genome sequencing or 119462
other next-generation sequencing and genetic testing in addition 119463
to the reimbursement required under this section. 119464

(F) (1) Except as provided in division (F) (2) of this 119465
section, genetic data generated as a result of performing rapid 119466
whole genome sequencing pursuant to this section shall have a 119467
primary use of assisting the ordering health care professional 119468
and treating care team to diagnose and treat the patient, and as 119469
protected health information it shall be subject to the 119470
requirements applicable to protected health information set 119471
forth in the "Health Insurance Portability and Accountability 119472
Act of 1996," 42 U.S.C. 1320d et seq., the "Health Information 119473
Technology for Economic and Clinical Health Act of 2009," 42 119474
U.S.C. 17921 et seq., and any other applicable law regarding 119475
protected health information. 119476

(2) Genetic data generated from rapid whole genome 119477
sequencing reimbursed under this section can be used in 119478
scientific research if consent for such use of the data has been 119479
expressly given by the patient's legal guardian. The patient, 119480
the patient's legal guardian, or the patient's health care 119481
provider with the patient or the patient's guardian's consent, 119482

may request access to the results of the testing for use in 119483
other clinical settings. A health care provider may only charge 119484
a fee to the patient based on the direct costs of producing the 119485
results in a format usable in other clinical settings. A patient 119486
or a patient's legal guardian shall have the right to rescind 119487
the original consent to the use of the data in scientific 119488
research at any time, and upon receipt of a written revocation 119489
of the consent the health care provider or other entity using 119490
the data shall cease use and expunge the data from any data 119491
repository where it is held. 119492

(G) The director shall take any actions necessary to 119493
implement the provisions of this section, including: 119494

(1) Adopting rules authorized by section 5166.02 of the 119495
Revised Code; 119496

(2) Any other administrative action determined to be 119497
necessary to implement the requirements of this section. 119498

Sec. 5165.192. (A) (1) Except as provided in division (B) 119499
of this section and in accordance with the process specified in 119500
rules authorized by this section, the department of medicaid 119501
shall do all of the following: 119502

(a) Every quarter, determine the following two case-mix 119503
scores for each nursing facility: 119504

(i) A quarterly case-mix score that includes each resident 119505
who is a medicaid recipient and is not a low case-mix resident; 119506

(ii) A quarterly case-mix score that includes each 119507
resident regardless of payment source. 119508

(b) Every six months, determine a semiannual average case- 119509
mix score for each nursing facility by using the quarterly case- 119510

mix scores determined for the nursing facility pursuant to 119511
division (A) (1) (a) (i) of this section; 119512

(c) After the end of each calendar year, determine an 119513
annual average case-mix score for each nursing facility by using 119514
the quarterly case-mix scores determined for the nursing 119515
facility pursuant to division (A) (1) (a) (ii) of this section. 119516

(2) When determining case-mix scores under division (A) (1) 119517
of this section, the department shall use all of the following: 119518

(a) Data from a resident assessment instrument specified 119519
in rules authorized by section 5165.191 of the Revised Code; 119520

(b) Except as provided in rules authorized by this 119521
section, the case-mix values established by the United States 119522
department of health and human services; 119523

(c) Except as modified in rules authorized by this 119524
section, the grouper methodology used on ~~June 30, 1999~~ October 1, 119525
2019, for the patient driven payment model nursing index, by the 119526
United States department of health and human services for 119527
prospective payment of skilled nursing facilities under the 119528
medicare program. 119529

(B) (1) Subject to division (B) (2) of this section, the 119530
department, for one or more months of a calendar quarter, may 119531
assign to a nursing facility a case-mix score that is five per 119532
cent less than the nursing facility's case-mix score for the 119533
immediately preceding calendar quarter if any of the following 119534
apply: 119535

(a) The provider does not timely submit complete and 119536
accurate resident assessment data necessary to determine the 119537
nursing facility's case-mix score for the calendar quarter; 119538

(b) The nursing facility was subject to an exception 119539
review under section 5165.193 of the Revised Code for the 119540
immediately preceding calendar quarter; 119541

(c) The nursing facility was assigned a case-mix score for 119542
the immediately preceding calendar quarter. 119543

(2) Before assigning a case-mix score to a nursing 119544
facility due to the submission of incorrect resident assessment 119545
data, the department shall permit the provider to correct the 119546
data. The department may assign the case-mix score if the 119547
provider fails to submit the corrected resident assessment data 119548
not later than the earlier of the forty-fifth day after the end 119549
of the calendar quarter to which the data pertains or the 119550
deadline for submission of such corrections established by 119551
regulations adopted by the United States department of health 119552
and human services under Title XVIII and Title XIX. 119553

(3) If, for more than six months in a calendar year, a 119554
provider is paid a rate determined for a nursing facility using 119555
a case-mix score assigned to the nursing facility under division 119556
(B) (1) of this section, the department may assign the nursing 119557
facility a cost per case-mix unit that is five per cent less 119558
than the nursing facility's actual or assigned cost per case-mix 119559
unit for the immediately preceding calendar year. The department 119560
may use the assigned cost per case-mix unit, instead of 119561
determining the nursing facility's actual cost per case-mix unit 119562
in accordance with section 5165.19 of the Revised Code, to 119563
establish the nursing facility's rate for direct care costs for 119564
the fiscal year immediately following the calendar year for 119565
which the cost per case-mix unit is assigned. 119566

(4) The department shall take action under division (B) 119567
(1), (2), or (3) of this section only in accordance with rules 119568

authorized by this section. The department shall not take an 119569
action that affects rates for prior payment periods except in 119570
accordance with sections 5165.41 and 5165.42 of the Revised 119571
Code. 119572

(C) The medicaid director shall adopt rules under section 119573
5165.02 of the Revised Code as necessary to implement this 119574
section. 119575

(1) The rules shall do all of the following: 119576

(a) Specify the process for determining the semiannual and 119577
annual average case-mix scores for nursing facilities; 119578

~~(b) Adjust the case-mix values specified in division (A)~~ 119579
~~(2)(b) of this section to reflect changes in relative wage~~ 119580
~~differentials that are specific to this state;~~ 119581

~~(c) Express all of those case-mix values in numeric terms~~ 119582
~~that are different from the terms specified by the United States~~ 119583
~~department of health and human services but that do not alter~~ 119584
~~the relationship of the case-mix values to one another;~~ 119585

~~(d)~~ Modify the grouper methodology specified in division 119586
(A) (2) (c) of this section as follows: 119587

~~(i) Establish a different hierarchy for assigning~~ 119588
~~residents to case-mix categories under the methodology;~~ 119589

~~(ii) Allow the use of the index maximizer element of the~~ 119590
~~methodology;~~ 119591

~~(iii) Incorporate changes to the grouper methodology for~~ 119592
~~the patient driven payment model nursing index used by the~~ 119593
~~United States department of health and human services makes~~ 119594
~~after June 30, 1999~~ on October 1, 2019, for prospective payment 119595
of skilled nursing facilities under the medicare program; 119596

~~(iv)~~ (ii) Make other changes the department determines are necessary. 119597
119598

~~(e)~~ (c) Establish procedures under which resident 119599
assessment data shall be reviewed for accuracy and providers 119600
shall be notified of any data that requires correction; 119601

~~(f)~~ (d) Establish procedures for providers to correct 119602
resident assessment data and specify a reasonable period of time 119603
by which providers shall submit the corrections. The procedures 119604
may limit the content of corrections in the manner required by 119605
regulations adopted by the United States department of health 119606
and human services under Title XVIII and Title XIX. 119607

~~(g)~~ (e) Specify when and how the department will assign 119608
case-mix scores or costs per case-mix unit to a nursing facility 119609
under division (B) of this section if information necessary to 119610
calculate the nursing facility's case-mix score is not provided 119611
or corrected in accordance with the procedures established by 119612
the rules. 119613

(2) Notwithstanding any other provision of this chapter, 119614
the rules may provide for the exclusion of case-mix scores 119615
assigned to a nursing facility under division (B) of this 119616
section from the determination of the nursing facility's 119617
semiannual or annual average case-mix score and the cost per 119618
case-mix unit for the nursing facility's peer group. 119619

Sec. 5165.26. (A) As used in this section: 119620

(1) "Base rate" means the portion of a nursing facility's 119621
total per medicaid day payment rate determined under divisions 119622
(A) and (B) of section 5165.15 of the Revised Code. 119623

(2) "CMS" means the United States centers for medicare and 119624
medicaid services. 119625

(3) "Long-stay resident" means an individual who has 119626
resided in a nursing facility for at least one hundred one days. 119627

(4) "Nursing facilities for which a quality score was 119628
determined" includes nursing facilities that are determined to 119629
have a quality score of zero. 119630

(5) "SFF list" means the list of nursing facilities that 119631
the United States department of health and human services 119632
creates under the special focus facility program. 119633

(6) "Special focus facility program" means the program 119634
conducted by the United States secretary of health and human 119635
services pursuant to section 1919(f)(10) of the "Social Security 119636
Act," 42 U.S.C. 1396r(f)(10). 119637

(B) Subject to divisions (D) and (E) and except as 119638
provided in division (F) of this section, the department of 119639
medicaid shall determine each nursing facility's per medicaid 119640
day quality incentive payment rate as follows: 119641

(1) Determine the sum of the quality scores determined 119642
under division (C) of this section for all nursing facilities. 119643

(2) Determine the average quality score by dividing the 119644
sum determined under division (B)(1) of this section by the 119645
number of nursing facilities for which a quality score was 119646
determined. 119647

(3) Determine the sum of the total number of medicaid days 119648
for all of the calendar year preceding the fiscal year for which 119649
the rate is determined for all nursing facilities for which a 119650
quality score was determined. 119651

(4) Multiply the average quality score determined under 119652
division (B)(2) of this section by the sum determined under 119653

division (B) (3) of this section. 119654

(5) Determine the value per quality point by determining 119655
the quotient of the following: 119656

(a) The sum determined under division (E) (2) of this 119657
section. 119658

(b) The product determined under division (B) (4) of this 119659
section. 119660

(6) Multiply the value per quality point determined under 119661
division (B) (5) of this section by the nursing facility's 119662
quality score determined under division (C) of this section. 119663

(C) (1) Except as provided in divisions (C) (2) and (3) of 119664
this section, a nursing facility's quality score for a state 119665
fiscal year shall be the sum of the following: 119666

(a) The total number of points that CMS assigned to the 119667
nursing facility under CMS's nursing facility five-star quality 119668
rating system for the following quality metrics, or CMS's 119669
successor metrics as described below, based on the most recent 119670
four-quarter average data, or the average data for fewer 119671
quarters in the case of successor metrics, available in the 119672
database maintained by CMS and known as nursing home compare in 119673
the most recent month of the calendar year during which the 119674
fiscal year for which the rate is determined begins: 119675

(i) The percentage of the nursing facility's long-stay 119676
residents at high risk for pressure ulcers who had pressure 119677
ulcers; 119678

(ii) The percentage of the nursing facility's long-stay 119679
residents who had a urinary tract infection; 119680

(iii) The percentage of the nursing facility's long-stay 119681

residents whose ability to move independently worsened; 119682

(iv) The percentage of the nursing facility's long-stay 119683
residents who had a catheter inserted and left in their bladder. 119684

If CMS ceases to publish any of the metrics specified in 119685
division (C)(1)(a) of this section, the department shall use the 119686
nursing facility quality metrics on the same topics that CMS 119687
subsequently publishes. 119688

(b) Seven and five-tenths points for fiscal year 2024 and 119689
three points for fiscal year 2025 and subsequent fiscal years if 119690
the nursing facility's occupancy rate is greater than seventy- 119691
five per cent. For purposes of this division, the department 119692
shall utilize the facility's occupancy rate for licensed beds 119693
reported on its cost report for the calendar year preceding the 119694
fiscal year for which the rate is determined or, if the facility 119695
is not required to be licensed, the facility's occupancy rate 119696
for certified beds. If the facility surrenders licensed or 119697
certified beds before the first day of July of the calendar year 119698
in which the fiscal year begins, the department shall calculate 119699
a nursing facility's occupancy rate by dividing the inpatient 119700
days reported on the facility's cost report for the calendar 119701
year preceding the fiscal year for which the rate is determined 119702
by the product of the number of days in the calendar year and 119703
the facility's number of licensed, or if applicable, certified 119704
beds on the first day of July of the calendar year in which the 119705
fiscal year begins. 119706

(c) Beginning with state fiscal year 2025, the total 119707
number of points that CMS assigned to the nursing facility under 119708
CMS's nursing facility five-star quality rating system for the 119709
following quality metrics, or successor metrics designated by 119710
CMS, based on the most recent four-quarter average data 119711

available in the database maintained by CMS and known as nursing 119712
home compare in the most recent month of the calendar year 119713
during which the fiscal year for which the rate is determined 119714
begins: 119715

(i) The percentage of the nursing facility's long-stay 119716
residents whose need for help with daily activities has 119717
increased; 119718

(ii) The percentage of the nursing facility's long-stay 119719
residents experiencing one or more falls with major injury; 119720

(iii) The percentage of the nursing facility's long-stay 119721
residents who were administered an antipsychotic medication; 119722

(iv) Adjusted total nurse staffing hours per resident per 119723
day using quintiles instead of deciles by using the points 119724
assigned to the higher of the two deciles that constitute the 119725
quintile. 119726

If CMS ceases to publish any of the metrics specified in 119727
division (C)(1)(c) of this section, the department shall use the 119728
nursing facility quality metrics on the same topics CMS 119729
subsequently publishes. 119730

(2) In determining a nursing facility's quality score for 119731
a state fiscal year, the department shall make the following 119732
adjustment to the number of points that CMS assigned to the 119733
nursing facility for each of the quality metrics specified in 119734
divisions (C)(1)(a) and (c) of this section: 119735

(a) Unless division (C)(2)(b) or (c) of this section 119736
applies, divide the number of the nursing facility's points for 119737
the quality metric by twenty. 119738

(b) If CMS assigned the nursing facility to the lowest 119739

percentile for the quality metric, reduce the number of the 119740
nursing facility's points for the quality metric to zero. 119741

(c) If the nursing facility's total number of points 119742
calculated for or during a state fiscal year for all of the 119743
quality metrics specified in divisions (C) (1) (a), and if 119744
applicable, division (C) (1) (c) of this section is less than a 119745
number of points that is equal to the twenty-fifth percentile of 119746
all nursing facilities, calculated using the points for the July 119747
1 rate setting of that fiscal year reduce the nursing facility's 119748
points to zero until the next point calculation. If a facility's 119749
recalculated points under division (C) (3) of this section are 119750
below the number of points determined to be the twenty-fifth 119751
percentile for that fiscal year, the facility shall receive zero 119752
points for the remainder of that fiscal year. 119753

(3) A nursing facility's quality score shall be 119754
recalculated for the second half of the state fiscal year based 119755
on the most recent four quarter average data, or the average 119756
data for fewer quarters in the case of successor metrics, 119757
available in the database maintained by CMS and known as the 119758
care compare, in the most recent month of the calendar year 119759
during which the fiscal year for which the rate is determined 119760
begins. The metrics specified by division (C) (1) (b) of this 119761
section shall not be recalculated. In redetermining the quality 119762
payment for each facility based on the recalculated points, the 119763
department shall use the same per point value determined for the 119764
quality payment at the start of the fiscal year. 119765

(D) A nursing facility shall not receive a quality 119766
incentive payment if the Department of Health assigned the 119767
nursing facility to the SFF list under the special focus 119768
facility program and the nursing facility is listed in table A, 119769

on the first day of May of the calendar year for which the rate 119770
is being determined. 119771

(E) The total amount to be spent on quality incentive 119772
payments under division (B) of this section for a fiscal year 119773
shall be determined as follows: 119774

(1) Determine the following amount for each nursing 119775
facility: 119776

(a) The amount that is five and two-tenths per cent of the 119777
nursing facility's base rate for nursing facility services 119778
provided on the first day of the state fiscal year plus one 119779
dollar and seventy-nine cents plus sixty per cent of the per 119780
diem amount by which the nursing facility's rate for direct care 119781
costs determined for the fiscal year under section 5165.19 of 119782
the Revised Code changed as a result of the rebasing conducted 119783
under section 5165.36 of the Revised Code. 119784

(b) Multiply the amount determined under division (E) (1) 119785
(a) of this section by the number of the nursing facility's 119786
medicaid days for the calendar year preceding the fiscal year 119787
for which the rate is determined. 119788

(2) Determine the sum of the products determined under 119789
division (E) (1) (b) of this section for all nursing facilities 119790
for which the product was determined for the state fiscal year. 119791

(3) To the sum determined under division (E) (2) of this 119792
section, add one hundred twenty-five million dollars. 119793

(F) (1) Beginning July 1, 2023, a new nursing facility 119794
shall receive a quality incentive payment for the fiscal year in 119795
which the new facility obtains an initial provider agreement and 119796
the immediately following fiscal year equal to the median 119797
quality incentive payment determined for nursing facilities for 119798

the fiscal year. For the state fiscal year after the immediately 119799
following fiscal year and subsequent fiscal years, the quality 119800
incentive payment shall be determined under division (C) of this 119801
section. 119802

(2) A nursing facility that undergoes a change of operator 119803
with an effective date of July 1, ~~2023~~2025, or later shall not 119804
receive a quality incentive payment until the earlier of the 119805
first day of January or the first day of July that is at least 119806
six months after the effective date of the change of operator. 119807
Thereafter any quality incentive payment shall be determined 119808
under division (C) of this section. 119809

~~(3) A nursing facility that undergoes a change of owner 119810
with an effective date of July 1, 2023, or later shall not 119811
receive a quality incentive payment until the earlier of the 119812
first day of January or the first day of July that is at least 119813
six months after the effective date of the change of owner if, 119814
within one year after the change of owner, there is an increase 119815
in the lease payments or other financial obligations of the 119816
operator to the owner above the payments or obligations 119817
specified by the agreement between the previous owner and the 119818
operator. Thereafter, any quality incentive payments for the 119819
facility shall be determined under division (C) of this section. 119820~~

Sec. 5166.03. The medicaid director may not submit a 119821
request to the United States secretary of health and human 119822
services for a medicaid waiver under the "Social Security Act," 119823
section 1115, 42 U.S.C. 1315, unless the director provides the 119824
speaker of the house of representatives and president of the 119825
senate written notice of the director's intent to submit the 119826
request at least ten days before the date the director submits 119827
the request to the United States secretary. The notice shall 119828

include a detailed explanation of the medicaid waiver the 119829
director proposes to seek and confirmation that the department 119830
of medicaid has complied with the requirements of section 119831
5162.08 of the Revised Code. 119832

Sec. 5167.01. As used in this chapter: 119833

(A) "~~340B covered entity~~grantee" means an entity described 119834
in section 340B(a) (4) (A)-(K) of the "Public Health Service Act," 119835
42 U.S.C. 256b(a) (4) (A)-(K) that is designated as an active (A)- 119836
(K) entity under the health resources and services 119837
administration covered entity daily report, and includes any 119838
pharmacy under contract with the entity to dispense drugs on 119839
behalf of the entity. 119840

(B) "Affiliated company" means an entity, including a 119841
third-party payer or specialty pharmacy, with common ownership, 119842
members of a board of directors, or managers, or that is a 119843
parent company, subsidiary company, jointly held company, or 119844
holding company with respect to the other entity. 119845

(C) "Care management system" means the system established 119846
under section 5167.03 of the Revised Code. 119847

(D) "Controlled substance" has the same meaning as in 119848
section 3719.01 of the Revised Code. 119849

(E) "Dual eligible individual" has the same meaning as in 119850
section 5160.01 of the Revised Code. 119851

(F) "Emergency services" has the same meaning as in the 119852
"Social Security Act," section 1932(b) (2), 42 U.S.C. 1396u-2(b) 119853
(2). 119854

(G) "Enrollee" means a medicaid recipient who participates 119855
in the care management system and enrolls in a medicaid MCO 119856

plan. 119857

(H) "ICDS participant" ~~has~~ and "integrated care delivery
system" have the same ~~meaning~~ meanings as in section 5164.01 of
the Revised Code. 119858
119859
119860

(I) "ICDS successor program" means a fully integrated dual 119861
eligible special needs plan established in accordance with 42 119862
C.F.R. 422.107, that the department of medicaid utilizes as a 119863
replacement for the integrated care delivery system. 119864

(J) "Medicaid managed care organization" means a managed 119865
care organization under contract with the department of medicaid 119866
pursuant to section 5167.10 of the Revised Code. 119867

~~(J)~~ (K) "Medicaid MCO plan" means a plan that a medicaid 119868
managed care organization, pursuant to its contract with the 119869
department of medicaid under section 5167.10 of the Revised 119870
Code, makes available to medicaid recipients participating in 119871
the care management system. 119872

~~(K)~~ (L) "Medicaid waiver component" has the same meaning as 119873
in section 5166.01 of the Revised Code. 119874

~~(L)~~ (M) "Network provider" has the same meaning as in 42 119875
C.F.R. 438.2. 119876

~~(M)~~ (N) "Nursing facility services" has the same meaning as 119877
in section 5165.01 of the Revised Code. 119878

~~(N)~~ (O) "Part B drug" means a drug or biological described 119879
in section 1842(o) (1) (C) of the "Social Security Act," 42 U.S.C. 119880
1395u(o) (1) (C) . 119881

~~(O)~~ (P) "Pharmacy benefit manager" has the same meaning as 119882
in section 3959.01 of the Revised Code. 119883

~~(P)~~ (Q) "Practice of pharmacy" has the same meaning as in 119884
section 4729.01 of the Revised Code. 119885

~~(Q)~~ (R) "Prescribed drug" has the same meaning as in 119886
section 5164.01 of the Revised Code. 119887

~~(R)~~ (S) "Prior authorization requirement" has the same 119888
meaning as in section 5160.34 of the Revised Code. 119889

~~(S)~~ (T) "Provider" means any person or government entity 119890
that furnishes services to a medicaid recipient enrolled in a 119891
medicaid MCO plan, regardless of whether the person or entity 119892
has a provider agreement. 119893

~~(T)~~ (U) "Provider agreement" has the same meaning as in 119894
section 5164.01 of the Revised Code. 119895

~~(U)~~ (V) "State pharmacy benefit manager" means the pharmacy 119896
benefit manager selected by and under contract with the medicaid 119897
director under section 5167.24 of the Revised Code. 119898

~~(V)~~ (W) "Third-party administrator" means any person who 119899
adjusts or settles claims on behalf of an insuring entity in 119900
connection with life, dental, health, prescription drugs, or 119901
disability insurance or self-insurance programs and includes a 119902
pharmacy benefit manager. 119903

Sec. 5167.03. (A) As part of the medicaid program, the 119904
department of medicaid shall establish a care management system. 119905
The department shall implement the system in some or all 119906
counties. 119907

(B) The department shall designate the medicaid recipients 119908
who are required or permitted to participate in the care 119909
management system. Those who shall be required to participate in 119910
the system include medicaid recipients who receive cognitive 119911

behavioral therapy as described in division (A) (2) of section 119912
5167.16 of the Revised Code. Except as provided in section 119913
5166.406 of the Revised Code, no medicaid recipient 119914
participating in the healthy Ohio program established under 119915
section 5166.40 of the Revised Code shall participate in the 119916
system. 119917

~~The~~ (C) Except as otherwise provided in this section, the 119918
general assembly's authorization through the enactment of 119919
legislation is needed before home and community-based services 119920
available under a medicaid waiver component or nursing facility 119921
services are included in the care management system, ~~except that~~ 119922
. ICDS participants, or participants in the ICDS successor 119923
program, may be required or permitted to obtain such services 119924
under the system. Medicaid recipients who receive such services 119925
may be designated for voluntary or mandatory participation in 119926
the system in order to receive other health care services 119927
included in the system. 119928

~~The~~ (D) The department may require or permit participants 119929
in the care management system to do either or both of the 119930
following: 119931

~~(A)~~ (1) Obtain health care services from providers 119932
designated by the department; 119933

~~(B)~~ (2) Enroll in a medicaid MCO plan. 119934

Sec. 5167.09. The department of medicaid shall include all 119935
of the following on the department's managed care financial 119936
dashboard: 119937

(A) Actuarial metrics for annual and quarterly cost 119938
reports, delineated by the following categories: 119939

(1) Adults for whom financial eligibility for the medicaid 119940

<u>program is determined by utilizing the modified adjusted gross</u>	119941
<u>income standard and who are not members of the expansion</u>	119942
<u>eligibility group;</u>	119943
<u>(2) Children for whom financial eligibility for the</u>	119944
<u>medicaid program is determined by utilizing the modified</u>	119945
<u>adjusted gross income standard;</u>	119946
<u>(3) Individuals in the aged, blind, and disabled</u>	119947
<u>eligibility group who are twenty-one years of age or older;</u>	119948
<u>(4) Individuals in the aged, blind, and disabled</u>	119949
<u>eligibility group who are twenty years of age or younger;</u>	119950
<u>(5) Individuals who are members of the expansion</u>	119951
<u>eligibility group;</u>	119952
<u>(6) Individuals who are members of the adoption and foster</u>	119953
<u>kids eligibility group;</u>	119954
<u>(7) All other individuals eligible for medicaid benefits</u>	119955
<u>who are not included in another category described in division</u>	119956
<u>(A) of this section.</u>	119957
<u>(B) Quarterly and annual composite per member per month</u>	119958
<u>category of service reports for each managed care organization</u>	119959
<u>providing services under the care management system, delineated</u>	119960
<u>into the following categories:</u>	119961
<u>(1) Inpatient services;</u>	119962
<u>(2) Outpatient facility services;</u>	119963
<u>(3) Professional services;</u>	119964
<u>(4) Radiology, pathology, and laboratory services;</u>	119965
<u>(5) Pharmacy services;</u>	119966

<u>(6) Behavioral health services;</u>	119967
<u>(7) All other services.</u>	119968
<u>(C) As used in this section, "expansion eligibility group"</u>	119969
<u>has the same meaning as in section 5163.01 of the Revised Code.</u>	119970
Sec. 5167.123. (A) No contract between a medicaid managed	119971
care organization, including a third-party administrator, and a	119972
340B covered entity <u>grantee</u> shall contain any of the following	119973
provisions:	119974
(1) A payment rate for a prescribed drug <u>provided by a</u>	119975
<u>340B grantee to an individual as a result of health care</u>	119976
<u>services provided by the grantee directly to the individual,</u>	119977
<u>that is less than the national average drug acquisition cost</u>	119978
<u>rate for that drug as determined by the United States centers</u>	119979
<u>for medicare and medicaid services, measured at the time the</u>	119980
<u>drug is administered or dispensed, or, if no such rate is</u>	119981
<u>available at that time, a reimbursement rate that is less than</u>	119982
<u>the wholesale acquisition cost of the drug, as defined in 42</u>	119983
<u>U.S.C. 1395w-3a(e)(6)(B) <u>payment rate applied to health care</u></u>	119984
<u>providers that are not 340B grantees;</u>	119985
(2) A fee that is not imposed on a health care provider	119986
that is not a 340B covered entity <u>grantee</u> ;	119987
(3) A fee amount that exceeds the amount for a health care	119988
provider that is not a 340B covered entity <u>grantee</u> .	119989
(B) The organization, or its contracted third-party	119990
administrators, shall not discriminate against a 340B covered	119991
entity <u>grantee</u> in a manner that prevents or interferes with a	119992
medicaid recipient's choice to receive a prescription drug from	119993
a 340B covered entity or its contracted pharmacies <u>grantee</u> .	119994

(C) Any provision of a contract entered into between the organization and a 340B ~~covered entity~~ grantee that is contrary to division (A) of this section is unenforceable and shall be replaced with the dispensing fee or payment rate that applies for health care providers that are not 340B ~~covered entities~~ grantees.

(D) A medicaid managed care organization or a third-party administrator shall provide a payment rate for all prescribed drugs obtained through the federal 340B drug pricing program by providers that are not 340B grantees that is equal to the payment rate for those prescribed drugs that is specified in the medicaid state plan.

(E) Any payment made pursuant to a payment rate described in this section is subject to audit by the department of medicaid under section 5160.20 of the Revised Code.

Sec. 5168.08. (A) Before or during each program year, the department of medicaid shall issue to each hospital the preliminary determination of the amount that the hospital is assessed under section 5168.06 of the Revised Code during the program year. The preliminary determination of a hospital's assessment shall be calculated for a cost-reporting period that is specified in rules adopted under section 5168.02 of the Revised Code.

The department shall consult with hospitals each year when determining the date on which it will issue the preliminary determinations in order to minimize hospitals' cash flow difficulties.

If no hospital submits a request for reconsideration under division (B) of this section, the preliminary determination

constitutes the final reconciliation of each hospital's 120024
assessment under section 5168.06 of the Revised Code. The final 120025
reconciliation ~~is~~ constitutes an interim final order and may be 120026
subject to adjustments under made by the United States centers 120027
for medicare and medicaid services pursuant to division (D) of 120028
this section. 120029

(B) Not later than fourteen days after the preliminary 120030
determinations are issued, any hospital may submit to the 120031
department a written request to reconsider the preliminary 120032
determinations. The request shall be accompanied by written 120033
materials setting forth the basis for the reconsideration, which 120034
may be delivered to the department by regular mail, electronic 120035
mail, or in-person delivery. ~~If one or more hospitals submit a~~ 120036
~~request, the department shall hold a public hearing not later~~ 120037
~~than thirty days after the preliminary determinations are issued~~ 120038
~~to reconsider the preliminary determinations. The department~~ 120039
~~shall issue to each hospital a written notice of the date, time,~~ 120040
~~and place of the hearing at least ten days prior to the hearing.~~ 120041
On the basis of the evidence submitted to the department ~~or~~ 120042
~~presented at the public hearing,~~ the department shall reconsider 120043
and may adjust the preliminary determinations. The result of the 120044
reconsideration is the final reconciliation of the hospital's 120045
assessment under section 5168.06 of the Revised Code. The final 120046
reconciliation ~~is~~ constitutes an interim final order and may be 120047
subject to adjustments under by the United States centers for 120048
medicare and medicaid services pursuant to division (D) of this 120049
section. 120050

(C) The department shall issue to each hospital a written 120051
notice of its assessment for the program year under the final 120052
reconciliation. A hospital may appeal the final reconciliation 120053
of its assessment to the court of common pleas of Franklin 120054

county, pursuant to Chapter 2505. of the Revised Code. The 120055
complete record of the proceedings shall include all 120056
documentation considered by the department in issuing the final 120057
reconciliation. While a judicial appeal is pending, the hospital 120058
shall pay, in accordance with the schedules required by division 120059
(B) of section 5168.06 of the Revised Code, any amount of its 120060
assessment that is not in dispute into the hospital care 120061
assurance program fund created in section 5168.11 of the Revised 120062
Code. 120063

(D) In the course of any program year, the department may 120064
adjust the assessment rate or rates established in rules 120065
pursuant to section 5168.06 of the Revised Code or adjust the 120066
amounts of intergovernmental transfers required under section 120067
5168.07 of the Revised Code and, as a result of the adjustment, 120068
adjust each hospital's assessment and intergovernmental 120069
transfer, to reflect refinements made by the United States 120070
centers for medicare and medicaid services during that program 120071
year to the limits it prescribed under the "Social Security 120072
Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the 120073
assessment rate or rates must comply with division (A) of 120074
section 5168.06 of the Revised Code. An adjusted 120075
intergovernmental transfer must comply with division (A) of 120076
section 5168.07 of the Revised Code. The department shall notify 120077
hospitals of adjustments made under this division and adjust for 120078
the remainder of the program year the installments paid by 120079
hospitals under sections 5168.06 and 5168.07 of the Revised Code 120080
in accordance with rules adopted under section 5168.02 of the 120081
Revised Code. 120082

Sec. 5168.11. (A) Except as provided in section 5162.52 of 120083
the Revised Code, all payments of assessments by hospitals under 120084
section 5168.06 of the Revised Code and all intergovernmental 120085

transfers under section 5168.07 of the Revised Code shall be 120086
deposited in the state treasury to the credit of the hospital 120087
care assurance program fund, hereby created. All investment 120088
earnings of the hospital care assurance program fund shall be 120089
credited to the fund. The department of medicaid shall maintain 120090
records that show the amount of money in the hospital care 120091
assurance program fund at any time that has been paid by each 120092
hospital and the amount of any investment earnings on that 120093
amount. All moneys credited to the hospital care assurance 120094
program fund shall be used solely to make payments to hospitals 120095
under division (D) of this section and section 5168.09 of the 120096
Revised Code. 120097

(B) All federal matching funds received as a result of the 120098
department distributing funds from the hospital care assurance 120099
program fund to hospitals under section 5168.09 of the Revised 120100
Code shall be credited to the health care - federal fund created 120101
under section 5162.50 of the Revised Code. 120102

(C) All distributions of funds to hospitals under section 120103
5168.09 of the Revised Code are conditional on: 120104

(1) Expiration of the time for appeals under section 120105
5168.08 of the Revised Code without the filing of an appeal, or 120106
on court determinations, in the event of appeals, that the 120107
hospital is entitled to the funds; 120108

(2) The sum of the following being sufficient to 120109
distribute the funds after the final determination of any 120110
appeals: 120111

(a) The available money in the hospital care assurance 120112
program fund; 120113

(b) The available portion of the money in the health care 120114

- federal fund that is credited to that fund pursuant to 120115
division (B) of this section. 120116

(3) The hospital's compliance with section 5168.14 of the 120117
Revised Code. 120118

(D) If an audit conducted by the department, pursuant to 120119
42 C.F.R. 455.304, of the amounts of payments made and funds 120120
received by hospitals under sections 5168.06, 5168.07, and 120121
5168.09 of the Revised Code identifies amounts that, due to 120122
errors by the department, a hospital should not have been 120123
required to pay but did pay, should have been required to pay 120124
but did not pay, should not have received but did receive, or 120125
should have received but did not receive, the department shall: 120126

(1) Make payments to any hospital that the audit reveals 120127
paid amounts it should not have been required to pay or did not 120128
receive amounts it should have received; 120129

(2) Take action to recover from a hospital any amounts 120130
that the audit reveals it should have been required to pay but 120131
did not pay or that it should not have received but did receive. 120132

Payments made under division (D) (1) of this section shall 120133
be made from the hospital care assurance program fund. Amounts 120134
recovered under division (D) (2) of this section shall be 120135
deposited to the credit of that fund. ~~Any hospital may appeal~~ 120136
~~the amount.~~ An action authorized under Chapter 2721. of the 120137
Revised Code and filed in Franklin county shall be the exclusive 120138
remedy for any hospital that disagrees with the amount that the 120139
hospital is to be paid under division (D) (1) or the amount that 120140
is to be recovered from the hospital under division (D) (2) of 120141
this section ~~to the court of common pleas of Franklin county.~~ 120142
While any judicial proceeding is pending under division (D) of 120143

this section, a hospital shall pay to the hospital care 120144
assurance program fund any amount identified pursuant to 120145
division (D) (2) of this section that is not in dispute. 120146

Sec. 5168.22. (A) Before or during each assessment program 120147
year, the department of medicaid shall issue to each hospital 120148
the preliminary determination of the amount that the hospital is 120149
assessed under section 5168.21 of the Revised Code for the 120150
assessment program year. Except as provided in division (B) of 120151
this section, the preliminary determination becomes the final 120152
determination for the assessment program year fifteen days after 120153
the preliminary determination is issued to the hospital. 120154

(B) A hospital may request that the department reconsider 120155
the preliminary determination issued to the hospital under 120156
division (A) of this section by submitting to the department a 120157
written request for a reconsideration not later than fourteen 120158
days after the hospital's preliminary determination is issued to 120159
the hospital. The request must be accompanied by written 120160
materials setting forth the basis for the reconsideration, which 120161
may be delivered to the department by regular mail, electronic 120162
mail, or in-person delivery. On receipt of the timely request, 120163
the department shall reconsider the preliminary determination 120164
and may adjust the preliminary determination on the basis of the 120165
written materials accompanying the request. The result of the 120166
reconsideration is the final determination of the hospital's 120167
assessment under section 5168.21 of the Revised Code for the 120168
assessment program year. 120169

(C) The department shall issue to each hospital a written 120170
notice of the final determination of its assessment for the 120171
assessment program year. A hospital may appeal the final 120172
determination to the court of common pleas of Franklin county, 120173

pursuant to Chapter 2505. of the Revised Code. The complete 120174
record of the proceedings shall include all documentation 120175
considered by the department in issuing the final determination. 120176
While a judicial appeal is pending, the hospital shall pay, in 120177
accordance with section 5168.23 of the Revised Code, any amount 120178
of its assessment that is not in dispute. 120179

Sec. 5168.25. There is hereby created in the state 120180
treasury the hospital assessment fund. All installment payments 120181
made by hospitals under section 5168.23 of the Revised Code and 120182
all recoveries the department of medicaid makes under section 120183
5168.24 of the Revised Code shall be deposited into the fund. 120184
~~All investment earnings of the fund shall be credited to the~~ 120185
~~fund.~~ The department shall use money in the fund to pay for the 120186
costs of the medicaid program, including the program's 120187
administrative costs. 120188

Sec. ~~5104.50~~ 5180.04. (A) The governor shall create the 120189
~~early childhood~~ children and youth advisory council in 120190
accordance with 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 1441 and 120191
shall appoint one of its members to serve as chairperson of the 120192
council with the director of children and youth serving as co- 120193
chairperson. ~~The~~ 120194

(B) (1) The council shall serve as both the state advisory 120195
council on early childhood education and care, as described in 120196
42 U.S.C. 9837b(b) (1), and the state interagency coordinating 120197
council, as described in 20 U.S.C. 1441. ~~In addition to the~~ 120198
~~duties specified in 42 U.S.C. 9837b(b) (1), the~~ 120199

(2) The council shall ~~promote~~ advise the governor on the 120200
availability, accessibility, affordability, and quality of 120201
services provided through the prenatal and child-serving 120202
systems. This includes fostering a continuum of care that 120203

promotes family-centered programs and services that acknowledge 120204
and support the social, emotional, cognitive, intellectual, and 120205
physical development of children and the vital role of families 120206
in ensuring the well-being and success of children. 120207

(3) ~~The early childhood advisory council~~ shall advise the 120208
director of children and youth on matters affecting the 120209
licensing of centers, type A homes, and type B homes and the 120210
certification of in-home aides. The council shall make an annual 120211
report to the director that addresses the availability, 120212
affordability, accessibility, and quality of child care and that 120213
summarizes the recommendations and plans of action that the 120214
council has proposed to the director during the preceding fiscal 120215
year. The director shall provide copies of the report to the 120216
governor, speaker and minority leader of the house of 120217
representatives, and the president and minority leader of the 120218
senate and, on request, shall make copies available to the 120219
public. 120220

(C) (1) The advisory council shall include up to twenty- 120221
five members appointed by the governor, including the following: 120222

(a) At least one representative of the department of 120223
children and youth; 120224

(b) At least one representative of the department of 120225
medicaid; 120226

(c) At least one representative of the department of job 120227
and family services; 120228

(d) At least one representative of the department of 120229
mental health and addiction services; 120230

(e) At least one representative of the department of 120231
education and workforce; 120232

<u>(f) At least one representative of the department of</u>	120233
<u>health;</u>	120234
<u>(g) At least one representative of the department of</u>	120235
<u>developmental disabilities;</u>	120236
<u>(h) At least one representative of the department of youth</u>	120237
<u>services;</u>	120238
<u>(i) At least one representative from each of the following</u>	120239
<u>stakeholder groups, selected from multi-sized municipal</u>	120240
<u>corporations and geographically diverse areas of the state,</u>	120241
<u>including rural, urban, and suburban areas:</u>	120242
<u>(i) Maternal and infant vitality;</u>	120243
<u>(ii) Early intervention;</u>	120244
<u>(iii) Home visiting;</u>	120245
<u>(iv) Early childhood education;</u>	120246
<u>(v) Child care centers providing publicly funded child</u>	120247
<u>care;</u>	120248
<u>(vi) Family child care homes providing publicly funded</u>	120249
<u>child care;</u>	120250
<u>(vii) School child programs;</u>	120251
<u>(viii) Preschool programs;</u>	120252
<u>(ix) Children's services.</u>	120253
<u>(2) In making appointments to the advisory council, the</u>	120254
<u>governor shall ensure that the membership of the council</u>	120255
<u>reasonably represents the population of the state.</u>	120256
<u>(D) (1) The advisory council shall create topic-specific</u>	120257
<u>advisory groups that address a continuum of services including</u>	120258

the following: 120259

(a) Early childhood education and care; 120260

(b) Children services; 120261

(c) Maternal and infant vitality; 120262

(d) Early childhood mental health services and supports; 120263

(e) Early intervention services. 120264

(2) No representative of the department of children and 120265
youth shall serve as a chairperson for a topic-specific advisory 120266
group. 120267

(3) The governor shall appoint additional members as 120268
necessary to the early childhood education and care advisory 120269
group and the early intervention services advisory group to 120270
satisfy the requirements of 42 U.S.C. 9837b(b) (1) and 20 U.S.C. 120271
1441. 120272

(4) The director of children and youth shall appoint each 120273
representative appointed pursuant to division (C) (1) (i) of this 120274
section to at least one topic-specific advisory group. 120275

Sec. 5180.14. (A) As used in this section and sections 120276
5180.15, 5180.16, and 5180.17 of the Revised Code: 120277

(1) "Child care center," "type A family child care home," 120278
and "licensed type B family child care home" have the same 120279
meanings as in section 5104.01 of the Revised Code. 120280

(2) "Child care facility" means a child care center, a 120281
type A family child care home, or a licensed type B family child 120282
care home. 120283

(3) "Foster caregiver" has the same meaning as in section 120284
5103.02 of the Revised Code. 120285

(4) "Freestanding birthing center" has the same meaning as 120286
in section 3701.503 of the Revised Code. 120287

(5) "Hospital" has the same meaning as in section 3722.01 120288
of the Revised Code to which either of the following applies: 120289

(a) The hospital has a maternity unit. 120290

(b) The hospital receives for care infants who have been 120291
transferred to it from other facilities and who have never been 120292
discharged to their residences following birth. 120293

(6) "Infant" means a child who is less than one year of 120294
age. 120295

(7) "Maternity unit" means the distinct portion of a 120296
hospital in which maternity services are provided. 120297

(8) "Other person responsible for the infant" includes a 120298
foster caregiver. 120299

(9) "Parent" means either parent, unless the parents are 120300
separated or divorced or their marriage has been dissolved or 120301
annulled, in which case "parent" means the parent who is the 120302
residential parent and legal custodian of the child. "Parent" 120303
also means a prospective adoptive parent with whom a child is 120304
placed. 120305

(10) "Shaken baby syndrome" means signs and symptoms, 120306
including, but not limited to, retinal hemorrhages in one or 120307
both eyes, subdural hematoma, or brain swelling, resulting from 120308
the violent shaking or the shaking and impacting of the head of 120309
an infant or small child. 120310

(B) The director of children and youth shall establish the 120311
shaken baby syndrome education program by doing all of the 120312
following: 120313

(1) Developing educational materials that present readily	120314
comprehensible information on shaken baby syndrome;	120315
(2) Making available on the department of children and	120316
youth web site in an easily accessible format the educational	120317
materials developed under division (B) (1) of this section;	120318
(3) Annually assessing the effectiveness of the shaken	120319
baby syndrome education program by doing all of the following:	120320
(a) Evaluating the reports received pursuant to section	120321
5101.135 <u>5180.405</u> of the Revised Code;	120322
(b) Reviewing the content of the educational materials to	120323
determine if updates or improvements should be made;	120324
(c) Reviewing the manner in which the educational	120325
materials are distributed, as described in section 5180.15 of	120326
the Revised Code, to determine if modifications to that manner	120327
should be made.	120328
(C) In meeting the requirements under division (B) of this	120329
section, the director shall develop educational materials that,	120330
to the extent possible, minimize administrative or financial	120331
burdens on any of the entities or persons listed in section	120332
5180.15 of the Revised Code.	120333
Sec. 5180.21. (A) The department of children and youth	120334
shall establish the help me grow program as the state's	120335
evidence-based parent support program that encourages early	120336
prenatal and well-baby care, as well as provides parenting	120337
education to promote the comprehensive health and development of	120338
children. The program shall provide home visiting services to	120339
families with a pregnant woman or child under five years of age	120340
that meet the eligibility requirements established in rules	120341
adopted under this section. Home visiting services shall be	120342

provided through evidence-based home visiting models or 120343
innovative, promising home visiting models recommended by the 120344
~~Ohio home visiting consortium~~ children and youth advisory 120345
council created under section ~~5180.23~~ 5180.04 of the Revised 120346
Code. 120347

(B) Families shall be referred to the appropriate home 120348
visiting services through the central intake and referral system 120349
created under section 5180.22 of the Revised Code. 120350

(C) To the extent possible, the goals of the help me grow 120351
program shall be consistent with the goals of the federal home 120352
visiting program, as specified by the maternal and child health 120353
bureau of the health resources and services administration in 120354
the United States department of health and human services or its 120355
successor. 120356

(D) The director of children and youth shall enter into an 120357
interagency agreement with one or more state agencies, including 120358
the department of developmental disabilities, department of job 120359
and family services, department of medicaid, commission on 120360
minority health, Ohio fatherhood commission, and children's 120361
trust fund board, to implement the help me grow program, to 120362
ensure coordination of early childhood programs, and to maximize 120363
reimbursement for the help me grow program from any federal 120364
source. 120365

In addition to creating the central intake and referral 120366
system as described in section 5180.22 of the Revised Code, the 120367
department of children and youth shall ensure there is a 120368
consistent comprehensive screening and connection program to 120369
support the coordination of home visiting services across the 120370
state, including through the department of health, department of 120371
developmental disabilities, department of job and family 120372

services, department of medicaid, and commission on minority 120373
health. Following the program's establishment, the department of 120374
children and youth shall evaluate the program's effectiveness in 120375
coordinating home visiting services at least once annually. 120376

(E) The director may distribute help me grow program funds 120377
through contracts, grants, or subsidies to entities providing 120378
services under the program. 120379

(F) As a condition of receiving payments for home visiting 120380
services, providers shall report to the director data on the 120381
program performance indicators, specified in rules adopted under 120382
division (G) of this section, that are used to assess progress 120383
toward achieving all of the following: 120384

(1) The benchmark domains established for the federal home 120385
visiting program, including improvement in maternal and newborn 120386
health; reduction in child injuries, abuse, and neglect; 120387
improved school readiness and achievement; reduction in crime 120388
and domestic violence; and improved family economic self- 120389
sufficiency; 120390

(2) Improvement in birth outcomes and reduction in 120391
stillbirths, as that term is defined in section 5180.12 of the 120392
Revised Code; 120393

(3) Reduction in tobacco use by pregnant women, new 120394
parents, and others living in households with children. 120395

The providers shall report the data in the format and 120396
within the time frames specified in the rules. 120397

The director shall prepare an annual report on the data 120398
received from the providers. Each report shall include an 120399
evaluation addressing the number of families and children 120400
served, the number and type of services provided, health and 120401

developmental outcomes for participating families and children, 120402
and variation in outcomes between the types of home visiting 120403
programs specified in division (B) (3) of section 5180.22 of the 120404
Revised Code. The director shall submit the report to the 120405
general assembly in accordance with section 101.68 of the 120406
Revised Code and make the report available on the internet web 120407
site maintained by the department of children and youth. 120408

(G) Pursuant to Chapter 119. of the Revised Code, the 120409
director shall adopt rules that are necessary and proper to 120410
implement this section. The rules shall specify all of the 120411
following: 120412

(1) Subject to division (H) of this section, eligibility 120413
requirements for home visiting services; 120414

(2) Eligibility requirements for providers of home 120415
visiting services; 120416

(3) Standards and procedures for the provision of program 120417
services, including data collection, program monitoring, and 120418
program evaluation; 120419

(4) Procedures for appealing the denial of an application 120420
for program services or the termination of services; 120421

(5) Procedures for appealing the denial of an application 120422
to become a provider of program services or the termination of 120423
the department's approval of a provider; 120424

(6) Procedures for addressing complaints; 120425

(7) The program performance indicators on which data must 120426
be reported by providers of home visiting services under 120427
division (F) of this section, which, to the extent possible, 120428
shall be consistent with federal reporting requirements for 120429

federally funded home visiting services; 120430

(8) The format in which reports must be submitted under 120431
division (F) of this section and the time frames within which 120432
the reports must be submitted; 120433

(9) Criteria for payment of approved providers of program 120434
services; 120435

(10) Any other rules necessary to implement the program. 120436

(H) When adopting rules required by division (G) (1) of 120437
this section, the director shall specify that families residing 120438
in the urban and rural communities specified in rules adopted 120439
under section 3701.142 of the Revised Code and families in the 120440
child welfare system are to receive priority over other families 120441
for home visiting services. 120442

(I) The department, in collaboration with the departments 120443
of job and family services and medicaid, shall propose 120444
strategies to increase the workforce capacity of home visiting 120445
service providers and parenting support professionals, including 120446
efforts to incentivize and retain such providers and 120447
professionals in this state. 120448

Sec. 5180.22. (A) The department of children and youth 120449
shall create a central intake and referral system for all home 120450
visiting programs operating in this state. Through a competitive 120451
bidding process, the department of children and youth may select 120452
one or more persons or government entities to operate the 120453
system. In its oversight of the one or more system operators, 120454
the department shall streamline the system to ensure families 120455
and children receive services from home visiting programs as 120456
described in division (B) (3) of this section. 120457

(B) If the department of children and youth chooses to 120458

select one or more system operators as described in division (A) 120459
of this section, a contract with any system operator shall 120460
require that the system do all of the following: 120461

(1) Serve as a single point of entry for access, 120462
assessment, and referral of families and children to appropriate 120463
home visiting services based on each family's location of 120464
residence; 120465

(2) Use a standardized form or other mechanism to assess 120466
each family member's risk factors and social determinants of 120467
health; 120468

(3) Ensure that families and children are referred to and 120469
receive services from home visiting programs that are 120470
appropriate to their level of needs, including the following: 120471

(a) Programs using home visiting contractors that provide 120472
services within a pathways community HUB certified by the 120473
pathways community HUB institute; 120474

(b) Programs that provide services using the early head 120475
start home-based option. 120476

(C) The standardized form or other mechanism described in 120477
division (B) (2) of this section shall be agreed to by the ~~home-~~ 120478
~~visiting consortium~~ children and youth advisory council created 120479
under section ~~5180.23~~ 5180.04 of the Revised Code. 120480

(D) A contract entered into under division (B) of this 120481
section shall require a system operator to issue an annual 120482
report to the department of children and youth that includes 120483
data regarding referrals made by the central intake and referral 120484
system, costs associated with the referrals, and the quality of 120485
services received by families and children who were referred to 120486
services through the system. The report shall be distributed to 120487

the ~~home visiting consortium~~ children and youth advisory council 120488
created under section ~~5180.23~~ 5180.04 of the Revised Code. 120489

(E) Nothing in this section is intended to do any of the 120490
following: 120491

(1) Prohibit the department of children and youth from 120492
using alternative promotional materials or names for the central 120493
intake and referral system; 120494

(2) Require the use of help me grow program promotional 120495
materials or names; 120496

(3) Prohibit providers, central coordinators, the 120497
department of children and youth, or stakeholders from using the 120498
help me grow name for promotional materials for home visiting. 120499

Sec. ~~5101.76~~ 5180.26. (A) A residential camp, as defined 120500
in section 2151.011 of the Revised Code, a child day camp, as 120501
defined in section 5104.01 of the Revised Code, or a child day 120502
camp operated by any county, township, municipal corporation, 120503
township park district created under section 511.18 of the 120504
Revised Code, park district created under section 1545.04 of the 120505
Revised Code, or joint recreation district established under 120506
section 755.14 of the Revised Code may procure epinephrine 120507
autoinjectors for use in emergency situations identified under 120508
division (C) (5) of this section by doing one of the following: 120509

(1) Having a licensed health professional authorized to 120510
prescribe drugs, acting in accordance with section 4723.483, 120511
4730.433, or 4731.96 of the Revised Code, personally furnish the 120512
epinephrine autoinjectors to the camp or issue a prescription 120513
for them in the name of the camp; 120514

(2) Obtaining a prescriber-issued protocol that includes 120515
definitive orders for epinephrine autoinjectors and the dosages 120516

of epinephrine to be administered through them. 120517

A camp that elects to procure epinephrine autoinjectors 120518
under this section is encouraged to maintain at least two 120519
epinephrine autoinjectors at all times. 120520

(B) A camp that elects to procure epinephrine 120521
autoinjectors under this section shall adopt a policy governing 120522
their maintenance and use. Before adopting the policy, the camp 120523
shall consult with a licensed health professional authorized to 120524
prescribe drugs. 120525

(C) The policy adopted under division (B) of this section 120526
shall do all of the following: 120527

(1) Identify the one or more locations in which an 120528
epinephrine autoinjector must be stored; 120529

(2) Specify the conditions under which an epinephrine 120530
autoinjector must be stored, replaced, and disposed; 120531

(3) Specify the individuals employed by or under contract 120532
with the camp who may access and use an epinephrine autoinjector 120533
to provide a dosage of epinephrine to an individual in an 120534
emergency situation identified under division (C) (5) of this 120535
section; 120536

(4) Specify any training that employees or contractors 120537
specified under division (C) (3) of this section must complete 120538
before being authorized to access and use an epinephrine 120539
autoinjector; 120540

(5) Identify the emergency situations, including when an 120541
individual exhibits signs and symptoms of anaphylaxis, in which 120542
employees or contractors specified under division (C) (3) of this 120543
section may access and use an epinephrine autoinjector; 120544

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A camp;

(b) A camp employee or contractor;

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A camp that elects to procure epinephrine 120574
autoinjectors under this section shall report to the department 120575
of children and youth each procurement and occurrence in which 120576
an epinephrine autoinjector is used from a camp's supply of 120577
epinephrine autoinjectors. 120578

(G) As used in this section, "licensed health professional 120579
authorized to prescribe drugs" and "prescriber" have the same 120580
meanings as in section 4729.01 of the Revised Code. 120581

Sec. ~~5101.77~~ 5180.261. (A) As used in this section, 120582
"inhaler" means a device that delivers medication to alleviate 120583
asthmatic symptoms, is manufactured in the form of a metered 120584
dose inhaler or dry powdered inhaler, and may include a spacer, 120585
holding chamber, or other device that attaches to the inhaler 120586
and is used to improve the delivery of the medication. 120587

(B) A residential camp, as defined in section 2151.011 of 120588
the Revised Code, a child day camp, as defined in section 120589
5104.01 of the Revised Code, or a child day camp operated by any 120590
county, township, municipal corporation, township park district 120591
created under section 511.18 of the Revised Code, park district 120592
created under section 1545.04 of the Revised Code, or joint 120593
recreation district established under section 755.14 of the 120594
Revised Code may procure inhalers for use in emergency 120595
situations identified under division (D)(5) of this section. A 120596
camp that elects to procure inhalers under this section is 120597
encouraged to maintain at least two inhalers at all times. 120598

(C) A camp that elects to procure inhalers under this 120599
section shall adopt a policy governing their maintenance and 120600
use. Before adopting the policy, the camp shall consult with a 120601
licensed health professional authorized to prescribe drugs, as 120602
defined in section 4729.01 of the Revised Code. 120603

(D) A component of a policy adopted by a camp under 120604
division (C) of this section shall be a prescriber-issued 120605
protocol specifying definitive orders for inhalers, including 120606
the dosages of medication to be administered through them, the 120607
number of times that each inhaler may be used before disposal, 120608
and the methods of disposal. The policy also shall do all of the 120609
following: 120610

(1) Identify the one or more locations in which an inhaler 120611
must be stored; 120612

(2) Specify the conditions under which an inhaler must be 120613
stored, replaced, and disposed; 120614

(3) Specify the individuals employed by or under contract 120615
with the camp who may access and use an inhaler to provide a 120616
dosage of medication to an individual in an emergency situation 120617
identified under division (D) (5) of this section; 120618

(4) Specify any training that employees or contractors 120619
specified under division (D) (3) of this section must complete 120620
before being authorized to access and use an inhaler; 120621

(5) Identify the emergency situations, including when an 120622
individual exhibits signs and symptoms of asthma, in which 120623
employees or contractors specified under division (D) (3) of this 120624
section may access and use an inhaler; 120625

(6) Specify that assistance from an emergency medical 120626
service provider must be requested immediately after an employee 120627
or contractor, other than a licensed health professional, uses 120628
an inhaler; 120629

(7) Specify the individuals to whom a dosage of medication 120630
may be administered through an inhaler in an emergency situation 120631
specified under division (D) (5) of this section. 120632

(E) A camp or camp employee or contractor is not liable in 120633
damages in a civil action for injury, death, or loss to person 120634
or property that allegedly arises from an act or omission 120635
associated with procuring, maintaining, accessing, or using an 120636
inhaler under this section, unless the act or omission 120637
constitutes willful or wanton misconduct. 120638

This section does not eliminate, limit, or reduce any 120639
other immunity or defense that a camp or camp employee or 120640
contractor may be entitled to under Chapter 2744. or any other 120641
provision of the Revised Code or under the common law of this 120642
state. 120643

(F) A camp may accept donations of inhalers from a 120644
wholesale distributor of dangerous drugs, as defined in section 120645
4729.01 of the Revised Code, and may accept donations of money 120646
from any person to purchase inhalers. 120647

(G) A camp that elects to procure inhalers under this 120648
section shall report to the department of children and youth 120649
each procurement and occurrence in which an inhaler is used from 120650
a camp's supply of inhalers. 120651

Sec. ~~5101.78~~ 5180.262. (A) As used in this section, 120652
"licensed health professional authorized to prescribe drugs" and 120653
"prescriber" have the same meanings as in section 4729.01 of the 120654
Revised Code. 120655

(B) A residential camp, as defined in section 2151.011 of 120656
the Revised Code; a child day camp, as defined in section 120657
5104.01 of the Revised Code; or a child day camp operated by any 120658
county, township, municipal corporation, township park district 120659
created under section 511.18 of the Revised Code, park district 120660
created under section 1545.04 of the Revised Code, or joint 120661

recreation district established under section 755.14 of the 120662
Revised Code may procure injectable or nasally administered 120663
glucagon for use in emergency situations identified under 120664
division (D) (5) of this section by doing one of the following: 120665

(1) Having a licensed health professional authorized to 120666
prescribe drugs, acting in accordance with section 4723.4811, 120667
4730.437, or 4731.92 of the Revised Code, personally furnish the 120668
injectable or nasally administered glucagon to the camp or issue 120669
a prescription for the drug in the name of the camp; 120670

(2) Obtaining a prescriber-issued protocol that includes 120671
definitive orders for injectable or nasally administered 120672
glucagon and the dosages to be administered; 120673

A camp that elects to procure injectable or nasally 120674
administered glucagon under this section is encouraged to 120675
maintain at least two doses of the drug at all times. 120676

(C) A camp that elects to procure injectable or nasally 120677
administered glucagon under this section shall adopt a policy 120678
governing maintenance and use of the drug. Before adopting the 120679
policy, the camp shall consult with a licensed health 120680
professional authorized to prescribe drugs. 120681

(D) The policy adopted under division (C) of this section 120682
shall do all of the following: 120683

(1) Identify the one or more locations at the camp in 120684
which injectable or nasally administered glucagon must be 120685
stored; 120686

(2) Specify the conditions under which injectable or 120687
nasally administered glucagon must be stored, replaced, or 120688
disposed; 120689

- (3) Specify the individuals employed by or under contract with the camp, or who volunteer at the camp, who may access and use injectable or nasally administered glucagon in an emergency situation identified under division (D) (5) of this section; 120690
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- (4) Specify any training that employees, contractors, or volunteers specified under division (D) (3) of this section must complete before being authorized to access and use injectable or nasally administered glucagon; 120694
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- (5) Identify the emergency situations, including when an individual exhibits signs and symptoms of severe hypoglycemia, in which employees, contractors, or volunteers specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon; 120698
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- (6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 120703
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- (7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section. 120706
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- (E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 120709
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- (a) A camp; 120715
- (b) A camp employee, contractor, or volunteer; 120716
- (c) A licensed health professional authorized to prescribe 120717

drugs who personally furnishes or prescribes injectable or 120718
nasally administered glucagon, provides a consultation, or 120719
issues a protocol pursuant to this section; 120720

(2) This section does not eliminate, limit, or reduce any 120721
other immunity or defense that a camp; camp employee, 120722
contractor, or volunteer; or licensed health professional may be 120723
entitled to under Chapter 2744. or any other provision of the 120724
Revised Code or under the common law of this state. 120725

(F) A camp may accept donations of injectable or nasally 120726
administered glucagon from a wholesale distributor of dangerous 120727
drugs or manufacturer of dangerous drugs, as defined in section 120728
4729.01 of the Revised Code, and may accept donations of money 120729
from any person to purchase the drug. 120730

(G) A camp that elects to procure injectable or nasally 120731
administered glucagon under this section shall report to the 120732
department of children and youth each procurement and each 120733
occurrence in which a dose of the drug is used from the camp's 120734
supply. 120735

Sec. ~~3738.01~~ 5180.27. (A) As used in this section and 120736
sections ~~3738.02-5180.271~~ to ~~3738.09-5180.278~~ of the Revised 120737
Code, "pregnancy-associated death" means the death of a woman 120738
while pregnant or anytime within one year of pregnancy 120739
regardless of cause. 120740

(B) There is hereby established in the department of 120741
~~health-children and youth~~ a pregnancy-associated mortality 120742
review (PAMR) board to identify and review all pregnancy- 120743
associated deaths statewide for the purpose of reducing the 120744
incidence of those deaths. 120745

Sec. ~~3738.02~~ 5180.271. The PAMR board may not conduct a 120746

review of a pregnancy-associated death while an investigation of 120747
the death or prosecution of a person for causing the death is 120748
pending unless the prosecuting attorney agrees to allow the 120749
review. The law enforcement agency conducting the criminal 120750
investigation, on the conclusion of the investigation, and the 120751
prosecuting attorney prosecuting the case, on the conclusion of 120752
the prosecution, shall notify the chairperson of the PAMR board 120753
of the conclusion. 120754

Sec. ~~3738.03~~ 5180.272. All of the following apply with 120755
respect to the PAMR board: 120756

(A) The director of ~~health-children and youth~~ shall 120757
appoint the board's members. In doing so, the director shall 120758
make a good faith effort to select members who represent all 120759
regions of the state and multiple areas of expertise and 120760
constituencies concerned with the care of pregnant and 120761
postpartum women. 120762

(B) The board, by a majority vote of a quorum of its 120763
members, shall select an individual to serve as its chairperson. 120764
The board may replace a chairperson in the same manner. 120765

(C) An appointed member shall hold office until a 120766
successor is appointed. The director of ~~health-children and~~ 120767
~~youth~~ shall fill a vacancy as soon as practicable. 120768

(D) A member shall not receive any compensation for, and 120769
shall not be paid for any expenses incurred pursuant to, 120770
fulfilling the member's duties on the board. 120771

(E) The board shall meet at the call of the board's 120772
chairperson as often as the chairperson determines necessary for 120773
timely completion of pregnancy-associated death reviews. The 120774
reviews shall be conducted in accordance with rules adopted 120775

under section ~~3738.09~~ 5180.278 of the Revised Code. 120776

(F) The department of ~~health~~ children and youth shall 120777
provide meeting space, staff services, and other technical 120778
assistance required by the board in carrying out its duties. 120779

Sec. ~~3738.04~~ 5180.273. The PAMR board shall seek to reduce 120780
the incidence of pregnancy-associated deaths in this state by 120781
doing all of the following: 120782

(A) Promoting cooperation, collaboration, and 120783
communication between all groups, professions, agencies, and 120784
entities that serve pregnant and postpartum women and families; 120785

(B) Recommending and developing plans for implementing 120786
service and program changes, as well as changes to the groups, 120787
professions, agencies, and entities that serve pregnant and 120788
postpartum women and families; 120789

(C) Providing the department of ~~health~~ children and youth 120790
with aggregate data, trends, and patterns regarding pregnancy- 120791
associated deaths using data and other relevant information 120792
specified in rules adopted under section ~~3738.09~~ 5180.278 of the 120793
Revised Code; 120794

(D) Developing effective interventions to reduce the 120795
mortality of pregnant and postpartum women. 120796

Sec. ~~3738.05~~ 5180.274. (A) Notwithstanding section 120797
3701.243 and any other section of the Revised Code pertaining to 120798
confidentiality, and except as provided in division (B) of this 120799
section, an individual, government entity, agency that provides 120800
services specifically to individuals or families, law 120801
enforcement agency, health care provider, or other public or 120802
private entity that provided services to a woman whose death is 120803
being reviewed by the PAMR board shall submit to the board a 120804

copy of any record it possesses that the board requests. In 120805
addition, such an individual or entity may make available to the 120806
board additional information, documents, or reports that could 120807
be useful to the board's investigation. 120808

(B) No person, government entity, law enforcement agency, 120809
or prosecuting attorney shall provide any information regarding 120810
a pregnancy-associated death while an investigation of the death 120811
or prosecution of a person for causing the death is pending 120812
unless the prosecuting attorney agrees to allow the review. 120813

(C) A family member of the deceased may decline to 120814
participate in an interview as part of the review process. In 120815
that case, the review shall continue without the family member's 120816
participation. 120817

Sec. ~~3738.06~~ 5180.275. (A) Any record, document, report, 120818
or other information presented to the PAMR board, as well as all 120819
statements made by board members during board meetings, all work 120820
products of the board, and data submitted to the department of 120821
~~health-children and youth~~ by the board, other than the biennial 120822
reports described in section ~~3738.08~~ 5180.277 of the Revised 120823
Code, are confidential and not a public record under section 120824
149.43 of the Revised Code. Such materials shall be used by the 120825
board and department only in the exercise of the proper 120826
functions of the board and department. 120827

(B) No person shall permit or encourage the unauthorized 120828
dissemination of confidential information described in division 120829
(A) of this section. 120830

~~(C) Whoever violates division (B) of this section is~~ 120831
~~guilty of a misdemeanor of the second degree.~~ 120832

Sec. ~~3738.07~~ 5180.276. (A) An individual or public or 120833

private entity providing records, documents, reports, or other 120834
information to the PAMR board is immune from any civil liability 120835
for injury, death, or loss to person or property that otherwise 120836
might be incurred or imposed as a result of providing the 120837
records, documents, reports, or information to the board. 120838

(B) Each board member is immune from any civil liability 120839
for injury, death, or loss to person or property that might 120840
otherwise be incurred or imposed as a result of the member's 120841
participation on the board. 120842

Sec. ~~3738.08~~ 5180.277. (A) The PAMR board shall prepare a 120843
biennial report that does all of the following: 120844

(1) Summarizes the board's findings from the reviews 120845
completed in the immediately preceding two calendar years, 120846
including any trends or patterns identified by the board; 120847

(2) Makes recommendations on how pregnancy-associated 120848
deaths may be prevented, including changes that should be made 120849
to policies and laws; 120850

(3) Includes any other information related to pregnancy- 120851
associated mortality the board considers useful. 120852

(B) A report shall not contain individually identifiable 120853
information regarding any woman whose death was reviewed by the 120854
board. 120855

(C) The board shall submit a copy of each report to the 120856
director of ~~health~~children and youth, the general assembly, and 120857
the governor. The copy to the general assembly shall be 120858
submitted in accordance with section 101.68 of the Revised Code. 120859
The initial report shall be submitted not later than March 1, 120860
2020, with subsequent reports submitted not later than March 1 120861
every two years thereafter. 120862

The director shall make a copy of each report available on 120863
the department of ~~health's~~ children and youth's web site. 120864

(D) Reports prepared under this section are public records 120865
under section 149.43 of the Revised Code. 120866

Sec. ~~3738.09~~ 5180.278. The director of ~~health~~ children and 120867
youth shall adopt rules that are necessary for the 120868
implementation of sections ~~3738.01~~ 5180.27 to ~~3738.08~~ 5180.277 120869
of the Revised Code, including rules that do all of the 120870
following: 120871

(A) Establish a procedure for the PAMR board to follow in 120872
conducting pregnancy-associated death reviews; 120873

(B) Specify the data and other relevant information the 120874
board must use when conducting pregnancy-associated death 120875
reviews; 120876

(C) Establish guidelines for the board to follow to 120877
prevent an unauthorized dissemination of confidential 120878
information in violation of division (B) of section ~~3738.06~~ 120879
5180.275 of the Revised Code. 120880

The rules shall be adopted in accordance with Chapter 119. 120881
of the Revised Code. 120882

Sec. ~~5101.13~~ 5180.40. (A) The department of children and 120883
youth shall establish and maintain a uniform statewide automated 120884
child welfare information system in accordance with the 120885
requirements of 42 ~~U.S.C.A.~~ U.S.C. 674(a)(3)(C) and related 120886
federal regulations and guidelines. The information system shall 120887
contain records regarding any of the following: 120888

(1) Investigations of children and families, and 120889
children's care in out-of-home care, in accordance with sections 120890

2151.421 and 5153.16 of the Revised Code; 120891

(2) Care and treatment provided to children and families; 120892

(3) Any other information related to children and families 120893
that state or federal law, regulation, or rule requires the 120894
department or a public children services agency to maintain. 120895

~~(B) The department shall plan implementation of the 120896
information system on a county-by-county basis and shall 120897
finalize statewide implementation by all public children 120898
services agencies as described in section 5153.02 of the Revised 120899
Code not later than January 1, 2008. 120900~~

~~(C) The department shall promptly notify all public 120901
children services agencies of the initiation and completion of 120902
statewide implementation of the statewide information system 120903
established under division (A) of this section. 120904~~

~~(D) "Out-of-home care" has the same meaning as in section 120905
2151.011 of the Revised Code. 120906~~

Sec. ~~5101.131~~ 5180.401. Except as provided in section 120907
~~5101.132~~ 5180.402 of the Revised Code, information contained in 120908
or obtained from the information system established and 120909
maintained under section ~~5101.13~~ 5180.40 of the Revised Code is 120910
confidential and is not subject to disclosure pursuant to 120911
section 149.43 or 1347.08 of the Revised Code. 120912

Sec. ~~5101.132~~ 5180.402. (A) Information contained in the 120913
information system established and maintained under section 120914
~~5101.13~~ 5180.40 of the Revised Code may be accessed or entered 120915
only as follows: 120916

(1) The department of job and family services, the 120917
department of children and youth, a public children services 120918

agency, a title IV-E agency, a prosecuting attorney, a private
child placing agency, and a private noncustodial agency may
access or enter the information when either of the following is
the case:

(a) The access or entry is directly connected with
assessment, investigation, or services regarding a child or
family;

(b) The access or entry is permitted by state or federal
law, rule, or regulation.

(2) A person may access or enter the information in a
manner, to the extent, and for the purposes authorized by rules
adopted by the department.

(B) As used in this section, "title IV-E agency" means a
public children services agency or a public entity with which
the department of job and family services or department of
children and youth has a title IV-E subgrant agreement in
effect.

Sec. ~~5101.133~~ 5180.403. No person shall access or use
information contained in the information system established and
maintained under section ~~5101.13~~ 5180.40 of the Revised Code
other than in accordance with section ~~5101.132~~ 5180.402 of the
Revised Code or rules authorized by that section.

No person shall disclose information obtained from the
information system established and maintained under section
~~5101.13~~ 5180.40 of the Revised Code in a manner not specified by
rules authorized by section ~~5101.134~~ 5180.404 of the Revised
Code.

Sec. ~~5101.134~~ 5180.404. (A) Notwithstanding any provision
of the Revised Code that requires confidentiality of information

that is contained in the uniform statewide automated child 120948
welfare information system established in section ~~5101.13~~ 120949
5180.40 of the Revised Code, the department of children and 120950
youth shall adopt rules in accordance with Chapter 119. of the 120951
Revised Code regarding a private child placing agency's or 120952
private noncustodial agency's access, data entry, and use of 120953
information in the uniform statewide automated child welfare 120954
information system. 120955

(B) (1) The department of children and youth may adopt 120956
rules in accordance with section 111.15 of the Revised Code, as 120957
if they were internal management rules, as necessary to carry 120958
out the purposes of sections ~~5101.13~~5180.40 to ~~5101.133~~ 120959
5180.403 of the Revised Code. 120960

(2) The department may adopt rules in accordance with 120961
Chapter 119. of the Revised Code as necessary to carry out the 120962
purposes of division (A) (2) of section ~~5101.132~~5180.402 of the 120963
Revised Code. 120964

(C) Public children services agencies shall implement and 120965
use the information system established pursuant to section 120966
~~5101.13~~5180.40 of the Revised Code in accordance with rules 120967
adopted by the department. 120968

Sec. ~~5101.135~~ 5180.405. (A) A public children services 120969
employee who is entering a report of an investigation of child 120970
abuse in the statewide automated child welfare information 120971
system, as required by section ~~5101.13~~5180.40 of the Revised 120972
Code, shall make a notation on each case of child abuse that 120973
indicates whether the child abuse arose from an act that caused 120974
the child to suffer from, or resulted in the child suffering 120975
from, shaken baby syndrome. 120976

(B) On the first day of March of each year, the department
of children and youth shall report to the director of health the
number of reports of child abuse that arose from an act that
caused the child to suffer from, or resulted in the child
suffering from, shaken baby syndrome and that arose during the
calendar year immediately preceding the calendar year in which
the report is made, as determined by an examination of the
statewide automated child welfare information system established
and maintained under section ~~5101.13~~ 5180.40 of the Revised
Code.

(C) As used in this section, "shaken baby syndrome" has
the same meaning as in section 5180.14 of the Revised Code.

Sec. ~~5101.136~~ 5180.406. If a person requests the
department of ~~job and family services~~ children and youth to
conduct a search of whether that person's name has been placed
or remains in the statewide automated child welfare information
system as an alleged perpetrator of child abuse or neglect and a
search reveals that a "substantiated" disposition exists, the
department shall send a letter to the person who requested the
search indicating a "match."

Sec. ~~5101.137~~ 5180.407. The department of ~~job and family~~
~~services~~ children and youth shall work with stakeholders to
establish an expungement policy regarding dispositions of child
abuse or neglect in Ohio's central registry on child abuse and
neglect by March 1, 2024.

Sec. ~~5101.14~~ 5180.41. (A) As used in this section and
section ~~5101.144~~ 5180.411 of the Revised Code, "children
services" means services provided to children pursuant to
Chapter 5153. of the Revised Code.

(B) Within available funds, the department of children and youth shall distribute funds to the counties within thirty days after the beginning of each calendar quarter for a part of the counties' costs for children services.

Funds provided to the county under this section shall be deposited into the children services fund created pursuant to section ~~5101.144~~5180.411 of the Revised Code.

(C) In each fiscal year, the amount of funds available for distribution under this section shall be allocated to counties as follows:

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section;

(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C) (2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding

fiscal year shall be allocated to the counties as follows: 121035

(a) Twelve per cent divided equally among all counties; 121036

(b) Forty-eight per cent in the ratio that the number of 121037
residents of the county under the age of eighteen bears to the 121038
total number of such persons residing in this state; 121039

(c) Forty per cent in the ratio that the number of 121040
residents of the county with incomes under the federal poverty 121041
guideline bears to the total number of such persons in this 121042
state. 121043

As used in division (C) (3) (c) of this section, "federal 121044
poverty guideline" means the poverty guideline as defined by the 121045
United States office of management and budget and revised by the 121046
United States secretary of health and human services in 121047
accordance with section 673 of the "Community Services Block 121048
Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 121049

(D) Within ninety days after the end of each state fiscal 121050
biennium, each county shall return any unspent funds to the 121051
department. 121052

(E) The director of children and youth may adopt the 121053
following rules in accordance with section 111.15 of the Revised 121054
Code: 121055

(1) Rules that are necessary for the allocation of funds 121056
under this section; 121057

(2) Rules prescribing reports on expenditures to be 121058
submitted by the counties as necessary for the implementation of 121059
this section. 121060

Sec. ~~5101.144~~ 5180.411. Each county shall deposit all 121061
funds its public children services agency receives from 121062

appropriations made by the board of county commissioners or any 121063
other source for the purpose of providing children services into 121064
a special fund in the county treasury known as the children 121065
services fund. A county shall use money in the fund only for the 121066
purposes of meeting the expenses of providing children services. 121067

Sec. ~~5101.141~~ 5180.42. (A) As used in sections ~~5101.141~~ 121068
5180.42 to ~~5101.1417~~ 5180.4214 of the Revised Code: 121069

(1) "Adopted young adult" means a person: 121070

(a) Who was in the temporary or permanent custody of a 121071
public children services agency; 121072

(b) Who was adopted at the age of sixteen or seventeen and 121073
attained the age of sixteen before a Title IV-E adoption 121074
assistance agreement became effective; 121075

(c) Who has attained the age of eighteen; and 121076

(d) Who has not yet attained the age of twenty-one. 121077

(2) "Child" means any of the following: 121078

(a) A person who meets the requirements of division (B) (3) 121079
of section 5153.01 of the Revised Code; 121080

(b) An adopted young adult; 121081

(c) An emancipated young adult. 121082

(3) "Emancipated young adult" means a person: 121083

(a) Who was in the temporary or permanent custody of a 121084
public children services agency, a planned permanent living 121085
arrangement, or in the Title-IV-E-eligible care and placement 121086
responsibility of a juvenile court or other governmental agency 121087
that provides Title IV-E reimbursable placement services; 121088

(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and

(c) Who has not yet attained the age of twenty-one.

(4) "Kinship guardianship young adult" means an individual that meets the following criteria:

(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A) (4) (b) of this section;

(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;

(c) Has attained the age of eighteen;

(d) Has not yet attained the age of twenty-one.

(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:

(a) The following individuals related by blood or adoption to the child:

(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings of the child; 121115

(c) Spouses and former spouses of individuals named in 121116
divisions (A) (5) (a) and (b) of this section; 121117

(d) A legal guardian of the child; 121118

(e) A legal custodian of the child; 121119

(f) Any nonrelative adult that has a familiar and long- 121120
standing relationship or bond with the child or the family, 121121
which relationship or bond will ensure the child's social ties. 121122

(6) "Representative" means a person with whom the 121123
department of children and youth has entered into a contract, 121124
pursuant to division (B) (2) (b) of this section. 121125

(7) "Title IV-E" means Title IV-E of the "Social Security 121126
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 121127

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) ~~and~~ ~~and (4)~~ 121128
of this section, the department of children and youth 121129
shall act as the single state agency to administer federal 121130
payments for foster care, kinship guardianship assistance, and 121131
adoption assistance made pursuant to Title IV-E. The director of 121132
children and youth shall adopt rules to implement this 121133
authority. Rules governing financial and administrative 121134
requirements applicable to public children services agencies and 121135
government entities that provide Title IV-E reimbursable 121136
placement services to children shall be adopted in accordance 121137
with section 111.15 of the Revised Code, as if they were 121138
internal management rules. Rules governing requirements 121139
applicable to private child placing agencies and private 121140
noncustodial agencies and rules establishing eligibility, 121141
program participation, and other requirements concerning Title 121142
IV-E shall be adopted in accordance with Chapter 119. of the 121143

Revised Code. A public children services agency to which the 121144
department distributes Title IV-E funds shall administer the 121145
funds in accordance with those rules. 121146

~~(2) If the~~ (2) (a) The department shall implement the state 121147
plan ~~is as~~ amended under divisions (A) and (B) of section 121148
~~5101.1411-5180.428~~ of the Revised Code, ~~both of the following~~ 121149
~~shall apply:—~~ 121150

~~(a) Implementation of the amendments to the plan shall~~ 121151
~~begin fifteen months after September 13, 2016, the effective~~ 121152
~~date of H.B. 50 of the 131st general assembly, if both of the~~ 121153
~~following apply:—~~ 121154

~~(i) The plan as amended is approved by the secretary of~~ 121155
~~health and human services;—~~ 121156

~~(ii) The~~ if the general assembly has appropriated 121157
sufficient funds to operate the program required under the plan 121158
as amended. 121159

(b) The department shall have, exercise, and perform all 121160
new duties required under the plan as amended. In doing so, the 121161
department may contract with another person to carry out those 121162
new duties, to the extent permitted under Title IV-E. 121163

~~(3) If the state plan is amended under division (C) of~~ 121164
~~section 5101.1411 of the Revised Code, both of the following~~ 121165
~~apply:—~~ 121166

~~(a) Implementation of the amendments to the plan shall~~ 121167
~~begin fifteen months after September 30, 2021, if both of the~~ 121168
~~following apply:—~~ 121169

~~(i) The plan as amended is approved by the secretary of~~ 121170
~~health and human services.—~~ 121171

~~(ii) The general assembly has appropriated sufficient funds to operate the program required under the plan as amended.~~ 121172
121173

~~(b) The department shall perform all new duties required under the amended plan. In doing so, the department may contract with another person to carry out those new duties, to the extent permitted under Title IV-E.~~ 121174
121175
121176
121177

~~(4) If The department shall implement the state plan as amended under section ~~5101.1416~~ 5180.4213 of the Revised Code, and is approved by the secretary of health and human services, implementation of the amendments to the plan shall begin fifteen months after September 30, 2021.~~ 121178
121179
121180
121181
121182

(C) (1) Except with regard to the new duties imposed on the department or its contractor under ~~divisions~~ division (B) (2) (b) and ~~(B) (3) (b)~~ of this section that are not imposed on the county, the county, on behalf of each child eligible for foster care maintenance payments under Title IV-E, shall make payments to cover the cost of providing all of the following: 121183
121184
121185
121186
121187
121188

(a) The child's food, clothing, shelter, daily supervision, and school supplies; 121189
121190

(b) The child's personal incidentals; 121191

(c) Reasonable travel to the child's home for visitation. 121192

(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following: 121193
121194
121195
121196

(a) Liability insurance with respect to the child; 121197

(b) If the county is participating in the demonstration project established under division (A) of section ~~5101.142~~ 121198
121199

5180.421 of the Revised Code, services provided under the 121200
project. 121201

(3) With respect to a child who is in a child-care 121202
institution, including any type of group home designed for the 121203
care of children or any privately operated program consisting of 121204
two or more certified foster homes operated by a common 121205
administrative unit, the foster care maintenance payments made 121206
by the county on behalf of the child shall include the 121207
reasonable cost of the administration and operation of the 121208
institution, group home, or program, as necessary to provide the 121209
items described in divisions (C) (1) and (2) of this section. 121210

(D) To the extent that either foster care maintenance 121211
payments under division (C) of this section, Title IV-E kinship 121212
guardianship assistance, or Title IV-E adoption assistance 121213
payments for maintenance costs require the expenditure of county 121214
funds, the board of county commissioners shall report the nature 121215
and amount of each expenditure of county funds to the 121216
department. 121217

(E) The department shall distribute to public children 121218
services agencies that incur and report expenditures of the type 121219
described in division (D) of this section federal financial 121220
participation received for administrative and training costs 121221
incurred in the operation of foster care maintenance, kinship 121222
guardianship assistance, and adoption assistance programs. The 121223
department may withhold not more than three per cent of the 121224
federal financial participation received. The funds withheld may 121225
be used only to fund the following: 121226

(1) The Ohio child welfare training program established 121227
under section 5103.30 of the Revised Code; 121228

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including voluntary activities to be accredited by a nationally recognized accreditation organization.

The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section ~~5101.144~~ 5180.411 of the Revised Code.

~~(G)~~ (G) (1) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(2) The department may issue a request for proposals to establish statewide rate cards for placement and care of children eligible for foster care maintenance payments. If a request for proposals is issued, the department shall review and accept the reasonable cost of providing the items described in division (C) of this section.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all

of the following apply: 121258

(1) They have special needs. 121259

(2) This state or another state that is a party to the 121260
interstate compact is providing kinship guardianship assistance 121261
or adoption assistance on their behalf. 121262

(3) They move into this state from another state or move 121263
out of this state to another state. 121264

Sec. ~~5101.142~~ 5180.421. (A) The department of children and 121265
youth may apply to the United States secretary of health and 121266
human services for a waiver of requirements established under 121267
Title IV-E, or regulations adopted thereunder, to conduct a 121268
demonstration project expanding eligibility for and services 121269
provided under Title IV-E. The department may enter into 121270
agreements with the secretary necessary to implement the 121271
demonstration project, including agreements establishing the 121272
terms and conditions of the waiver authorizing the project. If a 121273
demonstration project is to be established, the department shall 121274
do all of the following: 121275

(1) Have the director of children and youth adopt rules in 121276
accordance with Chapter 119. of the Revised Code governing the 121277
project. The rules shall be consistent with the agreements the 121278
department enters into with the secretary. 121279

(2) Enter into agreements with public children services 121280
agencies that the department selects for participation in the 121281
project. The department shall not select an agency that objects 121282
to participation or refuses to be bound by the terms and 121283
conditions of the project. 121284

(3) Contract with persons or governmental agencies 121285
providing services under the project; 121286

(4) Amend the state plan required by section 471 of the "Social Security Act," 42 ~~U.S.C.A.~~U.S.C. 671, as amended, as needed to implement the project;

(5) Conduct ongoing evaluations of the project;

(6) Perform other administrative and operational activities required by the agreement with the secretary.

(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," ~~81 Stat. 821,~~ 42 ~~U.S.C.A.~~U.S.C. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function.

Sec. ~~5101.145~~ 5180.422. (A) In adopting rules under section ~~5101.141~~5180.42 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, private noncustodial agencies, and government entities that provide Title IV-E reimbursable placement services to children, the department of children and youth ~~shall~~may establish both of the following:

(1) A single form for the agencies or entities to report costs reimbursable under Title IV-E and costs reimbursable under medicaid;

(2) Procedures to monitor cost reports submitted by the agencies or entities.

(B) The procedures established under division (A) (2) of this section shall ~~be implemented not later than October 1,~~

~~2003. The procedures shall be used to do both of the following:~~ 121316

(1) Determine which of the costs are reimbursable under 121317
Title IV-E; 121318

(2) Ensure that costs reimbursable under medicaid are 121319
excluded from determinations made under division (B) (1) of this 121320
section. 121321

Sec. ~~5101.146~~ 5180.423. The department of children and 121322
youth shall establish the following penalties, which shall be 121323
enforced at the discretion of the department, for the failure of 121324
a public children services agency, private child placing agency, 121325
private noncustodial agency, or government entity that provides 121326
Title IV-E reimbursable placement services to children to comply 121327
with procedures the department establishes to ensure fiscal 121328
accountability: 121329

(A) For initial failure, the department and the agency or 121330
entity involved shall jointly develop and implement a corrective 121331
action plan according to a specific schedule. If requested by 121332
the agency or entity involved, the department shall provide 121333
technical assistance to the agency or entity to ensure the 121334
fiscal accountability procedures and goals of the plan are met. 121335

(B) For subsequent failures or failure to achieve the 121336
goals of the plan described in division (A) of this section, one 121337
of the following: 121338

(1) For public children services agencies, the department 121339
may take any action permitted under division (C) (2), (4), (5), 121340
or (6) of section 5101.24 of the Revised Code. 121341

(2) For private child placing agencies or private 121342
noncustodial agencies, cancellation of any Title IV-E 121343
allowability rates for the agency involved pursuant to section 121344

~~5101.141~~ 5180.42 of the Revised Code or revocation pursuant to 121345
Chapter 119. of the Revised Code of that agency's certificate 121346
issued under section 5103.03 of the Revised Code; 121347

(3) For government entities, other than public children 121348
services agencies, that provide Title IV-E reimbursable 121349
placement services to children, cancellation of any Title IV-E 121350
allowability rates for the entity involved pursuant to section 121351
~~5101.141~~ 5180.42 of the Revised Code. 121352

Sec. ~~5101.147~~ 5180.424. If a public children services 121353
agency fails to comply with the fiscal accountability procedures 121354
established by the department of children and youth, the 121355
department shall notify the board of county commissioners of the 121356
county served by the agency. If a private child placing agency 121357
or private noncustodial agency fails to comply with the fiscal 121358
accountability procedures, the department shall notify the 121359
executive director of each public children services agency that 121360
has entered into a contract for services with the private child 121361
placing agency or private noncustodial agency. 121362

Sec. ~~5101.148~~ 5180.425. If the department of children and 121363
youth sanctions a public children services agency, private child 121364
placing agency, or private noncustodial agency, it shall take 121365
every possible precaution to ensure that any foster children 121366
that have been placed by the agency under sanction are not 121367
unnecessarily removed from the certified foster homes in which 121368
they reside. 121369

Sec. ~~5101.149~~ 5180.426. Money from the children services 121370
fund shall not be used to provide a personal loan to any 121371
individual. 121372

Sec. ~~5101.1410~~ 5180.427. In addition to the remedies 121373

available under sections ~~5101.146 and~~ 5101.24 and 5180.423 of 121374
the Revised Code, the department of children and youth may 121375
certify a claim to the attorney general under section 131.02 of 121376
the Revised Code for the attorney general to take action under 121377
that section against a public children services agency, private 121378
child placing agency, private noncustodial agency, or government 121379
entity that provides Title IV-E reimbursable placement services 121380
to children if all of the following are the case: 121381

(A) The agency or entity files a cost report with the 121382
department pursuant to rules adopted under division (B) of 121383
section ~~5101.141~~ 5180.42 of the Revised Code. 121384

(B) The department receives and distributes federal Title 121385
IV-E reimbursement funds based on the cost report. 121386

(C) The agency's or entity's misstatement, 121387
misclassification, overstatement, understatement, or other 121388
inclusion or omission of any cost included in the cost report 121389
causes the United States department of health and human services 121390
to disallow all or part of the federal Title IV-E reimbursement 121391
funds the department received and distributed. 121392

(D) The agency's or entity's misstatement, 121393
misclassification, overstatement, understatement, or other 121394
inclusion or omission of any cost included in the cost report is 121395
not the direct result of a written directive concerning the 121396
agency or entity's cost report that the department issued to the 121397
agency or entity. 121398

Sec. ~~5101.1411~~ 5180.428. (A) (1) The director of ~~job and~~ 121399
~~family services children and youth~~ shall, ~~not later than nine~~ 121400
~~months after September 13, 2016, the effective date of H.B. 50-~~ 121401
~~of the 131st general assembly, submit an amendment to the state~~ 121402

~~plan required by 42 U.S.C. 671 to the United States secretary of~~ 121403
~~health and human services to~~ implement 42 U.S.C. 675(8) to make 121404
federal payments for foster care under Title IV-E directly to, 121405
or on behalf of, any emancipated young adult who meets the 121406
following requirements: 121407

(a) The emancipated young adult signs a voluntary 121408
participation agreement. 121409

(b) The emancipated young adult satisfies division (D) of 121410
this section. 121411

(2) Any emancipated young adult who meets the requirements 121412
of division (A) (1) of this section may apply for foster care 121413
payments and make the appropriate application at any time. 121414

(B) (1) The director of ~~job and family services children~~ 121415
~~and youth shall, not later than nine months after September 13,~~ 121416
~~2016, the effective date of H.B. 50 of the 131st general~~ 121417
~~assembly, submit an amendment to the state plan required by 42~~ 121418
~~U.S.C. 671 to the United States secretary of health and human~~ 121419
~~services to~~ implement 42 U.S.C. 675(8) to make federal payments 121420
for adoption assistance under Title IV-E available to any parent 121421
who meets all of the following requirements: 121422

(a) The parent adopted a person who is an adopted young 121423
adult and the parent entered into an adoption assistance 121424
agreement under 42 U.S.C. 673 while the adopted person was age 121425
sixteen or seventeen. 121426

(b) The parent maintains parental responsibility for the 121427
adopted young adult. 121428

(c) The adopted young adult satisfies division (D) of this 121429
section. 121430

(2) Any parent who meets the requirements of division (B) 121431
(1) of this section that are applicable to a parent may request 121432
an extension of adoption assistance payments at any time before 121433
the adopted young adult reaches age twenty-one. 121434

(3) An adopted young adult who is eligible to receive 121435
adoption assistance payments is not considered an emancipated 121436
young adult and is therefore not eligible to receive payment 121437
under division (A) of this section. 121438

(C) (1) The director of ~~job and family services children~~ 121439
~~and youth~~ shall, ~~not later than nine months after September 30,~~ 121440
~~2021, submit an amendment to the state plan required by 42-~~ 121441
~~U.S.C. 671 to the United States secretary of health and human~~ 121442
~~services to~~ implement 42 U.S.C. 673(d) to provide kinship 121443
guardianship assistance under Title IV-E available to any 121444
relative who meets all of the following requirements: 121445

(a) Both of the following apply: 121446

(i) A juvenile court issued an order granting legal 121447
custody of a person who is a kinship guardianship young adult to 121448
the relative, or a probate court issued an order granting 121449
guardianship of a person who is a kinship guardianship young 121450
adult to the relative, and the order is not a temporary court 121451
order. 121452

(ii) The relative entered into a kinship guardianship 121453
assistance agreement under 42 U.S.C. 673(d) while the kinship 121454
guardianship young adult was age sixteen or seventeen. 121455

(b) The relative maintains parental responsibility for the 121456
kinship guardianship young adult. 121457

(c) The kinship guardianship young adult satisfies 121458
division (D) of this section. 121459

(2) Any person who meets the requirements of division (C) 121460
(1) of this section may request an extension of kinship 121461
guardianship assistance at any time before the kinship 121462
guardianship young adult reaches age twenty-one. 121463

(3) A kinship guardianship young adult who is eligible to 121464
receive kinship guardianship assistance is not considered an 121465
emancipated young adult and is therefore not eligible to receive 121466
assistance under division (A) of this section. 121467

(D) In addition to other requirements, an adopted, kinship 121468
guardianship, or emancipated young adult must meet at least one 121469
of the following criteria: 121470

(1) Is completing secondary education or a program leading 121471
to an equivalent credential; 121472

(2) Is enrolled in an institution that provides post- 121473
secondary or vocational education; 121474

(3) Is participating in a program or activity designed to 121475
promote, or remove barriers to, employment; 121476

(4) Is employed for at least eighty hours per month; 121477

(5) Is incapable of doing any of the activities described 121478
in divisions (D)(1) to (4) of this section due to a physical or 121479
mental condition, which incapacity is supported by regularly 121480
updated information in the person's case record or plan. 121481

(E) Any emancipated young adult described in division (A) 121482
(1) of this section who is directly receiving foster care 121483
payments, or on whose behalf such foster care payments are 121484
received, or any relative described in division (C)(1) of this 121485
section who is receiving kinship guardianship assistance, or any 121486
parent receiving adoption assistance payments, may refuse the 121487

payments at any time. 121488

(F) (1) An emancipated young adult described in division 121489
(A) (1) of this section who is directly receiving foster care 121490
payments, or on whose behalf such foster care payments are 121491
received, or any relative described in division (C) (1) of this 121492
section who is receiving kinship guardianship assistance and the 121493
kinship guardianship young adult, or a parent receiving adoption 121494
assistance payments and the adopted young adult shall be 121495
eligible for services set forth in the federal, "Fostering 121496
Connections to Success and Increasing Adoptions Act of 2008," 121497
P.L. 110-351, ~~122 Stat. 3949~~. 121498

(2) An emancipated young adult described in division (A) 121499
(1) of this section who is directly receiving foster care 121500
payments, or on whose behalf such foster care payments are 121501
received, pursuant to this section, may be eligible to reside in 121502
a supervised independent living setting, including apartment 121503
living, room and board arrangements, college or university 121504
dormitories, host homes, and shared roommate settings. 121505

(G) Any determination by the department of ~~job and family~~ 121506
~~services or the department of~~ children and youth that denies or 121507
terminates foster care assistance, kinship guardianship 121508
assistance, ~~kinship support program payments,~~ or adoption 121509
assistance payments shall be subject to a state hearing pursuant 121510
to section 5101.35 of the Revised Code. 121511

Sec. ~~5101.1412~~ 5180.429. (A) Without the approval of a 121512
court, an emancipated young adult who receives payments, or on 121513
whose behalf payments are received, under division (A) of 121514
section ~~5101.1411~~ 5180.428 of the Revised Code, may enter into a 121515
voluntary participation agreement with the department of 121516
children and youth, or its representative, for the emancipated 121517

young adult's care and placement. The agreement shall stay in 121518
effect until one of the following occurs: 121519

(1) The emancipated young adult enrolled in the program 121520
notifies the department, or its representative, that they want 121521
to terminate the agreement. 121522

(2) The emancipated young adult becomes ineligible for the 121523
program. 121524

(B) In order to maintain Title IV-E eligibility for the 121525
emancipated young adult, both of the following apply: 121526

(1) Not later than one hundred eighty days after the 121527
effective date of the voluntary participation agreement, the 121528
department or its representative must petition the court for, 121529
and obtain, a judicial determination that the emancipated young 121530
adult's best interest is served by continuing the care and 121531
placement with the department or its representative. 121532

(2) Not later than twelve months after the effective date 121533
of the voluntary participation agreement, and at least once 121534
every twelve months thereafter, the department or its 121535
representative must petition the court for, and obtain, a 121536
judicial determination that the department or its representative 121537
has made reasonable efforts to finalize a permanency plan to 121538
prepare the emancipated young adult for independence. 121539

Sec. ~~5101.1413~~ 5180.4210. Notwithstanding section ~~5101.141~~ 121540
~~5180.42~~ of the Revised Code and any rules adopted thereunder, 121541
the department of children and youth shall pay the full 121542
nonfederal share of payments made pursuant to section ~~5101.1411~~ 121543
~~5180.428~~ of the Revised Code. No public children services agency 121544
shall be responsible for the cost of any payments made pursuant 121545
to section ~~5101.1411~~ 5180.428 of the Revised Code. 121546

Sec. ~~5101.1414~~ 5180.4211. (A) The department of children 121547
and youth shall adopt rules necessary to carry out the purposes 121548
of sections ~~5101.1411~~ 5180.428 to ~~5101.1413~~ 5180.4210 of the 121549
Revised Code, including rules that do all of the following: 121550

(1) Allow an emancipated young adult described in division 121551
(A) (1) of section ~~5101.1411~~ 5180.428 of the Revised Code who is 121552
directly receiving foster care payments, or on whose behalf such 121553
foster care payments are received, or an adopted young adult 121554
whose adoptive parents are receiving adoption assistance 121555
payments, to maintain eligibility while transitioning into, or 121556
out of, qualified employment or educational activities; 121557

(2) Require that a thirty-day notice of termination be 121558
given by the department to an emancipated young adult described 121559
in division (A) (1) of section ~~5101.1411~~ 5180.428 of the Revised 121560
Code who is receiving foster care payments, or on whose behalf 121561
such foster care payments are received, or to a parent receiving 121562
adoption assistance payments for an adopted young adult 121563
described in division (B) (1) of section ~~5101.1411~~ 5180.428 of 121564
the Revised Code, who is determined to be ineligible for 121565
payments; 121566

(3) Establish the scope of practice and training necessary 121567
for case managers and supervisors who care for emancipated young 121568
adults described in division (A) (1) of section ~~5101.1411~~ 121569
5180.428 of the Revised Code who are receiving foster care 121570
payments, or on whose behalf such foster care payments are 121571
received, under section ~~5101.1411~~ 5180.428 of the Revised Code. 121572

(B) The department of children and youth shall create an 121573
advisory council to evaluate and make recommendations for 121574
statewide implementation of sections ~~5101.1411~~ 5180.428 and 121575
~~5101.1412~~ 5180.429 of the Revised Code. 121576

Sec. ~~5101.1415~~ 5180.4212. The provisions of divisions (A) 121577
and (D) to (G) of section ~~5101.1411~~ 5180.428 of the Revised Code 121578
shall not apply if the person is eligible for temporary or 121579
permanent custody until age twenty-one pursuant to a 121580
dispositional order under sections 2151.353, 2151.414, and 121581
2151.415 of the Revised Code. 121582

Sec. ~~5101.1416~~ 5180.4213. (A) ~~Not later than nine months~~ 121583
~~after the effective date of this section , the~~ The director of 121584
~~job and family services children and youth shall submit an~~ 121585
~~amendment to the state plan required by 42 U.S.C. 671 to the~~ 121586
~~United States secretary of health and human services to~~ 121587
implement 42 U.S.C. 673(d) to provide kinship guardianship 121588
assistance under Title IV-E on behalf of a child to a relative 121589
who meets the following requirements: 121590

(1) The relative has cared for the eligible child pursuant 121591
to division (B) of this section as a foster caregiver as defined 121592
by section 5103.02 of the Revised Code for at least six 121593
consecutive months. 121594

(2) Both of the following apply: 121595

(a) A juvenile court issued an order granting legal 121596
custody of the child to the relative, or a probate court issued 121597
an order granting guardianship of the child to the relative, and 121598
the order is not a temporary court order. 121599

(b) The relative has committed to care for the child on a 121600
permanent basis. 121601

(3) The relative signs a kinship guardianship assistance 121602
agreement required by 42 U.S.C. 673. 121603

(B) A child is an eligible child for kinship guardianship 121604
assistance under this section if the following are met: 121605

(1) The child has been removed from his or her home 121606
pursuant to a voluntary placement agreement or as a result of a 121607
judicial determination to the effect that continuation in the 121608
home would be contrary to the welfare of the child. 121609

(2) The child has been eligible for foster care 121610
maintenance payments under section ~~5101.141~~ 5180.42 of the 121611
Revised Code while residing for at least six consecutive months 121612
in the home of a relative described in division (A) of this 121613
section. 121614

(3) Returning the child home or adoption of the child are 121615
not appropriate permanency options for the child. 121616

(4) The child demonstrates a strong attachment to the 121617
child's relative described in division (A) of this section and 121618
the relative has a strong commitment to caring permanently for 121619
the child. 121620

(5) With respect to a child who has attained fourteen 121621
years of age, the child has been consulted regarding the kinship 121622
guardianship arrangement. 121623

Sec. ~~5101.1417~~ 5180.4214. The department of children and 121624
youth shall adopt rules necessary to carry out the purposes of 121625
sections ~~5101.141~~ 5180.42, ~~5101.1411~~ 5180.428, and ~~5101.1416~~ 121626
5180.4213 of the Revised Code, and 42 U.S.C. 673(d) of the 121627
"Social Security Act," including rules that do all of the 121628
following: 121629

(A) Allow a kinship guardianship young adult described in 121630
division (C) of section ~~5101.1411~~ 5180.428 of the Revised Code 121631
on whose behalf kinship guardianship assistance is received, to 121632
maintain eligibility while transitioning into, or out of, 121633
qualified employment or educational activities; 121634

(B) Require that a thirty-day notice of termination be 121635
given by the department to a person receiving kinship 121636
guardianship assistance for a kinship guardianship young adult 121637
described in division (C) of section ~~5101.1411~~ 5180.428 of the 121638
Revised Code, who is determined to be ineligible for assistance. 121639

Sec. ~~5101.1418~~ 5180.43. (A) (1) If, after a child's 121640
adoption is finalized, the department of children and youth 121641
considers the child to be in need of public care or protective 121642
services, the department may, to the extent state funds are 121643
available for this purpose, enter into an agreement with the 121644
child's adoptive parent under which the department may make post 121645
adoption special services subsidy payments on behalf of the 121646
child as needed when both of the following apply: 121647

(a) The child has a physical or developmental disability 121648
or mental or emotional condition that either: 121649

(i) Existed before the adoption petition was filed; or 121650

(ii) Developed after the adoption petition was filed and 121651
can be directly attributed to factors in the child's preadoption 121652
background, medical history, or biological family's background 121653
or medical history. 121654

(b) The department determines the expenses necessitated by 121655
the child's disability or condition are beyond the adoptive 121656
parent's economic resources. 121657

(2) Services for which the department may make post 121658
adoption special services subsidy payments on behalf of a child 121659
under this section shall include medical, surgical, psychiatric, 121660
psychological, and counseling services, including residential 121661
treatment. 121662

(3) The department shall establish clinical standards to 121663

evaluate a child's physical or developmental disability or 121664
mental or emotional condition and assess the child's need for 121665
services. 121666

(4) The total dollar value of post adoption special 121667
services subsidy payments made on a child's behalf shall not 121668
exceed ten thousand dollars in any fiscal year, unless the 121669
department determines that extraordinary circumstances exist 121670
that necessitate further funding of services for the child. 121671
Under such extraordinary circumstances, the value of the 121672
payments made on the child's behalf shall not exceed fifteen 121673
thousand dollars in any fiscal year. 121674

(5) The adoptive parent or parents of a child who receives 121675
post adoption special services subsidy payments shall pay at 121676
least five per cent of the total cost of all services provided 121677
to the child; except that the department may waive this 121678
requirement if the gross annual income of the child's adoptive 121679
family is not more than two hundred per cent of the federal 121680
poverty guideline. 121681

(6) The department may use other sources of revenue to 121682
make post adoption special services subsidy payments, in 121683
addition to any state funds appropriated for that purpose. 121684

(7) The department may contract with another person to 121685
carry out any of the duties described in this section. 121686

(B) No payment shall be made on behalf of any person 121687
eighteen years of age or older beyond the end of the school year 121688
during which the person attains the age of eighteen or on behalf 121689
of a mentally or physically disabled person twenty-one years of 121690
age or older. 121691

(C) The director of children and youth shall adopt rules 121692

in accordance with Chapter 119. of the Revised Code necessary to 121693
implement this section. The rules shall establish all of the 121694
following: 121695

(1) The application process for all forms of assistance 121696
provided under this section; 121697

(2) Standards for determining the children who qualify to 121698
receive assistance provided under this section; 121699

(3) The method of determining the amount, duration, and 121700
scope of services provided to a child; 121701

(4) The method of transitioning the post adoption special 121702
services subsidy program from public children services agencies 121703
to the department; 121704

(5) Any other rule, requirement, or procedure the 121705
department considers appropriate for the implementation of this 121706
section. 121707

~~(D) The department shall implement this section not later 121708~~
~~than July 1, 2022. 121709~~

Sec. ~~5101.15~~ 5180.44. Within available funds the 121710
department of children and youth may reimburse counties in 121711
accordance with this section for a portion of the salaries paid 121712
to child welfare workers employed under section 5153.12 of the 121713
Revised Code. No county with a population of eighty thousand or 121714
less, according to the latest census accepted by the department 121715
as official, shall be entitled to reimbursement on the salaries 121716
of more than two child welfare workers, and no county with a 121717
population of more than eighty thousand, according to such 121718
census, shall be entitled to reimbursement on the salaries of 121719
more than two child welfare workers plus one additional child 121720
welfare worker for each one hundred thousand of population in 121721

excess of eighty thousand. 121722

The maximum reimbursement to which a county may be 121723
entitled on any child welfare worker shall be as follows: 121724

(A) Twenty-seven hundred dollars a year for a child 121725
welfare worker who is a graduate of an accredited high school, 121726
college, or university; 121727

(B) Thirty-three hundred dollars a year for a child 121728
welfare worker who has one year or more of graduate training in 121729
social work or a field which the department finds to be related 121730
to social work; 121731

(C) Thirty-nine hundred dollars a year for a child welfare 121732
worker who has completed two years of social work training. 121733

The salary of the executive director, designated in 121734
accordance with section 5153.10 of the Revised Code, shall be 121735
subject to reimbursement under this section, provided that the 121736
executive director qualifies under division (A), (B), or (C) of 121737
this section. No funds shall be allocated under this section 121738
until the director of children and youth has approved a plan of 121739
child welfare services for the county submitted by the public 121740
children services agency. 121741

Sec. ~~5101.19~~ 5180.45. As used in sections ~~5101.19~~ 5180.45 121742
to ~~5101.194~~ 5180.454 of the Revised Code: 121743

(A) "Adopted child" means a person who is less than 121744
eighteen years of age when the person becomes subject to a final 121745
order of adoption, an interlocutory order of adoption, or when 121746
the adoption is recognized by this state under section 3107.18 121747
of the Revised Code. 121748

(B) "Adoption" includes an adoption arranged by an 121749

attorney, a public children services agency, private child 121750
placing agency, or a private noncustodial agency, an interstate 121751
adoption, or an international or foreign adoption. 121752

(C) "Adoptive parent" means the person or persons who 121753
obtain parental rights and responsibilities over an adopted 121754
child pursuant to a final order of adoption, an interlocutory 121755
order of adoption, or an adoption recognized by this state under 121756
section 3107.18 of the Revised Code. 121757

(D) "Casework services" means services performed or 121758
arranged by a public children services agency, private child 121759
placing agency, private noncustodial agency, or public entity 121760
with whom the department of children and youth has a Title IV-E 121761
subgrant agreement in effect, to manage the progress, provide 121762
supervision and protection of the child and the child's parent, 121763
guardian, or custodian. 121764

(E) "Foster caregiver" has the same meaning as in section 121765
5103.02 of the Revised Code. 121766

(F) "Qualified professional" means an individual that is, 121767
but not limited to, any one of the following: 121768

- (1) Audiologist; 121769
- (2) Orthopedist; 121770
- (3) Physician; 121771
- (4) Certified nurse practitioner; 121772
- (5) Physician assistant; 121773
- (6) Psychiatrist; 121774
- (7) Psychologist; 121775
- (8) School psychologist; 121776

(9) Licensed marriage and family therapist;	121777
(10) Speech and language pathologist;	121778
(11) Licensed independent social worker;	121779
(12) Licensed professional clinical counselor;	121780
(13) Licensed social worker who is under the direct	121781
supervision of a licensed independent social worker;	121782
(14) Licensed professional counselor who is under the	121783
direct supervision of a licensed professional clinical	121784
counselor.	121785
(G) "Special needs" means any of the following:	121786
(1) A developmental disability as defined in section	121787
5123.01 of the Revised Code;	121788
(2) A physical or mental impairment that substantially	121789
limits one or more of the major life activities;	121790
(3) Any physiological disorder or condition, cosmetic	121791
disfigurement, or anatomical loss affecting one or more body	121792
systems;	121793
(4) Any mental or psychological disorder;	121794
(5) A medical condition causing distress, pain,	121795
dysfunction, or social problems as diagnosed by a qualified	121796
professional that results in ongoing medical treatment.	121797
Sec. 5101.191 <u>5180.451</u>. (A) The director of children and	121798
youth shall establish and administer the Ohio adoption grant	121799
program in accordance with sections 5101.19 <u>5180.45</u> to 5101.194	121800
<u>5180.454</u> of the Revised Code.	121801
(B) The director shall provide one, but not both, <u>either</u> of	121802

the following one-time payments for an adopted child to the 121803
child's adoptive parent if the requirements of division (A) of 121804
section ~~5101.192~~5180.452 of the Revised Code, but not division 121805
(B) of that section, are satisfied regarding the child: 121806

(1) Ten thousand dollars; 121807

(2) Fifteen thousand dollars, if the parent was a foster 121808
caregiver who cared for the child prior to adoption. 121809

(C) The director shall provide a one-time payment for an 121810
adopted child of twenty thousand dollars to the child's adoptive 121811
parent if the requirements of divisions (A) and (B) of section 121812
~~5101.192~~5180.452 of the Revised Code are satisfied regarding 121813
the child. 121814

(D) The payment described in divisions (B) and (C) of this 121815
section shall be provided to all eligible applicants to the 121816
extent state funds are available for this purpose. 121817

Sec. ~~5101.192~~ 5180.452. (A) To receive a grant payment 121818
under division (B) of section ~~5101.191~~5180.451 of the Revised 121819
Code, all of the following must be satisfied: 121820

(1) The adoptive parent has not previously received a 121821
grant payment from the Ohio adoption grant program for the 121822
adopted child for whom the parent is seeking payment. 121823

(2) The adoptive parent does not also currently claim an 121824
adoption tax credit pursuant to former section 5747.37 of the 121825
Revised Code for the adopted child for whom the parent is 121826
seeking payment. 121827

(3) The adoptive parent applies for the grant not later 121828
than one year after the final adoption order, interlocutory 121829
order of adoption, or recognition of the adoption by this state 121830

under section 3107.18 of the Revised Code for the adopted child 121831
for whom the grant payment is sought. 121832

(4) The adoption was not by a parent whose spouse is a 121833
biological or adoptive parent of the child prior to the adoption 121834
for which the payment is sought. 121835

(5) The adoption is finalized on or after January 1, 2023. 121836

(6) The adoptive parent was a resident of Ohio at the time 121837
the adoption was finalized. 121838

(B) To receive a grant payment under division (C) of 121839
section ~~5101.191~~5180.451 of the Revised Code, both of the 121840
following must be satisfied: 121841

(1) The requirements of division (A) of this section must 121842
be satisfied. 121843

(2) A qualified professional who does not provide casework 121844
services to the adopted child diagnoses the child with one or 121845
more special needs in the professional's area of expertise prior 121846
to the final order of adoption, interlocutory order of adoption, 121847
or recognition of the adoption by this state under section 121848
3107.18 of the Revised Code. 121849

Sec. ~~5101.193~~ 5180.453. (A) The director of children and 121850
youth shall adopt rules to administer and implement the Ohio 121851
adoption grant program. The director, in consultation with the 121852
tax commissioner, shall also adopt rules authorizing the 121853
department to withhold and remit to the Internal Revenue Service 121854
federal income tax from grant payments under division (B) of 121855
section ~~5101.191~~5180.451 of the Revised Code, provided such 121856
withholding is authorized under federal law or approved by the 121857
Internal Revenue Service. 121858

(B) No application fee shall be charged for the grant program. 121859
121860

(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 121861
121862
121863

(1) ~~The submission~~ Certified copies of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 121864
121865
121866
121867

(2) Any department, agency, court, or division of the state, including the department of health, to provide any document related to the adoption. 121868
121869
121870

~~(D)~~ (D) (1) No person shall knowingly produce or submit any false or misleading documentation or information to the department of children and youth in an effort to qualify for or obtain a grant from the Ohio adoption grant program. 121871
121872
121873
121874

(2) Whoever violates division (D) (1) of this section is guilty of falsification in accordance with section 2921.13 of the Revised Code. 121875
121876
121877

(E) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section ~~5101.193~~ 5180.453 of the Revised Code is not subject to sections 121.95 to 121.953 of the Revised Code. 121878
121879
121880
121881
121882

Sec. ~~5101.194~~ 5180.454. Any document provided to the department of children and youth under division (C) of section ~~5101.193~~ 5180.453 of the Revised Code remains ~~a~~ : 121883
121884
121885

(A) A public record under section 149.43 of the Revised 121886

Code if it was a public record under that section before being 121887
provided to the department; 121888

(B) Confidential if it was confidential under any state or 121889
federal law before being provided to the department. 121890

Sec. ~~5101.85~~ 5180.50. As used in sections ~~5101.851~~ 5180.51 121891
to ~~5101.856~~ 5180.514 of the Revised Code, "kinship caregiver" 121892
means any of the following who is eighteen years of age or older 121893
and is caring for a child in place of the child's parents: 121894

(A) The following individuals related by blood or adoption 121895
to the child: 121896

(1) Grandparents, including grandparents with the prefix 121897
"great," "great-great," or "great-great-great"; 121898

(2) Siblings; 121899

(3) Aunts, uncles, nephews, and nieces, including such 121900
relatives with the prefix "great," "great-great," "grand," or 121901
"great-grand"; 121902

(4) First cousins and first cousins once removed. 121903

(B) Stepparents and stepsiblings of the child; 121904

(C) Spouses and former spouses of individuals named in 121905
divisions (A) and (B) of this section; 121906

(D) A legal guardian of the child; 121907

(E) A legal custodian of the child; 121908

(F) Any nonrelative adult that has a familiar and long- 121909
standing relationship or bond with the child or the family, 121910
which relationship or bond will ensure the child's social ties. 121911

Sec. ~~5101.851~~ 5180.51. The department of children and 121912

youth shall establish a statewide kinship care navigator program 121913
to assist kinship caregivers who are seeking information 121914
regarding, or assistance obtaining, services and benefits 121915
available at the state and local level that address the needs of 121916
those caregivers residing in each county. The program shall 121917
provide to kinship caregivers information and referral services 121918
and assistance obtaining support services including the 121919
following: 121920

(A) Publicly funded child care; 121921

(B) Respite care; 121922

(C) Training related to caring for special needs children; 121923

(D) A toll-free telephone number that may be called to 121924
obtain basic information about the rights of, and services 121925
available to, kinship caregivers; 121926

(E) Legal services. 121927

Sec. ~~5101.853~~ 5180.511. The director of children and youth 121928
shall divide the state into not less than five and not greater 121929
than twelve regions, for the kinship care navigator program 121930
under section ~~5101.851~~ 5180.51 of the Revised Code. The director 121931
shall take the following into consideration when establishing 121932
the regions: 121933

(A) The population size; 121934

(B) The estimated number of kinship caregivers; 121935

(C) The expertise of kinship navigators; 121936

(D) Any other factor the director considers relevant. 121937

Sec. ~~5101.854~~ 5180.512. The program in each kinship care 121938
navigator region established under section ~~5101.853~~ 5180.511 of 121939

the Revised Code shall provide information and referral services 121940
and assistance in obtaining support services for kinship 121941
caregivers within its region. 121942

Sec. ~~5101.855~~ 5180.513. The department of children and 121943
youth shall adopt rules to implement the kinship care navigator 121944
program. The rules shall be adopted under Chapter 119. of the 121945
Revised Code, except that rules governing fiscal and 121946
administrative matters related to implementation of the program 121947
are internal management rules and shall be adopted under section 121948
111.15 of the Revised Code. 121949

Sec. ~~5101.856~~ 5180.514. (A) (1) The kinship care navigator 121950
program shall be funded to the extent that general revenue funds 121951
have been appropriated by the general assembly for that purpose. 121952

(2) The director of children and youth shall take any 121953
action necessary to obtain funds available for the kinship care 121954
navigator program under Title IV-E of the "Social Security Act," 121955
~~94 Stat. 501 (1980),~~ 42 U.S.C. 670, as amended. 121956

(B) The department shall pay the full nonfederal share for 121957
the kinship care navigator program. No county department of job 121958
and family services or public children services agency shall be 121959
responsible for the cost of the program. 121960

Sec. ~~5101.802~~ 5180.52. (A) As used in this section: 121961

(1) "Custodian," "guardian," and "minor child" have the 121962
same meanings as in section 5107.02 of the Revised Code. 121963

(2) "Federal poverty guidelines" has the same meaning as 121964
in section 5101.46 of the Revised Code. 121965

(3) "Kinship caregiver" has the same meaning as in section 121966
~~5101.85~~ 5180.50 of the Revised Code. 121967

(B) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the kinship permanency incentive program to promote permanency for a minor child in the legal and physical custody of a kinship caregiver. The program shall provide an initial one-time incentive payment to the kinship caregiver to defray the costs of initial placement of the minor child in the kinship caregiver's home. The program may provide additional permanency incentive payments for the minor child at six-month intervals, based on the availability of funds. An eligible caregiver may receive a maximum of eight incentive payments per minor child.

(C) A kinship caregiver may participate in the program if all of the following requirements are met:

(1) The kinship caregiver applies to a public children services agency in accordance with the application process established in rules authorized by division (E) of this section;

(2) Not earlier than July 1, 2005, a juvenile court issues an order granting legal custody to the kinship caregiver, or a probate court grants guardianship to the kinship caregiver, except that a temporary court order is not sufficient to meet this requirement;

(3) The kinship caregiver is either the minor child's custodian or guardian;

(4) The minor child resides with the kinship caregiver pursuant to a placement approval process established in rules authorized by division (E) of this section;

(5) Excluding any income excluded under rules adopted under division (E) of this section, the gross income of the kinship caregiver's family, including the minor child, does not

exceed three hundred per cent of the federal poverty guidelines. 121997

(6) The kinship caregiver is not receiving kinship 121998
guardianship assistance under Title IV-E of the "Social Security 121999
Act," 42 U.S.C. 673(d), as amended, or the program described in 122000
section ~~5101.1411~~5180.428 of the Revised Code or the program 122001
described in section 5153.163 of the Revised Code. 122002

(D) Public children services agencies shall make initial 122003
and ongoing eligibility determinations for the kinship 122004
permanency incentive program in accordance with rules authorized 122005
by division (E) of this section. The director of children and 122006
youth shall supervise public children services agencies' duties 122007
under this section. 122008

(E) The director of children and youth shall adopt rules 122009
under division (C) of section 5101.801 of the Revised Code as 122010
necessary to implement the kinship permanency incentive program. 122011
The rules shall establish all of the following: 122012

(1) The application process for the program; 122013

(2) The placement approval process through which a minor 122014
child is placed with a kinship caregiver for the kinship 122015
caregiver to be eligible for the program; 122016

(3) The initial and ongoing eligibility determination 122017
process for the program, including the computation of income 122018
eligibility; 122019

(4) The amount of the incentive payments provided under 122020
the program; 122021

(5) The method by which the incentive payments are 122022
provided to a kinship caregiver. 122023

(F) The amendments made to this section by Am. Sub. H.B. 122024

119 of the 127th general assembly shall not affect the 122025
eligibility of any kinship caregiver whose eligibility was 122026
established before June 30, 2007. 122027

Sec. ~~5101.88~~ 5180.53. As used in sections ~~5101.881~~ 122028
~~5180.531~~ to ~~5101.8811~~ 5180.536 of the Revised Code: 122029

(A) "Cost-of-living adjustment" has the same meaning as in 122030
section 5107.04 of the Revised Code. 122031

(B) "Kinship caregiver" has the same meaning as in section 122032
~~5101.85~~ 5180.50 of the Revised Code. 122033

Sec. ~~5101.881~~ 5180.531. There is hereby established the 122034
kinship support program. The department of children and youth 122035
shall coordinate and administer the program to the extent funds 122036
are appropriated and allocated for this purpose. 122037

Sec. ~~5101.884~~ 5180.532. The kinship support program shall 122038
provide financial payments to kinship caregivers who: 122039

(A) Receive placement of a child who is in the temporary 122040
or permanent custody of a public children services agency or 122041
under the Title IV-E agency with legal responsibility for the 122042
care and placement of the child; and 122043

(B) Do not have foster home certification under section 122044
5103.03 of the Revised Code. 122045

Sec. ~~5101.885~~ 5180.533. Kinship support program payments 122046
under section ~~5101.884~~ 5180.532 of the Revised Code shall be ten 122047
dollars and twenty cents per child, per day, to the extent funds 122048
are available. The department of children and youth shall 122049
increase the payment amount on January 1, 2022, and on the first 122050
day of each January thereafter by the cost-of-living adjustment 122051
made in the immediately preceding December. 122052

Sec. ~~5101.886~~ 5180.534. Kinship support program payments shall be made to kinship caregivers ~~as follows:~~

~~(A) For not more than nine months after the effective date of this section, if a child has been placed with the kinship caregiver as of the effective date of this section;~~

~~(B) For not more than than nine months after the placement of a child with the kinship caregiver, if the placement occurs during the nine-month period that begins on the effective date of this section;~~

~~(C) For for not more than six months after the date of placement of a child with the kinship caregiver, if the placement occurs after the nine-month period that began on the effective date of this section.~~

Sec. ~~5101.887~~ 5180.535. Kinship support program payments under section ~~5101.884~~ 5180.532 of the Revised Code shall cease when any of the following occur:

(A) The kinship caregiver obtains foster home certification under section 5103.03 of the Revised Code.

(B) In accordance with section ~~5101.886~~ 5180.534 of the Revised Code;

(C) Placement with the kinship caregiver is terminated or otherwise ceases.

Sec. ~~5101.8811~~ 5180.536. The director of children and youth may adopt rules for the administration of the kinship support program in accordance with section 111.15 of the Revised Code.

Sec. ~~5101.8812~~ 5180.56. Benefits and services provided under the kinship guardianship assistance program, extended

kinship guardianship assistance program, kinship support 122081
program, and kinship permanency incentive program are 122082
inalienable whether by way of assignment, charge, or otherwise 122083
and exempt from execution, attachment, ~~guardianship~~ garnishment, 122084
and other like processes. 122085

Sec. ~~5101.889~~ 5180.57. A kinship caregiver, on obtaining 122086
foster home certification under section 5103.03 of the Revised 122087
Code, shall receive foster care maintenance payments equal to 122088
the custodial agency rate as determined by the certifying 122089
agency, which is either the custodial agency, private child 122090
placing agency, or private non-custodial agency. 122091

Sec. ~~5101.34~~ 5180.70. (A) There is hereby created in the 122092
department of children and youth the Ohio commission on 122093
fatherhood. The commission shall consist of the following 122094
members: 122095

(1) (a) Four members of the house of representatives 122096
appointed by the speaker of the house, not more than two of whom 122097
are members of the same political party. Two of the members must 122098
be from legislative districts that include a county or part of a 122099
county that is among the one-third of counties in this state 122100
with the highest number per capita of households headed by 122101
females. 122102

(b) Two members of the senate appointed by the president 122103
of the senate, each from a different political party. One of the 122104
members must be from a legislative district that includes a 122105
county or part of a county that is among the one-third of 122106
counties in this state with the highest number per capita of 122107
households headed by females. 122108

(2) The governor, or the governor's designee; 122109

(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;

(4) The directors of health, children and youth, rehabilitation and correction, mental health and addiction services, youth services, and education and workforce, or their designees;

(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.

(B) Members appointed to the Ohio commission on fatherhood shall serve two-year terms. A member appointed pursuant to division (A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors or their designees shall serve on the commission until they cease, or the director a designee represents ceases, to be director. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the

member's predecessor was appointed shall serve on the commission 122139
for the remainder of that term. A member shall continue to serve 122140
on the commission subsequent to the expiration date of the 122141
member's term until the member's successor is appointed or until 122142
a period of sixty days has elapsed, whichever occurs first. 122143
Members shall serve without compensation but shall be reimbursed 122144
for necessary expenses. 122145

Sec. ~~5101.341~~ 5180.701. (A) The Ohio commission on 122146
fatherhood shall elect a chairperson from among its members in 122147
every odd-numbered year. 122148

(B) The governor shall appoint an individual to serve as 122149
the commission's executive director. The executive director 122150
shall serve at the pleasure of the governor and shall report to 122151
the director of children and youth or the director's designee. 122152

The governor shall fix the executive director's salary on 122153
the basis of the executive director's experience and the 122154
executive director's responsibilities and duties. The executive 122155
director shall be in the unclassified civil service. 122156

The department of children and youth shall provide staff 122157
and other support services as necessary for the commission to 122158
fulfill its duties. 122159

(C) The commission may accept gifts, grants, donations, 122160
contributions, benefits, and other funds from any public agency 122161
or private source to carry out any or all of the commission's 122162
duties. The funds shall be deposited into the Ohio commission on 122163
fatherhood fund, which is hereby created in the state treasury. 122164
All gifts, grants, donations, contributions, benefits, and other 122165
funds received by the commission pursuant to this division shall 122166
be used solely to support the operations of the commission. 122167

Sec. ~~5101.342~~ 5180.702. The Ohio commission on fatherhood 122168
shall do both of the following: 122169

(A) Organize a state summit on fatherhood every four 122170
years; 122171

(B) Prepare a report each year that does the following: 122172

(1) Identifies resources available to fund fatherhood- 122173
related programs and explores the creation of initiatives to do 122174
the following: 122175

(a) Build the parenting skills of fathers; 122176

(b) Provide employment-related services for low-income, 122177
noncustodial fathers; 122178

(c) Prevent premature fatherhood; 122179

(d) Provide services to fathers who are inmates in or have 122180
just been released from imprisonment in a state correctional 122181
institution, as defined in section 2967.01 of the Revised Code, 122182
or in any other detention facility, as defined in section 122183
2921.01 of the Revised Code, so that they are able to maintain 122184
or reestablish their relationships with their families; 122185

(e) Reconcile fathers with their families; 122186

(f) Increase public awareness of the critical role fathers 122187
play. 122188

(2) Describes the commission's expectations for the 122189
outcomes of fatherhood-related programs and initiatives and the 122190
methods the commission uses for conducting annual measures of 122191
those outcomes; 122192

(3) Evaluates the number of fathers and children served 122193
and the number and types of additional services provided as a 122194

result of the recommendations made to the director of job and 122195
family services pursuant to section ~~5101.805~~ 5180.704 of the 122196
Revised Code; 122197

(4) Evaluates the performance of the nonprofit community- 122198
based organizations that received grants under section 5180.706 122199
of the Revised Code. 122200

The commission shall submit each report to the general 122201
assembly in accordance with section 101.68 of the Revised Code. 122202

(C) Pursuant to section ~~5101.805~~ 5180.704 of the Revised 122203
Code, the commission may make recommendations to the director of 122204
~~job and family services~~ children and youth regarding funding, 122205
approval, and implementation of fatherhood programs in this 122206
state that meet at least one of the four purposes of the 122207
temporary assistance for needy families block grant, as 122208
specified in 42 U.S.C. 601. 122209

(D) The portion of the report prepared pursuant to 122210
~~division~~ divisions (B) (2) and (4) of this section shall be 122211
prepared by the commission in collaboration with the director of 122212
children and youth. 122213

(E) The commission shall submit each report prepared 122214
pursuant to division (B) of this section to the president and 122215
minority leader of the senate, speaker and minority leader of 122216
the house of representatives, governor, and chief justice of the 122217
supreme court. The first report is due not later than one year 122218
after the last of the initial appointments to the commission is 122219
made under section ~~5101.341~~ 5180.701 of the Revised Code. 122220

Sec. ~~5101.343~~ 5180.703. Sections 101.82 to 101.87 of the 122221
Revised Code do not apply to the Ohio commission on fatherhood. 122222

Sec. ~~5101.805~~ 5180.704. (A) Subject to division (E) of 122223

section 5101.801 of the Revised Code, the Ohio commission on 122224
fatherhood, created under section ~~5101.34~~ 5180.70 of the Revised 122225
Code, may make recommendations to the director of ~~job and family~~ 122226
~~services~~ children and youth concerning the funding, approval, 122227
and implementation of fatherhood programs in this state that 122228
meet at least one of the four purposes of the temporary 122229
assistance for needy families block grant, as specified in 42 122230
U.S.C. 601. 122231

(B) The department of ~~job and family services~~ children and 122232
youth may provide funding under this section to government 122233
entities and, to the extent permitted by federal law, private, 122234
not-for-profit entities with which the department enters into 122235
agreements under division (B) (4) of section 5101.801 of the 122236
Revised Code. 122237

Sec. 5180.705. (A) The department of children and youth, 122238
through the Ohio commission on fatherhood, must contract for the 122239
development and implementation of the responsible fatherhood 122240
initiative. The initiative must provide an opportunity for every 122241
father in the state to obtain information and inspiration that 122242
will motivate and enable him to enhance his abilities as a 122243
father, recognizing that some fathers have greater challenges 122244
than others and would benefit from greater support. 122245

(B) The initiative must do the following: 122246

(1) Provide a web site and other related electronic 122247
resources that will allow a father to obtain information about 122248
effective parenting, identify areas in which support would 122249
enable him to enhance his ability to be an effective father, and 122250
be connected to such support, including support provided by 122251
nonprofit community-based organizations receiving grants under 122252
section 5180.706 of the Revised Code; 122253

(2) Use appropriate materials from the fatherhood media 122254
campaign available through the national responsible fatherhood 122255
clearinghouse; 122256

(3) Include print, television, digital, and social media 122257
elements and public events, which may include appearances by and 122258
involvement from public figures and influencers. 122259

(C) (1) The department must contract for the development 122260
and implementation of the initiative with a nonprofit community- 122261
based organization that has both of the following: 122262

(a) A history of focusing on responsible fatherhood, 122263
including providing online resources to fathers, and engaging 122264
fathers, father figures, and children through community-based 122265
and school-based events to encourage responsible fatherhood; 122266

(b) The organizational capacity to manage a statewide 122267
initiative and successfully carry out the requirements of this 122268
section. 122269

(2) The organization must collaborate with other relevant 122270
government agencies and private organizations to develop and 122271
implement the initiative. Those agencies and organizations must 122272
collaborate with the contracted organization to carry out the 122273
initiative. 122274

Sec. 5180.706. (A) The department of children and youth, 122275
through the Ohio commission on fatherhood, must award grants to 122276
eligible nonprofit community-based organizations, as described 122277
in section 5180.705 of the Revised Code, to address the needs of 122278
fathers. The department must award the following types of 122279
grants: 122280

(1) Grants that comprehensively address the needs of 122281
fathers, such as assisting them in finding employment, managing 122282

child support obligations, transitioning from a period of 122283
incarceration, accessing health care, understanding child 122284
development, and enhancing parenting skills. Services provided 122285
must be tailored to the needs of the father being served. Case 122286
management services must be provided by the grant recipient, 122287
either directly or by subcontract, to the fathers who are served 122288
by the grants under this section. If the father receiving case 122289
management services through a grant awarded under this section 122290
has a child receiving services from a public children services 122291
agency because the child is the subject of an abuse, neglect, or 122292
dependency proceeding, the case management services may be 122293
coordinated. 122294

(2) Grants that provide evidence-based parenting education 122295
specifically for fathers. The grants under this section must not 122296
require case management services. 122297

(B) The department must prioritize applicants for a grant 122298
based on the following: 122299

(1) Need in a geographic area and the population to be 122300
served by the grant as indicated by the following: 122301

(a) Unemployment rates; 122302

(b) Incarceration rates; 122303

(c) Housing instability; 122304

(d) The number of single-parent households; 122305

(e) The number of public benefit recipients; 122306

(f) Graduation rates; 122307

(g) Levels of academic achievement. 122308

(2) Whether an applicant has a primary mission of, or a 122309

history of a significant focus on and effective work towards, 122310
addressing the needs of men in their role as fathers; 122311

(3) Applicant current and historical involvement in the 122312
community being served; 122313

(4) Applicant commitment and capability to employ 122314
competent staff who can effectively engage with the fathers 122315
being served, including individuals who share similar 122316
backgrounds as the fathers being served; 122317

(5) The number of individuals the applicant plans to serve 122318
through the grant and the projected costs for the program; 122319

(6) Applicant organizational capacity to effectively meet 122320
the requirements of the grant and to deliver the programs 122321
proposed by the applicant. The department may offer technical 122322
assistance to applicants and grant recipients that have lower 122323
organizational capacity if they have, or their leadership has, 122324
significant experience serving fathers. 122325

(C) Grants are to be awarded for not more than three 122326
years, with subsequent funding contingent on compliance with 122327
grant requirements and adequate performance. Grant recipients 122328
must submit reports to the department in a format and at 122329
intervals, which must be at least annually, prescribed by the 122330
department. 122331

Sec. 5180.707. (A) A nonprofit community-based 122332
organization that receives a grant under section 5180.706 of the 122333
Revised Code must address the unique needs of the fathers of 122334
children who are served by the organization. The organization 122335
must do all of the following: 122336

(1) Conduct an initial assessment of its engagement with 122337
those fathers and its provision of and referral to father- 122338

oriented services; 122339

(2) Create an action plan to address any gaps identified 122340
through the assessment and implement the action plan; 122341

(3) Engage with the Ohio commission on fatherhood to build 122342
relationships with fathers, help identify their needs, assist 122343
them in accessing services, and communicate with the 122344
organization about the challenges faced by these fathers and how 122345
to appropriately meet their unique needs. 122346

(B) The Ohio commission on fatherhood must annually review 122347
how all recipient organizations are meeting the needs of 122348
fathers, including how the organizations are helping fathers 122349
establish positive, stable relationships with their children and 122350
assisting fathers in receiving needed services. All recipient 122351
organizations must provide any relevant information on how they 122352
are meeting the needs of these fathers to the commission. The 122353
information must be included in the annual report required under 122354
section 5180.702 of the Revised Code. 122355

Sec. ~~5101.804~~ 5180.71. (A) Subject to division (E) of 122356
section 5101.801 of the Revised Code, there is hereby created 122357
the Ohio parenting and pregnancy program to provide services for 122358
pregnant women and parents or other relatives caring for 122359
children twelve months of age or younger that do both of the 122360
following: 122361

(1) Promote childbirth, parenting, and alternatives to 122362
abortion; 122363

(2) Meet one or more of the four purposes of the temporary 122364
assistance for needy families block grant as specified in 42 122365
U.S.C. 601. 122366

(B) To the extent permitted by federal law, the department 122367

of children and youth may provide funds under the program to 122368
entities with which the department enters into agreements under 122369
division (B) (3) of section 5101.801 of the Revised Code. In 122370
accordance with criteria the department develops, the department 122371
may solicit proposals from entities seeking to provide services 122372
under the program. The department may enter into an agreement 122373
with an entity only if it meets all of the following conditions: 122374

(1) Is a private, not-for-profit entity; 122375

(2) Is an entity whose primary purpose is to promote 122376
childbirth, rather than abortion, through counseling and other 122377
services, including parenting and adoption support; 122378

(3) Provides services to pregnant women and parents or 122379
other relatives caring for children twelve months of age or 122380
younger, including clothing, counseling, diapers, food, 122381
furniture, health care, parenting classes, postpartum recovery, 122382
shelter, and any other supportive services, programs, or related 122383
outreach; 122384

(4) Does not charge pregnant women and parents or other 122385
relatives caring for children twelve months of age or younger a 122386
fee for any services received; 122387

(5) Is not involved in or associated with any abortion 122388
activities, including providing abortion counseling or referrals 122389
to abortion clinics, performing abortion-related medical 122390
procedures, or engaging in pro-abortion advertising; 122391

(6) Does not discriminate in its provision of services on 122392
the basis of race, religion, color, age, marital status, 122393
national origin, disability, or gender. 122394

(C) An entity that has entered into an agreement with the 122395
department under division (B) (3) of section 5101.801 of the 122396

Revised Code may enter into a subcontract with another entity 122397
under which the other entity provides all or part of the 122398
services described in division (B) (3) of this section. A 122399
subcontract may be entered into with another entity only if that 122400
entity meets all of the following conditions: 122401

(1) Is a private, not-for-profit entity; 122402

(2) Is physically and financially separate from any 122403
entity, or component of an entity, that engages in abortion 122404
activities; 122405

(3) Is not involved in or associated with any abortion 122406
activities, including providing abortion counseling or referrals 122407
to abortion clinics, performing abortion-related medical 122408
procedures, or engaging in pro-abortion advertising. 122409

(D) The director of children and youth shall adopt rules 122410
under division (C) of section 5101.801 of the Revised Code as 122411
necessary to implement the Ohio parenting and pregnancy program. 122412

Sec. ~~3701.65~~ 5180.72. (A) There is hereby created in the 122413
state treasury the "choose life" fund. The fund shall consist of 122414
the contributions that are paid to the registrar of motor 122415
vehicles by applicants who voluntarily elect to obtain "choose 122416
life" license plates pursuant to section 4503.91 of the Revised 122417
Code and any money returned to the fund under division (E) (1) (d) 122418
of this section. All investment earnings of the fund shall be 122419
credited to the fund. 122420

(B) (1) At least annually, the director of ~~health~~ children 122421
and youth shall distribute the money in the fund to any private, 122422
nonprofit organization that is eligible to receive funds under 122423
this section and that applies for funding under division (C) of 122424
this section. 122425

(2) The director shall allocate the funds to each county 122426
in proportion to the number of "choose life" license plates 122427
issued during the preceding year to vehicles registered in each 122428
county. The director shall distribute funds allocated for a 122429
county as follows: 122430

(a) To one or more eligible organizations located within 122431
the county; 122432

(b) If no eligible organization located within the county 122433
applies for funding, to one or more eligible organizations 122434
located in contiguous counties; 122435

(c) If no eligible organization located within the county 122436
or a contiguous county applies for funding, to one or more 122437
eligible organizations within any other county. 122438

(3) The director shall ensure that any funds allocated for 122439
a county are distributed equally among eligible organizations 122440
that apply for funding within the county. 122441

(C) Any organization seeking funds under this section 122442
annually shall apply for distribution of the funds based on the 122443
county in which the organization is located. An organization 122444
also may apply for funding in a county in which it is not 122445
located if it demonstrates that it provides services for 122446
pregnant women residing in that county. The director shall 122447
develop an application form and may determine the schedule and 122448
procedures that an organization shall follow when annually 122449
applying for funds. The application shall inform the applicant 122450
of the conditions for receiving and using funds under division 122451
(E) of this section. The application shall require evidence that 122452
the organization meets all of the following requirements: 122453

(1) Is a private, nonprofit organization; 122454

- (2) Is committed to counseling pregnant women about the option of adoption; 122455
122456
- (3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women; 122457
122458
122459
- (4) Does not charge women for any services received; 122460
- (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising; 122461
122462
122463
122464
- (6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, disability, gender, or age; 122465
122466
122467
- (7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county. 122468
122469
122470
- (D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section. 122471
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- (E) (1) An organization receiving funds under this section shall do all of the following: 122478
122479
- (a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants 122480
122481
122482

awaiting placement with adoptive parents, including clothing, 122483
housing, medical care, food, utilities, and transportation; 122484

(b) Use not more than forty per cent of the funds 122485
distributed to it for counseling, training, or advertising; 122486

(c) Not use any of the funds distributed to it for 122487
administrative expenses, legal expenses, or capital 122488
expenditures; 122489

(d) Annually return to the fund created under division (A) 122490
of this section any unused money that exceeds ten per cent of 122491
the money distributed to the organization. 122492

(2) The organization annually shall submit to the director 122493
an audited financial statement verifying its compliance with 122494
division (E)(1) of this section. 122495

(F) The director, in accordance with Chapter 119. of the 122496
Revised Code, shall adopt rules to implement this section. 122497

It is not the intent of the general assembly that the 122498
department create a new position within the department to 122499
implement and administer this section. It is the intent of the 122500
general assembly that the implementation and administration of 122501
this section be accomplished by existing department personnel. 122502

(G) If funds that have been allocated to a county for any 122503
previous year have not been distributed to one or more eligible 122504
organizations, the director may distribute those funds in 122505
accordance with this section. 122506

Sec. ~~5180.40~~ 5180.73. To increase participation in 122507
evidence-based parenting education programs, the department of 122508
children and youth shall ensure state departments, agencies, and 122509
boards have information to communicate with parents, caregivers, 122510

and child care providers about such programs to promote their 122511
benefits, including their parenting, caregiving, and educational 122512
resources. 122513

Sec. 5180.99. (A) Whoever violates division (B) of section 122514
5180.275 of the Revised Code is guilty of a misdemeanor of the 122515
second degree. 122516

(B) Whoever violates section 5180.403 of the Revised Code 122517
is guilty of a misdemeanor of the fourth degree. 122518

Sec. 5310.06. All money received by the clerk of the 122519
probate court or the clerk of the court of common pleas under 122520
section 5310.05 of the Revised Code shall be paid at least once 122521
a month to the treasurer of state, who shall, ~~with the advice~~ 122522
~~and approval of the secretary of state and the auditor of state,~~ 122523
invest, reinvest, and keep invested such funds in bonds and 122524
securities of the United States, or of this state, or of any 122525
county, township, district, or municipal corporation of this 122526
state, or in approved mortgages on ~~income-producing income-~~ 122527
producing lands that are registered, provided that no loan shall 122528
be made by mortgage on any land which is not assessed, at the 122529
latest general assessment, for at least twice the amount of the 122530
loan, exclusive of improvements. 122531

Sec. 5310.47. Abolition of land registration in a county 122532
does not bar ~~either of the following:~~ 122533

~~(A) A~~ a person who is deprived of land, any interest 122534
therein, or any encumbrance thereon as the result of a decree 122535
obtained by fraud in a case relating to registered land or to 122536
the initial registration of land from filing a complaint to open 122537
up and review the case as provided in section 5309.23 or 5309.81 122538
of the Revised Code. 122539

~~(B) A person who has a cause of action under section 122540
5310.07 of the Revised Code from commencing and prosecuting an 122541
action as provided in that section, subject to the period of 122542
limitation provided in section 5310.12 of the Revised Code. If 122543
judgment is rendered for the plaintiff in such an action, 122544
recovery shall be had as provided in sections 5310.09 to 5310.11 122545
and 5310.13 of the Revised Code. 122546~~

Sec. 5323.02. (A) An owner of residential rental property 122547
shall file with the county auditor of the county in which the 122548
property is located the following information: 122549

(1) The name, address, and telephone number of the owner; 122550

(2) If the residential rental property is owned by a 122551
trust, business trust, estate, partnership, limited partnership, 122552
limited liability company, association, corporation, or any 122553
other business entity, the name, address, and telephone number 122554
of the following: 122555

(a) A trustee, in the case of a trust or business trust; 122556

(b) The executor or administrator, in the case of an 122557
estate; 122558

(c) A general partner, in the case of a partnership or a 122559
limited partnership; 122560

(d) A member, manager, or officer, in the case of a 122561
limited liability company; 122562

(e) An associate, in the case of an association; 122563

(f) An officer, in the case of a corporation; 122564

(g) A member, manager, or officer, in the case of any 122565
other business entity. 122566

(3) The street address and permanent parcel number of the 122567
residential rental property. 122568

(B) The information required under division (A) of this 122569
section shall be filed and maintained on the tax list or the 122570
real property record. 122571

(C) An owner of residential rental property shall update 122572
the information required under division (A) of this section 122573
within sixty days after any change in the information occurs. 122574

(D) The county auditor shall provide an owner of 122575
residential rental property located in a county that has a 122576
population of more than two hundred thousand according to the 122577
most recent decennial census with notice pursuant to division 122578
(B) of section 323.131 of the Revised Code of the requirement to 122579
file the information required under division (A) of this section 122580
and the requirement to update that information under division 122581
(C) of this section. 122582

(E) The owner of residential real property shall comply 122583
with the requirements under divisions (A) and (C) of this 122584
section within sixty days after receiving the notice provided 122585
under division (D) of this section, division ~~(D)~~ (E) of section 122586
319.202, or division (B) of section 323.131 of the Revised Code. 122587

(F) Any agent designated by the owner to manage the 122588
property on the owner's behalf may file or update any 122589
information, or do anything otherwise required by this section, 122590
on the owner's behalf. 122591

Sec. 5501.57. The department of transportation shall 122592
collect and analyze data regarding building permits that have 122593
been issued for residential and commercial developments that are 122594
or will be constructed after the effective date of this section 122595

in order to assess if the transportation facilities impacted by 122596
the developments are adequate to properly handle any increased 122597
traffic that results from anticipated growth associated with the 122598
developments. The department shall use such data in the 122599
department's transportation construction planning. 122600

Sec. 5502.262. (A) As used in this section: 122601

(1) "Administrator" means the superintendent, principal, 122602
chief administrative officer, or other person having supervisory 122603
authority of any of the following: 122604

(a) A city, exempted village, local, or joint vocational 122605
school district; 122606

(b) A community school established under Chapter 3314. of 122607
the Revised Code, as required through reference in division (A) 122608
(11)(d) of section 3314.03 of the Revised Code; 122609

(c) A STEM school established under Chapter 3326. of the 122610
Revised Code, as required through reference in section 3326.11 122611
of the Revised Code; 122612

(d) A college-preparatory boarding school established 122613
under Chapter 3328. of the Revised Code; 122614

(e) A district or school operating a career-technical 122615
education program approved by the department of education and 122616
workforce under section 3317.161 of the Revised Code; 122617

(f) A chartered nonpublic school; 122618

(g) An educational service center; 122619

(h) A preschool program or school-age child care program 122620
licensed by the department of education and workforce; 122621

(i) Any other facility that primarily provides educational 122622

services to children subject to regulation by the department of 122623
education and workforce. 122624

(2) "Emergency management test" means a regularly 122625
scheduled drill, exercise, or activity designed to assess and 122626
evaluate an emergency management plan under this section. 122627

(3) "Building" means any school, school building, 122628
facility, program, or center. 122629

(4) "Regional mobile training officer" means the regional 122630
mobile training officer appointed under section 5502.70 of the 122631
Revised Code for the region in which a district, school, center, 122632
program, or facility is located. 122633

(B) (1) Each administrator shall develop and adopt a 122634
comprehensive emergency management plan, in accordance with 122635
rules adopted pursuant to division (F) of this section, for each 122636
building under the administrator's control. The administrator 122637
shall examine the environmental conditions and operations of 122638
each building to determine potential hazards to student and 122639
staff safety and shall propose operating changes to promote the 122640
prevention of potentially dangerous problems and circumstances. 122641
In developing the plan for each building, the administrator 122642
shall involve community law enforcement and safety officials, 122643
parents of students who are assigned to the building, and 122644
teachers and nonteaching employees who are assigned to the 122645
building. The administrator may involve the regional mobile 122646
training officer in the development of the plan. The 122647
administrator shall incorporate remediation strategies into the 122648
plan for any building where documented safety problems have 122649
occurred. 122650

(2) Each administrator shall also incorporate into the 122651

emergency management plan adopted under division (B) (1) of this 122652
section all of the following: 122653

(a) A protocol for addressing serious threats to the 122654
safety of property, students, employees, or administrators; 122655

(b) A protocol for responding to any emergency events that 122656
occur and compromise the safety of property, students, 122657
employees, or administrators. This protocol shall include, but 122658
not be limited to, all of the following: 122659

(i) A floor plan that is unique to each floor of the 122660
building; 122661

(ii) A site plan that includes all building property and 122662
surrounding property; 122663

(iii) An emergency contact information sheet. 122664

(c) A threat assessment plan developed as prescribed in 122665
section 5502.263 of the Revised Code. A building may use the 122666
model plan developed by the department of public safety under 122667
that section; 122668

(d) A protocol for school threat assessment teams 122669
established under section 3313.669 of the Revised Code; 122670

(e) A protocol that addresses student use of cellular 122671
telephones during an active threat or emergency. 122672

(3) Each protocol described in division (B) of this 122673
section shall include procedures determined to be appropriate by 122674
the administrator for responding to threats and emergency 122675
events, respectively, including such things as notification of 122676
appropriate law enforcement personnel, calling upon specified 122677
emergency response personnel for assistance, and informing 122678
parents of affected students. 122679

Prior to the opening day of each school year, the 122680
administrator shall inform each student or child enrolled in the 122681
school and the student's or child's parent of the parental 122682
notification procedures included in the protocol. 122683

(4) Each administrator shall keep a copy of the emergency 122684
management plan adopted pursuant to this section in a secure 122685
place. 122686

(C) (1) The administrator shall submit to the director of 122687
public safety, in accordance with rules adopted pursuant to 122688
division (F) of this section, an electronic copy of the 122689
emergency management plan prescribed by division (B) of this 122690
section not less than once every three years, whenever a major 122691
modification to the building requires changes in the procedures 122692
outlined in the plan, and whenever information on the emergency 122693
contact information sheet changes. 122694

(2) The administrator also shall file a copy of the plan 122695
with each law enforcement agency that has jurisdiction over the 122696
school building and, upon request, to any of the following: 122697

(a) The fire department that serves the political 122698
subdivision in which the building is located; 122699

(b) The emergency medical service organization that serves 122700
the political subdivision in which the building is located; 122701

(c) The county emergency management agency for the county 122702
in which the building is located; 122703

(d) The regional mobile training officer. 122704

(3) Upon receipt of an emergency management plan, the 122705
director shall post the information on the contact and 122706
information management system and submit the information in 122707

accordance with rules adopted pursuant to division (F) of this 122708
section, to the attorney general, who shall post that 122709
information on the Ohio law enforcement gateway or its 122710
successor. 122711

(4) Any department or entity to which copies of an 122712
emergency management plan are filed under this section shall 122713
keep the copies in a secure place. 122714

(D) (1) Not later than the first day of September of each 122715
year, each administrator shall review the emergency management 122716
plan and certify to the director that the plan is current and 122717
accurate. 122718

(2) Anytime that an administrator updates the emergency 122719
management plan pursuant to division (C) (1) of this section, the 122720
administrator shall file copies, not later than the tenth day 122721
after the revision is adopted and in accordance with rules 122722
adopted pursuant to division (F) of this section, to the 122723
director and to any entity with which the administrator filed a 122724
copy under division (C) (2) of this section. 122725

(E) Each administrator shall do both of the following: 122726

(1) Prepare and conduct at least one annual emergency 122727
management test, as defined in division (A) (2) of this section, 122728
in accordance with rules adopted pursuant to division (F) of 122729
this section; 122730

(2) Grant access to each building under the control of the 122731
administrator to law enforcement personnel and to entities 122732
described in division (C) (2) of this section, to enable the 122733
personnel and entities to hold training sessions for responding 122734
to threats and emergency events affecting the building, provided 122735
that the access occurs outside of student instructional hours 122736

and the administrator, or the administrator's designee, is 122737
present in the building during the training sessions. 122738

(F) The director of public safety, in consultation with 122739
representatives from the education community and in accordance 122740
with Chapter 119. of the Revised Code, shall adopt rules 122741
regarding emergency management plans under this section, 122742
including the content of the plans and procedures for filing the 122743
plans. The rules shall specify that plans and information 122744
required under division (B) of this section be submitted on 122745
standardized forms developed by the director for such purpose. 122746
The rules shall also specify the requirements and procedures for 122747
emergency management tests conducted pursuant to division (E) (1) 122748
of this section. Failure to comply with the rules may result in 122749
discipline pursuant to section 3319.31 of the Revised Code or 122750
any other action against the administrator as prescribed by 122751
rule. 122752

(G) Division (B) of section 3319.31 of the Revised Code 122753
applies to any administrator who is subject to the requirements 122754
of this section and is not exempt under division (H) of this 122755
section and who is an applicant for a license or holds a license 122756
from the state board of education pursuant to section 3319.22 of 122757
the Revised Code. 122758

(H) (1) The director may exempt any administrator from the 122759
requirements of this section, if the director determines that 122760
the requirements do not otherwise apply to a building or 122761
buildings under the control of that administrator. 122762

(2) The director shall exempt from the requirements of 122763
this section the administrator of an online learning school, 122764
established under section 3302.42 of the Revised Code, unless 122765
students of that school participate in in-person instruction or 122766

assessments at a location that is not covered by an existing 122767
emergency management plan, developed under this section as of 122768
December 14, 2021. 122769

(I) Copies of the emergency management plan, including all 122770
records related to the plan, emergency management tests, and 122771
information required under division (B) of this section are 122772
security records and are not public records pursuant to section 122773
149.433 of the Revised Code. In addition, the information posted 122774
to the contact and information management system, pursuant to 122775
division (C) (3) (b) of this section, is exempt from public 122776
disclosure or release in accordance with sections 149.43, 122777
149.433, and 5502.03 of the Revised Code. 122778

Notwithstanding section 149.433 of the Revised Code, a 122779
floor plan filed with the attorney general pursuant to this 122780
section is not a public record to the extent it is a record kept 122781
by the attorney general. 122782

Sec. 5502.29. (A) As used in this section, "political 122783
subdivision" has the same meaning as in section 5502.41 of the 122784
Revised Code. 122785

(B) Political subdivisions, in collaboration with other 122786
public and private agencies within this state, may develop 122787
mutual assistance or aid agreements for reciprocal emergency 122788
management assistance or aid for purposes of preparing for, 122789
responding to, and recovering from an incident, disaster, 122790
exercise, training activity, planned event, or emergency, any of 122791
which requires additional resources. In time of any incident, 122792
disaster, exercise, training activity, planned event, or 122793
emergency, any of which requires additional resources, each 122794
political subdivision may render assistance in accordance with 122795
such mutual assistance or aid agreements. Such mutual assistance 122796

or aid agreements shall not in any manner relieve the chief 122797
elected official of any political subdivision of the 122798
responsibility for providing emergency management. 122799

(C) Political subdivisions, in collaboration with 122800
political subdivisions in adjacent states, may develop 122801
agreements for mutual assistance or aid for purposes of 122802
preparing for, responding to, and recovering from an incident, 122803
disaster, exercise, training activity, planned event, or 122804
emergency, any of which requires additional resources. Each 122805
political subdivision may render assistance in accordance with 122806
the mutual assistance or aid agreements. A mutual assistance or 122807
aid agreement with political subdivisions in adjacent states 122808
shall be approved by the chief elected officials of the agreeing 122809
political subdivisions or their designees and shall be prepared 122810
in accordance with the laws, regulations, ordinances, and 122811
resolutions applicable to the agreeing political subdivisions. 122812

(D) When engaged in preparation for, response to, or 122813
recovery from an incident, disaster, exercise, training 122814
activity, planned event, or emergency, any of which requires 122815
additional resources, and in accordance with the applicable 122816
mutual assistance or aid agreement, personnel from political 122817
subdivisions outside this state shall be permitted to provide 122818
services within this state in accordance with this section and 122819
the terms of the mutual assistance or aid agreement. 122820

(E) Personnel of the responding political subdivision 122821
shall continue under their local command and control structure, 122822
but shall be under the operational control of the appropriate 122823
officials within the incident management system of the political 122824
subdivision receiving the assistance or aid. 122825

(F) Nothing in this section shall be construed to prohibit 122826

a private company or its employees from participating in the 122827
provision of mutual assistance or aid, if the responding 122828
political subdivision approves the participation and the 122829
contract between the political subdivision and the private 122830
company permits the participation. 122831

(G) Nothing in this section shall be construed to prohibit 122832
personnel of political subdivisions in this state from 122833
responding to a request for mutual assistance or aid resulting 122834
from an incident, disaster, exercise, training activity, planned 122835
event, or emergency, any of which requires additional resources, 122836
when the personnel are responding as part of a regional response 122837
team that is under the operational control of the incident 122838
command structure. 122839

(H) Whenever a person from outside this state who is 122840
subject to a mutual assistance or aid agreement authorized by 122841
this section holds a license, certificate, or other permit 122842
issued by any state evidencing qualification for professional, 122843
mechanical, or other skills, such license, certificate, or other 122844
permit shall be recognized by this state as authorizing the 122845
person to render assistance or aid in this state involving such 122846
skill to meet the request for assistance or aid, so long as the 122847
person is acting within the scope of the person's license, 122848
certificate, or other permit. 122849

(I) ~~Personnel~~ (1) Except as provided in division (I) (2) of 122850
this section, personnel rendering assistance or aid pursuant to 122851
a mutual assistance or aid agreement authorized by this section 122852
remain employees or agents of their respective political 122853
subdivisions, including for purposes of tort liability and 122854
immunity from tort liability, and nothing in this section or any 122855
mutual assistance or aid agreement entered into pursuant to this 122856

section creates an employment relationship between the political 122857
subdivision requesting aid and the employees or agents of the 122858
political subdivision rendering aid. 122859

(2) For purposes of Chapters 4121. and 4123. of the 122860
Revised Code, personnel rendering intrastate mutual assistance 122861
or aid outside their respective political subdivisions pursuant 122862
to a mutual assistance or aid agreement authorized by this 122863
section shall be considered employees of the emergency 122864
management agency established within the department of public 122865
safety while rendering such intrastate mutual assistance or aid. 122866

(J) Responding political subdivisions and the personnel of 122867
that political subdivision, while rendering assistance or aid 122868
under this section, or while in route to or from rendering 122869
assistance or aid under this section, in a political subdivision 122870
in an adjacent state under an agreement authorized by this 122871
section, shall be deemed to be exercising governmental functions 122872
as defined in section 2744.01 of the Revised Code, shall have 122873
the defenses to and immunities from civil liability provided in 122874
sections 2744.02 and 2744.03 of the Revised Code, and shall be 122875
entitled to all applicable limitations on recoverable damages 122876
under section 2744.05 of the Revised Code. 122877

(K) All pension, disability, death benefits, workers' 122878
compensation, and other benefits enjoyed by personnel rendering 122879
interstate or intrastate mutual assistance or aid shall extend 122880
to the services they perform outside their respective political 122881
subdivisions to the same extent as while acting within the 122882
boundaries of the political subdivisions, and, subject to 122883
division (I) (2) of this section, personnel are entitled to the 122884
rights and benefits of Chapter 4123. of the Revised Code to the 122885
same extent as while performing service within the boundaries of 122886

the political subdivisions. 122887

Sec. 5502.41. (A) As used in this section: 122888

(1) "Chief executive of a participating political 122889
subdivision" means the elected chief executive of a 122890
participating political subdivision or, if the political 122891
subdivision does not have an elected chief executive, a member 122892
of the political subdivision's governing body or an employee of 122893
the political subdivision appointed by the governing body's 122894
members to be its representative for purposes of the intrastate 122895
mutual aid program created pursuant to this section. 122896

(2) "Countywide emergency management agency" means a 122897
countywide emergency management agency established under section 122898
5502.26 of the Revised Code. 122899

(3) "Emergency" means any period during which the congress 122900
of the United States, a chief executive as defined in section 122901
5502.21 of the Revised Code, or a chief executive of a 122902
participating political subdivision has declared or proclaimed 122903
that an emergency exists. 122904

(4) "Participating political subdivision" means each 122905
political subdivision in this state except a political 122906
subdivision that enacts or adopts, by appropriate legislation, 122907
ordinance, resolution, rule, bylaw, or regulation signed by its 122908
chief executive, a decision not to participate in the intrastate 122909
mutual aid program created by this section and that provides a 122910
copy of the legislation, ordinance, resolution, rule, bylaw, or 122911
regulation to the state emergency management agency and to the 122912
countywide emergency management agency, regional authority for 122913
emergency management, or program for emergency management within 122914
the political subdivision. 122915

(5) "Planned event" means a scheduled nonemergency activity as defined by the national incident management system adopted under section 5502.28 of the Revised Code as the state's standard procedure for incident management. "Planned event" includes, but is not limited to, a sporting event, concert, or parade.

(6) "Political subdivision" or "subdivision" has the same meaning as in section 2744.01 of the Revised Code and also includes a health district established under Chapter 3709. of the Revised Code.

(7) "Program for emergency management within a political subdivision" means a program for emergency management created by a political subdivision under section 5502.271 of the Revised Code.

(8) "Regional authority for emergency management" means a regional authority for emergency management established under section 5502.27 of the Revised Code.

(9) "Regional response team" means a group of persons from participating political subdivisions who provide mutual assistance or aid in preparation for, response to, or recovery from an incident, disaster, exercise, training activity, planned event, or emergency, any of which requires additional resources. "Regional response team" includes, but is not limited to, an incident management team, hazardous materials response team, water rescue team, bomb team, or search and rescue team.

(B) There is hereby created the intrastate mutual aid program to be known as "the intrastate mutual aid compact" to complement existing mutual aid agreements. The program shall have two purposes:

(1) Provide for mutual assistance or aid among the 122945
participating political subdivisions for purposes of preparing 122946
for, responding to, and recovering from an incident, disaster, 122947
exercise, training activity, planned event, or emergency, any of 122948
which requires additional resources; 122949

(2) Establish a method by which a participating political 122950
subdivision may seek assistance or aid that resolves many of the 122951
common issues facing political subdivisions before, during, and 122952
after an incident, disaster, exercise, training activity, 122953
planned event, or emergency, any of which requires additional 122954
resources, and that ensures, to the extent possible, eligibility 122955
for available state and federal disaster assistance or other 122956
funding. 122957

(C) Each countywide emergency management agency, regional 122958
authority for emergency management, and program for emergency 122959
management within a political subdivision, in coordination with 122960
all departments, divisions, boards, commissions, agencies, and 122961
other instrumentalities within that political subdivision, shall 122962
establish procedures or plans that, to the extent possible, 122963
accomplish both of the following: 122964

(1) Identify hazards that potentially could affect the 122965
participating political subdivisions served by that agency, 122966
authority, or program; 122967

(2) Identify and inventory the current services, 122968
equipment, supplies, personnel, and other resources related to 122969
the preparedness, response, and recovery activities of the 122970
participating political subdivisions served by that agency, 122971
authority, or program. 122972

(D) (1) The executive director of the state emergency 122973

management agency shall coordinate with the countywide emergency 122974
management agencies, regional authorities for emergency 122975
management, and programs for emergency management within a 122976
political subdivision in identifying and formulating appropriate 122977
procedures or plans to resolve resource shortfalls. 122978

(2) During and after the formulation of the procedures or 122979
plans to resolve resource shortfalls, there shall be ongoing 122980
consultation and coordination among the executive director of 122981
the state emergency management agency; the countywide emergency 122982
management agencies, regional authorities for emergency 122983
management, and programs for emergency management within a 122984
political subdivision; and all departments, divisions, boards, 122985
commissions, agencies, and other instrumentalities of, and 122986
having emergency response functions within, each participating 122987
political subdivision, regarding this section, local procedures 122988
and plans, and the resolution of the resource shortfalls. 122989

(E) (1) A participating political subdivision that is 122990
impacted by an incident, disaster, exercise, training activity, 122991
planned event, or emergency, any of which requires additional 122992
resources, may request mutual assistance or aid by doing either 122993
of the following: 122994

(a) Declaring a state of emergency and issuing a request 122995
for assistance or aid from any other participating political 122996
subdivision; 122997

(b) Issuing to another participating political subdivision 122998
a verbal or written request for assistance or aid. If the 122999
request is made verbally, a written confirmation of the request 123000
shall be made not later than seventy-two hours after the verbal 123001
request is made. 123002

(2) Requests for assistance or aid made under division (E) 123003
(1) of this section shall be made through the emergency 123004
management agency of a participating political subdivision or an 123005
official designated by the chief executive of the participating 123006
political subdivision from which the assistance or aid is 123007
requested and shall provide the following information: 123008

(a) A description of the incident, disaster, exercise, 123009
training activity, planned event, or emergency; 123010

(b) A description of the assistance or aid needed; 123011

(c) An estimate of the length of time the assistance or 123012
aid will be needed; 123013

(d) The specific place and time for staging of the 123014
assistance or aid and a point of contact at that location. 123015

(F) A participating political subdivision shall provide 123016
assistance or aid to another participating political subdivision 123017
that is impacted by an incident, disaster, exercise, training 123018
activity, planned event, or emergency, any of which requires 123019
additional resources. The provision of the assistance or aid is 123020
subject to the following conditions: 123021

(1) The responding political subdivision may withhold 123022
resources necessary to provide for its own protection. 123023

(2) Personnel of the responding political subdivision 123024
shall continue under their local command and control structure, 123025
but shall be under the operational control of the appropriate 123026
officials within the incident management system of the 123027
participating political subdivision receiving assistance or aid. 123028

(3) Responding law enforcement officers acting pursuant to 123029
this section have the same authority to enforce the law as when 123030

acting within the territory of their regular employment. 123031

(4) For purposes of Chapters 4121. and 4123. of the 123032
Revised Code, personnel of the responding political subdivision 123033
shall be considered employees of the emergency management agency 123034
established within the department of public safety while 123035
rendering mutual assistance or aid to the participating 123036
political subdivision. 123037

(G) (1) Nothing in this section shall do any of the 123038
following: 123039

(a) Alter the duties and responsibilities of emergency 123040
response personnel; 123041

(b) Prohibit a private company from participating in the 123042
provision of mutual assistance or aid pursuant to the compact 123043
created pursuant to this section if the participating political 123044
subdivision approves the participation and the contract with the 123045
private company allows for the participation; 123046

(c) Prohibit employees of participating political 123047
subdivisions from responding to a request for mutual assistance 123048
or aid precipitated by an incident, disaster, exercise, training 123049
activity, planned event, or emergency, any of which requires 123050
additional resources, when the employees are responding as part 123051
of a regional response team that is under the operational 123052
control of the incident command structure; 123053

(d) Authorize employees of participating political 123054
subdivisions to respond to an incident, disaster, exercise, 123055
training activity, planned event, or emergency, any of which 123056
requires additional resources, without a request from a 123057
participating political subdivision. 123058

(2) This section does not preclude a participating 123059

political subdivision from entering into a mutual aid or other 123060
agreement with another political subdivision, and does not 123061
affect any other agreement to which a participating political 123062
subdivision may be a party, or any request for assistance or aid 123063
that may be made, under any other section of the Revised Code, 123064
including, but not limited to, any mutual aid arrangement under 123065
this chapter, any fire protection or emergency medical services 123066
contract under section 9.60 of the Revised Code, sheriffs' 123067
requests for assistance to preserve the public peace and protect 123068
persons and property under section 311.07 of the Revised Code, 123069
any agreement for mutual assistance or aid in police protection 123070
under section 737.04 of the Revised Code, any agreement for law 123071
enforcement services between universities and colleges and 123072
political subdivisions under section 3345.041 or 3345.21 of the 123073
Revised Code, and mutual aid agreements among emergency planning 123074
districts for hazardous substances or chemicals response under 123075
sections 3750.02 and 3750.03 of the Revised Code. 123076

(H) (1) ~~Personnel~~ Subject to division (F) (4) of this 123077
section, personnel of a responding participating political 123078
subdivision who suffer injury or death in the course of, and 123079
arising out of, their employment while rendering assistance or 123080
aid under this section to another participating political 123081
subdivision are entitled to all applicable benefits under 123082
Chapters 4121. and 4123. of the Revised Code. 123083

(2) Personnel of a responding participating political 123084
subdivision shall be considered, while rendering assistance or 123085
aid under this section in another participating political 123086
subdivision, to be agents of the responding political 123087
subdivision for purposes of tort liability and immunity from 123088
tort liability under the law of this state. 123089

(3) (a) A responding participating political subdivision 123090
and the personnel of that political subdivision, while rendering 123091
assistance or aid under this section, or while in route to or 123092
from rendering assistance or aid under this section, in another 123093
participating political subdivision, shall be deemed to be 123094
exercising governmental functions as defined in section 2744.01 123095
of the Revised Code, shall have the defenses to and immunities 123096
from civil liability provided in sections 2744.02 and 2744.03 of 123097
the Revised Code, and shall be entitled to all applicable 123098
limitations on recoverable damages under section 2744.05 of the 123099
Revised Code. 123100

(b) A participating political subdivision requesting 123101
assistance or aid and the personnel of that political 123102
subdivision, while requesting or receiving assistance or aid 123103
under this section from any other participating political 123104
subdivision, shall be deemed to be exercising governmental 123105
functions as defined in section 2744.01 of the Revised Code, 123106
shall have the defenses to and immunities from civil liability 123107
provided in sections 2744.02 and 2744.03 of the Revised Code, 123108
and shall be entitled to all applicable limitations on 123109
recoverable damages under section 2744.05 of the Revised Code. 123110

(I) If a person holds a license, certificate, or other 123111
permit issued by a participating political subdivision 123112
evidencing qualification in a professional, mechanical, or other 123113
skill, and if the assistance or aid of that person is asked for 123114
under this section by a participating political subdivision, the 123115
person shall be deemed to be licensed or certified in or 123116
permitted by the participating political subdivision receiving 123117
the assistance or aid to render the assistance or aid, subject 123118
to any limitations and conditions the chief executive of the 123119
participating political subdivision receiving the assistance or 123120

aid may prescribe by executive order or otherwise. 123121

(J) (1) Subject to division (K) of this section and except 123122
as provided in division (J) (2) of this section, any 123123
participating political subdivision rendering assistance or aid 123124
under this section in another participating political 123125
subdivision shall be reimbursed by the participating political 123126
subdivision receiving the assistance or aid for any loss or 123127
damage to, or expense incurred in the operation of, any 123128
equipment used in rendering the assistance or aid, for any 123129
expense incurred in the provision of any service used in 123130
rendering the assistance or aid, and for all other costs 123131
incurred in responding to the request for assistance or aid. To 123132
avoid duplication of payments, insurance proceeds available to 123133
cover any loss or damage to equipment of a participating 123134
political subdivision rendering assistance or aid shall be 123135
considered in the reimbursement by the participating political 123136
subdivision receiving the assistance or aid. 123137

(2) A participating political subdivision rendering 123138
assistance or aid under this section to another participating 123139
political subdivision shall not be reimbursed for ~~either of the~~ 123140
~~following:~~ 123141

~~(a) The first eight hours of mutual assistance or aid it~~ 123142
~~provides to the political subdivision receiving the assistance~~ 123143
~~or aid;~~ 123144

~~(b) Expenses the participating political subdivision~~ 123145
~~incurs under division (H) (1) of this section.~~ 123146

(K) A participating political subdivision rendering 123147
assistance or aid under this section may do any of the 123148
following: 123149

(1) Assume, in whole or in part, any loss, damage, 123150
expense, or cost the political subdivision incurs in rendering 123151
the assistance or aid; 123152

(2) Loan, without charge, any equipment, or donate any 123153
service, to the political subdivision receiving the assistance 123154
or aid; 123155

(3) Enter into agreements with one or more other 123156
participating political subdivisions to establish different 123157
allocations of losses, damages, expenses, or costs among such 123158
political subdivisions. 123159

Sec. 5505.045. (A) No person shall knowingly fail to file 123160
a complete and accurate campaign finance statement or 123161
independent expenditure statement in accordance with section 123162
5505.044 of the Revised Code. 123163

(B) No person, during the course of a person seeking 123164
nomination for, and during any campaign for, election to the 123165
state highway patrol retirement board, shall knowingly and with 123166
intent to affect the nomination or the outcome of the campaign 123167
do any of the following by means of campaign materials, an 123168
advertisement on radio or television or in a newspaper or 123169
periodical, a public speech, press release, or otherwise: 123170

(1) With regard to a candidate, identify the candidate in 123171
a manner that implies that the candidate is a member of the 123172
board or use the term "re-elect" when the candidate is not 123173
currently a member of the board; 123174

(2) Make a false statement concerning the formal schooling 123175
or training completed or attempted by a candidate; a degree, 123176
diploma, certificate, scholarship, grant, award, prize, or honor 123177
received, earned, or held by a candidate; or the period of time 123178

during which a candidate attended any school, college, community 123179
technical school, or institution; 123180

(3) Make a false statement concerning the professional, 123181
occupational, or vocational licenses held by a candidate, or 123182
concerning any position the candidate held for which the 123183
candidate received a salary or wages; 123184

(4) Make a false statement that a candidate or board 123185
member has been indicted or convicted of a theft offense, 123186
extortion, or other crime involving financial corruption or 123187
moral turpitude; 123188

(5) Make a statement that a candidate has been indicted 123189
for any crime or has been the subject of a finding by the Ohio 123190
elections commission, the secretary of state, or the Ohio 123191
election integrity commission without disclosing the outcome of 123192
any legal proceedings resulting from the indictment or finding; 123193

(6) Make a false statement that a candidate or board 123194
member has a record of treatment or confinement for mental 123195
disorder; 123196

(7) Make a false statement that a candidate or board 123197
member has been subjected to military discipline for criminal 123198
misconduct or dishonorably discharged from the armed services; 123199

(8) Falsely identify the source of a statement, issue 123200
statements under the name of another person without 123201
authorization, or falsely state the endorsement of or opposition 123202
to a candidate by a person or publication; 123203

(9) Make a false statement concerning the voting record of 123204
a candidate or board member; 123205

(10) Post, publish, circulate, distribute, or otherwise 123206

disseminate a false statement concerning a candidate, either 123207
knowing the same to be false or with reckless disregard of 123208
whether it was false or not, if the statement is designed to 123209
promote the election, nomination, or defeat of the candidate. 123210

Sec. 5505.046. ~~The secretary of state, or any person~~ 123211
~~acting on personal knowledge and subject to the penalties of~~ 123212
~~perjury, may file a~~ A ~~complaint with the Ohio elections~~ 123213
~~commission~~ alleging a violation of section 5505.045 of the 123214
Revised Code may be filed in accordance with section 3517.16 of 123215
the Revised Code. ~~The complaint shall be made on a form~~ 123216
~~prescribed and provided by the commission.~~ 123217

~~On receipt of a complaint under this section, the~~ 123218
~~commission shall hold a hearing open to the public to determine~~ 123219
~~whether the violation alleged in the complaint has occurred. The~~ 123220
~~commission may administer oaths and issue subpoenas to any~~ 123221
~~person in the state compelling the attendance of witnesses and~~ 123222
~~the production of relevant papers, books, accounts, and reports.~~ 123223
~~On the refusal of any person to obey a subpoena or to be sworn~~ 123224
~~or to answer as a witness, the commission may apply to the court~~ 123225
~~of common pleas of Franklin county under section 2705.03 of the~~ 123226
~~Revised Code. The court shall hold contempt proceedings in~~ 123227
~~accordance with Chapter 2705. of the Revised Code.~~ 123228

~~The commission shall provide the person accused of the~~ 123229
~~violation at least seven days prior notice of the time, date,~~ 123230
~~and place of the hearing. The accused may be represented by an~~ 123231
~~attorney and shall have an opportunity to present evidence, call~~ 123232
~~witnesses, and cross-examine witnesses.~~ 123233

~~At the hearing, the commission shall determine whether the~~ 123234
~~violation alleged in the complaint has occurred. If the~~ 123235
~~commission determines that a violation of division (A) of~~ 123236

~~section 5505.045 of the Revised Code has occurred, the~~ 123237
~~commission shall either impose a fine under section 5505.99 of~~ 123238
~~the Revised Code or enter a finding that good cause has been~~ 123239
~~shown not to impose the fine. If the commission determines that~~ 123240
~~a violation of division (B) of section 5505.045 of the Revised~~ 123241
~~Code has occurred, the commission shall impose the fine~~ 123242
~~described in section 5505.99 of the Revised Code, refer the~~ 123243
~~matter to the appropriate prosecutor, or enter a finding that~~ 123244
~~good cause has been shown to not impose a fine or refer the~~ 123245
~~matter to the appropriate prosecutor.~~ 123246

Sec. 5505.99. (A) Whoever violates division (A) of section 123247
5505.045 of the Revised Code shall be fined not more than one 123248
hundred dollars for each day of the violation. 123249

(B) Whoever violates division (B) of section 5505.045 of 123250
the Revised Code shall be imprisoned for not more than six 123251
months or fined not more than five thousand dollars, or both. 123252

~~(C) Fines imposed by the Ohio elections commission under~~ 123253
~~this section shall be paid into the Ohio elections commission~~ 123254
~~fund created under section 3513.10 of the Revised Code.~~ 123255

Sec. 5525.03. (A) All prospective bidders other than 123256
environmental remediators and specialty contractors for which 123257
there are no classes of work provided for in the rules adopted 123258
by the director of transportation shall apply for qualification 123259
on forms prescribed and furnished by the director. The 123260
application shall be ~~accompanied by a certificate of compliance~~ 123261
~~with affirmative action programs issued pursuant to section 9.47~~ 123262
~~of the Revised Code and~~ dated no earlier than one hundred eighty 123263
days before the date fixed for the award of the contract for a 123264
particular project. 123265

(B) The director shall act upon an application for 123266
qualification within thirty days after it is presented to the 123267
director. Upon the receipt of any application for qualification, 123268
the director shall examine the application to determine whether 123269
the applicant is competent and responsible and possesses the 123270
financial resources required by section 5525.04 of the Revised 123271
Code. If the applicant is found to possess the qualifications 123272
prescribed by sections 5525.02 to 5525.09 of the Revised Code 123273
and by rules adopted by the director, ~~including a certificate of~~ 123274
~~compliance with affirmative action programs,~~ a certificate of 123275
qualification shall be issued to the applicant, which shall be 123276
valid for the period of one year or such shorter period of time 123277
as the director prescribes, unless revoked by the director for 123278
cause as defined by rules adopted by the director under section 123279
5525.05 of the Revised Code. 123280

(C) The certificate of qualification shall contain a 123281
statement fixing the aggregate amount of work, for any or all 123282
owners, that the applicant may have under construction and 123283
uncompleted at any one time and may contain a statement limiting 123284
such bidder to the submission of bids upon a certain class of 123285
work. Subject to any restriction as to amount or class of work 123286
therein contained, the certificate of qualification shall 123287
authorize its holder to bid on all work on which bids are taken 123288
by the department of transportation during the period of time 123289
therein specified. 123290

(D) An applicant who has received a certificate of 123291
qualification and desires to amend the certificate by the dollar 123292
amount or by the classes of work may submit to the director such 123293
documentation as the director considers appropriate. The 123294
director shall review the documentation submitted by the 123295
applicant and, within fifteen days, shall either amend the 123296

certificate of qualification or deny the request. If the 123297
director denies the request to amend the certificate, the 123298
applicant may appeal that decision to the director's 123299
prequalification review board in accordance with section 5525.07 123300
of the Revised Code. Two or more persons, partnerships, or 123301
corporations may bid jointly on any one project, but only on 123302
condition that prior to the time bids are taken on the project 123303
the bidders make a joint application for qualification and 123304
obtain a joint certificate qualification. 123305

(E) The director may debar from participating in future 123306
contracts with the department any bidding company as well as any 123307
partner of a partnership, or the officers and directors of an 123308
association or corporation if the certificate of qualification 123309
of the company, partnership, association, or corporation is 123310
revoked or not renewed by the director. When the director 123311
reasonably believes that grounds for revocation and debarment 123312
exist, the director shall send the bidding company and any 123313
individual involved a notice of proposed revocation and 123314
debarment indicating the grounds for such action as established 123315
in rules adopted by the director under section 5525.05 of the 123316
Revised Code and the procedure for requesting a hearing. The 123317
notice and hearing shall be in accordance with Chapter 119. of 123318
the Revised Code. If the bidding company or individual does not 123319
respond with a request for a hearing in the manner specified in 123320
Chapter 119. of the Revised Code, the director shall revoke the 123321
certificate and issue the debarment decision without a hearing 123322
and shall notify the bidding company or individual of the 123323
decision by certified mail, return receipt requested. 123324

(F) The debarment period may be of any length determined 123325
by the director and the director may modify or rescind the 123326
debarment at any time. During the period of debarment, the 123327

director shall not issue a certificate of qualification for any 123328
company, partnership, association, or corporation affiliated 123329
with a debarred individual. After the debarment period expires, 123330
the bidding company or individual, and any partnership, 123331
association, or corporation affiliated with the individual may 123332
make an application for qualification if such entity or 123333
individual is not otherwise debarred. 123334

Sec. 5537.01. As used in this chapter: 123335

(A) "Commission" means the Ohio turnpike and 123336
infrastructure commission created by section 5537.02 of the 123337
Revised Code or, if that commission is abolished, the board, 123338
body, officer, or commission succeeding to the principal 123339
functions thereof or to which the powers given by this chapter 123340
to the commission are given by law. 123341

(B) "Turnpike project" means any express or limited access 123342
highway, super highway, or motorway constructed, operated, or 123343
improved, under the jurisdiction of the commission and pursuant 123344
to this chapter, ~~at a location or locations reviewed by the~~ 123345
~~turnpike legislative review committee~~ and approved by the 123346
governor, including all bridges, tunnels, overpasses, 123347
underpasses, interchanges, entrance plazas, approaches, those 123348
portions of connecting public roads that serve interchanges and 123349
are determined by the commission and the director of 123350
transportation to be necessary for the safe merging of traffic 123351
between the turnpike project and those public roads, toll 123352
booths, service facilities, and administration, storage, and 123353
other buildings, property, and facilities that the commission 123354
considers necessary for the operation or policing of the 123355
turnpike project, together with all property and rights which 123356
may be acquired by the commission for the construction, 123357

maintenance, or operation of the turnpike project, and includes 123358
any sections or extensions of a turnpike project designated by 123359
the commission as such for the particular purpose. Each turnpike 123360
project shall be separately designated, by name or number, and 123361
may be constructed, improved, or extended in such sections as 123362
the commission may from time to time determine. Construction 123363
includes the improvement and renovation of a previously 123364
constructed turnpike project, including additional interchanges, 123365
whether or not the turnpike project was initially constructed by 123366
the commission. 123367

(C) "Infrastructure project" means any public express or 123368
limited access highway, super highway, or motorway, including 123369
all bridges, tunnels, overpasses, underpasses, interchanges, 123370
entrance plazas, approaches, and those portions of connecting 123371
public roads that serve interchanges, that is constructed or 123372
improved, in whole or in part, with infrastructure funding 123373
approved pursuant to criteria established under section 5537.18 123374
of the Revised Code. 123375

(D) "Cost," as applied to construction of a turnpike 123376
project or an infrastructure project, includes the cost of 123377
construction, including bridges over or under existing highways 123378
and railroads, acquisition of all property acquired either by 123379
the commission or by the owner of the infrastructure project for 123380
the construction, demolishing or removing any buildings or 123381
structures on land so acquired, including the cost of acquiring 123382
any lands to which the buildings or structures may be moved, 123383
site clearance, improvement, and preparation, diverting public 123384
roads, interchanges with public roads, access roads to private 123385
property, including the cost of land or easements therefor, all 123386
machinery, furnishings, and equipment, communications 123387
facilities, financing expenses, interest prior to and during 123388

construction and for one year after completion of construction, 123389
traffic estimates, indemnity and surety bonds and premiums on 123390
insurance, title work and title commitments, insurance, and 123391
guarantees, engineering, feasibility studies, and legal 123392
expenses, plans, specifications, surveys, estimates of cost and 123393
revenues, other expenses necessary or incident to determining 123394
the feasibility or practicability of constructing or operating a 123395
turnpike project or an infrastructure project, administrative 123396
expenses, and any other expense that may be necessary or 123397
incident to the construction of the turnpike project or an 123398
infrastructure project, the financing of the construction, and 123399
the placing of the turnpike project or an infrastructure project 123400
in operation. Any obligation or expense incurred by the 123401
department of transportation with the approval of the commission 123402
for surveys, borings, preparation of plans and specifications, 123403
and other engineering services in connection with the 123404
construction of a turnpike project or an infrastructure project, 123405
or by the federal government with the approval of the commission 123406
for any public road projects which must be reimbursed as a 123407
condition to the exercise of any of the powers of the commission 123408
under this chapter, shall be regarded as a part of the cost of 123409
the turnpike project or an infrastructure project and shall be 123410
reimbursed to the state or the federal government, as the case 123411
may be, from revenues, state taxes, or the proceeds of bonds as 123412
authorized by this chapter. 123413

(E) "Owner" includes all persons having any title or 123414
interest in any property authorized to be acquired by the 123415
commission for turnpike projects under this chapter, or the 123416
public entity for whom an infrastructure project is funded, in 123417
whole or in part, by the commission under this chapter. 123418

(F) "Revenues" means all tolls, service revenues, 123419

investment income on special funds, rentals, gifts, grants, and 123420
all other moneys coming into the possession of or under the 123421
control of the commission by virtue of this chapter, except the 123422
proceeds from the sale of bonds. "Revenues" does not include 123423
state taxes. 123424

(G) "Public roads" means all public highways, roads, and 123425
streets in the state, whether maintained by a state agency or 123426
any other governmental agency. 123427

(H) "Public utility facilities" means tracks, pipes, 123428
mains, conduits, cables, wires, towers, poles, and other 123429
equipment and appliances of any public utility. 123430

(I) "Financing expenses" means all costs and expenses 123431
relating to the authorization, issuance, sale, delivery, 123432
authentication, deposit, custody, clearing, registration, 123433
transfer, exchange, fractionalization, replacement, payment, and 123434
servicing of bonds including, without limitation, costs and 123435
expenses for or relating to publication and printing, postage, 123436
delivery, preliminary and final official statements, offering 123437
circulars, and informational statements, travel and 123438
transportation, underwriters, placement agents, investment 123439
bankers, paying agents, registrars, authenticating agents, 123440
remarketing agents, custodians, clearing agencies or 123441
corporations, securities depositories, financial advisory 123442
services, certifications, audits, federal or state regulatory 123443
agencies, accounting and computation services, legal services 123444
and obtaining approving legal opinions and other legal opinions, 123445
credit ratings, redemption premiums, and credit enhancement 123446
facilities. 123447

(J) "Bond proceedings" means the resolutions, trust 123448
agreements, certifications, notices, sale proceedings, leases, 123449

lease-purchase agreements, assignments, credit enhancement 123450
facility agreements, and other agreements, instruments, and 123451
documents, as amended and supplemented, or any one or more or 123452
any combination thereof, authorizing, or authorizing or 123453
providing for the terms and conditions applicable to, or 123454
providing for the security or sale or award or liquidity of, 123455
bonds, and includes the provisions set forth or incorporated in 123456
those bonds and bond proceedings. 123457

(K) "Bond service charges" means principal, including any 123458
mandatory sinking fund or mandatory redemption requirements for 123459
the retirement of bonds, and interest and any redemption premium 123460
payable on bonds, as those payments come due and are payable to 123461
the bondholder or to a person making payment under a credit 123462
enhancement facility of those bond service charges to a 123463
bondholder. 123464

(L) "Bond service fund" means the applicable fund created 123465
by the bond proceedings for and pledged to the payment of bond 123466
service charges on bonds provided for by those proceedings, 123467
including all moneys and investments, and earnings from 123468
investments, credited and to be credited to that fund as 123469
provided in the bond proceedings. 123470

(M) "Bonds" means bonds, notes, including notes 123471
anticipating bonds or other notes, commercial paper, 123472
certificates of participation, or other evidences of obligation, 123473
including any interest coupons pertaining thereto, issued by the 123474
commission pursuant to this chapter. 123475

(N) "Infrastructure fund" means the applicable fund or 123476
funds created by the bond proceedings, which shall be used to 123477
pay or defray the cost of infrastructure projects recommended by 123478
the director of transportation and evaluated and approved by the 123479

commission. 123480

(O) "Net revenues" means revenues lawfully available to 123481
pay both current operating expenses of the commission and bond 123482
service charges in any fiscal year or other specified period, 123483
less current operating expenses of the commission and any amount 123484
necessary to maintain a working capital reserve for that period. 123485

(P) "Pledged revenues" means net revenues, moneys and 123486
investments, and earnings on those investments, in the 123487
applicable bond service fund and any other special funds, and 123488
the proceeds of any bonds issued for the purpose of refunding 123489
prior bonds, all as lawfully available and by resolution of the 123490
commission committed for application as pledged revenues to the 123491
payment of bond service charges on particular issues of bonds. 123492

(Q) "Service facilities" means service stations, 123493
restaurants, and other facilities for food service, roadside 123494
parks and rest areas, parking, camping, tenting, rest, and 123495
sleeping facilities, hotels or motels, and all similar and other 123496
facilities providing services to the traveling public in 123497
connection with the use of a turnpike project and owned, leased, 123498
licensed, or operated by the commission. 123499

(R) "Service revenues" means those revenues of the 123500
commission derived from its ownership, leasing, licensing, or 123501
operation of service facilities. 123502

(S) "Special funds" means the applicable bond service fund 123503
and any accounts and subaccounts in that fund, any other funds 123504
or accounts permitted by and established under, and identified 123505
as a "special fund" or "special account" in, the bond 123506
proceedings, including any special fund or account established 123507
for purposes of rebate or other requirements under federal 123508

income tax laws. 123509

(T) "State agencies" means the state, officers of the 123510
state, and boards, departments, branches, divisions, or other 123511
units or agencies of the state. 123512

(U) "State taxes" means receipts of the commission from 123513
the proceeds of state taxes or excises levied and collected, or 123514
appropriated by the general assembly to the commission, for the 123515
purposes and functions of the commission. State taxes do not 123516
include tolls, or investment earnings on state taxes except on 123517
those state taxes referred to in Section 5a of Article XII, Ohio 123518
Constitution. 123519

(V) "Tolls" means tolls, special fees or permit fees, or 123520
other charges by the commission to the owners, lessors, lessees, 123521
or operators of motor vehicles for the operation of or the right 123522
to operate those vehicles on a turnpike project. 123523

(W) "Credit enhancement facilities" means letters of 123524
credit, lines of credit, standby, contingent, or firm securities 123525
purchase agreements, insurance, or surety arrangements, 123526
guarantees, and other arrangements that provide for direct or 123527
contingent payment of bond service charges, for security or 123528
additional security in the event of nonpayment or default in 123529
respect of bonds, or for making payment of bond service charges 123530
and at the option and on demand of bondholders or at the option 123531
of the commission or upon certain conditions occurring under put 123532
or similar arrangements, or for otherwise supporting the credit 123533
or liquidity of the bonds, and includes credit, reimbursement, 123534
marketing, remarketing, indexing, carrying, interest rate hedge, 123535
and subrogation agreements, and other agreements and 123536
arrangements for payment and reimbursement of the person 123537
providing the credit enhancement facility and the security for 123538

that payment and reimbursement. 123539

(X) "Person" has the same meaning as in section 1.59 of 123540
the Revised Code and, unless the context otherwise provides, 123541
also includes any governmental agency and any combination of 123542
those persons. 123543

(Y) "Refund" means to fund and retire outstanding bonds, 123544
including advance refunding with or without payment or 123545
redemption prior to stated maturity. 123546

(Z) "Governmental agency" means any state agency, federal 123547
agency, political subdivision, or other local, interstate, or 123548
regional governmental agency, and any combination of those 123549
agencies. 123550

(AA) "Property" has the same meaning as in section 1.59 of 123551
the Revised Code, and includes interests in property. 123552

(BB) "Administrative agent," "agent," "commercial paper," 123553
"floating rate interest structure," "indexing agent," "interest 123554
rate hedge," "interest rate period," "put arrangement," and 123555
"remarketing agent" have the same meanings as in section 9.98 of 123556
the Revised Code. 123557

(CC) "Outstanding," as applied to bonds, means outstanding 123558
in accordance with the terms of the bonds and the applicable 123559
bond proceedings. 123560

(DD) "Ohio turnpike system" or "system" means all existing 123561
and future turnpike projects constructed, operated, and 123562
maintained under the jurisdiction of the commission. 123563

(EE) "Ohio turnpike and infrastructure system" means 123564
turnpike projects and infrastructure projects funded by the 123565
commission existing on and after July 1, 2013, that facilitate 123566

access to, use of, and egress from the Ohio turnpike system, and 123567
also facilitate access to and from areas of population, 123568
commerce, and industry that are connected to the Ohio turnpike 123569
system. 123570

Sec. 5537.02. (A) There is hereby created a commission to 123571
be known on and after July 1, 2013, as the "Ohio turnpike and 123572
infrastructure commission." The commission is a body both 123573
corporate and politic, constituting an instrumentality of the 123574
state, and the exercise by it of the powers conferred by this 123575
chapter in the construction, operation, and maintenance of the 123576
Ohio turnpike system, and also in entering into agreements with 123577
the department of transportation to pay the cost or a portion of 123578
the costs of infrastructure projects, are and shall be held to 123579
be essential governmental functions of the state. Chapter 2744. 123580
of the Revised Code applies to the commission and the commission 123581
is a political subdivision of the state for purposes of that 123582
chapter. The commission is subject to all provisions of law 123583
generally applicable to state agencies which do not conflict 123584
with this chapter. 123585

(B) (1) The commission shall consist of ten members as 123586
follows: 123587

(a) Six members appointed by the governor with the advice 123588
and consent of the senate, no more than three of whom shall be 123589
members of the same political party; 123590

(b) The director of transportation, or the director's 123591
designee, who shall be a voting member, and the director of 123592
budget and management, or the director's designee. The directors 123593
or their designees, as applicable, shall serve as ex officio 123594
members, without compensation; 123595

(c) One member of the senate, appointed by the president 123596
of the senate, ~~who shall represent either a district in which is~~ 123597
~~located or through which passes a portion of a turnpike project~~ 123598
~~that is part of the Ohio turnpike system or a district located~~ 123599
~~in the vicinity of a turnpike project that is part of the Ohio~~ 123600
~~turnpike system;~~ 123601

(d) One member of the house of representatives, appointed 123602
by the speaker of the house of representatives, ~~who shall~~ 123603
~~represent either a district in which is located or through which~~ 123604
~~passes a portion of a turnpike project that is part of the Ohio~~ 123605
~~turnpike system or a district located in the vicinity of a~~ 123606
~~turnpike project that is part of the Ohio turnpike system.~~ 123607

(2) The members appointed by the governor shall be 123608
residents of the state, shall have been qualified electors 123609
therein for a period of at least five years next preceding their 123610
appointment. In making the appointments, the governor may 123611
appoint persons who reside in different geographic areas of the 123612
state, taking into consideration the various turnpike and 123613
infrastructure projects in the state. Members appointed to the 123614
commission prior to July 1, 2013, shall serve terms of eight 123615
years commencing on the first day of July and ending on the 123616
thirtieth day of June. Thereafter, members appointed by the 123617
governor shall serve terms of five years commencing on the first 123618
day of July and ending on the thirtieth day of June. Those 123619
members appointed by the president of the senate or the speaker 123620
of the house of representatives shall serve a term of the 123621
remainder of the general assembly during which the senator or 123622
representative is appointed. Each appointed member shall hold 123623
office from the date of appointment until the end of the term 123624
for which the member was appointed. If a commission member dies 123625
or resigns, or if a senator or representative who is a member of 123626

the commission ceases to be a senator or representative, or if 123627
an ex officio member ceases to hold the applicable office, the 123628
vacancy shall be filled in the same manner as provided in 123629
division (B) (1) of this section. Any member who fills a vacancy 123630
occurring prior to the end of the term for which the member's 123631
predecessor was appointed shall, if appointed by the governor, 123632
hold office for the remainder of such term or, if appointed by 123633
the president of the senate or the speaker of the house of 123634
representatives, shall hold office for the remainder of the term 123635
or for a shorter period of time as determined by the president 123636
or the speaker. Any member appointed by the governor shall 123637
continue in office subsequent to the expiration date of the 123638
member's term until the member's successor takes office, or 123639
until a period of sixty days has elapsed, whichever occurs 123640
first. A member of the commission is eligible for reappointment. 123641
Each member of the commission appointed by the governor, before 123642
entering upon the member's duties, shall take an oath as 123643
provided by Section 7 of Article XV, Ohio Constitution. The 123644
governor, the president of the senate, or the speaker of the 123645
house of representatives, may at any time remove their 123646
respective appointees to the commission for misfeasance, 123647
nonfeasance, or malfeasance in office. 123648

(3) (a) A member of the commission who is appointed by the 123649
president of the senate or the speaker of the house of 123650
representatives shall not participate in any vote of the 123651
commission. Serving as an appointed member of the commission 123652
under divisions (B) (1) (c), (1) (d), or (2) of this section does 123653
not constitute grounds for resignation from the senate or the 123654
house of representatives under section 101.26 of the Revised 123655
Code. 123656

(b) The director of budget and management shall not 123657

participate in any vote of the commission. 123658

(C) The voting members of the commission shall elect one 123659
of the voting members as chairperson and another as vice- 123660
chairperson, and shall appoint a secretary-treasurer who need 123661
not be a member of the commission. Four of the voting members of 123662
the commission constitute a quorum, and the affirmative vote of 123663
four voting members is necessary for any action taken by the 123664
commission. No vacancy in the membership of the commission 123665
impairs the rights of a quorum to exercise all the rights and 123666
perform all the duties of the commission. 123667

(D) Each member of the commission appointed by the 123668
governor shall give a surety bond to the commission in the penal 123669
sum of twenty-five thousand dollars and the secretary-treasurer 123670
shall give such a bond in at least the penal sum of fifty 123671
thousand dollars. The commission may require any of its officers 123672
or employees to file surety bonds including a blanket bond as 123673
provided in section 3.06 of the Revised Code. Each such bond 123674
shall be in favor of the commission and shall be conditioned 123675
upon the faithful performance of the duties of the office, 123676
executed by a surety company authorized to transact business in 123677
this state, approved by the governor, and filed in the office of 123678
the secretary of state. The costs of the surety bonds shall be 123679
paid or reimbursed by the commission from revenues. Each member 123680
of the commission appointed by the governor shall receive an 123681
annual salary of five thousand dollars, payable in monthly 123682
installments. Each member shall be reimbursed for the member's 123683
actual expenses necessarily incurred in the performance of the 123684
member's duties. All costs and expenses incurred by the 123685
commission in carrying out this chapter shall be payable solely 123686
from revenues and state taxes, and no liability or obligation 123687
shall be incurred by the commission beyond the extent to which 123688

revenues have been provided for pursuant to this chapter. 123689

Sec. 5537.03. In order to remove present and anticipated 123690
impediments and potential hazards on the congested highways in 123691
this state, to facilitate vehicular traffic throughout the 123692
state, to finance infrastructure projects that improve and 123693
enhance mobility in Ohio, and also to promote the agricultural, 123694
recreational, tourism, and commercial, industrial, and economic 123695
development of the state, and to provide for the general welfare 123696
by the construction, improvement, and maintenance of modern 123697
express highways embodying safety devices, including without 123698
limitation center divisions, ample shoulder widths, long sight 123699
distances, multiple lanes in each direction, and grade 123700
separations at intersections with other public roads and 123701
railroads, the Ohio turnpike and infrastructure commission may 123702
do the following: 123703

(A) Subject to section 5537.26 of the Revised Code, 123704
construct, maintain, repair, and operate a system of turnpike 123705
projects ~~at locations that are reviewed by the turnpike~~ 123706
~~legislative review committee and approved by the governor,~~ and 123707
in accordance with alignment and design standards that are 123708
approved by the director of transportation, and issue revenue 123709
bonds of this state, payable solely from pledged revenues, to 123710
pay the cost of those projects. The turnpikes and turnpike 123711
projects authorized by this chapter are hereby or shall be made 123712
part of the Ohio turnpike system. 123713

(B) Provide the infrastructure funds to pay the cost or a 123714
portion of the cost of infrastructure projects as recommended by 123715
the director of transportation pursuant to a determination made 123716
by the commission based on criteria set forth in rules adopted 123717
by the commission under section 5537.18 of the Revised Code. A 123718

determination by the commission to provide infrastructure funds 123719
for an infrastructure project shall be conclusive and 123720
incontestable. 123721

Sec. 5537.27. The Ohio turnpike and infrastructure 123722
commission, the director of transportation or the director's 123723
designee, and another person designated by the governor shall 123724
establish a procedure whereby a political subdivision or other 123725
government agency or agencies may submit a written application 123726
to the commission, requesting the commission to construct and 123727
operate a turnpike project within the boundaries of the 123728
subdivision, agency, or agencies making the request. The 123729
procedure shall include a requirement that the commission send a 123730
written reply to the subdivision, agency, or agencies, 123731
explaining the disposition of the request. The procedure 123732
established pursuant to this section shall not become effective 123733
unless it is approved by the commission and by the director or 123734
the director's designee and the designee of the governor, ~~and~~ 123735
~~shall require submission of the proposed turnpike project to the~~ 123736
~~turnpike legislative review committee if the project must be~~ 123737
~~approved by the governor.~~ 123738

Sec. 5540.02. (A) A transportation improvement district 123739
may be created by the board of county commissioners of a county. 123740
The board, by resolution, shall determine the structure of the 123741
board of trustees of the transportation improvement district it 123742
creates by adopting the structure contained either in division 123743
(C) (1) or (2) of this section. 123744

(B) A transportation improvement district is a body both 123745
corporate and politic, and the exercise by it of the powers 123746
conferred by this chapter in the financing, construction, 123747
maintenance, repair, and operation of a project are and shall be 123748

held to be essential governmental functions. 123749

(C) (1) If the board of county commissioners so elects, a 123750
transportation improvement district shall be governed by a board 123751
of trustees consisting of the following members: 123752

(a) Two members appointed by the board of county 123753
commissioners; 123754

(b) Three members appointed by the legislative authority 123755
of the most populous municipal corporation in the district; 123756

(c) Two members appointed by the legislative authority of 123757
the second most populous municipal corporation in the district; 123758

(d) Two members appointed by the board of township 123759
trustees of the township in the county that is most populous in 123760
its unincorporated area; 123761

(e) The county engineer; 123762

(f) One member appointed by the legislative authority of 123763
any township or municipal corporation that cannot otherwise 123764
appoint a member to the board pursuant to this section, and that 123765
is wholly or partially within the area of the transportation 123766
improvement district as the district was originally designated 123767
by the board of county commissioners; 123768

(g) If the area of a transportation improvement district 123769
is expanded by the board of county commissioners, the 123770
legislative authority of any township or municipal corporation 123771
that is wholly or partially within the area of expansion and 123772
that cannot otherwise appoint a member to the board pursuant to 123773
this section, with the consent of the board of trustees of the 123774
district, may appoint one member to the board; 123775

(h) One member appointed by the regional planning 123776

commission for the county, who shall be a nonvoting member of
the board; 123777
123778

~~(i) One member appointed at the discretion of the speaker
of the house of representatives, who, if appointed, shall be a
nonvoting member of the board and who may be a member of the
house of representatives. 123779
123780
123781
123782~~

One of each of the appointments made by the board of 123783
county commissioners, the legislative authority of a municipal 123784
corporation, and the board of township trustees under divisions 123785
(C) (1) (a), (b), (c), and (d) of this section, shall be members 123786
of the chamber of commerce for the respective political 123787
subdivision. 123788

Whenever the addition of members to the board of trustees 123789
of a transportation improvement district pursuant to division 123790
(C) (1) (f) or (g) of this section results in an even number of 123791
total voting members on the board, the board of trustees of the 123792
district may appoint an additional person to its membership to 123793
maintain an odd number of voting members. 123794

(2) As an alternative to the structure prescribed in 123795
division (C) (1) of this section, a board of county 123796
commissioners, by resolution, may elect that the transportation 123797
improvement district it creates be governed by a board of 123798
trustees consisting of ~~the following members:~~ 123799

~~(a) Five~~ five members appointed by the board of county 123800
commissioners; 123801

~~(b) One member appointed at the discretion of the speaker
of the house of representatives, who, if appointed, shall be a
nonvoting member of the board and who may be a member of the
house of representatives. 123802
123803
123804
123805~~

(D) Each appointed member of the board shall hold office 123806
for a term of two years but subject to removal at the pleasure 123807
of the authority that appointed the member. Members may be 123808
reappointed. Except as otherwise provided in this division, any 123809
vacancy on the board shall be filled in the same manner as the 123810
original appointment. Any vacancy on a board appointed under 123811
division (C)(1) of this section lasting longer than thirty days 123812
due to the failure of the legislative authority of a municipal 123813
corporation or a board of township trustees to make an 123814
appointment shall be filled by the board of trustees of the 123815
transportation improvement district. 123816

(E) The voting members of the board shall elect from the 123817
entire board membership a chairperson, vice-chairperson, and 123818
secretary-treasurer. A majority of the voting members of the 123819
board constitutes a quorum, the affirmative vote of which is 123820
necessary for any action of the district. No vacancy in the 123821
membership of the board impairs the right of a quorum to 123822
exercise all the rights and perform all duties of the district. 123823

(F) The board of county commissioners of any county, the 123824
legislative authority of any municipal corporation, and the 123825
board of township trustees of any township may make 123826
appropriations from moneys available to them and not otherwise 123827
appropriated to pay costs incurred by the district in the 123828
exercise of its functions under this chapter, provided those 123829
moneys are available to use for that purpose. 123830

(G) An organizational meeting of the board of trustees of 123831
a transportation improvement district created under this section 123832
shall be held at the time and place designated by the board 123833
member who has served the most years as a member of the board of 123834
county commissioners that created the transportation improvement 123835

district. 123836

Sec. 5595.02. (A) The boards of county commissioners of 123837
two or more counties may undertake a regional transportation 123838
improvement project for the purpose of completing transportation 123839
improvements within the territory of the counties. The project 123840
shall be administered by a governing board in accordance with a 123841
cooperative agreement. 123842

~~(B)~~ (B) (1) The cooperative agreement shall provide for the 123843
creation of a governing board consisting of ~~one~~ the following 123844
individuals: 123845

(a) One county commissioner from each county that is a 123846
party to the agreement or a designee appointed by the board of 123847
county commissioners of the county for the purpose of serving on 123848
the governing board, ~~and the~~ ; 123849

(b) The county engineer of each such county or a designee 123850
appointed by the county engineer for the purpose of serving on 123851
the governing board. 123852

(2) The cooperative agreement may authorize the chief 123853
executive officer of the JobsOhio network partner that covers 123854
the majority of the area encompassed by the regional 123855
transportation improvement project or a designee appointed by 123856
the chief executive officer to serve as an additional member of 123857
the governing board. Membership 123858

(3) Membership on the board is not a direct or indirect 123859
interest in a contract or expenditure of money by the county. 123860
The board is a public body for the purposes of section 121.22 of 123861
the Revised Code and a public office for the purposes of section 123862
149.43 of the Revised Code. Chapter 2744. of the Revised Code 123863
applies to the board. 123864

(C) The governing board of a regional transportation 123865
improvement project is a body both corporate and politic, and 123866
the exercise by it of the powers conferred by this chapter in 123867
the financing, construction, maintenance, repair, and operation 123868
of transportation improvements are essential governmental 123869
functions. 123870

(D) A board of county commissioners, in accordance with 123871
the cooperative agreement, may make appropriations to pay costs 123872
incurred by the governing board in the exercise of its functions 123873
under this chapter so long as such costs are approved by the 123874
director of transportation under section 5595.12 of the Revised 123875
Code. 123876

Sec. 5701.11. The effective date to which this section 123877
refers is the effective date of this section as amended by H.B. 123878
14 of the 136th general assembly. 123879

(A) (1) Except as provided under division (A) (2) or (B) of 123880
this section, any reference in Title LVII or section 149.311, 123881
3123.90, 3770.07, 3770.071, 3770.072, 3770.073, ~~or~~ 3772.37, or 123882
3775.16 of the Revised Code to the Internal Revenue Code, to the 123883
Internal Revenue Code "as amended," to other laws of the United 123884
States, or to other laws of the United States, "as amended," 123885
means the Internal Revenue Code or other laws of the United 123886
States as they exist on the effective date. 123887

(2) This section does not apply to any reference in Title 123888
LVII of the Revised Code to the Internal Revenue Code as of a 123889
date certain specifying the day, month, and year, or to other 123890
laws of the United States as of a date certain specifying the 123891
day, month, and year. 123892

(B) (1) For purposes of applying section 5733.04, 5745.01, 123893

or 5747.01 of the Revised Code to a taxpayer's taxable year 123894
ending after March 15, 2023, and before the effective date, a 123895
taxpayer may irrevocably elect to incorporate the provisions of 123896
the Internal Revenue Code or other laws of the United States 123897
that are in effect for federal income tax purposes for that 123898
taxable year if those provisions differ from the provisions 123899
that, under division (A) of this section, would otherwise apply. 123900
The filing by the taxpayer for that taxable year of a report or 123901
return that incorporates the provisions of the Internal Revenue 123902
Code or other laws of the United States applicable for federal 123903
income tax purposes for that taxable year, and that does not 123904
include any adjustments to reverse the effects of any 123905
differences between those provisions and the provisions that 123906
would otherwise apply, constitutes the making of an irrevocable 123907
election under this division for that taxable year. 123908

(2) Elections under prior versions of division (B) (1) of 123909
this section remain in effect for the taxable years to which 123910
they apply. 123911

Sec. 5703.052. (A) There is hereby created in the state 123912
treasury the tax refund fund, from which refunds shall be paid 123913
for amounts illegally or erroneously assessed or collected, or 123914
for any other reason overpaid, with respect to taxes levied by 123915
Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 123916
5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. 123917
and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 123918
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 123919
Code. Refunds for fees levied under sections 3734.90 to 123920
3734.9014 of the Revised Code, wireless 9-1-1 charges imposed 123921
under section 128.40 of the Revised Code, next generation 9-1-1 123922
access fees imposed under sections 128.41 and 128.42 of the 123923
Revised Code, or any penalties assessed with respect to such 123924

fees or charges, that are illegally or erroneously assessed or 123925
collected, or for any other reason overpaid, also shall be paid 123926
from the fund. Refunds for amounts illegally or erroneously 123927
assessed or collected by the tax commissioner, or for any other 123928
reason overpaid, that are due under section 1509.50 of the 123929
Revised Code shall be paid from the fund. Refunds for amounts 123930
illegally or erroneously assessed or collected by the 123931
commissioner, or for any other reason overpaid to the 123932
commissioner, under sections 718.80 to 718.95 of the Revised 123933
Code shall be paid from the fund. However, refunds for amounts 123934
illegally or erroneously assessed or collected by the 123935
commissioner, or for any other reason overpaid to the 123936
commissioner, with respect to taxes levied under section 123937
5739.101 of the Revised Code shall not be paid from the tax 123938
refund fund, but shall be paid as provided in section 5739.104 123939
of the Revised Code. 123940

(B) (1) Upon certification by the tax commissioner to the 123941
treasurer of state of a tax refund, a wireless 9-1-1 charge 123942
refund, a next generation 9-1-1 access fee refund, or another 123943
amount refunded, or by the superintendent of insurance of a 123944
domestic or foreign insurance tax refund, the treasurer of state 123945
shall place the amount certified to the credit of the fund. The 123946
certified amount transferred shall be derived from the receipts 123947
of the same tax, fee, wireless 9-1-1 charge, next generation 9- 123948
1-1 access fee, or other amount from which the refund arose. 123949

(2) When a refund is for a tax, fee, wireless 9-1-1 123950
charge, next generation 9-1-1 access fee, or other amount that 123951
is not levied by the state or that was illegally or erroneously 123952
distributed to a taxing jurisdiction, the tax commissioner shall 123953
recover the amount of that refund from the next distribution of 123954
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 123955

access fee, or other amount that otherwise would be made to the 123956
taxing jurisdiction. If the amount to be recovered would exceed 123957
twenty-five per cent of the next distribution of that tax, fee, 123958
wireless 9-1-1 charge, next generation 9-1-1 access fee, or 123959
other amount, the commissioner may spread the recovery over more 123960
than one future distribution, taking into account the amount to 123961
be recovered and the amount of the anticipated future 123962
distributions. In no event may the commissioner spread the 123963
recovery over a period to exceed ~~thirty-six~~ seventy-two months. 123964

Sec. 5703.21. (A) Except as provided in divisions (B) and 123965
(C) of this section, no agent of the department of taxation, 123966
except in the agent's report to the department or when called on 123967
to testify in any court or proceeding, shall divulge any 123968
information acquired by the agent as to the transactions, 123969
property, or business of any person while acting or claiming to 123970
act under orders of the department. Whoever violates this 123971
provision shall thereafter be disqualified from acting as an 123972
officer or employee or in any other capacity under appointment 123973
or employment of the department. 123974

(B) (1) For purposes of an audit pursuant to section 117.15 123975
of the Revised Code, or an audit of the department pursuant to 123976
Chapter 117. of the Revised Code, or an audit, pursuant to that 123977
chapter, the objective of which is to express an opinion on a 123978
financial report or statement prepared or issued pursuant to 123979
division (A) (7) or (9) of section 126.21 of the Revised Code, 123980
the officers and employees of the auditor of state charged with 123981
conducting the audit shall have access to and the right to 123982
examine any state tax returns and state tax return information 123983
in the possession of the department to the extent that the 123984
access and examination are necessary for purposes of the audit. 123985
Any information acquired as the result of that access and 123986

examination shall not be divulged for any purpose other than as 123987
required for the audit or unless the officers and employees are 123988
required to testify in a court or proceeding under compulsion of 123989
legal process. Whoever violates this provision shall thereafter 123990
be disqualified from acting as an officer or employee or in any 123991
other capacity under appointment or employment of the auditor of 123992
state. 123993

(2) For purposes of an internal audit pursuant to section 123994
126.45 of the Revised Code, the officers and employees of the 123995
office of internal audit in the office of budget and management 123996
charged with directing the internal audit shall have access to 123997
and the right to examine any state tax returns and state tax 123998
return information in the possession of the department to the 123999
extent that the access and examination are necessary for 124000
purposes of the internal audit. Any information acquired as the 124001
result of that access and examination shall not be divulged for 124002
any purpose other than as required for the internal audit or 124003
unless the officers and employees are required to testify in a 124004
court or proceeding under compulsion of legal process. Whoever 124005
violates this provision shall thereafter be disqualified from 124006
acting as an officer or employee or in any other capacity under 124007
appointment or employment of the office of internal audit. 124008

(3) As provided by section 6103(d)(2) of the Internal 124009
Revenue Code, any federal tax returns or federal tax information 124010
that the department has acquired from the internal revenue 124011
service, through federal and state statutory authority, may be 124012
disclosed to the auditor of state or the office of internal 124013
audit solely for purposes of an audit of the department. 124014

(4) For purposes of Chapter 3739. of the Revised Code, an 124015
agent of the department of taxation may share information with 124016

the division of state fire marshal that the agent finds during 124017
the course of an investigation. 124018

(C) Division (A) of this section does not prohibit any of 124019
the following: 124020

(1) Divulging information contained in applications, 124021
complaints, and related documents filed with the department 124022
under section 5715.27 of the Revised Code or in applications 124023
filed with the department under section 5715.39 of the Revised 124024
Code; 124025

(2) Providing to the attorney general information the 124026
department obtains under division (J) of section 1346.01 of the 124027
Revised Code; 124028

(3) Permitting properly authorized officers, employees, or 124029
agents of a municipal corporation from inspecting reports or 124030
information pursuant to section 718.84 of the Revised Code or 124031
rules adopted under section 5745.16 of the Revised Code; 124032

(4) Providing information regarding the name, account 124033
number, or business address of a holder of a vendor's license 124034
issued pursuant to section 5739.17 of the Revised Code, a holder 124035
of a direct payment permit issued pursuant to section 5739.031 124036
of the Revised Code, or a seller having a use tax account 124037
maintained pursuant to section 5741.17 of the Revised Code, or 124038
information regarding the active or inactive status of a 124039
vendor's license, direct payment permit, or seller's use tax 124040
account; 124041

(5) Providing to a county auditor notices or documents 124042
concerning or affecting the taxable value of property in the 124043
county auditor's county. Unless authorized by law to disclose 124044
documents so provided, the county auditor shall not disclose 124045

such documents; 124046

(6) Providing to a county auditor a sales or use tax 124047
return or audit information under section 333.06 of the Revised 124048
Code; 124049

(7) Disclosing to a state or federal government agency, 124050
for use in the performance of that agency's official duties in 124051
this state, information in the possession of the tax 124052
commissioner necessary to verify compliance with any provision 124053
of the Revised Code or federal law relating to that agency. 124054
Unless disclosure is otherwise authorized by law, information 124055
provided to any state or federal government agency under this 124056
section remains confidential and is not subject to further 124057
disclosure; 124058

(8) Disclosing to a current or former employee, for use in 124059
preparation of the employee's income tax return, the account 124060
number issued by the tax commissioner to an employer for use in 124061
filing returns and making payments under section 5747.07 of the 124062
Revised Code. The commissioner may require the employee to 124063
provide evidence of current or past employment before such 124064
disclosure; 124065

(9) Publishing or disclosing the amount of revenue 124066
distributed to a county, municipal corporation, township, school 124067
district, or any other political subdivision from any tax or 124068
fund administered by the tax commissioner; 124069

(10) Disclosing to a county auditor information in or 124070
discovered pursuant to the property tax relief screening system 124071
created in section 5703.83 of the Revised Code. 124072

Sec. 5703.37. (A) (1) Except as provided in division (B) of 124073
this section, whenever service of a notice or order is required 124074

in the manner provided in this section, a copy of the notice or 124075
order shall be served upon the person affected thereby either by 124076
personal service, by certified mail, or by a delivery service 124077
authorized under section 5703.056 of the Revised Code that 124078
notifies the tax commissioner of the date of delivery. 124079

(2) In lieu of serving a copy of a notice or order through 124080
one of the means provided in division (A)(1) of this section, 124081
the commissioner may serve a notice or order upon the person 124082
affected thereby through alternative means as provided in this 124083
section, including, but not limited to, delivery by secure 124084
electronic mail as provided in division (F) of this section or 124085
by ordinary mail. Delivery by such means satisfies the 124086
requirements for delivery under this section. 124087

(B)(1)(a) If certified or ordinary mail is returned 124088
because of an undeliverable address, the commissioner shall 124089
first utilize reasonable means to ascertain a new last known 124090
address, including the use of a change of address service 124091
offered by the United States postal service or an authorized 124092
delivery service under section 5703.056 of the Revised Code. If, 124093
after using reasonable means, the commissioner is unable to 124094
ascertain a new last known address, the assessment is final for 124095
purposes of section 131.02 of the Revised Code sixty days after 124096
the notice or order ~~sent by certified mail~~ is first returned to 124097
the commissioner, and the commissioner shall certify the notice 124098
or order, if applicable, to the attorney general for collection 124099
under section 131.02 of the Revised Code. 124100

(b) Notwithstanding certification to the attorney general 124101
under division (B)(1)(a) of this section, once the commissioner 124102
or attorney general, or the designee of either, makes an initial 124103
contact with the person to whom the notice or order is directed, 124104

the person may protest an assessment by filing a petition for 124105
reassessment within sixty days after the initial contact. The 124106
certification of an assessment under division (B)(1)(a) of this 124107
section is prima-facie evidence that delivery is complete and 124108
that the notice or order is served. 124109

(2) If mailing of a notice or order by certified or 124110
ordinary mail is returned for some cause other than an 124111
undeliverable address or if a person does not access an 124112
electronic notice or order within the time provided in division 124113
(F) of this section, the commissioner shall resend the notice or 124114
order by ordinary mail. The notice or order shall show the date 124115
the commissioner sends the notice or order and include the 124116
following statement: 124117

"This notice or order is deemed to be served on the 124118
addressee under applicable law ten days from the date this 124119
notice or order was mailed by the commissioner as shown on the 124120
notice or order, and all periods within which an appeal may be 124121
filed apply from and after that date." 124122

Unless the mailing is returned because of an undeliverable 124123
address, the mailing of that information is prima-facie evidence 124124
that delivery of the notice or order was completed ten days 124125
after the commissioner ~~sent~~ resent the notice or order by 124126
ordinary mail and that the notice or order was served. 124127

If the ~~ordinary mail mailing~~ is subsequently returned 124128
because of an undeliverable address, the commissioner shall 124129
proceed under division (B)(1)(a) of this section. A person may 124130
challenge the presumption of delivery and service under this 124131
division in accordance with division (C) of this section. 124132

(C) (1) A person disputing the presumption of delivery and 124133

service under division (B) of this section bears the burden of 124134
proving by a preponderance of the evidence that the address to 124135
which the notice or order was sent was not an address with which 124136
the person was associated at the time the commissioner 124137
originally mailed the notice or order ~~by certified mail~~. For the 124138
purposes of this section, a person is associated with an address 124139
at the time the commissioner originally mailed the notice or 124140
order if, at that time, the person was residing, receiving legal 124141
documents, or conducting business at the address; or if, before 124142
that time, the person had conducted business at the address and, 124143
when the notice or order was mailed, the person's agent or the 124144
person's affiliate was conducting business at the address. For 124145
the purposes of this section, a person's affiliate is any other 124146
person that, at the time the notice or order was mailed, owned 124147
or controlled at least twenty per cent, as determined by voting 124148
rights, of the addressee's business. 124149

(2) If the person elects to protest an assessment 124150
certified to the attorney general for collection, the person 124151
must do so within sixty days after the attorney general's 124152
initial contact with the person. The attorney general may enter 124153
into a compromise with the person under sections 131.02 and 124154
5703.06 of the Revised Code if the person does not file a 124155
petition for reassessment with the commissioner. 124156

(D) Nothing in this section prohibits the commissioner or 124157
the commissioner's designee from delivering a notice or order by 124158
personal service. 124159

(E) Collection actions taken pursuant to section 131.02 of 124160
the Revised Code upon any assessment being challenged under 124161
division (B) (1) (b) of this section shall be stayed upon the 124162
pendency of an appeal under this section. If a petition for 124163

reassessment is filed pursuant to this section on a claim that 124164
has been certified to the attorney general for collection, the 124165
claim shall be uncertified. 124166

(F) (1) The commissioner may serve a notice or order upon 124167
the person affected by the notice or order or that person's 124168
authorized representative through secure electronic means 124169
associated with the person's or representative's last known 124170
address, but only with the person's consent. The commissioner 124171
must inform the recipient, electronically or by mail, that a 124172
notice or order is available for electronic review and provide 124173
instructions to access and print the notice or order. The types 124174
of electronic notification the commissioner may use include 124175
electronic mail, text message, or any other form of electronic 124176
communication. The recipient's electronic access of the notice 124177
or order satisfies the requirements for delivery under this 124178
section. If the recipient fails to access the notice or order 124179
electronically within ten business days, then the commissioner 124180
shall inform the recipient a second time, electronically or by 124181
mail, that a notice or order is available for electronic review 124182
and provide instructions to access and print the notice or 124183
order. If the recipient fails to access the notice or order 124184
electronically within ten business days of the second 124185
notification, the notice or order shall be served upon the 124186
person through the means provided in division (B) (2) of this 124187
section. 124188

(2) The tax commissioner shall establish a system to issue 124189
notification of assessments to taxpayers through secure 124190
electronic means. 124191

(G) As used in this section: 124192

(1) "Last known address" means the address the department 124193

has at the time the document is originally sent by certified or 124194
ordinary mail, or any address the department can ascertain using 124195
reasonable means such as the use of a change of address service 124196
offered by the United States postal service or an authorized 124197
delivery service under section 5703.056 of the Revised Code. For 124198
documents sent by secure electronic means, "last known address" 124199
means an electronic mode of communication that is identified on 124200
a form prescribed by the commissioner for such purpose or that 124201
is associated with the person or the authorized representative 124202
of the person as of the date the notification was sent on the 124203
Ohio business gateway, as defined in section 718.01 of the 124204
Revised Code, ~~as of the date the notification was sent~~ or another 124205
electronic filing or payment system prescribed by the 124206
commissioner. 124207

(2) "Undeliverable address" means an address to which the 124208
United States postal service or an authorized delivery service 124209
under section 5703.056 of the Revised Code is not able to 124210
deliver a notice or order, except when the reason for 124211
nondelivery is because the addressee fails to acknowledge or 124212
accept the notice or order. 124213

Sec. 5703.70. (A) On the filing of an application for 124214
refund under section 718.91, 3734.905, 4307.05, 4307.07, 124215
5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 124216
5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 124217
~~5739.071,~~ 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 124218
5751.08, or 5753.06 of the Revised Code, or an application for 124219
compensation under section 5739.061 of the Revised Code, if the 124220
tax commissioner determines that the amount of the refund or 124221
compensation to which the applicant is entitled is less than the 124222
amount claimed in the application, the commissioner shall give 124223
the applicant written notice by ordinary mail of the amount. The 124224

notice shall be sent to the address shown on the application 124225
unless the applicant notifies the commissioner of a different 124226
address. The applicant shall have sixty days from the date the 124227
commissioner mails the notice to provide additional information 124228
to the commissioner or request a hearing, or both. 124229

(B) If the applicant neither requests a hearing nor 124230
provides additional information to the tax commissioner within 124231
the time prescribed by division (A) of this section, the 124232
commissioner shall take no further action, and the refund or 124233
compensation amount denied becomes final. 124234

(C) (1) If the applicant requests a hearing within the time 124235
prescribed by division (A) of this section, the tax commissioner 124236
shall assign a time and place for the hearing and notify the 124237
applicant of such time and place, but the commissioner may 124238
continue the hearing from time to time, as necessary. After the 124239
hearing, the commissioner may make such adjustments to the 124240
refund or compensation as the commissioner finds proper, and 124241
shall issue a final determination thereon. 124242

(2) If the applicant does not request a hearing, but 124243
provides additional information, within the time prescribed by 124244
division (A) of this section, the commissioner shall review the 124245
information, make such adjustments to the refund or compensation 124246
as the commissioner finds proper, and issue a final 124247
determination thereon. The commissioner may review such 124248
information and make such adjustments as many times as the 124249
commissioner finds proper before the issuance of a final 124250
determination. 124251

(3) If the applicant requests a hearing and provides 124252
additional information within the time prescribed by division 124253
(A) of this section, the commissioner may review the information 124254

and make such adjustments to the refund or compensation as the commissioner finds proper. The commissioner may review such information and make such adjustments as many times as the commissioner finds proper before the issuance of a final determination.

The commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time, as necessary. After the hearing, the commissioner may make any additional adjustments to the refund or compensation as the commissioner finds proper and shall issue a final determination thereon.

(4) The commissioner shall serve a copy of the final determination made under division (C)(1), (2), or (3) of this section on the applicant in the manner provided in section 5703.37 of the Revised Code, and the decision is final, subject to appeal under section 5717.02 of the Revised Code.

(D) The tax commissioner shall certify to the director of budget and management and treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code, the amount of the refund to be refunded under division (B) or (C) of this section. The commissioner also shall certify to the director and treasurer of state for payment from the general revenue fund the amount of compensation to be paid under division (B) or (C) of this section.

Sec. 5703.83. (A) The department of taxation shall establish policies, procedures, and internal controls, including implementing a property tax relief screening system to evaluate the eligibility of owners of real property and manufactured and mobile homes in this state that receive one or both of the

following reductions in taxes: 124285

(1) The reduction authorized under division (B) of section 124286
323.152 of the Revised Code; 124287

(2) The reductions authorized under division (A) of 124288
section 323.152 and section 4503.065 of the Revised Code. 124289

(B) Each county auditor shall have access to the property 124290
tax relief screening system authorized under this section. If a 124291
county auditor discovers an error in the system relative to real 124292
property or a manufactured or mobile home, the auditor shall 124293
notify the department of taxation of the error. 124294

(C) If the department of taxation discovers through the 124295
property tax relief screening system that real property or a 124296
manufactured or mobile home was granted one or more of the 124297
reductions described in divisions (A) (1) and (2) of this section 124298
for one or more tax years in which the property or home was not 124299
eligible for the reduction, the department shall notify the 124300
county auditor of the county in which the property or 124301
manufactured or mobile home is located. 124302

(D) The tax commissioner, on or before the last day of 124303
each calendar year, beginning in 2026, shall annually submit to 124304
the general assembly a report in accordance with division (B) of 124305
section 101.68 of the Revised Code that lists the number, 124306
arranged by county, of parcels of real property or manufactured 124307
or mobile homes that were identified through the property tax 124308
relief screening system as not eligible for a reduction in taxes 124309
since the inception of the system, for the first report, or 124310
since the preceding report. 124311

Sec. 5705.01. As used in this chapter: 124312

(A) "Subdivision" means any county; municipal corporation; 124313

township; township police district; joint police district; 124314
township fire district; joint fire district; joint ambulance 124315
district; joint emergency medical services district; fire and 124316
ambulance district; joint recreation district; township waste 124317
disposal district; township road district; community college 124318
district; technical college district; detention facility 124319
district; a district organized under section 2151.65 of the 124320
Revised Code; a combined district organized under sections 124321
2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, 124322
drug addiction, and mental health service district; a drainage 124323
improvement district created under section 6131.52 of the 124324
Revised Code; a lake facilities authority created under Chapter 124325
353. of the Revised Code; a union cemetery district; a county 124326
school financing district; a city, local, exempted village, 124327
cooperative education, joint vocational school district; a 124328
regional student education district created under section 124329
3313.83 of the Revised Code; or a career-technical cooperative 124330
education district created under section 3313.831 of the Revised 124331
Code. 124332

(B) "Municipal corporation" means all municipal 124333
corporations, including those that have adopted a charter under 124334
Article XVIII, Ohio Constitution. 124335

(C) "Taxing authority" or "bond issuing authority" means, 124336
in the case of any county, the board of county commissioners; in 124337
the case of a municipal corporation, the council or other 124338
legislative authority of the municipal corporation; in the case 124339
of a city, local, exempted village, cooperative education, or 124340
joint vocational school district, the board of education; in the 124341
case of a community college district, the board of trustees of 124342
the district; in the case of a technical college district, the 124343
board of trustees of the district; in the case of a detention 124344

facility district, a district organized under section 2151.65 of 124345
the Revised Code, or a combined district organized under 124346
sections 2152.41 and 2151.65 of the Revised Code, the joint 124347
board of county commissioners of the district; in the case of a 124348
township, the board of township trustees; in the case of a joint 124349
police district, the joint police district board; in the case of 124350
a joint fire district, the board of fire district trustees; in 124351
the case of a joint recreation district, the joint recreation 124352
district board of trustees; in the case of a joint-county 124353
alcohol, drug addiction, and mental health service district, the 124354
district's board of alcohol, drug addiction, and mental health 124355
services; in the case of a joint ambulance district or a fire 124356
and ambulance district, the board of trustees of the district; 124357
in the case of a union cemetery district, the legislative 124358
authority of the municipal corporation and the board of township 124359
trustees, acting jointly as described in section 759.341 of the 124360
Revised Code; in the case of a drainage improvement district, 124361
the board of county commissioners of the county in which the 124362
drainage district is located; in the case of a lake facilities 124363
authority, the board of directors; in the case of a joint 124364
emergency medical services district, the joint board of county 124365
commissioners of all counties in which all or any part of the 124366
district lies; and in the case of a township police district, a 124367
township fire district, a township road district, or a township 124368
waste disposal district, the board of township trustees of the 124369
township in which the district is located. "Taxing authority" 124370
also means the educational service center governing board that 124371
serves as the taxing authority of a county school financing 124372
district as provided in section 3311.50 of the Revised Code, the 124373
board of directors of a regional student education district 124374
created under section 3313.83 of the Revised Code, and the board 124375
of directors of a career-technical cooperative education 124376

district created under section 3313.831 of the Revised Code. 124377

(D) "Fiscal officer" in the case of a county, means the 124378
county auditor; in the case of a municipal corporation, the city 124379
auditor or village clerk, or an officer who, by virtue of the 124380
charter, has the duties and functions of the city auditor or 124381
village clerk, except that in the case of a municipal university 124382
the board of directors of which have assumed, in the manner 124383
provided by law, the custody and control of the funds of the 124384
university, the chief accounting officer of the university shall 124385
perform, with respect to the funds, the duties vested in the 124386
fiscal officer of the subdivision by sections 5705.41 and 124387
5705.44 of the Revised Code; in the case of a school district, 124388
the treasurer of the board of education; in the case of a county 124389
school financing district, the treasurer of the educational 124390
service center governing board that serves as the taxing 124391
authority; in the case of a township, the township fiscal 124392
officer; in the case of a joint police district, the treasurer 124393
of the district; in the case of a joint fire district, the clerk 124394
of the board of fire district trustees; in the case of a joint 124395
ambulance district, the clerk of the board of trustees of the 124396
district; in the case of a joint emergency medical services 124397
district, the person appointed as fiscal officer pursuant to 124398
division (D) of section 307.053 of the Revised Code; in the case 124399
of a fire and ambulance district, the person appointed as fiscal 124400
officer pursuant to division (B) of section 505.375 of the 124401
Revised Code; in the case of a joint recreation district, the 124402
person designated pursuant to section 755.15 of the Revised 124403
Code; in the case of a union cemetery district, the clerk of the 124404
municipal corporation designated in section 759.34 of the 124405
Revised Code; in the case of a children's home district, 124406
educational service center, general health district, joint- 124407

county alcohol, drug addiction, and mental health service 124408
district, county library district, detention facility district, 124409
district organized under section 2151.65 of the Revised Code, a 124410
combined district organized under sections 2152.41 and 2151.65 124411
of the Revised Code, or a metropolitan park district for which 124412
no treasurer has been appointed pursuant to section 1545.07 of 124413
the Revised Code, the county auditor of the county designated by 124414
law to act as the auditor of the district; in the case of a 124415
metropolitan park district which has appointed a treasurer 124416
pursuant to section 1545.07 of the Revised Code, that treasurer; 124417
in the case of a drainage improvement district, the auditor of 124418
the county in which the drainage improvement district is 124419
located; in the case of a lake facilities authority, the fiscal 124420
officer designated under section 353.02 of the Revised Code; in 124421
the case of a regional student education district, the fiscal 124422
officer appointed pursuant to section 3313.83 of the Revised 124423
Code; in the case of a career-technical cooperative education 124424
district, the fiscal officer appointed pursuant to section 124425
3313.831 of the Revised Code; and in all other cases, the 124426
officer responsible for keeping the appropriation accounts and 124427
drawing warrants for the expenditure of the moneys of the 124428
district or taxing unit. 124429

(E) "Permanent improvement" or "improvement" means any 124430
property, asset, or improvement with an estimated life or 124431
usefulness of five years or more, including land and interests 124432
therein, and reconstructions, enlargements, and extensions 124433
thereof having an estimated life or usefulness of five years or 124434
more. 124435

(F) "Current operating expenses" and "current expenses" 124436
mean the lawful expenditures of a subdivision, except those for 124437
permanent improvements, and except payments for interest, 124438

sinking fund, and retirement of bonds, notes, and certificates 124439
of indebtedness of the subdivision. 124440

(G) "Debt charges" means interest, sinking fund, and 124441
retirement charges on bonds, notes, or certificates of 124442
indebtedness. 124443

(H) "Taxing unit" means any subdivision or other 124444
governmental district having authority to levy taxes on the 124445
property in the district or issue bonds that constitute a charge 124446
against the property of the district, including conservancy 124447
districts, metropolitan park districts, sanitary districts, road 124448
districts, and other districts. 124449

(I) "District authority" means any board of directors, 124450
trustees, commissioners, or other officers controlling a 124451
district institution or activity that derives its income or 124452
funds from two or more subdivisions, such as the educational 124453
service center, the trustees of district children's homes, the 124454
district board of health, a joint-county alcohol, drug 124455
addiction, and mental health service district's board of 124456
alcohol, drug addiction, and mental health services, detention 124457
facility districts, a joint recreation district board of 124458
trustees, districts organized under section 2151.65 of the 124459
Revised Code, combined districts organized under sections 124460
2152.41 and 2151.65 of the Revised Code, and other such boards. 124461

(J) "Tax list" and "tax duplicate" mean the general tax 124462
lists and duplicates prescribed by sections 319.28 and 319.29 of 124463
the Revised Code. 124464

(K) "Property" as applied to a tax levy means taxable 124465
property listed on general tax lists and duplicates. 124466

(L) "Association library district" means a territory, the 124467

boundaries of which are defined by the state library board 124468
pursuant to division (I) of section 3375.01 of the Revised Code, 124469
in which a library association or private corporation maintains 124470
a free public library. 124471

(M) "Library district" means a territory, the boundaries 124472
of which are defined by the state library board pursuant to 124473
section 3375.01 of the Revised Code, in which the board of 124474
trustees of a county, municipal corporation, school district, or 124475
township public library maintains a free public library. 124476

(N) "Qualifying library levy" means either of the 124477
following: 124478

(1) A levy for the support of a library association or 124479
private corporation that has an association library district 124480
with boundaries that are not identical to those of a 124481
subdivision; 124482

(2) A levy proposed under section 5705.23 of the Revised 124483
Code for the support of the board of trustees of a public 124484
library that has a library district with boundaries that are not 124485
identical to those of a subdivision. 124486

(O) "School library district" means a school district in 124487
which a free public library has been established that is under 124488
the control and management of a board of library trustees as 124489
provided in section 3375.15 of the Revised Code. 124490

(P) "~~The county auditor's appraised~~ Market value" means 124491
the true value in money of real property. 124492

(Q) (1) "Effective rate" means one of the following: 124493

(a) For a levy that is the renewal of an existing levy or 124494
an existing levy extended to additional territory, the effective 124495

tax rate of the levy on class one property, as most recently 124496
determined by the county auditor under section 323.08 of the 124497
Revised Code; 124498

(b) For a levy that is the increase of an existing levy, 124499
the effective tax rate of the portion of the levy equal to the 124500
rate of the existing levy on class one property, as most 124501
recently determined by the county auditor under section 323.08 124502
of the Revised Code, plus the rate of the additional portion of 124503
the levy; 124504

(c) For a levy that is the decrease of an existing levy, 124505
the effective tax rate of the levy on class one property, as 124506
most recently determined by the county auditor under section 124507
323.08 of the Revised Code, and as proportionately reduced to 124508
account for the decrease pursuant to rules adopted by the tax 124509
commissioner. 124510

(2) As used in division (Q) (1) of this section: 124511

(a) "Effective tax rate" has the same meaning in section 124512
323.08 of the Revised Code. 124513

(b) "Class one property" means real property classified as 124514
residential or agricultural under section 5713.041 of the 124515
Revised Code. 124516

(R) "Qualifying subdivision" means a taxing unit, created 124517
by one or more member authorities, with a taxing authority or 124518
any other governing authority the majority of the members of 124519
which are not required to be elected local officials. 124520

(S) "Elected local official" means a member of a board of 124521
township trustees, a board of county commissioners, a 124522
legislative authority of a municipal corporation, a board of 124523
education of a city, local, or exempted village school district, 124524

or an educational service center governing board, or any other 124525
township, county, or municipal official serving in an elected 124526
office. 124527

(T) "Member authority" means the board of commissioners of 124528
a county, the board of trustees of a township, the legislative 124529
authority of a municipal corporation, the board of education of 124530
a city, local, or exempted village school district, or the 124531
educational service center governing board that either created 124532
or joined a qualifying subdivision and remains a member thereof 124533
or has territory therein. 124534

Sec. 5705.03. (A) The taxing authority of each subdivision 124535
may levy taxes annually, subject to the limitations of sections 124536
5705.01 to 5705.47 of the Revised Code, on the real and personal 124537
property within the subdivision for the purpose of paying the 124538
current operating expenses of the subdivision and acquiring or 124539
constructing permanent improvements. The taxing authority of 124540
each subdivision and taxing unit shall, subject to the 124541
limitations of such sections, levy such taxes annually as are 124542
necessary to pay the interest and sinking fund on and retire at 124543
maturity the bonds, notes, and certificates of indebtedness of 124544
such subdivision and taxing unit, including levies in 124545
anticipation of which the subdivision or taxing unit has 124546
incurred indebtedness. 124547

(B) (1) When a taxing authority determines that it is 124548
necessary to levy a tax outside the ten-mill limitation for any 124549
purpose authorized by the Revised Code, the taxing authority 124550
shall certify to the county auditor a resolution or ordinance 124551
requesting that the county auditor certify to the taxing 124552
authority the amounts described in division (B) (2) of this 124553
section. The resolution or ordinance shall state all of the 124554

following: 124555

(a) The proposed rate of the tax, expressed in mills for 124556
each one dollar of taxable value, or the dollar amount of 124557
revenue to be generated by the proposed tax; 124558

(b) The purpose of the tax; 124559

(c) Whether the tax is an additional levy, a renewal ~~or a~~ 124560
~~replacement~~ of an existing tax, a renewal ~~or replacement~~ of an 124561
existing tax with an increase or a decrease, a reduction or 124562
decrease of an existing tax, or an extension of an existing tax 124563
to additional territory; 124564

(d) The section of the Revised Code authorizing submission 124565
of the question of the tax; 124566

(e) The term of years of the tax or if the tax is for a 124567
continuing period of time; 124568

(f) That the tax is to be levied upon the entire territory 124569
of the subdivision or, if authorized by the Revised Code, a 124570
description of the portion of the territory of the subdivision 124571
in which the tax is to be levied; 124572

(g) The date of the election at which the question of the 124573
tax shall appear on the ballot; 124574

(h) That the ballot measure shall be submitted to the 124575
entire territory of the subdivision or, if authorized by the 124576
Revised Code, a description of the portion of the territory of 124577
the subdivision to which the ballot measure shall be submitted; 124578

(i) The tax year in which the tax will first be levied and 124579
the calendar year in which the tax will first be collected; 124580

(j) Each such county in which the subdivision has 124581

territory. 124582

(2) Upon receipt of a resolution or ordinance certified 124583
under division (B) (1) of this section, the county auditor shall 124584
certify to the taxing authority each of the following, as 124585
applicable to that levy: 124586

(a) The total current tax valuation of the subdivision. 124587

(b) The number of mills for each one dollar of taxable 124588
value that is required to generate a specified amount of 124589
revenue. 124590

(c) Either of the following: 124591

(i) If the levy is to renew, renew and increase, renew and 124592
decrease, reduce or decrease, or extend to additional territory 124593
an existing levy that is subject to reduction under section 124594
319.301 of the Revised Code, the levy's effective rate, 124595
expressed in dollars, rounded to the nearest dollar, for each 124596
one hundred thousand dollars of ~~the county auditor's appraised~~ 124597
market value; 124598

(ii) For all other levies, the levy's rate, described in 124599
division (B) (2) (b) or (d) of this section, expressed in dollars, 124600
rounded to the nearest dollar, for each one hundred thousand 124601
dollars of the ~~county auditor's appraised~~ market value. 124602

(d) The dollar amount of revenue, rounded to the nearest 124603
dollar, that would be generated by a specified number of mills 124604
for each one dollar of taxable value. 124605

(e) For any levy or portion of a levy except a levy or 124606
portion of a levy to pay debt charges, an estimate of the levy's 124607
annual collections, rounded to the nearest dollar, which shall 124608
be calculated assuming that the amount of the tax list of the 124609

taxing authority remains throughout the life of the levy the 124610
same as the amount of the tax list most recently certified by 124611
the auditor under division (A) of section 319.28 of the Revised 124612
Code. 124613

(f) If the purpose of the tax is for current expenses or 124614
current operating expenses and the resolution is certified by a 124615
city, local, or exempted village school district, the amount by 124616
which the carry-over balance in the district's general operating 124617
budget from the preceding fiscal year exceeds the district's 124618
general fund expenditures made in the preceding fiscal year, 124619
expressed both in dollars and as a percentage of those 124620
expenditures. This amount and percentage shall be determined on 124621
the basis of the most recent certification made by the district 124622
to the county budget commission under section 5705.36 of the 124623
Revised Code. 124624

If a subdivision is located in more than one county, the 124625
county auditor shall obtain from the county auditor of each 124626
other county in which the subdivision is located the current tax 124627
valuation for the portion of the subdivision in that county. The 124628
county auditor shall issue the certification to the taxing 124629
authority within ten days after receiving the taxing authority's 124630
resolution or ordinance requesting it. 124631

(3) Upon receiving the certification from the county 124632
auditor under division (B) (2) of this section, unless the 124633
percentage certified under division (B) (2) (f) of this section is 124634
one hundred per cent or more, the taxing authority may adopt a 124635
resolution or ordinance stating the rate of the tax levy, 124636
expressed in mills for each one dollar of taxable value and the 124637
rate or effective rate, as applicable, in dollars for each one 124638
hundred thousand dollars of ~~the county auditor's appraised~~ 124639

market value, as estimated by the county auditor, and that the 124640
taxing authority will proceed with the submission of the 124641
question of the tax to electors. The taxing authority shall 124642
certify this resolution or ordinance, a copy of the county 124643
auditor's certifications, and the resolution or ordinance the 124644
taxing authority adopted under division (B)(1) of this section 124645
to the proper county board of elections in the manner and within 124646
the time prescribed by the section of the Revised Code governing 124647
submission of the question. The county board of elections shall 124648
not submit the question of the tax to electors unless a copy of 124649
the county auditor's certification accompanies the resolutions 124650
or ordinances the taxing authority certifies to the board. 124651
Before requesting a taxing authority to submit a tax levy, any 124652
agency or authority authorized to make that request shall first 124653
request the certification from the county auditor provided under 124654
this section. 124655

(4) This division is supplemental to, and not in 124656
derogation of, any similar requirement governing the 124657
certification by the county auditor of the tax valuation of a 124658
subdivision or necessary tax rates for the purposes of the 124659
submission of the question of a tax in excess of the ten-mill 124660
limitation, including ~~sections~~ section 133.18 and ~~5705.195~~ of 124661
the Revised Code. 124662

(C) All taxes levied on property shall be extended on the 124663
tax list and duplicate by the county auditor of the county in 124664
which the property is located, and shall be collected by the 124665
county treasurer of such county in the same manner and under the 124666
same laws and rules as are prescribed for the assessment and 124667
collection of county taxes. The proceeds of any tax levied by or 124668
for any subdivision when received by its fiscal officer shall be 124669
deposited in its treasury to the credit of the appropriate fund. 124670

Sec. 5705.12. In addition to the funds provided for by 124671
sections 5705.09, 5705.121, 5705.13, and 5705.131 of the Revised 124672
Code, the taxing authority of a subdivision may establish, with 124673
the approval of and in the manner prescribed by the auditor of 124674
state, such other funds as are desirable, and may provide by 124675
ordinance or resolution that money derived from specified 124676
sources other than the general property tax shall be paid 124677
directly into such funds. ~~The auditor of state shall consult-~~ 124678
~~with the tax commissioner before approving such funds.~~ 124679

Sec. 5705.121. A municipal corporation may establish in 124680
the manner provided by law a sanitary police pension fund, an 124681
urban redevelopment tax increment equivalent fund, or a cemetery 124682
fund. 124683

A township may establish by law a cemetery fund. 124684

A subdivision that levies a tax for the purpose described 124685
in division (ZZ) or (AAA) of section 5705.19 of the Revised Code 124686
shall establish a general capital and infrastructure fund to 124687
which the proceeds from that levy shall be credited. By 124688
resolution or ordinance, the taxing authority may establish 124689
accounts within that fund for any of the several particular 124690
purposes for which such money may lawfully be spent, may 124691
eliminate such accounts when no longer necessary or desirable, 124692
and may transfer money between such accounts. Money in the fund 124693
may not be used to pay the compensation of officers or employees 124694
of the subdivision. 124695

The board of health of a city or general health district 124696
may establish the home health services fund referred to in 124697
section 3709.15 of the Revised Code. 124698

Sec. 5705.13. (A) A taxing authority of a subdivision, by 124699

resolution or ordinance, may establish reserve balance accounts 124700
to accumulate currently available resources for the following 124701
purposes: 124702

(1) To stabilize subdivision budgets against cyclical 124703
changes in revenues and expenditures; 124704

(2) Except as otherwise provided by this section, to 124705
provide for the payment of claims and deductibles under an 124706
individual or joint self-insurance program for the subdivision, 124707
if the subdivision is permitted by law to establish such a 124708
program; 124709

(3) To provide for the payment of claims, assessments, and 124710
deductibles under a self-insurance program, individual 124711
retrospective ratings plan, group rating plan, group 124712
retrospective rating plan, medical only program, deductible 124713
plan, or large deductible plan for workers' compensation. 124714

The ordinance or resolution establishing a reserve balance 124715
account shall state the purpose for which the account is 124716
established, the fund in which the account is to be established, 124717
and the total amount of money to be reserved in the account. 124718

Not more than one reserve balance account may be 124719
established for each of the purposes permitted under divisions 124720
(A) (2) and (3) of this section. Money to the credit of a reserve 124721
balance account may be expended only for the purpose for which 124722
the account was established. 124723

A reserve balance account established for the purpose 124724
described in division (A) (1) of this section may be established 124725
in the general fund or in one or more special funds for 124726
operating purposes of the subdivision. The amount of money to be 124727
reserved in such an account in any fiscal year shall not exceed 124728

five per cent of the revenue credited in the preceding fiscal 124729
year to the fund in which the account is established, or, in the 124730
case of a reserve balance account of a county or of a township, 124731
the greater of that amount or one-sixth of the expenditures 124732
during the preceding fiscal year from the fund in which the 124733
account is established. ~~Subject to division (F) of section~~ 124734
~~5705.29 of the Revised Code, any reserve balance in an account~~ 124735
~~established under division (A) (1) of this section shall not be~~ 124736
~~considered part of the unencumbered balance or revenue of the~~ 124737
~~subdivision under division (A) of section 5705.35 or division~~ 124738
~~(A) (1) of section 5705.36 of the Revised Code.~~ 124739

At any time, a taxing authority of a subdivision, by 124740
resolution or ordinance, may reduce or eliminate the reserve 124741
balance in a reserve balance account established for the purpose 124742
described in division (A) (1) of this section. 124743

A reserve balance account established for the purpose 124744
described in division (A) (2) or (3) of this section shall be 124745
established in the general fund of the subdivision or by the 124746
establishment of a separate internal service fund established to 124747
account for the operation of an individual or joint self- 124748
insurance program described in division (A) (2) of this section 124749
or a workers' compensation program or plan described in division 124750
(A) (3) of this section, and shall be based on sound actuarial 124751
principles. The total amount of money in a reserve balance 124752
account for self-insurance may be expressed in dollars or as the 124753
amount determined to represent an adequate reserve according to 124754
sound actuarial principles. 124755

A taxing authority of a subdivision, by resolution or 124756
ordinance, may rescind a reserve balance account established 124757
under this division. If a reserve balance account is rescinded, 124758

money that has accumulated in the account shall be transferred 124759
to the fund or funds from which the money originally was 124760
transferred. 124761

(B) A taxing authority of a subdivision, by resolution or 124762
ordinance, may establish a special revenue fund for the purpose 124763
of accumulating resources for the payment of accumulated sick 124764
leave and vacation leave, and for payments in lieu of taking 124765
compensatory time off, upon the termination of employment or the 124766
retirement of officers and employees of the subdivision. The 124767
special revenue fund may also accumulate resources for payment 124768
of salaries during any fiscal year when the number of pay 124769
periods exceeds the usual and customary number of pay periods. 124770
Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 124771
Revised Code, the taxing authority, by resolution or ordinance, 124772
may transfer money to the special revenue fund from any other 124773
fund of the subdivision from which such payments may lawfully be 124774
made. The taxing authority, by resolution or ordinance, may 124775
rescind a special revenue fund established under this division. 124776
If a special revenue fund is rescinded, money that has 124777
accumulated in the fund shall be transferred to the fund or 124778
funds from which the money originally was transferred. 124779

(C) A taxing authority of a subdivision, by resolution or 124780
ordinance, may establish a capital projects fund for the purpose 124781
of accumulating resources for the acquisition, construction, or 124782
improvement of fixed assets of the subdivision. For the purposes 124783
of this section, "fixed assets" includes motor vehicles. More 124784
than one capital projects fund may be established and may exist 124785
at any time. The ordinance or resolution shall identify the 124786
source of the money to be used to acquire, construct, or improve 124787
the fixed assets identified in the resolution or ordinance, the 124788
amount of money to be accumulated for that purpose, the period 124789

of time over which that amount is to be accumulated, and the 124790
fixed assets that the taxing authority intends to acquire, 124791
construct, or improve with the money to be accumulated in the 124792
fund. 124793

A taxing authority of a subdivision shall not accumulate 124794
money in a capital projects fund for more than ten years after 124795
the resolution or ordinance establishing the fund is adopted. If 124796
the subdivision has not entered into a contract for the 124797
acquisition, construction, or improvement of fixed assets for 124798
which money was accumulated in such a fund before the end of 124799
that ten-year period, the fiscal officer of the subdivision 124800
shall transfer all money in the fund to the fund or funds from 124801
which that money originally was transferred or the fund that 124802
originally was intended to receive the money. 124803

A taxing authority of a subdivision, by resolution or 124804
ordinance, may rescind a capital projects fund. If a capital 124805
projects fund is rescinded, money that has accumulated in the 124806
fund shall be transferred to the fund or funds from which the 124807
money originally was transferred. 124808

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of 124809
the Revised Code, the taxing authority of a subdivision, by 124810
resolution or ordinance, may transfer money to the capital 124811
projects fund from any other fund of the subdivision that may 124812
lawfully be used for the purpose of acquiring, constructing, or 124813
improving the fixed assets identified in the resolution or 124814
ordinance. 124815

Sec. 5705.131. A taxing authority of a subdivision may 124816
establish a nonexpendable trust fund for the purpose of 124817
receiving donations or contributions that the donor or 124818
contributor requires to be maintained intact. The principal of 124819

such fund may be invested, and the investment earnings on the 124820
principal shall be credited to the fund. ~~The principal of the~~ 124821
~~fund, and any additions to principal arising from sources other~~ 124822
~~than the reinvestment of investment earnings arising from the~~ 124823
~~fund, shall not be considered part of the unencumbered balance~~ 124824
~~or revenue of the subdivision under division (A) of section~~ 124825
~~5705.35 or division (A) (1) of section 5705.36 of the Revised~~ 124826
~~Code. Only investment earnings arising from investment of the~~ 124827
~~principal or investment of such additions to principal may be~~ 124828
~~considered an unencumbered balance or revenue of the subdivision~~ 124829
~~under that division.~~ 124830

Sec. 5705.132. In addition to any reserve balance account 124831
established under section 5705.13 of the Revised Code, a board 124832
of township trustees, by resolution, may establish a reserve 124833
balance account to accumulate currently available resources for 124834
any purpose for which the board may lawfully expend money of the 124835
township other than for the purposes for which a reserve balance 124836
account may be established under section 5705.13 of the Revised 124837
Code. Money may be transferred to the reserve balance account 124838
from another fund or account of the township only if money in 124839
that fund or account may lawfully be expended for the purpose 124840
for which the reserve balance account is created. A reserve 124841
balance account created under this section may exist for not 124842
more than five fiscal years beginning with the first fiscal year 124843
in which money is credited to the account. The total amount of 124844
money to the credit of all reserve balance accounts established 124845
under this section at any time in any fiscal year shall not 124846
exceed five per cent of the total of the township's revenue from 124847
all sources for the preceding fiscal year and any unencumbered 124848
balances carried over to the current fiscal year from the 124849
preceding fiscal year. Money in a reserve balance account shall 124850

be expended only for the purpose for which the account is 124851
established. More than one reserve balance account may be 124852
established under this section. 124853

The resolution establishing a reserve balance account 124854
shall state the specific purpose for which the account is 124855
established, the fund within which the account is established, 124856
the fund or account from which money shall be transferred to the 124857
account, and the number of years the account will exist. The 124858
resolution shall specify the maximum total amount of money that 124859
may be credited to the account during its existence and the 124860
maximum amount of money to be credited to the account each 124861
fiscal year the account exists. The board, by subsequent 124862
resolution, may change the amount to be credited and the source 124863
from which money is transferred, subject to the limitations of 124864
this section. 124865

The board, by resolution, may rescind a reserve balance 124866
account established under this section before the expiration of 124867
the account. The board, by resolution, may extend the life of a 124868
reserve balance account, provided that the total number of years 124869
the fund exists shall not exceed five fiscal years beginning 124870
with the first fiscal year in which money is credited to the 124871
account. 124872

Upon the expiration or rescission of a reserve balance 124873
account established under this section, any unexpended balance 124874
in the account shall be transferred to the fund or account from 124875
which money in the account was originally transferred. If money 124876
in the account originally was transferred from more than one 124877
fund or account, a pro rata share of the unexpended balance 124878
shall be transferred to each such fund or account proportionate 124879
to the amount originally transferred from that fund or account. 124880

~~The balance to the credit of a reserve balance account~~ 124881
~~shall not be considered part of the unencumbered balance or~~ 124882
~~revenue of the township under division (A) of section 5705.35 or~~ 124883
~~division (A) (1) of section 5705.36 of the Revised Code.~~ 124884

Sec. 5705.14. No transfer shall be made from one fund of a 124885
subdivision to any other fund, by order of the court or 124886
otherwise, except as follows: 124887

(A) The unexpended balance in a bond fund that is no 124888
longer needed for the purpose for which such fund was created 124889
shall be transferred to the sinking fund or bond retirement fund 124890
from which such bonds are payable. 124891

(B) The unexpended balance in any specific permanent 124892
improvement fund, other than a bond fund, after the payment of 124893
all obligations incurred in the acquisition of such improvement, 124894
shall be transferred to the sinking fund or bond retirement fund 124895
of the subdivision; provided that if such money is not required 124896
to meet the obligations payable from such funds, it may be 124897
transferred to a special fund for the acquisition of permanent 124898
improvements, or, with the approval of the court of common pleas 124899
of the county in which such subdivision is located, to the 124900
general fund of the subdivision. 124901

(C) (1) Except as provided in division (C) (2) of this 124902
section, the unexpended balance in the sinking fund or bond 124903
retirement fund of a subdivision, after all indebtedness, 124904
interest, and other obligations for the payment of which such 124905
fund exists have been paid and retired, shall be transferred, in 124906
the case of the sinking fund, to the bond retirement fund, and 124907
in the case of the bond retirement fund, to the sinking fund; 124908
provided that if such transfer is impossible by reason of the 124909
nonexistence of the fund to receive the transfer, such 124910

unexpended balance, with the approval of the court of common 124911
pleas of the county in which such division is located, may be 124912
transferred to any other fund of the subdivision. 124913

(2) Money in a bond fund or bond retirement fund of a 124914
city, local, exempted village, cooperative education, or joint 124915
vocational school district may be transferred to a specific 124916
permanent improvement fund provided that the county budget 124917
commission of the county in which the school district is located 124918
approves the transfer upon its determination that the money 124919
transferred will not be required to meet the obligations payable 124920
from the bond fund or bond retirement fund. In arriving at such 124921
a determination, the county budget commission shall consider the 124922
balance of the bond fund or bond retirement fund, the 124923
outstanding obligations payable from the fund, and the sources 124924
and timing of the fund's revenue. 124925

(D) The unexpended balance in any special fund, other than 124926
an improvement fund, existing in accordance with division (D), 124927
(F), or (G) of section 5705.09 or section 5705.12 of the Revised 124928
Code, may be transferred to the general fund or to the sinking 124929
fund or bond retirement fund after the termination of the 124930
activity, service, or other undertaking for which such special 124931
fund existed, but only after the payment of all obligations 124932
incurred and payable from such special fund. 124933

(E) Money may be transferred from the general fund to any 124934
other fund of the subdivision. 124935

(F) Moneys retained or received by a county under section 124936
4501.04 or division (A) (2) of section 5735.27 of the Revised 124937
Code may be transferred from the fund into which they were 124938
deposited to the sinking fund or bond retirement fund from which 124939
any principal, interest, or charges for which such moneys may be 124940

used is payable. 124941

(G) Moneys retained or received by a municipal corporation 124942
under section 4501.04 or division (A) (1) of section 5735.27 of 124943
the Revised Code may be transferred from the fund into which 124944
they were deposited to the sinking fund or bond retirement fund 124945
from which any principal, interest, or charges for which such 124946
moneys may be used is payable. 124947

(H) (1) Money may be transferred from the county 124948
developmental disabilities general fund to the county 124949
developmental disabilities capital fund established under 124950
section 5705.091 of the Revised Code or to any other fund 124951
created for the purposes of the county board of developmental 124952
disabilities, so long as money in the fund to which the money is 124953
transferred can be spent for the particular purpose of the 124954
transferred money. The county board of developmental 124955
disabilities may request, by resolution, that the board of 124956
county commissioners make the transfer. The county board of 124957
developmental disabilities shall transmit a certified copy of 124958
the resolution to the board of county commissioners. Upon 124959
receiving the resolution, the board of county commissioners may 124960
make the transfer. Money transferred to a fund shall be credited 124961
to an account appropriate to its particular purpose. 124962

(2) An unexpended balance in an account in the county 124963
developmental disabilities capital fund or any other fund 124964
created for the purposes of the county board of developmental 124965
disabilities may be transferred back to the county developmental 124966
disabilities general fund. The transfer may be made if the 124967
unexpended balance is no longer needed for its particular 124968
purpose and all outstanding obligations have been paid. Money 124969
transferred back to the county developmental disabilities 124970

general fund shall be credited to an account for current 124971
expenses within that fund. The county board of developmental 124972
disabilities may request, by resolution, that the board of 124973
county commissioners make the transfer. The county board of 124974
developmental disabilities shall transmit a certified copy of 124975
the resolution to the board of county commissioners. Upon 124976
receiving the resolution, the board of county commissioners may 124977
make the transfer. 124978

(I) Money may be transferred from the public assistance 124979
fund established under section 5101.161 of the Revised Code to 124980
either of the following funds, so long as the money to be 124981
transferred from the public assistance fund may be spent for the 124982
purposes for which money in the receiving fund may be used: 124983

(1) The children services fund established under section 124984
~~5101.144~~ 5180.411 of the Revised Code; 124985

(2) The child support enforcement administrative fund 124986
established, as authorized under rules adopted by the director 124987
of job and family services, in the county treasury for use by 124988
any county family services agency. 124989

(J) Notwithstanding this section, money in any fund or 124990
account of a village dissolved in accordance with sections 124991
703.31 to 703.39 of the Revised Code may be transferred by the 124992
receiver-trustee to a special account for the purpose of paying 124993
the debts, obligations, and liabilities of the dissolved village 124994
or to the general fund of any township into which the territory 124995
of the village is dissolved for any purpose that directly or 124996
indirectly benefits the former territory of the dissolved 124997
village. 124998

(K) Except in the case of transfer pursuant to division 124999

(E) or (J) of this section, transfers authorized by this section 125000
shall only be made by resolution of the taxing authority passed 125001
with the affirmative vote of two-thirds of the members. 125002

Sec. 5705.17. (A) As used in this section: 125003

(1) "Qualifying levy" means any levy in excess of the ten- 125004
mill limitation for current expenses or current operating 125005
expenses. 125006

(2) "School district" means a city, local, or exempted 125007
village school district. 125008

(B) Notwithstanding anything in the Revised Code to the 125009
contrary, any election notice and ballot language for qualifying 125010
levy submitted to electors by a school district shall display 125011
the information certified by the county auditor in division (B) 125012
(2) (f) of section 5705.03 of the Revised Code. The secretary of 125013
state shall prescribe the form of the notice and ballot to 125014
incorporate this information. 125015

Sec. 5705.194. The board of education of any city, local, 125016
exempted village, cooperative education, or joint vocational 125017
school district at any time before the effective date of this 125018
amendment may declare by resolution, by a vote of two-thirds of 125019
all of its members, that the revenue that will be raised by all 125020
tax levies which the district is authorized to impose, when 125021
combined with state and federal revenues, will be insufficient 125022
to provide for the emergency requirements of the school district 125023
or to avoid an operating deficit, and that it is therefore 125024
necessary to levy an additional tax in excess of the ten-mill 125025
limitation. The resolution shall be confined to a single purpose 125026
and shall specify that purpose. If the levy is proposed to renew 125027
all or a portion of the proceeds derived from one or more 125028

existing levies imposed pursuant to this section, it shall be 125029
called a renewal levy and shall be so designated on the ballot. 125030
If two or more existing levies are to be included in a single 125031
renewal levy but are not scheduled to expire in the same year, 125032
the resolution shall specify that the existing levies to be 125033
renewed shall not be levied after the year preceding the year in 125034
which the renewal levy is first imposed. Notwithstanding the 125035
original purpose of any one or more existing levies that are to 125036
be in any single renewal levy, the purpose of the renewal levy 125037
may be either to avoid an operating deficit or to provide for 125038
the emergency requirements of the school district. The 125039
resolution shall further specify the amount of money it is 125040
necessary to raise for the specified purpose for each calendar 125041
year the millage is to be imposed; if a renewal levy, whether 125042
the levy is to renew all, or a portion of, the proceeds derived 125043
from one or more existing levies; and the number of years in 125044
which the millage is to be in effect, which may include a levy 125045
upon the current year's tax list. The number of years may be any 125046
number not exceeding ten. 125047

The question shall be submitted at a special election on a 125048
date specified in the resolution. The date shall not be earlier 125049
than eighty days after the adoption and certification of the 125050
resolution to the county auditor and shall be consistent with 125051
the requirements of section 3501.01 of the Revised Code. A 125052
resolution for a renewal levy shall not be placed on the ballot 125053
unless the question is submitted on a date on which a special 125054
election may be held under division (D) of section 3501.01 of 125055
the Revised Code, except for the first Tuesday after the first 125056
Monday in August, during the last year the levy to be renewed 125057
may be extended on the real and public utility property tax list 125058
and duplicate, or at any election held in the ensuing year, 125059

except that if the resolution proposes renewing two or more 125060
existing levies, the question shall be submitted on the date of 125061
the general or primary election held during the last year at 125062
least one of the levies to be renewed may be extended on that 125063
list and duplicate, or at any election held during the ensuing 125064
year. For purposes of this section ~~and sections 5705.197 and~~ 125065
section 5705.199 of the Revised Code, a levy shall be considered 125066
to be an "existing levy" through the year following the last 125067
year it can be placed on the real and public utility property 125068
tax list and duplicate. 125069

The submission of questions to the electors under this 125070
section is subject to the limitation on the number of election 125071
dates established by section 5705.214 of the Revised Code. 125072

The resolution shall go into immediate effect upon its 125073
passage, and no publication of the resolution shall be necessary 125074
other than that provided for in the notice of election. A copy 125075
of the resolution shall immediately after its passing be 125076
certified to the county auditor of the proper county. ~~Section~~ 125077
~~5705.195 of the Revised Code shall govern the arrangements for~~ 125078
~~the submission of questions to the electors under this section~~ 125079
~~and other matters concerning the election.~~ Publication of notice 125080
of the election shall be made in one newspaper of general 125081
circulation in the county once a week for two consecutive weeks, 125082
or as provided in section 7.16 of the Revised Code, prior to the 125083
election. If the board of elections operates and maintains a web 125084
site, the board of elections shall post notice of the election 125085
on its web site for thirty days prior to the election. If a 125086
majority of the electors voting on the question submitted in an 125087
election vote in favor of the levy, the board of education of 125088
the school district may make the additional levy necessary to 125089
raise the amount specified in the resolution for the purpose 125090

stated in the resolution. The tax levy shall be included in the 125091
next tax budget that is certified to the county budget 125092
commission. 125093

After the approval of the levy and prior to the time when 125094
the first tax collection from the levy can be made, the board of 125095
education may anticipate a fraction of the proceeds of the levy 125096
and issue anticipation notes in an amount not exceeding the 125097
total estimated proceeds of the levy to be collected during the 125098
first year of the levy. 125099

The notes shall be issued as provided in section 133.24 of 125100
the Revised Code, shall have principal payments during each year 125101
after the year of their issuance over a period not to exceed 125102
five years, and may have principal payment in the year of their 125103
issuance. 125104

Sec. 5705.199. (A) At any time before the effective date 125105
of this amendment the board of education of a city, local, 125106
exempted village, cooperative education, or joint vocational 125107
school district, by a vote of two-thirds of all its members, may 125108
declare by resolution that the revenue that will be raised by 125109
all tax levies that the district is authorized to impose, when 125110
combined with state and federal revenues, will be insufficient 125111
to provide for the necessary requirements of the school 125112
district, and that it is therefore necessary to levy a tax in 125113
excess of the ten-mill limitation for the purpose of providing 125114
for the necessary requirements of the school district. Such a 125115
levy shall be proposed as a substitute for all or a portion of 125116
one or more existing levies imposed under ~~sections~~ section 125117
5705.194 ~~to 5705.197~~ of the Revised Code or under this section, 125118
by levying a tax as follows: 125119

(1) In the initial year the levy is in effect, the levy 125120

shall be in a specified amount of money equal to the aggregate 125121
annual dollar amount of proceeds derived from the levy or 125122
levies, or portion thereof, being substituted. 125123

(2) In each subsequent year the levy is in effect, the 125124
levy shall be in a specified amount of money equal to the sum of 125125
the following: 125126

(a) The dollar amount of the proceeds derived from the 125127
levy in the prior year; and 125128

(b) The dollar amount equal to the product of the total 125129
taxable value of all taxable real property in the school 125130
district in the then-current year, excluding carryover property 125131
as defined in section 319.301 of the Revised Code, multiplied by 125132
the annual levy, expressed in mills for each one dollar of 125133
taxable value, that was required to produce the annual dollar 125134
amount of the levy under this section in the prior year; 125135
provided, that the amount under division (A) (2) (b) of this 125136
section shall not be less than zero. 125137

~~(B) The resolution proposing the substitute levy shall 125138~~
~~specify the annual dollar amount the levy is to produce in its 125139~~
~~initial year; the first calendar year in which the levy will be 125140~~
~~due; and the term of the levy expressed in years, which may be 125141~~
~~any number not exceeding ten, or for a continuing period of 125142~~
~~time. The resolution shall specify the date of holding the 125143~~
~~election, which shall not be earlier than ninety days after 125144~~
~~certification of the resolution to the board of elections, and 125145~~
~~which shall be consistent with the requirements of section 125146~~
~~3501.01 of the Revised Code. If two or more existing levies are 125147~~
~~to be included in a single substitute levy, but are not 125148~~
~~scheduled to expire in the same year, the resolution shall 125149~~
~~specify that the existing levies to be substituted shall not be 125150~~

~~levied after the year preceding the year in which the substitute~~ 125151
~~levy is first imposed.~~ 125152

~~The resolution shall go into immediate effect upon its~~ 125153
~~passage, and no publication of the resolution shall be necessary~~ 125154
~~other than that provided for in the notice of election. A copy-~~ 125155
~~of the resolution shall immediately after its passage be-~~ 125156
~~certified to the county auditor in the manner provided by-~~ 125157
~~section 5705.195 of the Revised Code, and sections 5705.194 and~~ 125158
~~5705.196 of the Revised Code shall govern the arrangements for-~~ 125159
~~the submission of the question and other matters concerning the~~ 125160
~~notice of election and the election, except as may be provided~~ 125161
~~otherwise in this section.~~ 125162

~~(C) The form of the ballot to be used at the election on-~~ 125163
~~the question of a levy under this section shall be as follows:~~ 125164

~~"Shall a tax levy substituting for an existing levy be~~ 125165
~~imposed by the _____ (here insert name of school district)-~~ 125166
~~for the purpose of providing for the necessary requirements of-~~ 125167
~~the school district in the initial sum of \$_____ (here-~~ 125168
~~insert the annual dollar amount the levy is to produce in its-~~ 125169
~~initial year), and a levy of taxes be made outside of the ten-~~ 125170
~~mill limitation estimated by the county auditor to require-~~ 125171
~~_____ mills for each \$1 of taxable value, which amounts to-~~ 125172
~~\$_____ for each \$100,000 of the county auditor's appraised~~ 125173
~~value for the initial year of the tax, for a period of-~~ 125174
~~_____ (here insert the number of years the levy is to be-~~ 125175
~~imposed, or that it will be levied for a continuing period of-~~ 125176
~~time), commencing in _____ (first year the tax is to be~~ 125177
~~levied), first due in calendar year _____ (first calendar~~ 125178
~~year in which the tax shall be due), with the sum of such tax to~~ 125179
~~increase only if and as new land or real property improvements-~~ 125180

~~not previously taxed by the school district are added to its tax list?~~

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

~~If the levy submitted is a proposal to substitute all or a portion of more than one existing levy, the form of the ballot may be changed so long as the ballot reflects the number of levies to be substituted and that none of the existing levies to be substituted will be levied after the year preceding the year in which the substitute levy is first imposed. The form of the ballot shall be modified by substituting the statement "Shall a tax levy substituting for an existing levy" with "Shall a tax levy substituting for existing levies" and adding the following statement after "added to its tax list?" and before "For the Tax Levy":~~

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~~"If approved, any remaining tax years on any of the _____ (here insert the number of existing levies) existing levies will not be collected after _____ (here insert the current tax year or, if not the current tax year, the applicable tax year)."~~

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~~(D) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~

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~~(E) If a majority of the electors voting on the question so submitted in an election vote in favor of the levy, the board of education may make the necessary levy within the school district at the rate and for the purpose stated in the~~

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resolution. The tax levy shall be included in the next tax 125207
budget that is certified to the county budget commission. 125208

~~(F)~~ (C) A levy for a continuing period of time may be 125209
decreased pursuant to section 5705.261 of the Revised Code. 125210

~~(G) A levy under this section substituting for all or a 125211
portion of one or more existing levies imposed under sections 125212
5705.194 to 5705.197 of the Revised Code or under this section 125213
shall be treated as having renewed the levy or levies being 125214
substituted for purposes of the payments made under sections 125215
5751.20 to 5751.22 of the Revised Code. 125216~~

~~(H)~~ (D) After the approval of a levy on the current tax 125217
list and duplicate, and prior to the time when the first tax 125218
collection from the levy can be made, the board of education may 125219
anticipate a fraction of the proceeds of the levy and issue 125220
anticipation notes in a principal amount not exceeding fifty per 125221
cent of the total estimated proceeds of the levy to be collected 125222
during the first year of the levy. The notes shall be issued as 125223
provided in section 133.24 of the Revised Code, shall have 125224
principal payments during each year after the year of their 125225
issuance over a period not to exceed five years, and may have a 125226
principal payment in the year of their issuance. 125227

Sec. 5705.21. (A) At any time, the board of education of 125228
any city, local, exempted village, cooperative education, or 125229
joint vocational school district, by a vote of two-thirds of all 125230
its members, may declare by resolution that the amount of taxes 125231
that may be raised within the ten-mill limitation by levies on 125232
the current tax list will be insufficient to provide an adequate 125233
amount for the necessary requirements of the school district, 125234
that it is necessary to levy a tax in excess of such limitation 125235
for one of the purposes specified in division (A), (D), (F), 125236

(H), or (DD) of section 5705.19 of the Revised Code, for general 125237
permanent improvements, for the purpose of operating a cultural 125238
center, for the purpose of providing for school safety and 125239
security, or for the purpose of providing education technology, 125240
and that the question of such additional tax levy shall be 125241
submitted to the electors of the school district at a special 125242
election on a day to be specified in the resolution. In the case 125243
of a qualifying library levy for the support of a library 125244
association or private corporation, the question shall be 125245
submitted to the electors of the association library district. 125246
If the resolution states that the levy is for the purpose of 125247
operating a cultural center, the ballot shall state that the 125248
levy is "for the purpose of operating the_____ (name of 125249
cultural center)." 125250

As used in this division, "cultural center" means a 125251
freestanding building, separate from a public school building, 125252
that is open to the public for educational, musical, artistic, 125253
and cultural purposes; "education technology" means, but is not 125254
limited to, computer hardware, equipment, materials, and 125255
accessories, equipment used for two-way audio or video, and 125256
software; "general permanent improvements" means permanent 125257
improvements without regard to the limitation of division (F) of 125258
section 5705.19 of the Revised Code that the improvements be a 125259
specific improvement or a class of improvements that may be 125260
included in a single bond issue; and "providing for school 125261
safety and security" includes but is not limited to providing 125262
for permanent improvements to provide or enhance security, 125263
employment of or contracting for the services of safety 125264
personnel, providing mental health services and counseling, or 125265
providing training in safety and security practices and 125266
responses. 125267

A resolution adopted under this division shall be confined 125268
to a single purpose and shall specify the amount of the increase 125269
in rate that it is necessary to levy, the purpose of the levy, 125270
and the number of years during which the increase in rate shall 125271
be in effect. The number of years may be any number not 125272
exceeding five or, if the levy is for current expenses of the 125273
district or for general permanent improvements, for a continuing 125274
period of time. 125275

(B) (1) The board of education of a qualifying school 125276
district, by resolution, by a vote of two-thirds of all of its 125277
members, may declare that it is necessary to levy a tax in 125278
excess of the ten-mill limitation for the purpose of paying the 125279
current expenses of partnering community schools and, if any of 125280
the levy proceeds are so allocated, of the district. A 125281
qualifying school district that is not a municipal school 125282
district may allocate all of the levy proceeds to partnering 125283
community schools. A municipal school district shall allocate a 125284
portion of the levy proceeds to the current expenses of the 125285
district. The resolution shall declare that the question of the 125286
additional tax levy shall be submitted to the electors of the 125287
school district at a special election on a day to be specified 125288
in the resolution. The resolution shall state the purpose of the 125289
levy, the rate of the tax expressed in mills for each one dollar 125290
of taxable value, the number of such mills to be levied for the 125291
current expenses of the partnering community schools and the 125292
number of such mills, if any, to be levied for the current 125293
expenses of the school district, the number of years the tax 125294
will be levied, and the first year the tax will be levied. The 125295
number of years the tax may be levied may be any number not 125296
exceeding ten years, or for a continuing period of time. 125297

The levy of a tax for the current expenses of a partnering 125298

community school under this section and the distribution of 125299
proceeds from the tax by a qualifying school district to 125300
partnering community schools is hereby determined to be a proper 125301
public purpose. 125302

(2) (a) If any portion of the levy proceeds are to be 125303
allocated to the current expenses of the qualifying school 125304
district, the form of the ballot at an election held pursuant to 125305
division (B) of this section shall be as follows: 125306

"Shall a levy be imposed by the_____ (insert the name 125307
of the qualifying school district) for the purpose of current 125308
expenses of the school district and of partnering community 125309
schools, that the county auditor estimates will collect \$_____ 125310
annually, at a rate not exceeding_____ mills for each \$1 of 125311
taxable value, of which_____ (insert the number of mills to be 125312
allocated to partnering community schools) mills is to be 125313
allocated to partnering community schools, which amounts to 125314
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 125315
~~market~~ value, for_____ (insert the number of years the levy is 125316
to be imposed, or that it will be levied for a continuing period 125317
of time), beginning_____ (insert first year the tax is to be 125318
levied), which will first be payable in calendar year_____ 125319
(insert the first calendar year in which the tax would be 125320
payable)? 125321
125322

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the 125323
current expenses of partnering community schools, the form of 125324
the ballot shall be as follows: 125325

"Shall a levy be imposed by the_____ (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools, that the county auditor estimates will collect \$_____ annually, at a rate not exceeding_____ mills for each \$1 of taxable value which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised market value~~, for_____ (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning_____ (insert first year the tax is to be levied), which will first be payable in calendar year_____ (insert the first calendar year in which the tax would be payable)?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to

the aggregate number of resident students of all such partnering 125353
community schools as of the date of receipt and deposit of the 125354
tax distribution. 125355

(b) If the qualifying school district is not a municipal 125356
school district, the board of education may distribute all or a 125357
portion of the amount in the partnering community schools fund 125358
during a fiscal year to partnering community schools on or 125359
before the first day of June of the preceding fiscal year. Each 125360
such partnering community school shall receive a portion of the 125361
amount distributed by the board from the partnering community 125362
schools fund during the fiscal year in the proportion that the 125363
number of its resident students bears to the aggregate number of 125364
resident students of all such partnering community schools as of 125365
the date the school district received and deposited the most 125366
recent tax distribution. On or before the fifteenth day of June 125367
of each fiscal year, the board of education shall announce an 125368
estimated allocation to partnering community schools for the 125369
ensuing fiscal year. The board is not required to allocate to 125370
partnering community schools the entire partnering community 125371
schools amount in the fiscal year in which a tax distribution is 125372
received and deposited in the partnering community schools fund. 125373
The estimated allocation shall be published on the web site of 125374
the school district and expressed as a dollar amount per 125375
resident student. The actual allocation to community schools in 125376
a fiscal year need not conform to the estimate published by the 125377
school district so long if the estimate was made in good faith. 125378

Distributions by a school district under division (B) (3) 125379
(b) of this section shall be made in accordance with 125380
distribution agreements entered into by the board of education 125381
and each partnering community school eligible for distributions 125382
under this division. The distribution agreements shall be 125383

certified to the department of education each fiscal year before 125384
the thirtieth day of July. Each agreement shall provide for at 125385
least three distributions by the school district to the 125386
partnering community school during the fiscal year and shall 125387
require the initial distribution be made on or before the 125388
thirtieth day of July. 125389

(c) For the purposes of division (B) of this section, the 125390
number of resident students shall be the number of such students 125391
reported under section 3317.03 of the Revised Code and 125392
established by the department of education as of the date of 125393
receipt and deposit of the tax distribution. 125394

(4) To the extent an agreement whereby the qualifying 125395
school district and a community school endorse each other's 125396
programs is necessary for the community school to qualify as a 125397
partnering community school under division (B) (6) (b) of this 125398
section, the board of education of the school district shall 125399
certify to the department of education the agreement along with 125400
the determination that such agreement satisfies the requirements 125401
of that division. The board's determination is conclusive. 125402

(5) For the purposes of Chapter 3317. of the Revised Code 125403
or other laws referring to the "taxes charged and payable" for a 125404
school district, the taxes charged and payable for a qualifying 125405
school district that levies a tax under division (B) of this 125406
section includes only the taxes charged and payable under that 125407
levy for the current expenses of the school district, and does 125408
not include the taxes charged and payable for the current 125409
expenses of partnering community schools. The taxes charged and 125410
payable for the current expenses of partnering community schools 125411
shall not affect the calculation of "state education aid" as 125412
defined in section 5751.20 of the Revised Code. 125413

- (6) As used in division (B) of this section: 125414
- (a) "Qualifying school district" means a municipal school 125415
district, as defined in section 3311.71 of the Revised Code or a 125416
school district that contains within its territory a partnering 125417
community school. 125418
- (b) "Partnering community school" means a community school 125419
established under Chapter 3314. of the Revised Code that is 125420
located within the territory of the qualifying school district 125421
and meets one of the following criteria: 125422
- (i) If the qualifying school district is a municipal 125423
school district, the community school is sponsored by the 125424
district or is a party to an agreement with the district whereby 125425
the district and the community school endorse each other's 125426
programs; 125427
- (ii) If the qualifying school district is not a municipal 125428
school district, the community school is sponsored by a sponsor 125429
that was rated as "exemplary" in the ratings most recently 125430
published under section 3314.016 of the Revised Code before the 125431
resolution proposing the levy is certified to the board of 125432
elections. 125433
- (c) "Partnering community schools amount" means the 125434
product obtained, as of the receipt and deposit of the tax 125435
distribution, by multiplying the amount of a tax distribution by 125436
a fraction, the numerator of which is the number of mills per 125437
dollar of taxable value of the property tax to be allocated to 125438
partnering community schools, and the denominator of which is 125439
the total number of mills per dollar of taxable value authorized 125440
by the electors in the election held under division (B) of this 125441
section, each as set forth in the resolution levying the tax. If 125442

the resolution allocates all of the levy proceeds to partnering 125443
community schools, the "partnering schools amount" equals the 125444
amount of the tax distribution. 125445

(d) "Partnering community schools fund" means a separate 125446
fund established by the board of education of a qualifying 125447
school district for the deposit of partnering community school 125448
amounts under this section. 125449

(e) "Resident student" means a student enrolled in a 125450
partnering community school who is entitled to attend school in 125451
the qualifying school district under section 3313.64 or 3313.65 125452
of the Revised Code. 125453

(f) "Tax distribution" means a distribution of proceeds of 125454
the tax authorized by division (B) of this section under section 125455
321.24 of the Revised Code and distributions that are 125456
attributable to that tax under sections 323.156 and 4503.068 of 125457
the Revised Code or other applicable law. 125458

(C) A resolution adopted under this section shall specify 125459
the date of holding the election, which shall not be earlier 125460
than ninety days after the adoption and certification of the 125461
resolution and which shall be consistent with the requirements 125462
of section 3501.01 of the Revised Code. 125463

A resolution adopted under this section may propose to 125464
renew one or more existing levies imposed under division (A) or 125465
(B) of this section or to ~~increase or decrease~~ a single levy 125466
imposed under either such division. 125467

If the board of education imposes one or more existing 125468
levies for the purpose specified in division (F) of section 125469
5705.19 of the Revised Code, the resolution may propose to renew 125470
one or more of those existing levies, or to ~~increase or decrease~~ 125471

a single such existing levy, for the purpose of general 125472
permanent improvements. 125473

If the resolution proposes to renew two or more existing 125474
levies, the levies shall be levied for the same purpose. The 125475
resolution shall identify those levies and the rates at which 125476
they are levied. The resolution also shall specify that the 125477
existing levies shall not be extended on the tax lists after the 125478
year preceding the year in which the renewal levy is first 125479
imposed, regardless of the years for which those levies 125480
originally were authorized to be levied. 125481

If the resolution proposes to renew an existing levy 125482
imposed under division (B) of this section, the rates allocated 125483
to the qualifying school district and to partnering community 125484
schools each may be increased or decreased or remain the same, 125485
and the total rate may be ~~increased, decreased,~~ or remain the 125486
same. The resolution and notice of election shall specify the 125487
number of the mills to be levied for the current expenses of the 125488
partnering community schools and the number of the mills, if 125489
any, to be levied for the current expenses of the qualifying 125490
school district. 125491

A resolution adopted under this section shall go into 125492
immediate effect upon its passage, and no publication of the 125493
resolution shall be necessary other than that provided for in 125494
the notice of election. A copy of the resolution shall 125495
immediately after its passing be certified, along with the 125496
county auditor's certification provided under section 5705.03 of 125497
the Revised Code, to the board of elections of the proper county 125498
in the manner provided by section 5705.25 of the Revised Code. 125499
That section shall govern the arrangements for the submission of 125500
such question and other matters concerning the election to which 125501

that section refers, including publication of notice of the 125502
election, except that the election shall be held on the date 125503
specified in the resolution. In the case of a resolution adopted 125504
under division (B) of this section, the publication of notice of 125505
that election shall state the number of the mills, if any, to be 125506
levied for the current expenses of partnering community schools 125507
and the number of the mills to be levied for the current 125508
expenses of the qualifying school district. If a majority of the 125509
electors voting on the question so submitted in an election vote 125510
in favor of the levy, the board of education may make the 125511
necessary levy within the school district or, in the case of a 125512
qualifying library levy for the support of a library association 125513
or private corporation, within the association library district, 125514
at the additional rate, or at any lesser rate in excess of the 125515
ten-mill limitation on the tax list, for the purpose stated in 125516
the resolution. A levy for a continuing period of time may be 125517
reduced pursuant to section 5705.261 of the Revised Code. The 125518
tax levy shall be included in the next tax budget that is 125519
certified to the county budget commission. 125520

(D) (1) After the approval of a levy on the current tax 125521
list and duplicate for current expenses, for recreational 125522
purposes, for community centers provided for in section 755.16 125523
of the Revised Code, or for a public library of the district 125524
under division (A) of this section, and prior to the time when 125525
the first tax collection from the levy can be made, the board of 125526
education may anticipate a fraction of the proceeds of the levy 125527
and issue anticipation notes in a principal amount not exceeding 125528
fifty per cent of the total estimated proceeds of the levy to be 125529
collected during the first year of the levy. 125530

(2) After the approval of a levy for general permanent 125531
improvements for a specified number of years or for permanent 125532

improvements having the purpose specified in division (F) of 125533
section 5705.19 of the Revised Code, the board of education may 125534
anticipate a fraction of the proceeds of the levy and issue 125535
anticipation notes in a principal amount not exceeding fifty per 125536
cent of the total estimated proceeds of the levy remaining to be 125537
collected in each year over a period of five years after the 125538
issuance of the notes. 125539

The notes shall be issued as provided in section 133.24 of 125540
the Revised Code, shall have principal payments during each year 125541
after the year of their issuance over a period not to exceed 125542
five years, and may have a principal payment in the year of 125543
their issuance. 125544

(3) After approval of a levy for general permanent 125545
improvements for a continuing period of time, the board of 125546
education may anticipate a fraction of the proceeds of the levy 125547
and issue anticipation notes in a principal amount not exceeding 125548
fifty per cent of the total estimated proceeds of the levy to be 125549
collected in each year over a specified period of years, not 125550
exceeding ten, after the issuance of the notes. 125551

The notes shall be issued as provided in section 133.24 of 125552
the Revised Code, shall have principal payments during each year 125553
after the year of their issuance over a period not to exceed ten 125554
years, and may have a principal payment in the year of their 125555
issuance. 125556

(4) After the approval of a levy on the current tax list 125557
and duplicate under division (B) of this section, and prior to 125558
the time when the first tax collection from the levy can be 125559
made, the board of education may anticipate a fraction of the 125560
proceeds of the levy for the current expenses of the school 125561
district and issue anticipation notes in a principal amount not 125562

exceeding fifty per cent of the estimated proceeds of the levy 125563
to be collected during the first year of the levy and allocated 125564
to the school district. The portion of the levy proceeds to be 125565
allocated to partnering community schools under that division 125566
shall not be included in the estimated proceeds anticipated 125567
under this division and shall not be used to pay debt charges on 125568
any anticipation notes. 125569

The notes shall be issued as provided in section 133.24 of 125570
the Revised Code, shall have principal payments during each year 125571
after the year of their issuance over a period not to exceed 125572
five years, and may have a principal payment in the year of 125573
their issuance. 125574

(E) The submission of questions to the electors under this 125575
section is subject to the limitation on the number of election 125576
dates established by section 5705.214 of the Revised Code. 125577

(F) The board of education of any school district that 125578
levies a tax under this section for the purpose of providing for 125579
school safety and security may report to the department of 125580
education how the district is using revenue from that tax. 125581

The board of education of any school district that 125582
proposes to levy a tax for the purpose of providing for school 125583
safety and security may share the proceeds of the tax with 125584
chartered nonpublic schools, as defined by section 3310.01 of 125585
the Revised Code, that are located in the territory of the 125586
school district as provided in this division. The resolution 125587
levying the tax and the form of the ballot shall state that 125588
proceeds from the levy are to be shared with chartered nonpublic 125589
schools and shall state the percentage of the proceeds that is 125590
to be shared with those schools. 125591

If a percentage of the proceeds of such a tax are to be 125592
shared with chartered nonpublic schools under this division, 125593
such proceeds shall be shared with all chartered nonpublic 125594
schools located in the territory of the school district. Of the 125595
percentage of the proceeds to be shared with chartered nonpublic 125596
schools, each such school shall receive an amount that bears the 125597
same proportion of that percentage that the number of resident 125598
students attending that school bears to the total number of 125599
resident students attending all such schools in the territory of 125600
the school district. For the purposes of this section, a 125601
resident student is a student enrolled in a chartered nonpublic 125602
school located in the territory of the school district who is 125603
entitled to attend school in the school district under section 125604
3313.64 or 3313.65 of the Revised Code. 125605

All proceeds of the levy shall be credited to a fund of 125606
the school district created for that purpose, and the board of 125607
education shall pay each chartered nonpublic school its share of 125608
the proceeds from that fund not less frequently than once after 125609
each settlement of taxes under divisions (A) and (C) of section 125610
321.24 of the Revised Code. Any chartered nonpublic school 125611
receiving payments under this section shall use all of such 125612
payments only for providing for school safety and security. 125613

Sec. 5705.212. (A) (1) The board of education of any school 125614
district, at any time and by a vote of two-thirds of all of its 125615
members, may declare by resolution that the amount of taxes that 125616
may be raised within the ten-mill limitation will be 125617
insufficient to provide an adequate amount for the present and 125618
future requirements of the school district, that it is necessary 125619
to levy not more than five taxes in excess of that limitation 125620
for current expenses, and that each of the proposed taxes first 125621
will be levied in a different year, over a specified period of 125622

time. The board shall identify the taxes proposed under this 125623
section as follows: the first tax to be levied shall be called 125624
the "original tax." Each tax subsequently levied shall be called 125625
an "incremental tax." The rate of each incremental tax shall be 125626
identical, but the rates of such incremental taxes need not be 125627
the same as the rate of the original tax. The resolution also 125628
shall state that the question of these additional taxes shall be 125629
submitted to the electors of the school district at a special 125630
election. The resolution shall specify separately for each tax 125631
proposed: the amount of the increase in rate that it is 125632
necessary to levy, expressed separately for the original tax and 125633
each incremental tax; that the purpose of the levy is for 125634
current expenses; the number of years during which the original 125635
tax shall be in effect; a specification that the last year in 125636
which the original tax is in effect shall also be the last year 125637
in which each incremental tax shall be in effect; and the year 125638
in which each tax first is proposed to be levied. The original 125639
tax may be levied for any number of years not exceeding ten, or 125640
for a continuing period of time. The resolution shall specify 125641
the date of holding the special election, which shall not be 125642
earlier than ninety days after the adoption and certification of 125643
the resolution and shall be consistent with the requirements of 125644
section 3501.01 of the Revised Code. 125645

(2) The board of education, by a vote of two-thirds of all 125646
of its members, may adopt a resolution proposing to renew taxes 125647
levied other than for a continuing period of time under division 125648
(A) (1) of this section. Such a resolution shall provide for 125649
levying a tax and specify all of the following: 125650

(a) That the tax shall be called and designated on the 125651
ballot as a renewal levy; 125652

(b) The rate of the renewal tax, which shall be a single
rate that combines the rate of the original tax and each
incremental tax into a single rate. The rate of the renewal tax
shall not exceed the aggregate rate of the original and
incremental taxes.

(c) The number of years, not to exceed ten, that the
renewal tax will be levied, or that it will be levied for a
continuing period of time;

(d) That the purpose of the renewal levy is for current
expenses;

(e) Subject to the certification and notification
requirements of section 5705.251 of the Revised Code, that the
question of the renewal levy shall be submitted to the electors
of the school district at the general election held during the
last year the original tax may be extended on the real and
public utility property tax list and duplicate or at a special
election held during the ensuing year.

(3) A resolution adopted under division (A) (1) or (2) of
this section shall go into immediate effect upon its adoption
and no publication of the resolution is necessary other than
that provided for in the notice of election. Immediately after
its adoption, a copy of the resolution shall be certified to the
board of elections of the proper county in the manner provided
by division (A) of section 5705.251 of the Revised Code, and
that division shall govern the arrangements for the submission
of the question and other matters concerning the election to
which that section refers. The election shall be held on the
date specified in the resolution. If a majority of the electors
voting on the question so submitted in an election vote in favor
of the taxes or a renewal tax, the board of education, if the

original or a renewal tax is authorized to be levied for the 125683
current year, immediately may make the necessary levy within the 125684
school district at the authorized rate, or at any lesser rate in 125685
excess of the ten-mill limitation, for the purpose stated in the 125686
resolution. No tax shall be imposed prior to the year specified 125687
in the resolution as the year in which it is first proposed to 125688
be levied. The rate of the original tax and the rate of each 125689
incremental tax shall be cumulative, so that the aggregate rate 125690
levied in any year is the sum of the rates of both the original 125691
tax and all incremental taxes levied in or prior to that year 125692
under the same proposal. A tax levied for a continuing period of 125693
time under this section may be reduced pursuant to section 125694
5705.261 of the Revised Code. 125695

(B) Notwithstanding section 133.30 of the Revised Code, 125696
after the approval of a tax to be levied in the current or the 125697
succeeding year and prior to the time when the first tax 125698
collection from that levy can be made, the board of education 125699
may anticipate a fraction of the proceeds of the levy and issue 125700
anticipation notes in an amount not to exceed fifty per cent of 125701
the total estimated proceeds of the levy to be collected during 125702
the first year of the levy. The notes shall be sold as provided 125703
in Chapter 133. of the Revised Code. If anticipation notes are 125704
issued, they shall mature serially and in substantially equal 125705
amounts during each year over a period not to exceed five years; 125706
and the amount necessary to pay the interest and principal as 125707
the anticipation notes mature shall be deemed appropriated for 125708
those purposes from the levy, and appropriations from the levy 125709
by the board of education shall be limited each fiscal year to 125710
the balance available in excess of that amount. 125711

If the auditor of state has certified a deficit pursuant 125712
to section 3313.483 of the Revised Code, the notes authorized 125713

under this section may be sold in accordance with Chapter 133. 125714
of the Revised Code, except that the board may sell the notes 125715
after providing a reasonable opportunity for competitive 125716
bidding. 125717

(C) (1) The board of education of a qualifying school 125718
district, at any time and by a vote of two-thirds of all its 125719
members, may declare by resolution that it is necessary to levy 125720
not more than five taxes in excess of the ten-mill limitation 125721
for the current expenses of partnering community schools and, if 125722
any of the levy proceeds are so allocated, of the school 125723
district, and that each of the proposed taxes first will be 125724
levied in a different year, over a specified period of time. A 125725
qualifying school district that is not a municipal school 125726
district may allocate all of the levy proceeds to partnering 125727
community schools. A municipal school district shall allocate a 125728
portion of the levy proceeds to the current expenses of the 125729
district. The board shall identify the taxes proposed under this 125730
division in the same manner as in division (A) (1) of this 125731
section. The rate of each incremental tax shall be identical, 125732
but the rates of such incremental taxes need not be the same as 125733
the rate of the original tax. In addition to the specifications 125734
required of the resolution in division (A) of this section, the 125735
resolution shall state the number of the mills to be levied each 125736
year for the current expenses of the partnering community 125737
schools and the number of the mills, if any, to be levied each 125738
year for the current expenses of the school district. The number 125739
of mills for the current expenses of partnering community 125740
schools shall be the same for each of the incremental taxes, and 125741
the number of mills for the current expenses of the qualifying 125742
school district shall be the same for each of the incremental 125743
taxes. 125744

The levy of taxes for the current expenses of a partnering community school under division (C) of this section and the distribution of proceeds from the tax by a qualifying school district to partnering community schools is hereby determined to be a proper public purpose.

(2) The board of education, by a vote of two-thirds of all of its members, may adopt a resolution proposing to renew taxes levied other than for a continuing period of time under division (C) (1) of this section. In such a renewal levy, the rates allocated to the qualifying school district and to partnering community schools each may be increased or decreased or remain the same, and the total rate may be ~~increased, decreased,~~ or remain the same. In addition to the requirements of division (A) (2) of this section, the resolution shall state the number of the mills to be levied for the current expenses of the partnering community schools and the number of the mills to be levied for the current expenses of the school district.

(3) A resolution adopted under division (C) (1) or (2) of this section is subject to the rules and procedures prescribed by division (A) (3) of this section.

(4) The proceeds of each tax levied under division (C) (1) or (2) of this section shall be credited and distributed in the manner prescribed by division (B) (3) of section 5705.21 of the Revised Code, and divisions (B) (4), (5), and (6) of that section apply to taxes levied under division (C) of this section.

(5) Notwithstanding section 133.30 of the Revised Code, after the approval of a tax to be levied under division (C) (1) or (2) of this section, in the current or succeeding year and prior to the time when the first tax collection from that levy can be made, the board of education may anticipate a fraction of

the proceeds of the levy for the current expenses of the 125775
qualifying school district and issue anticipation notes in a 125776
principal amount not exceeding fifty per cent of the estimated 125777
proceeds of the levy to be collected during the first year of 125778
the levy and allocated to the school district. The portion of 125779
levy proceeds to be allocated to partnering community schools 125780
shall not be included in the estimated proceeds anticipated 125781
under this division and shall not be used to pay debt charges on 125782
any anticipation notes. 125783

The notes shall be sold as provided in Chapter 133. of the 125784
Revised Code. If anticipation notes are issued, they shall 125785
mature serially and in substantially equal amounts during each 125786
year over a period not to exceed five years. The amount 125787
necessary to pay the interest and principal as the anticipation 125788
notes mature shall be deemed appropriated for those purposes 125789
from the levy, and appropriations from the levy by the board of 125790
education shall be limited each fiscal year to the balance 125791
available in excess of that amount. 125792

If the auditor of state has certified a deficit pursuant 125793
to section 3313.483 of the Revised Code, the notes authorized 125794
under this section may be sold in accordance with Chapter 133. 125795
of the Revised Code, except that the board may sell the notes 125796
after providing a reasonable opportunity for competitive 125797
bidding. 125798

As used in division (C) of this section, "qualifying 125799
school district" and "partnering community schools" have the 125800
same meanings as in section 5705.21 of the Revised Code. 125801

(D) The submission of questions to the electors under this 125802
section is subject to the limitation on the number of election 125803
dates established by section 5705.214 of the Revised Code. 125804

(E) When a school board certifies a resolution to the 125805
county auditor under division (B) (1) of section 5705.03 of the 125806
Revised Code proposing to levy a tax under division (A) (1) or 125807
(C) (1) of this section, the county auditor shall certify, in 125808
addition to the other information the auditor is required to 125809
certify under that section, an estimate of both the levy's 125810
annual collections for the tax year for which the original tax 125811
applies and the levies' aggregate annual collections for the tax 125812
year for which the final incremental tax applies, in both cases 125813
rounded to the nearest dollar, which shall be calculated 125814
assuming that the amount of the tax list of the taxing authority 125815
remains throughout the life of the levy the same as the amount 125816
of the tax list most recently certified by the county auditor 125817
under division (A) of section 319.28 of the Revised Code. If a 125818
school district is located in more than one county, the county 125819
auditor shall obtain from the county auditor of each other 125820
county in which the district is located the current tax 125821
valuation for the portion of the district in that county. 125822

Sec. 5705.213. (A) (1) The board of education of any school 125823
district, at any time and by a vote of two-thirds of all of its 125824
members, may declare by resolution that the amount of taxes that 125825
may be raised within the ten-mill limitation will be 125826
insufficient to provide an adequate amount for the present and 125827
future requirements of the school district and that it is 125828
necessary to levy a tax in excess of that limitation for current 125829
expenses. The resolution also shall state that the question of 125830
the additional tax shall be submitted to the electors of the 125831
school district at a special election. The resolution shall 125832
specify, for each year the levy is in effect, the amount of 125833
money that the levy is proposed to raise, which may, for years 125834
after the first year the levy is made, be expressed in terms of 125835

a dollar or percentage increase over the prior year's amount. 125836
The resolution also shall specify that the purpose of the levy 125837
is for current expenses, the number of years during which the 125838
tax shall be in effect which may be for any number of years not 125839
exceeding ten, and the year in which the tax first is proposed 125840
to be levied. The resolution shall specify the date of holding 125841
the special election, which shall not be earlier than ninety- 125842
five days after the adoption and certification of the resolution 125843
to the county auditor and not earlier than ninety days after 125844
certification to the board of elections. The date of the 125845
election shall be consistent with the requirements of section 125846
3501.01 of the Revised Code. 125847

(2) The board of education, by a vote of two-thirds of all 125848
of its members, may adopt a resolution proposing to renew a tax 125849
levied under division (A) (1) of this section. Such a resolution 125850
shall provide for levying a tax and specify all of the 125851
following: 125852

(a) That the tax shall be called and designated on the 125853
ballot as a renewal levy; 125854

(b) The amount of the renewal tax, which shall be no more 125855
than the amount of tax levied during the last year the tax being 125856
renewed is authorized to be in effect; 125857

(c) The number of years, not to exceed ten, that the 125858
renewal tax will be levied, or that it will be levied for a 125859
continuing period of time; 125860

(d) That the purpose of the renewal levy is for current 125861
expenses; 125862

(e) Subject to the certification and notification 125863
requirements of section 5705.251 of the Revised Code, that the 125864

question of the renewal levy shall be submitted to the electors 125865
of the school district at the general election held during the 125866
last year the tax being renewed may be extended on the real and 125867
public utility property tax list and duplicate or at a special 125868
election held during the ensuing year. 125869

(3) A resolution adopted under division (A) (1) or (2) of 125870
this section shall go into immediate effect upon its adoption 125871
and no publication of the resolution is necessary other than 125872
that provided for in the notice of election. Immediately after 125873
its adoption, a copy of the resolution shall be certified to the 125874
county auditor of the proper county, who shall, within ten days, 125875
calculate and certify to the board of education the estimated 125876
levy, for the first year, and for each subsequent year for which 125877
the tax is proposed to be in effect. The estimates shall be made 125878
both in mills for each one dollar of taxable value and in 125879
dollars for each one hundred thousand dollars of ~~the county~~ 125880
~~auditor's appraised market~~ value. In making the estimates, the 125881
auditor shall assume that the amount of the tax list remains 125882
throughout the life of the levy, the same as the tax list most 125883
recently certified by the county auditor under division (A) of 125884
section 319.28 of the Revised Code. 125885

If the board desires to proceed with the submission of the 125886
question, it shall certify its resolution, with the estimated 125887
tax levy expressed in mills for each one dollar of taxable value 125888
and dollars for each one hundred thousand dollars of ~~the county~~ 125889
~~auditor's appraised market~~ value for each year that the tax is 125890
proposed to be in effect, to the board of elections of the 125891
proper county in the manner provided by division (A) of section 125892
5705.251 of the Revised Code. Section 5705.251 of the Revised 125893
Code shall govern the arrangements for the submission of the 125894
question and other matters concerning the election to which that 125895

section refers. The election shall be held on the date specified 125896
in the resolution. If a majority of the electors voting on the 125897
question so submitted in an election vote in favor of the tax, 125898
and if the tax is authorized to be levied for the current year, 125899
the board of education immediately may make the additional levy 125900
necessary to raise the amount specified in the resolution or a 125901
lesser amount for the purpose stated in the resolution. 125902

(4) The submission of questions to the electors under this 125903
section is subject to the limitation on the number of election 125904
dates established by section 5705.214 of the Revised Code. 125905

(B) Notwithstanding section 133.30 of the Revised Code, 125906
after the approval of a tax to be levied in the current or the 125907
succeeding year and prior to the time when the first tax 125908
collection from that levy can be made, the board of education 125909
may anticipate a fraction of the proceeds of the levy and issue 125910
anticipation notes in an amount not to exceed fifty per cent of 125911
the total estimated proceeds of the levy to be collected during 125912
the first year of the levy. The notes shall be sold as provided 125913
in Chapter 133. of the Revised Code. If anticipation notes are 125914
issued, they shall mature serially and in substantially equal 125915
amounts during each year over a period not to exceed five years; 125916
and the amount necessary to pay the interest and principal as 125917
the anticipation notes mature shall be deemed appropriated for 125918
those purposes from the levy, and appropriations from the levy 125919
by the board of education shall be limited each fiscal year to 125920
the balance available in excess of that amount. 125921

If the auditor of state has certified a deficit pursuant 125922
to section 3313.483 of the Revised Code, the notes authorized 125923
under this section may be sold in accordance with Chapter 133. 125924
of the Revised Code, except that the board may sell the notes 125925

after providing a reasonable opportunity for competitive 125926
bidding. 125927

Sec. 5705.215. (A) The governing board of an educational 125928
service center that is the taxing authority of a county school 125929
financing district, upon receipt of identical resolutions 125930
adopted within a sixty-day period by ~~a majority two-thirds of~~ 125931
~~the all~~ members of the board of education of each school 125932
district that is within the territory of the county school 125933
financing district, may submit a tax levy to the electors of the 125934
territory in the same manner as a school board may submit a levy 125935
under division (C) of section 5705.21 of the Revised Code, 125936
except that: 125937

(1) The levy may be for a period not to exceed ten years, 125938
or, if the levy is solely for the purpose or purposes described 125939
in division (A) (2) (a), (c), or (f) of this section, for a 125940
continuing period of time. 125941

(2) The purpose of the levy shall be one or more of the 125942
following: 125943

(a) For current expenses for the provision of special 125944
education and related services within the territory of the 125945
district; 125946

(b) For permanent improvements within the territory of the 125947
district for special education and related services; 125948

(c) For current expenses for specified educational 125949
programs within the territory of the district; 125950

(d) For permanent improvements within the territory of the 125951
district for specified educational programs; 125952

(e) For permanent improvements within the territory of the 125953

district; 125954

(f) For current expenses for school safety and security 125955
and mental health services, including training and employment of 125956
or contracting for the services of safety personnel, mental 125957
health personnel, social workers, and counselors. 125958

(B) If the levy provides for but is not limited to current 125959
expenses, the resolutions shall apportion the annual rate of the 125960
levy between current expenses and the other purposes. The 125961
apportionment need not be the same for each year of the levy, 125962
but the respective portions of the rate actually levied each 125963
year for current expenses and the other purposes shall be 125964
limited by that apportionment. 125965

(C) Prior to the application of section 319.301 of the 125966
Revised Code, the rate of a levy that is limited to, or to the 125967
extent that it is apportioned to, purposes other than current 125968
expenses shall be reduced in the same proportion in which the 125969
district's total valuation increases during the life of the levy 125970
because of additions to such valuation that have resulted from 125971
improvements added to the tax list and duplicate. 125972

(D) After the approval of a county school financing 125973
district levy under this section, the taxing authority may 125974
anticipate a fraction of the proceeds of such levy and may from 125975
time to time during the life of such levy, but in any given year 125976
prior to the time when the tax collection from such levy can be 125977
made for that year, issue anticipation notes in an amount not 125978
exceeding fifty per cent of the estimated proceeds of the levy 125979
to be collected in each year up to a period of five years after 125980
the date of the issuance of such notes, less an amount equal to 125981
the proceeds of such levy obligated for each year by the 125982
issuance of anticipation notes, provided that the total amount 125983

maturing in any one year shall not exceed fifty per cent of the 125984
anticipated proceeds of the levy for that year. Each issue of 125985
notes shall be sold as provided in Chapter 133. of the Revised 125986
Code, and shall, except for the limitation that the total amount 125987
of such notes maturing in any one year shall not exceed fifty 125988
per cent of the anticipated proceeds of such levy for that year, 125989
mature serially in substantially equal installments during each 125990
year over a period not to exceed five years after their 125991
issuance. 125992

(E) (1) In a resolution to be submitted to the taxing 125993
authority of a county school financing district under division 125994
(A) of this section calling for a ballot issue on the question 125995
of the levying of a tax for a continuing period of time by the 125996
taxing authority, the board of education of a school district 125997
that is part of the territory of the county school financing 125998
district also may propose to reduce the rate of one or more of 125999
that school district's property taxes levied for a continuing 126000
period of time in excess of the ten-mill limitation. The 126001
reduction in the rate of a property tax may be any amount, not 126002
exceeding the rate at which the tax is authorized to be levied. 126003
The reduction in the rate of a tax shall first take effect in 126004
the same year that the county school financing district tax 126005
takes effect, and shall continue for each year that the county 126006
school financing district tax is in effect. A board of 126007
education's resolution proposing to reduce the rate of one or 126008
more of its school district property taxes shall, in addition to 126009
including information required for a resolution under division 126010
(B) (1) of section 5705.03 of the Revised Code, specifically 126011
identify each such tax and shall state for each tax the maximum 126012
rate at which it currently may be levied and the maximum rate at 126013
which it could be levied after the proposed reduction, expressed 126014

in mills for each one dollar of taxable value. 126015

Before submitting the resolution to the taxing authority 126016
of the county school financing district, the board of education 126017
of the school district shall certify a copy of it to the tax 126018
commissioner and the county auditor. The county auditor shall 126019
certify to the board all information required under division (B) 126020
(2) of section 5705.03 of the Revised Code, in the manner 126021
required under that division, and both of the following: 126022

(a) An estimate of the levy's annual collections beginning 126023
for the first year for which the reduction applies, rounded to 126024
the nearest dollar, which shall be calculated assuming that the 126025
amount of the tax list of the taxing authority remains 126026
throughout the life of the reduced levy the same as the amount 126027
of the tax list most recently certified by the county auditor 126028
under division (A) of section 319.28 of the Revised Code. 126029

If a school district is located in more than one county, 126030
the county auditor shall obtain from the county auditor of each 126031
other county in which the district is located the current tax 126032
valuation for the portion of the district in that county. 126033

(b) The effective rate of the levy for the last year 126034
before the proposed reduction and the first year that the 126035
reduction applies, both expressed in dollars for each one 126036
hundred thousand dollars of ~~the county auditor's appraised~~ 126037
market value. 126038

The tax commissioner, within ten days of receiving the 126039
resolution, shall certify to the board the reduction in the 126040
school district's total effective tax rate for each class of 126041
property that would have resulted if the proposed reduction in 126042
the rate or rates had been in effect the previous year. As used 126043

in this paragraph, "effective tax rate" has the same meaning as 126044
in section 323.08 of the Revised Code. 126045

After receiving these certifications from the commissioner 126046
and the auditor, the board may amend its resolution to change 126047
the proposed property tax rate reduction before submitting the 126048
resolution to the financing district taxing authority, provided 126049
the board certifies a copy of the amended resolution to the 126050
county auditor with a request to provide the information 126051
required under divisions (E) (1) (a) and (b) of this section and 126052
the auditor transmits that information to the taxing authority. 126053

If the board of education of a school district that is 126054
part of the territory of a county school financing district 126055
adopts a resolution proposing to reduce the rate of one or more 126056
of its property taxes in conjunction with the levying of a tax 126057
by the financing district, the resolution submitted by the board 126058
to the taxing authority of the financing district under division 126059
(A) of this section does not have to be identical in this 126060
respect to the resolutions submitted by the boards of education 126061
of the other school districts that are part of the territory of 126062
the county school financing district. 126063

(2) Each school district that is part of the territory of 126064
a county school financing district may tailor to its own 126065
situation a proposed reduction in one or more property tax rates 126066
in conjunction with the proposed levying of a tax by the county 126067
school financing district; if one such school district proposes 126068
a reduction in one or more tax rates, another school district 126069
may propose a reduction of a different size or may propose no 126070
reduction. Within each school district that is part of the 126071
territory of the county school financing district, the electors 126072
shall vote on one ballot issue combining the question of the 126073

levying of the tax by the taxing authority of the county school 126074
financing district with, if any such reduction is proposed, the 126075
question of the reduction in the rate of one or more taxes of 126076
the school district. If a majority of the electors of the county 126077
school financing district voting on the question of the proposed 126078
levying of a tax by the taxing authority of the financing 126079
district vote to approve the question, any tax reductions 126080
proposed by school districts that are part of the territory of 126081
the financing district also are approved. 126082

(3) The form of the ballot for an issue proposing to levy 126083
a county school financing district tax in conjunction with the 126084
reduction of the rate of one or more school district taxes shall 126085
be as follows: 126086

"Shall the _____ (name of the county school financing 126087
district) be authorized to levy an additional tax for _____ 126088
(purpose stated in the resolutions), that the county auditor 126089
estimates will collect \$_____ annually, at a rate not exceeding 126090
_____ mills for each \$1 of taxable value, which amounts to 126091
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 126092
market value, for a continuing period of time? If the county 126093
school financing district tax is approved, the rate of an 126094
existing tax currently levied by the _____ (name of the school 126095
district of which the elector is a resident) at the rate of 126096
_____ mills shall be reduced to _____ mills for each \$1 of 126097
taxable value, which amounts to a reduction from \$_____ 126098
(effective rate) to \$_____ (effective rate) for each \$100,000 126099
of ~~the county auditor's appraised~~ market value, that the county 126100
auditor estimates will collect \$_____ annually, until any such 126101
time as the county school financing district tax is decreased or 126102
repealed. 126103
126104

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

If the board of education of the school district proposes to reduce the rate of more than one of its existing taxes, the second sentence of the ballot language shall be modified for residents of that district to express the rates and effective rates at which those taxes currently are levied and the rates and effective rates to which they would be reduced as well as each levy's estimated annual collections, as provided by the county auditor under division (E) (1) (a) of this section. If the board of education of the school district does not propose to reduce the rate of any of its taxes, the second sentence of the ballot language shall not be used for residents of that district. In any case, the first sentence of the ballot language shall be the same for all the electors in the county school financing district, but the second sentence shall be different in each school district depending on whether and in what amount the board of education of the school district proposes to reduce the rate of one or more of its property taxes.

(4) If the rate of a school district property tax is reduced pursuant to this division, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate to which it has been reduced. If the reduced rate of a tax is increased under division (E) (5) of this section, the commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is increased as

if the tax had been levied in the preceding year at the rate to 126132
which it has been increased. 126133

(5) After the levying of a county school financing 126134
district tax in conjunction with the reduction of the rate of 126135
one or more school district taxes is approved by the electors 126136
under this division, if the rate of the county school financing 126137
district tax is decreased pursuant to an election under section 126138
5705.261 of the Revised Code, the rate of each school district 126139
tax that had been reduced shall be increased by the number of 126140
mills obtained by multiplying the number of mills of the 126141
original reduction by the same percentage that the financing 126142
district tax rate is decreased. If the county school financing 126143
district tax is repealed pursuant to an election under section 126144
5705.261 of the Revised Code, each school district may resume 126145
levying the property taxes that had been reduced at the full 126146
rate originally approved by the electors. A reduction in the 126147
rate of a school district property tax under this division is a 126148
reduction in the rate at which the board of education may levy 126149
that tax only for the period during which the county school 126150
financing district tax is levied prior to any decrease or repeal 126151
under section 5705.261 of the Revised Code. The resumption of 126152
the authority of the board of education to levy an increased or 126153
the full rate of tax does not constitute the levying of a new 126154
tax in excess of the ten-mill limitation. 126155

(F) If a county school financing district has a tax in 126156
effect under this section, the territory of a city, local, or 126157
exempted village school district that is not a part of the 126158
county school financing district shall not become a part of the 126159
county school financing district unless approved by the electors 126160
of the city, local, or exempted village school district in 126161
accordance with division (C) of section 3311.50 of the Revised 126162

Code. 126163

Sec. 5705.217. (A) The board of education of a city, 126164
local, or exempted village school district, at any time by a 126165
vote of two-thirds of all its members, may declare by resolution 126166
that the amount of taxes that can be raised within the ten-mill 126167
limitation will be insufficient to provide an adequate amount 126168
for the present and future requirements of the school district; 126169
that it is necessary to levy an additional tax in excess of that 126170
limitation for the purposes of providing funds for current 126171
operating expenses and for general permanent improvements as 126172
defined in section 5705.21 of the Revised Code; and that the 126173
question of the tax shall be submitted to the electors of the 126174
district at a special election. The tax may be levied for a 126175
specified number of years not exceeding five or for a continuing 126176
period of time. The resolution shall specify the proposed tax 126177
rate, the first year the tax will be levied, and the number of 126178
years it will be levied, or that it will be levied for a 126179
continuing period of time. The resolution shall apportion the 126180
annual rate of the tax between current operating expenses and 126181
permanent improvements. The apportionment may but need not be 126182
the same for each year of the tax, but the respective portions 126183
of the rate actually levied each year for current operating 126184
expenses and permanent improvements shall be limited by the 126185
apportionment. 126186

The resolution shall specify the date of holding the 126187
special election, which shall not be earlier than ninety days 126188
after certification of the resolution to the board of elections 126189
and shall be consistent with the requirements of section 3501.01 126190
of the Revised Code. The resolution shall go into immediate 126191
effect upon its passage, and no publication of it is necessary 126192
other than that provided in the notice of election. The board of 126193

education shall certify a copy of the resolution to the board of 126194
elections immediately after its adoption. Section 5705.25 of the 126195
Revised Code governs the arrangements and form of the ballot for 126196
the submission of the question to the electors. 126197

If a majority of the electors voting on the question vote 126198
in favor of the tax, the board of education may make the levy at 126199
the additional rate, or at any lesser rate in excess of the ten- 126200
mill limitation. If the tax is for a continuing period of time, 126201
it may be decreased in accordance with section 5705.261 of the 126202
Revised Code. 126203

A board of education may adopt a resolution to renew one 126204
or more existing levies imposed under this section, or to 126205
~~increase or~~ decrease the rate of a tax levied under this 126206
section, for the purpose of providing funds for either current 126207
expenses and general permanent improvements or solely for 126208
general permanent improvements. 126209

(B) (1) After the approval of a tax for current operating 126210
expenses under this section and prior to the time the first 126211
collection and distribution from the levy can be made, the board 126212
of education may anticipate a fraction of the proceeds of such 126213
levy and issue anticipation notes in a principal amount not 126214
exceeding fifty per cent of the total estimated proceeds of the 126215
tax to be collected during the first year of the levy. 126216

(2) After the approval of a tax for general permanent 126217
improvements levied under this section for a specified number of 126218
years, the board of education may anticipate a fraction of the 126219
proceeds of such tax and issue anticipation notes in a principal 126220
amount not exceeding fifty per cent of the total estimated 126221
proceeds of the tax remaining to be collected in each year over 126222
a specified period of years, not exceeding the number of years 126223

for which the tax was levied, after issuance of the notes. 126224

(3) After the approval of a tax for general permanent 126225
improvements levied under this section for a continuing period 126226
of time, the board of education may anticipate a fraction of the 126227
proceeds of such tax and issue anticipation notes in a principal 126228
amount not exceeding fifty per cent of the total estimated 126229
proceeds of the tax to be collected in each year over a 126230
specified period of years, not exceeding ten, after issuance of 126231
the notes. 126232

Anticipation notes under this section shall be issued as 126233
provided in section 133.24 of the Revised Code. Notes issued 126234
under division (B)(1) or (2) of this section shall have 126235
principal payments during each year after the year of their 126236
issuance over a period not to exceed five years, and may have a 126237
principal payment in the year of their issuance. Notes issued 126238
under division (B)(3) of this section shall have principal 126239
payments during each year after the year of their issuance over 126240
a period not to exceed ten years, and may have a principal 126241
payment in the year of their issuance. 126242

(C) The submission of a question to the electors under 126243
this section is subject to the limitation on the number of 126244
elections that can be held in a year under section 5705.214 of 126245
the Revised Code. 126246

Sec. 5705.218. (A) The board of education of a city, 126247
local, or exempted village school district, at any time by a 126248
vote of two-thirds of all its members, may declare by resolution 126249
that it may be necessary for the school district to issue 126250
general obligation bonds for permanent improvements. The 126251
resolution shall state all of the following: 126252

- (1) The necessity and purpose of the bond issue; 126253
- (2) The date of the special election at which the question 126254
shall be submitted to the electors; 126255
- (3) The amount, approximate date, estimated rate of 126256
interest, and maximum number of years over which the principal 126257
of the bonds may be paid; 126258
- (4) The necessity of levying a tax outside the ten-mill 126259
limitation to pay debt charges on the bonds and any anticipatory 126260
securities. 126261
- On adoption of the resolution, the board shall certify a 126262
copy of it to the county auditor. The county auditor promptly 126263
shall estimate and certify to the board the average annual 126264
property tax rate, expressed in mills for each one dollar of 126265
taxable value and in dollars for each one hundred thousand 126266
dollars of ~~the county auditor's appraised market~~ value, required 126267
throughout the stated maturity of the bonds to pay debt charges 126268
on the bonds in the same manner as under division (C) of section 126269
133.18 of the Revised Code. 126270
- (B) After receiving the county auditor's certification 126271
under division (A) of this section, the board of education of 126272
the city, local, or exempted village school district, by a vote 126273
of two-thirds of all its members, may declare by resolution that 126274
the amount of taxes that can be raised within the ten-mill 126275
limitation will be insufficient to provide an adequate amount 126276
for the present and future requirements of the school district; 126277
that it is necessary to issue general obligation bonds of the 126278
school district for permanent improvements and to levy an 126279
additional tax in excess of the ten-mill limitation to pay debt 126280
charges on the bonds and any anticipatory securities; that it is 126281

necessary for a specified number of years or for a continuing 126282
period of time to levy additional taxes in excess of the ten- 126283
mill limitation to provide funds for the acquisition, 126284
construction, enlargement, renovation, and financing of 126285
permanent improvements or to pay for current operating expenses, 126286
or both; and that the question of the bonds and taxes shall be 126287
submitted to the electors of the school district at a special 126288
election, which shall not be earlier than ninety days after 126289
certification of the resolution to the board of elections, and 126290
the date of which shall be consistent with section 3501.01 of 126291
the Revised Code. The resolution shall specify all of the 126292
following: 126293

(1) The county auditor's estimate of the average annual 126294
property tax rate required throughout the stated maturity of the 126295
bonds to pay debt charges on the bonds; 126296

(2) The proposed rate of the tax, if any, for current 126297
operating expenses expressed in mills for each one dollar of 126298
taxable value and in dollars for each one hundred thousand 126299
dollars of ~~the county auditor's appraised~~ market value, the 126300
first year the tax will be levied, and the number of years it 126301
will be levied, or that it will be levied for a continuing 126302
period of time; 126303

(3) The proposed rate of the tax, if any, for permanent 126304
improvements expressed in mills for each one dollar of taxable 126305
value and in dollars for each one hundred thousand dollars of 126306
~~the county auditor's appraised~~ market value, the first year the 126307
tax will be levied, and the number of years it will be levied, 126308
or that it will be levied for a continuing period of time. 126309

The resolution shall apportion the annual rate of the tax 126310
between current operating expenses and permanent improvements, 126311

if both taxes are proposed. The apportionment may but need not 126312
be the same for each year of the tax, but the respective 126313
portions of the rate actually levied each year for current 126314
operating expenses and permanent improvements shall be limited 126315
by the apportionment. The resolution shall go into immediate 126316
effect upon its passage, and no publication of it is necessary 126317
other than that provided in the notice of election. The board of 126318
education shall certify a copy of the resolution, along with 126319
copies of the auditor's estimates and its resolution under 126320
division (A) of this section, to the board of elections 126321
immediately after its adoption. 126322

(C) The board of elections shall make the arrangements for 126323
the submission to the electors of the school district of the 126324
question proposed under division (B) or (J) of this section, and 126325
the election shall be conducted, canvassed, and certified in the 126326
same manner as regular elections in the district for the 126327
election of county officers. The resolution shall be put before 126328
the electors as one ballot question, with a favorable vote 126329
indicating approval of the bond issue, the levy to pay debt 126330
charges on the bonds and any anticipatory securities, the 126331
current operating expenses levy, the permanent improvements 126332
levy, and the levy for the current expenses of a qualifying 126333
school district and of partnering community schools, as those 126334
levies may be proposed. The board of elections shall publish 126335
notice of the election in a newspaper of general circulation in 126336
the school district once a week for two consecutive weeks, or as 126337
provided in section 7.16 of the Revised Code, prior to the 126338
election. If a board of elections operates and maintains a web 126339
site, that board also shall post notice of the election on its 126340
web site for thirty days prior to the election. The notice of 126341
election shall state all of the following: 126342

- (1) The principal amount of the proposed bond issue; 126343
- (2) The permanent improvements for which the bonds are to 126344
be issued; 126345
- (3) The maximum number of years over which the principal 126346
of the bonds may be paid; 126347
- (4) The estimated additional average annual property tax 126348
rate to pay the debt charges on the bonds, as certified by the 126349
county auditor and expressed in mills for each one dollar of 126350
taxable value and in dollars for each one hundred thousand 126351
dollars of ~~the county auditor's appraised~~ market value; 126352
- (5) The proposed rate of the additional tax, if any, for 126353
current operating expenses expressed in mills for each one 126354
dollar of taxable value and in dollars for each one hundred 126355
thousand dollars of ~~the county auditor's appraised~~ market value 126356
and, if the question is proposed under division (J) of this 126357
section, the portion of the rate to be allocated to the school 126358
district and the portion to be allocated to partnering community 126359
schools; 126360
- (6) The number of years the current operating expenses tax 126361
will be in effect, or that it will be in effect for a continuing 126362
period of time; 126363
- (7) The proposed rate of the additional tax, if any, for 126364
permanent improvements expressed in mills for each one dollar of 126365
taxable value and in dollars for each one hundred thousand 126366
dollars of ~~the county auditor's appraised~~ market value; 126367
- (8) The number of years the permanent improvements tax 126368
will be in effect, or that it will be in effect for a continuing 126369
period of time; 126370

(9) The annual estimated collections, if applicable, of 126371
the current operating expenses levy and permanent improvements 126372
levy, as certified by the county auditor; 126373

(10) The time and place of the special election. 126374

(D) The form of the ballot for an election under this 126375
section is as follows: 126376

"Shall the _____ school district be authorized to do 126377
the following: 126378

(1) Issue bonds for the purpose of _____ in the 126379
principal amount of \$_____, to be repaid annually over a 126380
maximum period of _____ years, and levy a property tax outside 126381
the ten-mill limitation, estimated by the county auditor to 126382
average over the bond repayment period _____ mills for each \$1 126383
of taxable value, which amounts to \$_____ for each \$100,000 of 126384
~~the county auditor's appraised market~~ value, to pay the annual 126385
debt charges on the bonds, and to pay debt charges on any notes 126386
issued in anticipation of those bonds?" 126387

If either a levy for permanent improvements or a levy for 126388
current operating expenses is proposed, or both are proposed, 126389
the ballot also shall contain the following language, as 126390
appropriate: 126391

"(2) Levy an additional property tax to provide funds for 126392
the acquisition, construction, enlargement, renovation, and 126393
financing of permanent improvements, that the county auditor 126394
estimates will collect \$_____ annually, at a rate not exceeding 126395
_____ mills for each \$1 of taxable value, which amounts to 126396
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 126397
~~market~~ value, for _____ (number of years of the levy, or a 126398
continuing period of time)? 126399

(3) Levy an additional property tax to pay current operating expenses, that the county auditor estimates will collect \$_____ annually, at a rate not exceeding _____ mills for each \$1 of taxable value, which amounts to \$_____ for each \$100,000 of ~~the county auditor's appraised~~ market value, for _____ (number of years of the levy, or a continuing period of time)?

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

If the question is proposed under division (J) of this section, the form of the ballot shall be modified as prescribed by division (J) (4) of this section.

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote for it, the board of education may proceed with issuance of the bonds and with the levy and collection of the property tax or taxes at the additional rate or any lesser rate in excess of the ten-mill limitation. Any securities issued by the board of education under this section are Chapter 133. securities, as that term is defined in section 133.01 of the Revised Code.

(F) (1) After the approval of a tax for current operating expenses under this section and prior to the time the first collection and distribution from the levy can be made, the board of education may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the

tax to be collected during the first year of the levy. 126427

(2) After the approval of a tax under this section for 126428
permanent improvements having a specific purpose, the board of 126429
education may anticipate a fraction of the proceeds of such tax 126430
and issue anticipation notes in a principal amount not exceeding 126431
fifty per cent of the total estimated proceeds of the tax 126432
remaining to be collected in each year over a period of five 126433
years after issuance of the notes. 126434

(3) After the approval of a tax under this section for 126435
general permanent improvements as defined under section 5705.21 126436
of the Revised Code, the board of education may anticipate a 126437
fraction of the proceeds of such tax and issue anticipation 126438
notes in a principal amount not exceeding fifty per cent of the 126439
total estimated proceeds of the tax to be collected in each year 126440
over a specified period of years, not exceeding ten, after 126441
issuance of the notes. 126442

Anticipation notes under this section shall be issued as 126443
provided in section 133.24 of the Revised Code. Notes issued 126444
under division (F) (1) or (2) of this section shall have 126445
principal payments during each year after the year of their 126446
issuance over a period not to exceed five years, and may have a 126447
principal payment in the year of their issuance. Notes issued 126448
under division (F) (3) of this section shall have principal 126449
payments during each year after the year of their issuance over 126450
a period not to exceed ten years, and may have a principal 126451
payment in the year of their issuance. 126452

(G) A tax for current operating expenses or for permanent 126453
improvements levied under this section for a specified number of 126454
years may be renewed ~~or replaced~~ in the same manner as a tax for 126455
current operating expenses or for permanent improvements levied 126456

under section 5705.21 of the Revised Code. A tax for current 126457
operating expenses or for permanent improvements levied under 126458
this section for a continuing period of time may be decreased in 126459
accordance with section 5705.261 of the Revised Code. 126460

(H) The submission of a question to the electors under 126461
this section is subject to the limitation on the number of 126462
elections that can be held in a year under section 5705.214 of 126463
the Revised Code. 126464

(I) A school district board of education proposing a 126465
ballot measure under this section to generate local resources 126466
for a project under the school building assistance expedited 126467
local partnership program under section 3318.36 of the Revised 126468
Code may combine the questions under division (D) of this 126469
section with a question for the levy of a property tax to 126470
generate moneys for maintenance of the classroom facilities 126471
acquired under that project as prescribed in section 3318.361 of 126472
the Revised Code. 126473

(J) (1) After receiving the county auditor's certifications 126474
under division (A) of this section, the board of education of a 126475
qualifying school district, by a vote of two-thirds of all its 126476
members, may declare by resolution that it is necessary to levy 126477
a tax in excess of the ten-mill limitation for the purpose of 126478
paying the current expenses of the school district and of 126479
partnering community schools, as defined in section 5705.21 of 126480
the Revised Code; that it is necessary to issue general 126481
obligation bonds of the school district for permanent 126482
improvements of the district and to levy an additional tax in 126483
excess of the ten-mill limitation to pay debt charges on the 126484
bonds and any anticipatory securities; and that the question of 126485
the bonds and taxes shall be submitted to the electors of the 126486

school district at a special election, which shall not be 126487
earlier than ninety days after certification of the resolution 126488
to the board of elections, and the date of which shall be 126489
consistent with section 3505.01 of the Revised Code. 126490

The levy of taxes for the current expenses of a partnering 126491
community school under division (J) of this section and the 126492
distribution of proceeds from the tax by a qualifying school 126493
district to partnering community schools is hereby determined to 126494
be a proper public purpose. 126495

(2) The tax for the current expenses of the school 126496
district and of partnering community schools is subject to the 126497
requirements of divisions (B)(3), (4), and (5) of section 126498
5705.21 of the Revised Code. 126499

(3) In addition to the required specifications of the 126500
resolution under division (B) of this section, the resolution 126501
shall express the rate of the tax in mills for each one dollar 126502
of taxable value and in dollars for each one hundred thousand 126503
dollars of ~~the county auditor's appraised market~~ value, state 126504
the number of the mills to be levied for the current expenses of 126505
the partnering community schools and the number of the mills to 126506
be levied for the current expenses of the school district, 126507
specify the number of years (not exceeding ten) the tax will be 126508
levied or that it will be levied for a continuing period of 126509
time, and state the first year the tax will be levied. 126510

The resolution shall go into immediate effect upon its 126511
passage, and no publication of it is necessary other than that 126512
provided in the notice of election. The board of education shall 126513
certify a copy of the resolution, along with copies of the 126514
auditor's estimate and its resolution under division (A) of this 126515
section, to the board of elections immediately after its 126516

adoption. 126517

(4) The form of the ballot shall be modified by replacing 126518
the ballot form set forth in division (D) (3) of this section 126519
with the following: 126520

"Levy an additional property tax for the purpose of the 126521
current expenses of the school district and of partnering 126522
community schools, that the county auditor estimates will 126523
collect \$_____ annually, at a rate not exceeding _____ mills 126524
for each \$1 of taxable value (of which _____ (insert the number 126525
of mills to be allocated to partnering community schools) mills 126526
is to be allocated to partnering community schools), which 126527
amounts to \$_____ for each \$100,000 of ~~the county auditor's~~ 126528
~~appraised market~~ value, for _____ (insert the number of years 126529
the levy is to be imposed, or that it will be levied for a 126530
continuing period of time)? 126531
126532

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

"

(5) After the approval of a tax for the current expenses 126533
of the school district and of partnering community schools under 126534
division (J) of this section, and prior to the time the first 126535
collection and distribution from the levy can be made, the board 126536
of education may anticipate a fraction of the proceeds of the 126537
levy for the current expenses of the school district and issue 126538
anticipation notes in a principal amount not exceeding fifty per 126539
cent of the estimated proceeds of the levy to be collected 126540
during the first year of the levy and allocated to the school 126541
district. The portion of levy proceeds to be allocated to 126542
partnering community schools shall not be included in the 126543

estimated proceeds anticipated under this division and shall not 126544
be used to pay debt charges on any anticipation notes. 126545

The notes shall be issued as provided in section 133.24 of 126546
the Revised Code, shall have principal payments during each year 126547
after the year of their issuance over a period not to exceed 126548
five years, and may have a principal payment in the year of 126549
their issuance. 126550

(6) A tax for the current expenses of the school district 126551
and of partnering community schools levied under division (J) of 126552
this section for a specified number of years may be renewed ~~or~~ 126553
~~replaced~~ in the same manner as a tax for the current expenses of 126554
a school district and of partnering community schools levied 126555
under division (B) of section 5705.21 of the Revised Code. A tax 126556
for the current expenses of the school district and of 126557
partnering community schools levied under this division for a 126558
continuing period of time may be decreased in accordance with 126559
section 5705.261 of the Revised Code. 126560

(7) The proceeds from the issuance of the general 126561
obligation bonds under division (J) of this section shall be 126562
used solely to pay for permanent improvements of the school 126563
district and not for permanent improvements of partnering 126564
community schools. 126565

Sec. 5705.219. (A) As used in this section: 126566

(1) "Eligible school district" means a city, local, or 126567
exempted village school district in which the taxes charged and 126568
payable for current expenses on residential/agricultural real 126569
property in the tax year preceding the year in which the levy 126570
authorized by this section will be submitted for elector 126571
approval or rejection are greater than two per cent of the 126572

taxable value of the residential/agricultural real property. 126573

(2) "Residential/agricultural real property" and 126574
"nonresidential/agricultural real property" means the property 126575
classified as such under section 5713.041 of the Revised Code. 126576

(3) "Effective tax rate" and "taxes charged and payable" 126577
have the same meanings as in division (B) of section 319.301 of 126578
the Revised Code. 126579

(B) On or after January 1, 2010, but before January 1, 126580
2015, the board of education of an eligible school district, by 126581
a vote of two-thirds of all its members, may adopt a resolution 126582
proposing to convert existing levies imposed for the purpose of 126583
current expenses into a levy raising a specified amount of tax 126584
money by repealing all or a portion of one or more of those 126585
existing levies and imposing a levy in excess of the ten-mill 126586
limitation that will raise a specified amount of money for 126587
current expenses of the district. 126588

The board of education shall certify a copy of the 126589
resolution to the tax commissioner not later than one hundred 126590
five days before the election upon which the repeal and levy 126591
authorized by this section will be proposed to the electors. 126592
Within ten days after receiving the copy of the resolution, the 126593
tax commissioner shall determine each of the following and 126594
certify the determinations to the board of education: 126595

(1) The dollar amount to be raised by the proposed levy, 126596
which shall be the product of: 126597

(a) The difference between the aggregate effective tax 126598
rate for residential/agricultural real property for the tax year 126599
preceding the year in which the repeal and levy will be proposed 126600
to the electors and twenty mills for each one dollar of taxable 126601

value; 126602

(b) The total taxable value of all property on the tax 126603
list of real and public utility property for the tax year 126604
preceding the year in which the repeal and levy will be proposed 126605
to the electors. 126606

(2) The estimated tax rate of the proposed levy. 126607

(3) The existing levies and any portion of an existing 126608
levy to be repealed upon approval of the question. Levies shall 126609
be repealed in reverse chronological order from most recently 126610
imposed to least recently imposed until the sum of the effective 126611
tax rates repealed for residential/agricultural real property is 126612
equal to the difference calculated in division (B) (1) (a) of this 126613
section. 126614

(4) The sum of the following: 126615

(a) The total taxable value of nonresidential/agricultural 126616
real property for the tax year preceding the year in which the 126617
repeal and levy will be proposed to the electors multiplied by 126618
the difference between (i) the aggregate effective tax rate for 126619
nonresidential/agricultural real property for the existing 126620
levies and any portion of an existing levy to be repealed and 126621
(ii) the amount determined under division (B) (1) (a) of this 126622
section, but not less than zero; 126623

(b) The total taxable value of public utility tangible 126624
personal property for the tax year preceding the year in which 126625
the repeal and levy will be proposed to the electors multiplied 126626
by the difference between (i) the aggregate voted tax rate for 126627
the existing levies and any portion of an existing levy to be 126628
repealed and (ii) the amount determined under division (B) (1) (a) 126629
of this section, but not less than zero. 126630

(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the board may request that the commissioner redetermine the rate under division (B)(2) of this section on the basis of the lesser amount the levy is to raise as specified by the board. The amount certified under division (B)(4) and the levies to be repealed as certified under division (B)(3) of this section shall not be redetermined. Within ten days after receiving a timely request specifying the lesser amount to be raised by the levy, the commissioner shall redetermine the rate and recertify it to the board as otherwise provided in division (B) of this section. Only one such request may be made by the board of education of an eligible school district.

The resolution shall state the first calendar year in which the levy will be due; the existing levies and any portion of an existing levy that will be repealed, as certified by the commissioner; the term of the levy expressed in years, which may be any number not exceeding ten, or that it will be levied for a continuing period of time; and the date of the election, which shall be the date of a primary or general election.

Immediately upon its passage, the resolution shall go into effect and shall be certified by the board of education to the county auditor of the proper county. The county auditor and the board of education shall proceed as required under section 5705.195 of the Revised Code, as that section existed before the

effective date of its repeal by this act. No publication of the 126662
resolution is necessary other than that provided for in the 126663
notice of election. Section 5705.196 of the Revised Code, as 126664
that section existed before the effective date of its repeal by 126665
this act, shall govern the matters concerning the election. The 126666
submission of a question to the electors under this section is 126667
subject to the limitation on the number of election dates 126668
established by section 5705.214 of the Revised Code. 126669

(D) The form of the ballot to be used at the election 126670
provided for in this section shall be as follows: 126671

"Shall the existing levy of _____ (insert the voted 126672
millage rate of the levy to be repealed), currently being 126673
charged against residential and agricultural property by the 126674
_____ (insert the name of school district) at a rate of 126675
_____ (insert the residential/agricultural real property 126676
effective tax rate of the levy being repealed) for the purpose 126677
of _____ (insert the purpose of the existing levy) be 126678
repealed, and shall a levy be imposed by the _____ (insert 126679
the name of school district) in excess of the ten-mill 126680
limitation for the necessary requirements of the school district 126681
in the sum of _____ (insert the annual amount the levy is 126682
to produce), estimated by the tax commissioner to require 126683
_____ (insert the number of mills) mills for each one 126684
dollar of valuation, which amounts to _____ (insert the 126685
rate expressed in dollars and cents) for each one hundred 126686
dollars of valuation for the initial year of the tax, for a 126687
period of _____ (insert the number of years the levy is to 126688
be imposed, or that it will be levied for a continuing period of 126689
time), commencing in _____ (insert the first year the tax 126690
is to be levied), first due in calendar year _____ (insert 126691
the first calendar year in which the tax shall be due)? 126692

126693

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

126694

	FOR THE REPEAL AND TAX	
	AGAINST THE REPEAL AND TAX	"

If the question submitted is a proposal to repeal all or a portion of more than one existing levy, the form of the ballot shall be modified by substituting the statement "shall the existing levy of" with "shall existing levies of" and inserting the aggregate voted and aggregate effective tax rates to be repealed.

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(E) If a majority of the electors voting on the question submitted in an election vote in favor of the repeal and levy, the result shall be certified immediately after the canvass by the board of elections to the board of education. The board of education may make the levy necessary to raise the amount specified in the resolution for the purpose stated in the resolution and shall certify it to the county auditor, who shall extend it on the current year tax lists for collection. After the first year, the levy shall be included in the annual tax budget that is certified to the county budget commission.

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(F) A levy imposed under this section for a continuing period of time may be decreased or repealed pursuant to section 5705.261 of the Revised Code. If a levy imposed under this section is decreased, the amount calculated under division (B) (4) of this section and paid under section 5705.2110 of the

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Revised Code shall be decreased by the same proportion as the 126716
levy is decreased. If the levy is repealed, no further payments 126717
shall be made to the district under that section. 126718

(G) At any time, the board of education, by a vote of two- 126719
thirds of all of its members, may adopt a resolution to renew a 126720
tax levied under this section. The resolution shall provide for 126721
levying the tax and specifically all of the following: 126722

(1) That the tax shall be called, and designated on the 126723
ballot as, a renewal levy; 126724

(2) The amount of the renewal tax, which shall be no more 126725
than the amount of tax previously collected; 126726

(3) The number of years, not to exceed ten, that the 126727
renewal tax will be levied, or that it will be levied for a 126728
continuing period of time; 126729

(4) That the purpose of the renewal tax is for current 126730
expenses. 126731

The board shall certify a copy of the resolution to the 126732
board of elections not later than ninety days before the date of 126733
the election at which the question is to be submitted, which 126734
shall be the date of a primary or general election. 126735

(H) The form of the ballot to be used at the election on 126736
the question of renewing a levy under this section shall be as 126737
follows: 126738

"Shall a tax levy renewing an existing levy of _____ 126739
(insert the annual dollar amount the levy is to produce each 126740
year), estimated to require _____ (insert the number of 126741
mills) mills for each \$1 of taxable value, which amounts to 126742
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 126743

market value, be imposed by the _____ (insert the name of 126744
school district) for the purpose of current expenses for a 126745
period of _____ (insert the number of years the levy is to 126746
be imposed, or that it will be levied for a continuing period of 126747
time), commencing in _____ (insert the first year the tax 126748
is to be levied), first due in calendar year _____ (insert 126749
the first calendar year in which the tax shall be due)? 126750
126751

	FOR THE RENEWAL OF THE TAX LEVY
	AGAINST THE RENEWAL OF THE TAX LEVY

"

If the levy submitted is to be for less than the amount of 126752
money previously collected, the form of the ballot shall be 126753
modified to add "and reducing" after "renewing" and to add 126754
before "estimated to require" the statement "be approved at a 126755
tax rate necessary to produce \$ _____ (insert the lower 126756
annual dollar amount the levy is to produce each year)." 126757

Sec. 5705.2111. (A) If the board of directors of a 126758
regional student education district created under section 126759
3313.83 of the Revised Code desires to levy a tax in excess of 126760
the ten-mill limitation throughout the district for the purpose 126761
of funding the services to be provided by the district to 126762
students enrolled in the school districts of which the district 126763
is composed and their immediate family members, the board shall 126764
propose the levy to each of the boards of education of those 126765
school districts. The proposal shall specify the rate or amount 126766
of the tax, the number of years the tax will be levied or that 126767
it will be levied for a continuing period of time, and that the 126768
aggregate rate of the tax shall not exceed three mills per 126769
dollar of taxable value in the regional student education 126770

district. 126771

(B) (1) If ~~a majority~~ two-thirds of the members of the 126772
boards of education of each of the school districts of which the 126773
regional student education district is composed approves the 126774
proposal for the tax levy, the board of directors of the 126775
regional student education district may adopt a resolution 126776
approved by a majority of the board's full membership declaring 126777
the necessity of levying the proposed tax in excess of the ten- 126778
mill limitation throughout the district for the purpose of 126779
funding the services to be provided by the district to students 126780
enrolled in the school districts of which the district is 126781
composed and their immediate family members. The resolution 126782
shall provide for the question of the tax to be submitted to the 126783
electors of the district at a general, primary, or special 126784
election on a day to be specified in the resolution that is 126785
consistent with the requirements of section 3501.01 of the 126786
Revised Code and that occurs at least ninety days after the 126787
resolution is certified to the board of elections. The 126788
resolution shall specify the rate or amount of the tax and the 126789
number of years the tax will be levied or that the tax will be 126790
levied for a continuing period of time. The aggregate rate of 126791
tax levied by a regional student education district under this 126792
section at any time shall not exceed three mills per dollar of 126793
taxable value in the district. A tax levied under this section 126794
may be renewed, subject to section 5705.25 of the Revised Code, ~~or~~ 126795
~~or replaced as provided in section 5705.192 of the Revised Code.~~ 126796

(2) The resolution shall take effect immediately upon 126797
passage, and no publication of the resolution is necessary other 126798
than that provided in the notice of election. The resolution 126799
shall be certified and submitted in the manner provided under 126800
section 5705.25 of the Revised Code, and that section governs 126801

the arrangements governing submission of the question and other 126802
matters concerning the election. 126803

Sec. 5705.2113. The fiscal board of a qualifying 126804
partnership may declare that it is necessary to issue general 126805
obligation bonds for the purpose of acquiring classroom 126806
facilities and necessary appurtenances and to levy a tax in 126807
excess of the ten-mill limitation to pay debt charges on the 126808
bonds as provided in section 133.18 of the Revised Code, subject 126809
to the following: 126810

(A) The issuance of the bonds and the levy of the tax is 126811
subject to approval by a majority of the electors in the 126812
combined territory of all participating school districts, not 126813
necessarily by a majority of electors in each participating 126814
school district. 126815

(B) Before proposing the question of issuing bonds to the 126816
electors, the fiscal board shall obtain identical resolutions 126817
adopted by ~~a majority~~ two-thirds of the members of the board of 126818
education of each participating school district specifying all 126819
of the matters required by division (B) of section 133.18 of the 126820
Revised Code. 126821

(C) The maximum maturity of the bonds shall be fifteen 126822
years, notwithstanding section 133.20 of the Revised Code. 126823

(D) The bonds are Chapter 133. securities for the purposes 126824
of Chapter 133. of the Revised Code and other law applying to 126825
Chapter 133. securities, except as otherwise provided in this 126826
section. 126827

(E) The combined territory and tax valuation of all 126828
participating school districts is the territory and tax 126829
valuation of the subdivision for the purposes of that section. 126830

(F) The fiscal board is a "taxing authority" for the 126831
purposes of Chapter 133. of the Revised Code with respect to the 126832
tax and bonds authorized under this section, and the treasurer 126833
of the school district serving as the fiscal board is the fiscal 126834
officer for the purposes of that chapter. 126835

Sec. 5705.2114. (A) If the board of directors of a career- 126836
technical cooperative education district created under section 126837
3313.831 of the Revised Code desires to levy a tax in excess of 126838
the ten-mill limitation throughout the district for the purpose 126839
of funding the services to be provided by the district to 126840
students enrolled in the school districts of which the district 126841
is composed, the board shall propose the levy to each of the 126842
boards of education of those school districts. The proposal 126843
shall specify the rate or amount of the tax, the number of years 126844
the tax will be levied or that it will be levied for a 126845
continuing period of time, and that the aggregate rate of the 126846
tax shall not exceed three mills per dollar of taxable value in 126847
the career-technical cooperative education district. 126848

(B) (1) If a majority of the boards of education of the 126849
school districts of which the career-technical cooperative 126850
education district is composed approves the proposal for the tax 126851
levy, the board of directors of the career-technical cooperative 126852
education district may adopt a resolution approved by a majority 126853
of the board's full membership declaring the necessity of 126854
levying the proposed tax in excess of the ten-mill limitation 126855
throughout the district for the purpose of funding the services 126856
to be provided by the district to students enrolled in the 126857
school districts of which the district is composed. The 126858
resolution shall provide for the question of the tax to be 126859
submitted to the electors of the district at a general, primary, 126860
or special election on a day to be specified in the resolution 126861

that is consistent with the requirements of section 3501.01 of 126862
the Revised Code and that occurs at least ninety days after the 126863
resolution is certified to the board of elections. The 126864
resolution shall specify the rate or amount of the tax and the 126865
number of years the tax will be levied or that the tax will be 126866
levied for a continuing period of time. The aggregate rate of 126867
tax levied by a career-technical cooperative education district 126868
under this section at any time shall not exceed three mills per 126869
dollar of taxable value in the district. A tax levied under this 126870
section may be renewed, subject to section 5705.25 of the 126871
Revised Code, except that the tax may not be renewed and 126872
increased. 126873

(2) The resolution shall take effect immediately upon 126874
passage, and no publication of the resolution is necessary other 126875
than that provided in the notice of election. The resolution 126876
shall be certified and submitted in the manner provided under 126877
section 5705.25 of the Revised Code, and that section governs 126878
the arrangements governing submission of the question and other 126879
matters concerning the election. 126880

Sec. 5705.221. (A) At any time, the board of county 126881
commissioners of any county by a majority vote of the full 126882
membership may declare by resolution and certify to the board of 126883
elections of the county that the amount of taxes which may be 126884
raised within the ten-mill limitation by levies on the current 126885
tax duplicate will be insufficient to provide the necessary 126886
requirements of the county's alcohol, drug addiction, and mental 126887
health service district established pursuant to Chapter 340. of 126888
the Revised Code, or the county's contribution to a joint-county 126889
district of which the county is a part, and that it is necessary 126890
to levy a tax in excess of such limitation for the operation of 126891
community addiction services providers and community mental 126892

health services providers and the acquisition, construction, 126893
renovation, financing, maintenance, and operation of alcohol and 126894
drug addiction facilities and mental health facilities. 126895

Such resolution shall conform to section 5705.19 of the 126896
Revised Code, except that the increased rate may be in effect 126897
for any number of years not exceeding ten. 126898

The resolution shall be certified and submitted in the 126899
manner provided in section 5705.25 of the Revised Code, except 126900
that it may be placed on the ballot in any election, and except 126901
as otherwise provided in division (G) of this section. The 126902
resolution shall be certified to the board of elections not less 126903
than ninety days before the election at which it will be voted 126904
upon. 126905

If the majority of the electors voting on a levy to 126906
supplement general fund appropriations for the support of the 126907
comprehensive community addiction and mental health services 126908
providers vote in favor of the levy, the board may levy a tax 126909
within the county at the additional rate outside the ten-mill 126910
limitation during the specified period, for the purpose stated 126911
in the resolution. 126912

(B) When electors have approved a tax levy under this 126913
section, the board of county commissioners may anticipate a 126914
fraction of the proceeds of the levy and, from time to time, 126915
issue anticipation notes in accordance with section 5705.191 or 126916
5705.193 of the Revised Code. 126917

(C) The county auditor who is the fiscal officer of the 126918
alcohol, drug addiction, and mental health service district, 126919
upon receipt of a resolution from the board of alcohol, drug 126920
addiction, and mental health services, shall establish for the 126921

district a capital improvements account or a reserve balance 126922
account, or both, as specified in the resolution. The capital 126923
improvements account shall be a contingency fund for the 126924
necessary acquisition, replacement, renovation, or construction 126925
of facilities and movable and fixed equipment. Upon the request 126926
of the board, funds not needed to pay for current expenses may 126927
be appropriated to the capital improvements account, in amounts 126928
such that the account does not exceed twenty-five per cent of 126929
the replacement value of all capital facilities and equipment 126930
currently used by the board for programs and services. Other 126931
funds which are available for current capital expenses from 126932
federal, state, or local sources may also be appropriated to 126933
this account. 126934

The reserve balance account shall contain those funds that 126935
are not needed to pay for current operating expenses and not 126936
deposited in the capital improvements account but that will be 126937
needed to pay for operating expenses in the future. Upon the 126938
request of a board, such funds shall be appropriated to the 126939
reserve balance account. Payments from the capital improvements 126940
account and the reserve balance account shall be made by the 126941
county treasurer who is the custodian of funds for the district 126942
upon warrants issued by the county auditor who is the fiscal 126943
officer of the district pursuant to orders of the board. 126944

(D) If a board of county commissioners levies a tax under 126945
this section for the county's contribution to a joint-county 126946
district of which the county is a part, revenue from the tax 126947
shall only be expended for the benefit of the residents of the 126948
county. 126949

(E) If a board of county commissioners levies a tax under 126950
this section for the county's contribution to a joint-county 126951

district of which the county is a part and that district expands 126952
or contracts due to the addition or withdrawal of another 126953
county, the board, provided that county remains a part of the 126954
newly expanded or contracted joint-county district, shall 126955
continue to levy and collect that tax, pursuant to the terms 126956
originally approved by electors, for the county's contribution 126957
to the newly expanded or contracted joint-county district of 126958
which the county is a part. Notwithstanding ~~sections 5705.192-~~ 126959
~~and section 5705.25~~ of the Revised Code, the election notice and 126960
ballot language of a renewal ~~or replacement~~ of such a levy shall 126961
identify the name of the newly expanded or contracted joint- 126962
county district. 126963

(F) If a board of county commissioners levies a tax under 126964
this section for the county's contribution to a joint-county 126965
district of which the county is a part and the county withdraws 126966
from the district, the board shall continue to levy and collect 126967
that tax, pursuant to the terms originally approved by electors, 126968
for one of the following purposes, if either situation applies: 126969

(1) For the county's contribution to a newly joined joint- 126970
county district, if the county joins such a joint-county 126971
district in the tax year after the year in which the county 126972
withdraws from the other joint-county district; 126973

(2) To provide the necessary requirements of the county's 126974
alcohol, drug addiction, and mental health service district, if 126975
the county establishes such a district under Chapter 340. of the 126976
Revised Code in the tax year after the year in which the county 126977
withdraws from the joint-county district. 126978

Notwithstanding ~~sections 5705.192 and section 5705.25~~ of 126979
the Revised Code, the election notice and ballot language of a 126980
renewal ~~or replacement~~ of such a levy shall identify the name of 126981

the newly established district or newly joined joint-county district. 126982
126983

(G) Division (G) of this section applies only if all of 126984
the following apply: 126985

(1) The county withdraws from a joint-county district. 126986

(2) The board of alcohol, drug addiction, and mental 126987
health services of that joint-county district levies a tax under 126988
section 5705.19 of the Revised Code in the tax year for which 126989
the county withdraws from the joint-county district. 126990

(3) The board of county commissioners of the withdrawing 126991
county adopts a resolution under division (A) of this section 126992
proposing a tax under this section that specifies that the first 126993
tax year the tax is to be levied by the board is the tax year 126994
after the year the tax described in division (G) (2) of this 126995
section expires or is renewed ~~or replaced~~, as authorized under 126996
division (B) of section 340.01 of the Revised Code. 126997

The proposed tax described in division (G) (3) of this 126998
section may be a renewal, renewal and decrease, or renewal and 126999
increase of the tax described in division (G) (2) of this 127000
section, except that, notwithstanding section 5705.25 of the 127001
Revised Code, the election notice and ballot language of a 127002
renewal of such a levy shall identify the county as the 127003
subdivision within which the tax will be levied and not the 127004
joint-county district from which the county withdrew. 127005

~~Alternatively, the tax described in division (G) (3) of~~ 127006
~~this section may be a replacement, replacement and decrease, or~~ 127007
~~replacement and increase of the tax described in division (G) (2)~~ 127008
~~of this section, as authorized under section 5705.192 of the~~ 127009
~~Revised Code, except that, notwithstanding that section, the~~ 127010

~~election notice and ballot language of a replacement of such a~~ 127011
~~levy shall identify the county as the subdivision within which~~ 127012
~~the tax will be levied and not the joint-county district from~~ 127013
~~which the county withdrew.~~ 127014

Sec. 5705.222. (A) At any time the board of county 127015
commissioners of any county by a majority vote of the full 127016
membership may declare by resolution and certify to the board of 127017
elections of the county that the amount of taxes which may be 127018
raised within the ten-mill limitation by levies on the current 127019
tax duplicate will be insufficient to provide the necessary 127020
requirements of the county board of developmental disabilities 127021
established pursuant to Chapter 5126. of the Revised Code and 127022
that it is necessary to levy a tax in excess of such limitation 127023
for the operation of community programs and services authorized 127024
by county boards of developmental disabilities, for the 127025
acquisition, construction, renovation, financing, maintenance, 127026
and operation of developmental disabilities facilities, or for 127027
both of such purposes. 127028

The resolution shall conform to section 5705.19 of the 127029
Revised Code, except that the increased rate may be in effect 127030
for any number of years not exceeding ten or for a continuing 127031
period of time. 127032

The resolution shall be certified and submitted in the 127033
manner provided in section 5705.25 of the Revised Code, except 127034
that it may be placed on the ballot in any election, and shall 127035
be certified to the board of elections not less than ninety days 127036
before the election at which it will be voted upon. 127037

If the majority of the electors voting on a levy for the 127038
support of the programs and services of the county board of 127039
developmental disabilities vote in favor of the levy, the board 127040

of county commissioners may levy a tax within the county at the 127041
additional rate outside the ten-mill limitation during the 127042
specified or continuing period, for the purpose stated in the 127043
resolution. 127044

The county board of developmental disabilities, within its 127045
budget and with the approval of the board of county 127046
commissioners through annual appropriations, shall use the 127047
proceeds of a levy approved under this section or division (L) 127048
of section 5705.19 of the Revised Code solely for the purposes 127049
authorized by that section or division. 127050

A board of county commissioners that levies a tax under 127051
this section or for the purpose authorized by division (L) of 127052
section 5705.19 of the Revised Code, by a majority vote of the 127053
full membership, may adopt a resolution to renew such a levy, or 127054
renew two or more such levies as a single ballot question, in 127055
the manner provided by section 5705.25 of the Revised Code for 127056
the renewal of existing levies. The purpose of the renewal levy 127057
may be for any of the purposes authorized for a levy imposed 127058
under this section or division (L) of section 5705.19 of the 127059
Revised Code. The term of the renewal levy may be for any number 127060
of years not exceeding ten or for a continuing period of time. 127061

(B) When electors have approved a tax levy under this 127062
section, the county commissioners may anticipate a fraction of 127063
the proceeds of the levy and issue anticipation notes in 127064
accordance with section 5705.191 or 5705.193 of the Revised 127065
Code. 127066

(C) The county auditor, upon receipt of a resolution from 127067
the county board of developmental disabilities, shall establish 127068
a capital improvements account or a reserve balance account, or 127069
both, as specified in the resolution. The capital improvements 127070

account shall be a contingency account for the necessary 127071
acquisition, replacement, renovation, or construction of 127072
facilities and movable and fixed equipment. Upon the request of 127073
the county board of developmental disabilities, moneys not 127074
needed to pay for current expenses may be appropriated to this 127075
account, in amounts such that this account does not exceed 127076
twenty-five per cent of the replacement value of all capital 127077
facilities and equipment currently used by the county board of 127078
developmental disabilities for developmental disabilities 127079
programs and services. Other moneys available for current 127080
capital expenses from federal, state, or local sources may also 127081
be appropriated to this account. 127082

The reserve balance account shall contain those moneys 127083
that are not needed to pay for current operating expenses and 127084
not deposited in the capital improvements account but that will 127085
be needed to pay for operating expenses in the future. Upon the 127086
request of a county board of developmental disabilities, the 127087
board of county commissioners may appropriate county funds, 127088
including funds from federal and state sources, to the reserve 127089
balance account. 127090

The total balance in a reserve balance account shall not 127091
exceed forty per cent of the county board of developmental 127092
disabilities' expenditures for all services in the preceding 127093
calendar year. 127094

~~Amounts in a capital improvements account or reserve~~ 127095
~~balance account that are not in excess of the limitations~~ 127096
~~prescribed in this division shall be considered reasonable and~~ 127097
~~shall not be taken into consideration by the county budget~~ 127098
~~commission when determining whether to reduce the taxing~~ 127099
~~authority of a county under section 5705.32 of the Revised Code.~~ 127100

Sec. 5705.233. (A) As used in this section, "criminal justice facility" means any facility located within the county in which a tax is levied under this section and for which the board of commissioners of such county may make an appropriation under section 307.45 of the Revised Code.

(B) The board of county commissioners of any county, at any time, may declare by resolution that it may be necessary for the county to issue general obligation bonds for permanent improvements to a criminal justice facility, including the acquisition, construction, enlargement, renovation, or maintenance of such a facility. The resolution shall state all of the following:

(1) The necessity and purpose of the bond issue;

(2) The date of the general or special election at which the question shall be submitted to the electors;

(3) The amount, approximate date, estimated rate of interest, and maximum number of years over which the principal of the bonds may be paid;

(4) The necessity of levying a tax outside the ten-mill limitation to pay debt charges on the bonds and any anticipatory securities.

On adoption of the resolution, the board of county commissioners shall certify a copy of it to the county auditor. The county auditor promptly shall estimate and certify to the board the average annual property tax rate, expressed in mills for each one dollar of taxable value and in dollars for each one hundred thousand dollars of ~~the county auditor's appraised~~ market value, required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as

under division (C) of section 133.18 of the Revised Code. Except 127130
as provided in division (C) of this section, division (B) of 127131
section 5705.03 of the Revised Code does not apply to tax levy 127132
proceedings initiated under this section. 127133

(C) After receiving the county auditor's certification 127134
under division (B) of this section and, if applicable, section 127135
5705.03 of the Revised Code, the board of county commissioners 127136
may declare by resolution that the amount of taxes that can be 127137
raised within the ten-mill limitation will be insufficient to 127138
provide an adequate amount for the present and future criminal 127139
justice requirements of the county; that it is necessary to 127140
issue general obligation bonds of the county for permanent 127141
improvements to a criminal justice facility and to levy an 127142
additional tax in excess of the ten-mill limitation to pay debt 127143
charges on the bonds and any anticipatory securities; that it is 127144
necessary for a specified number of years or for a continuing 127145
period of time to levy additional taxes in excess of the ten- 127146
mill limitation to provide funds for the acquisition, 127147
construction, enlargement, renovation, maintenance, and 127148
financing of permanent improvements to such a criminal justice 127149
facility or to pay for operating expenses of the facility and 127150
other criminal justice services for which the board may make an 127151
appropriation under section 307.45 of the Revised Code, or both; 127152
and that the question of the bonds and taxes shall be submitted 127153
to the electors of the county at a general or special election, 127154
which shall not be earlier than ninety days after certification 127155
of the resolution to the board of elections, and the date of 127156
which shall be consistent with section 3501.01 of the Revised 127157
Code. The resolution shall specify all of the following: 127158

(1) The county auditor's estimate of the average annual 127159
property tax rate required throughout the stated maturity of the 127160

bonds to pay debt charges on the bonds; 127161

(2) The proposed rate of the tax, if any, for operating 127162
expenses and criminal justice services, the first year the tax 127163
will be levied, and the number of years it will be levied, or 127164
that it will be levied for a continuing period of time; 127165

(3) The proposed rate of the tax, if any, for permanent 127166
improvements to a criminal justice facility, the first year the 127167
tax will be levied, and the number of years it will be levied, 127168
or that it will be levied for a continuing period of time. 127169

The resolution shall go into immediate effect upon its 127170
passage, and no publication of it is necessary other than that 127171
provided in the notice of election, except that division (B) of 127172
section 5705.03 of the Revised Code applies if the resolution 127173
proposes an additional tax for operating expenses and criminal 127174
justice services or permanent improvements. The board of county 127175
commissioners shall certify, immediately after its adoption, a 127176
copy of the resolution, along with copies of the auditor's 127177
certifications under division (B) of this section or section 127178
5705.03 of the Revised Code, if applicable, and the board's 127179
resolution under division (B) of this section, to the board of 127180
elections. 127181

(D) The board of elections shall make the arrangements for 127182
the submission of the question proposed under division (C) of 127183
this section to the electors of the county, and the election 127184
shall be conducted, canvassed, and certified in the same manner 127185
as regular elections in the county for the election of county 127186
officers. The resolution shall be put before the electors as one 127187
ballot question, with a favorable vote indicating approval of 127188
the bond issue, the levy to pay debt charges on the bonds and 127189
any anticipatory securities, the operating expenses and criminal 127190

justice services levy, and the permanent improvements levy, as 127191
those levies may be proposed. The board of elections shall 127192
publish notice of the election in a newspaper of general 127193
circulation in the county once a week for two consecutive weeks, 127194
or as provided in section 7.16 of the Revised Code, before the 127195
election. If a board of elections operates and maintains a web 127196
site, that board also shall post notice of the election on its 127197
web site for thirty days before the election. The notice of 127198
election shall state all of the following: 127199

(1) The principal amount of the proposed bond issue; 127200

(2) The permanent improvements for which the bonds are to 127201
be issued; 127202

(3) The maximum number of years over which the principal 127203
of the bonds may be paid; 127204

(4) The estimated additional average annual property tax 127205
rate, expressed in mills for each one dollar of taxable value 127206
and in dollars for each one hundred thousand dollars of ~~the~~ 127207
~~county auditor's appraised market~~ value, to pay the debt charges 127208
on the bonds, as certified by the county auditor; 127209

(5) The proposed rate of the additional tax, if any, for 127210
operating expenses and criminal justice services; 127211

(6) The number of years the operating expenses or criminal 127212
justice services tax will be in effect, or that it will be in 127213
effect for a continuing period of time; 127214

(7) The proposed rate of the additional tax, if any, for 127215
permanent improvements; 127216

(8) The number of years the permanent improvements tax 127217
will be in effect, or that it will be in effect for a continuing 127218

period of time; 127219

(9) The estimated annual collections, if applicable, of 127220
the current operating expenses or criminal justice services levy 127221
and permanent improvements levy, as certified by the county 127222
auditor; 127223

(10) The time and place of the election. 127224

(E) The form of the ballot for an election under this 127225
section is as follows: 127226

"Shall _____ be authorized to do the following: 127227

(1) Issue bonds for the purpose of _____ in the 127228
principal amount of \$_____, to be repaid annually over a 127229
maximum period of _____ years, and levy a property tax outside 127230
the ten-mill limitation, estimated by the county auditor to 127231
average over the bond repayment period _____ mills for each \$1 127232
of taxable value, which amounts to \$_____ for each \$100,000 of 127233
~~the county auditor's appraised market~~ value, to pay the annual 127234
debt charges on the bonds, and to pay debt charges on any notes 127235
issued in anticipation of those bonds?" 127236

If either a levy for permanent improvements or a levy for 127237
operating expenses and criminal justice services is proposed, or 127238
both are proposed, the ballot also shall contain the following 127239
language, as appropriate: 127240

"(2) Levy an additional property tax to provide funds for 127241
the acquisition, construction, enlargement, renovation, 127242
maintenance, and financing of permanent improvements to a 127243
criminal justice facility, that the county auditor estimates 127244
will collect \$_____ annually, at a rate not exceeding _____ 127245
mills for each \$1 of taxable value, which amounts to \$_____ 127246
for each \$100,000 of ~~the county auditor's appraised market~~ 127247

value, for _____ (number of years of the levy, or a continuing 127248
period of time)? 127249

(3) Levy an additional property tax to pay operating 127250
expenses of a criminal justice facility and provide other 127251
criminal justice services, that the county auditor estimates 127252
will collect \$_____ annually, at a rate not exceeding _____ 127253
mills for each \$1 of taxable value, which amounts to \$_____ 127254
for each \$100,000 of ~~the county auditor's appraised market~~ 127255
value, for _____ (number of years of the levy, or a continuing 127256
period of time)? 127257

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 127258

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES) " 127259

(F) The board of elections promptly shall certify the 127260
results of the election to the tax commissioner and the county 127261
auditor. If a majority of the electors voting on the question 127262
vote for it, the board of county commissioners may proceed with 127263
issuance of the bonds and the levy and collection of the 127264
property tax for the debt service on the bonds and any 127265
anticipatory securities in the same manner and subject to the 127266
same limitations as for securities issued under section 133.18 127267
of the Revised Code, and with the levy and collection of the 127268
property tax or taxes for operating expenses and criminal 127269
justice services and for permanent improvements at the 127270
additional rate or any lesser rate in excess of the ten-mill 127271
limitation. Any securities issued by the board of commissioners 127272
under this section are Chapter 133. securities, as that term is 127273
defined in section 133.01 of the Revised Code. 127274

(G) (1) After the approval of a tax for operating expenses 127275
and criminal justice services under this section and before the 127276

time the first collection and distribution from the levy can be 127277
made, the board of county commissioners may anticipate a 127278
fraction of the proceeds of the levy and issue anticipation 127279
notes in a principal amount not exceeding fifty per cent of the 127280
total estimated proceeds of the tax to be collected during the 127281
first year of the levy. 127282

(2) After the approval of a tax under this section for 127283
permanent improvements to a criminal justice facility, the board 127284
of county commissioners may anticipate a fraction of the 127285
proceeds of the tax and issue anticipation notes in a principal 127286
amount not exceeding fifty per cent of the total estimated 127287
proceeds of the tax remaining to be collected in each year over 127288
a period of five years after issuance of the notes. 127289

Anticipation notes under this section shall be issued as 127290
provided in section 133.24 of the Revised Code. Notes issued 127291
under division (G) of this section shall have principal payments 127292
during each year after the year of their issuance over a period 127293
not to exceed five years, and may have a principal payment in 127294
the year of their issuance. 127295

(H) A tax for operating expenses and criminal justice 127296
services or for permanent improvements levied under this section 127297
for a specified number of years may be renewed ~~or replaced~~ in 127298
the same manner as a tax for current operating expenses or 127299
permanent improvements levied under section 5705.19 of the 127300
Revised Code. A tax levied under this section for a continuing 127301
period of time may be decreased in accordance with section 127302
5705.261 of the Revised Code. 127303

Sec. 5705.25. (A) (1) A copy of any resolution adopted as 127304
provided in section 5705.19 or 5705.2111 of the Revised Code 127305
shall be certified by the taxing authority to the board of 127306

elections of the proper county not less than ninety days before 127307
the general election in any year, and the board shall submit the 127308
proposal to the electors of the subdivision at the succeeding 127309
November election. In the case of a qualifying library levy, the 127310
board shall submit the question to the electors of the library 127311
district or association library district. 127312

(2) Except as otherwise provided in this division, a 127313
resolution to renew or to renew and increase or renew and 127314
decrease an existing levy, regardless of the section of the 127315
Revised Code under which the tax was imposed, shall not be 127316
placed on the ballot unless the question is submitted at the 127317
general election held during the last year the tax to be renewed 127318
may be extended on the real and public utility property tax list 127319
and duplicate, or at any election held in the ensuing year. The 127320
limitation of the foregoing sentence does not apply to a 127321
resolution to renew and increase or to renew and decrease an 127322
existing levy that was imposed under section 5705.191 of the 127323
Revised Code to supplement the general fund for the purpose of 127324
making appropriations for one or more of the following purposes: 127325
for public assistance, human or social services, relief, 127326
welfare, hospitalization, health, and support of general 127327
hospitals. The limitation of the second preceding sentence also 127328
does not apply to a resolution that proposes to renew two or 127329
more existing levies imposed under section 5705.222 or division 127330
(L) of section 5705.19 of the Revised Code, or under section 127331
5705.21 or 5705.217 of the Revised Code, in which case the 127332
question shall be submitted on the date of the general or 127333
primary election held during the last year at least one of the 127334
levies to be renewed may be extended on the real and public 127335
utility property tax list and duplicate, or at any election held 127336
during the ensuing year. A resolution proposing to renew or 127337

renew and increase or decrease an existing levy may specify that 127338
the renewal, increase, or decrease of the existing levy shall be 127339
extended on the tax list for the tax year specified in the 127340
resolution, which may be the last year the existing levy may be 127341
extended on the list or the ensuing year. If the renewal, 127342
increase, or decrease is to be extended on the tax list for the 127343
last tax year the existing levy would otherwise be extended, the 127344
existing levy shall not be extended on the tax list for that 127345
last year unless the question of the renewal, increase, or 127346
decrease is not approved by a majority of electors voting on the 127347
question, in which case the existing levy shall be extended on 127348
the tax list for that last year. 127349

For purposes of this section, a levy shall be considered 127350
to be an "existing levy" through the year following the last 127351
year it can be placed on the tax list and duplicate. 127352

(3) The board of elections shall make the necessary 127353
arrangements for the submission of such questions to the 127354
electors of such subdivision, library district, or association 127355
library district, and the election shall be conducted, 127356
canvassed, and certified in the same manner as regular elections 127357
in such subdivision, library district, or association library 127358
district for the election of county officers. Notice of the 127359
election shall be published in a newspaper of general 127360
circulation in the subdivision, library district, or association 127361
library district once a week for two consecutive weeks, or as 127362
provided in section 7.16 of the Revised Code, prior to the 127363
election. If the board of elections operates and maintains a web 127364
site, the board of elections shall post notice of the election 127365
on its web site for thirty days prior to the election. The 127366
notice shall state the purpose, the levy's estimated annual 127367
collections if the levy is not to pay debt charges, the proposed 127368

increase in rate, expressed in mills for each one dollar of 127369
taxable value, either that rate or the effective rate, as 127370
applicable, expressed in dollars for each one hundred thousand 127371
dollars of ~~the county auditor's appraised market~~ value, the 127372
number of years during which the increase will be in effect, the 127373
first month and year in which the tax will be levied, and the 127374
time and place of the election. 127375

(B) The form of the ballots cast at an election held 127376
pursuant to division (A) of this section shall be as follows: 127377

"An additional tax for the benefit of (name of subdivision 127378
or public library) _____ for the purpose of (purpose stated 127379
in the resolution) _____, that the county auditor estimates 127380
will collect \$_____ annually, at a rate not exceeding _____ 127381
mills for each \$1 of taxable value, which amounts to 127382
\$_____ for each \$100,000 of ~~the county auditor's~~ 127383
~~appraised market~~ value, for _____ (life of indebtedness or 127384
number of years the levy is to run). 127385

	For the Tax Levy
	Against the Tax Levy

"

(C) If the levy is to be in effect for a continuing period 127387
of time, the notice of election and the form of ballot shall so 127388
state instead of setting forth a specified number of years for 127389
the levy. 127390

If the additional tax or the renewal, increase, or 127391
decrease of an existing levy is to be placed on the current tax 127392
list, the form of the ballot shall be modified by adding, after 127393
the statement of the number of years the levy is to run, the 127394

phrase ", commencing in _____ (first year the tax is to be 127395
levied), first due in calendar year _____ (first calendar 127396
year in which the tax shall be due)." 127397

If the levy submitted is a proposal to renew, increase, or 127398
decrease an existing levy, the form of the ballot specified in 127399
division (B) of this section must be changed by substituting for 127400
the words "An additional" at the beginning of the form, the 127401
words "A renewal of a" in case of a proposal to renew an 127402
existing levy in the same amount; the words "A renewal of 127403
_____ mills and an increase of _____ mills for each \$1 of 127404
taxable value to constitute a" in the case of an increase; or 127405
the words "A renewal of part of an existing levy, being a 127406
reduction of _____ mills for each \$1 of taxable value, to 127407
constitute a" in the case of a decrease in the proposed levy. 127408
Additionally, the effective rate, in lieu of the rate, shall be 127409
expressed for each one hundred thousand dollars of ~~the county~~ 127410
~~auditor's appraised market~~ value. 127411

If the levy submitted is a proposal to renew two or more 127412
existing levies imposed under section 5705.222 or division (L) 127413
of section 5705.19 of the Revised Code, or under section 5705.21 127414
or 5705.217 of the Revised Code, the form of the ballot 127415
specified in division (B) of this section shall be modified by 127416
substituting for the words "an additional tax" the words "a 127417
renewal of ____ (insert the number of levies to be renewed) 127418
existing taxes." 127419

If the levy submitted is a levy under section 5705.72 of 127420
the Revised Code or a proposal to renew, increase, or decrease 127421
an existing levy imposed under that section, the name of the 127422
subdivision shall be "the unincorporated area of _____ 127423
(name of township)." 127424

If the levy is for the payment of debt charges, the form 127425
of the ballot shall be modified by omitting the phrase ", that 127426
the county auditor estimates will collect \$_____ annually." 127427

The question covered by a resolution adopted under this 127428
section shall be submitted as a separate proposition but may be 127429
printed on the same ballot with any other proposition submitted 127430
at the same election, other than the election of officers. More 127431
than one such question may be submitted at the same election. 127432

(D) A levy voted in excess of the ten-mill limitation 127433
under this section shall be certified to the tax commissioner. 127434
In the first year of the levy, it shall be extended on the tax 127435
lists after the February settlement succeeding the election. If 127436
the additional tax is to be placed upon the tax list of the 127437
current year, as specified in the resolution providing for its 127438
submission, the result of the election shall be certified 127439
immediately after the canvass by the board of elections to the 127440
taxing authority, who shall make the necessary levy and certify 127441
it to the county auditor, who shall extend it on the tax lists 127442
for collection. After the first year, the tax levy shall be 127443
included in the annual tax budget that is certified to the 127444
county budget commission. 127445

(E) A tax levied under section 5705.2111 of the Revised 127446
Code shall not be renewed and increased. 127447

Sec. 5705.251. (A) A copy of a resolution adopted under 127448
section 5705.212 or 5705.213 of the Revised Code shall be 127449
certified by the board of education to the board of elections of 127450
the proper county not less than ninety days before the date of 127451
the election specified in the resolution, and the board of 127452
elections shall submit the proposal to the electors of the 127453
school district at a special election to be held on that date. 127454

The board of elections shall make the necessary arrangements for 127455
the submission of the question or questions to the electors of 127456
the school district, and the election shall be conducted, 127457
canvassed, and certified in the same manner as regular elections 127458
in the school district for the election of county officers. 127459
Notice of the election shall be published in a newspaper of 127460
general circulation in the subdivision once a week for two 127461
consecutive weeks, or as provided in section 7.16 of the Revised 127462
Code, prior to the election. If the board of elections operates 127463
and maintains a web site, the board of elections shall post 127464
notice of the election on its web site for thirty days prior to 127465
the election. 127466

(1) In the case of a resolution adopted under section 127467
5705.212 of the Revised Code, the notice shall state separately, 127468
for each tax being proposed, the purpose; the proposed increase 127469
in rate, expressed in dollars for each one hundred thousand 127470
dollars of ~~the county auditor's appraised market~~ value as well 127471
as in mills for each one dollar of taxable value; the number of 127472
years during which the increase will be in effect; and the first 127473
calendar year in which the tax will be due. The notice shall 127474
also state the original tax's estimated annual collections and 127475
the estimated aggregate annual collections of all such taxes. 127476
For an election on the question of a renewal levy, the notice 127477
shall state the purpose; the levy's estimated annual 127478
collections; the proposed rate, expressed in mills for each one 127479
dollar of taxable value; the effective rate, expressed in 127480
dollars for each one hundred thousand dollars of ~~the county~~ 127481
~~auditor's appraised market~~ value; and the number of years the 127482
tax will be in effect. If the resolution is adopted under 127483
division (C) of that section, the rate of each tax being 127484
proposed shall be expressed as both the total rate and the 127485

portion of the total rate to be allocated to the qualifying 127486
school district and the portion to be allocated to partnering 127487
community schools. 127488

(2) In the case of a resolution adopted under section 127489
5705.213 of the Revised Code, the notice shall state the 127490
purpose; the amount proposed to be raised by the tax in the 127491
first year it is levied; the estimated average additional tax 127492
rate for the first year it is proposed to be levied, expressed 127493
in mills for each one dollar of taxable value and in dollars for 127494
each one hundred thousand dollars of ~~the county auditor's~~ 127495
~~appraised market~~ value; the number of years during which the 127496
increase will be in effect; and the first calendar year in which 127497
the tax will be due. The notice also shall state the amount by 127498
which the amount to be raised by the tax may be increased in 127499
each year after the first year. The amount of the allowable 127500
increase may be expressed in terms of a dollar increase over, or 127501
a percentage of, the amount raised by the tax in the immediately 127502
preceding year. For an election on the question of a renewal 127503
levy, the notice shall state the purpose; the amount proposed to 127504
be raised by the tax; the estimated tax rate, expressed in mills 127505
for each one dollar of taxable value and in dollars for each one 127506
hundred thousand dollars of ~~the county auditor's appraised~~ 127507
~~market~~ value; and the number of years the tax will be in effect. 127508

In any case, the notice also shall state the time and 127509
place of the election. 127510

(B) (1) The form of the ballot in an election on taxes 127511
proposed under section 5705.212 of the Revised Code shall be as 127512
follows: 127513

"Shall the _____ school district be authorized to 127514
levy taxes for current expenses, the aggregate rate of which may 127515

increase in _____ (number) increment(s) of not more than _____ 127516
mill(s) for each \$1 of taxable value, from an original rate of 127517
_____ mill(s) for each \$1 of taxable value, which amounts to 127518
\$_____ for each \$100,000 of ~~the county auditor's appraised~~ 127519
~~market value~~, that the county auditor estimates will collect 127520
\$_____ annually, to a maximum rate of _____ mill(s) for each \$1 127521
of taxable value, which amounts to \$_____ for each \$100,000 of 127522
~~the county auditor's appraised market value~~, that the county 127523
auditor estimates will collect \$_____ annually? The original tax 127524
is first proposed to be levied in _____ (the first year of the 127525
tax), and the incremental tax in _____ (the first year of the 127526
increment) (if more than one incremental tax is proposed in the 127527
resolution, the first year that each incremental tax is proposed 127528
to be levied shall be stated in the preceding format, and the 127529
increments shall be referred to as the first, second, third, or 127530
fourth increment, depending on their number). The aggregate rate 127531
of tax so authorized will _____ (insert either, "expire 127532
with the original rate of tax which shall be in effect for 127533
_____ years" or "be in effect for a continuing period of 127534
time"). 127535
127536

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district 127537
under division (C) (1) of section 5705.212 of the Revised Code, 127538
the form of the ballot shall be modified by adding, after the 127539
phrase "each \$1 of taxable value," the following: "(of which 127540
_____ mills is to be allocated to partnering community 127541
schools)." 127542

(2) The form of the ballot in an election on the question 127543
of a renewal levy under section 5705.212 of the Revised Code 127544
shall be as follows: 127545

"Shall the _____ school district be authorized to 127546
renew a tax for current expenses, that the county auditor 127547
estimates will collect \$_____ annually, at a rate not exceeding 127548
_____ mills for each \$1 of taxable value, which amounts to 127549
\$_____ (effective rate) for each \$100,000 of ~~the county~~ 127550
~~auditor's appraised market~~ value, for _____ (number of 127551
years the levy shall be in effect, or a continuing period of 127552
time)? 127553
127554

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district 127555
under division (C) (2) of section 5705.212 of the Revised Code 127556
and the total rate and the rates allocated to the school 127557
district and partnering community schools are to remain the same 127558
as those of the levy being renewed, the form of the ballot shall 127559
be modified by adding, after the phrase "each \$1 of taxable 127560
value," the following: "(of which _____ mills is to be 127561
allocated to partnering community schools)." If the total rate 127562
is to be increased, the form of the ballot shall state that the 127563
proposal is to renew the existing tax with an increase in rate 127564
and shall state the increase in rate, the total rate resulting 127565
from the increase, and, of that rate, the portion of the rate to 127566
be allocated to partnering community schools. If the total rate 127567
is to be decreased, the form of the ballot shall state that the 127568
proposal is to renew a part of the existing tax and shall state 127569

the reduction in rate, the total rate resulting from the 127570
decrease, and, of that rate, the portion of the rate to be 127571
allocated to partnering community schools. 127572

(3) If a tax proposed by a ballot form prescribed in 127573
division (B) (1) or (2) of this section is to be placed on the 127574
current tax list, the form of the ballot shall be modified by 127575
adding, after the statement of the number of years the levy is 127576
to be in effect, the phrase ", commencing in _____ (first 127577
year the tax is to be levied), first due in calendar year 127578
_____ (first calendar year in which the tax shall be due)." 127579

(C) The form of the ballot in an election on a tax 127580
proposed under section 5705.213 of the Revised Code shall be as 127581
follows: 127582

"Shall the _____ school district be authorized to levy 127583
the following tax for current expenses? The tax will first be 127584
levied in _____ (year) to raise \$_____. In the _____ (number 127585
of years) following years, the tax will increase by not more 127586
than _____ (per cent or dollar amount of increase) each year, 127587
so that, during _____ (last year of the tax), the tax will 127588
raise approximately _____ (dollars). The county auditor 127589
estimates that the rate will be _____ mill(s) for each \$1 of 127590
taxable value, which amounts to \$_____ for each \$100,000 of ~~the~~ 127591
~~county auditor's appraised market~~ value, both during _____ 127592
(first year of the tax) and _____ mill(s) for each \$1 of 127593
taxable value, which amounts to \$_____ for each \$100,000 of ~~the~~ 127594
~~county auditor's appraised market~~ value, during _____ (last 127595
year of the tax). The tax will not be levied after _____ 127596
(year). 127597
127598

	FOR THE TAX LEVIES
--	--------------------

	AGAINST THE TAX LEVIES	"
--	------------------------	---

The form of the ballot in an election on the question of a
renewal levy under section 5705.213 of the Revised Code shall be
as follows:

"Shall the _____ school district be authorized to
renew a tax for current expenses which will raise \$_____,
estimated by the county auditor to be _____ mills for each
\$1 of taxable value, which amounts to \$_____ for each
\$100,000 of ~~the county auditor's appraised market~~ value? The tax
shall be in effect for _____ (the number of years the levy
shall be in effect, or a continuing period of time).

	FOR THE TAX LEVIES	
	AGAINST THE TAX LEVIES	"

If the tax is to be placed on the current tax list, the
form of the ballot shall be modified by adding, after the
statement of the number of years the levy is to be in effect,
the phrase ", commencing in _____ (first year the tax is to
be levied), first due in calendar year _____ (first
calendar year in which the tax shall be due)."

(D) The question covered by a resolution adopted under
section 5705.212 or 5705.213 of the Revised Code shall be
submitted as a separate question, but may be printed on the same
ballot with any other question submitted at the same election,
other than the election of officers. More than one question may
be submitted at the same election.

(E) Taxes voted in excess of the ten-mill limitation under

division (B) or (C) of this section shall be certified to the 127623
tax commissioner. If an additional tax is to be placed upon the 127624
tax list of the current year, as specified in the resolution 127625
providing for its submission, the result of the election shall 127626
be certified immediately after the canvass by the board of 127627
elections to the board of education. The board of education 127628
immediately shall make the necessary levy and certify it to the 127629
county auditor, who shall extend it on the tax list for 127630
collection. After the first year, the levy shall be included in 127631
the annual tax budget that is certified to the county budget 127632
commission. 127633

Sec. 5705.261. (A) The question of decrease of an 127634
increased rate of levy approved for a continuing period of time 127635
by the voters of a subdivision or, in the case of a qualifying 127636
library levy, the voters of the library district or association 127637
library district, may be initiated by the filing of a petition 127638
with the board of elections of the proper county not less than 127639
ninety days before the general election in any year requesting 127640
that an election be held on such question. Such petition shall 127641
state the amount of the proposed decrease in the rate of levy 127642
and shall be signed by qualified electors residing in the 127643
subdivision, library district, or association library district 127644
equal in number to at least ten per cent of the total number of 127645
votes cast in the subdivision, library district, or association 127646
library district for the office of governor at the most recent 127647
general election for that office. Only one such petition may be 127648
filed during each five-year period following the election at 127649
which the voters approved the increased rate for a continuing 127650
period of time. 127651

After determination by it that such petition is valid, the 127652
board of elections shall do both of the following: 127653

(1) Request that the county auditor certify to the board, 127654
in the same manner as required for a tax levy under section 127655
5705.03 of the Revised Code, an estimate of the levy's annual 127656
collections and the levy's effective rate in both the last year 127657
before the proposed decrease and the first year that the 127658
decrease applies, stated in dollars, rounded to the nearest 127659
dollar, for each one hundred thousand dollars of ~~the county~~ 127660
~~auditor's appraised market~~ value. If the subdivision, library 127661
district, or association library district is located in more 127662
than one county, the county auditor shall obtain from the county 127663
auditor of each other county in which the subdivision or 127664
district is located the tax valuation applicable to the portion 127665
of the subdivision or district in that county. 127666

The county auditor shall certify such information to the 127667
board of elections within ten days after receiving the board's 127668
request. 127669

(2) Submit the question to the electors of the 127670
subdivision, library district, or association library district 127671
at the succeeding general election pursuant to division (B) of 127672
this section. 127673

(B) The election shall be conducted, canvassed, and 127674
certified in the same manner as regular elections in such 127675
subdivision, library district, or association library district 127676
for county offices. Notice of the election shall be published in 127677
a newspaper of general circulation in the district once a week 127678
for two consecutive weeks, or as provided in section 7.16 of the 127679
Revised Code, prior to the election. If the board of elections 127680
operates and maintains a web site, the board of elections shall 127681
post notice of the election on its web site for thirty days 127682
prior to the election. The notice shall state the purpose, the 127683

levy's estimated annual collections, the amount of the proposed 127684
decrease in rate, expressed in mills for each one dollar of 127685
taxable value, the effective rate of the levy in the year before 127686
the proposed decrease and the first year that the decrease 127687
applies, both expressed in dollars for each one hundred thousand 127688
dollars of ~~the county auditor's appraised~~ market value, and the 127689
time and place of the election. The form of the ballot cast at 127690
such election shall be prescribed by the secretary of state but 127691
must include all information required to be included in the 127692
notice. The question covered by the petition shall be submitted 127693
as a separate proposition but it may be printed on the same 127694
ballot with any other propositions submitted at the same 127695
election other than the election of officers. If a majority of 127696
the qualified electors voting on the question of a decrease at 127697
such election approve the proposed decrease in rate, the result 127698
of the election shall be certified immediately after the canvass 127699
by the board of elections to the appropriate taxing authority, 127700
which shall thereupon, after the current year, cease to levy 127701
such increased rate or levy such tax at such reduced rate upon 127702
the tax list of the subdivision, library district, or 127703
association library district. If notes have been issued in 127704
anticipation of the collection of such levy, the taxing 127705
authority shall continue to levy and collect under authority of 127706
the election authorizing the original levy such amounts as will 127707
be sufficient to pay the principal of and interest on such 127708
anticipation notes as the same fall due. 127709

In the case of a levy for the current expenses of a 127710
qualifying school district and of partnering community schools 127711
imposed under section 5705.192, as it existed before the 127712
effective date of this amendment, division (B) of section 127713
5705.21, division (C) of section 5705.212, or division (J) of 127714

section 5705.218 of the Revised Code for a continuing period of 127715
time, the rate allocated to the school district and to 127716
partnering community schools shall each be decreased by a number 127717
of mills per dollar that is proportionate to the decrease in the 127718
rate of the levy in proportion to the rate at which the levy was 127719
imposed before the decrease. 127720

Sec. 5705.27. There is hereby created in each county a 127721
county budget commission consisting of the county auditor, the 127722
county treasurer, and the prosecuting attorney. Upon petition 127723
filed with the board of elections, signed by the number of 127724
electors of the county equal in amount to three per cent of the 127725
total number of votes cast for governor at the most recent 127726
election therefor, there shall be submitted to the electors of 127727
the county at the next general election occurring not sooner 127728
than ninety days after the filing of the petition, the question 127729
"Shall the county budget commission consist of two additional 127730
members to be elected from the county?" Provision shall be made 127731
on the ballot for the election from the county at large of two 127732
additional members of the county budget commission who shall be 127733
electors of the county if a majority of the electors voting on 127734
the question shall have voted in the affirmative. In such 127735
counties, where the electors have voted in the affirmative, the 127736
county budget commission shall consist of such two elected 127737
members in addition to the county auditor, the county treasurer 127738
and the prosecuting attorney. Such members, who shall not hold 127739
any other public office, shall serve for a term of four years. 127740
~~The~~ 127741

The commission shall meet at the office of the county 127742
auditor in each county on the first Monday in February and on 127743
the first Monday in August, annually, and shall complete its 127744
work on or before the first day of September, annually, unless 127745

for good cause the tax commissioner extends the time for 127746
completing the work. The commission shall offer, during at least 127747
one public meeting annually, testimony from a member of the 127748
commission or an invited speaker describing the concept and 127749
function of taxes levied within the ten-mill limitation, how 127750
such taxes are allocated to various jurisdictions in the county, 127751
and the fiscal impact of such taxes in light of its exemption 127752
from the reduction authorized under section 319.301 of the 127753
Revised Code. A majority of members shall constitute a quorum, 127754
provided that no action of the commission shall be valid unless 127755
agreed to by a majority of the members of the commission. The 127756
auditor shall be the secretary of the commission and shall keep 127757
a full and accurate record of all proceedings. The auditor shall 127758
appoint such messengers and clerks as the commission deems 127759
necessary, and the budget commissioners shall be allowed their 127760
actual and necessary expenses. The elected members of the 127761
commission shall also receive twenty dollars for each day in 127762
attendance at commission meetings and in discharge of official 127763
duties. Any vacancy among such elected members shall be filled 127764
by the presiding judge of the court of common pleas. In 127765
adjusting the rates of taxation and fixing the amount of taxes 127766
to be levied each year, the commissioners shall be governed by 127767
the amount of the taxable property shown on the auditor's tax 127768
list for the current year; provided that if the auditor's tax 127769
list has not been completed, the auditor shall estimate, as 127770
nearly as practicable, the amount of the taxable property for 127771
such year, and such officers shall be governed by such estimate. 127772

In any county in which two members of the commission are 127773
elected, upon petition filed with the board of elections, signed 127774
by the number of electors of the county equal in amount to three 127775
per cent of the votes cast for governor at the most recent 127776

election therefor, there shall be submitted to the electors of 127777
the county at the next general election occurring not sooner 127778
than ninety days after the filing of the petition, the question 127779
"Shall the elected members be eliminated from the county budget 127780
commission?" If the majority of the electors voting thereon 127781
shall have voted in the affirmative, the county budget 127782
commission shall consist solely of the county auditor, the 127783
county treasurer, and the prosecuting attorney. 127784

Sec. 5705.29. This section does not apply to a subdivision 127785
or taxing unit for which the county budget commission has waived 127786
the requirement to adopt a tax budget pursuant to section 127787
5705.281 of the Revised Code. The tax budget shall present the 127788
following information in such detail as is prescribed by the 127789
auditor of state: 127790

(A) (1) A statement of the necessary current operating 127791
expenses for the ensuing fiscal year for each department and 127792
division of the subdivision, classified as to personal services 127793
and other expenses, and the fund from which such expenditures 127794
are to be made. Except in the case of a school district, this 127795
estimate may include a contingent expense not designated for any 127796
particular purpose, and not to exceed three per cent of the 127797
total amount of appropriations for current expenses. In the case 127798
of a school district, this estimate may include a contingent 127799
expense not designated for any particular purpose and not to 127800
exceed thirteen per cent of the total amount of appropriations 127801
for current expenses. 127802

(2) A statement of the expenditures for the ensuing fiscal 127803
year necessary for permanent improvements, exclusive of any 127804
expense to be paid from bond issues, classified as to the 127805
improvements contemplated by the subdivision and the fund from 127806

which such expenditures are to be made; 127807

(3) The amounts required for the payment of final 127808
judgments; 127809

(4) A statement of expenditures for the ensuing fiscal 127810
year necessary for any purpose for which a special levy is 127811
authorized, and the fund from which such expenditures are to be 127812
made; 127813

(5) Comparative statements, so far as possible, in 127814
parallel columns of corresponding items of expenditures for the 127815
current fiscal year and the two preceding fiscal years. 127816

(B) (1) An estimate of receipts from other sources than the 127817
general property tax during the ensuing fiscal year, which shall 127818
include an estimate of unencumbered balances at the end of the 127819
current fiscal year, and the funds to which such estimated 127820
receipts are credited; 127821

(2) The amount each fund requires from the general 127822
property tax, which shall be the difference between the 127823
contemplated expenditure from the fund and the estimated 127824
receipts, as provided in this section. The section of the 127825
Revised Code under which the tax is authorized shall be set 127826
forth. 127827

(3) Comparative statements, so far as possible, in 127828
parallel columns of taxes and other revenues for the current 127829
fiscal year and the two preceding fiscal years; 127830

(4) Comparative statements, so far as possible, in 127831
parallel columns of all funds in control of the subdivision for 127832
the current fiscal year and the two preceding fiscal years not 127833
already included in the tax budget pursuant to divisions (B) (1) 127834
to (3) of this section. 127835

(C) (1) The amount required for debt charges; 127836

(2) The estimated receipts from sources other than the tax 127837
levy for payment of such debt charges, including the proceeds of 127838
refunding bonds to be issued to refund bonds maturing in the 127839
next succeeding fiscal year; 127840

(3) The net amount for which a tax levy shall be made, 127841
classified as to bonds authorized and issued prior to January 1, 127842
1922, and those authorized and issued subsequent to such date, 127843
and as to what portion of the levy will be within and what in 127844
excess of the ten-mill limitation. 127845

(D) An estimate of amounts from taxes authorized to be 127846
levied in excess of the ten-mill limitation on the tax rate, and 127847
the fund to which such amounts will be credited, together with 127848
the sections of the Revised Code under which each such tax is 127849
exempted from all limitations on the tax rate. 127850

(E) (1) A board of education may include in its budget for 127851
the fiscal year in which a levy proposed under section 5705.194, 127852
5705.199, 5705.21, 5705.213, or 5705.219, a property tax levy 127853
proposed under section 5748.09, or the original levy under 127854
section 5705.212 of the Revised Code is first extended on the 127855
tax list and duplicate an estimate of expenditures to be known 127856
as a voluntary contingency reserve balance, which shall not be 127857
greater than twenty-five per cent of the total amount of the 127858
levy estimated to be available for appropriation in such year. 127859

(2) A board of education may include in its budget for the 127860
fiscal year following the year in which a levy proposed under 127861
section 5705.194, 5705.199, 5705.21, 5705.213, or 5705.219, a 127862
property tax levy proposed under section 5748.09, or the 127863
original levy under section 5705.212 of the Revised Code is 127864

first extended on the tax list and duplicate an estimate of 127865
expenditures to be known as a voluntary contingency reserve 127866
balance, which shall not be greater than twenty per cent of the 127867
amount of the levy estimated to be available for appropriation 127868
in such year. 127869

(3) Except as provided in division (E) (4) of this section, 127870
the full amount of any reserve balance the board includes in its 127871
budget shall be retained by the county auditor and county 127872
treasurer out of the first semiannual settlement of taxes until 127873
the beginning of the next succeeding fiscal year, and thereupon, 127874
with the depository interest apportioned thereto, it shall be 127875
turned over to the board of education, to be used for the 127876
purposes of such fiscal year. 127877

(4) A board of education, by a two-thirds vote of all 127878
members of the board, may appropriate any amount withheld as a 127879
voluntary contingency reserve balance during the fiscal year for 127880
any lawful purpose, provided that prior to such appropriation 127881
the board of education has authorized the expenditure of all 127882
amounts appropriated for contingencies under section 5705.40 of 127883
the Revised Code. Upon request by the board of education, the 127884
county auditor shall draw a warrant on the district's account in 127885
the county treasury payable to the district in the amount 127886
requested. 127887

~~(F) Except as otherwise provided in this division, the 127888~~
~~county budget commission shall not reduce the taxing authority 127889~~
~~of a subdivision as a result of the creation of a reserve 127890~~
~~balance account. Except as otherwise provided in this division, 127891~~
~~the county budget commission shall not consider the amount in a 127892~~
~~reserve balance account of a township, county, or municipal 127893~~
~~corporation as an unencumbered balance or as revenue for the 127894~~

~~purposes of division (E) (3) or (4) of section 5747.51 of the~~ 127895
~~Revised Code. The county budget commission may require~~ 127896
~~documentation of the reasonableness of the reserve balance held~~ 127897
~~in any reserve balance account. The commission shall consider~~ 127898
~~any amount in a reserve balance account that it determines to be~~ 127899
~~unreasonable as unencumbered and as revenue for the purposes of~~ 127900
~~section 5747.51 of the Revised Code and may take such amounts~~ 127901
~~into consideration when determining whether to reduce the taxing~~ 127902
~~authority of a subdivision.~~ 127903

Sec. 5705.31. The county auditor shall present to the 127904
county budget commission the annual tax budgets submitted under 127905
sections 5705.01 to 5705.47 of the Revised Code, together with 127906
an estimate prepared by the auditor of the amount of any state 127907
levy, the rate of any school tax levy as previously determined, 127908
the tax commissioner's estimate of the amount to be received in 127909
the county public library fund, the tax rates provided under 127910
section 5705.281 of the Revised Code if adoption of the tax 127911
budget was waived under that section, and such other information 127912
as the commission requests or the tax commissioner prescribes. 127913
The budget commission shall examine such budget and ascertain 127914
the total amount proposed to be raised in the county for the 127915
purposes of each subdivision and other taxing units in the 127916
county. 127917

The commission shall ascertain that the following levies 127918
have been properly authorized and, if so authorized, shall 127919
approve them without modification: 127920

(A) All levies in excess of the ten-mill limitation in the 127921
first year they are levied, unless the levy is the renewal of an 127922
existing tax; 127923

(B) All levies for debt charges ~~not provided for by levies~~ 127924

~~in excess of the ten-mill limitation~~, including levies necessary 127925
to pay notes issued for emergency purposes; 127926

(C) The levies prescribed by division (B) of sections 127927
742.33 and 742.34 of the Revised Code; 127928

(D) Except as otherwise provided in this division, a 127929
minimum levy within the ten-mill limitation for the current 127930
expense and debt service of each subdivision or taxing unit, 127931
which shall equal two-thirds of the average levy for current 127932
expenses and debt service allotted within the fifteen-mill 127933
limitation to such subdivision or taxing unit during the last 127934
five years the fifteen-mill limitation was in effect unless such 127935
subdivision or taxing unit requests an amount requiring a lower 127936
rate. Except as provided in section 5705.312 of the Revised 127937
Code, if the levies required in divisions (B) and (C) of this 127938
section for the subdivision or taxing unit equal or exceed the 127939
entire minimum levy of the subdivision as fixed, the minimum 127940
levies of the other subdivisions or taxing units shall be 127941
reduced by the commission to provide for the levies and an 127942
operating levy for the subdivision. Such additional levy shall 127943
be deducted from the minimum levies of each of the other 127944
subdivisions or taxing units, but the operating levy for a 127945
school district shall not be reduced below a figure equivalent 127946
to forty-five per cent of the millage available within the ten- 127947
mill limitation after all the levies in divisions (B) and (C) of 127948
this section have been provided for. 127949

If a municipal corporation and a township have entered 127950
into an annexation agreement under section 709.192 of the 127951
Revised Code in which they agree to reallocate their shares of 127952
the minimum levies established under this division and if that 127953
annexation agreement is submitted along with the annual tax 127954

budget of both the township and the municipal corporation, then, 127955
when determining the minimum levy under this division, the 127956
auditor shall allocate, to the extent possible, the minimum levy 127957
for that municipal corporation and township in accordance with 127958
their annexation agreement. 127959

~~(E) The levies prescribed by section 3709.29 of the~~ 127960
~~Revised Code.~~ 127961

Divisions (A) to ~~(E)~~ (D) of this section are mandatory, 127962
and commissions shall be without discretion to reduce such 127963
~~minimum levies except as provided in such divisions~~ section 127964
5705.316 of the Revised Code. 127965

If any debt charge is omitted from the budget, the 127966
commission shall include it therein. 127967

Sec. 5705.314. (A) If the board of education of a city, 127968
local, or exempted village school district proposes to change 127969
its levy within the ten-mill limitation in a manner that will 127970
result in an increase in the amount of real property taxes 127971
levied by the board in the tax year the change takes effect, the 127972
board shall hold a public hearing solely on the proposal and 127973
obtain approval from the county budget commission of each county 127974
in which the district has territory before adopting a resolution 127975
to implement the proposal. 127976

~~The~~ (B) Before holding the board of education hearing 127977
required by division (A) of this section, the board shall 127978
publish notice of the hearing in a newspaper of general 127979
circulation in the school district once a week for two 127980
consecutive weeks or as provided in section 7.16 of the Revised 127981
Code. The second publication shall be not less than ten nor more 127982
than thirty days before the date of the hearing, and the notice 127983

shall include the date, time, place, and subject of the hearing, 127984
and a statement that the change proposed by the board may result 127985
in an increase in the amount of real property taxes levied by 127986
the board. At the time the board submits the notice for 127987
publication, the board shall send a copy of the notice to the 127988
auditor of the county where the school district is located or, 127989
if the school district is located in more than one county, to 127990
the auditor of each of those counties. Upon receipt of the 127991
notice, the county auditor shall certify a copy of the notice to 127992
the county budget commission. 127993

(C) Upon certification of a notice to a county budget 127994
commission pursuant to division (B) of this section, the county 127995
budget commission shall schedule a hearing for a date that is 127996
not less than ten and not more than thirty days after the date 127997
of certification. 127998

The hearing shall not be held on the same day as the 127999
hearing required by division (A) of this section, and if more 128000
than one county budget commission is required under this 128001
division to hold a hearing on the proposed levy, the county 128002
budget commission hearings shall not be held on the same day. 128003
Each commission shall publish the date, time, location, and 128004
purpose of the meeting on the county auditor's web site. The 128005
school district shall publish that information on the school's 128006
web site. 128007

During the hearing before each commission, the school 128008
district shall present evidence demonstrating the need to change 128009
the levy to the county budget commission. The district shall not 128010
change the levy unless, by majority vote, the county budget 128011
commission approves the need to change the levy. 128012

Sec. 5705.316. A board of education of a city, local, or 128013

exempted village school district shall make the certification 128014
required under section 5705.36 of the Revised Code to the county 128015
auditor of each county in which the district is located on or 128016
before the fifteenth day of July. 128017

The county budget commission or, if applicable, joint 128018
budget commission shall convene on or before the fifteenth day 128019
of August to review the certifications from each such school 128020
district to determine if the amount of carry-over balance in the 128021
district's general operating budget from the preceding fiscal 128022
year exceeds fifty per cent of the district's general fund 128023
expenditures made in the preceding fiscal year. A board may, by 128024
resolution, designate an amount of the district's carry-over 128025
balance as reserved for expenditure on current or future 128026
permanent improvements within the following three years. Upon 128027
certification of the resolution to the commission on or before 128028
the fifteenth day of July, the commission shall not consider the 128029
designated amount in determining whether the district's carry- 128030
over balance exceeded the threshold for those three years. If 128031
such funds are not expended as designated within those three 128032
years, the commission shall consider them as a part of the 128033
carry-over balance in all subsequent years. 128034

If a district's carry-over balance exceeds that threshold, 128035
the commission shall reduce the rate of, or the annual amount of 128036
money to be raised by, any or all of the current expense taxes 128037
levied by the district for the current tax year so as to reduce 128038
the district's collections by the amount by which the district's 128039
general operating budget carry-over balance exceeded the 128040
threshold. These reductions apply only for the current tax year 128041
and shall be made without regard to maintaining the reduction 128042
limit imposed under division (E) (2) of section 319.301 of the 128043
Revised Code. 128044

This section does not apply to an island school district 128045
or a joint state school district. Nothing in this section 128046
prohibits a county budget commission from reducing the rate of a 128047
current levy as otherwise authorized by law. 128048

Sec. 5705.32. (A) The county budget commission shall 128049
adjust the estimated amounts required from the general property 128050
tax for each fund, as shown by the tax budgets or other 128051
information required to be provided under section 5705.281 of 128052
the Revised Code, so as to bring the tax levies required 128053
therefor within the limitations specified in sections 5705.01 to 128054
5705.47 of the Revised Code, for such levies, ~~but no levy shall~~ 128055
~~be reduced below a minimum fixed by law.~~ The commission may 128056
revise and adjust the estimate of balances and receipts from all 128057
sources for each fund and shall determine the total 128058
appropriations that may be made therefrom. 128059

(B) Except as otherwise provided in section 5705.31 of the 128060
Revised Code, the county budget commission may adjust the 128061
estimated amounts required from the general property tax for 128062
each fund, as shown by the tax budgets or other information 128063
required to be provided under section 5705.281 of the Revised 128064
Code, so as to bring the tax levies required therefor within 128065
levels the commission finds reasonable and prudent to avoid 128066
unnecessary, excessive, or unneeded collections. If the county 128067
budget commission adjusts amounts from any tax levied by a 128068
taxing unit other than a qualifying subdivision, the adjustment 128069
shall be subject to both of the following: 128070

(1) Except as authorized by section 5705.316 of the 128071
Revised Code, no levy shall be reduced below the level that 128072
would cause it to collect less than what the levy collected in 128073
the preceding year, unless funds are available from reserve 128074

balance accounts, nonexpendable trust funds, or carryover 128075
amounts to offset a reduction below that level, and the budget 128076
commission shall consider reserve balance accounts, 128077
nonexpendable trust funds, and carryover amounts for that 128078
purpose; 128079

(2) Except as authorized by section 5705.316 of the 128080
Revised Code, no levy may be reduced to a level that would cause 128081
a school district subject to division (A) of section 3317.01 of 128082
the Revised Code to levy less than twenty mills for current 128083
operating expenses as required by that division. 128084

(C) The commission shall fix the amount of the county 128085
public library fund to be distributed to each board of public 128086
library trustees that has qualified under section 5705.28 of the 128087
Revised Code for participation in the proceeds of such fund. The 128088
amount paid to all libraries in the county from such fund shall 128089
never be a smaller per cent of the fund than the average of the 128090
percentages of the county's classified taxes that were 128091
distributed to libraries in 1982, 1983, and 1984, as determined 128092
by the county auditor. The commission shall base the amount for 128093
distribution on the needs of such library for the construction 128094
of new library buildings, parts of buildings, improvements, 128095
operation, maintenance, or other expenses. In determining the 128096
needs of each library board of trustees, and in calculating the 128097
amount to be distributed to any library board of trustees on the 128098
basis of its needs, the commission shall make no reduction in 128099
its allocation from the fund on account of additional revenues 128100
realized by a library from increased taxes or service charges 128101
voted by its electorate, from revenues received through federal 128102
or state grants, projects, or programs, or from grants from 128103
private sources. 128104

~~(C)~~ (D) Notwithstanding the fact that alternative methods 128105
of financing such needs are available, after fixing the amount 128106
to be distributed to libraries, the commission shall fix the 128107
amount, if any, of the county public library fund to be 128108
distributed to each board of township park commissioners, the 128109
county, and each municipal corporation in accordance with the 128110
following: 128111

(1) Each municipal corporation in the county shall receive 128112
a per cent of the remainder that equals the per cent that the 128113
county auditor determines the classified property taxes 128114
originating in such municipal corporation in 1984 were of the 128115
total of all of the county's classified property taxes in 1984. 128116
The commission may deduct from this amount any amount that the 128117
budget commission allows to the board of township park 128118
commissioners of a township park district, the boundaries of 128119
which are coextensive with or contained within the boundaries of 128120
the municipal corporation. 128121

(2) The county shall receive a per cent of the remainder 128122
that equals the per cent that the county auditor determines the 128123
classified property taxes originating outside of the boundaries 128124
of municipal corporations in the county in 1984 were of the 128125
total of all of the county's classified property taxes in 1984. 128126
The commission may deduct from this amount any amount that the 128127
budget commission allows to the board of township park 128128
commissioners of a township park district, the boundaries of 128129
which are not coextensive with or contained within those of any 128130
municipal corporation in the county. 128131

~~(D)~~ (E) The commission shall separately set forth the 128132
amounts fixed and determined under divisions ~~(B)~~ (C) and ~~(C)~~ (D) 128133
of this section in the "official certificate of estimated 128134

resources," as provided in section 5705.35 of the Revised Code, 128135
and separately certify such amount to the county auditor who 128136
shall be guided thereby in the distribution of the county public 128137
library fund for and during the fiscal year. In determining such 128138
amounts, the commission shall be guided by the estimate 128139
certified by the tax commissioner and presented by the auditor 128140
under section 5705.31 of the Revised Code, as to the total 128141
amount of revenue to be received in the county public library 128142
fund during such fiscal year. 128143

~~(E)~~ (F) (1) At least five days before the date of any 128144
meeting at which the budget commission plans to discuss the 128145
distribution of the county public library fund, it shall notify 128146
each legislative authority and board of public library trustees, 128147
county commissioners, and township park commissioners eligible 128148
to participate in the distribution of the fund of the date, 128149
time, place, and agenda for the meeting. Any legislative 128150
authority or board entitled to notice under this division may 128151
designate an officer or employee of such legislative authority 128152
or board to whom the commission shall deliver the notice. 128153

(2) Before the final determination of the amount to be 128154
allotted to each subdivision from any source, the commission 128155
shall permit representatives of each subdivision and of each 128156
board of public library trustees to appear before it to explain 128157
its financial needs. 128158

~~(F)~~ (G) If any public library receives and expends any 128159
funds allocated to it under this section for the construction of 128160
new library buildings or parts of buildings, such library shall 128161
be free and open to the inhabitants of the county in which it is 128162
located. Any board of library trustees that receives funds under 128163
this section and section 5747.48 of the Revised Code shall have 128164

its financial records open for public inspection at all 128165
reasonable times. 128166

Sec. 5705.321. (A) As used in this section: 128167

(1) "City, located wholly or partially in the county, with 128168
the greatest population" means the city, located wholly or 128169
partially in the county, with the greatest population residing 128170
in the county; however, if the county budget commission on or 128171
before January 1, 1998, adopted an alternative method of 128172
apportionment that was approved by the city, located partially 128173
in the county, with the greatest population but not the greatest 128174
population residing in the county, "city, located wholly or 128175
partially in the county, with the greatest population" means the 128176
city, located wholly or partially in the county, with the 128177
greatest population whether residing in the county or not, if 128178
this alternative meaning is adopted by action of the board of 128179
county commissioners and a majority of the boards of township 128180
trustees and legislative authorities of municipal corporations 128181
located wholly or partially in the county. 128182

(2) "Participating political subdivision" means a 128183
municipal corporation or township that satisfies all of the 128184
following: 128185

(a) It is located wholly or partially in the county. 128186

(b) It is not the city, located wholly or partially in the 128187
county, with the greatest population. 128188

(c) Public library fund moneys are apportioned to it under 128189
the county's alternative method or formula of apportionment in 128190
the current calendar year. 128191

(B) In lieu of the method of apportionment of the county 128192
public library fund provided by division ~~(C)~~(D) of section 128193

5705.32 of the Revised Code, the county budget commission may 128194
provide for the apportionment of the fund under an alternative 128195
method or on a formula basis as authorized by this section. 128196

Except as otherwise provided in division (C) of this 128197
section, the alternative method of apportionment shall have 128198
first been approved by all of the following governmental units: 128199
the board of county commissioners; the legislative authority of 128200
the city, located wholly or partially in the county, with the 128201
greatest population; and a majority of the boards of township 128202
trustees and legislative authorities of municipal corporations, 128203
located wholly or partially in the county, excluding the 128204
legislative authority of the city, located wholly or partially 128205
in the county, with the greatest population. In granting or 128206
denying approval for an alternative method of apportionment, the 128207
board of county commissioners, boards of township trustees, and 128208
legislative authorities of municipal corporations shall act by 128209
motion. A motion to approve shall be passed upon a majority vote 128210
of the members of a board of county commissioners, board of 128211
township trustees, or legislative authority of a municipal 128212
corporation, shall take effect immediately, and need not be 128213
published. 128214

Any alternative method of apportionment adopted and 128215
approved under this division may be revised, amended, or 128216
repealed in the same manner as it may be adopted and approved. 128217
If an alternative method of apportionment adopted and approved 128218
under this division is repealed, the county public library fund 128219
shall be apportioned among the subdivisions eligible to 128220
participate in the fund, commencing in the ensuing calendar 128221
year, under the apportionment provided in divisions ~~(B)~~ (C) and 128222
~~(C)~~ (D) of section 5705.32 of the Revised Code, unless the repeal 128223
occurs by operation of division (C) of this section or a new 128224

method for apportionment of the fund is provided in the action 128225
of repeal. 128226

(C) This division applies only in counties in which the 128227
city, located wholly or partially in the county, with the 128228
greatest population has a population of twenty thousand or less 128229
and a population that is less than fifteen per cent of the total 128230
population of the county. In such a county, the legislative 128231
authorities or boards of township trustees of two or more 128232
participating political subdivisions, which together have a 128233
population residing in the county that is a majority of the 128234
total population of the county, each may adopt a resolution to 128235
exclude the approval otherwise required of the legislative 128236
authority of the city, located wholly or partially in the 128237
county, with the greatest population. All of the resolutions to 128238
exclude that approval shall be adopted not later than the first 128239
Monday of August of the year preceding the calendar year in 128240
which distributions are to be made under an alternative method 128241
of apportionment. 128242

A motion granting or denying approval of an alternative 128243
method of apportionment under this division shall be adopted by 128244
a majority vote of the members of the board of county 128245
commissioners and by a majority vote of a majority of the boards 128246
of township trustees and legislative authorities of the 128247
municipal corporations located wholly or partially in the 128248
county, other than the city, located wholly or partially in the 128249
county, with the greatest population, shall take effect 128250
immediately, and need not be published. The alternative method 128251
of apportionment under this division shall be adopted and 128252
approved annually, not later than the first Monday of August of 128253
the year preceding the calendar year in which distributions are 128254
to be made under it. A motion granting approval of an 128255

alternative method of apportionment under this division repeals 128256
any existing alternative method of apportionment, effective with 128257
distributions to be made from the fund in the ensuing calendar 128258
year. An alternative method of apportionment under this division 128259
shall not be revised or amended after the first Monday of August 128260
of the year preceding the calendar year in which distributions 128261
are to be made under it. 128262

(D) In determining an alternative method of apportionment 128263
authorized by this section, the county budget commission may 128264
include in the method any factor considered to be appropriate 128265
and reliable, in the sole discretion of the county budget 128266
commission. 128267

(E) On the basis of any alternative method of 128268
apportionment adopted and approved as authorized by this 128269
section, as certified by the auditor to the county treasurer, 128270
the county treasurer shall make distribution of the money in the 128271
county public library fund to each subdivision eligible to 128272
participate in the fund, and the auditor, when the amount of 128273
those shares is in the custody of the treasurer in the amounts 128274
so computed to be due the respective subdivisions, shall at the 128275
same time certify to the tax commissioner the percentage share 128276
of the county as a subdivision. All money received into the 128277
treasury of a subdivision from the county public library fund in 128278
a county treasury shall be paid into the general fund and used 128279
for the current operating expenses of the subdivision. 128280

(F) The actions of the county budget commission taken 128281
pursuant to this section are final and may not be appealed to 128282
the board of tax appeals, except on the issues of abuse of 128283
discretion and failure to comply with the formula. 128284

Sec. 5705.35. (A) The certification of the budget 128285

commission to the taxing authority of each subdivision or taxing unit, as set forth in section 5705.34 of the Revised Code, shall show the various funds of such subdivisions other than funds to be created by transfer and shall be filed by the county budget commission with such taxing authority on or before the first day of March in the case of school districts and the city of Cincinnati and on or before the first day of September in each year in the case of all other taxing authorities. There shall be set forth on the credit side of each fund the estimated unencumbered balances and receipts, and if a tax is to be levied for such fund, the estimated revenue to be derived therefrom, the rate of the levy, and what portion thereof is within, and what in excess of, the ten-mill tax limitation, and on the debit side, the total appropriations that may be made therefrom. ~~Subject to division (F) of section 5705.29 of the Revised Code, any reserve balance in an account established under section 5705.13 of the Revised Code for the purpose described in division (A)(1) of that section, and the principal of a nonexpendable trust fund established under section 5705.131 of the Revised Code and any additions to principal arising from sources other than the reinvestment of investment earnings arising from that fund, are not unencumbered balances for the purposes of this section. The balance in a reserve balance account established under section 5705.132 of the Revised Code is not an unencumbered balance for the purposes of this division.~~

There shall be attached to the certification a summary, which shall be known as the "official certificate of estimated resources," that shall state the total estimated resources of each fund of the subdivision that are available for appropriation in the fiscal year, other than funds to be created

by transfer, and a statement of the amount of the total tax 128317
duplicate of the school district to be used in the collection of 128318
taxes for the following calendar year. Before the end of the 128319
fiscal year, the taxing authority of each subdivision and other 128320
taxing unit shall revise its tax budget, if one was adopted, so 128321
that the total contemplated expenditures from any fund during 128322
the ensuing fiscal year will not exceed the total appropriations 128323
that may be made from such fund, as determined by the budget 128324
commission in its certification; and such revised budget shall 128325
be the basis of the annual appropriation measure. 128326

(B) Revenue from real property taxes scheduled to be 128327
settled on or before the tenth day of August and the fifteenth 128328
day of February of a fiscal year under divisions (A) and (C) of 128329
section 321.24 of the Revised Code shall not be available for 128330
appropriation by a board of education prior to the fiscal year 128331
in which such latest scheduled settlement date occurs, except 128332
that moneys advanced to the treasurer of a board of education 128333
under division (A) (2) (b) of section 321.34 of the Revised Code 128334
shall be available for appropriation in the fiscal year in which 128335
they are paid to the treasurer under such section. If the date 128336
for any settlement of taxes is extended under division (E) of 128337
section 321.24 of the Revised Code, the latest date set forth in 128338
divisions (A) to (D) of that section shall be used to determine 128339
in which fiscal year the revenues are first available for 128340
appropriation. 128341

Sec. 5705.36. (A) (1) On or about the first day of each 128342
fiscal year, the fiscal officer of each subdivision and other 128343
taxing unit shall certify to the county auditor the total amount 128344
from all sources available for expenditures from each fund set 128345
up in the tax budget or, if adoption of a tax budget was waived 128346
under section 5705.281 of the Revised Code, from each fund 128347

created by or on behalf of the taxing authority. The amount 128348
certified shall include any unencumbered balances that existed 128349
at the end of the preceding year, ~~excluding any of the~~ 128350
~~following:~~ 128351

~~(a) Subject to division (F) of section 5705.29 of the~~ 128352
~~Revised Code, any reserve balance in an account established~~ 128353
~~under section 5705.13 of the Revised Code for the purpose~~ 128354
~~described in division (A) (1) of that section;~~ 128355

~~(b) The principal of a nonexpendable trust fund~~ 128356
~~established under section 5705.131 of the Revised Code and any~~ 128357
~~additions to principal arising from sources other than the~~ 128358
~~reinvestment of investment earnings arising from that fund;~~ 128359

~~(c) The balance in a reserve balance account established~~ 128360
~~under section 5705.132 of the Revised Code.~~ 128361

A school district's certification shall separately show 128362
the amount of any notes and unpaid and outstanding expenses on 128363
the preceding thirtieth day of June that are to be paid from 128364
property taxes that are to be settled during the current fiscal 128365
year under divisions (C) and (D) of section 321.24 of the 128366
Revised Code. The budget commission, taking into consideration 128367
the balances and revenues to be derived from taxation and other 128368
sources, shall revise its estimate of the amounts that will be 128369
credited to each fund from such sources, and shall certify to 128370
the taxing authority of each subdivision an amended official 128371
certificate of estimated resources. 128372

(2) Subject to divisions (A) (3) and (4) of this section, 128373
upon a determination by the fiscal officer of a subdivision that 128374
the revenue to be collected by the subdivision will be greater 128375
or less than the amount included in an official certificate, the 128376

fiscal officer may certify the amount of the deficiency or 128377
excess to the commission, and if the commission determines that 128378
the fiscal officer's certification is reasonable, the commission 128379
shall certify an amended official certificate reflecting the 128380
deficiency or excess. 128381

(3) Upon a determination by the fiscal officer of a 128382
subdivision that the revenue to be collected by the subdivision 128383
will be greater than the amount included in an official 128384
certificate and the legislative authority intends to appropriate 128385
and expend the excess revenue, the fiscal officer shall certify 128386
the amount of the excess to the commission, and if the 128387
commission determines that the fiscal officer's certification is 128388
reasonable, the commission shall certify an amended official 128389
certificate reflecting the excess. 128390

(4) Upon a determination by the fiscal officer of a 128391
subdivision that the revenue to be collected by the subdivision 128392
will be less than the amount included in an official certificate 128393
and that the amount of the deficiency will reduce available 128394
resources below the level of current appropriations, the fiscal 128395
officer shall certify the amount of the deficiency to the 128396
commission, and the commission shall certify an amended 128397
certificate reflecting the deficiency. 128398

(5) The total appropriations made during the fiscal year 128399
from any fund shall not exceed the amount set forth as available 128400
for expenditure from such fund in the official certificate of 128401
estimated resources, or any amendment thereof, certified prior 128402
to the making of the appropriation or supplemental 128403
appropriation. 128404

(B) At the time of settlement of taxes against which notes 128405
have been issued under division (D) of section 133.10 of the 128406

Revised Code and at the time a tax duplicate is delivered 128407
pursuant to section 319.28 or 319.29 of the Revised Code, the 128408
county auditor shall determine whether the total amount to be 128409
distributed to each school district from such settlement or 128410
duplicate, when combined with the amounts to be distributed from 128411
any subsequent settlement, will increase or decrease the amount 128412
available for appropriation during the current fiscal year from 128413
any fund. The county auditor shall certify this finding to the 128414
budget commission, which shall certify an amended official 128415
certificate reflecting the finding or certify to the school 128416
district that no amended certificate needs to be issued. 128417

Sec. 5705.391. (A) Not later than the thirty-first day of 128418
August of each fiscal year, each school district board of 128419
education shall submit to the department of education and 128420
workforce appropriations, revenue, and fund balance assumptions 128421
contained in the budget adopted by the board for that fiscal 128422
year and projections of expenditures, revenues, and fund balance 128423
for the three succeeding fiscal years. 128424

Not later than the last day of February of each fiscal 128425
year, each school district board of education shall submit 128426
updated appropriations, revenue, and fund balance information 128427
for the budget adopted for the fiscal year and updated 128428
projections of expenditures, revenues, and fund balance for the 128429
three succeeding fiscal years. 128430

The department of education and workforce and the auditor 128431
of state shall jointly adopt rules ~~requiring boards of education~~ 128432
~~to submit five-year governing the submission of current budget~~ 128433
information and three-year projections of operational revenues 128434
and expenditures by boards of education. The rules shall specify 128435
the information required for current budget information and 128436

three-year forecast submissions and any additional school 128437
district financial and operating information necessary for the 128438
audits and analyses conducted by the auditor of state or the 128439
department, including special and federal funds expenditures, 128440
revenues, and balances. The rules shall provide for the auditor 128441
of state or the department to examine the five-year current 128442
budget information and three-year projections and to determine 128443
whether any further fiscal analysis is needed to ascertain 128444
whether a district has the potential to incur a deficit during 128445
the first ~~three~~ two years of the ~~five-year~~ three-year period. 128446

The auditor of state or the department may conduct any 128447
further audits or analyses necessary to assess any district's 128448
fiscal condition. If further audits or analyses are conducted by 128449
the auditor of state, the auditor of state shall notify the 128450
department of the district's fiscal condition, and the 128451
department shall immediately notify the district of any 128452
potential to incur a deficit in the current fiscal year or of 128453
any strong indications that a deficit will be incurred in either 128454
of the ensuing two years. If such audits or analyses are 128455
conducted by the department, the department shall immediately 128456
notify the district and the auditor of state of such potential 128457
deficit or strong indications thereof. 128458

A district notified under this section shall take 128459
immediate steps to eliminate any deficit in the current fiscal 128460
year and shall begin to plan to avoid the projected future 128461
deficits. 128462

(B) The state board of education, in accordance with 128463
sections 3319.31 and 3319.311 of the Revised Code, may limit, 128464
suspend, or revoke a license as defined under section 3319.31 of 128465
the Revised Code that has been issued to any school employee 128466

found to have willfully contributed erroneous, inaccurate, or 128467
incomplete data required for the submission of the ~~five-~~ 128468
~~year~~ current budget information and -three-year projection 128469
required by this section. 128470

~~(C) The department and the auditor of state, in their 128471
joint adoption of rules under division (A) of this section, 128472
shall not require a board of education to submit its five-year- 128473
projection of operational revenues and expenditures prior to the 128474
thirtieth day of November of any fiscal year. 128475~~

~~(D) Beginning with submissions required in for fiscal year 128476
2024-2026 and for each fiscal year in which a submission is 128477
required under this section thereafter, the department and the 128478
auditor shall label the projections regarding property tax 128479
allocation in the projection as "state share of local property 128480
taxes. state reimbursement for property tax credits." 128481~~

Sec. 5705.40. Any appropriation ordinance or measure may 128482
be amended or supplemented, provided that such amendment or 128483
supplement shall comply with all provisions of law governing the 128484
taxing authority in making an original appropriation and that no 128485
appropriation for any purpose shall be reduced below an amount 128486
sufficient to cover all unliquidated and outstanding contracts 128487
or obligations certified from or against the appropriation. 128488
Transfers may be made by resolution or ordinance from one 128489
appropriation item to another, except that a board of county 128490
commissioners shall, at the request of the county board of 128491
elections, adopt a resolution to transfer funds from one 128492
appropriation item of the board of elections to another 128493
appropriation item of the board of elections unless the board of 128494
county commissioners determines that the transfer is sought for 128495
the purpose of providing employee bonuses or salary increases 128496

other than increases necessary to reimburse employees for 128497
overtime worked. At the close of each fiscal year, the 128498
unencumbered balance of each appropriation shall revert to the 128499
respective fund from which it was appropriated and shall be 128500
subject to future appropriations, provided that funds unexpended 128501
at the end of such fiscal year previously appropriated for the 128502
payment of obligations unliquidated and outstanding, or 128503
previously appropriated pursuant to section 321.261 of the 128504
Revised Code for the collection of delinquent taxes, need not be 128505
reappropriated, ~~but such unexpended funds shall not be included~~ 128506
~~by any budget-making body or board or any county budget~~ 128507
~~commission in estimating the balance available for the purposes~~ 128508
~~of the next or any succeeding fiscal year.~~ 128509

The annual appropriation measure, or an amendment or 128510
supplement thereto, may contain an appropriation for 128511
contingencies not to exceed the amount authorized by section 128512
5705.29 of the Revised Code and in the case of a school district 128513
may also include a voluntary contingency reserve balance in the 128514
amount authorized by such section. By a two-thirds vote of all 128515
members of the taxing authority of a subdivision or taxing unit, 128516
expenditures may be authorized in pursuance of such contingency 128517
appropriation or voluntary contingency reserve balance for any 128518
lawful purpose for which public funds may be expended, if such 128519
purpose could not have reasonably been foreseen at the time of 128520
the adoption of the appropriation measure or, in the case of a 128521
voluntary contingency reserve balance, if the board of education 128522
requests payment of any portion of such balance. 128523

Sec. 5705.412. (A) As used in this section, "qualifying 128524
contract" means any agreement for the expenditure of money under 128525
which aggregate payments from the funds included in the school 128526
district's ~~five-year~~ three-year forecast under section 5705.391 128527

of the Revised Code will exceed the lesser of the following 128528
amounts: 128529

(1) Five hundred thousand dollars; 128530

(2) One per cent of the total revenue to be credited in 128531
the current fiscal year to the district's general fund, as 128532
specified in the district's most recent certificate of estimated 128533
resources certified under section 5705.36 of the Revised Code. 128534

(B) (1) Notwithstanding section 5705.41 of the Revised 128535
Code, no school district shall adopt any appropriation measure, 128536
make any qualifying contract, or increase during any school year 128537
any wage or salary schedule unless there is attached thereto a 128538
certificate, signed as required by this section, that the school 128539
district has in effect the authorization to levy taxes including 128540
the renewal ~~or replacement~~ of existing levies which, when 128541
combined with the estimated revenue from all other sources 128542
available to the district at the time of certification, are 128543
sufficient to provide the operating revenues necessary to enable 128544
the district to maintain all personnel and programs for all the 128545
days set forth in its adopted school calendars for the current 128546
fiscal year and for a number of days in succeeding fiscal years 128547
equal to the number of days instruction was held or is scheduled 128548
for the current fiscal year, as follows: 128549

(a) A certificate attached to an appropriation measure 128550
under this section shall cover only the fiscal year in which the 128551
appropriation measure is effective and shall not consider the 128552
renewal ~~or replacement~~ of an existing levy as the authority to 128553
levy taxes that are subject to appropriation in the current 128554
fiscal year unless the renewal ~~or replacement~~ levy has been 128555
approved by the electors and is subject to appropriation in the 128556
current fiscal year. 128557

(b) A certificate attached, in accordance with this 128558
section, to any qualifying contract shall cover the term of the 128559
contract. 128560

(c) A certificate attached under this section to a wage or 128561
salary schedule shall cover the term of the schedule. 128562

If the board of education has not adopted a school 128563
calendar for the school year beginning on the first day of the 128564
fiscal year in which a certificate is required, the certificate 128565
attached to an appropriation measure shall include the number of 128566
days on which instruction was held in the preceding fiscal year 128567
and other certificates required under this section shall include 128568
that number of days for the fiscal year in which the certificate 128569
is required and any succeeding fiscal years that the certificate 128570
must cover. 128571

The certificate shall be signed by the treasurer and 128572
president of the board of education and the superintendent of 128573
the school district, unless the district is in a state of fiscal 128574
emergency declared under Chapter 3316. of the Revised Code. In 128575
that case, the certificate shall be signed by a member of the 128576
district's financial planning and supervision commission who is 128577
designated by the commission for this purpose. 128578

(2) In lieu of the certificate required under division (B) 128579
of this section, an alternative certificate stating the 128580
following may be attached: 128581

(a) The contract is a multi-year contract for materials, 128582
equipment, or nonpayroll services essential to the education 128583
program of the district; 128584

(b) The multi-year contract demonstrates savings over the 128585
duration of the contract as compared to costs that otherwise 128586

would have been demonstrated in a single year contract, and the 128587
terms will allow the district to reduce the deficit it is 128588
currently facing in future years as demonstrated in its ~~five-~~ 128589
~~year~~ three-year forecast adopted in accordance with section 128590
5705.391 of the Revised Code. 128591

The certificate shall be signed by the treasurer and 128592
president of the board of education and the superintendent of 128593
the school district, unless the district is in a state of fiscal 128594
emergency declared under Chapter 3316. of the Revised Code. In 128595
that case, the certificate shall be signed by a member of the 128596
district's financial planning and supervision commission who is 128597
designated by the commission for this purpose. 128598

(C) Every qualifying contract made or wage or salary 128599
schedule adopted or put into effect without such a certificate 128600
shall be void, and no payment of any amount due thereon shall be 128601
made. 128602

(D) The department of education and workforce and the 128603
auditor of state jointly shall adopt rules governing the methods 128604
by which treasurers, presidents of boards of education, 128605
superintendents, and members of financial planning and 128606
supervision commissions shall estimate revenue and determine 128607
whether such revenue is sufficient to provide necessary 128608
operating revenue for the purpose of making certifications 128609
required by this section. 128610

(E) The auditor of state shall be responsible for 128611
determining whether school districts are in compliance with this 128612
section. At the time a school district is audited pursuant to 128613
section 117.11 of the Revised Code, the auditor of state shall 128614
review each certificate issued under this section since the 128615
district's last audit, and the appropriation measure, contract, 128616

or wage and salary schedule to which such certificate was 128617
attached. If the auditor of state determines that a school 128618
district has not complied with this section with respect to any 128619
qualifying contract or wage or salary schedule, the auditor of 128620
state shall notify the prosecuting attorney for the county, the 128621
city director of law, or other chief law officer of the school 128622
district. That officer may file a civil action in any court of 128623
appropriate jurisdiction to seek a declaration that the contract 128624
or wage or salary schedule is void, to recover for the school 128625
district from the payee the amount of payments already made 128626
under it, or both, except that the officer shall not seek to 128627
recover payments made under any collective bargaining agreement 128628
entered into under Chapter 4117. of the Revised Code. If the 128629
officer does not file such an action within one hundred twenty 128630
days after receiving notice of noncompliance from the auditor of 128631
state, any taxpayer may institute the action in the taxpayer's 128632
own name on behalf of the school district. 128633

(F) This section does not apply to any contract or 128634
increase in any wage or salary schedule that is necessary in 128635
order to enable a board of education to comply with division (B) 128636
of section 3317.13 of the Revised Code, provided the contract or 128637
increase does not exceed the amount required to be paid to be in 128638
compliance with such division. 128639

(G) Any officer, employee, or other person who expends or 128640
authorizes the expenditure of any public funds or authorizes or 128641
executes any contract or schedule contrary to this section, 128642
expends or authorizes the expenditure of any public funds on the 128643
void contract or schedule, or issues a certificate under this 128644
section which contains any false statements is liable to the 128645
school district for the full amount paid from the district's 128646
funds on the contract or schedule. The officer, employee, or 128647

other person is jointly and severally liable in person and upon 128648
any official bond that the officer, employee, or other person 128649
has given to the school district to the extent of any payments 128650
on the void claim, not to exceed ten thousand dollars. However, 128651
no officer, employee, or other person shall be liable for a 128652
mistaken estimate of available resources made in good faith and 128653
based upon reasonable grounds. If an officer, employee, or other 128654
person is found to have complied with rules jointly adopted by 128655
the department of education and workforce and the auditor of 128656
state under this section governing methods by which revenue 128657
shall be estimated and determined sufficient to provide 128658
necessary operating revenue for the purpose of making 128659
certifications required by this section, the officer, employee, 128660
or other person shall not be liable under this section if the 128661
estimates and determinations made according to those rules do 128662
not, in fact, conform with actual revenue. The prosecuting 128663
attorney of the county, the city director of law, or other chief 128664
law officer of the district shall enforce this liability by 128665
civil action brought in any court of appropriate jurisdiction in 128666
the name of and on behalf of the school district. If the 128667
prosecuting attorney, city director of law, or other chief law 128668
officer of the district fails, upon the written request of any 128669
taxpayer, to institute action for the enforcement of the 128670
liability, the attorney general, or the taxpayer in the 128671
taxpayer's own name, may institute the action on behalf of the 128672
subdivision. 128673

(H) This section does not require the attachment of an 128674
additional certificate beyond that required by section 5705.41 128675
of the Revised Code for current payrolls of, or contracts of 128676
employment with, any employees or officers of the school 128677
district. 128678

This section does not require the attachment of a 128679
certificate to a temporary appropriation measure if all of the 128680
following apply: 128681

(1) The amount appropriated does not exceed twenty-five 128682
per cent of the total amount from all sources available for 128683
expenditure from any fund during the preceding fiscal year; 128684

(2) The measure will not be in effect on or after the 128685
thirtieth day following the earliest date on which the district 128686
may pass an annual appropriation measure; 128687

(3) An amended official certificate of estimated resources 128688
for the current year, if required, has not been certified to the 128689
board of education under division (B) of section 5705.36 of the 128690
Revised Code. 128691

Sec. 5705.55. (A) The board of directors of a lake 128692
facilities authority, by a vote of two-thirds of all its 128693
members, may at any time declare by resolution that the amount 128694
of taxes which may be raised within the ten-mill limitation by 128695
levies on the current tax duplicate will be insufficient to 128696
provide an adequate amount for the necessary requirements of the 128697
authority, that it is necessary to levy a tax in excess of such 128698
limitation for any of the purposes specified in divisions (A), 128699
(B), (F), and (H) of section 5705.19 of the Revised Code, and 128700
that the question of such additional tax levy shall be submitted 128701
by the board to the electors residing within the boundaries of 128702
the impacted lake district on the day of a primary or general 128703
election. The resolution shall conform to section 5705.19 of the 128704
Revised Code, except that the tax levy may be in effect for no 128705
more than five years, as set forth in the resolution, unless the 128706
levy is for the payment of debt charges, and the total number of 128707
mills levied for each dollar of taxable valuation that may be 128708

levied under this section for any tax year shall not exceed one 128709
mill. If the levy is for the payment of debt charges, the levy 128710
shall be for the life of the bond indebtedness. 128711

The resolution shall specify the date of holding the 128712
election, which shall not be earlier than ninety days after the 128713
adoption and certification of the resolution to the board of 128714
elections. The resolution shall not include a levy on the 128715
current tax list and duplicate unless the election is to be held 128716
at or prior to the first Tuesday after the first Monday in 128717
November of the current tax year. 128718

The resolution shall be certified to the board of 128719
elections of the proper county or counties not less than ninety 128720
days before the date of the election. The resolution shall go 128721
into immediate effect upon its passage, and no publication of 128722
the resolution shall be necessary other than that provided in 128723
the notice of election. Section 5705.25 of the Revised Code 128724
shall govern the arrangements for the submission of such 128725
question and other matters concerning the election, to which 128726
that section refers, except that the election shall be held on 128727
the date specified in the resolution. If a majority of the 128728
electors voting on the question so submitted in an election vote 128729
in favor of the levy, the board of directors may forthwith make 128730
the necessary levy within the boundaries of the impacted lake 128731
district at the additional rate in excess of the ten-mill 128732
limitation on the tax list, for the purpose stated in the 128733
resolution. The tax levy shall be included in the next annual 128734
tax budget that is certified to the county budget commission. 128735

(B) The form of the ballot in an election held on the 128736
question of levying a tax proposed pursuant to this section 128737
shall be as follows or in any other form acceptable to the 128738

secretary of state:

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"A tax for the benefit of (name of lake facilities
authority) _____ for the purpose of _____, that the
county auditor estimates will collect \$_____ annually, at a rate
not exceeding _____ mills for each \$1 of taxable value,
which amounts to \$_____ for each \$100,000 of ~~the county~~
~~auditor's appraised market~~ value, for _____ (life of
indebtedness or number of years the levy is to run).

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	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the levy is for the payment of debt charges, the form
of the ballot shall be modified by omitting the phrase ", that
the county auditor estimates will collect \$_____ annually."

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(C) On approval of the levy, notes may be issued in
anticipation of the collection of the proceeds of the tax levy,
other than the proceeds to be received for the payment of bond
debt charges, in the amount and manner and at the times as are
provided in section 5705.193 of the Revised Code, for the
issuance of notes by a county in anticipation of the proceeds of
a tax levy. The lake facilities authority may borrow money in
anticipation of the collection of current revenues as provided
in section 133.10 of the Revised Code.

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(D) If a tax is levied under this section in a tax year,
no other taxing authority of a subdivision or taxing unit,
including a port authority, may levy a tax on property in the
impacted lake district in the same tax year if the purpose of
the levy is substantially the same as the purpose for which the

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lake facilities authority of the impacted lake district was 128765
created. 128766

Sec. 5709.212. (A) ~~With~~ Except for applications filed for 128767
an industrial water pollution control facility, with every 128768
application for an exempt facility certificate filed pursuant to 128769
section 5709.21 of the Revised Code, the applicant shall pay a 128770
fee equal to one-half of one per cent of the total exempt 128771
facility project cost, not to exceed two thousand dollars. If 128772
the director of environmental protection is required to provide 128773
the opinion for an application for an air pollution control 128774
facility or noise pollution control facility, the fee shall be 128775
credited to the non-Title V clean air fund created in section 128776
3704.035 of the Revised Code for use in administering section 128777
5709.211 of the Revised Code, ~~unless the application is for an~~ 128778
~~industrial water pollution control facility. In such a case, the~~ 128779
~~fee shall be credited to the surface water protection fund~~ 128780
~~created in section 6111.038 of the Revised Code for use in~~ 128781
~~administering section 5709.211 of the Revised Code.~~ If the 128782
director of development or director of natural resources is 128783
required to provide the opinion for an application, the fee for 128784
each exempt facility application shall be credited to the exempt 128785
facility inspection fund, which is hereby created in the state 128786
treasury, for appropriation to the department of development 128787
~~services agency~~ or department of natural resources, as 128788
applicable, for use in administering section 5709.211 of the 128789
Revised Code. 128790

An applicant is not entitled to any tax exemption under 128791
section 5709.25 of the Revised Code until the fee required by 128792
this section is paid. The fee required by this section is not 128793
refundable, and is due with the application for an exempt 128794
facility certificate even if an exempt facility certificate 128795

ultimately is not issued or is withdrawn. Any application 128796
submitted without payment of the fee shall be deemed incomplete 128797
until the fee is paid. 128798

(B) The application fee imposed under division (A) of this 128799
section for a jointly owned facility shall be equal to one-half 128800
of one per cent of the total exempt facility project cost, not 128801
to exceed two thousand dollars for each facility that is the 128802
subject of the application. 128803

Sec. 5709.89. (A) As used in this section: 128804

(1) "Indebted subdivision" means a county, township, or 128805
municipal corporation that has accepted a residential 128806
development loan. 128807

(2) "Residential development loan" means a loan authorized 128808
under section 122.98 of the Revised Code. 128809

(B) The legislative authority of an indebted subdivision 128810
shall adopt a resolution or ordinance exempting from real 128811
property taxation improvements to each parcel of real property 128812
whose construction commenced as the result of infrastructure 128813
whose development, repair, or upgrade was funded by a 128814
residential development loan accepted by the subdivision. The 128815
resolution or ordinance shall be adopted and begin to apply in 128816
the same tax year in which such infrastructure is developed, 128817
repaired, or upgraded. 128818

The resolution or ordinance shall require the owner of the 128819
improvements exempted from taxation to make annual service 128820
payments in lieu of taxes to the county treasurer on or before 128821
the final dates for payment of real property taxes. Service 128822
payments in lieu of taxes required by a resolution or ordinance 128823
adopted under this section shall be charged and collected in the 128824

same manner and in the same amount as the real property taxes 128825
that would have been charged and payable against the 128826
improvements if not for the exemption. 128827

Service payment receipts shall be distributed at the same 128828
time and in the same manner as real property tax payments. The 128829
entire amount, however, shall be paid to the indebted 128830
subdivision. The county treasurer shall maintain a record of the 128831
service payments in lieu of taxes made from property in each 128832
indebted subdivision. 128833

The indebted subdivision shall use the payments solely to 128834
repay the residential development loan associated with the 128835
exempted improvements. An exemption from taxation under this 128836
section and the obligation to make service payments ends 128837
beginning for the tax year after the applicable residential 128838
development loan is fully repaid, including any applicable 128839
interest. The indebted subdivision shall notify the parcel's 128840
owner, the county auditor, and the county treasurer immediately 128841
after the loan is fully repaid of the tax year in which the 128842
exemption and payments are to end. 128843

Sec. 5709.92. (A) As used in this section: 128844

(1) "School district" means a city, local, or exempted 128845
village school district. 128846

(2) "Joint vocational school district" means a joint 128847
vocational school district created under section 3311.16 of the 128848
Revised Code, and includes a cooperative education school 128849
district created under section 3311.52 or 3311.521 of the 128850
Revised Code and a county school financing district created 128851
under section 3311.50 of the Revised Code. 128852

(3) "Total resources" means the sum of the amounts 128853

described in divisions (A) (3) (a) to (g) of this section less any 128854
reduction required under division (C) (3) (a) of this section. 128855

(a) The state education aid for fiscal year 2015; 128856

(b) The sum of the payments received in fiscal year 2015 128857
for current expense levy losses under division (C) (3) of section 128858
5727.85 and division (C) (12) of section 5751.21 of the Revised 128859
Code, as they existed at that time, excluding the portion of 128860
such payments attributable to levies for joint vocational school 128861
district purposes; 128862

(c) The sum of fixed-sum levy loss payments received by 128863
the school district in fiscal year 2015 under division (F) (1) of 128864
section 5727.85 and division (E) (1) of section 5751.21 of the 128865
Revised Code, as they existed at that time, for fixed-sum levies 128866
charged and payable for a purpose other than paying debt 128867
charges; 128868

(d) The district's taxes charged and payable against all 128869
property on the tax list of real and public utility property for 128870
current expense purposes for tax year 2014, including taxes 128871
charged and payable from emergency levies charged and payable 128872
under ~~sections~~ section 5705.194 ~~to 5705.197~~ of the Revised Code, 128873
excluding taxes levied for joint vocational school district 128874
purposes or levied under section 5705.23 of the Revised Code; 128875

(e) The amount certified for fiscal year 2015 under 128876
division (A) (2) of section 3317.08 of the Revised Code; 128877

(f) Distributions received during calendar year 2014 from 128878
taxes levied under section 718.09 of the Revised Code; 128879

(g) Distributions received during fiscal year 2015 from 128880
the gross casino revenue county student fund. 128881

(4) (a) "State education aid" for a school district means 128882
the sum of state amounts computed for the district under 128883
sections 3317.022 and 3317.0212 of the Revised Code after any 128884
amounts are added or subtracted under Section 263.240 of Am. 128885
Sub. H.B. 59 of the 130th general assembly, entitled 128886
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 128887
DISTRICTS." 128888

(b) "State education aid" for a joint vocational district 128889
means the amount computed for the district under section 3317.16 128890
of the Revised Code after any amounts are added or subtracted 128891
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 128892
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 128893
DISTRICTS." 128894

(5) "Taxes charged and payable" means taxes charged and 128895
payable after the reduction required by section 319.301 of the 128896
Revised Code but before the reductions required by sections 128897
319.302 and 323.152 of the Revised Code. 128898

(6) "Capacity quintile" means the capacity measure 128899
quintiles determined under division (B) of this section. 128900

(7) "Threshold per cent" means the following: 128901

(a) For a school district in the lowest capacity quintile, 128902
one per cent for fiscal year 2016 and two per cent for fiscal 128903
year 2017. 128904

(b) For a school district in the second lowest capacity 128905
quintile, one and one-fourth per cent for fiscal year 2016 and 128906
two and one-half per cent for fiscal year 2017. 128907

(c) For a school district in the third lowest capacity 128908
quintile, one and one-half per cent for fiscal year 2016 and 128909
three per cent for fiscal year 2017. 128910

(d) For a school district in the second highest capacity 128911
quintile, one and three-fourths per cent for fiscal year 2016 128912
and three and one-half per cent for fiscal year 2017. 128913

(e) For a school district in the highest capacity 128914
quintile, two per cent for fiscal year 2016 and four per cent 128915
for fiscal year 2017. 128916

(f) For a joint vocational school district, two per cent 128917
for fiscal year 2016 and four per cent for fiscal year 2017. 128918

(8) "Current expense allocation" means the sum of the 128919
payments received by a school district or joint vocational 128920
school district in fiscal year 2015 for current expense levy 128921
losses under division (C) (3) of section 5727.85 and division (C) 128922
(12) of section 5751.21 of the Revised Code as they existed at 128923
that time, less any reduction required under division (C) (3) (b) 128924
of this section. 128925

(9) "Non-current expense allocation" means the sum of the 128926
payments received by a school district or joint vocational 128927
school district in fiscal year 2015 for levy losses under 128928
division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of 128929
section 5751.21 of the Revised Code, as they existed at that 128930
time, and levy losses in fiscal year 2015 under division (H) of 128931
section 5727.84 of the Revised Code as that section existed at 128932
that time attributable to levies for and payments received for 128933
losses on levies intended to generate money for maintenance of 128934
classroom facilities. 128935

(10) "Operating TPP fixed-sum levy losses" means the sum 128936
of payments received by a school district in fiscal year 2015 128937
for levy losses under division (E) of section 5751.21 of the 128938
Revised Code, excluding levy losses for debt purposes. 128939

(11) "Operating S.B. 3 fixed-sum levy losses" means the 128940
sum of payments received by the school district in fiscal year 128941
2015 for levy losses under division (H) of section 5727.84 of 128942
the Revised Code, excluding levy losses for debt purposes. 128943

(12) "TPP fixed-sum debt levy losses" means the sum of 128944
payments received by a school district in fiscal year 2015 for 128945
levy losses under division (E) of section 5751.21 of the Revised 128946
Code for debt purposes. 128947

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 128948
payments received by the school district in fiscal year 2015 for 128949
levy losses under division (H) of section 5727.84 of the Revised 128950
Code for debt purposes. 128951

(14) "Qualifying levies" means qualifying levies described 128952
in section 5751.20 of the Revised Code as that section was in 128953
effect before July 1, 2015. 128954

(15) "Total taxable value" has the same meaning as in 128955
section 3317.02 of the Revised Code. 128956

(B) The department of education and workforce shall rank 128957
all school districts in the order of districts' capacity 128958
measures determined under former section 3317.018 of the Revised 128959
Code from lowest to highest, and divide such ranking into 128960
quintiles, with the first quintile containing the twenty per 128961
cent of school districts having the lowest capacity measure and 128962
the fifth quintile containing the twenty per cent of school 128963
districts having the highest capacity measure. This calculation 128964
and ranking shall be performed once, in fiscal year 2016. 128965

(C) (1) In fiscal year 2016, payments shall be made to 128966
school districts and joint vocational school districts equal to 128967
the sum of the amounts described in divisions (C) (1) (a) or (b) 128968

and (C) (1) (c) of this section. In fiscal year 2017, payments 128969
shall be made to school districts and joint vocational school 128970
districts equal to the amount described in division (C) (1) (a) or 128971
(b) of this section. 128972

(a) If the ratio of the current expense allocation to 128973
total resources is equal to or less than the district's 128974
threshold percent, zero; 128975

(b) If the ratio of the current expense allocation to 128976
total resources is greater than the district's threshold per 128977
cent, the difference between the current expense allocation and 128978
the product of the threshold percentage and total resources; 128979

(c) For fiscal year 2016, the product of the non-current 128980
expense allocation multiplied by fifty per cent. 128981

(2) In fiscal year 2018 and subsequent fiscal years, 128982
payments shall be made to school districts and joint vocational 128983
school districts equal to the difference obtained by subtracting 128984
the amount described in division (C) (2) (b) of this section from 128985
the amount described in division (C) (2) (a) of this section, 128986
provided that such amount is greater than zero. 128987

(a) The sum of the payments received by the district under 128988
division (C) (1) (b) or (C) (2) of this section for the immediately 128989
preceding fiscal year; 128990

(b) One-sixteenth of one per cent of the average of the 128991
total taxable value of the district for tax years 2014, 2015, 128992
and 2016. 128993

(3) (a) "Total resources" used to compute payments under 128994
division (C) (1) of this section shall be reduced to the extent 128995
that payments distributed in fiscal year 2015 were attributable 128996
to levies no longer charged and payable for tax year 2014. 128997

(b) "Current expense allocation" used to compute payments 128998
under division (C) (1) of this section shall be reduced to the 128999
extent that the payments distributed in fiscal year 2015 were 129000
attributable to levies no longer charged and payable for tax 129001
year 2014. 129002

(4) The department of education and workforce shall report 129003
to each school district and joint vocational school district the 129004
apportionment of the payments under division (C) (1) of this 129005
section among the district's funds based on qualifying levies. 129006

(D) (1) Payments in the following amounts shall be made to 129007
school districts and joint vocational school districts in tax 129008
years 2016 through 2021: 129009

(a) In tax year 2016, the sum of the district's operating 129010
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 129011
losses. 129012

(b) In tax year 2017, the sum of the district's operating 129013
TPP fixed-sum levy losses and eighty per cent of operating S.B. 129014
3 fixed-sum levy losses. 129015

(c) In tax year 2018, the sum of eighty per cent of the 129016
district's operating TPP fixed-sum levy losses and sixty per 129017
cent of its operating S.B. 3 fixed-sum levy losses. 129018

(d) In tax year 2019, the sum of sixty per cent of the 129019
district's operating TPP fixed-sum levy losses and forty per 129020
cent of its operating S.B. 3 fixed-sum levy losses. 129021

(e) In tax year 2020, the sum of forty per cent of the 129022
district's operating TPP fixed-sum levy losses and twenty per 129023
cent of its operating S.B. 3 fixed-sum levy losses. 129024

(f) In tax year 2021, twenty per cent of the district's 129025

operating TPP fixed-sum levy losses. 129026

No payment shall be made under division (D) (1) of this 129027
section after tax year 2021. 129028

(2) Amounts are payable under division (D) of this section 129029
for fixed-sum levy losses only to the extent of such losses for 129030
qualifying levies that remain in effect for the current tax 129031
year. For this purpose, a qualifying levy levied under section 129032
5705.194 or 5705.213 of the Revised Code remains in effect for 129033
the current tax year only if a tax levied under either of those 129034
sections is charged and payable for the current tax year for an 129035
annual sum at least equal to the annual sum levied by the board 129036
of education for tax year 2004 under those sections less the 129037
amount of the payment under this division. 129038

(E) (1) For fixed-sum levies for debt purposes, payments 129039
shall be made to school districts and joint vocational school 129040
districts equal to one hundred per cent of the district's fixed- 129041
sum levy loss determined under division (E) of section 5751.20 129042
and division (H) of section 5727.84 of the Revised Code as in 129043
effect before July 1, 2015, and paid in tax year 2014. No 129044
payment shall be made for qualifying levies that are no longer 129045
charged and payable. 129046

(2) Beginning in 2016, by the thirty-first day of January 129047
of each year, the tax commissioner shall review the calculation 129048
of fixed-sum levy loss for debt purposes determined under 129049
division (E) of section 5751.20 and division (H) of section 129050
5727.84 of the Revised Code as in effect before July 1, 2015. If 129051
the commissioner determines that a fixed-sum levy that had been 129052
scheduled to be reimbursed in the current year is no longer 129053
charged and payable, a revised calculation for that year and all 129054
subsequent years shall be made. 129055

(F) (1) For taxes levied within the ten-mill limitation for 129056
debt purposes in tax year 1998 in the case of electric company 129057
tax value losses, and in tax year 1999 in the case of natural 129058
gas company tax value losses, payments shall be made to school 129059
districts and joint vocational school districts equal to one 129060
hundred per cent of the loss computed under division (D) of 129061
section 5727.85 of the Revised Code as in effect before July 1, 129062
2015, as if the tax were a fixed-rate levy, but those payments 129063
shall extend through fiscal year 2016. 129064

(2) For taxes levied within the ten-mill limitation for 129065
debt purposes in tax year 2005, payments shall be made to school 129066
districts and joint vocational school districts equal to one 129067
hundred per cent of the loss computed under division (D) of 129068
section 5751.21 of the Revised Code as in effect before July 1, 129069
2015, as if the tax were a fixed-rate levy, but those payments 129070
shall extend through fiscal year 2018. 129071

(G) If all the territory of a school district or joint 129072
vocational school district is merged with another district, or 129073
if a part of the territory of a school district or joint 129074
vocational school district is transferred to an existing or 129075
newly created district, the department of education and 129076
workforce, in consultation with the tax commissioner, shall 129077
adjust the payments made under this section as follows: 129078

(1) For a merger of two or more districts, fixed-sum levy 129079
losses, total resources, current expense allocation, and non- 129080
current expense allocation of the successor district shall be 129081
the sum of such items for each of the districts involved in the 129082
merger. 129083

(2) If property is transferred from one district to a 129084
previously existing district, the amount of the total resources, 129085

current expense allocation, and non-current expense allocation 129086
that shall be transferred to the recipient district shall be an 129087
amount equal to the total resources, current expense allocation, 129088
and non-current expense allocation of the transferor district 129089
times a fraction, the numerator of which is the number of pupils 129090
being transferred to the recipient district, measured, in the 129091
case of a school district, by formula ADM as defined in section 129092
3317.02 of the Revised Code or, in the case of a joint vocational 129093
school district, by formula ADM as defined for a joint 129094
vocational school district in that section, and the denominator 129095
of which is the formula ADM of the transferor district. 129096

(3) After December 31, 2010, if property is transferred 129097
from one or more districts to a district that is newly created 129098
out of the transferred property, the newly created district 129099
shall be deemed not to have any total resources, current expense 129100
allocation, total allocation, or non-current expense allocation. 129101

(4) If the recipient district under division (G) (2) of 129102
this section or the newly created district under division (G) (3) 129103
of this section is assuming debt from one or more of the 129104
districts from which the property was transferred and any of the 129105
districts losing the property had fixed-sum levy losses, the 129106
department of education and workforce, in consultation with the 129107
tax commissioner, shall make an equitable division of the 129108
reimbursements for those losses. 129109

(H) The payments required by divisions (C), (D), (E), (F), 129110
and (I) of this section shall be distributed periodically to 129111
each school and joint vocational school district by the 129112
department of education and workforce unless otherwise provided 129113
for. Except as provided in division (D) of this section, if a 129114
levy that is a qualifying levy is not charged and payable in any 129115

year after 2014, payments to the school district or joint 129116
vocational school district shall be reduced to the extent that 129117
the payments distributed in fiscal year 2015 were attributable 129118
to the levy loss of that levy. 129119

(I) For fiscal years 2022 through 2026, if the total 129120
amount to be received under divisions (C) and (E) of this 129121
section by any school district that has a nuclear power plant 129122
located within its territory is less than the amount the 129123
district received under this section in fiscal year 2017, the 129124
district shall receive a supplemental payment equal to the 129125
difference between the amount to be received under those 129126
divisions for the fiscal year and the amount received under this 129127
section in fiscal year 2017. 129128

Sec. 5709.93. (A) As used in this section: 129129

(1) "Taxes charged and payable" means taxes charged and 129130
payable after the reduction required by section 319.301 of the 129131
Revised Code but before the reductions required by sections 129132
319.302 and 323.152 of the Revised Code. 129133

(2) "Threshold per cent" means two per cent for fiscal 129134
year 2016; and, for fiscal year 2017 and thereafter, the sum of 129135
the prior year's threshold per cent plus two percentage points. 129136

(3) "Public library" means a county, municipal, school 129137
district, or township public library that receives the proceeds 129138
of a tax levied under section 5705.23 of the Revised Code. 129139

(4) "Local taxing unit" means a subdivision or taxing 129140
unit, as defined in section 5705.01 of the Revised Code, a park 129141
district created under Chapter 1545. of the Revised Code, or a 129142
township park district established under section 511.23 of the 129143
Revised Code, but excludes school districts and joint vocational 129144

school districts. 129145

(5) "Municipal current expense allocation" means the sum 129146
of the payments received by a municipal corporation in calendar 129147
year 2014 for current expense levy losses under division (A) (1) 129148
(e) (ii) of section 5727.86 and division (A) (1) (c) (ii) of section 129149
5751.22 of the Revised Code as they existed at that time. 129150

(6) "Current expense allocation" means the sum of the 129151
payments received by a local taxing unit or public library in 129152
calendar year 2014 for current expense levy losses under 129153
division (A) (1) of section 5727.86 and divisions (A) (1) and (2) 129154
of section 5751.22 of the Revised Code as they existed at that 129155
time, less any reduction required under division (B) (2) of this 129156
section. 129157

(7) "TPP inside millage debt levy loss" means payments 129158
made to local taxing units in calendar year 2014 under division 129159
(A) (3) of section 5751.22 of the Revised Code as that section 129160
existed at that time. 129161

(8) "S.B. 3 inside millage debt levy loss" means payments 129162
made to local taxing units in calendar year 2014 under section 129163
(A) (4) of section 5727.86 of the Revised Code as that section 129164
existed at that time. 129165

(9) "Qualifying levy" means a levy for which payment was 129166
made in calendar year 2014 under division (A) (1) of section 129167
5727.86 and divisions (A) (1) and (2) of section 5751.22 of the 129168
Revised Code as they existed at that time. 129169

(10) "Total resources," in the case of county mental 129170
health and disability related functions, means the sum of the 129171
amounts in divisions (A) (10) (a) and (b) of this section less any 129172
reduction required under division (B) (1) of this section. 129173

(a) The sum of the payments received by the county for 129174
mental health and developmental disability related functions in 129175
calendar year 2014 under division (A)(1) of section 5727.86 and 129176
division (A)(1) of section 5751.22 of the Revised Code as they 129177
existed at that time; 129178

(b) With respect to taxes levied by the county for mental 129179
health and developmental disability related purposes, the taxes 129180
charged and payable for such purposes against all property on 129181
the tax list of real and public utility property for tax year 129182
2014. 129183

(11) "Total resources," in the case of county senior 129184
services related functions, means the sum of the amounts in 129185
divisions (A)(11)(a) and (b) of this section less any reduction 129186
required under division (B)(1) of this section. 129187

(a) The sum of the payments received by the county for 129188
senior services related functions in calendar year 2014 under 129189
division (A)(1) of section 5727.86 and division (A)(1) of 129190
section 5751.22 of the Revised Code as they existed at that 129191
time; 129192

(b) With respect to taxes levied by the county for senior 129193
services related purposes, the taxes charged and payable for 129194
such purposes against all property on the tax list of real and 129195
public utility property for tax year 2014. 129196

(12) "Total resources," in the case of county children's 129197
services related functions, means the sum of the amounts in 129198
divisions (A)(12)(a) and (b) of this section less any reduction 129199
required under division (B)(1) of this section. 129200

(a) The sum of the payments received by the county for 129201
children's services related functions in calendar year 2014 129202

under division (A) (1) of section 5727.86 and division (A) (1) of 129203
section 5751.22 of the Revised Code as they existed at that 129204
time; 129205

(b) With respect to taxes levied by the county for 129206
children's services related purposes, the taxes charged and 129207
payable for such purposes against all property on the tax list 129208
of real and public utility property for tax year 2014. 129209

(13) "Total resources," in the case of county public 129210
health related functions, means the sum of the amounts in 129211
divisions (A) (13) (a) and (b) of this section less any reduction 129212
required under division (B) (1) of this section. 129213

(a) The sum of the payments received by the county for 129214
public health related functions in calendar year 2014 under 129215
division (A) (1) of section 5727.86 and division (A) (1) of 129216
section 5751.22 of the Revised Code as they existed at that 129217
time; 129218

(b) With respect to taxes levied by the county for public 129219
health related purposes, the taxes charged and payable for such 129220
purposes against all property on the tax list of real and public 129221
utility property for tax year 2014. 129222

(14) "Total resources," in the case of all county 129223
functions not included in divisions (A) (10) to (13) of this 129224
section, means the sum of the amounts in divisions (A) (14) (a) to 129225
(e) of this section less any reduction required under division 129226
(B) (1) or (2) of this section. 129227

(a) The sum of the payments received by the county for all 129228
other purposes in calendar year 2014 under division (A) (1) of 129229
section 5727.86 and division (A) (1) of section 5751.22 of the 129230
Revised Code as they existed at that time; 129231

(b) The county's percentage share of county undivided 129232
local government fund allocations as certified to the tax 129233
commissioner for calendar year 2015 by the county auditor under 129234
division (J) of section 5747.51 of the Revised Code or division 129235
(F) of section 5747.53 of the Revised Code multiplied by the 129236
total amount actually distributed in calendar year 2014 from the 129237
county undivided local government fund; 129238

(c) With respect to taxes levied by the county for all 129239
other purposes, the taxes charged and payable for such purposes 129240
against all property on the tax list of real and public utility 129241
property for tax year 2014, excluding taxes charged and payable 129242
for the purpose of paying debt charges; 129243

(d) The sum of the amounts distributed to the county in 129244
calendar year 2014 for the taxes levied pursuant to sections 129245
5739.021 and 5741.021 of the Revised Code; 129246

(e) The sum of amounts distributed to the county from the 129247
gross casino revenue county fund from July 2014 through April 129248
2015. 129249

(15) "Total resources," in the case of a municipal 129250
corporation, means the sum of the amounts in divisions (A) (15) 129251
(a) to (h) of this section less any reduction required under 129252
division (B) (1) or (2) of this section. 129253

(a) The sum of the payments received by the municipal 129254
corporation in calendar year 2014 for current expense levy 129255
losses under division (A) (1) of section 5727.86 and division (A) 129256
(1) of section 5751.22 of the Revised Code as they existed at 129257
that time; 129258

(b) The municipal corporation's percentage share of county 129259
undivided local government fund allocations as certified to the 129260

tax commissioner for calendar year 2015 by the county auditor 129261
under division (J) of section 5747.51 of the Revised Code or 129262
division (F) of section 5747.53 of the Revised Code multiplied 129263
by the total amount actually distributed in calendar year 2014 129264
from the county undivided local government fund; 129265

(c) The sum of the amounts distributed to the municipal 129266
corporation in calendar year 2014 pursuant to section 5747.50 of 129267
the Revised Code; 129268

(d) With respect to taxes levied by the municipal 129269
corporation, the taxes charged and payable against all property 129270
on the tax list of real and public utility property for 129271
municipal current expenses for tax year 2014; 129272

(e) The amount of admissions tax collected by the 129273
municipal corporation in calendar year 2013, or if such 129274
information has not yet been reported to the tax commissioner, 129275
in the most recent year before 2013 for which the municipal 129276
corporation has reported data to the commissioner; 129277

(f) The amount of income taxes collected by the municipal 129278
corporation in calendar year 2013 as certified to the tax 129279
commissioner under section 5747.50 of the Revised Code in 2013, 129280
or if such information has not yet been reported to the 129281
commissioner, in the most recent year before 2014 for which the 129282
municipal corporation has reported such data to the 129283
commissioner; 129284

(g) The sum of the amounts distributed to the municipal 129285
corporation from the gross casino revenue host city fund from 129286
July 2014 through April 2015; 129287

(h) The sum of the amounts distributed to the municipal 129288
corporation from the gross casino revenue county fund from July 129289

2014 through April 2015. 129290

(16) "Total resources," in the case of a township, means 129291
the sum of the amounts in divisions (A) (16) (a) to (c) of this 129292
section less any reduction required under division (B) (1) or (2) 129293
of this section. 129294

(a) The sum of the payments received by the township in 129295
calendar year 2014 pursuant to division (A) (1) of section 129296
5727.86 of the Revised Code and division (A) (1) of section 129297
5751.22 of the Revised Code as they existed at that time, 129298
excluding payments received for debt purposes; 129299

(b) The township's percentage share of county undivided 129300
local government fund allocations as certified to the tax 129301
commissioner for calendar year 2015 by the county auditor under 129302
division (J) of section 5747.51 of the Revised Code or division 129303
(F) of section 5747.53 of the Revised Code multiplied by the 129304
total amount actually distributed in calendar year 2014 from the 129305
county undivided local government fund; 129306

(c) With respect to taxes levied by the township, the 129307
taxes charged and payable against all property on the tax list 129308
of real and public utility property for tax year 2014 excluding 129309
taxes charged and payable for the purpose of paying debt charges 129310
or from levies imposed under section 5705.23 of the Revised 129311
Code. 129312

(17) "Total resources," in the case of a local taxing unit 129313
that is not a county, municipal corporation, township, or public 129314
library means the sum of the amounts in divisions (A) (17) (a) to 129315
(e) of this section less any reduction required under division 129316
(B) (1) of this section. 129317

(a) The sum of the payments received by the local taxing 129318

unit in calendar year 2014 pursuant to division (A) (1) of 129319
section 5727.86 of the Revised Code and division (A) (1) of 129320
section 5751.22 of the Revised Code as they existed at that 129321
time; 129322

(b) The local taxing unit's percentage share of county 129323
undivided local government fund allocations as certified to the 129324
tax commissioner for calendar year 2015 by the county auditor 129325
under division (J) of section 5747.51 of the Revised Code or 129326
division (F) of section 5747.53 of the Revised Code multiplied 129327
by the total amount actually distributed in calendar year 2014 129328
from the county undivided local government fund; 129329

(c) With respect to taxes levied by the local taxing unit, 129330
the taxes charged and payable against all property on the tax 129331
list of real and public utility property for tax year 2014 129332
excluding taxes charged and payable for the purpose of paying 129333
debt charges or from a levy imposed under section 5705.23 of the 129334
Revised Code; 129335

(d) The amount received from the tax commissioner during 129336
calendar year 2014 for sales or use taxes authorized under 129337
sections 5739.023 and 5741.022 of the Revised Code; 129338

(e) For institutions of higher education receiving tax 129339
revenue from a local levy, as identified in section 3358.02 of 129340
the Revised Code, the final state share of instruction 129341
allocation for fiscal year 2014 as calculated by the chancellor 129342
of higher education and reported to the state controlling board. 129343

(18) "Total resources," in the case of a county, municipal 129344
corporation, school district, or township public library that 129345
receives the proceeds of a tax levied under section 5705.23 of 129346
the Revised Code, means the sum of the amounts in divisions (A) 129347

(18) (a) to (d) of this section less any reduction required under 129348
division (B) (1) of this section. 129349

(a) The sum of the payments received by the county, 129350
municipal corporation, school district, or township public 129351
library in calendar year 2014 pursuant to sections 5727.86 and 129352
5751.22 of the Revised Code, as they existed at that time, for 129353
fixed-rate levy losses attributable to a tax levied under 129354
section 5705.23 of the Revised Code for the benefit of the 129355
public library; 129356

(b) The public library's percentage share of county 129357
undivided local government fund allocations as certified to the 129358
tax commissioner for calendar year 2015 by the county auditor 129359
under division (J) of section 5747.51 of the Revised Code or 129360
division (F) of section 5747.53 of the Revised Code multiplied 129361
by the total amount actually distributed in calendar year 2014 129362
from the county undivided local government fund; 129363

(c) With respect to a tax levied pursuant to section 129364
5705.23 of the Revised Code for the benefit of the public 129365
library, the amount of such tax that is charged and payable 129366
against all property on the tax list of real and public utility 129367
property for tax year 2014 excluding any tax that is charged and 129368
payable for the purpose of paying debt charges; 129369

(d) The sum of the amounts distributed to the library 129370
district from the county public library fund in calendar year 129371
2014, as reported to the tax commissioner by the county auditor. 129372

(19) "Municipal current expense property tax levies" means 129373
all property tax levies of a municipality, except those with the 129374
following levy names: library; airport resurfacing; bond or any 129375
levy name including the word "bond"; capital improvement or any 129376

levy name including the word "capital"; debt or any levy name 129377
including the word "debt"; equipment or any levy name including 129378
the word "equipment," unless the levy is for combined operating 129379
and equipment; employee termination fund; fire pension or any 129380
levy containing the word "pension," including police pensions; 129381
fireman's fund or any practically similar name; sinking fund; 129382
road improvements or any levy containing the word "road"; fire 129383
truck or apparatus; flood or any levy containing the word 129384
"flood"; conservancy district; county health; note retirement; 129385
sewage, or any levy containing the words "sewage" or "sewer"; 129386
park improvement; parkland acquisition; storm drain; street or 129387
any levy name containing the word "street"; lighting, or any 129388
levy name containing the word "lighting"; and water. 129389

(20) "Operating fixed-rate levy loss" means, in the case 129390
of local taxing units other than municipal corporations, fixed- 129391
rate levy losses of levies imposed for purposes other than 129392
paying debt charges or, in the case of municipal corporations, 129393
fixed-rate levy losses of municipal current expense property tax 129394
levies. 129395

(21) (a) "Qualifying municipal corporation" means a 129396
municipal corporation in the territory of which a qualifying end 129397
user is located. 129398

(b) "Qualifying end user" means an end user of at least 129399
seven million qualifying kilowatt hours of electricity annually. 129400

(c) "Qualifying kilowatt hours" means kilowatt hours of 129401
electricity generated by a renewable energy resource, as defined 129402
in section 5727.01 of the Revised Code, using wind energy and 129403
the distribution of which is subject to the tax levied under 129404
section 5727.81 of the Revised Code for any measurement period 129405
beginning after June 30, 2015. 129406

(22) Any term used in this section has the same meaning as 129407
in section 5727.84 or 5751.20 of the Revised Code unless 129408
otherwise defined by this section. 129409

(B) (1) "Total resources" used to compute payments to be 129410
made under division (C) of this section shall be reduced to the 129411
extent that payments distributed in calendar year 2014 were 129412
attributable to levies no longer charged and payable. 129413

(2) "Current expense allocation" used to compute payments 129414
to be made under division (C) of this section shall be reduced 129415
to the extent that payments distributed in calendar year 2014 129416
were attributable to levies no longer charged and payable. 129417

(C) (1) Except as provided in division (D) of this section, 129418
the tax commissioner shall compute payments for operating fixed- 129419
rate levy losses of local taxing units and public libraries for 129420
fiscal year 2016 and each year thereafter as prescribed in 129421
divisions (C) (1) (a) and (b) of this section: 129422

(a) For public libraries and local taxing units other than 129423
municipal corporations: 129424

(i) If the ratio of current expense allocation to total 129425
resources is equal to or less than the threshold per cent, zero; 129426

(ii) If the ratio of current expense allocation to total 129427
resources is greater than the threshold per cent, the current 129428
expense allocation minus the product of total resources 129429
multiplied by the threshold per cent. 129430

(b) For municipal corporations: 129431

(i) If the ratio of the municipal current expense 129432
allocation to total resources is equal to or less than the 129433
threshold per cent, zero; 129434

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent.

(2) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable.

(D) (1) Except as provided in division (D) (2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter.

(2) No payment shall be made for TPP inside millage debt levy loss in calendar year 2018 or thereafter. No payment shall be made for S.B.3 inside millage debt levy loss in calendar year 2017 or thereafter.

(E) For a qualifying municipal corporation, the tax commissioner shall compute payments for fiscal year 2016 and each ensuing fiscal year in an amount equal to the amount of tax imposed under section 5727.81 of the Revised Code and paid on the basis of qualifying kilowatt hours of electricity

distributed through the meter of a qualifying end user located 129465
in the municipal corporation for measurement periods ending in 129466
the preceding calendar year. The payment shall be computed 129467
regardless of whether the qualifying municipal corporation 129468
qualifies for a payment under any other division of this section 129469
for the fiscal year in which the payment is computed under this 129470
division. For the purposes of this division, the commissioner 129471
may require an electric distribution company distributing 129472
qualifying kilowatt hours or, if the end user is a self- 129473
assessing purchaser, the end user, to report to the commissioner 129474
the number of qualifying kilowatt hours distributed through the 129475
meter of the qualifying end user. 129476

(F) (1) The payments required to be made under divisions 129477
(C), (D), and (H) of this section shall be paid from the ~~local-~~ 129478
~~government tangible property tax replacement~~ general revenue 129479
fund to the county undivided income tax fund in the proper 129480
county treasury. Beginning in August 2015, one-half of the 129481
amount determined under each of those divisions shall be paid on 129482
or before the last day of August each year, and one-half shall 129483
be paid on or before the last day of February each year. Within 129484
thirty days after receipt of such payments, the county treasurer 129485
shall distribute amounts determined under this section to the 129486
proper local taxing unit or public library as if they had been 129487
levied and collected as taxes, and the local taxing unit or 129488
public library shall allocate the amounts so received among its 129489
funds in the same proportions as if those amounts had been 129490
levied and collected as taxes. 129491

(2) On or before the last day of August and of February of 129492
each fiscal year that follows a calendar year in which taxes are 129493
paid on the basis of qualifying kilowatt hours of electricity 129494
distributed through the meter of a qualifying end user located 129495

in a qualifying municipal corporation, one-half of the payment 129496
computed under division (E) of this section shall be paid from 129497
the ~~local government tangible personal property tax replacement~~ 129498
general revenue fund directly to the qualifying municipal 129499
corporation. The municipal corporation shall credit the payments 129500
to a special fund created for the purpose of providing grants or 129501
other financial assistance to the qualifying end user or to 129502
compensate the municipal corporation for municipal income tax or 129503
other tax credits or reductions as the legislative authority may 129504
grant to the qualifying end user. Such grants or other financial 129505
assistance may be provided for by ordinance or resolution of the 129506
legislative authority of the qualifying municipal corporation 129507
and may continue for as long as is provided by the ordinance or 129508
resolution. 129509

(G) If all or a part of the territories of two or more 129510
local taxing units are merged, or unincorporated territory of a 129511
township is annexed by a municipal corporation, the tax 129512
commissioner shall adjust the payments made under this section 129513
to each of the local taxing units in proportion to the square 129514
mileage of the merged or annexed territory as a percentage of 129515
the total square mileage of the jurisdiction from which the 129516
territory originated, or as otherwise provided by a written 129517
agreement between the legislative authorities of the local 129518
taxing units certified to the commissioner not later than the 129519
first day of June of the calendar year in which the payment is 129520
to be made. 129521

(H) For fiscal years 2022 through 2026, if the total 129522
amount to be received under division (C) of this section by a 129523
joint fire district that has a nuclear power plant located 129524
within its territory is less than the amount the district 129525
received under this section in fiscal year 2017, the district 129526

shall receive a supplemental payment equal to the difference 129527
between the amount to be received under that division for the 129528
fiscal year and the amount received under this section in fiscal 129529
year 2017. 129530

Sec. 5713.34. (A) (1) Upon the conversion of all or any 129531
portion of a tract, lot, or parcel of land devoted exclusively 129532
to agricultural use a portion of the tax savings upon such 129533
converted land shall be recouped as provided for by Section 36, 129534
Article II, Ohio Constitution by levying a charge on such land 129535
in an amount equal to the amount of the tax savings on the 129536
converted land during the three tax years immediately preceding 129537
the year in which the conversion occurs. If the auditor 129538
discovers that agricultural land valued at the lowest valued 129539
soil type, pursuant to section 5713.31 of the Revised Code, 129540
because of its use for a conservation practice or designation as 129541
eligible conservation land ceases to meet that criteria sooner 129542
than thirty-six months after the initial certification, the 129543
auditor shall levy a charge on such agricultural land in an 129544
amount equal to the reduction in taxes resulting from the land's 129545
valuation at the lowest valued soil type, rather than valuation 129546
at its actual soil type, in all preceding years the land was so 129547
valued, not to exceed the most recent three years. The charges 129548
levied under this section shall constitute a lien of the state 129549
upon such converted land as of the first day of January of the 129550
tax year in which the charge is levied and shall continue until 129551
discharged as provided by law. 129552

(2) Upon the conversion of an adequately described portion 129553
of a tract, lot, or parcel of land, the county auditor shall 129554
divide any numbered permanent parcel into economic units and 129555
value each unit individually for the purpose of levying the 129556
charge under division (A) (1) of this section against only the 129557

converted portion. 129558

(3) A charge shall not be levied under this section for 129559
the conversion of a portion of a tract, lot, or parcel of land 129560
devoted exclusively to agricultural use if the conversion is 129561
incident to the construction or installation of an energy 129562
facility, as defined in section 5727.01 of the Revised Code, and 129563
if the remaining portion of the tract, lot, or parcel continues 129564
to be devoted exclusively to agricultural use. 129565

(B) Except as otherwise provided in division (C) or (D) of 129566
this section, a public entity that acquires by any means and 129567
converts land devoted exclusively to agricultural use and a 129568
private entity granted the power of eminent domain that acquires 129569
by any means and converts land devoted exclusively to 129570
agricultural use shall pay the charge levied by division (A) of 129571
this section and shall not, directly or indirectly, transfer the 129572
charge to the person from whom the land is acquired. A person 129573
injured by a violation of this division may recover, in a civil 129574
action, any damages resulting from the violation. 129575

(C) The charge levied by division (A)(1) of this section 129576
does not apply to the conversion of land that meets either of 129577
the following conditions: 129578

(1) The land is exempt from taxation pursuant to division 129579
(B) of section 5709.09 of the Revised Code and remains 129580
principally undeveloped. 129581

(2) The land is acquired by a public entity by means other 129582
than eminent domain and thereafter used exclusively for a public 129583
purpose that leaves the land principally undeveloped when either 129584
of the following conditions applies: 129585

~~(1)~~ (a) In the case of land so acquired and converted by a 129586

park district created under Chapter 1545. of the Revised Code, 129587
the land is located within the boundaries of the park district. 129588

~~(2)~~(b) In the case of land so acquired and converted by a 129589
public entity other than a park district created under Chapter 129590
1545. of the Revised Code, the land is located within the 129591
boundaries of any city, local, exempted village, or joint 129592
vocational school district that is wholly or partially located 129593
within the boundaries of the public entity that so acquired and 129594
converted the land. 129595

If all or any portion of a tract, lot, or parcel of ~~such~~ 129596
land described in division (C) (1) or (2) of this section is 129597
later developed or otherwise converted to a purpose other than 129598
one of the purposes enumerated under division (E) (1) of this 129599
section, the charge levied by division (A) (1) of this section 129600
shall be levied against such developed or converted land as 129601
otherwise required by that division. 129602

The county auditor of the county in which the land is 129603
located shall determine annually whether all or any portion of a 129604
tract, lot, or parcel of land formerly converted to a purpose 129605
enumerated under division (E) (1) of this section has been 129606
developed in such a way or converted to such a purpose as to 129607
require the charge levied by division (A) (1) of this section to 129608
be levied against the land so developed or converted. 129609

(D) Division (B) of this section does not apply to a 129610
public entity that acquires by means other than eminent domain 129611
and converts land devoted exclusively to agricultural use to use 129612
for public, active or passive, outdoor education, recreation, or 129613
similar open space uses when either of the following conditions 129614
applies: 129615

(1) In the case of land so acquired and converted by a 129616
park district created under Chapter 1545. of the Revised Code, 129617
the land is located outside the boundaries of the park district. 129618

(2) In the case of land so acquired and converted by a 129619
public entity other than a park district created under Chapter 129620
1545. of the Revised Code, the land is located outside the 129621
boundaries of any city, local, exempted village, or joint 129622
vocational school district that is wholly or partially located 129623
within the boundaries of the public entity that so acquired and 129624
converted the land. 129625

(E) As used in divisions (C) and (D) of this section: 129626

(1) "Principally undeveloped" means a parcel of real 129627
property that is used for public, active or passive, outdoor 129628
education, recreation, or similar open space uses and contains 129629
only the structures, roadways, and other facilities that are 129630
necessary for such uses. 129631

(2) "Public entity" means any political subdivision of 129632
this state or any agency or instrumentality of a political 129633
subdivision. 129634

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of 129635
the Revised Code: 129636

(A) "Financial institution" means: 129637

(1) A national bank organized and existing as a national 129638
bank association pursuant to the "National Bank Act," 12 U.S.C. 129639
21; 129640

(2) A federal savings association or federal savings bank 129641
that is chartered under 12 U.S.C. 1464; 129642

(3) A bank, banking association, trust company, savings 129643

and loan association, savings bank, or other banking institution 129644
that is incorporated or organized under the laws of any state; 129645

(4) Any corporation organized under 12 U.S.C. 611 to 631; 129646

(5) Any agency or branch of a foreign depository as 129647
defined in 12 U.S.C. 3101; 129648

(6) A company licensed as a small business investment 129649
company under the "Small Business Investment Act of 1958," 72 129650
Stat. 689, 15 U.S.C. 661, as amended; or 129651

(7) A company chartered under the "Farm Credit Act of 129652
1933," 48 Stat. 257, 12 U.S.C. 1131(d), as amended. 129653

Corporations or institutions organized under the "Federal 129654
Farm Loan Act" and amendments thereto, insurance companies, and 129655
credit unions shall not be considered financial institutions or 129656
dealers in intangibles within the meaning of such sections. 129657

~~(B)-(1)~~ (B) "Dealer in intangibles" includes every person 129658
who keeps an office or other place of business in this state and 129659
engages at such office or other place in a business that 129660
consists primarily of lending money, or discounting, buying, or 129661
selling bills of exchange, drafts, acceptances, notes, 129662
mortgages, or other evidences of indebtedness, or of buying or 129663
selling bonds, stocks, or other investment securities, whether 129664
on the person's own account with a view to profit, or as agent 129665
or broker for others, with a view to profit or personal 129666
earnings. Dealer in intangibles excludes institutions used 129667
exclusively for charitable purposes, insurance companies, and 129668
financial institutions. The investment of funds as personal 129669
accumulations or as business reserves or working capital does 129670
not constitute engaging in a business within the meaning of this 129671
division; but a person who, having engaged in a business that 129672

consists primarily of lending money, or discounting, buying, or 129673
selling bills of exchange, drafts, acceptances, notes, 129674
mortgages, or other evidences of indebtedness on the person's 129675
own account, remains in business primarily for the purpose of 129676
realizing upon the assets of the business is deemed a dealer in 129677
intangibles, though not presently engaged in a business that 129678
consists primarily of lending money or discounting or buying 129679
such securities. 129680

~~(2) The tax commissioner shall adopt a rule defining 129681~~
~~"primarily" as that term is used in division (B) (1) of this 129682~~
~~section. 129683~~

(C) "Insurance company" includes every corporation, 129684
association, and society engaged in the business of insurance of 129685
any character, or engaged in the business of entering into 129686
contracts substantially amounting to insurance of any character, 129687
or of indemnifying or guaranteeing against loss or damage, or 129688
acting as surety on bonds or undertakings. "Insurance company" 129689
also includes any health insuring corporation as defined in 129690
section 1751.01 of the Revised Code. 129691

(D) "Domestic insurance company" includes every insurance 129692
company organized and existing under the laws of this state, and 129693
every unincorporated association and society formed under the 129694
laws of this state for the purpose of engaging in said business, 129695
except a company, association, or society that is an insurance 129696
holding company affiliate controlled by a nonresident affiliate 129697
and has risks in this state formerly written by its foreign 129698
affiliates in a total amount exceeding the risks outstanding on 129699
the taxpayer's latest annual report that arise from business 129700
initially written by it in this state; and excludes every 129701
foreign insurance company. As used in this division, terms 129702

defined in section 3901.32 of the Revised Code have the same 129703
meanings given to them in that section. 129704

(E) "Foreign insurance company" includes every insurance 129705
company organized or existing under the laws of any other state, 129706
territory, country, or the United States and every insurance 129707
holding company affiliate excepted under division (D) of this 129708
section. 129709

(F) "Credit union" means a nonprofit cooperative financial 129710
institution organized or chartered under the laws of this state, 129711
of another state, or of the United States. 129712

Sec. 5725.23. Taxes, interest, and penalties may be 129713
recovered from a delinquent domestic insurance company or person 129714
in an action brought in the name of the state in the court of 129715
common pleas of Franklin county or any county in which such 129716
company or person has an office or place of business, and such 129717
court shall have jurisdiction of such action regardless of the 129718
amount involved. The attorney general, on request of the 129719
superintendent of insurance or tax commissioner, shall institute 129720
such action in the court of common pleas of Franklin county or 129721
any other county the superintendent or commissioner directs. In 129722
any such action, it shall be sufficient to allege that the tax, 129723
interest, and penalty sought to be recovered stand charged on 129724
the tax list of domestic insurance company franchise taxes ~~or~~ 129725
~~intangible property taxes~~ in the office of the treasurer of 129726
state and have been unpaid for a period of forty-five days after 129727
having been placed thereon. Sums recovered in any such action 129728
shall be paid into the state treasury and distributed as 129729
provided in section 5725.24 of the Revised Code. 129730

Sec. 5725.35. There is allowed a credit against the tax 129731
imposed by section 5725.18 of the Revised Code for an insurance 129732

company subject to that tax that holds the rights to a tax 129733
credit certificate issued under section 122.09 of the Revised 129734
Code. The credit shall equal the dollar amount indicated on the 129735
certificate. The credit shall be claimed in the calendar year 129736
specified in the certificate or the ensuing calendar year and in 129737
the order required under section 5725.98 of the Revised Code. If 129738
the credit exceeds the amount of tax otherwise due in that year, 129739
the company may carry forward the excess for not more than five 129740
ensuing years, but the amount of the excess credit claimed 129741
against the tax for any year shall be deducted from the balance 129742
carried forward to the next year. 129743

No credit shall be claimed under this section to the 129744
extent the certificate was used to claim a credit under section 129745
5726.62, 5729.18, or 5747.87 of the Revised Code. 129746

Sec. 5725.38. Terms used in this section have the same 129747
meanings as in section 122.84 of the Revised Code. 129748

There is allowed a nonrefundable credit against the tax 129749
imposed by section 5725.18 of the Revised Code for a domestic 129750
insurance company that is issued, or to which is transferred, a 129751
tax credit certificate under section 122.84 of the Revised Code. 129752
The credit equals the amount stated on the certificate and may 129753
be claimed for the calendar year that includes the investment 129754
period that was the subject of the application for the 129755
certificate under that section or for the ensuing calendar year. 129756
For a credit issued during the July application round each year, 129757
the credit may also be claimed for the preceding calendar year. 129758
A taxpayer applying a credit for the preceding calendar year 129759
shall file an amended return or apply that amendment on the 129760
taxpayer's original return, for that year. 129761

The credit authorized in this section shall be claimed in 129762

the order required under section 5725.98 of the Revised Code. If 129763
the amount of a credit exceeds the tax otherwise due under 129764
section 5725.18 of the Revised Code after deducting all other 129765
credits preceding the credit in that order, the excess may be 129766
carried forward for not more than five ensuing calendar years. 129767
The amount of the excess credit claimed in any such year shall 129768
be deducted from the balance carried forward to the next 129769
calendar year. 129770

No credit shall be claimed under this section to the 129771
extent the credit was claimed under section 5726.61, 5729.21, or 129772
5747.86 of the Revised Code. 129773

Sec. 5726.03. (A) (1) Annually, on or before the fifteenth 129774
day of October, the reporting person for each taxpayer shall 129775
make a report in writing to the tax commissioner, in such form 129776
as the commissioner prescribes, and shall remit to the 129777
commissioner the amount of tax shown to be due on the report. 129778
The remittance shall be made payable to the treasurer of state. 129779
~~The commissioner shall make available, on the official internet-~~ 129780
~~web site of the department of taxation, copies of the forms-~~ 129781
~~prescribed by the commissioner for the purpose of making the-~~ 129782
~~annual report.~~ 129783

(2) An annual report shall be signed by the president, 129784
vice-president, secretary, treasurer, general manager, 129785
superintendent, or managing agent in this state of the reporting 129786
person. 129787

(3) An annual report shall contain the facts, figures, 129788
computations, and attachments that result in the determination 129789
of the amount of tax due from a taxpayer under this chapter. 129790

(B) (1) In the case of a financial institution described in 129791

division (H) (1) of section 5726.01 of the Revised Code, the 129792
annual report filed for a taxable year shall list, and include 129793
information related to, each person includable in an FR Y-9 129794
filed by the reporting person for that taxable year. 129795

(2) In the case of a financial institution described in 129796
division (H) (2) or (3) of section 5726.01 of the Revised Code, 129797
the annual report for a taxable year shall list, and include 129798
information related to, each person includable in a call report 129799
filed by the reporting person for that taxable year. 129800

(C) (1) The reporting person for a taxpayer shall remit 129801
each tax payment and, if required by the commissioner, file each 129802
annual or estimated tax report electronically. The commissioner 129803
may require reporting persons to use the Ohio business gateway 129804
as defined in section 718.01 of the Revised Code to file reports 129805
and remit the tax, or may provide another means for reporting 129806
persons to file and remit the tax electronically. 129807

(2) The payment of taxes as provided in division (C) of 129808
this section shall not affect a taxpayer's obligation to file an 129809
annual report required under division (A) of this section. 129810

(3) The reporting person for a taxpayer that is required 129811
to remit tax payments electronically under this section may 129812
apply to the tax commissioner, in the manner prescribed by the 129813
commissioner, to be excused from that requirement. The 129814
commissioner may excuse the taxpayer from the requirements of 129815
division (C) of this section for good cause. 129816

(4) If the reporting person for a taxpayer that is 129817
required to remit tax payments or file reports electronically 129818
under this section fails to do so, the commissioner may impose a 129819
penalty not to exceed the following: 129820

(a) For either of the first two reports the person so 129821
fails, five per cent of the amount of the payment that was 129822
required to be remitted; 129823

(b) For the third and any subsequent reports the person so 129824
fails, ten per cent of the amount of the payment that was 129825
required to be remitted. 129826

The penalty imposed under this section is in addition to 129827
any other penalty or charge imposed under this chapter and shall 129828
be considered as revenue arising from the tax levied under this 129829
chapter. A penalty may be collected by assessment in the manner 129830
prescribed by section 5726.20 of the Revised Code. The tax 129831
commissioner may abate all or a portion of such a penalty and 129832
may adopt rules governing such abatements. 129833

Sec. 5726.20. (A) The tax commissioner may make an 129834
assessment, based on any information in the commissioner's 129835
possession, against any person that fails to file a return or 129836
report or pay any tax as required by this chapter. The reporting 129837
person for a taxpayer shall file the annual report required 129838
under section 5726.03 of the Revised Code and remit the tax 129839
imposed by this chapter. Each person included in the annual 129840
report of the taxpayer is jointly and severally liable for the 129841
tax imposed by this chapter and any penalties and interest 129842
thereon. If the reporting person fails, for any reason, to file 129843
and remit any tax, the amount due may be collected by assessment 129844
against the reporting person and against any or all other 129845
persons required to be included in the annual report of the 129846
taxpayer as provided in section 5703.90 of the Revised Code. The 129847
commissioner shall make the assessment in the manner provided in 129848
this section. The commissioner shall give the person assessed 129849
written notice of the assessment as provided in section 5703.37 129850

of the Revised Code. With the notice, the commissioner shall 129851
provide instructions on the manner in which to petition for 129852
reassessment and request a hearing with respect to the petition. 129853

(B) No assessment shall be made or issued against a person 129854
under this section more than four years after the later of the 129855
final date the report subject to assessment was required to be 129856
filed or the date such report was filed. Such time limit may be 129857
extended if both the person and the commissioner consent in 129858
writing to the extension or if an agreement waiving or extending 129859
the time limit has been entered into pursuant to section 122.171 129860
of the Revised Code. Any such extension shall extend the four- 129861
year time limit prescribed in division (A) of section 5726.30 of 129862
the Revised Code for the same period of time. There shall be no 129863
bar or limit to an assessment against a person that fails to 129864
file a report subject to assessment as required by this chapter, 129865
or that files a fraudulent report. 129866

(C) Unless the person assessed, within sixty days after 129867
service of the notice of assessment, files with the tax 129868
commissioner, ~~either in person or by certified mail,~~ a written 129869
petition for reassessment signed by the person or the person's 129870
authorized agent having knowledge of the facts, the assessment 129871
shall become final, and the amount of the assessment is due and 129872
payable from the person assessed to the treasurer of state. A 129873
petition shall indicate the objections of the person assessed, 129874
but additional objections may be raised in writing if received 129875
by the commissioner prior to the date shown on the final 129876
determination. If a petition for reassessment has been properly 129877
filed, the commissioner shall proceed under section 5703.60 of 129878
the Revised Code. 129879

(D) (1) After an assessment becomes final, if any portion 129880

of the assessment, including any accrued interest, remains 129881
unpaid, a certified copy of the tax commissioner's entry making 129882
the assessment final may be filed in the office of the clerk of 129883
the court of common pleas in the county in which the person 129884
resides or has its principal place of business in this state, or 129885
in the office of the clerk of court of common pleas of Franklin 129886
county. 129887

(2) Immediately upon the filing of the entry, the clerk 129888
shall enter judgment for the state against the person assessed 129889
in the amount shown on the entry. The judgment may be filed by 129890
the clerk in a loose-leaf book entitled, "special judgments for 129891
the financial institution tax" and shall have the same effect as 129892
other judgments. Execution shall issue upon the judgment at the 129893
request of the tax commissioner, and all laws applicable to 129894
sales on execution shall apply to sales made under the judgment. 129895

(3) If the assessment is not paid in its entirety within 129896
sixty days after the day the assessment was issued, the portion 129897
of the assessment consisting of tax due shall bear interest at 129898
the rate per annum prescribed by section 5703.47 of the Revised 129899
Code from the date the tax commissioner issues the assessment 129900
until the date the assessment is paid or until it is certified 129901
to the attorney general for collection under section 131.02 of 129902
the Revised Code, whichever comes first. If the unpaid portion 129903
of the assessment is certified to the attorney general for 129904
collection, the entire unpaid portion of the assessment shall 129905
bear interest at the rate per annum prescribed by section 129906
5703.47 of the Revised Code from the date of certification until 129907
the date it is paid in its entirety. Interest shall be paid in 129908
the same manner as the tax and may be collected by the issuance 129909
of an assessment under this section. 129910

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment.

(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter.

(G) If the tax commissioner possesses information indicating that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the reporting person for the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in

selecting a representative sample. The tax commissioner may 129942
apply a sampling method only if the commissioner has prescribed 129943
the method by rule. 129944

(H) If the whereabouts of a person subject to this chapter 129945
is not known to the tax commissioner, the secretary of state is 129946
hereby deemed to be that person's agent for purposes of service 129947
of process or notice of any assessment, action, or proceedings 129948
instituted in this state against the person under this chapter. 129949
Such process or notice shall be served on such person by the 129950
commissioner or by an agent of the commissioner by leaving a 129951
true and attested copy of the process or notice at the office of 129952
the secretary of state at least fifteen days before the return 129953
day of such process or notice, and by sending a copy of the 129954
process or notice to such person by ordinary mail, with an 129955
endorsement thereon of the service upon the secretary of state, 129956
addressed to such person at the person's last known address. 129957

Sec. 5726.61. Terms used in this section have the same 129958
meanings as in section 122.84 of the Revised Code. 129959

A taxpayer may claim a nonrefundable credit against the 129960
tax imposed under section 5726.02 of the Revised Code for each 129961
person included in the annual report of the taxpayer to whom a 129962
certificate is issued under section 122.84 of the Revised Code 129963
or is transferred pursuant to that section. The credit equals 129964
the amount stated on the certificate and may be claimed for the 129965
taxable year that aligns with the calendar year that includes 129966
the investment period that was the subject of the application 129967
for the certificate under that section or for the ensuing 129968
calendar year. For a credit issued during the July application 129969
round each year, the credit may also be claimed for the 129970
preceding taxable year. A taxpayer applying a credit for the 129971

preceding taxable year shall file an amended report or apply 129972
that amendment on the taxpayer's original report, for that year. 129973

The credit authorized in this section shall be claimed in 129974
the order required under section 5726.98 of the Revised Code. If 129975
the amount of a credit exceeds the tax otherwise due under 129976
section 5726.02 of the Revised Code after deducting all other 129977
credits preceding the credit in that order, the excess may be 129978
carried forward for not more than five ensuing taxable years. 129979
The amount of the excess credit claimed in any such year shall 129980
be deducted from the balance carried forward to the next taxable 129981
year. 129982

No credit shall be claimed under this section to the 129983
extent the credit was claimed under section 5725.38, 5729.21, or 129984
5747.86 of the Revised Code. 129985

Sec. 5726.62. A taxpayer may claim a nonrefundable credit 129986
against the tax imposed under this chapter for each person 129987
included in the annual report of the taxpayer that holds the 129988
rights to a tax credit certificate that is issued on or after 129989
the effective date of this section under section 122.09 of the 129990
Revised Code. The credit shall equal the dollar amount indicated 129991
on the certificate and may be claimed for the taxable year that 129992
aligns with the calendar year specified in the certificate or 129993
with the ensuing calendar year and in the order required under 129994
section 5726.98 of the Revised Code. If the credit amount 129995
exceeds the tax otherwise due under section 5726.02 of the 129996
Revised Code after deducting all other credits preceding the 129997
credit in the order prescribed in section 5726.98 of the Revised 129998
Code, the excess may be carried forward for not more than five 129999
ensuing taxable years, but the amount of the excess credit 130000
claimed against the tax for any year shall be deducted from the 130001

<u>balance carried forward to the next year.</u>	130002
<u>No credit shall be claimed under this section to the</u>	130003
<u>extent the certificate was used to claim a credit under section</u>	130004
<u>5725.35, 5729.18, or 5747.87 of the Revised Code.</u>	130005
Sec. 5726.98. (A) To provide a uniform procedure for	130006
calculating the amount of tax due under section 5726.02 of the	130007
Revised Code, a taxpayer shall claim any credits to which the	130008
taxpayer is entitled under this chapter in the following order:	130009
 The nonrefundable job retention credit under division (B)	130010
of section 5726.50 of the Revised Code;	130011
 The nonrefundable credit for purchases of qualified low-	130012
income community investments under section 5726.54 of the	130013
Revised Code;	130014
 <u>The nonrefundable credit for transformational mixed use</u>	130015
<u>development tax credit certificate holders under section 5726.62</u>	130016
<u>of the Revised Code;</u>	130017
 The nonrefundable credit for qualified research expenses	130018
under section 5726.56 of the Revised Code;	130019
 The nonrefundable credit for qualifying dealer in	130020
intangibles taxes under section 5726.57 of the Revised Code;	130021
 The nonrefundable Ohio low-income housing tax credit under	130022
section 5726.58 of the Revised Code;	130023
 The nonrefundable affordable single-family home credit	130024
under section 5726.60 of the Revised Code;	130025
 The nonrefundable welcome home Ohio (WHO) program credit	130026
under section 122.633 of the Revised Code;	130027
 The nonrefundable opportunity zone investment credit under	130028

section 5726.61 of the Revised Code; 130029

The refundable credit for rehabilitating an historic 130030
building under section 5726.52 of the Revised Code; 130031

The refundable job retention or job creation credit under 130032
division (A) of section 5726.50 of the Revised Code; 130033

The refundable credit under section 5726.53 of the Revised 130034
Code for losses on loans made under the Ohio venture capital 130035
program under sections 150.01 to 150.10 of the Revised Code; 130036

The refundable motion picture and Broadway theatrical 130037
production credit under section 5726.55 of the Revised Code; 130038

~~The refundable credit for film and theater capital-~~ 130039
~~improvement projects under section 5726.59 of the Revised Code.~~ 130040

(B) For any credit except the refundable credits 130041
enumerated in this section, the amount of the credit for a 130042
taxable year shall not exceed the tax due after allowing for any 130043
other credit that precedes it in the order required under this 130044
section. Any excess amount of a particular credit may be carried 130045
forward if authorized under the section creating that credit. 130046
Nothing in this chapter shall be construed to allow a taxpayer 130047
to claim, directly or indirectly, a credit more than once for a 130048
taxable year. 130049

Sec. 5727.111. As used in this section, "convert" means to 130050
switch fuel input from one energy source to another and 130051
"repower" means to replace enough of the original taxable 130052
production equipment to make an original production facility 130053
equivalent to a new facility, such that at least eighty per cent 130054
of the true value of the taxable production equipment is derived 130055
from new taxable production equipment installed as part of the 130056
replacement project. The taxable property of each public 130057

utility, except a railroad company, and of each interexchange
telecommunications company shall be assessed at the following
percentages of true value:

(A) In the case of a rural electric company, one of the
following:

(1) Fifty per cent in the case of its taxable transmission
and distribution property or energy conversion equipment first
subject to taxation in this state before tax year 2027;

(2) Seven per cent in the case of its taxable production
~~or~~and energy conversion equipment first subject to taxation in
this state for tax year 2027 and thereafter or any other taxable
production equipment that is either converted or repowered;

(3) Twenty-five per cent in the case of all its other
taxable property.

(B) In the case of a telephone or telegraph company,
twenty-five per cent for taxable property first subject to
taxation in this state for tax year 1995 or thereafter for tax
years before tax year 2007, and pursuant to division (H) of
section 5711.22 of the Revised Code for tax year 2007 and
thereafter, and the following for all other taxable property:

(1) For tax years prior to 2005, eighty-eight per cent;

(2) For tax year 2005, sixty-seven per cent;

(3) For tax year 2006, forty-six per cent;

(4) For tax year 2007 and thereafter, pursuant to division
(H) of section 5711.22 of the Revised Code.

(C) Twenty-five per cent in the case of (1) a natural gas
company or (2) a water-works company for taxable property first

subject to taxation in this state for tax year 2017 and 130085
thereafter. 130086

(D) Eighty-eight per cent in the case of a water-works 130087
company for taxable property first subject to taxation in this 130088
state before tax year 2017, or a heating company. 130089

(E) In the case of an electric company, one of the 130090
following: 130091

(1) Eighty-five per cent in the case of its taxable 130092
transmission and distribution property and energy conversion 130093
equipment first subject to taxation in this state before tax 130094
year 2027; 130095

(2) Twenty-five per cent in the case of its other taxable 130096
transmission and distribution property; 130097

(3) Seven per cent in the case of its taxable production 130098
and energy conversion equipment first subject to taxation in 130099
this state for tax year 2027 and thereafter or any other taxable 130100
production equipment that is either converted or repowered; 130101

(4) Twenty-four per cent in the case of all its other 130102
taxable property. 130103

(F) (1) Twenty-five per cent in the case of an 130104
interexchange telecommunications company for tax years before 130105
tax year 2007; 130106

(2) Pursuant to division (H) of section 5711.22 of the 130107
Revised Code for tax year 2007 and thereafter. 130108

(G) Twenty-five per cent in the case of a water 130109
transportation company. 130110

(H) In the case of an energy company, one of the 130111

following: 130112

(1) Eighty-five per cent in the case of its taxable 130113
transmission and distribution property first subject to taxation 130114
in this state before tax year 2027; 130115

(2) Twenty-five per cent in the case of its other taxable 130116
transmission and distribution property; 130117

(3) Seven per cent in the case of its taxable production 130118
~~or~~and energy conversion equipment first subject to taxation in 130119
this state for tax year 2027 and thereafter or any other taxable 130120
production equipment that is either converted or repowered; 130121

(4) Twenty-four per cent in the case of its other taxable 130122
production equipment; 130123

(5) Eighty-five per cent in the case of all its other 130124
taxable property. 130125

(I) In the case of a pipeline company, one of the 130126
following: 130127

(1) Eighty-eight per cent of its taxable property first 130128
subject to taxation in this state before tax year 2027; 130129

(2) Twenty-five per cent in the case of all its other 130130
taxable property. 130131

Sec. 5727.26. (A) The tax commissioner may make an 130132
assessment, based on any information in the commissioner's 130133
possession, against any natural gas company or combined company 130134
that fails to file a return or pay any tax, interest, or 130135
additional charge as required by sections 5727.24 to 5727.29 of 130136
the Revised Code. The commissioner shall give the company 130137
assessed written notice of the assessment as provided in section 130138
5703.37 of the Revised Code. With the notice, the commissioner 130139

shall provide instructions on how to petition for reassessment 130140
and request a hearing on the petition. A penalty of up to 130141
fifteen per cent may be added to all amounts assessed under this 130142
section. The tax commissioner may adopt rules providing for the 130143
imposition and remission of the penalty. 130144

(B) Unless the company assessed, within sixty days after 130145
service of the notice of assessment, files with the tax 130146
commissioner, ~~either personally or by certified mail,~~ a written 130147
petition signed by the company's authorized agent having 130148
knowledge of the facts, the assessment becomes final, and the 130149
amount of the assessment is due and payable from the company 130150
assessed to the commissioner. The petition shall indicate the 130151
objections of the company assessed, but additional objections 130152
may be raised in writing if received by the commissioner prior 130153
to the date shown on the final determination. 130154

If a petition for reassessment has been properly filed, 130155
the commissioner shall proceed under section 5703.60 of the 130156
Revised Code. 130157

(C) After an assessment becomes final, if any portion of 130158
the assessment, including accrued interest, remains unpaid, a 130159
certified copy of the tax commissioner's entry making the 130160
assessment final may be filed in the office of the clerk of the 130161
court of common pleas in the county in which the natural gas 130162
company's or combined company's principal place of business is 130163
located, or in the office of the clerk of court of common pleas 130164
of Franklin county. 130165

Immediately on the filing of the entry, the clerk shall 130166
enter judgment for the state against the company assessed in the 130167
amount shown on the entry. The judgment may be filed by the 130168
clerk in a loose-leaf book entitled, "special judgments for the 130169

public utility excise tax on natural gas and combined 130170
companies," and shall have the same effect as other judgments. 130171
Execution shall issue upon the judgment at the request of the 130172
tax commissioner, and all laws applicable to sales on execution 130173
shall apply to sales made under the judgment. 130174

If the assessment is not paid in its entirety within sixty 130175
days after the day the assessment was issued, the portion of the 130176
assessment consisting of tax due shall bear interest at the rate 130177
per annum prescribed by section 5703.47 of the Revised Code from 130178
the day the tax commissioner issues the assessment until it is 130179
paid or until it is certified to the attorney general for 130180
collection under section 131.02 of the Revised Code, whichever 130181
comes first. If the unpaid portion of the assessment is 130182
certified to the attorney general for collection, the entire 130183
unpaid portion of the assessment shall bear interest at the rate 130184
per annum prescribed by section 5703.47 of the Revised Code from 130185
the date of certification until the date it is paid in its 130186
entirety. Interest shall be paid in the same manner as the tax 130187
and may be collected by the issuance of an assessment under this 130188
section. 130189

(D) If the tax commissioner believes that collection of 130190
the tax will be jeopardized unless proceedings to collect or 130191
secure collection of the tax are instituted without delay, the 130192
commissioner may issue a jeopardy assessment against the company 130193
liable for the tax. Immediately upon the issuance of the 130194
jeopardy assessment, the commissioner shall file an entry with 130195
the clerk of the court of common pleas in the manner prescribed 130196
by division (C) of this section. Notice of the jeopardy 130197
assessment shall be served on the company assessed or the 130198
company's authorized agent in the manner provided in section 130199
5703.37 of the Revised Code within five days of the filing of 130200

the entry with the clerk. The total amount assessed is 130201
immediately due and payable, unless the company assessed files a 130202
petition for reassessment in accordance with division (B) of 130203
this section and provides security in a form satisfactory to the 130204
commissioner and in an amount sufficient to satisfy the unpaid 130205
balance of the assessment. Full or partial payment of the 130206
assessment does not prejudice the commissioner's consideration 130207
of the petition for reassessment. 130208

(E) The tax commissioner shall immediately forward to the 130209
treasurer of state all amounts that the tax commissioner 130210
receives under this section, and such amounts shall be 130211
considered revenue arising from the tax imposed by section 130212
5727.24 of the Revised Code. 130213

(F) No assessment shall be made or issued against a 130214
natural gas company or combined company for the tax imposed by 130215
section 5727.24 of the Revised Code more than four years after 130216
the return date for the period in which the tax was reported, or 130217
more than four years after the return for the period was filed, 130218
whichever is later. 130219

Sec. 5727.38. On or before the first Monday of November, 130220
annually, the tax commissioner may assess an excise tax against 130221
a public utility subject to the excise tax under section 5727.30 130222
of the Revised Code. The tax shall be computed by multiplying 130223
the taxable gross receipts as determined by the commissioner 130224
under section 5727.33 of the Revised Code by six and three- 130225
fourths per cent in the case of pipe-line companies, and four 130226
and three-fourths per cent in the case of all other companies. 130227
The minimum tax for any such company for owning property or 130228
doing business in this state shall be fifty dollars. The 130229
assessment shall be ~~mailed to the taxpayer~~ served on the public 130230

utility in the manner prescribed by section 5703.37 of the 130231
Revised Code. 130232

Sec. 5727.42. (A) The tax commissioner shall collect the 130233
excise tax imposed by section 5727.30 of the Revised Code and 130234
the taxpayer shall pay all taxes and any penalties thereon. 130235
Payments of the tax may be made by mail, in person, 130236
electronically if required to do so by section 5727.311 of the 130237
Revised Code, or by any other means authorized by the 130238
commissioner. The commissioner may adopt rules concerning the 130239
methods and timeliness of payment. 130240

(B) Each tax assessment issued pursuant to this section 130241
shall separately reflect the taxes and any penalty due, and any 130242
other information considered necessary. ~~The commissioner shall~~ 130243
~~mail the assessment to the taxpayer, and the mailing of it shall~~ 130244
~~be prima-facie evidence of receipt thereof by the taxpayer.~~ The 130245
assessment shall be served on the taxpayer in the manner 130246
prescribed by section 5703.37 of the Revised Code. 130247

(C) The commissioner shall refund taxes levied and 130248
payments made for the tax imposed by section 5727.30 of the 130249
Revised Code as provided in this section, ~~but no refund shall be~~ 130250
~~made to a taxpayer having a delinquent claim certified pursuant~~ 130251
~~to this section that remains unpaid. The commissioner may~~ 130252
~~consult the attorney general regarding such claims.~~ 130253

(D) After receiving any excise tax annual statement for 130254
the tax imposed by section 5727.30 of the Revised Code, the 130255
commissioner shall: 130256

(1) Ascertain the difference between the total taxes owed 130257
and the sum of all payments made for that year. 130258

(2) If the difference is a deficiency, the commissioner 130259

shall issue an assessment. 130260

(3) If the difference is an excess, the commissioner shall 130261
issue a refund of that amount to the taxpayer. If the amount of 130262
the refund is less than that claimed by the taxpayer, the 130263
taxpayer, within sixty days of the issuance of the refund, may 130264
provide to the commissioner additional information to support 130265
the claim or may request a hearing. Upon receiving such 130266
information or request within that time, the commissioner shall 130267
follow the same procedures set forth in divisions (C) and (D) of 130268
section 5703.70 of the Revised Code for the determination of 130269
refund applications. 130270

If the taxpayer has a deficiency for one tax year and an 130271
excess for another tax year, or any combination thereof for more 130272
than two years, the commissioner may determine the net result 130273
and, depending on such result, proceed to issue an assessment or 130274
certify a refund. 130275

(E) If a taxpayer fails to pay the amount of taxes 130276
required to be paid, or fails to make an estimated payment on or 130277
before the due date prescribed in division (B) of section 130278
5727.31 of the Revised Code, the commissioner shall impose a 130279
penalty in the amount of fifteen per cent of the unpaid amount, 130280
and the commissioner shall issue an assessment for the unpaid 130281
amount and penalty. Unless a timely petition for reassessment is 130282
filed under section 5727.47 of the Revised Code, the attorney 130283
general shall proceed to collect the delinquent taxes and 130284
penalties thereon in the manner prescribed by law and notify the 130285
commissioner of all collections. 130286

(F) If a taxpayer entitled to a refund under this section 130287
is indebted to the state for any tax or fee administered by the 130288
tax commissioner, or any charge, penalty, or interest arising 130289

from such a tax or fee, the amount refundable may be applied in 130290
satisfaction of that debt. If the amount refundable is less than 130291
the amount of the debt, it may be applied in partial 130292
satisfaction of the debt. If the amount refundable is greater 130293
than the amount of the debt, the amount remaining after 130294
satisfaction of the debt shall be refunded. 130295

Sec. 5727.47. (A) Notice of each assessment certified or 130296
issued pursuant to section 5727.23 or 5727.38 of the Revised 130297
Code shall be ~~mailed to the public utility, and its mailing~~ 130298
~~shall be prima-facie evidence of its receipt by the public~~ 130299
~~utility to which it is addressed~~served on the public utility or 130300
public utility property lessor in the manner prescribed by 130301
section 5703.37 of the Revised Code. With the notice, the tax 130302
commissioner shall provide instructions on how to petition for 130303
reassessment and request a hearing on the petition. If a public 130304
utility objects to such an assessment, it may file with the 130305
commissioner, ~~either personally or by certified mail,~~ within 130306
sixty days after the mailing of the notice of assessment a 130307
written petition for reassessment signed by the utility's 130308
authorized agent having knowledge of the facts. The date the 130309
commissioner receives the petition shall be considered the date 130310
of filing. The petition shall indicate the utility's objections, 130311
but additional objections may be raised in writing if received 130312
by the commissioner prior to the date shown on the final 130313
determination. 130314

In the case of a petition seeking a reduction in taxable 130315
value filed with respect to an assessment certified under 130316
section 5727.23 of the Revised Code, the petitioner shall state 130317
in the petition the total amount of reduction in taxable value 130318
sought by the petitioner. If the petitioner objects to the 130319
percentage of true value at which taxable property is assessed 130320

by the commissioner, the petitioner shall state in the petition 130321
the total amount of reduction in taxable value sought both with 130322
and without regard to the objection pertaining to the percentage 130323
of true value at which its taxable property is assessed. If a 130324
petitioner objects to the commissioner's apportionment of the 130325
taxable value of the petitioner's taxable property, the 130326
petitioner shall distinctly state in the petition that the 130327
petitioner objects to the commissioner's apportionment, and, 130328
within forty-five days after filing the petition for 130329
reassessment, shall submit the petitioner's proposed 130330
apportionment of the taxable value of its taxable property among 130331
taxing districts. If a petitioner that objects to the 130332
commissioner's apportionment fails to state its objections to 130333
that apportionment in its petition for reassessment or fails to 130334
submit its proposed apportionment within forty-five days after 130335
filing the petition for reassessment, the commissioner shall 130336
dismiss the petitioner's objection to the commissioner's 130337
apportionment, and the taxable value of the petitioner's taxable 130338
property, subject to any adjustment to taxable value pursuant to 130339
the petition or appeal, shall be apportioned in the manner used 130340
by the commissioner in the preliminary or amended preliminary 130341
assessment certified under section 5727.23 of the Revised Code. 130342

If an additional objection seeking a reduction in taxable 130343
value in excess of the reduction stated in the original petition 130344
is properly and timely raised with respect to an assessment 130345
issued under section 5727.23 of the Revised Code, the petitioner 130346
shall state the total amount of the reduction in taxable value 130347
sought in the additional objection both with and without regard 130348
to any reduction in taxable value pertaining to the percentage 130349
of true value at which taxable property is assessed. If a 130350
petitioner fails to state the reduction in taxable value sought 130351

in the original petition or in additional objections properly 130352
raised after the petition is filed, the commissioner shall 130353
notify the petitioner of the failure in the manner provided in 130354
section 5703.37 of the Revised Code. If the petitioner fails to 130355
notify the commissioner in writing of the reduction in taxable 130356
value sought in the petition or in an additional objection 130357
within thirty days after receiving the commissioner's notice, 130358
the commissioner shall dismiss the petition or the additional 130359
objection in which that reduction is sought. 130360

(B) (1) Subject to divisions (B) (2) and (3) of this 130361
section, a public utility filing a petition for reassessment 130362
regarding an assessment certified or issued under section 130363
5727.23 or 5727.38 of the Revised Code shall pay the tax with 130364
respect to the assessment objected to as required by law. The 130365
acceptance of any tax payment by the tax commissioner or any 130366
county treasurer shall not prejudice any claim for taxes on 130367
final determination by the commissioner or final decision by the 130368
board of tax appeals or any court. 130369

(2) If a public utility properly and timely files a 130370
petition for reassessment regarding an assessment certified 130371
under section 5727.23 of the Revised Code, the petitioner shall 130372
pay the tax as prescribed by divisions (B) (2) (a), (b), and (c) 130373
of this section: 130374

(a) If the petitioner does not object to the 130375
commissioner's apportionment of the taxable value of the 130376
petitioner's taxable property, the petitioner is not required to 130377
pay the part of the tax otherwise due on the taxable value that 130378
the petitioner seeks to have reduced, subject to division (B) (2) 130379
(c) of this section. 130380

(b) If the petitioner objects to the commissioner's 130381

apportionment of the taxable value of the petitioner's taxable 130382
property, the petitioner is not required to pay the tax 130383
otherwise due on the part of the taxable value apportioned to 130384
any taxing district that the petitioner objects to, subject to 130385
division (B) (2) (c) of this section. If, pursuant to division (A) 130386
of this section, the petitioner has, in a proper and timely 130387
manner, apportioned taxable value to a taxing district to which 130388
the commissioner did not apportion the petitioner's taxable 130389
value, the petitioner shall pay the tax due on the taxable value 130390
that the petitioner has apportioned to the taxing district, 130391
subject to division (B) (2) (c) of this section. 130392

(c) If a petitioner objects to the percentage of true 130393
value at which taxable property is assessed by the commissioner, 130394
the petitioner shall pay the tax due on the basis of the 130395
percentage of true value at which the public utility's taxable 130396
property is assessed by the commissioner. In any case, the 130397
petitioner's payment of tax shall not be less than the amount of 130398
tax due based on the taxable value reflected on the last appeal 130399
notice issued by the commissioner under division (C) of this 130400
section. Until the county auditor receives notification under 130401
division (E) of this section and proceeds under section 5727.471 130402
of the Revised Code to issue any refund that is found to be due, 130403
the county auditor shall not issue a refund for any increase in 130404
the reduction in taxable value that is sought by a petitioner 130405
later than forty-five days after the petitioner files the 130406
original petition as required under division (A) of this 130407
section. 130408

(3) Any part of the tax that, under division (B) (2) (a) or 130409
(b) of this section, is not paid shall be collected upon receipt 130410
of the notification as provided in section 5727.471 of the 130411
Revised Code with interest thereon computed in the same manner 130412

as interest is computed under division (E) of section 5715.19 of 130413
the Revised Code, subject to any correction of the assessment by 130414
the commissioner under division (E) of this section or the final 130415
judgment of the board of tax appeals or a court to which the 130416
board's final judgment is appealed. The penalty imposed under 130417
section 323.121 of the Revised Code shall apply only to the 130418
unpaid portion of the tax if the petitioner's tax payment is 130419
less than the amount of tax due based on the taxable value 130420
reflected on the last appeal notice issued by the commissioner 130421
under division (C) of this section. 130422

(C) Upon receipt of a properly filed petition for 130423
reassessment with respect to an assessment certified under 130424
section 5727.23 of the Revised Code, the tax commissioner shall 130425
notify the treasurer of state or the auditor of each county to 130426
which the assessment objected to has been certified. In the case 130427
of a petition with respect to an assessment certified under 130428
section 5727.23 of the Revised Code, the commissioner shall 130429
issue an appeal notice within thirty days after receiving the 130430
amount of the taxable value reduction and apportionment changes 130431
sought by the petitioner in the original petition or in any 130432
additional objections properly and timely raised by the 130433
petitioner. The appeal notice shall indicate the amount of the 130434
reduction in taxable value sought in the petition or in the 130435
additional objections and the extent to which the reduction in 130436
taxable value and any change in apportionment requested by the 130437
petitioner would affect the commissioner's apportionment of the 130438
taxable value among taxing districts in the county as shown in 130439
the assessment. If a petitioner is seeking a reduction in 130440
taxable value on the basis of a lower percentage of true value 130441
than the percentage at which the commissioner assessed the 130442
petitioner's taxable property, the appeal notice shall indicate 130443

the reduction in taxable value sought by the petitioner without 130444
regard to the reduction sought on the basis of the lower 130445
percentage and shall indicate that the petitioner is required to 130446
pay tax on the reduced taxable value determined without regard 130447
to the reduction sought on the basis of a lower percentage of 130448
true value, as provided under division (B) (2) (c) of this 130449
section. The appeal notice shall include a statement that the 130450
reduced taxable value and the apportionment indicated in the 130451
notice are not final and are subject to adjustment by the 130452
commissioner or by the board of tax appeals or a court on 130453
appeal. If the commissioner finds an error in the appeal notice, 130454
the commissioner may amend the notice, but the notice is only 130455
for informational and tax payment purposes; the notice is not 130456
subject to appeal by any person. The commissioner also shall 130457
~~mail~~provide a copy of the appeal notice to the petitioner. Upon 130458
the request of a taxing authority, the county auditor may 130459
disclose to the taxing authority the extent to which a reduction 130460
in taxable value sought by a petitioner would affect the 130461
apportionment of taxable value to the taxing district or 130462
districts under the taxing authority's jurisdiction, but such a 130463
disclosure does not constitute a notice required by law to be 130464
given for the purpose of section 5717.02 of the Revised Code. 130465

(D) If the petitioner requests a hearing on the petition, 130466
the tax commissioner shall assign a time and place for the 130467
hearing on the petition and notify the petitioner of such time 130468
and place, but the commissioner may continue the hearing from 130469
time to time as necessary. 130470

(E) The tax commissioner may make corrections to the 130471
assessment as the commissioner finds proper. The commissioner 130472
shall serve a copy of the commissioner's final determination on 130473
the petitioner in the manner provided in section 5703.37 of the 130474

Revised Code. The commissioner's decision in the matter shall be 130475
final, subject to appeal under section 5717.02 of the Revised 130476
Code. With respect to a final determination issued for an 130477
assessment certified under section 5727.23 of the Revised Code, 130478
the commissioner also shall transmit a copy of the final 130479
determination to the applicable county auditor. In the absence 130480
of any further appeal, or when a decision of the board of tax 130481
appeals or of any court to which the decision has been appealed 130482
becomes final, the commissioner shall notify the public utility 130483
and, as appropriate, shall proceed under section 5727.42 of the 130484
Revised Code, or notify the applicable county auditor, who shall 130485
proceed under section 5727.471 of the Revised Code. 130486

The notification made under this division is not subject 130487
to further appeal. 130488

(F) On appeal, no adjustment shall be made in the tax 130489
commissioner's assessment certified under section 5727.23 of the 130490
Revised Code that reduces the taxable value of a petitioner's 130491
taxable property by an amount that exceeds the reduction sought 130492
by the petitioner in its petition for reassessment or in any 130493
additional objections properly and timely raised after the 130494
petition is filed with the commissioner. 130495

Sec. 5727.48. The tax commissioner, ~~on application by a~~ 130496
~~public utility,~~ may extend to ~~the~~ a public utility a further 130497
specified time, not to exceed thirty days, within which to file 130498
any report or statement required by this chapter to be filed 130499
with the commissioner, except reports required by sections 130500
5727.24 to 5727.29 of the Revised Code. A public utility ~~must~~ 130501
~~file such an application, in writing, with the commissioner~~ 130502
shall request this extension, in the form and manner prescribed 130503
by the commissioner, on or before the date that the report or 130504

statement is otherwise required to be filed. 130505

Sec. 5727.89. (A) The tax commissioner may make an 130506
assessment, based on any information in the commissioner's 130507
possession, against any natural gas distribution company, 130508
electric distribution company, self-assessing purchaser, or 130509
qualified end user that fails to file a return or pay any tax, 130510
interest, or additional charge as required by sections 5727.80 130511
to 5727.95 of the Revised Code. 130512

When information in the possession of the tax commissioner 130513
indicates that a person liable for the tax imposed by section 130514
5727.81 or 5727.811 of the Revised Code has not paid the full 130515
amount of tax due, the commissioner may audit a representative 130516
sample of the person's business and may issue an assessment 130517
based on the audit. The commissioner shall give the person 130518
assessed written notice of the assessment in the manner provided 130519
in section 5703.37 of the Revised Code. With the notice, the 130520
commissioner shall provide instructions on how to petition for 130521
reassessment and request a hearing on the petition. 130522

The tax commissioner may issue an assessment for which the 130523
tax imposed by section 5727.81 or 5727.811 of the Revised Code 130524
was due and unpaid on the date the person was informed by an 130525
agent of the tax commissioner of an investigation or audit of 130526
the person. Any payment of the tax for the period covered by the 130527
assessment, after the person is so informed, shall be credited 130528
against the assessment. 130529

A penalty of up to fifteen per cent may be added to all 130530
amounts assessed under this section. The commissioner may adopt 130531
rules providing for the imposition and remission of penalties. 130532

(B) Unless the party assessed files with the tax 130533

commissioner within sixty days after service of the notice of 130534
assessment, ~~either personally or by certified mail,~~ a written 130535
petition for reassessment signed by the party assessed or that 130536
party's authorized agent having knowledge of the facts, the 130537
assessment becomes final and the amount of the assessment is due 130538
and payable from the party assessed to the treasurer of state. 130539
The petition shall indicate the objections of the party 130540
assessed, but additional objections may be raised in writing if 130541
received by the commissioner prior to the date shown on the 130542
final determination. If the petition has been properly filed, 130543
the commissioner shall proceed under section 5703.60 of the 130544
Revised Code. 130545

(C) After an assessment becomes final, if any portion of 130546
the assessment, including accrued interest, remains unpaid, a 130547
certified copy of the tax commissioner's entry making the 130548
assessment final may be filed in the office of the clerk of the 130549
court of common pleas in the county in which the party assessed 130550
resides or in which the party's business is conducted. If the 130551
party assessed maintains no place of business in this state and 130552
is not a resident of this state, the certified copy of the entry 130553
may be filed in the office of the clerk of the court of common 130554
pleas of Franklin county. 130555

Immediately upon the filing of the entry, the clerk shall 130556
enter a judgment for the state against the person assessed in 130557
the amount shown on the entry. The judgment may be filed by the 130558
clerk in a loose-leaf book entitled "special judgments for the 130559
distribution excise taxes," and shall have the same effect as 130560
other judgments. Execution shall issue upon the judgment at the 130561
request of the tax commissioner, and all laws applicable to 130562
sales on execution shall apply to sales made under the judgment. 130563

If the assessment is not paid in its entirety within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the day the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) If the tax commissioner believes that collection of the tax imposed by section 5727.81 or 5727.811 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (C) of this section. Notice of the jeopardy assessment shall be served on the party assessed or the party's legal representative within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the party assessed files a petition for reassessment in accordance with division (B) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the

assessment. Full or partial payment of the assessment does not 130595
prejudice the commissioner's consideration of the petition for 130596
reassessment. 130597

(E) All money collected by the tax commissioner under this 130598
section shall be paid to the treasurer of state, and when paid 130599
shall be considered as revenue arising from the taxes imposed by 130600
sections 5727.81 and 5727.811 of the Revised Code. 130601

Sec. 5728.10. (A) If any person required to file a fuel 130602
use tax return by sections 5728.01 to 5728.14 of the Revised 130603
Code, fails to file the return within the time prescribed by 130604
those sections, files an incomplete return, files an incorrect 130605
return, or fails to remit the full amount of the tax due for the 130606
period covered by the return, the tax commissioner may make an 130607
assessment against the person, based upon any information in the 130608
commissioner's possession, for the period for which the tax was 130609
due. 130610

No assessment shall be made against any person for any tax 130611
imposed by this chapter more than four years after the return 130612
date for the period for which the tax was due or more than four 130613
years after the return for the period was filed, whichever is 130614
later. This section does not bar an assessment against any 130615
person who fails to file a fuel use tax return as required by 130616
this chapter, or who files a fraudulent fuel use tax return. 130617

A penalty of up to fifteen per cent may be added to the 130618
amount of every assessment made pursuant to this section. The 130619
commissioner may adopt rules providing for the imposition and 130620
remission of penalties added to assessments made under this 130621
section. 130622

The commissioner shall give the party assessed written 130623

notice of the assessment in the manner provided in section 130624
5703.37 of the Revised Code. With the notice, the commissioner 130625
shall provide instructions on how to petition for reassessment 130626
and request a hearing on the petition. 130627

(B) Unless the party assessed files with the tax 130628
commissioner within sixty days after service of the notice of 130629
assessment, ~~either personally or by certified mail,~~ a written 130630
petition for reassessment, signed by the party assessed, or by 130631
the party's authorized agent having knowledge of the facts, the 130632
assessment becomes final and the amount of the assessment is due 130633
and payable from the party assessed to the treasurer of state. 130634
The petition shall indicate the objections of the party 130635
assessed, but additional objections may be raised in writing if 130636
received by the commissioner prior to the date shown on the 130637
final determination. If the petition has been properly filed, 130638
the commissioner shall proceed under section 5703.60 of the 130639
Revised Code. 130640

(C) After an assessment becomes final, if any portion of 130641
the assessment remains unpaid, including accrued interest, a 130642
certified copy of the tax commissioner's entry making the 130643
assessment final may be filed in the office of the clerk of the 130644
court of common pleas in the county in which the party's place 130645
of business is located or the county in which the party assessed 130646
resides. If the party maintains no office in this state and is 130647
not a resident of this state, the certified copy of the entry 130648
may be filed in the office of the clerk of the court of common 130649
pleas of Franklin county. 130650

Immediately upon the filing of the entry, the clerk shall 130651
enter a judgment for the state of Ohio against the party 130652
assessed in the amount shown on the entry. The judgment may be 130653

filed by the clerk in a loose-leaf book entitled "special 130654
judgments for state fuel use tax," and shall have the same 130655
effect as other judgments. Execution shall issue upon the 130656
judgment upon the request of the commissioner, and all laws 130657
applicable to sales on execution shall apply to sales made under 130658
the judgment. 130659

If the assessment is not paid within sixty days after the 130660
day the assessment was issued, the portion of the assessment 130661
consisting of tax due shall bear interest at the rate per annum 130662
prescribed by section 5703.47 of the Revised Code from the day 130663
the commissioner issues the assessment until it is paid or until 130664
it is certified to the attorney general for collection under 130665
section 131.02 of the Revised Code, whichever comes first. If 130666
the unpaid portion of the assessment is certified to the 130667
attorney general for collection, the entire unpaid portion of 130668
the assessment shall bear interest at the rate per annum 130669
prescribed by section 5703.47 of the Revised Code from the date 130670
of certification until the date it is paid in its entirety. 130671
Interest shall be paid in the same manner as the tax and may be 130672
collected by the issuance of an assessment under this section. 130673

(D) All money collected by the tax commissioner under this 130674
section shall be paid into the state treasury in the same manner 130675
as the revenues deriving from the taxes imposed by section 130676
5728.06 of the Revised Code. 130677

Sec. 5729.10. If a company fails to pay the tax levied by 130678
section 5729.03 of the Revised Code, or to make any partial 130679
payment thereof as required by law after a statement thereof has 130680
been made and mailed to it, or if the annual statement required 130681
by law to be made by it is false or incorrect, the 130682
superintendent of insurance may revoke the license of such 130683

company doing business in this state. Upon failure to pay the 130684
tax or to make partial payment thereof according to law, the 130685
~~superintendent~~treasurer of state shall certify that fact to the 130686
attorney general, who shall thereupon begin an action against 130687
the company in the court of common pleas of Franklin county, or 130688
any other county ~~he~~the attorney general elects, to recover the 130689
amount of the tax. If such company ceases to do business in this 130690
state, it shall thereupon make a report to the superintendent of 130691
the gross amount of premiums not theretofore reported as 130692
provided in section 5729.02 or 5729.04 of the Revised Code 130693
received by it from policies covering risks within this state 130694
prior to such discontinuance of business, after deducting return 130695
premiums and considerations received for reinsurance not 130696
theretofore so reported, and shall forthwith pay to the 130697
~~superintendent~~treasurer of state a like per cent of tax 130698
thereon. 130699

Sec. 5729.18. There is allowed a credit against the tax 130700
imposed by section 5729.03 of the Revised Code for an insurance 130701
company subject to that tax that holds the rights to a tax 130702
credit certificate issued under section 122.09 of the Revised 130703
Code. The credit shall equal the dollar amount indicated on the 130704
certificate or the ensuing calendar year. The credit shall be 130705
claimed in the calendar year specified in the certificate and in 130706
the order required under section 5729.98 of the Revised Code. If 130707
the credit exceeds the amount of tax otherwise due in that year, 130708
the company may carry forward the excess for not more than five 130709
ensuing years, but the amount of the excess credit claimed 130710
against the tax for any year shall be deducted from the balance 130711
carried forward to the next year. 130712

No credit shall be claimed under this section to the 130713
extent the certificate was used to claim a credit under section 130714

5725.35, 5726.62, or 5747.87 of the Revised Code. 130715

Sec. 5729.21. Terms used in this section have the same 130716
meanings as in section 122.84 of the Revised Code. 130717

There is allowed a ~~non-refundable~~-nonrefundable credit 130718
against the tax imposed by section 5729.03 of the Revised Code 130719
for a foreign insurance company that is issued, or to which is 130720
transferred, a tax credit certificate under section 122.84 of 130721
the Revised Code. The credit equals the amount stated on the 130722
certificate and may be claimed for the calendar year that 130723
includes the investment period that was the subject of the 130724
application for the certificate under that section or for the 130725
ensuing calendar year. For a credit issued during the July 130726
application round each year, the credit may also be claimed for 130727
the preceding calendar year. A taxpayer applying a credit for 130728
the preceding calendar year shall file an amended return or 130729
apply that amendment on the taxpayer's original return, for that 130730
year. 130731

The credit authorized in this section shall be claimed in 130732
the order required under section 5729.98 of the Revised Code. If 130733
the amount of a credit exceeds the tax otherwise due under 130734
section 5729.03 of the Revised Code after deducting all other 130735
credits preceding the credit in that order, the excess may be 130736
carried forward for not more than five ensuing calendar years. 130737
The amount of the excess credit claimed in any such year shall 130738
be deducted from the balance carried forward to the next 130739
calendar year. 130740

No credit shall be claimed under this section to the 130741
extent the credit was claimed under section 5725.38, 5726.61, or 130742
5747.86 of the Revised Code. 130743

A foreign insurance company shall not be required to pay 130744
any additional tax levied under section 5729.06 of the Revised 130745
Code as a result of claiming the tax credit authorized by this 130746
section. 130747

Sec. 5735.12. (A) Any person required by this chapter to 130748
file reports or pay the tax levied by this chapter who fails to 130749
do so within the time prescribed may be liable for an additional 130750
charge not exceeding the greater of ten per cent of the person's 130751
tax liability for that month or fifty dollars. The tax 130752
commissioner may remit all or a portion of the additional charge 130753
and may adopt rules relating to the remission of all or a 130754
portion of the charge. 130755

If any person required by this chapter to file reports or 130756
pay the taxes, interest, or additional charge levied by this 130757
chapter fails to file the report, files an incomplete or 130758
incorrect report, or fails to remit the full amount of the tax, 130759
interest, or additional charge due for the period covered by the 130760
report, the commissioner may make an assessment against the 130761
person based upon any information in the commissioner's 130762
possession. 130763

No assessment shall be made against any motor fuel dealer 130764
for taxes imposed by this chapter more than four years after the 130765
date on which the report on which the assessment was based was 130766
due or was filed, whichever is later. This section does not bar 130767
an assessment against any motor fuel dealer who fails to file a 130768
report required by section 5735.06 of the Revised Code, or who 130769
files a fraudulent motor fuel tax report. 130770

A penalty of up to fifteen per cent may be added to the 130771
amount of every assessment made under this section. The 130772
commissioner may adopt rules providing for the imposition and 130773

remission of penalties added to assessments made under this 130774
section. 130775

The commissioner shall give the party assessed written 130776
notice of the assessment in the manner provided in section 130777
5703.37 of the Revised Code. With the notice, the commissioner 130778
shall provide instructions on how to petition for reassessment 130779
and request a hearing on the petition. 130780

(B) Unless the party assessed files with the tax 130781
commissioner within sixty days after service of the notice of 130782
assessment, ~~either personally or by certified mail,~~ a written 130783
petition for reassessment in writing, signed by the party 130784
assessed or that party's authorized agent having knowledge of 130785
the facts, the assessment becomes final and the amount of the 130786
assessment is due and payable from the party assessed to the 130787
treasurer of state. The petition shall indicate the objections 130788
of the party assessed, but additional objections may be raised 130789
in writing if received by the commissioner prior to the date 130790
shown on the final determination. If the petition has been 130791
properly filed, the commissioner shall proceed under section 130792
5703.60 of the Revised Code. 130793

(C) After an assessment becomes final, if any portion of 130794
the assessment remains unpaid, including accrued interest, a 130795
certified copy of the tax commissioner's entry making the 130796
assessment final may be filed in the office of the clerk of the 130797
court of common pleas in the county in which the party assessed 130798
resides or in which the business of the party assessed is 130799
conducted. If the party assessed maintains no place of business 130800
in this state and is not a resident of this state, the certified 130801
copy of the entry may be filed in the office of the clerk of the 130802
court of common pleas of Franklin county. 130803

Immediately upon the filing of the entry, the clerk shall 130804
enter a judgment for the state against the party assessed in the 130805
amount shown on the entry. The judgment may be filed by the 130806
clerk in a loose-leaf book entitled "special judgments for state 130807
motor fuel tax," and shall have the same effect as other 130808
judgments. Execution shall issue upon the judgment upon the 130809
request of the tax commissioner, and all laws applicable to 130810
sales on execution shall apply to sales made under the judgment. 130811

If the assessment is not paid in its entirety within sixty 130812
days after the day the assessment was issued, the portion of the 130813
assessment consisting of tax due shall bear interest at the rate 130814
per annum prescribed by section 5703.47 of the Revised Code from 130815
the day the commissioner issues the assessment until it is paid 130816
or until it is certified to the attorney general for collection 130817
under section 131.02 of the Revised Code, whichever comes first. 130818
If the unpaid portion of the assessment is certified to the 130819
attorney general for collection, the entire unpaid portion of 130820
the assessment shall bear interest at the rate per annum 130821
prescribed by section 5703.47 of the Revised Code from the date 130822
of certification until the date it is paid in its entirety. 130823
Interest shall be paid in the same manner as the tax and may be 130824
collected by the issuance of an assessment under this section. 130825

(D) All money collected by the tax commissioner under this 130826
section shall be paid to the treasurer of state, and when paid 130827
shall be considered as revenue arising from the tax imposed by 130828
this chapter. 130829

(E) If the tax commissioner determines that the 130830
commissioner has erroneously refunded motor fuel tax to any 130831
person, the commissioner may make an assessment against the 130832
person for recovery of the erroneously refunded tax. 130833

Sec. 5736.09. (A) The tax commissioner may make an 130834
assessment, based on any information in the commissioner's 130835
possession, against any person that fails to file a return or 130836
pay any tax as required by this chapter. The commissioner shall 130837
give the person assessed written notice of the assessment as 130838
provided in section 5703.37 of the Revised Code. With the 130839
notice, the commissioner shall provide instructions on the 130840
manner in which to petition for reassessment and request a 130841
hearing with respect to the petition. 130842

(B) Unless the person assessed, within sixty days after 130843
service of the notice of assessment, files with the 130844
commissioner, ~~either personally or by certified mail,~~ a written 130845
petition signed by the person or the person's authorized agent 130846
having knowledge of the facts, the assessment becomes final, and 130847
the amount of the assessment is due and payable from the person 130848
assessed to the treasurer of state. The petition shall indicate 130849
the objections of the person assessed, but additional objections 130850
may be raised in writing if received by the commissioner prior 130851
to the date shown on the final determination. 130852

If a petition for reassessment has been properly filed, 130853
the commissioner shall proceed under section 5703.60 of the 130854
Revised Code. 130855

(C) (1) After an assessment becomes final, if any portion 130856
of the assessment, including accrued interest, remains unpaid, a 130857
certified copy of the commissioner's entry making the assessment 130858
final may be filed in the office of the clerk of the court of 130859
common pleas in the county in which the person resides or has 130860
its principal place of business in this state, or in the office 130861
of the clerk of court of common pleas of Franklin county. 130862

(2) Immediately upon the filing of the entry, the clerk 130863

shall enter judgment for the state against the person assessed 130864
in the amount shown on the entry. The judgment may be filed by 130865
the clerk in a loose-leaf book entitled, "special judgments for 130866
the petroleum activity tax" and shall have the same effect as 130867
other judgments. Execution shall issue upon the judgment at the 130868
request of the commissioner, and all laws applicable to sales on 130869
execution shall apply to sales made under the judgment. 130870

(3) If the assessment is not paid in its entirety within 130871
sixty days after the day the assessment was issued, the portion 130872
of the assessment consisting of tax due shall bear interest at 130873
the rate per annum prescribed by section 5703.47 of the Revised 130874
Code from the day the commissioner issues the assessment until 130875
it is paid or until it is certified to the attorney general for 130876
collection under section 131.02 of the Revised Code, whichever 130877
comes first. If the unpaid portion of the assessment is 130878
certified to the attorney general for collection, the entire 130879
unpaid portion of the assessment shall bear interest at the rate 130880
per annum prescribed by section 5703.47 of the Revised Code from 130881
the date of certification until the date it is paid in its 130882
entirety. Interest shall be paid in the same manner as the tax 130883
and may be collected by the issuance of an assessment under this 130884
section. 130885

(D) If the commissioner believes that collection of the 130886
tax will be jeopardized unless proceedings to collect or secure 130887
collection of the tax are instituted without delay, the 130888
commissioner may issue a jeopardy assessment against the person 130889
liable for the tax. Immediately upon the issuance of the 130890
jeopardy assessment, the commissioner shall file an entry with 130891
the clerk of the court of common pleas in the manner prescribed 130892
by division (C) of this section. Notice of the jeopardy 130893
assessment shall be served on the person assessed or the 130894

person's authorized agent in the manner provided in section 130895
5703.37 of the Revised Code within five days of the filing of 130896
the entry with the clerk. The total amount assessed is 130897
immediately due and payable, unless the person assessed files a 130898
petition for reassessment in accordance with division (B) of 130899
this section and provides security in a form satisfactory to the 130900
commissioner and in an amount sufficient to satisfy the unpaid 130901
balance of the assessment. Full or partial payment of the 130902
assessment does not prejudice the commissioner's consideration 130903
of the petition for reassessment. 130904

(E) The commissioner shall immediately forward to the 130905
treasurer of state all amounts the commissioner receives under 130906
this section, and such amounts shall be considered as revenue 130907
arising from the tax imposed under this chapter. 130908

(F) Except as otherwise provided in this division, no 130909
assessment shall be made or issued against a taxpayer for the 130910
tax imposed under this chapter more than four years after the 130911
due date for the filing of the return for the tax period for 130912
which the tax was reported, or more than four years after the 130913
return for the tax period was filed, whichever is later. The 130914
time limit may be extended if both the taxpayer and the 130915
commissioner consent in writing to the extension or enter into 130916
an agreement waiving or extending the time limit. Any such 130917
extension shall extend the four-year time limit in division (A) 130918
of section 5736.08 of the Revised Code for the same period of 130919
time. Nothing in this division bars an assessment against a 130920
taxpayer that fails to file a return required by this chapter or 130921
that files a fraudulent return. 130922

(G) If the commissioner possesses information that 130923
indicates that the amount of tax a taxpayer is required to pay 130924

under this chapter exceeds the amount the taxpayer paid, the 130925
commissioner may audit a sample of the taxpayer's calculated 130926
gross receipts over a representative period of time to ascertain 130927
the amount of tax due, and may issue an assessment based on the 130928
audit. The commissioner shall make a good faith effort to reach 130929
agreement with the taxpayer in selecting a representative 130930
sample. The commissioner may apply a sampling method only if the 130931
commissioner has prescribed the method by rule. 130932

(H) If the whereabouts of a person subject to this chapter 130933
is not known to the commissioner, the commissioner shall follow 130934
the procedures under section 5703.37 of the Revised Code. 130935

Sec. 5739.01. As used in this chapter: 130936

(A) "Person" includes individuals, receivers, assignees, 130937
trustees in bankruptcy, estates, firms, partnerships, 130938
associations, joint-stock companies, joint ventures, clubs, 130939
societies, corporations, the state and its political 130940
subdivisions, and combinations of individuals of any form. 130941

(B) "Sale" and "selling" include all of the following 130942
transactions for a consideration in any manner, whether 130943
absolutely or conditionally, whether for a price or rental, in 130944
money or by exchange, and by any means whatsoever: 130945

(1) All transactions by which title or possession, or 130946
both, of tangible personal property, is or is to be transferred, 130947
or a license to use or consume tangible personal property is or 130948
is to be granted; 130949

(2) All transactions by which lodging by a hotel is or is 130950
to be furnished to transient guests; 130951

(3) All transactions by which: 130952

(a) An item of tangible personal property is or is to be 130953
repaired, except property, the purchase of which would not be 130954
subject to the tax imposed by section 5739.02 of the Revised 130955
Code; 130956

(b) An item of tangible personal property is or is to be 130957
installed, except property, the purchase of which would not be 130958
subject to the tax imposed by section 5739.02 of the Revised 130959
Code or property that is or is to be incorporated into and will 130960
become a part of a production, transmission, transportation, or 130961
distribution system for the delivery of a public utility 130962
service; 130963

(c) The service of washing, cleaning, waxing, polishing, 130964
or painting a motor vehicle is or is to be furnished; 130965

(d) Laundry and dry cleaning services are or are to be 130966
provided; 130967

(e) Automatic data processing, computer services, or 130968
electronic information services are or are to be provided for 130969
use in business when the true object of the transaction is the 130970
receipt by the consumer of automatic data processing, computer 130971
services, or electronic information services rather than the 130972
receipt of personal or professional services to which automatic 130973
data processing, computer services, or electronic information 130974
services are incidental or supplemental. Notwithstanding any 130975
other provision of this chapter, such transactions that occur 130976
between members of an affiliated group are not sales. An 130977
"affiliated group" means two or more persons related in such a 130978
way that one person owns or controls the business operation of 130979
another member of the group. In the case of corporations with 130980
stock, one corporation owns or controls another if it owns more 130981
than fifty per cent of the other corporation's common stock with 130982

voting rights.	130983
(f) Telecommunications service, including prepaid calling	130984
service, prepaid wireless calling service, or ancillary service,	130985
is or is to be provided, but not including coin-operated	130986
telephone service;	130987
(g) Landscaping and lawn care service is or is to be	130988
provided;	130989
(h) Private investigation and security service is or is to	130990
be provided;	130991
(i) Information services or tangible personal property is	130992
provided or ordered by means of a nine hundred telephone call;	130993
(j) Building maintenance and janitorial service is or is	130994
to be provided;	130995
(k) Exterminating service is or is to be provided;	130996
(l) Physical fitness facility service is or is to be	130997
provided;	130998
(m) Recreation and sports club service is or is to be	130999
provided;	131000
(n) Satellite broadcasting service is or is to be	131001
provided;	131002
(o) Personal care service is or is to be provided to an	131003
individual. As used in this division, "personal care service"	131004
includes skin care, the application of cosmetics, manicuring,	131005
pedicuring, hair removal, tattooing, body piercing, tanning,	131006
massage, and other similar services. "Personal care service"	131007
does not include a service provided by or on the order of a	131008
licensed physician, certified nurse-midwife, clinical nurse	131009

specialist, certified nurse practitioner, or chiropractor, or 131010
the cutting, coloring, or styling of an individual's hair. 131011

(p) The transportation of persons by motor vehicle or 131012
aircraft is or is to be provided, when the transportation is 131013
entirely within this state, except for transportation provided 131014
by an ambulance service, by a transit bus, as defined in section 131015
5735.01 of the Revised Code, and transportation provided by a 131016
citizen of the United States holding a certificate of public 131017
convenience and necessity issued under 49 U.S.C. 41102; 131018

(q) Motor vehicle towing service is or is to be provided. 131019
As used in this division, "motor vehicle towing service" means 131020
the towing or conveyance of a wrecked, disabled, or illegally 131021
parked motor vehicle. 131022

(r) Snow removal service is or is to be provided. As used 131023
in this division, "snow removal service" means the removal of 131024
snow by any mechanized means, but does not include the providing 131025
of such service by a person that has less than five thousand 131026
dollars in sales of such service during the calendar year. 131027

(s) Electronic publishing service is or is to be provided 131028
to a consumer for use in business, except that such transactions 131029
occurring between members of an affiliated group, as defined in 131030
division (B) (3) (e) of this section, are not sales. 131031

(4) All transactions by which printed, imprinted, 131032
overprinted, lithographic, multilithic, blueprinted, 131033
photostatic, or other productions or reproductions of written or 131034
graphic matter are or are to be furnished or transferred; 131035

(5) The production or fabrication of tangible personal 131036
property for a consideration for consumers who furnish either 131037
directly or indirectly the materials used in the production of 131038

fabrication work; and include the furnishing, preparing, or 131039
serving for a consideration of any tangible personal property 131040
consumed on the premises of the person furnishing, preparing, or 131041
serving such tangible personal property. Except as provided in 131042
section 5739.03 of the Revised Code, a construction contract 131043
pursuant to which tangible personal property is or is to be 131044
incorporated into a structure or improvement on and becoming a 131045
part of real property is not a sale of such tangible personal 131046
property. The construction contractor is the consumer of such 131047
tangible personal property, provided that the sale and 131048
installation of carpeting, the sale and installation of 131049
agricultural land tile, the sale and erection or installation of 131050
portable grain bins, or the provision of landscaping and lawn 131051
care service and the transfer of property as part of such 131052
service is never a construction contract. 131053

As used in division (B) (5) of this section: 131054

(a) "Agricultural land tile" means fired clay or concrete 131055
tile, or flexible or rigid perforated plastic pipe or tubing, 131056
incorporated or to be incorporated into a subsurface drainage 131057
system appurtenant to land used or to be used primarily in 131058
production by farming, agriculture, horticulture, or 131059
floriculture. The term does not include such materials when they 131060
are or are to be incorporated into a drainage system appurtenant 131061
to a building or structure even if the building or structure is 131062
used or to be used in such production. 131063

(b) "Portable grain bin" means a structure that is used or 131064
to be used by a person engaged in farming or agriculture to 131065
shelter the person's grain and that is designed to be 131066
disassembled without significant damage to its component parts. 131067

(6) All transactions in which all of the shares of stock 131068

of a closely held corporation are transferred, or an ownership 131069
interest in a pass-through entity, as defined in section 5733.04 131070
of the Revised Code, is transferred, if the corporation or pass- 131071
through entity is not engaging in business and its entire assets 131072
consist of boats, planes, motor vehicles, or other tangible 131073
personal property operated primarily for the use and enjoyment 131074
of the shareholders or owners; 131075

(7) All transactions in which a warranty, maintenance or 131076
service contract, or similar agreement by which the vendor of 131077
the warranty, contract, or agreement agrees to repair or 131078
maintain the tangible personal property of the consumer is or is 131079
to be provided; 131080

(8) The transfer of copyrighted motion picture films ~~used~~ 131081
~~solely for advertising purposes, except that the transfer of~~ 131082
~~such films for exhibition purposes is not a sale;~~ 131083

(9) All transactions by which tangible personal property 131084
is or is to be stored, except such property that the consumer of 131085
the storage holds for sale in the regular course of business; 131086

(10) All transactions in which "guaranteed auto 131087
protection" is provided whereby a person promises to pay to the 131088
consumer the difference between the amount the consumer receives 131089
from motor vehicle insurance and the amount the consumer owes to 131090
a person holding title to or a lien on the consumer's motor 131091
vehicle in the event the consumer's motor vehicle suffers a 131092
total loss under the terms of the motor vehicle insurance policy 131093
or is stolen and not recovered, if the protection and its price 131094
are included in the purchase or lease agreement; 131095

(11) (a) Except as provided in division (B) (11) (b) of this 131096
section, all transactions by which health care services are paid 131097

for, reimbursed, provided, delivered, arranged for, or otherwise 131098
made available by a medicaid health insuring corporation 131099
pursuant to the corporation's contract with the state. 131100

(b) If the centers for medicare and medicaid services of 131101
the United States department of health and human services 131102
determines that the taxation of transactions described in 131103
division (B) (11) (a) of this section constitutes an impermissible 131104
health care-related tax under the "Social Security Act," section 131105
1903(w), 42 U.S.C. 1396b(w), and regulations adopted thereunder, 131106
the medicaid director shall notify the tax commissioner of that 131107
determination. Beginning with the first day of the month 131108
following that notification, the transactions described in 131109
division (B) (11) (a) of this section are not sales for the 131110
purposes of this chapter or Chapter 5741. of the Revised Code. 131111
The tax commissioner shall order that the collection of taxes 131112
under sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 131113
5741.021, 5741.022, and 5741.023 of the Revised Code shall cease 131114
for transactions occurring on or after that date. 131115

(12) All transactions by which a specified digital product 131116
is provided for permanent use or less than permanent use, 131117
regardless of whether continued payment is required. 131118

(13) All transactions by a delivery network company for 131119
the company's delivery network services, provided the company 131120
has a waiver issued under section 5741.072 of the Revised Code. 131121

Except as provided in this section, "sale" and "selling" 131122
do not include transfers of interest in leased property where 131123
the original lessee and the terms of the original lease 131124
agreement remain unchanged, or professional, insurance, or 131125
personal service transactions that involve the transfer of 131126
tangible personal property as an inconsequential element, for 131127

which no separate charges are made. 131128

(C) "Vendor" means the person providing the service or by 131129
whom the transfer effected or license given by a sale is or is 131130
to be made or given and, for sales described in division (B) (3) 131131
(i) of this section, the telecommunications service vendor that 131132
provides the nine hundred telephone service; if two or more 131133
persons are engaged in business at the same place of business 131134
under a single trade name in which all collections on account of 131135
sales by each are made, such persons shall constitute a single 131136
vendor. 131137

Physicians, certified nurse-midwives, clinical nurse 131138
specialists, certified nurse practitioners, dentists, hospitals, 131139
and veterinarians who are engaged in selling tangible personal 131140
property as received from others, such as eyeglasses, 131141
mouthwashes, dentifrices, or similar articles, are vendors. 131142
Veterinarians who are engaged in transferring to others for a 131143
consideration drugs, the dispensing of which does not require an 131144
order of a licensed veterinarian, physician, certified nurse- 131145
midwife, clinical nurse specialist, or certified nurse 131146
practitioner under federal law, are vendors. 131147

The operator of any peer-to-peer car sharing program shall 131148
be considered to be the vendor. 131149

(D) (1) "Consumer" means the person for whom the service is 131150
provided, to whom the transfer effected or license given by a 131151
sale is or is to be made or given, to whom the service described 131152
in division (B) (3) (f) or (i) of this section is charged, or to 131153
whom the admission is granted. 131154

(2) Physicians, certified nurse-midwives, clinical nurse 131155
specialists, certified nurse practitioners, dentists, hospitals, 131156

and blood banks operated by nonprofit institutions and persons 131157
licensed to practice veterinary medicine, surgery, and dentistry 131158
are consumers of all tangible personal property and services 131159
purchased by them in connection with the practice of medicine, 131160
dentistry, the rendition of hospital or blood bank service, or 131161
the practice of veterinary medicine, surgery, and dentistry. In 131162
addition to being consumers of drugs administered by them or by 131163
their assistants according to their direction, veterinarians 131164
also are consumers of drugs that under federal law may be 131165
dispensed only by or upon the order of a licensed veterinarian, 131166
physician, certified nurse-midwife, clinical nurse specialist, 131167
or certified nurse practitioner, when transferred by them to 131168
others for a consideration to provide treatment to animals as 131169
directed by the veterinarian. 131170

(3) A person who performs a facility management, or 131171
similar service contract for a contractee is a consumer of all 131172
tangible personal property and services purchased for use in 131173
connection with the performance of such contract, regardless of 131174
whether title to any such property vests in the contractee. The 131175
purchase of such property and services is not subject to the 131176
exception for resale under division (E) of this section. 131177

(4) (a) In the case of a person who purchases printed 131178
matter for the purpose of distributing it or having it 131179
distributed to the public or to a designated segment of the 131180
public, free of charge, that person is the consumer of that 131181
printed matter, and the purchase of that printed matter for that 131182
purpose is a sale. 131183

(b) In the case of a person who produces, rather than 131184
purchases, printed matter for the purpose of distributing it or 131185
having it distributed to the public or to a designated segment 131186

of the public, free of charge, that person is the consumer of 131187
all tangible personal property and services purchased for use or 131188
consumption in the production of that printed matter. ~~That~~ 131189
~~person is not entitled to claim exemption under division (B) (42)~~ 131190
~~(f) of section 5739.02 of the Revised Code for any material~~ 131191
~~incorporated into the printed matter or any equipment, supplies,~~ 131192
~~or services primarily used to produce the printed matter.~~ 131193

(c) The distribution of printed matter to the public or to 131194
a designated segment of the public, free of charge, is not a 131195
sale to the members of the public to whom the printed matter is 131196
distributed or to any persons who purchase space in the printed 131197
matter for advertising or other purposes. 131198

(5) A person who makes sales of any of the services listed 131199
in division (B) (3) of this section is the consumer of any 131200
tangible personal property used in performing the service. The 131201
purchase of that property is not subject to the resale exception 131202
under division (E) of this section. 131203

(6) A person who engages in highway transportation for 131204
hire is the consumer of all packaging materials purchased by 131205
that person and used in performing the service, except for 131206
packaging materials sold by such person in a transaction 131207
separate from the service. 131208

(7) In the case of a transaction for health care services 131209
under division (B) (11) of this section, a medicaid health 131210
insuring corporation is the consumer of such services. The 131211
purchase of such services by a medicaid health insuring 131212
corporation is not subject to the exception for resale under 131213
division (E) of this section or to the exemptions provided under 131214
divisions (B) (12), (18), (19), and (22) of section 5739.02 of 131215
the Revised Code. 131216

(E) "Retail sale" and "sales at retail" include all sales, 131217
except those in which the purpose of the consumer is to resell 131218
the thing transferred or benefit of the service provided, by a 131219
person engaging in business, in the form in which the same is, 131220
or is to be, received by the person. 131221

(F) "Business" includes any activity engaged in by any 131222
person with the object of gain, benefit, or advantage, either 131223
direct or indirect. "Business" does not include the activity of 131224
a person in managing and investing the person's own funds. 131225

(G) "Engaging in business" means commencing, conducting, 131226
or continuing in business, and liquidating a business when the 131227
liquidator thereof holds itself out to the public as conducting 131228
such business. Making a casual sale is not engaging in business. 131229

(H) (1) (a) "Price," except as provided in divisions (H) (2), 131230
(3), and (4) of this section, means the total amount of 131231
consideration, including cash, credit, property, and services, 131232
for which tangible personal property or services are sold, 131233
leased, or rented, valued in money, whether received in money or 131234
otherwise, without any deduction for any of the following: 131235

(i) The vendor's cost of the property sold; 131236

(ii) The cost of materials used, labor or service costs, 131237
interest, losses, all costs of transportation to the vendor, all 131238
taxes imposed on the vendor, including the tax imposed under 131239
Chapter 5751. of the Revised Code, and any other expense of the 131240
vendor; 131241

(iii) Charges by the vendor for any services necessary to 131242
complete the sale; 131243

(iv) Delivery charges. As used in this division, "delivery 131244
charges" means charges by the vendor for preparation and 131245

delivery to a location designated by the consumer of tangible 131246
personal property or a service, including transportation, 131247
shipping, postage, handling, crating, and packing. 131248

(v) Installation charges; 131249

(vi) Credit for any trade-in. 131250

(b) "Price" includes consideration received by the vendor 131251
from a third party, if the vendor actually receives the 131252
consideration from a party other than the consumer, and the 131253
consideration is directly related to a price reduction or 131254
discount on the sale; the vendor has an obligation to pass the 131255
price reduction or discount through to the consumer; the amount 131256
of the consideration attributable to the sale is fixed and 131257
determinable by the vendor at the time of the sale of the item 131258
to the consumer; and one of the following criteria is met: 131259

(i) The consumer presents a coupon, certificate, or other 131260
document to the vendor to claim a price reduction or discount 131261
where the coupon, certificate, or document is authorized, 131262
distributed, or granted by a third party with the understanding 131263
that the third party will reimburse any vendor to whom the 131264
coupon, certificate, or document is presented; 131265

(ii) The consumer identifies the consumer's self to the 131266
seller as a member of a group or organization entitled to a 131267
price reduction or discount. A preferred customer card that is 131268
available to any patron does not constitute membership in such a 131269
group or organization. 131270

(iii) The price reduction or discount is identified as a 131271
third party price reduction or discount on the invoice received 131272
by the consumer, or on a coupon, certificate, or other document 131273
presented by the consumer. 131274

(c) "Price" does not include any of the following: 131275

(i) Discounts, including cash, term, or coupons that are 131276
not reimbursed by a third party that are allowed by a vendor and 131277
taken by a consumer on a sale; 131278

(ii) Interest, financing, and carrying charges from credit 131279
extended on the sale of tangible personal property or services, 131280
if the amount is separately stated on the invoice, bill of sale, 131281
or similar document given to the purchaser; 131282

(iii) Any taxes legally imposed directly on the consumer 131283
that are separately stated on the invoice, bill of sale, or 131284
similar document given to the consumer. For the purpose of this 131285
division, the tax imposed under Chapter 5751. of the Revised 131286
Code is not a tax directly on the consumer, even if the tax or a 131287
portion thereof is separately stated. 131288

(iv) Notwithstanding divisions (H) (1) (b) (i) to (iii) of 131289
this section, any discount allowed by an automobile manufacturer 131290
to its employee, or to the employee of a supplier, on the 131291
purchase of a new motor vehicle from a new motor vehicle dealer 131292
in this state. 131293

(v) The dollar value of a gift card that is not sold by a 131294
vendor or purchased by a consumer and that is redeemed by the 131295
consumer in purchasing tangible personal property or services if 131296
the vendor is not reimbursed and does not receive compensation 131297
from a third party to cover all or part of the gift card value. 131298
For the purposes of this division, a gift card is not sold by a 131299
vendor or purchased by a consumer if it is distributed pursuant 131300
to an awards, loyalty, or promotional program. Past and present 131301
purchases of tangible personal property or services by the 131302
consumer shall not be treated as consideration exchanged for a 131303

gift card. 131304

(2) In the case of a sale of any new motor vehicle by a 131305
new motor vehicle dealer, as defined in section 4517.01 of the 131306
Revised Code, in which another motor vehicle is accepted by the 131307
dealer as part of the consideration received, "price" has the 131308
same meaning as in division (H)(1) of this section, reduced by 131309
the credit afforded the consumer by the dealer for the motor 131310
vehicle received in trade. 131311

(3) In the case of a sale of any watercraft or outboard 131312
motor by a watercraft dealer licensed in accordance with section 131313
1547.543 of the Revised Code, in which another watercraft, 131314
watercraft and trailer, or outboard motor is accepted by the 131315
dealer as part of the consideration received, "price" has the 131316
same meaning as in division (H)(1) of this section, reduced by 131317
the credit afforded the consumer by the dealer for the 131318
watercraft, watercraft and trailer, or outboard motor received 131319
in trade. As used in this division, "watercraft" includes an 131320
outdrive unit attached to the watercraft. 131321

(4) In the case of transactions for health care services 131322
under division (B)(11) of this section, "price" means the amount 131323
of managed care premiums received each month by a medicaid 131324
health insuring corporation. 131325

(I) "Receipts" means the total amount of the prices of the 131326
sales of vendors, provided that the dollar value of gift cards 131327
distributed pursuant to an awards, loyalty, or promotional 131328
program, and cash discounts allowed and taken on sales at the 131329
time they are consummated are not included, minus any amount 131330
deducted as a bad debt pursuant to section 5739.121 of the 131331
Revised Code. "Receipts" does not include the sale price of 131332
property returned or services rejected by consumers when the 131333

full sale price and tax are refunded either in cash or by 131334
credit. 131335

(J) "Place of business" means any location at which a 131336
person engages in business. 131337

(K) "Premises" includes any real property or portion 131338
thereof upon which any person engages in selling tangible 131339
personal property at retail or making retail sales and also 131340
includes any real property or portion thereof designated for, or 131341
devoted to, use in conjunction with the business engaged in by 131342
such person. 131343

(L) "Casual sale" means a sale of an item of tangible 131344
personal property that was obtained by the person making the 131345
sale, through purchase or otherwise, for the person's own use 131346
and was previously subject to any state's taxing jurisdiction on 131347
its sale or use, and includes such items acquired for the 131348
seller's use that are sold by an auctioneer employed directly by 131349
the person for such purpose, provided the location of such sales 131350
is not the auctioneer's permanent place of business. As used in 131351
this division, "permanent place of business" includes any 131352
location where such auctioneer has conducted more than two 131353
auctions during the year. 131354

(M) "Hotel" means every establishment kept, used, 131355
maintained, advertised, or held out to the public to be a place 131356
where sleeping accommodations are offered to guests, in which 131357
five or more rooms are used for the accommodation of such 131358
guests, whether the rooms are in one or several structures, 131359
except as otherwise provided in section 5739.091 of the Revised 131360
Code. 131361

(N) "Transient guests" means persons occupying a room or 131362

rooms for sleeping accommodations for less than thirty 131363
consecutive days. 131364

(O) "Making retail sales" means the effecting of 131365
transactions wherein one party is obligated to pay the price and 131366
the other party is obligated to provide a service or to transfer 131367
title to or possession of the item sold. "Making retail sales" 131368
does not include the preliminary acts of promoting or soliciting 131369
the retail sales, other than the distribution of printed matter 131370
which displays or describes and prices the item offered for 131371
sale, nor does it include delivery of a predetermined quantity 131372
of tangible personal property or transportation of property or 131373
personnel to or from a place where a service is performed. 131374

(P) "Used directly in the rendition of a public utility 131375
service" means that property that is to be incorporated into and 131376
will become a part of the consumer's production, transmission, 131377
transportation, or distribution system and that retains its 131378
classification as tangible personal property after such 131379
incorporation; fuel or power used in the production, 131380
transmission, transportation, or distribution system; and 131381
tangible personal property used in the repair and maintenance of 131382
the production, transmission, transportation, or distribution 131383
system, including only such motor vehicles as are specially 131384
designed and equipped for such use. Tangible personal property 131385
and services used primarily in providing highway transportation 131386
for hire are not used directly in the rendition of a public 131387
utility service. In this definition, "public utility" includes a 131388
citizen of the United States holding, and required to hold, a 131389
certificate of public convenience and necessity issued under 49 131390
U.S.C. 41102. 131391

(Q) "Refining" means removing or separating a desirable 131392

product from raw or contaminated materials by distillation or 131393
physical, mechanical, or chemical processes. 131394

(R) "Assembly" and "assembling" mean attaching or fitting 131395
together parts to form a product, but do not include packaging a 131396
product. 131397

(S) "Manufacturing operation" means a process in which 131398
materials are changed, converted, or transformed into a 131399
different state or form from which they previously existed and 131400
includes refining materials, assembling parts, and preparing raw 131401
materials and parts by mixing, measuring, blending, or otherwise 131402
committing such materials or parts to the manufacturing process. 131403
"Manufacturing operation" does not include packaging. 131404

(T) "Fiscal officer" means, with respect to a regional 131405
transit authority, the secretary-treasurer thereof, and with 131406
respect to a county that is a transit authority, the fiscal 131407
officer of the county transit board if one is appointed pursuant 131408
to section 306.03 of the Revised Code or the county auditor if 131409
the board of county commissioners operates the county transit 131410
system. 131411

(U) "Transit authority" means a regional transit authority 131412
created pursuant to section 306.31 of the Revised Code or a 131413
county in which a county transit system is created pursuant to 131414
section 306.01 of the Revised Code. For the purposes of this 131415
chapter, a transit authority must extend to at least the entire 131416
area of a single county. A transit authority that includes 131417
territory in more than one county must include all the area of 131418
the most populous county that is a part of such transit 131419
authority. County population shall be measured by the most 131420
recent census taken by the United States census bureau. 131421

(V) "Legislative authority" means, with respect to a 131422
regional transit authority, the board of trustees thereof, and 131423
with respect to a county that is a transit authority, the board 131424
of county commissioners. 131425

(W) "Territory of the transit authority" means all of the 131426
area included within the territorial boundaries of a transit 131427
authority as they from time to time exist. Such territorial 131428
boundaries must at all times include all the area of a single 131429
county or all the area of the most populous county that is a 131430
part of such transit authority. County population shall be 131431
measured by the most recent census taken by the United States 131432
census bureau. 131433

(X) "Providing a service" means providing or furnishing 131434
anything described in division (B) (3) of this section for 131435
consideration. 131436

(Y) (1) (a) "Automatic data processing" means processing of 131437
others' data, including keypunching or similar data entry 131438
services together with verification thereof, or providing access 131439
to computer equipment for the purpose of processing data. 131440

(b) "Computer services" means providing services 131441
consisting of specifying computer hardware configurations and 131442
evaluating technical processing characteristics, computer 131443
programming, and training of computer programmers and operators, 131444
provided in conjunction with and to support the sale, lease, or 131445
operation of taxable computer equipment or systems. 131446

(c) "Electronic information services" means providing 131447
access to computer equipment by means of telecommunications 131448
equipment for the purpose of either of the following: 131449

(i) Examining or acquiring data stored in or accessible to 131450

the computer equipment; 131451

(ii) Placing data into the computer equipment to be 131452
retrieved by designated recipients with access to the computer 131453
equipment. 131454

"Electronic information services" does not include 131455
electronic publishing. 131456

(d) "Automatic data processing, computer services, or 131457
electronic information services" shall not include personal or 131458
professional services. 131459

(2) As used in divisions (B) (3) (e) and (Y) (1) of this 131460
section, "personal and professional services" means all services 131461
other than automatic data processing, computer services, or 131462
electronic information services, including but not limited to: 131463

(a) Accounting and legal services such as advice on tax 131464
matters, asset management, budgetary matters, quality control, 131465
information security, and auditing and any other situation where 131466
the service provider receives data or information and studies, 131467
alters, analyzes, interprets, or adjusts such material; 131468

(b) Analyzing business policies and procedures; 131469

(c) Identifying management information needs; 131470

(d) Feasibility studies, including economic and technical 131471
analysis of existing or potential computer hardware or software 131472
needs and alternatives; 131473

(e) Designing policies, procedures, and custom software 131474
for collecting business information, and determining how data 131475
should be summarized, sequenced, formatted, processed, 131476
controlled, and reported so that it will be meaningful to 131477
management; 131478

(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	131479 131480 131481
(g) Testing of business procedures;	131482
(h) Training personnel in business procedure applications;	131483
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	131484 131485 131486 131487 131488 131489 131490
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	131491 131492
(k) Providing digital advertising services;	131493
(l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's compensation.	131494 131495 131496 131497 131498 131499 131500 131501
The services listed in divisions (Y) (2) (a) to (l) of this section are not automatic data processing or computer services.	131502 131503
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	131504 131505 131506

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

"Highway transportation for hire" does not include delivery network services.

(AA) (1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow 131536
data to be generated, acquired, stored, processed, or retrieved 131537
and delivered by an electronic transmission to a consumer where 131538
the consumer's primary purpose for the underlying transaction is 131539
the processed data or information; 131540

(b) Installation or maintenance of wiring or equipment on 131541
a customer's premises; 131542

(c) Tangible personal property; 131543

(d) Advertising, including directory advertising; 131544

(e) Billing and collection services provided to third 131545
parties; 131546

(f) Internet access service; 131547

(g) Radio and television audio and video programming 131548
services, regardless of the medium, including the furnishing of 131549
transmission, conveyance, and routing of such services by the 131550
programming service provider. Radio and television audio and 131551
video programming services include, but are not limited to, 131552
cable service, as defined in 47 U.S.C. 522(6), and audio and 131553
video programming services delivered by commercial mobile radio 131554
service providers, as defined in 47 C.F.R. 20.3; 131555

(h) Ancillary service; 131556

(i) Digital products delivered electronically, including 131557
software, music, video, reading materials, or ring tones. 131558

(2) "Ancillary service" means a service that is associated 131559
with or incidental to the provision of telecommunications 131560
service, including conference bridging service, detailed 131561
telecommunications billing service, directory assistance, 131562
vertical service, and voice mail service. As used in this 131563

division: 131564

(a) "Conference bridging service" means an ancillary 131565
service that links two or more participants of an audio or video 131566
conference call, including providing a telephone number. 131567
"Conference bridging service" does not include 131568
telecommunications services used to reach the conference bridge. 131569

(b) "Detailed telecommunications billing service" means an 131570
ancillary service of separately stating information pertaining 131571
to individual calls on a customer's billing statement. 131572

(c) "Directory assistance" means an ancillary service of 131573
providing telephone number or address information. 131574

(d) "Vertical service" means an ancillary service that is 131575
offered in connection with one or more telecommunications 131576
services, which offers advanced calling features that allow 131577
customers to identify callers and manage multiple calls and call 131578
connections, including conference bridging service. 131579

(e) "Voice mail service" means an ancillary service that 131580
enables the customer to store, send, or receive recorded 131581
messages. "Voice mail service" does not include any vertical 131582
services that the customer may be required to have in order to 131583
utilize the voice mail service. 131584

(3) "900 service" means an inbound toll telecommunications 131585
service purchased by a subscriber that allows the subscriber's 131586
customers to call in to the subscriber's prerecorded 131587
announcement or live service, and which is typically marketed 131588
under the name "900 service" and any subsequent numbers 131589
designated by the federal communications commission. "900 131590
service" does not include the charge for collection services 131591
provided by the seller of the telecommunications service to the 131592

subscriber, or services or products sold by the subscriber to 131593
the subscriber's customer. 131594

(4) "Prepaid calling service" means the right to access 131595
exclusively telecommunications services, which must be paid for 131596
in advance and which enables the origination of calls using an 131597
access number or authorization code, whether manually or 131598
electronically dialed, and that is sold in predetermined units 131599
or dollars of which the number declines with use in a known 131600
amount. 131601

(5) "Prepaid wireless calling service" means a 131602
telecommunications service that provides the right to utilize 131603
mobile telecommunications service as well as other non- 131604
telecommunications services, including the download of digital 131605
products delivered electronically, and content and ancillary 131606
services, that must be paid for in advance and that is sold in 131607
predetermined units or dollars of which the number declines with 131608
use in a known amount. 131609

(6) "Value-added non-voice data service" means a 131610
telecommunications service in which computer processing 131611
applications are used to act on the form, content, code, or 131612
protocol of the information or data primarily for a purpose 131613
other than transmission, conveyance, or routing. 131614

(7) "Coin-operated telephone service" means a 131615
telecommunications service paid for by inserting money into a 131616
telephone accepting direct deposits of money to operate. 131617

(8) "Customer" has the same meaning as in section 5739.034 131618
of the Revised Code. 131619

(BB) "Laundry and dry cleaning services" means removing 131620
soil or dirt from towels, linens, articles of clothing, or other 131621

fabric items that belong to others and supplying towels, linens, 131622
articles of clothing, or other fabric items. "Laundry and dry 131623
cleaning services" does not include the provision of self- 131624
service facilities for use by consumers to remove soil or dirt 131625
from towels, linens, articles of clothing, or other fabric 131626
items. 131627

(CC) "Magazines distributed as controlled circulation 131628
publications" means magazines containing at least twenty-four 131629
pages, at least twenty-five per cent editorial content, issued 131630
at regular intervals four or more times a year, and circulated 131631
without charge to the recipient, provided that such magazines 131632
are not owned or controlled by individuals or business concerns 131633
which conduct such publications as an auxiliary to, and 131634
essentially for the advancement of the main business or calling 131635
of, those who own or control them. 131636

(DD) "Landscaping and lawn care service" means the 131637
services of planting, seeding, sodding, removing, cutting, 131638
trimming, pruning, mulching, aerating, applying chemicals, 131639
watering, fertilizing, and providing similar services to 131640
establish, promote, or control the growth of trees, shrubs, 131641
flowers, grass, ground cover, and other flora, or otherwise 131642
maintaining a lawn or landscape grown or maintained by the owner 131643
for ornamentation or other nonagricultural purpose. However, 131644
"landscaping and lawn care service" does not include the 131645
providing of such services by a person who has less than five 131646
thousand dollars in sales of such services during the calendar 131647
year. 131648

(EE) "Private investigation and security service" means 131649
the performance of any activity for which the provider of such 131650
service is required to be licensed pursuant to Chapter 4749. of 131651

the Revised Code, or would be required to be so licensed in 131652
performing such services in this state, and also includes the 131653
services of conducting polygraph examinations and of monitoring 131654
or overseeing the activities on or in, or the condition of, the 131655
consumer's home, business, or other facility by means of 131656
electronic or similar monitoring devices. "Private investigation 131657
and security service" does not include special duty services 131658
provided by off-duty police officers, deputy sheriffs, and other 131659
peace officers regularly employed by the state or a political 131660
subdivision. 131661

(FF) "Information services" means providing conversation, 131662
giving consultation or advice, playing or making a voice or 131663
other recording, making or keeping a record of the number of 131664
callers, and any other service provided to a consumer by means 131665
of a nine hundred telephone call, except when the nine hundred 131666
telephone call is the means by which the consumer makes a 131667
contribution to a recognized charity. 131668

(GG) "Research and development" means designing, creating, 131669
or formulating new or enhanced products, equipment, or 131670
manufacturing processes, and also means conducting scientific or 131671
technological inquiry and experimentation in the physical 131672
sciences with the goal of increasing scientific knowledge which 131673
may reveal the bases for new or enhanced products, equipment, or 131674
manufacturing processes. 131675

(HH) "Qualified research and development equipment" means 131676
either of the following: 131677

(1) Capitalized tangible personal property, and leased 131678
personal property that would be capitalized if purchased, used 131679
by a person primarily to perform research and development; 131680

(2) Any tangible personal property used by a megaproject operator primarily to perform research and development at the site of a megaproject that satisfies the criteria described in division (A) (11) (a) (ii) of section 122.17 of the Revised Code during the period that the megaproject operator has an agreement for such megaproject with the tax credit authority under division (D) of that section that remains in effect and has not expired or been terminated.

"Qualified research and development equipment" does not include tangible personal property primarily used in testing, as defined in division (A) (4) of section 5739.011 of the Revised Code, or used for recording or storing test results, unless such property is primarily used by the consumer in testing the product, equipment, or manufacturing process being created, designed, or formulated by the consumer in the research and development activity or in recording or storing such test results.

(II) "Building maintenance and janitorial service" means cleaning the interior or exterior of a building and any tangible personal property located therein or thereon, including any services incidental to such cleaning for which no separate charge is made. However, "building maintenance and janitorial service" does not include the providing of such service by a person who has less than five thousand dollars in sales of such service during the calendar year. As used in this division, "cleaning" does not include sanitation services necessary for an establishment described in 21 U.S.C. 608 to comply with rules and regulations adopted pursuant to that section.

(JJ) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or

structure, or the area surrounding a building or structure, and 131711
includes activities to inspect, detect, or prevent vermin 131712
infestation of a building or structure. 131713

(KK) "Physical fitness facility service" means all 131714
transactions by which a membership is granted, maintained, or 131715
renewed, including initiation fees, membership dues, renewal 131716
fees, monthly minimum fees, and other similar fees and dues, by 131717
a physical fitness facility such as an athletic club, health 131718
spa, or gymnasium, which entitles the member to use the facility 131719
for physical exercise. 131720

(LL) "Recreation and sports club service" means all 131721
transactions by which a membership is granted, maintained, or 131722
renewed, including initiation fees, membership dues, renewal 131723
fees, monthly minimum fees, and other similar fees and dues, by 131724
a recreation and sports club, which entitles the member to use 131725
the facilities of the organization. "Recreation and sports club" 131726
means an organization that has ownership of, or controls or 131727
leases on a continuing, long-term basis, the facilities used by 131728
its members and includes an aviation club, gun or shooting club, 131729
yacht club, card club, swimming club, tennis club, golf club, 131730
country club, riding club, amateur sports club, or similar 131731
organization. 131732

(MM) "Livestock" means farm animals commonly raised for 131733
food, food production, or other agricultural purposes, 131734
including, but not limited to, cattle, sheep, goats, swine, 131735
poultry, and captive deer. "Livestock" does not include 131736
invertebrates, amphibians, reptiles, domestic pets, animals for 131737
use in laboratories or for exhibition, or other animals not 131738
commonly raised for food or food production. 131739

(NN) "Livestock structure" means a building or structure 131740

used exclusively for the housing, raising, feeding, or 131741
sheltering of livestock, and includes feed storage or handling 131742
structures and structures for livestock waste handling. 131743

(OO) "Horticulture" means the growing, cultivation, and 131744
production of flowers, fruits, herbs, vegetables, sod, 131745
mushrooms, and nursery stock. As used in this division, "nursery 131746
stock" has the same meaning as in section 927.51 of the Revised 131747
Code. 131748

(PP) "Horticulture structure" means a building or 131749
structure used exclusively for the commercial growing, raising, 131750
or overwintering of horticultural products, and includes the 131751
area used for stocking, storing, and packing horticultural 131752
products when done in conjunction with the production of those 131753
products. 131754

(QQ) "Newspaper" means an unbound publication bearing a 131755
title or name that is regularly published, at least as 131756
frequently as biweekly, and distributed from a fixed place of 131757
business to the public in a specific geographic area, and that 131758
contains a substantial amount of news matter of international, 131759
national, or local events of interest to the general public. 131760

(RR) (1) "Feminine hygiene products" means tampons, panty 131761
liners, menstrual cups, sanitary napkins, and other similar 131762
tangible personal property designed for feminine hygiene in 131763
connection with the human menstrual cycle, but does not include 131764
grooming and hygiene products. 131765

(2) "Grooming and hygiene products" means soaps and 131766
cleaning solutions, shampoo, toothpaste, mouthwash, 131767
antiperspirants, and sun tan lotions and screens, regardless of 131768
whether any of these products are over-the-counter drugs. 131769

(3) "Over-the-counter drugs" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, which label includes a drug facts panel or a statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

(SS) (1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h) (1) covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon the sale or disposition of the property. "Lease" or "rental" does not include:

(a) A transfer of possession or control of tangible personal property under a security agreement or a deferred payment plan that requires the transfer of title upon completion of the required payments;

(b) A transfer of possession or control of tangible personal property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars or one per cent of the total required payments;

(c) Providing tangible personal property along with an operator for a fixed or indefinite period of time, if the operator is necessary for the property to perform as designed. For purposes of this division, the operator must do more than maintain, inspect, or set up the tangible personal property.

(2) "Lease" and "rental," as defined in division (SS) of this section, shall not apply to leases or rentals that exist before June 26, 2003.

(3) "Lease" and "rental" have the same meaning as in division (SS)(1) of this section regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, Title XIII of the Revised Code, or other federal, state, or local laws.

(TT) "Mobile telecommunications service" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(UU) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(VV) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(WW) "Tangible personal property" means personal property 131828
that can be seen, weighed, measured, felt, or touched, or that 131829
is in any other manner perceptible to the senses. For purposes 131830
of this chapter and Chapter 5741. of the Revised Code, "tangible 131831
personal property" includes motor vehicles, electricity, water, 131832
gas, steam, and prewritten computer software. 131833

(XX) "Municipal gas utility" means a municipal corporation 131834
that owns or operates a system for the distribution of natural 131835
gas. 131836

(YY) "Computer" means an electronic device that accepts 131837
information in digital or similar form and manipulates it for a 131838
result based on a sequence of instructions. 131839

(ZZ) "Computer software" means a set of coded instructions 131840
designed to cause a computer or automatic data processing 131841
equipment to perform a task. 131842

(AAA) "Delivered electronically" means delivery of 131843
computer software from the seller to the purchaser by means 131844
other than tangible storage media. 131845

(BBB) "Prewritten computer software" means computer 131846
software, including prewritten upgrades, that is not designed 131847
and developed by the author or other creator to the 131848
specifications of a specific purchaser. The combining of two or 131849
more prewritten computer software programs or prewritten 131850
portions thereof does not cause the combination to be other than 131851
prewritten computer software. "Prewritten computer software" 131852
includes software designed and developed by the author or other 131853
creator to the specifications of a specific purchaser when it is 131854
sold to a person other than the purchaser. If a person modifies 131855
or enhances computer software of which the person is not the 131856

author or creator, the person shall be deemed to be the author 131857
or creator only of such person's modifications or enhancements. 131858
Prewritten computer software or a prewritten portion thereof 131859
that is modified or enhanced to any degree, where such 131860
modification or enhancement is designed and developed to the 131861
specifications of a specific purchaser, remains prewritten 131862
computer software; provided, however, that where there is a 131863
reasonable, separately stated charge or an invoice or other 131864
statement of the price given to the purchaser for the 131865
modification or enhancement, the modification or enhancement 131866
shall not constitute prewritten computer software. 131867

(CCC) (1) "Food" means substances, whether in liquid, 131868
concentrated, solid, frozen, dried, or dehydrated form, that are 131869
sold for ingestion or chewing by humans and are consumed for 131870
their taste or nutritional value. "Food" does not include 131871
alcoholic beverages, dietary supplements, soft drinks, or 131872
tobacco. 131873

(2) As used in division (CCC) (1) of this section: 131874

(a) "Dietary supplements" means any product, other than 131875
tobacco, that is intended to supplement the diet and that is 131876
intended for ingestion in tablet, capsule, powder, softgel, 131877
gelcap, or liquid form, or, if not intended for ingestion in 131878
such a form, is not represented as conventional food for use as 131879
a sole item of a meal or of the diet; that is required to be 131880
labeled as a dietary supplement, identifiable by the "supplement 131881
facts" box found on the label, as required by 21 C.F.R. 101.36; 131882
and that contains one or more of the following dietary 131883
ingredients: 131884

(i) A vitamin; 131885

(ii) A mineral;	131886
(iii) An herb or other botanical;	131887
(iv) An amino acid;	131888
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	131889 131890
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (CCC) (2) (a) (i) to (v) of this section.	131891 131892 131893
(b) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	131894 131895 131896 131897 131898
(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	131899 131900 131901 131902 131903 131904 131905 131906 131907
(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	131908 131909 131910 131911
(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that	131912 131913

can withstand repeated use, is primarily and customarily used to 131914
serve a medical purpose, generally is not useful to a person in 131915
the absence of illness or injury, and is not worn in or on the 131916
body. "Durable medical equipment" does not include mobility 131917
enhancing equipment. 131918

(GGG) "Mobility enhancing equipment" means equipment, 131919
including repair and replacement parts for such equipment, that 131920
is primarily and customarily used to provide or increase the 131921
ability to move from one place to another and is appropriate for 131922
use either in a home or a motor vehicle, that is not generally 131923
used by persons with normal mobility, and that does not include 131924
any motor vehicle or equipment on a motor vehicle normally 131925
provided by a motor vehicle manufacturer. "Mobility enhancing 131926
equipment" does not include durable medical equipment. 131927

(HHH) "Prosthetic device" means a replacement, corrective, 131928
or supportive device, including repair and replacement parts for 131929
the device, worn on or in the human body to artificially replace 131930
a missing portion of the body, prevent or correct physical 131931
deformity or malfunction, or support a weak or deformed portion 131932
of the body. As used in this division, before July 1, 2019, 131933
"prosthetic device" does not include corrective eyeglasses, 131934
contact lenses, or dental prosthesis. On or after July 1, 2019, 131935
"prosthetic device" does not include dental prosthesis but does 131936
include corrective eyeglasses or contact lenses. 131937

(III) (1) "Fractional aircraft ownership program" means a 131938
program in which persons within an affiliated group sell and 131939
manage fractional ownership program aircraft, provided that at 131940
least one hundred airworthy aircraft are operated in the program 131941
and the program meets all of the following criteria: 131942

(a) Management services are provided by at least one 131943

program manager within an affiliated group on behalf of the 131944
fractional owners. 131945

(b) Each program aircraft is owned or possessed by at 131946
least one fractional owner. 131947

(c) Each fractional owner owns or possesses at least a 131948
one-sixteenth interest in at least one fixed-wing program 131949
aircraft. 131950

(d) A dry-lease aircraft interchange arrangement is in 131951
effect among all of the fractional owners. 131952

(e) Multi-year program agreements are in effect regarding 131953
the fractional ownership, management services, and dry-lease 131954
aircraft interchange arrangement aspects of the program. 131955

(2) As used in division (III) (1) of this section: 131956

(a) "Affiliated group" has the same meaning as in division 131957
(B) (3) (e) of this section. 131958

(b) "Fractional owner" means a person that owns or 131959
possesses at least a one-sixteenth interest in a program 131960
aircraft and has entered into the agreements described in 131961
division (III) (1) (e) of this section. 131962

(c) "Fractional ownership program aircraft" or "program 131963
aircraft" means a turbojet aircraft that is owned or possessed 131964
by a fractional owner and that has been included in a dry-lease 131965
aircraft interchange arrangement and agreement under divisions 131966
(III) (1) (d) and (e) of this section, or an aircraft a program 131967
manager owns or possesses primarily for use in a fractional 131968
aircraft ownership program. 131969

(d) "Management services" means administrative and 131970
aviation support services furnished under a fractional aircraft 131971

ownership program in accordance with a management services 131972
agreement under division (III) (1) (e) of this section, and 131973
offered by the program manager to the fractional owners, 131974
including, at a minimum, the establishment and implementation of 131975
safety guidelines; the coordination of the scheduling of the 131976
program aircraft and crews; program aircraft maintenance; 131977
program aircraft insurance; crew training for crews employed, 131978
furnished, or contracted by the program manager or the 131979
fractional owner; the satisfaction of record-keeping 131980
requirements; and the development and use of an operations 131981
manual and a maintenance manual for the fractional aircraft 131982
ownership program. 131983

(e) "Program manager" means the person that offers 131984
management services to fractional owners pursuant to a 131985
management services agreement under division (III) (1) (e) of this 131986
section. 131987

(JJJ) "Electronic publishing" means providing access to 131988
one or more of the following primarily for business customers, 131989
including the federal government or a state government or a 131990
political subdivision thereof, to conduct research: news; 131991
business, financial, legal, consumer, or credit materials; 131992
editorials, columns, reader commentary, or features; photos or 131993
images; archival or research material; legal notices, identity 131994
verification, or public records; scientific, educational, 131995
instructional, technical, professional, trade, or other literary 131996
materials; or other similar information which has been gathered 131997
and made available by the provider to the consumer in an 131998
electronic format. Providing electronic publishing includes the 131999
functions necessary for the acquisition, formatting, editing, 132000
storage, and dissemination of data or information that is the 132001
subject of a sale. 132002

(KKK) "Medicaid health insuring corporation" means a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code and is under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.

(LLL) "Managed care premium" means any premium, capitation, or other payment a medicaid health insuring corporation receives for providing or arranging for the provision of health care services to its members or enrollees residing in this state.

(MMM) "Captive deer" means deer and other cervidae that have been legally acquired, or their offspring, that are privately owned for agricultural or farming purposes.

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally 132032
recognized in the ordinary and usual sense as a book. 132033

(4) "Electronically transferred" means obtained by the 132034
purchaser by means other than tangible storage media. 132035

(PPP) "Digital advertising services" means providing 132036
access, by means of telecommunications equipment, to computer 132037
equipment that is used to enter, upload, download, review, 132038
manipulate, store, add, or delete data for the purpose of 132039
electronically displaying, delivering, placing, or transferring 132040
promotional advertisements to potential customers about products 132041
or services or about industry or business brands. 132042

(QQQ) "Peer-to-peer car sharing program" has the same 132043
meaning as in section 4516.01 of the Revised Code. 132044

(RRR) "Megaproject" and "megaproject operator" have the 132045
same meanings as in section 122.17 of the Revised Code. 132046

(SSS) (1) "Diaper" means an absorbent garment worn by 132047
humans who are incapable of, or have difficulty, controlling 132048
their bladder or bowel movements. 132049

(2) "Children's diaper" means a diaper marketed to be worn 132050
by children. 132051

(3) "Adult diaper" means a diaper other than a children's 132052
diaper. 132053

(TTT) "Sales tax holiday" means three or more dates on 132054
which sales of all eligible tangible personal property are 132055
exempt from the taxes levied under sections 5739.02, 5739.021, 132056
5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of 132057
the Revised Code. 132058

(UUU) "Eligible tangible personal property" means any item 132059

of tangible personal property that meets both of the following 132060
requirements: 132061

(1) The price of the item does not exceed five hundred 132062
dollars; 132063

(2) The item is not a watercraft or outboard motor 132064
required to be titled pursuant to Chapter 1548. of the Revised 132065
Code, a motor vehicle, an alcoholic beverage, tobacco, a vapor 132066
product as defined in section 5743.01 of the Revised Code, or an 132067
item that contains marijuana as defined in section 3796.01 of 132068
the Revised Code. 132069

(VVV) "Alcoholic beverages" means beverages that are 132070
suitable for human consumption and contain one-half of one per 132071
cent or more of alcohol by volume. 132072

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 132073
tobacco, or any other item that contains tobacco. 132074

(XXX) (1) "Delivery network company" means a person that 132075
operates a business platform, including a web site or mobile 132076
application, to facilitate delivery network services. 132077

(2) "Delivery network courier" means an individual 132078
connected to a consumer through a delivery network company and 132079
who provides delivery network services to that consumer. 132080

(3) "Delivery network services" means both of the 132081
following when performed as part of a single transaction: 132082

(a) Pickup of a local product by a delivery network 132083
courier from a local merchant that is not under common ownership 132084
or control of the delivery network company through which the 132085
transaction was initiated, and which may include selection, 132086
collection, and purchase of the local product; 132087

(b) Delivery by the delivery network courier of that local 132088
product to a location designated by the consumer that is not 132089
more than seventy-five miles from the local merchant's place of 132090
business where the pickup described in division (XXX) (3) (a) of 132091
this section occurs. 132092

(4) "Local merchant" means a person engaged in selling 132093
local products from a temporary or fixed place of business in 132094
this state, including a kitchen, restaurant, grocery store, 132095
retail store, or convenience store. 132096

(5) "Local product" means any tangible personal property, 132097
including food, but excluding freight, mail, or a package to 132098
which postage is affixed. 132099

Sec. 5739.011. (A) As used in this section: 132100

(1) "Manufacturer" means a person who is engaged in 132101
manufacturing, processing, assembling, or refining a product for 132102
sale and, solely for the purposes of division (B) (12) of this 132103
section, a person who meets all the qualifications of that 132104
division. 132105

(2) "Manufacturing facility" means a single location where 132106
a manufacturing operation is conducted, including locations 132107
consisting of one or more buildings or structures in a 132108
contiguous area owned or controlled by the manufacturer. 132109

(3) "Materials handling" means the movement of the product 132110
being or to be manufactured, during which movement the product 132111
is not undergoing any substantial change or alteration in its 132112
state or form. 132113

(4) "Testing" means a process or procedure to identify the 132114
properties or assure the quality of a material or product. 132115

(5) "Completed product" means a manufactured item that is 132116
in the form and condition as it will be sold by the 132117
manufacturer. An item is completed when all processes that 132118
change or alter its state or form or enhance its value are 132119
finished, even though the item subsequently will be tested to 132120
ensure its quality or be packaged for storage or shipment. 132121

(6) "Continuous manufacturing operation" means the process 132122
in which raw materials or components are moved through the steps 132123
whereby manufacturing occurs. Materials handling of raw 132124
materials or parts from the point of receipt or preproduction 132125
storage or of a completed product, to or from storage, to or 132126
from packaging, or to the place from which the completed product 132127
will be shipped, is not a part of a continuous manufacturing 132128
operation. 132129

(7) "Food" has the same meaning as in section 3717.01 of 132130
the Revised Code. 132131

(B) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132132
section 5739.02 of the Revised Code, the "thing transferred" 132133
includes, but is not limited to, any of the following: 132134

(1) Production machinery and equipment that act upon the 132135
product or machinery and equipment that treat the materials or 132136
parts in preparation for the manufacturing operation; 132137

(2) Materials handling equipment that moves the product 132138
through a continuous manufacturing operation; equipment that 132139
temporarily stores the product during the manufacturing 132140
operation; or, excluding motor vehicles licensed to operate on 132141
public highways, equipment used in intraplant or interplant 132142
transfers of work in process where the plant or plants between 132143
which such transfers occur are manufacturing facilities operated 132144

by the same person; 132145

(3) Catalysts, solvents, water, acids, oil, and similar 132146
consumables that interact with the product and that are an 132147
integral part of the manufacturing operation; 132148

(4) Machinery, equipment, and other tangible personal 132149
property used during the manufacturing operation that control, 132150
physically support, produce power for, lubricate, or are 132151
otherwise necessary for the functioning of production machinery 132152
and equipment and the continuation of the manufacturing 132153
operation; 132154

(5) Machinery, equipment, fuel, power, material, parts, 132155
and other tangible personal property used to manufacture 132156
machinery, equipment, or other tangible personal property used 132157
in manufacturing a product for sale; 132158

(6) Machinery, equipment, and other tangible personal 132159
property used by a manufacturer to test raw materials, the 132160
product being manufactured, or the completed product; 132161

(7) Machinery and equipment used to handle or temporarily 132162
store scrap that is intended to be reused in the manufacturing 132163
operation at the same manufacturing facility; 132164

(8) Coke, gas, water, steam, and similar substances used 132165
in the manufacturing operation; machinery and equipment used 132166
for, and fuel consumed in, producing or extracting those 132167
substances; machinery, equipment, and other tangible personal 132168
property used to treat, filter, pump, or otherwise make the 132169
substance suitable for use in the manufacturing operation; and 132170
machinery and equipment used for, and fuel consumed in, 132171
producing electricity for use in the manufacturing operation; 132172

(9) Machinery, equipment, and other tangible personal 132173

property used to transport or transmit electricity, coke, gas, 132174
water, steam, or similar substances used in the manufacturing 132175
operation from the point of generation, if produced by the 132176
manufacturer, or from the point where the substance enters the 132177
manufacturing facility, if purchased by the manufacturer, to the 132178
manufacturing operation; 132179

(10) Machinery, equipment, and other tangible personal 132180
property that treats, filters, cools, refines, or otherwise 132181
renders water, steam, acid, oil, solvents, or similar substances 132182
used in the manufacturing operation reusable, provided that the 132183
substances are intended for reuse and not for disposal, sale, or 132184
transportation from the manufacturing facility; 132185

(11) Parts, components, and repair and installation 132186
services for items described in division (B) of this section; 132187

(12) Machinery and equipment, detergents, supplies, 132188
solvents, and any other tangible personal property located at a 132189
manufacturing facility that are used in the process of removing 132190
soil, dirt, or other contaminants from, or otherwise preparing 132191
in a suitable condition for use, towels, linens, articles of 132192
clothing, floor mats, mop heads, or other similar items, to be 132193
supplied to a consumer as part of laundry and dry cleaning 132194
services, only when the towels, linens, articles of clothing, 132195
floor mats, mop heads, or other similar items belong to the 132196
provider of the services; 132197

(13) Equipment and supplies used to clean processing 132198
equipment that is part of a continuous manufacturing operation 132199
to produce food for human consumption. 132200

(C) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132201
section 5739.02 of the Revised Code, the "thing transferred" 132202

does not include any of the following: 132203

(1) Tangible personal property used in administrative, 132204
personnel, security, inventory control, record-keeping, 132205
ordering, billing, or similar functions; 132206

(2) Tangible personal property used in storing raw 132207
materials or parts prior to the commencement of the 132208
manufacturing operation or used to handle or store a completed 132209
product, including storage that actively maintains a completed 132210
product in a marketable state or form; 132211

(3) Tangible personal property used to handle or store 132212
scrap or waste intended for disposal, sale, or other 132213
disposition, other than reuse in the manufacturing operation at 132214
the same manufacturing facility; 132215

(4) Tangible personal property that is or is to be 132216
incorporated into realty; 132217

(5) Machinery, equipment, and other tangible personal 132218
property used for ventilation, dust or gas collection, humidity 132219
or temperature regulation, or similar environmental control, 132220
except machinery, equipment, and other tangible personal 132221
property that totally regulates the environment in a special and 132222
limited area of the manufacturing facility where the regulation 132223
is essential for production to occur; 132224

(6) Tangible personal property used for the protection and 132225
safety of workers, unless the property is attached to or 132226
incorporated into machinery and equipment used in a continuous 132227
manufacturing operation; 132228

(7) Tangible personal property used to store fuel, water, 132229
solvents, acid, oil, or similar items consumed in the 132230
manufacturing operation; 132231

(8) Except as provided in division (B) (13) of this 132232
section, machinery, equipment, and other tangible personal 132233
property used to clean, repair, or maintain real or personal 132234
property in the manufacturing facility; 132235

(9) Motor vehicles registered for operation on public 132236
highways. 132237

(D) For purposes of division ~~(B) (42) (g)~~ (B) (42) (f) of 132238
section 5739.02 of the Revised Code, if the "thing transferred" 132239
is a machine used by a manufacturer in both a taxable and an 132240
exempt manner, it shall be totally taxable or totally exempt 132241
from taxation based upon its quantified primary use. If the 132242
"things transferred" are fungibles, they shall be taxed based 132243
upon the proportion of the fungibles used in a taxable manner. 132244

Sec. 5739.02. For the purpose of providing revenue with 132245
which to meet the needs of the state, for the use of the general 132246
revenue fund of the state, for the purpose of securing a 132247
thorough and efficient system of common schools throughout the 132248
state, for the purpose of affording revenues, in addition to 132249
those from general property taxes, permitted under 132250
constitutional limitations, and from other sources, for the 132251
support of local governmental functions, and for the purpose of 132252
reimbursing the state for the expense of administering this 132253
chapter, an excise tax is hereby levied on each retail sale made 132254
in this state. 132255

(A) (1) The tax shall be collected as provided in section 132256
5739.025 of the Revised Code. The rate of the tax shall be five 132257
and three-fourths per cent. The tax applies and is collectible 132258
when the sale is made, regardless of the time when the price is 132259
paid or delivered. 132260

(2) In the case of the lease or rental, with a fixed term 132261
of more than thirty days or an indefinite term with a minimum 132262
period of more than thirty days, of any motor vehicles designed 132263
by the manufacturer to carry a load of not more than one ton, 132264
watercraft, outboard motor, or aircraft, or of any tangible 132265
personal property, other than motor vehicles designed by the 132266
manufacturer to carry a load of more than one ton, to be used by 132267
the lessee or renter primarily for business purposes, the tax 132268
shall be collected by the vendor at the time the lease or rental 132269
is consummated and shall be calculated by the vendor on the 132270
basis of the total amount to be paid by the lessee or renter 132271
under the lease agreement. If the total amount of the 132272
consideration for the lease or rental includes amounts that are 132273
not calculated at the time the lease or rental is executed, the 132274
tax shall be calculated and collected by the vendor at the time 132275
such amounts are billed to the lessee or renter. In the case of 132276
an open-end lease or rental, the tax shall be calculated by the 132277
vendor on the basis of the total amount to be paid during the 132278
initial fixed term of the lease or rental, and for each 132279
subsequent renewal period as it comes due. As used in this 132280
division, "motor vehicle" has the same meaning as in section 132281
4501.01 of the Revised Code, and "watercraft" includes an 132282
outdrive unit attached to the watercraft. 132283

A lease with a renewal clause and a termination penalty or 132284
similar provision that applies if the renewal clause is not 132285
exercised is presumed to be a sham transaction. In such a case, 132286
the tax shall be calculated and paid on the basis of the entire 132287
length of the lease period, including any renewal periods, until 132288
the termination penalty or similar provision no longer applies. 132289
The taxpayer shall bear the burden, by a preponderance of the 132290
evidence, that the transaction or series of transactions is not 132291

a sham transaction. 132292

(3) Except as provided in division (A) (2) of this section, 132293
in the case of a sale, the price of which consists in whole or 132294
in part of the lease or rental of tangible personal property, 132295
the tax shall be measured by the installments of that lease or 132296
rental. 132297

(4) In the case of a sale of a physical fitness facility 132298
service or recreation and sports club service, the price of 132299
which consists in whole or in part of a membership for the 132300
receipt of the benefit of the service, the tax applicable to the 132301
sale shall be measured by the installments thereof. 132302

(B) The tax does not apply to the following: 132303

(1) Sales to the state or any of its political 132304
subdivisions, or to any other state or its political 132305
subdivisions if the laws of that state exempt from taxation 132306
sales made to this state and its political subdivisions 132307
including either of the following: 132308

(a) Sales or rentals of tangible personal property by 132309
construction contractors or subcontractors to provide temporary 132310
traffic control or temporary structures, including material and 132311
equipment used to comply with the Ohio manual of uniform traffic 132312
control devices adopted pursuant to section 4511.09 of the 132313
Revised Code, whereby the state or any of its political 132314
subdivisions take title to, or permanent or temporary possession 132315
of, such tangible personal property for use by the state or any 132316
of its political subdivisions, including for use by the general 132317
public thereof; 132318

(b) Sales of services by construction contractors or 132319
subcontractors to provide temporary traffic control or 132320

structures, including labor used to comply with the Ohio manual 132321
of uniform traffic control devices adopted pursuant to section 132322
4511.09 of the Revised Code, whereby the state or any of its 132323
political subdivisions, including the general public thereof, 132324
receive the benefit of such services. 132325

As used in divisions (B) (1) (a) and (b) of this section, 132326
"temporary structures" include temporary roads, bridges, drains, 132327
and pavement. 132328

(2) Sales of food for human consumption off the premises 132329
where sold; 132330

(3) Sales of food sold to students only in a cafeteria, 132331
dormitory, fraternity, or sorority maintained in a private, 132332
public, or parochial school, college, or university; 132333

(4) Sales of ~~newspapers and sales or transfers of~~ 132334
magazines distributed as controlled circulation publications; 132335

(5) The furnishing, preparing, or serving of meals without 132336
charge by an employer to an employee provided the employer 132337
records the meals as part compensation for services performed or 132338
work done; 132339

(6) (a) Sales of motor fuel upon receipt, use, 132340
distribution, or sale of which in this state a tax is imposed by 132341
the law of this state, but this exemption shall not apply to the 132342
sale of motor fuel on which a refund of the tax is allowable 132343
under division (A) of section 5735.14 of the Revised Code; and 132344
the tax commissioner may deduct the amount of tax levied by this 132345
section applicable to the price of motor fuel when granting a 132346
refund of motor fuel tax pursuant to division (A) of section 132347
5735.14 of the Revised Code and shall cause the amount deducted 132348
to be paid into the general revenue fund of this state; 132349

(b) Sales of motor fuel other than that described in 132350
division (B) (6) (a) of this section and used for powering a 132351
refrigeration unit on a vehicle other than one used primarily to 132352
provide comfort to the operator or occupants of the vehicle. 132353

(7) Sales of natural gas by a natural gas company or 132354
municipal gas utility, of water by a water-works company, or of 132355
steam by a heating company, if in each case the thing sold is 132356
delivered to consumers through pipes or conduits, and all sales 132357
of communications services by a telegraph company, all terms as 132358
defined in section 5727.01 of the Revised Code, and sales of 132359
electricity delivered through wires; 132360

(8) Casual sales by a person, or auctioneer employed 132361
directly by the person to conduct such sales, except as to such 132362
sales of motor vehicles, watercraft or outboard motors required 132363
to be titled under section 1548.06 of the Revised Code, 132364
watercraft documented with the United States coast guard, 132365
snowmobiles, and all-purpose vehicles as defined in section 132366
4519.01 of the Revised Code; 132367

(9) (a) Sales of services or tangible personal property, 132368
other than motor vehicles, mobile homes, and manufactured homes, 132369
by churches, organizations exempt from taxation under section 132370
501(c) (3) of the Internal Revenue Code of 1986, or nonprofit 132371
organizations operated exclusively for charitable purposes as 132372
defined in division (B) (12) of this section, provided that the 132373
number of days on which such tangible personal property or 132374
services, other than items never subject to the tax, are sold 132375
does not exceed six in any calendar year, except as otherwise 132376
provided in division (B) (9) (b) of this section. If the number of 132377
days on which such sales are made exceeds six in any calendar 132378
year, the church or organization shall be considered to be 132379

engaged in business and all subsequent sales by it shall be 132380
subject to the tax. In counting the number of days, all sales by 132381
groups within a church or within an organization shall be 132382
considered to be sales of that church or organization. 132383

(b) The limitation on the number of days on which tax- 132384
exempt sales may be made by a church or organization under 132385
division (B) (9) (a) of this section does not apply to sales made 132386
by student clubs and other groups of students of a primary or 132387
secondary school, or a parent-teacher association, booster 132388
group, or similar organization that raises money to support or 132389
fund curricular or extracurricular activities of a primary or 132390
secondary school. 132391

(c) Divisions (B) (9) (a) and (b) of this section do not 132392
apply to sales by a noncommercial educational radio or 132393
television broadcasting station. 132394

(10) Sales not within the taxing power of this state under 132395
the Constitution or laws of the United States or the 132396
Constitution of this state including either of the following: 132397

(a) Sales or rentals of tangible personal property by 132398
construction contractors or subcontractors to provide temporary 132399
traffic control or temporary structures, including material and 132400
equipment used to comply with the Ohio manual of uniform traffic 132401
control devices adopted pursuant to section 4511.09 of the 132402
Revised Code, whereby the United States takes title to, or 132403
permanent or temporary possession of, such tangible personal 132404
property for use by the United States including for use by the 132405
general public thereof; 132406

(b) Sales of services by construction contractors or 132407
subcontractors to provide temporary traffic control or 132408

structures, including labor used to comply with the Ohio manual 132409
of uniform traffic control devices adopted pursuant to section 132410
4511.09 of the Revised Code, whereby the United States, 132411
including the general public thereof, receives the benefit of 132412
such services. 132413

As used in divisions (B) (10) (a) and (b) of this section, 132414
"temporary structures" include temporary roads, bridges, drains, 132415
and pavement. 132416

(11) Except for transactions that are sales under division 132417
(B) (3) (p) of section 5739.01 of the Revised Code, the 132418
transportation of persons or property, unless the transportation 132419
is by a private investigation and security service; 132420

(12) Sales of tangible personal property or services to 132421
churches, to organizations exempt from taxation under section 132422
501(c) (3) of the Internal Revenue Code of 1986, and to any other 132423
nonprofit organizations operated exclusively for charitable 132424
purposes in this state, no part of the net income of which 132425
inures to the benefit of any private shareholder or individual, 132426
and no substantial part of the activities of which consists of 132427
carrying on propaganda or otherwise attempting to influence 132428
legislation; sales to offices administering one or more homes 132429
for the aged or one or more hospital facilities exempt under 132430
section 140.08 of the Revised Code; and sales to organizations 132431
described in division (D) of section 5709.12 of the Revised 132432
Code. 132433

"Charitable purposes" means the relief of poverty; the 132434
improvement of health through the alleviation of illness, 132435
disease, or injury; the operation of an organization exclusively 132436
for the provision of professional, laundry, printing, and 132437
purchasing services to hospitals or charitable institutions; the 132438

operation of a home for the aged, as defined in section 5701.13 132439
of the Revised Code; the operation of a radio or television 132440
broadcasting station that is licensed by the federal 132441
communications commission as a noncommercial educational radio 132442
or television station; the operation of a nonprofit animal 132443
adoption service or a county humane society; the promotion of 132444
education by an institution of learning that maintains a faculty 132445
of qualified instructors, teaches regular continuous courses of 132446
study, and confers a recognized diploma upon completion of a 132447
specific curriculum; the operation of a parent-teacher 132448
association, booster group, or similar organization primarily 132449
engaged in the promotion and support of the curricular or 132450
extracurricular activities of a primary or secondary school; the 132451
operation of a community or area center in which presentations 132452
in music, dramatics, the arts, and related fields are made in 132453
order to foster public interest and education therein; the 132454
production of performances in music, dramatics, and the arts; or 132455
the promotion of education by an organization engaged in 132456
carrying on research in, or the dissemination of, scientific and 132457
technological knowledge and information primarily for the 132458
public. 132459

Nothing in this division shall be deemed to exempt sales 132460
to any organization for use in the operation or carrying on of a 132461
trade or business, or sales to a home for the aged for use in 132462
the operation of independent living facilities as defined in 132463
division (A) of section 5709.12 of the Revised Code. 132464

(13) Building and construction materials and services sold 132465
to construction contractors for incorporation into a structure 132466
or improvement to real property under a construction contract 132467
with this state or a political subdivision of this state, or 132468
with the United States government or any of its agencies; 132469

building and construction materials and services sold to 132470
construction contractors for incorporation into a structure or 132471
improvement to real property that are accepted for ownership by 132472
this state or any of its political subdivisions, or by the 132473
United States government or any of its agencies at the time of 132474
completion of the structures or improvements; building and 132475
construction materials sold to construction contractors for 132476
incorporation into a horticulture structure or livestock 132477
structure for a person engaged in the business of horticulture 132478
or producing livestock; building materials and services sold to 132479
a construction contractor for incorporation into a house of 132480
public worship or religious education, or a building used 132481
exclusively for charitable purposes under a construction 132482
contract with an organization whose purpose is as described in 132483
division (B) (12) of this section; building materials and 132484
services sold to a construction contractor for incorporation 132485
into a building under a construction contract with an 132486
organization exempt from taxation under section 501(c) (3) of the 132487
Internal Revenue Code of 1986 when the building is to be used 132488
exclusively for the organization's exempt purposes; tangible 132489
personal property sold for incorporation into the construction 132490
of a sports facility under section 307.696 of the Revised Code; 132491
building and construction materials and services sold to a 132492
construction contractor for incorporation into real property 132493
outside this state if such materials and services, when sold to 132494
a construction contractor in the state in which the real 132495
property is located for incorporation into real property in that 132496
state, would be exempt from a tax on sales levied by that state; 132497
building and construction materials for incorporation into a 132498
transportation facility pursuant to a public-private agreement 132499
entered into under sections 5501.70 to 5501.83 of the Revised 132500
Code; until one calendar year after the construction of a 132501

convention center that qualifies for property tax exemption 132502
under section 5709.084 of the Revised Code is completed, 132503
building and construction materials and services sold to a 132504
construction contractor for incorporation into the real property 132505
comprising that convention center; and building and construction 132506
materials sold for incorporation into a structure or improvement 132507
to real property that is used primarily as, or primarily in 132508
support of, a manufacturing facility or research and development 132509
facility and that is to be owned by a megaproject operator upon 132510
completion and located at the site of a megaproject that 132511
satisfies the criteria described in division (A) (11) (a) (ii) of 132512
section 122.17 of the Revised Code, provided that the sale 132513
occurs during the period that the megaproject operator has an 132514
agreement for such megaproject with the tax credit authority 132515
under division (D) of section 122.17 of the Revised Code that 132516
remains in effect and has not expired or been terminated. 132517

This division does not apply to building and construction 132518
materials and services sold to construction contractors for 132519
incorporation into a structure or improvement to real property 132520
under a construction contract with a port authority if the 132521
contract is subject to section 4582.72 of the Revised Code but 132522
approval from the appropriate board of county commissioners, as 132523
required by that section, has not been obtained. 132524

(14) Sales of ships or vessels or rail rolling stock used 132525
or to be used principally in interstate or foreign commerce, and 132526
repairs, alterations, fuel, and lubricants for such ships or 132527
vessels or rail rolling stock; 132528

(15) Sales to persons primarily engaged in any of the 132529
activities mentioned in division (B) (42) (a), ~~(g)~~ (f), or ~~(h)~~ (g) 132530
of this section, to persons engaged in making retail sales, or 132531

to persons who purchase for sale from a manufacturer tangible 132532
personal property that was produced by the manufacturer in 132533
accordance with specific designs provided by the purchaser, of 132534
packages, including material, labels, and parts for packages, 132535
and of machinery, equipment, and material for use primarily in 132536
packaging tangible personal property produced for sale, 132537
including any machinery, equipment, and supplies used to make 132538
labels or packages, to prepare packages or products for 132539
labeling, or to label packages or products, by or on the order 132540
of the person doing the packaging, or sold at retail. "Packages" 132541
includes bags, baskets, cartons, crates, boxes, cans, bottles, 132542
bindings, wrappings, and other similar devices and containers, 132543
but does not include motor vehicles or bulk tanks, trailers, or 132544
similar devices attached to motor vehicles. "Packaging" means 132545
placing in a package. Division (B) (15) of this section does not 132546
apply to persons engaged in highway transportation for hire. 132547

(16) Sales of food to persons using supplemental nutrition 132548
assistance program benefits to purchase the food. As used in 132549
this division, "food" has the same meaning as in 7 U.S.C. 2012 132550
and federal regulations adopted pursuant to the Food and 132551
Nutrition Act of 2008. 132552

(17) Sales to persons engaged in farming, agriculture, 132553
horticulture, or floriculture, of tangible personal property for 132554
use or consumption primarily in the production by farming, 132555
agriculture, horticulture, or floriculture of other tangible 132556
personal property for use or consumption primarily in the 132557
production of tangible personal property for sale by farming, 132558
agriculture, horticulture, or floriculture; or material and 132559
parts for incorporation into any such tangible personal property 132560
for use or consumption in production; and of tangible personal 132561
property for such use or consumption in the conditioning or 132562

holding of products produced by and for such use, consumption, 132563
or sale by persons engaged in farming, agriculture, 132564
horticulture, or floriculture, except where such property is 132565
incorporated into real property; 132566

(18) Sales of drugs for a human being that may be 132567
dispensed only pursuant to a prescription; insulin as recognized 132568
in the official United States pharmacopoeia; urine and blood 132569
testing materials when used by diabetics or persons with 132570
hypoglycemia to test for glucose or acetone; hypodermic syringes 132571
and needles when used by diabetics for insulin injections; 132572
epoetin alfa when purchased for use in the treatment of persons 132573
with medical disease; hospital beds when purchased by hospitals, 132574
nursing homes, or other medical facilities; and medical oxygen 132575
and medical oxygen-dispensing equipment when purchased by 132576
hospitals, nursing homes, or other medical facilities; 132577

(19) Sales of prosthetic devices, durable medical 132578
equipment for home use, or mobility enhancing equipment, when 132579
made pursuant to a prescription and when such devices or 132580
equipment are for use by a human being. 132581

(20) Sales of emergency and fire protection vehicles and 132582
equipment to nonprofit organizations for use solely in providing 132583
fire protection and emergency services, including trauma care 132584
and emergency medical services, for political subdivisions of 132585
the state; 132586

(21) Sales of tangible personal property manufactured in 132587
this state, if sold by the manufacturer in this state to a 132588
retailer for use in the retail business of the retailer outside 132589
of this state and if possession is taken from the manufacturer 132590
by the purchaser within this state for the sole purpose of 132591
immediately removing the same from this state in a vehicle owned 132592

by the purchaser; 132593

(22) Sales of services provided by the state or any of its 132594
political subdivisions, agencies, instrumentalities, 132595
institutions, or authorities, or by governmental entities of the 132596
state or any of its political subdivisions, agencies, 132597
instrumentalities, institutions, or authorities; 132598

(23) Sales of motor vehicles to nonresidents of this state 132599
under the circumstances described in division (B) of section 132600
5739.029 of the Revised Code; 132601

(24) Sales to persons engaged in the preparation of eggs 132602
for sale of tangible personal property used or consumed directly 132603
in such preparation, including such tangible personal property 132604
used for cleaning, sanitizing, preserving, grading, sorting, and 132605
classifying by size; packages, including material and parts for 132606
packages, and machinery, equipment, and material for use in 132607
packaging eggs for sale; and handling and transportation 132608
equipment and parts therefor, except motor vehicles licensed to 132609
operate on public highways, used in intraplant or interplant 132610
transfers or shipment of eggs in the process of preparation for 132611
sale, when the plant or plants within or between which such 132612
transfers or shipments occur are operated by the same person. 132613
"Packages" includes containers, cases, baskets, flats, fillers, 132614
filler flats, cartons, closure materials, labels, and labeling 132615
materials, and "packaging" means placing therein. 132616

(25) (a) Sales of water to a consumer for residential use; 132617

(b) Sales of water by a nonprofit corporation engaged 132618
exclusively in the treatment, distribution, and sale of water to 132619
consumers, if such water is delivered to consumers through pipes 132620
or tubing. 132621

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	132622 132623
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	132624 132625 132626 132627
(a) To prepare food for human consumption for sale;	132628
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	132629 132630 132631 132632
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	132633 132634
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	132635 132636
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	132637 132638 132639 132640
(30) Sales and installation of agricultural land tile, as defined in division (B) (5) (a) of section 5739.01 of the Revised Code of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213;	132641 132642 132643 132644 132645
(31) Sales and erection or installation of portable grain bins, as defined in division (B) (5) (b) of section 5739.01 of the Revised Code of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product	132646 132647 132648 132649

safety commission's safety standard for full-size baby cribs 132650
under 16 C.F.R. 1219 or the commission's safety standard for 132651
non-full-size baby cribs under 16 C.F.R. 1220; 132652

(32) The sale, lease, repair, and maintenance of, parts 132653
for, or items attached to or incorporated in, motor vehicles 132654
that are primarily used for transporting tangible personal 132655
property belonging to others by a person engaged in highway 132656
transportation for hire, except for packages and packaging used 132657
for the transportation of tangible personal property; 132658

(33) Sales to the state headquarters of any veterans' 132659
organization in this state that is either incorporated and 132660
issued a charter by the congress of the United States or is 132661
recognized by the United States veterans administration, for use 132662
by the headquarters; 132663

(34) Sales to a telecommunications service vendor, mobile 132664
telecommunications service vendor, or satellite broadcasting 132665
service vendor of tangible personal property and services used 132666
directly and primarily in transmitting, receiving, switching, or 132667
recording any interactive, one- or two-way electromagnetic 132668
communications, including voice, image, data, and information, 132669
through the use of any medium, including, but not limited to, 132670
poles, wires, cables, switching equipment, computers, and record 132671
storage devices and media, and component parts for the tangible 132672
personal property. The exemption provided in this division shall 132673
be in lieu of all other exemptions under division (B) (42) (a) or 132674
(n) of this section to which the vendor may otherwise be 132675
entitled, based upon the use of the thing purchased in providing 132676
the telecommunications, mobile telecommunications, or satellite 132677
broadcasting service. 132678

~~(35) (a) Sales where the purpose of the consumer is to use~~ 132679

~~or consume the things transferred in making retail sales and~~ 132680
~~consisting of newspaper inserts, catalogues, coupons, flyers,~~ 132681
~~gift certificates, or other advertising material that prices and~~ 132682
~~describes tangible personal property offered for retail sale.~~ 132683

~~(b) Sales to direct marketing vendors of preliminary~~ 132684
~~materials such as photographs, artwork, and typesetting that~~ 132685
~~will be used in printing advertising material; and of printed~~ 132686
~~matter that offers free merchandise or chances to win sweepstake~~ 132687
~~prizes and that is mailed to potential customers with~~ 132688
~~advertising material described in division (B) (35) (a) of this~~ 132689
~~section;~~ 132690

~~(c) Sales of equipment such as telephones, computers,~~ 132691
~~facsimile machines, and similar tangible personal property~~ 132692
~~primarily used to accept orders for direct marketing retail~~ 132693
~~sales.~~ 132694

~~(d) Sales of automatic food vending machines that preserve~~ 132695
~~food with a shelf life of forty-five days or less by~~ 132696
~~refrigeration and dispense it to the consumer.~~ 132697

~~For purposes of division (B) (35) of this section, "direct~~ 132698
~~marketing" means the method of selling where consumers order~~ 132699
~~tangible personal property by United States mail, delivery~~ 132700
~~service, or telecommunication and the vendor delivers or ships~~ 132701
~~the tangible personal property sold to the consumer from a~~ 132702
~~warehouse, catalogue distribution center, or similar fulfillment~~ 132703
~~facility by means of the United States mail, delivery service,~~ 132704
~~or common carrier~~ 132705
(35) Sales of strollers meant for transporting 132705
children from infancy to about thirty-six months of age that 132706
meet the United States consumer product safety commission safety 132707
standard for carriages and strollers under 16 C.F.R. 1227.2. 132708

(36) Sales to a person engaged in the business of 132709
horticulture or producing livestock of materials to be 132710
incorporated into a horticulture structure or livestock 132711
structure; 132712

(37) Sales of personal computers, computer monitors, 132713
computer keyboards, modems, and other peripheral computer 132714
equipment to an individual who is licensed or certified to teach 132715
in an elementary or a secondary school in this state for use by 132716
that individual in preparation for teaching elementary or 132717
secondary school students; 132718

(38) Sales of tangible personal property that is not 132719
required to be registered or licensed under the laws of this 132720
state to a citizen of a foreign nation that is not a citizen of 132721
the United States, provided the property is delivered to a 132722
person in this state that is not a related member of the 132723
purchaser, is physically present in this state for the sole 132724
purpose of temporary storage and package consolidation, and is 132725
subsequently delivered to the purchaser at a delivery address in 132726
a foreign nation. As used in division (B)(38) of this section, 132727
"related member" has the same meaning as in section 5733.042 of 132728
the Revised Code, and "temporary storage" means the storage of 132729
tangible personal property for a period of not more than sixty 132730
days. 132731

(39) Sales of used manufactured homes and used mobile 132732
homes, as defined in section 5739.0210 of the Revised Code, made 132733
on or after January 1, 2000; 132734

(40) Sales of tangible personal property and services to a 132735
provider of electricity used or consumed directly and primarily 132736
in generating, transmitting, or distributing electricity for use 132737
by others, including property that is or is to be incorporated 132738

into and will become a part of the consumer's production, 132739
transmission, or distribution system and that retains its 132740
classification as tangible personal property after 132741
incorporation; fuel or power used in the production, 132742
transmission, or distribution of electricity; energy conversion 132743
equipment as defined in section 5727.01 of the Revised Code; and 132744
tangible personal property and services used in the repair and 132745
maintenance of the production, transmission, or distribution 132746
system, including only those motor vehicles as are specially 132747
designed and equipped for such use. The exemption provided in 132748
this division shall be in lieu of all other exemptions in 132749
division (B) (42) (a) or ~~(n)~~ (m) of this section to which a 132750
provider of electricity may otherwise be entitled based on the 132751
use of the tangible personal property or service purchased in 132752
generating, transmitting, or distributing electricity. 132753

(41) Sales to a person providing services under division 132754
(B) (3) (p) of section 5739.01 of the Revised Code of tangible 132755
personal property and services used directly and primarily in 132756
providing taxable services under that section. 132757

(42) Sales where the purpose of the purchaser is to do any 132758
of the following: 132759

(a) To incorporate the thing transferred as a material or 132760
a part into tangible personal property to be produced for sale 132761
by manufacturing, assembling, processing, or refining; or to use 132762
or consume the thing transferred directly in producing tangible 132763
personal property for sale by mining, including, without 132764
limitation, the extraction from the earth of all substances that 132765
are classed geologically as minerals, or directly in the 132766
rendition of a public utility service, except that the sales tax 132767
levied by this section shall be collected upon all meals, 132768

drinks, and food for human consumption sold when transporting 132769
persons. This paragraph does not exempt from "retail sale" or 132770
"sales at retail" the sale of tangible personal property that is 132771
to be incorporated into a structure or improvement to real 132772
property. 132773

(b) To hold the thing transferred as security for the 132774
performance of an obligation of the vendor; 132775

(c) To resell, hold, use, or consume the thing transferred 132776
as evidence of a contract of insurance; 132777

(d) To use or consume the thing directly in commercial 132778
fishing; 132779

(e) To incorporate the thing transferred as a material or 132780
a part into, or to use or consume the thing transferred directly 132781
in the production of, magazines distributed as controlled 132782
circulation publications; 132783

~~(f) To use or consume the thing transferred in the 132784~~
~~production and preparation in suitable condition for market and 132785~~
~~sale of printed, imprinted, overprinted, lithographic, 132786~~
~~multilithic, blueprinted, photostatic, or other productions or 132787~~
~~reproductions of written or graphic matter; 132788~~

~~(g)~~ To use the thing transferred, as described in section 132789
5739.011 of the Revised Code, primarily in a manufacturing 132790
operation to produce tangible personal property for sale; 132791

~~(h)~~ (g) To use the benefit of a warranty, maintenance or 132792
service contract, or similar agreement, as described in division 132793
(B) (7) of section 5739.01 of the Revised Code, to repair or 132794
maintain tangible personal property, if all of the property that 132795
is the subject of the warranty, contract, or agreement would not 132796
be subject to the tax imposed by this section; 132797

~~(i)~~(h) To use the thing transferred as qualified research 132798
and development equipment; 132799

~~(j)~~(i) To use or consume the thing transferred primarily 132800
in storing, transporting, mailing, or otherwise handling 132801
purchased sales inventory in a warehouse, distribution center, 132802
or similar facility when the inventory is primarily distributed 132803
outside this state to retail stores of the person who owns or 132804
controls the warehouse, distribution center, or similar 132805
facility, to retail stores of an affiliated group of which that 132806
person is a member, or by means of direct marketing. This 132807
division does not apply to motor vehicles registered for 132808
operation on the public highways. As used in this division, 132809
"affiliated group" has the same meaning as in division (B) (3) (e) 132810
of section 5739.01 of the Revised Code and "direct marketing" 132811
~~has the same meaning as in division (B) (35) of this section~~means 132812
the method of selling where consumers order tangible personal 132813
property by United States mail, delivery service, or 132814
telecommunication and the vendor delivers or ships the tangible 132815
personal property sold to the consumer from a warehouse, 132816
catalogue distribution center, or similar fulfillment facility 132817
by means of the United States mail, delivery service, or common 132818
carrier. 132819

~~(k)~~(j) To use or consume the thing transferred to fulfill 132820
a contractual obligation incurred by a warrantor pursuant to a 132821
warranty provided as a part of the price of the tangible 132822
personal property sold or by a vendor of a warranty, maintenance 132823
or service contract, or similar agreement the provision of which 132824
is defined as a sale under division (B) (7) of section 5739.01 of 132825
the Revised Code; 132826

~~(l)~~(k) To use or consume the thing transferred in the 132827

production of a newspaper for distribution to the public; 132828

~~(m)~~ (1) To use tangible personal property to perform a 132829
service listed in division (B) (3) of section 5739.01 of the 132830
Revised Code, if the property is or is to be permanently 132831
transferred to the consumer of the service as an integral part 132832
of the performance of the service; 132833

~~(n)~~ (m) To use or consume the thing transferred primarily 132834
in producing tangible personal property for sale by farming, 132835
agriculture, horticulture, or floriculture. Persons engaged in 132836
rendering farming, agriculture, horticulture, or floriculture 132837
services for others are deemed engaged primarily in farming, 132838
agriculture, horticulture, or floriculture. This paragraph does 132839
not exempt from "retail sale" or "sales at retail" the sale of 132840
tangible personal property that is to be incorporated into a 132841
structure or improvement to real property. 132842

~~(o) To use or consume the thing transferred in acquiring,~~ 132843
~~formatting, editing, storing, and disseminating data or~~ 132844
~~information by electronic publishing;~~ 132845

~~(p) To provide the thing transferred to the owner or~~ 132846
~~lessee of a motor vehicle that is being repaired or serviced, if~~ 132847
~~the thing transferred is a rented motor vehicle and the~~ 132848
~~purchaser is reimbursed for the cost of the rented motor vehicle~~ 132849
~~by a manufacturer, warrantor, or provider of a maintenance,~~ 132850
~~service, or other similar contract or agreement, with respect to~~ 132851
~~the motor vehicle that is being repaired or serviced;~~ 132852

~~(q)~~ (n) To use or consume the thing transferred directly 132853
in production of crude oil and natural gas for sale. Persons 132854
engaged in rendering production services for others are deemed 132855
engaged in production. 132856

As used in division ~~(B) (42) (g)~~ (B) (42) (n) of this section, 132857
"production" means operations and tangible personal property 132858
directly used to expose and evaluate an underground reservoir 132859
that may contain hydrocarbon resources, prepare the wellbore for 132860
production, and lift and control all substances yielded by the 132861
reservoir to the surface of the earth. 132862

(i) For the purposes of division ~~(B) (42) (g)~~ (B) (42) (n) of 132863
this section, the "thing transferred" includes, but is not 132864
limited to, any of the following: 132865

(I) Services provided in the construction of permanent 132866
access roads, services provided in the construction of the well 132867
site, and services provided in the construction of temporary 132868
impoundments; 132869

(II) Equipment and rigging used for the specific purpose 132870
of creating with integrity a wellbore pathway to underground 132871
reservoirs; 132872

(III) Drilling and workover services used to work within a 132873
subsurface wellbore, and tangible personal property directly 132874
used in providing such services; 132875

(IV) Casing, tubulars, and float and centralizing 132876
equipment; 132877

(V) Trailers to which production equipment is attached; 132878

(VI) Well completion services, including cementing of 132879
casing, and tangible personal property directly used in 132880
providing such services; 132881

(VII) Wireline evaluation, mud logging, and perforation 132882
services, and tangible personal property directly used in 132883
providing such services; 132884

(VIII) Reservoir stimulation, hydraulic fracturing, and	132885
acidizing services, and tangible personal property directly used	132886
in providing such services, including all material pumped	132887
downhole;	132888
 (IX) Pressure pumping equipment;	132889
 (X) Artificial lift systems equipment;	132890
 (XI) Wellhead equipment and well site equipment used to	132891
separate, stabilize, and control hydrocarbon phases and produced	132892
water;	132893
 (XII) Tangible personal property directly used to control	132894
production equipment.	132895
 (ii) For the purposes of division (B) (42) (a) <u>(B) (42) (n)</u> of	132896
this section, the "thing transferred" does not include any of	132897
the following:	132898
 (I) Tangible personal property used primarily in the	132899
exploration and production of any mineral resource regulated	132900
under Chapter 1509. of the Revised Code other than oil or gas;	132901
 (II) Tangible personal property used primarily in storing,	132902
holding, or delivering solutions or chemicals used in well	132903
stimulation as defined in section 1509.01 of the Revised Code;	132904
 (III) Tangible personal property used primarily in	132905
preparing, installing, or reclaiming foundations for drilling or	132906
pumping equipment or well stimulation material tanks;	132907
 (IV) Tangible personal property used primarily in	132908
transporting, delivering, or removing equipment to or from the	132909
well site or storing such equipment before its use at the well	132910
site;	132911

(V) Tangible personal property used primarily in gathering 132912
operations occurring off the well site, including gathering 132913
pipelines transporting hydrocarbon gas or liquids away from a 132914
crude oil or natural gas production facility; 132915

(VI) Tangible personal property that is to be incorporated 132916
into a structure or improvement to real property; 132917

(VII) Well site fencing, lighting, or security systems; 132918

(VIII) Communication devices or services; 132919

(IX) Office supplies; 132920

(X) Trailers used as offices or lodging; 132921

(XI) Motor vehicles of any kind; 132922

(XII) Tangible personal property used primarily for the 132923
storage of drilling byproducts and fuel not used for production; 132924

(XIII) Tangible personal property used primarily as a 132925
safety device; 132926

(XIV) Data collection or monitoring devices; 132927

(XV) Access ladders, stairs, or platforms attached to 132928
storage tanks. 132929

The enumeration of tangible personal property in division 132930
~~(B) (42) (q) (ii)~~ (B) (42) (n) (ii) of this section is not intended to 132931
be exhaustive, and any tangible personal property not so 132932
enumerated shall not necessarily be construed to be a "thing 132933
transferred" for the purposes of division ~~(B) (42) (q)~~ (B) (42) (n) 132934
of this section. 132935

The commissioner shall adopt and promulgate rules under 132936
sections 119.01 to 119.13 of the Revised Code that the 132937
commissioner deems necessary to administer division ~~(B) (42) (q)~~ 132938

(B) (42) (n) of this section. 132939

As used in division (B) (42) of this section, "thing" 132940
includes all transactions included in divisions (B) (3) (a), (b), 132941
and (e) of section 5739.01 of the Revised Code. 132942

(43) Sales conducted through a coin operated device that 132943
activates vacuum equipment or equipment that dispenses water, 132944
whether or not in combination with soap or other cleaning agents 132945
or wax, to the consumer for the consumer's use on the premises 132946
in washing, cleaning, or waxing a motor vehicle, provided no 132947
other personal property or personal service is provided as part 132948
of the transaction. 132949

(44) Sales of replacement and modification parts for 132950
engines, airframes, instruments, and interiors in, and paint 132951
for, aircraft used primarily in a fractional aircraft ownership 132952
program, and sales of services for the repair, modification, and 132953
maintenance of such aircraft, and machinery, equipment, and 132954
supplies primarily used to provide those services. 132955

~~(45) Sales of telecommunications service that is used~~ 132956
~~directly and primarily to perform the functions of a call~~ 132957
~~center. As used in this division, "call center" means any~~ 132958
~~physical location where telephone calls are placed or received~~ 132959
~~in high volume for the purpose of making sales, marketing,~~ 132960
~~customer service, technical support, or other specialized~~ 132961
~~business activity, and that employs at least fifty individuals~~ 132962
~~that engage in call center activities on a full-time basis, or~~ 132963
~~sufficient individuals to fill fifty full-time equivalent~~ 132964
~~positions.~~
The fee imposed by section 3743.22 of the Revised Code, 132965
if it is separately stated on the invoice, bill of sale, or 132966
similar document given by the vendor to the consumer for a 132967
retail sale made in this state. 132968

(46) Sales by a telecommunications service vendor of 900 132969
service to a subscriber. This division does not apply to 132970
information services. 132971

(47) Sales of value-added non-voice data service. This 132972
division does not apply to any similar service that is not 132973
otherwise a telecommunications service. 132974

(48) Sales of feminine hygiene products. 132975

(49) Sales of materials, parts, equipment, or engines used 132976
in the repair or maintenance of aircraft or avionics systems of 132977
such aircraft, and sales of repair, remodeling, replacement, or 132978
maintenance services in this state performed on aircraft or on 132979
an aircraft's avionics, engine, or component materials or parts. 132980
As used in division (B) (49) of this section, "aircraft" means 132981
aircraft of more than six thousand pounds maximum certified 132982
takeoff weight or used exclusively in general aviation. 132983

(50) Sales of full flight simulators that are used for 132984
pilot or flight-crew training, sales of repair or replacement 132985
parts or components, and sales of repair or maintenance services 132986
for such full flight simulators. "Full flight simulator" means a 132987
replica of a specific type, or make, model, and series of 132988
aircraft cockpit. It includes the assemblage of equipment and 132989
computer programs necessary to represent aircraft operations in 132990
ground and flight conditions, a visual system providing an out- 132991
of-the-cockpit view, and a system that provides cues at least 132992
equivalent to those of a three-degree-of-freedom motion system, 132993
and has the full range of capabilities of the systems installed 132994
in the device as described in appendices A and B of part 60 of 132995
chapter 1 of title 14 of the Code of Federal Regulations. 132996

(51) Any transfer or lease of tangible personal property 132997

between the state and JobsOhio in accordance with section 132998
4313.02 of the Revised Code. 132999

(52) (a) Sales to a qualifying corporation. 133000

(b) As used in division (B) (52) of this section: 133001

(i) "Qualifying corporation" means a nonprofit corporation 133002
organized in this state that leases from an eligible county 133003
land, buildings, structures, fixtures, and improvements to the 133004
land that are part of or used in a public recreational facility 133005
used by a major league professional athletic team or a class A 133006
to class AAA minor league affiliate of a major league 133007
professional athletic team for a significant portion of the 133008
team's home schedule, provided the following apply: 133009

(I) The facility is leased from the eligible county 133010
pursuant to a lease that requires substantially all of the 133011
revenue from the operation of the business or activity conducted 133012
by the nonprofit corporation at the facility in excess of 133013
operating costs, capital expenditures, and reserves to be paid 133014
to the eligible county at least once per calendar year. 133015

(II) Upon dissolution and liquidation of the nonprofit 133016
corporation, all of its net assets are distributable to the 133017
board of commissioners of the eligible county from which the 133018
corporation leases the facility. 133019

(ii) "Eligible county" has the same meaning as in section 133020
307.695 of the Revised Code. 133021

(53) Sales to or by a cable service provider, video 133022
service provider, or radio or television broadcast station 133023
regulated by the federal government of cable service or 133024
programming, video service or programming, audio service or 133025
programming, or electronically transferred digital audiovisual 133026

or audio work. As used in division (B) (53) of this section, 133027
"cable service" and "cable service provider" have the same 133028
meanings as in section 1332.01 of the Revised Code, and "video 133029
service," "video service provider," and "video programming" have 133030
the same meanings as in section 1332.21 of the Revised Code. 133031

~~(54) Sales of a digital audio work electronically 133032~~
~~transferred for delivery through use of a machine, such as a 133033~~
~~juke box, that does all of the following: 133034~~

~~(a) Accepts direct payments to operate; 133035~~

~~(b) Automatically plays a selected digital audio work for 133036~~
~~a single play upon receipt of a payment described in division 133037~~
~~(B) (54) (a) of this section; 133038~~

~~(c) Operates exclusively for the purpose of playing 133039~~
~~digital audio works in a commercial establishment 133040~~
~~eligible 133041~~
~~tangible personal property occurring during the period of a 133042~~
~~sales tax holiday held pursuant to section 5739.41 of the 133043~~
~~Revised Code.~~

(55) (a) Sales of the following occurring on the first 133044
Friday of August and the following Saturday and Sunday of any 133045
year, except in 2024 or any subsequent year in which a sales tax 133046
holiday is held pursuant to section 5739.41 of the Revised Code: 133047

(i) An item of clothing, the price of which is seventy- 133048
five dollars or less; 133049

(ii) An item of school supplies, the price of which is 133050
twenty dollars or less; 133051

(iii) An item of school instructional material, the price 133052
of which is twenty dollars or less. 133053

(b) As used in division (B) (55) of this section: 133054

(i) "Clothing" means all human wearing apparel suitable 133055
for general use. "Clothing" includes, but is not limited to, 133056
aprons, household and shop; athletic supporters; baby receiving 133057
blankets; bathing suits and caps; beach capes and coats; belts 133058
and suspenders; boots; coats and jackets; costumes; diapers, 133059
children and adult, including disposable diapers; earmuffs; 133060
footlets; formal wear; garters and garter belts; girdles; gloves 133061
and mittens for general use; hats and caps; hosiery; insoles for 133062
shoes; lab coats; neckties; overshoes; pantyhose; rainwear; 133063
rubber pants; sandals; scarves; shoes and shoe laces; slippers; 133064
sneakers; socks and stockings; steel-toed shoes; underwear; 133065
uniforms, athletic and nonathletic; and wedding apparel. 133066
"Clothing" does not include items purchased for use in a trade 133067
or business; clothing accessories or equipment; protective 133068
equipment; sports or recreational equipment; belt buckles sold 133069
separately; costume masks sold separately; patches and emblems 133070
sold separately; sewing equipment and supplies including, but 133071
not limited to, knitting needles, patterns, pins, scissors, 133072
sewing machines, sewing needles, tape measures, and thimbles; 133073
and sewing materials that become part of "clothing" including, 133074
but not limited to, buttons, fabric, lace, thread, yarn, and 133075
zippers. 133076

(ii) "School supplies" means items commonly used by a 133077
student in a course of study. "School supplies" includes only 133078
the following items: binders; book bags; calculators; cellophane 133079
tape; blackboard chalk; compasses; composition books; crayons; 133080
erasers; folders, expandable, pocket, plastic, and manila; glue, 133081
paste, and paste sticks; highlighters; index cards; index card 133082
boxes; legal pads; lunch boxes; markers; notebooks; paper, 133083
loose-leaf ruled notebook paper, copy paper, graph paper, 133084
tracing paper, manila paper, colored paper, poster board, and 133085

construction paper; pencil boxes and other school supply boxes; 133086
pencil sharpeners; pencils; pens; protractors; rulers; scissors; 133087
and writing tablets. "School supplies" does not include any item 133088
purchased for use in a trade or business. 133089

(iii) "School instructional material" means written 133090
material commonly used by a student in a course of study as a 133091
reference and to learn the subject being taught. "School 133092
instructional material" includes only the following items: 133093
reference books, reference maps and globes, textbooks, and 133094
workbooks. "School instructional material" does not include any 133095
material purchased for use in a trade or business. 133096

(56) (a) Sales of adult diapers or incontinence underpads 133097
sold pursuant to a prescription, for the benefit of a medicaid 133098
recipient with a diagnosis of incontinence, and by a medicaid 133099
provider that maintains a valid provider agreement under section 133100
5164.30 of the Revised Code with the department of medicaid, 133101
provided that the medicaid program covers diapers or 133102
incontinence underpads as an incontinence garment. 133103

(b) As used in division (B) (56) (a) of this section, 133104
"incontinence underpad" means an absorbent product, not worn on 133105
the body, designed to protect furniture or other tangible 133106
personal property from soiling or damage due to human 133107
incontinence. 133108

(57) Sales of investment metal bullion and investment 133109
coins. "Investment metal bullion" means any bullion described in 133110
section 408(m) (3) (B) of the Internal Revenue Code, regardless of 133111
whether that bullion is in the physical possession of a trustee. 133112
"Investment coin" means any coin composed primarily of gold, 133113
silver, platinum, or palladium. 133114

(58) Sales of tangible personal property used primarily 133115
for any of the following purposes by a megaproject operator at 133116
the site of a megaproject that satisfies the criteria described 133117
in division (A) (11) (a) (ii) of section 122.17 of the Revised 133118
Code, provided that the sale occurs during the period that the 133119
megaproject operator has an agreement for such megaproject with 133120
the tax credit authority under division (D) of section 122.17 of 133121
the Revised Code that remains in effect and has not expired or 133122
been terminated: 133123

(a) To store, transmit, convey, distribute, recycle, 133124
circulate, or clean water, steam, or other gases used in or 133125
produced as a result of manufacturing activity, including items 133126
that support or aid in the operation of such property; 133127

(b) To clean or prepare inventory, at any stage of storage 133128
or production, or equipment used in a manufacturing activity, 133129
including chemicals, solvents, catalysts, soaps, and other items 133130
that support or aid in the operation of property; 133131

(c) To regulate, treat, filter, condition, improve, clean, 133132
maintain, or monitor environmental conditions within areas where 133133
manufacturing activities take place; 133134

(d) To handle, transport, or convey inventory during 133135
production or manufacturing. 133136

(59) Documentary services charges imposed pursuant to 133137
section 4517.261 or 4781.24 of the Revised Code. 133138

(60) Sales of children's diapers. 133139

(61) Sales of therapeutic or preventative creams and wipes 133140
marketed primarily for use on the skin of children. 133141

~~(62) Sales of a child restraint device or booster seat~~ 133142

~~that meets the national highway traffic safety administration-~~ 133143
~~standard for child restraint systems under 49 C.F.R. 571.213.-~~ 133144

~~(63) Sales of cribs intended to provide sleeping-~~ 133145
~~accommodations for children that comply with the United States-~~ 133146
~~consumer product safety commission's safety standard for full-~~ 133147
~~size baby cribs under 16 C.F.R. 1219 or the commission's safety-~~ 133148
~~standard for non-full-size baby cribs under 16 C.F.R. 1220.-~~ 133149

~~(64) Sales of strollers meant for transporting children-~~ 133150
~~from infancy to about thirty-six months of age that meet the-~~ 133151
~~United States consumer product safety commission safety standard~~ 133152
~~for carriages and strollers under 16 C.F.R. 1227.2.-~~ 133153

~~(65) The fee imposed by section 3743.22 of the Revised-~~ 133154
~~Code, if it is separately stated on the invoice, bill of sale,~~ 133155
~~or similar document given by the vendor to the consumer for a-~~ 133156
~~retail sale made in this state.-~~ 133157

~~(66) Sales of eligible tangible personal property-~~ 133158
~~occurring during the period of a sales tax holiday held pursuant~~ 133159
~~to section 5739.41 of the Revised Code.-~~ 133160

(C) For the purpose of the proper administration of this 133161
chapter, and to prevent the evasion of the tax, it is presumed 133162
that all sales made in this state are subject to the tax until 133163
the contrary is established. 133164

(D) The tax collected by the vendor from the consumer 133165
under this chapter is not part of the price, but is a tax 133166
collection for the benefit of the state, and of counties levying 133167
an additional sales tax pursuant to section 5739.021 or 5739.026 133168
of the Revised Code and of transit authorities levying an 133169
additional sales tax pursuant to section 5739.023 of the Revised 133170
Code. Except for the discount authorized under section 5739.12 133171

of the Revised Code and the effects of any rounding pursuant to 133172
section 5703.055 of the Revised Code, no person other than the 133173
state or such a county or transit authority shall derive any 133174
benefit from the collection or payment of the tax levied by this 133175
section or section 5739.021, 5739.023, or 5739.026 of the 133176
Revised Code. 133177

Sec. 5739.03. (A) Except as provided in section 5739.05 or 133178
section 5739.051 of the Revised Code, the tax imposed by or 133179
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 133180
the Revised Code shall be paid by the consumer to the vendor, 133181
and each vendor shall collect from the consumer, as a trustee 133182
for the state of Ohio, the full and exact amount of the tax 133183
payable on each taxable sale, in the manner and at the times 133184
provided as follows: 133185

(1) If the price is, at or prior to the provision of the 133186
service or the delivery of possession of the thing sold to the 133187
consumer, paid in currency passed from hand to hand by the 133188
consumer or the consumer's agent to the vendor or the vendor's 133189
agent, the vendor or the vendor's agent shall collect the tax 133190
with and at the same time as the price; 133191

(2) If the price is otherwise paid or to be paid, the 133192
vendor or the vendor's agent shall, at or prior to the provision 133193
of the service or the delivery of possession of the thing sold 133194
to the consumer, charge the tax imposed by or pursuant to 133195
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 133196
Code to the account of the consumer, which amount shall be 133197
collected by the vendor from the consumer in addition to the 133198
price. Such sale shall be reported on and the amount of the tax 133199
applicable thereto shall be remitted with the return for the 133200
period in which the sale is made, and the amount of the tax 133201

shall become a legal charge in favor of the vendor and against 133202
the consumer. 133203

(B) (1) (a) If any sale is claimed to be exempt under 133204
division (E) of section 5739.01 of the Revised Code or under 133205
section 5739.02 of the Revised Code, with the exception of 133206
divisions (B) (1) to (11), (28), (48), (54), (55), or (59), ~~or~~ 133207
~~(66)~~ of section 5739.02 of the Revised Code, the consumer must 133208
provide to the vendor, and the vendor must obtain from the 133209
consumer, a certificate specifying the reason that the sale is 133210
not legally subject to the tax. The certificate shall be in such 133211
form, and shall be provided either in a hard copy form or 133212
electronic form, as the tax commissioner prescribes. 133213

(b) A vendor that obtains a fully completed exemption 133214
certificate from a consumer is relieved of liability for 133215
collecting and remitting tax on any sale covered by that 133216
certificate. If it is determined the exemption was improperly 133217
claimed, the consumer shall be liable for any tax due on that 133218
sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or 133219
Chapter 5741. of the Revised Code. Relief under this division 133220
from liability does not apply to any of the following: 133221

(i) A vendor that fraudulently fails to collect tax; 133222

(ii) A vendor that solicits consumers to participate in 133223
the unlawful claim of an exemption; 133224

(iii) A vendor that accepts an exemption certificate from 133225
a consumer that claims an exemption based on who purchases or 133226
who sells property or a service, when the subject of the 133227
transaction sought to be covered by the exemption certificate is 133228
actually received by the consumer at a location operated by the 133229
vendor in this state, and this state has posted to its web site 133230

an exemption certificate form that clearly and affirmatively 133231
indicates that the claimed exemption is not available in this 133232
state; 133233

(iv) A vendor that accepts an exemption certificate from a 133234
consumer who claims a multiple points of use exemption under 133235
division (D) of section 5739.033 of the Revised Code, if the 133236
item purchased is tangible personal property, other than 133237
prewritten computer software. 133238

(2) The vendor shall maintain records, including exemption 133239
certificates, of all sales on which a consumer has claimed an 133240
exemption, and provide them to the tax commissioner on request. 133241

(3) The tax commissioner may establish an identification 133242
system whereby the commissioner issues an identification number 133243
to a consumer that is exempt from payment of the tax. The 133244
consumer must present the number to the vendor, if any sale is 133245
claimed to be exempt as provided in this section. 133246

(4) If no certificate is provided or obtained within 133247
ninety days after the date on which such sale is consummated, it 133248
shall be presumed that the tax applies. Failure to have so 133249
provided or obtained a certificate shall not preclude a vendor, 133250
within one hundred twenty days after the tax commissioner gives 133251
written notice of intent to levy an assessment, from either 133252
establishing that the sale is not subject to the tax, or 133253
obtaining, in good faith, a fully completed exemption 133254
certificate. 133255

(5) Certificates need not be obtained nor provided where 133256
the identity of the consumer is such that the transaction is 133257
never subject to the tax imposed or where the item of tangible 133258
personal property sold or the service provided is never subject 133259

to the tax imposed, regardless of use, or when the sale is in 133260
interstate commerce. 133261

(6) If a transaction is claimed to be exempt under 133262
division (B) (13) of section 5739.02 of the Revised Code, the 133263
contractor shall obtain certification of the claimed exemption 133264
from the contractee. This certification shall be in addition to 133265
an exemption certificate provided by the contractor to the 133266
vendor. A contractee that provides a certification under this 133267
division shall be deemed to be the consumer of all items 133268
purchased by the contractor under the claim of exemption, if it 133269
is subsequently determined that the exemption is not properly 133270
claimed. The certification shall be in such form as the tax 133271
commissioner prescribes. 133272

(7) If a transaction is claimed to be exempt under 133273
division (B) (13) of section 5739.02 of the Revised Code, the 133274
person that leases a sports facility, as defined in section 133275
307.696 of the Revised Code, wholly owned by a county may 133276
provide and sign, on behalf of the county, an exemption 133277
certificate required under this section for that exemption. 133278

(C) As used in this division, "contractee" means a person 133279
who seeks to enter or enters into a contract or agreement with a 133280
contractor or vendor for the construction of real property or 133281
for the sale and installation onto real property of tangible 133282
personal property. 133283

Any contractor or vendor may request from any contractee a 133284
certification of what portion of the property to be transferred 133285
under such contract or agreement is to be incorporated into the 133286
realty and what portion will retain its status as tangible 133287
personal property after installation is completed. The 133288
contractor or vendor shall request the certification by 133289

certified mail delivered to the contractee, return receipt 133290
requested. Upon receipt of such request and prior to entering 133291
into the contract or agreement, the contractee shall provide to 133292
the contractor or vendor a certification sufficiently detailed 133293
to enable the contractor or vendor to ascertain the resulting 133294
classification of all materials purchased or fabricated by the 133295
contractor or vendor and transferred to the contractee. This 133296
requirement applies to a contractee regardless of whether the 133297
contractee holds a direct payment permit under section 5739.031 133298
of the Revised Code or provides to the contractor or vendor an 133299
exemption certificate as provided under this section. 133300

For the purposes of the taxes levied by this chapter and 133301
Chapter 5741. of the Revised Code, the contractor or vendor may 133302
in good faith rely on the contractee's certification. 133303
Notwithstanding division (B) of section 5739.01 of the Revised 133304
Code, if the tax commissioner determines that certain property 133305
certified by the contractee as tangible personal property 133306
pursuant to this division is, in fact, real property, the 133307
contractee shall be considered to be the consumer of all 133308
materials so incorporated into that real property and shall be 133309
liable for the applicable tax, and the contractor or vendor 133310
shall be excused from any liability on those materials. 133311

If a contractee fails to provide such certification upon 133312
the request of the contractor or vendor, the contractor or 133313
vendor shall comply with the provisions of this chapter and 133314
Chapter 5741. of the Revised Code without the certification. If 133315
the tax commissioner determines that such compliance has been 133316
performed in good faith and that certain property treated as 133317
tangible personal property by the contractor or vendor is, in 133318
fact, real property, the contractee shall be considered to be 133319
the consumer of all materials so incorporated into that real 133320

property and shall be liable for the applicable tax, and the 133321
construction contractor or vendor shall be excused from any 133322
liability on those materials. 133323

This division does not apply to any contract or agreement 133324
where the tax commissioner determines as a fact that a 133325
certification under this division was made solely on the 133326
decision or advice of the contractor or vendor. 133327

(D) Notwithstanding division (B) of section 5739.01 of the 133328
Revised Code, whenever the total rate of tax imposed under this 133329
chapter is increased after the date after a construction 133330
contract is entered into, the contractee shall reimburse the 133331
construction contractor for any additional tax paid on tangible 133332
property consumed or services received pursuant to the contract. 133333

(E) A vendor who files a petition for reassessment 133334
contesting the assessment of tax on sales for which the vendor 133335
obtained no valid exemption certificates and for which the 133336
vendor failed to establish that the sales were properly not 133337
subject to the tax during the one-hundred-twenty-day period 133338
allowed under division (B) of this section, may present to the 133339
tax commissioner additional evidence to prove that the sales 133340
were properly subject to a claim of exception or exemption. The 133341
vendor shall file such evidence within ninety days of the 133342
receipt by the vendor of the notice of assessment, except that, 133343
upon application and for reasonable cause, the period for 133344
submitting such evidence shall be extended thirty days. 133345

The commissioner shall consider such additional evidence 133346
in reaching the final determination on the assessment and 133347
petition for reassessment. 133348

(F) Whenever a vendor refunds the price, minus any 133349

separately stated delivery charge, of an item of tangible 133350
personal property on which the tax imposed under this chapter 133351
has been paid, the vendor shall also refund the amount of tax 133352
paid, minus the amount of tax attributable to the delivery 133353
charge. 133354

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 133355
has paid taxes to the tax commissioner or the commissioner's 133356
agent, the commissioner shall refund to the vendor the amount of 133357
taxes paid, and any penalties assessed with respect to such 133358
taxes, if the vendor has refunded to the consumer the full 133359
amount of taxes the consumer paid illegally or erroneously or if 133360
the vendor has illegally or erroneously billed the consumer but 133361
has not collected the taxes from the consumer. 133362

(B) When, pursuant to this chapter, a consumer has paid 133363
taxes directly to the tax commissioner or the commissioner's 133364
agent, and the payment or assessment was illegal or erroneous, 133365
the commissioner shall refund to the consumer the full amount of 133366
illegal or erroneous taxes paid and any penalties assessed with 133367
respect to such taxes. 133368

(C) The commissioner shall refund to the consumer amounts 133369
paid illegally or erroneously to a vendor only if: 133370

(1) The commissioner has not refunded the tax to the 133371
vendor and the vendor has not refunded the tax to the consumer; 133372
or 133373

(2) The consumer has received a refund from a manufacturer 133374
or other person, other than the vendor, of the full purchase 133375
price, but not the tax, paid to the vendor in settlement of a 133376
complaint by the consumer about the property or service 133377
purchased. 133378

The commissioner may require the consumer to obtain or the
vendor to provide a written statement confirming that the vendor
has not refunded the tax to the consumer and has not filed an
application for refund of the tax with the commissioner.

(D) Subject to division (E) of this section, an
application for refund shall be filed with the tax commissioner
on the form prescribed by the commissioner within four years
from the date of the illegal or erroneous payment, unless the
vendor or consumer waives the time limitation under division (A)
(3) of section 5739.16 of the Revised Code. If the time
limitation is waived, the refund application period shall be
extended for the same period as the waiver.

(E) An application for refund shall be filed in accordance
with division (D) of this section unless a person is subject to
an assessment that is subject to the time limit of division (B)
of section 5703.58 of the Revised Code for amounts not reported
and paid between the four-year time limit described in division
(D) of this section and the seven-year limit described in
division (B) of section 5703.58 of the Revised Code, in which
case the person may file an application within six months after
the date the assessment is issued. Any refund allowed under this
division shall not exceed the amount of the assessment due for
the same period.

(F) On the filing of an application for a refund, the
commissioner shall determine the amount of refund to which the
applicant is entitled. If the amount is not less than that
claimed, the commissioner shall certify that amount to the
director of budget and management and the treasurer of state for
payment from the tax refund fund created by section 5703.052 of
the Revised Code. If the amount is less than that claimed, the

commissioner shall proceed in accordance with section 5703.70 of 133409
the Revised Code. 133410

(G) When a refund is granted under this section, it shall 133411
include interest thereon as provided by section 5739.132 of the 133412
Revised Code, except that no such interest shall be granted when 133413
a refund is granted for illegal or erroneous payments made 133414
pursuant to a direct payment permit issued under section 133415
5739.031 of the Revised Code or division (I) of section 122.175 133416
of the Revised Code. 133417

Sec. 5739.09. (A) (1) A board of county commissioners may, 133418
by resolution adopted by a majority of the members of the board, 133419
levy an excise tax not to exceed three per cent on transactions 133420
by which lodging by a hotel is or is to be furnished to 133421
transient guests. The board shall establish all regulations 133422
necessary to provide for the administration and allocation of 133423
the tax. The regulations may prescribe the time for payment of 133424
the tax, and may provide for the imposition of a penalty or 133425
interest, or both, for late payments, provided that the penalty 133426
does not exceed ten per cent of the amount of tax due, and the 133427
rate at which interest accrues does not exceed the rate per 133428
annum prescribed pursuant to section 5703.47 of the Revised 133429
Code. Except as otherwise provided in this section, the 133430
regulations shall provide, after deducting the real and actual 133431
costs of administering the tax, for the return to each municipal 133432
corporation or township that does not levy an excise tax on the 133433
transactions, a uniform percentage of the tax collected in the 133434
municipal corporation or in the unincorporated portion of the 133435
township from each transaction, not to exceed thirty-three and 133436
one-third per cent. Except as provided in this section, the 133437
remainder of the revenue arising from the tax shall be deposited 133438
in a separate fund and shall be spent either (a) to make 133439

contributions to the convention and visitors' bureau operating 133440
within the county, including a pledge and contribution of any 133441
portion of the remainder pursuant to an agreement authorized by 133442
section 307.678 or 307.695 of the Revised Code or (b) to pay, if 133443
authorized in the regulations, for public safety services in a 133444
resort area designated under section 5739.101 of the Revised 133445
Code. 133446

(2) If the board of county commissioners of an eligible 133447
county as defined in section 307.678 or 307.695 of the Revised 133448
Code adopts a resolution amending a resolution levying a tax 133449
under division (A) of this section to provide that revenue from 133450
the tax shall be used by the board as described in either 133451
division (D) of section 307.678 or division (H) of section 133452
307.695 of the Revised Code, the remainder of the revenue shall 133453
be used as described in the resolution making that amendment. 133454

(3) Except as provided in division (B), (C), (D), (E), 133455
(F), (G), (H), (I), (J), (K), or (Q) of this section, on and 133456
after May 10, 1994, a board of county commissioners may not levy 133457
an excise tax pursuant to division (A) of this section in any 133458
municipal corporation or township located wholly or partly 133459
within the county that has in effect an ordinance or resolution 133460
levying an excise tax pursuant to division (B) of section 133461
5739.08 of the Revised Code. 133462

(4) The board of a county that has levied a tax under 133463
division (M) of this section may, by resolution adopted within 133464
ninety days after July 15, 1985, by a majority of the members of 133465
the board, amend the resolution levying a tax under division (A) 133466
of this section to provide for a portion of that tax to be 133467
pledged and contributed in accordance with an agreement entered 133468
into under section 307.695 of the Revised Code. A tax, any 133469

revenue from which is pledged pursuant to such an agreement, 133470
shall remain in effect at the rate at which it is imposed for 133471
the duration of the period for which the revenue from the tax 133472
has been so pledged. 133473

(5) The board of county commissioners of an eligible 133474
county as defined in section 307.695 of the Revised Code may, by 133475
resolution adopted by a majority of the members of the board, 133476
amend a resolution levying a tax under division (A) of this 133477
section to provide that the revenue from the tax shall be used 133478
by the board as described in division (H) of section 307.695 of 133479
the Revised Code, in which case the tax shall remain in effect 133480
at the rate at which it was imposed for the duration of any 133481
agreement entered into by the board under section 307.695 of the 133482
Revised Code, the duration during which any securities issued by 133483
the board under that section are outstanding, or the duration of 133484
the period during which the board owns a project as defined in 133485
section 307.695 of the Revised Code, whichever duration is 133486
longest. 133487

(6) The board of county commissioners of an eligible 133488
county as defined in section 307.678 of the Revised Code may, by 133489
resolution, amend a resolution levying a tax under division (A) 133490
of this section to provide that revenue from the tax, not to 133491
exceed five hundred thousand dollars each year, may be used as 133492
described in division (E) of section 307.678 of the Revised 133493
Code. 133494

(7) Notwithstanding division (A) of this section, the 133495
board of county commissioners of a county described in division 133496
(H) (1) of this section may, by resolution, amend a resolution 133497
levying a tax under division (A) of this section to provide that 133498
all or a portion of the revenue from the tax, including any 133499

revenue otherwise required to be returned to townships or 133500
municipal corporations under that division, may be used or 133501
pledged for the payment of debt service on securities issued to 133502
pay the costs of constructing, operating, and maintaining sports 133503
facilities described in division (H) (2) of this section. 133504

(8) The board of county commissioners of a county 133505
described in division (I) of this section may, by resolution, 133506
amend a resolution levying a tax under division (A) of this 133507
section to provide that all or a portion of the revenue from the 133508
tax may be used for the purposes described in section 307.679 of 133509
the Revised Code. 133510

(B) A board of county commissioners that levies an excise 133511
tax under division (A) of this section on June 30, 1997, at a 133512
rate of three per cent, and that has pledged revenue from the 133513
tax to an agreement entered into under section 307.695 of the 133514
Revised Code or, in the case of the board of county 133515
commissioners of an eligible county as defined in section 133516
307.695 of the Revised Code, has amended a resolution levying a 133517
tax under division (M) of this section to provide that proceeds 133518
from the tax shall be used by the board as described in division 133519
(H) of section 307.695 of the Revised Code, may, at any time by 133520
a resolution adopted by a majority of the members of the board, 133521
amend the resolution levying a tax under division (A) of this 133522
section to provide for an increase in the rate of that tax up to 133523
seven per cent on each transaction; to provide that revenue from 133524
the increase in the rate shall be used as described in division 133525
(H) of section 307.695 of the Revised Code or be spent solely to 133526
make contributions to the convention and visitors' bureau 133527
operating within the county to be used specifically for 133528
promotion, advertising, and marketing of the region in which the 133529
county is located; and to provide that the rate in excess of the 133530

three per cent levied under division (A) of this section shall 133531
remain in effect at the rate at which it is imposed for the 133532
duration of the period during which any agreement is in effect 133533
that was entered into under section 307.695 of the Revised Code 133534
by the board of county commissioners levying a tax under 133535
division (A) of this section, the duration of the period during 133536
which any securities issued by the board under division (I) of 133537
section 307.695 of the Revised Code are outstanding, or the 133538
duration of the period during which the board owns a project as 133539
defined in section 307.695 of the Revised Code, whichever 133540
duration is longest. The amendment also shall provide that no 133541
portion of that revenue need be returned to townships or 133542
municipal corporations as would otherwise be required under 133543
division (A) of this section. 133544

(C) (1) As used in division (C) of this section, "cost" and 133545
"facility" have the same meanings as in section 351.01 of the 133546
Revised Code, and "convention center" has the same meaning as in 133547
section 307.695 of the Revised Code. 133548

(2) A board of county commissioners that levies a tax 133549
under division (A) of this section on March 18, 1999, at a rate 133550
of three per cent may, by resolution adopted not later than 133551
forty-five days after March 18, 1999, amend the resolution 133552
levying the tax to provide for all of the following: 133553

(a) That the rate of the tax shall be increased by not 133554
more than an additional four per cent on each transaction; 133555

(b) That all of the revenue from the increase in the rate 133556
shall be pledged and contributed to a convention facilities 133557
authority established by the board of county commissioners under 133558
Chapter 351. of the Revised Code on or before November 15, 1998, 133559
and used to pay costs of constructing, maintaining, operating, 133560

and promoting a facility in the county, including paying bonds, 133561
or notes issued in anticipation of bonds, as provided by that 133562
chapter; 133563

(c) That no portion of the revenue arising from the 133564
increase in rate need be returned to municipal corporations or 133565
townships as otherwise required under division (A) of this 133566
section; 133567

(d) That the increase in rate shall not be subject to 133568
diminution by initiative or referendum or by law while any 133569
bonds, or notes in anticipation of bonds, issued by the 133570
authority under Chapter 351. of the Revised Code to which the 133571
revenue is pledged, remain outstanding in accordance with their 133572
terms, unless provision is made by law or by the board of county 133573
commissioners for an adequate substitute therefor that is 133574
satisfactory to the trustee if a trust agreement secures the 133575
bonds. 133576

(3) Division (C) of this section does not apply to the 133577
board of county commissioners of any county in which a 133578
convention center or facility exists or is being constructed on 133579
November 15, 1998, or of any county in which a convention 133580
facilities authority levies a tax pursuant to section 351.021 of 133581
the Revised Code on that date. 133582

(D) (1) As used in division (D) of this section, "cost" has 133583
the same meaning as in section 351.01 of the Revised Code, and 133584
"convention center" has the same meaning as in section 307.695 133585
of the Revised Code. 133586

(2) A board of county commissioners that levies a tax 133587
under division (A) of this section on June 30, 2002, at a rate 133588
of three per cent may, by resolution adopted not later than 133589

September 30, 2002, amend the resolution levying the tax to 133590
provide for all of the following: 133591

(a) That the rate of the tax shall be increased by not 133592
more than an additional three and one-half per cent on each 133593
transaction; 133594

(b) That all of the revenue from the increase in rate 133595
shall be pledged and contributed to a convention facilities 133596
authority established by the board of county commissioners under 133597
Chapter 351. of the Revised Code on or before May 15, 2002, and 133598
be used to pay costs of constructing, expanding, maintaining, 133599
operating, or promoting a convention center in the county, 133600
including paying bonds, or notes issued in anticipation of 133601
bonds, as provided by that chapter; 133602

(c) That no portion of the revenue arising from the 133603
increase in rate need be returned to municipal corporations or 133604
townships as otherwise required under division (A) of this 133605
section; 133606

(d) That the increase in rate shall not be subject to 133607
diminution by initiative or referendum or by law while any 133608
bonds, or notes in anticipation of bonds, issued by the 133609
authority under Chapter 351. of the Revised Code to which the 133610
revenue is pledged, remain outstanding in accordance with their 133611
terms, unless provision is made by law or by the board of county 133612
commissioners for an adequate substitute therefor that is 133613
satisfactory to the trustee if a trust agreement secures the 133614
bonds. 133615

(3) Any board of county commissioners that, pursuant to 133616
division (D)(2) of this section, has amended a resolution 133617
levying the tax authorized by division (A) of this section may 133618

further amend the resolution to provide that the revenue 133619
referred to in division (D) (2) (b) of this section shall be 133620
pledged and contributed both to a convention facilities 133621
authority to pay the costs of constructing, expanding, 133622
maintaining, or operating one or more convention centers in the 133623
county, including paying bonds, or notes issued in anticipation 133624
of bonds, as provided in Chapter 351. of the Revised Code, and 133625
to a convention and visitors' bureau to pay the costs of 133626
promoting one or more convention centers in the county. 133627

(4) A county having a population of seven hundred thousand 133628
or less may not levy the increased rate described in division 133629
(D) (2) of this section on or after the first day of the first 133630
month beginning after the effective date of this amendment. 133631

(E) (1) As used in division (E) of this section: 133632

(a) "Port authority" means a port authority created under 133633
Chapter 4582. of the Revised Code. 133634

(b) "Port authority military-use facility" means port 133635
authority facilities on which or adjacent to which is located an 133636
installation of the armed forces of the United States, a reserve 133637
component thereof, or the national guard and at least part of 133638
which is made available for use, for consideration, by the armed 133639
forces of the United States, a reserve component thereof, or the 133640
national guard. 133641

(2) For the purpose of contributing revenue to pay 133642
operating expenses of a port authority that operates a port 133643
authority military-use facility, the board of county 133644
commissioners of a county that created, participated in the 133645
creation of, or has joined such a port authority may do one or 133646
both of the following: 133647

(a) Amend a resolution previously adopted under division 133648
(A) of this section to designate some or all of the revenue from 133649
the tax levied under the resolution to be used for that purpose, 133650
notwithstanding that division; 133651

(b) Amend a resolution previously adopted under division 133652
(A) of this section to increase the rate of the tax by not more 133653
than an additional two per cent and use the revenue from the 133654
increase exclusively for that purpose. 133655

(3) If a board of county commissioners amends a resolution 133656
to increase the rate of a tax as authorized in division (E) (2) 133657
(b) of this section, the board also may amend the resolution to 133658
specify that the increase in rate of the tax does not apply to 133659
"hotels," as otherwise defined in section 5739.01 of the Revised 133660
Code, having fewer rooms used for the accommodation of guests 133661
than a number of rooms specified by the board. 133662

(F) (1) A board of county commissioners of a county 133663
organized under a county charter adopted pursuant to Article X, 133664
Section 3, Ohio Constitution, and that levies an excise tax 133665
under division (A) of this section at a rate of three per cent 133666
and levies an additional excise tax under division (O) of this 133667
section at a rate of one and one-half per cent may, by 133668
resolution adopted not later than January 1, 2008, by a majority 133669
of the members of the board, amend the resolution levying a tax 133670
under division (A) of this section to provide for an increase in 133671
the rate of that tax by not more than an additional one per cent 133672
on transactions by which lodging by a hotel is or is to be 133673
furnished to transient guests. Notwithstanding divisions (A) and 133674
(O) of this section, the resolution shall provide that all of 133675
the revenue from the increase in rate, after deducting the real 133676
and actual costs of administering the tax, shall be used to pay 133677

the costs of improving, expanding, equipping, financing, or 133678
operating a convention center by a convention and visitors' 133679
bureau in the county. 133680

(2) The increase in rate shall remain in effect for the 133681
period specified in the resolution, not to exceed ten years, and 133682
may be extended for an additional period of time not to exceed 133683
ten years thereafter by a resolution adopted by a majority of 133684
the members of the board. 133685

(3) The increase in rate shall be subject to the 133686
regulations adopted under division (A) of this section, except 133687
that the resolution may provide that no portion of the revenue 133688
from the increase in the rate shall be returned to townships or 133689
municipal corporations as would otherwise be required under that 133690
division. 133691

(G) (1) Division (G) of this section applies only to a 133692
county with a population greater than sixty-five thousand and 133693
less than seventy thousand according to the most recent federal 133694
decennial census and in which, on December 31, 2006, an excise 133695
tax is levied under division (A) of this section at a rate not 133696
less than and not greater than three per cent, and in which the 133697
most recent increase in the rate of that tax was enacted or took 133698
effect in November 1984. 133699

(2) The board of county commissioners of a county to which 133700
division (G) of this section applies, by resolution adopted by a 133701
majority of the members of the board, may increase the rate of 133702
the tax by not more than one per cent on transactions by which 133703
lodging by a hotel is or is to be furnished to transient guests. 133704
The increase in rate shall be for the purpose of paying expenses 133705
deemed necessary by the convention and visitors' bureau 133706
operating in the county to promote travel and tourism. 133707

(3) The increase in rate shall remain in effect for the 133708
period specified in the resolution, not to exceed twenty years, 133709
provided that the increase in rate may not continue beyond the 133710
time when the purpose for which the increase is levied ceases to 133711
exist. If revenue from the increase in rate is pledged to the 133712
payment of debt charges on securities, the increase in rate is 133713
not subject to diminution by initiative or referendum or by law 133714
for so long as the securities are outstanding, unless provision 133715
is made by law or by the board of county commissioners for an 133716
adequate substitute for that revenue that is satisfactory to the 133717
trustee if a trust agreement secures payment of the debt 133718
charges. 133719

(4) The increase in rate shall be subject to the 133720
regulations adopted under division (A) of this section, except 133721
that the resolution may provide that no portion of the revenue 133722
from the increase in the rate shall be returned to townships or 133723
municipal corporations as would otherwise be required under 133724
division (A) of this section. 133725

(5) A resolution adopted under division (G) of this 133726
section is subject to referendum under sections 305.31 to 305.99 133727
of the Revised Code. 133728

(H) (1) Division (H) of this section applies only to a 133729
county satisfying all of the following: 133730

(a) The population of the county is greater than one 133731
hundred seventy-five thousand and less than two hundred twenty- 133732
five thousand according to the most recent federal decennial 133733
census. 133734

(b) An amusement park with an average yearly attendance in 133735
excess of two million guests is located in the county. 133736

(c) On December 31, 2014, an excise tax was levied in the 133737
county under division (A) of this section at a rate of three per 133738
cent. 133739

(2) The board of county commissioners of a county to which 133740
division (H) of this section applies, by resolution adopted by a 133741
majority of the members of the board, may increase the rate of 133742
the tax by not more than one per cent on transactions by which 133743
lodging by a hotel is or is to be furnished to transient guests. 133744
The increase in rate shall be used to pay the costs of 133745
constructing and maintaining facilities owned by the county or 133746
by a port authority created under Chapter 4582. of the Revised 133747
Code, and designed to host sporting events and expenses deemed 133748
necessary by the convention and visitors' bureau operating in 133749
the county to promote travel and tourism with reference to the 133750
sports facilities, and to pay or pledge to the payment of debt 133751
service on securities issued to pay the costs of constructing, 133752
operating, and maintaining the sports facilities. 133753

(3) The increase in rate shall remain in effect for the 133754
period specified in the resolution. If revenue from the increase 133755
in rate is pledged to the payment of debt charges on securities, 133756
the increase in rate is not subject to diminution by initiative 133757
or referendum or by law for so long as the securities are 133758
outstanding, unless provision is made by law or by the board of 133759
county commissioners for an adequate substitute for that revenue 133760
that is satisfactory to the trustee if a trust agreement secures 133761
payment of the debt charges. 133762

(4) The increase in rate shall be subject to the 133763
regulations adopted under division (A) of this section, except 133764
that the resolution may provide that no portion of the revenue 133765
from the increase in the rate shall be returned to townships or 133766

municipal corporations as would otherwise be required under 133767
division (A) of this section. 133768

(I) (1) The board of county commissioners of a county with 133769
a population greater than seventy-five thousand and less than 133770
seventy-eight thousand, by resolution adopted by a majority of 133771
the members of the board not later than October 15, 2015, may 133772
increase the rate of the tax by not more than one per cent on 133773
transactions by which lodging by a hotel is or is to be 133774
furnished to transient guests. The increase in rate shall be for 133775
the purposes described in section 307.679 of the Revised Code or 133776
for the promotion of travel and tourism in the county, including 133777
travel and tourism to sports facilities. 133778

(2) The increase in rate shall remain in effect for the 133779
period specified in the resolution and as necessary to fulfill 133780
the county's obligations under a cooperative agreement entered 133781
into under section 307.679 of the Revised Code. If the 133782
resolution is adopted by the board before September 29, 2015, 133783
but after that enactment becomes law, the increase in rate shall 133784
become effective beginning on September 29, 2015. If revenue 133785
from the increase in rate is pledged to the payment of debt 133786
charges on securities, or to substitute for other revenues 133787
pledged to the payment of such debt, the increase in rate is not 133788
subject to diminution by initiative or referendum or by law for 133789
so long as the securities are outstanding, unless provision is 133790
made by law or by the board of county commissioners for an 133791
adequate substitute for that revenue that is satisfactory to the 133792
trustee if a trust agreement secures payment of the debt 133793
charges. 133794

(3) The increase in rate shall be subject to the 133795
regulations adopted under division (A) of this section, except 133796

that no portion of the revenue from the increase in the rate 133797
shall be returned to townships or municipal corporations as 133798
would otherwise be required under division (A) of this section. 133799

(J) (1) Division (J) of this section applies only to 133800
counties satisfying either of the following: 133801

(a) A county that, on July 1, 2015, does not levy an 133802
excise tax under division (A) of this section and that has a 133803
population of at least thirty-nine thousand but not more than 133804
forty thousand according to the 2010 federal decennial census; 133805

(b) A county that, on July 1, 2015, levies an excise tax 133806
under division (A) of this section at a rate of three per cent 133807
and that has a population of at least seventy-one thousand but 133808
not more than seventy-five thousand according to 2010 federal 133809
decennial census. 133810

(2) The board of county commissioners of a county to which 133811
division (J) of this section applies, by resolution adopted by a 133812
majority of the members of the board, may levy an excise tax at 133813
a rate not to exceed three per cent on transactions by which 133814
lodging by a hotel is or is to be furnished to transient guests 133815
for the purpose of acquiring, constructing, equipping, or 133816
repairing permanent improvements, as defined in section 133.01 133817
of the Revised Code. 133818

(3) If the board does not levy a tax under division (A) of 133819
this section, the board shall establish regulations necessary to 133820
provide for the administration of the tax, which may prescribe 133821
the time for payment of the tax and the imposition of penalty or 133822
interest subject to the limitations on penalty and interest 133823
provided in division (A) of this section. No portion of the 133824
revenue shall be returned to townships or municipal corporations 133825

in the county unless otherwise provided by resolution of the 133826
board. 133827

(4) The tax shall apply throughout the territory of the 133828
county, including in any township or municipal corporation 133829
levying an excise tax under division (A) or (B) of section 133830
5739.08 of the Revised Code. The levy of the tax is subject to 133831
referendum as provided under section 305.31 of the Revised Code. 133832

(5) The tax shall remain in effect for the period 133833
specified in the resolution. If revenue from the increase in 133834
rate is pledged to the payment of debt charges on securities, 133835
the increase in rate is not subject to diminution by initiative 133836
or referendum or by law for so long as the securities are 133837
outstanding unless provision is made by law or by the board for 133838
an adequate substitute for that revenue that is satisfactory to 133839
the trustee if a trust agreement secures payment of the debt 133840
charges. 133841

(K) (1) The board of county commissioners of an eligible 133842
county, as defined in section 307.678 of the Revised Code, that 133843
levies an excise tax under division (A) of this section on July 133844
1, 2017, at a rate of three per cent may, by resolution adopted 133845
by a majority of the members of the board, amend the resolution 133846
levying the tax to increase the rate of the tax by not more than 133847
an additional three per cent on each transaction. 133848

(2) No portion of the revenue shall be returned to 133849
townships or municipal corporations in the county unless 133850
otherwise provided by resolution of the board. Otherwise, the 133851
revenue from the increase in the rate shall be distributed and 133852
used in the same manner described under division (A) of this 133853
section or distributed or used to provide credit enhancement 133854
facilities as authorized under section 307.678 of the Revised 133855

Code. 133856

(3) The increase in rate shall remain in effect for the 133857
period specified in the resolution. If revenue from the increase 133858
in rate is pledged to the payment of debt charges on securities, 133859
the increase in rate is not subject to diminution by initiative 133860
or referendum or by law for so long as the securities are 133861
outstanding unless provision is made by law or by the board for 133862
an adequate substitute for that revenue that is satisfactory to 133863
the trustee if a trust agreement secures payment of the debt 133864
charges. 133865

(L) (1) As used in division (L) of this section: 133866

(a) "Eligible county" means a county that has a population 133867
greater than one hundred ninety thousand and less than two 133868
hundred thousand according to the 2010 federal decennial census 133869
and that levies an excise tax under division (A) of this section 133870
at a rate of three per cent. 133871

(b) "Professional sports facility" means a sports facility 133872
that is intended to house major or minor league professional 133873
athletic teams, including a stadium, together with all parking 133874
facilities, walkways, and other auxiliary facilities, real and 133875
personal property, property rights, easements, and interests 133876
that may be appropriate for, or used in connection with, the 133877
operation of the facility. 133878

(2) Subject to division (L) (3) of this section, the board 133879
of county commissioners of an eligible county, by resolution 133880
adopted by a majority of the members of the board, may increase 133881
the rate of the tax by not more than one per cent on 133882
transactions by which lodging by a hotel is or is to be 133883
furnished to transient guests. Revenue from the increase in rate 133884

shall be used for the purposes of paying the costs of 133885
constructing, improving, and maintaining a professional sports 133886
facility in the county and paying expenses considered necessary 133887
by the convention and visitors' bureau operating in the county 133888
to promote travel and tourism with respect to that professional 133889
sports facility. The tax shall take effect only after the 133890
convention and visitors' bureau enters into a contract for the 133891
construction, improvement, or maintenance of a professional 133892
sports facility that is or will be located on property acquired, 133893
in whole or in part, with revenue from the increased rate, and 133894
thereafter shall remain in effect for the period specified in 133895
the resolution. If revenue from the increase in rate is pledged 133896
to the payment of debt charges on securities, the increase in 133897
rate is not subject to diminution by initiative or referendum or 133898
by law for so long as the securities are outstanding, unless a 133899
provision is made by law or by the board of county commissioners 133900
for an adequate substitute for that revenue that is satisfactory 133901
to the trustee if a trust agreement secures payment of the debt 133902
charges. The increase in rate shall be subject to the 133903
regulations adopted under division (A) of this section, except 133904
that the resolution may provide that no portion of the revenue 133905
from the increase in the rate shall be returned to townships or 133906
municipal corporations as would otherwise be required under 133907
division (A) of this section. 133908

(3) If, on December 31, 2019, the convention and visitors' 133909
bureau has not entered into a contract for the construction, 133910
improvement, or maintenance of a professional sports facility 133911
that is or will be located on property acquired, in whole or in 133912
part, with revenue from the increased rate, the authority to 133913
levy the tax under division (L) (2) of this section is hereby 133914
repealed on that date. 133915

(M) (1) For the purposes described in section 307.695 of 133916
the Revised Code and to cover the costs of administering the 133917
tax, a board of county commissioners of a county where a tax 133918
imposed under division (A) of this section is in effect may, by 133919
resolution adopted within ninety days after July 15, 1985, by a 133920
majority of the members of the board, levy an additional excise 133921
tax not to exceed three per cent on transactions by which 133922
lodging by a hotel is or is to be furnished to transient guests. 133923
The tax authorized by division (M) of this section shall be in 133924
addition to any tax that is levied pursuant to divisions (A) to 133925
(L) of this section, but it shall not apply to transactions 133926
subject to a tax levied by a municipal corporation or township 133927
pursuant to section 5739.08 of the Revised Code. 133928

(2) The board shall establish all regulations necessary to 133929
provide for the administration and allocation of the tax. The 133930
regulations may prescribe the time for payment of the tax, and 133931
may provide for the imposition of a penalty or interest, or 133932
both, for late payments, provided that the penalty does not 133933
exceed ten per cent of the amount of tax due, and the rate at 133934
which interest accrues does not exceed the rate per annum 133935
prescribed pursuant to section 5703.47 of the Revised Code. 133936

(3) All revenues arising from the tax shall be expended in 133937
accordance with section 307.695 of the Revised Code. The board 133938
of county commissioners of an eligible county as defined in 133939
section 307.695 of the Revised Code may, by resolution adopted 133940
by a majority of the members of the board, amend the resolution 133941
levying a tax under this division to provide that the revenue 133942
from the tax shall be used by the board as described in division 133943
(H) of section 307.695 of the Revised Code. 133944

(4) A tax imposed under this division shall remain in 133945

effect at the rate at which it is imposed for the duration of 133946
the period during which any agreement entered into by the board 133947
under section 307.695 of the Revised Code is in effect, the 133948
duration of the period during which any securities issued by the 133949
board under division (I) of section 307.695 of the Revised Code 133950
are outstanding, or the duration of the period during which the 133951
board owns a project as defined in section 307.695 of the 133952
Revised Code, whichever duration is longest. 133953

(N) (1) For the purpose of providing contributions under 133954
division (B) (1) of section 307.671 of the Revised Code to enable 133955
the acquisition, construction, and equipping of a port authority 133956
educational and cultural facility in the county and, to the 133957
extent provided for in the cooperative agreement authorized by 133958
that section, for the purpose of paying debt service charges on 133959
bonds, or notes in anticipation of bonds, described in division 133960
(B) (1) (b) of that section, a board of county commissioners, by 133961
resolution adopted within ninety days after December 22, 1992, 133962
by a majority of the members of the board, may levy an 133963
additional excise tax not to exceed one and one-half per cent on 133964
transactions by which lodging by a hotel is or is to be 133965
furnished to transient guests. The excise tax authorized by 133966
division (N) of this section shall be in addition to any tax 133967
that is levied pursuant to divisions (A) to (M) of this section, 133968
to any excise tax levied pursuant to section 5739.08 of the 133969
Revised Code, and to any excise tax levied pursuant to section 133970
351.021 of the Revised Code. 133971

(2) The board of county commissioners shall establish all 133972
regulations necessary to provide for the administration and 133973
allocation of the tax that are not inconsistent with this 133974
section or section 307.671 of the Revised Code. The regulations 133975
may prescribe the time for payment of the tax, and may provide 133976

for the imposition of a penalty or interest, or both, for late 133977
payments, provided that the penalty does not exceed ten per cent 133978
of the amount of tax due, and the rate at which interest accrues 133979
does not exceed the rate per annum prescribed pursuant to 133980
section 5703.47 of the Revised Code. 133981

(3) All revenues arising from the tax shall be expended in 133982
accordance with section 307.671 of the Revised Code and division 133983
(N) of this section. The levy of a tax imposed under division 133984
(N) of this section may not commence prior to the first day of 133985
the month next following the execution of the cooperative 133986
agreement authorized by section 307.671 of the Revised Code by 133987
all parties to that agreement. 133988

(4) The tax shall remain in effect at the rate at which it 133989
is imposed for the period of time described in division (C) of 133990
section 307.671 of the Revised Code for which the revenue from 133991
the tax has been pledged by the county to the corporation 133992
pursuant to that section, but, to any extent provided for in the 133993
cooperative agreement, for no lesser period than the period of 133994
time required for payment of the debt service charges on bonds, 133995
or notes in anticipation of bonds, described in division (B) (1) 133996
(b) of that section. 133997

(O) (1) For the purpose of paying the costs of acquiring, 133998
constructing, equipping, and improving a municipal educational 133999
and cultural facility, including debt service charges on bonds 134000
provided for in division (B) of section 307.672 of the Revised 134001
Code, and for any additional purposes determined by the county 134002
in the resolution levying the tax or amendments to the 134003
resolution, including subsequent amendments providing for paying 134004
costs of acquiring, constructing, renovating, rehabilitating, 134005
equipping, and improving a port authority educational and 134006

cultural performing arts facility, as defined in section 307.674 134007
of the Revised Code, and including debt service charges on bonds 134008
provided for in division (B) of section 307.674 of the Revised 134009
Code, the legislative authority of a county, by resolution 134010
adopted within ninety days after June 30, 1993, by a majority of 134011
the members of the legislative authority, may levy an additional 134012
excise tax not to exceed one and one-half per cent on 134013
transactions by which lodging by a hotel is or is to be 134014
furnished to transient guests. The excise tax authorized by 134015
division (O) of this section shall be in addition to any tax 134016
that is levied pursuant to divisions (A) to (N) of this section, 134017
to any excise tax levied pursuant to section 5739.08 of the 134018
Revised Code, and to any excise tax levied pursuant to section 134019
351.021 of the Revised Code. 134020

(2) The legislative authority of the county shall 134021
establish all regulations necessary to provide for the 134022
administration and allocation of the tax. The regulations may 134023
prescribe the time for payment of the tax, and may provide for 134024
the imposition of a penalty or interest, or both, for late 134025
payments, provided that the penalty does not exceed ten per cent 134026
of the amount of tax due, and the rate at which interest accrues 134027
does not exceed the rate per annum prescribed pursuant to 134028
section 5703.47 of the Revised Code. 134029

(3) All revenues arising from the tax shall be expended in 134030
accordance with section 307.672 of the Revised Code and this 134031
division. The levy of a tax imposed under this division shall 134032
not commence prior to the first day of the month next following 134033
the execution of the cooperative agreement authorized by section 134034
307.672 of the Revised Code by all parties to that agreement. 134035
The tax shall remain in effect at the rate at which it is 134036
imposed for the period of time determined by the legislative 134037

authority of the county. That period of time shall not exceed 134038
fifteen years, except that the legislative authority of a county 134039
with a population of less than two hundred fifty thousand 134040
according to the most recent federal decennial census, by 134041
resolution adopted by a majority of its members before the 134042
original tax or any extension thereof expires, may extend the 134043
duration of the tax for an additional period of time. The 134044
additional period of time by which a legislative authority 134045
extends a tax levied under division (O) of this section shall 134046
not exceed fifteen years. 134047

(P)(1) The legislative authority of a county that has 134048
levied a tax under division (O) of this section may, by 134049
resolution adopted within one hundred eighty days after January 134050
4, 2001, by a majority of the members of the legislative 134051
authority, amend the resolution levying a tax under that 134052
division to provide for the use of the proceeds of that tax, to 134053
the extent that it is no longer needed for its original purpose 134054
as determined by the parties to a cooperative agreement 134055
amendment pursuant to division (D) of section 307.672 of the 134056
Revised Code, to pay costs of acquiring, constructing, 134057
renovating, rehabilitating, equipping, and improving a port 134058
authority educational and cultural performing arts facility, 134059
including debt service charges on bonds provided for in division 134060
(B) of section 307.674 of the Revised Code, and to pay all 134061
obligations under any guaranty agreements, reimbursement 134062
agreements, or other credit enhancement agreements described in 134063
division (C) of section 307.674 of the Revised Code. 134064

(2) The resolution may also provide for the extension of 134065
the tax at the same rate for the longer of the period of time 134066
determined by the legislative authority of the county, but not 134067
to exceed an additional twenty-five years, or the period of time 134068

required to pay all debt service charges on bonds provided for 134069
in division (B) of section 307.672 of the Revised Code and on 134070
port authority revenue bonds provided for in division (B) of 134071
section 307.674 of the Revised Code. 134072

(3) All revenues arising from the amendment and extension 134073
of the tax shall be expended in accordance with section 307.674 134074
of the Revised Code and divisions (O) and (P) of this section. 134075

(Q) (1) As used in division (Q) of this section: 134076

(a) "Convention facilities authority" has the same meaning 134077
as in section 351.01 of the Revised Code. 134078

(b) "Convention center" has the same meaning as in section 134079
307.695 of the Revised Code. 134080

(2) Notwithstanding any contrary provision of division (N) 134081
of this section, the legislative authority of a county with a 134082
population of one million or more according to the most recent 134083
federal decennial census that has levied a tax under division 134084
(N) of this section may, by resolution adopted by a majority of 134085
the members of the legislative authority, provide for the 134086
extension of such levy and may provide that the proceeds of that 134087
tax, to the extent that they are no longer needed for their 134088
original purpose as defined by a cooperative agreement entered 134089
into under section 307.671 of the Revised Code, shall be 134090
deposited into the county general revenue fund. The resolution 134091
shall provide for the extension of the tax at a rate not to 134092
exceed the rate specified in division (N) of this section for a 134093
period of time determined by the legislative authority of the 134094
county, but not to exceed an additional forty years. 134095

(3) The legislative authority of a county with a 134096
population of one million or more that has levied a tax under 134097

division (A) of this section may, by resolution adopted by a 134098
majority of the members of the legislative authority, increase 134099
the rate of the tax levied by such county under division (A) of 134100
this section to a rate not to exceed five per cent on 134101
transactions by which lodging by a hotel is or is to be 134102
furnished to transient guests. Notwithstanding any contrary 134103
provision of division (A) of this section, the resolution may 134104
provide that all collections resulting from the rate levied in 134105
excess of three per cent, after deducting the real and actual 134106
costs of administering the tax, shall be deposited in the county 134107
general fund. 134108

(4) The legislative authority of a county with a 134109
population of one million or more that has levied a tax under 134110
division (A) of this section may, by resolution adopted on or 134111
before August 30, 2004, by a majority of the members of the 134112
legislative authority, provide that all or a portion of the 134113
proceeds of the tax levied under division (A) of this section, 134114
after deducting the real and actual costs of administering the 134115
tax and the amounts required to be returned to townships and 134116
municipal corporations with respect to the first three per cent 134117
levied under division (A) of this section, shall be deposited in 134118
the county general fund, provided that such proceeds shall be 134119
used to satisfy any pledges made in connection with an agreement 134120
entered into under section 307.695 of the Revised Code. 134121

(5) No amount collected from a tax levied, extended, or 134122
required to be deposited in the county general fund under 134123
division (Q) of this section shall be contributed to a 134124
convention facilities authority, corporation, or other entity 134125
created after July 1, 2003, for the principal purpose of 134126
constructing, improving, expanding, equipping, financing, or 134127
operating a convention center unless the mayor of the municipal 134128

corporation in which the convention center is to be operated by 134129
that convention facilities authority, corporation, or other 134130
entity has consented to the creation of that convention 134131
facilities authority, corporation, or entity. Notwithstanding 134132
any contrary provision of section 351.04 of the Revised Code, if 134133
a tax is levied by a county under division (Q) of this section, 134134
the board of county commissioners of that county may determine 134135
the manner of selection, the qualifications, the number, and 134136
terms of office of the members of the board of directors of any 134137
convention facilities authority, corporation, or other entity 134138
described in division (Q) (5) of this section. 134139

(6) (a) No amount collected from a tax levied, extended, or 134140
required to be deposited in the county general fund under 134141
division (Q) of this section may be used for any purpose other 134142
than paying the direct and indirect costs of constructing, 134143
improving, expanding, equipping, financing, or operating a 134144
convention center and for the real and actual costs of 134145
administering the tax, unless, prior to the adoption of the 134146
resolution of the legislative authority of the county 134147
authorizing the levy, extension, increase, or deposit, the 134148
county and the mayor of the most populous municipal corporation 134149
in that county have entered into an agreement as to the use of 134150
such amounts, provided that such agreement has been approved by 134151
a majority of the mayors of the other municipal corporations in 134152
that county. The agreement shall provide that the amounts to be 134153
used for purposes other than paying the convention center or 134154
administrative costs described in division (Q) (6) (a) of this 134155
section be used only for the direct and indirect costs of 134156
capital improvements, including the financing of capital 134157
improvements, except that the agreement may subsequently be 134158
amended by the parties that have entered into that agreement to 134159

authorize such amounts to instead be used for any costs related 134160
to the promotion or support of tourism or tourism-related 134161
programs. 134162

(b) If the county in which the tax is levied has an 134163
association of mayors and city managers, the approval of that 134164
association of an agreement described in division (Q) (6) (a) of 134165
this section shall be considered to be the approval of the 134166
majority of the mayors of the other municipal corporations for 134167
purposes of that division. 134168

(7) Each year, the auditor of state shall conduct an audit 134169
of the uses of any amounts collected from taxes levied, 134170
extended, or deposited under division (Q) of this section and 134171
shall prepare a report of the auditor of state's findings. The 134172
auditor of state shall submit the report to the legislative 134173
authority of the county that has levied, extended, or deposited 134174
the tax, the speaker of the house of representatives, the 134175
president of the senate, and the leaders of the minority parties 134176
of the house of representatives and the senate. 134177

(R) (1) As used in division (R) of this section: 134178

(a) "Convention facilities authority" has the same meaning 134179
as in section 351.01 of the Revised Code. 134180

(b) "Convention center" has the same meaning as in section 134181
307.695 of the Revised Code. 134182

(2) Notwithstanding any contrary provision of division (N) 134183
of this section, the legislative authority of a county with a 134184
population of one million two hundred thousand or more according 134185
to the most recent federal decennial census or the most recent 134186
annual population estimate published or released by the United 134187
States census bureau at the time the resolution is adopted 134188

placing the levy on the ballot, that has levied a tax under 134189
division (N) of this section may, by resolution adopted by a 134190
majority of the members of the legislative authority, provide 134191
for the extension of such levy and may provide that the proceeds 134192
of that tax, to the extent that the proceeds are no longer 134193
needed for their original purpose as defined by a cooperative 134194
agreement entered into under section 307.671 of the Revised Code 134195
and after deducting the real and actual costs of administering 134196
the tax, shall be used for paying the direct and indirect costs 134197
of constructing, improving, expanding, equipping, financing, or 134198
operating a convention center. The resolution shall provide for 134199
the extension of the tax at a rate not to exceed the rate 134200
specified in division (N) of this section for a period of time 134201
determined by the legislative authority of the county, but not 134202
to exceed an additional forty years. 134203

(3) The legislative authority of a county with a 134204
population of one million two hundred thousand or more that has 134205
levied a tax under division (A) of this section may, by 134206
resolution adopted by a majority of the members of the 134207
legislative authority, increase the rate of the tax levied by 134208
such county under division (A) of this section to a rate not to 134209
exceed five per cent on transactions by which lodging by a hotel 134210
is or is to be furnished to transient guests. Notwithstanding 134211
any contrary provision of division (A) of this section, the 134212
resolution shall provide that all collections resulting from the 134213
rate levied in excess of three per cent, after deducting the 134214
real and actual costs of administering the tax, shall be used 134215
for paying the direct and indirect costs of constructing, 134216
improving, expanding, equipping, financing, or operating a 134217
convention center. 134218

(4) The legislative authority of a county with a 134219

population of one million two hundred thousand or more that has 134220
levied a tax under division (A) of this section may, by 134221
resolution adopted on or before July 1, 2008, by a majority of 134222
the members of the legislative authority, provide that all or a 134223
portion of the proceeds of the tax levied under division (A) of 134224
this section, after deducting the real and actual costs of 134225
administering the tax and the amounts required to be returned to 134226
townships and municipal corporations with respect to the first 134227
three per cent levied under division (A) of this section, shall 134228
be used to satisfy any pledges made in connection with an 134229
agreement entered into under section 307.695 of the Revised Code 134230
or shall otherwise be used for paying the direct and indirect 134231
costs of constructing, improving, expanding, equipping, 134232
financing, or operating a convention center. 134233

(5) Any amount collected from a tax levied or extended 134234
under division (R) of this section may be contributed to a 134235
convention facilities authority created before July 1, 2005, but 134236
no amount collected from a tax levied or extended under division 134237
(R) of this section may be contributed to a convention 134238
facilities authority, corporation, or other entity created after 134239
July 1, 2005, unless the mayor of the municipal corporation in 134240
which the convention center is to be operated by that convention 134241
facilities authority, corporation, or other entity has consented 134242
to the creation of that convention facilities authority, 134243
corporation, or entity. 134244

(S) As used in division (S) of this section, "soldiers' 134245
memorial" means a memorial constructed and funded under Chapter 134246
345. of the Revised Code. 134247

The board of county commissioners of a county with a 134248
population between one hundred three thousand and one hundred 134249

seven thousand according to the most recent federal decennial 134250
census, by resolution adopted by a majority of the members of 134251
the board within six months after September 15, 2014, may levy a 134252
tax not to exceed three per cent on transactions by which a 134253
hotel is or is to be furnished to transient guests. The purpose 134254
of the tax shall be to pay the costs of expanding, maintaining, 134255
or operating a soldiers' memorial and the costs of administering 134256
the tax. All revenue arising from the tax shall be credited to 134257
one or more special funds in the county treasury and shall be 134258
spent solely for the purposes of paying those costs. 134259

The board of county commissioners shall adopt all rules 134260
necessary to provide for the administration of the tax subject 134261
to the same limitations on imposing penalty or interest under 134262
division (A) of this section. 134263

(T) As used in division (T) of this section: 134264

(1) "Eligible county" means a county in which a county 134265
agricultural society or independent agricultural society is 134266
organized under section 1711.01 or 1711.02 of the Revised Code, 134267
provided the agricultural society owns a facility or site in the 134268
county at which an annual harness horse race is conducted where 134269
one-day attendance equals at least forty thousand attendees. 134270

(2) "Permanent improvements," "debt charges," and 134271
"financing costs" have the same meanings as in section 133.01 of 134272
the Revised Code. 134273

(3) "Costs of permanent improvements" include all costs 134274
allowed in section 133.15 of the Revised Code. 134275

A board of county commissioners of an eligible county, by 134276
resolution adopted by a majority of the members of the board, 134277
may levy an excise tax at the rate of up to three per cent on 134278

transactions by which lodging by a hotel is or is to be 134279
furnished to transient guests for the purpose of paying the 134280
costs of permanent improvements at sites at which one or more 134281
agricultural societies conduct fairs or exhibits, including 134282
paying financing costs and debt charges on bonds, or notes in 134283
anticipation of bonds, paying the costs of maintaining or 134284
operating such permanent improvements, and paying the costs of 134285
administering the tax. 134286

A resolution adopted under division (T) of this section, 134287
other than a resolution that only extends the period of time for 134288
which the tax is levied, shall direct the board of elections to 134289
submit the question of the proposed lodging tax to the electors 134290
of the county at a special election held on the date specified 134291
by the board in the resolution, provided that the election 134292
occurs not less than ninety days after a certified copy of the 134293
resolution is transmitted to the board of elections. A 134294
resolution submitted to the electors under division (T) of this 134295
section shall not go into effect unless it is approved by a 134296
majority of those voting upon it. The resolution takes effect on 134297
the date the board of county commissioners receives notification 134298
from the board of elections of an affirmative vote. 134299

The tax shall remain in effect for the period specified in 134300
the resolution, not to exceed five years, and may be extended 134301
for an additional period of years that is at least the number of 134302
years required for payment of the debt charges on bonds or notes 134303
in anticipation of bonds authorized under this division but not 134304
in excess of fifteen years thereafter by a resolution adopted by 134305
a majority of the members of the board. A resolution extending 134306
the period of time for which the tax is in effect is not subject 134307
to approval of the electors of the county, but is subject to 134308
referendum under sections 305.31 to 305.99 of the Revised Code. 134309

All revenue arising from the tax shall be credited to one or 134310
more special funds in the county treasury and shall be spent 134311
solely for the purposes of paying the costs of such permanent 134312
improvements, including paying financing costs and debt charges 134313
on bonds, or notes in anticipation of bonds, and maintaining or 134314
operating the improvements. Revenue allocated for the use of a 134315
county agricultural society may be credited to the county 134316
agricultural society fund created in section 1711.16 of the 134317
Revised Code upon appropriation by the board. If revenue is 134318
credited to that fund, it shall be expended only as provided in 134319
that section. 134320

The board of county commissioners shall adopt all rules 134321
necessary to provide for the administration of the tax. The 134322
rules may prescribe the time for payment of the tax, and may 134323
provide for the imposition or penalty or interest, or both, for 134324
late payments, provided that the penalty does not exceed ten per 134325
cent of the amount of tax due, and the rate at which interest 134326
accrues does not exceed the rate per annum prescribed in section 134327
5703.47 of the Revised Code. 134328

The board of county commissioners may issue bonds, or 134329
notes in anticipation thereof, pursuant to Chapter 133. of the 134330
Revised Code, for the purpose of paying the costs of permanent 134331
improvements as authorized in this division and pledge the 134332
revenue arising from the tax for that purpose. The board of 134333
county commissioners may pledge or contribute the revenue 134334
arising from the tax levied under this division to a port 134335
authority created under Chapter 4582. of the Revised Code, and 134336
the port authority may issue bonds, or notes in anticipation 134337
thereof, pursuant to that chapter, for the purpose of paying the 134338
costs of permanent improvements as authorized in this division. 134339

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional lodging tax on transactions by which lodging by a hotel is or is to be furnished to transient guests for the purpose of financing lakeshore improvement projects constructed or financed by the port authority under that section. The resolution levying the tax shall specify the purpose of the tax, the rate of the tax, which shall not exceed two per cent, and the number of years the tax will be levied or that it will be levied for a continuing period of time. The tax shall be administered pursuant to the regulations adopted by the board under division (A) of this section, except that all the proceeds of the tax levied under this division shall be pledged to the payment of the costs, including debt charges, of lakeshore improvements undertaken by a port authority pursuant to the agreement under section 4582.56 of the Revised Code. No revenue from the tax may be used to pay the current expenses of the port authority.

A resolution levying a tax under division (U) of this section is subject to referendum under sections 305.31 to 305.41 and 305.99 of the Revised Code.

(V) (1) As used in division (V) of this section:

(a) "Tourism development district" means a district

designated by a municipal corporation under section 715.014 of 134370
the Revised Code or by a township under section 503.56 of the 134371
Revised Code. 134372

(b) "Lodging tax" means a tax levied pursuant to this 134373
section or section 5739.08 of the Revised Code. 134374

(c) "Tourism development district lodging tax proceeds" 134375
means all proceeds of a lodging tax derived from transactions by 134376
which lodging by a hotel located in a tourism development 134377
district is or is to be provided to transient guests. 134378

(d) "Eligible county" has the same meaning as in section 134379
307.678 of the Revised Code. 134380

(2) (a) Notwithstanding division (A) of this section, the 134381
board of county commissioners, board of township trustees, or 134382
legislative authority of any county, township, or municipal 134383
corporation that levies a lodging tax on September 29, 2017, and 134384
in which any part of a tourism development district is located 134385
on or after that date shall amend the ordinance or resolution 134386
levying the tax to require either of the following: 134387

(i) In the case of a tax levied by a county, that all 134388
tourism development district lodging tax proceeds from that tax 134389
be used exclusively to foster and develop tourism in the tourism 134390
development district; 134391

(ii) In the case of a tax levied by a township or 134392
municipal corporation, that all tourism development district 134393
lodging tax proceeds from that tax be used exclusively to foster 134394
and develop tourism in the tourism development district. 134395

(b) Notwithstanding division (A) of this section, any 134396
ordinance or resolution levying a lodging tax adopted on or 134397
after September 29, 2017, by a county, township, or municipal 134398

corporation in which any part of a tourism development district 134399
is located on or after that date shall require that all tourism 134400
development district lodging tax proceeds from that tax be used 134401
exclusively to foster and develop tourism in the tourism 134402
development district. 134403

(c) A county shall not use any of the proceeds described 134404
in division (V) (2) (a) (i) or (V) (2) (b) of this section unless the 134405
convention and visitors' bureau operating within the county 134406
approves the manner in which such proceeds are used to foster 134407
and develop tourism in the tourism development district. Upon 134408
obtaining such approval, the county may pay such proceeds to the 134409
bureau to use for the agreed-upon purpose. 134410

A municipal corporation or township shall not use any of 134411
the proceeds described in division (V) (2) (a) (ii) or (V) (2) (b) of 134412
this section unless the convention and visitors' bureau 134413
operating within the municipal corporation or township approves 134414
the manner in which such proceeds are used to foster and develop 134415
tourism in the tourism development district. Upon obtaining such 134416
approval, the municipal corporation or township may pay such 134417
proceeds to the bureau to use for the agreed-upon purpose. 134418

(3) (a) Notwithstanding division (A) of this section, the 134419
board of county commissioners of an eligible county that levies 134420
a lodging tax on March 23, 2018, may amend the resolution 134421
levying that tax to require that all or a portion of the 134422
proceeds of that tax otherwise required to be spent solely to 134423
make contributions to the convention and visitors' bureau 134424
operating within the county shall be used to foster and develop 134425
tourism in a tourism development district. 134426

(b) Notwithstanding division (A) of this section, the 134427
board of county commissioners of an eligible county that adopts 134428

a resolution levying a lodging tax on or after March 23, 2018, 134429
may require that all or a portion of the proceeds of that tax 134430
otherwise required to be spent solely to make contributions to 134431
the convention and visitors' bureau operating within the county 134432
pursuant to division (A) of this section shall be used to foster 134433
and develop tourism in a tourism development district. 134434

(c) A county shall not use any of the proceeds in the 134435
manner described in division (V) (3) (a) or (b) of this section 134436
unless the convention and visitors' bureau operating within the 134437
county approves the manner in which such proceeds are used to 134438
foster and develop tourism in the tourism development district. 134439
Upon obtaining such approval, the county may pay such proceeds 134440
to the bureau to use for the agreed upon purpose. 134441

(W) (1) As used in division (W) of this section: 134442

(a) "Eligible county" means a county with a population 134443
greater than three hundred thousand and less than three hundred 134444
fifty thousand that levies a tax under division (A) of this 134445
section at a rate of three per cent; 134446

(b) "Cost" and "facility" have the same meanings as in 134447
section 351.01 of the Revised Code. 134448

(2) A board of county commissioners of an eligible county, 134449
by resolution adopted by a majority of the members of the board, 134450
may levy an excise tax at the rate of up to three per cent on 134451
transactions by which lodging by a hotel is or is to be 134452
furnished to transient guests. All of the revenue from the tax 134453
shall be used to pay the costs of administering the tax or 134454
pledged and contributed to a convention facilities authority 134455
established by the board of county commissioners under Chapter 134456
351. of the Revised Code and used by the authority to pay the 134457

cost of constructing a facility in the county, including paying 134458
bonds, or notes issued in anticipation of bonds, as provided by 134459
that chapter, or paying the expenses of maintaining, operating, 134460
or promoting such a facility. No portion of the revenue arising 134461
from the tax need be returned to municipal corporations or 134462
townships as required for taxes levied under division (A) of 134463
this section. 134464

(3) A resolution adopted under division (W) of this 134465
section shall direct the board of elections to submit the 134466
question of the proposed lodging tax to the electors of the 134467
county at a special election held on the date specified by the 134468
board in the resolution, provided that the election occurs not 134469
less than ninety days after a certified copy of the resolution 134470
is transmitted to the board of elections. A resolution submitted 134471
to the electors under division (W) of this section shall not go 134472
into effect unless it is approved by a majority of those voting 134473
upon it. The resolution takes effect on the date the board of 134474
county commissioners receives notification from the board of 134475
elections of an affirmative vote. 134476

(4) Once the tax is approved by the electors of the county 134477
pursuant to division (W) (3) of this section, it shall not be 134478
subject to diminution by initiative or referendum or by law 134479
while any bonds, or notes in anticipation of bonds, issued by 134480
the authority under Chapter 351. of the Revised Code to which 134481
the revenue is pledged, remain outstanding in accordance with 134482
their terms, unless provision is made by law or by the board of 134483
county commissioners for an adequate substitute therefore that 134484
is satisfactory to the trustee if a trust agreement secures the 134485
bonds. 134486

(5) The tax authorized by division (W) of this section 134487

shall be in addition to any other tax that is levied pursuant to 134488
this section. 134489

(X) (1) As used in division (X) of this section: 134490

(a) "Convention facilities authority," "cost," and 134491
"facility" have the same meanings as in section 351.01 of the 134492
Revised Code, except that "facility" does not include a "sports 134493
facility," as that term is defined in that section, other than a 134494
facility intended to house a major league soccer team. 134495

(b) "Eligible county" means a county with a population 134496
greater than eight hundred thousand but less than one million 134497
that levies a tax under division (A) of this section. 134498

(c) "Port authority" means a port authority created under 134499
Chapter 4582. of the Revised Code. 134500

(2) A board of county commissioners or the legislative 134501
authority of an eligible county may, by resolution adopted by a 134502
majority of the members of the board or legislative authority, 134503
levy an excise tax at a rate not to exceed one per cent on 134504
transactions by which lodging by a hotel is or is to be 134505
furnished to transient guests. All revenue arising from the tax 134506
shall be used to pay the costs of administering the tax or 134507
pledged and contributed to the convention and visitors' bureau 134508
operating within the applicable eligible county, a convention 134509
facilities authority within the applicable eligible county, or a 134510
port authority and used by the convention and visitors' bureau, 134511
the convention facilities authority, or the port authority to 134512
pay the cost of acquiring, constructing, renovating, expanding, 134513
maintaining, or operating one or more facilities in the county, 134514
including paying bonds, or notes issued in anticipation of 134515
bonds, or paying the expenses of maintaining, operating, or 134516

promoting one or more facilities. No portion of the revenue 134517
arising from the tax need be returned to municipal corporations 134518
or townships as required for taxes levied under division (A) of 134519
this section. 134520

(3) The tax authorized by division (X) of this section 134521
shall be in addition to any other tax that is levied pursuant to 134522
this section. 134523

(4) Any board of county commissioners of an eligible 134524
county that, pursuant to division (D) (2) of this section, has 134525
amended a resolution levying the tax authorized by division (A) 134526
of this section may further amend the resolution to provide that 134527
all or a portion of the revenue referred to in division (D) (2) 134528
(b) of this section and division (A) of this section may be 134529
pledged and contributed to pay the costs of acquiring, 134530
constructing, renovating, expanding, maintaining, or operating 134531
one or more facilities in the county, including paying bonds, or 134532
notes issued in anticipation of bonds, or paying the expenses of 134533
maintaining, operating, or promoting one or more facilities. 134534

(Y) For the purpose of contributing revenue to pay for 134535
public safety services in a resort area designated under section 134536
5739.101 of the Revised Code, a board of county commissioners 134537
may amend a resolution adopted under division (A) of this 134538
section to increase the rate of the tax by not more than an 134539
additional one per cent, so long as the total tax rate levied 134540
under this section by that county does not exceed five per cent. 134541
The revenue from that increase shall be used exclusively to pay 134542
for public safety services in the resort area. 134543

Sec. 5739.092. (A) Except as provided in division (B) or 134544
(C) of this section, money collected by a county and distributed 134545
under section 5739.09 of the Revised Code to a convention and 134546

visitors' bureau in existence as of June 30, 2013, except for 134547
any such money pledged, as of that date, to the payment of debt 134548
service charges on bonds, notes, securities, or lease 134549
agreements, shall be used solely for tourism sales, marketing 134550
and promotion, and their associated costs, including operational 134551
and administrative costs of the bureau, sales and marketing, and 134552
maintenance of the physical bureau structure. 134553

(B) A convention and visitors' bureau that has entered 134554
into an agreement under section 307.678 of the Revised Code may 134555
use revenue it receives from a tax levied under division (A) of 134556
section 5739.09 of the Revised Code as described in division (E) 134557
of section 307.678 of the Revised Code. 134558

(C) The convention and visitors' bureau of a county with a 134559
population of less than one hundred thousand and annual receipts 134560
from one or more taxes levied pursuant to section 5739.09 of the 134561
Revised Code in excess of five hundred thousand dollars, may, in 134562
addition to the purposes specified in division (A) of this 134563
section, spend revenue from a tax levied under section 5739.09 134564
of the Revised Code to pay the costs of public safety services, 134565
an economic development project, or an infrastructure project, 134566
provided the services or project impact tourism. 134567

Sec. 5739.101. (A) The legislative authority of a 134568
municipal corporation, by ordinance or resolution, or of a 134569
township, by resolution, may declare the municipal corporation 134570
or township to be a resort area for the purposes of this 134571
section, if all of the following criteria are met: 134572

(1) According to statistics published by the federal 134573
government based on data compiled during the most recent 134574
decennial census of the United States, at least sixty-two per 134575
cent of total housing units in the municipal corporation or 134576

township are classified as "for seasonal, recreational, or 134577
occasional use"; 134578

(2) Entertainment and recreation facilities are provided 134579
within the municipal corporation or township that are primarily 134580
intended to provide seasonal leisure time activities for persons 134581
other than permanent residents of the municipal corporation or 134582
township; 134583

(3) The municipal corporation or township experiences 134584
seasonal peaks of employment and demand for government services 134585
as a direct result of the seasonal population increase. 134586

(B) For the purpose of providing revenue for its general 134587
fund, the legislative authority of a municipal corporation or 134588
township, in its ordinance or resolution declaring itself a 134589
resort area under this section, may levy a tax on the privilege 134590
of engaging in the business of either of the following: 134591

(1) Making sales in the municipal corporation or township, 134592
whether wholesale or retail, but including sales of food only to 134593
the extent such sales are subject to the tax levied under 134594
section 5739.02 of the Revised Code; 134595

(2) Intrastate transportation of passengers or property 134596
primarily to or from the municipal corporation or township by a 134597
railroad, watercraft, or motor vehicle subject to regulation by 134598
the public utilities commission, except not including 134599
transportation of passengers as part of a tour or cruise in 134600
which the passengers will stay in the municipal corporation or 134601
township for no more than one hour. 134602

The tax is imposed upon and shall be paid by the person 134603
making the sales or transporting the passengers or property. ~~The~~ 134604
Except as provided in division (G) of this section, the rate of 134605

the tax shall be one-half, one, or one and one-half per cent of 134606
the person's gross receipts derived from making the sales or 134607
transporting the passengers or property to or from the municipal 134608
corporation or township. 134609

(C) For the purpose of fostering and developing tourism in 134610
a tourism development district designated under section 503.56 134611
or 715.014 of the Revised Code, the legislative authority of a 134612
municipal corporation or township, by ordinance or resolution 134613
adopted on or before December 31, 2020, may levy a tax on the 134614
privilege of engaging in the business of making sales in the 134615
tourism development district, whether wholesale or retail, but 134616
including sales of food only to the extent such sales are 134617
subject to the tax levied under section 5739.02 of the Revised 134618
Code. 134619

The tax is imposed upon and shall be paid by the person 134620
making the sales. The rate of the tax shall be one-half, one, 134621
one and one-half, or two per cent of the person's gross receipts 134622
derived from making the sales in the tourism development 134623
district. 134624

(D) A tax levied under division (B) or (C) of this section 134625
shall take effect on the first day of the month that begins at 134626
least sixty days after the effective date of the ordinance or 134627
resolution by which it is levied. The legislative authority 134628
shall certify copies of the ordinance or resolution to the tax 134629
commissioner and treasurer of state within five days after its 134630
adoption. In addition, one time each week during the two weeks 134631
following the adoption of the ordinance or resolution, the 134632
legislative authority shall cause to be published in a newspaper 134633
of general circulation in the municipal corporation or township, 134634
or as provided in section 7.16 of the Revised Code, a notice 134635

explaining the tax and stating the rate of the tax, the date it 134636
will take effect, and that persons subject to the tax must 134637
register with the tax commissioner under section 5739.103 of the 134638
Revised Code. 134639

(E) No more than once a year, and subject to the rates 134640
prescribed in division (B) or (C) of this section, the 134641
legislative authority of the municipal corporation or township, 134642
by ordinance or resolution, may increase or decrease the rate of 134643
a tax levied under this section. The legislative authority, by 134644
ordinance or resolution, at any time may repeal such a tax. The 134645
legislative authority shall certify to the tax commissioner and 134646
treasurer of state copies of the ordinance or resolution 134647
repealing or changing the rate of the tax within five days after 134648
its adoption. In addition, one time each week during the two 134649
weeks following the adoption of the ordinance or resolution, the 134650
legislative authority shall cause to be published in a newspaper 134651
of general circulation in the municipal corporation or township, 134652
or as provided in section 7.16 of the Revised Code, notice of 134653
the repeal or change. 134654

(F) A person may separately or proportionately bill or 134655
invoice a tax levied pursuant to division (B) or (C) of this 134656
section to another person. 134657

(G) The legislative authority of a municipal corporation, 134658
by ordinance or resolution, or of a township, by resolution, may 134659
increase the rate of the tax levied under division (B) of this 134660
section to two or two and one-half per cent with the approval of 134661
a majority of the electors of the municipal corporation or 134662
township voting on the question at a general or special 134663
election. The municipal corporation or township shall certify a 134664
copy of the ordinance or resolution to the tax commissioner 134665

within five days after its adoption. In addition, one time each 134666
week during the two weeks following the adoption of the 134667
ordinance or resolution, the legislative authority shall cause 134668
to be published in a newspaper of general circulation in the 134669
municipal corporation or township, or as provided in section 134670
7.16 of the Revised Code, a notice explaining the tax and 134671
stating the current rate of the tax, what the rate would be if 134672
subject to the proposed increase, and the date it will take 134673
effect, if approved by electors. 134674

The legislative authority of the municipal corporation or 134675
township shall file with the board of elections at least ninety 134676
days before the day of the election a copy of the ordinance or 134677
resolution, which shall specify the date the election is to be 134678
held and directs the board of elections to conduct the election. 134679
The ballot shall be in the following form: "Shall the rate of a 134680
resort area tax levied by _____ (name of municipal corporation or 134681
township) from _____ % to _____ % be passed? 134682
134683

<u>For the resort area tax</u> <u>increase</u>	
<u>Against the resort area</u> <u>tax increase</u>	" —

A tax levied under division (G) of this section takes 134684
effect on the first day of the calendar quarter that begins at 134685
least sixty-five days after the date the tax commissioner 134686
receives notice of the affirmative vote. 134687

Sec. 5739.12. (A) (1) Each person who has or is required to 134688
have a vendor's license, on or before the twenty-third day of 134689
each month, shall make and file a return for the preceding month 134690

in the form prescribed by the tax commissioner, and shall pay 134691
the tax shown on the return to be due. The return shall be filed 134692
electronically using the Ohio business gateway, as defined in 134693
section 718.01 of the Revised Code, the Ohio telefile system, or 134694
any other electronic means prescribed by the commissioner. 134695
Payment of the tax shown on the return to be due shall be made 134696
electronically in a manner approved by the commissioner. The 134697
commissioner may require a vendor that operates from multiple 134698
locations or has multiple vendor's licenses to report all tax 134699
liabilities on one consolidated return. The return shall show 134700
the amount of tax due from the vendor to the state for the 134701
period covered by the return and such other information as the 134702
commissioner deems necessary for the proper administration of 134703
this chapter. The commissioner may extend the time for making 134704
and filing returns and paying the tax, and may require that the 134705
return for the last month of any annual or semiannual period, as 134706
determined by the commissioner, be a reconciliation return 134707
detailing the vendor's sales activity for the preceding annual 134708
or semiannual period. The reconciliation return shall be filed 134709
by the last day of the month following the last month of the 134710
annual or semiannual period. The commissioner may remit all or 134711
any part of amounts or penalties that may become due under this 134712
chapter and may adopt rules relating thereto. Such return shall 134713
be filed electronically as directed by the tax commissioner, and 134714
payment of the amount of tax shown to be due thereon, after 134715
deduction of any discount provided for under this section, shall 134716
be made electronically in a manner approved by the tax 134717
commissioner. 134718

(2) Any person required to file returns and make payments 134719
electronically under division (A)(1) of this section may apply 134720
to the tax commissioner on a form prescribed by the commissioner 134721

to be excused from that requirement. For good cause shown, the 134722
commissioner may excuse the person from that requirement and may 134723
permit the person to file the returns and make the payments 134724
required by this section by nonelectronic means. 134725

(B) (1) If the return is filed and the amount of tax shown 134726
thereon to be due is paid on or before the date such return is 134727
required to be filed, the vendor shall be entitled to a discount 134728
of the lesser of seven hundred fifty dollars per vendor's 134729
license for each month covered by the return or three-fourths of 134730
one per cent of the amount shown to be due on the return. 134731

(2) A vendor that has selected a certified service 134732
provider as its agent shall not be entitled to the discount if 134733
the certified service provider receives a monetary allowance 134734
pursuant to section 5739.06 of the Revised Code for performing 134735
the vendor's sales and use tax functions in this state. Amounts 134736
paid to the clerk of courts pursuant to section 4505.06 of the 134737
Revised Code shall be subject to the applicable discount. The 134738
discount shall be in consideration for prompt payment to the 134739
clerk of courts and for other services performed by the vendor 134740
in the collection of the tax. 134741

(C) (1) Upon application to the tax commissioner, a vendor 134742
who is required to file monthly returns may be relieved of the 134743
requirement to report and pay the actual tax due, provided that 134744
the vendor agrees to remit to the commissioner payment of not 134745
less than an amount determined by the commissioner to be the 134746
average monthly tax liability of the vendor, based upon a review 134747
of the returns or other information pertaining to such vendor 134748
for a period of not less than six months nor more than two years 134749
immediately preceding the filing of the application. Vendors who 134750
agree to the above conditions shall make and file an annual or 134751

semiannual reconciliation return, as prescribed by the 134752
commissioner. The reconciliation return shall be filed 134753
electronically as directed by the tax commissioner, and payment 134754
of the amount of tax shown to be due thereon, after deduction of 134755
any discount provided in this section, shall be made 134756
electronically in a manner approved by the commissioner. Failure 134757
of a vendor to comply with any of the above conditions may 134758
result in immediate reinstatement of the requirement of 134759
reporting and paying the actual tax liability on each monthly 134760
return, and the commissioner may at the commissioner's 134761
discretion deny the vendor the right to report and pay based 134762
upon the average monthly liability for a period not to exceed 134763
two years. The amount ascertained by the commissioner to be the 134764
average monthly tax liability of a vendor may be adjusted, based 134765
upon a review of the returns or other information pertaining to 134766
the vendor for a period of not less than six months nor more 134767
than two years preceding such adjustment. 134768

(2) The commissioner may authorize vendors whose tax 134769
liability is not such as to merit monthly returns, as 134770
ascertained by the commissioner upon the basis of administrative 134771
costs to the state, to make and file returns at less frequent 134772
intervals. When returns are filed at less frequent intervals in 134773
accordance with such authorization, the vendor shall be allowed 134774
the discount provided in this section in consideration for 134775
prompt payment with the return, provided the return is filed and 134776
payment is made of the amount of tax shown to be due thereon, at 134777
the time specified by the commissioner, but a vendor that has 134778
selected a certified service provider as its agent shall not be 134779
entitled to the discount. 134780

(D) Any vendor who fails to file a return or to pay the 134781
full amount of the tax shown on the return to be due in the 134782

manner prescribed under this section and the rules of the 134783
commissioner may, for each such return, be required to forfeit 134784
and pay into the state treasury an additional charge not 134785
exceeding fifty dollars or ten per cent of the tax required to 134786
be paid for the reporting period, whichever is greater, as 134787
revenue arising from the tax imposed by this chapter, and such 134788
sum may be collected by assessment in the manner provided in 134789
section 5739.13 of the Revised Code. The commissioner may remit 134790
all or a portion of the additional charge and may adopt rules 134791
relating to the imposition and remission of the additional 134792
charge. 134793

(E) If the amount required to be collected by a vendor 134794
from consumers is in excess of the applicable percentage of the 134795
vendor's receipts from sales that are taxable under section 134796
5739.02 of the Revised Code, or in the case of sales subject to 134797
a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 134798
of the Revised Code, in excess of the percentage equal to the 134799
aggregate rate of such taxes and the tax levied by section 134800
5739.02 of the Revised Code, such excess shall be remitted along 134801
with the remittance of the amount of tax due under section 134802
5739.10 of the Revised Code. 134803

(F) The commissioner, if the commissioner deems it 134804
necessary in order to insure the payment of the tax imposed by 134805
this chapter, may require returns and payments to be made for 134806
other than monthly periods. 134807

(G) Any vendor required to file a return and pay the tax 134808
under this section whose total payment for a year equals or 134809
exceeds the amount shown in division (A) of section 5739.122 of 134810
the Revised Code is subject to the accelerated tax payment 134811
requirements in divisions (B) and (C) of that section. For a 134812

vendor that operates from multiple locations or has multiple 134813
vendor's licenses, in determining whether the vendor's total 134814
payment equals or exceeds the amount shown in division (A) of 134815
that section, the vendor's total payment amount shall be the 134816
amount of the vendor's total tax liability for the previous 134817
calendar year for all of the vendor's locations or licenses. 134818

Sec. 5739.13. (A) If any vendor collects the tax imposed 134819
by or pursuant to section 5739.02, 5739.021, 5739.023, or 134820
5739.026 of the Revised Code, and fails to remit the tax to the 134821
state as prescribed, or on the sale of a motor vehicle, 134822
watercraft, or outboard motor required to be titled, fails to 134823
remit payment to a clerk of a court of common pleas as provided 134824
in section 1548.06 or 4505.06 of the Revised Code, the vendor 134825
shall be personally liable for any tax collected and not 134826
remitted. The tax commissioner may make an assessment against 134827
such vendor based upon any information in the commissioner's 134828
possession. 134829

If any vendor fails to collect the tax or any consumer 134830
fails to pay the tax imposed by or pursuant to section 5739.02, 134831
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 134832
transaction subject to the tax, the vendor or consumer shall be 134833
personally liable for the amount of the tax applicable to the 134834
transaction. The commissioner may make an assessment against 134835
either the vendor or consumer, as the facts may require, based 134836
upon any information in the commissioner's possession. 134837

An assessment against a vendor when the tax imposed by or 134838
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 134839
the Revised Code has not been collected or paid, shall not 134840
discharge the purchaser's or consumer's liability to reimburse 134841
the vendor for the tax applicable to such transaction. 134842

An assessment issued against either, pursuant to this 134843
section, shall not be considered an election of remedies, nor a 134844
bar to an assessment against the other for the tax applicable to 134845
the same transaction, provided that no assessment shall be 134846
issued against any person for the tax due on a particular 134847
transaction if the tax on that transaction actually has been 134848
paid by another. 134849

The commissioner may make an assessment against any vendor 134850
who fails to file a return or remit the proper amount of tax 134851
required by this chapter, or against any consumer who fails to 134852
pay the proper amount of tax required by this chapter. When 134853
information in the possession of the commissioner indicates that 134854
the amount required to be collected or paid under this chapter 134855
is greater than the amount remitted by the vendor or paid by the 134856
consumer, the commissioner may audit a sample of the vendor's 134857
sales or the consumer's purchases for a representative period, 134858
to ascertain the per cent of exempt or taxable transactions or 134859
the effective tax rate and may issue an assessment based on the 134860
audit. The commissioner shall make a good faith effort to reach 134861
agreement with the vendor or consumer in selecting a 134862
representative sample. 134863

The commissioner may make an assessment, based on any 134864
information in the commissioner's possession, against any person 134865
who fails to file a return or remit the proper amount of tax 134866
required by section 5739.102 of the Revised Code. 134867

The commissioner may issue an assessment on any 134868
transaction for which any tax imposed under this chapter or 134869
Chapter 5741. of the Revised Code was due and unpaid on the date 134870
the vendor or consumer was informed by an agent of the tax 134871
commissioner of an investigation or audit. If the vendor or 134872

consumer remits any payment of the tax for the period covered by 134873
the assessment after the vendor or consumer was informed of the 134874
investigation or audit, the payment shall be credited against 134875
the amount of the assessment. 134876

The commissioner shall give the party assessed written 134877
notice of the assessment in the manner provided in section 134878
5703.37 of the Revised Code. With the notice, the commissioner 134879
shall provide instructions on how to petition for reassessment 134880
and request a hearing on the petition. 134881

(B) Unless the party assessed files with the commissioner 134882
within sixty days after service of the notice of assessment, ~~—~~ 134883
~~either personally or by certified mail,~~ a written petition for 134884
reassessment, signed by the party assessed or that party's 134885
authorized agent having knowledge of the facts, the assessment 134886
becomes final and the amount of the assessment is due from the 134887
party assessed and payable to the treasurer of state and 134888
remitted to the tax commissioner. The petition shall indicate 134889
the objections of the party assessed, but additional objections 134890
may be raised in writing if received by the commissioner prior 134891
to the date shown on the final determination. If the petition 134892
has been properly filed, the commissioner shall proceed under 134893
section 5703.60 of the Revised Code. 134894

(C) After an assessment becomes final, if any portion of 134895
the assessment remains unpaid, including accrued interest, a 134896
certified copy of the commissioner's entry making the assessment 134897
final may be filed in the office of the clerk of the court of 134898
common pleas in the county in which the place of business of the 134899
party assessed is located or the county in which the party 134900
assessed resides. If the party assessed maintains no place of 134901
business in this state and is not a resident of this state, the 134902

certified copy of the entry may be filed in the office of the 134903
clerk of the court of common pleas of Franklin county. 134904

Immediately upon the filing of the entry, the clerk shall 134905
enter a judgment for the state against the party assessed in the 134906
amount shown on the entry. The judgment may be filed by the 134907
clerk in a loose-leaf book entitled "special judgments for 134908
state, county, and transit authority retail sales tax" or, if 134909
appropriate, "special judgments for resort area excise tax," and 134910
shall have the same effect as other judgments. Execution shall 134911
issue upon the judgment upon the request of the tax 134912
commissioner, and all laws applicable to sales on execution 134913
shall apply to sales made under the judgment except as otherwise 134914
provided in this chapter. 134915

If the assessment is not paid in its entirety within sixty 134916
days after the date the assessment was issued, the portion of 134917
the assessment consisting of tax due shall bear interest at the 134918
rate per annum prescribed by section 5703.47 of the Revised Code 134919
from the day the tax commissioner issues the assessment until 134920
the assessment is paid or until it is certified to the attorney 134921
general for collection under section 131.02 of the Revised Code, 134922
whichever comes first. If the unpaid portion of the assessment 134923
is certified to the attorney general for collection, the entire 134924
unpaid portion of the assessment shall bear interest at the rate 134925
per annum prescribed by section 5703.47 of the Revised Code from 134926
the date of certification until the date it is paid in its 134927
entirety. Interest shall be paid in the same manner as the tax 134928
and may be collected by issuing an assessment under this 134929
section. 134930

(D) All money collected by the tax commissioner under this 134931
section shall be paid to the treasurer of state, and when paid 134932

shall be considered as revenue arising from the taxes imposed by 134933
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 134934

Sec. 5739.132. (A) If a tax, fee, or charge due under this 134935
chapter or Chapter 128. or 5741. of the Revised Code is not paid 134936
on or before the day the payment is required to be paid, 134937
interest shall accrue on the unpaid tax, fee, or charge at the 134938
rate per annum prescribed by section 5703.47 of the Revised Code 134939
from the day the tax, fee, or charge was required to be paid 134940
until the tax, fee, or charge is paid or until the day an 134941
assessment is issued under section 5739.13 or 5739.15 of the 134942
Revised Code, whichever occurs first. Interest shall be paid in 134943
the same manner as the tax, fee, or charge, and may be collected 134944
by assessment. 134945

~~(B) Interest~~ (B) (1) Except as provided in division (B) (2) 134946
of this section, interest shall be allowed and paid on any 134947
refund granted pursuant to section 128.47, 5739.07, or 5741.10 134948
of the Revised Code from the date of the overpayment. The 134949
interest shall be computed at the rate per annum prescribed by 134950
section 5703.47 of the Revised Code. 134951

(2) No interest shall be allowed or paid on a refund of a 134952
tax levied pursuant to section 5739.021, 5739.026, 5741.021, or 134953
5741.023 of the Revised Code. 134954

Sec. 5739.31. (A) (1) No person shall engage in the 134955
business of selling at retail or sell at retail incidental to 134956
any other regularly conducted business without having a license 134957
therefor, as required by sections 5739.01 to 5739.31 of the 134958
Revised Code. 134959

(2) No person shall engage in the business of selling at 134960
retail as a transient vendor, as defined in section 5739.17 of 134961

the Revised Code, without first having obtained a license as 134962
required by that section. 134963

(B) No person shall continue to engage in the business of 134964
selling at retail or sell at retail incidental to any other 134965
regularly conducted business after the license issued to that 134966
person pursuant to section 5739.17 of the Revised Code has been 134967
suspended by the tax commissioner under division (B) (2) of 134968
section 5739.30 of the Revised Code, nor shall any person obtain 134969
a new license from ~~the~~ any county auditor or the tax 134970
commissioner while such suspension is in effect. If a 134971
corporation's license has been suspended, none of its officers, 134972
or employees having control or supervision of or charged with 134973
the responsibility of filing returns and making payments of tax 134974
due, shall obtain a license from ~~the~~ any county auditor or the 134975
tax commissioner during the period of such suspension. The tax 134976
commissioner may cancel any licenses granted while the 134977
suspension is in effect. 134978

Sec. 5743.021. (A) As used in this section, "qualifying 134979
regional arts and cultural district" means a regional arts and 134980
cultural district created under section 3381.04 of the Revised 134981
Code in a county ~~having that either has a population of at least~~ 134982
eight hundred thousand but not more than one million two hundred 134983
thousand or more according to the 2000 federal decennial 134984
census ~~or~~ has adopted a charter under Ohio Constitution, Article 134985
X, Section 3. 134986

(B) For one or more of the purposes for which a tax may be 134987
levied under section 3381.16 of the Revised Code and for the 134988
purposes of paying the expenses of administering the tax and the 134989
expenses charged by a board of elections to hold an election on 134990
a question submitted under this section, the board of county 134991

commissioners of a county that has within its territorial 134992
boundaries a qualifying regional arts and cultural district may 134993
levy a tax on the sale of cigarettes sold for resale at retail 134994
in the county composing the district computed on each cigarette 134995
sold. The rate of the tax, when added to the rate of any other 134996
tax concurrently levied by the board under this section, shall 134997
equal one of the following: 134998

(1) If the tax begins to apply before May 1, 2023, up to 134999
fifteen mills per cigarette; 135000

(2) If the tax begins to apply on or after ~~the first day~~ 135001
~~of the first month after the effective date of this amendment~~ May 135002
1, 2023, the rate, in mills per cigarette, specified in the 135003
resolution levying the tax. 135004

Only one sale of the same article shall be used in 135005
computing the amount of tax due. The tax may be levied for any 135006
number of years not exceeding ten years. 135007

The tax shall be levied pursuant to a resolution of the 135008
board of county commissioners approved by a majority of the 135009
electors in the county voting on the question of levying the 135010
tax. The resolution shall specify the rate of the tax, the 135011
number of years the tax will be levied, and the purposes for 135012
which the tax is levied. The election may be held on the date of 135013
a general, primary, or special election held not sooner than 135014
ninety days after the date the board certifies its resolution to 135015
the board of elections. If approved by the electors, the tax 135016
shall take effect on the first day of the month specified in the 135017
resolution but not sooner than the first day of the month that 135018
is at least sixty days after the certification of the election 135019
results by the board of elections. A copy of the resolution 135020
levying the tax shall be certified to the tax commissioner at 135021

least sixty days prior to the date on which the tax is to become 135022
effective. 135023

A board of county commissioners may adopt a resolution 135024
under this division proposing to replace a tax levied under 135025
division (B) (1) of this section with a tax levied under division 135026
(B) (2) of this section. Such a resolution shall state, in 135027
addition to other information required under this division, that 135028
the existing levy or levies terminate upon the passage of the 135029
replacement levy. The failure of the electors to approve a 135030
replacement levy does not terminate the existing levy or levies. 135031

(C) (1) The form of the ballot in an election held to 135032
propose a tax under division (B) (1) of this section shall be as 135033
follows, or in any other form acceptable to the secretary of 135034
state: 135035

"For the purpose of _____ (insert the purpose or 135036
purposes of the tax), shall an excise tax be levied throughout 135037
_____ County for the benefit of the _____ (name of 135038
the qualifying regional arts and cultural district) on the sale 135039
of cigarettes at wholesale at the rate of ____ mills per 135040
cigarette for ____ years? 135041
135042

	For the tax	"
	Against the tax	

(2) The form of the ballot in an election held to propose 135043
a tax under division (B) (2) of this section shall be as follows, 135044
or in any other form acceptable to the secretary of state: 135045

"For the purpose of _____ (insert the purpose or 135046
purposes of the tax), shall an excise tax be levied throughout 135047

_____ County for the benefit of the _____ (name of 135048
the qualifying regional arts and cultural district) on the sale 135049
of cigarettes at wholesale at the rate of _____ mills per 135050
cigarette for _____ years? 135051
135052

	For the tax	"
	Against the tax	

" 135053

If the resolution of the board of county commissioners 135054
provides that an existing levy or levies will be terminated upon 135055
the passage of a replacement levy, the ballot must, for each 135056
levy that will be terminated, include a statement that: "An 135057
existing tax of _____ mills (stating the millage of the existing 135058
tax) per cigarette, having _____ years remaining, will be 135059
terminated and replaced upon the passage of this tax." 135060

(D) All money arising from taxes levied on behalf of each 135061
district under this section and section 5743.321 of the Revised 135062
Code shall be credited as follows: 135063

(1) To the tax refund fund created by section 5703.052 of 135064
the Revised Code, amounts equal to the refunds from each tax 135065
levied under this section and section 5743.321 of the Revised 135066
Code and certified by the tax commissioner pursuant to section 135067
5743.05 of the Revised Code; 135068

(2) Following the crediting of amounts pursuant to 135069
division (D) (1) of this section: 135070

(a) To the permissive tax distribution fund created under 135071
section 4301.423 of the Revised Code, an amount equal to ninety- 135072
eight per cent of the remainder collected; 135073

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

(E) No tax shall be levied under divisions (B) (1) and (2) of this section during the same month.

Sec. 5743.024. (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the county. The tax shall not exceed two and twenty-five hundredths of a mill per cigarette, and shall be computed on each cigarette sold. The tax may be levied for any number of years not exceeding twenty. Only one sale of the same article shall be used in computing the amount of tax due.

The tax shall be levied pursuant to a resolution of the county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. Such election may be held on the date of a general or special election held not sooner than ninety days after the date

the board certifies its resolution to the board of elections. If 135104
approved by the electors, the tax shall take effect on the first 135105
day of the month specified in the resolution but not sooner than 135106
the first day of the month that is at least sixty days after the 135107
certification of the election results by the board of elections. 135108
A copy of the resolution levying the tax shall be certified to 135109
the tax commissioner at least sixty days prior to the date on 135110
which the tax is to become effective. 135111

A resolution under this section may be joined on the 135112
ballot as a single question with a resolution adopted under 135113
section 307.697 or 4301.421 of the Revised Code to levy a tax 135114
for the same purposes and for the purpose of paying the expenses 135115
of administering the tax. The form of the ballot in an election 135116
held pursuant to this section shall be as prescribed in section 135117
307.697 of the Revised Code. 135118

(B) All money arising from each county's taxes levied 135119
under this section and section 5743.323 of the Revised Code 135120
shall be credited as follows: 135121

(1) To the tax refund fund created by section 5703.052 of 135122
the Revised Code, amounts equal to the refunds from each tax 135123
levied under this section certified by the tax commissioner 135124
pursuant to section 5743.05 of the Revised Code; 135125

(2) Following the crediting of amounts pursuant to 135126
division (B) (1) of this section: 135127

(a) To the permissive tax distribution fund created by 135128
division (B) (1) of section 4301.423 of the Revised Code, an 135129
amount equal to ninety-eight per cent of the remainder 135130
collected; 135131

(b) To the local excise tax administrative fund, which is 135132

hereby created in the state treasury, an amount equal to two per 135133
cent of such remainder, for use by the tax commissioner in 135134
defraying costs incurred in administering the tax. 135135

On or before the tenth day of each month, the tax 135136
commissioner shall distribute the amount credited to the 135137
permissive tax distribution fund during the preceding month by 135138
providing for payment of the appropriate amount to the county 135139
treasurer of each county levying the tax. 135140

(C) The board of county commissioners of a county in which 135141
a tax is imposed under this section on the effective date of the 135142
amendment of this section by H.B. 59 of the 130th general 135143
assembly, September 29, 2013, may levy a tax for the purpose of 135144
section 307.673 of the Revised Code regardless of whether or not 135145
the cooperative agreement authorized under that section has been 135146
entered into prior to the day the resolution adopted under 135147
division (C) (1) or (2) of this section is adopted, for the 135148
purpose of reimbursing a county for costs incurred in the 135149
construction of a sports facility pursuant to an agreement 135150
entered into by the county under section 307.696 of the Revised 135151
Code, or for the purpose of paying the costs of capital repairs 135152
of and improvements to a sports facility. The tax shall be 135153
levied and approved in one of the manners prescribed by division 135154
(C) (1) or (2) of this section. 135155

(1) The tax may be levied pursuant to a resolution adopted 135156
by a majority of the members of the board of county 135157
commissioners not later than forty-five days after July 19, 135158
1995. A board of county commissioners approving a tax under 135159
division (C) (1) of this section may approve a tax under division 135160
(D) (1) of section 307.697 or division (B) (1) of section 4301.421 135161
of the Revised Code at the same time. Subject to the resolution 135162

being submitted to a referendum under sections 305.31 to 305.41 135163
of the Revised Code, the resolution shall take effect 135164
immediately, but the tax levied pursuant to the resolution shall 135165
not be levied prior to the day following the last day that any 135166
tax previously levied pursuant to this division may be levied. 135167

(2) The tax may be levied pursuant to a resolution adopted 135168
by a majority of the members of the board of county 135169
commissioners not later than September 1, 2015, and approved by 135170
a majority of the electors of the county voting on the question 135171
of levying the tax. The board of county commissioners shall 135172
certify a copy of the resolution to the board of elections 135173
immediately upon adopting a resolution under division (C) (2) of 135174
this section. The election may be held on the date of a general 135175
or special election held not sooner than ninety days after the 135176
date the board certifies its resolution to the board of 135177
elections. The form of the ballot shall be as prescribed by 135178
division (C) of section 307.697 of the Revised Code, except that 135179
the phrase "paying not more than one-half of the costs of 135180
providing a sports facility together with related redevelopment 135181
and economic development projects" shall be replaced by the 135182
phrase "paying the costs of constructing, renovating, improving, 135183
or repairing a sports facility and reimbursing a county for 135184
costs incurred by the county in the construction of a sports 135185
facility," and the phrase ", beginning _____ (here insert 135186
the earliest date the tax would take effect)" shall be appended 135187
after "years." A board of county commissioners submitting the 135188
question of a tax under division (C) (2) of this section may 135189
submit the question of a tax under division (D) (2) of section 135190
307.697 or division (B) (2) of section 4301.421 of the Revised 135191
Code as a single question, and the form of the ballot shall 135192
include each of the proposed taxes. 135193

If approved by a majority of electors voting on the 135194
question, the tax shall take effect on the day specified on the 135195
ballot, which shall not be earlier than the day following the 135196
last day that any tax previously levied pursuant to this 135197
division may be levied. 135198

The rate of a tax levied pursuant to division (C) (1) or 135199
(2) of this section shall not exceed the rate specified in 135200
division (A) of this section. A tax levied pursuant to division 135201
(C) (1) or (2) of this section may be levied for any number of 135202
years not exceeding twenty. 135203

A board of county commissioners adopting a resolution 135204
under this division shall certify a copy of the resolution to 135205
the tax commissioner immediately upon adoption of the 135206
resolution. 135207

(D) The board of county commissioners of a county whose 135208
population is greater than one million one hundred thousand but 135209
less than one million three hundred thousand may levy a tax 135210
under this division for the purpose of section 307.673 of the 135211
Revised Code regardless of whether or not the cooperative 135212
agreement authorized under that section has been entered into 135213
prior to the day the resolution adopted under division (D) of 135214
this section is adopted, for the purpose of reimbursing a county 135215
for costs incurred in the construction of a sports facility 135216
pursuant to an agreement entered into by the county under 135217
section 307.696 of the Revised Code, or for the purpose of 135218
paying the costs of constructing, equipping, furnishing, 135219
maintaining, renovating, improving, or repairing a sports 135220
facility. The tax may be levied for any number of years or for a 135221
continuing period of time. 135222

The tax may be levied pursuant to a resolution adopted by 135223

the board of county commissioners and approved by a majority of
the electors of the county voting on the question of levying the
tax. The board of county commissioners shall certify a copy of
the resolution to the board of elections immediately upon
adopting a resolution under division (D) of this section. The
election may be held on the date of a general or special
election held not sooner than ninety days after the date the
board certifies its resolution to the board of elections. The
form of the ballot shall be as follows:

"For the purpose of _____ (state the purpose or
purposes), shall an excise tax be levied by _____ county at
the rate of _____ mills per cigarette on the sale of cigarettes
at wholesale in the county for _____ (number of years or a
continuing period of time), the tax beginning on _____ (the
earliest date the tax would take effect)?

	<u>Yes</u>
	<u>No</u>

"

A board of county commissioners submitting the question of
a tax under division (D) of this section may submit the question
of a tax under section 5743.511, division (E) of section
307.697, or division (C) of section 4301.421 of the Revised
Code, or all, as a single question, provided that each tax is
for the same purpose and period of time and the form of the
ballot states the rate of each of the proposed taxes.

If approved by a majority of electors voting on the
question, the tax shall take effect on the date specified in the
resolution but not sooner than the first day of the month that
is at least sixty days after the certification of the election

results by the board of elections. The tax levied under division 135251
(D) of this section may be approved and take effect before the 135252
expiration of the tax levied under division (C) of this section. 135253
The tax levied under division (D) of this section shall 135254
supersede and replace any tax levied under division (C) of this 135255
section, and the tax levied under division (C) of this section 135256
shall no longer be levied once the tax levied under division (D) 135257
of this section takes effect. 135258

The rate of tax levied pursuant to division (D) shall be 135259
imposed at a rate not to exceed four and one-half mills per each 135260
cigarette sold for resale at retail in the county. The tax 135261
levied pursuant to division (D) of this section shall be in 135262
addition to the tax imposed by section 5743.02 of the Revised 135263
Code. 135264

Only one sale of the same article shall be used in 135265
computing, reporting, and paying the amount of tax due. 135266

A board of county commissioners adopting a resolution 135267
under division (D) of this section shall certify a copy of the 135268
resolution to the tax commissioner immediately upon adoption of 135269
the resolution. 135270

(E) No tax shall be levied under division (A) of this 135271
section on or after September 23, 2008. This division does not 135272
apply to a tax levied under division (C) or (D) of this section, 135273
and does not prevent the collection of any tax levied under this 135274
section before September 23, 2008, so long as that tax remains 135275
effective. 135276

Sec. 5743.081. (A) If any wholesale dealer or retail 135277
dealer fails to pay the tax levied under section 5743.02, 135278
5743.021, 5743.024, or 5743.026 of the Revised Code as required 135279

by sections 5743.01 to 5743.20 of the Revised Code, and by the 135280
rules of the tax commissioner, or fails to collect the tax from 135281
the purchaser or consumer, the commissioner may make an 135282
assessment against the wholesale or retail dealer based upon any 135283
information in the commissioner's possession. 135284

The commissioner may make an assessment against any 135285
wholesale or retail dealer who fails to file a return required 135286
by section 5743.03 or 5743.025 of the Revised Code. 135287

No assessment shall be made against any wholesale or 135288
retail dealer for any taxes imposed under section 5743.02, 135289
5743.021, 5743.024, or 5743.026 of the Revised Code more than 135290
three years after the last day of the calendar month that 135291
immediately follows the monthly period prescribed in section 135292
5743.03 of the Revised Code in which the sale was made, or more 135293
than three years after the return for the month in which the 135294
sale was made is filed, whichever is later. This section does 135295
not bar an assessment against any wholesale or retail dealer who 135296
fails to file a return as required by section 5743.025 or 135297
5743.03 of the Revised Code, or who files a fraudulent return. 135298

A penalty of up to thirty per cent may be added to the 135299
amount of every assessment made under this section. The 135300
commissioner may adopt rules providing for the imposition and 135301
remission of penalties added to assessments made under this 135302
section. 135303

The commissioner shall give the party assessed written 135304
notice of the assessment in the manner provided in section 135305
5703.37 of the Revised Code. The notice shall specify separately 135306
any portion of the assessment that represents a county tax. With 135307
the notice, the commissioner shall provide instructions on how 135308
to petition for reassessment and request a hearing on the 135309

petition. 135310

(B) Unless the party assessed files with the tax 135311
commissioner within sixty days after service of the notice of 135312
assessment, ~~either personally or by certified mail,~~ a written 135313
petition for reassessment signed by the party assessed or that 135314
party's authorized agent having knowledge of the facts, the 135315
assessment becomes final and the amount of the assessment is due 135316
and payable from the party assessed to the treasurer of state. 135317
The petition shall indicate the objections of the party 135318
assessed, but additional objections may be raised in writing if 135319
received by the commissioner prior to the date shown on the 135320
final determination. If the petition has been properly filed, 135321
the commissioner shall proceed under section 5703.60 of the 135322
Revised Code. 135323

(C) After an assessment becomes final, if any portion of 135324
the assessment remains unpaid, including accrued interest, a 135325
certified copy of the tax commissioner's entry making the 135326
assessment final may be filed in the office of the clerk of the 135327
court of common pleas in the county in which the wholesale or 135328
retail dealer's place of business is located or the county in 135329
which the party assessed resides. If the party assessed 135330
maintains no place of business in this state and is not a 135331
resident of this state, the certified copy of the entry may be 135332
filed in the office of the clerk of the court of common pleas of 135333
Franklin county. 135334

Immediately upon the filing of the commissioner's entry, 135335
the clerk shall enter a judgment for the state against the party 135336
assessed in the amount shown on the entry. The judgment may be 135337
filed by the clerk in a loose-leaf book entitled "special 135338
judgments for state cigarette sales tax," and shall have the 135339

same effect as other judgments. Execution shall issue upon the 135340
judgment upon the request of the tax commissioner, and all laws 135341
applicable to sales on execution shall apply to sales made under 135342
the judgment, except as otherwise provided in sections 5743.01 135343
to 5743.20 of the Revised Code. 135344

If the assessment is not paid in its entirety within sixty 135345
days after the assessment was issued, the portion of the 135346
assessment consisting of tax due shall bear interest at the rate 135347
per annum prescribed by section 5703.47 of the Revised Code from 135348
the day the commissioner issues the assessment until it is paid 135349
or until it is certified to the attorney general for collection 135350
under section 131.02 of the Revised Code, whichever comes first. 135351
If the unpaid portion of the assessment is certified to the 135352
attorney general for collection, the entire unpaid portion of 135353
the assessment shall bear interest at the rate per annum 135354
prescribed by section 5703.47 of the Revised Code from the date 135355
of certification until the date it is paid in its entirety. 135356
Interest shall be paid in the same manner as the tax and may be 135357
collected by the issuance of an assessment under this section. 135358

(D) All money collected by the tax commissioner under this 135359
section shall be paid to the treasurer of state, and when paid 135360
shall be considered as revenue arising from the taxes imposed by 135361
sections 5743.01 to 5743.20 of the Revised Code. 135362

Sec. 5743.323. (A) For the purposes of section 307.696 of 135363
the Revised Code and to pay the expenses of levying the tax or 135364
for such purposes and to provide revenues to the county for 135365
permanent improvements, the board of county commissioners of a 135366
county that levies a tax under division (A) of section 5743.024 135367
of the Revised Code shall by resolution adopted by a majority of 135368
the board levy a tax at the same rate on the use, consumption, 135369

or storage for consumption of cigarettes by consumers in the 135370
county, provided that the tax shall not apply if the tax levied 135371
by division (A) of section 5743.024 of the Revised Code has been 135372
paid. The tax shall take effect on the date that a tax levied 135373
under division (A) of section 5743.024 of the Revised Code takes 135374
effect, and shall remain in effect as long as the tax levied 135375
under such division remains effective. 135376

No tax shall be levied under division (A) of this section 135377
on or after September 23, 2008. This paragraph does not prevent 135378
the collection of any tax levied under this section before that 135379
date so long as that tax remains effective. 135380

(B) For the purposes of section 307.696 of the Revised 135381
Code and to pay the expenses of levying the tax or for such 135382
purposes and to provide revenues to the county for permanent 135383
improvements, the board of county commissioners of a county that 135384
levies a tax under division (C) of section 5743.024 of the 135385
Revised Code shall by resolution adopted by a majority of the 135386
board levy a tax at the same rate on the use, consumption, or 135387
storage for consumption of cigarettes by consumers in the 135388
county, provided that the tax shall not apply if the tax levied 135389
by division (C) of section 5743.024 of the Revised Code has been 135390
paid. The tax shall take effect on the date that a tax levied 135391
under division (C) of section 5743.024 of the Revised Code takes 135392
effect, and shall remain in effect as long as the tax levied 135393
under such division remains effective. 135394

(C) For the purposes set forth in division (D) of section 135395
5743.024 of the Revised Code and to pay the expenses of levying 135396
the tax or for such purposes and to provide revenues to the 135397
county for permanent improvements, the board of county 135398
commissioners of a county that levies a tax under division (D) 135399

of section 5743.024 of the Revised Code shall adopt a resolution 135400
levying a tax at the same rate, on the use, consumption, or 135401
storage for consumption of cigarettes by consumers in the 135402
county, provided that the tax shall not apply if the tax levied 135403
by division (D) of section 5743.024 of the Revised Code has been 135404
paid. The tax levied by division (C) of this section shall take 135405
effect on the date that a tax levied under division (D) of 135406
section 5743.024 of the Revised Code takes effect, and shall 135407
remain in effect as long as the tax levied under division (D) of 135408
section 5743.024 of the Revised Code remains effective. The tax 135409
levied under division (C) of this section shall be in addition 135410
to the tax levied under section 5743.32 of the Revised Code. 135411

Sec. 5743.511. The board of county commissioners of a 135412
county whose population is greater than one million one hundred 135413
thousand but less than one million three hundred thousand may 135414
levy a tax under this section for the purpose of section 307.673 135415
of the Revised Code regardless of whether or not the cooperative 135416
agreement authorized under that section has been entered into 135417
prior to the day the resolution adopted under this section is 135418
adopted, for the purpose of reimbursing a county for costs 135419
incurred in the construction of a sports facility pursuant to an 135420
agreement entered into by the county under section 307.696 of 135421
the Revised Code, or for the purpose of paying the costs of 135422
constructing, equipping, furnishing, maintaining, renovating, 135423
improving, or repairing a sports facility. The tax may be levied 135424
for any number of years or for a continuing period of time. 135425

The tax may be levied pursuant to a resolution adopted by 135426
the board of county commissioners and approved by a majority of 135427
the electors of the county voting on the question of levying the 135428
tax. The board of county commissioners shall certify a copy of 135429
the resolution to the board of elections immediately upon 135430

adopting a resolution under this section. The election may be 135431
held on the date of a general or special election held not 135432
sooner than ninety days after the date the board certifies its 135433
resolution to the board of elections. The form of the ballot 135434
shall be as follows: 135435

"For the purpose of (state the purpose or 135436
purposes), shall an excise tax be levied by county at 135437
the rate of per cent of the price of other tobacco 135438
products (aside from little cigars) sold at wholesale in the 135439
county, per cent of the price of little cigars sold at 135440
wholesale in the county, and cents per vapor volume of 135441
vapor products sold at wholesale in the county, for (number 135442
of years or a continuing period of time), the tax beginning on 135443
(the earliest date the tax would take effect)? 135444
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	<u>Yes</u>
	<u>No</u> "

A board of county commissioners submitting the question of 135446
a tax under this section may submit the question of a tax under 135447
division (E) of section 307.697, division (C) of section 135448
4301.421, or division (D) of section 5743.024 of the Revised 135449
Code, or all, as a single question, provided that each tax is 135450
for the same purpose and period of time and the form of the 135451
ballot states the rate of each of the proposed taxes. 135452

If approved by a majority of electors voting on the 135453
question, the tax shall take effect on the date specified in the 135454
resolution but not sooner than the first day of the month that 135455
is at least sixty days after the certification of the election 135456
results by the board of elections. 135457

The rate of tax levied pursuant to this section shall be 135458
imposed as follows: 135459

(A) At a rate not to exceed eighty-five hundredths per 135460
cent of the wholesale price of other tobacco products, aside 135461
from little cigars, received by a distributor in the county, 135462
sold by a manufacturer to a retail dealer located in the county, 135463
or delivered to a consumer in the county for storage, use, or 135464
other consumption; 135465

(B) At a rate not to exceed one and eighty-five hundredths 135466
per cent of the wholesale price of little cigars received by a 135467
distributor in the county, sold by a manufacturer to a retail 135468
dealer located in the county, or delivered to a consumer in the 135469
county for storage, use, or other consumption; 135470

(C) At a rate not to exceed one-twentieth of one cent 135471
multiplied by the vapor volume of vapor products the first time 135472
such products are received by a vapor distributor in the county 135473
or when vapor products are delivered to a consumer in the county 135474
for storage, use, or other consumption. 135475

Only one sale of the same article shall be used in 135476
computing, reporting, and paying the amount of tax due. The tax 135477
levied under this section shall be in addition to the tax levied 135478
under section 5743.51 of the Revised Code. 135479

A board of county commissioners adopting a resolution 135480
under this section shall certify a copy of the resolution to the 135481
tax commissioner immediately upon adoption of the resolution. 135482

Sec. 5743.52. (A) Each distributor of tobacco products or 135483
vapor distributor subject to the tax levied by section 5743.51 135484
or 5743.511 of the Revised Code, on or before the twenty-third 135485
day of each month, shall file with the tax commissioner a return 135486

for the preceding month showing any information the tax 135487
commissioner finds necessary for the proper administration of 135488
this chapter, together with remittance of the tax due. The 135489
return and payment of the tax required by this section shall be 135490
filed and made electronically on or before the twenty-third day 135491
of the month following the reporting period. If the return is 135492
filed and the amount of tax shown on the return to be due is 135493
paid on or before the date the return is required to be filed, 135494
the distributor or vapor distributor is entitled to a discount 135495
equal to two and five-tenths per cent of the amount shown on the 135496
return to be due. 135497

(B) Any person who fails to timely file the return and 135498
make payment of taxes as required under this section, section 135499
5743.62, or section 5743.63 of the Revised Code may be required 135500
to pay an additional charge not exceeding the greater of fifty 135501
dollars or ten per cent of the tax due. Any additional charge 135502
imposed under this section may be collected by assessment as 135503
provided in section 5743.56 of the Revised Code. 135504

(C) If any tax due is not paid timely in accordance with 135505
this section or section 5743.62 or 5743.63 of the Revised Code, 135506
the person liable for the tax shall pay interest, calculated at 135507
the rate per annum as prescribed by section 5703.47 of the 135508
Revised Code, from the date the tax payment was due to the date 135509
of payment or to the date an assessment is issued under section 135510
5743.56 of the Revised Code, whichever occurs first. The 135511
commissioner may collect such interest by assessment pursuant to 135512
section 5743.56 of the Revised Code. 135513

(D) The commissioner may authorize the filing of returns 135514
and the payment of the tax required by this section, section 135515
5743.62, or section 5743.63 of the Revised Code for periods 135516

longer than a calendar month.

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(E) The commissioner may order any taxpayer to file with the commissioner security to the satisfaction of the commissioner conditioned upon filing the return and paying the taxes required under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

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Sec. 5743.521. In addition to the return required by section 5743.52 of the Revised Code, each retail dealer of tobacco products or vapor products in a county in which a tax is levied under section 5743.511 of the Revised Code shall, within thirty days after the date on which the tax takes effect, make and file a return, on a form prescribed by the tax commissioner, showing the total number of tobacco products or vapor products which such retail dealer had on hand as of the beginning of business on the date on which the tax takes effect and such other information as the commissioner deems necessary for the administration of that section. Each such retail dealer shall deliver the return together with a remittance of the additional amount of tax due on the tobacco products or the vapor products shown on such return to the commissioner. Any retail dealer of tobacco products or vapor products who fails to file a return under this section shall, for each day the retail dealer so fails, forfeit and pay into the state treasury the sum of one dollar as revenue arising from the tax imposed by section 5743.511 of the Revised Code, and such sum may be collected by assessment in the manner provided in section 5743.56 of the Revised Code. For thirty days after the effective date of a tax imposed by section 5743.511 of the Revised Code, a retail dealer may possess for sale or sell in the county in which the tax is levied tobacco products or vapor products if the tax has or will

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be paid. 135548

Sec. 5743.54. (A) Each distributor of tobacco products and 135549
each vapor distributor of vapor products shall maintain complete 135550
and accurate records of all purchases and sales of tobacco 135551
products or vapor products, and shall procure and retain all 135552
invoices, bills of lading, and other documents relating to the 135553
purchases and sales of those products. The distributor or vapor 135554
distributor shall keep open records and documents during 135555
business hours for the inspection of the tax commissioner, and 135556
shall preserve them for a period of three years from the date 135557
the return was due or was filed, whichever is later, unless the 135558
commissioner, in writing, consents to their destruction within 135559
that period, or orders that they be kept for a longer period of 135560
time. 135561

(B) (1) Each distributor of tobacco products and each vapor 135562
distributor of vapor products subject to the tax levied by 135563
section 5743.51 or 5743.511 of the Revised Code shall mark on 135564
the invoices of tobacco products or vapor products sold that the 135565
tax levied by that section has been paid and shall indicate the 135566
distributor's or vapor distributor's account number as assigned 135567
by the commissioner. 135568

(2) Each vapor distributor subject to the tax imposed by 135569
section 5743.51 of the Revised Code shall mark on all invoices 135570
the total weight of the vapor product, rounded to the nearest 135571
one-tenth of one gram, if the vapor product is not sold in 135572
liquid form. If the vapor product is sold in liquid form, the 135573
invoice shall instead indicate the total volume of the vapor 135574
product, rounded to the nearest one-tenth of one milliliter. 135575

(C) No person shall make a false entry upon any invoice or 135576
record upon which an entry is required by this section and no 135577

person shall present any false entry for the inspection of the 135578
commissioner with the intent to evade the tax levied under 135579
section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or 135580
5743.631 of the Revised Code. 135581

Sec. 5743.55. Whenever the tax commissioner discovers any 135582
tobacco products or vapor products, subject to the tax levied 135583
under section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, 135584
or 5743.631 of the Revised Code upon which the tax has not been 135585
paid or the commissioner has reason to believe the tax is being 135586
avoided, the commissioner may seize and take possession of the 135587
tobacco products or vapor products, which, upon seizure, shall 135588
be forfeited to the state. Within a reasonable time after 135589
seizure, the commissioner may sell the forfeited products. From 135590
the proceeds of this sale, the commissioner shall pay the costs 135591
incurred in the seizure and sale, and any proceeds remaining 135592
after the sale shall be considered as revenue arising from the 135593
tax. The seizure and sale shall not relieve any person from the 135594
fine or imprisonment provided for violation of sections 5743.51 135595
to 5743.66 of the Revised Code. The commissioner shall make the 135596
sale where it is most convenient and economical, but may order 135597
the destruction of the forfeited products if the quantity or 135598
quality is not sufficient to warrant their sale. 135599

Sec. 5743.56. (A) Any person required to pay the tax 135600
imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 135601
5743.63, or 5743.631 of the Revised Code is personally liable 135602
for the tax. The tax commissioner may make an assessment, based 135603
upon any information in the commissioner's possession, against 135604
any person who fails to file a return or pay any tax, interest, 135605
or additional charge as required by this chapter. The 135606
commissioner shall give the person assessed written notice of 135607
such assessment in the manner provided in section 5703.37 of the 135608

Revised Code. With the notice, the commissioner shall provide 135609
instructions on how to petition for reassessment and request a 135610
hearing on the petition. 135611

(B) When the information in the possession of the tax 135612
commissioner indicates that a person liable for the tax imposed 135613
by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 5743.63, or 135614
5743.631 of the Revised Code has not paid the full amount of tax 135615
due, the commissioner may audit a representative sample of the 135616
person's business and may issue an assessment based on such 135617
audit. 135618

(C) A penalty of up to fifteen per cent may be added to 135619
all amounts assessed under this section. The tax commissioner 135620
may adopt rules providing for the imposition and remission of 135621
such penalties. 135622

(D) Unless the person assessed files with the tax 135623
commissioner within sixty days after service of the notice of 135624
assessment, ~~either personally or by certified mail~~, a written 135625
petition for reassessment signed by the person assessed or that 135626
person's authorized agent having knowledge of the facts, the 135627
assessment becomes final and the amount of the assessment is due 135628
and payable from the person assessed to the treasurer of state. 135629
A petition shall indicate the objections of the person assessed, 135630
but additional objections may be raised in writing if received 135631
by the commissioner prior to the date shown on the final 135632
determination. If the petition has been properly filed, the 135633
commissioner shall proceed under section 5703.60 of the Revised 135634
Code. 135635

(E) After an assessment becomes final, if any portion of 135636
the assessment, including accrued interest, remains unpaid, a 135637
certified copy of the tax commissioner's entry making the 135638

assessment final may be filed in the office of the clerk of the 135639
court of common pleas in the county in which the person assessed 135640
resides or in which the person assessed conducts business. If 135641
the person assessed maintains no place of business in this state 135642
and is not a resident of this state, the certified copy of the 135643
entry may be filed in the office of the clerk of the court of 135644
common pleas of Franklin county. 135645

Immediately upon the filing of the entry, the clerk shall 135646
enter a judgment for the state against the person assessed in 135647
the amount shown on the entry. The judgment may be filed by the 135648
clerk in a loose-leaf book entitled "special judgments for state 135649
tobacco products tax," and shall have the same effect as other 135650
judgments. Execution shall issue upon the judgment upon the 135651
request of the commissioner, and all laws applicable to sales on 135652
execution shall apply to sales made under the judgment. 135653

If the assessment is not paid in its entirety within sixty 135654
days after the day the assessment is issued, the portion of the 135655
assessment consisting of tax due shall bear interest at the rate 135656
per annum prescribed by section 5703.47 of the Revised Code from 135657
the day the commissioner issues the assessment until the 135658
assessment is paid or until it is certified to the attorney 135659
general for collection under section 131.02 of the Revised Code, 135660
whichever comes first. If the unpaid portion of the assessment 135661
is certified to the attorney general for collection, the entire 135662
unpaid portion of the assessment shall bear interest at the rate 135663
per annum prescribed by section 5703.47 of the Revised Code from 135664
the date of certification until the date it is paid in its 135665
entirety. Interest shall be paid in the same manner as the tax 135666
and may be collected by issuing an assessment under this 135667
section. 135668

(F) If the tax commissioner believes that collection of the tax will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (E) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the legal representative of the person assessed, as provided in section 5703.37 of the Revised Code, within five days of the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (D) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment does not prejudice the commissioner's consideration of the petition for reassessment.

(G) All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of the Revised Code.

Sec. 5743.57. (A) If any corporation, limited liability company, or business trust required to file returns pursuant to section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to remit to the state any tax due under section 5743.51, 5743.511, 5743.62, or 5743.631, ~~or 5743.621~~, or 5743.631 of the Revised Code, any of its employees having control or supervision of or charged with the responsibility of filing returns and making payments, and any of its officers, members, managers,

trustees, or other persons who are responsible for the execution 135700
of the corporation's, limited liability company's, or business 135701
trust's fiscal responsibilities, is personally liable for the 135702
failure to remit the tax. The dissolution, termination, or 135703
bankruptcy of the corporation, limited liability company, or 135704
business trust does not discharge a responsible person's 135705
liability for the corporation's, limited liability company's, or 135706
business trust's failure to remit the tax due. The tax 135707
commissioner may assess a responsible person under section 135708
5743.56 of the Revised Code. 135709

(B) Except for assessments against responsible persons 135710
under division (A) of this section, no assessment of the tax 135711
imposed by section 5743.51, 5743.511, 5743.62, ~~or 5743.621~~, 135712
5743.63, or 5743.631 of the Revised Code shall be made by the 135713
tax commissioner more than three years after the date on which 135714
the return for the period assessed was due or was filed, 135715
whichever date is later. This section does not bar an assessment 135716
when any of the following occurs: 135717

(1) The person assessed failed to file a return required 135718
by section 5743.52, 5743.62, or 5743.63 of the Revised Code; 135719

(2) The person assessed knowingly filed a false or 135720
fraudulent return; 135721

(3) The person assessed and the tax commissioner have 135722
waived in writing the time limitation. 135723

Sec. 5743.59. (A) No retail dealer of tobacco products or 135724
vapor products shall have in the retail dealer's possession 135725
tobacco products or vapor products on which the tax imposed by 135726
section 5743.51 and, if applicable, section 5743.511 of the 135727
Revised Code has not been paid unless the retail dealer is 135728

licensed under section 5743.61 of the Revised Code. Payment may 135729
be evidenced by invoices from distributors or vapor distributors 135730
stating the tax has been paid. 135731

(B) The tax commissioner may inspect any place where 135732
tobacco products or vapor products subject to the tax levied 135733
under section 5743.51 or 5743.511 of the Revised Code are sold 135734
or stored. 135735

(C) No person shall prevent or hinder the commissioner 135736
from making a full inspection of any place where tobacco 135737
products or vapor products subject to the tax imposed by section 135738
5743.51 or 5743.511 of the Revised Code are sold or stored, or 135739
prevent or hinder the full inspection of invoices, books, or 135740
records required to be kept by section 5743.54 of the Revised 135741
Code. 135742

Sec. 5743.60. No person shall prepare for shipment, ship, 135743
transport, deliver, prepare for distribution, or distribute 135744
tobacco products or vapor products, or otherwise engage or 135745
participate in the business of distributing tobacco products or 135746
vapor products, with the intent to avoid payment of the tax 135747
levied by section 5743.51, 5743.511, 5743.62, ~~or 5743.621,~~ 135748
5743.63, or 5743.631 of the Revised Code, when the wholesale 135749
price of the tobacco products or, in the case of a tax levied 135750
under section 5743.511, 5743.621, or 5743.631 of the Revised 135751
Code, the vapor products exceeds three hundred dollars, or when 135752
the vapor volume of the vapor products exceeds five hundred 135753
milliliters or five hundred grams, as applicable, during any 135754
twelve-month period. 135755

Sec. 5743.62. (A) To provide revenue for the general 135756
revenue fund of the state, an excise tax is hereby levied on the 135757
seller of tobacco products or vapor products in this state at 135758

one of the following rates: 135759

(1) For tobacco products other than little cigars or 135760
premium cigars, seventeen per cent of the wholesale price of the 135761
tobacco product whenever the tobacco product is delivered to a 135762
consumer in this state for the storage, use, or other 135763
consumption of such tobacco products. 135764

(2) For little cigars, thirty-seven per cent of the 135765
wholesale price of the little cigars whenever the little cigars 135766
are delivered to a consumer in this state for the storage, use, 135767
or other consumption of the little cigars. 135768

(3) For premium cigars, whenever the premium cigars are 135769
delivered to a consumer in this state for the storage, use, or 135770
other consumption of the premium cigars, the lesser of seventeen 135771
per cent of the wholesale price of such premium cigars or the 135772
maximum tax amount per each such premium cigar. 135773

(4) For vapor products, one cent multiplied by the vapor 135774
volume of vapor products when the vapor products are delivered 135775
to a consumer in this state for the storage, use, or other 135776
consumption of the vapor products. 135777

The tax imposed by this section applies only to sellers 135778
having substantial nexus with this state, as defined in section 135779
5741.01 of the Revised Code. 135780

(B) A seller of tobacco products or vapor products who has 135781
substantial nexus with this state as defined in section 5741.01 135782
of the Revised Code shall register with the tax commissioner and 135783
supply any information concerning the seller's contacts with 135784
this state as may be required by the tax commissioner. A seller 135785
who does not have substantial nexus with this state may 135786
voluntarily register with the tax commissioner. A seller who 135787

voluntarily registers with the tax commissioner is entitled to 135788
the same benefits and is subject to the same duties and 135789
requirements as a seller required to be registered with the tax 135790
commissioner under this division. 135791

(C) Each seller of tobacco products or vapor products 135792
subject to the tax levied by this section or section 5743.621 of 135793
the Revised Code, on or before the twenty-third day of each 135794
month, shall file with the tax commissioner a return for the 135795
preceding month showing any information the tax commissioner 135796
finds necessary for the proper administration of sections 135797
5743.51 to 5743.66 of the Revised Code, together with remittance 135798
of the tax due, payable to the treasurer of state. The return 135799
and payment of the tax required by this section shall be filed 135800
in such a manner that it is received by the tax commissioner on 135801
or before the twenty-third day of the month following the 135802
reporting period. If the return is filed and the amount of the 135803
tax shown on the return to be due is paid on or before the date 135804
the return is required to be filed, the seller is entitled to a 135805
discount equal to two and five-tenths per cent of the amount 135806
shown on the return to be due. 135807

(D) The tax commissioner shall immediately forward to the 135808
treasurer of state all money received from the tax levied by 135809
this section, and the treasurer shall credit the amount to the 135810
general revenue fund. 135811

(E) Each seller of tobacco products or vapor products 135812
subject to the tax levied by this section or section 5743.621 of 135813
the Revised Code shall mark on the invoices of tobacco products 135814
or vapor products sold that the tax levied by that section has 135815
been paid and shall indicate the seller's account number as 135816
assigned by the tax commissioner. 135817

Sec. 5743.621. For the same purposes for which it levies a 135818
tax under section 5743.511 of the Revised Code, the board of 135819
county commissioners of a county that levies a tax under that 135820
section shall adopt a resolution levying a tax at the same rate 135821
on the sellers of tobacco products or vapor products, as 135822
applicable, whenever the tobacco product or vapor product is 135823
delivered to a consumer in the county in which that tax is 135824
levied for the storage, use, or other consumption of such 135825
product. The tax shall take effect on the date that the tax 135826
levied under section 5743.511 of the Revised Code takes effect, 135827
and shall remain in effect as long as the tax levied under that 135828
section remains in effect. The tax imposed by this section 135829
applies only to sellers having substantial nexus with this 135830
state, as defined in section 5741.01 of the Revised Code. The 135831
tax levied under this section shall be in addition to the tax 135832
levied under section 5743.62 of the Revised Code. 135833

Sec. 5743.63. (A) To provide revenue for the general 135834
revenue fund of the state, an excise tax is hereby levied on the 135835
storage, use, or other consumption of tobacco products or vapor 135836
products at one of the following rates: 135837

(1) For tobacco products other than little cigars or 135838
premium cigars, seventeen per cent of the wholesale price of the 135839
tobacco product. 135840

(2) For little cigars, thirty-seven per cent of the 135841
wholesale price of the little cigars. 135842

(3) For premium cigars, the lesser of seventeen per cent 135843
of the wholesale price of the premium cigars or the maximum tax 135844
amount per each premium cigar. 135845

(4) For vapor products, one cent multiplied by the vapor 135846

volume of the vapor products. 135847

The tax levied under division (A) of this section is 135848
imposed only if the tax has not been paid by the seller as 135849
provided in section 5743.62 of the Revised Code, or by the 135850
distributor or vapor distributor as provided in section 5743.51 135851
of the Revised Code. 135852

(B) Each person subject to the tax levied by this section_ 135853
or section 5743.631 of the Revised Code, on or before the 135854
twenty-third day of each month, shall file with the tax 135855
commissioner a return for the preceding month showing any 135856
information the commissioner finds necessary for the proper 135857
administration of sections 5743.51 to 5743.66 of the Revised 135858
Code, together with remittance of the tax due, payable to the 135859
treasurer of state. The return and payment of the tax required 135860
by this section shall be filed in such a manner that it is 135861
received by the commissioner on or before the twenty-third day 135862
of the month following the reporting period. 135863

(C) The tax commissioner shall immediately forward to the 135864
treasurer of state all money received from the tax levied by 135865
this section, and the treasurer shall credit the amount to the 135866
general revenue fund. 135867

Sec. 5743.631. For the same purposes for which it levies a 135868
tax under section 5743.511 of the Revised Code, the board of 135869
county commissioners of a county that levies a tax under that 135870
section shall adopt a resolution levying a tax at the same rate 135871
on the use, consumption, or storage for consumption of tobacco 135872
products or vapor products, as applicable, by consumers in the 135873
county in which that tax is levied. The tax shall take effect on 135874
the date that the tax levied under section 5743.511 of the 135875
Revised Code takes effect and shall remain in effect as long as 135876

the tax levied under that section remains effective. The tax 135877
levied under this section is imposed only if the tax has not 135878
been paid by the seller as provided in section 5743.621 of the 135879
Revised Code, or by the distributor or vapor distributor as 135880
provided in section 5743.511 of the Revised Code. The tax levied 135881
under this section shall be in addition to the tax levied under 135882
section 5743.63 of the Revised Code. 135883

Sec. 5743.64. No person shall transport within this state 135884
tobacco products that have a wholesale value in excess of three 135885
hundred dollars, or vapor products with a vapor volume in excess 135886
of five hundred milliliters or five hundred grams, as 135887
applicable, unless the person has obtained consent to transport 135888
the tobacco products or vapor products from the tax commissioner 135889
prior to transportation. The consent is not required if the 135890
applicable tax levied under section 5743.51, 5743.511, 5743.62, 135891
~~or~~ 5743.621, 5743.63, or 5743.631 of the Revised Code has been 135892
paid or will be paid by the distributor, vapor distributor, or 135893
seller. Application for the consent shall be in the form 135894
prescribed by the commissioner. 135895

Every person transporting tobacco products or vapor 135896
products with the department's consent shall have the consent 135897
with the person while transporting or possessing the tobacco 135898
products or vapor products within this state and shall produce 135899
the consent upon request of any law enforcement officer or 135900
authorized agent of the tax commissioner. 135901

Any person transporting tobacco products or vapor products 135902
without the consent required by this section shall be subject to 135903
the provisions of sections 5743.51 to 5743.66 of the Revised 135904
Code, including the tax imposed by section 5743.51, 5743.511, 135905
5743.62, ~~or~~ 5743.621, 5743.63, or 5743.631 of the Revised Code. 135906

Sec. 5745.03. (A) For each taxable year, each taxpayer 135907
shall file an annual report with the tax commissioner not later 135908
than the fifteenth day of the fourth month after the end of the 135909
taxpayer's taxable year, and shall remit with that report the 135910
amount of tax due as shown on the report less the amount paid 135911
for the year under section 5745.04 of the Revised Code. The 135912
~~remittance shall be made in the form prescribed by the~~ 135913
~~commissioner. If the amount payable with the report exceeds one~~ 135914
~~thousand dollars, the taxpayer shall remit the any amount due~~ 135915
~~with the report~~ electronically in a manner prescribed by the 135916
commissioner. The commissioner shall credit ninety-eight and 135917
one-half per cent of such remittances to the municipal income 135918
tax fund, which is hereby created in the state treasury, and 135919
credit the remainder to the municipal income tax administrative 135920
fund, which is hereby created in the state treasury. 135921

(B) Any taxpayer that has been granted an extension for 135922
filing a federal income tax return ~~may request~~ shall 135923
automatically receive an extension for filing the return 135924
required under this section ~~by filing with the tax commissioner~~ 135925
~~a copy of the taxpayer's request for the federal filing~~ 135926
~~extension. The request shall be filed not later than the last~~ 135927
~~day for filing the return as required under division (A) of this~~ 135928
~~section. If such a request is properly and timely filed, and the~~ 135929
commissioner shall extend the last day for filing the return 135930
required under this section ~~for the same period for which the~~ 135931
~~federal filing extension was granted. The commissioner may deny~~ 135932
~~the filing extension request only if the taxpayer fails to~~ 135933
~~timely file the request, fails to file a copy of the federal~~ 135934
~~extension request, owes past due taxes, interest, or penalty~~ 135935
~~under this chapter, or has failed to file a required report or~~ 135936
~~other document for a prior taxable year~~ to the fifteenth day of 135937

the eleventh month after the last day of the taxable year to 135938
which the return relates. The granting of an extension under 135939
this section does not extend the last day for paying taxes 135940
without penalty pursuant to this chapter unless the commissioner 135941
extends the payment date. 135942

(C) A taxpayer that has not requested or received an 135943
extension for filing the taxpayer's federal income tax return 135944
may request that the commissioner grant the taxpayer a seven 135945
month extension of the date for filing the taxpayer's tax 135946
return. If the commissioner receives the request on or before 135947
the date the tax return is due, the commissioner shall grant the 135948
taxpayer's extension request. 135949

(D) The annual report shall include statements of the 135950
following facts as of the last day of the taxpayer's taxable 135951
year: 135952

(1) The name of the taxpayer; 135953

~~(2) The name of the state or country under the laws of~~ 135954
~~which it is incorporated;~~ 135955

~~(3) The location of its principal office in this state~~ 135956
~~and, in the case of a taxpayer organized under the laws of~~ 135957
~~another state, the principal place of business in this state and~~ 135958
~~the name and address of the officer or agent of the taxpayer in~~ 135959
~~charge of the business conducted in this state;~~ 135960

~~(4) The names of the president, secretary, treasurer, and~~ 135961
~~statutory agent in this state, with the post-office address of~~ 135962
~~each;~~ 135963

~~(5)~~ (2) The date on which the taxpayer's taxable year 135964
begins and ends; 135965

~~(6)~~ (3) The taxpayer's federal taxable income during the 135966
taxpayer's taxable year; 135967

~~(7)~~ (4) Any other information the tax commissioner requires 135968
for the proper administration of this chapter. 135969

~~(D)~~ (E) The tax commissioner may require any reports 135970
required under this chapter to be filed in an electronic format. 135971

~~(E)~~ (F) A municipal corporation may not require a taxpayer 135972
required to file a report under this section to file a report of 135973
the taxpayer's income, but a municipal corporation may require a 135974
taxpayer to report to the municipal corporation the value of the 135975
taxpayer's real and tangible personal property situated in the 135976
municipal corporation, compensation paid by the taxpayer to its 135977
employees in the municipal corporation, and sales made in the 135978
municipal corporation by the taxpayer, to the extent necessary 135979
for the municipal corporation to compute the taxpayer's 135980
municipal property, payroll, and sales factors for the municipal 135981
corporation. 135982

~~(F)~~ (G) On or before the thirty-first day of January each 135983
year, each municipal corporation imposing a tax on income shall 135984
certify to the tax commissioner the rate of the tax in effect on 135985
the first day of January of that year. If any municipal 135986
corporation fails to certify its income tax rate as required by 135987
this division, the commissioner shall notify the director of 135988
budget and management, who, upon receiving such notification, 135989
shall withhold from each payment made to the municipal 135990
corporation under section 5745.05 of the Revised Code fifty per 135991
cent of the amount of the payment otherwise due the municipal 135992
corporation under that section as computed on the basis of the 135993
tax rate most recently certified until the municipal corporation 135994
certifies the tax rate in effect on the first day of January of 135995

that year. 135996

The tax rate used to determine the tax payable to a 135997
municipal corporation under this section for a taxpayer's 135998
taxable year shall be the tax rate in effect in a municipal 135999
corporation on the first day of January in that taxable year. If 136000
a taxpayer's taxable year is for a period less than twelve 136001
months that does not include the first day of January, the tax 136002
rate used to determine the tax payable to a municipal 136003
corporation under this section for the taxpayer's taxable year 136004
shall be the tax rate in effect in a municipal corporation on 136005
the first day of January in the preceding taxable year. 136006

Sec. 5745.04. (A) As used in this section, "combined tax 136007
liability" means the total of a taxpayer's income tax 136008
liabilities to all municipal corporations in this state for a 136009
taxable year. 136010

(B) Each taxpayer shall file a declaration of estimated 136011
tax report with, and remit estimated taxes to, the tax 136012
commissioner, payable to the treasurer of state, at the times 136013
and in the amounts prescribed in divisions (B)(1) to (4) of this 136014
section. The first taxable year a taxpayer is subject to this 136015
chapter, the estimated taxes the taxpayer is required to remit 136016
under this section shall be based solely on the current taxable 136017
year and not on the liability for the preceding taxable year. 136018

(1) Not less than twenty-five per cent of the combined tax 136019
liability for the preceding taxable year or twenty per cent of 136020
the combined tax liability for the current taxable year shall 136021
have been remitted not later than the fifteenth day of the 136022
fourth month after the end of the preceding taxable year. 136023

(2) Not less than fifty per cent of the combined tax 136024

liability for the preceding taxable year or forty per cent of 136025
the combined tax liability for the current taxable year shall 136026
have been remitted not later than the fifteenth day of the sixth 136027
month after the end of the preceding taxable year. 136028

(3) Not less than seventy-five per cent of the combined 136029
tax liability for the preceding taxable year or sixty per cent 136030
of the combined tax liability for the current taxable year shall 136031
have been remitted not later than the fifteenth day of the ninth 136032
month after the end of the preceding taxable year. 136033

(4) Not less than one hundred per cent of the combined tax 136034
liability for the preceding taxable year or eighty per cent of 136035
the combined tax liability for the current taxable year shall 136036
have been remitted not later than the fifteenth day of the 136037
twelfth month after the end of the preceding taxable year. 136038

(C) Each taxpayer shall report on the declaration of 136039
estimated tax report the portion of the remittance that the 136040
taxpayer estimates that it owes to each municipal corporation 136041
for the taxable year. 136042

(D) Upon receiving a declaration of estimated tax report 136043
and remittance of estimated taxes under this section, the tax 136044
commissioner shall credit ninety-eight and one-half per cent of 136045
the remittance to the municipal income tax fund and credit the 136046
remainder to the municipal income tax administrative fund. 136047

(E) ~~If any remittance of estimated taxes is for one~~ 136048
~~thousand dollars or more, the~~ The taxpayer shall make the 136049
remittance of estimated taxes electronically as prescribed by 136050
section 5745.041 of the Revised Code. 136051

(F) Notwithstanding section 5745.08 or 5745.09 of the 136052
Revised Code, no penalty or interest shall be imposed on a 136053

taxpayer if the declaration of estimated tax report is properly
filed, and the estimated tax is paid, within the time prescribed
by division (B) of this section.

Sec. 5745.09. (A) In case of any underpayment of the
estimated tax under section 5745.04 of the Revised Code, ~~there~~
~~shall be added~~ the tax commissioner may add to the tax an amount
determined at the rate per annum prescribed by section 5703.47
of the Revised Code upon the amount of underpayment for the
period of underpayment.

(B) The amount of the underpayment shall be the excess of
division (B)(1) over division (B)(2) of this section:

(1) The amount of the estimated tax payment that would be
required to be paid for the taxable year if the total estimated
tax were equal to the total tax shown to be due on the annual
report, or if no report was filed, the tax for such year;

(2) The amount, if any, of the estimated tax paid on or
before the last day prescribed for such payment.

(C) The period of the underpayment shall run from the date
the estimated tax payment was required to be made to the date on
which such payment is made. For purposes of this section, a
payment of estimated tax on any payment date shall be considered
a payment of any previous underpayment only to the extent such
payment exceeds the amount of the payment presently due.

(D) All amounts collected under this section shall be
considered as taxes collected under this chapter and shall be
credited and distributed to municipal corporations in the same
proportions as the taxpayer's taxes are distributed for the
reporting period under section 5745.05 of the Revised Code or,
if the taxpayer has filed the annual report for the year under

section 5745.03 of the Revised Code, in the amounts found to be 136083
due to such municipal corporations on the basis of the annual 136084
report. 136085

Sec. 5745.12. (A) If any taxpayer required to file a 136086
report under this chapter fails to file the report within the 136087
time prescribed, files an incorrect report, or fails to remit 136088
the full amount of the tax due for the period covered by the 136089
report, the tax commissioner may make an assessment against the 136090
taxpayer for any deficiency for the period for which the report 136091
or tax is due, based upon any information in the commissioner's 136092
possession. 136093

The tax commissioner shall not make or issue an assessment 136094
against a taxpayer more than three years after the later of the 136095
final date the report subject to assessment was required to be 136096
filed or the date the report was filed. Such time limit may be 136097
extended if both the taxpayer and the commissioner consent in 136098
writing to the extension. Any such extension shall extend the 136099
three-year time limit in section 5745.11 of the Revised Code for 136100
the same period of time. There shall be no bar or limit to an 136101
assessment against a taxpayer that fails to file a report 136102
subject to assessment as required by this chapter, or that files 136103
a fraudulent report. The commissioner shall give the taxpayer 136104
assessed written notice of the assessment as provided in section 136105
5703.37 of the Revised Code. With the notice, the commissioner 136106
shall provide instructions on how to petition for reassessment 136107
and request a hearing on the petition. 136108

(B) Unless the taxpayer assessed files with the tax 136109
commissioner within sixty days after service of the notice of 136110
assessment, ~~either personally or by certified mail,~~ a written 136111
petition for reassessment signed by the authorized agent of the 136112

taxpayer assessed having knowledge of the facts, the assessment 136113
becomes final, and the amount of the assessment is due and 136114
payable from the taxpayer to the treasurer of state. The 136115
petition shall indicate the taxpayer's objections, but 136116
additional objections may be raised in writing if received by 136117
the commissioner prior to the date shown on the final 136118
determination. If the petition has been properly filed, the 136119
commissioner shall proceed under section 5703.60 of the Revised 136120
Code. 136121

(C) After an assessment becomes final, if any portion of 136122
the assessment remains unpaid, including accrued interest, a 136123
certified copy of the tax commissioner's entry making the 136124
assessment final may be filed in the office of the clerk of the 136125
court of common pleas in the county in which the taxpayer has an 136126
office or place of business in this state, the county in which 136127
the taxpayer's statutory agent is located, or Franklin county. 136128

Immediately upon the filing of the entry, the clerk shall 136129
enter a judgment against the taxpayer assessed in the amount 136130
shown on the entry. The judgment may be filed by the clerk in a 136131
loose-leaf book entitled "special judgments for municipal income 136132
taxes," and shall have the same effect as other judgments. 136133
Execution shall issue upon the judgment upon the request of the 136134
tax commissioner, and all laws applicable to sales on execution 136135
shall apply to sales made under the judgment. 136136

If the assessment is not paid in its entirety within sixty 136137
days after the day the assessment was issued, the portion of the 136138
assessment consisting of tax due shall bear interest at the rate 136139
per annum prescribed by section 5703.47 of the Revised Code from 136140
the day the commissioner issues the assessment until the 136141
assessment is paid or until it is certified to the attorney 136142

general for collection under section 131.02 of the Revised Code, 136143
whichever comes first. If the unpaid portion of the assessment 136144
is certified to the attorney general for collection, the entire 136145
unpaid portion of the assessment shall bear interest at the rate 136146
per annum prescribed by section 5703.47 of the Revised Code from 136147
the date of certification until the date it is paid in its 136148
entirety. Interest shall be paid in the same manner as the tax 136149
and may be collected by issuing an assessment under this 136150
section. 136151

(D) All money collected under this section shall be 136152
credited and distributed to the municipal corporation to which 136153
the money is owed based on the assessment issued under this 136154
section. 136155

(E) If the tax commissioner believes that collection of 136156
the tax imposed by this chapter will be jeopardized unless 136157
proceedings to collect or secure collection of the tax are 136158
instituted without delay, the commissioner may issue a jeopardy 136159
assessment against the taxpayer liable for the tax. Immediately 136160
upon the issuance of the jeopardy assessment, the commissioner 136161
shall file an entry with the clerk of the court of common pleas 136162
in the manner prescribed by division (C) of this section. Notice 136163
of the jeopardy assessment shall be served on the taxpayer 136164
assessed or the taxpayer's legal representative in the manner 136165
provided in section 5703.37 of the Revised Code within five days 136166
of the filing of the entry with the clerk. The total amount 136167
assessed is immediately due and payable, unless the taxpayer 136168
assessed files a petition for reassessment in accordance with 136169
division (B) of this section and provides security in a form 136170
satisfactory to the commissioner and in an amount sufficient to 136171
satisfy the unpaid balance of the assessment. Full or partial 136172
payment of the assessment does not prejudice the commissioner's 136173

consideration of the petition for reassessment. 136174

(F) Notwithstanding the fact that a petition for 136175
reassessment is pending, the taxpayer may pay all or a portion 136176
of the assessment that is the subject of the petition. The 136177
acceptance of a payment by the treasurer of state does not 136178
prejudice any claim for refund upon final determination of the 136179
petition. 136180

If upon final determination of the petition an error in 136181
the assessment is corrected by the tax commissioner, upon 136182
petition so filed or pursuant to a decision of the board of tax 136183
appeals or any court to which the determination or decision has 136184
been appealed, so that the amount due from the taxpayer under 136185
the corrected assessment is less than the portion paid, there 136186
shall be issued to the taxpayer, its assigns, or legal 136187
representative a refund in the amount of the overpayment as 136188
provided by section 5745.11 of the Revised Code, with interest 136189
on that amount as provided by section 5745.11 of the Revised 136190
Code. 136191

Sec. 5747.01. Except as otherwise expressly provided or 136192
clearly appearing from the context, any term used in this 136193
chapter that is not otherwise defined in this section has the 136194
same meaning as when used in a comparable context in the laws of 136195
the United States relating to federal income taxes or if not 136196
used in a comparable context in those laws, has the same meaning 136197
as in section 5733.40 of the Revised Code. Any reference in this 136198
chapter to the Internal Revenue Code includes other laws of the 136199
United States relating to federal income taxes. 136200

As used in this chapter: 136201

(A) "Adjusted gross income" or "Ohio adjusted gross 136202

income" means federal adjusted gross income, as defined and used 136203
in the Internal Revenue Code, adjusted as provided in this 136204
section: 136205

(1) Add interest or dividends on obligations or securities 136206
of any state or of any political subdivision or authority of any 136207
state, other than this state and its subdivisions and 136208
authorities. 136209

(2) Add interest or dividends on obligations of any 136210
authority, commission, instrumentality, territory, or possession 136211
of the United States to the extent that the interest or 136212
dividends are exempt from federal income taxes but not from 136213
state income taxes. 136214

(3) Deduct interest or dividends on obligations of the 136215
United States and its territories and possessions or of any 136216
authority, commission, or instrumentality of the United States 136217
to the extent that the interest or dividends are included in 136218
federal adjusted gross income but exempt from state income taxes 136219
under the laws of the United States. 136220

(4) Deduct disability and survivor's benefits to the 136221
extent included in federal adjusted gross income. 136222

(5) Deduct the following, to the extent not otherwise 136223
deducted or excluded in computing federal or Ohio adjusted gross 136224
income: 136225

(a) Benefits under Title II of the Social Security Act and 136226
tier 1 railroad retirement; 136227

(b) Railroad retirement benefits, other than tier 1 136228
railroad retirement benefits, to the extent such amounts are 136229
exempt from state taxation under federal law. 136230

(6) Deduct the amount of wages and salaries, if any, not 136231
otherwise allowable as a deduction but that would have been 136232
allowable as a deduction in computing federal adjusted gross 136233
income for the taxable year, had the work opportunity tax credit 136234
allowed and determined under sections 38, 51, and 52 of the 136235
Internal Revenue Code not been in effect. 136236

(7) Deduct any interest or interest equivalent on public 136237
obligations and purchase obligations to the extent that the 136238
interest or interest equivalent is included in federal adjusted 136239
gross income. 136240

(8) Add any loss or deduct any gain resulting from the 136241
sale, exchange, or other disposition of public obligations to 136242
the extent that the loss has been deducted or the gain has been 136243
included in computing federal adjusted gross income. 136244

(9) Deduct or add amounts, as provided under section 136245
5747.70 of the Revised Code, related to contributions made to or 136246
tuition units purchased under a qualified tuition program 136247
established pursuant to section 529 of the Internal Revenue 136248
Code. 136249

(10)(a) Deduct, to the extent not otherwise allowable as a 136250
deduction or exclusion in computing federal or Ohio adjusted 136251
gross income for the taxable year, the amount the taxpayer paid 136252
during the taxable year for medical care insurance and qualified 136253
long-term care insurance for the taxpayer, the taxpayer's 136254
spouse, and dependents. No deduction for medical care insurance 136255
under division (A)(10)(a) of this section shall be allowed 136256
either to any taxpayer who is eligible to participate in any 136257
subsidized health plan maintained by any employer of the 136258
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 136259
entitled to, or on application would be entitled to, benefits 136260

under part A of Title XVIII of the "Social Security Act," 49 136261
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 136262
division (A)(10)(a) of this section, "subsidized health plan" 136263
means a health plan for which the employer pays any portion of 136264
the plan's cost. The deduction allowed under division (A)(10)(a) 136265
of this section shall be the net of any related premium refunds, 136266
related premium reimbursements, or related insurance premium 136267
dividends received during the taxable year. 136268

(b) Deduct, to the extent not otherwise deducted or 136269
excluded in computing federal or Ohio adjusted gross income 136270
during the taxable year, the amount the taxpayer paid during the 136271
taxable year, not compensated for by any insurance or otherwise, 136272
for medical care of the taxpayer, the taxpayer's spouse, and 136273
dependents, to the extent the expenses exceed seven and one-half 136274
per cent of the taxpayer's federal adjusted gross income. 136275

(c) For purposes of division (A)(10) of this section, 136276
"medical care" has the meaning given in section 213 of the 136277
Internal Revenue Code, subject to the special rules, 136278
limitations, and exclusions set forth therein, and "qualified 136279
long-term care" has the same meaning given in section 7702B(c) 136280
of the Internal Revenue Code. Solely for purposes of division 136281
(A)(10)(a) of this section, "dependent" includes a person who 136282
otherwise would be a "qualifying relative" and thus a 136283
"dependent" under section 152 of the Internal Revenue Code but 136284
for the fact that the person fails to meet the income and 136285
support limitations under section 152(d)(1)(B) and (C) of the 136286
Internal Revenue Code. 136287

(11)(a) Deduct any amount included in federal adjusted 136288
gross income solely because the amount represents a 136289
reimbursement or refund of expenses that in any year the 136290

taxpayer had deducted as an itemized deduction pursuant to 136291
section 63 of the Internal Revenue Code and applicable United 136292
States department of the treasury regulations. The deduction 136293
otherwise allowed under division (A) (11) (a) of this section 136294
shall be reduced to the extent the reimbursement is attributable 136295
to an amount the taxpayer deducted under this section in any 136296
taxable year. 136297

(b) Add any amount not otherwise included in Ohio adjusted 136298
gross income for any taxable year to the extent that the amount 136299
is attributable to the recovery during the taxable year of any 136300
amount deducted or excluded in computing federal or Ohio 136301
adjusted gross income in any taxable year. 136302

(12) Deduct any portion of the deduction described in 136303
section 1341(a) (2) of the Internal Revenue Code, for repaying 136304
previously reported income received under a claim of right, that 136305
meets both of the following requirements: 136306

(a) It is allowable for repayment of an item that was 136307
included in the taxpayer's adjusted gross income for a prior 136308
taxable year and did not qualify for a credit under division (A) 136309
or (B) of section 5747.05 of the Revised Code for that year; 136310

(b) It does not otherwise reduce the taxpayer's adjusted 136311
gross income for the current or any other taxable year. 136312

(13) Deduct an amount equal to the deposits made to, and 136313
net investment earnings of, a medical savings account during the 136314
taxable year, in accordance with section 3924.66 of the Revised 136315
Code. The deduction allowed by division (A) (13) of this section 136316
does not apply to medical savings account deposits and earnings 136317
otherwise deducted or excluded for the current or any other 136318
taxable year from the taxpayer's federal adjusted gross income. 136319

(14) (a) Add an amount equal to the funds withdrawn from a 136320
medical savings account during the taxable year, and the net 136321
investment earnings on those funds, when the funds withdrawn 136322
were used for any purpose other than to reimburse an account 136323
holder for, or to pay, eligible medical expenses, in accordance 136324
with section 3924.66 of the Revised Code; 136325

(b) Add the amounts distributed from a medical savings 136326
account under division (A) (2) of section 3924.68 of the Revised 136327
Code during the taxable year. 136328

(15) Add any amount claimed as a credit under section 136329
5747.059 of the Revised Code to the extent that such amount 136330
satisfies either of the following: 136331

(a) The amount was deducted or excluded from the 136332
computation of the taxpayer's federal adjusted gross income as 136333
required to be reported for the taxpayer's taxable year under 136334
the Internal Revenue Code; 136335

(b) The amount resulted in a reduction of the taxpayer's 136336
federal adjusted gross income as required to be reported for any 136337
of the taxpayer's taxable years under the Internal Revenue Code. 136338

(16) Deduct the amount contributed by the taxpayer to an 136339
individual development account program established by a county 136340
department of job and family services pursuant to sections 136341
329.11 to 329.14 of the Revised Code for the purpose of matching 136342
funds deposited by program participants. On request of the tax 136343
commissioner, the taxpayer shall provide any information that, 136344
in the tax commissioner's opinion, is necessary to establish the 136345
amount deducted under division (A) (16) of this section. 136346

(17) (a) (i) Subject to divisions (A) (17) (a) (iii), (iv), and 136347
(v) of this section, add five-sixths of the amount of 136348

depreciation expense allowed by subsection (k) of section 168 of 136349
the Internal Revenue Code, including the taxpayer's 136350
proportionate or distributive share of the amount of 136351
depreciation expense allowed by that subsection to a pass- 136352
through entity in which the taxpayer has a direct or indirect 136353
ownership interest. 136354

(ii) Subject to divisions (A) (17) (a) (iii), (iv), and (v) 136355
of this section, add five-sixths of the amount of qualifying 136356
section 179 depreciation expense, including the taxpayer's 136357
proportionate or distributive share of the amount of qualifying 136358
section 179 depreciation expense allowed to any pass-through 136359
entity in which the taxpayer has a direct or indirect ownership 136360
interest. 136361

(iii) Subject to division (A) (17) (a) (v) of this section, 136362
for taxable years beginning in 2012 or thereafter, if the 136363
increase in income taxes withheld by the taxpayer is equal to or 136364
greater than ten per cent of income taxes withheld by the 136365
taxpayer during the taxpayer's immediately preceding taxable 136366
year, "two-thirds" shall be substituted for "five-sixths" for 136367
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 136368

(iv) Subject to division (A) (17) (a) (v) of this section, 136369
for taxable years beginning in 2012 or thereafter, a taxpayer is 136370
not required to add an amount under division (A) (17) of this 136371
section if the increase in income taxes withheld by the taxpayer 136372
and by any pass-through entity in which the taxpayer has a 136373
direct or indirect ownership interest is equal to or greater 136374
than the sum of (I) the amount of qualifying section 179 136375
depreciation expense and (II) the amount of depreciation expense 136376
allowed to the taxpayer by subsection (k) of section 168 of the 136377
Internal Revenue Code, and including the taxpayer's 136378

proportionate or distributive shares of such amounts allowed to 136379
any such pass-through entities. 136380

(v) If a taxpayer directly or indirectly incurs a net 136381
operating loss for the taxable year for federal income tax 136382
purposes, to the extent such loss resulted from depreciation 136383
expense allowed by subsection (k) of section 168 of the Internal 136384
Revenue Code and by qualifying section 179 depreciation expense, 136385
"the entire" shall be substituted for "five-sixths of the" for 136386
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 136387

The tax commissioner, under procedures established by the 136388
commissioner, may waive the add-backs related to a pass-through 136389
entity if the taxpayer owns, directly or indirectly, less than 136390
five per cent of the pass-through entity. 136391

(b) Nothing in division (A) (17) of this section shall be 136392
construed to adjust or modify the adjusted basis of any asset. 136393

(c) To the extent the add-back required under division (A) 136394
(17) (a) of this section is attributable to property generating 136395
nonbusiness income or loss allocated under section 5747.20 of 136396
the Revised Code, the add-back shall be situated to the same 136397
location as the nonbusiness income or loss generated by the 136398
property for the purpose of determining the credit under 136399
division (A) of section 5747.05 of the Revised Code. Otherwise, 136400
the add-back shall be apportioned, subject to one or more of the 136401
four alternative methods of apportionment enumerated in section 136402
5747.21 of the Revised Code. 136403

(d) For the purposes of division (A) (17) (a) (v) of this 136404
section, net operating loss carryback and carryforward shall not 136405
include the allowance of any net operating loss deduction 136406
carryback or carryforward to the taxable year to the extent such 136407

loss resulted from depreciation allowed by section 168(k) of the 136408
Internal Revenue Code and by the qualifying section 179 136409
depreciation expense amount. 136410

(e) For the purposes of divisions (A) (17) and (18) of this 136411
section: 136412

(i) "Income taxes withheld" means the total amount 136413
withheld and remitted under sections 5747.06 and 5747.07 of the 136414
Revised Code by an employer during the employer's taxable year. 136415

(ii) "Increase in income taxes withheld" means the amount 136416
by which the amount of income taxes withheld by an employer 136417
during the employer's current taxable year exceeds the amount of 136418
income taxes withheld by that employer during the employer's 136419
immediately preceding taxable year. 136420

(iii) "Qualifying section 179 depreciation expense" means 136421
the difference between (I) the amount of depreciation expense 136422
directly or indirectly allowed to a taxpayer under section 179 136423
of the Internal Revised Code, and (II) the amount of 136424
depreciation expense directly or indirectly allowed to the 136425
taxpayer under section 179 of the Internal Revenue Code as that 136426
section existed on December 31, 2002. 136427

(18) (a) If the taxpayer was required to add an amount 136428
under division (A) (17) (a) of this section for a taxable year, 136429
deduct one of the following: 136430

(i) One-fifth of the amount so added for each of the five 136431
succeeding taxable years if the amount so added was five-sixths 136432
of qualifying section 179 depreciation expense or depreciation 136433
expense allowed by subsection (k) of section 168 of the Internal 136434
Revenue Code; 136435

(ii) One-half of the amount so added for each of the two 136436

succeeding taxable years if the amount so added was two-thirds 136437
of such depreciation expense; 136438

(iii) One-sixth of the amount so added for each of the six 136439
succeeding taxable years if the entire amount of such 136440
depreciation expense was so added. 136441

(b) If the amount deducted under division (A) (18) (a) of 136442
this section is attributable to an add-back allocated under 136443
division (A) (17) (c) of this section, the amount deducted shall 136444
be situated to the same location. Otherwise, the ~~add-back~~ 136445
deduction shall be apportioned using the apportionment factors 136446
for the taxable year in which the deduction is taken, subject to 136447
one or more of the four alternative methods of apportionment 136448
enumerated in section 5747.21 of the Revised Code. 136449

(c) No deduction is available under division (A) (18) (a) of 136450
this section with regard to any depreciation allowed by section 136451
168(k) of the Internal Revenue Code and by the qualifying 136452
section 179 depreciation expense amount to the extent that such 136453
depreciation results in or increases a federal net operating 136454
loss carryback or carryforward. If no such deduction is 136455
available for a taxable year, the taxpayer may carry forward the 136456
amount not deducted in such taxable year to the next taxable 136457
year and add that amount to any deduction otherwise available 136458
under division (A) (18) (a) of this section for that next taxable 136459
year. The carryforward of amounts not so deducted shall continue 136460
until the entire addition required by division (A) (17) (a) of 136461
this section has been deducted. 136462

(19) Deduct, to the extent not otherwise deducted or 136463
excluded in computing federal or Ohio adjusted gross income for 136464
the taxable year, the amount the taxpayer received during the 136465
taxable year as reimbursement for life insurance premiums under 136466

section 5919.31 of the Revised Code. 136467

(20) Deduct, to the extent not otherwise deducted or 136468
excluded in computing federal or Ohio adjusted gross income for 136469
the taxable year, the amount the taxpayer received during the 136470
taxable year as a death benefit paid by the adjutant general 136471
under section 5919.33 of the Revised Code. 136472

(21) Deduct, to the extent included in federal adjusted 136473
gross income and not otherwise allowable as a deduction or 136474
exclusion in computing federal or Ohio adjusted gross income for 136475
the taxable year, military pay and allowances received by the 136476
taxpayer during the taxable year for active duty service in the 136477
United States army, air force, navy, marine corps, or coast 136478
guard or reserve components thereof or the national guard. The 136479
deduction may not be claimed for military pay and allowances 136480
received by the taxpayer while the taxpayer is stationed in this 136481
state. 136482

(22) Deduct, to the extent not otherwise allowable as a 136483
deduction or exclusion in computing federal or Ohio adjusted 136484
gross income for the taxable year and not otherwise compensated 136485
for by any other source, the amount of qualified organ donation 136486
expenses incurred by the taxpayer during the taxable year, not 136487
to exceed ten thousand dollars. A taxpayer may deduct qualified 136488
organ donation expenses only once for all taxable years 136489
beginning with taxable years beginning in 2007. 136490

For the purposes of division (A) (22) of this section: 136491

(a) "Human organ" means all or any portion of a human 136492
liver, pancreas, kidney, intestine, or lung, and any portion of 136493
human bone marrow. 136494

(b) "Qualified organ donation expenses" means travel 136495

expenses, lodging expenses, and wages and salary forgone by a 136496
taxpayer in connection with the taxpayer's donation, while 136497
living, of one or more of the taxpayer's human organs to another 136498
human being. 136499

(23) Deduct, to the extent not otherwise deducted or 136500
excluded in computing federal or Ohio adjusted gross income for 136501
the taxable year, amounts received by the taxpayer as retired 136502
personnel pay for service in the uniformed services or reserve 136503
components thereof, or the national guard, or received by the 136504
surviving spouse or former spouse of such a taxpayer under the 136505
survivor benefit plan on account of such a taxpayer's death. If 136506
the taxpayer receives income on account of retirement paid under 136507
the federal civil service retirement system or federal employees 136508
retirement system, or under any successor retirement program 136509
enacted by the congress of the United States that is established 136510
and maintained for retired employees of the United States 136511
government, and such retirement income is based, in whole or in 136512
part, on credit for the taxpayer's uniformed service, the 136513
deduction allowed under this division shall include only that 136514
portion of such retirement income that is attributable to the 136515
taxpayer's uniformed service, to the extent that portion of such 136516
retirement income is otherwise included in federal adjusted 136517
gross income and is not otherwise deducted under this section. 136518
Any amount deducted under division (A) (23) of this section is 136519
not included in a taxpayer's adjusted gross income for the 136520
purposes of section 5747.055 of the Revised Code. No amount may 136521
be deducted under division (A) (23) of this section on the basis 136522
of which a credit was claimed under section 5747.055 of the 136523
Revised Code. 136524

(24) Deduct, to the extent not otherwise deducted or 136525
excluded in computing federal or Ohio adjusted gross income for 136526

the taxable year, the amount the taxpayer received during the 136527
taxable year from the military injury relief fund created in 136528
section 5902.05 of the Revised Code. 136529

(25) Deduct, to the extent not otherwise deducted or 136530
excluded in computing federal or Ohio adjusted gross income for 136531
the taxable year, the amount the taxpayer received as a veterans 136532
bonus during the taxable year from the Ohio department of 136533
veterans services as authorized by Section 2r of Article VIII, 136534
Ohio Constitution. 136535

(26) Deduct, to the extent not otherwise deducted or 136536
excluded in computing federal or Ohio adjusted gross income for 136537
the taxable year, any income derived from a transfer agreement 136538
or from the enterprise transferred under that agreement under 136539
section 4313.02 of the Revised Code. 136540

(27) Deduct, to the extent not otherwise deducted or 136541
excluded in computing federal or Ohio adjusted gross income for 136542
the taxable year, Ohio college opportunity or federal Pell grant 136543
amounts received by the taxpayer or the taxpayer's spouse or 136544
dependent pursuant to section 3333.122 of the Revised Code or 20 136545
U.S.C. 1070a, et seq., and used to pay room or board furnished 136546
by the educational institution for which the grant was awarded 136547
at the institution's facilities, including meal plans 136548
administered by the institution. For the purposes of this 136549
division, receipt of a grant includes the distribution of a 136550
grant directly to an educational institution and the crediting 136551
of the grant to the enrollee's account with the institution. 136552

(28) Deduct from the portion of an individual's federal 136553
adjusted gross income that is business income, to the extent not 136554
otherwise deducted or excluded in computing federal adjusted 136555
gross income for the taxable year, one hundred twenty-five 136556

thousand dollars for each spouse if spouses file separate 136557
returns under section 5747.08 of the Revised Code or two hundred 136558
fifty thousand dollars for all other individuals. 136559

(29) Deduct, as provided under section 5747.78 of the 136560
Revised Code, contributions to ABLE savings accounts made in 136561
accordance with sections 113.50 to 113.56 of the Revised Code. 136562

(30) (a) Deduct, to the extent not otherwise deducted or 136563
excluded in computing federal or Ohio adjusted gross income 136564
during the taxable year, all of the following: 136565

(i) Compensation paid to a qualifying employee described 136566
in division (A) (14) (a) of section 5703.94 of the Revised Code to 136567
the extent such compensation is for disaster work conducted in 136568
this state during a disaster response period pursuant to a 136569
qualifying solicitation received by the employee's employer; 136570

(ii) Compensation paid to a qualifying employee described 136571
in division (A) (14) (b) of section 5703.94 of the Revised Code to 136572
the extent such compensation is for disaster work conducted in 136573
this state by the employee during the disaster response period 136574
on critical infrastructure owned or used by the employee's 136575
employer; 136576

(iii) Income received by an out-of-state disaster business 136577
for disaster work conducted in this state during a disaster 136578
response period, or, if the out-of-state disaster business is a 136579
pass-through entity, a taxpayer's distributive share of the 136580
pass-through entity's income from the business conducting 136581
disaster work in this state during a disaster response period, 136582
if, in either case, the disaster work is conducted pursuant to a 136583
qualifying solicitation received by the business. 136584

(b) All terms used in division (A) (30) of this section 136585

have the same meanings as in section 5703.94 of the Revised 136586
Code. 136587

(31) For a taxpayer who is a qualifying Ohio educator, 136588
deduct, to the extent not otherwise deducted or excluded in 136589
computing federal or Ohio adjusted gross income for the taxable 136590
year, the lesser of ~~two~~three hundred ~~fifty~~ dollars or the 136591
amount of expenses described in subsections (a) (2) (D) (i) and 136592
(ii) of section 62 of the Internal Revenue Code paid or incurred 136593
by the taxpayer during the taxpayer's taxable year in excess of 136594
the amount the taxpayer is authorized to deduct for that taxable 136595
year under subsection (a) (2) (D) of that section. 136596

(32) Deduct, to the extent not otherwise deducted or 136597
excluded in computing federal or Ohio adjusted gross income for 136598
the taxable year, amounts received by the taxpayer as a 136599
disability severance payment, computed under 10 U.S.C. 1212, 136600
following discharge or release under honorable conditions from 136601
the armed forces of the United States, as defined in section 136602
5907.01 of the Revised Code. 136603

(33) Deduct, to the extent not otherwise deducted or 136604
excluded in computing federal adjusted gross income or Ohio 136605
adjusted gross income, amounts not subject to tax due to an 136606
agreement entered into under division (A) (2) of section 5747.05 136607
of the Revised Code. 136608

(34) Deduct amounts as provided under section 5747.79 of 136609
the Revised Code related to the taxpayer's qualifying capital 136610
gains and deductible payroll. 136611

To the extent a qualifying capital gain described under 136612
division (A) (34) of this section is business income, the 136613
taxpayer shall deduct those gains under this division before 136614

deducting any such gains under division (A) (28) of this section. 136615

(35) (a) For taxable years beginning in or after 2026, 136616
deduct, to the extent not otherwise deducted or excluded in 136617
computing federal or Ohio adjusted gross income for the taxable 136618
year: 136619

(i) One hundred per cent of the capital gain received by 136620
the taxpayer in the taxable year from a qualifying interest in 136621
an Ohio venture capital operating company attributable to the 136622
company's investments in Ohio businesses during the period for 136623
which the company was an Ohio venture operating company; and 136624

(ii) Fifty per cent of the capital gain received by the 136625
taxpayer in the taxable year from a qualifying interest in an 136626
Ohio venture capital operating company attributable to the 136627
company's investments in all other businesses during the period 136628
for which the company was an Ohio venture operating company. 136629

(b) Add amounts previously deducted by the taxpayer under 136630
division (A) (35) (a) of this section if the director of 136631
development certifies to the tax commissioner that the 136632
requirements for the deduction were not met. 136633

(c) All terms used in division (A) (35) of this section 136634
have the same meanings as in section 122.851 of the Revised 136635
Code. 136636

(d) To the extent a capital gain described in division (A) 136637
(35) (a) of this section is business income, the taxpayer shall 136638
apply that division before applying division (A) (28) of this 136639
section. 136640

(36) Add, to the extent not otherwise included in 136641
computing federal or Ohio adjusted gross income for any taxable 136642
year, the taxpayer's proportionate share of the amount of the 136643

tax levied under section 5747.38 of the Revised Code and paid by 136644
an electing pass-through entity for the taxable year. 136645

Notwithstanding any provision of the Revised Code to the 136646
contrary, the portion of the addition required by division (A) 136647
(36) of this section related to the apportioned business income 136648
of the pass-through entity shall be considered business income 136649
under division (B) of this section. Such addition is eligible 136650
for the deduction in division (A) (28) of this section, subject 136651
to the applicable dollar limitations, and the tax rate 136652
prescribed by division (A) (4) (a) of section 5747.02 of the 136653
Revised Code. The taxpayer shall provide, upon request of the 136654
tax commissioner, any documentation necessary to verify the 136655
portion of the addition that is business income under this 136656
division. 136657

(37) Deduct, to the extent not otherwise deducted or 136658
excluded in computing federal or Ohio adjusted gross income for 136659
the taxable year, amounts delivered to a qualifying institution 136660
pursuant to section 3333.128 of the Revised Code for the benefit 136661
of the taxpayer or the taxpayer's spouse or dependent. 136662

(38) Deduct, to the extent not otherwise deducted or 136663
excluded in computing federal or Ohio adjusted gross income for 136664
the taxable year, amounts received under the Ohio adoption grant 136665
program pursuant to section ~~5101.191~~5180.451 of the Revised 136666
Code. 136667

(39) Deduct, to the extent included in federal adjusted 136668
gross income, income attributable to amounts provided to a 136669
taxpayer for any of the purposes for which an exclusion would 136670
have been authorized under section 139 of the Internal Revenue 136671
Code if the train derailment near the city of East Palestine on 136672
February 3, 2023, had been a qualified disaster pursuant to that 136673

section, or to compensate for lost business resulting from that 136674
derailment, if such amounts are provided by any of the 136675
following: 136676

(a) A federal, state, or local government agency; 136677

(b) A railroad company, as that term is defined in section 136678
5727.01 of the Revised Code; 136679

(c) Any subsidiary, insurer, or agent of a railroad 136680
company or any related person. 136681

Notwithstanding any provision to the contrary, the 136682
derailment is not required to meet the definition of a 136683
"qualified disaster" pursuant to section 139 of the Internal 136684
Revenue Code to qualify for the deduction under this section. 136685

(40) Deduct, to the extent included in federal adjusted 136686
gross income, income attributable to loan repayments on behalf 136687
of the taxpayer under the rural practice incentive program under 136688
section 3333.135 of the Revised Code. 136689

(41) Add any income taxes deducted in computing federal or 136690
Ohio adjusted gross income to the extent the income taxes were 136691
derived from income subject to a tax levied in another state or 136692
the District of Columbia when such tax was enacted for purposes 136693
of complying with internal revenue service notice 2020-75. 136694

Notwithstanding any provision of the Revised Code to the 136695
contrary, the portion of the addition required by division (A) 136696
(41) of this section related to the apportioned business income 136697
of the pass-through entity shall be considered business income 136698
under division (B) of this section. Such addition is eligible 136699
for the deduction in division (A) (28) of this section, subject 136700
to the applicable dollar limitations, and the tax rate 136701
prescribed by division (A) (4) (a) of section 5747.02 of the 136702

Revised Code. The taxpayer shall provide, upon request of the 136703
tax commissioner, any documentation necessary to verify the 136704
portion of the addition that is business income under this 136705
division. 136706

(42) Deduct amounts contributed to a homeownership savings 136707
account and calculated pursuant to divisions (B) and (C) of 136708
section 5747.85 of the Revised Code. 136709

(43) If the taxpayer is the account owner, ~~add the amount~~ 136710
~~of funds withdrawn from a homeownership savings account not used~~ 136711
~~for eligible expenses, regardless of who deposited those funds~~ 136712
of a homeownership savings account, upon withdrawal or transfer 136713
of funds from the account, or closure of the account containing 136714
funds that are not used for eligible expenses, add the amount of 136715
such funds not used for an eligible expense. The addition 136716
required under this division shall not exceed the sum of the 136717
amounts deducted by the taxpayer for such account under division 136718
(A) (42) of this section in any taxable year and the amount of 136719
any funds deposited in the account by a contributor other than 136720
the account owner. As used in division (A) (43) of this section, 136721
"homeownership savings account," "contributor," "account owner," 136722
and "eligible expenses" have the same meanings as in section 136723
5747.85 of the Revised Code. 136724

(B) "Business income" means income, including gain or 136725
loss, arising from transactions, activities, and sources in the 136726
regular course of a trade or business and includes income, gain, 136727
or loss from real property, tangible property, and intangible 136728
property if the acquisition, rental, management, and disposition 136729
of the property constitute integral parts of the regular course 136730
of a trade or business operation. "Business income" includes 136731
income, including gain or loss, from a partial or complete 136732

liquidation of a business, including, but not limited to, gain 136733
or loss from the sale or other disposition of goodwill or the 136734
sale of an equity or ownership interest in a business. 136735

As used in this division, the "sale of an equity or 136736
ownership interest in a business" means sales to which either or 136737
both of the following apply: 136738

(1) The sale is treated for federal income tax purposes as 136739
the sale of assets. 136740

(2) The seller materially participated, as described in 26 136741
C.F.R. 1.469-5T, in the activities of the business during the 136742
taxable year in which the sale occurs or during any of the five 136743
preceding taxable years. 136744

(C) "Nonbusiness income" means all income other than 136745
business income and may include, but is not limited to, 136746
compensation, rents and royalties from real or tangible personal 136747
property, capital gains, interest, dividends and distributions, 136748
patent or copyright royalties, or lottery winnings, prizes, and 136749
awards. 136750

(D) "Compensation" means any form of remuneration paid to 136751
an employee for personal services. 136752

(E) "Fiduciary" means a guardian, trustee, executor, 136753
administrator, receiver, conservator, or any other person acting 136754
in any fiduciary capacity for any individual, trust, or estate. 136755

(F) "Fiscal year" means an accounting period of twelve 136756
months ending on the last day of any month other than December. 136757

(G) "Individual" means any natural person. 136758

(H) "Internal Revenue Code" means the "Internal Revenue 136759
Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 136760

(I) "Resident" means any of the following: 136761

(1) An individual who is domiciled in this state, subject 136762
to section 5747.24 of the Revised Code; 136763

(2) The estate of a decedent who at the time of death was 136764
domiciled in this state. The domicile tests of section 5747.24 136765
of the Revised Code are not controlling for purposes of division 136766
(I) (2) of this section. 136767

(3) A trust that, in whole or part, resides in this state. 136768
If only part of a trust resides in this state, the trust is a 136769
resident only with respect to that part. 136770

For the purposes of division (I) (3) of this section: 136771

(a) A trust resides in this state for the trust's current 136772
taxable year to the extent, as described in division (I) (3) (d) 136773
of this section, that the trust consists directly or indirectly, 136774
in whole or in part, of assets, net of any related liabilities, 136775
that were transferred, or caused to be transferred, directly or 136776
indirectly, to the trust by any of the following: 136777

(i) A person, a court, or a governmental entity or 136778
instrumentality on account of the death of a decedent, but only 136779
if the trust is described in division (I) (3) (e) (i) or (ii) of 136780
this section; 136781

(ii) A person who was domiciled in this state for the 136782
purposes of this chapter when the person directly or indirectly 136783
transferred assets to an irrevocable trust, but only if at least 136784
one of the trust's qualifying beneficiaries is domiciled in this 136785
state for the purposes of this chapter during all or some 136786
portion of the trust's current taxable year; 136787

(iii) A person who was domiciled in this state for the 136788

purposes of this chapter when the trust document or instrument 136789
or part of the trust document or instrument became irrevocable, 136790
but only if at least one of the trust's qualifying beneficiaries 136791
is a resident domiciled in this state for the purposes of this 136792
chapter during all or some portion of the trust's current 136793
taxable year. If a trust document or instrument became 136794
irrevocable upon the death of a person who at the time of death 136795
was domiciled in this state for purposes of this chapter, that 136796
person is a person described in division (I)(3)(a)(iii) of this 136797
section. 136798

(b) A trust is irrevocable to the extent that the 136799
transferor is not considered to be the owner of the net assets 136800
of the trust under sections 671 to 678 of the Internal Revenue 136801
Code. 136802

(c) With respect to a trust other than a charitable lead 136803
trust, "qualifying beneficiary" has the same meaning as 136804
"potential current beneficiary" as defined in section 1361(e)(2) 136805
of the Internal Revenue Code, and with respect to a charitable 136806
lead trust "qualifying beneficiary" is any current, future, or 136807
contingent beneficiary, but with respect to any trust 136808
"qualifying beneficiary" excludes a person or a governmental 136809
entity or instrumentality to any of which a contribution would 136810
qualify for the charitable deduction under section 170 of the 136811
Internal Revenue Code. 136812

(d) For the purposes of division (I)(3)(a) of this 136813
section, the extent to which a trust consists directly or 136814
indirectly, in whole or in part, of assets, net of any related 136815
liabilities, that were transferred directly or indirectly, in 136816
whole or part, to the trust by any of the sources enumerated in 136817
that division shall be ascertained by multiplying the fair 136818

market value of the trust's assets, net of related liabilities, 136819
by the qualifying ratio, which shall be computed as follows: 136820

(i) The first time the trust receives assets, the 136821
numerator of the qualifying ratio is the fair market value of 136822
those assets at that time, net of any related liabilities, from 136823
sources enumerated in division (I)(3)(a) of this section. The 136824
denominator of the qualifying ratio is the fair market value of 136825
all the trust's assets at that time, net of any related 136826
liabilities. 136827

(ii) Each subsequent time the trust receives assets, a 136828
revised qualifying ratio shall be computed. The numerator of the 136829
revised qualifying ratio is the sum of (1) the fair market value 136830
of the trust's assets immediately prior to the subsequent 136831
transfer, net of any related liabilities, multiplied by the 136832
qualifying ratio last computed without regard to the subsequent 136833
transfer, and (2) the fair market value of the subsequently 136834
transferred assets at the time transferred, net of any related 136835
liabilities, from sources enumerated in division (I)(3)(a) of 136836
this section. The denominator of the revised qualifying ratio is 136837
the fair market value of all the trust's assets immediately 136838
after the subsequent transfer, net of any related liabilities. 136839

(iii) Whether a transfer to the trust is by or from any of 136840
the sources enumerated in division (I)(3)(a) of this section 136841
shall be ascertained without regard to the domicile of the 136842
trust's beneficiaries. 136843

(e) For the purposes of division (I)(3)(a)(i) of this 136844
section: 136845

(i) A trust is described in division (I)(3)(e)(i) of this 136846
section if the trust is a testamentary trust and the testator of 136847

that testamentary trust was domiciled in this state at the time 136848
of the testator's death for purposes of the taxes levied under 136849
Chapter 5731. of the Revised Code. 136850

(ii) A trust is described in division (I)(3)(e)(ii) of 136851
this section if the transfer is a qualifying transfer described 136852
in any of divisions (I)(3)(f)(i) to (vi) of this section, the 136853
trust is an irrevocable inter vivos trust, and at least one of 136854
the trust's qualifying beneficiaries is domiciled in this state 136855
for purposes of this chapter during all or some portion of the 136856
trust's current taxable year. 136857

(f) For the purposes of division (I)(3)(e)(ii) of this 136858
section, a "qualifying transfer" is a transfer of assets, net of 136859
any related liabilities, directly or indirectly to a trust, if 136860
the transfer is described in any of the following: 136861

(i) The transfer is made to a trust, created by the 136862
decedent before the decedent's death and while the decedent was 136863
domiciled in this state for the purposes of this chapter, and, 136864
prior to the death of the decedent, the trust became irrevocable 136865
while the decedent was domiciled in this state for the purposes 136866
of this chapter. 136867

(ii) The transfer is made to a trust to which the 136868
decedent, prior to the decedent's death, had directly or 136869
indirectly transferred assets, net of any related liabilities, 136870
while the decedent was domiciled in this state for the purposes 136871
of this chapter, and prior to the death of the decedent the 136872
trust became irrevocable while the decedent was domiciled in 136873
this state for the purposes of this chapter. 136874

(iii) The transfer is made on account of a contractual 136875
relationship existing directly or indirectly between the 136876

transferor and either the decedent or the estate of the decedent 136877
at any time prior to the date of the decedent's death, and the 136878
decedent was domiciled in this state at the time of death for 136879
purposes of the taxes levied under Chapter 5731. of the Revised 136880
Code. 136881

(iv) The transfer is made to a trust on account of a 136882
contractual relationship existing directly or indirectly between 136883
the transferor and another person who at the time of the 136884
decedent's death was domiciled in this state for purposes of 136885
this chapter. 136886

(v) The transfer is made to a trust on account of the will 136887
of a testator who was domiciled in this state at the time of the 136888
testator's death for purposes of the taxes levied under Chapter 136889
5731. of the Revised Code. 136890

(vi) The transfer is made to a trust created by or caused 136891
to be created by a court, and the trust was directly or 136892
indirectly created in connection with or as a result of the 136893
death of an individual who, for purposes of the taxes levied 136894
under Chapter 5731. of the Revised Code, was domiciled in this 136895
state at the time of the individual's death. 136896

(g) The tax commissioner may adopt rules to ascertain the 136897
part of a trust residing in this state. 136898

(J) "Nonresident" means an individual or estate that is 136899
not a resident. An individual who is a resident for only part of 136900
a taxable year is a nonresident for the remainder of that 136901
taxable year. 136902

(K) "Pass-through entity" has the same meaning as in 136903
section 5733.04 of the Revised Code. 136904

(L) "Return" means the notifications and reports required 136905

to be filed pursuant to this chapter for the purpose of 136906
reporting the tax due and includes declarations of estimated tax 136907
when so required. 136908

(M) "Taxable year" means the calendar year or the 136909
taxpayer's fiscal year ending during the calendar year, or 136910
fractional part thereof, upon which the adjusted gross income is 136911
calculated pursuant to this chapter. 136912

(N) "Taxpayer" means any person subject to the tax imposed 136913
by section 5747.02 of the Revised Code or any pass-through 136914
entity that makes the election under division (D) of section 136915
5747.08 of the Revised Code. 136916

(O) "Dependents" means one of the following: 136917

(1) For taxable years beginning on or after January 1, 136918
2018, and before January 1, 2026, dependents as defined in the 136919
Internal Revenue Code; 136920

(2) For all other taxable years, dependents as defined in 136921
the Internal Revenue Code and as claimed in the taxpayer's 136922
federal income tax return for the taxable year or which the 136923
taxpayer would have been permitted to claim had the taxpayer 136924
filed a federal income tax return. 136925

(P) "Principal county of employment" means, in the case of 136926
a nonresident, the county within the state in which a taxpayer 136927
performs services for an employer or, if those services are 136928
performed in more than one county, the county in which the major 136929
portion of the services are performed. 136930

(Q) As used in sections 5747.50 to 5747.55 of the Revised 136931
Code: 136932

(1) "Subdivision" means any county, municipal corporation, 136933

park district, or township. 136934

(2) "Essential local government purposes" includes all 136935
functions that any subdivision is required by general law to 136936
exercise, including like functions that are exercised under a 136937
charter adopted pursuant to the Ohio Constitution. 136938

(R) "Overpayment" means any amount already paid that 136939
exceeds the figure determined to be the correct amount of the 136940
tax. 136941

(S) "Taxable income" or "Ohio taxable income" applies only 136942
to estates and trusts, and means federal taxable income, as 136943
defined and used in the Internal Revenue Code, adjusted as 136944
follows: 136945

(1) Add interest or dividends, net of ordinary, necessary, 136946
and reasonable expenses not deducted in computing federal 136947
taxable income, on obligations or securities of any state or of 136948
any political subdivision or authority of any state, other than 136949
this state and its subdivisions and authorities, but only to the 136950
extent that such net amount is not otherwise includible in Ohio 136951
taxable income and is described in either division (S) (1) (a) or 136952
(b) of this section: 136953

(a) The net amount is not attributable to the S portion of 136954
an electing small business trust and has not been distributed to 136955
beneficiaries for the taxable year; 136956

(b) The net amount is attributable to the S portion of an 136957
electing small business trust for the taxable year. 136958

(2) Add interest or dividends, net of ordinary, necessary, 136959
and reasonable expenses not deducted in computing federal 136960
taxable income, on obligations of any authority, commission, 136961
instrumentality, territory, or possession of the United States 136962

to the extent that the interest or dividends are exempt from 136963
federal income taxes but not from state income taxes, but only 136964
to the extent that such net amount is not otherwise includible 136965
in Ohio taxable income and is described in either division (S) 136966
(1) (a) or (b) of this section; 136967

(3) Add the amount of personal exemption allowed to the 136968
estate pursuant to section 642(b) of the Internal Revenue Code; 136969

(4) Deduct interest or dividends, net of related expenses 136970
deducted in computing federal taxable income, on obligations of 136971
the United States and its territories and possessions or of any 136972
authority, commission, or instrumentality of the United States 136973
to the extent that the interest or dividends are exempt from 136974
state taxes under the laws of the United States, but only to the 136975
extent that such amount is included in federal taxable income 136976
and is described in either division (S) (1) (a) or (b) of this 136977
section; 136978

(5) Deduct the amount of wages and salaries, if any, not 136979
otherwise allowable as a deduction but that would have been 136980
allowable as a deduction in computing federal taxable income for 136981
the taxable year, had the work opportunity tax credit allowed 136982
under sections 38, 51, and 52 of the Internal Revenue Code not 136983
been in effect, but only to the extent such amount relates 136984
either to income included in federal taxable income for the 136985
taxable year or to income of the S portion of an electing small 136986
business trust for the taxable year; 136987

(6) Deduct any interest or interest equivalent, net of 136988
related expenses deducted in computing federal taxable income, 136989
on public obligations and purchase obligations, but only to the 136990
extent that such net amount relates either to income included in 136991
federal taxable income for the taxable year or to income of the 136992

S portion of an electing small business trust for the taxable 136993
year; 136994

(7) Add any loss or deduct any gain resulting from sale, 136995
exchange, or other disposition of public obligations to the 136996
extent that such loss has been deducted or such gain has been 136997
included in computing either federal taxable income or income of 136998
the S portion of an electing small business trust for the 136999
taxable year; 137000

(8) Except in the case of the final return of an estate, 137001
add any amount deducted by the taxpayer on both its Ohio estate 137002
tax return pursuant to section 5731.14 of the Revised Code, and 137003
on its federal income tax return in determining federal taxable 137004
income; 137005

(9) (a) Deduct any amount included in federal taxable 137006
income solely because the amount represents a reimbursement or 137007
refund of expenses that in a previous year the decedent had 137008
deducted as an itemized deduction pursuant to section 63 of the 137009
Internal Revenue Code and applicable treasury regulations. The 137010
deduction otherwise allowed under division (S) (9) (a) of this 137011
section shall be reduced to the extent the reimbursement is 137012
attributable to an amount the taxpayer or decedent deducted 137013
under this section in any taxable year. 137014

(b) Add any amount not otherwise included in Ohio taxable 137015
income for any taxable year to the extent that the amount is 137016
attributable to the recovery during the taxable year of any 137017
amount deducted or excluded in computing federal or Ohio taxable 137018
income in any taxable year, but only to the extent such amount 137019
has not been distributed to beneficiaries for the taxable year. 137020

(10) Deduct any portion of the deduction described in 137021

section 1341(a)(2) of the Internal Revenue Code, for repaying 137022
previously reported income received under a claim of right, that 137023
meets both of the following requirements: 137024

(a) It is allowable for repayment of an item that was 137025
included in the taxpayer's taxable income or the decedent's 137026
adjusted gross income for a prior taxable year and did not 137027
qualify for a credit under division (A) or (B) of section 137028
5747.05 of the Revised Code for that year. 137029

(b) It does not otherwise reduce the taxpayer's taxable 137030
income or the decedent's adjusted gross income for the current 137031
or any other taxable year. 137032

(11) Add any amount claimed as a credit under section 137033
5747.059 of the Revised Code to the extent that the amount 137034
satisfies either of the following: 137035

(a) The amount was deducted or excluded from the 137036
computation of the taxpayer's federal taxable income as required 137037
to be reported for the taxpayer's taxable year under the 137038
Internal Revenue Code; 137039

(b) The amount resulted in a reduction in the taxpayer's 137040
federal taxable income as required to be reported for any of the 137041
taxpayer's taxable years under the Internal Revenue Code. 137042

(12) Deduct any amount, net of related expenses deducted 137043
in computing federal taxable income, that a trust is required to 137044
report as farm income on its federal income tax return, but only 137045
if the assets of the trust include at least ten acres of land 137046
satisfying the definition of "land devoted exclusively to 137047
agricultural use" under section 5713.30 of the Revised Code, 137048
regardless of whether the land is valued for tax purposes as 137049
such land under sections 5713.30 to 5713.38 of the Revised Code. 137050

If the trust is a pass-through entity investor, section 5747.231 137051
of the Revised Code applies in ascertaining if the trust is 137052
eligible to claim the deduction provided by division (S)(12) of 137053
this section in connection with the pass-through entity's farm 137054
income. 137055

Except for farm income attributable to the S portion of an 137056
electing small business trust, the deduction provided by 137057
division (S)(12) of this section is allowed only to the extent 137058
that the trust has not distributed such farm income. 137059

(13) Add the net amount of income described in section 137060
641(c) of the Internal Revenue Code to the extent that amount is 137061
not included in federal taxable income. 137062

(14) ~~Deduct~~ Add or deduct the amount the taxpayer would be 137063
required to add or deduct under division ~~(A)(18)~~ (A)(17) or (18) 137064
of this section if the taxpayer's Ohio taxable income ~~were~~ was 137065
computed in the same manner as an individual's Ohio adjusted 137066
gross income is computed under this section. 137067

(15) Add, to the extent not otherwise included in 137068
computing taxable income or Ohio taxable income for any taxable 137069
year, the taxpayer's proportionate share of the amount of the 137070
tax levied under section 5747.38 of the Revised Code and paid by 137071
an electing pass-through entity for the taxable year. 137072

(16) Add any income taxes deducted in computing federal 137073
taxable income or Ohio taxable income to the extent the income 137074
taxes were derived from income subject to a tax levied in 137075
another state or the District of Columbia when such tax was 137076
enacted for purposes of complying with internal revenue service 137077
notice 2020-75. 137078

(T) "School district income" and "school district income 137079

tax" have the same meanings as in section 5748.01 of the Revised Code. 137080
137081

(U) As used in divisions (A) (7), (A) (8), (S) (6), and (S) 137082
(7) of this section, "public obligations," "purchase 137083
obligations," and "interest or interest equivalent" have the 137084
same meanings as in section 5709.76 of the Revised Code. 137085

(V) "Limited liability company" means any limited 137086
liability company formed under former Chapter 1705. of the 137087
Revised Code as that chapter existed prior to February 11, 2022, 137088
Chapter 1706. of the Revised Code, or the laws of any other 137089
state. 137090

(W) "Pass-through entity investor" means any person who, 137091
during any portion of a taxable year of a pass-through entity, 137092
is a partner, member, shareholder, or equity investor in that 137093
pass-through entity. 137094

(X) "Banking day" has the same meaning as in section 137095
1304.01 of the Revised Code. 137096

(Y) "Month" means a calendar month. 137097

(Z) "Quarter" means the first three months, the second 137098
three months, the third three months, or the last three months 137099
of the taxpayer's taxable year. 137100

(AA) (1) "Modified business income" means the business 137101
income included in a trust's Ohio taxable income after such 137102
taxable income is first reduced by the qualifying trust amount, 137103
if any. 137104

(2) "Qualifying trust amount" of a trust means capital 137105
gains and losses from the sale, exchange, or other disposition 137106
of equity or ownership interests in, or debt obligations of, a 137107

qualifying investee to the extent included in the trust's Ohio 137108
taxable income, but only if the following requirements are 137109
satisfied: 137110

(a) The book value of the qualifying investee's physical 137111
assets in this state and everywhere, as of the last day of the 137112
qualifying investee's fiscal or calendar year ending immediately 137113
prior to the date on which the trust recognizes the gain or 137114
loss, is available to the trust. 137115

(b) The requirements of section 5747.011 of the Revised 137116
Code are satisfied for the trust's taxable year in which the 137117
trust recognizes the gain or loss. 137118

Any gain or loss that is not a qualifying trust amount is 137119
modified business income, qualifying investment income, or 137120
modified nonbusiness income, as the case may be. 137121

(3) "Modified nonbusiness income" means a trust's Ohio 137122
taxable income other than modified business income, other than 137123
the qualifying trust amount, and other than qualifying 137124
investment income, as defined in section 5747.012 of the Revised 137125
Code, to the extent such qualifying investment income is not 137126
otherwise part of modified business income. 137127

(4) "Modified Ohio taxable income" applies only to trusts, 137128
and means the sum of the amounts described in divisions (AA) (4) 137129
(a) to (c) of this section: 137130

(a) The fraction, calculated under section 5747.013, and 137131
applying section 5747.231 of the Revised Code, multiplied by the 137132
sum of the following amounts: 137133

(i) The trust's modified business income; 137134

(ii) The trust's qualifying investment income, as defined 137135

in section 5747.012 of the Revised Code, but only to the extent 137136
the qualifying investment income does not otherwise constitute 137137
modified business income and does not otherwise constitute a 137138
qualifying trust amount. 137139

(b) The qualifying trust amount multiplied by a fraction, 137140
the numerator of which is the sum of the book value of the 137141
qualifying investee's physical assets in this state on the last 137142
day of the qualifying investee's fiscal or calendar year ending 137143
immediately prior to the day on which the trust recognizes the 137144
qualifying trust amount, and the denominator of which is the sum 137145
of the book value of the qualifying investee's total physical 137146
assets everywhere on the last day of the qualifying investee's 137147
fiscal or calendar year ending immediately prior to the day on 137148
which the trust recognizes the qualifying trust amount. If, for 137149
a taxable year, the trust recognizes a qualifying trust amount 137150
with respect to more than one qualifying investee, the amount 137151
described in division (AA) (4) (b) of this section shall equal the 137152
sum of the products so computed for each such qualifying 137153
investee. 137154

(c) (i) With respect to a trust or portion of a trust that 137155
is a resident as ascertained in accordance with division (I) (3) 137156
(d) of this section, its modified nonbusiness income. 137157

(ii) With respect to a trust or portion of a trust that is 137158
not a resident as ascertained in accordance with division (I) (3) 137159
(d) of this section, the amount of its modified nonbusiness 137160
income satisfying the descriptions in divisions (B) (2) to (5) of 137161
section 5747.20 of the Revised Code, except as otherwise 137162
provided in division (AA) (4) (c) (ii) of this section. With 137163
respect to a trust or portion of a trust that is not a resident 137164
as ascertained in accordance with division (I) (3) (d) of this 137165

section, the trust's portion of modified nonbusiness income 137166
recognized from the sale, exchange, or other disposition of a 137167
debt interest in or equity interest in a section 5747.212 137168
entity, as defined in section 5747.212 of the Revised Code, 137169
without regard to division (A) of that section, shall not be 137170
allocated to this state in accordance with section 5747.20 of 137171
the Revised Code but shall be apportioned to this state in 137172
accordance with division (B) of section 5747.212 of the Revised 137173
Code without regard to division (A) of that section. 137174

If the allocation and apportionment of a trust's income 137175
under divisions (AA) (4) (a) and (c) of this section do not fairly 137176
represent the modified Ohio taxable income of the trust in this 137177
state, the alternative methods described in division (C) of 137178
section 5747.21 of the Revised Code may be applied in the manner 137179
and to the same extent provided in that section. 137180

(5) (a) Except as set forth in division (AA) (5) (b) of this 137181
section, "qualifying investee" means a person in which a trust 137182
has an equity or ownership interest, or a person or unit of 137183
government the debt obligations of either of which are owned by 137184
a trust. For the purposes of division (AA) (2) (a) of this section 137185
and for the purpose of computing the fraction described in 137186
division (AA) (4) (b) of this section, all of the following apply: 137187

(i) If the qualifying investee is a member of a qualifying 137188
controlled group on the last day of the qualifying investee's 137189
fiscal or calendar year ending immediately prior to the date on 137190
which the trust recognizes the gain or loss, then "qualifying 137191
investee" includes all persons in the qualifying controlled 137192
group on such last day. 137193

(ii) If the qualifying investee, or if the qualifying 137194
investee and any members of the qualifying controlled group of 137195

which the qualifying investee is a member on the last day of the 137196
qualifying investee's fiscal or calendar year ending immediately 137197
prior to the date on which the trust recognizes the gain or 137198
loss, separately or cumulatively own, directly or indirectly, on 137199
the last day of the qualifying investee's fiscal or calendar 137200
year ending immediately prior to the date on which the trust 137201
recognizes the qualifying trust amount, more than fifty per cent 137202
of the equity of a pass-through entity, then the qualifying 137203
investee and the other members are deemed to own the 137204
proportionate share of the pass-through entity's physical assets 137205
which the pass-through entity directly or indirectly owns on the 137206
last day of the pass-through entity's calendar or fiscal year 137207
ending within or with the last day of the qualifying investee's 137208
fiscal or calendar year ending immediately prior to the date on 137209
which the trust recognizes the qualifying trust amount. 137210

(iii) For the purposes of division (AA) (5) (a) (iii) of this 137211
section, "upper level pass-through entity" means a pass-through 137212
entity directly or indirectly owning any equity of another pass- 137213
through entity, and "lower level pass-through entity" means that 137214
other pass-through entity. 137215

An upper level pass-through entity, whether or not it is 137216
also a qualifying investee, is deemed to own, on the last day of 137217
the upper level pass-through entity's calendar or fiscal year, 137218
the proportionate share of the lower level pass-through entity's 137219
physical assets that the lower level pass-through entity 137220
directly or indirectly owns on the last day of the lower level 137221
pass-through entity's calendar or fiscal year ending within or 137222
with the last day of the upper level pass-through entity's 137223
fiscal or calendar year. If the upper level pass-through entity 137224
directly and indirectly owns less than fifty per cent of the 137225
equity of the lower level pass-through entity on each day of the 137226

upper level pass-through entity's calendar or fiscal year in 137227
which or with which ends the calendar or fiscal year of the 137228
lower level pass-through entity and if, based upon clear and 137229
convincing evidence, complete information about the location and 137230
cost of the physical assets of the lower pass-through entity is 137231
not available to the upper level pass-through entity, then 137232
solely for purposes of ascertaining if a gain or loss 137233
constitutes a qualifying trust amount, the upper level pass- 137234
through entity shall be deemed as owning no equity of the lower 137235
level pass-through entity for each day during the upper level 137236
pass-through entity's calendar or fiscal year in which or with 137237
which ends the lower level pass-through entity's calendar or 137238
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 137239
shall be construed to provide for any deduction or exclusion in 137240
computing any trust's Ohio taxable income. 137241

(b) With respect to a trust that is not a resident for the 137242
taxable year and with respect to a part of a trust that is not a 137243
resident for the taxable year, "qualifying investee" for that 137244
taxable year does not include a C corporation if both of the 137245
following apply: 137246

(i) During the taxable year the trust or part of the trust 137247
recognizes a gain or loss from the sale, exchange, or other 137248
disposition of equity or ownership interests in, or debt 137249
obligations of, the C corporation. 137250

(ii) Such gain or loss constitutes nonbusiness income. 137251

(6) "Available" means information is such that a person is 137252
able to learn of the information by the due date plus 137253
extensions, if any, for filing the return for the taxable year 137254
in which the trust recognizes the gain or loss. 137255

(BB) "Qualifying controlled group" has the same meaning as 137256
in section 5733.04 of the Revised Code. 137257

(CC) "Related member" has the same meaning as in section 137258
5733.042 of the Revised Code. 137259

(DD) (1) For the purposes of division (DD) of this section: 137260

(a) "Qualifying person" means any person other than a 137261
qualifying corporation. 137262

(b) "Qualifying corporation" means any person classified 137263
for federal income tax purposes as an association taxable as a 137264
corporation, except either of the following: 137265

(i) A corporation that has made an election under 137266
subchapter S, chapter one, subtitle A, of the Internal Revenue 137267
Code for its taxable year ending within, or on the last day of, 137268
the investor's taxable year; 137269

(ii) A subsidiary that is wholly owned by any corporation 137270
that has made an election under subchapter S, chapter one, 137271
subtitle A of the Internal Revenue Code for its taxable year 137272
ending within, or on the last day of, the investor's taxable 137273
year. 137274

(2) For the purposes of this chapter, unless expressly 137275
stated otherwise, no qualifying person indirectly owns any asset 137276
directly or indirectly owned by any qualifying corporation. 137277

~~(EE) For purposes of this chapter and Chapter 5751. of the~~ 137278
~~Revised Code:~~ 137279

~~(1) "Trust" does not include a qualified pre-income tax~~ 137280
~~trust.~~ 137281

~~(2) A "qualified pre-income tax trust" is any pre-income~~ 137282

~~tax trust that makes a qualifying pre-income tax trust election-~~ 137283
~~as described in division (EE) (3) of this section.~~ 137284

~~(3) A "qualifying pre-income tax trust election" is an~~ 137285
~~election by a pre-income tax trust to subject to the tax imposed~~ 137286
~~by section 5751.02 of the Revised Code the pre-income tax trust-~~ 137287
~~and all pass-through entities of which the trust owns or~~ 137288
~~controls, directly, indirectly, or constructively through~~ 137289
~~related interests, five per cent or more of the ownership or~~ 137290
~~equity interests. The trustee shall notify the tax commissioner-~~ 137291
~~in writing of the election on or before April 15, 2006. The~~ 137292
~~election, if timely made, shall be effective on and after~~ 137293
~~January 1, 2006, and shall apply for all tax periods and tax-~~ 137294
~~years until revoked by the trustee of the trust.~~ 137295

~~(4) A "pre-income tax trust" is a trust that satisfies all~~ 137296
~~of the following requirements:~~ 137297

~~(a) The document or instrument creating the trust was~~ 137298
~~executed by the grantor before January 1, 1972;~~ 137299

~~(b) The trust became irrevocable upon the creation of the~~ 137300
~~trust; and~~ 137301

~~(c) The grantor was domiciled in this state at the time-~~ 137302
~~the trust was created~~ "Casino gaming" has the same meaning as in 137303
section 3772.01 of the Revised Code, "lottery sports gaming" has 137304
the same meaning as in section 3770.23 of the Revised Code, 137305
"sports gaming" has the same meaning as in section 3775.01 of 137306
the Revised Code, and "video lottery terminal" has the same 137307
meaning as in section 3770.21 of the Revised Code. 137308

~~(FF) "Uniformed services" means all of the following:~~ 137309

~~(1) "Armed forces of the United States" as defined in~~ 137310
~~section 5907.01 of the Revised Code;~~ 137311

(2) The commissioned corps of the national oceanic and 137312
atmospheric administration; 137313

(3) The commissioned corps of the public health service. 137314

(GG) "Taxable business income" means the amount by which 137315
an individual's business income that is included in federal 137316
adjusted gross income exceeds the amount of business income the 137317
individual is authorized to deduct under division (A) (28) of 137318
this section for the taxable year. 137319

(HH) "Employer" does not include a franchisor with respect 137320
to the franchisor's relationship with a franchisee or an 137321
employee of a franchisee, unless the franchisor agrees to assume 137322
that role in writing or a court of competent jurisdiction 137323
determines that the franchisor exercises a type or degree of 137324
control over the franchisee or the franchisee's employees that 137325
is not customarily exercised by a franchisor for the purpose of 137326
protecting the franchisor's trademark, brand, or both. For 137327
purposes of this division, "franchisor" and "franchisee" have 137328
the same meanings as in 16 C.F.R. 436.1. 137329

(II) "Modified adjusted gross income" means Ohio adjusted 137330
gross income plus any amount deducted under divisions (A) (28) 137331
and (34) of this section for the taxable year. 137332

(JJ) "Qualifying Ohio educator" means an individual who, 137333
for a taxable year, qualifies as an eligible educator, as that 137334
term is defined in section 62 of the Internal Revenue Code, and 137335
who holds a certificate, license, or permit described in Chapter 137336
3319. or section 3301.071 of the Revised Code. 137337

(KK) "Professional employer organization," "professional 137338
employer organization agreement," and "professional employer 137339
organization reporting entity" have the same meanings as in 137340

section 4125.01 of the Revised Code. 137341

(LL) "Alternate employer organization" and "alternate 137342
employer organization agreement" have the same meanings as in 137343
section 4133.01 of the Revised Code. 137344

Sec. 5747.02. (A) For the purpose of providing revenue for 137345
the support of schools and local government functions, to 137346
provide relief to property taxpayers, to provide revenue for the 137347
general revenue fund, and to meet the expenses of administering 137348
the tax levied by this chapter, there is hereby levied on every 137349
individual, trust, and estate residing in or earning or 137350
receiving income in this state, on every individual, trust, and 137351
estate earning or receiving lottery winnings, prizes, or awards 137352
pursuant to Chapter 3770. of the Revised Code, on every 137353
individual, trust, and estate earning or receiving winnings on 137354
casino or sports gaming, and on every individual, trust, and 137355
estate otherwise having nexus with or in this state under the 137356
Constitution of the United States, an annual tax measured as 137357
prescribed in divisions (A) (1) to (4) of this section. 137358

(1) In the case of trusts, the tax imposed by this section 137359
shall be measured by modified Ohio taxable income under division 137360
~~(D)~~ (C) of this section and levied in the same amount as the tax 137361
is imposed on estates as prescribed in division (A) (2) of this 137362
section. 137363

(2) In the case of estates, the tax imposed by this 137364
section shall be measured by Ohio taxable income. ~~The~~ If the 137365
estate has not more than twenty-six thousand fifty dollars of 137366
such income, the tax shall be levied on such income at the rate 137367
of 1.38462% for the first twenty-six thousand fifty dollars of 137368
such income and, for taxable years beginning in 2024, 1.31287% 137369
for taxable years beginning in 2025, and 1.27448% for taxable 137370

years beginning in 2026 and thereafter. If the estate has income 137371
in excess of that amount, the tax shall be levied at the same 137372
rates prescribed in division (A) (3) of this section for 137373
individuals. 137374

(3) In the case of individuals, the tax imposed by this 137375
section on income other than taxable business income shall be 137376
measured by Ohio adjusted gross income, less taxable business 137377
income and less an exemption for the taxpayer, the taxpayer's 137378
spouse, and each dependent as provided in section 5747.025 of 137379
the Revised Code. If the balance thus obtained is equal to or 137380
less than twenty-six thousand fifty dollars, no tax shall be 137381
imposed on that balance. If the balance thus obtained is greater 137382
than twenty-six thousand fifty dollars, the tax is hereby levied 137383
as follows: 137384

(a) ~~For taxable years beginning in 2023:—~~ 137385
137386

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A ~~OHIO ADJUSTED GROSS INCOME LESS TAX~~
~~TAXABLE BUSINESS INCOME AND EXEMPTIONS~~
~~(INDIVIDUALS) OR MODIFIED OHIO TAXABLE~~
~~INCOME (TRUSTS) OR OHIO TAXABLE INCOME~~
~~(ESTATES)—~~

B ~~More than \$26,050 but not more than \$360.69 plus 2.75% of the~~
~~\$100,000— amount in excess of \$26,050—~~

C ~~More than \$100,000 but not more than \$2,394.32 plus 3.688% of the~~
~~\$115,300 amount in excess of \$100,000—~~

D ~~More than \$115,300 \$2,958.58 plus 3.75% of the~~

~~amount in excess of \$115,300~~

~~(b) For taxable years beginning in 2024 and thereafter:~~ 137387

137388

137389

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A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX
BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

B More than \$26,050 but not more than \$360.69 plus 2.75% of the
\$100,000 amount in excess of
\$26,050

C More than \$100,000 \$2,394.32 plus 3.5% of
the amount in excess of
\$100,000

(b) For taxable years beginning in 2025: 137390

137391

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A OHIO ADJUSTED GROSS INCOME LESS TAXABLE TAX
BUSINESS INCOME AND EXEMPTIONS
(INDIVIDUALS) OR MODIFIED OHIO TAXABLE
INCOME (TRUSTS) OR OHIO TAXABLE INCOME
(ESTATES)

B More than \$26,050 but not more than \$342.00 plus 2.75% of the

	<u>\$100,000</u>	<u>amount in excess of</u> <u>\$26,050</u>	
C	<u>More than \$100,000</u>	<u>\$2,394.32 plus 3.125% of</u> <u>the amount in excess of</u> <u>\$100,000</u>	
	<u>(c) For taxable years beginning in 2026 and thereafter,</u>		137392
	<u>\$332.00 plus 2.75% of the amount in excess of \$26,050.</u>		137393
	(4) (a) In the case of individuals, the tax imposed by this		137394
	section on taxable business income shall equal three per cent of		137395
	the result obtained by subtracting any amount allowed under		137396
	division (A) (4) (b) of this section from the individual's taxable		137397
	business income.		137398
	(b) If the exemptions allowed to an individual under		137399
	division (A) (3) of this section exceed the taxpayer's Ohio		137400
	adjusted gross income less taxable business income, the excess		137401
	shall be deducted from taxable business income before computing		137402
	the tax under division (A) (4) (a) of this section.		137403
	(5) Except as otherwise provided in this division, in		137404
	August of each year, the tax commissioner shall make a new		137405
	adjustment to the income amounts prescribed in divisions (A) (2)		137406
	and (3) of this section by multiplying the percentage increase		137407
	in the gross domestic product deflator computed that year under		137408
	section 5747.025 of the Revised Code by each of the income		137409
	amounts resulting from the adjustment under this division in the		137410
	preceding year, adding the resulting product to the		137411
	corresponding income amount resulting from the adjustment in the		137412
	preceding year, and rounding the resulting sum to the nearest		137413
	multiple of fifty dollars. The tax commissioner also shall		137414

recompute each of the tax dollar amounts to the extent necessary 137415
to reflect the new adjustment of the income amounts. To 137416
recompute the tax dollar amount corresponding to the lowest tax 137417
rate in division (A) (3) of this section, the commissioner shall 137418
multiply the tax rate prescribed in division (A) (2) of this 137419
section by the income amount specified in that division and as 137420
adjusted according to this paragraph. The rates of taxation 137421
shall not be adjusted. 137422

The adjusted amounts apply to taxable years beginning in 137423
the calendar year in which the adjustments are made and to 137424
taxable years beginning in each ensuing calendar year until a 137425
calendar year in which a new adjustment is made pursuant to this 137426
division. The tax commissioner shall not make a new adjustment 137427
in any year in which the amount resulting from the adjustment 137428
would be less than the amount resulting from the adjustment in 137429
the preceding year. 137430

~~(B) If the director of budget and management makes a 137431~~
~~certification to the tax commissioner under division (B) of 137432~~
~~section 131.44 of the Revised Code, the amount of tax as 137433~~
~~determined under divisions (A) (1) to (3) of this section shall 137434~~
~~be reduced by the percentage prescribed in that certification 137435~~
~~for taxable years beginning in the calendar year in which that 137436~~
~~certification is made. 137437~~

~~(C) (1)~~ (B) (1) The tax imposed by this section on a trust 137438
shall be computed by multiplying the Ohio modified taxable 137439
income of the trust by the rates prescribed by division (A) of 137440
this section. 137441

(2) A resident trust may claim a credit against the tax 137442
computed under division ~~(C)~~ (B) of this section equal to the 137443
lesser of (a) the tax paid to another state or the District of 137444

Columbia on the resident trust's modified nonbusiness income, 137445
other than the portion of the resident trust's nonbusiness 137446
income that is qualifying investment income as defined in 137447
section 5747.012 of the Revised Code, or (b) the effective tax 137448
rate, based on modified Ohio taxable income, multiplied by the 137449
resident trust's modified nonbusiness income other than the 137450
portion of the resident trust's nonbusiness income that is 137451
qualifying investment income. The credit applies before any 137452
other applicable credits. 137453

(3) Any credit authorized against the tax imposed by this 137454
section applies to a trust subject to division ~~(C)~~(B) of this 137455
section only if the trust otherwise qualifies for the credit. To 137456
the extent that the trust distributes income for the taxable 137457
year for which a credit is available to the trust, the credit 137458
shall be shared by the trust and its beneficiaries. The tax 137459
commissioner and the trust shall be guided by applicable 137460
regulations of the United States treasury regarding the sharing 137461
of credits. 137462

~~(D)~~(C) For the purposes of this section, "trust" means any 137463
trust described in Subchapter J of Chapter 1 of the Internal 137464
Revenue Code, excluding trusts that are not irrevocable as 137465
defined in division (I) (3) (b) of section 5747.01 of the Revised 137466
Code and that have no modified Ohio taxable income for the 137467
taxable year, charitable remainder trusts, qualified funeral 137468
trusts and preneed funeral contract trusts established pursuant 137469
to sections 4717.31 to 4717.38 of the Revised Code that are not 137470
qualified funeral trusts, endowment and perpetual care trusts, 137471
qualified settlement trusts and funds, designated settlement 137472
trusts and funds, and trusts exempted from taxation under 137473
section 501(a) of the Internal Revenue Code. 137474

~~(E)~~ (D) Nothing in division (A) (3) of this section shall 137475
prohibit an individual with an Ohio adjusted gross income, less 137476
taxable business income and exemptions, of twenty-six thousand 137477
fifty dollars or less from filing a return under this chapter to 137478
receive a refund of taxes withheld or to claim any refundable 137479
credit allowed under this chapter. 137480

Sec. 5747.021. In addition to the tax levied under section 137481
5747.02 of the Revised Code, the tax commissioner shall charge 137482
the tax imposed on the school district income of an individual 137483
~~or estate~~ by a school district under Chapter 5748. of the 137484
Revised Code by multiplying the rate certified to be charged 137485
under such chapter by the taxpayer's school district income with 137486
respect to that district. 137487

Sec. 5747.025. (A) The personal exemption for the 137488
taxpayer, the taxpayer's spouse, and each dependent shall be one 137489
of the following amounts, provided the taxpayer's modified 137490
adjusted gross income is less than seven hundred fifty thousand 137491
dollars for taxable years beginning in 2025 or five hundred 137492
thousand dollars for taxable years beginning in 2026 or 137493
thereafter: 137494

(1) Two thousand three hundred fifty dollars if the 137495
taxpayer's modified adjusted gross income for the taxable year 137496
as shown on an individual or joint annual return is less than or 137497
equal to forty thousand dollars; 137498

(2) Two thousand one hundred dollars if the taxpayer's 137499
modified adjusted gross income for the taxable year as shown on 137500
an individual or joint annual return is greater than forty 137501
thousand dollars but less than or equal to eighty thousand 137502
dollars; 137503

(3) One thousand eight hundred fifty dollars if the 137504
taxpayer's modified adjusted gross income for the taxable year 137505
as shown on an individual or joint annual return is greater than 137506
eighty thousand dollars. 137507

(B) For taxable years beginning in 2020 and thereafter, 137508
the personal exemption amounts prescribed in division (A) of 137509
this section shall be adjusted each year in the manner 137510
prescribed in division (C) of this section. In the case of an 137511
individual with respect to whom an exemption under section 137512
5747.02 of the Revised Code is allowable to another taxpayer for 137513
a taxable year beginning in the calendar year in which the 137514
individual's taxable year begins, the exemption amount 137515
applicable to such individual for such individual's taxable year 137516
shall be zero. 137517

(C) Except as otherwise provided in this division, in 137518
August of each year, the tax commissioner shall determine the 137519
percentage increase in the gross domestic product deflator 137520
determined by the bureau of economic analysis of the United 137521
States department of commerce from the first day of January of 137522
the preceding calendar year to the last day of December of the 137523
preceding year, and make a new adjustment to the personal 137524
exemption amount for taxable years beginning in the current 137525
calendar year by multiplying that amount by the percentage 137526
increase in the gross domestic product deflator for that period; 137527
adding the resulting product to the personal exemption amount 137528
for taxable years beginning in the preceding calendar year; and 137529
rounding the resulting sum upward to the nearest multiple of 137530
fifty dollars. The adjusted amount applies to taxable years 137531
beginning in the calendar year in which the adjustment is made 137532
and to taxable years beginning in each ensuing calendar year 137533
until a calendar year in which a new adjustment is made pursuant 137534

to this division. The commissioner shall not make a new 137535
adjustment in any calendar year in which the amount resulting 137536
from the adjustment would be less than the amount resulting from 137537
the adjustment in the preceding calendar year. 137538

Sec. 5747.05. As used in this section, "income tax" 137539
includes both a tax on net income and a tax measured by net 137540
income. 137541

The following credits shall be allowed against the 137542
aggregate income tax liability imposed by section 5747.02 of the 137543
Revised Code on individuals and estates: 137544

(A) (1) The amount of tax otherwise due under section 137545
5747.02 of the Revised Code on such portion of the combined 137546
adjusted gross income and taxable business income of any 137547
nonresident taxpayer that is not allocable or apportionable to 137548
this state pursuant to sections 5747.20 to 5747.23 of the 137549
Revised Code. The credit provided under this division shall not 137550
exceed the total tax due under section 5747.02 of the Revised 137551
Code. 137552

(2) The tax commissioner may enter into an agreement with 137553
the taxing authorities of any state or of the District of 137554
Columbia that imposes an income tax to provide that compensation 137555
paid in this state to a nonresident taxpayer shall not be 137556
subject to the tax levied in section 5747.02 of the Revised Code 137557
so long as compensation paid in such other state or in the 137558
District of Columbia to a resident taxpayer shall likewise not 137559
be subject to the income tax of such other state or of the 137560
District of Columbia. 137561

(B) The lesser of division (B) (1) or (2) of this section: 137562

(1) The aggregate amount of tax otherwise due under 137563

section 5747.02 of the Revised Code on such portion of the 137564
combined adjusted gross income and taxable business income of a 137565
resident taxpayer that in another state or in the District of 137566
Columbia is subjected to an income tax. The credit provided 137567
under division (B) (1) of this section shall not exceed the total 137568
tax due under section 5747.02 of the Revised Code. 137569

(2) The amount of income tax liability to another state or 137570
the District of Columbia on the portion of the combined adjusted 137571
gross income and taxable business income of a resident taxpayer 137572
that in another state or in the District of Columbia is 137573
subjected to an income tax. The credit provided under division 137574
(B) (2) of this section shall not exceed the total amount of tax 137575
otherwise due under section 5747.02 of the Revised Code. 137576

(3) For the purpose of divisions (B) (1) and (2) of this 137577
section, a resident taxpayer's combined adjusted gross income 137578
and taxable business income that is subject to an income tax 137579
levied in another state or in the District of Columbia includes 137580
income that is subject to either (a) a tax similar to the tax 137581
imposed by division (D) (1) (a) of section 5747.08 of the Revised 137582
Code or (b) a tax enacted for purposes of complying with 137583
internal revenue service notice 2020-75. In computing a resident 137584
taxpayer's income tax paid or accrued to another state or the 137585
District of Columbia, the deduction authorized by division (A) 137586
(28) of section 5747.01 of the Revised Code shall first be 137587
deducted against business income apportioned to this state. 137588

(4) If the credit provided under division (B) of this 137589
section is affected by a change in either the portion of the 137590
combined adjusted gross income and taxable business income of a 137591
resident taxpayer subjected to an income tax in another state or 137592
the District of Columbia or the amount of income tax liability 137593

that has been paid to another state or the District of Columbia, 137594
the taxpayer shall report the change to the tax commissioner 137595
within ninety days of the change in such form as the 137596
commissioner requires. 137597

(a) In the case of an underpayment, the report shall be 137598
accompanied by payment of any additional tax due as a result of 137599
the reduction in credit together with interest on the additional 137600
tax and is a return subject to assessment under section 5747.13 137601
of the Revised Code solely for the purpose of assessing any 137602
additional tax due under this division, together with any 137603
applicable penalty and interest. It shall not reopen the 137604
computation of the taxpayer's tax liability under this chapter 137605
from a previously filed return no longer subject to assessment 137606
except to the extent that such liability is affected by an 137607
adjustment to the credit allowed by division (B) of this 137608
section. 137609

(b) In the case of an overpayment, an application for 137610
refund may be filed under this division within the ninety-day 137611
period prescribed for filing the report even if it is beyond the 137612
period prescribed in section 5747.11 of the Revised Code if it 137613
otherwise conforms to the requirements of such section. An 137614
application filed under this division shall only claim refund of 137615
overpayments resulting from an adjustment to the credit allowed 137616
by division (B) of this section unless it is also filed within 137617
the time prescribed in section 5747.11 of the Revised Code. It 137618
shall not reopen the computation of the taxpayer's tax liability 137619
except to the extent that such liability is affected by an 137620
adjustment to the credit allowed by division (B) of this 137621
section. 137622

(5) No credit shall be allowed under division (B) of this 137623

section: 137624

(a) For income tax paid or accrued to another state or to 137625
the District of Columbia if the taxpayer, when computing federal 137626
adjusted gross income, has directly or indirectly deducted, or 137627
was required to directly or indirectly deduct, the amount of 137628
that income tax; 137629

Division (B) (5) (a) of this section does not apply to 137630
income taxes included in the computation of Ohio adjusted gross 137631
income under division (A) (41) of section 5747.01 of the Revised 137632
Code and not deducted from Ohio adjusted gross income under 137633
division (A) (28) of that section or to income taxes included in 137634
Ohio taxable income under division (S) (16) of section 5747.01 of 137635
the Revised Code. 137636

(b) For compensation that is not subject to the income tax 137637
of another state or the District of Columbia as the result of an 137638
agreement entered into by the tax commissioner under division 137639
(A) (3) of this section; or 137640

(c) For income tax paid or accrued to another state or the 137641
District of Columbia if the taxpayer fails to furnish such proof 137642
as the tax commissioner shall require that such income tax 137643
liability has been paid. 137644

(C) An individual who is a resident for part of a taxable 137645
year and a nonresident for the remainder of the taxable year is 137646
allowed the credits under divisions (A) and (B) of this section 137647
in accordance with rules prescribed by the tax commissioner. In 137648
no event shall the same income be subject to both credits. 137649

(D) The credit allowed under division (A) of this section 137650
shall be calculated based upon the amount of tax due under 137651
section 5747.02 of the Revised Code after subtracting any other 137652

credits that precede the credit under that division in the order 137653
required under section 5747.98 of the Revised Code. The credit 137654
allowed under division (B) of this section shall be calculated 137655
based upon the amount of tax due under section 5747.02 of the 137656
Revised Code after subtracting any other credits that precede 137657
the credit under that division in the order required under 137658
section 5747.98 of the Revised Code. 137659

(E) (1) On a joint return filed by a husband and wife, each 137660
of whom had adjusted gross income of at least five hundred 137661
dollars, exclusive of interest, dividends and distributions, 137662
royalties, rent, and capital gains, a credit equal to the lesser 137663
of six hundred fifty dollars or the percentage shown in column B 137664
that corresponds with the taxpayer's modified adjusted gross 137665
income, less exemptions for the taxable year, of the total 137666
amount of tax due after allowing for any other credit that 137667
precedes this credit as required under section 5747.98 of the 137668
Revised Code, subject to division (E) (2) of this section: 137669
137670

	1	2
A	A.	B.
B	IF THE MODIFIED ADJUSTED GROSS INCOME, LESS EXEMPTIONS, FOR THE TAX YEAR IS:	THE CREDIT FOR THE TAXABLE YEAR IS:
C	\$25,000 or less	20%
D	More than \$25,000 but not more than \$50,000	15%
E	More than \$50,000 but not more than	10%

\$75,000

F More than \$75,000 5%

(2) The credit shall be claimed in the order required 137671
under section 5747.98 of the Revised Code.—No taxpayer shall 137672
claim this credit unless the taxpayer's modified adjusted gross 137673
income is less than seven hundred fifty thousand dollars for 137674
taxable years beginning in 2025 or less than five hundred 137675
thousand dollars for taxable years beginning in 2026 or 137676
thereafter. 137677

(F) No claim for credit under this section shall be 137678
allowed unless the claimant furnishes such supporting 137679
information as the tax commissioner prescribes by rules. 137680

Sec. 5747.062. As used in this section, ~~"transferee"~~: 137681

"Transferee" has the same meaning as in section 3770.10 of 137682
the Revised Code, ~~and "recipient"~~. 137683

"Recipient" includes a transferee. 137684

"Lottery prize award" does not include a prize award from 137685
a video lottery terminal and does not include winnings from 137686
lottery sports gaming, except that "lottery prize award" 137687
includes winnings from lottery sports gaming wagers placed 137688
through a terminal described in division (B)(3) of section 137689
3770.24 of the Revised Code. 137690

(A) (1) Before making any other deduction required by 137691
Chapter 3770. of the Revised Code, the state lottery commission 137692
shall deduct and withhold an amount equal to ~~four~~ three and one- 137693
eighth per cent for calendar year 2025, after the effective date 137694
of this amendment, and three per cent for calendar year 2026 and 137695

thereafter of the payment from each lottery prize award payment 137696
that is of an amount for which reporting to the internal revenue 137697
service of the amount is required by section 6041 of the 137698
Internal Revenue Code, as amended. 137699

(2) On or before the tenth day of each month, the state 137700
lottery commission, and each transferee required to deduct and 137701
withhold amounts pursuant to section 3770.072 of the Revised 137702
Code, shall file a return and remit to the tax commissioner all 137703
amounts deducted and withheld pursuant to this section during 137704
the preceding month. 137705

(3) On or before the thirty-first day of January of each 137706
year, the state lottery commission, and each transferee required 137707
to deduct and withhold amounts pursuant to section 3770.072 of 137708
the Revised Code, shall file with the commissioner an annual 137709
return, in the form prescribed by the tax commissioner, 137710
indicating the total amount deducted and withheld pursuant to 137711
this section or section 3770.072 of the Revised Code during the 137712
preceding calendar year. At the time of filing that return, the 137713
state lottery commission or transferee shall remit any amount 137714
deducted and withheld during the preceding calendar year that 137715
was not previously remitted. 137716

(4) The state lottery commission, and each transferee 137717
required to deduct and withhold amounts pursuant to section 137718
3770.072 of the Revised Code, shall issue to each person with 137719
respect to whom tax has been deducted and withheld by the 137720
commission or transferee pursuant to this section or section 137721
3770.072 of the Revised Code during the preceding calendar year, 137722
an information return in the form prescribed by the 137723
commissioner. 137724

(B) (1) Division (B) (1) of this section does not apply to 137725

persons classified for federal income tax purposes as 137726
associations taxable as corporations. 137727

Amounts withheld pursuant to this section or section 137728
3770.072 of the Revised Code shall be allowed as a credit 137729
against payment of the tax imposed pursuant to section 5747.02 137730
of the Revised Code upon the lottery prize award recipient, upon 137731
a beneficiary of such a recipient, or upon any investor in such 137732
a recipient if the recipient is a pass-through entity or 137733
disregarded entity, and shall be treated as taxes paid by the 137734
recipient, beneficiary, or investor for purposes of section 137735
5747.09 of the Revised Code. The credit is available to the 137736
recipient, beneficiary, or investor even if the commission or 137737
transferee does not remit to the tax commissioner the amount 137738
withheld. 137739

(2) Division (B) (2) of this section applies only to 137740
persons classified for federal income tax purposes as 137741
associations taxable as corporations. 137742

Amounts withheld pursuant to this section or section 137743
3770.072 of the Revised Code shall be treated as a credit 137744
against the tax imposed pursuant to section 5733.06 of the 137745
Revised Code for the tax year immediately following the date on 137746
which those amounts are deducted and withheld, upon the lottery 137747
prize award recipient, upon a beneficiary of such a recipient, 137748
or upon an investor in such a recipient if the recipient is a 137749
pass-through entity or disregarded entity, and shall be treated 137750
as paid by the recipient, beneficiary, or investor on the date 137751
on which those amounts are deducted and withheld. The credit is 137752
a refundable credit and shall be claimed in the order required 137753
under section 5733.98 of the Revised Code. The credit is 137754
available to the recipient, beneficiary, or investor even if the 137755

commission or transferee does not remit to the tax commissioner 137756
the amount withheld. 137757

(3) Nothing in division (B) (1) or (2) of this section 137758
shall be construed to allow more than one person to claim the 137759
credit for any portion of each amount deducted and withheld. 137760

(C) Failure of the commission or any transferee to deduct 137761
and withhold the required amounts from lottery prize awards or 137762
to remit amounts withheld as required by this section and 137763
section 3770.072 of the Revised Code shall not relieve a 137764
taxpayer described in division (B) of this section from 137765
liability for the tax imposed by section 5733.06 or 5747.02 of 137766
the Revised Code. 137767

Sec. 5747.063. The requirements imposed under this section 137768
are in addition to the municipal income tax withholding 137769
requirements under section 718.031 of the Revised Code. As used 137770
in this section, "sports gaming proprietor" and "sports gaming 137771
facility" have the same meanings as in section 3775.01 of the 137772
Revised Code. 137773

(A) (1) If Subject to division (F) of this section, if a 137774
person's winnings from casino gaming or from sports gaming are 137775
an amount for which reporting to the internal revenue service of 137776
the amount is required by section 6041 of the Internal Revenue 137777
Code, as amended, a casino operator or sports gaming proprietor 137778
shall deduct and withhold Ohio income tax from the person's 137779
winnings at a rate of four-three and one-eighth per cent for 137780
calendar year 2025, after the effective date of this amendment, 137781
and three per cent for calendar year 2026 and thereafter of the 137782
amount won. A person's amount of winnings from casino gaming 137783
shall be determined each time the person exchanges amounts won 137784
in tokens, chips, casino credit, or other prepaid 137785

representations of value for cash or a cash equivalent. The 137786
casino operator or sports gaming proprietor shall issue, to a 137787
person from whose winnings an amount has been deducted and 137788
withheld, a receipt for the amount deducted and withheld, and 137789
also shall obtain from the person additional information that 137790
will be necessary for the casino operator or sports gaming 137791
proprietor to prepare the returns required by this section. 137792

(2) If a person's winnings from casino gaming or sports 137793
gaming require reporting to the internal revenue service under 137794
division (A) (1) of this section, the casino operator or sports 137795
gaming proprietor also shall require the person to state in 137796
writing, under penalty of falsification, whether the person is 137797
in default under a support order. 137798

(B) Amounts deducted and withheld by a casino operator or 137799
sports gaming proprietor are held in trust for the benefit of 137800
the state. 137801

(1) On or before the tenth day of each month, the casino 137802
operator or sports gaming proprietor shall file a return 137803
electronically with the tax commissioner identifying the persons 137804
from whose winnings amounts were deducted and withheld, the 137805
amount of each such deduction and withholding during the 137806
preceding calendar month, the amount of the winnings from which 137807
each such amount was withheld, the type of casino gaming or 137808
sports gaming that resulted in such winnings, and any other 137809
information required by the tax commissioner. With the return, 137810
the casino operator or sports gaming proprietor shall remit 137811
electronically to the commissioner all the amounts deducted and 137812
withheld during the preceding month. 137813

(2) (a) A casino operator or sports gaming proprietor shall 137814
maintain a record of each written statement provided under 137815

division (A) (2) of this section in which a person admits to 137816
being in default under a support order. The casino operator or 137817
sports gaming proprietor shall make these records available to 137818
the director of job and family services upon request. 137819

(b) A casino operator or sports gaming proprietor shall 137820
maintain copies of receipts issued under division (A) (1) of this 137821
section and of written statements provided under division (A) (2) 137822
of this section and shall make these copies available to the tax 137823
commissioner upon request. 137824

(c) A casino operator or sports gaming proprietor shall 137825
maintain the information described in divisions (B) (2) (a) and 137826
(b) of this section in accordance with section 5747.17 of the 137827
Revised Code and any rules adopted pursuant thereto. 137828

(3) Annually, on or before the thirty-first day of 137829
January, a casino operator or sports gaming proprietor shall 137830
file an annual return electronically with the tax commissioner 137831
indicating the total amount deducted and withheld during the 137832
preceding calendar year. The casino operator or sports gaming 137833
proprietor shall remit electronically with the annual return any 137834
amount that was deducted and withheld and that was not 137835
previously remitted. If the identity of a person and the amount 137836
deducted and withheld with respect to that person were omitted 137837
on a monthly return, that information shall be indicated on the 137838
annual return. 137839

(4) (a) A casino operator or sports gaming proprietor who 137840
fails to file a return and remit the amounts deducted and 137841
withheld is personally liable for the amount deducted and 137842
withheld and not remitted. The commissioner may impose a penalty 137843
up to one thousand dollars if a return is filed late, if amounts 137844
deducted and withheld are remitted late, if a return is not 137845

filed, or if amounts deducted and withheld are not remitted. 137846
Interest accrues on past due amounts deducted and withheld at 137847
the rate prescribed in section 5703.47 of the Revised Code. The 137848
commissioner may collect past due amounts deducted and withheld 137849
and penalties and interest thereon by assessment under section 137850
5747.13 of the Revised Code as if they were income taxes 137851
collected by an employer. 137852

(b) If a casino operator or sports gaming proprietor sells 137853
the casino facility or sports gaming facility, or otherwise 137854
quits the casino or sports gaming business, the amounts deducted 137855
and withheld and any penalties and interest thereon are 137856
immediately due and payable. The successor shall withhold an 137857
amount of the purchase money that is sufficient to cover the 137858
amounts deducted and withheld and penalties and interest thereon 137859
until the predecessor casino operator or sports gaming 137860
proprietor produces either a receipt from the commissioner 137861
showing that the amounts deducted and withheld and penalties and 137862
interest thereon have been paid or a certificate from the 137863
commissioner indicating that no amounts deducted and withheld or 137864
penalties and interest thereon are due. If the successor fails 137865
to withhold purchase money, the successor is personally liable 137866
for payment of the amounts deducted and withheld and penalties 137867
and interest thereon, up to the amount of the purchase money. 137868

~~(C)(1)~~ (C) Annually, on or before the thirty-first day of 137869
January, a casino operator or sports gaming proprietor shall 137870
issue an information return to each person with respect to whom 137871
an amount has been deducted and withheld during the preceding 137872
calendar year. The information return shall show the total 137873
amount deducted from the person's winnings by the casino 137874
operator or sports gaming proprietor during the preceding 137875
calendar year. 137876

~~(2) Annually, on or before the thirty-first day of January, a casino operator or sports gaming proprietor shall provide to the commissioner a copy of each information return issued under division (C) (1) of this section for the preceding calendar year. The commissioner may require that the copies be transmitted electronically.~~

(D) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(E) The failure of a casino operator or sports gaming proprietor to deduct and withhold the required amount from a person's winnings does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to those winnings. And compliance with this section does not relieve a casino operator or sports gaming proprietor or a person who has winnings from casino gaming or sports gaming from compliance with relevant provisions of federal tax laws.

(F) A sports gaming proprietor that offers lottery sports gaming through a terminal described in division (B) (3) of section 3770.24 of the Revised Code shall not withhold amounts under this section from winnings from wagers placed through that terminal. The state lottery commission shall withhold amounts from those winnings under section 5747.062 of the Revised Code.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section. The director of job and family services shall prescribe the form of the statement required by this section.

~~(G)~~ (H) The commissioner may adopt rules that are necessary 137906
to administer this section. 137907

Sec. 5747.064. The requirements imposed under this section 137908
are in addition to the municipal income tax withholding 137909
requirements under section 718.031 of the Revised Code. 137910

(A) As used in this section: 137911

~~(1) "Video lottery terminal", "video lottery sales agent"~~ 137912
has the same meaning as in section ~~3770.21~~ 3770.10 of the 137913
Revised Code. 137914

~~(2) "Lottery sports gaming" has the same meaning as in~~ 137915
~~section 3770.23 of the Revised Code.~~ 137916

(B) If a person's prize award from a video lottery 137917
terminal ~~or from lottery sports gaming offered in a video~~ 137918
~~lottery terminal facility~~ is an amount for which reporting to 137919
the internal revenue service of the amount is required by 137920
section 6041 of the Internal Revenue Code, as amended, the video 137921
lottery sales agent shall deduct and withhold Ohio income tax 137922
from the person's prize award at a rate of ~~four~~ three and one- 137923
eighth per cent for calendar year 2025, after the effective date 137924
of this amendment, and three per cent for calendar year 2026 and 137925
thereafter of the amount won. The video lottery sales agent 137926
shall issue, to a person from whose prize award an amount has 137927
been deducted or withheld, a receipt for the amount deducted and 137928
withheld, and also shall obtain from the person additional 137929
information that will be necessary for the video lottery sales 137930
agent to prepare the returns required by this section. 137931

(C) Amounts deducted and withheld by a video lottery sales 137932
agent are held in trust for the benefit of the state. 137933

(1) On or before the tenth day of each month, the video 137934

lottery sales agent shall file a return electronically with the 137935
tax commissioner identifying the persons from whose prize awards 137936
amounts were deducted and withheld, the amount of each such 137937
deduction and withholding during the preceding month, the amount 137938
of the prize award from which each such amount was withheld, and 137939
any other information required by the commissioner. With the 137940
return, the video lottery sales agent shall remit electronically 137941
to the commissioner all the amounts deducted and withheld during 137942
the preceding month. 137943

(2) A video lottery sales agent shall maintain a record of 137944
all receipts issued under division (B) of this section and shall 137945
make those records available to the commissioner upon request. 137946
Such records shall be maintained in accordance with section 137947
5747.17 of the Revised Code and any rules adopted pursuant 137948
thereto. 137949

(3) Annually, on or before the thirty-first day of 137950
January, a video lottery sales agent shall file an annual return 137951
electronically with the tax commissioner indicating the total 137952
amount deducted and withheld during the preceding calendar year. 137953
The video lottery sales agent shall remit electronically with 137954
the annual return any amount that was deducted and withheld and 137955
that was not previously remitted. If the identity of a person 137956
and the amount deducted and withheld with respect to that person 137957
were omitted on a monthly return, that information shall be 137958
indicated on the annual return. 137959

(4) (a) A video lottery sales agent who fails to file a 137960
return and remit the amounts deducted and withheld is personally 137961
liable for the amount deducted and withheld and not remitted. 137962
The commissioner may impose a penalty of up to one thousand 137963
dollars if a return is filed late, if amounts deducted and 137964

withheld are remitted late, if a return is not filed, or if 137965
amounts deducted and withheld are not remitted. Interest accrues 137966
on past due amounts deducted and withheld at the rate prescribed 137967
in section 5703.47 of the Revised Code. The commissioner may 137968
collect past due amounts deducted and withheld and penalties and 137969
interest thereon by assessment under section 5747.13 of the 137970
Revised Code as if they were income taxes collected by an 137971
employer. 137972

(b) If a video lottery sales agent ceases to operate video 137973
lottery terminals, the amounts deducted and withheld and any 137974
penalties and interest thereon are immediately due and payable. 137975
A successor of the video lottery sales agent that purchases the 137976
video lottery terminals from the agent shall withhold an amount 137977
of the purchase money that is sufficient to cover the amounts 137978
deducted and withheld and penalties and interest thereon until 137979
the predecessor video lottery sales agent produces either a 137980
receipt from the tax commissioner showing that the amounts 137981
deducted and withheld and penalties and interest thereon have 137982
been paid or a certificate from the commissioner indicating that 137983
no amounts deducted and withheld or penalties and interest 137984
thereon are due. If the successor fails to withhold purchase 137985
money, the successor is personally liable for payment of the 137986
amounts deducted and withheld and penalties and interest 137987
thereon, up to the amount of the purchase money. 137988

~~(D)~~ (1) (D) Annually, on or before the thirty-first day of 137989
January, a video lottery sales agent shall issue an information 137990
return to each person with respect to whom an amount has been 137991
deducted and withheld during the preceding calendar year. The 137992
information return shall show the total amount deducted from the 137993
person's prize award by the video lottery sales agent during the 137994
preceding year. 137995

~~(2) Annually, on or before the thirty-first day of January, a lottery sales agent shall provide to the tax commissioner a copy of each information return issued under division (D) (1) of this section for the preceding calendar year. The commissioner may require that such copies be transmitted electronically.~~

(E) Amounts deducted and withheld shall be allowed as a credit against payment of the tax imposed by section 5747.02 of the Revised Code and shall be treated as taxes paid for purposes of section 5747.09 of the Revised Code. This division applies only to the person for whom the amount is deducted and withheld.

(F) The failure of a video lottery sales agent to deduct and withhold the required amount from a person's prize award does not relieve the person from liability for the tax imposed by section 5747.02 of the Revised Code with respect to that income. Compliance with this section does not relieve a video lottery sales agent or a person who has a prize award from compliance with relevant provisions of federal tax laws.

(G) The commissioner shall prescribe the form of the receipt and returns required by this section and may promulgate any rules necessary to administer the section.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding

period cannot extend from one calendar year into the next 138025
calendar year; if the first day of January falls on a day other 138026
than Saturday or Wednesday, the partial weekly withholding 138027
period ends on the thirty-first day of December and there are 138028
three partial weekly withholding periods during that week. 138029

(2) "Undeposited taxes" means the taxes an employer is 138030
required to deduct and withhold from an employee's compensation 138031
pursuant to section 5747.06 of the Revised Code that have not 138032
been remitted to the tax commissioner pursuant to this section 138033
or section 5747.072 of the Revised Code. 138034

(3) A "week" begins on Saturday and concludes at the end 138035
of the following Friday. 138036

~~(4) "Professional employer organization," "professional~~ 138037
~~employer organization agreement," and "professional employer~~ 138038
~~organization reporting entity" have the same meanings as in~~ 138039
~~section 4125.01 of the Revised Code.~~ 138040

~~(5) "Alternate employer organization" and "alternate~~ 138041
~~employer organization agreement" have the same meanings as in~~ 138042
~~section 4133.01 of the Revised Code.~~ 138043

~~(6) "Client employer" has the same meaning as in section~~ 138044
4125.01 of the Revised Code in the context of a professional 138045
employer organization or a professional employer organization 138046
reporting entity, or the same meaning as in section 4133.01 of 138047
the Revised Code in the context of an alternate employer 138048
organization. 138049

(B) Except as provided in divisions (C) and (D) of this 138050
section and in division (A) of section 5747.072 of the Revised 138051
Code, every employer required to deduct and withhold any amount 138052
under section 5747.06 of the Revised Code shall file a return 138053

and shall pay the amount required by law as follows: 138054

(1) An employer who accumulates or is required to 138055
accumulate undeposited taxes of one hundred thousand dollars or 138056
more during a partial weekly withholding period shall make the 138057
payment of the undeposited taxes by the close of the first 138058
banking day after the day on which the accumulation reaches one 138059
hundred thousand dollars. If required under division (I) of this 138060
section, the payment shall be made electronically under section 138061
5747.072 of the Revised Code. 138062

(2) Except as required by division (B)(1) of this section, 138063
an employer whose actual or required payments under this section 138064
were at least eighty-four thousand dollars during the twelve- 138065
month period ending on the thirtieth day of June of the 138066
preceding calendar year shall make the payment of undeposited 138067
taxes within three banking days after the close of a partial 138068
weekly withholding period during which the employer was required 138069
to deduct and withhold any amount under this chapter. If 138070
required under division (I) of this section, the payment shall 138071
be made electronically under section 5747.072 of the Revised 138072
Code. 138073

(3) Except as required by divisions (B)(1) and (2) of this 138074
section, if an employer's actual or required payments were more 138075
than two thousand dollars during the twelve-month period ending 138076
on the thirtieth day of June of the preceding calendar year, the 138077
employer shall make the payment of undeposited taxes for each 138078
month during which they were required to be withheld no later 138079
than fifteen days following the last day of that month. The 138080
employer shall file the return prescribed by the tax 138081
commissioner with the payment. 138082

(4) Except as required by divisions (B)(1), (2), and (3) 138083

of this section, an employer shall make the payment of 138084
undeposited taxes for each calendar quarter during which they 138085
were required to be withheld no later than the last day of the 138086
month following the last day of March, June, September, and 138087
December each year. The employer shall file the return 138088
prescribed by the tax commissioner with the payment. 138089

(C) The return and payment schedules prescribed by 138090
divisions (B) (1) and (2) of this section do not apply to the 138091
return and payment of undeposited school district income taxes 138092
arising from taxes levied pursuant to Chapter 5748. of the 138093
Revised Code. Undeposited school district income taxes shall be 138094
returned and paid pursuant to divisions (B) (3) and (4) of this 138095
section, as applicable. 138096

(D) (1) The requirements of division (B) of this section 138097
are met if the amount paid is not less than ninety-five per cent 138098
of the actual tax withheld or required to be withheld for the 138099
prior quarterly, monthly, or partial weekly withholding period, 138100
and the underpayment is not due to willful neglect. Any 138101
underpayment of withheld tax shall be paid within thirty days of 138102
the date on which the withheld tax was due without regard to 138103
division (D) (1) of this section. An employer described in 138104
division (B) (1) or (2) of this section shall make the payment 138105
electronically under section 5747.072 of the Revised Code. 138106

(2) If the tax commissioner believes that quarterly or 138107
monthly payments would result in a delay that might jeopardize 138108
the remittance of withholding payments, the commissioner may 138109
order that the payments be made weekly, or more frequently if 138110
necessary, and the payments shall be made no later than three 138111
banking days following the close of the period for which the 138112
jeopardy order is made. An order requiring weekly or more 138113

frequent payments shall be delivered to the employer in the 138114
manner provided in section 5703.37 of the Revised Code and 138115
remains in effect until the commissioner notifies the employer 138116
to the contrary. 138117

(3) If compelling circumstances exist concerning the 138118
remittance of undeposited taxes, the commissioner may order the 138119
employer to make payments under any of the payment schedules 138120
under division (B) of this section. The order shall be delivered 138121
to the employer in the manner provided in section 5703.37 of the 138122
Revised Code and shall remain in effect until the commissioner 138123
notifies the employer to the contrary. For purposes of division 138124
(D) (3) of this section, "compelling circumstances" exist if 138125
either or both of the following are true: 138126

(a) Based upon annualization of payments made or required 138127
to be made during the preceding calendar year and during the 138128
current calendar year, the employer would be required for the 138129
next calendar year to make payments under division (B) (2) of 138130
this section. 138131

(b) Based upon annualization of payments made or required 138132
to be made during the current calendar year, the employer would 138133
be required for the next calendar year to make payments under 138134
division (B) (2) of this section. 138135

(E) (1) In addition to other returns required to be filed 138136
and payments required to be made under this section, every 138137
employer required to deduct and withhold taxes shall file, not 138138
later than the thirty-first day of January of each year, an 138139
annual return covering, but not limited to, both the aggregate 138140
amount deducted and withheld and the aggregate amount required 138141
to be deducted and withheld during the entire preceding year for 138142
the tax imposed under section 5747.02 of the Revised Code and 138143

for each tax imposed under Chapter 5748. of the Revised Code. At 138144
the time of filing that return, the employer shall pay over any 138145
amounts of undeposited taxes for the preceding year, whether 138146
actually deducted and withheld or required to be deducted and 138147
withheld, that have not been previously paid. The employer shall 138148
make the annual report, to each employee and to the tax 138149
commissioner, of the compensation paid and each tax withheld, as 138150
the commissioner by rule may prescribe. 138151

(2) Each employer required to deduct and withhold any tax 138152
is liable for the payment of that amount required to be deducted 138153
and withheld, whether or not the tax has in fact been withheld, 138154
unless the failure to withhold was based upon the employer's 138155
good faith in reliance upon the statement of the employee as to 138156
liability, and the amount shall be deemed to be a special fund 138157
in trust for the general revenue fund. 138158

(F) Each employer shall file with the employer's annual 138159
return the following items of information on employees for whom 138160
withholding is required under section 5747.06 of the Revised 138161
Code: 138162

(1) The full name of each employee, the employee's 138163
address, the employee's school district of residence, and in the 138164
case of a nonresident employee, the employee's principal county 138165
of employment; 138166

(2) The social security number of each employee; 138167

(3) The total amount of compensation paid before any 138168
deductions to each employee for the period for which the annual 138169
return is made; 138170

(4) The amount of the tax imposed by section 5747.02 of 138171
the Revised Code and the amount of each tax imposed under 138172

Chapter 5748. of the Revised Code withheld from the compensation 138173
of the employee for the period for which the annual return is 138174
made. The commissioner may extend upon good cause the period for 138175
filing any notice or return required to be filed under this 138176
section and may adopt rules relating to extensions of time. If 138177
the extension results in an extension of time for the payment of 138178
the amounts withheld with respect to which the return is filed, 138179
the employer shall pay, at the time the amount withheld is paid, 138180
an amount of interest computed at the rate per annum prescribed 138181
by section 5703.47 of the Revised Code on that amount withheld, 138182
from the day that amount was originally required to be paid to 138183
the day of actual payment or to the day an assessment is issued 138184
under section 5747.13 of the Revised Code, whichever occurs 138185
first. 138186

(5) In addition to all other interest charges and 138187
penalties imposed, all amounts of taxes withheld or required to 138188
be withheld and remaining unpaid after the day the amounts are 138189
required to be paid shall bear interest from the date prescribed 138190
for payment at the rate per annum prescribed by section 5703.47 138191
of the Revised Code on the amount unpaid, in addition to the 138192
amount withheld, until paid or until the day an assessment is 138193
issued under section 5747.13 of the Revised Code, whichever 138194
occurs first. 138195

(G) An employee of a corporation, limited liability 138196
company, or business trust having control or supervision of or 138197
charged with the responsibility of filing the report and making 138198
payment, or an officer, member, manager, or trustee of a 138199
corporation, limited liability company, or business trust who is 138200
responsible for the execution of the corporation's, limited 138201
liability company's, or business trust's fiscal 138202
responsibilities, shall be personally liable for failure to file 138203

the report or pay the tax due as required by this section. The 138204
dissolution, termination, or bankruptcy of a corporation, 138205
limited liability company, or business trust does not discharge 138206
a responsible officer's, member's, manager's, employee's, or 138207
trustee's liability for a failure of the corporation, limited 138208
liability company, or business trust to file returns or pay tax 138209
due. 138210

(H) If an employer required to deduct and withhold income 138211
tax from compensation and to pay that tax to the state under 138212
sections 5747.06 and 5747.07 of the Revised Code sells the 138213
employer's business or stock of merchandise or quits the 138214
employer's business, the taxes required to be deducted and 138215
withheld and paid to the state pursuant to those sections prior 138216
to that time, together with any interest and penalties imposed 138217
on those taxes, become due and payable immediately, and that 138218
person shall make a final return within fifteen days after the 138219
date of selling or quitting business. The employer's successor 138220
shall withhold a sufficient amount of the purchase money to 138221
cover the amount of the taxes, interest, and penalties due and 138222
unpaid, until the former owner produces a receipt from the tax 138223
commissioner showing that the taxes, interest, and penalties 138224
have been paid or a certificate indicating that no such taxes 138225
are due. If the purchaser of the business or stock of 138226
merchandise fails to withhold purchase money, the purchaser 138227
shall be personally liable for the payment of the taxes, 138228
interest, and penalties accrued and unpaid during the operation 138229
of the business by the former owner. If the amount of taxes, 138230
interest, and penalties outstanding at the time of the purchase 138231
exceeds the total purchase money, the tax commissioner in the 138232
commissioner's discretion may adjust the liability of the seller 138233
or the responsibility of the purchaser to pay that liability to 138234

maximize the collection of withholding tax revenue. 138235

(I) An employer whose actual or required payments under 138236
this section exceeded eighty-four thousand dollars during the 138237
twelve-month period ending on the thirtieth day of June of the 138238
preceding calendar year shall make all payments required by this 138239
section for the year electronically under section 5747.072 of 138240
the Revised Code. 138241

(J) (1) Every professional employer organization, 138242
professional employer organization reporting entity, and 138243
alternate employer organization shall file a report with the tax 138244
commissioner within thirty days after commencing business in 138245
this state that includes all of the following information: 138246

(a) The name, address, number the employer receives from 138247
the secretary of state to do business in this state, if 138248
applicable, and federal employer identification number of each 138249
client employer of the organization or entity; 138250

(b) The date that each client employer became a client of 138251
the organization or entity; 138252

(c) The names and mailing addresses of the chief executive 138253
officer and the chief financial officer of each client employer 138254
for taxation of the client employer. 138255

(2) Beginning with the calendar quarter ending after a 138256
professional employer organization, professional employer 138257
organization reporting entity, or alternate employer 138258
organization files the report required under division (J) (1) of 138259
this section, and every calendar quarter thereafter, the 138260
organization or entity shall file an updated report with the tax 138261
commissioner. The organization or entity shall file the updated 138262
report not later than the last day of the month following the 138263

end of the calendar quarter and shall include all of the 138264
following information in the report: 138265

(a) If an entity became a client employer of the 138266
professional employer organization, professional employer 138267
organization reporting entity, or alternate employer 138268
organization at any time during the calendar quarter, all of the 138269
information required under division (J) (1) of this section for 138270
each new client employer; 138271

(b) If an entity terminated the professional employer 138272
organization agreement or the alternate employer organization 138273
agreement between the entity and the professional employer 138274
organization, professional employer organization reporting 138275
entity, or alternate employer organization, as applicable, at 138276
any time during the calendar quarter, the information described 138277
in division (J) (1) (a) of this section for that entity, the date 138278
during the calendar quarter that the entity ceased being a 138279
client of the organization or reporting entity, if applicable, 138280
or the date the entity ceased business operations in this state, 138281
if applicable; 138282

(c) If the name or mailing address of the chief executive 138283
officer or the chief financial officer of a client employer has 138284
changed since the professional employer organization, 138285
professional employer organization reporting entity, or 138286
alternate employer organization previously submitted a report 138287
under division (J) (1) or (2) of this section, the updated name 138288
or mailing address, or both, of the chief executive officer or 138289
the chief financial officer, as applicable; 138290

(d) If none of the events described in divisions (J) (2) (a) 138291
to (c) of this section occurred during the calendar quarter, a 138292
statement of that fact. 138293

Sec. 5747.071. (A) As used in this section: 138294

(1) "Retirement system" means the public employees 138295
retirement system, state teachers retirement system, school 138296
employees retirement system, Ohio police and fire pension fund, 138297
state highway patrol retirement system, and any municipal 138298
retirement system. 138299

(2) "Retirement plan" means a person, other than a 138300
retirement system, that manages a group or individual retirement 138301
account, fund, or plan. 138302

(3) "Benefits" means all annuities, allowances, pensions, 138303
and other benefits paid by a retirement system or retirement 138304
plan. 138305

~~(3)~~(4) "Recipient" means any person receiving benefits 138306
from a retirement system or retirement plan. 138307

(B) Any recipient may request the recipient's retirement 138308
system or retirement plan to deduct and withhold from the 138309
recipient's benefits an amount during the calendar year 138310
reasonably estimated to be equal to the tax due from the 138311
recipient under this chapter and Chapter 5748. of the Revised 138312
Code for the year with respect to the recipient's benefits from 138313
the retirement system or retirement plan that are included in 138314
the recipient's adjusted gross income. The request shall be made 138315
pursuant to an application filed with the retirement system or 138316
retirement plan, on a form the system or plan shall supply, and 138317
shall include ~~the~~ an estimate ~~of~~ from the recipient of the 138318
amount of state income taxes that will be due in the ensuing 138319
calendar year with respect to the benefits from the retirement 138320
system or retirement plan. 138321

(C) A retirement system or retirement plan with which an 138322

application is filed under this section, commencing with the 138323
calendar year following the year in which the application is 138324
filed, shall withhold from the benefits of the recipient an 138325
amount that equals for the calendar year, the amount of taxes 138326
that the recipient estimated would be due for the year. The 138327
amount to be withheld for a calendar year shall be apportioned 138328
throughout the calendar year. 138329

(D) A recipient may submit an amended application to 138330
increase or decrease the amount that will be withheld by the 138331
retirement system or retirement plan in an ensuing year. 138332

(E) A retirement system or retirement plan that withholds 138333
a portion of the benefits of a recipient under this section 138334
shall file returns and pay the amounts withheld in accordance 138335
with the requirements of section 5747.07 of the Revised Code. 138336
The tax commissioner may collect from a retirement plan past due 138337
amounts deducted and withheld and penalties and interest thereon 138338
by assessment under section 5747.13 of the Revised Code as if 138339
those amounts were income taxes collected by an employer. 138340

(F) Every retirement system or retirement plan required to 138341
deduct and withhold tax from benefits pursuant to this section 138342
shall furnish to the recipient, with respect to the benefits 138343
paid to the recipient during the calendar year, on or before the 138344
thirty-first day of January of the succeeding year, a written 138345
statement showing the amount of benefits deducted and withheld 138346
as state income tax, any amount deducted and withheld as school 138347
district income tax for each applicable school district, and 138348
such other information as the tax commissioner requires. 138349

(G) A retirement system or, in the case of a retirement 138350
plan, the tax commissioner may adopt rules governing withholding 138351
under this section. 138352

Sec. 5747.073. (A) As used in this section: 138353

(1) "Bulk filer" means a payroll service provider or 138354
similar entity that is registered with the tax commissioner to 138355
submit employer withholding tax returns in accordance with this 138356
section. 138357

(2) "Payroll service provider" means a third party that 138358
assists an employer with payroll administration and state 138359
employer withholding tax obligations. A payroll service provider 138360
may include a professional employer organization or alternate 138361
employer organization. 138362

(3) "Client company" means an employer on whose behalf a 138363
bulk filer agrees to submit employer withholding returns in 138364
accordance with this section. 138365

(B) (1) An employer may elect to use a bulk filer to comply 138366
with its state and school district income tax withholding 138367
obligations under this chapter. 138368

(2) (a) Within five days after becoming a client company, 138369
the employer shall notify the tax commissioner, in a format 138370
prescribed by the commissioner, of the name of the approved bulk 138371
filer it is electing to use and the taxes the bulk filer will be 138372
remitting on its behalf. 138373

(b) When using a bulk filer, the client company shall 138374
maintain all registrations required by the tax commissioner 138375
related to electronic filing and payment of the amounts 138376
described in divisions (A) and (E) of section 5747.06 of the 138377
Revised Code. 138378

(C) (1) The tax commissioner shall approve each bulk filer 138379
before the bulk filer can file withholding tax returns on behalf 138380
of client companies. The commissioner shall prescribe guidelines 138381

and conditions of participation in the bulk file program that 138382
include standards of conduct, software tests, and file formats. 138383

(2) The commissioner shall maintain a list of approved 138384
bulk filers on the department of taxation's official web site. 138385
Such information is not prohibited from disclosure under section 138386
5703.21 of the Revised Code. 138387

(3) Each bulk filer shall comply with all requirements of 138388
law pertaining to employers maintaining an office or transacting 138389
business in this state and paying compensation to an employee 138390
who is a taxpayer. 138391

(4) A bulk filer that is not a professional employer 138392
organization, professional employer organization reporting 138393
entity, or alternate employer organization shall file a report 138394
in the same manner and frequency as required of a professional 138395
employer organization, professional employer organization 138396
reporting entity, or alternate employer organization under 138397
division (J) of section 5747.07 of the Revised Code. For 138398
purposes of this division, "client company" shall be substituted 138399
for "client employer" wherever "client employer" appears in that 138400
division. 138401

(D) All returns, reports, and payments filed or remitted 138402
by a bulk filer shall be made through an electronic means as 138403
prescribed by the tax commissioner, regardless of the bulk 138404
filer's number of client companies, or the number of returns, 138405
reports, or payments being filed or remitted. The bulk filer 138406
shall register for and maintain all accounts needed to 138407
electronically make such filings and payments. 138408

(E) (1) A bulk filer's authorization under this section is 138409
valid until either of the following events occurs: 138410

(a) The bulk filer dissolves, loses its existence as the 138411
result of a merger, or otherwise ceases business; 138412

(b) The authorization is rescinded or suspended by the tax 138413
commissioner for failure to meet the guidelines and conditions 138414
of participation in the bulk file program, including any 138415
guidelines or conditions established or modified after the bulk 138416
filer receives its authorization. 138417

(2) A bulk filer shall notify its client companies within 138418
five days after the bulk filer's authorization is rescinded, 138419
suspended, or is otherwise no longer valid or active. If an 138420
entity no longer meets the requirements to be a bulk filer, the 138421
client companies of the former bulk filer shall immediately 138422
resume their state and school district withholding filing and 138423
payment obligations under this chapter. 138424

(F) (1) The tax commissioner may collect past due amounts 138425
from a bulk filer, including penalties and interest thereon, by 138426
assessment under section 5747.13 of the Revised Code as if the 138427
amounts were taxes collected by an employer. 138428

(2) A bulk filer is subject to all applicable penalties 138429
under Title LVII of the Revised Code as if the bulk filer were 138430
the client company. 138431

(3) Notwithstanding the commissioner's authority under 138432
division (F) (1) of this section, a client company remains 138433
subject to assessment if its bulk filer fails to timely file all 138434
returns or reports, or to timely remit any payment, on the 138435
client company's behalf. The use of a bulk filer does not 138436
abrogate the ability of the commissioner to hold employees, 138437
officers, members, managers, or trustees of the client company 138438
personally liable under division (G) of section 5747.07 of the 138439

<u>Revised Code.</u>	138440
<u>(4) Any liability assessed against both a bulk filer and a</u>	138441
<u>client company shall be joint and several.</u>	138442
<u>(5) A client company is not responsible for filings or</u>	138443
<u>amounts that a bulk filer fails to make or remit on behalf of</u>	138444
<u>another client company.</u>	138445
<u>(6) A bulk filer is subject to division (H) of section</u>	138446
<u>5747.07 of the Revised Code as if it were an employer subject to</u>	138447
<u>that section.</u>	138448
<u>(G) A bulk filer may file a refund application pursuant to</u>	138449
<u>section 5747.11 of the Revised Code on behalf of one or more of</u>	138450
<u>its client companies.</u>	138451
Sec. 5747.09. (A) As used in this section:	138452
(1) "Estimated taxes" means the amount that the taxpayer	138453
estimates to be the taxpayer's combined tax liability under this	138454
chapter and Chapter 5748. of the Revised Code for the current	138455
taxable year.	138456
(2) "Tax liability" means the total taxes due for the	138457
taxable year, after allowing any credit to which the taxpayer is	138458
entitled, but prior to applying any estimated tax payment,	138459
withholding payment, or refund from another tax year.	138460
(3) "Taxes paid" include payments of estimated taxes made	138461
under division (C) of this section, taxes withheld from the	138462
taxpayer's compensation, and tax refunds applied by the taxpayer	138463
in payment of estimated taxes.	138464
(4) "Required installment" means a payment equal to	138465
twenty-five per cent of the lesser of the following:	138466

(a) Ninety per cent of the tax liability for the taxable
year; 138467
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(b) One hundred per cent of the tax liability shown on the
return of a taxpayer for the preceding taxable year. 138469
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Division (A) (4) (b) of this section applies only if the
taxpayer filed a return under section 5747.08 of the Revised
Code for the preceding taxable year and if the preceding taxable
year was a twelve-month taxable year. 138471
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(B) Every taxpayer shall make declaration of estimated
taxes for the current taxable year, in the form that the tax
commissioner shall prescribe, if the amount payable as estimated
taxes, less the amount to be withheld from the taxpayer's
compensation, is more than five hundred dollars. For purposes of
this section, taxes withheld from compensation shall be
considered as paid in equal amounts on each payment date unless
the taxpayer establishes the dates on which all amounts were
actually withheld, in which case the amounts withheld shall be
considered as paid on the dates on which the amounts were
actually withheld. Taxpayers filing joint returns pursuant to
section 5747.08 of the Revised Code shall file joint
declarations of estimated taxes. A taxpayer may amend a
declaration under rules prescribed by the commissioner. A
taxpayer having a taxable year of less than twelve months shall
make a declaration under rules prescribed by the commissioner.
The declaration of estimated taxes for an individual under a
disability shall be made and filed by the person who is required
to file the income tax return. 138475
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The declaration of estimated taxes shall be filed on or
before the fifteenth day of April of each year or on or before
the fifteenth day of the fourth month after the taxpayer becomes 138494
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138496

subject to tax for the first time. 138497

Taxpayers reporting on a fiscal year basis shall file a 138498
declaration on or before the fifteenth day of the fourth month 138499
after the beginning of each fiscal year or period. 138500

The declaration shall be filed upon a form prescribed by 138501
the commissioner and furnished by or obtainable from the 138502
commissioner. 138503

The original declaration or any subsequent amendment may 138504
be increased or decreased on or before any subsequent quarterly 138505
payment day as provided in this section. 138506

(C) The required portion of the tax liability for the 138507
taxable year that shall be paid through estimated taxes made 138508
payable to the treasurer of state, including the application of 138509
tax refunds to estimated taxes, and withholding on or before the 138510
applicable payment date shall be as follows: 138511

(1) On or before the fifteenth day of the fourth month 138512
after the beginning of the taxable year, twenty-two and one-half 138513
per cent of the tax liability for the taxable year; 138514

(2) On or before the fifteenth day of the sixth month 138515
after the beginning of the taxable year, forty-five per cent of 138516
the tax liability for the taxable year; 138517

(3) On or before the fifteenth day of the ninth month 138518
after the beginning of the taxable year, sixty-seven and one- 138519
half per cent of the tax liability for the taxable year; 138520

(4) On or before the fifteenth day of the first month of 138521
the following taxable year, ninety per cent of the tax liability 138522
for the taxable year. 138523

When an amended return has been filed, the unpaid balance 138524

shown due on the amended return shall be paid in equal 138525
installments on or before the remaining payment dates. 138526

On or before the fifteenth day of the fourth month of the 138527
year following that for which the declaration or amended 138528
declaration was filed, an annual return shall be filed and any 138529
balance which may be due shall be paid with the return in 138530
accordance with section 5747.08 of the Revised Code. 138531

(D) In the case of any underpayment of estimated taxes, an 138532
interest penalty ~~shall~~ may be added to the taxes for the tax 138533
year at the rate per annum prescribed by section 5703.47 of the 138534
Revised Code upon the amount of underpayment for the period of 138535
underpayment, unless the underpayment is due to reasonable cause 138536
as described in division (E) of this section. The amount of the 138537
underpayment shall be determined as follows: 138538

(1) For the first payment of estimated taxes each year, 138539
the required installment less the amount of taxes paid by the 138540
date prescribed for that payment; 138541

(2) For the second payment of estimated taxes each year, 138542
the required installment less the amount of taxes paid by the 138543
date prescribed for that payment; 138544

(3) For the third payment of estimated taxes each year, 138545
the required installment less the amount of taxes paid by the 138546
date prescribed for that payment; 138547

(4) For the fourth payment of estimated taxes each year, 138548
the required installment less the amount of taxes paid by the 138549
date prescribed for that payment. 138550

The period of the underpayment shall run from the day the 138551
estimated payment was required to be made to the date on which 138552
the payment is made. For purposes of this section, a payment of 138553

estimated taxes on or before any payment date shall be 138554
considered a payment of any previous underpayment only to the 138555
extent the payment of estimated taxes exceeds the amount of the 138556
payment presently required to be paid to avoid any penalty. 138557

The tax commissioner may abate, in whole or in part, the 138558
interest penalty imposed under division (D) of this section. Any 138559
such penalty imposed shall be in lieu of any other interest 138560
charge or penalty imposed for failure to file an estimated 138561
return and make estimated payments as required by this section. 138562

(E) An underpayment of estimated taxes determined under 138563
division (D) of this section shall be due to reasonable cause 138564
and the interest penalty imposed by this section shall not be 138565
added to the taxes for the tax year if either of the following 138566
apply: 138567

(1) The amount of tax that was paid equals at least ninety 138568
per cent of the tax liability for the current taxable year, 138569
determined by annualizing the income received during the year up 138570
to the end of the month immediately preceding the month in which 138571
the payment is due; 138572

(2) The amount of tax that was paid equals at least one 138573
hundred per cent of the taxliability shown on the return of the 138574
taxpayer for the preceding taxable year, provided that the 138575
immediately preceding taxable year reflected a period of twelve 138576
months and the taxpayer filed a return under section 5747.08 of 138577
the Revised Code for that year. 138578

The tax commissioner may waive the requirement for filing 138579
a declaration of estimated taxes for any class of taxpayers 138580
after finding that the waiver is reasonable and proper in view 138581
of administrative costs and other factors. 138582

Sec. 5747.10. (A) As used in this section: 138583

(1) "Audited partnership" means a partnership subject to 138584
an examination by the internal revenue service pursuant to 138585
subchapter C, chapter 63, subtitle F of the Internal Revenue 138586
Code resulting in a federal adjustment. 138587

(2) (a) "Direct investor" means a partner or other investor 138588
that holds a direct interest in a pass-through entity. 138589

(b) "Indirect investor" means a partner or other investor 138590
that holds an interest in a pass-through entity that itself 138591
holds an interest, directly or through another indirect partner 138592
or other investor, in a pass-through entity. 138593

(3) "Exempt partner" means a partner that is neither a 138594
pass-through entity nor a person subject to the tax imposed by 138595
section 5747.02 of the Revised Code. 138596

(4) "Federal adjustment" means a change to an item or 138597
amount required to be determined under the Internal Revenue Code 138598
that directly or indirectly affects a taxpayer's aggregate tax 138599
liability under section 5747.02 or Chapter 5748. of the Revised 138600
Code and that results from an action or examination by the 138601
internal revenue service, or from the filing of an amended 138602
federal tax return, a claim for a federal tax refund, or an 138603
administrative adjustment request filed by a partnership under 138604
section 6227 of the Internal Revenue Code. 138605

(5) "Federal adjustments return" means the form or other 138606
document prescribed by the tax commissioner for use by a 138607
taxpayer in reporting final federal adjustments. 138608

(6) "State partnership representative" means either of the 138609
following: 138610

(a) The person who served as the partnership's representative for federal income tax purposes, pursuant to section 6223(a) of the Internal Revenue Code, during the corresponding federal partnership audit;

(b) The person designated, on a form prescribed by the tax commissioner, to serve as the partnership's representative during the state partnership audit. The commissioner may establish reasonable qualifications and procedures for a person to be designated as a state partnership representative under this division.

(7) A federal adjustment is "final" or "agreed to or finally determined for federal income tax purposes" on any of the following:

(a) The day after which the period for appeal of a federal assessment has expired;

(b) The date on a refund check issued by the internal revenue service; or

(c) For agreements required to be signed by the internal revenue service and the taxpayer or audited partnership, the date on which the last party signed the agreement.

(B) (1) If any of the facts, figures, computations, or attachments required in a taxpayer's annual return to determine the tax charged by this chapter or Chapter 5748. of the Revised Code must be altered as the result of a final federal adjustment, and the federal adjustment is not required to be reported under division (C) of this section, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than ninety days after the federal adjustment has been

agreed to or finally determined for federal income tax purposes. 138640

(2) "One hundred eighty" shall be substituted for "ninety" 138641
in divisions (B)(1) and (E)(1) of this section if, for any 138642
taxable year, the final federal adjustment results from taxes 138643
paid by the taxpayer on an amount described in division (A)(32) 138644
of section 5747.01 of the Revised Code. 138645

(C) Except for adjustments required to be reported for 138646
federal purposes pursuant to section 6225(a)(2) of the Internal 138647
Revenue Code and adjustments that are taken into account on a 138648
federal amended return or similar report filed pursuant to 138649
section 6225(c)(2) of the Internal Revenue Code, partnerships 138650
and partners shall report final federal adjustments and make 138651
payments as required under division (C) of this section. 138652

(1) With respect to an action required or permitted to be 138653
taken by a partnership under this section, and any petition for 138654
reassessment or appeal to the board of tax appeals or any court 138655
with respect to such an action, the state partnership 138656
representative shall have the sole authority to act on behalf of 138657
the audited partnership, and the partnership's direct and 138658
indirect investors shall be bound by those actions. 138659

(2) Unless an audited partnership makes the election under 138660
division (C)(3) of this section: 138661

(a) The audited partnership, through its state partnership 138662
representative, shall do all of the following within ninety days 138663
after the federal adjustment is final: 138664

(i) File a federal adjustments return with the tax 138665
commissioner, including a copy of the notifications provided 138666
under division (C)(2)(a)(ii) of this section; 138667

(ii) Notify each of its direct investors, on a form 138668

prescribed by the commissioner, of the investor's distributive 138669
share of the final federal adjustments; 138670

(iii) File an amended tax return on behalf of its 138671
nonresident direct investors and pay any additional tax that 138672
would have been due under sections 5733.41 and 5747.41, or 138673
division (D) of section 5747.08, of the Revised Code with 138674
respect to those direct investors had the final federal 138675
adjustments been reported properly on the original filing. 138676

(b) Each direct investor that is subject to the tax 138677
imposed by section 5747.02 of the Revised Code shall file an 138678
original or amended tax return to include the investor's 138679
distributive share of the adjustments reported to the direct 138680
investor under division (C) (2) (a) of this section, and pay any 138681
additional tax due, within ninety days after the audited 138682
partnership files its federal adjustments return with the 138683
commissioner. 138684

(c) (i) Each direct and indirect investor of an audited 138685
partnership that is a pass-through entity and all investors in 138686
such a pass-through entity that are subject to the filing and 138687
payment requirements of Chapters 5733. and 5747. of the Revised 138688
Code are subject to the reporting and payment requirements of 138689
division (C) (2) or, upon a timely election, division (C) (3) of 138690
this section. 138691

(ii) Such direct and indirect investors shall make the 138692
required returns and payments within ninety days after the 138693
deadline for filing and furnishing statements under section 138694
6226(b) (4) of the Internal Revenue Code and applicable treasury 138695
regulations. 138696

(3) If an audited partnership makes the election under 138697

this division, the audited partnership, through its state 138698
partnership representative, shall do all of the following within 138699
ninety days after all federal adjustments are final: 138700

(a) File a federal adjustments return with the tax 138701
commissioner indicating the partnership has made the election 138702
under division (C) (3) of this section; 138703

(b) Pay the amount of combined additional tax due under 138704
division (D) (2) of this section, calculated by multiplying the 138705
highest rate of tax set forth in section 5747.02 of the Revised 138706
Code by the sum of the following: 138707

(i) The distributive shares of the final federal 138708
adjustments that are allocable or apportionable to this state of 138709
each investor who is a nonresident taxpayer or pass-through 138710
entity; 138711

(ii) The distributive share of the final federal 138712
adjustments for each investor who is a resident taxpayer. 138713

(c) Notify each of its direct investors, on a form 138714
prescribed by the commissioner, of the investor's distributive 138715
share of the final federal adjustments and the amount paid on 138716
their behalf pursuant to division (C) (3) (b) of this section. 138717

(4) (a) A direct investor of an audited partnership is not 138718
required to file an amended return or pay tax otherwise due 138719
under section 5747.02 of the Revised Code if the audited 138720
partnership properly reports and pays the tax under division (C) 138721
(3) of this section. 138722

(b) (i) Nothing in division (C) of this section precludes a 138723
direct or indirect investor in the audited partnership from 138724
filing a return to report the investor's share of the final 138725
federal adjustments. Such an investor who files a return and 138726

reports the income related to the final federal adjustments is 138727
entitled to a refundable credit for taxes paid by the audited 138728
partnership under division (C) (3) (b) of this section. The credit 138729
shall be computed and claimed in the same manner as the credit 138730
allowed under division (I) of section 5747.08 of the Revised 138731
Code. 138732

(ii) Notwithstanding division (C) (4) (b) (i) of this 138733
section, an exempt partner, whether a direct or indirect 138734
investor, may file an application for refund of its 138735
proportionate share of the amounts erroneously paid by the 138736
audited partnership pursuant to division (C) (3) (b) of this 138737
section on the exempt partner's behalf. 138738

(5) Upon request by an audited partnership, the tax 138739
commissioner may agree, in writing, to allow an alternative 138740
method of reporting and payment than required by division (C) (2) 138741
or (3) of this section. The request must be submitted to the 138742
commissioner in writing before the applicable deadline for 138743
filing a return under division (C) (2) (a) or (3) of this section. 138744
The commissioner's decision on whether to enter into an 138745
agreement under this division is not subject to further 138746
administrative review or appeal. 138747

(6) Nothing in division (C) of this section precludes 138748
either of the following: 138749

(a) A resident taxpayer from filing a return to claim the 138750
credit under division (B) of section 5747.05 or division ~~(D) (2)~~ 138751
(B) (2) of section 5747.02 of the Revised Code based upon any 138752
amounts paid by the audited partnership on such investor's 138753
behalf to another state. 138754

(b) The tax commissioner from issuing an assessment under 138755

this chapter against any direct or indirect investor for taxes 138756
due from the investor if an audited partnership, or direct and 138757
indirect investor of an audited partnership that is a pass- 138758
through entity, fails to timely file any return or remit any 138759
payment required by this section or underreports income or 138760
underpays tax on behalf of an indirect investor who is a 138761
resident taxpayer. 138762

(D) In the case of an underpayment, and unless otherwise 138763
agreed to in writing by the tax commissioner: 138764

(1) The taxpayer's amended return shall be accompanied by 138765
payment of any combined additional tax due together with 138766
interest thereon. An amended return required by this section is 138767
a return subject to assessment under section 5747.13 of the 138768
Revised Code for the purpose of assessing any additional tax due 138769
under this section, together with any applicable penalty and 138770
interest. It shall not reopen those facts, figures, 138771
computations, or attachments from a previously filed return no 138772
longer subject to assessment that are not affected, either 138773
directly or indirectly, by the final federal adjustment to the 138774
taxpayer's federal income tax return. 138775

(2) The audited partnership's federal adjustments return 138776
shall be accompanied by payment of any combined additional tax 138777
due together with interest thereon. The federal adjustments 138778
return required by this section is a return subject to 138779
assessment under section 5747.13 of the Revised Code for the 138780
purpose of assessing any additional tax due under this section, 138781
together with any applicable penalty and interest. It shall not 138782
reopen those facts, figures, computations, or attachments from a 138783
previously filed return no longer subject to assessment that are 138784
not affected, either directly or indirectly, by the final 138785

federal adjustment. 138786

(3) The tax commissioner may accept estimated payments of 138787
the tax arising from pending federal adjustments before the date 138788
for filing a federal adjustments return. The commissioner may 138789
adopt rules for the payment of such estimated taxes. 138790

(E) In the case of an overpayment, and unless otherwise 138791
agreed to in writing by the tax commissioner: 138792

(1) A taxpayer may file an application for refund under 138793
this division within the ninety-day period prescribed for filing 138794
the amended return even if it is filed beyond the period 138795
prescribed in section 5747.11 of the Revised Code if it 138796
otherwise conforms to the requirements of such section. An 138797
application filed under this division shall claim refund of 138798
overpayments resulting from alterations to only those facts, 138799
figures, computations, or attachments required in the taxpayer's 138800
annual return that are affected, either directly or indirectly, 138801
by the final federal adjustment to the taxpayer's federal income 138802
tax return unless it is also filed within the time prescribed in 138803
section 5747.11 of the Revised Code. It shall not reopen those 138804
facts, figures, computations, or attachments that are not 138805
affected, either directly or indirectly, by the adjustment to 138806
the taxpayer's federal income tax return. 138807

(2) (a) Except as otherwise provided in division (E) (2) (b) 138808
of this section, an audited partnership may file an application 138809
for a refund under this division within the ninety-day period 138810
prescribed for filing the federal adjustments return, even if it 138811
is filed beyond the period prescribed by section 5747.11 of the 138812
Revised Code, if it otherwise conforms to the requirements of 138813
that section. An application filed under this division may claim 138814
a refund of overpayments resulting only from final federal 138815

adjustments unless it is also filed within the time prescribed 138816
by section 5747.11 of the Revised Code. It shall not reopen 138817
those facts, figures, computations, or attachments that are not 138818
affected, either directly or indirectly, by the federal 138819
adjustment. 138820

(b) An audited partnership may not file an application for 138821
refund under division (E) of this section based on final federal 138822
adjustments described in section 6225(a)(2) of the Internal 138823
Revenue Code. 138824

(3) Any refund granted to a pass-through entity filing an 138825
application for refund under division (E) of this section shall 138826
be reduced by amounts previously claimed as a credit under 138827
section 5747.059 or division (I) of section 5747.08 of the 138828
Revised Code by the pass-through entity's direct or indirect 138829
investors. 138830

(F) Excluding the deadline in division (C)(2)(c)(ii) of 138831
this section, an audited partnership, or a direct or indirect 138832
investor of an audited partnership that is a pass-through 138833
entity, may automatically extend the deadline for reporting, 138834
payments, and refunds under this section by sixty days if the 138835
entity has ten thousand or more direct investors and notifies 138836
the commissioner of such extension, in writing, before the 138837
unextended deadline. 138838

Sec. 5747.113. (A) Any taxpayer claiming a refund under 138839
section 5747.11 of the Revised Code who wishes to contribute any 138840
part of the taxpayer's refund to the natural areas and preserves 138841
fund created in section 1517.11 of the Revised Code, the nongame 138842
and endangered wildlife fund created in section 1531.26 of the 138843
Revised Code, the military injury relief fund created in section 138844
5902.05 of the Revised Code, the Ohio history fund created in 138845

section 149.308 of the Revised Code, the breast and cervical 138846
cancer project income tax contribution fund created in section 138847
3701.601 of the Revised Code, the wishes for sick children 138848
income tax contribution fund created in section 3701.602 of the 138849
Revised Code, the companion animal fund created in section 138850
955.202 of the Revised Code, or all of those funds may designate 138851
on the taxpayer's income tax return the amount that the taxpayer 138852
wishes to contribute to the fund or funds. A designated 138853
contribution is irrevocable upon the filing of the return and 138854
shall be made in the full amount designated if the refund found 138855
due the taxpayer upon the initial processing of the taxpayer's 138856
return, after any deductions including those required by section 138857
5747.12 of the Revised Code, is greater than or equal to the 138858
designated contribution. If the refund due as initially 138859
determined is less than the designated contribution, the 138860
contribution shall be made in the full amount of the refund. The 138861
tax commissioner shall subtract the amount of the contribution 138862
from the amount of the refund initially found due the taxpayer 138863
and shall certify the difference to the director of budget and 138864
management and treasurer of state for payment to the taxpayer in 138865
accordance with section 5747.11 of the Revised Code. For the 138866
purpose of any subsequent determination of the taxpayer's net 138867
tax payment, the contribution shall be considered a part of the 138868
refund paid to the taxpayer. 138869

(B) The tax commissioner shall provide a space on the 138870
income tax return form in which a taxpayer may indicate that the 138871
taxpayer wishes to make a donation in accordance with this 138872
section. The tax commissioner shall also print in the 138873
instructions accompanying the income tax return form a 138874
description of the purposes for which the natural areas and 138875
preserves fund, the nongame and endangered wildlife fund, the 138876

military injury relief fund, the Ohio history fund, the breast 138877
and cervical cancer project income tax contribution fund, ~~and~~ 138878
the wishes for sick children income tax contribution fund, and 138879
the companion animal fund were created and the use of moneys 138880
from the income tax refund contribution system established in 138881
this section. No person shall designate on the person's income 138882
tax return any part of a refund claimed under section 5747.11 of 138883
the Revised Code as a contribution to any fund other than the 138884
natural areas and preserves fund, the nongame and endangered 138885
wildlife fund, the military injury relief fund, the Ohio history 138886
fund, the breast and cervical cancer project income tax 138887
contribution fund, ~~or~~ the wishes for sick children income tax 138888
contribution fund, or the companion animal fund. 138889

(C) The money collected under the income tax refund 138890
contribution system established in this section shall be 138891
deposited by the tax commissioner into the natural areas and 138892
preserves fund, the nongame and endangered wildlife fund, the 138893
military injury relief fund, the Ohio history fund, the breast 138894
and cervical cancer project income tax contribution fund, ~~and~~ 138895
the wishes for sick children income tax contribution fund, and 138896
the companion animal fund in the amounts designated on the tax 138897
returns. 138898

(D) If the total amount contributed to a fund under this 138899
section, as annually determined by the tax commissioner, is less 138900
than fifty thousand dollars in each of five consecutive calendar 138901
years, no person may designate a contribution to that fund for 138902
any taxable year ending after the last day of that five-year 138903
period. In such a case, the commissioner shall remove the space 138904
dedicated to the fund on the income tax return and the 138905
description of the fund in the instructions accompanying the 138906
income tax return. 138907

~~(E) The general assembly may authorize taxpayer refund- 138908
contributions to no more than six funds under the income tax- 138909
refund contribution system established in this section. If the- 138910
general assembly authorizes income tax refund contributions to a 138911
fund other than the natural areas and preserves fund, the- 138912
nongame and endangered wildlife fund, the military injury relief 138913
fund, the Ohio history fund, the breast and cervical cancer- 138914
project income tax contribution fund, or the wishes for sick- 138915
children income tax contribution fund, such contributions may be 138916
authorized only for a period of two calendar years. 138917~~

With the exception of the Ohio history fund and the 138918
companion animal fund, the general assembly may authorize income 138919
tax refund contributions to a fund only if all the money in the 138920
fund will be expended or distributed by a state agency as 138921
defined in section 1.60 of the Revised Code. 138922

(F) (1) The director of natural resources, in January of 138923
every odd-numbered year, shall report to the general assembly on 138924
the effectiveness of the income tax refund contribution system 138925
as it pertains to the natural areas and preserves fund and the 138926
nongame and endangered wildlife fund. The report shall include 138927
the amount of money contributed to each fund in each of the 138928
previous five years, the amount of money contributed directly to 138929
each fund in addition to or independently of the income tax 138930
refund contribution system in each of the previous five years, 138931
and the purposes for which the money was expended. 138932

(2) The director of veterans services, the director of the 138933
Ohio history connection, the director of the Ohio pet fund, and 138934
the director of health, in January of every odd-numbered year, 138935
each shall report to the general assembly on the effectiveness 138936
of the income tax refund contribution system as it pertains to 138937

the military injury relief fund, the Ohio history fund, the 138938
companion animal fund, the breast and cervical cancer project 138939
income tax contribution fund, and the wishes for sick children 138940
income tax contribution fund respectively. The report shall 138941
include the amount of money contributed to the fund in each of 138942
the previous five years, the amount of money contributed 138943
directly to the fund in addition to or independently of the 138944
income tax refund contribution system in each of the previous 138945
five years, and the purposes for which the money was expended. 138946

Sec. 5747.124. (A) If a person entitled to a refund under 138947
this chapter is a judgment debtor indebted to a judgment 138948
creditor, as defined in section 2716.01 of the Revised Code, the 138949
amount refundable shall be subject to an order of garnishment of 138950
property, other than personal earnings, issued under sections 138951
2716.11 and 2716.13 of the Revised Code. Upon receipt of such an 138952
order, the tax commissioner shall pay the amount of the refund 138953
not already paid to the person entitled to the refund to the 138954
clerk of court that issued the order. 138955

(B) If the person also has one or more debts described in 138956
division (A) of section 5747.12 of the Revised Code or overdue 138957
child support subject to section 5747.121 of the Revised Code, 138958
the debt described in that division and overdue child support 138959
described in that section shall be satisfied first. 138960

(C) If the amount refundable is less than the amount 138961
stated on the order of garnishment, it may be applied in partial 138962
satisfaction of that amount. If the amount refundable is greater 138963
than the amount stated on the order, the amount remaining after 138964
satisfaction of the order shall be refunded. 138965

(D) The tax commissioner shall charge each respective 138966
judgment creditor a fee of fifteen dollars for the 138967

commissioner's cost in applying refunds to satisfy an order of 138968
garnishment. 138969

(E) If the tax commissioner receives multiple orders of 138970
garnishment of property, other than personal earnings for 138971
amounts owed by the same person, the commissioner shall satisfy 138972
the orders in the sequence they were received. 138973

(F) In the case of persons filing a joint income tax 138974
return, the amount of the refund available for satisfaction of 138975
the order shall be one-half of the refund due to the person who 138976
is the obligor on the debt unless both filers are named in the 138977
order, in which case the entire refund is available. 138978

Sec. 5747.13. (A) If any employer collects the tax imposed 138979
by section 5747.02 or under Chapter 5748. of the Revised Code 138980
and fails to remit the tax as required by law, or fails to 138981
collect the tax, the employer is personally liable for any 138982
amount collected that the employer fails to remit, or any amount 138983
that the employer fails to collect. If any taxpayer fails to 138984
file a return or fails to pay the tax imposed by section 5747.02 138985
or under Chapter 5748. of the Revised Code, the taxpayer is 138986
personally liable for the amount of the tax. 138987

If any employer, taxpayer, qualifying entity, or electing 138988
pass-through entity required to file a return under this chapter 138989
fails to file the return within the time prescribed, files an 138990
incorrect return, fails to remit the full amount of the taxes 138991
due for the period covered by the return, or fails to remit any 138992
additional tax due as a result of a reduction in the amount of 138993
the credit allowed under division (B) of section 5747.05 of the 138994
Revised Code together with interest on the additional tax within 138995
the time prescribed by that division, the tax commissioner may 138996
make an assessment against any person liable for any deficiency 138997

for the period for which the return is or taxes are due, based 138998
upon any information in the commissioner's possession. 138999

An assessment issued against either the employer or the 139000
taxpayer pursuant to this section shall not be considered an 139001
election of remedies or a bar to an assessment against the other 139002
for failure to report or pay the same tax. No assessment shall 139003
be issued against any person if the tax actually has been paid 139004
by another. 139005

No assessment shall be made or issued against an employer, 139006
a taxpayer, a qualifying entity, or an electing pass-through 139007
entity more than four years after the final date the return 139008
subject to assessment was required to be filed or the date the 139009
return was filed, whichever is later. However, the commissioner 139010
may assess any balance due as the result of a reduction in the 139011
credit allowed under division (B) of section 5747.05 of the 139012
Revised Code, including applicable penalty and interest, within 139013
four years of the date on which the taxpayer reports a change in 139014
either the portion of the taxpayer's adjusted gross income 139015
subjected to an income tax or tax measured by income in another 139016
state or the District of Columbia, or the amount of liability 139017
for an income tax or tax measured by income to another state or 139018
the District of Columbia, as required by division (B)(4) of 139019
section 5747.05 of the Revised Code. Such time limits may be 139020
extended if both the employer, taxpayer, qualifying entity, or 139021
electing pass-through entity and the commissioner consent in 139022
writing to the extension or if an agreement waiving or extending 139023
the time limits has been entered into pursuant to section 139024
122.171 of the Revised Code. Any such extension shall extend the 139025
four-year time limit in division (B) of section 5747.11 of the 139026
Revised Code for the same period of time. There shall be no bar 139027
or limit to an assessment against an employer for taxes withheld 139028

from employees and not remitted to the state, against an 139029
employer, a taxpayer, a qualifying entity, or an electing pass- 139030
through entity that fails to file a return subject to assessment 139031
as required by this chapter, or against an employer, a taxpayer, 139032
a qualifying entity, or an electing pass-through entity that 139033
files a fraudulent return. 139034

The commissioner shall give the party assessed written 139035
notice of the assessment in the manner provided in section 139036
5703.37 of the Revised Code. With the notice, the commissioner 139037
shall provide instructions on how to petition for reassessment 139038
and request a hearing on the petition. 139039

(B) Unless the party assessed files with the tax 139040
commissioner within sixty days after service of the notice of 139041
assessment, ~~either personally or by certified mail,~~ a written 139042
petition for reassessment, signed by the party assessed or that 139043
party's authorized agent having knowledge of the facts, the 139044
assessment becomes final, and the amount of the assessment is 139045
due and payable from the party assessed to the commissioner with 139046
remittance made payable to the treasurer of state. The petition 139047
shall indicate the objections of the party assessed, but 139048
additional objections may be raised in writing if received by 139049
the commissioner prior to the date shown on the final 139050
determination. If the petition has been properly filed, the 139051
commissioner shall proceed under section 5703.60 of the Revised 139052
Code. 139053

(C) After an assessment becomes final, if any portion of 139054
the assessment remains unpaid, including accrued interest, a 139055
certified copy of the tax commissioner's entry making the 139056
assessment final may be filed in the office of the clerk of the 139057
court of common pleas in the county in which the employer's, 139058

taxpayer's, qualifying entity's, or electing pass-through 139059
entity's place of business is located or the county in which the 139060
party assessed resides. If the party assessed is not a resident 139061
of this state, the certified copy of the entry may be filed in 139062
the office of the clerk of the court of common pleas of Franklin 139063
county. 139064

Immediately upon the filing of the entry, the clerk shall 139065
enter a judgment against the party assessed in the amount shown 139066
on the entry. The judgment shall be filed by the clerk in one of 139067
two loose-leaf books, one entitled "special judgments for state 139068
and school district income taxes," and the other entitled 139069
"special judgments for qualifying entity and electing pass- 139070
through entity taxes." The judgment shall have the same effect 139071
as other judgments. Execution shall issue upon the judgment upon 139072
the request of the tax commissioner, and all laws applicable to 139073
sales on execution shall apply to sales made under the judgment. 139074

If the assessment is not paid in its entirety within sixty 139075
days after the assessment was issued, the portion of the 139076
assessment consisting of tax due shall bear interest at the rate 139077
per annum prescribed by section 5703.47 of the Revised Code from 139078
the day the tax commissioner issues the assessment until it is 139079
paid or until it is certified to the attorney general for 139080
collection under section 131.02 of the Revised Code, whichever 139081
comes first. If the unpaid portion of the assessment is 139082
certified to the attorney general for collection, the entire 139083
unpaid portion of the assessment shall bear interest at the rate 139084
per annum prescribed by section 5703.47 of the Revised Code from 139085
the date of certification until the date it is paid in its 139086
entirety. Interest shall be paid in the same manner as the tax 139087
and may be collected by the issuance of an assessment under this 139088
section. 139089

(D) All money collected under this section shall be 139090
considered as revenue arising from the taxes imposed by this 139091
chapter or Chapter 5733. or 5748. of the Revised Code, as 139092
appropriate. 139093

(E) If the party assessed files a petition for 139094
reassessment under division (B) of this section, the person, on 139095
or before the last day the petition may be filed, shall pay the 139096
assessed amount, including assessed interest and assessed 139097
penalties, if any of the following conditions exists: 139098

(1) The person files a tax return reporting Ohio adjusted 139099
gross income, less the exemptions allowed by section 5747.025 of 139100
the Revised Code, in an amount less than one cent, and the 139101
reported amount is not based on the computations required under 139102
division (A) of section 5747.01 or section 5747.025 of the 139103
Revised Code. 139104

(2) The person files a tax return that the tax 139105
commissioner determines to be incomplete, false, fraudulent, or 139106
frivolous. 139107

(3) The person fails to file a tax return, and the basis 139108
for this failure is not either of the following: 139109

(a) An assertion that the person has no nexus with this 139110
state; 139111

(b) The computations required under division (A) of 139112
section 5747.01 of the Revised Code or the application of 139113
credits allowed under this chapter has the result that the 139114
person's tax liability is less than one dollar and one cent. 139115

(F) Notwithstanding the fact that a petition for 139116
reassessment is pending, the petitioner may pay all or a portion 139117
of the assessment that is the subject of the petition. The 139118

acceptance of a payment by the treasurer of state does not 139119
prejudice any claim for refund upon final determination of the 139120
petition. 139121

If upon final determination of the petition an error in 139122
the assessment is corrected by the tax commissioner, upon 139123
petition so filed or pursuant to a decision of the board of tax 139124
appeals or any court to which the determination or decision has 139125
been appealed, so that the amount due from the party assessed 139126
under the corrected assessment is less than the portion paid, 139127
there shall be issued to the petitioner or to the petitioner's 139128
assigns or legal representative a refund in the amount of the 139129
overpayment as provided by section 5747.11 of the Revised Code, 139130
with interest on that amount as provided by such section, 139131
subject to section 5747.12 of the Revised Code. 139132

Sec. 5747.29. (A) As used in this section: 139133

(1) "Candidate" has the same meaning as in section 3517.01 139134
of the Revised Code, but is limited to candidates for the public 139135
offices specified in this section. 139136

(2) "Contribution" has the same meaning as in section 139137
3517.01 of the Revised Code, but is limited to contributions of 139138
money only. 139139

(B) A nonrefundable credit is allowed against a taxpayer's 139140
aggregate tax liability under section 5747.02 of the Revised 139141
Code for contributions of money made to the campaign committee 139142
of candidates for any of the following public offices: governor, 139143
lieutenant governor, secretary of state, auditor of state, 139144
treasurer of state, attorney general, ~~member of the state board~~ 139145
~~of education~~, chief justice of the supreme court, justice of the 139146
supreme court, or member of the general assembly. The amount of 139147

the credit for a taxable year equals the lesser of the combined 139148
total contributions made during the taxable year by each 139149
taxpayer filing a return required to be filed under section 139150
5747.08 of the Revised Code or the amount of fifty dollars, in 139151
the case of an individual return, or one hundred dollars, in the 139152
case of a joint return. 139153

The taxpayer shall claim the credit in the order required 139154
under section 5747.98 of the Revised Code. The credit for a 139155
taxable year shall not exceed the aggregate amount of tax 139156
otherwise due for that year after allowing for any other credits 139157
that precede the credit under this section in that order. 139158

Sec. 5747.40. Any term used in sections 5747.40 to 5747.43 139159
of the Revised Code has the same meaning as defined in section 139160
5733.40 of the Revised Code. 139161

The purpose of sections 5747.40 to 5747.43 of the Revised 139162
Code is to complement and to reinforce the tax levied under 139163
section 5747.02 of the Revised Code. Those sections do not apply 139164
to a pass-through entity if all of the investors of the pass- 139165
through entity are resident taxpayers for the purposes of this 139166
chapter for the entire qualifying taxable year of the pass- 139167
through entity, or to a trust if all of the beneficiaries of the 139168
trust are resident taxpayers for the purposes of this chapter 139169
for the entire qualifying taxable year of the trust, except that 139170
sections 5747.42 and 5747.43 of the Revised Code apply to all 139171
pass-through entities that elect to be subject to the tax levied 139172
under section 5747.38 of the Revised Code. 139173

Sec. 5747.43. (A) As used in this section: 139174

(1) "Estimated taxes" means the amount that a qualifying 139175
entity or electing pass-through entity estimates to be the sum 139176

of its liability under sections 5733.41 and 5747.41 or section 139177
5747.38 of the Revised Code for its current qualifying taxable 139178
year or taxable year, as applicable. 139179

(2) "Tax liability" means the total of the taxes and 139180
withholding taxes due under sections 5733.41 and 5747.41 of the 139181
Revised Code or the tax due under section 5747.38 of the Revised 139182
Code for the applicable taxable year prior to applying any 139183
estimated tax payment or refund from another year. 139184

(3) "Taxes paid" includes payments of estimated taxes made 139185
under division (C) of this section and tax refunds applied by 139186
the qualifying entity or electing pass-through entity in payment 139187
of estimated taxes. 139188

(4) "Required installment" means a payment equal to 139189
twenty-five per cent of the lesser of the following: 139190

(a) Ninety per cent of the tax liability for the 139191
qualifying taxable year; 139192

(b) One hundred per cent of the tax liability shown on the 139193
return of a qualifying entity or an electing pass-through entity 139194
for the preceding taxable year. 139195

Division (A) (4) (b) of this section applies only if the 139196
entity filed a return under section 5747.42 of the Revised Code 139197
for the preceding taxable year and if the preceding taxable year 139198
was a twelve-month taxable year. 139199

(B) In addition to the return required to be filed 139200
pursuant to section 5747.42 of the Revised Code, each qualifying 139201
entity or electing pass-through entity that is subject to the 139202
tax imposed under section 5733.41 and to the withholding tax 139203
imposed by section 5747.41 of the Revised Code or that is 139204
subject to the tax imposed under section 5747.38 of the Revised 139205

Code shall file an estimated tax return and pay a portion of the
entity's tax liability for its taxable year. The portion of
those taxes required to be paid, and the last day prescribed for
payment thereof, shall be as prescribed by divisions (B) (1),
(2), (3), and (4) of this section:

(1) On or before the fifteenth day of the fourth month
~~following after the last day of the first quarter of beginning~~
of the entity's taxable year, twenty-two and one-half per cent
of the entity's estimated tax liability for that taxable year;

(2) On or before the fifteenth day of the sixth month
~~following after the last day of the second quarter of beginning~~
of the entity's taxable year, forty-five per cent of the
entity's estimated tax liability for that taxable year;

(3) On or before the fifteenth day of the ninth month
~~following after the last day of the third quarter of beginning~~
of the entity's taxable year, sixty-seven and one-half per cent
of the entity's estimated tax liability for that taxable year;

(4) On or before the fifteenth day of the first month
~~following of the last day of the fourth quarter of the entity's~~
following taxable year, ninety per cent of the entity's
estimated tax liability for that taxable year.

Payments of estimated taxes shall be made payable to the
treasurer of state.

(C) If a payment of estimated taxes is not paid in the
full amount required under division (B) of this section, a
penalty ~~shall~~ may be added to the taxes charged for the
qualifying taxable year or taxable year, as applicable, unless
the underpayment is due to reasonable cause as described in
division (D) of this section. The penalty shall accrue at the

rate per annum prescribed by section 5703.47 of the Revised Code 139235
upon the amount of underpayment from the day the estimated 139236
payment was required to be made to the day the payment is made. 139237

The amount of the underpayment upon which the penalty 139238
shall accrue shall be determined as follows: 139239

(1) For the first payment of estimated taxes each year, 139240
the required installment less the amount of taxes paid by the 139241
date prescribed for that payment; 139242

(2) For the second payment of estimated taxes each year, 139243
the required installment less the amount of taxes paid by the 139244
date prescribed for that payment; 139245

(3) For the third payment of estimated taxes each year, 139246
the required installment less the amount of taxes paid by the 139247
date prescribed for that payment; 139248

(4) For the fourth payment of estimated taxes each year, 139249
the required installment less the amount of taxes paid by the 139250
date prescribed for that payment. 139251

For the purposes of this section, a payment of estimated 139252
taxes on or before any payment date shall be considered a 139253
payment of a previous underpayment only to the extent the 139254
payment of estimated taxes exceeds the amount of the payment 139255
presently required to be paid to avoid any penalty. 139256

The tax commissioner may abate, in whole or in part, the 139257
penalty imposed under division (C) of this section. Any such 139258
penalty is in lieu of any other interest charge or penalty 139259
imposed for failure to file a declaration of estimated tax 139260
report and make estimated payments as required by this section. 139261

(D) An underpayment of estimated taxes determined under 139262

division (C) of this section is due to reasonable cause if any 139263
of the following apply: 139264

(1) The amount of tax that was paid equals at least ninety 139265
per cent of the tax liability for the current taxable year, 139266
determined by annualizing the income received during that year 139267
up to the end of the month immediately preceding the month in 139268
which the payment is due; 139269

(2) The amount of tax liability that was paid equals at 139270
least ninety per cent of the tax liability for the current 139271
taxable year; 139272

(3) The amount of tax liability that was paid equals at 139273
least one hundred per cent of the tax liability shown on the 139274
return of the entity for the preceding taxable year, provided 139275
that the immediately preceding taxable year reflected a period 139276
of twelve months and the entity filed a return under section 139277
5747.42 of the Revised Code for that year. 139278

(E) (1) Divisions (B) and (C) of this section do not apply 139279
for a taxable year if either of the following applies to the 139280
entity: 139281

(a) For the immediately preceding taxable year, the entity 139282
computes in good faith and in a reasonable manner that the sum 139283
of its adjusted qualifying amounts or its qualifying taxable 139284
income, as applicable, is ten thousand dollars or less. 139285

(b) For the taxable year the entity computes in good faith 139286
and in a reasonable manner that the sum of its adjusted 139287
qualifying amounts or its qualifying taxable income, as 139288
applicable, is ten thousand dollars or less. 139289

(2) Notwithstanding any other provision of Title LVII of 139290
the Revised Code to the contrary, the entity shall establish by 139291

a preponderance of the evidence that its computation of the 139292
adjusted qualifying amounts or qualifying taxable income, as 139293
applicable, for the immediately preceding taxable year and the 139294
taxable year was, in fact, made in good faith and in a 139295
reasonable manner. 139296

(F) The tax commissioner may waive the requirement for 139297
filing a declaration of estimated taxes for any class of 139298
qualifying entities if the commissioner finds the waiver is 139299
reasonable and proper in view of administrative costs and other 139300
factors. 139301

(G) Estimated taxes paid by a qualifying entity or an 139302
electing pass-through entity may be applied to satisfy the 139303
entity's tax liability under section 5733.41, 5747.38, or 139304
5747.41 of the Revised Code. Nothing in this section authorizes 139305
such an entity to apply estimated taxes paid against more than 139306
one tax. 139307

Sec. 5747.502. (A) As used in this section: 139308

(1) "Traffic law photo-monitoring device" has the same 139309
meaning as in section 4511.092 of the Revised Code. 139310

(2) "School zone" has the same meaning as in section 139311
4511.21 of the Revised Code. 139312

(3) "Transportation district" means a territorial district 139313
established by the director of transportation under section 139314
5501.14 of the Revised Code. 139315

(4) "District deputy director" means the person appointed 139316
and assigned by the director of transportation under section 139317
5501.14 of the Revised Code to administer the activities of a 139318
transportation district. 139319

- (5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver. 139320
139321
- (6) "Local government fund adjustment" or "LGF adjustment" means the sum of: 139322
139323
- (a) The gross amount of all traffic camera fines collected by a local authority during the preceding fiscal year, as reported under division (B) (1) of this section, if such a report is required; plus 139324
139325
139326
139327
- (b) The residual adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies. 139328
139329
139330
- (7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections 5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section. 139331
139332
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- (8) "Residual adjustment" means the most recent LGF adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments. 139337
139338
139339
139340
139341
- (9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device. 139342
139343
139344
- (10) "Qualifying village" has the same meaning as in section 5747.503 of the Revised Code. 139345
139346
- (11) "Local authority" means a municipal corporation, 139347

county, or township. 139348

(B) (1) Annually, on or before the thirty-first day of 139349
July, any local authority that directly or indirectly collected 139350
traffic camera fines during the preceding fiscal year shall file 139351
a report with the tax commissioner that includes a detailed 139352
statement of the gross amount of all traffic camera fines the 139353
local authority collected during that period and the gross 139354
amount of such fines that the local authority collected for 139355
violations that occurred within a school zone. 139356

(2) Annually, on or before the tenth day of August, and 139357
except as otherwise provided in this division, the commissioner 139358
shall compute a local government fund adjustment for each local 139359
authority that files a report under division (B) (1) of this 139360
section or with respect to which a residual adjustment applies. 139361
Subject to division (B) (3) of this section, the LGF adjustment 139362
shall be used by the commissioner to determine the amount of the 139363
reductions required under division (C) of this section for each 139364
of the next twelve months, starting with the month in which the 139365
LGF adjustment is computed. After those twelve months, the LGF 139366
adjustment ceases to apply and, if an LGF adjustment continues 139367
to be required, the amount of the reductions required under 139368
division (C) of this section shall be determined based on an 139369
updated LGF adjustment computed under this division. 139370

After the effective date of this amendment, no LGF 139371
adjustment shall be calculated for a county or township 139372
prohibited from operating a traffic law photo-monitoring device 139373
by section 4511.093 of the Revised Code. An LGF adjustment that 139374
applies to a county or township on the effective date of this 139375
amendment ceases to apply as of that date. 139376

(3) Upon receipt of a report described by division (B) (1) 139377

of this section that is not timely filed, the commissioner shall 139378
do both of the following: 139379

(a) If one or more payments to the local authority has 139380
been withheld under division (D) of this section because of the 139381
local authority's failure to file the report, notify the county 139382
auditor and county treasurer of the appropriate county that the 139383
report has been received and that, subject to division (C) of 139384
this section, payments to the local authority from the undivided 139385
local government fund are to resume. 139386

(b) Compute the local authority's LGF adjustment using the 139387
information in the report. An LGF adjustment computed under this 139388
division shall be used by the commissioner to determine the 139389
amount of the reductions required under division (C) of this 139390
section starting with the next required reduction. The LGF 139391
adjustment ceases to apply on the thirty-first day of the 139392
ensuing July, following which, if an LGF adjustment continues to 139393
be required, the amount of the reductions required under 139394
division (C) of this section shall be determined based on an 139395
updated LGF adjustment computed under division (B) (2) of this 139396
section. 139397

(4) Annually, on or before the tenth day of August, the 139398
commissioner shall compute a residual adjustment for each local 139399
authority whose LGF adjustment for the preceding year exceeds 139400
the amount by which the local authority's LGF payments were 139401
reduced during that year under division (C) of this section. The 139402
residual adjustment shall be used to compute the LGF adjustment 139403
for the ensuing year under division (B) (2) of this section. 139404

(C) The commissioner shall do the following, as 139405
applicable, respecting any local authority to which an LGF 139406
adjustment computed under division (B) of this section applies: 139407

(1) If the local authority is a municipal corporation with 139408
a population of one thousand or more, reduce payments to the 139409
municipal corporation under division (C) of section 5747.50 of 139410
the Revised Code by one-twelfth of the LGF adjustment. If one- 139411
twelfth of the LGF adjustment exceeds the amount of money the 139412
municipal corporation would otherwise receive under division (C) 139413
of section 5747.50 of the Revised Code, the commissioner also 139414
shall reduce payments to the appropriate county undivided local 139415
government fund under division (B) of section 5747.50 of the 139416
Revised Code by an amount equal to the lesser of (a) one-twelfth 139417
of the excess, or (b) the amount of the payment the municipal 139418
corporation would otherwise receive from the fund under section 139419
5747.51 or 5747.53 of the Revised Code. 139420

(2) If the local authority is a township or qualifying 139421
village, reduce the supplemental payments to the appropriate 139422
county undivided local government fund under section 5747.503 of 139423
the Revised Code by the lesser of one-twelfth of the LGF 139424
adjustment, or the amount of money the township or qualifying 139425
village would otherwise receive under that section. If one- 139426
twelfth of the LGF adjustment exceeds the amount of money the 139427
township or qualifying village would otherwise receive under 139428
section 5747.503 of the Revised Code, the commissioner also 139429
shall reduce payments to the appropriate county undivided local 139430
government fund under division (B) of section 5747.50 of the 139431
Revised Code by an amount equal to the lesser of (a) one-twelfth 139432
of the excess, or (b) the amount of the payment the township or 139433
qualifying village would otherwise receive from the fund under 139434
section 5747.51 or 5747.53 of the Revised Code. 139435

(3) If the local authority is a county, reduce payments to 139436
the appropriate county undivided local government fund under 139437
division (B) of section 5747.50 of the Revised Code by an amount 139438

equal to the lesser of (a) one-twelfth of the LGF adjustment, or 139439
(b) the amount of the payment the county would otherwise receive 139440
from the fund under section 5747.51 or 5747.53 of the Revised 139441
Code. 139442

(4) For any local authority, on or before the tenth day of 139443
each month a reduction is made under division (C)(1), (2), or 139444
(3) of this section, make a payment to the local authority in an 139445
amount equal to the lesser of (a) one-twelfth of the gross 139446
amount of traffic camera fines the local authority collected in 139447
the preceding fiscal year for violations that occurred within a 139448
school zone, as indicated on the report filed by the local 139449
authority pursuant to division (B)(1) of this section, or (b) 139450
the amount by which the local authority's LGF payments were 139451
reduced that month pursuant to division (C)(1), (2), or (3) of 139452
this section. Payments received by a local authority under this 139453
division shall be used by the local authority for school safety 139454
purposes. 139455

(D) Upon discovery, based on information in the 139456
commissioner's possession, that a local authority required to 139457
file a report under division (B)(1) of this section has failed 139458
to do so, the commissioner shall do the following, as 139459
applicable: 139460

(1) If the local authority is a municipal corporation with 139461
a population of one thousand or more, cease providing for 139462
payments to the municipal corporation under section 5747.50 of 139463
the Revised Code beginning with the next required payment and 139464
until such time as the report is received by the commissioner; 139465

(2) If the local authority is a township or qualifying 139466
village, reduce the supplemental payments to the appropriate 139467
county undivided local government fund under section 5747.503 of 139468

the Revised Code by an amount equal to the amount of such 139469
payments the local authority would otherwise receive under that 139470
section, beginning with the next required payment and until such 139471
time as the report is received by the commissioner; 139472

(3) For any local authority, reduce payments to the 139473
appropriate county undivided local government fund under 139474
division (B) of section 5747.50 of the Revised Code by an amount 139475
equal to the amount of such payments the local authority would 139476
otherwise receive under section 5747.51 or 5747.53 of the 139477
Revised Code, beginning with the next required payment and until 139478
such time as the report is received by the commissioner; 139479

(4) For any local authority, notify the county auditor and 139480
county treasurer that such payments are to cease until the 139481
commissioner notifies the auditor and treasurer under division 139482
(E) of this section that the payments are to resume. 139483

(E) The commissioner shall notify the county auditor and 139484
county treasurer on or before the day the commissioner first 139485
reduces a county undivided local government fund payment to that 139486
county under division (C) of this section. The notice shall 139487
include the full amount of the reduction, a list of the local 139488
authorities to which the reduction applies, and the amount of 139489
reduction attributed to each such local authority. The 139490
commissioner shall send an updated notice to the county auditor 139491
and county treasurer any time the amount the reduction 139492
attributed to any local authority changes. 139493

A county treasurer that receives a notice from the 139494
commissioner under this division or division (B) (3) (a) or (D) (4) 139495
of this section shall reduce, cease, or resume payments from the 139496
undivided local government fund to the local authority that is 139497
the subject of the notice as specified by the commissioner in 139498

the notice. Unless otherwise specified in the notice, the 139499
payments shall be reduced, ceased, or resumed beginning with the 139500
next required payment. 139501

(F) There is hereby created in the state treasury the Ohio 139502
highway and transportation safety fund. On or before the tenth 139503
day of each month, the commissioner shall deposit in the fund an 139504
amount equal to the total amount by which payments to local 139505
authorities were reduced or ceased under division (C) or (D) of 139506
this section minus the total amount of payments made under 139507
division (C) (4) of this section. The amount deposited with 139508
respect to a local authority shall be credited to an account to 139509
be created in the fund for the transportation district in which 139510
that local authority is located. If the local authority is 139511
located within more than one transportation district, the amount 139512
credited to the account of each such transportation district 139513
shall be prorated on the basis of the number of centerline miles 139514
of public roads and highways in both the local authority and the 139515
respective districts. Amounts credited to a transportation 139516
district's account shall be used by the department of 139517
transportation and the district deputy director exclusively to 139518
enhance public safety on public roads and highways within that 139519
transportation district. 139520

Sec. 5747.51. (A) On or before the twenty-fifth day of 139521
July of each year, the tax commissioner shall make and certify 139522
to the county auditor of each county an estimate of the amount 139523
of the local government fund to be allocated to the undivided 139524
local government fund of each county for the ensuing calendar 139525
year, adjusting the total as required to account for 139526
subdivisions receiving local government funds under section 139527
5747.502 of the Revised Code. 139528

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised Code, each auditor shall present to the commission the certificate of the commissioner, the annual tax budget and estimates, and the records showing the action of the commission in its last preceding regular session. The commission, after extending to the representatives of each subdivision an opportunity to be heard, under oath administered by any member of the commission, and considering all the facts and information presented to it by the auditor, shall determine the amount of the undivided local government fund needed by and to be apportioned to each subdivision for current operating expenses, as shown in the tax budget of the subdivision. This determination shall be made pursuant to divisions (C) to (I) of this section, unless the commission has provided for a formula pursuant to section 5747.53 of the Revised Code. The commissioner shall reduce the amount of funds from the undivided local government fund to a subdivision required to receive reduced funds under section 5747.502 of the Revised Code.

Nothing in this section prevents the budget commission, for the purpose of apportioning the undivided local government fund, from inquiring into the claimed needs of any subdivision as stated in its tax budget, or from adjusting claimed needs to reflect actual needs. For the purposes of this section, "current operating expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and except payments for interest, sinking fund, and retirement of bonds, notes, and certificates of indebtedness of the subdivision.

(C) The commission shall determine the combined total of the estimated expenditures, including transfers, from the general fund and any special funds other than special funds

established for road and bridge; street construction, 139560
maintenance, and repair; state highway improvement; and gas, 139561
water, sewer, and electric public utilities operated by a 139562
subdivision, as shown in the subdivision's tax budget for the 139563
ensuing calendar year. 139564

(D) From the combined total of expenditures calculated 139565
pursuant to division (C) of this section, the commission shall 139566
deduct the following expenditures, if included in these funds in 139567
the tax budget: 139568

(1) Expenditures for permanent improvements as defined in 139569
division (E) of section 5705.01 of the Revised Code; 139570

(2) In the case of counties and townships, transfers to 139571
the road and bridge fund, and in the case of municipalities, 139572
transfers to the street construction, maintenance, and repair 139573
fund and the state highway improvement fund; 139574

(3) Expenditures for the payment of debt charges; 139575

(4) Expenditures for the payment of judgments. 139576

(E) In addition to the deductions made pursuant to 139577
division (D) of this section, revenues accruing to the general 139578
fund and any special fund considered under division (C) of this 139579
section from the following sources shall be deducted from the 139580
combined total of expenditures calculated pursuant to division 139581
(C) of this section: 139582

(1) Taxes levied within the ten-mill limitation, as 139583
defined in section 5705.02 of the Revised Code; 139584

(2) The budget commission allocation of estimated county 139585
public library fund revenues to be distributed pursuant to 139586
section 5747.48 of the Revised Code; 139587

(3) Estimated unencumbered balances as shown on the tax 139588
budget as of the thirty-first day of December of the current 139589
year in the general fund, but not any estimated balance in any 139590
special fund considered in division (C) of this section; 139591

(4) Revenue, including transfers, shown in the general 139592
fund and any special funds other than special funds established 139593
for road and bridge; street construction, maintenance, and 139594
repair; state highway improvement; and gas, water, sewer, and 139595
electric public utilities, from all other sources except those 139596
that a subdivision receives from an additional tax or service 139597
charge voted by its electorate or receives from special 139598
assessment or revenue bond collection. For the purposes of this 139599
division, where the charter of a municipal corporation prohibits 139600
the levy of an income tax, an income tax levied by the 139601
legislative authority of such municipal corporation pursuant to 139602
an amendment of the charter of that municipal corporation to 139603
authorize such a levy represents an additional tax voted by the 139604
electorate of that municipal corporation. For the purposes of 139605
this division, any measure adopted by a board of county 139606
commissioners pursuant to section 322.02, 4504.02, or 5739.021 139607
of the Revised Code, including those measures upheld by the 139608
electorate in a referendum conducted pursuant to section 139609
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 139610
considered an additional tax voted by the electorate. 139611

~~Subject to division (F) of section 5705.29 of the Revised~~ 139612
~~Code, money~~ Money in a reserve balance account established by a 139613
county, township, or municipal corporation under section 5705.13 139614
of the Revised Code shall not be considered an unencumbered 139615
balance or revenue under division (E)(3) or (4) of this section. 139616
Money in a reserve balance account established by a township 139617
under section 5705.132 of the Revised Code shall not be 139618

considered an unencumbered balance or revenue under division (E) 139619
(3) or (4) of this section. 139620

If a county, township, or municipal corporation has 139621
created and maintains a nonexpendable trust fund under section 139622
5705.131 of the Revised Code, the principal of the fund, and any 139623
additions to the principal arising from sources other than the 139624
reinvestment of investment earnings arising from such a fund, 139625
shall not be considered an unencumbered balance or revenue under 139626
division (E) (3) or (4) of this section. Only investment earnings 139627
arising from investment of the principal or investment of such 139628
additions to principal may be considered an unencumbered balance 139629
or revenue under those divisions. 139630

(F) The total expenditures calculated pursuant to division 139631
(C) of this section, less the deductions authorized in divisions 139632
(D) and (E) of this section, shall be known as the "relative 139633
need" of the subdivision, for the purposes of this section. 139634

(G) The budget commission shall total the relative need of 139635
all participating subdivisions in the county, and shall compute 139636
a relative need factor by dividing the total estimate of the 139637
undivided local government fund by the total relative need of 139638
all participating subdivisions. 139639

(H) The relative need of each subdivision shall be 139640
multiplied by the relative need factor to determine the 139641
proportionate share of the subdivision in the undivided local 139642
government fund of the county; provided, that the maximum 139643
proportionate share of a county shall not exceed the following 139644
maximum percentages of the total estimate of the undivided local 139645
government fund governed by the relationship of the percentage 139646
of the population of the county that resides within municipal 139647
corporations within the county to the total population of the 139648

county as reported in the reports on population in Ohio by the 139649
department of development as of the twentieth day of July of the 139650
year in which the tax budget is filed with the budget 139651
commission: 139652
139653

1

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 139654
limitations established in this division, the budget commission 139655
shall adjust the proportionate shares determined pursuant to 139656
this division so that the proportionate share of the county does 139657
not exceed these limitations, and it shall increase the 139658
proportionate shares of all other subdivisions on a pro rata 139659
basis. In counties having a population of less than one hundred 139660
thousand, not less than ten per cent shall be distributed to the 139661
townships therein. 139662

(I) The proportionate share of each subdivision in the 139663
undivided local government fund determined pursuant to division 139664
(H) of this section for any calendar year shall not be less than 139665
the product of the average of the percentages of the undivided 139666
local government fund of the county as apportioned to that 139667
subdivision for the calendar years 1968, 1969, and 1970, 139668

multiplied by the total amount of the undivided local government fund of the county apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970. For the purposes of this division, the total apportioned amount for the calendar year 1970 shall be the amount actually allocated to the county in 1970 from the state collected intangible tax as levied by section 5707.03 of the Revised Code and distributed pursuant to section 5725.24 of the Revised Code, plus the amount received by the county in the calendar year 1970 pursuant to division (B) (1) of former section 5739.21 of the Revised Code, and distributed pursuant to former section 5739.22 of the Revised Code. If the total amount of the undivided local government fund for any calendar year is less than the amount of the undivided local government fund apportioned pursuant to former section 5739.23 of the Revised Code for the calendar year 1970, the minimum amount guaranteed to each subdivision for that calendar year pursuant to this division shall be reduced on a basis proportionate to the amount by which the amount of the undivided local government fund for that calendar year is less than the amount of the undivided local government fund apportioned for the calendar year 1970.

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of

the subdivisions and the amount each is to receive from the 139700
undivided local government fund and the percentage share of each 139701
subdivision, in a newspaper or newspapers of countywide 139702
circulation, and send a copy of such allocation to the tax 139703
commissioner. 139704

The county auditor shall also send a copy of such 139705
allocation by ordinary or electronic mail to the fiscal officer 139706
of each subdivision entitled to participate in the allocation of 139707
the undivided local government fund of the county. This copy 139708
shall constitute the official notice of the commission action 139709
referred to in section 5705.37 of the Revised Code. 139710

All money received into the treasury of a subdivision from 139711
the undivided local government fund in a county treasury shall 139712
be paid into the general fund and used for the current operating 139713
expenses of the subdivision. 139714

If a municipal corporation maintains a municipal 139715
university, such municipal university, when the board of 139716
trustees so requests the legislative authority of the municipal 139717
corporation, shall participate in the money apportioned to such 139718
municipal corporation from the total local government fund, 139719
however created and constituted, in such amount as requested by 139720
the board of trustees, provided such sum does not exceed nine 139721
per cent of the total amount paid to the municipal corporation. 139722

If any public official fails to maintain the records 139723
required by sections 5747.50 to 5747.55 of the Revised Code or 139724
by the rules issued by the tax commissioner, the auditor of 139725
state, or the treasurer of state pursuant to such sections, or 139726
fails to comply with any law relating to the enforcement of such 139727
sections, the local government fund money allocated to the 139728
county may be withheld until such time as the public official 139729

has complied with such sections or such law or the rules issued 139730
pursuant thereto. 139731

Sec. 5747.86. Terms used in this section have the same 139732
meanings as in section 122.84 of the Revised Code. 139733

There is hereby allowed a nonrefundable credit against a 139734
taxpayer's aggregate tax liability under section 5747.02 of the 139735
Revised Code for a taxpayer who is issued, or to whom is 139736
transferred, a tax credit certificate under section 122.84 of 139737
the Revised Code. The credit equals the amount stated on the 139738
certificate and may be claimed for the taxable year that 139739
includes the first day of the investment period that was the 139740
subject of the application for the certificate under that 139741
section or for the ensuing taxable year. For a credit issued 139742
during the July application round each year, the credit may also 139743
be claimed for the preceding taxable year. A taxpayer applying a 139744
credit for the preceding taxable year shall file an amended 139745
return or apply that amendment on the taxpayer's original 139746
return, for that year. 139747

If the certificate is held by a pass-through entity, any 139748
taxpayer that is a direct or indirect investor in the pass- 139749
through entity on the last day of the entity's qualifying 139750
taxable year may claim the taxpayer's proportionate or 139751
distributive share of the credit against the taxpayer's 139752
aggregate amount of tax levied under section 5747.02 of the 139753
Revised Code. 139754

The credit shall be claimed in the order required under 139755
section 5747.98 of the Revised Code. If the credit exceeds the 139756
taxpayer's aggregate tax due under section 5747.02 of the 139757
Revised Code for that taxable year after allowing for credits 139758
that precede the credit under this section in that order, such 139759

excess shall be allowed as a credit in each of the ensuing five 139760
taxable years, but the amount of any excess credit allowed in 139761
any such taxable year shall be deducted from the balance carried 139762
forward to the ensuing taxable year. 139763

No credit shall be claimed under this section to the 139764
extent the credit was claimed under section 5725.38, 5726.61, or 139765
5729.21 of the Revised Code. 139766

Sec. 5747.87. There is allowed a nonrefundable credit 139767
against a taxpayer's aggregate tax liability under section 139768
5747.02 of the Revised Code for a taxpayer who holds the rights 139769
to a tax credit certificate that is issued on or after the 139770
effective date of this section under section 122.09 of the 139771
Revised Code. The credit equals the amount stated on the 139772
certificate and may be claimed for the taxable year ending in 139773
the calendar year specified in the certificate or in the ensuing 139774
calendar year. The credit shall be claimed in the order required 139775
under section 5747.98 of the Revised Code. If the credit exceeds 139776
the taxpayer's aggregate tax due under section 5747.02 of the 139777
Revised Code for that taxable year after allowing for credits 139778
that precede the credit under this section in that order, the 139779
excess may be carried forward for five ensuing taxable years, 139780
but the amount of any excess credit allowed in any such taxable 139781
year shall be deducted from the balance carried forward to the 139782
ensuing taxable year. Nothing in this section limits or 139783
disallows pass-through treatment of the credit if the person 139784
holding the rights to a tax credit certificate is a pass-through 139785
entity. 139786

No credit shall be claimed under this section to the 139787
extent the certificate was used to claim a credit under section 139788
5725.35, 5726.62, or 5729.18 of the Revised Code. 139789

Sec. 5747.98. (A) To provide a uniform procedure for 139790
calculating a taxpayer's aggregate tax liability under section 139791
5747.02 of the Revised Code, a taxpayer shall claim any credits 139792
to which the taxpayer is entitled in the following order: 139793

Either the retirement income credit under division (B) of 139794
section 5747.055 of the Revised Code or the lump sum retirement 139795
income credits under divisions (C), (D), and (E) of that 139796
section; 139797

Either the senior citizen credit under division (F) of 139798
section 5747.055 of the Revised Code or the lump sum 139799
distribution credit under division (G) of that section; 139800

The dependent care credit under section 5747.054 of the 139801
Revised Code; 139802

The credit for displaced workers who pay for job training 139803
under section 5747.27 of the Revised Code; 139804

~~The campaign contribution credit under section 5747.29 of~~ 139805
~~the Revised Code;~~ 139806

The twenty-dollar personal exemption credit under section 139807
5747.022 of the Revised Code; 139808

The joint filing credit under division ~~(G)~~(E) of section 139809
5747.05 of the Revised Code; 139810

The earned income credit under section 5747.71 of the 139811
Revised Code; 139812

The nonrefundable credit for education expenses under 139813
section 5747.72 of the Revised Code; 139814

The nonrefundable credit for donations to scholarship 139815
granting organizations under section 5747.73 of the Revised 139816

Code;	139817
The nonrefundable credit for tuition paid to a	139818
nonchartered nonpublic school under section 5747.75 of the	139819
Revised Code;	139820
The nonrefundable vocational job credit under section	139821
5747.057 of the Revised Code;	139822
The nonrefundable job retention credit under division (B)	139823
of section 5747.058 of the Revised Code;	139824
The enterprise zone credit under section 5709.66 of the	139825
Revised Code;	139826
The credit for beginning farmers who participate in a	139827
financial management program under division (B) of section	139828
5747.77 of the Revised Code;	139829
The credit for commercial vehicle operator training	139830
expenses under section 5747.82 of the Revised Code;	139831
The nonrefundable welcome home Ohio (WHO) program credit	139832
under section 122.633 of the Revised Code;	139833
<u>The nonrefundable credit for transformational mixed use</u>	139834
<u>development tax credit certificate holders under section 5747.87</u>	139835
<u>of the Revised Code;</u>	139836
The credit for selling or renting agricultural assets to	139837
beginning farmers under division (A) of section 5747.77 of the	139838
Revised Code;	139839
The credit for purchases of qualifying grape production	139840
property under section 5747.28 of the Revised Code;	139841
The small business investment credit under section 5747.81	139842
of the Revised Code;	139843

The nonrefundable lead abatement credit under section	139844
5747.26 of the Revised Code;	139845
The opportunity zone investment credit under section	139846
5747.86 of the Revised Code;	139847
The enterprise zone credits under section 5709.65 of the	139848
Revised Code;	139849
The research and development credit under section 5747.331	139850
of the Revised Code;	139851
The credit for rehabilitating a historic building under	139852
section 5747.76 of the Revised Code;	139853
The nonrefundable Ohio low-income housing tax credit under	139854
section 5747.83 of the Revised Code;	139855
The nonrefundable affordable single-family home credit	139856
under section 5747.84 of the Revised Code;	139857
The nonresident credit under division (A) of section	139858
5747.05 of the Revised Code;	139859
The credit for a resident's out-of-state income under	139860
division (B) of section 5747.05 of the Revised Code;	139861
The refundable motion picture and Broadway theatrical	139862
production credit under section 5747.66 of the Revised Code;	139863
The refundable credit for film and theater capital	139864
improvement projects under section 5747.67 of the Revised Code;	139865
The refundable jobs creation credit or job retention	139866
credit under division (A) of section 5747.058 of the Revised	139867
Code;	139868
The refundable credit for taxes paid by a qualifying	139869
entity granted under section 5747.059 of the Revised Code;	139870

The refundable credits for taxes paid by a qualifying
pass-through entity granted under division (I) of section
5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised
Code for losses on loans made to the Ohio venture capital
program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic
building under section 5747.76 of the Revised Code;

The refundable credit under section 5747.39 of the Revised
Code for taxes levied under section 5747.38 of the Revised Code
paid by an electing pass-through entity.

(B) For any credit, except the refundable credits
enumerated in this section and the credit granted under division
(H) of section 5747.08 of the Revised Code, the amount of the
credit for a taxable year shall not exceed the taxpayer's
aggregate amount of tax due under section 5747.02 of the Revised
Code, after allowing for any other credit that precedes it in
the order required under this section. Any excess amount of a
particular credit may be carried forward if authorized under the
section creating that credit. Nothing in this chapter shall be
construed to allow a taxpayer to claim, directly or indirectly,
a credit more than once for a taxable year.

Sec. 5748.01. As used in this chapter:

(A) "School district income tax" means an income tax
adopted under one of the following:

(1) Former section 5748.03 of the Revised Code as it
existed prior to its repeal by Amended Substitute House Bill No.
291 of the 115th general assembly;

(2) Section 5748.03 of the Revised Code as enacted in 139899
Substitute Senate Bill No. 28 of the 118th general assembly; 139900

(3) Section 5748.08 of the Revised Code as enacted in 139901
Amended Substitute Senate Bill No. 17 of the 122nd general 139902
assembly; 139903

(4) Section 5748.021 of the Revised Code; 139904

(5) Section 5748.081 of the Revised Code; 139905

(6) Section 5748.09 of the Revised Code. 139906

(B) "Individual" means an individual subject to the tax 139907
levied by section 5747.02 of the Revised Code. 139908

(C) ~~"Estate" means an estate subject to the tax levied by~~ 139909
~~section 5747.02 of the Revised Code~~ "Market value" and "estimated 139910
effective rate" have the same meanings as in section 5705.01 of 139911
the Revised Code. 139912

(D) "Taxable year" means a taxable year as defined in 139913
division (M) of section 5747.01 of the Revised Code. 139914

(E) "Taxable income" means÷ 139915

~~(1) In the case of an individual,~~ one of the following, as 139916
specified in the resolution imposing the tax: 139917

~~(a)~~ (1) Modified adjusted gross income for the taxable 139918
year, as defined in section 5747.01 of the Revised Code, less 139919
the exemptions provided by section 5747.025 of the Revised Code; 139920

~~(b)~~ (2) Wages, salaries, tips, and other employee 139921
compensation to the extent included in modified adjusted gross 139922
income as defined in section 5747.01 of the Revised Code, and 139923
net earnings from self-employment, as defined in section 1402(a) 139924
of the Internal Revenue Code, to the extent included in modified 139925

adjusted gross income. 139926

~~(2) In the case of an estate, taxable income for the~~ 139927
~~taxable year as defined in division (S) of section 5747.01 of~~ 139928
~~the Revised Code.~~ 139929

(F) "Resident" of the school district means: 139930

~~(1) An~~ an individual who is a resident of this state as 139931
defined in division (I) of section 5747.01 of the Revised Code 139932
during all or a portion of the taxable year and who, during all 139933
or a portion of such period of state residency, is domiciled in 139934
the school district or lives in and maintains a permanent place 139935
of abode in the school district; 139936

~~(2) An estate of a decedent who, at the time of death, was~~ 139937
~~domiciled in the school district.~~ 139938

(G) "School district income" means: 139939

~~(1) With respect to an individual,~~ the portion of the 139940
taxable income of an individual that is received by the 139941
individual during the portion of the taxable year that the 139942
individual is a resident of the school district and the school 139943
district income tax is in effect in that school district. An 139944
individual may have school district income with respect to more 139945
than one school district. 139946

~~(2) With respect to an estate, the taxable income of the~~ 139947
~~estate for the portion of the taxable year that the school~~ 139948
~~district income tax is in effect in that school district.~~ 139949

(H) "Taxpayer" means an individual ~~or estate~~ having school 139950
district income upon which a school district income tax is 139951
imposed. 139952

(I) "School district purposes" means any of the purposes 139953

for which a tax may be levied pursuant to division (A) of 139954
section 5705.21 of the Revised Code, including the combined 139955
purposes authorized by section 5705.217 of the Revised Code. 139956

~~(J) "The county auditor's appraised value" and "effective~~ 139957
~~rate" have the same meanings as in section 5705.01 of the~~ 139958
~~Revised Code.~~ 139959

Sec. 5748.02. (A) The board of education of any school 139960
district, except a joint vocational school district, may 139961
declare, by resolution, the necessity of raising annually a 139962
specified amount of money for school district purposes. The 139963
resolution shall specify whether the income that is to be 139964
subject to the tax is taxable income ~~of individuals and estates~~ 139965
as defined in ~~divisions (E) (1) (a) and~~ division (E) (1) or (2) of 139966
section 5748.01 of the Revised Code ~~or taxable income of~~ 139967
~~individuals as defined in division (E) (1) (b) of that section.~~ A 139968
copy of the resolution shall be certified to the tax 139969
commissioner no later than one hundred days prior to the date of 139970
the election at which the board intends to propose a levy under 139971
this section. Upon receipt of the copy of the resolution, the 139972
tax commissioner shall estimate both of the following: 139973

(1) The property tax rate that would have to be imposed in 139974
the current year by the district to produce an equivalent amount 139975
of money; 139976

(2) The income tax rate that would have had to have been 139977
in effect for the current year to produce an equivalent amount 139978
of money from a school district income tax. 139979

Within ten days of receiving the copy of the board's 139980
resolution, the commissioner shall prepare these estimates and 139981
certify them to the board. Upon receipt of the certification, 139982

the board may adopt a resolution proposing an income tax under 139983
division (B) of this section at the estimated rate contained in 139984
the certification rounded to the nearest one-fourth of one per 139985
cent. The commissioner's certification applies only to the 139986
board's proposal to levy an income tax at the election for which 139987
the board requested the certification. If the board intends to 139988
submit a proposal to levy an income tax at any other election, 139989
it shall request another certification for that election in the 139990
manner prescribed in this division. 139991

(B) (1) Upon the receipt of a certification from the tax 139992
commissioner under division (A) of this section, a majority of 139993
the members of a board of education may adopt a resolution 139994
proposing the levy of an annual tax for school district purposes 139995
on school district income. The proposed levy may be for a 139996
continuing period of time or for a specified number of years. 139997
The resolution shall set forth the purpose for which the tax is 139998
to be imposed, the rate of the tax, which shall be the rate set 139999
forth in the commissioner's certification rounded to the nearest 140000
one-fourth of one per cent, the number of years the tax will be 140001
levied or that it will be levied for a continuing period of 140002
time, the date on which the tax shall take effect, which shall 140003
be the first day of January of any year following the year in 140004
which the question is submitted, and the date of the election at 140005
which the proposal shall be submitted to the electors of the 140006
district, which shall be on the date of a primary, general, or 140007
special election the date of which is consistent with section 140008
3501.01 of the Revised Code. The resolution shall specify 140009
whether the income that is to be subject to the tax is taxable 140010
~~income of individuals and estates as defined in divisions (E)(1)~~ 140011
~~(a) and division (E)(1) or (2) of section 5748.01 of the Revised~~ 140012
~~Code or taxable income of individuals as defined in division (E)~~ 140013

~~(1) (b) of that section.~~ The specification shall be the same as 140014
the specification in the resolution adopted and certified under 140015
division (A) of this section. 140016

If the tax is to be levied for current expenses and 140017
permanent improvements, the resolution shall apportion the 140018
annual rate of the tax. The apportionment may be the same or 140019
different for each year the tax is levied, but the respective 140020
portions of the rate actually levied each year for current 140021
expenses and for permanent improvements shall be limited by the 140022
apportionment. 140023

If the board of education currently imposes an income tax 140024
pursuant to this chapter that is due to expire and a question is 140025
submitted under this section for a proposed income tax to take 140026
effect upon the expiration of the existing tax, the board may 140027
specify in the resolution that the proposed tax renews the 140028
expiring tax. Two or more expiring income taxes may be renewed 140029
under this paragraph if the taxes are due to expire on the same 140030
date. If the tax rate being proposed is no higher than the total 140031
tax rate imposed by the expiring tax or taxes, the resolution 140032
may state that the proposed tax is not an additional income tax. 140033

(2) A board of education adopting a resolution under 140034
division (B) (1) of this section proposing a school district 140035
income tax for a continuing period of time and limited to the 140036
purpose of current expenses may propose in that resolution to 140037
reduce the rate or rates of one or more of the school district's 140038
property taxes levied for a continuing period of time in excess 140039
of the ten-mill limitation for the purpose of current expenses. 140040
The reduction in the rate of a property tax may be any amount, 140041
not exceeding the rate at which the tax is authorized to be 140042
levied. The reduction in the rate of a tax shall first take 140043

effect for the tax year that includes the day on which the 140044
school district income tax first takes effect, and shall 140045
continue for each tax year that both the school district income 140046
tax and the property tax levy are in effect. 140047

In addition to the matters required to be set forth in the 140048
resolution under division (B)(1) of this section, a resolution 140049
containing a proposal to reduce the rate of one or more property 140050
taxes shall state for each such tax the maximum rate at which it 140051
currently may be levied and the maximum rate at which the tax 140052
could be levied after the proposed reduction, expressed in mills 140053
for each one dollar of taxable value, and that the tax is levied 140054
for a continuing period of time. 140055

A board proposing to reduce the rate of one or more 140056
property taxes under division (B)(2) of this section shall 140057
comply with division (B) of section 5705.03 of the Revised Code. 140058
In addition to the amounts required in division (B)(2) of that 140059
section, the county auditor shall certify to the board the 140060
levy's effective rate for both the last year before the levy's 140061
proposed reduction and the first year that the reduction 140062
applies, both expressed in dollars for each one hundred thousand 140063
dollars of ~~the county auditor's appraised market~~ value. 140064

If a board of education proposes to reduce the rate of one 140065
or more property taxes under division (B)(2) of this section, 140066
the board, when it makes the certification required under 140067
division (A) of this section, shall designate the specific levy 140068
or levies to be reduced, the maximum rate at which each levy 140069
currently is authorized to be levied, and the rate by which each 140070
levy is proposed to be reduced. The tax commissioner, when 140071
making the certification to the board under division (A) of this 140072
section, also shall certify the reduction in the total effective 140073

tax rate for current expenses for each class of property that 140074
would have resulted if the proposed reduction in the rate or 140075
rates had been in effect the previous tax year. As used in this 140076
paragraph, "effective tax rate" has the same meaning as in 140077
section 323.08 of the Revised Code. 140078

(C) A resolution adopted under division (B) of this 140079
section shall go into immediate effect upon its passage, and no 140080
publication of the resolution shall be necessary other than that 140081
provided for in the notice of election. Immediately after its 140082
adoption and at least ninety days prior to the election at which 140083
the question will appear on the ballot, a copy of the resolution 140084
and, if applicable, the county auditor's certifications under 140085
section 5705.03 of the Revised Code shall be certified to the 140086
board of elections of the proper county, which shall submit the 140087
proposal to the electors on the date specified in the 140088
resolution. The board of education shall send to the tax 140089
commissioner a copy of the resolution certified to the board of 140090
elections. The form of the ballot shall be as provided in 140091
section 5748.03 of the Revised Code. Publication of notice of 140092
the election shall be made in a newspaper of general circulation 140093
in the county once a week for two consecutive weeks, or as 140094
provided in section 7.16 of the Revised Code, prior to the 140095
election. If the board of elections operates and maintains a web 140096
site, the board of elections shall post notice of the election 140097
on its web site for thirty days prior to the election. The 140098
notice shall contain the time and place of the election and the 140099
question to be submitted to the electors. The question covered 140100
by the resolution shall be submitted as a separate proposition, 140101
but may be printed on the same ballot with any other proposition 140102
submitted at the same election, other than the election of 140103
officers. 140104

(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election.

(E) (1) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals as defined in division (E) (1)~~ (b) (E) (2) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and~~ (2) division (E) (1) of that section.

(2) No board of education may submit to the electors of the district the question of a tax on school district income on ~~the taxable income of individuals and estates as defined in divisions (E) (1) (a) and (2)~~ division (E) (1) of section 5748.01 of the Revised Code if that tax would be in addition to an existing tax on ~~the taxable income of individuals as defined in division (E) (1) (b)~~ (E) (2) of that section.

Sec. 5748.021. A board of education that levies a tax under section 5748.02 of the Revised Code on the school district income of individuals ~~and estates as defined in divisions (G) and (E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised Code may declare, at any time, by a resolution adopted by a majority of its members, the necessity of raising annually a specified amount of money for school district purposes by replacing the existing tax with a tax on ~~the school district income of individuals as defined in divisions (G) (1) (G) and (E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. The specified amount of money to be raised annually may be the same

as, or more or less than, the amount of money raised annually by 140135
the existing tax. 140136

The board shall certify a copy of the resolution to the 140137
tax commissioner not later than the eighty-fifth day before the 140138
date of the election at which the board intends to propose the 140139
replacement to the electors of the school district. Not later 140140
than the tenth day after receiving the resolution, the tax 140141
commissioner shall estimate the tax rate that would be required 140142
in the school district annually to raise the amount of money 140143
specified in the resolution. The tax commissioner shall certify 140144
the estimate to the board. 140145

Upon receipt of the tax commissioner's estimate, the board 140146
may propose, by a resolution adopted by a majority of its 140147
members, to replace the existing tax on ~~the~~ school district 140148
income ~~of individuals and estates~~ as defined in divisions (G) 140149
and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 of the Revised 140150
Code with the levy of an annual tax on ~~the~~ school district 140151
income ~~of individuals~~ as defined in divisions ~~(G) (1)~~ (G) and ~~(E)~~ 140152
~~(1) (b)~~ (E) (2) of section 5748.01 of the Revised Code. In the 140153
resolution, the board shall specify the rate of the replacement 140154
tax, whether the replacement tax is to be levied for a specified 140155
number of years or for a continuing time, the specific school 140156
district purposes for which the replacement tax is to be levied, 140157
the date on which the replacement tax will begin to be levied, 140158
the date of the election at which the question of the 140159
replacement is to be submitted to the electors of the school 140160
district, that the existing tax will cease to be levied and the 140161
replacement tax will begin to be levied if the replacement is 140162
approved by a majority of the electors voting on the 140163
replacement, and that if the replacement is not approved by a 140164
majority of the electors voting on the replacement the existing 140165

tax will remain in effect under its original authority for the 140166
remainder of its previously approved term. The resolution goes 140167
into immediate effect upon its adoption. Publication of the 140168
resolution is not necessary, and the information that will be 140169
provided in the notice of election is sufficient notice. At 140170
least seventy-five days before the date of the election at which 140171
the question of the replacement will be submitted to the 140172
electors of the school district, the board shall certify a copy 140173
of the resolution to the board of elections. The board of 140174
education shall send to the tax commissioner a copy of the 140175
resolution certified to the board of elections. 140176

The replacement tax shall have the same specific school 140177
district purposes as the existing tax, and its rate shall be the 140178
same as the tax commissioner's estimate rounded to the nearest 140179
one-fourth of one per cent. The replacement tax shall begin to 140180
be levied on the first day of January of the year following the 140181
year in which the question of the replacement is submitted to 140182
and approved by the electors of the school district or on the 140183
first day of January of a later year, as specified in the 140184
resolution. The date of the election shall be the date of an 140185
otherwise scheduled primary, general, or special election. 140186

The board of elections shall make arrangements to submit 140187
the question of the replacement to the electors of the school 140188
district on the date specified in the resolution. The board of 140189
elections shall publish notice of the election on the question 140190
of the replacement in one newspaper of general circulation in 140191
the school district once a week for four consecutive weeks or as 140192
provided in section 7.16 of the Revised Code. The notice shall 140193
set forth the question to be submitted to the electors and the 140194
time and place of the election thereon. 140195

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of _____ (state the rate) on the school district income of individuals ~~and estates~~ imposed by _____ (state the name of the school district) be replaced by a tax of _____ (state the rate) on the earned income of individuals residing in the school district for _____ (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning _____ (state the date the new tax will take effect), for the purpose of _____ (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

"

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the electors voting on the question

vote against the replacement, the existing tax shall continue to 140223
be levied under its original authority, for the remainder of its 140224
previously approved term. 140225

A board of education may not submit the question of 140226
replacing a tax more than twice in a calendar year. If a board 140227
submits the question more than once, one of the elections at 140228
which the question is submitted shall be on the date of a 140229
general election. 140230

If a board of education later intends to renew a 140231
replacement tax levied under this section, it shall repeat the 140232
procedure outlined in this section to do so, the replacement tax 140233
then being levied being the "existing tax" and the renewed 140234
replacement tax being the "replacement tax." 140235

Sec. 5748.03. (A) The form of the ballot on a question 140236
submitted to the electors under section 5748.02 of the Revised 140237
Code shall be as follows: 140238

"Shall an annual income tax of _____ (state the proposed 140239
rate of tax) on the school district income of individuals ~~and of~~ 140240
~~estates~~ be imposed by _____ (state the name of the school 140241
district), for _____ (state the number of years the tax would 140242
be levied, or that it would be levied for a continuing period of 140243
time), beginning _____ (state the date the tax would first 140244
take effect), for the purpose of _____ (state the purpose of 140245
the tax)? 140246

	FOR THE TAX
	AGAINST THE TAX

"

(B) (1) If the question submitted to electors proposes a 140248

school district income tax only on ~~the taxable income of~~ 140249
~~individuals~~ as defined in division ~~(E) (1) (b)~~ (E) (2) of section 140250
5748.01 of the Revised Code, the form of the ballot shall be 140251
modified by stating that the tax is to be levied on the "earned 140252
income of individuals residing in the school district" in lieu 140253
of the "school district income of individuals ~~and of estates.~~" 140254

(2) If the question submitted to electors proposes to 140255
renew one or more expiring income tax levies, the ballot shall 140256
be modified by adding the following language immediately after 140257
the name of the school district that would impose the tax: "to 140258
renew an income tax (or income taxes) expiring at the end of 140259
_____ (state the last year the existing income tax or taxes 140260
may be levied)." 140261

(3) If the question includes a proposal under division (B) 140262
(2) of section 5748.02 of the Revised Code to reduce the rate of 140263
one or more school district property taxes, the ballot shall 140264
state that the purpose of the school district income tax is for 140265
current expenses, and the form of the ballot shall be modified 140266
by adding the following language immediately after the statement 140267
of the purpose of the proposed income tax: ", and shall the rate 140268
of an existing tax on property, currently levied for the purpose 140269
of current expenses at the rate of _____ mills, be REDUCED to 140270
_____ mills for each \$1 of taxable value, which amounts to a 140271
reduction from \$_____ (effective rate) to \$_____ (effective 140272
rate) for each \$100,000 of ~~the county auditor's appraised market~~ 140273
value, that the county auditor estimates will collect \$_____ 140274
annually, the reduction continuing until any such time as the 140275
income tax is repealed." In lieu of "for the tax" and "against 140276
the tax," the phrases "for the issue" and "against the issue," 140277
respectively, shall be used. If a board of education proposes a 140278
reduction in the rates of more than one tax, the ballot language 140279

shall be modified accordingly to express the rates at which 140280
those taxes currently are levied and the rates to which the 140281
taxes will be reduced. 140282

(C) The board of elections shall certify the results of 140283
the election to the board of education and to the tax 140284
commissioner. If a majority of the electors voting on the 140285
question vote in favor of it, the income tax, the applicable 140286
provisions of Chapter 5747. of the Revised Code, and the 140287
reduction in the rate or rates of existing property taxes if the 140288
question included such a reduction shall take effect on the date 140289
specified in the resolution. If the question approved by the 140290
voters includes a reduction in the rate of a school district 140291
property tax, the board of education shall not levy the tax at a 140292
rate greater than the rate to which the tax is reduced, unless 140293
the school district income tax is repealed in an election under 140294
section 5748.04 of the Revised Code. 140295

(D) If the rate at which a property tax is levied and 140296
collected is reduced pursuant to a question approved under this 140297
section, the tax commissioner shall compute the percentage 140298
required to be computed for that tax under division (D) of 140299
section 319.301 of the Revised Code each year the rate is 140300
reduced as if the tax had been levied in the preceding year at 140301
the rate at which it has been reduced. If the rate of a property 140302
tax increases due to the repeal of the school district income 140303
tax pursuant to section 5748.04 of the Revised Code, the tax 140304
commissioner, for the first year for which the rate increases, 140305
shall compute the percentage as if the tax in the preceding year 140306
had been levied at the rate at which the tax was authorized to 140307
be levied prior to any rate reduction. 140308

Sec. 5748.04. (A) The question of the repeal of a school 140309

district income tax levied for more than five years may be 140310
initiated not more than once in any five-year period by filing 140311
with the board of elections of the appropriate counties not 140312
later than ninety days before the general election in any year 140313
after the year in which it is approved by the electors a 140314
petition requesting that an election be held on the question. 140315
The petition shall be signed by qualified electors residing in 140316
the school district levying the income tax equal in number to 140317
ten per cent of those voting for governor at the most recent 140318
gubernatorial election. 140319

The board of elections shall determine whether the 140320
petition is valid, and if it so determines, it shall do ~~both~~ all 140321
of the following: 140322

(1) Submit the question to the electors of the district at 140323
the next general election; 140324

(2) Send a copy of the petition to the tax commissioner; 140325

(3) If the rate of one or more property tax levies was 140326
reduced for the duration of the income tax levy pursuant to 140327
division (B) (2) of section 5748.02 of the Revised Code, request 140328
that the county auditor certify to the board, in the same manner 140329
as required for a tax levy under section 5705.03 of the Revised 140330
Code, an estimate of the levies' annual collections for the 140331
first year in which the levies are increased, rounded to the 140332
nearest dollar, and the levies' effective rates for the year 140333
before the proposed increase and the levies' effective rates for 140334
the first year that the increase applies, both of which shall be 140335
expressed in dollars, rounded to the nearest dollar, for each 140336
one hundred thousand dollars of ~~the county auditor's appraised~~ 140337
market value. 140338

The county auditor shall certify such information to the board of elections within ten days after receiving the board's request. If a school district is located in more than one county, the county auditor shall obtain from the county auditor of each other county in which the district is located the tax valuation applicable to the portion of the district in that county.

The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the time and place of the election and the question to be submitted to the electors. The form of the ballot cast at the election shall be as follows:

"Shall the annual income tax of _____ per cent, currently levied on the school district income of individuals ~~and estates~~ by _____ (state the name of the school district) for the purpose of _____ (state purpose of the tax), be repealed?

	For repeal of the income tax
	Against repeal of the income tax

"

(B) (1) If the tax is imposed on taxable income as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that

the tax currently is levied on the "earned income of individuals 140366
residing in the school district" in lieu of the "school district 140367
income of individuals ~~and estates.~~" 140368

(2) If the rate of one or more property tax levies was 140369
reduced for the duration of the income tax levy pursuant to 140370
division (B) (2) of section 5748.02 of the Revised Code, the form 140371
of the ballot shall be modified by adding the following language 140372
immediately after "repealed": ", and shall the rate of an 140373
existing tax on property for the purpose of current expenses, 140374
which rate was reduced for the duration of the income tax, be 140375
INCREASED from _____ mills to _____ mills for each \$1 of taxable 140376
value which amounts to an increase from \$_____ (effective rate) 140377
to \$_____ (effective rate) for each \$100,000 of ~~the county~~ 140378
~~auditor's appraised market~~ value, that the county auditor 140379
estimates will collect \$_____ annually, beginning in _____ 140380
(state the first year for which the rate of the property tax 140381
will increase)." In lieu of "for repeal of the income tax" and 140382
"against repeal of the income tax," the phrases "for the issue" 140383
and "against the issue," respectively, shall be substituted. 140384

(3) If the rate of more than one property tax was reduced 140385
for the duration of the income tax, the ballot language shall be 140386
modified accordingly to express the rates at which those taxes 140387
currently are levied and the rates to which the taxes would be 140388
increased. 140389

(C) The question covered by the petition shall be 140390
submitted as a separate proposition, but it may be printed on 140391
the same ballot with any other proposition submitted at the same 140392
election other than the election of officers. If a majority of 140393
the qualified electors voting on the question vote in favor of 140394
it, the result shall be certified immediately after the canvass 140395

by the board of elections to the board of education of the 140396
school district and the tax commissioner, who shall thereupon, 140397
after the current year, cease to levy the tax, except that if 140398
notes have been issued pursuant to section 5748.05 of the 140399
Revised Code the tax commissioner shall continue to levy and 140400
collect under authority of the election authorizing the levy an 140401
annual amount, rounded upward to the nearest one-fourth of one 140402
per cent, as will be sufficient to pay the debt charges on the 140403
notes as they fall due. 140404

(D) If a school district income tax repealed pursuant to 140405
this section was approved in conjunction with a reduction in the 140406
rate of one or more school district property taxes as provided 140407
in division (B) (2) of section 5748.02 of the Revised Code, then 140408
each such property tax may be levied after the current year at 140409
the rate at which it could be levied prior to the reduction, 140410
subject to any adjustments required by the county budget 140411
commission pursuant to Chapter 5705. of the Revised Code. Upon 140412
the repeal of a school district income tax under this section, 140413
the board of education may resume levying a property tax, the 140414
rate of which has been reduced pursuant to a question approved 140415
under section 5748.02 of the Revised Code, at the rate the board 140416
originally was authorized to levy the tax. A reduction in the 140417
rate of a property tax under section 5748.02 of the Revised Code 140418
is a reduction in the rate at which a board of education may 140419
levy that tax only for the period during which a school district 140420
income tax is levied prior to any repeal pursuant to this 140421
section. The resumption of the authority to levy the tax upon 140422
such a repeal does not constitute a tax levied in excess of the 140423
one per cent limitation prescribed by Section 2 of Article XII, 140424
Ohio Constitution, or in excess of the ten-mill limitation. 140425

(E) This section does not apply to school district income 140426

tax levies that are levied for five or fewer years. 140427

Sec. 5748.08. (A) The board of education of a city, local, 140428
or exempted village school district, at any time by a vote of 140429
two-thirds of all its members, may declare by resolution that it 140430
may be necessary for the school district to do all of the 140431
following: 140432

(1) Raise a specified amount of money for school district 140433
purposes by levying an annual tax on school district income; 140434

(2) Issue general obligation bonds for permanent 140435
improvements, stating in the resolution the necessity and 140436
purpose of the bond issue and the amount, approximate date, 140437
estimated rate of interest, and maximum number of years over 140438
which the principal of the bonds may be paid; 140439

(3) Levy a tax outside the ten-mill limitation to pay debt 140440
charges on the bonds and any anticipatory securities; 140441

(4) Submit the question of the school district income tax 140442
and bond issue to the electors of the district at a special 140443
election. 140444

The resolution shall specify whether the income that is to 140445
be subject to the tax is taxable income ~~of individuals and~~ 140446
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 140447
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 140448
~~individuals as defined in division (E) (1) (b) of that section.~~ 140449

On adoption of the resolution, the board shall certify a 140450
copy of it to the tax commissioner and the county auditor no 140451
later than one hundred five days prior to the date of the 140452
special election at which the board intends to propose the 140453
income tax and bond issue. Not later than ten days of receipt of 140454
the resolution, the tax commissioner, in the same manner as 140455

required by division (A) of section 5748.02 of the Revised Code, 140456
shall estimate the rates designated in divisions (A) (1) and (2) 140457
of that section and certify them to the board. Not later than 140458
ten days of receipt of the resolution, the county auditor shall 140459
estimate and certify to the board the average annual property 140460
tax rate required throughout the stated maturity of the bonds to 140461
pay debt charges on the bonds, in the same manner as under 140462
division (C) of section 133.18 of the Revised Code. 140463

(B) On receipt of the tax commissioner's and county 140464
auditor's certifications prepared under division (A) of this 140465
section, the board of education of the city, local, or exempted 140466
village school district, by a vote of two-thirds of all its 140467
members, may adopt a resolution proposing for a specified number 140468
of years or for a continuing period of time the levy of an 140469
annual tax for school district purposes on school district 140470
income and declaring that the amount of taxes that can be raised 140471
within the ten-mill limitation will be insufficient to provide 140472
an adequate amount for the present and future requirements of 140473
the school district; that it is necessary to issue general 140474
obligation bonds of the school district for specified permanent 140475
improvements and to levy an additional tax in excess of the ten- 140476
mill limitation to pay the debt charges on the bonds and any 140477
anticipatory securities; and that the question of the bonds and 140478
taxes shall be submitted to the electors of the school district 140479
at a special election, which shall not be earlier than ninety 140480
days after certification of the resolution to the board of 140481
elections, and the date of which shall be consistent with 140482
section 3501.01 of the Revised Code. The resolution shall 140483
specify all of the following: 140484

(1) The purpose for which the school district income tax 140485
is to be imposed and the rate of the tax, which shall be the 140486

rate set forth in the tax commissioner's certification rounded 140487
to the nearest one-fourth of one per cent; 140488

(2) Whether the income that is to be subject to the tax is 140489
taxable income ~~of individuals and estates as defined in~~ 140490
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 140491
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 140492
~~defined in division (E) (1) (b) of that section.~~ The specification 140493
shall be the same as the specification in the resolution adopted 140494
and certified under division (A) of this section. 140495

(3) The number of years the tax will be levied, or that it 140496
will be levied for a continuing period of time; 140497

(4) The date on which the tax shall take effect, which 140498
shall be the first day of January of any year following the year 140499
in which the question is submitted; 140500

(5) The amount of the estimated average annual property 140501
tax levy, expressed in mills for each one dollar of taxable 140502
value and dollars for each one hundred thousand dollars of ~~the~~ 140503
~~county auditor's appraised market~~ value, as certified by the 140504
county auditor under division (A) of this section. 140505

(C) A resolution adopted under division (B) of this 140506
section shall go into immediate effect upon its passage, and no 140507
publication of the resolution shall be necessary other than that 140508
provided for in the notice of election. Immediately after its 140509
adoption and at least ninety days prior to the election at which 140510
the question will appear on the ballot, the board of education 140511
shall certify a copy of the resolution, along with copies of the 140512
auditor's estimate and its resolution under division (A) of this 140513
section, to the board of elections of the proper county. The 140514
board of education shall send to the tax commissioner a copy of 140515

the resolution adopted under division (B) of this section and 140516
certified to the board of elections. The board of elections 140517
shall make the arrangements for the submission of the question 140518
to the electors of the school district, and the election shall 140519
be conducted, canvassed, and certified in the same manner as 140520
regular elections in the district for the election of county 140521
officers. 140522

The resolution shall be put before the electors as one 140523
ballot question, with a majority vote indicating approval of the 140524
school district income tax, the bond issue, and the levy to pay 140525
debt charges on the bonds and any anticipatory securities. The 140526
board of elections shall publish the notice of the election in a 140527
newspaper of general circulation in the school district once a 140528
week for two consecutive weeks, or as provided in section 7.16 140529
of the Revised Code, prior to the election. If the board of 140530
elections operates and maintains a web site, it also shall post 140531
notice of the election on its web site for thirty days prior to 140532
the election. The notice of election shall state all of the 140533
following: 140534

(1) The questions to be submitted to the electors; 140535
(2) The rate of the school district income tax; 140536
(3) The principal amount of the proposed bond issue; 140537
(4) The permanent improvements for which the bonds are to 140538
be issued; 140539

(5) The maximum number of years over which the principal 140540
of the bonds may be paid; 140541

(6) The estimated additional average annual property tax 140542
rate to pay the debt charges on the bonds, as certified by the 140543
county auditor, and expressed in mills for each one dollar of 140544

taxable value and in dollars for each one hundred thousand 140545
dollars of ~~the county auditor's appraised market~~ value; 140546

(7) The time and place of the special election. 140547

(D) The form of the ballot on a question submitted to the 140548
electors under this section shall be as follows: 140549

"Shall the _____ school district be authorized to do 140550
both of the following: 140551

(1) Impose an annual income tax of _____ (state the 140552
proposed rate of tax) on the school district income of 140553
~~individuals and of estates~~, for _____ (state the number of 140554
years the tax would be levied, or that it would be levied for a 140555
continuing period of time), beginning _____ (state the date 140556
the tax would first take effect), for the purpose of _____ 140557
(state the purpose of the tax)? 140558

(2) Issue bonds for the purpose of _____ in the 140559
principal amount of \$_____, to be repaid annually over a 140560
maximum period of _____ years, and levy a property tax outside 140561
the ten-mill limitation estimated by the county auditor to 140562
average over the bond repayment period _____ mills for each \$1 140563
of taxable value, which amounts to \$_____ for each \$100,000 of 140564
~~the county auditor's appraised market~~ value, to pay the annual 140565
debt charges on the bonds, and to pay debt charges on any notes 140566
issued in anticipation of those bonds? 140567
140568

	FOR THE INCOME TAX AND BOND ISSUE	"
	AGAINST THE INCOME TAX AND BOND ISSUE	

(E) If the question submitted to electors proposes a 140569
school district income tax only on the taxable income of 140570

individuals as defined in division ~~(E)(1)(b)~~ (E)(2) of section 140571
5748.01 of the Revised Code, the form of the ballot shall be 140572
modified by stating that the tax is to be levied on the "earned 140573
income of individuals residing in the school district" in lieu 140574
of the "school district income of individuals ~~and of estates.~~" 140575

(F) The board of elections promptly shall certify the 140576
results of the election to the tax commissioner and the county 140577
auditor of the county in which the school district is located. 140578
If a majority of the electors voting on the question vote in 140579
favor of it, the income tax and the applicable provisions of 140580
Chapter 5747. of the Revised Code shall take effect on the date 140581
specified in the resolution, and the board of education may 140582
proceed with issuance of the bonds and with the levy and 140583
collection of the property taxes to pay debt charges on the 140584
bonds, at the additional rate or any lesser rate in excess of 140585
the ten-mill limitation. Any securities issued by the board of 140586
education under this section are Chapter 133. securities, as 140587
that term is defined in section 133.01 of the Revised Code. 140588

(G) After approval of a question under this section, the 140589
board of education may anticipate a fraction of the proceeds of 140590
the school district income tax in accordance with section 140591
5748.05 of the Revised Code. Any anticipation notes under this 140592
division shall be issued as provided in section 133.24 of the 140593
Revised Code, shall have principal payments during each year 140594
after the year of their issuance over a period not to exceed 140595
five years, and may have a principal payment in the year of 140596
their issuance. 140597

(H) The question of repeal of a school district income tax 140598
levied for more than five years may be initiated and submitted 140599
in accordance with section 5748.04 of the Revised Code. 140600

(I) No board of education shall submit a question under 140601
this section to the electors of the school district more than 140602
twice in any calendar year. If a board submits the question 140603
twice in any calendar year, one of the elections on the question 140604
shall be held on the date of the general election. 140605

Sec. 5748.081. A board of education of a school district 140606
that, under divisions (A) (1), (D) (1), and (E) of section 5748.08 140607
or under section 5748.09 of the Revised Code, levies a tax on 140608
the school district income of individuals ~~and estates~~ as defined 140609
in divisions (G) and ~~(E) (1) (a) and (2)~~ (E) (1) of section 5748.01 140610
of the Revised Code may replace that tax with a tax on ~~the~~ 140611
school district income ~~of individuals~~ as defined in divisions 140612
~~(G) (1) (G)~~ and ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised 140613
Code by following the procedure outlined in, and subject to the 140614
conditions specified in, section 5748.021 of the Revised Code, 140615
as if the existing tax levied under section 5748.08 or 5748.09 140616
were levied under section 5748.02 of the Revised Code. The tax 140617
commissioner and the board of elections shall perform duties in 140618
response to the actions of the board of education under this 140619
section as directed in section 5748.021 of the Revised Code. 140620

Sec. 5748.09. (A) The board of education of a city, local, 140621
or exempted village school district, at any time before the 140622
effective date of this amendment by a vote of two-thirds of all 140623
its members, may declare by resolution that it may be necessary 140624
for the school district to do all of the following: 140625

(1) Raise a specified amount of money for school district 140626
purposes by levying an annual tax on school district income; 140627

(2) Levy an additional property tax in excess of the ten- 140628
mill limitation for the purpose of providing for the necessary 140629
requirements of the district, stating in the resolution the 140630

amount of money to be raised each year for such purpose; 140631

(3) Submit the question of the school district income tax 140632
and property tax to the electors of the district at a special 140633
election. 140634

The resolution shall specify whether the income that is to 140635
be subject to the tax is taxable income ~~of individuals and~~ 140636
~~estates as defined in divisions (E) (1) (a) and division (E) (1) or~~ 140637
~~(2) of section 5748.01 of the Revised Code or taxable income of~~ 140638
~~individuals as defined in division (E) (1) (b) of that section.~~ 140639

On adoption of the resolution, the board shall certify a 140640
copy of it to the tax commissioner and the county auditor not 140641
later than one hundred days prior to the date of the special 140642
election at which the board intends to propose the income tax 140643
and property tax. Not later than ten days after receipt of the 140644
resolution, the tax commissioner, in the same manner as required 140645
by division (A) of section 5748.02 of the Revised Code, shall 140646
estimate the rates designated in divisions (A) (1) and (2) of 140647
that section and certify them to the board. Not later than ten 140648
days after receipt of the resolution, the county auditor, ~~in the~~ 140649
~~same manner as required by section 5705.195 of the Revised Code,~~ 140650
shall make the calculation specified in that section and certify 140651
it to the board. 140652

(B) On receipt of the tax commissioner's and county 140653
auditor's certifications prepared under division (A) of this 140654
section, the board of education of the city, local, or exempted 140655
village school district, by a vote of two-thirds of all its 140656
members, may adopt a resolution declaring that the amount of 140657
taxes that can be raised by all tax levies the district is 140658
authorized to impose, when combined with state and federal 140659
revenues, will be insufficient to provide an adequate amount for 140660

the present and future requirements of the school district, and 140661
that it is therefore necessary to levy, for a specified number 140662
of years or for a continuing period of time, an annual tax for 140663
school district purposes on school district income, and to levy, 140664
for a specified number of years not exceeding ten or for a 140665
continuing period of time, an additional property tax in excess 140666
of the ten-mill limitation for the purpose of providing for the 140667
necessary requirements of the district, and declaring that the 140668
question of the school district income tax and property tax 140669
shall be submitted to the electors of the school district at a 140670
special election, which shall not be earlier than ninety days 140671
after certification of the resolution to the board of elections, 140672
and the date of which shall be consistent with section 3501.01 140673
of the Revised Code. The resolution shall specify all of the 140674
following: 140675

(1) The purpose for which the school district income tax 140676
is to be imposed and the rate of the tax, which shall be the 140677
rate set forth in the tax commissioner's certification rounded 140678
to the nearest one-fourth of one per cent; 140679

(2) Whether the income that is to be subject to the tax is 140680
taxable income ~~of individuals and estates as defined in~~ 140681
~~divisions (E) (1) (a) and division (E) (1) or (2) of section~~ 140682
5748.01 of the Revised Code ~~or taxable income of individuals as~~ 140683
~~defined in division (E) (1) (b) of that section.~~ The specification 140684
shall be the same as the specification in the resolution adopted 140685
and certified under division (A) of this section. 140686

(3) The number of years the school district income tax 140687
will be levied, or that it will be levied for a continuing 140688
period of time; 140689

(4) The date on which the school district income tax shall 140690

take effect, which shall be the first day of January of any year 140691
following the year in which the question is submitted; 140692

(5) The amount of money it is necessary to raise for the 140693
purpose of providing for the necessary requirements of the 140694
district for each year the property tax is to be imposed; 140695

(6) The number of years the property tax will be levied, 140696
or that it will be levied for a continuing period of time; 140697

(7) The tax list upon which the property tax shall be 140698
first levied, which may be the current year's tax list; 140699

(8) The amount of the average tax levy, expressed in 140700
dollars for each one hundred thousand dollars of ~~the county~~ 140701
~~auditor's appraised market~~ value as well as in mills for each 140702
one dollar of taxable value, estimated by the county auditor 140703
under division (A) of this section. 140704

(C) A resolution adopted under division (B) of this 140705
section shall go into immediate effect upon its passage, and no 140706
publication of the resolution shall be necessary other than that 140707
provided for in the notice of election. Immediately after its 140708
adoption and at least ninety days prior to the election at which 140709
the question will appear on the ballot, the board of education 140710
shall certify a copy of the resolution, along with copies of the 140711
county auditor's certification and the resolution under division 140712
(A) of this section, to the board of elections of the proper 140713
county. The board of education shall send to the tax 140714
commissioner a copy of the resolution adopted under division (B) 140715
of this section and certified to the board of elections. The 140716
board of education shall make the arrangements for the 140717
submission of the question to the electors of the school 140718
district, and the election shall be conducted, canvassed, and 140719

certified in the same manner as regular elections in the 140720
district for the election of county officers. 140721

The resolution shall be put before the electors as one 140722
ballot question, with a majority vote indicating approval of the 140723
school district income tax and the property tax. The board of 140724
elections shall publish the notice of the election in a 140725
newspaper of general circulation in the school district once a 140726
week for two consecutive weeks, or as provided in section 7.16 140727
of the Revised Code, prior to the election. If the board of 140728
elections operates and maintains a web site, ~~also the board~~ 140729
shall also post the notice of the election on its web site for 140730
thirty days prior to the election. The notice of the election 140731
shall state all of the following: 140732

(1) The questions to be submitted to the electors as a 140733
single ballot question; 140734

(2) The rate of the school district income tax; 140735

(3) The number of years the school district income tax 140736
will be levied or that it will be levied for a continuing period 140737
of time; 140738

(4) The annual proceeds of the proposed property tax levy 140739
for the purpose of providing for the necessary requirements of 140740
the district; 140741

(5) The number of years during which the property tax levy 140742
shall be levied, or that it shall be levied for a continuing 140743
period of time; 140744

(6) The estimated average additional tax rate of the 140745
property tax, expressed in dollars for each one hundred thousand 140746
dollars of ~~the county auditor's appraised market~~ market value as well 140747
as in mills for each one dollar of taxable value, outside the 140748

limitation imposed by Section 2 of Article XII, Ohio 140749
Constitution, as certified by the county auditor; 140750

(7) The time and place of the special election. 140751

(D) The form of the ballot on a question submitted to the 140752
electors under this section shall be as follows: 140753

"Shall the _____ school district be authorized to do both 140754
of the following: 140755

(1) Impose an annual income tax of _____ (state the 140756
proposed rate of tax) on the school district income of 140757
individuals ~~and of estates~~, for _____ (state the number of 140758
years the tax would be levied, or that it would be levied for a 140759
continuing period of time), beginning _____ (state the date 140760
the tax would first take effect), for the purpose of _____ 140761
(state the purpose of the tax)? 140762

(2) Impose a property tax levy outside of the ten-mill 140763
limitation for the purpose of providing for the necessary 140764
requirements of the district in the sum of \$ _____ 140765
(here insert annual amount the levy is to produce), estimated by 140766
the county auditor to average _____ mills for each \$1 140767
of taxable value, which amounts to \$ _____ for each 140768
\$100,000 of ~~the county auditor's appraised market~~ value, for 140769
_____ (state the number of years the tax is to be 140770
imposed or that it will be imposed for a continuing period of 140771
time), commencing in _____ (first year the tax is to be 140772
levied), first due in calendar year _____ (first calendar 140773
year in which the tax shall be due)? 140774

140775

	FOR THE INCOME TAX AND PROPERTY TAX
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	AGAINST THE INCOME TAX AND PROPERTY TAX	"
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If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals ~~and of estates.~~"

(E) The board of elections promptly shall certify the results of the election to the tax commissioner and the county auditor of the county in which the school district is located. If a majority of the electors voting on the question vote in favor of it:

(1) The income tax and the applicable provisions of Chapter 5747. of the Revised Code shall take effect on the date specified in the resolution.

(2) The board of education of the school district may make the additional property tax levy necessary to raise the amount specified on the ballot for the purpose of providing for the necessary requirements of the district. The property tax levy shall be included in the next tax budget that is certified to the county budget commission.

(F) (1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed

five years, and may have a principal payment in the year of 140804
their issuance. 140805

(2) After the approval of a question under this section 140806
and prior to the time when the first tax collection from the 140807
property tax levy can be made, the board of education may 140808
anticipate a fraction of the proceeds of the levy and issue 140809
anticipation notes in an amount not exceeding the total 140810
estimated proceeds of the levy to be collected during the first 140811
year of the levy. Any anticipation notes under this division 140812
shall be issued as provided in section 133.24 of the Revised 140813
Code, shall have principal payments during each year after the 140814
year of their issuance over a period not to exceed five years, 140815
and may have a principal payment in the year of their issuance. 140816

(G) (1) The question of repeal of a school district income 140817
tax levied for more than five years may be initiated and 140818
submitted in accordance with section 5748.04 of the Revised 140819
Code. 140820

(2) A property tax levy for a continuing period of time 140821
may be reduced in the manner provided under section 5705.261 of 140822
the Revised Code. 140823

(H) No board of education shall submit a question under 140824
this section to the electors of the school district more than 140825
twice in any calendar year. If a board submits the question 140826
twice in any calendar year, one of the elections on the question 140827
shall be held on the date of the general election. 140828

(I) If the electors of the school district approve a 140829
question under this section, and if the last calendar year the 140830
school district income tax is in effect and the last calendar 140831
year of collection of the property tax are the same, the board 140832

of education of the school district may propose, before the 140833
effective date of this amendment, to submit under this section 140834
the combined question of a school district income tax to take 140835
effect upon the expiration of the existing income tax and a 140836
property tax to be first collected in the calendar year after 140837
the calendar year of last collection of the existing property 140838
tax, and specify in the resolutions adopted under this section 140839
that the proposed taxes would renew the existing taxes. The form 140840
of the ballot on a question submitted to the electors under 140841
division (I) of this section shall be as follows: 140842

"Shall the _____ school district be authorized to do 140843
both of the following: 140844

(1) Impose an annual income tax of _____ (state the 140845
proposed rate of tax) on the school district income of 140846
individuals ~~and of estates~~ to renew an income tax expiring at 140847
the end of _____ (state the last year the existing income tax 140848
may be levied) for _____ (state the number of years the tax 140849
would be levied, or that it would be levied for a continuing 140850
period of time), beginning _____ (state the date the tax would 140851
first take effect), for the purpose of _____ (state the 140852
purpose of the tax)? 140853

(2) Impose a property tax levy renewing an existing levy 140854
outside of the ten-mill limitation for the purpose of providing 140855
for the necessary requirements of the district in the sum of 140856
\$_____ (here insert annual amount the levy is to 140857
produce), estimated by the county auditor to average 140858
_____ mills for each \$1 of taxable value, which 140859
amounts to \$_____ for each \$100,000 of ~~the county~~ 140860
~~auditor's appraised market~~ value, for _____ (state the 140861
number of years the tax is to be imposed or that it will be 140862

imposed for a continuing period of time), commencing in 140863
_____ (first year the tax is to be levied), first due in 140864
calendar year _____ (first calendar year in which the tax 140865
shall be due)? 140866
140867

	FOR THE INCOME TAX AND PROPERTY TAX	"
	AGAINST THE INCOME TAX AND PROPERTY TAX	

If the question submitted to electors proposes a school 140868
district income tax only on the taxable income of individuals as 140869
defined in division ~~(E) (1) (b)~~ (E) (2) of section 5748.01 of the 140870
Revised Code, the form of the ballot shall be modified by 140871
stating that the tax is to be levied on the "earned income of 140872
individuals residing in the school district" in lieu of the 140873
"school district income of individuals ~~and of estates.~~" 140874

(J) (1) If the electors of the school district approve a 140875
question under this section, and if the last calendar year the 140876
school district income tax is in effect and the last calendar 140877
year in which the property tax is collected are the same, the 140878
board of education of the school district may propose, before 140879
the effective date of this amendment, to submit under this 140880
section the combined question of all of the following: 140881

(a) The renewal of the school district income tax levied 140882
under this section, to take effect upon the expiration of the 140883
existing income tax; 140884

(b) The renewal of the property tax levied under this 140885
section, to be levied beginning in the tax year after the tax 140886
year in which the existing property tax expires; 140887

(c) The renewal of a property tax levied under section 140888

5705.194 of the Revised Code, regardless of the year it expires, 140889
to be levied beginning in the same tax year that the tax 140890
described in division (J) (1) (b) of this section is first levied. 140891

If the combined question is approved, the existing tax 140892
levied under section 5705.194 of the Revised Code may not be 140893
levied for the first tax year the renewal tax is levied or any 140894
following tax year. 140895

(2) In its resolution to be submitted to the tax 140896
commissioner and county auditor, the board of education shall 140897
include, in addition to the applicable requirements of division 140898
(A) of this section, a declaration of the necessity for the 140899
renewal of the property tax levied under section 5705.194 of the 140900
Revised Code, the purpose of the tax as specified under that 140901
section, and the necessity of the submission of the question of 140902
the renewal of the school district income tax and both property 140903
taxes to the electors of the district at a special election. Not 140904
later than ten days after receipt of the resolution, the county 140905
auditor shall make a separate calculation and certification with 140906
respect to the renewal tax described in division (J) (1) (c) of 140907
~~this section in the same manner as required by section 5705.195~~ 140908
~~of the Revised Code.~~ 140909

In its resolution adopted upon receipt of the 140910
commissioner's and county auditor's certifications, the board of 140911
education shall include, in addition to the applicable 140912
requirements of division (B) of this section, a declaration that 140913
the amount of taxes that can be raised by all tax levies the 140914
district is authorized to impose, when combined with state and 140915
federal revenues, will be insufficient to provide an adequate 140916
amount for the present and future requirements of the school 140917
district, and that it is therefore necessary to renew the 140918

existing property tax being levied in excess of the ten-mill 140919
limitation under section 5705.194 of the Revised Code for the 140920
purpose as specified in that section, for a specified number of 140921
years not exceeding ten or for a continuing period of time, and 140922
that the question of the renewal of the school district income 140923
tax and of both property taxes shall be submitted to the 140924
electors of the school district at a special election as 140925
described in division (B) of this section. With respect to the 140926
renewal tax described in division (J) (1) (c) of this section, the 140927
resolution shall specify the amount of money it is necessary to 140928
raise for the specified purpose for each calendar year the 140929
millage is to be imposed, the tax year that tax is to be first 140930
levied, and the estimated rate of that tax, expressed in dollars 140931
for each one hundred thousand dollars of ~~the county auditor's~~ 140932
~~appraised market~~ value as well as in mills for each one dollar 140933
of taxable value, as certified by the county auditor. 140934

(3) In addition to the requirements of division (C) of 140935
this section, the notice of election shall separately state, 140936
with respect to the renewal tax described in division (J) (1) (c) 140937
of this section, the annual proceeds of the proposed levy for 140938
the specified purpose; the number of years the proposed tax will 140939
be levied, or that it shall be levied for a continuing period of 140940
time; and the estimated rate of the proposed levy, expressed in 140941
dollars for each one hundred thousand dollars of ~~the county~~ 140942
~~auditor's appraised market~~ value as well as in mills for each 140943
one dollar of taxable value, as certified by the county auditor. 140944

(4) The form of the ballot on a question submitted to the 140945
electors under division (J) of this section shall be identical 140946
to the form of the ballot prescribed in division (I) of this 140947
section, except that the following shall be added after the 140948
third paragraph and in place of the voting box: "(3) Impose a 140949

property tax levy renewing an existing levy outside of the ten- 140950
mill limitation for the purpose of _____ (here insert 140951
purpose of levy as specified in section 5705.194 of the Revised 140952
Code and determined by the board of education) in the sum of \$ 140953
_____ (here insert annual amount the levy is to produce), 140954
estimated by the county auditor to average _____ mills for 140955
each \$1 of taxable value, which amounts to \$_____ for each 140956
\$100,000 of ~~the county auditor's appraised market~~ value, for 140957
_____ (state the number of years the tax is to be imposed 140958
or that it will be imposed for a continuing period of time), 140959
commencing in _____ (first year the tax is to be levied), 140960
first due in calendar year _____ (first calendar year in 140961
which the tax shall be due)? 140962

140963

	FOR THE INCOME TAX AND PROPERTY TAXES	
	AGAINST THE INCOME TAX AND PROPERTY TAXES	"

If the existing property tax being levied under section 140964
5705.194 of the Revised Code is scheduled to expire in a tax 140965
year different from that of the existing property tax being 140966
levied under this section, the form of the ballot shall be 140967
modified by adding the following statement at the end of the 140968
paragraph prescribed in this division: "If approved, any 140969
remaining tax years on the existing levy will not be levied 140970
after tax year _____ (last tax year the tax will be levied), 140971
last due in _____ (last calendar year in which the tax shall 140972
be due)." 140973

(5) If a majority of the electors voting on the question 140974
submitted under division (J) of this section vote in favor of 140975
it, the board of education of the school district may, in 140976

addition to any other authorization in the Revised Code and 140977
prior to the time when the first tax collection from the renewal 140978
tax levy can be made, anticipate a fraction of the proceeds of 140979
the renewal levy described in division (J)(1)(c) of this section 140980
and issue anticipation notes in an amount not exceeding the 140981
total estimated proceeds of the levy to be collected during the 140982
first year of the levy. Any such anticipation notes shall be 140983
issued as provided in section 133.24 of the Revised Code, shall 140984
have principal payments during each year after the year of their 140985
issuance over a period not to exceed five years, and may have a 140986
principal payment in the year of their issuance. 140987

(K) The question of a renewal levy under division (I) or 140988
(J) of this section shall not be placed on the ballot unless the 140989
question is submitted on a date on which a special election may 140990
be held under section 3501.01 of the Revised Code, except for 140991
the first Tuesday after the first Monday in August, during the 140992
last year the existing property tax levy described in division 140993
(J)(1)(b) of this section may be extended on the real and public 140994
utility property tax list and duplicate, or at any election held 140995
in the ensuing year. 140996

The failure by the electors to approve the question of a 140997
renewal levy under division (I) or (J) of this section does not 140998
terminate the authority previously granted by the electors to 140999
levy the taxes proposed to be renewed for their previously 141000
approved duration. 141001

(L) If the electors of the school district approve a 141002
question under this section, the board of education of the 141003
school district may propose to renew any of the existing taxes 141004
as individual ballot questions in accordance with section 141005
5748.02 of the Revised Code, for the school district income tax, 141006

or section 5705.194 of the Revised Code, for the property tax or 141007
taxes. 141008

Sec. 5749.02. (A) For the purpose of providing revenue to 141009
administer the state's coal mining and reclamation regulatory 141010
program, to meet the environmental and resource management needs 141011
of this state, and to reclaim land affected by mining, an excise 141012
tax is hereby levied on the privilege of engaging in the 141013
severance of natural resources from the soil or water of this 141014
state. The tax shall be imposed upon the severer at the rates 141015
prescribed by this section: 141016

- (1) ~~Ten~~Eight cents per ton of coal; 141017
- (2) Four cents per ton of salt; 141018
- (3) Two cents per ton of limestone or dolomite; 141019
- (4) Two cents per ton of sand and gravel; 141020
- (5) Ten cents per barrel of oil; 141021
- (6) Two and one-half cents per thousand cubic feet of 141022
natural gas; 141023

- (7) One cent per ton of clay, sandstone or conglomerate, 141024
shale, gypsum, or quartzite; 141025

- (8) Except as otherwise provided in this division or in 141026
rules adopted by the reclamation forfeiture fund advisory board 141027
under section 1513.182 of the Revised Code, an additional 141028
fourteen cents per ton of coal produced from an area under a 141029
coal mining and reclamation permit issued under Chapter 1513. of 141030
the Revised Code for which the performance security is provided 141031
under division (C) (2) of section 1513.08 of the Revised Code. 141032
Beginning July 1, 2007, if at the end of a fiscal biennium the 141033
balance of the reclamation forfeiture fund created in section 141034

1513.18 of the Revised Code is equal to or greater than ten 141035
million dollars, the rate levied shall be twelve cents per ton. 141036
Beginning July 1, 2007, if at the end of a fiscal biennium the 141037
balance of the fund is at least five million dollars, but less 141038
than ten million dollars, the rate levied shall be fourteen 141039
cents per ton. Beginning July 1, 2007, if at the end of a fiscal 141040
biennium the balance of the fund is less than five million 141041
dollars, the rate levied shall be sixteen cents per ton. 141042
Beginning July 1, 2009, not later than thirty days after the 141043
close of a fiscal biennium, the chief of the division of mineral 141044
resources management shall certify to the tax commissioner the 141045
amount of the balance of the reclamation forfeiture fund as of 141046
the close of the fiscal biennium. Any necessary adjustment of 141047
the rate levied shall take effect on the first day of the 141048
following January and shall remain in effect during the calendar 141049
biennium that begins on that date. 141050

(9) An additional one and two-tenths cents per ton of coal 141051
mined by surface mining methods. 141052

(B) After the director of budget and management transfers 141053
money from the severance tax receipts fund as required in 141054
division (H) of section 5749.06 of the Revised Code, money 141055
remaining in the severance tax receipts fund, except for money 141056
in the fund from the amounts due under section 1509.50 of the 141057
Revised Code, shall be credited as follows: 141058

(1) All of the moneys in the fund from the tax levied in 141059
division (A)(1) of this section shall be credited to the mining 141060
regulation and safety fund created in section 1513.30 of the 141061
Revised Code. 141062

(2) The money in the fund from the tax levied in division 141063
(A)(2) of this section shall be credited to the mining 141064

regulation and safety fund. 141065

(3) Of the moneys in the fund from the tax levied in 141066
divisions (A) (3) and (4) of this section, seven and five-tenths 141067
per cent shall be credited to the geological mapping fund and 141068
the remainder shall be credited to the mining regulation and 141069
safety fund created in section 1513.30 of the Revised Code. 141070

(4) Of the moneys in the fund from the tax levied in 141071
divisions (A) (5) and (6) of this section, ninety per cent shall 141072
be credited to the oil and gas well fund and ten per cent shall 141073
be credited to the geological mapping fund. 141074

(5) All of the moneys in the fund from the tax levied in 141075
division (A) (7) of this section shall be credited to the mining 141076
regulation and safety fund. 141077

(6) All of the moneys in the fund from the tax levied in 141078
division (A) (8) of this section shall be credited to the 141079
reclamation forfeiture fund. 141080

(7) All of the moneys in the fund from the tax levied in 141081
division (A) (9) of this section shall be credited to the mining 141082
regulation and safety fund. 141083

(C) When, at the close of any fiscal year, the chief finds 141084
that the balance of the reclamation forfeiture fund, plus the 141085
estimated revenues from the tax levied by division (A) (8) of 141086
this section for the remainder of the calendar year that 141087
includes the close of the fiscal year, are sufficient to 141088
complete the reclamation of all lands for which the performance 141089
security has been provided under division (C) (2) of section 141090
1513.08 of the Revised Code, the purposes for which the tax 141091
under division (A) (8) of this section is levied shall be deemed 141092
accomplished at the end of that calendar year. The chief, within 141093

thirty days after the close of the fiscal year, shall certify 1411094
those findings to the tax commissioner, and the tax levied under 1411095
division (A) (8) of this section shall cease to be imposed for 1411096
the subsequent calendar year after the last day of that calendar 1411097
year on coal produced under a coal mining and reclamation permit 1411098
issued under Chapter 1513. of the Revised Code if the permittee 1411099
has made tax payments under division (A) (8) of this section 1411100
during each of the preceding five full calendar years. Not later 1411101
than thirty days after the close of a fiscal year, the chief 1411102
shall certify to the tax commissioner the identity of any 1411103
permittees who accordingly no longer are required to pay the tax 1411104
levied under division (A) (8) of this section for the subsequent 1411105
calendar year. 1411106

Sec. 5749.07. (A) If any severer required by this chapter 1411107
to make and file returns and pay the tax levied by section 1411108
5749.02 of the Revised Code, or any severer or owner liable for 1411109
the amounts due under section 1509.50 of the Revised Code, fails 1411110
to make such return or pay such tax or amounts, the tax 1411111
commissioner may make an assessment against the severer or owner 1411112
based upon any information in the commissioner's possession. 1411113

No assessment shall be made or issued against any severer 1411114
for any tax imposed by section 5749.02 of the Revised Code or 1411115
against any severer or owner for any amount due under section 1411116
1509.50 of the Revised Code more than four years after the 1411117
return was due or was filed, whichever is later. This section 1411118
does not bar an assessment against a severer or owner who fails 1411119
to file a return as required by this chapter, or who files a 1411120
fraudulent return. 1411121

The commissioner shall give the party assessed written 1411122
notice of such assessment in the manner provided in section 1411123

5703.37 of the Revised Code. With the notice, the commissioner 141124
shall provide instructions on how to petition for reassessment 141125
and request a hearing on the petition. 141126

(B) Unless the party assessed files with the commissioner 141127
within sixty days after service of the notice of assessment, ~~—~~ 141128
~~either personally or by certified mail,~~ a written petition for 141129
reassessment signed by the party assessed or that party's 141130
authorized agent having knowledge of the facts, the assessment 141131
becomes final and the amount of the assessment is due and 141132
payable from the party assessed to the treasurer of state. The 141133
petition shall indicate the objections of the party assessed, 141134
but additional objections may be raised in writing if received 141135
by the commissioner prior to the date shown on the final 141136
determination. If the petition has been properly filed, the 141137
commissioner shall proceed under section 5703.60 of the Revised 141138
Code. 141139

(C) After an assessment becomes final, if any portion of 141140
the assessment remains unpaid, including accrued interest, a 141141
certified copy of the commissioner's entry making the assessment 141142
final may be filed in the office of the clerk of the court of 141143
common pleas in the county in which the party assessed resides 141144
or in which the party's business is conducted. If the party 141145
assessed maintains no place of business in this state and is not 141146
a resident of this state, the certified copy of the entry may be 141147
filed in the office of the clerk of the court of common pleas of 141148
Franklin county. 141149

Immediately upon the filing of such entry, the clerk shall 141150
enter a judgment for the state against the party assessed in the 141151
amount shown on the entry. The judgment may be filed by the 141152
clerk in a loose-leaf book entitled "special judgments for state 141153

severance tax," and shall have the same effect as other 141154
judgments. Execution shall issue upon the judgment upon the 141155
request of the commissioner, and all laws applicable to sales on 141156
execution shall apply to sales made under the judgment. 141157

If the assessment is not paid in its entirety within sixty 141158
days after the day the assessment is issued, the portion of the 141159
assessment consisting of tax due or amounts due under section 141160
1509.50 of the Revised Code shall bear interest at the rate per 141161
annum prescribed by section 5703.47 of the Revised Code from the 141162
day the commissioner issues the assessment until it is paid or 141163
until it is certified to the attorney general for collection 141164
under section 131.02 of the Revised Code, whichever comes first. 141165
If the unpaid portion of the assessment is certified to the 141166
attorney general for collection, the entire unpaid portion of 141167
the assessment shall bear interest at the rate per annum 141168
prescribed by section 5703.47 of the Revised Code from the date 141169
of certification until the date it is paid in its entirety. 141170
Interest shall be paid in the same manner as the tax and may be 141171
collected by the issuance of an assessment under this section. 141172

(D) All money collected by the commissioner under this 141173
section shall be paid to the treasurer of state, and when paid 141174
shall be considered as revenue arising from the tax imposed by 141175
section 5749.02 of the Revised Code and the amount due under 141176
section 1509.50 of the Revised Code, as applicable. 141177

Sec. 5751.01. As used in this chapter: 141178

(A) "Person" means, but is not limited to, individuals, 141179
combinations of individuals of any form, receivers, assignees, 141180
trustees in bankruptcy, firms, companies, joint-stock companies, 141181
business trusts, estates, partnerships, limited liability 141182
partnerships, limited liability companies, associations, joint 141183

ventures, clubs, societies, for-profit corporations, S 141184
corporations, qualified subchapter S subsidiaries, qualified 141185
subchapter S trusts, trusts, entities that are disregarded for 141186
federal income tax purposes, and any other entities. 141187

(B) "Consolidated elected taxpayer" means a group of two 141188
or more persons treated as a single taxpayer for purposes of 141189
this chapter as the result of an election made under section 141190
5751.011 of the Revised Code. 141191

(C) "Combined taxpayer" means a group of two or more 141192
persons treated as a single taxpayer for purposes of this 141193
chapter under section 5751.012 of the Revised Code. 141194

(D) "Taxpayer" means any person, or any group of persons 141195
in the case of a consolidated elected taxpayer or combined 141196
taxpayer treated as one taxpayer, required to register or pay 141197
tax under this chapter. "Taxpayer" does not include excluded 141198
persons. 141199

(E) "Excluded person" means any of the following: 141200

(1) Any person with not more than one hundred fifty 141201
thousand dollars of taxable gross receipts during the calendar 141202
year. Division (E)(1) of this section does not apply to a person 141203
that is a member of a consolidated elected taxpayer. 141204

(2) A public utility that paid the excise tax imposed by 141205
section 5727.24 or 5727.30 of the Revised Code based on one or 141206
more measurement periods that include the entire tax period 141207
under this chapter, except in the following circumstances: 141208

(a) A public utility that is a combined company is a 141209
taxpayer with regard to the following gross receipts: 141210

(i) Taxable gross receipts directly attributed to a public 141211

utility activity, but not directly attributed to an activity 141212
that is subject to the excise tax imposed by section 5727.24 or 141213
5727.30 of the Revised Code; 141214

(ii) Taxable gross receipts that cannot be directly 141215
attributed to any activity, multiplied by a fraction whose 141216
numerator is the taxable gross receipts described in division 141217
(E) (2) (a) (i) of this section and whose denominator is the total 141218
taxable gross receipts that can be directly attributed to any 141219
activity; 141220

(iii) Except for any differences resulting from the use of 141221
an accrual basis method of accounting for purposes of 141222
determining gross receipts under this chapter and the use of the 141223
cash basis method of accounting for purposes of determining 141224
gross receipts under section 5727.24 of the Revised Code, the 141225
gross receipts directly attributed to the activity of a natural 141226
gas company shall be determined in a manner consistent with 141227
division (D) of section 5727.03 of the Revised Code. 141228

(b) A heating company that became exempt from the excise 141229
tax imposed by section 5727.30 of the Revised Code on May 1, 141230
2023, shall not be an excluded person for tax periods beginning 141231
on or after July 1, 2023. 141232

As used in division (E) (2) of this section, "combined 141233
company" and "public utility" have the same meanings as in 141234
section 5727.01 of the Revised Code. 141235

(3) A financial institution, as defined in section 5726.01 141236
of the Revised Code, that paid the tax imposed by section 141237
5726.02 of the Revised Code based on one or more taxable years 141238
that include the entire tax period under this chapter; 141239

(4) A person directly or indirectly owned by one or more 141240

financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E) (4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under

section 3905.36 of the Revised Code based on one or more 141270
measurement periods that include the entire tax period under 141271
this chapter; 141272

(6) A person that solely facilitates or services one or 141273
more securitizations of phase-in-recovery property pursuant to a 141274
final financing order as those terms are defined in section 141275
4928.23 of the Revised Code. For purposes of this division, 141276
"securitization" means transferring one or more assets to one or 141277
more persons and then issuing securities backed by the right to 141278
receive payment from the asset or assets so transferred. 141279

(7) Except as otherwise provided in this division, a pre- 141280
income tax trust ~~as defined in section 5747.01 of the Revised~~ 141281
~~Code~~ and any pass-through entity of which such pre-income tax 141282
trust owns or controls, directly, indirectly, or constructively 141283
through related interests, more than five per cent of the 141284
ownership or equity interests. ~~If the pre-income tax trust has~~ 141285
~~made a qualifying pre-income tax trust election under division~~ 141286
~~(EE) of section 5747.01 of the Revised Code, then the trust and~~ 141287
~~the pass-through entities of which it owns or controls,~~ 141288
~~directly, indirectly, or constructively through related~~ 141289
~~interests, more than five per cent of the ownership or equity~~ 141290
~~interests, shall not be excluded persons for purposes of the tax~~ 141291
~~imposed under section 5751.02 of the Revised Code~~As used in 141292
division (E) (7) of this section, "pre-income tax trust" means a 141293
trust that satisfies all of the following: 141294

(a) The document or instrument creating the trust was 141295
executed by the grantor before January 1, 1972; 141296

(b) The trust became irrevocable upon the creation of the 141297
trust; 141298

(c) The grantor was domiciled in this state at the time 141299
the trust was created. 141300

(8) Nonprofit organizations or the state and its agencies, 141301
instrumentalities, or political subdivisions. 141302

(F) Except as otherwise provided in divisions (F) (2), (3), 141303
and (4) of this section, "gross receipts" means the total amount 141304
realized by a person, without deduction for the cost of goods 141305
sold or other expenses incurred, that contributes to the 141306
production of gross income of the person, including the fair 141307
market value of any property and any services received, and any 141308
debt transferred or forgiven as consideration. 141309

(1) The following are examples of gross receipts: 141310

(a) Amounts realized from the sale, exchange, or other 141311
disposition of the taxpayer's property to or with another; 141312

(b) Amounts realized from the taxpayer's performance of 141313
services for another; 141314

(c) Amounts realized from another's use or possession of 141315
the taxpayer's property or capital; 141316

(d) Any combination of the foregoing amounts. 141317

(2) "Gross receipts" excludes the following amounts: 141318

(a) Interest income except interest on credit sales; 141319

(b) Dividends and distributions from corporations, and 141320
distributive or proportionate shares of receipts and income from 141321
a pass-through entity as defined under section 5733.04 of the 141322
Revised Code; 141323

(c) Receipts from the sale, exchange, or other disposition 141324
of an asset described in section 1221 or 1231 of the Internal 141325

Revenue Code, without regard to the length of time the person 141326
held the asset. Notwithstanding section 1221 of the Internal 141327
Revenue Code, receipts from hedging transactions also are 141328
excluded to the extent the transactions are entered into 141329
primarily to protect a financial position, such as managing the 141330
risk of exposure to (i) foreign currency fluctuations that 141331
affect assets, liabilities, profits, losses, equity, or 141332
investments in foreign operations; (ii) interest rate 141333
fluctuations; or (iii) commodity price fluctuations. As used in 141334
division (F)(2)(c) of this section, "hedging transaction" has 141335
the same meaning as used in section 1221 of the Internal Revenue 141336
Code and also includes transactions accorded hedge accounting 141337
treatment under statement of financial accounting standards 141338
number 133 of the financial accounting standards board. For the 141339
purposes of division (F)(2)(c) of this section, the actual 141340
transfer of title of real or tangible personal property to 141341
another entity is not a hedging transaction. 141342

(d) Proceeds received attributable to the repayment, 141343
maturity, or redemption of the principal of a loan, bond, mutual 141344
fund, certificate of deposit, or marketable instrument; 141345

(e) The principal amount received under a repurchase 141346
agreement or on account of any transaction properly 141347
characterized as a loan to the person; 141348

(f) Contributions received by a trust, plan, or other 141349
arrangement, any of which is described in section 501(a) of the 141350
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 141351
1, Subchapter (D) of the Internal Revenue Code applies; 141352

(g) Compensation, whether current or deferred, and whether 141353
in cash or in kind, received or to be received by an employee, 141354
former employee, or the employee's legal successor for services 141355

rendered to or for an employer, including reimbursements 141356
received by or for an individual for medical or education 141357
expenses, health insurance premiums, or employee expenses, or on 141358
account of a dependent care spending account, legal services 141359
plan, any cafeteria plan described in section 125 of the 141360
Internal Revenue Code, or any similar employee reimbursement; 141361

(h) Proceeds received from the issuance of the taxpayer's 141362
own stock, options, warrants, puts, or calls, or from the sale 141363
of the taxpayer's treasury stock; 141364

(i) Proceeds received on the account of payments from 141365
insurance policies, except those proceeds received for the loss 141366
of business revenue; 141367

(j) Gifts or charitable contributions received; membership 141368
dues received by trade, professional, homeowners', or 141369
condominium associations; payments received for educational 141370
courses, meetings, meals, or similar payments to a trade, 141371
professional, or other similar association; and fundraising 141372
receipts received by any person when any excess receipts are 141373
donated or used exclusively for charitable purposes; 141374

(k) Damages received as the result of litigation in excess 141375
of amounts that, if received without litigation, would be gross 141376
receipts; 141377

(l) Property, money, and other amounts received or 141378
acquired by an agent on behalf of another in excess of the 141379
agent's commission, fee, or other remuneration; 141380

(m) Tax refunds, other tax benefit recoveries, and 141381
reimbursements for the tax imposed under this chapter made by 141382
entities that are part of the same combined taxpayer or 141383
consolidated elected taxpayer group, and reimbursements made by 141384

entities that are not members of a combined taxpayer or 141385
consolidated elected taxpayer group that are required to be made 141386
for economic parity among multiple owners of an entity whose tax 141387
obligation under this chapter is required to be reported and 141388
paid entirely by one owner, pursuant to the requirements of 141389
sections 5751.011 and 5751.012 of the Revised Code; 141390

(n) Pension reversions; 141391

(o) Contributions to capital; 141392

(p) Sales or use taxes collected as a vendor or an out-of- 141393
state seller on behalf of the taxing jurisdiction from a 141394
consumer or other taxes the taxpayer is required by law to 141395
collect directly from a purchaser and remit to a local, state, 141396
or federal tax authority; 141397

(q) In the case of receipts from the sale of cigarettes, 141398
tobacco products, or vapor products by a wholesale dealer, 141399
retail dealer, distributor, manufacturer, vapor distributor, or 141400
seller, all as defined in section 5743.01 of the Revised Code, 141401
an amount equal to the federal and state excise taxes paid by 141402
any person on or for such cigarettes, tobacco products, or vapor 141403
products under subtitle E of the Internal Revenue Code or 141404
Chapter 5743. of the Revised Code; 141405

(r) In the case of receipts from the sale, transfer, 141406
exchange, or other disposition of motor fuel as "motor fuel" is 141407
defined in section 5736.01 of the Revised Code, an amount equal 141408
to the value of the motor fuel, including federal and state 141409
motor fuel excise taxes and receipts from billing or invoicing 141410
the tax imposed under section 5736.02 of the Revised Code to 141411
another person; 141412

(s) In the case of receipts from the sale of beer or 141413

intoxicating liquor, as defined in section 4301.01 of the 141414
Revised Code, by a person holding a permit issued under Chapter 141415
4301. or 4303. of the Revised Code, an amount equal to federal 141416
and state excise taxes paid by any person on or for such beer or 141417
intoxicating liquor under subtitle E of the Internal Revenue 141418
Code or Chapter 4301. or 4305. of the Revised Code; 141419

(t) Receipts realized by a new motor vehicle dealer or 141420
used motor vehicle dealer, as defined in section 4517.01 of the 141421
Revised Code, from the sale or other transfer of a motor 141422
vehicle, as defined in that section, to another motor vehicle 141423
dealer for the purpose of resale by the transferee motor vehicle 141424
dealer, but only if the sale or other transfer was based upon 141425
the transferee's need to meet a specific customer's preference 141426
for a motor vehicle; 141427

(u) Receipts from a financial institution described in 141428
division (E) (3) of this section for services provided to the 141429
financial institution in connection with the issuance, 141430
processing, servicing, and management of loans or credit 141431
accounts, if such financial institution and the recipient of 141432
such receipts have at least fifty per cent of their ownership 141433
interests owned or controlled, directly or constructively 141434
through related interests, by common owners; 141435

(v) Receipts realized from administering anti-neoplastic 141436
drugs and other cancer chemotherapy, biologicals, therapeutic 141437
agents, and supportive drugs in a physician's office to patients 141438
with cancer; 141439

(w) Funds received or used by a mortgage broker that is 141440
not a dealer in intangibles, other than fees or other 141441
consideration, pursuant to a table-funding mortgage loan or 141442
warehouse-lending mortgage loan. Terms used in division (F) (2) 141443

(w) of this section have the same meanings as in section 1322.01 141444
of the Revised Code, except "mortgage broker" means a person 141445
assisting a buyer in obtaining a mortgage loan for a fee or 141446
other consideration paid by the buyer or a lender, or a person 141447
engaged in table-funding or warehouse-lending mortgage loans 141448
that are first lien mortgage loans. 141449

(x) Property, money, and other amounts received by a 141450
professional employer organization, as defined in section 141451
4125.01 of the Revised Code, or an alternate employer 141452
organization, as defined in section 4133.01 of the Revised Code, 141453
from a client employer, as defined in either of those sections 141454
as applicable, in excess of the administrative fee charged by 141455
the professional employer organization or the alternate employer 141456
organization to the client employer; 141457

(y) In the case of amounts retained as commissions by a 141458
permit holder under Chapter 3769. of the Revised Code, an amount 141459
equal to the amounts specified under that chapter that must be 141460
paid to or collected by the tax commissioner as a tax and the 141461
amounts specified under that chapter to be used as purse money; 141462

(z) Qualifying distribution center receipts as determined 141463
under section 5751.40 of the Revised Code; 141464

(aa) Receipts of an employer from payroll deductions 141465
relating to the reimbursement of the employer for advancing 141466
moneys to an unrelated third party on an employee's behalf; 141467

(bb) Cash discounts allowed and taken; 141468

(cc) Returns and allowances; 141469

(dd) Bad debts from receipts on the basis of which the tax 141470
imposed by this chapter was paid in a prior quarterly tax 141471
payment period. For the purpose of this division, "bad debts" 141472

means any debts that have become worthless or uncollectible 141473
between the preceding and current quarterly tax payment periods, 141474
have been uncollected for at least six months, and that may be 141475
claimed as a deduction under section 166 of the Internal Revenue 141476
Code and the regulations adopted under that section, or that 141477
could be claimed as such if the taxpayer kept its accounts on 141478
the accrual basis. "Bad debts" does not include repossessed 141479
property, uncollectible amounts on property that remains in the 141480
possession of the taxpayer until the full purchase price is 141481
paid, or expenses in attempting to collect any account 141482
receivable or for any portion of the debt recovered. 141483

(ee) Any amount realized from the sale of an account 141484
receivable to the extent the receipts from the underlying 141485
transaction giving rise to the account receivable were included 141486
in the gross receipts of the taxpayer; 141487

(ff) Any receipts directly attributed to a transfer 141488
agreement or to the enterprise transferred under that agreement 141489
under section 4313.02 of the Revised Code; 141490

(gg) Qualified uranium receipts as determined under 141491
section 5751.41 of the Revised Code; 141492

(hh) In the case of amounts collected by a licensed casino 141493
operator from casino gaming, amounts in excess of the casino 141494
operator's gross casino revenue. In this division, "casino 141495
operator" and "casino gaming" have the meanings defined in 141496
section 3772.01 of the Revised Code, and "gross casino revenue" 141497
has the meaning defined in section 5753.01 of the Revised Code. 141498

(ii) Receipts realized from the sale of agricultural 141499
commodities by an agricultural commodity handler, both as 141500
defined in section 926.01 of the Revised Code, that is licensed 141501

by the director of agriculture to handle agricultural 141502
commodities in this state; 141503

(jj) Qualifying integrated supply chain receipts as 141504
determined under section 5751.42 of the Revised Code; 141505

(kk) In the case of a railroad company described in 141506
division (D) (9) of section 5727.01 of the Revised Code that 141507
purchases dyed diesel fuel directly from a supplier as defined 141508
by section 5736.01 of the Revised Code, an amount equal to the 141509
product of the number of gallons of dyed diesel fuel purchased 141510
directly from such a supplier multiplied by the average 141511
wholesale price for a gallon of diesel fuel as determined under 141512
section 5736.02 of the Revised Code for the period during which 141513
the fuel was purchased multiplied by a fraction, the numerator 141514
of which equals the rate of tax levied by section 5736.02 of the 141515
Revised Code less the rate of tax computed in section 5751.03 of 141516
the Revised Code, and the denominator of which equals the rate 141517
of tax computed in section 5751.03 of the Revised Code; 141518

(ll) Receipts realized by an out-of-state disaster 141519
business from disaster work conducted in this state during a 141520
disaster response period pursuant to a qualifying solicitation 141521
received by the business. Terms used in division (F) (2) (ll) of 141522
this section have the same meanings as in section 5703.94 of the 141523
Revised Code. 141524

(mm) In the case of receipts from the sale or transfer of 141525
a mortgage-backed security or a mortgage loan by a mortgage 141526
lender holding a valid certificate of registration issued under 141527
Chapter 1322. of the Revised Code or by a person that is a 141528
member of the mortgage lender's consolidated elected taxpayer 141529
group, an amount equal to the principal balance of the mortgage 141530
loan; 141531

(nn) Amounts of excess surplus of the state insurance fund 141532
received by the taxpayer from the Ohio bureau of workers' 141533
compensation pursuant to rules adopted under section 4123.321 of 141534
the Revised Code; 141535

(oo) Except as otherwise provided in division (B) of 141536
section 5751.091 of the Revised Code, receipts of a megaproject 141537
supplier from sales of tangible personal property directly to a 141538
megaproject operator in this state for use at the site of the 141539
megaproject operator's megaproject, provided that the sale 141540
occurs during the period that the megaproject operator has an 141541
agreement with the tax credit authority for the megaproject 141542
under division (D) of section 122.17 of the Revised Code that 141543
remains in effect and has not expired or been terminated, and 141544
provided the megaproject supplier holds a certificate for such 141545
megaproject issued under section 5751.052 of the Revised Code 141546
for the calendar year in which the sales are made and, if the 141547
megaproject supplier meets the requirements described in 141548
division (A) (13) (b) of section 122.17 of the Revised Code, the 141549
megaproject supplier holds a certificate for such megaproject 141550
issued under division (D) (11) of section 122.17 of the Revised 141551
Code on the first day of that calendar year; 141552

(pp) Receipts from the sale of each new piece of capital 141553
equipment that has a cost in excess of one hundred million 141554
dollars and that is used at the site of a megaproject that 141555
satisfies the criteria described in division (A) (11) (a) (ii) of 141556
section 122.17 of the Revised Code, provided that the sale 141557
occurs during the period that a megaproject operator has an 141558
agreement for that megaproject with the tax credit authority 141559
under division (D) of section 122.17 of the Revised Code that 141560
remains in effect and has not expired or been terminated; 141561

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

(ii) A railroad company, as that term is defined in section 5727.01 of the Revised Code;

(iii) Any subsidiary, insurer, or agent of a railroad company or any related person.

(tt) An amount equal to the fee imposed by section 3743.22 of the Revised Code billed to the purchaser, collected by the taxpayer, and remitted to the fire marshal during the tax period, provided that the fee is separately stated on the invoice, bill of sale, or similar document given to the purchaser of 1.4G fireworks in this state;

(uu) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

(vv) Receipts from fees imposed under sections 128.41 and 141591
128.42 of the Revised Code. 141592

(3) In the case of a taxpayer when acting as a real estate 141593
broker, "gross receipts" includes only the portion of any fee 141594
for the service of a real estate broker, or service of a real 141595
estate salesperson associated with that broker, that is retained 141596
by the broker and not paid to an associated real estate 141597
salesperson or another real estate broker. For the purposes of 141598
this division, "real estate broker" and "real estate 141599
salesperson" have the same meanings as in section 4735.01 of the 141600
Revised Code. 141601

(4) A taxpayer's method of accounting for gross receipts 141602
for a tax period shall be the same as the taxpayer's method of 141603
accounting for federal income tax purposes for the taxpayer's 141604
federal taxable year that includes the tax period. If a 141605
taxpayer's method of accounting for federal income tax purposes 141606
changes, its method of accounting for gross receipts under this 141607
chapter shall be changed accordingly. 141608

(G) "Taxable gross receipts" means gross receipts sitused 141609
to this state under section 5751.033 of the Revised Code. 141610

(H) A person has "substantial nexus with this state" if 141611
any of the following applies. The person: 141612

(1) Owns or uses a part or all of its capital in this 141613
state; 141614

(2) Holds a certificate of compliance with the laws of 141615
this state authorizing the person to do business in this state; 141616

(3) Has bright-line presence in this state; 141617

(4) Otherwise has nexus with this state to an extent that 141618

the person can be required to remit the tax imposed under this 141619
chapter under the Constitution of the United States. 141620

(I) A person has "bright-line presence" in this state for 141621
a reporting period and for the remaining portion of the calendar 141622
year if any of the following applies. The person: 141623

(1) Has at any time during the calendar year property in 141624
this state with an aggregate value of at least fifty thousand 141625
dollars. For the purpose of division (I)(1) of this section, 141626
owned property is valued at original cost and rented property is 141627
valued at eight times the net annual rental charge. 141628

(2) Has during the calendar year payroll in this state of 141629
at least fifty thousand dollars. Payroll in this state includes 141630
all of the following: 141631

(a) Any amount subject to withholding by the person under 141632
section 5747.06 of the Revised Code; 141633

(b) Any other amount the person pays as compensation to an 141634
individual under the supervision or control of the person for 141635
work done in this state; and 141636

(c) Any amount the person pays for services performed in 141637
this state on its behalf by another. 141638

(3) Has during the calendar year taxable gross receipts of 141639
at least five hundred thousand dollars; 141640

(4) Has at any time during the calendar year within this 141641
state at least twenty-five per cent of the person's total 141642
property, total payroll, or total gross receipts; 141643

(5) Is domiciled in this state as an individual or for 141644
corporate, commercial, or other business purposes. 141645

(J) "Tangible personal property" has the same meaning as 141646
in section 5739.01 of the Revised Code. 141647

(K) "Internal Revenue Code" means the Internal Revenue 141648
Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term 141649
used in this chapter that is not otherwise defined has the same 141650
meaning as when used in a comparable context in the laws of the 141651
United States relating to federal income taxes unless a 141652
different meaning is clearly required. Any reference in this 141653
chapter to the Internal Revenue Code includes other laws of the 141654
United States relating to federal income taxes. 141655

(L) "Calendar quarter" means a three-month period ending 141656
on the thirty-first day of March, the thirtieth day of June, the 141657
thirtieth day of September, or the thirty-first day of December. 141658

(M) "Tax period" means the calendar quarter on the basis 141659
of which a taxpayer is required to pay the tax imposed under 141660
this chapter. 141661

(N) "Agent" means a person authorized by another person to 141662
act on its behalf to undertake a transaction for the other, 141663
including any of the following: 141664

(1) A person receiving a fee to sell financial 141665
instruments; 141666

(2) A person retaining only a commission from a 141667
transaction with the other proceeds from the transaction being 141668
remitted to another person; 141669

(3) A person issuing licenses and permits under section 141670
1533.13 of the Revised Code; 141671

(4) A lottery sales agent holding a valid license issued 141672
under section 3770.05 of the Revised Code; 141673

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 141674
141675

(O) "Received" includes amounts accrued under the accrual method of accounting. 141676
141677

(P) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 141678
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(Q) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 141685
141686
141687

(R) "Exclusion amount" means three million dollars beginning in 2024 and six million dollars beginning in 2025. 141688
141689

Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The 141690
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tax levied under this section is imposed on the person receiving 141703
the gross receipts and is not a tax imposed directly on a 141704
purchaser. The tax imposed by this section is an annual 141705
privilege tax for the calendar year that contains all tax 141706
periods in the calendar year. A taxpayer is subject to the 141707
annual privilege tax for doing business during any portion of 141708
such calendar year. 141709

(B) The tax imposed by this section is a tax on the 141710
taxpayer and shall not be billed or invoiced to another person. 141711
Even if the tax or any portion thereof is billed or invoiced and 141712
separately stated, such amounts remain part of the price for 141713
purposes of the sales and use taxes levied under Chapters 5739. 141714
and 5741. of the Revised Code. Nothing in division (B) of this 141715
section prohibits: 141716

(1) A person from including in the price charged for a 141717
good or service an amount sufficient to recover the tax imposed 141718
by this section; or 141719

(2) A lessor from including an amount sufficient to 141720
recover the tax imposed by this section in a lease payment 141721
charged, or from including such an amount on a billing or 141722
invoice pursuant to the terms of a written lease agreement 141723
providing for the recovery of the lessor's tax costs. The 141724
recovery of such costs shall be based on an estimate of the 141725
total tax cost of the lessor during the tax period, as the tax 141726
liability of the lessor cannot be calculated until the end of 141727
that period. 141728

(C) (1) The commercial activities tax receipts fund is 141729
hereby created in the state treasury and shall consist of money 141730
arising from the tax imposed under this chapter. Sixty-five one- 141731
hundredths of one per cent of the money credited to that fund 141732

shall be credited to the revenue enhancement fund and shall be 141733
used to defray the costs incurred by the department of taxation 141734
in administering the tax imposed by this chapter and in 141735
implementing tax reform measures. The remainder of the money in 141736
the commercial activities tax receipts fund shall first be 141737
credited to the ~~funds~~ fund described in division (C) (2) of this 141738
section, as provided in that division, and the remainder shall 141739
be credited to the general revenue fund. 141740

(2) Not later than the twentieth day of February, May, 141741
August, and November of each year, the commissioner shall 141742
provide for payment ~~of the following amounts from the commercial~~ 141743
~~activities tax receipts fund:—~~ 141744

~~(a) To to~~ the commercial activity tax motor fuel receipts 141745
fund, of an amount that bears the same ratio to the balance in 141746
the commercial activities tax receipts fund that (a) the taxable 141747
gross receipts attributed to motor fuel used for propelling 141748
vehicles on public highways as indicated by returns filed by the 141749
tenth day of that month for a liability that is due and payable 141750
on or after July 1, 2013, for a tax period ending before July 1, 141751
2014, bears to (b) all taxable gross receipts as indicated by 141752
those returns for such liabilities; 141753

~~(b) To the school district tangible property tax—~~ 141754
~~replacement fund, which is hereby created in the state treasury—~~ 141755
~~for the purpose of making the payments described in section—~~ 141756
~~5709.92 of the Revised Code, an amount necessary to make those—~~ 141757
~~payments;—~~ 141758

~~(c) To the local government tangible property tax—~~ 141759
~~replacement fund, which is hereby created in the state treasury—~~ 141760
~~for the purpose of making the payments described in section—~~ 141761
~~5709.93 of the Revised Code, an amount necessary to make those—~~ 141762

~~payments.—~~ 141763

~~(D) (1) On or after the first day of June of each year, the~~ 141764
~~director of budget and management may transfer any balance in~~ 141765
~~the school district tangible property tax replacement fund to~~ 141766
~~the general revenue fund.—~~ 141767

~~(2) On or after the first day of June of each year, the~~ 141768
~~director of budget and management may transfer any balance in~~ 141769
~~the local government tangible property tax replacement fund to~~ 141770
~~the general revenue fund.~~ 141771

~~(E) (1)~~ (D) (1) There is hereby created in the state treasury 141772
the commercial activity tax motor fuel receipts fund. 141773

(2) On or before the fifteenth day of June of each fiscal 141774
year beginning with fiscal year 2015, the director of the Ohio 141775
public works commission shall certify to the director of budget 141776
and management the amount of debt service paid from the general 141777
revenue fund in the current fiscal year on bonds issued to 141778
finance or assist in the financing of the cost of local 141779
subdivision public infrastructure capital improvement projects, 141780
as provided for in Sections 2k, 2m, 2p, and 2s of Article VIII, 141781
Ohio Constitution, that are attributable to costs for 141782
construction, reconstruction, maintenance, or repair of public 141783
highways and bridges and other statutory highway purposes. That 141784
certification shall allocate the total amount of debt service 141785
paid from the general revenue fund and attributable to those 141786
costs in the current fiscal year according to the applicable 141787
section of the Ohio Constitution under which the bonds were 141788
originally issued. 141789

(3) On or before the thirtieth day of June of each fiscal 141790
year beginning with fiscal year 2015, the director of budget and 141791

management shall determine an amount up to but not exceeding the 141792
amount certified under division ~~(E) (2)~~ (D) (2) of this section and 141793
shall reserve that amount from the cash balance in the petroleum 141794
activity tax public highways fund or the commercial activity tax 141795
motor fuel receipts fund for transfer to the general revenue 141796
fund at times and in amounts to be determined by the director. 141797
The director shall transfer the cash balance in the petroleum 141798
activity tax public highways fund or the commercial activity tax 141799
motor fuel receipts fund in excess of the amount so reserved to 141800
the highway operating fund on or before the thirtieth day of 141801
June of the current fiscal year. 141802

Sec. 5751.09. (A) The tax commissioner may make an 141803
assessment, based on any information in the commissioner's 141804
possession, against any person that fails to file a return or 141805
pay any tax as required by this chapter. The commissioner shall 141806
give the person assessed written notice of the assessment as 141807
provided in section 5703.37 of the Revised Code. With the 141808
notice, the commissioner shall provide instructions on the 141809
manner in which to petition for reassessment and request a 141810
hearing with respect to the petition. The commissioner shall 141811
send any assessments against consolidated elected taxpayer and 141812
combined taxpayer groups under section 5751.011 or 5751.012 of 141813
the Revised Code to the taxpayer's reporting person. The 141814
reporting person shall notify all members of the group of the 141815
assessment and all outstanding taxes, interest, and penalties 141816
for which the assessment is issued. 141817

(B) Unless the person assessed, within sixty days after 141818
service of the notice of assessment, files with the tax 141819
commissioner, ~~either personally or by certified mail,~~ a written 141820
petition signed by the person or the person's authorized agent 141821
having knowledge of the facts, the assessment becomes final, and 141822

the amount of the assessment is due and payable from the person 141823
assessed to the treasurer of state. The petition shall indicate 141824
the objections of the person assessed, but additional objections 141825
may be raised in writing if received by the commissioner prior 141826
to the date shown on the final determination. 141827

If a petition for reassessment has been properly filed, 141828
the commissioner shall proceed under section 5703.60 of the 141829
Revised Code. 141830

(C) (1) After an assessment becomes final, if any portion 141831
of the assessment, including accrued interest, remains unpaid, a 141832
certified copy of the tax commissioner's entry making the 141833
assessment final may be filed in the office of the clerk of the 141834
court of common pleas in the county in which the person resides 141835
or has its principal place of business in this state, or in the 141836
office of the clerk of court of common pleas of Franklin county. 141837

(2) Immediately upon the filing of the entry, the clerk 141838
shall enter judgment for the state against the person assessed 141839
in the amount shown on the entry. The judgment may be filed by 141840
the clerk in a loose-leaf book entitled, "special judgments for 141841
the commercial activity tax" and shall have the same effect as 141842
other judgments. Execution shall issue upon the judgment at the 141843
request of the tax commissioner, and all laws applicable to 141844
sales on execution shall apply to sales made under the judgment. 141845

(3) If the assessment is not paid in its entirety within 141846
sixty days after the day the assessment was issued, the portion 141847
of the assessment consisting of tax due shall bear interest at 141848
the rate per annum prescribed by section 5703.47 of the Revised 141849
Code from the day the tax commissioner issues the assessment 141850
until it is paid or until it is certified to the attorney 141851
general for collection under section 131.02 of the Revised Code, 141852

whichever comes first. If the unpaid portion of the assessment 141853
is certified to the attorney general for collection, the entire 141854
unpaid portion of the assessment shall bear interest at the rate 141855
per annum prescribed by section 5703.47 of the Revised Code from 141856
the date of certification until the date it is paid in its 141857
entirety. Interest shall be paid in the same manner as the tax 141858
and may be collected by the issuance of an assessment under this 141859
section. 141860

(D) If the tax commissioner believes that collection of 141861
the tax will be jeopardized unless proceedings to collect or 141862
secure collection of the tax are instituted without delay, the 141863
commissioner may issue a jeopardy assessment against the person 141864
liable for the tax. Immediately upon the issuance of the 141865
jeopardy assessment, the commissioner shall file an entry with 141866
the clerk of the court of common pleas in the manner prescribed 141867
by division (C) of this section. Notice of the jeopardy 141868
assessment shall be served on the person assessed or the 141869
person's authorized agent in the manner provided in section 141870
5703.37 of the Revised Code within five days of the filing of 141871
the entry with the clerk. The total amount assessed is 141872
immediately due and payable, unless the person assessed files a 141873
petition for reassessment in accordance with division (B) of 141874
this section and provides security in a form satisfactory to the 141875
commissioner and in an amount sufficient to satisfy the unpaid 141876
balance of the assessment. Full or partial payment of the 141877
assessment does not prejudice the commissioner's consideration 141878
of the petition for reassessment. 141879

(E) The tax commissioner shall immediately forward to the 141880
treasurer of state all amounts the commissioner receives under 141881
this section, and such amounts shall be considered as revenue 141882
arising from the tax imposed under this chapter. 141883

(F) Except as otherwise provided in this division, no assessment shall be made or issued against a taxpayer for the tax imposed under this chapter more than four years after the due date for the filing of the return for the tax period for which the tax was reported, or more than four years after the return for the tax period was filed, whichever is later. The time limit may be extended if both the taxpayer and the commissioner consent in writing to the extension or enter into an agreement waiving or extending the time limit. Any such extension shall extend the four-year time limit in division (A) of section 5751.08 of the Revised Code for the same period of time. Nothing in this division bars an assessment against a taxpayer that fails to file a return required by this chapter or that files a fraudulent return.

(G) If the tax commissioner possesses information that indicates that the amount of tax a taxpayer is required to pay under this chapter exceeds the amount the taxpayer paid, the tax commissioner may audit a sample of the taxpayer's gross receipts over a representative period of time to ascertain the amount of tax due, and may issue an assessment based on the audit. The tax commissioner shall make a good faith effort to reach agreement with the taxpayer in selecting a representative sample. The tax commissioner may apply a sampling method only if the commissioner has prescribed the method by rule.

(H) If the whereabouts of a person subject to this chapter is not known to the tax commissioner, the commissioner shall follow the procedures under section 5703.37 of the Revised Code.

Sec. 5751.53. (A) As used in this section:

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code.

(2) "Franchise tax year" means "tax year" as defined in 141914
section 5733.04 of the Revised Code. 141915

(3) "Deductible temporary differences" and "taxable 141916
temporary differences" have the same meanings as those terms 141917
have for purposes of paragraph 13 of the statement of financial 141918
accounting standards, number 109. 141919

(4) "Qualifying taxpayer" means a taxpayer under this 141920
chapter that has a qualifying Ohio net operating loss 141921
carryforward equal to or greater than the qualifying amount. 141922

(5) "Qualifying Ohio net operating loss carryforward" 141923
means an Ohio net operating loss carryforward that the taxpayer 141924
could deduct in whole or in part for franchise tax year 2006 141925
under section 5733.04 of the Revised Code but for the 141926
application of division (H) of this section. A qualifying Ohio 141927
net operating loss carryforward shall not exceed the amount of 141928
loss carryforward from franchise tax year 2005 as reported by 141929
the taxpayer either on a franchise tax report for franchise tax 141930
year 2005 pursuant to section 5733.02 of the Revised Code or on 141931
an amended franchise tax report prepared in good faith for such 141932
year and filed before July 1, 2006. 141933

(6) "Disallowed Ohio net operating loss carryforward" 141934
means the lesser of the amounts described in division (A) (6) (a) 141935
or (b) of this section, but the amounts described in divisions 141936
(A) (6) (a) and (b) of this section shall each be reduced by the 141937
qualifying amount. 141938

(a) The qualifying taxpayer's qualifying Ohio net 141939
operating loss carryforward; 141940

(b) The Ohio net operating loss carryforward amount that 141941
the qualifying taxpayer used to compute the related deferred tax 141942

asset reflected on its books and records on the last day of its 141943
taxable year ending in 2004, adjusted for return to accrual, but 141944
this amount shall be reduced by the qualifying related valuation 141945
allowance amount. For the purposes of this section, the 141946
"qualifying related valuation allowance amount" is the amount of 141947
Ohio net operating loss reflected in the qualifying taxpayer's 141948
computation of the valuation allowance account, as shown on its 141949
books and records on the last day of its taxable year ending in 141950
2004, with respect to the deferred tax asset relating to its 141951
Ohio net operating loss carryforward amount. 141952

(7) "Other net deferred tax items apportioned to this 141953
state" is the product of (a) the amount of other net deferred 141954
tax items and (b) the fraction described in division (B)(2) of 141955
section 5733.05 for the qualifying taxpayer's franchise tax year 141956
2005. 141957

(8) (a) Subject to divisions (A) (8) (b) to (d) of this 141958
section, the "amount of other net deferred tax items" is the 141959
difference between (i) the qualifying taxpayer's deductible 141960
temporary differences, net of related valuation allowance 141961
amounts, shown on the qualifying taxpayer's books and records on 141962
the last day of its taxable year ending in 2004, and (ii) the 141963
qualifying taxpayer's taxable temporary differences as shown on 141964
those books and records on that date. The amount of other net 141965
deferred tax items may be less than zero. 141966

(b) For the purposes of computing the amount of the 141967
qualifying taxpayer's other net deferred tax items described in 141968
division (A) (8) (a) of this section, any credit carryforward 141969
allowed under Chapter 5733. of the Revised Code shall be 141970
excluded from the amount of deductible temporary differences to 141971
the extent such credit carryforward amount, net of any related 141972

valuation allowance amount, is otherwise included in the 141973
qualifying taxpayer's deductible temporary differences, net of 141974
related valuation allowance amounts, shown on the qualifying 141975
taxpayer's books and records on the last day of the qualifying 141976
taxpayer's taxable year ending in 2004. 141977

(c) No portion of the disallowed Ohio net operating loss 141978
carryforward shall be included in the computation of the amount 141979
of the qualifying taxpayer's other net deferred tax items 141980
described in division (A) (8) (a) of this section. 141981

(d) In no event shall the amount of other net deferred tax 141982
items apportioned to this state exceed twenty-five per cent of 141983
the qualifying Ohio net operating loss carryforward. 141984

(9) "Amortizable amount" means: 141985

(a) If the qualifying taxpayer's other net deferred tax 141986
items apportioned to this state is equal to or greater than 141987
zero, eight per cent of the sum of the qualifying taxpayer's 141988
disallowed Ohio net operating loss carryforward and the 141989
qualifying taxpayer's other net deferred tax items apportioned 141990
to this state; 141991

(b) If the amount of the qualifying taxpayer's other net 141992
deferred tax items apportioned to this state is less than zero 141993
and if the absolute value of the amount of qualifying taxpayer's 141994
other net deferred tax items apportioned to this state is less 141995
than the qualifying taxpayer's disallowed net operating loss, 141996
eight per cent of the difference between the qualifying 141997
taxpayer's disallowed net operating loss carryforward and the 141998
absolute value of the qualifying taxpayer's other net deferred 141999
tax items apportioned to this state; 142000

(c) If the amount of the qualifying taxpayer's other net 142001

deferred tax items apportioned to this state is less than zero 142002
and if the absolute value of the amount of qualifying taxpayer's 142003
other net deferred tax items apportioned to this state is equal 142004
to or greater than the qualifying taxpayer's disallowed net 142005
operating loss, zero. 142006

(10) "Books and records" means the qualifying taxpayer's 142007
books, records, and all other information, all of which the 142008
qualifying taxpayer maintains and uses to prepare and issue its 142009
financial statements in accordance with generally accepted 142010
accounting principles. 142011

(11) (a) Except as modified by division (A) (11) (b) of this 142012
section, "qualifying amount" means fifty million dollars per 142013
person. 142014

(b) If for franchise tax year 2005 the person was a member 142015
of a combined franchise tax report, as provided by section 142016
5733.052 of the Revised Code, the "qualifying amount" is, in the 142017
aggregate, fifty million dollars for all members of that 142018
combined franchise tax report, and for purposes of divisions (A) 142019
(6) (a) and (b) of this section, those members shall allocate to 142020
each member any portion of the fifty million dollar amount. The 142021
total amount allocated to the members who are qualifying 142022
taxpayers shall equal fifty million dollars. 142023

(B) For each calendar period beginning prior to January 1, 142024
2030, there is hereby allowed a nonrefundable tax credit against 142025
the tax levied each year by this chapter on each qualifying 142026
taxpayer, on each consolidated elected taxpayer having one or 142027
more qualifying taxpayers as a member, and on each combined 142028
taxpayer having one or more qualifying taxpayers as a member. 142029
The credit shall be claimed in the order specified in section 142030
5751.98 of the Revised Code and is allowed only to reduce the 142031

first one-half of any tax remaining after allowance of the 142032
credits that precede it in section 5751.98 of the Revised Code. 142033
No credit under division (B) of this section shall be allowed 142034
against the second one-half of such remaining tax. 142035

Except as otherwise limited by divisions (C) and (D) of 142036
this section, the maximum amount of the nonrefundable credit 142037
that may be used against the first one-half of the remaining tax 142038
for each calendar year is as follows: 142039

(1) For calendar year 2010, ten per cent of the 142040
amortizable amount; 142041

(2) For calendar year 2011, twenty per cent of the 142042
amortizable amount, less all amounts previously used; 142043

(3) For calendar year 2012, thirty per cent of the 142044
amortizable amount, less all amounts previously used; 142045

(4) For calendar year 2013, forty per cent of the 142046
amortizable amount, less all amounts previously used; 142047

(5) For calendar year 2014, fifty per cent of the 142048
amortizable amount, less all amounts previously used; 142049

(6) For calendar year 2015, sixty per cent of the 142050
amortizable amount, less all amounts previously used; 142051

(7) For calendar year 2016, seventy per cent of the 142052
amortizable amount, less all amounts previously used; 142053

(8) For calendar year 2017, eighty per cent of the 142054
amortizable amount, less all amounts previously used; 142055

(9) For calendar year 2018, ninety per cent of the 142056
amortizable amount, less all amounts previously used; 142057

(10) For each of calendar years 2019 through 2029, one 142058

hundred per cent of the amortizable amount, less all amounts 142059
used in all previous years. 142060

In no event shall the cumulative credit ~~used for calendar-~~ 142061
~~years 2010 through 2029 claimed under this section~~ exceed one 142062
hundred per cent of the amortizable amount. 142063

~~(C) (1) Except as otherwise set forth in division (C) (2) of~~ 142064
~~this section~~ (C) For tax periods beginning January 1, 2030, and 142065
~~thereafter,~~ a refundable nonrefundable credit is allowed ~~in-~~ 142066
~~calendar year 2030~~ for any portion of the qualifying taxpayer's 142067
amortizable amount that is not used in accordance with division 142068
(B) of this section against the tax levied by this chapter on 142069
all taxpayers. The credit shall be claimed in the order 142070
prescribed in section 5751.98 of the Revised Code and shall not 142071
exceed the tax due after allowance of any other credits that 142072
precede it in that order. The balance of the qualifying 142073
taxpayer's amortizable amount may be carried forward until fully 142074
used, provided that the amount of the credit claimed against the 142075
tax for any tax period shall be deducted from the balance 142076
carried forward to the next period. 142077

~~(2) Division (C) (1) of this section shall not apply and no~~ 142078
~~refundable credit shall be available to any person if during any~~ 142079
~~portion of the calendar year 2030 the person is not subject to~~ 142080
~~the tax imposed by this chapter.~~ 142081

(D) Not later than June 30, 2006, each qualifying 142082
taxpayer, consolidated elected taxpayer, or combined taxpayer 142083
that will claim for any year the credit allowed in divisions (B) 142084
and (C) of this section shall file with the tax commissioner a 142085
report setting forth the amortizable amount available to such 142086
taxpayer and all other related information that the 142087
commissioner, by rule, requires. If the taxpayer does not timely 142088

file the report or fails to provide timely all information 142089
required by this division, the taxpayer is precluded from 142090
claiming any credit amounts described in divisions (B) and (C) 142091
of this section. Unless extended by mutual consent, the tax 142092
commissioner may, until June 30, 2010, audit the accuracy of the 142093
amortizable amount available to each taxpayer that will claim 142094
the credit, and adjust the amortizable amount or, if 142095
appropriate, issue any assessment or final determination, as 142096
applicable, necessary to correct any errors found upon audit. 142097

(E) For the purpose of calculating the amortizable amount, 142098
if the tax commissioner ascertains that any portion of that 142099
amount is the result of a sham transaction as described in 142100
section 5703.56 of the Revised Code, the commissioner shall 142101
reduce the amortizable amount by two times the adjustment. 142102

(F) If one entity transfers all or a portion of its assets 142103
and equity to another entity as part of an entity organization 142104
or reorganization or subsequent entity organization or 142105
reorganization for which no gain or loss is recognized in whole 142106
or in part for federal income tax purposes under the Internal 142107
Revenue Code, the credits allowed by this section shall be 142108
computed in a manner consistent with that used to compute the 142109
portion, if any, of federal net operating losses allowed to the 142110
respective entities under the Internal Revenue Code. The tax 142111
commissioner may prescribe forms or rules for making the 142112
computations required by this division. 142113

(G) (1) Except as provided in division (F) of this section, 142114
no person shall pledge, collateralize, hypothecate, assign, 142115
convey, sell, exchange, or otherwise dispose of any or all tax 142116
credits, or any portion of any or all tax credits allowed under 142117
this section. 142118

(2) No credit allowed under this section is subject to 142119
execution, attachment, lien, levy, or other judicial proceeding. 142120

(H) (1) (a) Except as set forth in division (H) (1) (b) of 142121
this section and notwithstanding division (I) (1) of section 142122
5733.04 of the Revised Code to the contrary, each person timely 142123
and fully complying with the reporting requirements set forth in 142124
division (D) of this section shall not claim, and shall not be 142125
entitled to claim, any deduction or adjustment for any Ohio net 142126
operating loss carried forward to any one or more franchise tax 142127
years after franchise tax year 2005. 142128

(b) Division (H) (1) (a) of this section applies only to the 142129
portion of the Ohio net operating loss represented by the 142130
disallowed Ohio net operating loss carryforward. 142131

(2) Notwithstanding division (I) of section 5733.04 of the 142132
Revised Code to the contrary, with respect to all franchise tax 142133
years after franchise tax year 2005, each person timely and 142134
fully complying with the reporting requirements set forth in 142135
division (D) of this section shall not claim, and shall not be 142136
entitled to claim, any deduction, exclusion, or adjustment with 142137
respect to deductible temporary differences reflected on the 142138
person's books and records on the last day of its taxable year 142139
ending in 2004. 142140

(3) (a) Except as set forth in division (H) (3) (b) of this 142141
section and notwithstanding division (I) of section 5733.04 of 142142
the Revised Code to the contrary, with respect to all franchise 142143
tax years after franchise tax year 2005, each person timely and 142144
fully complying with the reporting requirements set forth in 142145
division (D) of this section shall exclude from Ohio net income 142146
all taxable temporary differences reflected on the person's 142147
books and records on the last day of its taxable year ending in 142148

2004. 142149

(b) In no event shall the exclusion provided by division 142150
(H) (3) (a) of this section for any franchise tax year exceed the 142151
amount of the taxable temporary differences otherwise included 142152
in Ohio net income for that year. 142153

(4) Divisions (H) (2) and (3) of this section shall apply 142154
only to the extent such items were used in the calculations of 142155
the credit provided by this section. 142156

Sec. 5751.98. (A) To provide a uniform procedure for 142157
calculating the amount of tax due under this chapter, a taxpayer 142158
shall claim any credits to which it is entitled in the following 142159
order: 142160

The nonrefundable jobs retention credit under division (B) 142161
of section 5751.50 of the Revised Code; 142162

The nonrefundable credit for qualified research expenses 142163
under division (B) of section 5751.51 of the Revised Code; 142164

The nonrefundable credit for a borrower's qualified 142165
research and development loan payments under division (B) of 142166
section 5751.52 of the Revised Code; 142167

The nonrefundable credit for ~~calendar years 2010 to 2029~~ 142168
~~for~~ unused net operating losses under ~~division (B) of~~ section 142169
5751.53 of the Revised Code; 142170

The refundable motion picture and Broadway theatrical 142171
production credit under section 5751.54 of the Revised Code; 142172

~~The refundable credit for film and theater capital~~ 142173
~~improvement projects under section 5751.55 of the Revised Code;~~ 142174

The refundable jobs creation credit or job retention 142175

credit under division (A) of section 5751.50 of the Revised Code;— 142176
142177

~~The refundable credit for calendar year 2030 for unused 142178~~
~~net operating losses under division (C) of section 5751.53 of 142179~~
~~the Revised Code. 142180~~

(B) For any credit except the refundable credits 142181
enumerated in this section, the amount of the credit for a tax 142182
period shall not exceed the tax due after allowing for any other 142183
credit that precedes it in the order required under this 142184
section. Any excess amount of a particular credit may be carried 142185
forward if authorized under the section creating the credit. 142186

Sec. 5753.031. (A) For the purpose of receiving and 142187
distributing, and accounting for, revenue received from the tax 142188
levied by section 5753.021 of the Revised Code and from fines 142189
imposed under Chapter 3775. of the Revised Code, the following 142190
funds are created in the state treasury: 142191

(1) The sports gaming revenue fund; 142192

(2) The sports gaming tax administration fund, which the 142193
tax commissioner shall use to defray the costs incurred in 142194
administering the tax levied by section 5753.021 of the Revised 142195
Code; 142196

(3) The sports gaming profits education fund, which shall 142197
be used for the support of public and nonpublic education for 142198
students in grades kindergarten through twelve as determined in 142199
appropriations made by the general assembly. 142200

(4) The problem sports gaming fund. 142201

(B) (1) All of the following shall be deposited into the 142202
sports gaming revenue fund: 142203

(a) All money collected from the tax levied under section	142204
5753.021 of the Revised Code;	142205
(b) The remainder of the fees described in division (G) (2)	142206
of section 3775.02 of the Revised Code, after the Ohio casino	142207
control commission deposits the required amount in the sports	142208
gaming profits veterans fund under that division;	142209
(c) Unclaimed winnings collected under division (F) of	142210
section 3775.10 of the Revised Code;	142211
(d) Any fines collected under Chapter 3775. of the Revised	142212
Code.	142213
(2) All other fees collected under Chapter 3775. of the	142214
Revised Code shall be deposited into the casino control	142215
commission fund created under section 5753.03 of the Revised	142216
Code.	142217
(C) (1) From the sports gaming revenue fund, the director	142218
of budget and management shall transfer as needed to the tax	142219
refund fund amounts equal to the refunds certified by the tax	142220
commissioner under section 5753.06 of the Revised Code and	142221
attributable to the tax levied under section 5753.021 of the	142222
Revised Code.	142223
(2) Not later than the fifteenth day of each month, the	142224
director of budget and management shall transfer from the sports	142225
gaming revenue fund to the sports gaming tax administration fund	142226
the amount necessary to reimburse the department of taxation's	142227
actual expenses incurred in administering the tax levied under	142228
section 5753.021 of the Revised Code.	142229
(3) Of the amount in the sports gaming revenue fund	142230
remaining after making the transfers required by divisions (C)	142231
(1) and (2) of this section, the director of budget and	142232

management shall transfer, on or before the fifteenth day of the 142233
month following the end of each calendar quarter, amounts to 142234
each fund as follows: 142235

(a) Ninety-eight per cent to the sports gaming profits 142236
education fund; 142237

(b) Two per cent to the problem sports gaming fund. 142238

(D) ~~All interest~~ Interest generated by the following funds 142239
created under this section shall be credited back to them: 142240

(1) The sports gaming revenue fund; 142241

(2) The sports gaming tax administration fund; 142242

(3) The problem sports gaming fund. 142243

Sec. 5753.07. (A) (1) The tax commissioner may issue an 142244
assessment, based on any information in the tax commissioner's 142245
possession, against a taxpayer who fails to pay the tax levied 142246
under section 5753.02 or 5753.021 of the Revised Code or to file 142247
a return under section 5753.04 of the Revised Code. The tax 142248
commissioner shall give the taxpayer written notice of the 142249
assessment under section 5703.37 of the Revised Code. With the 142250
notice, the tax commissioner shall include instructions on how 142251
to petition for reassessment and on how to request a hearing 142252
with respect to the petition. 142253

(2) Unless the taxpayer, within sixty days after service 142254
of the notice of assessment, files with the tax commissioner, ~~—~~ 142255
~~either personally or by certified mail,~~ a written petition 142256
signed by the taxpayer, or by the taxpayer's authorized agent 142257
who has knowledge of the facts, the assessment becomes final, 142258
and the amount of the assessment is due and payable from the 142259
taxpayer to the treasurer of state. The petition shall indicate 142260

the taxpayer's objections to the assessment. Additional 142261
objections may be raised in writing if they are received by the 142262
tax commissioner before the date shown on the final 142263
determination. 142264

(3) If a petition for reassessment has been properly 142265
filed, the tax commissioner shall proceed under section 5703.60 142266
of the Revised Code. 142267

(4) After an assessment becomes final, if any portion of 142268
the assessment, including penalties and accrued interest, 142269
remains unpaid, the tax commissioner may file a certified copy 142270
of the entry making the assessment final in the office of the 142271
clerk of the court of common pleas of Franklin county or in the 142272
office of the clerk of the court of common pleas of the county 142273
in which the taxpayer resides, the taxpayer's casino facility or 142274
sports gaming facility is located, or the taxpayer's principal 142275
place of business in this state is located. Immediately upon the 142276
filing of the entry, the clerk shall enter a judgment for the 142277
state against the taxpayer assessed in the amount shown on the 142278
entry. The judgment may be filed by the clerk in a loose-leaf 142279
book entitled, "special judgments for the gross casino revenue 142280
tax and sports gaming receipts tax." The judgment has the same 142281
effect as other judgments. Execution shall issue upon the 142282
judgment at the request of the tax commissioner, and all laws 142283
applicable to sales on execution apply to sales made under the 142284
judgment. 142285

(5) If the assessment is not paid in its entirety within 142286
sixty days after the day the assessment was issued, the portion 142287
of the assessment consisting of tax due shall bear interest at 142288
the rate per annum prescribed by section 5703.47 of the Revised 142289
Code from the day the tax commissioner issued the assessment 142290

until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax levied under section 5753.02 or 5753.021 of the Revised Code, as applicable, and may be collected by the issuance of an assessment under this section.

(B) If the tax commissioner believes that collection of the tax levied under section 5753.02 or 5753.021 of the Revised Code will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the taxpayer that is liable for the tax. Immediately upon the issuance of a jeopardy assessment, the tax commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (A) (4) of this section, and the clerk shall proceed as directed in that division. Notice of the jeopardy assessment shall be served on the taxpayer or the taxpayer's authorized agent under section 5703.37 of the Revised Code within five days after the filing of the entry with the clerk. The total amount assessed is immediately due and payable, unless the taxpayer assessed files a petition for reassessment under division (A) (2) of this section and provides security in a form satisfactory to the tax commissioner that is in an amount sufficient to satisfy the unpaid balance of the assessment. If a petition for reassessment has been filed, and if satisfactory security has been provided, the tax commissioner shall proceed

under division (A) (3) of this section. Full or partial payment 142322
of the assessment does not prejudice the tax commissioner's 142323
consideration of the petition for reassessment. 142324

(C) The tax commissioner shall immediately forward to the 142325
treasurer of state all amounts the tax commissioner receives 142326
under this section, and the amounts forwarded shall be treated 142327
as if they were revenue arising from the tax levied under 142328
section 5753.02 or 5753.021 of the Revised Code, as applicable. 142329

(D) Except as otherwise provided in this division, no 142330
assessment shall be issued against a taxpayer for the tax levied 142331
under section 5753.02 or 5753.021 of the Revised Code more than 142332
four years after the due date for filing the return for the tax 142333
period for which the tax was reported, or more than four years 142334
after the return for the tax period was filed, whichever is 142335
later. This division does not bar an assessment against a 142336
taxpayer who fails to file a return as required by section 142337
5753.04 of the Revised Code or who files a fraudulent return, or 142338
when the taxpayer and the tax commissioner waive in writing the 142339
time limitation. 142340

(E) If the tax commissioner possesses information that 142341
indicates that the amount of tax a taxpayer is liable to pay 142342
under section 5753.02 or 5753.021 of the Revised Code exceeds 142343
the amount the taxpayer paid, the tax commissioner may audit a 142344
sample of the taxpayer's gross casino revenue or sports gaming 142345
receipts, as applicable, over a representative period of time to 142346
ascertain the amount of tax due, and may issue an assessment 142347
based on the audit. The tax commissioner shall make a good faith 142348
effort to reach agreement with the taxpayer in selecting a 142349
representative sample. The tax commissioner may apply a sampling 142350
method only if the tax commissioner has prescribed the method by 142351

rule. 142352

(F) If the whereabouts of a taxpayer who is liable for the 142353
tax levied under section 5753.02 or 5753.021 of the Revised Code 142354
are unknown to the tax commissioner, the tax commissioner shall 142355
proceed under section 5703.37 of the Revised Code. 142356

Sec. 5907.11. ~~(A)~~—The superintendent of the Ohio veterans' 142357
homes, with the approval of the director of veterans services, 142358
may establish a local fund for each veterans' home to be used 142359
for the entertainment and welfare of the residents of the home. 142360
Each fund shall be designated as the residents' benefit fund and 142361
shall be operated for the exclusive benefit of the residents of 142362
the associated home. Each fund shall receive all revenue from 142363
the sale of commissary items at the associated home and shall 142364
receive all moneys received as donations by the associated home 142365
from any source. 142366

~~(B) The superintendent, subject to the approval of the 142367
director, shall establish rules for the operation of the 142368
residents' benefit funds. 142369~~

Sec. 5907.17. (A) As used in this section, 142370
~~"physician" "clinician" means an individual authorized under 142371
Chapter 4731. of the Revised Code to practice medicine and 142372
surgery or osteopathic medicine and surgery~~any of the following: 142373

(1) An advanced practice registered nurse, licensed 142374
practical nurse, physician, physician's assistant, or registered 142375
nurse as defined in section 4723.01 of the Revised Code; 142376

(2) An individual registered in the state nurse aide 142377
registry pursuant to section 3721.32 of the Revised Code; 142378

(3) Any Ohio veterans' home employee who is a licensed 142379
medical professional in this state and is not exempt from a 142380

student loan repayment program under a union contract or other 142381
law. 142382

(B) The department of veterans services may establish a 142383
~~physician-clinician~~ recruitment program under which the 142384
department agrees to repay all or part of the principal and 142385
interest of a governmental or other educational loan incurred by 142386
a ~~physician-clinician~~ who agrees to provide services to 142387
institutions under the department's administration. 142388

(C) A ~~physician-clinician~~ is eligible to participate in 142389
the recruitment program if the ~~physician attended a medical or~~ 142390
~~osteopathic medical school that was, at the time of attendance,~~ 142391
~~either located in the United States and accredited by the~~ 142392
~~liaison committee on medical education or the American~~ 142393
~~osteopathic association or located outside the United States and~~ 142394
~~acknowledged by the world health organization and verified by a~~ 142395
~~member state of that organization as operating within that~~ 142396
~~state's jurisdiction~~ clinician meets all of the following 142397
requirements: 142398

(1) The clinician is licensed in this state by the 142399
appropriate licensing authority and works in that discipline at 142400
an Ohio veterans' home; 142401

(2) The clinician has worked at an Ohio veterans' home for 142402
at least one year; 142403

(3) The clinician has not been subject to formal 142404
discipline while employed by an Ohio veterans' home; 142405

(4) The clinician provides evidence sufficient for the 142406
director of veterans services, or the director's designee, to 142407
determine that the clinician attended a school or medical 142408
program accredited by a national or regional accrediting 142409

organization; 142410

(5) The clinician agrees to the contract terms subject to 142411
division (D) of this section and any rules adopted under 142412
division (E) of this section. 142413

(D) The department and each ~~physician-clinician~~ it 142414
recruits shall enter into a contract that includes all of the 142415
following terms: 142416

(1) The ~~physician-clinician~~ agrees to maintain appropriate 142417
licensure and provide a specified scope of medical or 142418
~~osteopathic medical health care~~ services for a specified number 142419
of hours per week and for a specified number of years of one or 142420
more years to ~~patients-residents of one or more specified~~ 142421
~~institutions administered by the department~~ the Ohio veterans' 142422
homes. 142423

(2) The department agrees to repay all or a specified 142424
portion of the principal and interest of a governmental or other 142425
educational loan taken by the ~~physician-clinician~~ for the 142426
following expenses if the ~~physician-clinician~~ meets the service 142427
obligation agreed to and the expenses were incurred while the 142428
~~physician-clinician~~ was enrolled in, for up to a maximum of four 142429
years, a school or medical program accredited by a national or 142430
regional accrediting organization ~~that qualifies the physician to~~ 142431
~~participate in the program:~~ 142432

(a) Tuition; 142433

(b) Other educational expenses for specific purposes, 142434
including fees, books, and laboratory expenses, in amounts 142435
determined to be reasonable in accordance with rules adopted 142436
under division (E) of this section; 142437

(c) Room and board, in an amount determined to be 142438

reasonable in accordance with rules adopted under division (E) 142439
of this section. 142440

(3) The ~~physician-clinician~~ agrees to pay the department a 142441
specified amount, which shall be not less than the amount 142442
already paid by the department pursuant to its agreement, as 142443
damages if the ~~physician-clinician~~ fails to complete the service 142444
obligation agreed to or fails to comply with other specified 142445
terms of the contract. The contract may vary the amount of 142446
damages based on the portion of the ~~physician's-clinician's~~ 142447
service obligation that remains uncompleted as determined by the 142448
department. 142449

(4) Other terms agreed upon by the parties. 142450

(E) The department shall adopt rules under Chapter 119. of 142451
the Revised Code that establish all of the following: 142452

(1) Criteria for designating institutions for which 142453
~~physicians-clinicians~~ will be recruited; 142454

(2) Criteria for selecting ~~physicians-clinicians~~ for 142455
participation in the program; 142456

(3) Criteria for determining the portion of a ~~physician's-~~
clinician's loan that the department will agree to repay; 142457
142458

(4) Criteria for determining reasonable amounts of the 142459
expenses described in divisions (D) (2) (b) and (c) of this 142460
section; 142461

(5) Procedures for monitoring compliance by ~~physicians-~~
clinicians with the terms of their contracts; and 142462
142463

(6) Any other criteria or procedures necessary to 142464
implement the program. 142465

(F) The director or the director's designee may allocate 142466
funds among clinicians recruited under the program for any 142467
purpose the director or director's designee considers necessary 142468
to best serve clinician staffing needs, including department 142469
eligibility for benefits from incentive programs from federal or 142470
other entities, in consideration of maximizing the overall 142471
benefit to the Ohio veterans' homes. 142472

Sec. 5923.30. Whenever it is ascertained by the adjutant 142473
general ~~or the auditor of state~~ that any officer of the 142474
organized militia is unable to properly account for the property 142475
or moneys in ~~his~~ the officer's possession-he, the adjutant 142476
general shall give immediate notice thereof to the attorney 142477
general for action against such officer and ~~his bondsmen~~ the 142478
officer's bonder, and the attorney general shall bring such 142479
action. 142480

Sec. 6101.53. To maintain, operate, and preserve the 142481
reservoirs, ditches, drains, dams, levies, canals, sewers, 142482
pumping stations, treatment and disposal works, or other 142483
properties or improvements acquired or made pursuant to this 142484
chapter, to strengthen, repair, and restore the same, when 142485
needed, and to defray the current expenses of the conservancy 142486
district, the board of directors of the district may, upon the 142487
substantial completion of the improvements and on or before the 142488
thirtieth day of September in each year thereafter, levy an 142489
assessment upon each tract or parcel of land and upon each 142490
public corporation within the district, subject to assessments 142491
under this chapter, to be known as a conservancy maintenance 142492
assessment. No assessment shall be made with respect to works 142493
and improvements acquired or constructed for the purpose of 142494
providing a water supply for domestic, industrial, and public 142495
use within the district, when the water supply can be metered or 142496

measured when furnished to persons or public corporations. If 142497
the district, for the benefit of one or more persons or 142498
political subdivisions, provides a water supply that recharges 142499
underground aquifers and thereby replenishes wells or provides a 142500
source of water for new wells, or increases the natural low flow 142501
of a stream used for water supply, or creates an impoundment, in 142502
such a way that the augmented use of water cannot be metered or 142503
measured for individual or public consumption, the board may 142504
make a maintenance assessment against benefited property and 142505
public corporations in the same manner provided in this section 142506
for maintenance of other properties or improvements. 142507

The maintenance assessment shall be apportioned upon the 142508
basis of the total appraisal of benefits accruing for original 142509
and subsequent construction, shall not exceed one per cent of 142510
the total appraisal of benefits in any one year unless the court 142511
by its order authorizes an assessment of a larger percentage, 142512
~~shall not be less than two dollars,~~ and shall be certified to 142513
the county auditor of each county in which lands of the district 142514
are located in the conservancy assessment record but in a 142515
separate column in like manner and at the same time as the 142516
annual installment of the assessment levied under section 142517
6101.48 of the Revised Code is certified, under the heading 142518
maintenance assessment. The auditor shall certify the same to 142519
the county treasurer of the county at the same time that the 142520
auditor certifies the annual installment of the assessments 142521
levied under that section, and the sum of the levies for any 142522
tract or public corporation may be certified as a single item. 142523
The treasurer shall demand and collect the maintenance 142524
assessment and make return of it, and shall be liable for the 142525
same penalties for failure to do so as are provided for the 142526
annual installment of the assessment levied under section 142527

6101.48 of the Revised Code. 142528

The amount of the maintenance assessment paid by any 142529
parcel of land or public corporation shall not be credited 142530
against the benefits assessed against the parcel of land or 142531
public corporation, but the maintenance assessment shall be in 142532
addition to any assessment that has been or can be levied under 142533
section 6101.48 of the Revised Code. 142534

To maintain, operate, and preserve the works and 142535
improvements of the district acquired or constructed for the 142536
purpose of providing a water supply, to strengthen, repair, and 142537
restore the same, and to defray the current expenses of the 142538
district for this purpose, the board may impose rates for the 142539
sale of water to public corporations and persons within the 142540
district. The rates to be charged for the water shall be fixed 142541
and adjusted by the board at intervals of not less than one 142542
year, so that the income thus produced will be adequate to 142543
provide a maintenance fund for the purpose of water supply. 142544
Contracts for supplying water to public corporations and persons 142545
shall be entered into before the service is rendered by the 142546
district. Contracts shall specify the maximum quantity of water 142547
to be furnished to the public corporation or person, and the 142548
quantity shall be fixed so as equitably to distribute the 142549
supply. Preference shall be given to water supply furnished to 142550
public corporations for domestic and public uses. Bills for 142551
water supplied to public corporations shall be rendered at 142552
regular intervals and shall be payable from the waterworks fund 142553
of the public corporation or, if it is not sufficient, from the 142554
general fund. 142555

For tax years 2020 to 2024, qualifying real property, as 142556
defined in section 727.031 of the Revised Code, is exempt from 142557

special assessments levied under this section, provided no 142558
delinquent special assessments and related interest and 142559
penalties are levied or assessed against any property owned by 142560
the owner and operator of the qualifying real property for that 142561
tax year. 142562

Sec. 6101.54. Whenever the owners or representatives of 142563
twenty-five per cent or more of the acreage or value of the 142564
lands in a conservancy district or the board of directors of a 142565
conservancy district file a petition with the clerk of the court 142566
having jurisdiction in the original case, stating that there has 142567
been a material change in the values of the property in the 142568
district or additional benefits are being derived from the works 142569
and the improvements of the district since the last previous 142570
appraisal of benefits, and praying for a readjustment of the 142571
appraisal of benefits for the purpose of making a more equitable 142572
basis for the levy of the maintenance assessment under section 142573
6101.53 of the Revised Code, the clerk shall give notice of the 142574
filing and of a hearing of the petition by publication. 142575

Upon hearing of the petition, if the court finds there has 142576
been a material change in the values of property in the 142577
district, or that additional benefits are derived from the works 142578
and improvements of the district, or both, since the last 142579
previous appraisal of benefits, the court shall order that there 142580
be a readjustment of the appraisal of benefits for the purpose 142581
of providing a basis upon which to levy the maintenance 142582
assessment of the district. The court then shall direct the 142583
board of appraisers of the conservancy district to make the 142584
readjustment in the manner provided in this chapter, and the 142585
board shall make its report. The same proceedings shall be had 142586
on it, as nearly as may be, as are provided in this chapter for 142587
the appraisal of benefits accruing for original construction. In 142588

making the readjustment of the appraisal of benefits, the 142589
readjusted appraisal shall not be limited to the aggregate 142590
amount of or to the benefits or properties or persons listed in 142591
the original or any previous appraisal of benefits, and, after 142592
the making of the readjustment, the limitation of the annual 142593
maintenance assessment to one per cent of the total appraised 142594
benefits, ~~but not less than two dollars,~~ shall apply to the 142595
amount of the benefits as readjusted. There shall be no 142596
readjustment of benefits more often than once in six years. 142597

Sec. 6101.55. The board of directors of a conservancy 142598
district shall each year after the original assessment has been 142599
levied determine, order, and levy the annual levy, which shall 142600
include all assessments, or installments of assessments, 142601
together with interest, levied under this chapter, which become 142602
due in the ensuing year. The annual levy shall be due and be 142603
collected at the same time that state and county taxes are due 142604
and collected. After bonds have been sold, in the determination 142605
of an annual levy, the rate of interest upon the unpaid 142606
installments of an assessment shall be the rate borne by the 142607
bonds that have been issued and sold pursuant to the assessment. 142608
The annual levy shall be recorded in the conservancy assessment 142609
record, shall be signed and certified by the president of the 142610
board and by the secretary of the conservancy district not later 142611
than the thirtieth day of September each year, and shall 142612
thereafter become a permanent record in the office of the 142613
district. 142614

The certificate of the annual levy shall be substantially 142615
as set forth in section 6101.84 of the Revised Code. Then shall 142616
follow both of the following: 142617

(A) The descriptions of the property opposite the names of 142618

the owners; 142619

(B) The total amount of the annual levy on each piece of 142620
property and on each public corporation for the account of all 142621
funds and the amount of each item making up the total. 142622

The form of the annual levy portion of the conservancy 142623
assessment record as prescribed in this section may be modified 142624
with the approval of the ~~auditor of state~~court. The certificate 142625
of the annual levy and the annual levy portion of the 142626
conservancy assessment record shall be named " Assessment Record 142627
of _____ District, _____ County, Ohio." 142628

One copy of that part of the assessment record affecting 142629
lands and public corporations in any county shall be forwarded 142630
to the county auditor of that county. The auditor of each county 142631
shall set up as a charge upon the county treasurer the total 142632
amount of assessments levied as shown by the assessment record, 142633
and shall certify the record as other tax records to the county 142634
treasurer of the county. The treasurer shall collect the amount 142635
according to law. The assessment record shall be the treasurer's 142636
warrant and authority to demand and receive the assessments due 142637
in the county as found in the record. 142638

In the event of any failure of the board to determine and 142639
order an annual levy for the purpose of paying the interest and 142640
principal of any bonds pursuant to this chapter, the auditor of 142641
the county in which the lands and public corporations subject to 142642
the assessments are situated shall make and complete a levy of 142643
the special assessments necessary for the purpose against the 142644
lands and public corporations in the district, and each piece of 142645
property in that county against which benefits have been 142646
appraised. Any assessment so made and completed by the auditor 142647
shall be made and completed by the auditor in the manner 142648

provided for the making and completion of an assessment by the 142649
board, and shall have the same effect as a levy of assessments 142650
determined and ordered by the board. 142651

Sec. 6111.01. As used in this chapter: 142652

(A) "Pollution" means the placing of any sewage, sludge, 142653
sludge materials, industrial waste, or other wastes in any 142654
waters of the state. 142655

(B) "Sewage" means any liquid waste containing sludge, 142656
sludge materials, or animal or vegetable matter in suspension or 142657
solution, and may include household wastes as commonly 142658
discharged from residences and from commercial, institutional, 142659
or similar facilities. 142660

(C) "Industrial waste" means any liquid, gaseous, or solid 142661
waste substance resulting from any process of industry, 142662
manufacture, trade, or business, or from the development, 142663
processing, or recovery of any natural resource, together with 142664
such sewage as is present. 142665

(D) "Other wastes" means garbage, refuse, decayed wood, 142666
sawdust, shavings, bark, and other wood debris, lime, sand, 142667
ashes, offal, night soil, oil, tar, coal dust, dredged or fill 142668
material, or silt, other substances that are not sewage, sludge, 142669
sludge materials, or industrial waste, and any other 142670
"pollutants" or "toxic pollutants" as defined in the Federal 142671
Water Pollution Control Act that are not sewage, sludge, sludge 142672
materials, or industrial waste. 142673

(E) "Sewerage system" means pipelines or conduits, pumping 142674
stations, and force mains, and all other constructions, devices, 142675
appurtenances, and facilities used for collecting or conducting 142676
water-borne sewage, industrial waste, or other wastes to a point 142677

of disposal or treatment, but does not include plumbing 142678
fixtures, building drains and subdrains, building sewers, and 142679
building storm sewers. 142680

(F) "Treatment works" means any plant, disposal field, 142681
lagoon, dam, pumping station, building sewer connected directly 142682
to treatment works, incinerator, or other works used for the 142683
purpose of treating, stabilizing, blending, composting, or 142684
holding sewage, sludge, sludge materials, industrial waste, or 142685
other wastes, except as otherwise defined. 142686

(G) "Disposal system" means a system for disposing of 142687
sewage, sludge, sludge materials, industrial waste, or other 142688
wastes and includes sewerage systems and treatment works. 142689

(H) "Waters of the state" means all streams, lakes, ponds, 142690
marshes, watercourses, waterways, wells, springs, irrigation 142691
systems, drainage systems, and other bodies or accumulations of 142692
water, surface and underground, natural or artificial, 142693
regardless of the depth of the strata in which underground water 142694
is located, that are situated wholly or partly within, or border 142695
upon, this state, or are within its jurisdiction, except those 142696
private waters that do not combine or effect a junction with 142697
natural surface or underground waters. "Waters of the state" 142698
does not include an ephemeral feature for which the United 142699
States army corps of engineers lacks the authority to issue a 142700
permit under 33 U.S.C. 1344. 142701

(I) "Person" means the state, any municipal corporation, 142702
any other political subdivision of the state, any person as 142703
defined in section 1.59 of the Revised Code, any interstate body 142704
created by compact, or the federal government or any department, 142705
agency, or instrumentality thereof. 142706

(J) "Industrial water pollution control facility" means 142707
any disposal system or any treatment works, pretreatment works, 142708
appliance, equipment, machinery, pipeline or conduit, pumping 142709
station, force main, or installation constructed, used, or 142710
placed in operation primarily for the purpose of collecting or 142711
conducting industrial waste to a point of disposal or treatment; 142712
reducing, controlling, or eliminating water pollution caused by 142713
industrial waste; or reducing, controlling, or eliminating the 142714
discharge into a disposal system of industrial waste or what 142715
would be industrial waste if discharged into the waters of the 142716
state. 142717

(K) "Schedule of compliance" means a schedule of remedial 142718
measures including an enforceable sequence of actions or 142719
operations leading to compliance with standards and rules 142720
adopted under sections 6111.041 and 6111.042 of the Revised Code 142721
or compliance with terms and conditions of permits set under 142722
division (J) of section 6111.03 of the Revised Code. 142723

(L) "Federal Water Pollution Control Act" means the 142724
"Federal Water Pollution Control Act Amendments of 1972," 86 142725
Stat. 886, 33 U.S.C.A. 1251, as amended by the "Clean Water Act 142726
of 1977," 91 Stat. 1566, 33 U.S.C.A. 1251, and all other 142727
amendments to that act. 142728

(M) "Historically channelized watercourse" means the 142729
portion of a watercourse on which an improvement, as defined in 142730
divisions (C) (2) to (4) of section 6131.01 of the Revised Code, 142731
was constructed pursuant to Chapter 940., 6131., or 6133. of the 142732
Revised Code or a similar state law that preceded any of those 142733
chapters and authorized such an improvement. 142734

(N) "Sludge" means sewage sludge and a solid, semi-solid, 142735
or liquid residue that is generated from an industrial 142736

wastewater treatment process and that is applied to land for 142737
agronomic benefit. "Sludge" does not include ash generated 142738
during the firing of sludge in a sludge incinerator, grit and 142739
screening generated during preliminary treatment of sewage in a 142740
treatment works, animal manure, residue generated during 142741
treatment of animal manure, or domestic septage. 142742

(O) "Sludge materials" means solid, semi-solid, or liquid 142743
materials derived from sludge and includes products from a 142744
treatment works that result from the treatment, blending, or 142745
composting of sludge. 142746

(P) "Storage of sludge" means the placement of sludge on 142747
land on which the sludge remains for not longer than two years, 142748
but does not include the placement of sludge on land for 142749
treatment. 142750

(Q) "Sludge disposal program" means any program used by an 142751
entity that begins with the generation of sludge and includes 142752
treatment or disposal of the sludge, as "treatment" and 142753
"disposal" are defined in division ~~(Y)~~(X) of section 3745.11 of 142754
the Revised Code. 142755

(R) "Agronomic benefit" means any process that promotes or 142756
enhances plant growth and includes, but is not limited to, a 142757
process that increases soil fertility and moisture retention. 142758

(S) "Sludge management" means the use, storage, treatment, 142759
or disposal of, and management practices related to, sludge and 142760
sludge materials. 142761

(T) "Sludge management permit" means a permit for sludge 142762
management that is issued under division (J) of section 6111.03 142763
of the Revised Code. 142764

(U) "Sewage sludge" has the same meaning as in division 142765

~~(Y)~~ (X) of section 3745.11 of the Revised Code. 142766

(V) "Ephemeral feature" means surface water flowing or 142767
pooling only in direct response to precipitation, such as rain 142768
or snow. "Ephemeral feature" does not include a wetland, as 142769
defined in section 6111.02 of the Revised Code. 142770

Sec. 6111.04. (A) Both of the following apply except as 142771
otherwise provided in division (A) or (F) of this section: 142772

(1) No person shall cause pollution or place or cause to 142773
be placed any sewage, sludge, sludge materials, industrial 142774
waste, or other wastes in a location where they cause pollution 142775
of any waters of the state. 142776

(2) Such an action prohibited under division (A) (1) of 142777
this section is hereby declared to be a public nuisance. 142778

Divisions (A) (1) and (2) of this section do not apply if 142779
the person causing pollution or placing or causing to be placed 142780
wastes in a location in which they cause pollution of any waters 142781
of the state holds a valid, unexpired permit, or renewal of a 142782
permit, governing the causing or placement as provided in 142783
sections 6111.01 to 6111.08 of the Revised Code or if the 142784
person's application for renewal of such a permit is pending. 142785

(B) If the director of environmental protection 142786
administers a sludge management program pursuant to division (R) 142787
of section 6111.03 of the Revised Code, both of the following 142788
apply except as otherwise provided in division (B) or (F) of 142789
this section: 142790

(1) No person, in the course of sludge management, shall 142791
place on land located in the state or release into the air of 142792
the state any sludge or sludge materials. 142793

(2) An action prohibited under division (B) (1) of this section is hereby declared to be a public nuisance.

Divisions (B) (1) and (2) of this section do not apply if the person placing or releasing the sludge or sludge materials holds a valid, unexpired permit, or renewal of a permit, governing the placement or release as provided in sections 6111.01 to 6111.08 of the Revised Code or if the person's application for renewal of such a permit is pending.

(C) No person to whom a permit has been issued shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes in excess of the permissive discharges specified under an existing permit without first receiving a permit from the director to do so.

(D) No person to whom a sludge management permit has been issued shall place on the land or release into the air of the state any sludge or sludge materials in excess of the permissive amounts specified under the existing sludge management permit without first receiving a modification of the existing sludge management permit or a new sludge management permit to do so from the director.

(E) The director may require the submission of plans, specifications, and other information that the director considers relevant in connection with the issuance of permits.

(F) This section does not apply to any of the following:

(1) Waters used in washing sand, gravel, other aggregates, or mineral products when the washing and the ultimate disposal of the water used in the washing, including any sewage, industrial waste, or other wastes contained in the waters, are

entirely confined to the land under the control of the person 142823
engaged in the recovery and processing of the sand, gravel, 142824
other aggregates, or mineral products and do not result in the 142825
pollution of waters of the state; 142826

(2) Water, gas, or other material injected into a well to 142827
facilitate, or that is incidental to, the production of oil, 142828
gas, artificial brine, or water derived in association with oil 142829
or gas production and disposed of in a well, in compliance with 142830
a permit issued under Chapter 1509. of the Revised Code, or 142831
sewage, industrial waste, or other wastes injected into a well 142832
in compliance with an injection well operating permit. Division 142833
(F)(2) of this section does not authorize, without a permit, any 142834
discharge that is prohibited by, or for which a permit is 142835
required by, regulation of the United States environmental 142836
protection agency. 142837

(3) Application of any materials to land for agricultural 142838
purposes or runoff of the materials from that application or 142839
pollution by residual farm products, manure, or soil sediment, 142840
including attached substances, resulting from farming, 142841
silvicultural, or earthmoving activities regulated by Chapter 142842
307. or 939. of the Revised Code. Division (F)(3) of this 142843
section does not authorize, without a permit, any discharge that 142844
is prohibited by, or for which a permit is required by, the 142845
Federal Water Pollution Control Act or regulations adopted under 142846
it. As used in division (F)(3) of this section, "residual farm 142847
products" and "manure" have the same meanings as in section 142848
939.01 of the Revised Code. 142849

(4) The excrement of domestic and farm animals defecated 142850
on land or runoff therefrom into any waters of the state. 142851
Division (F)(4) of this section does not authorize, without a 142852

permit, any discharge that is prohibited by, or for which a 142853
permit is required by, the Federal Water Pollution Control Act 142854
or regulations adopted under it. 142855

(5) On and after the date on which the United States 142856
environmental protection agency approves the NPDES program 142857
submitted by the director of agriculture under section 903.08 of 142858
the Revised Code, any discharge that is within the scope of the 142859
approved NPDES program submitted by the director of agriculture; 142860

(6) The discharge of sewage, industrial waste, or other 142861
wastes into a sewerage system tributary to a treatment works. 142862
Division (F)(6) of this section does not authorize any discharge 142863
into a publicly owned treatment works in violation of a 142864
pretreatment program applicable to the publicly owned treatment 142865
works or any discharge to a privately owned treatment works in 142866
violation of any permit conditions established in accordance 142867
with 40 C.F.R. 122.44(m). 142868

(7) A household sewage treatment system or a small flow 142869
on-site sewage treatment system, as applicable, as defined in 142870
section 3718.01 of the Revised Code that is installed in 142871
compliance with Chapter 3718. of the Revised Code and rules 142872
adopted under it. Division (F)(7) of this section does not 142873
authorize, without a permit, any discharge that is prohibited 142874
by, or for which a permit is required by, regulation of the 142875
United States environmental protection agency. 142876

(8) Exceptional quality sludge generated outside of this 142877
state and contained in bags or other containers not greater than 142878
one hundred pounds in capacity. As used in division (F)(8) of 142879
this section, "exceptional quality sludge" has the same meaning 142880
as in division ~~(Y)~~(X) of section 3745.11 of the Revised Code. 142881

(G) The holder of a permit issued under section 402 (a) of 142882
the Federal Water Pollution Control Act need not obtain a permit 142883
for a discharge authorized by the permit until its expiration 142884
date. Except as otherwise provided in this division, the 142885
director of environmental protection shall administer and 142886
enforce those permits within this state and may modify their 142887
terms and conditions in accordance with division (J) of section 142888
6111.03 of the Revised Code. On and after the date on which the 142889
United States environmental protection agency approves the NPDES 142890
program submitted by the director of agriculture under section 142891
903.08 of the Revised Code, the director of agriculture shall 142892
administer and enforce those permits within this state that are 142893
issued for any discharge that is within the scope of the 142894
approved NPDES program submitted by the director of agriculture. 142895

Section 101.02. That existing sections 3.15, 9.03, 9.07, 142896
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5705.40, 5705.412, 5705.55, 5709.212, 5709.92, 5709.93, 5713.34, 143083
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5748.021, 5748.03, 5748.04, 5748.08, 5748.081, 5748.09, 5749.02, 143095
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5753.07, 5907.11, 5907.17, 5923.30, 6101.53, 6101.54, 6101.55, 143097
6111.01, and 6111.04 of the Revised Code are hereby repealed. 143098

Section 105.01. That sections 9.47, 101.38, 103.053, 143099
103.054, 103.24, 103.72, 103.73, 113.06, 117.113, 117.251, 143100
117.441, 117.51, 122.451, 122.55, 122.56, 122.561, 122.57, 143101
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175.03, 501.03, 904.06, 905.56, 935.25, 956.181, 2919.1910, 143104
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4928.581, 4928.582, 4928.583, 5104.08, 5123.352, 5160.23, 143112
5163.05, 5165.261, 5166.45, 5180.23, 5180.24, 5180.34, 5310.05, 143113
5310.06, 5310.07, 5310.08, 5310.09, 5310.10, 5310.11, 5310.12, 143114
5310.13, 5310.14, 5537.24, 5705.195, 5705.196, 5705.197, 143115
5726.59, 5747.67, 5751.55, 5902.06, and 5902.20 of the Revised 143116
Code are hereby repealed. 143117

Section 105.05. That sections 103.60, 107.034, 113.78, 143118
3354.24, 5705.192, 5739.071, and 5747.29 of the Revised Code are 143119
hereby repealed, as of the dates specified below in the sections 143120
prefixed with number 105. 143121

Section 105.10. That section 3354.24 of the Revised Code 143122
is hereby repealed, effective June 30, 2027. 143123

Section 105.20. That section 107.034 of the Revised Code 143124
is hereby repealed, effective July 1, 2026. 143125

Section 105.30. That section 113.78 of the Revised Code is 143126
hereby repealed, effective July 1, 2026. 143127

Section 105.40. That section 103.60 of the Revised Code is 143128
hereby repealed, effective December 31, 2025. 143129

Section 105.50. That section 5739.071 of the Revised Code 143130
is hereby repealed, effective January 1, 2026." 143131

Section 105.60. That section 5747.29 of the Revised Code 143132

is hereby repealed, effective January 1, 2026. 143133

Section 105.70. That section 5705.192 of the Revised Code 143134

is hereby repealed, effective January 1, 2026. 143135

Section 107.10. That Section 733.61 of H.B. 166 of the 143136

133rd General Assembly (as amended by H.B. 33 of the 135th 143137

General Assembly) be amended to codify it as section 3313.6033 143138

of the Revised Code to read as follows: 143139

Sec. ~~733.61~~ 3313.6033. (A) Notwithstanding section 143140

3319.236 of the Revised Code, ~~for the 2019-2020 school year~~ 143141

~~through the 2024-2025 school year only,~~ a school district, 143142

community school established under Chapter 3314. of the Revised 143143

Code, or science, technology, engineering, and mathematics 143144

school established under Chapter 3326. of the Revised Code may 143145

permit an individual who holds a valid educator license in any 143146

of grades kindergarten through twelve to teach a computer 143147

science course if, ~~prior to teaching the course in the last five~~ 143148

~~years,~~ the individual ~~completes~~ has completed a professional 143149

development program approved by the district superintendent or 143150

school principal that provides content knowledge specific to the 143151

course the individual will teach. To continue teaching computer 143152

science under this section, an individual shall complete the 143153

professional development program every five years in accordance 143154

with the educator licensure recertification process. The 143155

superintendent or principal shall approve any professional 143156

development program endorsed by the organization that creates 143157

and administers the national ~~Advanced Placement~~ advanced 143158

placement examinations as appropriate for the course the 143159

individual will teach. 143160

(B) Nothing in this section shall permit an individual 143161

described in division (A) of this section to teach a computer 143162

science course in a school district or school other than the 143163
school district or school that employed the individual at the 143164
time the individual completed the professional development 143165
program required by that division. 143166

~~(C) Beginning July 1, 2025, a school district or public 143167
school shall permit an individual to teach a computer science 143168
course only in accordance with section 3319.236 of the Revised 143169
Code. 143170~~

~~(D) Notwithstanding section 3301.012 of the Revised Code, 143171
as used in this section, "computer science course" means any 143172
course that is reported in the education management information 143173
system established under section 3301.0714 of the Revised Code 143174
as a computer science course. 143175~~

Section 107.11. That existing Section 733.61 of H.B. 166 143176
of the 133rd General Assembly (as amended by H.B. 33 of the 143177
135th General Assembly) is hereby repealed. 143178

Section 125.10. The amendment by this act of section 143179
4785.041 of the Revised Code does not supersede the repeal of 143180
that section on April 3, 2033, as prescribed by Sections 4 and 5 143181
of H.B. 107 of the 134th General Assembly. 143182

Section 125.20. That the versions of sections 117.12 and 143183
117.56 of the Revised Code that are scheduled to take effect 143184
October 1, 2025, are hereby repealed. 143185

Section 125.21. That Section 101.02 of H.B. 54 of the 143186
136th General Assembly be amended to read as follows: 143187

Sec. 101.02. That existing sections 101.27, ~~117.12,~~ 143188
154.01, 306.30, 306.35, 306.43, 717.02, 1548.061, 2935.03, 143189
3503.11, 3704.14, 4501.01, 4503.10, 4503.102, 4503.103, 4503.21, 143190
4505.08, 4506.01, 4506.09, 4506.11, 4507.01, 4507.061, 4507.13, 143191

4507.21, 4507.52, 4508.02, 4511.01, 4511.031, 4511.09, 4511.091, 143192
4511.092, 4511.093, 4511.094, 4511.11, 4511.13, 4511.131, 143193
4511.132, 4511.18, 4511.204, 4511.21, 4511.211, 4511.214, 143194
4511.432, 4511.46, 4511.48, 4511.512, 4511.61, 4511.62, 4511.64, 143195
4511.65, 4511.68, 4511.701, 4511.712, 4511.76, 4513.071, 143196
4513.38, 4513.41, 4517.02, 4517.24, 4519.401, 4955.50, 4955.51, 143197
5501.20, 5501.41, 5501.441, 5512.07, 5513.01, 5515.01, 5515.02, 143198
5515.99, 5517.02, 5517.021, 5521.01, 5525.03, 5525.04, 5525.08, 143199
5525.14, 5525.16, 5537.02, 5571.01, and 5747.502 of the Revised 143200
Code are hereby repealed. 143201

Section 125.22. That existing Section 101.02 of H.B. 54 of 143202
the 136th General Assembly is hereby repealed. 143203

Section 125.23. That Section 820.50 of H.B. 54 of the 143204
136th General Assembly is hereby repealed. 143205

Section 125.24. Sections 125.20 and 125.21 of this act 143206
remove the limitations imposed on the continued existence of 143207
section 117.12 of the Revised Code. 143208

Section 201.10. APPROPRIATIONS 143209

Except as otherwise provided in this act, all 143210
appropriation items in this act are appropriated out of any 143211
moneys in the state treasury to the credit of the designated 143212
fund that are not otherwise appropriated. For all appropriations 143213
made in this act, the amounts in the first column are for fiscal 143214
year 2026 and the amounts in the second column are for fiscal 143215
year 2027. 143216

Section 203.10. 143217
143218

A	ACC ACCOUNTANCY BOARD OF OHIO		
B	Dedicated Purpose Fund Group		
C	4J80 889601 CPA Education Assistance	\$260,000	\$275,000
D	4K90 889609 Operating Expenses	\$1,359,075	\$1,400,531
E	Dedicated Purpose Fund Group Total	\$1,619,075	\$1,675,531
F	TOTAL ALL BUDGET FUND GROUPS	\$1,619,075	\$1,675,531

Section 205.10.

143219

143220

1	2	3	4	5
A	ADJ ADJUTANT GENERAL			
B	General Revenue Fund			
C	GRF 745401 Ohio Military Reserve	\$56,162	\$56,162	
D	GRF 745404 Air National Guard	\$2,406,436	\$2,689,830	
E	GRF 745407 National Guard Benefits	\$174,000	\$174,000	
F	GRF 745409 Central Administration	\$3,585,342	\$3,684,085	
G	GRF 745499 Army National Guard	\$5,402,863	\$6,082,457	
H	GRF 745503 Ohio Cyber Reserve	\$1,151,000	\$1,151,000	
I	GRF 745504 Ohio Cyber Range	\$2,650,000	\$2,650,000	
J	GRF 745505 State Active Duty	\$70,000	\$70,000	

K	General Revenue Fund Total	\$15,495,803	\$16,557,534
L	Dedicated Purpose Fund Group		
M	5340 745612 Property Operations Management	\$682,195	\$682,292
N	5360 745620 Camp Perry and Buckeye Inn Operations	\$1,064,057	\$1,074,431
O	5370 745604 Ohio National Guard Facilities Maintenance	\$60,131	\$60,131
P	5U80 745613 Community Match Armories	\$349,965	\$349,965
Q	Dedicated Purpose Fund Group Total	\$2,156,348	\$2,166,819
R	Federal Fund Group		
S	3420 745616 Army National Guard Service Agreement	\$24,076,820	\$24,316,615
T	3E80 745628 Air National Guard Operations and Maintenance	\$18,934,892	\$19,380,313
U	3R80 745603 Counter Drug Operations	\$26,606	\$26,606
V	Federal Fund Group Total	\$43,038,318	\$43,723,534
W	TOTAL ALL BUDGET FUND GROUPS	\$60,690,469	\$62,447,887

Section 205.20. NATIONAL GUARD BENEFITS 143221

The foregoing appropriation item 745407, National Guard 143222

Benefits, shall be used for purposes of sections 5919.31 and 143223
5919.33 of the Revised Code, and for administrative costs of the 143224
associated programs. 143225

If necessary, in order to pay benefits in a timely manner 143226
pursuant to sections 5919.31 and 5919.33 of the Revised Code, 143227
the Adjutant General may request that the Director of Budget and 143228
Management transfer appropriation from any appropriation item 143229
used by the Adjutant General to appropriation item 745407, 143230
National Guard Benefits. Such amounts are hereby appropriated. 143231
The Adjutant General may subsequently seek Controlling Board 143232
approval to restore the appropriation in the appropriation item 143233
from which such a transfer was made. 143234

For active duty members of the Ohio National Guard who 143235
died after October 7, 2001, while performing active duty, the 143236
death benefit, pursuant to section 5919.33 of the Revised Code, 143237
shall be paid to the beneficiary or beneficiaries designated on 143238
the member's Service members' Group Life Insurance Policy. 143239

OHIO CYBER RESERVE 143240

The foregoing appropriation item 745503, Ohio Cyber 143241
Reserve, shall be used for purposes of providing support for the 143242
administration of the Ohio Cyber Reserve, a civilian cyber 143243
reserve force that is part of the Ohio organized militia, 143244
capable of being expanded and trained to educate and protect all 143245
levels of state government, critical infrastructure, and the 143246
citizens of this state from cyber attacks and incidences under 143247
sections 5922.01, 5922.02, and 5922.08 of the Revised Code, as 143248
well as for the purpose of paying expenses related to cyber 143249
state active duty of members of the Ohio Cyber Reserve, in 143250
accordance with a proclamation or order of the Governor. 143251
Expenses include, but are not limited to, the cost of equipment, 143252

supplies, and services, as determined by the Adjutant General. 143253

OHIO CYBER RANGE 143254

The foregoing appropriation item 745504, Ohio Cyber Range, 143255
shall be used by the Adjutant General's Department to establish 143256
and maintain the cyber range for purposes of providing cyber 143257
training and education to K-12 students, higher education 143258
students, members of the Ohio National Guard, federal employees, 143259
and state and local government employees, and provide for 143260
emergency preparedness exercises and trainings. 143261

The Adjutant General's Department, in conjunction and 143262
collaboration with the Department of Administrative Services, 143263
the Department of Public Safety, the Department of Higher 143264
Education, and the Department of Education and Workforce shall 143265
establish and maintain a cyber range. The Adjutant General's 143266
Department may work with federal agencies to assist in 143267
accomplishing this objective. The state agencies identified in 143268
this paragraph may procure any necessary goods and services 143269
including, but not limited to, contracted services, hardware, 143270
networking services, maintenance costs, and the training and 143271
management costs of a cyber range. These state agencies shall 143272
determine the amount of funds each agency will contribute from 143273
available funds and appropriations enacted herein in order to 143274
establish and maintain a cyber range. 143275

STATE ACTIVE DUTY 143276

The foregoing appropriation item 745505, State Active 143277
Duty, shall be used for the purpose of paying expenses related 143278
to state active duty of members of the Ohio organized militia, 143279
not including the civilian cyber security reserve forces, in 143280
accordance with a proclamation or order of the Governor. 143281

Expenses include, but are not limited to, cost of equipment, 143282
supplies, and services, as determined by the Adjutant General. 143283

Section 207.10.

143284

143285

	1	2	3	4	5
A	DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				
B	General Revenue Fund				
C	GRF	100413	EDCS Lease Rental Payments	\$9,300,000	\$9,300,000
D	GRF	100414	MARCS Lease Rental Payments	\$6,450,000	\$6,450,000
E	GRF	100415	OAKS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	100416	STARS Lease Rental Payments	\$1,100,000	\$1,100,000
G	GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$45,500,000	\$60,500,000
H	GRF	100456	State IT Services	\$978,412	\$1,512,297
I	GRF	100459	Ohio Business Gateway	\$14,325,421	\$14,368,107
J	GRF	100469	Aronoff Center Building Maintenance	\$222,000	\$222,000
K	GRF	130321	State Agency Support	\$28,000,000	\$28,000,000

Services

L	General Revenue Fund Total	\$108,325,833	\$123,902,404
M	Dedicated Purpose Fund Group		
N	4K90 100673 Ohio Professionals Licensing System	\$7,175,727	\$7,439,069
O	5AB1 100674 Next Generation 9-1-1	\$3,500,000	\$0
P	5L70 100610 Professional Development	\$2,013,841	\$2,014,854
Q	5NM0 100663 9-1-1 Program	\$956,663	\$980,078
R	5V60 100619 Employee Educational Development	\$1,234,461	\$1,268,484
S	7093 100675 Next Generation 9-1-1	\$13,469,622	\$14,804,264
T	Dedicated Purpose Fund Group Total	\$28,350,314	\$26,506,749
U	Internal Service Activity Fund Group		
V	1120 100616 DAS Administration	\$14,683,912	\$15,113,177
W	1170 100644 General Services Division - Operating	\$23,091,398	\$22,574,348
X	1220 100637 Fleet Management	\$25,449,633	\$22,866,905
Y	1250 100622 Human Resources Division - Operating	\$26,081,909	\$26,319,177
Z	1250 100657 Benefits Communication	\$620,036	\$628,275

AA 1300	100606	Risk Management Reserve	\$24,015,458	\$24,051,115
AB 1320	100631	DAS Building Management	\$53,101,399	\$54,715,341
AC 1330	100607	IT Services Delivery	\$194,935,390	\$197,374,206
AD 2100	100612	State Printing	\$31,450,162	\$32,512,922
AE 2290	100630	IT Governance	\$40,176,321	\$40,741,507
AF 2290	100640	Consolidated IT Purchases	\$28,265,838	\$28,265,838
AG 4270	100602	Investment Recovery	\$1,835,187	\$1,891,267
AH 4N60	100617	Major IT Purchases	\$3,984,131	\$3,984,131
AI 5C20	100605	MARCS Administration	\$35,336,608	\$35,689,974
AJ 5EB0	100635	OAKS Support Organization	\$101,832,561	\$104,303,226
AK 5EB0	100656	OAKS Updates and Developments	\$11,427,405	\$11,403,567
AL 5KZ0	100659	Building Improvement	\$2,276,705	\$2,777,458
AM 5LJ0	100661	IT Development	\$12,839,922	\$12,839,922
AN 5PC0	100665	Enterprise Applications	\$14,160,852	\$14,244,654
AO 5WU0	100672	Ohio Benefits	\$151,980,462	\$0
AP	Internal Service Activity Fund Group Total		\$797,545,289	\$652,297,010
AQ	Fiduciary Fund Group			

AR 5UH0 100670 Enterprise Transactions	\$1,590,000	\$1,640,000
AS Fiduciary Fund Group Total	\$1,590,000	\$1,640,000
AT TOTAL ALL BUDGET FUND GROUPS	\$935,811,436	\$804,346,163

Section 207.20. EDCS LEASE RENTAL PAYMENTS 143286

The foregoing appropriation item 100413, EDCS Lease Rental 143287
Payments, shall be used to make payments during the period from 143288
July 1, 2025, through June 30, 2027, pursuant to leases and 143289
agreements entered into under Chapter 125. of the Revised Code, 143290
as supplemented by Section 701.10 of H.B. 529 of the 132nd 143291
General Assembly, as amended by Section 601.10 of H.B. 166 of 143292
the 133rd General Assembly, and other prior acts of the General 143293
Assembly, with respect to financing the costs associated with 143294
the acquisition, development, implementation, and integration of 143295
the Enterprise Data Center Solutions (EDCS) information 143296
technology initiative. 143297

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL 143298
PAYMENTS 143299

The foregoing appropriation item 100414, MARCS Lease 143300
Rental Payments, shall be used to make payments during the 143301
period from July 1, 2025, through June 30, 2027, pursuant to 143302
leases and agreements entered into under Chapter 125. of the 143303
Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 143304
of the 130th General Assembly and other prior acts of the 143305
General Assembly, with respect to financing the costs associated 143306
with the acquisition, development, implementation, and 143307
integration of the Multi-Agency Radio Communications System 143308
(MARCS) upgrade. 143309

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS	143310
The foregoing appropriation item 100415, OAKS Lease Rental	143311
Payments, shall be used to make payments during the period from	143312
July 1, 2025, through June 30, 2027, pursuant to leases and	143313
agreements entered into under Chapter 125. of the Revised Code,	143314
as supplemented by Section 701.10 of H.B. 529 of the 132nd	143315
General Assembly and other prior acts of the General Assembly,	143316
with respect to financing the costs associated with the	143317
acquisition, development, implementation, and integration of the	143318
Ohio Administrative Knowledge System (OAKS).	143319
STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL	143320
PAYMENTS	143321
The foregoing appropriation item 100416, STARS Lease	143322
Rental Payments, shall be used to make payments during the	143323
period from July 1, 2025, through June 30, 2027, pursuant to	143324
leases and agreements entered into under Chapter 125. of the	143325
Revised Code, as supplemented by Section 701.30 of H.B. 529 of	143326
the 132nd General Assembly and other prior acts of the General	143327
Assembly, with respect to financing the costs associated with	143328
the acquisition, development, implementation, and integration of	143329
the State Taxation Accounting and Revenue System (STARS).	143330
ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS	143331
The foregoing appropriation item 100447, Administrative	143332
Buildings Lease Rental Bond Payments, shall be used to meet all	143333
payments during the period from July 1, 2025, through June 30,	143334
2027, by the Department of Administrative Services pursuant to	143335
leases and agreements under Chapters 152. and 154. of the	143336
Revised Code. These appropriations are the source of funds	143337
pledged for bond service charges on related obligations issued	143338

under Chapters 152. and 154. of the Revised Code. 143339

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 143340

FUND 143341

The foregoing appropriation item 130321, State Agency 143342
Support Services, may be used to provide funding for the cost of 143343
property appraisals or building studies that the Department of 143344
Administrative Services may be required to obtain for property 143345
that is being sold by the state or property under consideration 143346
to be renovated or purchased by the state. 143347

Notwithstanding section 125.28 of the Revised Code, the 143348
foregoing appropriation item 130321, State Agency Support 143349
Services, also may be used to pay the operating expenses of 143350
state facilities maintained by the Department of Administrative 143351
Services that are not billed to building tenants, other costs 143352
associated with the Voinovich Center in Youngstown, Ohio, or 143353
costs of repairing vehicles donated pursuant to section 125.13 143354
of the Revised Code. These expenses may include, but are not 143355
limited to, the costs for vacant space and space undergoing 143356
renovation, and the rent expenses of tenants that are relocated 143357
because of building renovations. These payments may be processed 143358
by the Department of Administrative Services through intrastate 143359
transfer vouchers and placed into the Building Management Fund 143360
(Fund 1320). 143361

At least once per year, the portion of appropriation item 143362
130321, State Agency Support Services, that is not used for the 143363
regular expenses of the appropriation item may be processed by 143364
the Department of Administrative Services through intrastate 143365
transfer voucher and placed in the Building Improvement Fund 143366
(Fund 5KZ0). 143367

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 143368

Of the foregoing appropriation item 100610, Professional 143369
Development, up to \$1,400,000 in each fiscal year shall be used 143370
to make payments from the Professional Development Fund (Fund 143371
5L70) under section 124.182 of the Revised Code. 143372

Of the foregoing appropriation item 100610, Professional 143373
Development, up to \$1,200,000 during the FY 2026-FY 2027 143374
biennium may be used by the Director of Administrative Services 143375
for the creation, staffing, and administration of the Ohio 143376
Digital Academy. The Ohio Digital Academy shall exist to 143377
generate high-tech workforce capacity and serve the state of 143378
Ohio in advanced technology and cybersecurity needs. The goals 143379
of the Ohio Digital Academy shall be to educate, train, and 143380
subsequently employ analysts in completing boot camps, 143381
certifications, or degree programs in cybersecurity, coding, 143382
software engineering, user experience designers, and related 143383
fields. 143384

In consultation with CyberOhio, the Department of 143385
Administrative Services shall have full authority to select 143386
qualified candidates for the Ohio Digital Academy. Candidates 143387
shall be subject to all applicable background checks and if 143388
selected, shall be required to commit to three years of service 143389
with the state of Ohio. Ohio Digital Academy candidates may be 143390
placed in an unclassified, administrative staff position 143391
pursuant to division (A)(30) of section 124.11 of the Revised 143392
Code for which the Director of Administrative Services is hereby 143393
given specific authority to set compensation, or with other 143394
public or private employers identified by the Department with 143395
which a partnership agreement has been established. 143396
Notwithstanding any provision of law to the contrary, the 143397

Department may use the foregoing appropriation to reimburse 143398
selected students' tuition expenses for coursework, 143399
certification achieved, or other necessary expenses, prior to 143400
acceptance in the program, which is directly attributable to the 143401
targeted skills of the program if completed within one year 143402
prior to the effective date of this section. Upon hiring, 143403
candidates shall also be eligible for reimbursement of costs for 143404
continuing education or certification at the discretion of the 143405
Director to support the development of specialized skills in the 143406
areas of information technology and cybersecurity. Each 143407
candidate shall be responsible for any tax implications 143408
associated with the tuition. The Department reserves the right 143409
to recover all or a portion of funds provided to an Ohio Digital 143410
Academy participant who fails to complete the agreed upon three 143411
years of service commitment to the state. 143412

On July 1, 2025, or as soon as possible thereafter, the 143413
Department of Administrative Services may select and enter into 143414
a subgrant agreement with a regionally accredited Ohio 143415
institution of higher education with demonstrated significant 143416
coursework and programming in cybersecurity to serve as a 143417
Digital Analyst Training Academy (D.A.T.A.) Center. The Center 143418
shall be responsible for paying for costs associated with the 143419
work of the Ohio Digital Academy as designated by the Department 143420
of Administrative Services. On behalf of the Center, the 143421
selected institution shall do all the following: 143422

(A) Provide necessary educational coursework or training 143423
for the selected students' successful completion of a 143424
certificate or degree program as prescribed by the Department of 143425
Administrative Services at no cost to the selected students; 143426

(B) Administer weekly professional development programs 143427

for students in an academic setting;	143428
(C) Prepare analysts for summer mandatory recruit training	143429
as prescribed by the Department of Administrative Services;	143430
(D) Coordinate and manage summer scenarios;	143431
(E) Submit a quarterly report to the Department of	143432
Administrative Services that contains detailed information on	143433
the amount of grant funds expended for the aforementioned	143434
purposes;	143435
(F) Submit an annual report to the Department of	143436
Administrative Services of all achievements, including a status	143437
report of all expenditures, number of students enrolled by	143438
program area, number of students graduated or certifications	143439
achieved by program area, program expansion opportunities, and	143440
projected costs to continue operating the Center.	143441
Additional Centers may be added over the biennium subject	143442
to the approval of the Director of Administrative Services.	143443
9-1-1 PROGRAM	143444
The foregoing appropriation item 100663, 9-1-1 Program,	143445
shall be used by the Department of Administrative Services to	143446
pay the administrative and educational costs of the Statewide	143447
Emergency Services Internet Protocol Network program.	143448
EMPLOYEE EDUCATIONAL DEVELOPMENT	143449
The foregoing appropriation item 100619, Employee	143450
Educational Development, shall be used to make payments from the	143451
Employee Educational Development Fund (Fund 5V60) under section	143452
124.86 of the Revised Code. The fund shall be used to pay the	143453
costs of administering educational programs under existing	143454
collective bargaining agreements with District 1199, the Health	143455

Care and Social Service Union, Service Employees International 143456
Union; State Council of Professional Educators; Ohio Education 143457
Association and National Education Association; the Fraternal 143458
Order of Police State of Ohio, Unit 2 Association; and the Ohio 143459
State Troopers Association, Units 1 and 15. 143460

If it is determined by the Director of Budget and 143461
Management that additional amounts are necessary, the amounts 143462
are hereby appropriated. 143463

Section 207.40. GENERAL SERVICE CHARGES 143464

The Department of Administrative Services, with the 143465
approval of the Director of Budget and Management, shall 143466
establish charges for recovering the costs of administering the 143467
programs funded by the General Services Fund (Fund 1170) and the 143468
State Printing Fund (Fund 2100). 143469

COLLECTIVE BARGAINING ARBITRATION EXPENSES 143470

The Department of Administrative Services may seek 143471
reimbursement from state agencies for the actual costs and 143472
expenses the Department incurs in the collective bargaining 143473
arbitration process. The reimbursements shall be processed 143474
through intrastate transfer vouchers and credited to the Human 143475
Resources Services Fund (Fund 1250). 143476

RISK MANAGEMENT RESERVE 143477

The foregoing appropriation item 100606, Risk Management 143478
Reserve, shall be used to make payments from the Risk Management 143479
Reserve Fund (Fund 1300) pursuant to section 9.823 of the 143480
Revised Code. 143481

CONSOLIDATED IT PURCHASES 143482

The foregoing appropriation item 100640, Consolidated IT 143483

Purchases, shall be used by the Department of Administrative 143484
Services acting as the purchasing agent for one or more 143485
government entities under the authority of division (G) of 143486
section 125.18 of the Revised Code to make information 143487
technology purchases at a lower aggregate cost than each 143488
individual government entity could have obtained independently 143489
for that information technology purchase. 143490

INVESTMENT RECOVERY FUND 143491

Notwithstanding division (B) of section 125.14 of the 143492
Revised Code, cash balances in the Investment Recovery Fund 143493
(Fund 4270) may be used to support the operating expenses of the 143494
Federal Surplus Operating Program created in sections 125.84 to 143495
125.90 of the Revised Code. 143496

MAJOR IT PURCHASES CHARGES 143497

Upon the request of the Director of Administrative 143498
Services, the Director of Budget and Management may transfer up 143499
to \$2,000,000 cash in each fiscal year of the amount collected 143500
for statewide indirect costs attributable to debt service paid 143501
for the enterprise data center solutions project from the 143502
General Revenue Fund to the Major Information Technology 143503
Purchases Fund (Fund 4N60). 143504

MARCS ADMINISTRATION 143505

Of the foregoing appropriation item 100605, MARCS 143506
Administration, \$10,500,000 in each fiscal year shall be used to 143507
reduce MARCS subscriber fees paid by villages, municipal 143508
corporations, townships, counties, and regional public safety 143509
and first response agencies. 143510

PROFESSIONS LICENSING SYSTEM 143511

The foregoing appropriation item, 100673, Ohio
Professionals Licensing System, shall be used to purchase the
equipment, products, and services necessary to update and
maintain an automated licensing system for the professional
licensing boards.

The Department of Administrative Services shall establish
charges for recovering the costs of ongoing maintenance of the
system that are not otherwise recovered under section 125.18 of
the Revised Code. The charges shall be proportionate to each
benefiting state agency, board, or commission's use of the
system. For agencies, boards, or commissions whose operations
are not funded by appropriations from the Occupational Licensing
and Regulatory Fund (Fund 4K90), the Director of Administrative
Services shall certify to the Director of Budget and Management
these entities' proportionate charges for use of the state's
enterprise electronic licensing system. The Director of Budget
and Management shall transfer cash equaling the certified
amounts from these entities' respective operating funds into the
Occupational Licensing and Regulatory Fund (Fund 4K90).

On July 1, 2025, or as soon as possible thereafter, the
State Board of Education shall consult with the Department of
Administrative Services on the utilization of the Ohio
Professional Licensing System. As part of this consultation, the
State Board of Education shall consider opportunities to reduce
the number of license and certification types.

Section 207.45. BUILDING IMPROVEMENT FUND

The foregoing appropriation item 100659, Building
Improvement, shall be used to make payments from the Building
Improvement Fund (Fund 5KZ0) for major maintenance or
improvements required in facilities maintained by the Department

of Administrative Services. The Department of Administrative 143542
Services shall conduct or contract for regular assessments of 143543
these buildings and may maintain a cash balance in Fund 5KZ0 143544
equal to the cost of the repairs and improvements that are 143545
recommended to occur within the next five years, with the 143546
following exception described below. 143547

Upon request of the Director of Administrative Services, 143548
the Director of Budget and Management may transfer cash from 143549
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay 143550
costs of operating and maintaining facilities managed by the 143551
Department of Administrative Services that are not charged to 143552
tenants during the same fiscal year. 143553

Should the cash balance in Fund 1320 be determined to be 143554
sufficient, the Director of Administrative Services may request 143555
that the Director of Budget and Management transfer cash from 143556
Fund 1320 to Fund 5KZ0 in an amount equal to the initial cash 143557
transfer made under this section. 143558

INFORMATION TECHNOLOGY DEVELOPMENT 143559

The foregoing appropriation item 100661, IT Development, 143560
shall be used by the Department of Administrative Services to 143561
pay the costs of modernizing the state's information technology 143562
management and investment practices away from a limited, agency- 143563
specific focus in favor of a statewide methodology supporting 143564
development of enterprise solutions. This appropriation item may 143565
be used to pay the costs of enterprise information technology 143566
initiatives affecting state agencies or their customers. 143567

Notwithstanding any provision of law to the contrary, the 143568
Department of Administrative Services, with the approval of the 143569
Director of Budget and Management, may charge state agencies an 143570

information technology development assessment based on state 143571
agencies' information technology expenditures or other 143572
methodology and may assess fees or charges to entities that are 143573
not state agencies to offset the cost of specific technology 143574
events or services. The revenue from these assessments, fees, or 143575
charges shall be deposited into the Information Technology 143576
Development Fund (Fund 5LJ0), which is hereby created. 143577

ENTERPRISE APPLICATIONS 143578

The foregoing appropriation item 100665, Enterprise 143579
Applications, shall be used for the operation and management of 143580
information technology applications that support state agencies' 143581
objectives. Charges billed to benefiting agencies shall be 143582
deposited to the credit of the Enterprise Applications Fund 143583
(Fund 5PC0). 143584

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 143585

The Director of Administrative Services shall determine 143586
and implement strategies that benefit the enterprise by 143587
improving efficiency, reducing costs, or enhancing capacity of 143588
information technology (IT) services. Such improvements and 143589
efficiencies may result in the consolidation and transfer of 143590
such services. As determined to be necessary for successful 143591
implementation of this section and notwithstanding any provision 143592
of law to the contrary, the Director of Administrative Services 143593
may request the Director of Budget and Management to consolidate 143594
or transfer IT-specific budget authority between agencies or 143595
within an agency as necessary to implement enterprise IT cost 143596
containment strategies and related efficiencies. Once the 143597
Director of Budget and Management is satisfied that the proposed 143598
initiative is cost advantageous to the enterprise, the Director 143599
of Budget and Management may request Controlling Board approval 143600

to transfer appropriations, funds, and cash to implement the 143601
proposed initiative. The establishment of any new fund or 143602
additional appropriation as a result of this section shall also 143603
be subject to Controlling Board approval. 143604

The Director of Budget and Management and the Director of 143605
Administrative Services may transfer any employees, assets, and 143606
liabilities, including, but not limited to, records, contracts, 143607
and agreements in order to facilitate the improvements 143608
determined in accordance with this section. 143609

Section 209.10. 143610
143611

1	2	3	4	5
A	AGE DEPARTMENT OF AGING			
B	General Revenue Fund			
C	GRF	490321 Operating Expenses	\$1,944,405	\$2,033,308
D	GRF	490410 Long-Term Care Ombudsman	\$3,117,148	\$3,122,195
E	GRF	490411 Senior Community Services	\$11,107,903	\$11,145,146
F	GRF	490414 Alzheimer's and Other Dementia Respite	\$4,300,000	\$4,300,000
G	GRF	490510 Community Projects	\$485,000	\$0
H	GRF	656423 Long-Term Care Budget - State	\$5,222,431	\$5,339,477
I	General Revenue Fund Total		\$26,176,887	\$25,940,126

J	Dedicated Purpose Fund Group				
K	4800	490606	Senior Community Outreach and Education	\$150,000	\$150,000
L	4C40	490609	Regional Long-Term Care Ombudsman Program	\$1,000,000	\$1,000,000
M	5BA0	490620	Long-Term Care Quality Initiatives	\$12,417,919	\$12,417,919
N	5K90	490613	Long-Term Care Consumers Guide	\$1,770,000	\$1,780,000
O	5MT0	490627	Board of Executives of Long-Term Services and Supports	\$850,000	\$875,000
P	5T40	656625	Health Care Grants - State	\$695,940	\$695,939
Q	5W10	490616	Resident Services Coordinator Program	\$262,500	\$262,500
R	Dedicated Purpose Fund Group Total			\$17,146,359	\$17,181,358
S	Federal Fund Group				
T	3220	490618	Federal Aging Grants	\$10,500,000	\$10,500,000
U	3C40	656623	Long-Term Care Budget - Federal	\$7,462,626	\$7,979,625
V	3M40	490612	Federal Independence	\$66,495,000	\$69,820,000

Services

W	Federal Fund Group Total	\$84,457,626	\$88,299,625
X	TOTAL ALL BUDGET FUND GROUPS	\$127,780,872	\$131,421,109

Section 209.20. LONG-TERM CARE 143612

Pursuant to an interagency agreement, the Department of 143613
Medicaid may designate the Department of Aging to perform 143614
assessments under section 5165.04 of the Revised Code. The 143615
Department of Aging shall provide long-term care consultations 143616
under section 173.42 of the Revised Code to assist individuals 143617
in planning for their long-term health care needs. 143618

The Department of Aging shall administer the Medicaid 143619
waiver-funded PASSPORT Home Care Program, the Assisted Living 143620
Program, and PACE as delegated by the Department of Medicaid in 143621
an interagency agreement. 143622

PERFORMANCE-BASED REIMBURSEMENT 143623

In order to improve health outcomes among populations 143624
served by PASSPORT administrative agencies, the Department of 143625
Aging, through rules adopted in accordance with Chapter 119. of 143626
the Revised Code, may design and utilize a payment method for 143627
PASSPORT administrative agency operations that includes a pay- 143628
for-performance incentive component that is earned by a PASSPORT 143629
administrative agency when defined consumer and policy outcomes 143630
are achieved. Prior to filing with the Joint Committee on Agency 143631
Rule Review, as provided in section 119.03 of the Revised Code, 143632
a proposed rule related to a payment method that includes a pay- 143633
for-performance incentive component, the Department shall submit 143634
a report to the Joint Medicaid Oversight Committee outlining the 143635

payment method. 143636

Section 209.30. MYCARE OHIO 143637

The authority of the Office of the State Long-Term Care 143638
Ombudsman as described in sections 173.14 to 173.28 of the 143639
Revised Code extends to MyCare Ohio during the period of the 143640
federal financial alignment demonstration program. 143641

SENIOR COMMUNITY SERVICES 143642

The foregoing appropriation item 490411, Senior Community 143643
Services, may be used for programs, services, and activities 143644
designated by the Department of Aging, including, but not 143645
limited to, home-delivered meals, congregate dining, 143646
transportation, personal care, respite, adult day services, home 143647
maintenance and chores, minor home modification, case 143648
management, evidence-based disease prevention and health 143649
promotion, and information assistance. Funds may also be used to 143650
provide grants to community organizations to support and expand 143651
older adult programming. Services priority shall be given to 143652
low-income, high-need persons, and/or persons with a cognitive 143653
impairment who are sixty years of age or over. The Department 143654
shall not use any of these funds for administrative expenses. 143655

COMMUNITY PROJECTS 143656

Of the foregoing appropriation item 490510, Community 143657
Projects, \$285,000 in fiscal year 2026 shall be distributed to 143658
Jewish Family Services to support Ohio's Holocaust survivors. 143659

Of the foregoing appropriation item 490510, Community 143660
Projects, \$200,000 in fiscal year 2026 shall be distributed to 143661
the Benjamin Rose Institute on Aging. These funds shall be used 143662
to provide services to disadvantaged seniors that address food 143663
insecurity, mental health, and financial literacy. 143664

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 143665

The foregoing appropriation item 490627, Board of 143666
Executives of Long-Term Services and Supports, may be used by 143667
the Board of Executives of Long-Term Services and Supports to 143668
administer and enforce Chapter 4751. of the Revised Code and 143669
rules adopted under it. 143670

Section 211.10. 143671
143672

1	2	3	4	5
A	AGR DEPARTMENT OF AGRICULTURE			
B	General Revenue Fund			
C	GRF	700401 Animal Health Programs	\$8,683,000	\$8,893,400
D	GRF	700403 Dairy Division	\$1,569,000	\$1,613,000
E	GRF	700406 Consumer Protection Lab	\$1,880,000	\$1,906,000
F	GRF	700407 Food Safety	\$1,705,000	\$1,752,000
G	GRF	700410 Plant Industry	\$542,000	\$594,000
H	GRF	700412 Weights and Measures	\$825,000	\$849,000
I	GRF	700415 Poultry Inspection	\$1,597,500	\$1,619,500
J	GRF	700418 Livestock Regulation Program	\$1,600,000	\$1,649,000
K	GRF	700424 Livestock Testing and Inspections	\$135,000	\$138,000

L	GRF	700426	Dangerous Animals and Emergency Management	\$708,000	\$716,000
M	GRF	700427	High Volume Breeder Kennel Control	\$1,545,000	\$1,553,000
N	GRF	700428	Soil and Water Division	\$4,179,000	\$4,357,000
O	GRF	700499	Meat Inspection Program - State Share	\$8,080,000	\$8,304,000
P	GRF	700501	County Agricultural Societies	\$630,000	\$630,000
Q	GRF	700509	Soil and Water District Support	\$12,527,000	\$12,533,000
R	GRF	700511	Ride Inspection	\$779,000	\$801,000
S	GRF	700674	Plant Testing	\$247,000	\$218,000
T			General Revenue Fund Total	\$47,231,500	\$48,125,900
U			Dedicated Purpose Fund Group		
V	4900	700651	License Plates - Sustainable Agriculture	\$16,800	\$16,800
W	4940	700612	Agricultural Commodity Marketing Program	\$125,000	\$125,000
X	4960	700626	Ohio Grape Industries	\$1,200,000	\$1,200,000
Y	4970	700627	Grain Warehouse Program	\$500,000	\$500,000

Z	4C90	700605	Commercial Feed and Seed	\$2,273,000	\$2,329,000
AA	4D20	700609	Auction Education	\$53,000	\$54,000
AB	4E40	700606	Utility Radiological Safety	\$136,000	\$142,000
AC	4P70	700610	Food Safety Inspection	\$1,353,000	\$1,396,000
AD	4R00	700636	Ohio Proud Marketing	\$25,000	\$25,000
AE	4R20	700637	Dairy Industry Inspection	\$1,751,000	\$1,787,000
AF	4T60	700611	Poultry and Meat Inspection	\$113,500	\$117,000
AG	5780	700620	Ride Inspection	\$1,245,000	\$1,273,000
AH	5B80	700629	Auctioneers	\$230,000	\$236,000
AI	5BV0	700660	Heidelberg Water Quality Lab	\$275,000	\$275,000
AJ	5BV0	700661	Soil and Water Districts	\$10,507,000	\$10,509,000
AK	5FC0	700648	Plant Pest Program	\$1,200,000	\$1,200,000
AL	5H20	700608	Metrology Lab and Scale Certification	\$1,194,000	\$1,240,000
AM	5L80	700604	Livestock Management Program	\$186,800	\$189,800
AN	5MR0	700658	Commercial Dog Breeding	\$450,000	\$465,000

AO 5MS0 700659	Animal and Consumer Protection	\$8,400	\$8,400
AP 5QW0 700653	Watershed Assistance	\$857,000	\$832,000
AQ 5WJ0 700671	Hemp Program	\$367,000	\$375,000
AR 6520 700634	Animal, Consumer, and ATL Labs	\$8,483,900	\$8,328,800
AS 6690 700635	Pesticide, Fertilizer, and Lime Inspection Program	\$4,533,000	\$4,649,000
AT 6H20 700670	H2Ohio	\$46,100,000	\$46,100,000
AU	Dedicated Purpose Fund Group Total	\$83,183,400	\$83,372,800
AV	Internal Service Activity Fund Group		
AW 5DA0 700644	Laboratory Administration Support	\$1,300,000	\$1,339,000
AX 5GH0 700655	Administrative Support	\$7,614,000	\$7,990,000
AY	Internal Service Activity Fund Group Total	\$8,914,000	\$9,329,000
AZ	Capital Projects Fund Group		
BA 7057 700632	Clean Ohio Agricultural Easement Operating	\$512,000	\$515,000
BB	Capital Projects Fund Group Total	\$512,000	\$515,000

BC Federal Fund Group

BD 3260 700618	Meat Inspection Program - Federal Share	\$5,891,000	\$6,133,000
BE 3360 700617	Ohio Farm Loan - Revolving	\$317,000	\$200,000
BF 3820 700601	Federal Cooperative Contracts	\$11,612,000	\$9,669,000
BG 3J40 700607	Federal Administrative Programs	\$2,000,000	\$2,055,000
BH 3R20 700614	Federal Plant Industry	\$6,843,000	\$7,189,000
BI	Federal Fund Group Total	\$26,663,000	\$25,246,000
BJ	TOTAL ALL BUDGET FUND GROUPS	\$166,503,900	\$166,588,700

Section 211.20. 143673

COUNTY AGRICULTURAL SOCIETIES 143674

Of the foregoing appropriation item 700501, County 143675
Agricultural Societies, up to \$380,000 in each fiscal year shall 143676
be used to reimburse county and independent agricultural 143677
societies for expenses related to Junior Fair activities. 143678

Of the foregoing appropriation item 700501, County 143679
Agricultural Societies, up to \$250,000 in each fiscal year shall 143680
be used to support the Future Farmers of America, urban 143681
agriculture, and agriculture literacy programs around the state. 143682

SUPPORT FOR SOIL AND WATER DISTRICTS 143683

Of the foregoing appropriation item 700509, Soil and Water District Support, \$4,200,000 in each fiscal year shall be used to support county soil and water conservation districts in priority regions as defined by the director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include,

but not be limited to, the following: (1) equipment for 143713
subsurface placement of nutrients into the soil; (2) equipment 143714
for nutrient placement based on geographic information system 143715
data; (3) soil testing; (4) implementation of variable rate 143716
technology; (5) equipment implementing manure transformation and 143717
manure conversion technologies; (6) tributary monitoring; (7) 143718
best management practices recognized to reduce nutrients; (8) a 143719
revolving loan program; and (9) matching funds for the 143720
Conservation Reserve Enhancement Program. 143721

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 143722

The foregoing appropriation item 700632, Clean Ohio 143723
Agricultural Easement Operating, shall be used by the Department 143724
of Agriculture in administering Clean Ohio Agricultural Easement 143725
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, 143726
and 5301.67 to 5301.70 of the Revised Code. 143727

Section 213.10. 143728

143729

	1	2	3	4	5
A	AIR AIR QUALITY DEVELOPMENT AUTHORITY				
B	Dedicated Purpose Fund Group				
C	4Z90	898602	Small Business Ombudsman	\$246,000	\$248,000
D	5700	898601	Operating Expenses	\$3,600,000	\$4,300,000
E	5A00	898603	Small Business Assistance	\$150,000	\$225,000
F	Dedicated Purpose Fund Group Total			\$3,996,000	\$4,773,000
G	TOTAL ALL BUDGET FUND GROUPS			\$3,996,000	\$4,773,000

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 143730
AUTHORITY TRUST ACCOUNT 143731

Notwithstanding any other provision of law to the 143732
contrary, the Air Quality Development Authority may reimburse 143733
the Air Quality Development Authority trust account established 143734
under section 3706.10 of the Revised Code from all operating 143735
funds of the agency for expenses pertaining to the 143736
administration and shared costs incurred by the Air Quality 143737
Development Authority in the execution of responsibilities as 143738
prescribed in Chapter 3706. of the Revised Code. The 143739
reimbursement shall occur in accordance with an administrative 143740
cost recovery plan approved by the Air Quality Development 143741
Authority Board. 143742

Section 215.10. 143743
143744

	1	2	3	4	5
A			ARC ARCHITECTS BOARDS		
B			Dedicated Purpose Fund Group		
C	4K90	891609	Operating	\$674,000	\$690,001
D			Dedicated Purpose Fund Group Total	\$674,000	\$690,001
E			TOTAL ALL BUDGET FUND GROUPS	\$674,000	\$690,001

Section 217.10. 143745
143746

	1	2	3	4	5
A			ART OHIO ARTS COUNCIL		

B	General Revenue Fund		
C	GRF 370321 Operating Expenses	\$3,172,595	\$3,243,201
D	GRF 370502 State Program Subsidies	\$23,538,000	\$23,538,000
E	General Revenue Fund Total	\$26,710,595	\$26,781,201
F	Dedicated Purpose Fund Group		
G	4600 370602 Arts Council Program Support	\$345,000	\$345,000
H	4B70 370603 Percent For Art Acquisitions	\$165,000	\$165,000
I	Dedicated Purpose Fund Group Total	\$510,000	\$510,000
J	Federal Fund Group		
K	3140 370601 Federal Support	\$1,350,000	\$1,350,000
L	Federal Fund Group Total	\$1,350,000	\$1,350,000
M	TOTAL ALL BUDGET FUND GROUPS	\$28,570,595	\$28,641,201

Section 217.20. FEDERAL SUPPORT 143747

Notwithstanding any provision of law to the contrary, the 143748
foregoing appropriation item 370601, Federal Support, shall be 143749
used by the Ohio Arts Council for subsidies only, and not for 143750
its administrative costs, unless the Council is required to use 143751
a portion of the funds for administrative costs under conditions 143752
of the federal grant. 143753

Section 219.10. 143754

143755

	1	2	3	4	5
A	ATH ATHLETIC COMMISSION				
B	Dedicated Purpose Fund Group				
C	4K90	175609	Operating Expenses	\$367,022	\$371,995
D	Dedicated Purpose Fund Group Total			\$367,022	\$371,995
E	TOTAL ALL BUDGET FUND GROUPS			\$367,022	\$371,995

Section 221.10.

143756

143757

	1	2	3	4	5
A	AGO ATTORNEY GENERAL				
B	General Revenue Fund				
C	GRF	055321	Operating Expenses	\$92,785,225	\$92,785,225
D	GRF	055405	Law-Related Education	\$68,000	\$68,000
E	GRF	055406	BCIRS Lease Rental Payments	\$2,450,000	\$2,450,000
F	GRF	055411	County Sheriffs' Pay Supplement	\$1,111,257	\$1,130,685
G	GRF	055415	County Prosecutors' Pay Supplement	\$1,476,937	\$1,502,753
H	GRF	055431	Drug Abuse Response Team	\$0	\$1,500,000

			Grants		
I	GRF	055432	Drug Testing Equipment	\$964,000	\$964,000
J	GRF	055434	Internet Crimes Against Children Task Force	\$500,000	\$500,000
K	GRF	055441	Victims of Crime	\$6,700,000	\$5,700,000
L	GRF	055446	Cyber Crime Division	\$1,000,000	\$1,000,000
M	GRF	055501	Rape Crisis Centers	\$15,300,000	\$15,300,000
N	GRF	055502	School Safety Training Grants	\$10,000,000	\$10,000,000
O	GRF	055504	Domestic Violence Programs	\$10,000,000	\$10,000,000
P	GRF	055505	Pike County Capital Case	\$600,000	\$0
Q	GRF	055509	Law Enforcement Training	\$30,000,000	\$35,000,000
R			General Revenue Fund Total	\$172,955,419	\$177,900,663
S			Dedicated Purpose Fund Group		
T	1060	055612	Attorney General Operating	\$63,216,225	\$64,034,683
U	4020	055616	Victims of Crime	\$11,500,000	\$12,000,000
V	4170	055621	Domestic Violence Shelter	\$25,000	\$25,000
W	4180	055615	Charitable Foundations	\$11,500,000	\$11,000,000

X	4190	055623	Claims Section	\$77,520,063	\$86,393,854
Y	4190	055668	Collections System Lease Rental Payments	\$4,165,000	\$4,165,000
Z	4200	055603	Attorney General Antitrust	\$1,500,000	\$0
AA	4210	055617	Police Officers' Training Academy Fee	\$3,555,387	\$3,528,018
AB	4L60	055606	DARE Programs	\$2,308,099	\$2,310,841
AC	4Y70	055608	Title Defect Recision	\$1,032,267	\$1,038,534
AD	4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$2,000,000	\$2,000,000
AE	5900	055633	Peace Officer Private Security Training	\$101,306	\$103,330
AF	5A90	055618	Telemarketing Fraud Enforcement	\$10,000	\$10,000
AG	5LR0	055655	Peace Officer Training - Casino	\$7,726,217	\$8,183,287
AH	5TL0	055659	Organized Crime Law Enforcement Trust	\$100,000	\$100,000
AI	5TZ0	055610	Drug Abuse Response Team Grants	\$1,800,000	\$0
AJ	5TZ0	055614	Narcotics Task Forces	\$500,000	\$500,000

AK 5VL0 055435	Stop Bullying License Plate	\$2,500	\$2,500
AL 6310 055637	Consumer Protection Enforcement	\$10,500,000	\$11,000,000
AM 6590 055641	Solid and Hazardous Waste Background Investigations	\$359,895	\$367,319
AN U087 055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$2,500,000	\$2,500,000
AO	Dedicated Purpose Fund Group Total	\$201,921,959	\$209,262,366
AP	Internal Service Activity Fund Group		
AQ 1950 055660	Workers' Compensation Section	\$9,570,750	\$9,905,726
AR	Internal Service Activity Fund Group Total	\$9,570,750	\$9,905,726
AS	Holding Account Fund Group		
AT 5BY1 055674	Charitable Law Distributions	\$750,000	\$750,000
AU R004 055631	General Holding Account	\$1,000,000	\$1,000,000
AV R005 055632	Antitrust Settlements	\$1,000,000	\$1,000,000
AW R018 055630	Consumer Frauds	\$1,000,000	\$1,000,000

AX R042 055601 Organized Crime	\$750,000	\$750,000
Commission Distributions		
AY R054 055650 Collection Payment	\$4,500,000	\$4,500,000
Redistribution		
AZ Holding Account Fund Group Total	\$9,000,000	\$9,000,000
BA Federal Fund Group		
BB 3060 055620 Medicaid Fraud Control	\$17,059,070	\$17,887,905
BC 3830 055634 Crime Victims Assistance	\$40,000,000	\$40,000,000
BD 3E50 055638 Attorney General Pass-	\$8,020,999	\$8,020,999
Through Funds		
BE 3FV0 055656 Crime Victim Compensation	\$7,200,000	\$7,400,000
BF 3R60 055613 Attorney General Federal	\$5,500,000	\$5,500,000
Funds		
BG Federal Fund Group Total	\$77,780,069	\$78,808,904
BH TOTAL ALL BUDGET FUND GROUPS	\$471,228,197	\$484,877,659

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 143758
143759

Of the foregoing appropriation item 055321, Operating 143760
Expenses, \$650,000 in each fiscal year shall be used for the 143761
Ohio Center for the Future of Forensic Science at Bowling Green 143762
State University. The purpose of the Center shall be to foster 143763
forensic science research techniques (BCI Eminent Scholar) and 143764
to create professional training opportunities to students (BCI 143765

Scholars) in the forensic science fields. 143766

DOMESTIC VIOLENCE PROGRAM 143767

Of the foregoing appropriation item 055321, Operating 143768
Expenses, \$100,000 in each fiscal year may be used by the 143769
Attorney General for the purpose of providing funding to 143770
domestic violence programs as defined in section 109.46 of the 143771
Revised Code. 143772

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) 143773
LEASE RENTAL PAYMENTS 143774

The foregoing appropriation item 055406, BCIRS Lease 143775
Rental Payments, shall be used for payments during the period 143776
from July 1, 2025, through June 30, 2027, pursuant to leases and 143777
agreements entered into pursuant to Section 701.40 of S.B. 310 143778
of the 131st General Assembly and other prior acts of the 143779
General Assembly, with respect to financing the costs associated 143780
with the acquisition, development, implementation, and 143781
integration of the BCIRS. 143782

COUNTY SHERIFFS' PAY SUPPLEMENT 143783

The foregoing appropriation item 055411, County Sheriffs' 143784
Pay Supplement, shall be used for the purpose of supplementing 143785
the annual compensation of county sheriffs as required by 143786
section 325.06 of the Revised Code. 143787

At the request of the Attorney General, the Director of 143788
Budget and Management may transfer appropriation from 143789
appropriation item 055321, Operating Expenses, to appropriation 143790
item 055411, County Sheriffs' Pay Supplement. Any appropriation 143791
so transferred shall be used to supplement the annual 143792
compensation of county sheriffs as required by section 325.06 of 143793
the Revised Code. 143794

COUNTY PROSECUTORS' PAY SUPPLEMENT	143795
The foregoing appropriation item 055415, County	143796
Prosecutors' Pay Supplement, shall be used for the purpose of	143797
supplementing the annual compensation of certain county	143798
prosecutors as required by section 325.111 of the Revised Code.	143799
At the request of the Attorney General, the Director of	143800
Budget and Management may transfer appropriation from	143801
appropriation item 055321, Operating Expenses, to appropriation	143802
item 055415, County Prosecutors' Pay Supplement. Any	143803
appropriation so transferred shall be used to supplement the	143804
annual compensation of county prosecutors as required by section	143805
325.111 of the Revised Code.	143806
DRUG ABUSE RESPONSE TEAM GRANT PROGRAM	143807
The Attorney General shall maintain the Drug Abuse	143808
Response Team Grant Program for the purpose of replicating or	143809
expanding successful law enforcement programs that address the	143810
opioid epidemic similar to the Drug Abuse Response Team	143811
established by the Lucas County Sheriff's Department, and the	143812
Quick Response Teams established in Colerain Township's	143813
Department of Public Safety in Hamilton County and Summit	143814
County. Any grants awarded by this grant program may include	143815
requirements for private or nonprofit matching support.	143816
The foregoing appropriation items 055431, Drug Abuse	143817
Response Team Grants, and 055610, Drug Abuse Response Team	143818
Grants, shall be used by the Attorney General to fund grants to	143819
law enforcement or other government agencies; the primary	143820
purpose of the grants shall be to replicate or expand successful	143821
law enforcement programs that address the opioid epidemic	143822
similar to the Drug Abuse Response Team established by the Lucas	143823

County Sheriff's Department and the Quick Response Teams 143824
established in Colerain Township's Department of Public Safety 143825
in Hamilton County and Summit County. 143826

Each recipient of a grant under this program shall, within 143827
six months of the end date of the grant, submit a written report 143828
describing the outcomes that resulted from the grant to the 143829
Governor, the President of the Senate, the Speaker of the House 143830
of Representatives, the Minority Leader of the Senate, and the 143831
Minority Leader of the House of Representatives. 143832

DRUG TESTING EQUIPMENT 143833

The foregoing appropriation item 055432, Drug Testing 143834
Equipment, shall be used to purchase, operate, and maintain drug 143835
testing equipment for the Bureau of Criminal Identification and 143836
Investigation. 143837

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 143838

The foregoing appropriation item 055434, Internet Crimes 143839
Against Children Task Force, shall be used by the Attorney 143840
General in support of the Ohio Internet Crimes Against Children 143841
Task Force for the purposes described in section 195.02 of the 143842
Revised Code. 143843

VICTIMS OF CRIME 143844

The foregoing appropriation item 055441, Victims of Crime, 143845
shall be allocated to the Crime Victim Compensation Program. 143846
Prior to using the funds from this appropriation item, the 143847
Attorney General shall, to the extent possible, first use funds 143848
related to the federal Victims of Crime Act. 143849

CLEVELAND RAPE CRISIS CENTER 143850

Of the foregoing appropriation item 055501, Rape Crisis 143851

Centers, \$300,000 in each fiscal year shall be distributed to 143852
the Cleveland Rape Crisis Center to provide services for at-risk 143853
youth through the Cleveland Rape Crisis Center Human Trafficking 143854
Drop-in Center. 143855

SCHOOL SAFETY TRAINING GRANTS 143856

(A) The foregoing appropriation item 055502, School Safety 143857
Training Grants, shall be used by the Attorney General, in 143858
consultation with the Director of Education and Workforce and 143859
the Director of Behavioral Health, solely to make grants to 143860
public and chartered nonpublic schools, educational service 143861
centers, local law enforcement agencies, and schools operated by 143862
county boards of developmental disabilities administering 143863
special education services programs pursuant to section 5126.05 143864
of the Revised Code for school safety and school climate 143865
programs and training. 143866

(B) The use of the grants includes, but is not limited to, 143867
all of the following: 143868

(1) The support of school resource officer certification 143869
training; 143870

(2) Any type of active shooter and school safety training 143871
or equipment; 143872

(3) All grade level type educational resources; 143873

(4) Training to identify and assist students with mental 143874
health issues; 143875

(5) School supplies or equipment related to school safety 143876
or for implementing the school's safety plan; 143877

(6) Any other training, supplies, services, or equipment 143878
related to school safety. 143879

(C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B) (1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency, or to a nonprofit or charitable law enforcement training organization on the law enforcement agency's behalf, shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency.

(D) The Attorney General is authorized to make payments directly to school or law enforcement nonprofit or charitable training organizations on behalf of any public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services.

(E) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.

DOMESTIC VIOLENCE PROGRAMS

The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM

Of the foregoing appropriation item 055504, Domestic

Violence Programs, \$300,000 in each fiscal year shall be 143909
distributed to the Battered Women's Shelter of Summit and Medina 143910
counties for expenses related to the creation and implementation 143911
of a pilot program called "Finding my Childhood Again." 143912

BATTERED WOMEN'S SHELTER 143913

Of the foregoing appropriation item 055504, Domestic 143914
Violence Programs, \$50,000 in each fiscal year shall be 143915
distributed to the Battered Women's Shelter of Summit and Medina 143916
counties for the cost of operating the commercial kitchen 143917
located at its Market Street Facility, and \$50,000 in each 143918
fiscal year shall be distributed to the Battered Women's Shelter 143919
of Portage County. 143920

TRANSPORTATION GRANTS 143921

Of the foregoing appropriation item 055504, Domestic 143922
Violence Programs, \$25,000 in fiscal year 2026 shall be provided 143923
as grants to Ohio domestic violence shelters to buy 143924
transportation vouchers, ridesharing credits, or gas cards for 143925
eligible clients. The Attorney General shall adopt any rules 143926
necessary for the administration of the grant program. 143927

PIKE COUNTY CAPITAL CASE 143928

An amount equal to the unexpended, unencumbered balance of 143929
appropriation item 055505, Pike County Capital Case, at the end 143930
of fiscal year 2025 is hereby reappropriated to the same 143931
appropriation item for the same purpose in fiscal year 2026. 143932

An amount equal to the unexpended, unencumbered balance of 143933
appropriation item 055505, Pike County Capital Case, at the end 143934
of fiscal year 2026 is hereby reappropriated to the same 143935
appropriation item for the same purpose in fiscal year 2027. 143936

LAW ENFORCEMENT TRAINING	143937
The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.	143938 143939 143940 143941
Of the foregoing appropriation item 055509, Law Enforcement Training, the Attorney General may use up to \$150,000 in each fiscal year for administrative expenses associated with the program, including curriculum development.	143942 143943 143944 143945
ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS	143946
The foregoing appropriation item 055668, Collections System Lease Rental Payments, shall be used to make payments during the period from July 1, 2025, through June 30, 2027, pursuant to leases and agreements entered into under Section 701.10 of S.B. 310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of the 134th General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Attorney General New Collection System.	143947 143948 143949 143950 143951 143952 143953 143954 143955
NARCOTICS TASK FORCES	143956
The foregoing appropriation item 055614, Narcotics Task Forces, shall be used to support narcotics task forces funded by the Attorney General.	143957 143958 143959
WORKERS' COMPENSATION SECTION	143960
The Workers' Compensation Fund (Fund 1950) is entitled to receive quarterly payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission to fund legal services provided to the Bureau of Workers' Compensation and the	143961 143962 143963 143964

Ohio Industrial Commission during the fiscal year. 143965

In addition, the Bureau of Workers' Compensation shall 143966
transfer payments for the support of the Workers' Compensation 143967
Fraud Unit. 143968

All amounts shall be mutually agreed upon by the Attorney 143969
General, the Bureau of Workers' Compensation, and the Ohio 143970
Industrial Commission. 143971

GENERAL HOLDING ACCOUNT 143972

The foregoing appropriation item 055631, General Holding 143973
Account, shall be used to distribute moneys under the terms of 143974
relevant court orders or other settlements received in a variety 143975
of cases involving the Office of the Attorney General. If it is 143976
determined that additional amounts are necessary for this 143977
purpose, the amounts are hereby appropriated. 143978

ANTITRUST SETTLEMENTS 143979

The foregoing appropriation item 055632, Antitrust 143980
Settlements, shall be used to distribute moneys under the terms 143981
of relevant court orders or other out-of-court settlements in 143982
antitrust cases or antitrust matters involving the Office of the 143983
Attorney General. If it is determined that additional amounts 143984
are necessary for this purpose, the amounts are hereby 143985
appropriated. 143986

CHARITABLE SETTLEMENT HOLDING ACCOUNT 143987

The foregoing appropriation item 055674, Charitable 143988
Settlement Holding Account, shall be used to distribute money in 143989
the Charitable Settlements Holding Account Fund (Fund 5BY1), 143990
which is created in the state treasury, under the terms of 143991
relevant court orders or other settlements received in the 143992

charitable law cases involving the Office of the Attorney 143993
General. If it is determined that additional amounts are 143994
necessary for this purpose, the amounts are hereby appropriated. 143995

On July 1, 2025, or as soon as possible thereafter, the 143996
Attorney General shall certify to the Director of Budget and 143997
Management the amount of cash receipts related to settlements 143998
received in charitable law cases and credited to the General 143999
Holding Account (Fund R004). The Director of Budget and 144000
Management shall transfer the amounts certified to the 144001
Charitable Settlements Holding Account Fund (Fund 5BY1). 144002

CONSUMER FRAUDS 144003

The foregoing appropriation item 055630, Consumer Frauds, 144004
shall be used for distribution of moneys from court-ordered 144005
judgments against sellers in actions brought by the Office of 144006
the Attorney General under sections 1334.08 and 4549.48 and 144007
division (B) of section 1345.07 of the Revised Code. These 144008
moneys shall be used to provide restitution to consumers 144009
victimized by the fraud that generated the court-ordered 144010
judgments. If it is determined that additional amounts are 144011
necessary for this purpose, the amounts are hereby appropriated. 144012

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 144013

The foregoing appropriation item 055601, Organized Crime 144014
Commission Distributions, shall be used by the Organized Crime 144015
Investigations Commission, as provided by section 177.011 of the 144016
Revised Code, to reimburse political subdivisions for the 144017
expenses the political subdivisions incur when their law 144018
enforcement officers participate in an organized crime task 144019
force and to support the operations of the retail theft task 144020
force. If it is determined that additional amounts are necessary 144021

for this purpose, the amounts are hereby appropriated. 144022

COLLECTION PAYMENT REDISTRIBUTION 144023

The foregoing appropriation item 055650, Collection 144024
Payment Redistribution, shall be used for the purpose of 144025
allocating the revenue where debtors mistakenly paid the client 144026
agencies instead of the Attorney General's Collections 144027
Enforcement Section. If it is determined that additional amounts 144028
are necessary for this purpose, the amounts are hereby 144029
appropriated. 144030

Section 221.30. On January 15, 2027, or as soon as 144031
possible thereafter, the Attorney General shall certify and 144032
remit to the Director of Budget and Management the balance of 144033
all proceeds received by the state under the settlement 144034
agreement in State of Ohio v. McKesson Corp., Case No. 144035
CVH20180055 (C.P. Madison Co., settlement agreement of October 144036
7, 2021). Upon certification, the Director of Budget and 144037
Management shall remit the amounts certified to the Targeted 144038
Addiction Assistance Fund (Fund 5TZ0), created in section 126.67 144039
of the Revised Code. 144040

Section 223.10. 144041
144042

	1	2	3	4	5
A	AUD AUDITOR OF STATE				
B	General Revenue Fund				
C	GRF	070401	Audit Management and Services	\$15,067,887	\$16,035,566
D	GRF	070402	Performance Audits	\$3,505,464	\$3,257,092

E	GRF	070403	Fiscal Distress Technical Assistance	\$650,000	\$650,000
F	GRF	070404	Fraud/Corruption Audits and Investigations	\$4,915,927	\$5,534,546
G	GRF	070412	Local Government Audit Support	\$21,000,000	\$23,250,000
H			General Revenue Fund Total	\$45,139,278	\$48,727,204
I			Dedicated Purpose Fund Group		
J	1090	070601	Public Audit Expense - Intrastate	\$13,737,026	\$13,914,164
K	4220	070602	Public Audit Expense - Local Government	\$33,000,000	\$33,000,000
L	5840	070603	Training Program	\$250,000	\$250,000
M	5JZ0	070606	Auditor's Innovation Fund	\$300,000	\$300,000
N	5VP0	070611	Local Government Audit Support Fund	\$21,000,000	\$23,250,000
O	6750	070605	Uniform Accounting Network	\$7,306,872	\$6,804,086
P			Dedicated Purpose Fund Group Total	\$75,593,898	\$77,518,250
Q			TOTAL ALL BUDGET FUND GROUPS	\$120,733,176	\$126,245,454

The foregoing appropriation item 070401, Audit Management 144044
and Services, shall be used pursuant to section 117.13 of the 144045
Revised Code to support costs of the Auditor of State that are 144046
not recovered through charges to local governments and state 144047
entities, including costs that cannot be recovered from audit 144048
clients under federal indirect cost allocation guidelines. This 144049
appropriation item also shall be used to cover costs of the 144050
Local Government Services Section that are not charged to 144051
clients. 144052

PERFORMANCE AUDITS 144053

The foregoing appropriation item 070402, Performance 144054
Audits, shall be used pursuant to section 117.13 of the Revised 144055
Code to support costs of the Auditor of State related to the 144056
provision of performance audits for local governments, school 144057
districts, state agencies, and colleges and universities that 144058
are not recovered through charges to those entities, including 144059
costs that cannot be recovered from audit clients under federal 144060
indirect cost allocation guidelines. 144061

Of the foregoing appropriation item 070402, Performance 144062
Audits, up to \$500,000 in fiscal year 2026 shall be used to 144063
conduct a performance audit of indigent defense services within 144064
Ohio. The performance audit shall review the challenges of the 144065
delivery of indigent defense services, including, but not 144066
limited to, the costs, accounting, and payment processes of the 144067
Office of the Public Defender and at least five counties that 144068
represent each of the various indigent defense delivery methods 144069
in the state. The audit shall be completed and a report 144070
submitted to the President and Minority Leader of the Senate and 144071
to the Speaker and Minority Leader of the House of 144072
Representatives by January 1, 2027. 144073

FISCAL DISTRESS TECHNICAL ASSISTANCE					144074
The foregoing appropriation item 070403, Fiscal Distress					144075
Technical Assistance, shall be used to support costs of the					144076
Auditor of State responsibilities under Chapters 118., 3316.,					144077
and 3345. of the Revised Code to provide services to local					144078
governments, schools, or colleges and universities in, or at					144079
risk of entering, a state of fiscal caution, watch, or					144080
emergency.					144081
LOCAL GOVERNMENT AUDIT SUPPORT					144082
The foregoing appropriation item 070412, Local Government					144083
Audit Support, shall be used pursuant to section 117.13 of the					144084
Revised Code to support costs of the Auditor of State that are					144085
not recovered through charges to local governments, including					144086
costs that cannot be recovered from audit clients under federal					144087
indirect cost allocation guidelines.					144088
LOCAL GOVERNMENT AUDIT SUPPORT FUND					144089
The foregoing appropriation item 070611, Local Government					144090
Audit Support Fund, shall be used pursuant to section 117.131 of					144091
the Revised Code to offset costs of audits that would otherwise					144092
be charged to local public offices in the absence of the fund.					144093
Section 229.10.					144094
					144095
1	2	3	4	5	
A	OBM OFFICE OF BUDGET AND MANAGEMENT				
B	General Revenue Fund				
C	GRF	042321 Operating Expenses	\$4,400,000	\$4,592,000	

D	GRF 042435	Gubernatorial Transition	\$0	\$250,000
E	General Revenue Fund Total		\$4,400,000	\$4,842,000
F	Dedicated Purpose Fund Group			
G	5AT1 042637	Statewide Children's Vision Initiative	\$5,000,000	\$0
H	5AY1 042509	One Time Strategic Community Investments	\$1,000,000	\$0
I	Dedicated Purpose Fund Group Total		\$6,000,000	\$0
J	Internal Service Activity Fund Group			
K	1050 042603	Financial Management	\$27,744,976	\$28,843,309
L	Internal Service Activity Fund Group Total		\$27,744,976	\$28,843,309
M	Fiduciary Fund Group			
N	5EH0 042604	Forgery Recovery	\$30,000	\$30,000
O	Fiduciary Fund Group Total		\$30,000	\$30,000
P	TOTAL ALL BUDGET FUND GROUPS		\$38,174,976	\$33,715,309

Section 229.20. STATEWIDE CHILDREN'S VISION INITIATIVE 144096

The foregoing appropriation item 042637, Statewide	144097
Children's Vision Initiative, shall be used for the purpose of	144098
delivering a statewide vision care project and an independent	144099
evaluator contract. The Director of Budget and Management shall	144100

consult with the Ohio Optometric Foundation regarding the 144101
implementation of the vision project and the use of funds before 144102
distributing funds from appropriation item 042637. 144103

Any unexpended and unencumbered amount of appropriation 144104
item 042637, Statewide Children's Vision Initiative, remaining 144105
at the end of fiscal year 2026 is hereby reappropriated in 144106
fiscal year 2027, to be used for the same purpose. 144107

Section 229.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 144108

The foregoing appropriation item 042509, One Time 144109
Strategic Community Investments, shall be used by the Office of 144110
Budget and Management to provide grants for the projects listed 144111
in this section in the amounts listed. Prior to disbursing a 144112
grant to a recipient, the Office of Budget and Management shall 144113
enter into a grant agreement with the recipient. As part of the 144114
grant agreement, the recipient shall agree to complete a final 144115
report, in a form and manner to be prescribed by the Office of 144116
Budget and Management, detailing how the recipient used the 144117
grant and submit the report to the Office of Budget and 144118
Management. 144119

An amount equal to the unexpended, unencumbered balance of 144120
the foregoing appropriation item 042509, One Time Strategic 144121
Community Investments, at the end of fiscal year 2026 is hereby 144122
reappropriated for the same purpose in fiscal year 2027. 144123
144124

1

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A	Project	Amount
B	Say Yes Cleveland	\$750,000

C	University Circle	\$250,000	
	AUDIT COSTS		144125
	All centralized audit costs associated with either Single		144126
	Audit Schedules or financial statements prepared in conformance		144127
	with generally accepted accounting principles for the state		144128
	shall be paid from the foregoing appropriation item 042603,		144129
	Financial Management.		144130
	Costs associated with the audit of the Auditor of State		144131
	shall be paid from the foregoing appropriation item 042321,		144132
	Operating Expenses.		144133
	SHARED SERVICES CENTER		144134
	The foregoing appropriation item 042603, Financial		144135
	Management, shall be used by the Director of Budget and		144136
	Management to support the Shared Services program pursuant to		144137
	division (D) of section 126.21 of the Revised Code.		144138
	The Director of Budget and Management shall include the		144139
	recovery of costs to operate the Shared Services program in the		144140
	accounting and budgeting services payroll rate and through		144141
	direct charges using intrastate transfer vouchers billed to		144142
	agencies for services rendered using a methodology determined by		144143
	the Director of Budget and Management. Such cost recovery		144144
	revenues shall be deposited to the credit of the Accounting and		144145
	Budgeting Fund (Fund 1050).		144146
	INTERNAL AUDIT		144147
	The Director of Budget and Management shall include the		144148
	recovery of costs to operate the Internal Audit Program pursuant		144149
	to section 126.45 of the Revised Code in the accounting and		144150

budgeting services payroll rate using a methodology determined 144151
by the Director of Budget and Management. Such cost recovery 144152
revenues shall be deposited to the credit of Fund 1050. 144153

FORGERY RECOVERY 144154

The foregoing appropriation item 042604, Forgery Recovery, 144155
shall be used to reissue warrants that have been certified as 144156
forgeries by the rightful recipient as determined by the Bureau 144157
of Criminal Identification and Investigation and the Treasurer 144158
of State. Upon receipt of funds to cover the reissuance of the 144159
warrant, the Director of Budget and Management shall reissue a 144160
state warrant of the same amount. Any additional amounts needed 144161
to reissue warrants backed by the receipt of funds are hereby 144162
appropriated. 144163

Section 229.40. MAJOR SPORTS FACILITIES PERFORMANCE GRANTS 144164

On January 1, 2026, or as soon as possible thereafter, of 144165
the unclaimed funds and interest that escheat to the state under 144166
division (I) of section 169.08 of the Revised Code, the Director 144167
of Commerce shall remit \$600,000,000 to the state treasury for 144168
deposit into the Ohio Cultural and Sports Facility Performance 144169
Grant Fund (Fund 5CY1). Notwithstanding section 123.282 or 144170
division (I)(4) of section 169.08 of the Revised Code, the 144171
remaining portion of the unclaimed funds and interest that 144172
escheat to the state on January 1, 2026, shall be deposited into 144173
the Ohio Escheatment Fund, which is hereby created in the state 144174
treasury. After January 1, 2026, unclaimed funds and interest 144175
that escheat to the state shall be deposited into the Ohio 144176
Cultural and Sports Facility Performance Grant Fund (Fund 5CY1) 144177
in accordance with section 123.282 and division (I)(4) of 144178
section 169.08 of the Revised Code. 144179

There is hereby appropriated \$600,000,000 in fiscal year 144180
2026 to appropriation item 042428, Major Sports Facilities 144181
Performance Grants, from revenues received in the Ohio Cultural 144182
and Sports Facility Performance Grant Fund (Fund 5CY1). The 144183
Office of Budget and Management shall use appropriation item 144184
042428, Major Sports Facilities Performance Grants, to support 144185
construction of a transformational major sports facility mixed- 144186
use project pursuant to section 123.281 of the Revised Code that 144187
is associated with a Brook Park economic development project, 144188
except that no performance grants from appropriation item 144189
042428, Major Sports Facilities Performance Grants, shall be 144190
disbursed prior to February 1, 2026. 144191

Given that the Brook Park economic development project, 144192
which is to be located in the territorial boundary of a 144193
transformational major sports facility mixed-use project 144194
district, will be under construction in calendar years 2026, 144195
2027, and 2028, the base professional sports franchise state tax 144196
revenues will be realized and offset by the actual revenues 144197
generated each of those years by the continuing economic 144198
activity and state taxes levied at the current stadium in 144199
Cleveland. As a result, in accordance with section 123.28 of the 144200
Revised Code, for that three-year period only, the General 144201
Assembly establishes that the base professional sports franchise 144202
state tax revenues will be equal to the actual state tax 144203
revenues generated at the Cleveland stadium, and that the 144204
incremental major sports facility mixed-use project district 144205
state tax revenues will be equal to the state taxes levied under 144206
Chapters 5739., 5741., 5747., and 5751. of the Revised Code for 144207
the construction of, and the purchasing of or leasing of 144208
materials and items used in the construction of, the project. 144209
For calendar year 2029 and beyond, the base professional sports 144210

franchise state tax revenues and the incremental major sports 144211
facility mixed-use project district state tax revenues shall be 144212
determined as provided in section 123.28 of the Revised Code. 144213
Further, nothing in this section modifies, changes, or otherwise 144214
alters the four-year target amounts described under division (H) 144215
(5) (a) of section 123.281 of the Revised Code. 144216

An amount equal to the unexpended, unencumbered balance of 144217
the foregoing appropriation item 042428, Major Sports Facilities 144218
Performance Grants, at the end of fiscal year 2026 is hereby 144219
reappropriated to the same appropriation item in fiscal year 144220
2027. 144221

Section 231.10. 144222
144223

1	2	3	4	5
A	CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD			
B	General Revenue Fund			
C	GRF	874321 Operating Expenses	\$7,003,530	\$7,212,135
D	GRF	874400 Statehouse Facility Improvements	\$6,000,000	\$0
E	General Revenue Fund Total		\$13,003,530	\$7,212,135
F	Dedicated Purpose Fund Group			
G	2080	874601 Underground Parking Garage Operations	\$4,245,906	\$4,245,906
H	4G50	874603 Capitol Square Education Center and Arts	\$6,000	\$6,000

I	5AN1 874608 Capitol Square Improvements	\$1,927,921	\$0
J	Dedicated Purpose Fund Group Total	\$6,179,827	\$4,251,906
K	Internal Service Activity Fund Group		
L	4S70 874602 Statehouse Gift Shop/Events	\$1,000,000	\$1,000,000
M	Internal Service Activity Fund Group Total	\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS	\$20,183,357	\$12,464,041

Section 231.20. OPERATING EXPENSES 144224

Of the foregoing appropriation item 874321, Operating 144225
Expenses, up to \$50,000 in each fiscal year shall be used to 144226
display inside the Statehouse borrowed or purchased United 144227
States, Ohio, or Ohio military flags that have historical 144228
significance to the state of Ohio. 144229

On July 1, 2025, or as soon as possible thereafter, the 144230
Executive Director of the Capitol Square Review and Advisory 144231
Board may certify to the Director of Budget and Management an 144232
amount up to the unexpended, unencumbered balance of the 144233
foregoing appropriation item 874321, Operating Expenses, at the 144234
end of fiscal year 2025 to be reappropriated for fiscal year 144235
2026. The amount certified is hereby reappropriated to the same 144236
appropriation item 874321, Operating Expenses, for fiscal year 144237
2026. 144238

On July 1, 2026, or as soon as possible thereafter, the 144239
Executive Director of the Capitol Square Review and Advisory 144240

Board may certify to the Director of Budget and Management an 144241
amount up to the unexpended, unencumbered balance of the 144242
foregoing appropriation item 874321, Operating Expenses, at the 144243
end of fiscal year 2026 to be reappropriated for fiscal year 144244
2027. The amount certified is hereby reappropriated to the same 144245
appropriation item 874321, Operating Expenses, for fiscal year 144246
2027. 144247

STATEHOUSE FACILITY IMPROVEMENTS 144248

On July 1, 2026, or as soon as possible thereafter, the 144249
Executive Director of the Capitol Square Review and Advisory 144250
Board may certify to the Director of Budget and Management an 144251
amount up to the unexpended, unencumbered balance of the 144252
foregoing appropriation item 874400, Statehouse Facility 144253
Improvements, at the end of fiscal year 2026 to be 144254
reappropriated for fiscal year 2027. The amount certified is 144255
hereby reappropriated to the same appropriation item 874400, 144256
Statehouse Facility Improvements, for fiscal year 2027. 144257

CAPITOL SQUARE IMPROVEMENTS 144258

On July 1, 2025, or as soon as possible thereafter, the 144259
Executive Director of the Capitol Square Review and Advisory 144260
Board may certify to the Director of Budget and Management an 144261
amount up to the unexpended, unencumbered balance of the 144262
foregoing appropriation item 874608, Capitol Square 144263
Improvements, at the end of fiscal year 2025 to be 144264
reappropriated for fiscal year 2026. The amount certified is 144265
hereby appropriated to the same appropriation item 874608, 144266
Capitol Square Improvements, for fiscal year 2026. 144267

On July 1, 2026, or as soon as possible thereafter, the 144268
Executive Director of the Capitol Square Review and Advisory 144269

Board may certify to the Director of Budget and Management an 144270
amount up to the unexpended, unencumbered balance of the 144271
foregoing appropriation item 874608, Capitol Square 144272
Improvements, at the end of fiscal year 2026 to be 144273
reappropriated for fiscal year 2027. The amount certified is 144274
hereby appropriated to the same appropriation item 874608, 144275
Capitol Square Improvements, for fiscal year 2027. 144276

UNDERGROUND PARKING GARAGE FUND 144277

Notwithstanding division (G) of section 105.41 of the 144278
Revised Code and any other provision to the contrary, moneys in 144279
the Underground Parking Garage Fund (Fund 2080) may be used for 144280
personnel and operating costs related to the operations of the 144281
Statehouse and the Statehouse Underground Parking Garage. 144282

HOUSE AND SENATE PARKING REIMBURSEMENT 144283

On July 1 of each fiscal year, or as soon as possible 144284
thereafter, the Director of Budget and Management shall transfer 144285
\$500,000 cash from the General Revenue Fund to the Underground 144286
Parking Garage Fund (Fund 2080). The amounts transferred under 144287
this section shall be used to reimburse the Capitol Square 144288
Review and Advisory Board for legislative parking costs. 144289

UNDERGROUND PARKING GARAGE FUND TRANSFER 144290

On July 1, 2025, or as soon as possible thereafter, the 144291
Director of Budget and Management shall transfer \$1,000,000 cash 144292
from the Underground Parking Garage Fund (Fund 2080) to the 144293
Statehouse Gift Shop/Events Fund (Fund 4S70). The amount 144294
transferred under this section shall be used for personnel and 144295
operating costs related to the operations of the Statehouse Gift 144296
Shop and events. 144297

Section 233.10. 144298

144299

	1	2	3	4	5
A			SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS		
B			Dedicated Purpose Fund Group		
C	4K90	233601	Operating Expenses	\$581,189	\$593,979
D			Dedicated Purpose Fund Group Total	\$581,189	\$593,979
E			TOTAL ALL BUDGET FUND GROUPS	\$581,189	\$593,979

Section 235.10.

144300

144301

	1	2	3	4	5
A			CAC CASINO CONTROL COMMISSION		
B			Dedicated Purpose Fund Group		
C	5HS0	955321	Operating Expenses	\$17,855,928	\$18,849,195
D	5NU0	955601	Casino Commission Enforcement	\$156,680	\$200,547
E	5YR0	955602	Problem Sports Gaming	\$3,500,000	\$3,500,000
F			Dedicated Purpose Fund Group Total	\$21,512,608	\$22,549,742
G			TOTAL ALL BUDGET FUND GROUPS	\$21,512,608	\$22,549,742

Section 237.10.

144302

144303

	1	2	3	4	5
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A	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 930609 Operating Expenses	\$1,337,144	\$1,487,262
D	5CF1 930600 Peer Support Program	\$292,500	\$30,000
E	Dedicated Purpose Fund Group Total	\$1,629,644	\$1,517,262
F	TOTAL ALL BUDGET FUND GROUPS	\$1,629,644	\$1,517,262

Section 239.10.	144304
	144305

1	2	3	4	5
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A	CHR STATE CHIROPRACTIC BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 878609 Operating Expenses	\$625,713	\$639,017
D	Dedicated Purpose Fund Group Total	\$625,713	\$639,017
E	TOTAL ALL BUDGET FUND GROUPS	\$625,713	\$639,017

Section 241.10.	144306
	144307

1	2	3	4	5
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A	CIV OHIO CIVIL RIGHTS COMMISSION		
B	General Revenue Fund		
C	GRF 876321 Operating Expenses	\$7,464,880	\$7,763,235

D	General Revenue Fund Total	\$7,464,880	\$7,763,235
E	Dedicated Purpose Fund Group		
F	2170 876604 Operations Support	\$5,000	\$5,000
G	Dedicated Purpose Fund Group Total	\$5,000	\$5,000
H	Federal Fund Group		
I	3340 876601 Federal Programs	\$3,614,239	\$3,676,006
J	Federal Fund Group Total	\$3,614,239	\$3,676,006
K	TOTAL ALL BUDGET FUND GROUPS	\$11,084,119	\$11,444,241

Section 243.10.

144308

144309

	1	2	3	4	5
A	COM DEPARTMENT OF COMMERCE				
B	Dedicated Purpose Fund Group				
C	4B20	800631	Real Estate Appraisal Recovery	\$35,000	\$35,000
D	4H90	800608	Cemeteries	\$326,349	\$332,990
E	4X20	800619	Financial Institutions	\$2,129,695	\$2,138,176
F	5430	800602	Unclaimed Funds - Operating	\$17,777,906	\$17,249,752
G	5430	800625	Unclaimed Funds - Claims	\$90,000,000	\$90,000,000

H	5440	800612	Banks	\$11,467,455	\$11,775,392
I	5460	800610	Fire Marshal	\$30,366,505	\$31,171,353
J	5460	800639	Fire Department Grants	\$7,515,000	\$7,515,000
K	5480	800611	Real Estate Recovery	\$50,000	\$50,000
L	5490	800614	Real Estate	\$7,808,917	\$8,014,934
M	5500	800617	Securities	\$9,782,453	\$10,204,710
N	5520	800604	Credit Union	\$5,194,284	\$4,831,282
O	5530	800607	Consumer Finance	\$6,440,712	\$7,215,971
P	5560	800615	Industrial Compliance	\$33,508,390	\$33,692,610
Q	5BG1	800659	Fireworks Fee Firefighter Training	\$3,000,000	\$3,000,000
R	5F10	800635	Small Government Fire Departments	\$600,000	\$600,000
S	5FW0	800616	Financial Literacy Education	\$150,000	\$150,000
T	5GK0	800609	Securities Investor Education/Enforcement	\$742,863	\$542,863
U	5HV0	800641	Cigarette Enforcement	\$27,324	\$27,324
V	5LC0	800644	Liquor JobsOhio Extraordinary Allowance	\$200,000	\$200,000

W	5LNO	800645	Liquor Operating Services	\$18,105,130	\$18,371,853
X	5LP0	800646	Liquor Regulatory Operating Expenses	\$17,782,397	\$17,681,629
Y	5SJ0	800648	Volunteer Peace Officers' Dependent Fund	\$50,000	\$50,000
Z	5SY0	800650	Medical Marijuana Control Program	\$16,339,688	\$16,180,201
AA	5VD0	800653	Real Estate Home Inspector Recovery	\$10,000	\$10,000
AB	5X60	800623	Video Service	\$429,981	\$441,076
AC	5XK0	800657	Ohio Investor Recovery	\$2,500,000	\$2,500,000
AD	6530	800629	UST Registration/Permit Fee	\$2,813,369	\$2,824,398
AE	Dedicated Purpose Fund Group Total			\$285,153,418	\$286,806,514
AF	Internal Service Activity Fund Group				
AG	1630	800620	Division of Administration	\$11,532,983	\$11,239,902
AH	1630	800637	Information Technology	\$12,728,427	\$13,134,526
AI	Internal Service Activity Fund Group Total			\$24,261,410	\$24,374,428
AJ	Federal Fund Group				

AK 3480 800622 Underground Storage Tanks	\$779,620	\$779,620
AL 3480 800624 Leaking Underground Storage Tanks	\$1,899,016	\$1,899,016
AM Federal Fund Group Total	\$2,678,636	\$2,678,636
AN TOTAL ALL BUDGET FUND GROUPS	\$312,093,464	\$313,859,578

Section 243.20. UNCLAIMED FUNDS - OPERATING 144310

Of the foregoing appropriation item 800602, Unclaimed 144311
Funds - Operating, \$1,000,000 in each fiscal year shall be used 144312
by the Division of Unclaimed Funds to use technologies, 144313
outreach, advertising, and other direct or indirect methods to 144314
locate and notify owners of unclaimed funds, or persons with an 144315
established right to ownership of unclaimed funds, and assist 144316
them with filing claims to those unclaimed funds. 144317

UNCLAIMED FUNDS PAYMENTS 144318

The foregoing appropriation item 800625, Unclaimed Funds- 144319
Claims, shall be used to pay claims under section 169.08 of the 144320
Revised Code. If it is determined by the Director of Commerce 144321
that additional appropriation amounts are necessary to make such 144322
payments, the Director of Commerce may request that the Director 144323
of Budget and Management approve such increases. Any approved 144324
increases are hereby appropriated. 144325

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 144326

The foregoing appropriation item 800631, Real Estate 144327
Appraisal Recovery, shall be used to pay settlements, judgments, 144328
and court orders under section 4763.16 of the Revised Code. If 144329
it is determined by the Director of Commerce that additional 144330

appropriation amounts are necessary to make such payments, the 144331
Director of Commerce may request that the Director of Budget and 144332
Management approve such increases. Any approved increases are 144333
hereby appropriated. 144334

The foregoing appropriation item 800611, Real Estate 144335
Recovery, shall be used to pay settlements, judgments, and court 144336
orders under section 4735.12 of the Revised Code. If it is 144337
determined by the Director of Commerce that additional 144338
appropriation amounts are necessary to make such payments, the 144339
Director of Commerce may request that the Director of Budget and 144340
Management approve such increases. Any approved increases are 144341
hereby appropriated. 144342

The foregoing appropriation item 800653, Real Estate Home 144343
Inspector Recovery, shall be used to pay settlements, judgments, 144344
and court orders under section 4764.21 of the Revised Code. If 144345
it is determined by the Director of Commerce that additional 144346
appropriation amounts are necessary to make such payments, the 144347
Director of Commerce may request that the Director of Budget and 144348
Management approve such increases. Any approved increases are 144349
hereby appropriated. 144350

FIRE DEPARTMENT GRANTS 144351

(A) The foregoing appropriation item 800639, Fire 144352
Department Grants, shall be used to make annual grants to the 144353
following eligible recipients: volunteer fire departments, fire 144354
departments that serve one or more small municipalities or small 144355
townships, joint fire districts comprised of fire departments 144356
that primarily serve small municipalities or small townships, 144357
local units of government responsible for such fire departments, 144358
and local units of government responsible for the provision of 144359
fire protection services for small municipalities or small 144360

townships. For the purposes of these grants, a private fire 144361
company, as that phrase is defined in section 9.60 of the 144362
Revised Code, that is providing fire protection services under a 144363
contract to a political subdivision of the state, is an 144364
additional eligible recipient for a training grant. 144365

Eligible recipients that consist of small municipalities 144366
or small townships that all intend to contract with the same 144367
fire department or private fire company for fire protection 144368
services may jointly apply and be considered for a grant. If a 144369
joint applicant is awarded a grant, the State Fire Marshal 144370
shall, if feasible, proportionately award the grant and any 144371
equipment purchased with grant funds to each of the joint 144372
applicants based upon each applicant's contribution to and 144373
demonstrated need for fire protection services. For the purpose 144374
of this grant program, an eligible recipient or any firefighting 144375
entity that is contracted to serve an eligible recipient may 144376
only file, be listed as joint applicant, or be designated as a 144377
service provider on one grant application per fiscal year. 144378

If the grant awarded to joint applicants is an equipment 144379
grant and the equipment to be purchased cannot be readily 144380
distributed or possessed by multiple recipients, each of the 144381
joint applicants shall be awarded by the State Fire Marshal an 144382
ownership interest in the equipment so purchased in proportion 144383
to each applicant's contribution to and demonstrated need for 144384
fire protection services. The joint applicants shall then 144385
mutually agree on how the equipment is to be maintained, 144386
operated, stored, or disposed of. If, for any reason, the joint 144387
applicants cannot agree as to how jointly owned equipment is to 144388
be maintained, operated, stored, or disposed of or any of the 144389
joint applicants no longer maintain a contract with the same 144390
fire protection service provider as the other applicants, then 144391

the joint applicants shall, with the assistance of the State 144392
Fire Marshal, mutually agree as to how the jointly owned 144393
equipment is to be maintained, operated, stored, disposed of, or 144394
owned. If the joint applicants cannot agree how the grant 144395
equipment is to be maintained, operated, stored, disposed of, or 144396
owned, the State Fire Marshal may, in its discretion, require 144397
all of the equipment acquired by the joint applicants with grant 144398
funds to be returned to the State Fire Marshal. The State Fire 144399
Marshal may then award the returned equipment to any eligible 144400
recipients. For this paragraph only, an "equipment grant" also 144401
includes a MARCS Grant. 144402

(B) Except as otherwise provided in this section, the 144403
grants shall be used by recipients to purchase firefighting or 144404
rescue equipment or gear or similar items, to provide full or 144405
partial reimbursement for the documented costs of firefighter 144406
training, or, at the discretion of the State Fire Marshal, to 144407
cover fire department costs for providing fire protection 144408
services in that grant recipient's jurisdiction. 144409

(1) Of the foregoing appropriation item 800639, Fire 144410
Department Grants, up to \$1,300,000 per fiscal year may be used 144411
to pay for the State Fire Marshal's costs of providing 144412
firefighter I certification classes or other firefighter classes 144413
approved by the State Fire Marshal at no cost to selected 144414
students attending the Ohio Fire Academy or other class 144415
providers approved by the State Fire Marshal. The State Fire 144416
Marshal may establish the qualifications and selection processes 144417
for students to attend such classes by written policy, and such 144418
students shall be considered eligible recipients of fire 144419
department grants for the purposes of this portion of the grant 144420
program. 144421

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services shall be up to \$15,000 per fiscal year, or up to \$25,000 per fiscal year if an eligible entity serves a jurisdiction in which the Governor declared a natural disaster during the preceding or current fiscal year in which the grant was awarded. In addition to any grant funds awarded for rescue equipment or gear, or for fire department costs associated with the provision of fire protection services, an eligible entity

may receive a grant for up to \$15,000 per fiscal year for full 144452
or partial reimbursement of the documented costs of firefighter 144453
training. For each fiscal year, the State Fire Marshal shall 144454
determine the total amounts to be allocated for each eligible 144455
purpose. 144456

(C) The grants shall be administered by the State Fire 144457
Marshal in accordance with rules the State Fire Marshal adopts 144458
as part of the state fire code adopted pursuant to section 144459
3737.82 of the Revised Code that are necessary for the 144460
administration and operation of the grant program. The rules may 144461
further define the entities eligible to receive grants and 144462
establish criteria for the awarding and expenditure of grant 144463
funds, including methods the State Fire Marshal may use to 144464
verify the proper use of grant funds or to obtain reimbursement 144465
for or the return of equipment for improperly used grant funds. 144466
To the extent consistent with this section and until the rules 144467
are updated, the existing rules in the state fire code adopted 144468
pursuant to section 3737.82 of the Revised Code for fire 144469
department grants under this section apply to MARCS Grants. Any 144470
amounts in appropriation item 800639, Fire Department Grants, in 144471
excess of the amount allocated for these grants may be used for 144472
the administration of the grant program. 144473

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 144474
OPERATING FUND 144475

If the Real Estate Recovery Fund (Fund 5480) cash balance 144476
exceeds \$250,000 during the biennium ending June 30, 2027, the 144477
Director of Budget and Management, upon the written request of 144478
the Director of Commerce, and subject to Controlling Board 144479
approval, may transfer cash from Fund 5480 to the Division of 144480
Real Estate Operating Fund (Fund 5490), such that the amount 144481

available in Fund 5480 is not less than \$250,000. 144482

If the Real Estate Appraiser Recovery Fund (Fund 4B20) 144483
cash balance exceeds \$200,000 during the biennium ending June 144484
30, 2027, the Director of Budget and Management, upon the 144485
written request of the Director of Commerce, and subject to 144486
Controlling Board approval, may transfer cash from Fund 4B20 to 144487
the Division of Real Estate Operating Fund (Fund 5490), such 144488
that the amount available in Fund 4B20 is not less than 144489
\$200,000. 144490

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT 144491
SERVICES REVOLVING LOAN FUND 144492

Upon the written request of the Director of Commerce, the 144493
Director of Budget and Management, subject to Controlling Board 144494
approval, may transfer up to \$600,000 in cash from the State 144495
Fire Marshal Fund (Fund 5460) to the Small Government Fire 144496
Department Services Revolving Loan Fund (Fund 5F10) during the 144497
biennium ending June 30, 2027. 144498

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 144499

Upon the written request of the Director of Commerce, the 144500
Director of Budget and Management may transfer up to \$2,500,000 144501
in each fiscal year from the Division of Securities Fund (Fund 144502
5500) to the Ohio Investor Recovery Fund (Fund 5XK0) during the 144503
biennium ending June 30, 2027. The Director of Commerce may 144504
request the transfer of cash in addition to the \$2,500,000, and 144505
the Director of Budget and Management may transfer additional 144506
cash in an amount agreed upon with the Director of Commerce, if 144507
sufficient cash is available in Fund 5500. An amount equal to 144508
the additional cash transferred under this section is hereby 144509
appropriated to appropriation item 800657, Ohio Investor 144510

Recovery. 144511

The foregoing appropriation item 800657, Ohio Investor 144512
Recovery, shall be used by the Department of Commerce pursuant 144513
to section 1707.47 of the Revised Code to provide restitution 144514
assistance to victims who: (1) are identified in a final 144515
administrative order issued by the Division of Securities or a 144516
final court order in a civil or criminal proceeding initiated by 144517
the Division as a purchaser damaged by a sale or contract for 144518
sale made in violation of Chapter 1707. of the Revised Code; and 144519
(2) have not received the full amount of any restitution ordered 144520
in a final order before the application for restitution 144521
assistance is due. 144522

CASH TRANSFERS TO THE OHIO FINANCIAL LITERACY EDUCATION 144523
FUND 144524

Upon the written request of the Director of Commerce, the 144525
Director of Budget and Management, at least once every three 144526
months, may transfer cash equal to five per cent of all charges, 144527
penalties, and forfeitures received into the Consumer Finance 144528
Fund (Fund 5530) to the Financial Literacy Education Fund (Fund 144529
5FW0) created under section 121.085 of the Revised Code. 144530

Section 245.10. 144531
144532

1 2 3 4 5

A OCC OFFICE OF CONSUMERS' COUNSEL

B Dedicated Purpose Fund Group

C	5F50 053601 Consumers' Counsel	\$6,720,220	\$6,972,030
	Operating		

D	Dedicated Purpose Fund Group Total	\$6,720,220	\$6,972,030
E	TOTAL ALL BUDGET FUND GROUPS	\$6,720,220	\$6,972,030

Section 247.10.

144533

144534

1	2	3	4	5
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A CEB CONTROLLING BOARD

B Internal Service Activity Fund Group

C	5KM0 911614 Controlling Board	\$10,000,000	\$10,000,000
	Emergency		
	Purposes/Contingencies		

D	Internal Service Activity Fund Group	\$10,000,000	\$10,000,000
	Total		

E	TOTAL ALL BUDGET FUND GROUPS	\$10,000,000	\$10,000,000
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Section 247.20. FEDERAL SHARE

144535

In transferring appropriations to or from appropriation	144536
items that have federal shares identified in this act, the	144537
Controlling Board shall add or subtract corresponding amounts of	144538
federal matching funds at the percentages indicated by the state	144539
and federal division of the appropriations in this act. Such	144540
changes are hereby appropriated.	144541

Section 249.10.

144542

144543

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A	COS COSMETOLOGY AND BARBER BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 879609 Operating Expenses	\$5,523,412	\$5,841,066
D	Dedicated Purpose Fund Group Total	\$5,523,412	\$5,841,066
E	TOTAL ALL BUDGET FUND GROUPS	\$5,523,412	\$5,841,066

Section 251.10.

144544

144545

1	2	3	4	5
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A	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 899609 Operating Expenses	\$2,161,054	\$2,291,375
D	Dedicated Purpose Fund Group Total	\$2,161,054	\$2,291,375
E	TOTAL ALL BUDGET FUND GROUPS	\$2,161,054	\$2,291,375

Section 253.10.

144546

144547

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A	CLA COURT OF CLAIMS		
B	General Revenue Fund		
C	GRF 015321 Operating Expenses	\$3,318,213	\$3,468,684
D	GRF 015403 Public Records	\$1,145,161	\$1,199,582

Adjudication

E	General Revenue Fund Total	\$4,463,374	\$4,668,266
F	Dedicated Purpose Fund Group		
G	5K20 015603 CLA Victims of Crime	\$622,100	\$649,822
H	5TE0 015604 Public Records	\$2,800	\$2,800
I	Dedicated Purpose Fund Group Total	\$624,900	\$652,622
J	TOTAL ALL BUDGET FUND GROUPS	\$5,088,274	\$5,320,888

Section 255.10.

144548

144549

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A DEN STATE DENTAL BOARD

B Dedicated Purpose Fund Group

C	4K90 880609 Operating Expenses	\$2,281,030	\$2,372,258
D	Dedicated Purpose Fund Group Total	\$2,281,030	\$2,372,258
E	TOTAL ALL BUDGET FUND GROUPS	\$2,281,030	\$2,372,258

Section 257.10.

144550

144551

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A BDP BOARD OF DEPOSIT

B Dedicated Purpose Fund Group

C	4M20 974601 Board of Deposit	\$1,688,400	\$1,688,400
D	Dedicated Purpose Fund Group Total	\$1,688,400	\$1,688,400
E	TOTAL ALL BUDGET FUND GROUPS	\$1,688,400	\$1,688,400

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND 144552

Upon receiving certification of expenses from the 144553
Treasurer of State, the Director of Budget and Management shall 144554
transfer cash from the Investment Earnings Redistribution Fund 144555
(Fund 6080) to the Board of Deposit Expense Fund (Fund 4M20). 144556
The latter fund shall be used pursuant to section 135.02 of the 144557
Revised Code to pay for any and all necessary expenses of the 144558
Board of Deposit or for banking charges and fees required for 144559
the operation of the State of Ohio Regular Account. 144560

Section 259.10. 144561

144562

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A DEV DEPARTMENT OF DEVELOPMENT

B General Revenue Fund

C	GRF 195402 Coal Research and Development Program	\$175,000	\$175,000
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D	GRF 195405 Minority Business Development	\$7,500,000	\$8,500,000
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E	GRF 195415 Business Development Services	\$3,864,894	\$3,807,217
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F	GRF	195423	Workforce Housing Accelerator	\$2,500,000	\$7,500,000
G	GRF	195426	Redevelopment Assistance	\$1,125,000	\$1,141,982
H	GRF	195453	Technology Programs and Grants	\$859,360	\$868,648
I	GRF	195454	Small Business and Export Assistance	\$3,537,643	\$3,807,014
J	GRF	195455	Appalachia Assistance	\$9,930,362	\$9,932,630
K	GRF	195497	CDBG Operating Match	\$1,445,867	\$1,473,181
L	GRF	195499	BSD Federal Programs Match	\$13,441,064	\$13,499,251
M	GRF	195503	Local Development Projects	\$85,000	\$0
N	GRF	195537	Ohio-Israel Agricultural Initiative	\$500,000	\$500,000
O	GRF	195553	Industry Sector Partnerships	\$5,000,000	\$5,000,000
P	GRF	195556	TechCred Program	\$23,205,470	\$24,207,322
Q	GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$4,050,000	\$2,525,000
R	GRF	195905	Third Frontier Research and Development General	\$45,000,000	\$45,000,000

		Obligation Bond Debt Service		
S		General Revenue Fund Total	\$122,219,660	\$127,937,245
T		Dedicated Purpose Fund Group		
U	4500 195624	Minority Business Bonding Program Administration	\$9,875	\$9,875
V	4510 195649	Business Assistance Programs	\$3,000,000	\$3,000,000
W	4F20 195639	State Special Projects	\$500,000	\$500,000
X	4F20 195655	Workforce Development Programs	\$188,100	\$188,100
Y	4F20 195699	Utility Community Assistance	\$686,947	\$0
Z	4W10 195646	Minority Business Enterprise Loan	\$2,000,000	\$2,000,000
AA	5AI1 1956G9	Broadband Pole Replacement and Undergrounding Program	\$31,361,299	\$0
AB	5A00 1956H2	Priority Projects	\$3,475,000	\$3,075,000
AC	5AP1 1956H3	Welcome Home Ohio Program	\$45,625,000	\$45,625,000
AD	5AZ0 1956C1	Housing Finance Agency Personal Services	\$19,760,000	\$20,485,000
AE	5CT1 1956B8	Residential Development	\$90,000,000	\$0

		Revolving Loan Program		
AF	5GT0	195550	Broadband Development Grants	\$2,800,000 \$2,800,000
AG	5JR0	195635	Tax Incentives Operating	\$1,200,000 \$1,200,000
AH	5KM0	1956B7	One-Time Emergency Projects	\$500,000 \$0
AI	5KP0	195645	Historic Rehabilitation Operating	\$1,800,000 \$1,800,000
AJ	5M40	195659	Low Income Energy Assistance (USF)	\$336,627,830 \$176,222,102
AK	5M50	195660	Advanced Energy Loan Programs	\$8,932,168 \$8,940,462
AL	5MH0	195644	SiteOhio Administration	\$5,000 \$5,000
AM	5MJ0	195683	TourismOhio Administration	\$7,500,000 \$7,500,000
AN	5UL0	195627	Brownfields Revolving Loan Program	\$1,750,000 \$1,750,000
AO	5UY0	195496	Sports Events Grants	\$3,000,000 \$3,000,000
AP	5W60	195691	International Trade Cooperative Projects	\$50,000 \$50,000
AQ	5XH0	195632	Women Owned Business Loans	\$5,000,000 \$5,000,000
AR	5XH0	195694	Micro-Loan	\$2,500,000 \$2,500,000

AS 5XH0 1956I1	Minority Business Development Loan Administration	\$2,000,000	\$2,000,000
AT 5YE0 1956A2	Brownfield Remediation	\$100,000,000	\$100,000,000
AU 5YF0 1956A3	Demolition and Site Revitalization	\$21,500,000	\$21,500,000
AV 6170 195654	Volume Cap Administration	\$40,000	\$40,000
AW 6460 195638	Low- and Moderate-Income Housing Programs	\$64,402,825	\$64,435,386
AX	Dedicated Purpose Fund Group Total	\$756,214,044	\$473,625,925
AY	Internal Service Activity Fund Group		
AZ 1350 195684	Development Operations	\$15,263,246	\$15,609,260
BA 6850 195636	Development Services Reimbursable Expenditures	\$250,000	\$250,000
BB	Internal Service Activity Fund Group Total	\$15,513,246	\$15,859,260
BC	Facilities Establishment Fund Group		
BD 4Z60 195647	Rural Industrial Park Loan	\$5,000,000	\$5,000,000
BE 5S90 195628	Capital Access Loan Program	\$1,000,000	\$1,000,000
BF 7009 195664	Innovation Ohio	\$17,426,036	\$0

BG 7010 195665 Research and Development	\$36,032,990	\$0
BH 7037 195615 Facilities Establishment	\$10,000,000	\$10,000,000
BI Facilities Establishment Fund Group	\$69,459,026	\$16,000,000
Total		
BJ Bond Research and Development Fund Group		
BK 7011 195686 Third Frontier Tax Exempt - Operating	\$1,000,000	\$1,000,000
BL 7011 195687 Third Frontier Research and Development Projects	\$1,000,000	\$1,000,000
BM 7014 195620 Third Frontier Taxable - Operating	\$2,710,000	\$2,710,000
BN 7014 195692 Research and Development Taxable Bond Projects	\$100,000,000	\$20,000,000
BO Bond Research and Development Fund Group Total	\$104,710,000	\$24,710,000
BP Federal Fund Group		
BQ 3080 195581 Energy Efficiency Revolving Loan Fund Capitalization Grant	\$2,500,000	\$2,500,000
BR 3080 195602 Appalachian Regional Commission	\$7,500,000	\$7,500,000
BS 3080 195603 Housing Assistance	\$12,571,729	\$12,576,756

		Programs		
BT	3080	195609	Small Business Administration Grants	\$5,550,000 \$5,550,000
BU	3080	195618	Energy Grants	\$11,650,326 \$11,661,160
BV	3080	195670	Home Weatherization Program	\$86,079,636 \$0
BW	3080	195672	Manufacturing Extension Partnership	\$6,600,000 \$6,600,000
BX	3080	195675	Procurement Technical Assistance	\$1,500,000 \$1,500,000
BY	3080	195696	State Trade and Export Promotion	\$500,000 \$500,000
BZ	3350	195610	Energy Programs	\$350,000 \$350,000
CA	3AE0	195643	Workforce Development Initiatives	\$2,000,000 \$2,000,000
CB	3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$2,000,000 \$2,000,000
CC	3IC0	1956D9	Growth Capital Fund	\$3,250,000 \$3,250,000
CD	3IC0	1956E1	Early-Stage Focus Fund	\$1,500,000 \$1,500,000
CE	3IC0	1956E2	Community Development Financial Institution Loan	\$10,000,000 \$10,000,000

	Participation		
CF 3IC0 1956E3	Collateral Enhancement Program	\$6,000,000	\$6,000,000
CG 3IC0 1956H5	State Small Business Credit Initiative Technical Assistance	\$1,500,000	\$1,500,000
CH 3IF0 1956E4	Broadband Equity, Access, and Deployment (BEAD) Program	\$793,000,000	\$0
CI 3IF0 1956E5	Broadband Digital Equity Acts Program	\$23,800,000	\$476,000
CJ 3IM0 195582	Home-Owner Managing Energy Savings Rebate Program	\$15,000,000	\$15,000,000
CK 3IM0 195583	High-Efficiency Electric Home Rebate Program	\$15,000,000	\$15,000,000
CL 3K80 195613	Community Development Block Grant	\$57,500,000	\$57,500,000
CM 3K90 195611	Home Energy Assistance Block Grant	\$180,000,000	\$0
CN 3K90 195614	HEAP Weatherization	\$44,000,000	\$0
CO 3L00 195612	Community Services Block Grant	\$32,000,000	\$0
CP 3V10 195601	HOME Program	\$53,750,000	\$53,750,000

CQ Federal Fund Group Total	\$1,375,101,691	\$216,713,916
CR TOTAL ALL BUDGET FUND GROUPS	\$2,443,217,667	\$874,846,346

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 144563

The foregoing appropriation item 195402, Coal Research and 144564
Development Program, shall be used for the operating expenses of 144565
the Community Services Division in support of the Ohio Coal 144566
Development Office. 144567

MINORITY BUSINESS DEVELOPMENT 144568

The foregoing appropriation item 195405, Minority Business 144569
Development, shall be used to support the activities of the 144570
Minority Business Development Division, including providing 144571
grants to local nonprofit organizations to support economic 144572
development activities that promote minority business 144573
development, in conjunction with local organizations funded 144574
through appropriation item 195454, Small Business and Export 144575
Assistance. 144576

BUSINESS DEVELOPMENT SERVICES 144577

The foregoing appropriation item 195415, Business 144578
Development Services, shall be used for the operating expenses 144579
of the Office of Strategic Business Investments and the regional 144580
economic development offices. 144581

Of the foregoing appropriation item 195415, Business 144582
Development Services, \$1,550,000 in fiscal year 2026 and 144583
\$1,450,000 in fiscal year 2027 shall be allocated to Development 144584
Projects, Inc., for economic development programs and the 144585
creation of new jobs to leverage and support mission gains at 144586
Department of Defense and related facilities in Ohio by working 144587

with future base realignment and closure activities and ongoing 144588
Department of Defense efficiency and partnership initiatives, 144589
assisting efforts to secure Department of Defense support 144590
contracts for Ohio companies, assessing and supporting regional 144591
job and workforce development needs generated by the Department 144592
of Defense and the Ohio aerospace industry, promoting technology 144593
transfer to Ohio businesses, and for expanding job training and 144594
economic development programs in human performance and cyber 144595
security-related initiatives. 144596

REDEVELOPMENT ASSISTANCE 144597

The foregoing appropriation item 195426, Redevelopment 144598
Assistance, shall be used to fund the costs of administering the 144599
energy, redevelopment, and other revitalization programs that 144600
may be implemented, and may be used to match federal grant 144601
funding. 144602

TECHNOLOGY PROGRAMS AND GRANTS 144603

The foregoing appropriation item 195453, Technology 144604
Programs and Grants, shall be used for operating expenses 144605
incurred in administering the Ohio Third Frontier Programs and 144606
other technology focused programs that may be implemented. 144607

SMALL BUSINESS AND EXPORT ASSISTANCE 144608

The foregoing appropriation item 195454, Small Business 144609
and Export Assistance, may be used to provide a range of 144610
business assistance, including grants to local organizations to 144611
support economic development activities that promote small 144612
business development, entrepreneurship, and exports of Ohio's 144613
goods and services, in conjunction with local organizations 144614
funded through appropriation item 195405, Minority Business 144615
Development. The foregoing appropriation item shall also be used 144616

as matching funds for grants from the United States Small 144617
Business Administration and other federal agencies, pursuant to 144618
Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and 144619
regulations and policy guidelines for the programs pursuant 144620
thereto. 144621

APPALACHIA ASSISTANCE 144622

The foregoing appropriation item 195455, Appalachia 144623
Assistance, may be used for the administrative costs of planning 144624
and liaison activities for the Governor's Office of Appalachia, 144625
to provide financial assistance to projects in Ohio's 144626
Appalachian counties, to support four local development 144627
districts, and to pay dues for the Appalachian Regional 144628
Commission. These funds may be used to match federal funds from 144629
the Appalachian Regional Commission. Programs funded through the 144630
appropriation item shall be identified and recommended by the 144631
local development districts and approved by the Governor's 144632
Office of Appalachia. The Department of Development shall 144633
conduct compliance and regulatory review of the programs 144634
recommended by the local development districts. Moneys allocated 144635
under the appropriation item may be used to fund projects 144636
including, but not limited to, those designated by the local 144637
development districts as community investment and rapid response 144638
projects. 144639

Of the foregoing appropriation item 195455, Appalachia 144640
Assistance, in each fiscal year, \$210,000 shall be allocated to 144641
the Ohio Valley Regional Development Commission, \$210,000 shall 144642
be allocated to the Ohio Mid-Eastern Government Association, 144643
\$210,000 shall be allocated to the Buckeye Hills Regional 144644
Council, and \$210,000 shall be allocated to the Eastgate 144645
Regional Council of Governments. Local development districts 144646

receiving funding under this section shall use the funds for the 144647
implementation and administration of programs and duties under 144648
section 107.21 of the Revised Code. 144649

Of the foregoing appropriation item 195455, Appalachia 144650
Assistance, in each fiscal year, \$2,750,000 shall be allocated 144651
to the Foundation for Appalachian Ohio. 144652

CDBG OPERATING MATCH 144653

The foregoing appropriation item 195497, CDBG Operating 144654
Match, shall be used as matching funds for grants from the 144655
United States Department of Housing and Urban Development 144656
pursuant to the Housing and Community Development Act of 1974 144657
and regulations and policy guidelines for the programs pursuant 144658
thereto. 144659

BSD FEDERAL PROGRAMS MATCH 144660

The foregoing appropriation item 195499, BSD Federal 144661
Programs Match, shall be used as matching funds for grants from 144662
the U.S. Department of Commerce, National Institute of Standards 144663
and Technology Manufacturing Extension Partnership Program and 144664
Department of Defense APEX Accelerator Program, and other 144665
federal agencies, pursuant to Pub. L. No. 96-302 as amended by 144666
Pub. L. No. 98-395, and regulations and policy guidelines for 144667
the programs pursuant thereto. The appropriation item shall also 144668
be used for operating expenses of the Business Services 144669
Division. 144670

LOCAL DEVELOPMENT PROJECTS 144671

Of the foregoing appropriation item 195503, Local 144672
Development Projects, \$85,000 in fiscal year 2026 shall be 144673
granted to the Stark County Minority Business Association to 144674
support the development and operation of the Kirk Schuring 144675

Business Development Center and Innovation Hub.	144676
OHIO-ISRAEL AGRICULTURAL INITIATIVE	144677
The foregoing appropriation item 195537, Ohio-Israel	144678
Agricultural Initiative, shall be used for the Ohio-Israel	144679
Agricultural Initiative. The appropriation shall not be used for	144680
travel and entertainment expenses incurred under the initiative.	144681
SECTOR PARTNERSHIP NETWORKS	144682
The foregoing appropriation item 195553, Industry Sector	144683
Partnerships, shall be used for the grant program described in	144684
section 122.179 of the Revised Code.	144685
TECHCRED PROGRAM	144686
The foregoing appropriation item 195556, TechCred Program,	144687
shall be used for the programs described under sections 122.178	144688
and 122.1710 of the Revised Code.	144689
WORKFORCE HOUSING ACCELERATOR	144690
The foregoing appropriation item 195423, Workforce Housing	144691
Accelerator, shall be used to issue grants to support workforce	144692
housing development under section 122.635 of the Revised Code.	144693
An amount equal to the unexpended, unencumbered balance of	144694
appropriation item 195423, Workforce Housing Accelerator, at the	144695
end of fiscal year 2026 is hereby reappropriated to the same	144696
appropriation item for the same purpose in fiscal year 2027.	144697
Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL	144698
OBLIGATION BOND DEBT SERVICE	144699
The foregoing appropriation line item 195901, Coal	144700
Research and Development General Obligation Bond Debt Service,	144701
shall be used to pay all debt service and related financing	144702

costs during the period July 1, 2025, through June 30, 2027, on 144703
obligations issued under sections 151.01 and 151.07 of the 144704
Revised Code. 144705

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 144706
BOND DEBT SERVICE 144707

The foregoing appropriation item 195905, Third Frontier 144708
Research and Development General Obligation Bond Debt Service, 144709
shall be used to pay all debt service and related financing 144710
costs during the period from July 1, 2025, through June 30, 144711
2027, on obligations issued under sections 151.01 and 151.10 of 144712
the Revised Code. 144713

Section 259.30. 144714

BUSINESS ASSISTANCE PROGRAMS 144715

The foregoing appropriation item 195649, Business 144716
Assistance Programs, shall be used for administrative expenses 144717
associated with the operation of loan incentives. 144718

STATE SPECIAL PROJECTS 144719

The State Special Projects Fund (Fund 4F20), may be used 144720
for the deposit of private-sector funds from utility companies 144721
and for the deposit of other miscellaneous state funds. State 144722
moneys so deposited may also be used to match federal funding 144723
and to support programs of the Community Service Division and 144724
Business Services Division. 144725

MINORITY BUSINESS ENTERPRISE LOAN 144726

The foregoing appropriation item 195646, Minority Business 144727
Enterprise Loan, shall be used for awards under the Minority 144728
Business Enterprise Loan Program and to cover operating expenses 144729
of the Minority Business Development Division. All repayments 144730

from the Minority Development Financing Advisory Board Loan 144731
Program shall be deposited in the state treasury to the credit 144732
of the Minority Business Enterprise Loan Fund (Fund 4W10). 144733

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 144734

The foregoing appropriation item 1956G9, Broadband Pole 144735
Replacement and Undergrounding Program, shall be used by the 144736
Department of Development to support the Broadband Pole 144737
Replacement and Undergrounding Program under section 191.27 of 144738
the Revised Code. 144739

TRANSFER FROM THE BROADBAND POLE REPLACEMENT FUND TO THE 144740
OHIO RESIDENTIAL BROADBAND EXPANSION GRANT PROGRAM FUND 144741

On July 1, 2025, or as soon as possible thereafter, the 144742
Director of Budget and Management shall transfer \$3,600,000 cash 144743
from the Broadband Pole Replacement and Undergrounding Program 144744
Fund (Fund 5AI1) to the Ohio Residential Broadband Expansion 144745
Grant Program Fund (Fund 5GT0). 144746

ONE-TIME EMERGENCY PROJECTS 144747

The foregoing appropriation item 195687, One-Time 144748
Emergency Projects, shall be granted to Boardman Township to 144749
provide matching funds for the flood mitigation assistance grant 144750
awarded to the township by the Federal Emergency Management 144751
Agency. 144752

PRIORITY PROJECTS 144753

(A) Of the foregoing appropriation item 1956H2, Priority 144754
Projects, \$750,000 in each fiscal year shall be allocated to the 144755
Center on Appalachian Innovation at Marietta College. 144756

(B) Of the foregoing appropriation item 1956H2, Priority 144757
Projects, \$625,000 in each fiscal year shall be allocated to the 144758

Excellence Training Center at Youngstown State University. 144759

(C) Of the foregoing appropriation item 1956H2, Priority 144760
Projects, \$500,000 in each fiscal year shall be used to continue 144761
support and expansion of the Clark County unmanned and general 144762
aviation STEM pilot programs in all Ohio counties. 144763

(D) Of the foregoing appropriation item 1956H2, Priority 144764
Projects, \$500,000 in each fiscal year shall be used to support 144765
the Ohio Aerospace Institute's Space Grant Consortium. 144766

(E) Of the foregoing appropriation item 1956H2, Priority 144767
Projects, \$400,000 in fiscal year 2026 shall be distributed to 144768
the Showers Family Foundation to support the high school 144769
education of students with multiple disabilities, including 144770
Autism and Down Syndrome, provided that a local match in the 144771
same amount is provided. 144772

(F) Of the foregoing appropriation item 1956H2, Priority 144773
Projects, \$250,000 in each fiscal year shall be used to support 144774
the U.S. Route 30 expansion in Carroll, Stark, and Columbiana 144775
counties. 144776

(G) Of the foregoing appropriation item 1956H2, Priority 144777
Projects, \$350,000 in each fiscal year shall be distributed to 144778
the Fairfield County Workforce Center to support pre- 144779
apprenticeship program costs, including those for instructors, 144780
certification exams, books, software licenses, and tools needed 144781
for students. 144782

(H) Of the foregoing appropriation item 1956H2, Priority 144783
Projects, \$100,000 in each fiscal year shall be distributed to 144784
S.U.C.C.E.S.S. for Autism to expand an interprofessional pilot 144785
program for the purpose of training professionals in The 144786
S.U.C.C.E.S.S. Approach, a comprehensive neurodevelopmental 144787

learning model for all students. 144788

WELCOME HOME OHIO PROGRAM 144789

The foregoing appropriation item 1956H3, Welcome Home Ohio 144790
Program, shall be used for grants under the Welcome Home Ohio 144791
Program established in sections 122.631 through 122.633 of the 144792
Revised Code. Of the foregoing appropriation item 1956H3, 144793
Welcome Home Ohio Program, \$22,812,500 in each fiscal year shall 144794
be used to distribute grants to purchase residential property at 144795
foreclosure sales under section 122.631 of the Revised Code. Of 144796
the foregoing appropriation item 1956H3, Welcome Home Ohio 144797
Program, \$22,812,500 in each fiscal year shall be used to 144798
distribute grants to rehabilitate or construct residential 144799
property for income-restricted owners under section 122.632 of 144800
the Revised Code. 144801

On July 1, 2025, or as soon as possible thereafter, the 144802
Director of Budget and Management shall transfer \$50,000,000 144803
cash from the Local Government Tangible Property Tax Replacement 144804
Fund (Fund 7081) to the Welcome Home Ohio Fund (Fund 5AP1). 144805

ADVANCED ENERGY LOAN PROGRAMS 144806

The foregoing appropriation item 195660, Advanced Energy 144807
Loan Programs, shall be used to provide financial assistance to 144808
customers for eligible advanced energy projects for residential, 144809
commercial, and industrial business, local government, 144810
educational institution, nonprofit, and agriculture customers. 144811
The appropriation item may be used to match federal grant 144812
funding and to pay for the program's administrative costs as 144813
provided in sections 4928.61 to 4928.63 of the Revised Code and 144814
rules adopted by the Director of Development. 144815

SPORTS EVENTS GRANTS 144816

The foregoing appropriation item 195496, Sports Events 144817
Grants, shall be used for grants as described in sections 122.12 144818
and 122.121 of the Revised Code. 144819

WOMEN OWNED BUSINESS LOAN 144820

The foregoing appropriation item 195632, Women Owned 144821
Business Loan, shall be used to operate the Women Owned Business 144822
Loan Program. 144823

MINORITY BUSINESS MICRO-LOAN 144824

The foregoing appropriation item 195694, Micro-Loan, shall 144825
be used to operate the Minority Business Micro-Loan Program. 144826

MBD LOAN ADMINISTRATION 144827

The foregoing appropriation item 195611, MBD Loan 144828
Administration, shall be used to operate the Women Owned Loan 144829
and Minority Business Micro-Loan Programs. 144830

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE 144831
FUND TO THE MBD FINANCIAL ASSISTANCE FUND 144832

On July 1, 2025, or as soon as possible thereafter, the 144833
Director of Budget and Management may transfer \$4,000,000 cash 144834
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 144835
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 144836
of loans issued under Fund 5XH0 shall be credited to the fund. 144837

Upon the completion of the original Collateral Enhancement 144838
Program, the Director of Development shall certify to the 144839
Director of Budget and Management the remaining cash balance in 144840
the State Small Business Credit Initiative Fund (Fund 3FJ0). The 144841
Director of Budget and Management may transfer the certified 144842
amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 144843
5XH0). 144844

ALL OHIO FUTURE FUND	144845
The foregoing appropriation item 195576, All Ohio Future	144846
Fund, shall be used for the purposes enumerated in section	144847
126.62 of the Revised Code.	144848
BROWNFIELD REMEDIATION	144849
The foregoing appropriation item 1956A2, Brownfield	144850
Remediation, shall be used to award grants under the Brownfield	144851
Remediation Program as described in section 122.6511 of the	144852
Revised Code. Of the foregoing appropriation item 1956A2,	144853
Brownfield Remediation, up to two and one-half percent in each	144854
fiscal year may be used to pay the administrative costs of the	144855
program.	144856
On July 1, 2025, or as soon as possible thereafter, the	144857
Director of Budget and Management shall transfer \$200,000,000	144858
cash from the All Ohio Future Fund (Fund 5XM0) to the Brownfield	144859
Remediation Fund (Fund 5YE0).	144860
DEMOLITION AND SITE REVITALIZATION	144861
The appropriation item 1956A3, Demolition and Site	144862
Revitalization, shall be used to award grants and to pay	144863
associated administrative costs under the Building Demolition	144864
and Site Revitalization Program as described in section 122.6512	144865
of the Revised Code.	144866
An amount equal to the unexpended, unencumbered balance of	144867
appropriation item 1956A3, Demolition and Site Revitalization,	144868
at the end of fiscal year 2026 is hereby reappropriated to the	144869
same appropriation item for the same purpose in fiscal year	144870
2027.	144871
On July 1 of each fiscal year, or as soon as possible	144872

thereafter, the Director of Budget and Management shall transfer 144873
\$20,000,000 cash from the Local Government Tangible Property Tax 144874
Replacement Fund (Fund 7081) to the Building Demolition and Site 144875
Revitalization Fund (Fund 5YF0). 144876

VOLUME CAP ADMINISTRATION 144877

The foregoing appropriation item 195654, Volume Cap 144878
Administration, shall be used for expenses related to the 144879
administration of the Volume Cap Program. Revenues received by 144880
the Volume Cap Administration Fund (Fund 6170) shall consist of 144881
application fees, forfeited deposits, and interest earned from 144882
the custodial account held by the Treasurer of State. 144883

RESIDENTIAL DEVELOPMENT REVOLVING LOAN PROGRAM 144884

The foregoing appropriation item 1956B8, Residential 144885
Development Revolving Loan Program, shall be used to award loans 144886
under the Residential Development Loan Program as described in 144887
sections 122.98 and 122.981 of the Revised Code. 144888

The unexpended, unencumbered balance of appropriation item 144889
1956B8, Residential Development Revolving Loan Program, at the 144890
end of fiscal year 2026 is hereby reappropriated to the same 144891
appropriation item for the same purpose in fiscal year 2027. 144892

Section 259.40. DEVELOPMENT OPERATIONS 144893

The Director of Development may assess offices of the 144894
department for the cost of central service operations. An 144895
assessment shall contain the characteristics of administrative 144896
ease and uniform application. A division's payments shall be 144897
credited to the Supportive Services Fund (Fund 1350) using an 144898
intrastate transfer voucher. 144899

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 144900

The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).

Section 259.50. RURAL INDUSTRIAL PARK LOAN

The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Rural Industrial Park Loans awarded under the appropriation item shall not exceed \$4,000,000.

TRANSFER FROM THE RESEARCH AND DEVELOPMENT LOAN FUND TO THE BUSINESS ASSISTANCE FUND

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer up to \$3,000,000 cash in each fiscal year from the Research and Development Loan Fund (Fund 7010) to the Business Assistance Fund (Fund 4510), subject to Controlling Board approval.

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing.

The Director of Budget and Management may transfer an 144930
amount not to exceed \$1,000,000 cash in each fiscal year between 144931
the Minority Business Enterprise Loan Fund (Fund 4W10) and the 144932
Capital Access Loan Fund (Fund 5S90), subject to Controlling 144933
Board approval. 144934

FACILITIES ESTABLISHMENT 144935

The foregoing appropriation item 195615, Facilities 144936
Establishment, shall be used for the purposes of the Facilities 144937
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 144938
Code. 144939

In the biennium ending June 30, 2027, notwithstanding 144940
section 127.14 and division (B) of section 131.35 of the Revised 144941
Code, the Controlling Board may authorize expenditures, in 144942
excess of the amount appropriated, but not to exceed the 144943
limitation set in division (E) of section 131.35 of the Revised 144944
Code, using the Facilities Establishment Fund (Fund 7037) for 144945
purposes consistent with Chapter 166. of the Revised Code. The 144946
amounts authorized by the Controlling Board are hereby 144947
appropriated. 144948

Section 259.60. THIRD FRONTIER OPERATING COSTS 144949

The foregoing appropriation items 195686, Third Frontier 144950
Tax Exempt Operating, and 195620, Third Frontier Taxable - 144951
Operating, shall be used for operating expenses incurred in 144952
administering projects pursuant to sections 184.10 to 184.20 of 144953
the Revised Code. Operating expenses paid from appropriation 144954
item 195686 shall be limited to the administration of projects 144955
funded from the Third Frontier Research and Development Fund 144956
(Fund 7011), and operating expenses paid from appropriation item 144957
195620 shall be limited to the administration of projects funded 144958

from the Third Frontier Research and Development Taxable Bond 144959
Project Fund (Fund 7014). 144960

THIRD FRONTIER RESEARCH AND DEVELOPMENT TAXABLE AND TAX 144961
EXEMPT PROJECTS 144962

The foregoing appropriation items 195687, Third Frontier 144963
Research and Development Projects, and 195692, Research and 144964
Development Taxable Bond Projects, shall be used to fund 144965
selected projects, which may include internship programs. 144966
Eligible costs are those costs of research and development 144967
projects to which the proceeds of Fund 7011 and Fund 7014 are to 144968
be applied. 144969

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 144970

The Director of Budget and Management may approve written 144971
requests from the Director of Development for the transfer of 144972
appropriations between appropriation items 195687, Third 144973
Frontier Research and Development Projects, and 195692, Research 144974
and Development Taxable Bond Projects, based upon awards 144975
recommended by the Third Frontier Commission. 144976

In fiscal year 2026, the Director of Development may 144977
request that the Director of Budget and Management reappropriate 144978
any unexpended, unencumbered balances of the prior fiscal year's 144979
appropriation to the foregoing appropriation items 195687, Third 144980
Frontier Research and Development Projects, and 195692, Research 144981
and Development Taxable Bond Projects, for fiscal year 2026. The 144982
Director of Budget and Management may request additional 144983
information necessary for evaluating these requests, and the 144984
Director of Development shall provide the requested information 144985
to the Director of Budget and Management. Based on the 144986
information provided by the Director of Development, the 144987

Director of Budget and Management shall determine the amounts to 144988
be reappropriated, and those amounts are hereby reappropriated 144989
for fiscal year 2026. 144990

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 144991
PROGRAM (BEAD) 144992

The foregoing appropriation item 1956E4, Broadband Equity, 144993
Access, and Deployment Program (BEAD), shall be used to build 144994
infrastructure that supports the adoption of high-speed 144995
internet. 144996

HEAP WEATHERIZATION 144997

Up to twenty-five per cent of the federal funds deposited 144998
to the credit of the Home Energy Assistance Block Grant Fund 144999
(Fund 3K90) may be expended from appropriation item 195614, HEAP 145000
Weatherization, to provide home weatherization services in the 145001
state as determined by the Director of Development. 145002

Section 261.10. 145003

145004

1	2	3	4	5
A	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES			
B	General Revenue Fund			
C	GRF	320411 Special Olympics	\$100,000	\$100,000
D	GRF	320412 Protective Services	\$3,200,000	\$3,200,000
E	GRF	320415 Developmental	\$27,500,000	\$24,200,000
		Disabilities Facilities		
		Lease Rental Bond		

Payments

F	GRF	322422	Multi System Youth	\$5,000,000	\$5,000,000
G	GRF	322423	Technology First	\$2,700,000	\$2,700,000
H	GRF	322508	Employment First Initiative	\$2,700,000	\$2,700,000
I	GRF	322509	Community Supports and Rental Assistance	\$890,000	\$890,000
J	GRF	653321	Medicaid Program Support - State	\$8,163,217	\$8,300,000
K	GRF	653407	Medicaid Services	\$1,127,127,000	\$1,140,627,000
L			General Revenue Fund Total	\$1,177,380,217	\$1,187,717,000
M			Dedicated Purpose Fund Group		
N	2210	322620	Supplement Service Trust	\$500,000	\$500,000
O	4890	653632	Developmental Centers Direct Care Services	\$7,000,000	\$7,000,000
P	5DK0	322629	Capital Replacement Facilities	\$750,000	\$750,000
Q	5EV0	653627	Medicaid Program Support	\$2,540,000	\$2,540,000
R	5GE0	320606	Central Office Operating Expenses	\$20,914,384	\$21,180,026
S	5GE0	653606	ICF/IID and Waiver Match	\$60,000,000	\$60,000,000

T	5H00	322619	Medicaid Repayment	\$900,000	\$900,000
U	5S20	653622	Medicaid Administration and Oversight	\$36,000,000	\$36,000,000
V	5Z10	653624	County Board Waiver Match	\$688,000,000	\$752,000,000
W			Dedicated Purpose Fund Group Total	\$816,604,384	\$880,870,026
X			Internal Service Activity Fund Group		
Y	1520	653609	DC and Residential Facilities Operating Services	\$20,000,000	\$20,000,000
Z			Internal Service Activity Fund Group Total	\$20,000,000	\$20,000,000
AA			Federal Fund Group		
AB	3250	322612	Community Social Service Programs	\$15,075,000	\$15,075,000
AC	3A40	653654	Medicaid Services	\$3,385,530,510	\$3,545,767,920
AD	3A40	653655	Medicaid Support	\$92,000,000	\$97,000,000
AE	3A50	320613	Developmental Disabilities Council	\$3,369,230	\$3,408,234
AF			Federal Fund Group Total	\$3,495,974,740	\$3,661,251,154
AG			TOTAL ALL BUDGET FUND GROUPS	\$5,509,959,341	\$5,749,838,180

The foregoing appropriation item 320411, Special Olympics, 145006
shall be distributed by the Ohio Department of Developmental 145007
Disabilities to the Special Olympics of Ohio in support of the 145008
Ohio Special Olympics Summer Games. 145009

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 145010
LEASE-RENTAL BOND PAYMENTS 145011

The foregoing appropriation item 320415, Developmental 145012
Disabilities Facilities Lease Rental Bond Payments, shall be 145013
used to meet all payments during the period from July 1, 2025, 145014
through June 30, 2027, by the Department of Developmental 145015
Disabilities pursuant to leases and agreements made under 145016
section 154.20 of the Revised Code. These appropriations are the 145017
source of funds pledged for bond service charges on related 145018
obligations issued under Chapter 154. of the Revised Code. 145019

Section 261.40. MULTI-SYSTEM YOUTH 145020

Of the foregoing appropriation item 322422, Multi-System 145021
Youth, a portion may be used to provide a subsidy to eligible 145022
county boards of developmental disabilities for the provision of 145023
respite services and other services and supports for youth with 145024
complex or multi-system needs to enable them to remain in their 145025
homes with their families or in their communities. The Director 145026
of Developmental Disabilities shall establish the total amount 145027
available for the subsidy, a formula for distributing the 145028
subsidy to eligible county boards, and the eligibility 145029
requirements county boards must satisfy to receive the subsidy. 145030

Section 261.50. TECHNOLOGY FIRST 145031

Of the foregoing appropriation item 322423, Technology 145032
First, a portion may be used to increase access and utilization 145033
of innovative technology for people with developmental 145034

disabilities in accordance with the Technology First Policy 145035
established in section 5123.025 of the Revised Code. 145036

Section 261.60. EMPLOYMENT FIRST INITIATIVE 145037

The foregoing appropriation item 322508, Employment First 145038
Initiative, shall be used to increase employment opportunities 145039
for individuals with developmental disabilities through the 145040
Employment First Initiative in accordance with section 5123.022 145041
of the Revised Code. 145042

Of the foregoing appropriation item, 322508, Employment 145043
First Initiative, the Director of Developmental Disabilities 145044
shall transfer, in each fiscal year, to the Opportunities for 145045
Ohioans with Disabilities Agency an amount agreed upon by the 145046
Director of Developmental Disabilities and the Executive 145047
Director of the Opportunities for Ohioans with Disabilities 145048
Agency. The transfer shall be made via an intrastate transfer 145049
voucher. The transferred funds shall be used to support the 145050
Employment First Initiative. The Opportunities for Ohioans with 145051
Disabilities Agency shall use the funds transferred as state 145052
matching funds to obtain available federal grant dollars for 145053
vocational rehabilitation services. Any federal match dollars 145054
received by the Opportunities for Ohioans with Disabilities 145055
Agency shall be used for the initiative. The Director of 145056
Developmental Disabilities and the Executive Director of the 145057
Opportunities for Ohioans with Disabilities Agency shall enter 145058
into an interagency agreement in accordance with section 145059
3304.181 of the Revised Code that will specify the 145060
responsibilities of each agency under the initiative. Under the 145061
interagency agreement, the Opportunities for Ohioans with 145062
Disabilities Agency shall retain responsibility for eligibility 145063
determination, order of selection, plan approval, plan 145064

amendment, and release of vendor payments. 145065

The remainder of appropriation item 322508, Employment 145066
First Initiative, shall be used to develop a long-term, 145067
sustainable system that places individuals with developmental 145068
disabilities in community employment, as defined in section 145069
5123.022 of the Revised Code. 145070

Section 261.61. ACHIEVEMENT CENTERS FOR CHILDREN 145071

Of the foregoing appropriation item 322509, Community 145072
Supports and Rental Assistance, \$190,000 in each fiscal year 145073
shall be distributed to the Achievement Centers for Children to 145074
provide family support services and respite care for children 145075
with disabilities and their families. 145076

Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 145077

The foregoing appropriation item 322509, Community 145078
Supports and Rental Assistance, may be used by the Director of 145079
Developmental Disabilities to provide funding to county boards 145080
of developmental disabilities for rental assistance to 145081
individuals with developmental disabilities receiving home and 145082
community-based services as defined in section 5123.01 of the 145083
Revised Code pursuant to section 5124.60 of the Revised Code or 145084
section 5124.69 of the Revised Code and individuals with 145085
developmental disabilities who enroll in a Medicaid waiver 145086
component providing home and community-based services after 145087
receiving preadmission counseling pursuant to section 5124.68 of 145088
the Revised Code. The Director shall establish the methodology 145089
for determining the amount and distribution of such funding. 145090

Section 261.80. MEDICAID SERVICES 145091

(A) As used in this section: 145092

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	145093 145094
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	145095 145096
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	145097 145098 145099
(1) Home and community-based services;	145100
(2) ICF/IID services; and	145101
(3) Other programs as identified by the Director of Developmental Disabilities.	145102 145103
Section 261.90. CENTRAL OFFICE OPERATING EXPENSES	145104
Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	145105 145106 145107 145108 145109
Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES	145110
As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	145111 145112 145113
The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2026 and fiscal year 2027 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the	145114 145115 145116 145117 145118 145119

Director shall submit to a county board written notice of the 145120
amount the county board is to pay for that quarter. The notice 145121
shall specify when the payment is due. 145122

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 145123

If a county board of developmental disabilities does not 145124
fully pay any amount owed to the Department of Developmental 145125
Disabilities by the due date established by the Department, the 145126
Director of Developmental Disabilities may withhold the amount 145127
the county board did not pay from any amounts due to the county 145128
board. The Director may use any appropriation item or fund used 145129
by the Department to transfer cash to any other fund used by the 145130
Department in an amount equal to the amount owed the Department 145131
that the county board did not pay. Transfers under this section 145132
shall be made using an intrastate transfer voucher. 145133

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 145134

(A) In fiscal year 2026 and fiscal year 2027, the Director 145135
of Developmental Disabilities may authorize the continuation or 145136
implementation of one or more innovative pilot projects that, in 145137
the judgment of the Director, are likely to assist in promoting 145138
the objectives of Chapter 5123. or 5126. of the Revised Code. 145139
Subject to division (B) of this section and notwithstanding any 145140
provision of Chapters 5123. and 5126. of the Revised Code and 145141
any rule adopted under either chapter, a pilot project 145142
authorized by the Director may be continued or implemented in a 145143
manner inconsistent with one or more provisions of either 145144
chapter or one or more rules adopted under either chapter. 145145
Before authorizing a pilot program, the Director shall consult 145146
with entities interested in the issue of developmental 145147
disabilities, including the Ohio Provider Resource Association, 145148
Ohio Association of County Boards of Developmental Disabilities, 145149

Ohio Health Care Association/Ohio Centers for Intellectual 145150
Disabilities, the Values and Faith Alliance, and ARC of Ohio. 145151

(B) The Director may not authorize a pilot project to be 145152
implemented in a manner that would cause the state to be out of 145153
compliance with any requirements for a program funded in whole 145154
or in part with federal funds. 145155

Section 261.130. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 145156
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 145157

(A) As used in this section: 145158

(1) "Converted facility" means an ICF/IID, or former 145159
ICF/IID, that converted some or all of its beds to providing 145160
home and community-based services under the IO Waiver pursuant 145161
to section 5124.60 of the Revised Code. 145162

(2) "Developmental center" and "ICF/IID" have the same 145163
meanings as in section 5124.01 of the Revised Code. 145164

(3) "IO Waiver" means the Medicaid waiver component, as 145165
defined in section 5166.01 of the Revised Code, known as 145166
Individual Options. 145167

(4) "Medicaid provider" has the same meaning as in section 145168
5164.01 of the Revised Code. 145169

(5) "Public hospital" has the same meaning as in section 145170
5122.01 of the Revised Code. 145171

(6) "Qualifying IO enrollee" means an IO Waiver enrollee 145172
to whom all of the following apply: 145173

(a) The enrollee resided in a developmental center, 145174
converted facility, or public hospital immediately before 145175
enrolling in the IO Wavier. 145176

(b) The enrollee did not receive before July 1, 2011, 145177
routine homemaker/personal care services from the Medicaid 145178
provider that is to be paid the Medicaid rate authorized by this 145179
section for providing such services to the enrollee during the 145180
period specified in division (C) of this section. 145181

(c) The Director of Developmental Disabilities has 145182
determined that the enrollee's special circumstances (including 145183
the enrollee's diagnosis, service needs, or length of stay at 145184
the developmental center, converted facility, or public 145185
hospital) warrants paying the Medicaid rate authorized by this 145186
section. 145187

(B) The total Medicaid payment rate for each fifteen 145188
minutes of routine homemaker/personal care services that a 145189
Medicaid provider provides to a qualifying IO enrollee during 145190
the period specified in division (C) of this section shall be 145191
fifty-two cents higher than the Medicaid payment rate in effect 145192
on the day the services are provided for each fifteen minutes of 145193
routine homemaker/personal care services that a Medicaid 145194
provider provides to an IO enrollee who is not a qualifying IO 145195
enrollee. 145196

(C) Division (B) of this section applies to the first 145197
twelve months, consecutive or otherwise, that a Medicaid 145198
provider, during the period beginning July 1, 2025, and ending 145199
July 1, 2027, provides routine homemaker/personal care services 145200
to a qualifying IO enrollee. 145201

(D) Of the foregoing appropriation items 653407, Medicaid 145202
Services, and 653654, Medicaid Services, portions shall be used 145203
to pay the Medicaid payment rate determined in accordance with 145204
this section for routine homemaker/personal care services 145205
provided to qualifying IO enrollees. 145206

Section 261.140. ICF WORKFORCE DEVELOPMENT PAYMENTS 145207

Of the foregoing appropriation items 653407, Medicaid 145208
Services, and 653654, Medicaid Services, a portion of each 145209
appropriation item shall be used in fiscal year 2026 in 145210
accordance with this section and section 5124.15 of the Revised 145211
Code. The funds shall be used to maintain rates supporting the 145212
professional workforce development payment, as provided in 145213
division (A) (5) (c) of section 5124.15 of the Revised Code. 145214

Section 263.10. 145215
145216

1	2	3	4	5
A	SBE STATE BOARD OF EDUCATION			
B	Dedicated Purpose Fund Group			
C	4K90 210602 Operating Expenses		\$15,010,991	\$15,519,872
D	Dedicated Purpose Fund Group Total		\$15,010,991	\$15,519,872
E	Federal Fund Group			
F	3IS0 210601 Title II A/Supporting Effective Instruction		\$1,355,000	\$1,355,000
G	Federal Fund Group Total		\$1,355,000	\$1,355,000
H	TOTAL ALL BUDGET FUND GROUPS		\$16,365,991	\$16,874,872

Section 263.20. CASH TRANSFER FROM THE STATE BOARD OF 145217
EDUCATION LICENSURE FUND TO THE OCCUPATIONAL LICENSING AND 145218
REGULATORY FUND 145219

On July 1, 2025, or as soon as possible thereafter, the 145220

Director of Budget and Management shall transfer the cash 145221
balance in the State Board of Education Licensure Fund (Fund 145222
4L20) to the Occupational Licensing and Regulatory Fund (Fund 145223
4K90). Upon completion of the transfer, Fund 4L20 is hereby 145224
abolished. The Director shall cancel any existing encumbrances 145225
against appropriation item 210600, Operating Expenses, and 145226
reestablish them against appropriation item 210602, Operating 145227
Expenses. The reestablished encumbrance amounts are hereby 145228
appropriated. 145229

Section 265.10.

145230
145231

	1	2	3	4	5
A			EDU DEPARTMENT OF EDUCATION AND WORKFORCE		
B			General Revenue Fund		
C	GRF	200321	Operating Expenses	\$14,474,898	\$15,054,312
D	GRF	200416	Career Technical Education	\$2,500,000	\$2,500,000
E	GRF	200420	Information Technology Development and Support	\$4,231,479	\$4,316,527
F	GRF	200422	School Management Assistance	\$2,800,000	\$2,800,000
G	GRF	200424	Policy Analysis	\$500,000	\$516,419
H	GRF	200426	Ohio Educational Computer Network	\$18,994,000	\$18,994,000

I	GRF	200427	Academic Standards	\$5,035,410	\$5,429,033
J	GRF	200437	Student Assessment	\$50,609,125	\$50,882,346
K	GRF	200439	Accountability/Report Cards	\$7,369,440	\$7,437,742
L	GRF	200446	Education Management Information System	\$9,958,226	\$10,325,278
M	GRF	200448	Educator and Principal Preparation	\$2,163,493	\$2,176,754
N	GRF	200455	Community Schools and Choice Programs	\$4,370,165	\$4,446,705
O	GRF	200465	Education Technology Resources	\$2,893,949	\$2,906,346
P	GRF	200478	Industry-Recognized Credentials High School Students	\$16,000,000	\$16,000,000
Q	GRF	200502	Pupil Transportation	\$881,585,414	\$958,729,701
R	GRF	200505	School Meal Programs	\$13,163,000	\$13,163,000
S	GRF	200511	Auxiliary Services	\$170,292,963	\$172,262,613
T	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$76,935,110	\$77,824,960
U	GRF	200540	Special Education Enhancements	\$192,272,426	\$192,272,426

V	GRF	200545	Career-Technical Education Enhancements	\$12,913,000	\$12,913,000
W	GRF	200550	Foundation Funding - All Students	\$8,445,848,772	\$8,704,217,991
X	GRF	200566	Literacy Improvement	\$2,472,674	\$2,500,000
Y	GRF	200572	Adult Education Programs	\$9,348,399	\$15,688,404
Z	GRF	200574	Half-Mill Maintenance Equalization	\$6,420,640	\$6,152,450
AA	GRF	200576	Adaptive Sports Program	\$350,000	\$350,000
AB	General Revenue Fund Total			\$9,953,502,583	\$10,299,860,007
AC	Dedicated Purpose Fund Group				
AD 4520		200638	Charges and Reimbursements	\$1,500,000	\$1,500,000
AE 5980		200659	Auxiliary Services Reimbursement	\$650,000	\$650,000
AF 5DA1		2006B1	Education Demonstration Projects	\$5,000,000	\$10,000,000
AG 5H30		200687	School District Solvency Assistance	\$2,000,000	\$2,000,000
AH 5KX0		200691	Ohio School Sponsorship Program	\$1,900,000	\$1,900,000
AI 5MM0		200677	Child Nutrition Refunds	\$550,000	\$550,000

AJ 5U20 200685	National Education Statistics	\$185,000	\$185,000
AK 5VS0 200604	Foundation Funding - All Students	\$600,000,000	\$600,000,000
AL 5Y00 200491	Public and Nonpublic Education Support	\$171,200,000	\$171,200,000
AM 6200 200615	Educational Improvement Grants	\$600,000	\$600,000
AN	Dedicated Purpose Fund Group Total	\$783,585,000	\$788,585,000
AO	Internal Service Activity Fund Group		
AP 1380 200606	Information Technology Development and Support	\$18,394,387	\$18,597,721
AQ 4R70 200695	Indirect Operational Support	\$9,944,311	\$10,166,435
AR 4V70 200633	Interagency Program Support	\$3,000,000	\$3,000,000
AS	Internal Service Activity Fund Group Total	\$31,338,698	\$31,764,156
AT	State Lottery Fund Group		
AU 7017 200612	Foundation Funding - All Students	\$1,427,583,202	\$1,380,174,884
AV 7017 200614	Accelerate Great Schools	\$1,500,000	\$1,500,000

AW 7017 200631	Quality Community and Independent STEM Schools Support	\$115,000,000	\$125,000,000
AX 7017 200684	Community School Facilities	\$99,155,000	\$108,155,000
AY 7017 2006A7	Literacy Coaches	\$12,000,000	\$12,000,000
AZ	State Lottery Fund Group Total	\$1,655,238,202	\$1,626,829,884
BA	Federal Fund Group		
BB 3120 2006A9	Aspire - Federal	\$0	\$18,996,799
BC 3670 200607	School Food Services	\$13,379,350	\$13,379,350
BD 3700 200624	Education of Exceptional Children	\$1,750,000	\$1,750,000
BE 3AF0 657601	Schools Medicaid Administrative Claims	\$150,000	\$150,000
BF 3EH0 200620	Migrant Education	\$1,700,000	\$1,700,000
BG 3EJ0 200622	Homeless Children Education	\$4,823,000	\$5,112,380
BH 3GE0 200674	Summer Food Service Program	\$23,000,000	\$23,000,000
BI 3GG0 200676	Fresh Fruit and Vegetable Program	\$5,500,000	\$6,000,000
BJ 3HF0 200649	Federal Education Grants	\$5,000,000	\$5,000,000

BK	3HI0	200634	Student Support and Academic Enrichment	\$54,131,000	\$50,604,930
BL	3HL0	200678	Comprehensive Literacy State Development Program	\$14,630,000	\$14,630,000
BM	3L60	200617	Federal School Lunch	\$565,999,000	\$595,000,000
BN	3L70	200618	Federal School Breakfast	\$195,000,000	\$205,000,000
BO	3L80	200619	Child/Adult Food Programs	\$116,000,000	\$118,000,000
BP	3L90	200621	Career-Technical Education Basic Grant	\$56,680,000	\$58,947,200
BQ	3M00	200623	ESEA Title 1A	\$677,740,000	\$698,072,200
BR	3M20	200680	Individuals with Disabilities Education Act	\$530,400,000	\$541,008,000
BS	3Y20	200688	21st Century Community Learning Centers	\$47,940,000	\$48,898,800
BT	3Y60	200635	Improving Teacher Quality	\$77,157,900	\$78,701,058
BU	3Y70	200689	English Language Acquisition	\$13,728,000	\$14,277,120
BV	3Y80	200639	Rural and Low Income Technical Assistance	\$3,300,000	\$3,300,000
BW	3Z20	200690	State Assessments	\$11,500,000	\$11,500,000
BX	3Z30	200645	Consolidated Federal	\$15,000,000	\$15,000,000

Grant Administration

BY Federal Fund Group Total \$2,434,508,250 \$2,528,027,837

BZ TOTAL ALL BUDGET FUND GROUPS \$14,858,172,733 \$15,275,066,884

Section 265.20. CAREER-TECHNICAL EDUCATION 145232

A portion of the foregoing appropriation item 200416, 145233
Career-Technical Education, shall be used by the Department of 145234
Education and Workforce to provide matching funds related to 145235
career-technical education under 20 U.S.C. 2321. 145236

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 145237
SUPPORT 145238

The foregoing appropriation item 200420, Information 145239
Technology Development and Support, shall be used to support the 145240
development and implementation of information technology 145241
solutions designed to improve the performance and services of 145242
the Department of Education and Workforce. Funds may be used for 145243
personnel, maintenance, and equipment costs related to the 145244
development and implementation of these technical system 145245
projects. Implementation of these systems shall allow the 145246
Department to provide greater levels of assistance to school 145247
districts and to provide more timely information to the public, 145248
including school districts, administrators, and legislators. 145249
Funds may also be used to support data-driven decision-making 145250
and differentiated instruction, as well as to communicate 145251
academic content standards and curriculum models to schools 145252
through web-based applications. 145253

Section 265.40. SCHOOL MANAGEMENT ASSISTANCE 145254

The foregoing appropriation item 200422, School Management 145255

Assistance, shall be used by the Department of Education and 145256
Workforce to provide fiscal technical assistance and inservice 145257
education for school district management personnel and to 145258
administer, monitor, and implement the fiscal caution, fiscal 145259
watch, and fiscal emergency provisions under Chapter 3316. of 145260
the Revised Code. 145261

Section 265.50. POLICY ANALYSIS 145262

The foregoing appropriation item 200424, Policy Analysis, 145263
shall be used by the Department of Education and Workforce to 145264
support a system of administrative and statistical education 145265
information to be used for policy analysis. Staff supported by 145266
this appropriation shall administer the development of reports, 145267
analyses, and briefings regarding current trends in education 145268
practice, efficient and effective use of resources, and 145269
evaluation of programs to improve education results. A portion 145270
of these funds shall be used to maintain a longitudinal database 145271
to support the assessment of the impact of policies and programs 145272
on Ohio's education and workforce development systems. The 145273
research efforts supported by this appropriation item shall be 145274
used to supply information and analysis of data to and in 145275
consultation with the General Assembly and other state 145276
policymakers, including the Office of Budget and Management and 145277
the Legislative Service Commission. 145278

Section 265.60. OHIO EDUCATIONAL COMPUTER NETWORK 145279

The foregoing appropriation item 200426, Ohio Educational 145280
Computer Network, shall be used by the Department of Education 145281
and Workforce to maintain a system of information technology 145282
throughout Ohio and to provide technical assistance for such a 145283
system. 145284

Of the foregoing appropriation item 200426, Ohio 145285
Educational Computer Network, up to \$8,425,500 in each fiscal 145286
year shall be used by the Department to support connection of 145287
all public school buildings and participating chartered 145288
nonpublic schools to the state's education network, to each 145289
other, and to the Internet. In each fiscal year, the Department 145290
shall use these funds to assist information technology centers 145291
or school districts with the operational costs associated with 145292
this connectivity. The Department shall develop a formula and 145293
guidelines for the distribution of these funds to information 145294
technology centers or individual school districts. As used in 145295
this section, "public school building" means a school building 145296
of any city, local, exempted village, or joint vocational school 145297
district, any community school established under Chapter 3314. 145298
of the Revised Code, any college preparatory boarding school 145299
established under Chapter 3328. of the Revised Code, any STEM 145300
school established under Chapter 3326. of the Revised Code, any 145301
educational service center building used for instructional 145302
purposes, the Ohio School for the Deaf and the Ohio State School 145303
for the Blind, high schools chartered by the Ohio Department of 145304
Youth Services, or high schools operated by Ohio Department of 145305
Rehabilitation and Corrections' Ohio Central School System. 145306

Of the foregoing appropriation item 200426, Ohio 145307
Educational Computer Network, up to \$6,305,000 in each fiscal 145308
year shall be used, through a formula and guidelines devised by 145309
the Department, to support the activities of designated 145310
information technology centers, as defined by Department of 145311
Education and Workforce rules, to provide school districts and 145312
chartered nonpublic schools with computer-based student and 145313
teacher instructional and administrative information services, 145314
including approved computerized financial accounting, to ensure 145315

the effective operation of local automated administrative and 145316
instructional systems, and to monitor and support the quality of 145317
data submitted to the Department. 145318

Of the foregoing appropriation item 200426, Ohio 145319
Educational Computer Network, up to \$1,650,000 in each fiscal 145320
year shall be used by the Department to support cybersecurity 145321
initiatives led by the Management Council of the Ohio Computer 145322
Education Network in public and nonpublic schools. Efforts may 145323
include, but shall not be limited to, vulnerability management, 145324
security awareness training, multifactor authentication, and 145325
endpoint detection and response capabilities. In determining the 145326
specific cybersecurity programs and initiatives the foregoing 145327
appropriation item will support, the Department shall consult 145328
with the Governor's Cybersecurity Strategic Advisor. 145329

The remainder of appropriation item 200426, Ohio 145330
Educational Computer Network, shall be used to support the work 145331
of the development, maintenance, and operation of a network of 145332
uniform and compatible computer-based information systems as 145333
well as the teacher student linkage/roster verification process 145334
and systems to support electronic sharing of student records and 145335
transcripts between entities. This technical assistance shall 145336
include, but not be restricted to, development and maintenance 145337
of adequate computer software systems to support network 145338
activities. In order to improve the efficiency of network 145339
activities, the Department and information technology centers 145340
may jointly purchase equipment, materials, and services from 145341
funds provided under this appropriation for use by the network 145342
and, when considered practical by the Department, may utilize 145343
the services of appropriate state purchasing agencies. 145344

Section 265.70. ACADEMIC STANDARDS 145345

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education and Workforce to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curricula.

Section 265.80. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$622,713 in each fiscal year shall be used to reimburse a portion of the costs associated with Advanced Placement and College-Level Examination Program tests for low-income students, as determined by the Department. If the funds provided by the Department through this set-aside and federal funds are not sufficient to cover the costs of Advanced Placement, College-Level Examination, and International Baccalaureate tests for low-income students, school districts and other public schools shall pay the remainder of the costs using other funds.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code. The funds may also be used to update and develop diagnostic assessments administered under sections 3301.079, 3301.0715, and 3313.608 of the Revised Code and to support readiness assessments for students in grades three and higher that assist districts and schools with identifying and benchmarking student progress.

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION 145376
TRANSFERS FOR STUDENT ASSESSMENT 145377

In fiscal year 2026 and fiscal year 2027, if the Director 145378
of Education and Workforce determines that additional funds are 145379
needed to fully fund the requirements of sections 3301.0710, 145380
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this 145381
act for assessments of student performance, the Director may 145382
recommend to the Director of Budget and Management the 145383
reallocation of unexpended and unencumbered General Revenue Fund 145384
appropriations within the Department of Education and Workforce 145385
to appropriation item 200437, Student Assessment. If the 145386
Director of Budget and Management determines that such a 145387
reallocation is required, the Director, subject to Controlling 145388
Board approval, may transfer unexpended and unencumbered 145389
appropriations within the Department of Education and Workforce 145390
as necessary to appropriation item 200437, Student Assessment. 145391

Section 265.90. ACCOUNTABILITY/REPORT CARDS 145392

Of the foregoing appropriation item 200439, 145393
Accountability/Report Cards, a portion in each fiscal year shall 145394
be used to train district and regional specialists and district 145395
educators in the use of the value-added progress dimension and 145396
in the use of data as it relates to improving student 145397
achievement. This training may include teacher and administrator 145398
professional development in the use of data to improve 145399
instruction and student learning, and teacher and administrator 145400
training in understanding teacher value-added reports and how 145401
they can be used as a component in measuring teacher and 145402
administrator effectiveness. 145403

The remainder of appropriation item 200439, 145404
Accountability/Report Cards, shall be used by the Department of 145405

Education and Workforce to incorporate a statewide value-added 145406
progress dimension into performance ratings for school districts 145407
and for the development of an accountability system that 145408
includes the preparation and distribution of school report 145409
cards, funding and expenditure accountability reports under 145410
sections 3302.03 and 3302.031 of the Revised Code, the 145411
development and maintenance of teacher value-added reports, the 145412
teacher student linkage/roster verification process, and the 145413
performance management section of the Department's web site 145414
required by section 3302.26 of the Revised Code. 145415

Section 265.100. EDUCATION MANAGEMENT INFORMATION SYSTEM 145416

The foregoing appropriation item 200446, Education 145417
Management Information System, shall be used by the Department 145418
of Education and Workforce to maintain and improve the Education 145419
Management Information System (EMIS). 145420

Of the foregoing appropriation item 200446, Education 145421
Management Information System, up to \$405,000 in each fiscal 145422
year shall be used to support grants to information technology 145423
centers to provide professional development opportunities to 145424
district and school personnel related to the EMIS, with a focus 145425
placed on data submission and data quality. 145426

Of the foregoing appropriation item 200446, Education 145427
Management Information System, up to \$950,000 in each fiscal 145428
year shall be distributed to designated information technology 145429
centers for costs relating to processing, storing, and 145430
transferring data for the effective operation of the EMIS. These 145431
costs may include, but are not limited to, personnel, hardware, 145432
software development, communications connectivity, professional 145433
development, and support services. 145434

The remainder of appropriation item 200446, Education Management Information System, shall be used to develop and support the data definitions and standards outlined in the EMIS guidelines adopted under section 3301.0714 of the Revised Code, to implement recommendations of the EMIS Advisory Council and the Director of Education and Workforce, to enhance data quality assurance practices, and to support responsibilities related to the school report cards prescribed by section 3302.03 of the Revised Code and value-added progress dimension calculations.

Section 265.110. EDUCATOR AND PRINCIPAL PREPARATION

(A) Of the foregoing appropriation item 200448, Educator and Principal Preparation, up to \$1,612,500 in each fiscal year shall be used, in consultation with the Department of Veterans Services, to support the Ohio Military Veteran Educators Program, which may do all of the following:

(1) Administer a grant program for institutions of higher education to provide financial incentives and assistance for eligible military individuals, as defined in section 3319.285 of the Revised Code, to enroll in and complete an educator preparation program approved under section 3333.048 of the Revised Code;

(2) Subsidize the costs for eligible military individuals associated with completing college coursework or professional development in pedagogy for the purpose of obtaining an alternative military educator license pursuant to section 3319.285 of the Revised Code or advancing to the professional license pursuant to section 3319.22 of the Revised Code;

(3) Provide funds to public schools, educational service centers, and county boards of developmental disabilities to

support activities to recruit eligible military individuals to 145464
work in public schools and support bonuses to public schools 145465
that hire eligible military individuals; 145466

(4) Reimburse public schools, educational service centers, 145467
and county boards of developmental disabilities that pay 145468
financial bonuses to eligible military individuals who complete 145469
at least one year of employment with the school; 145470

(5) In consultation with the Department of Veterans 145471
Services, establish and support the Governor's Ohio Military 145472
Veteran Educators Fellowship Pilot Program to recruit and train 145473
eligible military individuals to become licensed to teach in 145474
low-performing public schools. 145475

(B) Of the foregoing appropriation item 200448, Educator 145476
and Principal Preparation, up to \$350,993 in fiscal year 2026 145477
and up to \$364,254 in fiscal year 2027 may be used by the 145478
Department of Education and Workforce to monitor and support 145479
Ohio's State System of Support, as defined by the Every Student 145480
Succeeds Act. 145481

(C) Of the foregoing appropriation item 200448, Educator 145482
and Principal Preparation, \$200,000 in each fiscal year shall be 145483
used to support selected school staff through the FASTER Saves 145484
Lives Program for the purpose of stopping active shooters and 145485
treating casualties. 145486

(D) Notwithstanding any provision of law to the contrary, 145487
awards under this section may be used by recipients for award- 145488
related expenses incurred for a period not to exceed two years 145489
from the date of the award. 145490

Section 265.120. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 145491

The foregoing appropriation item 200455, Community Schools 145492

and Choice Programs, may be used by the Department of Education 145493
and Workforce for the oversight and support of community schools 145494
established under Chapter 3314. of the Revised Code, community 145495
school sponsors, and nonpublic schools; and the administration 145496
of school choice programs. The funds may be used to support the 145497
sponsor evaluation system in accordance with section 3314.016 of 145498
the Revised Code. 145499

Section 265.130. EDUCATION TECHNOLOGY RESOURCES 145500

Of the foregoing appropriation item 200465, Education 145501
Technology Resources, up to \$2,500,000 in each fiscal year shall 145502
be used for the Union Catalog and InfOhio Network and to support 145503
the provision of electronic resources with priority given to 145504
resources that support the teaching of state academic content 145505
standards in all public schools and resources in support of 145506
Ohio's Plan to Raise Literacy Achievement. The Department of 145507
Education and Workforce shall consider coordinating the 145508
allocation of these moneys with the efforts of Libraries Connect 145509
Ohio, whose members include OhioLINK, the Ohio Public 145510
Information Network, and the State Library of Ohio. 145511

Section 265.140. INDUSTRY-RECOGNIZED CREDENTIALS HIGH 145512
SCHOOL STUDENTS 145513

City, local, and exempted village school districts, 145514
community schools, STEM schools, and joint vocational school 145515
districts shall inform students enrolled in career-technical 145516
education courses that lead to an industry-recognized credential 145517
about the opportunity to earn these credentials. The educating 145518
entity shall pay for the cost of the credential. 145519

The foregoing appropriation item 200478, Industry- 145520
Recognized Credentials High School Students, shall be used by 145521

the Department of Education and Workforce and the Governor's 145522
Office of Workforce Transformation to operate the Innovative 145523
Workforce Incentive Program. The Office of Workforce 145524
Transformation shall maintain a list of credentials that qualify 145525
for the program. The Department of Education and Workforce shall 145526
pay each city, local, and exempted village school district, 145527
community school, STEM school, and joint vocational school 145528
district an amount equal to \$725 for each qualifying credential 145529
a student attending the district or school earned in the school 145530
year preceding the fiscal year in which the funds are 145531
appropriated. If the amount appropriated is not sufficient, the 145532
Department shall prorate the amounts so that the aggregate 145533
amount appropriated is not exceeded. 145534

Section 265.150. PUPIL TRANSPORTATION 145535

Of the foregoing appropriation item 200502, Pupil 145536
Transportation, up to \$1,088,930 in each fiscal year may be used 145537
by the Department of Education and Workforce for training 145538
prospective and experienced school bus drivers in accordance 145539
with training programs prescribed by the Department. A portion 145540
of these funds may also be used to pay for costs associated with 145541
the enrollment of bus drivers in the retained applicant 145542
fingerprint database. 145543

Of the foregoing appropriation item 200502, Pupil 145544
Transportation, up to \$176,897,678 in fiscal year 2026 and up to 145545
\$194,820,866 in fiscal year 2027 may be used by the Department 145546
for special education transportation reimbursements to school 145547
districts, educational service centers, and county boards of 145548
developmental disabilities for transportation operating costs as 145549
provided in divisions (C) and (F) of section 3317.024 of the 145550
Revised Code. 145551

Of the foregoing appropriation item 200502, Pupil 145552
Transportation, up to \$250,000 in fiscal year 2026 shall be used 145553
to support the Montgomery County Pupil Transportation Pilot 145554
Program established in Section 265.550 of H.B. 33 of the 135th 145555
General Assembly, as amended by this act. 145556

The remainder of the foregoing appropriation item 200502, 145557
Pupil Transportation, shall be used to distribute the amounts 145558
calculated for transportation aid under division (A) (2) of 145559
section 3317.019 and divisions (E), (F), (G), (H), and (I) of 145560
section 3317.0212 of the Revised Code. 145561

PAYMENTS IN LIEU OF TRANSPORTATION 145562

For purposes of division (D) of section 3327.02 of the 145563
Revised Code, if a parent, guardian, or other person in charge 145564
of a pupil accepts an offer from a school district of payment in 145565
lieu of providing transportation for the pupil, the school 145566
district shall pay that parent, guardian, or other person an 145567
amount not less than fifty per cent and not more than the amount 145568
determined by the Department under division (C) of section 145569
3317.0212 of the Revised Code for the most recent school year 145570
for which data is available. Payment may be prorated if the time 145571
period involved is only a part of the school year. 145572

Section 265.160. SCHOOL MEAL PROGRAMS 145573

(A) The foregoing appropriation item 200505, School Meal 145574
Programs, shall be used to support the reimbursements required 145575
by section 3301.91 of the Revised Code and provide matching 145576
funds to obtain federal funds for the school lunch program. 145577

(B) Any remaining appropriation after providing matching 145578
funds for the school lunch program may be used to do the 145579
following: 145580

(1) Partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department;

(2) Support the Summer EBT Program in coordination with the Department of Job and Family Services.

Section 265.170. AUXILIARY SERVICES

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department to make payments under division (E) of section 3317.024 of the Revised Code to implement sections 3317.06 and 3317.062 of the Revised Code. Notwithstanding any provision of law to the contrary, for fiscal year 2026, school districts or chartered nonpublic schools may use the auxiliary services funding provided under division (E) of section 3317.024 of the Revised Code to provide diagnostic or therapeutic mental health services to students enrolled in chartered nonpublic schools at any time during the fiscal year.

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200532, Nonpublic

Administrative Cost Reimbursement, shall be used by the 145610
Department of Education and Workforce for the purpose of 145611
implementing section 3317.063 of the Revised Code. Payments made 145612
by the Department for this purpose shall not exceed four hundred 145613
seventy-five dollars per student for each school year. 145614

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 145615

Of the foregoing appropriation item 200540, Special 145616
Education Enhancements, up to \$33,945,594 in each fiscal year 145617
shall be used to fund special education and related services at 145618
county boards of developmental disabilities for eligible 145619
students under section 3317.20 of the Revised Code and at 145620
institutions for eligible students under section 3317.201 of the 145621
Revised Code. If necessary, the Department of Education and 145622
Workforce shall proportionately reduce the amount calculated for 145623
each county board of developmental disabilities and institution 145624
so as not to exceed the amount appropriated in each fiscal year. 145625

Of the foregoing appropriation item 200540, Special 145626
Education Enhancements, up to \$1,350,000 in each fiscal year 145627
shall be used for parent mentoring programs. 145628

Of the foregoing appropriation item 200540, Special 145629
Education Enhancements, up to \$3,000,000 in each fiscal year may 145630
be used for school psychology interns. 145631

The remainder of appropriation item 200540, Special 145632
Education Enhancements, shall be distributed by the Department 145633
of Education and Workforce to school districts and institutions, 145634
as defined in section 3323.091 of the Revised Code, for 145635
preschool special education funding under section 3317.0213 of 145636
the Revised Code. 145637

The Department may reimburse school districts and 145638

institutions for services provided by instructional assistants, 145639
related services, as defined in rule 3301-51-11 of the 145640
Administrative Code, physical therapy services provided by a 145641
licensed physical therapist or physical therapist assistant 145642
under the supervision of a licensed physical therapist, as 145643
required under Chapter 4755. of the Revised Code and Chapter 145644
4755-27 of the Administrative Code, and occupational therapy 145645
services provided by a licensed occupational therapist or 145646
occupational therapy assistant under the supervision of a 145647
licensed occupational therapist, as required under Chapter 4755. 145648
of the Revised Code and Chapter 4755-7 of the Administrative 145649
Code. Nothing in this section authorizes occupational therapy 145650
assistants or physical therapist assistants to generate or 145651
manage their own caseloads. 145652

The Department shall require school districts, educational 145653
service centers, county boards of developmental disabilities, 145654
and institutions serving preschool children with disabilities to 145655
adhere to Ohio's early learning program standards, participate 145656
in the Step Up to Quality Program established pursuant to 145657
section 5104.29 of the Revised Code, and document child progress 145658
using research-based indicators prescribed by the Department and 145659
report results annually. The reporting dates and method shall be 145660
determined by the Department. All programs shall be rated 145661
through the Step Up to Quality Program. 145662

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 145663

Of the foregoing appropriation item 200545, Career- 145664
Technical Education Enhancements, up to \$5,000,000 in each 145665
fiscal year shall be used to pay career awareness and 145666
exploration funds pursuant to division (E) of section 3317.014 145667
of the Revised Code. If the amount appropriated is not 145668

sufficient, the Department of Education and Workforce shall 145669
prorate the amounts so that the aggregate amount appropriated is 145670
not exceeded. 145671

Of the foregoing appropriation item 200545, Career- 145672
Technical Education Enhancements, up to \$2,563,000 in each 145673
fiscal year shall be used to fund secondary career-technical 145674
education at institutions and Ohio Deaf and Blind Education 145675
Services using a grant-based methodology, notwithstanding 145676
section 3317.05 of the Revised Code. 145677

Of the foregoing appropriation item 200545, Career- 145678
Technical Education Enhancements, up to \$4,000,000 in each 145679
fiscal year shall be used by the Department to fund competitive 145680
grants to an entity in each of the JobsOhio regions to expand 145681
the number of students with access to career-technical 145682
education, to support and provide technical assistance to 145683
schools and districts in the provision and expansion of career- 145684
technical education, to provide mentoring and career planning 145685
and advising to students attending public and chartered 145686
nonpublic schools, and to support adults who have a high school 145687
diploma but have never enrolled in post-secondary education. 145688
Notwithstanding any provision of law to the contrary, awards 145689
under this paragraph may be used by recipients for award-related 145690
expenses according to guidelines established by the Department 145691
of Education and Workforce for a period not to exceed two years 145692
from the date of the award. 145693

Of the foregoing appropriation item 200545, Career- 145694
Technical Education Enhancements, up to \$600,000 in each fiscal 145695
year shall be used by the Department to enable students in 145696
agricultural programs to enroll in a fifth quarter of 145697
instruction based on the agricultural education model of 145698

delivering work-based learning through supervised agricultural 145699
experience. The Department shall determine eligibility criteria 145700
and the reporting process for the Agriculture 5th Quarter 145701
Project and shall fund as many programs as possible given the 145702
set-aside. The eligibility criteria developed by the Department 145703
shall allow these funds to support supervised agricultural 145704
experience that occurs anytime outside of the regular school 145705
day. 145706

Of the foregoing appropriation item 200545, Career- 145707
Technical Education Enhancements, up to \$500,000 in each fiscal 145708
year may be used to support career planning and reporting 145709
through the OhioMeansJobs web site. 145710

Of the foregoing appropriation item 200545, Career- 145711
Technical Education Enhancements, \$250,000 in each fiscal year 145712
shall be used to prepare students for careers in culinary arts 145713
and restaurant management under the Ohio ProStart school 145714
restaurant program. 145715

Section 265.210. FOUNDATION FUNDING - ALL STUDENTS 145716

Of the portion of the formula aid distributed to city, 145717
local, and exempted village school districts, joint vocational 145718
school districts, community schools, and STEM schools under this 145719
section, an amount in each fiscal year, as calculated by the 145720
Department of Education and Workforce, shall be used for the 145721
purposes of division (B) of section 3317.0215 of the Revised 145722
Code. 145723

Of the foregoing appropriation item 200550, Foundation 145724
Funding - All Students, up to \$5,733,404 in each fiscal year 145725
shall be used to fund gifted education at educational service 145726
centers. The Department shall distribute the funding through the 145727

unit-based funding methodology in place under division (L) of 145728
section 3317.024, division (E) of section 3317.05, and divisions 145729
(A), (B), and (C) of section 3317.053 of the Revised Code as 145730
they existed prior to fiscal year 2010. 145731

Of the foregoing appropriation item 200550, Foundation 145732
Funding - All Students, up to \$49,152,105 in fiscal year 2026 145733
and up to \$51,023,465 in fiscal year 2027 shall be reserved to 145734
fund the state reimbursement of educational service centers 145735
under section 3317.11 of the Revised Code. 145736

Of the foregoing appropriation item 200550, Foundation 145737
Funding - All Students, up to \$3,500,000 in each fiscal year 145738
shall be distributed to educational service centers for school 145739
improvement initiatives and for the provision of technical 145740
assistance to schools and districts consistent with requirements 145741
of section 3312.01 of the Revised Code. The Department may 145742
distribute these funds through a competitive grant process. 145743

Of the foregoing appropriation item 200550, Foundation 145744
Funding - All Students, up to \$7,000,000 in each fiscal year 145745
shall be reserved for payments under the section of this act 145746
entitled "POWER PLANT VALUATION ADJUSTMENT." If this amount is 145747
not sufficient, the Director of Education and Workforce may 145748
reallocate excess funds for other purposes supported by this 145749
appropriation item in order to fully pay the amounts required by 145750
that section, provided that the aggregate amount appropriated in 145751
appropriation item 200550, Foundation Funding - All Students, is 145752
not exceeded. 145753

Of the foregoing appropriation item 200550, Foundation 145754
Funding - All Students, up to \$10,400,000 in fiscal year 2026 145755
and up to \$10,800,000 in fiscal year 2027 shall be used to 145756
support the administration of state scholarship programs. 145757

Of the foregoing appropriation item 200550, Foundation 145758
Funding - All Students, up to \$1,000,000 in each fiscal year 145759
shall be distributed to the Cleveland Municipal School District 145760
to provide tutorial assistance as provided in division (B) of 145761
section 3313.979 of the Revised Code. The Cleveland Municipal 145762
School District shall report the use of these funds in the 145763
district's three-year continuous improvement plan as described 145764
in section 3302.04 of the Revised Code in a manner approved by 145765
the Department. 145766

Of the foregoing appropriation item 200550, Foundation 145767
Funding - All Students, up to \$3,000,000 in each fiscal year may 145768
be used for payment of the College Credit Plus Program for 145769
students instructed at home pursuant to section 3321.04 of the 145770
Revised Code. 145771

Of the foregoing appropriation item 200550, Foundation 145772
Funding - All Students, an amount shall be available in each 145773
fiscal year to be paid to joint vocational school districts in 145774
accordance with sections 3317.16 and 3317.162 of the Revised 145775
Code and the section of this act entitled "FORMULA TRANSITION 145776
SUPPLEMENT." 145777

Of the foregoing appropriation item 200550, Foundation 145778
Funding - All Students, up to \$700,000 in each fiscal year shall 145779
be used by the Department for a program to pay for educational 145780
services for youth who have been assigned by a juvenile court or 145781
other authorized agency to any of the facilities described in 145782
division (A) of the section of this act entitled "PRIVATE 145783
TREATMENT FACILITY PROJECT." 145784

Of the foregoing appropriation item 200550, Foundation 145785
Funding - All Students, a portion may be used to pay college- 145786
preparatory boarding schools the per pupil boarding amount 145787

pursuant to section 3328.34 of the Revised Code. 145788

Of the foregoing appropriation item 200550, Foundation 145789
Funding - All Students, up to \$1,500,000 in each fiscal year 145790
shall be distributed to the Ohio STEM Learning Network to 145791
support the expansion of free STEM programming aligned to Ohio's 145792
STEM priorities, to create regional STEM supports targeting 145793
underserved student populations, and to support the Ohio STEM 145794
Committee's STEM school designation process. 145795

The remainder of the foregoing appropriation item 200550, 145796
Foundation Funding - All Students, shall be used to distribute 145797
the amounts calculated for formula aid under division (A) (1) of 145798
section 3317.019 of the Revised Code, sections 3317.022 and 145799
3317.22 of the Revised Code, and the sections of this act 145800
entitled "FORMULA TRANSITION SUPPLEMENT" and "FUNDING 145801
SUPPLEMENTS." 145802

Appropriation items 200502, Pupil Transportation, and 145803
200550, Foundation Funding - All Students, other than specific 145804
set-asides, are collectively used in each fiscal year to pay 145805
state formula aid obligations for school districts, community 145806
schools, STEM schools, college preparatory boarding schools, 145807
joint vocational school districts, and state scholarship 145808
programs under this act. The first priority of these 145809
appropriation items, with the exception of specific set-asides, 145810
is to fund state formula aid obligations. It may be necessary to 145811
reallocate funds among these appropriation items or use excess 145812
funds from other General Revenue Fund appropriation items in the 145813
Department of Education and Workforce's budget, including 145814
appropriation item 200903, Property Tax Reimbursement - 145815
Education, in each fiscal year in order to meet state formula 145816
aid obligations. If it is determined that it is necessary to 145817

transfer funds among these appropriation items or to transfer 145818
funds from other General Revenue Fund appropriations in the 145819
Department's budget to meet state formula aid obligations, the 145820
Director of Education and Workforce shall seek approval from the 145821
Director of Budget and Management to transfer funds as needed. 145822

The Director of Education and Workforce shall make 145823
payments, transfers, and deductions, as authorized by Title 145824
XXXIII of the Revised Code in amounts substantially equal to 145825
those made in the prior year, or otherwise, at the discretion of 145826
the Director, until at least the effective date of the 145827
amendments and enactments made to Title XXXIII of the Revised 145828
Code by this act. Any funds paid to districts or schools under 145829
this section shall be credited toward the annual funds 145830
calculated for the district or school after the changes made to 145831
Title XXXIII of the Revised Code in this act are effective. Upon 145832
the effective date of changes made to Title XXXIII of the 145833
Revised Code in this act, funds shall be calculated as an annual 145834
amount. 145835

Section 265.215. ECONOMICALLY DISADVANTAGED STUDENT COUNT 145836

(A) As used in this section: 145837

(1) "Directly certified ADM" means the number of students 145838
enrolled in a district or school for a fiscal year who are 145839
certified as categorically eligible for free meals as described 145840
in 7 C.F.R. 245.6 or successor regulations, as determined by the 145841
Department of Education and Workforce. 145842

(2) "District or school" means any of the following: 145843

(a) A city, local, or exempted village school district; 145844

(b) A joint vocational school district; 145845

(c) A community school established under Chapter 3314. of 145846
the Revised Code; 145847

(d) A STEM school established under Chapter 3326. of the 145848
Revised Code. 145849

(C) Notwithstanding anything in the Revised Code to the 145850
contrary, for fiscal years 2026 and 2027, the number of 145851
economically disadvantaged students for a district or school is 145852
the number of economically disadvantaged students certified or 145853
reported to the Department for fiscal year 2025, as of June 1, 145854
2025, under section 3314.08, 3317.03, or 3326.32 of the Revised 145855
Code. The Department shall calculate disadvantaged pupil impact 145856
aid for each district or school under section 3317.022, 145857
3317.026, or 3317.16 of the Revised Code for fiscal years 2026 145858
and 2027, as follows: 145859

(The district's or school's number of economically disadvantaged 145860
students X 0.75 for fiscal year 2026 or 0.65 for fiscal year 145861
2027) + (The district's or school's directly certified ADM for 145862
the fiscal year X 0.25 for fiscal year 2026 or 0.35 for fiscal 145863
year 2027) 145864

Section 265.220. PHASE-IN PERCENTAGES 145865

For purposes of division (X) (1) of section 3317.02 of the 145866
Revised Code, the General Assembly has determined that the 145867
general phase-in percentage for fiscal year 2026 shall be 83.33 145868
per cent and the general phase-in percentage for fiscal year 145869
2027 shall be 100 per cent. 145870

For purposes of division (X) (2) of section 3317.02 of the 145871
Revised Code, the General Assembly has determined that the 145872
phase-in percentage for disadvantaged pupil impact aid for 145873
fiscal year 2026 shall be 83.33 per cent and the phase-in 145874

percentage for disadvantaged pupil impact aid for fiscal year 145875
2027 shall be 100 per cent. 145876

Section 265.230. FORMULA TRANSITION SUPPLEMENT 145877

(A) (1) For fiscal years 2026 and 2027, the Department of 145878
Education and Workforce shall pay a formula transition 145879
supplement to each city, local, and exempted village school 145880
district according to the following formula: 145881

(The district's funding base for fiscal year 2021) - (the 145882
district's payments for the fiscal year for which the supplement 145883
is calculated under sections 3317.019, 3317.022, and 3317.0212 145884
of the Revised Code) 145885

If the computation made under division (A) (1) of this 145886
section for a fiscal year results in a negative number, the 145887
district's formula transition supplement for that fiscal year 145888
shall be zero. 145889

(2) For purposes of division (A) (1) of this section, a 145890
city, local, or exempted village school district's "funding base 145891
for fiscal year 2021" means the amount calculated as follows: 145892

(a) Compute the sum of the following: 145893

(i) The amount calculated for the district for fiscal year 145894
2021 under division (A) (1) of Section 265.220 of H.B. 166 of the 145895
133rd General Assembly after any adjustments required under 145896
Section 265.227 of H.B. 166 of the 133rd General Assembly and 145897
before any funding reductions authorized by Executive Order 145898
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 145899
issued on January 22, 2021; 145900

(ii) The amount calculated for the district for fiscal 145901
year 2021 under division (A) (2) of Section 265.220 of H.B. 166 145902

of the 133rd General Assembly before any funding reductions 145903
authorized by Executive Order 2020-19D, issued on May 7, 2020, 145904
and Executive Order 2021-01D, issued on January 22, 2021; 145905

(iii) The amount calculated for the district for fiscal 145906
year 2021 under division (B) of Section 265.220 of H.B. 166 of 145907
the 133rd General Assembly; 145908

(iv) The district's payments for fiscal year 2021 under 145909
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 145910
Revised Code as those divisions existed for payments for fiscal 145911
year 2021; 145912

(v) The district's payments for fiscal year 2021 under 145913
section 3317.0219 of the Revised Code as that section existed 145914
for payments for fiscal year 2021 and under Section 20 of S.B. 145915
310 of the 133rd General Assembly. 145916

(b) Subtract from the amount calculated in division (A) (2) 145917
(a) of this section the sum of the following: 145918

(i) The payments deducted from the district and paid to a 145919
community school established under Chapter 3314. of the Revised 145920
Code for fiscal year 2021 under divisions (C) (1) (a), (b), (c), 145921
(d), (e), (f), and (g) of section 3314.08 of the Revised Code 145922
and division (D) of section 3314.091 of the Revised Code, as 145923
those divisions existed for deductions and payments for fiscal 145924
year 2021, in accordance with division (A) of Section 265.230 of 145925
H.B. 166 of the 133rd General Assembly, before any funding 145926
reductions authorized by Executive Order 2020-19D, issued on May 145927
7, 2020, and Executive Order 2021-01D, issued on January 22, 145928
2021; 145929

(ii) The payments deducted from the district and paid to a 145930
science, technology, engineering, and mathematics school 145931

established under Chapter 3326. of the Revised Code for fiscal 145932
year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) 145933
of section 3326.33 of the Revised Code as those divisions 145934
existed for deductions and payments for fiscal year 2021, in 145935
accordance with division (A) of Section 265.235 of H.B. 166 of 145936
the 133rd General Assembly, before any funding reductions 145937
authorized by Executive Order 2020-19D, issued on May 7, 2020, 145938
and Executive Order 2021-01D, issued on January 22, 2021; 145939

(iii) The payments deducted from the district for fiscal 145940
year 2021 under division (C) of section 3310.08 of the Revised 145941
Code as that division existed for deductions for fiscal year 145942
2021, division (C)(2) of section 3310.41 of the Revised Code, as 145943
that division existed for deductions for fiscal year 2021, and 145944
section 3310.55 of the Revised Code as that section existed for 145945
deductions for fiscal year 2021 and, in the case of a pilot 145946
project school district as defined in section 3313.975 of the 145947
Revised Code, the funds deducted from the district for fiscal 145948
year 2021 under Section 265.210 of H.B. 166 of the 133rd General 145949
Assembly to operate the pilot project scholarship program for 145950
fiscal year 2021 under sections 3313.974 to 3313.979 of the 145951
Revised Code; 145952

(iv) The payments subtracted from the district for fiscal 145953
year 2021 under divisions (B)(1), (2), and (3) of section 145954
3313.981 of the Revised Code, as those divisions existed for 145955
subtractions from the district for fiscal year 2021. 145956

(B)(1) For fiscal years 2026 and 2027, the Department of 145957
Education and Workforce shall pay a formula transition 145958
supplement to each joint vocational school district according to 145959
the following formula: 145960

(The district's funding base for fiscal year 2021) - (the 145961

district's payments for the fiscal year for which the supplement 145962
is calculated under sections 3317.16 and 3317.162 of the Revised 145963
Code) 145964

If the computation made under division (B)(1) of this 145965
section for a fiscal year results in a negative number, the 145966
district's formula transition supplement for that fiscal year 145967
shall be zero. 145968

(2) For purposes of division (B)(1) of this section, a 145969
joint vocational district's "funding base for fiscal year 2021" 145970
means the sum of the following: 145971

(a) The district's payments for fiscal year 2021 under 145972
Section 265.225 of H.B. 166 of the 133rd General Assembly after 145973
any adjustments required under Section 265.227 of H.B. 166 of 145974
the 133rd General Assembly; 145975

(b) The district's payments for fiscal year 2021 under 145976
divisions (D)(1) and (2) of section 3313.981 of the Revised 145977
Code, as those divisions existed for payments for fiscal year 145978
2021; 145979

(c) The district's payments for fiscal year 2021 under 145980
section 3317.163 of the Revised Code as that section existed for 145981
payments for fiscal year 2021 and under Section 20 of S.B. 310 145982
of the 133rd General Assembly. 145983

(C)(1) For fiscal years 2026 and 2027, the Department of 145984
Education and Workforce shall pay a formula transition 145985
supplement to each community school established under Chapter 145986
3314. of the Revised Code according to the following formula: 145987

[(The school's funding base for fiscal year 2021 / the number of 145988
students enrolled in the school for fiscal year 2021) - (the sum 145989
of the school's payments under sections 3317.022 and 3317.0212 145990

of the Revised Code for the fiscal year for which the supplement 145991
is calculated / the number of students enrolled in the school 145992
for the fiscal year for which the supplement is calculated)] X 145993
the number of students enrolled in the school for the fiscal 145994
year for which the supplement is calculated. 145995

If the computation made under division (C)(1) of this 145996
section for a fiscal year results in a negative number, the 145997
school's formula transition supplement for that fiscal year 145998
shall be zero. 145999

(2) For purposes of division (C)(1) of this section, a 146000
community school's "funding base for fiscal year 2021" means the 146001
sum of the following: 146002

(a) The amount calculated for the school for fiscal year 146003
2021 under division (C)(1) of section 3314.08 of the Revised 146004
Code as that section existed for payments for fiscal year 2021, 146005
before any funding reductions authorized by Executive Order 146006
2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, 146007
issued on January 22, 2021; 146008

(b) The amount calculated for the school for fiscal year 146009
2021 under section 3314.085 of the Revised Code as that section 146010
existed for payments for fiscal year 2021; 146011

(c) The amount calculated for the school for fiscal year 146012
2021 under division (D)(1) of section 3314.091 of the Revised 146013
Code as that division existed for payments for fiscal year 2021; 146014

(d) The amount calculated for the school for fiscal year 146015
2021 under section 3314.088 of the Revised Code as that section 146016
existed for payments for fiscal year 2021 and under Section 20 146017
of S.B. 310 of the 133rd General Assembly. 146018

(D)(1) For fiscal years 2026 and 2027, the Department of 146019

Education and Workforce shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

$$\left[\left(\frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} \right) - \left(\frac{\text{the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}} \right) \right] \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}$$

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the following:

(a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 146049
2021 under section 3326.42 of the Revised Code as that section 146050
existed for payments for fiscal year 2021 and under Section 20 146051
of S.B. 310 of the 133rd General Assembly. 146052

Section 265.237. FUNDING SUPPLEMENTS 146053

(A) As used in this section, "traditional school district" 146054
means a city, local, or exempted village school district. 146055

(B) For fiscal years 2026 and 2027, the Department of 146056
Education and Workforce shall pay each traditional school 146057
district an enrollment growth supplement, as follows: 146058

(1) The Department shall calculate an enrollment change 146059
percentage for the district for the fiscal year, as follows: 146060

(a) For fiscal year 2026, the percentage is calculated 146061
according to the following formula: 146062

(The district's enrolled ADM for fiscal year 2025 - the 146063
district's enrolled ADM for fiscal year 2022) / the district's 146064
enrolled ADM for fiscal year 2022 X 100% 146065

(b) For fiscal year 2027, the percentage is calculated 146066
according to the following formula: 146067

(The district's enrolled ADM for fiscal year 2026 - the 146068
district's enrolled ADM for fiscal year 2023) / the district's 146069
enrolled ADM for fiscal year 2023 X 100% 146070

(2) For fiscal year 2026, for a district that has an 146071
enrollment change percentage that is five per cent or higher for 146072
the fiscal year, the Department shall pay the district an amount 146073
equal to the product of the district's enrolled ADM for the 146074
fiscal year multiplied by \$225. The Department shall not make a 146075
payment for fiscal year 2026 to a district that has an 146076

enrollment change percentage for the fiscal year that is less 146077
than five per cent. 146078

(3) For fiscal year 2027, for a district that has an 146079
enrollment change percentage that is three per cent or higher 146080
for the fiscal year, the Department shall pay the district an 146081
amount equal to the product of the district's enrolled ADM for 146082
the fiscal year multiplied by \$250. The Department shall not 146083
make a payment for fiscal year 2027 to a district that has an 146084
enrollment change percentage for the fiscal year that is less 146085
than three per cent. 146086

(C) For fiscal years 2026 and 2027, the Department shall 146087
pay each traditional school district a per-pupil performance 146088
supplement, as follows: 146089

(1) The Department shall determine whether a district is 146090
eligible for the supplement based on whether the district 146091
received any of the following on the state report card issued 146092
under section 3302.03 of the Revised Code for the 2023-2024 146093
school year: 146094

(a) An overall performance rating of four or more stars; 146095

(b) A performance rating of three or more stars for the 146096
Progress component; 146097

(c) A higher performance rating on the Progress component 146098
than the district received for that component on the state 146099
report card issued for the 2022-2023 school year. 146100

(2) The Department shall calculate and pay the supplement 146101
to an eligible district for a fiscal year, as follows: 146102

The district's enrolled ADM for the fiscal year X \$26 X the 146103
greater of the number of stars the district received for either 146104

the overall performance rating or the performance rating for the 146105
Progress component on the state report card for the 2023-2024 146106
school year 146107

Section 265.240. POWER PLANT VALUATION ADJUSTMENT 146108

(A) (1) On or before May 15, 2026, the Tax Commissioner 146109
shall determine all of the following for each city, local, 146110
exempted village, and joint vocational school district that has 146111
at least one power plant located within its territory: 146112

(a) Whether the taxable value of all utility tangible 146113
personal property subject to taxation by the district in tax 146114
year 2025 was less than the taxable value of such property 146115
during tax year 2017; 146116

(b) Whether the taxable value of all utility tangible 146117
personal property subject to taxation by the district in tax 146118
year 2025 was less than the taxable value of such property 146119
during tax year 2024. 146120

(2) If the decrease determined under division (A) (1) (a) or 146121
(b) of this section exceeds ten per cent and the overall change 146122
in utility tangible personal property subject to taxation is 146123
negative, the Tax Commissioner shall certify all of the 146124
following to the Department of Education and Workforce and the 146125
Office of Budget and Management: 146126

(a) The district's total taxable value for tax year 2025; 146127

(b) The change in taxes charged and payable on the 146128
district's total taxable value for tax year 2017 and tax year 146129
2025; 146130

(c) The taxable value of the utility tangible personal 146131
property decrease, which shall be considered a change in 146132

valuation; 146133

(d) The change in taxes charged and payable on such change 146134
in taxable value calculated in the same manner as in division 146135
(A) (3) of section 3317.021 of the Revised Code. 146136

(3) Upon receipt of a certification under division (A) (2) 146137
of this section, the Department of Education and Workforce shall 146138
replace the three-year average valuations that were used in 146139
computing the district's state education aid for fiscal year 146140
2019 with the taxable value certified under division (A) (2) (a) 146141
of this section and shall recompute the district's state 146142
education aid for fiscal year 2019 without applying any funding 146143
limitations enacted by the General Assembly to the computation. 146144
The Department shall pay to the district an amount equal to the 146145
greater of the following: 146146

(a) The lesser of the following: 146147

(i) The positive difference between the district's state 146148
education aid for fiscal year 2019 prior to the recomputation 146149
under division (A) (3) of this section and the district's 146150
recomputed state education aid for fiscal year 2019; 146151

(ii) The absolute value of the amount certified under 146152
division (A) (2) (b) of this section. 146153

(b) The absolute value of the amount certified under 146154
division (A) (2) (b) of this section X 0.50. 146155

(B) (1) On or before May 15, 2027, the Tax Commissioner 146156
shall determine for each city, local, exempted village, and 146157
joint vocational school district that has at least one power 146158
plant located within its territory: 146159

(a) Whether the taxable value of all utility tangible 146160

personal property subject to taxation by the district in tax 146161
year 2026 was less than the taxable value of such property 146162
during tax year 2017; 146163

(b) Whether the taxable value of all utility tangible 146164
personal property subject to taxation by the district in tax 146165
year 2026 was less than the taxable value of such property 146166
during tax year 2025. 146167

(2) If the decrease determined under division (B) (1) (a) or 146168
(b) of this section exceeds ten per cent and the overall change 146169
in utility tangible personal property subject to taxation is 146170
negative, the Tax Commissioner shall certify all of the 146171
following to the Department of Education and Workforce and the 146172
Office of Budget and Management: 146173

(a) The district's total taxable value for tax year 2026; 146174

(b) The change in taxes charged and payable on the 146175
district's total taxable value for tax year 2017 and tax year 146176
2026; 146177

(c) The taxable value of the utility tangible personal 146178
property decrease, which shall be considered a change in 146179
valuation; 146180

(d) The change in taxes charged and payable on such change 146181
in taxable value calculated in the same manner as in division 146182
(A) (3) of section 3317.021 of the Revised Code. 146183

(3) Upon receipt of a certification under division (B) (2) 146184
of this section, the Department of Education and Workforce shall 146185
replace the three-year average valuations that were used in 146186
computing the district's state education aid for fiscal year 146187
2019 with the taxable value certified under division (B) (2) (a) 146188
of this section and shall recompute the district's state 146189

education aid for fiscal year 2019 without applying any funding 146190
limitations enacted by the General Assembly to the computation. 146191
The Department shall pay to the district an amount equal to the 146192
greater of the following: 146193

(a) The lesser of the following: 146194

(i) The positive difference between the district's state 146195
education aid for fiscal year 2019 prior to the recomputation 146196
under division (B) (3) of this section and the district's 146197
recomputed state education aid for fiscal year 2019; 146198

(ii) The absolute value of the amount certified under 146199
division (B) (2) (b) of this section. 146200

(b) The absolute value of the amount certified under 146201
division (B) (2) (b) of this section X 0.50. 146202

(C) The Department of Education and Workforce shall make 146203
payments under division (A) (3) of this section between June 1, 146204
2026, and June 30, 2026, and the Department shall make payments 146205
under division (B) (3) of this section between June 1, 2027, and 146206
June 30, 2027. The Department shall not calculate or make 146207
payments under section 3317.028 of the Revised Code for fiscal 146208
years 2026 and 2027. 146209

Section 265.250. LITERACY IMPROVEMENT 146210

The foregoing appropriation item 200566, Literacy 146211
Improvement, shall be used by the Department of Education and 146212
Workforce to support literacy activities to align state, local, 146213
and federal efforts in order to bolster all students' reading 146214
success. Funds may be distributed to educational service centers 146215
to establish and support regional literacy professional 146216
development teams consistent with section 3312.01 of the Revised 146217
Code. A portion of the funds may be used by the Department for 146218

program administration, monitoring, technical assistance, 146219
support, research, and evaluation. 146220

LITERACY COACHES 146221

The foregoing appropriation item 2006A7, Literacy Coaches, 146222
shall be used for coaches to provide literacy supports to school 146223
districts, community schools, and STEM schools with the lowest 146224
rates of proficiency in literacy based on their performance on 146225
the English language arts assessments prescribed under section 146226
3301.0710 of the Revised Code. The coaches shall have training 146227
in the science of reading and evidence-based strategies for 146228
effective literacy instruction and intervention and shall 146229
implement Ohio's Coaching Model, as described in Ohio's Plan to 146230
Raise Literacy Achievement. The coaches shall be under the 146231
direction of the Department but shall not be employed by the 146232
Department. 146233

Section 265.260. ADULT EDUCATION PROGRAMS 146234

A portion of the foregoing appropriation item 200572, 146235
Adult Education Programs, shall be used to make payments under 146236
sections 3313.902, 3314.38, and 3345.86 of the Revised Code, as 146237
reenacted by this act. 146238

Each career-technical planning district shall reimburse 146239
individuals taking a nationally recognized high school 146240
equivalency examination approved by the Department of Education 146241
and Workforce for the first time for application fees, 146242
examination fees, or both, in excess of \$40, up to a maximum 146243
reimbursement per individual of \$80. Each career-technical 146244
planning district shall designate a site or sites where 146245
individuals may register and take an approved examination. For 146246
each individual who registers for an approved examination, the 146247

career-technical planning district shall make available and 146248
offer career counseling services, including information on adult 146249
education programs that are available. A portion of the 146250
foregoing appropriation item 200572, Adult Education Programs, 146251
may be used to reimburse the Department of Youth Services and 146252
the Department of Rehabilitation and Correction for individuals 146253
in these facilities who have taken an approved examination for 146254
the first time. The amounts reimbursed shall not exceed the per- 146255
individual amounts reimbursed to other individuals under this 146256
section for an approved examination. 146257

Of the foregoing appropriation item 200572, Adult 146258
Education Programs, \$6,322,267 shall be used to support the 146259
Aspire program in fiscal year 2027. The supported programs shall 146260
satisfy the state match and maintenance of effort requirements 146261
for the state-administered grant program. The funds may be used 146262
to support students that speak English as their second language. 146263

A portion of the foregoing appropriation item 200572, 146264
Adult Education Programs, may be used for program 146265
administration, technical assistance, support, research, and 146266
evaluation of adult education programs, including high school 146267
equivalency examinations approved by the Department of Education 146268
and Workforce. 146269

Section 265.270. HALF-MILL MAINTENANCE EQUALIZATION 146270

The foregoing appropriation item 200574, Half-Mill 146271
Maintenance Equalization, shall be used to make payments 146272
pursuant to section 3318.18 of the Revised Code. If the amount 146273
appropriated is not sufficient, the Department of Education and 146274
Workforce shall prorate the amounts so that the aggregate amount 146275
appropriated is not exceeded. 146276

ADAPTIVE SPORTS PROGRAM 146277

The foregoing appropriation item 200576, Adaptive Sports 146278
Program, shall be used by the Department of Education and 146279
Workforce, in collaboration with the Adaptive Sports Program of 146280
Ohio, to fund adaptive sports programs in school districts 146281
across the state for students with disabilities. 146282

Section 265.287. EDUCATION DEMONSTRATION PROJECTS 146283

The foregoing appropriation item 2006B1, Education 146284
Demonstration Projects, shall be used to support grants for 146285
primary education-related demonstration projects. The Department 146286
shall develop application procedures and guidelines for awarding 146287
grants under this section and shall advertise for proposals from 146288
organizations that have a demonstrated record of increased 146289
student achievement or improved test results. The Department 146290
shall award the initial round of grants under this section not 146291
later than January 1, 2026. 146292

Section 265.290. SCHOOL DISTRICT SOLVENCY ASSISTANCE 146293

(A) The foregoing appropriation item 200687, School 146294
District Solvency Assistance, shall be allocated to the School 146295
District Shared Resource Account and the Catastrophic 146296
Expenditures Account in amounts determined by the Director of 146297
Education and Workforce. These funds shall be used to provide 146298
assistance and grants to school districts to enable them to 146299
remain solvent under section 3316.20 of the Revised Code. 146300
Assistance and grants shall be subject to approval by the 146301
Controlling Board. Except as provided under division (C) of this 146302
section, any required reimbursements from school districts for 146303
solvency assistance shall be made to the appropriate account in 146304
the School District Solvency Assistance Fund (Fund 5H30). 146305

(B) Notwithstanding any provision of law to the contrary, 146306
upon the request of the Director of Education and Workforce and 146307
the approval of the Controlling Board, the Director of Budget 146308
and Management may make transfers to the School District 146309
Solvency Assistance Fund (Fund 5H30) from any fund used by the 146310
Department of Education and Workforce, the Lottery Profits 146311
Education Reserve Fund (Fund 7018), or the General Revenue Fund 146312
to maintain sufficient cash balances in Fund 5H30 in fiscal 146313
years 2026 and 2027. Any cash transferred is hereby 146314
appropriated. The transferred cash may be used by the Department 146315
to provide assistance and grants to school districts to enable 146316
them to remain solvent and to pay unforeseeable expenses of a 146317
temporary or emergency nature that the school district is unable 146318
to pay from existing resources. 146319

Section 265.300. FOUNDATION FUNDING - ALL STUDENTS 146320

The foregoing appropriation item 200604, Foundation 146321
Funding - All Students, shall be used in conjunction with 146322
appropriation items 200550, Foundation Funding - All Students, 146323
and 200612, Foundation Funding - All Students, to distribute the 146324
amounts calculated for disadvantaged pupil impact aid under 146325
sections 3317.022 and 3317.16 of the Revised Code and the 146326
portions of the state share of the base cost calculated under 146327
those sections that are attributable to the staffing cost for 146328
the student wellness and success component of the base cost, as 146329
determined by the Department of Education and Workforce. 146330

Section 265.310. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 146331

The foregoing appropriation item 200491, Public and 146332
Nonpublic Education Support, shall be used in conjunction with 146333
appropriation item 200550, Foundation Funding - All Students, to 146334
distribute the amounts calculated for formula aid under section 146335

3317.022 of the Revised Code. 146336

Section 265.330. LOTTERY PROFITS EDUCATION FUND 146337

The foregoing appropriation item 200612, Foundation 146338
Funding - All Students, shall be used in conjunction with 146339
appropriation item 200550, Foundation Funding - All Students, to 146340
distribute the amounts calculated for formula aid under section 146341
3317.022 of the Revised Code. 146342

The Department of Education and Workforce, with the 146343
approval of the Director of Budget and Management, shall 146344
determine the monthly distribution schedules of appropriation 146345
item 200550, Foundation Funding - All Students, and 146346
appropriation item 200612, Foundation Funding - All Students. If 146347
adjustments to the monthly distribution schedule are necessary, 146348
the Department shall make such adjustments with the approval of 146349
the Director. 146350

Section 265.340. ACCELERATE GREAT SCHOOLS 146351

The foregoing appropriation item 200614, Accelerate Great 146352
Schools, shall be used by the Department of Education and 146353
Workforce to support the Accelerate Great Schools public-private 146354
partnership. 146355

Section 265.350. QUALITY COMMUNITY AND INDEPENDENT STEM 146356
SCHOOLS SUPPORT 146357

The foregoing appropriation item 200631, Quality Community 146358
and Independent STEM Schools Support, shall be used to 146359
distribute the amounts calculated under sections 3317.27 and 146360
3317.29 of the Revised Code for the Quality Community School 146361
Support and the Quality Independent STEM School Support 146362
programs. If the amount appropriated is not sufficient, the 146363
Department shall prorate the amounts so that the aggregate 146364

amount appropriated is not exceeded. 146365

Section 265.360. COMMUNITY SCHOOL FACILITIES 146366

The foregoing appropriation item 200684, Community School 146367
Facilities, shall be used to distribute the amounts calculated 146368
under section 3317.31 of the Revised Code for assistance with 146369
the cost associated with facilities. If the amount appropriated 146370
is not sufficient, the Department shall prorate the amounts so 146371
that the aggregate amount appropriated is not exceeded. 146372

Section 265.370. LOTTERY PROFITS EDUCATION RESERVE FUND 146373

(A) There is hereby created the Lottery Profits Education 146374
Reserve Fund (Fund 7018) in the State Treasury. 146375

(B) Notwithstanding any other provision of law to the 146376
contrary, the Director of Budget and Management may transfer 146377
cash from Fund 7018 to the Lottery Profits Education Fund (Fund 146378
7017) in fiscal year 2026 and fiscal year 2027. 146379

(C) On July 15, 2025, or as soon as possible thereafter, 146380
the Director of the Ohio Lottery Commission shall certify to the 146381
Director of Budget and Management the amount by which lottery 146382
profit transfers received by Fund 7017 exceeded \$1,440,000,000 146383
in fiscal year 2025. 146384

(D) On July 15, 2026, or as soon as possible thereafter, 146385
the Director of the Ohio Lottery Commission shall certify to the 146386
Director of Budget and Management the amount by which lottery 146387
profit transfers received by Fund 7017 exceeded \$1,465,138,202 146388
in fiscal year 2026. 146389

(E) Notwithstanding any provision of law to the contrary, 146390
in fiscal year 2026 and fiscal year 2027, the Director of Budget 146391
and Management may transfer cash in excess of the amounts 146392

necessary to support appropriations in Fund 7017 from that fund 146393
to Fund 7018. 146394

Section 265.375. STUDENT SUPPORT AND ACADEMIC ENRICHMENT 146395

The foregoing appropriation item 200634, Student Support 146396
and Academic Enrichment, may be used by school districts, in 146397
accordance with state objectives and applicable federal grant 146398
requirements, to do the following: 146399

(A) Provide a well-rounded education, including emphasis 146400
on numeracy and the science of reading; 146401

(B) Provide a safe and drug-free learning environment and 146402
healthy students through use of the "Success Sequence" as 146403
provided by Ohio Adolescent Health Centers; 146404

(C) Promote the effective use of technology through use of 146405
the "Success Sequence" as provided by Ohio Adolescent Health 146406
Centers. 146407

Section 265.380. Notwithstanding division (C) of Section 146408
265.355 of H.B. 110 of the 134th General Assembly and any other 146409
provision of law to the contrary, the Department of Education 146410
and Workforce shall use the funds authorized under Title II, 146411
Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act 146412
of 2021," Pub. L. No. 117-2, as necessary to support the After 146413
school Child Enrichment (ACE) Educational Savings Account 146414
Program pursuant to section 3310.70 of the Revised Code in 146415
fiscal year 2026. Notwithstanding division (C)(1) of section 146416
3310.70 of the Revised Code, the Department may extend the 146417
contract with the vendor administering the program as of the 146418
effective date of this amendment through fiscal year 2026 and 146419
may pay the vendor more than three per cent of the amount 146420
appropriated for the program for fiscal year 2026. 146421

Section 265.390. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 146422
ASSESSMENT OF EDUCATIONAL PROGRESS 146423

The General Assembly intends for the Director of Education 146424
and Workforce to provide for school district participation in 146425
the administration of the National Assessment of Educational 146426
Progress in accordance with section 3301.27 of the Revised Code. 146427
Each school and school district selected for participation by 146428
the Director shall participate. 146429

Section 265.400. EARMARK ACCOUNTABILITY 146430

At the request of the Director of Education and Workforce, 146431
any entity that receives a budget earmark under the Department 146432
of Education and Workforce shall submit annually to the 146433
Department a report that includes a description of the services 146434
supported by the funds, a description of the results achieved by 146435
those services, an analysis of the effectiveness of the program, 146436
and an opinion as to the program's applicability to other school 146437
districts. For an earmarked entity that received state funds 146438
from an earmark in the prior fiscal year, no funds shall be 146439
provided by the Department to an earmarked entity for a fiscal 146440
year until its report for the prior fiscal year has been 146441
submitted. 146442

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 146443

A community school established under Chapter 3314. of the 146444
Revised Code that was open for operation as a community school 146445
as of May 1, 2005, may operate from or in any home, as defined 146446
in section 3313.64 of the Revised Code, located in the state, 146447
regardless of when the community school's operations from or in 146448
a particular home began. 146449

Section 265.420. USE OF VOLUNTEERS 146450

The Department of Education and Workforce may utilize the 146451
services of volunteers to accomplish any of the purposes of the 146452
Department. The Director of Education and Workforce shall 146453
approve for what purposes volunteers may be used and for these 146454
purposes may recruit, train, and oversee the services of 146455
volunteers. The Director may reimburse volunteers for necessary 146456
and appropriate expenses in accordance with state guidelines and 146457
may designate volunteers as state employees for the purpose of 146458
motor vehicle accident liability insurance under section 9.83 of 146459
the Revised Code, for immunity under section 9.86 of the Revised 146460
Code, and for indemnification from liability incurred in the 146461
performance of their duties under section 9.87 of the Revised 146462
Code. 146463

Section 265.430. FLEXIBLE FUNDING FOR FAMILIES AND 146464
CHILDREN 146465

In collaboration with the County Family and Children First 146466
Council, a city, local, or exempted village school district, 146467
community school, STEM school, joint vocational school district, 146468
educational service center, or county board of developmental 146469
disabilities that receives allocations from the Department of 146470
Education and Workforce from appropriation item 200550, 146471
Foundation Funding - All Students, or appropriation item 200540, 146472
Special Education Enhancements, may transfer portions of those 146473
allocations to a flexible funding pool authorized by the section 146474
of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 146475
POOL." Allocations used for maintenance of effort or for federal 146476
or state funding matching requirements shall not be transferred 146477
unless the allocation may still be used to meet such 146478
requirements. 146479

Section 265.440. PRIVATE TREATMENT FACILITY PROJECT 146480

(A) As used in this section:	146481
(1) The following are "participating residential treatment centers":	146482 146483
(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2026 or fiscal year 2027 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;	146484 146485 146486 146487 146488 146489
(b) Abraxas, in Shelby;	146490
(c) Paint Creek, in Bainbridge;	146491
(d) F.I.R.S.T., in Mansfield.	146492
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	146493 146494 146495
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	146496 146497
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	146498 146499 146500 146501 146502
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	146503 146504 146505
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a	146506 146507

residential treatment facility specified in division (A) of this 146508
section shall be enrolled in an approved educational program 146509
located in or near the facility. Approval of the educational 146510
program shall be contingent upon compliance with the criteria 146511
established for such programs by the Department of Education and 146512
Workforce. The educational program shall be provided by a school 146513
district or educational service center, or by the residential 146514
facility itself. Maximum flexibility shall be given to the 146515
residential treatment facility to determine the provider. In the 146516
event that a voluntary agreement cannot be reached and the 146517
residential facility does not choose to provide the educational 146518
program, the educational service center in the county in which 146519
the facility is located shall provide the educational program at 146520
the treatment center to children under twenty-two years of age 146521
residing in the treatment center. 146522

(C) Any school district responsible for tuition for a 146523
residential child shall, notwithstanding any conflicting 146524
provision of the Revised Code regarding tuition payment, pay 146525
tuition for the child for fiscal year 2026 and fiscal year 2027 146526
to the education program provider and in the amount specified in 146527
this division. If there is no school district responsible for 146528
tuition for a residential child and if the participating 146529
residential treatment center to which the child is assigned is 146530
located in the city, exempted village, or local school district 146531
that, if the child were not a resident of that treatment center, 146532
would be the school district where the child is entitled to 146533
attend school under sections 3313.64 and 3313.65 of the Revised 146534
Code, that school district, notwithstanding any conflicting 146535
provision of the Revised Code, shall pay tuition for the child 146536
for fiscal year 2026 and fiscal year 2027 under this division 146537
unless that school district is providing the educational program 146538

to the child under division (B) of this section. 146539

A tuition payment under this division shall be made to the 146540
school district, educational service center, or residential 146541
treatment facility providing the educational program to the 146542
child. 146543

The amount of tuition paid shall be: 146544

(1) The amount of tuition determined for the district 146545
under division (A) of section 3317.08 of the Revised Code; 146546

(2) In addition, for any student receiving special 146547
education pursuant to an individualized education program as 146548
defined in section 3323.01 of the Revised Code, a payment for 146549
excess costs. This payment shall equal the actual cost to the 146550
school district, educational service center, or residential 146551
treatment facility of providing special education and related 146552
services to the student pursuant to the student's individualized 146553
education program, minus the tuition paid for the child under 146554
division (C) (1) of this section. 146555

A school district paying tuition under this division shall 146556
not include the child for whom tuition is paid in the district's 146557
average daily membership certified under division (A) of section 146558
3317.03 of the Revised Code. 146559

(D) In each of fiscal years 2026 and 2027, the Department 146560
of Education and Workforce shall reimburse, from appropriations 146561
made for the purpose, a school district, educational service 146562
center, or residential treatment facility, whichever is 146563
providing the service, that has demonstrated that it is in 146564
compliance with the funding criteria for each served child for 146565
whom a school district must pay tuition under division (C) of 146566
this section. The amount of the reimbursement shall be the 146567

amount appropriated for this purpose divided by the full-time 146568
equivalent number of children for whom reimbursement is to be 146569
made. 146570

(E) Funds provided to a school district, educational 146571
service center, or residential treatment facility under this 146572
section shall be used to supplement, not supplant, funds from 146573
other public sources for which the school district, service 146574
center, or residential treatment facility is entitled or 146575
eligible. 146576

(F) The Department of Education and Workforce shall track 146577
the utilization of funds provided to school districts, 146578
educational service centers, and residential treatment 146579
facilities under this section and monitor the effect of the 146580
funding on the educational programs they provide in 146581
participating residential treatment facilities. The Department 146582
shall monitor the programs for educational accountability. 146583

Section 265.450. Notwithstanding anything to the contrary 146584
in section 3317.011 of the Revised Code, for fiscal years 2026 146585
and 2027, the Department of Education and Workforce shall do all 146586
of the following: 146587

(A) Calculate a school district's academic co-curricular 146588
activities cost under division (E)(4) of that section using the 146589
sum of the enrolled ADM of every school district that reported 146590
the data specified in division (E)(4)(a) of that section; 146591

(B) Calculate a district's supplies and academic content 146592
cost under division (E)(6) of that section using the sum of the 146593
enrolled ADM of every school district that reported the data 146594
specified in division (E)(6)(a) of that section; 146595

(C) Calculate a district's athletic co-curricular 146596

activities base cost under division (H) of that section using 146597
the sum of the enrolled ADM of every school district that 146598
reported the data specified in division (H) (2) of that section; 146599

(D) Calculate a district's building operations cost under 146600
division (G) (3) of that section using the sum of the enrolled 146601
ADM of every city, local, and exempted village school district 146602
that reported the data specified in divisions (G) (3) (a) (i) and 146603
(ii) of that section. 146604

Section 265.660. For fiscal year 2026, each school 146605
district board of education shall make the initial submission of 146606
current budget information and three-year projections required 146607
under division (A) of section 5705.391 of the Revised Code not 146608
later than October 15, 2025. Each board shall submit the 146609
required information in accordance with the joint rules of the 146610
Department of Education and Workforce and the Auditor of State 146611
existing as of the effective date of this section. 146612

Section 269.10. 146613
146614

	1	2	3	4	5
A	FUN STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS				
B	General Revenue Fund				
C	GRF	881500	Indigent Burial and Cremation Support	\$250,000	\$250,000
D	General Revenue Fund Total			\$250,000	\$250,000
E	Dedicated Purpose Fund Group				
F	4K90	881609	Operating Expenses	\$1,156,000	\$1,213,000

G	Dedicated Purpose Fund Group Total	\$1,156,000	\$1,213,000
H	TOTAL ALL BUDGET FUND GROUPS	\$1,406,000	\$1,463,000

Section 271.10.

146615

146616

1	2	3	4	5
A	PAY EMPLOYEE BENEFITS FUNDS			
B	Fiduciary Fund Group			
C	1240 995673	Payroll Deductions	\$1,017,970,800	\$1,048,509,924
D	8050 995675	Commuter Benefits	\$1,845,860	\$1,967,540
E	8060 995666	Accrued Leave Fund	\$128,408,784	\$132,260,611
F	8070 995667	Disability Fund	\$27,805,294	\$28,337,915
G	8080 995668	State Employee Health Benefit Fund	\$1,068,647,159	\$1,132,765,988
H	8090 995669	Dependent Care Spending Account	\$2,996,802	\$3,196,895
I	8100 995670	Life Insurance Investment Fund	\$2,644,330	\$2,723,060
J	8110 995671	Parental Leave Benefit Fund	\$18,601,000	\$19,159,030
K	8130 995672	Health Care Spending Account	\$19,690,922	\$20,694,694

L	Fiduciary Fund Group Total	\$2,288,610,951	\$2,389,615,657
M	TOTAL ALL BUDGET FUND GROUPS	\$2,288,610,951	\$2,389,615,657

Section 271.20. PAYROLL DEDUCTION FUND 146617

The foregoing appropriation item 995673, Payroll 146618
Deductions, shall be used to make payments from the Payroll 146619
Deduction Fund (Fund 1240) pursuant to section 125.21 of the 146620
Revised Code. If it is determined by the Director of Budget and 146621
Management that additional amounts are necessary, the amounts 146622
are hereby appropriated. 146623

ACCRUED LEAVE LIABILITY FUND 146624

The foregoing appropriation item 995666, Accrued Leave 146625
Fund, shall be used to make payments from the Accrued Leave 146626
Liability Fund (Fund 8060) pursuant to section 125.211 of the 146627
Revised Code. If it is determined by the Director of Budget and 146628
Management that additional amounts are necessary, the amounts 146629
are hereby appropriated. 146630

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 146631

The foregoing appropriation item 995667, Disability Fund, 146632
shall be used to make payments from the State Employee 146633
Disability Leave Benefit Fund (Fund 8070) pursuant to section 146634
124.83 of the Revised Code. If it is determined by the Director 146635
of Budget and Management that additional amounts are necessary, 146636
the amounts are hereby appropriated. 146637

STATE EMPLOYEE HEALTH BENEFIT FUND 146638

The foregoing appropriation item 995668, State Employee 146639
Health Benefit Fund, shall be used to make payments from the 146640
State Employee Health Benefit Fund (Fund 8080) pursuant to 146641

section 124.87 of the Revised Code. If it is determined by the 146642
Director of Budget and Management that additional amounts are 146643
necessary, the amounts are hereby appropriated. 146644

DEPENDENT CARE SPENDING FUND 146645

The foregoing appropriation item 995669, Dependent Care 146646
Spending Account, shall be used to make payments from the 146647
Dependent Care Spending Fund (Fund 8090) to employees eligible 146648
for dependent care expenses pursuant to section 124.822 of the 146649
Revised Code. If it is determined by the Director of Budget and 146650
Management that additional amounts are necessary, the amounts 146651
are hereby appropriated. 146652

LIFE INSURANCE INVESTMENT FUND 146653

The foregoing appropriation item 995670, Life Insurance 146654
Investment Fund, shall be used to make payments from the Life 146655
Insurance Investment Fund (Fund 8100) for the costs and expenses 146656
of the state's life insurance benefit program pursuant to 146657
section 125.212 of the Revised Code. If it is determined by the 146658
Director of Budget and Management that additional amounts are 146659
necessary, the amounts are hereby appropriated. 146660

PARENTAL LEAVE BENEFIT FUND 146661

The foregoing appropriation item 995671, Parental Leave 146662
Benefit Fund, shall be used to make payments from the Parental 146663
Leave Benefit Fund (Fund 8110) to employees eligible for 146664
parental leave benefits pursuant to sections 124.136 and 124.137 146665
of the Revised Code. If it is determined by the Director of 146666
Budget and Management that additional amounts are necessary, the 146667
amounts are hereby appropriated. 146668

HEALTH CARE SPENDING ACCOUNT FUND 146669

The foregoing appropriation item 995672, Health Care
Spending Account, shall be used to make payments from the Health
Care Spending Account Fund (Fund 8130) for payments pursuant to
state employees' participation in a flexible spending account
for nonreimbursed health care expenses and section 124.821 of
the Revised Code. If it is determined by the Director of Budget
and Management that additional amounts are necessary, the
amounts are hereby appropriated.

COMMUTER BENEFITS

The foregoing appropriation item 995675, Commuter
Benefits, shall be used to make payments from the Commuter
Benefits Fund (Fund 8050) for employees who elect to participate
in the Commuter Benefits Program. If the Director of Budget and
Management determines that additional amounts are necessary, the
amounts are hereby appropriated.

Section 273.10.

1	2	3	4	5
A	ERB STATE EMPLOYMENT RELATIONS BOARD			
B	General Revenue Fund			
C	GRF 125321 Operating Expenses	\$4,533,029	\$4,655,023	
D	General Revenue Fund Total	\$4,533,029	\$4,655,023	
E	Dedicated Purpose Fund Group			
F	5720 125603 Training and Publications	\$138,000	\$138,972	
G	Dedicated Purpose Fund Group Total	\$138,000	\$138,972	

H	TOTAL ALL BUDGET FUND GROUPS	\$4,671,029	\$4,793,995
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Section 275.10.

146687

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1	2	3	4	5
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A ENG STATE BOARD OF ENGINEERS AND SURVEYORS

B Dedicated Purpose Fund Group

C	4K90 892609 Operating Expenses	\$1,378,866	\$1,465,930
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D	Dedicated Purpose Fund Group Total	\$1,378,866	\$1,465,930
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E	TOTAL ALL BUDGET FUND GROUPS	\$1,378,866	\$1,465,930
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Section 277.10.

146689

146690

1	2	3	4	5
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A EPA ENVIRONMENTAL PROTECTION AGENCY

B General Revenue Fund

C	GRF 715502 Auto Emissions E-Check Program	\$13,232,534	\$13,265,775
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D	General Revenue Fund Total	\$13,232,534	\$13,265,775
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E Dedicated Purpose Fund Group

F	4D50 715618 Recycled State Materials	\$11,500	\$11,500
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G	4J00 715638 Underground Injection Control	\$514,242	\$530,276
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H	4K20	715648	Clean Air - Non Title V	\$4,516,349	\$4,593,901
I	4K30	715649	Solid Waste	\$14,791,311	\$15,098,763
J	4K40	715650	Surface Water Protection	\$11,864,197	\$12,101,940
K	4K50	715651	Drinking Water Protection	\$8,774,797	\$9,027,993
L	4P50	715654	Cozart Landfill	\$7,500	\$7,500
M	4R50	715656	Scrap Tire Management	\$3,558,044	\$3,581,336
N	4R90	715658	Voluntary Action Program	\$1,188,026	\$1,217,345
O	4T30	715659	Clean Air - Title V Permit Program	\$10,942,818	\$11,148,464
P	5000	715608	Immediate Removal Special Account	\$747,051	\$769,463
Q	5030	715621	Hazardous Waste Facility Management	\$2,788,523	\$2,842,749
R	5050	715623	Hazardous Waste Cleanup	\$9,334,680	\$9,559,074
S	5050	715698	Response and Investigations	\$3,822,060	\$4,211,500
T	5320	715646	Recycling and Litter Control	\$4,888,354	\$5,146,276
U	5410	715670	Site Specific Cleanup	\$17,744,091	\$17,746,631
V	5420	715671	Risk Management Reporting	\$144,047	\$147,307

W	5860	715637	Scrap Tire Market Development	\$1,000,000	\$1,000,000
X	5BC0	715622	Local Air Pollution Control	\$2,100,000	\$2,100,000
Y	5BC0	715624	Surface Water	\$6,936,269	\$6,936,269
Z	5BC0	715672	Air Pollution Control	\$9,354,059	\$9,354,059
AA	5BC0	715673	Drinking and Ground Water	\$4,024,215	\$4,133,956
AB	5BC0	715676	Assistance and Prevention	\$4,204,000	\$4,359,000
AC	5BC0	715677	Laboratory	\$4,235,216	\$4,360,265
AD	5BC0	715678	Corrective Actions	\$1,271,429	\$1,271,429
AE	5BC0	715687	Areawide Planning Agencies	\$450,000	\$450,000
AF	5BC0	715692	Administration	\$19,684,900	\$20,654,900
AG	5BC0	715694	Environmental Resource Coordination	\$814,339	\$832,027
AH	5BT0	715679	C&DD Groundwater Monitoring	\$50,000	\$50,000
AI	5PZ0	715696	Drinking Water Loan Fee	\$4,109,640	\$4,388,600
AJ	5Y30	715685	Surface Water Improvement	\$520,000	\$520,000
AK	5YY0	715405	National Priorities List Remedial Support Fund	\$1,500,000	\$1,000,000

AL 6440 715631	Emergency Response Radiological Safety	\$274,997	\$280,510
AM 6760 715642	Water Pollution Control Loan Administration	\$5,120,000	\$5,282,500
AN 6760 715699	Water Quality Administration	\$5,123,741	\$5,250,489
AO 6790 715636	Emergency Planning	\$2,917,000	\$2,917,000
AP 6960 715643	Air Pollution Control Administration	\$150,000	\$150,000
AQ 6990 715644	Water Pollution Control Administration	\$307,859	\$307,858
AR 6A10 715645	Environmental Education	\$550,316	\$550,427
AS 6H20 715695	H2Ohio	\$7,500,000	\$7,500,000
AT	Dedicated Purpose Fund Group Total	\$177,835,570	\$181,391,307
AU	Internal Service Activity Fund Group		
AV 1990 715602	Laboratory Services	\$500,000	\$500,000
AW 2190 715604	Central Support Indirect	\$10,657,300	\$10,657,300
AX 4A10 715640	Operating Expenses	\$1,092,000	\$1,117,000
AY	Internal Service Activity Fund Group Total	\$12,249,300	\$12,274,300
AZ	Federal Fund Group		

BA 3530	715612	Public Water Supply	\$2,564,882	\$2,626,504
BB 3570	715619	Air Pollution Control - Federal	\$6,806,147	\$6,929,318
BC 3620	715605	Underground Injection Control - Federal	\$165,382	\$169,516
BD 3BU0	715684	Water Quality Protection	\$16,230,503	\$16,230,503
BE 3CS0	715688	Federal NRD Settlements	\$1,500,000	\$1,500,000
BF 3F30	715632	Federally Supported Cleanup and Response	\$13,779,323	\$14,061,350
BG 3HE0	715697	Volkswagen Clean Air Act Settlement	\$6,827,000	\$6,841,000
BH 3T30	715669	Drinking Water State Revolving Fund	\$3,054,165	\$3,145,894
BI 3V70	715606	Agencywide Grants	\$746,900	\$746,900
BJ	Federal Fund Group Total		\$51,674,302	\$52,250,985
BK	TOTAL ALL BUDGET FUND GROUPS		\$254,991,706	\$259,182,367

Section 277.20. AREAWIDE PLANNING AGENCIES 146691

The Director of Environmental Protection may award grants	146692
from appropriation item 715687, Areawide Planning Agencies, to	146693
areawide planning agencies engaged in areawide water quality	146694
management and planning activities in accordance with Section	146695
208 of the "Federal Clean Water Act," 33 U.S.C. 1288.	146696

AUTOMOBILE EMISSION TESTING PROGRAM 146697

The foregoing appropriation item GRF 715502, Auto 146698
Emissions E-Check Program, shall be used by the Environmental 146699
Protection Agency to support the automobile emission testing 146700
program. On July 1, 2025, or as soon as possible thereafter, the 146701
Director of Environmental Protection may request that the 146702
Director of Administrative Services extend the contract with the 146703
vendor operating in accordance with division (A) (1) of section 146704
3704.14 of the Revised Code for not longer than twelve months. 146705
The Director of Administrative Services may enter into a 146706
contract extension provided that the contract contains the same 146707
terms and no funds are paid for incomplete work, utilizing 146708
appropriation item GRF 715502, Auto Emissions E-Check Program, 146709
in the event that the contractor selected in accordance with 146710
division (A) (2) of section 3704.14 of the Revised Code cannot 146711
complete the required work prior to July 1, 2025. 146712

Section 279.10. 146713
146714

1 2 3 4 5

A EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION

B General Revenue Fund

C GRF 172321 Operating Expenses \$730,000 \$765,000

D General Revenue Fund Total \$730,000 \$765,000

E TOTAL ALL BUDGET FUND GROUPS \$730,000 \$765,000

Section 281.10. 146715
146716

	1	2	3	4	5
A			ETC BROADCAST EDUCATIONAL MEDIA COMMISSION		
B			General Revenue Fund		
C	GRF	935401	Statehouse News Bureau	\$402,000	\$402,000
D	GRF	935402	Ohio Government Telecommunications Services	\$2,344,400	\$2,344,400
E	GRF	935410	Content Development, Acquisition, and Distribution	\$3,409,000	\$2,909,000
F	GRF	935430	Broadcast Education Operating	\$4,108,706	\$4,008,569
G			General Revenue Fund Total	\$10,264,106	\$9,663,969
H			Dedicated Purpose Fund Group		
I	5FK0	935608	Media Services	\$50,000	\$50,000
J	5VB0	935650	Facility Rental	\$10,000	\$10,000
K			Dedicated Purpose Fund Group Total	\$60,000	\$60,000
L			Internal Service Activity Fund Group		
M	4F30	935603	Affiliate Services	\$4,200	\$4,200
N	4T20	935605	Government Television/ Telecommunications	\$55,459	\$0

Operating

O	Internal Service Activity Fund Group	\$59,659	\$4,200
	Total		

P	TOTAL ALL BUDGET FUND GROUPS	\$10,383,765	\$9,728,169
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Section 281.20.	STATEHOUSE NEWS BUREAU	146717
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The foregoing appropriation item 935401, Statehouse News	146718
Bureau, shall be used solely to support the operations of the	146719
Ohio Statehouse News Bureau.	146720

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES	146721
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The foregoing appropriation item 935402, Ohio Government	146722
Telecommunications Services, shall be used solely to support the	146723
operations of Ohio Government Telecommunications Services which	146724
include providing multimedia support to the state government and	146725
its affiliated organizations and broadcasting the activities of	146726
the legislative, judicial, and executive branches of state	146727
government, among its other functions.	146728

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION	146729
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The foregoing appropriation item 935410, Content	146730
Development, Acquisition, and Distribution, shall be used for	146731
the development, acquisition, and distribution of information	146732
resources by public media and radio reading services and for	146733
educational use in the classroom and online.	146734

Of the foregoing appropriation item 935410, Content	146735
Development, Acquisition, and Distribution, up to \$841,567 in	146736
fiscal year 2026 and \$718,134 in fiscal year 2027 shall be	146737
allocated equally among the Ohio educational television	146738

stations. Funds shall be used for the production of interactive 146739
instructional programming series with priority given to 146740
resources aligned with state academic content standards. 146741

Of the foregoing appropriation item 935410, Content 146742
Development, Acquisition, and Distribution, up to \$2,311,039 in 146743
fiscal year 2026 and \$1,972,077 in fiscal year 2027 shall be 146744
distributed by the Broadcast Educational Media Commission to 146745
Ohio's qualified public educational television stations and 146746
educational radio stations to support their operations. The 146747
funds shall be distributed pursuant to an allocation formula 146748
used by the Broadcast Educational Media Commission in 146749
consultation with Ohio's qualified public educational television 146750
stations and educational radio stations. 146751

Of the foregoing appropriation item 935410, Content 146752
Development, Acquisition, and Distribution, up to \$256,394 in 146753
fiscal year 2026 and \$218,789 in fiscal year 2027 shall be 146754
distributed by the Broadcast Educational Media Commission to 146755
Ohio's qualified radio reading services to support their 146756
operations. The funds shall be distributed pursuant to an 146757
allocation formula used by the Broadcast Educational Media 146758
Commission in consultation with Ohio's qualified radio reading 146759
services. 146760

Section 283.10. 146761
146762

1 2 3 4 5

A ETH OHIO ETHICS COMMISSION

B General Revenue Fund

C GRF 146321 Operating Expenses \$2,480,744 \$2,603,142

D	General Revenue Fund Total	\$2,480,744	\$2,603,142
E	Dedicated Purpose Fund Group		
F	4M60 146601 Operating Support	\$649,781	\$670,793
G	Dedicated Purpose Fund Group Total	\$649,781	\$670,793
H	TOTAL ALL BUDGET FUND GROUPS	\$3,130,525	\$3,273,935

Section 285.10.

146763

146764

	1	2	3	4	5
A	EXP OHIO EXPOSITIONS COMMISSION				
B	General Revenue Fund				
C	GRF	723403	Junior Fair Subsidy	\$380,000	\$380,000
D	General Revenue Fund Total			\$380,000	\$380,000
E	Dedicated Purpose Fund Group				
F	4N20	723602	Ohio State Fair Harness Racing	\$350,000	\$350,000
G	5060	723601	Operating Expenses	\$20,000,000	\$20,000,000
H	5060	723604	Grounds Maintenance and Repairs	\$300,000	\$300,000
I	Dedicated Purpose Fund Group Total			\$20,650,000	\$20,650,000
J	TOTAL ALL BUDGET FUND GROUPS			\$21,030,000	\$21,030,000

Section 285.20. STATE FAIR RESERVE 146765

The General Manager of the Expositions Commission, in 146766
consultation with the Director of Budget and Management, may 146767
submit a request to the Controlling Board to use available 146768
amounts in the State Fair Reserve Fund (Fund 6400) if revenues 146769
from either the 2025 or the 2026 Ohio State Fair are 146770
unexpectedly low. 146771

On July 1 of each fiscal year, or as soon as possible 146772
thereafter, the Director of Budget and Management, in 146773
consultation with the General Manager of the Expositions 146774
Commission, may determine that the Ohio Expositions Fund (Fund 146775
5060) has a cash balance in excess of the anticipated operating 146776
costs of the Exposition Commission in that fiscal year. 146777
Notwithstanding section 991.04 of the Revised Code, the Director 146778
of Budget and Management may transfer an amount up to the excess 146779
cash from Fund 5060 to Fund 6400 in each fiscal year. 146780

Section 287.10. 146781
146782

1	2	3	4	5
A	FCC OHIO FACILITIES CONSTRUCTION COMMISSION			
B	General Revenue Fund			
C	GRF	230321 Operating Expenses	\$10,750,000	\$10,750,000
D	GRF	230401 Cultural Facilities Lease	\$37,500,000	\$37,500,000
		Rental Bond Payments		
E	GRF	230908 Common Schools General	\$255,000,000	\$230,000,000
		Obligation Bond Debt		

Service

F	General Revenue Fund Total	\$303,250,000	\$278,250,000
G	Internal Service Activity Fund Group		
H	1310 230639 State Construction Management Operations	\$9,590,355	\$10,233,822
I	Internal Service Activity Fund Group Total	\$9,590,355	\$10,233,822
J	TOTAL ALL BUDGET FUND GROUPS	\$312,840,355	\$288,483,822

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 146783
PAYMENTS 146784

The foregoing appropriation item 230401, Cultural 146785
Facilities Lease Rental Bond Payments, shall be used to meet all 146786
payments during the period from July 1, 2025, through June 30, 146787
2027, by the Ohio Facilities Construction Commission pursuant to 146788
leases and agreements for cultural and sports facilities made 146789
under section 154.23 of the Revised Code. These appropriations 146790
are the source of funds pledged for bond service charges on 146791
related obligations issued under Chapter 154. of the Revised 146792
Code. 146793

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 146794

The foregoing appropriation item 230908, Common Schools 146795
General Obligation Bond Debt Service, shall be used to pay all 146796
debt service and related financing costs during the period from 146797
July 1, 2025, through June 30, 2027, on obligations issued under 146798
sections 151.01 and 151.03 of the Revised Code. 146799

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 146800
REAPPROPRIATION 146801

At the request of the Executive Director of the Ohio 146802
Facilities Construction Commission, the Director of Budget and 146803
Management may cancel encumbrances for school district projects 146804
from a previous biennium if the district has not raised its 146805
local share of project costs within sixteen months of receiving 146806
Controlling Board approval under section 3318.05 or 3318.41 of 146807
the Revised Code. The Executive Director of the Ohio Facilities 146808
Construction Commission shall certify the amounts of the 146809
canceled encumbrances to the Director of Budget and Management 146810
on a quarterly basis. The amounts of the canceled encumbrances 146811
are hereby appropriated. 146812

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 146813
APPROPRIATIONS 146814

On July 1, 2025, or as soon as possible thereafter, the 146815
Executive Director of the Ohio Facilities Construction 146816
Commission shall certify to the Director of Budget and 146817
Management the amount of cash receipts and related investment 146818
income, irrevocable letters of credit from a bank, or 146819
certification of the availability of funds that have been 146820
received from a county or a municipal corporation for deposit 146821
into the Capital Donations Fund (Fund 5A10) and that are related 146822
to an anticipated project. These amounts are hereby appropriated 146823
to appropriation item C230E2, Capital Donations. Prior to 146824
certifying these amounts to the Director, the Executive Director 146825
shall make a written agreement with the participating entity on 146826
the necessary cash flows required for the anticipated 146827
construction or equipment acquisition project. 146828

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 146829

MAINTENANCE LEVY 146830

The Ohio Facilities Construction Commission shall amend 146831
the project agreement between the Commission and a school 146832
district that is participating in the Accelerated Urban School 146833
Building Assistance Program as of September 29, 2018, if the 146834
Commission determines that it is necessary to do so in order to 146835
comply with division (B) (3) (c) of section 3318.38 of the Revised 146836
Code. 146837

Section 287.60. Notwithstanding any other provision of law 146838
to the contrary, the Ohio Facilities Construction Commission may 146839
determine the amount of funding available for disbursement in a 146840
given fiscal year for any project approved under sections 146841
3318.01 to 3318.20 of the Revised Code in order to keep 146842
aggregate state capital spending within approved limits and may 146843
take actions including, but not limited to, determining the 146844
schedule for design or bidding of approved projects, to ensure 146845
appropriate and supportable cash flow. 146846

Section 287.70. RETURNED OR RECOVERED FUNDS 146847

Notwithstanding any provision of law to the contrary, any 146848
moneys a school district transfers to the Ohio Facilities 146849
Construction Commission under division (C) (2) or (3) of section 146850
3318.12 of the Revised Code as well as any moneys recovered from 146851
settlements with or judgments against parties relating to their 146852
involvement in a classroom facilities project shall be deposited 146853
into the fund from which the capital appropriation for the 146854
project was made. In any fiscal year in which the Commission has 146855
made a deposit under this section, the Executive Director of the 146856
Ohio Facilities Construction Commission may seek Controlling 146857
Board approval to increase appropriations from those funds and 146858
specified appropriation items in an amount equal to the amount 146859

of the funds deposited under this section. The additional 146860
amounts, if approved, shall be used in accordance with the 146861
purposes of Chapter 3318. of the Revised Code for projects 146862
pursuant to sections 3318.01 to 3318.20 or sections 3318.40 to 146863
3318.45 of the Revised Code. Upon approval of the Controlling 146864
Board, the additional amounts are hereby appropriated. 146865

Section 289.10.

146866

146867

	1	2	3	4	5
A	GOV OFFICE OF THE GOVERNOR				
B	General Revenue Fund				
C	GRF	040321	Operating Expenses	\$3,481,221	\$3,580,624
D	General Revenue Fund Total			\$3,481,221	\$3,580,624
E	Internal Service Activity Fund Group				
F	5AK0	040607	Government Relations	\$715,600	\$734,442
G	Internal Service Activity Fund Group			\$715,600	\$734,442
	Total				
H	TOTAL ALL BUDGET FUND GROUPS			\$4,196,821	\$4,315,066

Section 289.20. GOVERNMENT RELATIONS

146868

The Office of the Governor may issue an intrastate 146869
transfer voucher to charge any state agency of the executive 146870
branch such amounts necessary to represent the interests of Ohio 146871
to federal, state, and local government units and to cover the 146872
costs or membership dues related to Ohio's participation in 146873

national and regional associations. Amounts collected shall be 146874
deposited in the Government Relations Fund (Fund 5AK0). 146875

Section 291.10.

146876
146877

1	2	3	4	5
A	DOH DEPARTMENT OF HEALTH			
B	General Revenue Fund			
C	GRF	440413 Local Health Department Support	\$2,379,000	\$2,379,000
D	GRF	440416 Mothers and Children Safety Net Services	\$4,639,763	\$4,690,570
E	GRF	440431 Free Clinic Safety Net Services	\$1,755,837	\$1,758,067
F	GRF	440438 Breast and Cervical Cancer Screening	\$1,190,549	\$1,199,779
G	GRF	440444 AIDS Prevention	\$3,610,779	\$3,623,351
H	GRF	440451 Public Health Laboratory	\$3,893,355	\$3,926,237
I	GRF	440452 Child and Family Health Services Match	\$667,650	\$683,513
J	GRF	440453 Health Care Quality Assurance	\$6,868,538	\$7,023,632
K	GRF	440454 Environmental Health/Radiation	\$5,241,349	\$5,241,615

			Protection		
L	GRF	440465	FQHC Primary Care Workforce Initiative	\$2,695,268	\$2,698,697
M	GRF	440472	Alcohol Testing	\$1,313,349	\$1,338,992
N	GRF	440482	Chronic Disease, Injury Prevention, and Drug Overdose	\$1,968,750	\$2,195,097
O	GRF	440483	Infectious Disease Prevention and Control	\$4,924,753	\$4,988,016
P	GRF	440484	Public Health Technology Innovation	\$909,147	\$929,959
Q	GRF	440485	Health Program Support	\$9,625,000	\$9,625,000
R	GRF	440495	Toxicology Screenings	\$1,000,000	\$1,000,000
S	GRF	440505	Children and Youth with Special Health Care Needs	\$13,115,000	\$12,615,000
T	GRF	440507	Targeted Healthcare Services - Over 21	\$2,000,000	\$2,000,000
U	GRF	440527	Lead Abatement	\$250,000	\$250,000
V	GRF	440672	Youth Homelessness	\$2,504,474	\$2,505,903
W	GRF	654453	Medicaid - State Health Program Support	\$4,478,896	\$4,581,836
X			General Revenue Fund Total	\$75,031,457	\$75,254,264

Y	Highway Safety Fund Group		
Z	4T40 440603 Child Highway Safety	\$200,000	\$200,000
AA	Highway Safety Fund Group Total	\$200,000	\$200,000
AB	Dedicated Purpose Fund Group		
AC	4700 440647 Fee Supported Programs	\$32,650,000	\$33,629,000
AD	4710 440619 Certificate of Need	\$408,045	\$408,045
AE	4730 440622 Lab Operating Expenses	\$8,985,000	\$9,254,001
AF	4770 440627 Children and Youth with Special Health Care Needs Audit	\$4,942,318	\$4,973,075
AG	4D60 440608 Genetics Services	\$3,316,583	\$3,416,000
AH	4F90 440610 Sickle Cell Disease Control	\$850,000	\$850,000
AI	4G00 440636 Heirloom Birth Certificate	\$15,000	\$15,000
AJ	4G00 440637 Birth Certificate Surcharge	\$15,000	\$15,000
AK	4L30 440609 HIV Care and Miscellaneous Expenses	\$52,697,000	\$52,697,000
AL	4P40 440628 Ohio Physician Loan Repayment	\$1,000,000	\$1,000,000

AM 4V60	440641	Save Our Sight	\$2,505,000	\$2,580,000
AN 5B50	440616	Quality, Monitoring, and Inspection	\$5,753,000	\$5,925,000
AO 5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$6,000,000	\$6,000,000
AP 5D60	440620	Second Chance Trust	\$1,892,541	\$1,892,541
AQ 5ED0	440651	Smoke Free Indoor Air	\$280,000	\$280,000
AR 5G40	440639	Adoption Services	\$100,000	\$100,000
AS 5KM0	440605	Emergency Preparation and Response	\$2,500,000	\$2,500,000
AT 5PE0	440659	Breast and Cervical Cancer Services	\$500,000	\$500,000
AU 5QJ0	440662	Dental Hygienist Loan Repayments	\$100,000	\$100,000
AV 5SH0	440520	Children's Wish Grant Program	\$275,000	\$275,000
AW 5YS0	440491	Chiropractic Loan Repayment	\$30,000	\$30,000
AX 5Z70	440624	Ohio Dentist Loan Repayment	\$275,000	\$275,000
AY 6100	440626	Radiation Emergency	\$1,551,682	\$1,598,000

	Response		
AZ 6660 440607	Children and Youth with Special Health Care Needs - County Assessments	\$24,060,000	\$24,060,001
BA 6980 440634	Nurse Aide Training	\$126,600	\$126,600
BB	Dedicated Purpose Fund Group Total	\$150,827,769	\$152,499,263
BC	Internal Service Activity Fund Group		
BD 1420 440646	Agency Health Services	\$11,575,000	\$11,575,000
BE 2110 440613	Central Support Indirect Costs	\$39,575,839	\$40,763,000
BF	Internal Service Activity Fund Group Total	\$51,150,839	\$52,338,000
BG	Holding Account Fund Group		
BH R014 440631	Vital Statistics	\$155,000	\$155,000
BI R048 440625	Refunds, Grants Reconciliation, and Audit Settlements	\$20,000	\$20,000
BJ	Holding Account Fund Group Total	\$175,000	\$175,000
BK	Federal Fund Group		
BL 3200 440601	Maternal Child Health Block Grant	\$25,000,000	\$25,750,000

BM 3870	440602	Preventive Health Block Grant	\$11,800,000	\$12,154,000
BN 3890	440604	Women, Infants, and Children	\$250,000,000	\$250,000,001
BO 3910	440606	Medicare Survey and Certification	\$21,800,000	\$22,454,000
BP 3920	440618	Federal Public Health Programs	\$149,503,000	\$153,988,000
BQ 3GD0	654601	Medicaid Program Support	\$41,186,077	\$41,508,003
BR 3GN0	440660	Public Health Emergency Preparedness	\$75,825,000	\$78,099,000
BS 3HP0	440673	Public Health Emergency Response	\$100,500,000	\$100,500,000
BT 3HP0	440686	ELC Strengthening HAI/AR Grant	\$10,000,000	\$10,000,000
BU	Federal Fund Group Total		\$685,614,077	\$694,453,004
BV	TOTAL ALL BUDGET FUND GROUPS		\$962,999,142	\$974,919,531

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 146878

Of the foregoing appropriation item 440416, Mothers and	146879
Children Safety Net Services, up to \$200,000 in each fiscal year	146880
may be used to assist families with children who have hearing	146881
loss or hearing disorders under twenty-six years of age in	146882
purchasing hearing aids and hearing assistive technology. The	146883
Director of Health shall adopt rules governing the distribution	146884

of these funds, including rules that do both of the following: 146885
(1) establish eligibility criteria to include families with 146886
incomes at or below four hundred per cent of the federal poverty 146887
guidelines as defined in section 5101.46 of the Revised Code and 146888
(2) develop a sliding scale of disbursements under this section 146889
based on family income. The Director may adopt other rules as 146890
necessary to implement this section. Rules adopted under this 146891
section shall be adopted in accordance with Chapter 119. of the 146892
Revised Code. 146893

FREE CLINIC SAFETY NET SERVICES 146894

The foregoing appropriation item 440431, Free Clinic 146895
Safety Net Services, shall be provided to the Charitable 146896
Healthcare Network. Funds may be used to reimburse free clinics 146897
for health care services provided, as well as for administrative 146898
services, information technology costs, infrastructure repair, 146899
or other clinic necessities. Additionally, the Director of 146900
Health may designate up to five per cent of the appropriation in 146901
each fiscal year to pay the administrative costs the Department 146902
of Health incurs for operating the program. 146903

AIDS PREVENTION 146904

The foregoing appropriation item 440444, AIDS Prevention, 146905
shall be used to administer educational and other prevention 146906
initiatives. 146907

FQHC PRIMARY CARE WORKFORCE INITIATIVE 146908

The foregoing appropriation item 440465, FQHC Primary Care 146909
Workforce Initiative, shall be provided to the Ohio Association 146910
of Community Health Centers to administer the FQHC Primary Care 146911
Workforce Initiative. The Initiative shall provide medical, 146912
dental, behavioral health, physician assistant, and advanced 146913

practice nursing students with clinical rotations through 146914
federally qualified health centers. Additionally, the Director 146915
of Health may designate up to five per cent of the appropriation 146916
in each fiscal year to pay the administrative costs the 146917
Department of Health incurs for operating the program. 146918

CHRONIC DISEASE, INJURY PREVENTION, AND DRUG OVERDOSE 146919

Of the foregoing appropriation item 440482, Chronic 146920
Disease, Injury Prevention, and Drug Overdose, \$1,200,000 in 146921
fiscal year 2026 and \$200,000 in fiscal year 2027 shall be used 146922
to administer the Parkinson's disease registry, in accordance 146923
with section 3701.25 of the Revised Code, and the stroke 146924
registry database, in accordance with section 3727.131 of the 146925
Revised Code. The Department of Health shall develop the 146926
Parkinson's disease registry utilizing an existing public health 146927
population system managed under the Department. 146928

The remainder of appropriation item 440482, Chronic 146929
Disease, Injury Prevention, and Drug Overdose, shall be used to 146930
support the Department of Health's ongoing health improvement 146931
and wellness efforts, health promotion, and related activities. 146932

HEALTH PROGRAM SUPPORT 146933

Of the forgoing appropriation item 440485, Health Program 146934
Support, \$7,500,000 in each fiscal year shall be used by the 146935
Department of Health, in consultation with the Department of 146936
Education and Workforce, to support school-based health centers 146937
in high-need counties, as determined by the departments. A 146938
school-based health center shall obtain parental consent prior 146939
to providing services to a child. This does not apply in 146940
emergency situations, first aid, other unanticipated minor 146941
health care services, or health care services provided pursuant 146942

to a student's IEP or a school district's obligation under 146943
section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794. 146944

Of the foregoing appropriation item 440485, Health Program 146945
Support, \$1,000,000 in each fiscal year shall be distributed to 146946
Ohio organizations currently providing all of the following 146947
services: wraparound care, including multidisciplinary clinical 146948
care; local case management services by health care 146949
professionals; durable medical and augmentative communication 146950
devices; state and federal advocacy; and support groups and 146951
patient grants for those diagnosed with amyotrophic lateral 146952
sclerosis (ALS). The distribution of funds shall be based on 146953
each awarded organization's identified Ohio county coverage and 146954
by the prevalence rate of persons living with ALS using the most 146955
recent population estimates available from the United States 146956
Census Bureau. Funds shall be used to support persons living 146957
with ALS, including any of the following: wraparound care, case 146958
management, purchase and distribution of durable medical 146959
equipment and augmentative communication devices, and patient 146960
grants for disease-related expenses. Funding is required to be 146961
designated in service to Ohioans and shall not be used for 146962
persons living outside of the state of Ohio. 146963

Of the foregoing appropriation item 440485, Health Program 146964
Support, \$125,000 in each fiscal year shall be provided to Ohio 146965
Adolescent Health Centers to support sexual risk avoidance 146966
programs in schools. 146967

TOXICOLOGY SCREENINGS 146968

The foregoing appropriation item 440495, Toxicology 146969
Screenings, shall be used to reimburse county coroners in 146970
counties in which the coroner has performed toxicology 146971
screenings on victims of a drug overdose. The Director of Health 146972

shall transfer the funds to the counties in proportion to the 146973
numbers of toxicology screenings performed per county. 146974

TARGETED HEALTH CARE SERVICES-OVER 21 146975

The foregoing appropriation item 440507, Targeted Health 146976
Care Services-Over 21, shall be used to administer the Cystic 146977
Fibrosis Program and to implement the Hemophilia Insurance 146978
Premium Payment Program. The Department of Health shall expend 146979
up to \$100,000 in each fiscal year to implement the Hemophilia 146980
Insurance Premium Payment Program. 146981

The foregoing appropriation item 440507, Targeted Health 146982
Care Services-Over 21, shall also be used to do the following: 146983
cover services provided to adults over the age of twenty-one 146984
with Cystic Fibrosis who are eligible for treatment under the 146985
Cystic Fibrosis Program; provide essential medications; and pay 146986
the copayments for drugs approved by the Department of Health 146987
and covered by Medicare Part D that are dispensed to Program for 146988
Children and Youth with Special Health Care Needs participants 146989
for the Cystic Fibrosis Program. 146990

LEAD ABATEMENT 146991

Of the foregoing appropriation item 440527, Lead 146992
Abatement, \$250,000 in each fiscal year shall be used by the 146993
Department of Health to distribute funds to local governments 146994
for projects that include, but are not limited to, lead hazard 146995
control and housing rehabilitation initiatives that expand the 146996
Department's lead hazard control and prevention efforts. 146997

YOUTH HOMELESSNESS 146998

The foregoing appropriation item 440672, Youth 146999
Homelessness, shall be used to address homelessness in youth and 147000
pregnant women by providing assertive outreach to provide stable 147001

housing, including recovery housing. No funds shall be 147002
distributed to youth shelters that promote or affirm social 147003
gender transition, in which an individual goes from identifying 147004
with and living as a gender that corresponds to the individual's 147005
biological sex to identifying with and living as a gender 147006
different from the individual's biological sex. 147007

FEE SUPPORTED PROGRAMS 147008

Of the foregoing appropriation item 440647, Fee Supported 147009
Programs, \$2,160,000 in each fiscal year shall be used to 147010
distribute subsidies, on a per capita basis, to local health 147011
departments accredited through the Public Health Accreditation 147012
Board, or local health departments that are in the process of 147013
earning accreditation. 147014

Of the foregoing appropriation item 440647, Fee Supported 147015
Programs, \$1,840,000 in each fiscal year shall be used to 147016
distribute subsidies to local health departments accredited 147017
through the Public Health Accreditation Board on a per capita 147018
basis. 147019

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 147020

The Children and Youth with Special Health Care Needs 147021
Audit Fund (Fund 4770) shall receive revenue from audits of 147022
hospitals and recoveries from third-party payers. Moneys may be 147023
expended for payment of audit settlements and for costs directly 147024
related to obtaining recoveries from third-party payers and for 147025
encouraging Program for Children and Youth with Special Health 147026
Care Needs recipients to apply for third-party benefits. Moneys 147027
also may be expended for payments for diagnostic and treatment 147028
services on behalf of children and youth with special health 147029
care needs, as defined in division (A) of section 3701.022 of 147030

the Revised Code, and Ohio residents who are twenty-one or more 147031
years of age and who are suffering from cystic fibrosis or 147032
hemophilia. Moneys may also be expended for administrative 147033
expenses incurred in operating the Program for Children and 147034
Youth with Special Health Care Needs. 147035

GENETICS SERVICES 147036

The foregoing appropriation item 440608, Genetics 147037
Services, shall be used by the Department of Health to 147038
administer programs authorized by sections 3701.501 and 3701.502 147039
of the Revised Code. None of these funds shall be used to 147040
counsel or refer for abortion. 147041

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 147042

Of the foregoing appropriation item 440656, Tobacco Use 147043
Prevention, Cessation, and Enforcement, \$1,000,000 in each 147044
fiscal year shall be used by the Director of Health, in 147045
consultation with the Director of Children and Youth, to award 147046
funds to private, nonprofit, or government entities. The 147047
Directors shall determine how the funds are to be distributed, 147048
but shall prioritize awards to entities that serve women who 147049
reside in communities that have the highest infant mortality 147050
rates in this state, as identified under section 3701.142 of the 147051
Revised Code. Recognizing the significant health risks posed to 147052
women and their children by tobacco use during and after 147053
pregnancy, the Department of Health shall award grants to 147054
private, nonprofit, or government entities that demonstrate the 147055
ability to deliver evidence-based tobacco cessation 147056
interventions to women. 147057

The remainder of appropriation item 440656, Tobacco Use 147058
Prevention, Cessation, and Enforcement, shall be used to 147059

administer tobacco use prevention and cessation activities and 147060
programs, to administer compliance checks, retailer education, 147061
and programs related to legal age restrictions, and to enforce 147062
the Ohio Smoke-Free Workplace Act. 147063

EMERGENCY PREPARATION AND RESPONSE 147064

Notwithstanding section 127.19 of the Revised Code, the 147065
foregoing appropriation item 440605, Emergency Preparation and 147066
Response, shall be used to support public health emergency 147067
preparedness and response efforts. This appropriation may also 147068
be used to support data infrastructure projects and other data 147069
analysis and analytics work. 147070

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 147071
ASSESSMENTS 147072

The foregoing appropriation item 440607, Children and 147073
Youth with Special Health Care Needs - County Assessments, shall 147074
be used to make payments under division (E) of section 3701.023 147075
of the Revised Code. 147076

FEDERAL PUBLIC HEALTH PROGRAMS 147077

Of the foregoing appropriation item 440618, Federal Public 147078
Health Programs, \$7,800,000 in each fiscal year shall be 147079
provided to Ohio Adolescent Health Centers. 147080

Section 293.10. 147081
147082

1 2 3 4 5

A HEF HIGHER EDUCATIONAL FACILITY COMMISSION

B Dedicated Purpose Fund Group

C	4610 372601 Operating Expenses	\$15,513	\$15,513
D	Dedicated Purpose Fund Group Total	\$15,513	\$15,513
E	TOTAL ALL BUDGET FUND GROUPS	\$15,513	\$15,513

Section 295.10.

147083

147084

	1	2	3	4	5
A	SPA COMMISSION ON HISPANIC/LATINO AFFAIRS				
B	General Revenue Fund				
C	GRF	148321 Operating Expenses	\$466,248	\$483,670	
D	General Revenue Fund Total		\$466,248	\$483,670	
E	Dedicated Purpose Fund Group				
F	6010	148602 Special Initiatives	\$50,000	\$50,000	
G	Dedicated Purpose Fund Group Total		\$50,000	\$50,000	
H	TOTAL ALL BUDGET FUND GROUPS		\$516,248	\$533,670	

Section 297.10.

147085

147086

	1	2	3	4	5
A	OHS OHIO HISTORY CONNECTION				
B	General Revenue Fund				
C	GRF	360400 Holocaust and Genocide	\$1,110,000	\$1,110,000	

			Memorial and Education Commission		
D	GRF	360401	Ohio Commission for the U.S. Semiquincentennial	\$7,500,000	\$2,000,000
E	GRF	360402	UNESCO World Heritage Sites	\$2,000,000	\$2,500,000
F	GRF	360501	Education and Collections	\$6,139,320	\$6,147,040
G	GRF	360502	Site and Museum Operations	\$8,252,200	\$8,252,200
H	GRF	360504	Ohio Preservation Office	\$965,287	\$965,287
I	GRF	360505	National Afro-American Museum	\$811,000	\$811,000
J	GRF	360506	Hayes Presidential Center	\$750,000	\$750,000
K	GRF	360508	State Historical Grants	\$700,000	\$700,000
L			General Revenue Fund Total	\$28,227,807	\$23,235,527
M			Dedicated Purpose Fund Group		
N	5KL0	360602	Ohio History Tax Check- off	\$150,000	\$150,000
O	5PD0	360603	Ohio History License Plate	\$10,000	\$10,000
P			Dedicated Purpose Fund Group Total	\$160,000	\$160,000

Q TOTAL ALL BUDGET FUND GROUPS \$28,387,807 \$23,395,527

Section 297.20. SUBSIDY APPROPRIATION 147087

Upon approval by the Director of Budget and Management, 147088
the foregoing appropriation items shall be released to the Ohio 147089
History Connection in quarterly amounts that in total do not 147090
exceed the annual appropriations. The funds and fiscal records 147091
of the Ohio History Connection for fiscal year 2026 and fiscal 147092
year 2027 shall be examined by independent certified public 147093
accountants approved by the Auditor of State, and a copy of the 147094
audited financial statements shall be filed with the Office of 147095
Budget and Management. 147096

The foregoing appropriations shall be considered to be the 147097
contractual consideration provided by the state to support the 147098
state's offer to contract with the Ohio History Connection under 147099
section 149.30 of the Revised Code. 147100

HOLOCAUST AND GENOCIDE MEMORIAL COMMISSION 147101

Of the foregoing appropriation item 360400, Holocaust and 147102
Genocide Memorial and Education Commission, \$125,000 in each 147103
fiscal year shall be used for The Nancy and David Wolf Holocaust 147104
and Humanity Center. 147105

UNESCO WORLD HERITAGE SITES 147106

The foregoing appropriation item 360402, UNESCO World 147107
Heritage Sites, shall be used for operating costs for approved 147108
United Nations Educational, Scientific and Cultural Organization 147109
(UNESCO) World Heritage sites in Ohio. 147110

STATE HISTORICAL GRANTS 147111

Of the foregoing appropriation item 360508, State 147112

Historical Grants, \$350,000 in each fiscal year shall be used 147113
for the Western Reserve Historical Society, and \$350,000 in each 147114
fiscal year shall be used for the Cincinnati Museum Center. 147115

Section 299.10. 147116
147117

	1	2	3	4	5
A	REP OHIO HOUSE OF REPRESENTATIVES				
B	General Revenue Fund				
C	GRF	025321	Operating Expenses	\$35,100,000	\$36,210,000
D	General Revenue Fund Total			\$35,100,000	\$36,210,000
E	Internal Service Activity Fund Group				
F	1030	025601	House of Representatives Reimbursement	\$1,433,664	\$1,433,664
G	4A40	025602	Miscellaneous Sales	\$50,000	\$50,000
H	Internal Service Activity Fund Group Total			\$1,483,664	\$1,483,664
I	TOTAL ALL BUDGET FUND GROUPS			\$36,583,664	\$37,693,664

Section 299.20. OPERATING EXPENSES 147118

On July 1, 2025, or as soon as possible thereafter, the 147119
Chief Administrative Officer of the House of Representatives may 147120
certify to the Director of Budget and Management an amount up to 147121
the unexpended, unencumbered balance of the foregoing 147122
appropriation item 025321, Operating Expenses, at the end of 147123

fiscal year 2025 to be reappropriated to fiscal year 2026. The 147124
amount certified is hereby reappropriated to the same 147125
appropriation item for fiscal year 2026. 147126

On July 1, 2026, or as soon as possible thereafter, the 147127
Chief Administrative Officer of the House of Representatives may 147128
certify to the Director of Budget and Management an amount up to 147129
the unexpended, unencumbered balance of the foregoing 147130
appropriation item 025321, Operating Expenses, at the end of 147131
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147132
amount certified is hereby reappropriated to the same 147133
appropriation item for fiscal year 2027. 147134

HOUSE REIMBURSEMENT 147135

If it is determined by the Chief Administrative Officer of 147136
the House of Representatives that additional appropriations are 147137
necessary for the foregoing appropriation item 025601, House of 147138
Representatives Reimbursement, the amounts are hereby 147139
appropriated. 147140

Section 303.10. 147141
147142

1	2	3	4	5
A	IGO OFFICE OF THE INSPECTOR GENERAL			
B	General Revenue Fund			
C	GRF 965321 Operating Expenses		\$2,079,000	\$2,158,000
D	General Revenue Fund Total		\$2,079,000	\$2,158,000
E	Internal Service Activity Fund Group			

F	5FA0 965603 Deputy Inspector General for ODOT	\$400,000	\$400,000
G	5FT0 965604 Deputy Inspector General for BWC/OIC	\$425,000	\$425,000
H	Internal Service Activity Fund Group Total	\$825,000	\$825,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,904,000	\$2,983,000

Section 305.10.

147143

147144

	1	2	3	4	5
A	INS DEPARTMENT OF INSURANCE				
B	Dedicated Purpose Fund Group				
C	5540 820401 Examination			\$11,242,604	\$11,690,798
D	5540 820601 Operating Expenses - OSHIIP			\$400,670	\$414,002
E	5540 820606 Operating Expenses			\$36,479,179	\$37,595,513
F	Dedicated Purpose Fund Group Total			\$48,122,453	\$49,700,313
G	Federal Fund Group				
H	3U50 820602 OSHIIP Operating Grant			\$3,050,000	\$3,050,000
I	Federal Fund Group Total			\$3,050,000	\$3,050,000
J	TOTAL ALL BUDGET FUND GROUPS			\$51,172,453	\$52,750,313

Section 305.20. MARKET CONDUCT EXAMINATION 147145

When conducting a market conduct examination of any 147146
insurer doing business in this state, the Superintendent of 147147
Insurance may assess the costs of the examination against the 147148
insurer. The Superintendent may enter into consent agreements to 147149
impose administrative assessments or fines for conduct 147150
discovered that may be violations of statutes or rules 147151
administered by the Superintendent. All costs, assessments, or 147152
fines collected shall be deposited to the credit of the 147153
Department of Insurance Operating Fund (Fund 5540). 147154

Section 307.10. 147155
147156

1	2	3	4	5
A	JFS DEPARTMENT OF JOB AND FAMILY SERVICES			
B	General Revenue Fund			
C	GRF	600410 TANF State Maintenance of Effort	\$147,169,083	\$147,169,083
D	GRF	600450 Program Operations	\$152,325,446	\$153,655,581
E	GRF	600502 Child Support - Local	\$26,400,000	\$26,400,000
F	GRF	600521 Family Assistance - Local	\$50,000,000	\$50,000,000
G	GRF	600533 Child, Family, and Community Protection Services	\$13,500,000	\$13,500,000
H	GRF	600534 Adult Protective Services	\$9,720,000	\$9,720,000

I	GRF	655425	Medicaid Program Support	\$15,779,739	\$16,393,535
J	GRF	655522	Medicaid Program Support - Local	\$44,000,000	\$44,000,000
K	GRF	655523	Medicaid Program Support - Local Transportation	\$43,530,000	\$43,530,000
L			General Revenue Fund Total	\$502,424,268	\$504,368,199
M			Dedicated Purpose Fund Group		
N	4A80	600658	Public Assistance Activities	\$21,400,000	\$21,400,000
O	4A90	600607	Unemployment Compensation Administration Fund	\$45,180,000	\$36,670,000
P	5CI1	6006B6	Utility Community Assistance	\$0	\$686,947
Q	5ES0	600630	Food Bank Assistance	\$500,000	\$500,000
R	5RY0	600698	Human Services Project	\$10,000,000	\$10,000,000
S			Dedicated Purpose Fund Group Total	\$77,080,000	\$69,256,947
T			Internal Service Activity Fund Group		
U	5HL0	600602	State and County Shared Services	\$2,000,000	\$2,000,000
V	5WU0	6006C2	Ohio Benefits	\$0	\$169,005,914
W			Internal Service Activity Fund Group	\$2,000,000	\$171,005,914

Total				
X Fiduciary Fund Group				
Y	1920	600646	Child Support Intercept- Federal	\$100,000,000 \$100,000,000
Z	5830	600642	Child Support Intercept- State	\$13,000,000 \$13,000,000
AA	5B60	600601	Food Assistance Intercept	\$9,000,000 \$9,000,000
AB	Fiduciary Fund Group Total			\$122,000,000 \$122,000,000
AC Holding Account Fund Group				
AD	R012	600643	Refunds and Audit Settlements	\$500,000 \$500,000
AE	Holding Account Fund Group Total			\$500,000 \$500,000
AF Federal Fund Group				
AG	3310	600615	Veterans Programs	\$9,729,693 \$10,046,576
AH	3310	600624	Employment Services	\$33,757,412 \$33,361,820
AI	3310	600686	Workforce Programs	\$3,726,601 \$3,831,863
AJ	3840	600610	Food Assistance Programs	\$353,577,548 \$355,477,007
AK	3850	600614	Refugee Services	\$43,221,914 \$47,817,949
AL	3950	600616	Federal Discretionary Grants	\$4,500,000 \$4,500,000

AM 3960 600620	Social Services Block Grant	\$38,100,747	\$38,339,506
AN 3970 600626	Child Support - Federal	\$206,615,245	\$206,484,306
AO 3F01 655624	Medicaid Program Support - Federal	\$221,532,699	\$222,146,496
AP 3FI0 6006B4	Home Weatherization Program	\$0	\$45,000,000
AQ 3K90 6006B3	Home Energy Assistance Block Grant	\$0	\$180,000,000
AR 3K90 6006B7	HEAP Weatherization	\$0	\$44,000,000
AS 3L00 6006B8	Community Services Block Grant	\$0	\$32,000,000
AT 3S50 600622	Child Support Projects	\$539,000	\$539,000
AU 3V00 600688	Workforce Innovation and Opportunity Act Programs	\$165,467,651	\$172,078,185
AV 3V40 600632	Trade Programs	\$3,001,000	\$3,001,000
AW 3V40 600678	Federal Unemployment Programs	\$122,666,388	\$125,686,620
AX 3V40 600679	Unemployment Compensation Review Commission-Federal	\$6,068,609	\$6,249,573
AY 3V60 600689	TANF Block Grant	\$561,481,981	\$561,481,981
AZ	Federal Fund Group Total	\$1,773,986,488	\$2,092,041,882

Section 307.20. COUNTY ADMINISTRATIVE FUNDS	147157
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(B) Of the foregoing appropriation item 600521, Family	147162
Assistance -Local, an additional \$2,500,000 in each fiscal year	147163
shall be provided to assist county departments that submit an	147164
approved plan on increasing fraud prevention, early detection of	147165
fraud, and investigations on potential fraud that may be	147166
occurring in public assistance programs.	147167

(C) The foregoing appropriation item 655522, Medicaid	147168
Program Support - Local, shall be provided to county departments	147169
of job and family services to administer the Medicaid program	147170
and the State Children's Health Insurance program.	147171

(D) At the request of the Director of Job and Family	147172
Services, the Director of Budget and Management may transfer	147173
appropriations between the following appropriation items to	147174
ensure county administrative funds are expended from the proper	147175
appropriation item:	147176

(1) Appropriation item 600521, Family Assistance - Local,	147177
and appropriation item 655522, Medicaid Program Support - Local;	147178
and	147179

(2) Appropriation item 655523, Medicaid Program Support -	147180
Local Transportation, and appropriation item 655522, Medicaid	147181
Program Support - Local.	147182

Section 307.30. NAME OF FOOD STAMP PROGRAM 147183

The Director of Job and Family Services is not required to 147184
amend rules regarding the Food Stamp Program to change the name 147185
of the program to the Supplemental Nutrition Assistance Program. 147186
The Director may refer to the program as the Food Stamp Program, 147187
the Supplemental Nutrition Assistance Program, or the Food 147188
Assistance Program in rules and documents of the Department of 147189
Job and Family Services. 147190

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 147191

Of the foregoing appropriation items 600410, TANF State 147192
Maintenance of Effort, 600658, Public Assistance Activities, and 147193
600689, TANF Block Grant, a total of up to \$22,050,000 in each 147194
fiscal year shall be used to provide funds to the Ohio 147195
Association of Food Banks to purchase and distribute food 147196
products, support Innovative Summer Meals programs for children, 147197
provide SNAP outreach and free tax filing services, and provide 147198
capacity building equipment for food pantries and soup kitchens. 147199

Notwithstanding section 5101.46 of the Revised Code and 147200
any other provision in this act, the Director of Job and Family 147201
Services shall provide assistance from eligible funds to the 147202
Ohio Association of Food Banks in an amount up to \$24,550,000 in 147203
each fiscal year. This amount includes the funds designated to 147204
the Ohio Association of Food Banks in the first paragraph of 147205
this section. 147206

Eligible nonfederal expenditures made by member food banks 147207
of the Association shall be counted by the Department of Job and 147208
Family Services toward the TANF maintenance of effort 147209
requirements of 42 U.S.C. 609(a)(7). The Director of Job and 147210
Family Services shall enter into an agreement with the Ohio 147211

Association of Food Banks, in accordance with sections 5101.80 147212
and 5101.801 of the Revised Code, to carry out the requirements 147213
under this section. 147214

Section 307.50. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 147215

The Department of Job and Family Services shall enter into 147216
a subgrant agreement with the Ohio Association of Foodbanks to 147217
enable the Association to provide food distribution to low- 147218
income families and individuals via the statewide charitable 147219
emergency food provider network and to support transportation of 147220
meals for the Governor's Office of Faith-Based and Community 147221
Initiatives Innovative Summer Meals programs for children and 147222
provide capacity building equipment for food pantries and soup 147223
kitchens. 147224

The Ohio Association of Foodbanks shall do all of the 147225
following: 147226

(A) Purchase food for the Agriculture Clearance and Ohio 147227
Food Programs. Information regarding the food purchase shall be 147228
reflected in the plan for statewide distribution of food 147229
products to local food distribution agencies. 147230

(B) Support the Capacity Building Grant program and 147231
purchase equipment for partner agencies that is needed to 147232
increase their capacity to serve more families eligible under 147233
the Temporary Assistance for Needy Families program with 147234
perishable foods, fruits, and vegetables. This equipment 147235
purchase shall include, but is not limited to, shelving, pallet 147236
jacks, commercial refrigerators, and commercial freezers. 147237

(C) Submit a quarterly report to the Department of Job and 147238
Family Services not later than sixty days after the close of the 147239
quarter to which the report pertains. The quarterly report shall 147240

include all of the following: 147241

(1) A summary of the allocation and expenditure of grant 147242
funds; 147243

(2) Product type and pounds distributed by foodbank 147244
service region and county; 147245

(3) The number of households, households with children, a 147246
breakdown of individuals served by age, including those over the 147247
age of sixty, those between the ages of nineteen and fifty-nine, 147248
and those up to the age of eighteen, and the number of meals 147249
served. 147250

(D) Submit an annual report to the Agreement Manager at 147251
the Department of Job and Family Services not later than one 147252
hundred twenty days after the end of the fiscal year. The annual 147253
report shall include the following: 147254

(1) A summary of the allocation and expenditure of grant 147255
funds; 147256

(2) The number of households, households with children, a 147257
breakdown of individuals served by age, including those over the 147258
age of sixty, those between the ages of nineteen and fifty-nine, 147259
and those up to the age of eighteen, and the number of meals 147260
served. 147261

(3) The quantity and type of food distributed and the 147262
total per pound cost of the food purchased; 147263

(4) Information on the cost of storage, transportation, 147264
and processing; 147265

(5) An evaluation of the success in achieving expected 147266
performance outcomes. 147267

Section 307.60. FOOD STAMPS TRANSFER 147268

On July 1, 2025, or as soon as possible thereafter, and 147269
upon request of the Director of Job and Family Services, the 147270
Director of Budget and Management may transfer up to \$1,000,000 147271
cash from the Food Stamp Offset Fund (Fund 5B60), to the Food 147272
Assistance Fund (Fund 5ES0). 147273

Section 307.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 147274

The foregoing appropriation item 600658, Public Assistance 147275
Activities, shall be used by the Department of Job and Family 147276
Services to meet the TANF maintenance of effort requirements of 147277
42 U.S.C. 609(a)(7). When the state is assured that it will meet 147278
the maintenance of effort requirement, the Department of Job and 147279
Family Services may use funds from appropriation item 600658, 147280
Public Assistance Activities, to support public assistance 147281
activities. 147282

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 147283
FUNDS 147284

(A) Of the foregoing appropriation items 600410, TANF 147285
State Maintenance of Effort, and 600689, TANF Block Grant, up to 147286
\$13,410,000 in each fiscal year shall be used, in accordance 147287
with sections 5101.80 and 5101.801 of the Revised Code, to 147288
provide support to programs or organizations that provide 147289
services that align with the mission and goals of the Governor's 147290
Office of Faith-Based and Community Initiatives, as outlined in 147291
section 107.12 of the Revised Code, and that further at least 147292
one of the four purposes of the TANF program, as specified in 42 147293
U.S.C. 601. 147294

(B) Of the foregoing appropriation items 600410, TANF 147295
State Maintenance of Effort, and 600689, TANF Block Grant, 147296

\$8,500,000 in each fiscal year shall be provided, in accordance 147297
with sections 5101.80 and 5101.801 of the Revised Code, to the 147298
Ohio Alliance of Boys and Girls Clubs to provide after-school 147299
and summer programs that protect at-risk children and enable 147300
youth to become responsible adults. 147301

(C) Of the foregoing appropriation item 600689, TANF Block 147302
Grant, \$2,500,000 in each fiscal year shall be provided, in 147303
accordance with sections 5101.80 and 5101.801 of the Revised 147304
Code, to the Children's Hunger Alliance to assist with meal 147305
sponsorship, early child care programs, child care, 147306
consultations and nutrition education, school district nutrition 147307
programs, after school nutrition programs, and summer nutrition 147308
programs. 147309

(D) Of the foregoing appropriation item 600689, TANF Block 147310
Grant, \$250,000 in each fiscal year shall be provided to the 147311
Toledo Seagate Foodbank, in accordance with sections 5101.80 and 147312
5101.801 of the Revised Code. 147313

(E) Of the foregoing appropriation item 600689, TANF Block 147314
Grant, \$1,500,000 in each fiscal year shall be provided, in 147315
accordance with sections 5101.80 and 5101.801 of the Revised 147316
Code, to Open Doors Academy. 147317

(F) Of the foregoing appropriation item 600689, TANF Block 147318
Grant, \$1,000,000 in each fiscal year shall be provided, in 147319
accordance with sections 5101.80 and 5101.801 of the Revised 147320
Code, to Produce Perks. 147321

(G) Of the foregoing appropriation item 600689, TANF Block 147322
Grant, \$100,000 in each fiscal year shall be provided, in 147323
accordance with sections 5101.80 and 5101.801 of the Revised 147324
Code, to the Ohio YMCA to support day camps and before and after 147325

school programs to help students remove barriers to their 147326
learning. 147327

(H) Of the foregoing appropriation item 600689, TANF Block 147328
Grant, \$100,000 in each fiscal year shall be provided, in 147329
accordance with sections 5101.80 and 5101.801 of the Revised 147330
Code, to the Country Neighbor Program. 147331

(I) Of the foregoing appropriation item 600689, TANF Block 147332
Grant, \$400,000 in each fiscal year shall be provided, in 147333
accordance with sections 5101.80 and 5101.801 of the Revised 147334
Code, to the Southside Life Station Food Pantry in Toledo. 147335

(J) Of the foregoing appropriation item 600689, TANF Block 147336
Grant, \$400,000 in each fiscal year shall be provided, in 147337
accordance with sections 5101.80 and 5101.801 of the Revised 147338
Code, to the Simon Kenton Council for the administration of the 147339
ScoutReach program. Funding shall be used for the following: to 147340
expand access to scouting in under-resourced communities; to 147341
provide financial assistance for participating families; to hire 147342
two additional program coordinators, a risk manager, and a 147343
social worker; to purchase program supplies; and to provide 147344
marketing resources to enhance outreach and engagement. Funds 147345
shall be distributed in accordance with guidelines established 147346
for nonprofit educational and youth development programs. The 147347
Simon Kenton Council shall submit an annual report to the 147348
Department of Job and Family Services detailing the program's 147349
expansion, impact, and financial expenditures. 147350

Section 307.90. PROGRAM OPERATIONS 147351

Of the foregoing appropriation item 600450, Program 147352
Operations, \$7,000,000 in each fiscal year shall be allocated 147353
for the GRIT program to be administered by the Department of Job 147354

and Family Services, in coordination with the Governor's Office 147355
of Appalachia and the Department of Development. The program 147356
shall expand the qualified worker pipeline, remove barriers to 147357
fill local and remote jobs, and promote entrepreneurial 147358
endeavors in economically distressed and at-risk areas within 147359
the Appalachian region of Ohio, as defined in section 107.21 of 147360
the Revised Code, and other like counties within the state. The 147361
amount set aside for the GRIT program under this section shall 147362
be used for the following: 147363

(A) To establish, in collaboration with private businesses 147364
and public sector partners, virtual workforce development 147365
centers and supportive resources and to place unemployed and 147366
underemployed youth and adults into jobs; 147367

(B) To support assessment, coaching, wraparound services, 147368
and other career development and training activities for both 147369
high school youth and adults. 147370

The amount set aside for the GRIT program under this 147371
section may be used for operating costs. 147372

Section 307.100. CHILD, FAMILY, AND COMMUNITY PROTECTION 147373
SERVICES 147374

(A) The foregoing appropriation item 600533, Child, 147375
Family, and Community Protection Services, shall be distributed 147376
to county departments of job and family services. County 147377
departments shall use the funds distributed to them under this 147378
section as follows, in accordance with the written plan of 147379
cooperation entered into under section 307.983 of the Revised 147380
Code: 147381

(1) To assist individuals in achieving or maintaining 147382
self-sufficiency, including by reducing or preventing dependency 147383

among individuals with family income not exceeding two hundred 147384
per cent of the federal poverty guidelines; 147385

(2) Subject to division (B) of this section, to respond to 147386
reports of abuse, neglect, or exploitation of children and 147387
adults, including through the differential response approach 147388
program; 147389

(3) To provide outreach and referral services regarding 147390
home and community-based services to individuals at risk of 147391
placement in a group home or institution, regardless of the 147392
individuals' family income and without need for a written 147393
application; 147394

(4) To provide outreach, referral, application assistance, 147395
and other services to assist individuals to receive assistance, 147396
benefits, or services under Medicaid; Title IV-A programs, as 147397
defined in section 5101.80 of the Revised Code; the Supplemental 147398
Nutrition Assistance Program; and other public assistance 147399
programs. 147400

(B) Protective services may be provided to a child or 147401
adult as part of a response, under division (A) (2) of this 147402
section, to a report of abuse, neglect, or exploitation without 147403
regard to a child or adult's family income and without need for 147404
a written application. The protective services may be provided 147405
if the case record documents circumstances of actual or 147406
potential abuse, neglect, or exploitation. 147407

Section 307.110. ADULT PROTECTIVE SERVICES 147408

Of the foregoing appropriation item 600534, Adult 147409
Protective Services, \$7,040,000 in each fiscal year shall be 147410
used to provide an initial allocation of \$80,000 to each county. 147411
The remainder of appropriation item 600534 shall be provided to 147412

counties in accordance with the formula established in section 147413
5101.612 of the Revised Code. 147414

Section 307.117. UNEMPLOYMENT COMPENSATION FUND 147415

A portion of the foregoing appropriation item 600607, 147416
Unemployment Compensation Administration Fund, in each fiscal 147417
year shall be used to make payments pursuant to leases and 147418
agreements entered into under Chapter 125. of the Revised Code, 147419
as supplemented by Section 701.40 of H.B. 529 of the 132nd 147420
General Assembly, with respect to financing the costs associated 147421
with the acquisition, development, implementation, and 147422
integration of the Unemployment Insurance System. 147423

Section 307.119. TEMPORARY TRANSFER TO UNEMPLOYMENT 147424
COMPENSATION SPECIAL ADMINISTRATIVE FUND 147425

On July 1, 2025, or as soon as possible thereafter, the 147426
Director of Budget and Management may transfer up to \$15,000,000 147427
cash from any fund used by the Department of Job and Family 147428
Services, except General Revenue Funds, to the Unemployment 147429
Compensation Special Administrative Fund (Fund 4A90) to pay the 147430
costs of building and developing a new unemployment insurance 147431
information technology system. 147432

Not later than June 30, 2027, the Director of Budget and 147433
Management, upon the request of the Director of Job and Family 147434
Services, shall transfer cash equal to the amount previously 147435
transferred to Fund 4A90 from the fund selected above in fiscal 147436
year 2026, from Fund 4A90 back into the selected fund. 147437

Section 307.120. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 147438

The Fiduciary Fund Group and Holding Account Fund Group 147439
shall be used to hold revenues until the appropriate fund is 147440
determined or until the revenues are directed to the appropriate 147441

governmental agency other than the Department of Job and Family 147442
Services. Any Department of Job and Family Services refunds or 147443
reconciliations received or held by the Department of Medicaid 147444
shall be transferred or credited to the Refunds and Audit 147445
Settlement Fund (Fund R012). If receipts credited to the Support 147446
Intercept - Federal Fund (Fund 1920), the Support Intercept - 147447
State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), 147448
or the Refunds and Audit Settlements Fund (Fund R012) exceed the 147449
amounts appropriated from the fund, the Director of Job and 147450
Family Services may request the Director of Budget and 147451
Management to authorize expenditures from the fund in excess of 147452
the amounts appropriated. Upon the approval of the Director of 147453
Budget and Management, the additional amounts are hereby 147454
appropriated. 147455

Section 307.130. HEAP WEATHERIZATION 147456

Up to twenty-five per cent of the federal funds deposited 147457
to the credit of the Home Energy Assistance Block Grant (Fund 147458
3K90) may be expended from appropriation item 6006B7, HEAP 147459
Weatherization, to provide home weatherization services in the 147460
state as determined by the Director of Job and Family Services. 147461

Section 307.140. SUMMER ELECTRONIC BENEFITS TRANSFER FOR 147462
CHILDREN FUND 147463

(A) The Summer Electronic Benefits Transfer for Children 147464
Fund is created, which shall be in the custody of the Treasurer 147465
of State but shall not be part of the state treasury. The fund 147466
shall consist of all money awarded by the United States 147467
Department of Agriculture as benefits under 42 U.S.C. 1762. All 147468
money in the fund shall be used by the Director of Job and 147469
Family Services solely for the purpose of paying eligible 147470
charges incurred by children and families eligible for, and 147471

participating in, the Summer Electronic Benefits Transfer for 147472
Children Program. 147473

(B) On or before August 1 of each fiscal year, the 147474
Director shall submit to the Governor, the Director of Budget 147475
and Management, the President of the Senate, the Speaker of the 147476
House of Representatives, the Minority Leader of the Senate, and 147477
the Minority Leader of the House of Representatives information 147478
regarding the Summer Electronic Benefits Transfer for Children 147479
Program created under 42 U.S.C. 1762, including the amount of 147480
federal funding received for the program in the previous fiscal 147481
year. 147482

Section 307.150. WORK REQUIREMENTS 147483

The Director of Job and Family Services may refer Ohio 147484
Works First and Supplemental Nutrition Assistance Program 147485
participants who have indicated that they have a mental or 147486
physical illness or impairment to the agency for vocational 147487
rehabilitation assessment and support services. Such 147488
participants must continue with vocational rehabilitation 147489
services pursuant to this section in order to meet Ohio Works 147490
First and Supplemental Nutrition Assistance Program work 147491
requirements, unless they are determined unable to work by the 147492
Opportunities for Ohioans with Disabilities agency, or otherwise 147493
meet minimum program work requirements. Participants who are not 147494
determined unable to work by the Opportunities for Ohioans with 147495
Disabilities agency and who do not participate with vocational 147496
rehabilitation services pursuant to this section or otherwise 147497
meet minimum program work requirements will have benefits 147498
terminated in accordance with federal regulations. 147499

Section 309.10. 147500

147501

	1	2	3	4	5
A			JCR JOINT COMMITTEE ON AGENCY RULE REVIEW		
B			General Revenue Fund		
C	GRF	029321	Operating Expenses	\$570,000	\$570,000
D			General Revenue Fund Total	\$570,000	\$570,000
E			TOTAL ALL BUDGET FUND GROUPS	\$570,000	\$570,000

Section 309.20. OPERATING GUIDANCE 147502

The Legislative Service Commission shall act as fiscal 147503
agent for the Joint Committee on Agency Rule Review. Members of 147504
the Committee shall be paid in accordance with section 101.35 of 147505
the Revised Code. 147506

OPERATING EXPENSES 147507

On July 1, 2025, or as soon as possible thereafter, the 147508
Executive Director of the Joint Committee on Agency Rule Review 147509
may certify to the Director of Budget and Management an amount 147510
up to the unexpended, unencumbered balance of the foregoing 147511
appropriation item 029321, Operating Expenses, at the end of 147512
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147513
amount certified is hereby reappropriated to the same 147514
appropriation item for fiscal year 2026. 147515

On July 1, 2026, or as soon as possible thereafter, the 147516
Executive Director of the Joint Committee on Agency Rule Review 147517
may certify to the Director of Budget and Management an amount 147518
up to the unexpended, unencumbered balance of the foregoing 147519
appropriation item 029321, Operating Expenses, at the end of 147520

fiscal year 2026 to be reappropriated to fiscal year 2027. The 147521
amount certified is hereby reappropriated to the same 147522
appropriation item for fiscal year 2027. 147523

Section 313.10.

147524

147525

	1	2	3	4	5
A			JMO JOINT MEDICAID OVERSIGHT COMMITTEE		
B			General Revenue Fund		
C	GRF	048321	Operating Expenses	\$530,532	\$654,606
D			General Revenue Fund Total	\$530,532	\$654,606
E			TOTAL ALL BUDGET FUND GROUPS	\$530,532	\$654,606

Section 313.20. OPERATING EXPENSES

147526

The foregoing appropriation item 048321, Operating 147527
Expenses, shall be used to support expenses related to the Joint 147528
Medicaid Oversight Committee created by section 103.41 of the 147529
Revised Code. 147530

On July 1, 2025, or as soon as possible thereafter, the 147531
Executive Director of the Joint Medicaid Oversight Committee may 147532
certify to the Director of Budget and Management an amount up to 147533
the unexpended, unencumbered balance of the foregoing 147534
appropriation item 048321, Operating Expenses, at the end of 147535
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147536
amount certified is hereby reappropriated to the same 147537
appropriation item for fiscal year 2026. 147538

On July 1, 2026, or as soon as possible thereafter, the 147539

Executive Director of the Joint Medicaid Oversight Committee may 147540
certify to the Director of Budget and Management an amount up to 147541
the unexpended, unencumbered balance of the foregoing 147542
appropriation item 048321, Operating Expenses, at the end of 147543
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147544
amount certified is hereby reappropriated to the same 147545
appropriation item for fiscal year 2027. 147546

Section 315.10.

147547
147548

	1	2	3	4	5
A			JCO JUDICIAL CONFERENCE OF OHIO		
B			General Revenue Fund		
C	GRF	018321	Operating Expenses	\$1,398,265	\$1,475,131
D			General Revenue Fund Total	\$1,398,265	\$1,475,131
E			Dedicated Purpose Fund Group		
F	4030	018601	Ohio Jury Instructions	\$746,000	\$814,899
G			Dedicated Purpose Fund Group Total	\$746,000	\$814,899
H			TOTAL ALL BUDGET FUND GROUPS	\$2,144,265	\$2,290,030

Section 315.20. STATE COUNCIL OF UNIFORM STATE LAWS

147549

Notwithstanding section 105.26 of the Revised Code, of the 147550
foregoing appropriation item 018321, Operating Expenses, up to 147551
\$103,315 in fiscal year 2026 and up to \$108,481 in fiscal year 147552
2027 shall be used to pay the expenses of the State Council of 147553
Uniform State Laws, including membership dues to the National 147554

Conference of Commissioners on Uniform State Laws. 147555

OHIO JURY INSTRUCTIONS FUND 147556

The Ohio Jury Instructions Fund (Fund 4030) shall consist 147557
of grants, royalties, dues, conference fees, bequests, devises, 147558
and other gifts received for the purpose of supporting costs 147559
incurred by the Judicial Conference of Ohio in its activities as 147560
a part of the judicial system of the state as determined by the 147561
Judicial Conference Executive Committee. Fund 4030 shall be used 147562
by the Judicial Conference of Ohio to pay expenses incurred in 147563
its activities as a part of the judicial system of the state as 147564
determined by the Judicial Conference Executive Committee. All 147565
moneys accruing to Fund 4030 in excess of the amount 147566
appropriated for the current fiscal year are hereby appropriated 147567
for the purposes authorized. No money in Fund 4030 shall be 147568
transferred to any other fund by the Director of Budget and 147569
Management or the Controlling Board. 147570

Section 317.10. 147571

147572

	1	2	3	4	5
A			JSC THE JUDICIARY/SUPREME COURT		
B			General Revenue Fund		
C	GRF	005321	Operating Expenses - Judiciary/Supreme Court	\$215,911,023	\$227,757,735
D	GRF	005401	State Criminal Sentencing Commission	\$1,506,142	\$1,601,731
E	GRF	005406	Law-Related Education	\$250,000	\$250,000

F	GRF	005409	Ohio Courts Technology Initiative	\$1,155,000	\$1,155,000
G			General Revenue Fund Total	\$218,822,165	\$230,764,466
H			Dedicated Purpose Fund Group		
I	4C80	005605	Attorney Services	\$10,718,083	\$10,721,022
J	5HT0	005617	Court Interpreter Certification	\$9,000	\$9,000
K	5SP0	005626	Civil Justice Grant Program	\$425,000	\$425,000
L	5T80	005609	Grants and Awards	\$1,000	\$1,000
M	6720	005601	Continuing Judicial Education	\$37,500	\$37,500
N			Dedicated Purpose Fund Group Total	\$11,190,583	\$11,193,522
O			Fiduciary Fund Group		
P	5JY0	005620	County Law Library Resources Boards	\$313,800	\$318,500
Q			Fiduciary Fund Group Total	\$313,800	\$318,500
R			Federal Fund Group		
S	3J00	005603	Federal Grants	\$1,810,907	\$1,157,600
T			Federal Fund Group Total	\$1,810,907	\$1,157,600

U TOTAL ALL BUDGET FUND GROUPS \$232,137,455 \$243,434,088

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 147573

The foregoing appropriation item 005401, State Criminal 147574
Sentencing Commission, shall be used for the operation of the 147575
State Criminal Sentencing Commission established by section 147576
181.21 of the Revised Code. 147577

LAW-RELATED EDUCATION 147578

Of the foregoing appropriation item 005406, Law-Related 147579
Education, \$250,000 in each fiscal year shall be distributed 147580
directly to the Ohio Center for Law-Related Education for the 147581
purposes of providing continuing citizenship education 147582
activities to primary and secondary students, expanding 147583
delinquency prevention programs, increasing activities for at- 147584
risk youth, and accessing additional public and private money 147585
for new programs. 147586

ATTORNEY SERVICES 147587

The Attorney Registration Fund (Fund 4C80) shall consist 147588
of money received by the Supreme Court (The Judiciary) pursuant 147589
to the Rules for the Government of the Bar of Ohio. In addition 147590
to funding other activities considered appropriate by the 147591
Supreme Court, the foregoing appropriation item 005605, Attorney 147592
Services, may be used to compensate employees and to fund 147593
appropriate activities of the following offices established by 147594
the Supreme Court: the Office of Disciplinary Counsel, the Board 147595
of Commissioners on Grievances and Discipline, the Clients' 147596
Security Fund, and the Attorney Services Division which include 147597
the Office of Bar Admissions. If it is determined by the 147598
Administrative Director of the Supreme Court that changes to the 147599

appropriation are necessary, the amounts are hereby 147600
appropriated. 147601

No money in Fund 4C80 shall be transferred to any other 147602
fund by the Director of Budget and Management or the Controlling 147603
Board. Interest earned on money in Fund 4C80 shall be credited 147604
to the fund. 147605

COURT INTERPRETER CERTIFICATION 147606

The Court Interpreter Certification Fund (Fund 5HT0) shall 147607
consist of money received by the Supreme Court (The Judiciary) 147608
pursuant to Rules 80 through 87 of the Rules of Superintendence 147609
for the Courts of Ohio. The foregoing appropriation item 005617, 147610
Court Interpreter Certification, shall be used to provide 147611
training, to provide the written examination, and to pay 147612
language experts to rate, or grade, the oral examinations of 147613
those applying to become certified court interpreters. If it is 147614
determined by the Administrative Director of the Supreme Court 147615
that changes to the appropriation are necessary, the amounts are 147616
hereby appropriated. 147617

No money in Fund 5HT0 shall be transferred to any other 147618
fund by the Director of Budget and Management or the Controlling 147619
Board. Interest earned on money in Fund 5HT0 shall be credited 147620
to the fund. 147621

CIVIL JUSTICE GRANT PROGRAM 147622

The Civil Justice Program Fund (Fund 5SP0) shall consist 147623
of (1) \$50 voluntary donations made as part of the biennium 147624
attorney registration process and (2) \$150 of the pro hac vice 147625
fees for out-of-state attorneys pursuant to Government of the 147626
Bar Rule amendments. The foregoing appropriation item 005626, 147627
Civil Justice Grant Program, shall be used by the Supreme Court 147628

of Ohio for grants to not-for-profit organizations and agencies 147629
dedicated to providing civil legal aid to underserved 147630
populations, to fund innovative programs directed at this 147631
purpose, and to increase access to judicial service to that 147632
population. If it is determined by the Administrative Director 147633
of the Supreme Court that changes to the appropriation are 147634
necessary, the amounts are hereby appropriated. 147635

No money in Fund 5SP0 shall be transferred to any other 147636
fund by the Director of Budget and Management or the Controlling 147637
Board. Interest earned on money in Fund 5SP0 shall be credited 147638
to the fund. 147639

GRANTS AND AWARDS 147640

The Grants and Awards Fund (Fund 5T80) shall consist of 147641
grants and other money awarded to the Supreme Court (The 147642
Judiciary) by the State Justice Institute, the Division of 147643
Criminal Justice Services, or other entities. The foregoing 147644
appropriation item 005609, Grants and Awards, shall be used in a 147645
manner consistent with the purpose of the grant or award. If it 147646
is determined by the Administrative Director of the Supreme 147647
Court that changes to the appropriation are necessary, the 147648
amounts are hereby appropriated. 147649

No money in Fund 5T80 shall be transferred to any other 147650
fund by the Director of Budget and Management or the Controlling 147651
Board. Interest earned on money in Fund 5T80 shall be credited 147652
or transferred to the General Revenue Fund. 147653

JUDICIARY/SUPREME COURT EDUCATION 147654

The Judiciary/Supreme Court Education Fund (Fund 6720) 147655
shall consist of fees paid for attending judicial and public 147656
education on the law, reimbursement of costs for judicial and 147657

public education on the law, and other gifts and grants received 147658
for the purpose of judicial and public education on the law. The 147659
foregoing appropriation item 005601, Continuing Judicial 147660
Education, shall be used to pay expenses for judicial education 147661
courses for judges, court personnel, and those who serve the 147662
courts, and for public education on the law. If it is determined 147663
by the Administrative Director of the Supreme Court that changes 147664
to the appropriation are necessary, the amounts are hereby 147665
appropriated. 147666

No money in Fund 6720 shall be transferred to any other 147667
fund by the Director of Budget and Management or the Controlling 147668
Board. Interest earned on money in Fund 6720 shall be credited 147669
to the fund. 147670

COUNTY LAW LIBRARY RESOURCES BOARDS 147671

The Statewide Consortium of County Law Library Resources 147672
Boards Fund (Fund 5JY0) shall consist of moneys deposited 147673
pursuant to section 307.515 of the Revised Code into a county's 147674
law library resources fund and forwarded by that county's 147675
treasurer for deposit in the state treasury pursuant to division 147676
(E) (1) of section 3375.481 of the Revised Code. The foregoing 147677
appropriation item 005620, County Law Library Resources Boards, 147678
shall be used for the operation of the Statewide Consortium of 147679
County Law Library Resources Boards. If it is determined by the 147680
Administrative Director of the Supreme Court that changes to the 147681
appropriation are necessary, the amounts are hereby 147682
appropriated. 147683

No money in Fund 5JY0 shall be transferred to any other 147684
fund by the Director of Budget and Management or the Controlling 147685
Board. Interest earned on money in Fund 5JY0 shall be credited 147686
to the fund. 147687

FEDERAL GRANTS 147688

The Federal Grants Fund (Fund 3J00) shall consist of 147689
grants and other moneys awarded to the Supreme Court (The 147690
Judiciary) by the United States Government or other entities 147691
that receive the moneys directly from the United States 147692
Government and distribute those moneys to the Supreme Court (The 147693
Judiciary). The foregoing appropriation item 005603, Federal 147694
Grants, shall be used in a manner consistent with the purpose of 147695
the grant or award. If it is determined by the Administrative 147696
Director of the Supreme Court that changes to the appropriation 147697
are necessary, the amounts are hereby appropriated. 147698

No money in Fund 3J00 shall be transferred to any other 147699
fund by the Director of Budget and Management or the Controlling 147700
Board. However, interest earned on money in Fund 3J00 shall be 147701
credited or transferred to the General Revenue Fund. 147702

Section 319.10. 147703
147704

1	2	3	4	5
A	LEC LAKE ERIE COMMISSION			
B	Dedicated Purpose Fund Group			
C	4C00 780601 Lake Erie Protection		\$900,000	\$940,000
D	6H20 780604 H2Ohio		\$132,000	\$132,000
E	Dedicated Purpose Fund Group Total		\$1,032,000	\$1,072,000
F	Federal Fund Group			
G	3EP0 780603 LEC Federal Grants		\$1,140,000	\$1,140,000

H	Federal Fund Group Total	\$1,140,000	\$1,140,000
I	TOTAL ALL BUDGET FUND GROUPS	\$2,172,000	\$2,212,000

Section 319.20.	CASH TRANSFERS TO THE LAKE ERIE PROTECTION	147705
FUND		147706

On July 1 of each fiscal year, or as soon as possible	147707
thereafter, the Director of Budget and Management may transfer	147708
cash from the funds specified below, up to the amounts specified	147709
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00	147710
may accept contributions and transfers made to the fund.	147711
	147712

1	2	3	4	5
A	Fund Fund Name	User	FY 2026	FY 2027
B	5BC0 Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000
C	6690 Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000
D	4700 General Operations	Department of Health	\$25,000	\$25,000
E	1570 Program Support	Department of Natural Resources	\$25,000	\$25,000
F	1350 Supportive Services	Department of Development	\$25,000	\$25,000

Section 321.10.	147713
	147714

	1	2	3	4	5
A	JLE JOINT LEGISLATIVE ETHICS COMMITTEE				
B	General Revenue Fund				
C	GRF	028321	Legislative Ethics Committee	\$713,000	\$713,000
D	General Revenue Fund Total			\$713,000	\$713,000
E	Dedicated Purpose Fund Group				
F	4G70	028601	Joint Legislative Ethics Committee	\$150,000	\$150,000
G	5HN0	028602	Investigations and Financial Disclosure	\$10,000	\$10,000
H	Dedicated Purpose Fund Group Total			\$160,000	\$160,000
I	TOTAL ALL BUDGET FUND GROUPS			\$873,000	\$873,000

Section 321.20. LEGISLATIVE ETHICS COMMITTEE 147715

On July 1, 2025, or as soon as possible thereafter, the 147716
Legislative Inspector General of the Joint Legislative Ethics 147717
Committee may certify to the Director of Budget and Management 147718
an amount up to the unexpended, unencumbered balance of the 147719
foregoing appropriation item 028321, Legislative Ethics 147720
Committee, at the end of fiscal year 2025 to be reappropriated 147721
to fiscal year 2026. The amount certified is hereby 147722
reappropriated to the same appropriation item for fiscal year 147723
2026. 147724

On July 1, 2026, or as soon as possible thereafter, the
Legislative Inspector General of the Joint Legislative Ethics
Committee may certify to the Director of Budget and Management
an amount up to the unexpended, unencumbered balance of the
foregoing appropriation item 028321, Legislative Ethics
Committee, at the end of fiscal year 2026 to be reappropriated
to fiscal year 2027. The amount certified is hereby
reappropriated to the same appropriation item for fiscal year
2027.

Section 323.10.

1	2	3	4	5
A	LSC LEGISLATIVE SERVICE COMMISSION			
B	General Revenue Fund			
C	GRF	035321 Operating Expenses	\$24,800,000	\$24,800,000
D	GRF	035402 Legislative Fellows	\$1,200,000	\$1,200,000
E	GRF	035405 Correctional Institution Inspection Committee	\$497,000	\$522,000
F	GRF	035407 Legislative Task Force on Redistricting	\$100,000	\$0
G	GRF	035409 National Associations	\$712,000	\$712,000
H	GRF	035410 Legislative Information Systems	\$15,000,000	\$15,000,000
I	GRF	035501 Litigation	\$1,000,000	\$1,000,000

J	General Revenue Fund Total	\$43,309,000	\$43,234,000
K	TOTAL ALL BUDGET FUND GROUPS	\$43,309,000	\$43,234,000

Section 323.20. OPERATING EXPENSES 147736

On July 1, 2025, or as soon as possible thereafter, the 147737
Director of the Legislative Service Commission may certify to 147738
the Director of Budget and Management an amount up to the 147739
unexpended, unencumbered balance of the foregoing appropriation 147740
item 035321, Operating Expenses, at the end of fiscal year 2025 147741
to be reappropriated to fiscal year 2026. The amount certified 147742
is hereby reappropriated to the same appropriation item for 147743
fiscal year 2026. 147744

On July 1, 2026, or as soon as possible thereafter, the 147745
Director of the Legislative Service Commission may certify to 147746
the Director of Budget and Management an amount up to the 147747
unexpended, unencumbered balance of the foregoing appropriation 147748
item 035321, Operating Expenses, at the end of fiscal year 2026 147749
to be reappropriated to fiscal year 2027. The amount certified 147750
is hereby reappropriated to the same appropriation item for 147751
fiscal year 2027. 147752

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 147753

On July 1, 2025, or as soon as possible thereafter, the 147754
Director of the Legislative Service Commission may certify to 147755
the Director of Budget and Management an amount up to the 147756
unexpended, unencumbered balance of the foregoing appropriation 147757
item 035405, Correctional Institution Inspection Committee, at 147758
the end of fiscal year 2025 to be reappropriated to fiscal year 147759
2026. The amount certified is hereby reappropriated to the same 147760
appropriation item for fiscal year 2026. 147761

On July 1, 2026, or as soon as possible thereafter, the 147762
Director of the Legislative Service Commission may certify to 147763
the Director of Budget and Management an amount up to the 147764
unexpended, unencumbered balance of the foregoing appropriation 147765
item 035405, Correctional Institution Inspection Committee, at 147766
the end of fiscal year 2026 to be reappropriated to fiscal year 147767
2027. The amount certified is hereby reappropriated to the same 147768
appropriation item for fiscal year 2027. 147769

LEGISLATIVE TASK FORCE ON REDISTRICTING 147770

An amount equal to the unexpended, unencumbered balance of 147771
the foregoing appropriation item 035407, Legislative Task Force 147772
on Redistricting, at the end of fiscal year 2025 is hereby 147773
reappropriated to the Legislative Service Commission for the 147774
same purpose for fiscal year 2026. 147775

An amount equal to the unexpended, unencumbered balance of 147776
the foregoing appropriation item 035407, Legislative Task Force 147777
on Redistricting, at the end of fiscal year 2026 is hereby 147778
reappropriated to the Legislative Service Commission for the 147779
same purpose for fiscal year 2027. 147780

LEGISLATIVE INFORMATION SYSTEMS 147781

On July 1, 2025, or as soon as possible thereafter, the 147782
Director of the Legislative Service Commission may certify to 147783
the Director of Budget and Management an amount up to the 147784
unexpended, unencumbered balance of the foregoing appropriation 147785
item 035410, Legislative Information Systems, at the end of 147786
fiscal year 2025 to be reappropriated to fiscal year 2026. The 147787
amount certified is hereby reappropriated to the same 147788
appropriation item for fiscal year 2026. 147789

On July 1, 2026, or as soon as possible thereafter, the 147790

Director of the Legislative Service Commission may certify to 147791
the Director of Budget and Management an amount up to the 147792
unexpended, unencumbered balance of the foregoing appropriation 147793
item 035410, Legislative Information Systems, at the end of 147794
fiscal year 2026 to be reappropriated to fiscal year 2027. The 147795
amount certified is hereby reappropriated to the same 147796
appropriation item for fiscal year 2027. 147797

LITIGATION 147798

The foregoing appropriation item 035501, Litigation, shall 147799
be used for any lawsuit in which the General Assembly, or either 147800
house of the General Assembly, is made a party. The chairperson 147801
and vice-chairperson of the Legislative Service Commission shall 147802
both approve the use of the appropriated moneys. 147803

An amount equal to the unexpended, unencumbered balance of 147804
the foregoing appropriation item 035501, Litigation, at the end 147805
of fiscal year 2025 is hereby reappropriated to the Legislative 147806
Service Commission for the same purpose for fiscal year 2026. 147807

An amount equal to the unexpended, unencumbered balance of 147808
the foregoing appropriation item 035501, Litigation, at the end 147809
of fiscal year 2026 is hereby reappropriated to the Legislative 147810
Service Commission for the same purpose for fiscal year 2027. 147811

Section 325.10. 147812
147813

1	2	3	4	5
A	LIB STATE LIBRARY BOARD			
B	Dedicated Purpose Fund Group			
C	4590 350603 Services for Libraries	\$6,748,455	\$6,783,244	

D	4S40	350604	Ohio Public Library Information Network	\$5,567,715	\$5,587,432
E	5CW1	350608	Ohioana Library Association	\$310,516	\$310,516
F	5CX1	350609	Regional Library Systems	\$494,000	\$494,000
G	5CZ1	350607	Operating Expenses	\$4,527,036	\$4,527,474
H	5GB0	350605	Library for the Blind	\$1,274,194	\$1,274,194
I			Dedicated Purpose Fund Group Total	\$18,921,916	\$18,976,860
J			Internal Service Activity Fund Group		
K	1390	350602	Services for State Agencies	\$8,000	\$8,000
L			Internal Service Activity Fund Group Total	\$8,000	\$8,000
M			Federal Fund Group		
N	3130	350601	LSTA Federal	\$5,554,767	\$5,609,015
O			Federal Fund Group Total	\$5,554,767	\$5,609,015
P			TOTAL ALL BUDGET FUND GROUPS	\$24,484,683	\$24,593,875

Section 325.20. OHIOANA LIBRARY ASSOCIATION 147814

Of the foregoing appropriation item 350608, Ohioana	147815
Library Association, \$191,000 in each fiscal year shall be used	147816
to support the operating expenses of the Martha Kinney Cooper	147817

Ohioana Library Association under section 3375.61 of the Revised Code. 147818
147819

The remainder of the foregoing appropriation item 350608, 147820
Ohioana Library Association, shall be used to pay the rental 147821
expenses of the Martha Kinney Cooper Ohioana Library Association 147822
under section 3375.61 of the Revised Code. 147823

REGIONAL LIBRARY SYSTEMS 147824

The foregoing appropriation item 350609, Regional Library 147825
Systems, shall be used to support regional library systems 147826
eligible for funding under sections 3375.83 and 3375.90 of the 147827
Revised Code. 147828

OHIO PUBLIC LIBRARY INFORMATION NETWORK 147829

(A) The foregoing appropriation item 350604, Ohio Public 147830
Library Information Network, shall be used for an information 147831
telecommunications network linking public libraries in the state 147832
and such others as may participate in the Ohio Public Library 147833
Information Network (OPLIN). 147834

The Ohio Public Library Information Network Board of 147835
Trustees created under section 3375.65 of the Revised Code may 147836
make decisions regarding use of the foregoing appropriation item 147837
350604, Ohio Public Library Information Network. 147838

(B) The OPLIN Board shall research and assist or advise 147839
local libraries with regard to emerging technologies and methods 147840
that may be effective means to control access to obscene and 147841
illegal materials. The OPLIN Director shall provide written 147842
reports upon request within ten days to the Governor, the 147843
Speaker and Minority Leader of the House of Representatives, and 147844
the President and Minority Leader of the Senate on any steps 147845
being taken by OPLIN and public libraries in the state to limit 147846

and control such improper usage as well as information on 147847
technological, legal, and law enforcement trends nationally and 147848
internationally affecting this area of public access and 147849
service. 147850

(C) The Ohio Public Library Information Network, INFOhio, 147851
and OhioLINK shall, to the extent feasible, coordinate and 147852
cooperate in their purchase or other acquisition of the use of 147853
electronic databases for their respective users and shall 147854
contribute funds in an equitable manner to such effort. 147855

LIBRARY FOR THE BLIND 147856

The foregoing appropriation item 350605, Library for the 147857
Blind, shall be used for the statewide Talking Book Program to 147858
assist the blind and disabled. 147859

TRANSFER TO OPLIN TECHNOLOGY FUND 147860

Notwithstanding sections 5747.03 and 5747.47 of the 147861
Revised Code and any other provision of law to the contrary, in 147862
accordance with a schedule established by the Director of Budget 147863
and Management, the Director of Budget and Management shall 147864
transfer \$3,689,788 cash in each fiscal year from the Public 147865
Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 147866
4S40). 147867

TRANSFER TO LIBRARY FOR THE BLIND FUND 147868

Notwithstanding sections 5747.03 and 5747.47 of the 147869
Revised Code and any other provision of law to the contrary, in 147870
accordance with a schedule established by the Director of Budget 147871
and Management, the Director of Budget and Management shall 147872
transfer \$1,274,194 cash in each fiscal year from the Public 147873
Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 147874
5GB0). 147875

TRANSFER TO STATE LIBRARY OPERATING EXPENSES FUND	147876
Notwithstanding sections 5747.03 and 5747.47 of the	147877
Revised Code and any other provision of law to the contrary, in	147878
accordance with a schedule established by the Director of Budget	147879
and Management, the Director of Budget and Management shall	147880
transfer \$4,527,036 cash in fiscal year 2026 and \$4,527,474 cash	147881
in fiscal year 2027 from the Public Library Fund (Fund 7065) to	147882
the State Library Operating Expenses Fund (Fund 5CZ1), which is	147883
hereby created in the state treasury.	147884
TRANSFER TO THE OHIOANA LIBRARY ASSOCIATION FUND	147885
Notwithstanding sections 5747.03 and 5747.47 of the	147886
Revised Code and any other provision of law to the contrary, in	147887
accordance with a schedule established by the Director of Budget	147888
and Management, the Director of Budget and Management shall	147889
transfer \$310,516 cash in each fiscal year from the Public	147890
Library Fund (Fund 7065) to the Ohioana Library Association Fund	147891
(Fund 5CW1), which is hereby created in the state treasury.	147892
TRANSFER TO REGIONAL LIBRARY SYSTEMS FUND	147893
Notwithstanding sections 5747.03 and 5747.47 of the	147894
Revised Code and any other provision of law to the contrary, in	147895
accordance with a schedule established by the Director of Budget	147896
and Management, the Director of Budget and Management shall	147897
transfer \$494,000 cash in each fiscal year from the Public	147898
Library Fund (Fund 7065) to the Regional Library Systems Fund	147899
(Fund 5CX1), which is hereby created in the state treasury.	147900
Section 327.10.	147901
	147902

A	LCO LIQUOR CONTROL COMMISSION		
B	Dedicated Purpose Fund Group		
C	5LP0 970601 Commission Operating Expenses	\$1,177,114	\$1,241,735
D	Dedicated Purpose Fund Group Total	\$1,177,114	\$1,241,735
E	TOTAL ALL BUDGET FUND GROUPS	\$1,177,114	\$1,241,735

Section 329.10.

147903

147904

1	2	3	4	5
A	LOT STATE LOTTERY COMMISSION			
B	State Lottery Fund Group			
C	7044 950321 Operating Expenses		\$70,000,000	\$71,000,000
D	7044 950402 Advertising Contracts		\$30,811,375	\$30,811,375
E	7044 950403 Gaming Contracts		\$123,355,327	\$128,639,066
F	7044 950601 Direct Prize Payments		\$183,030,000	\$183,282,000
G	7044 950605 Responsible Gambling		\$5,000,000	\$5,000,000
H	8710 950602 Annuity Prizes		\$35,637,000	\$34,737,000
I	State Lottery Fund Group Total		\$447,833,702	\$453,469,441
J	TOTAL ALL BUDGET FUND GROUPS		\$447,833,702	\$453,469,441

Section 329.20. OPERATING EXPENSES

147905

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of the amount appropriated that fiscal year in the foregoing appropriation item 950321, Operating Expenses. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 147914

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES 147919

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 147931

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,465,138,202 in fiscal year 2026 and \$1,471,729,884 in

fiscal year 2027. Transfers by the Director of Budget and Management to the Lottery Profits Education Fund shall be administered as the statutes direct.

Section 333.10.

1	2	3	4	5
A	MCD DEPARTMENT OF MEDICAID			
B	General Revenue Fund			
C	GRF	651425 Medicaid Program Support - State	\$164,527,244	\$158,222,590
D	GRF	651525 Medicaid Health Care Services - Total	\$19,965,971,019	\$20,803,854,551
E		Medicaid Health Care Services - State	\$5,548,774,202	\$5,727,316,637
F		Medicaid Health Care Services - Federal	\$14,417,196,817	\$15,076,537,914
G	GRF	651526 Medicare Part D	\$745,500,073	\$829,099,684
H	General Revenue Fund Total		\$20,875,998,336	\$21,791,176,825
I	Dedicated Purpose Fund Group			
J	4E30	651605 Resident Protection Fund	\$7,000,000	\$7,000,000
K	5AN0	651686 State Directed Payment Program	\$233,410,621	\$233,212,717

L	5DL0	651639	Medicaid Services - Recoveries	\$938,907,575	\$896,537,969
M	5DL0	651685	Medicaid Recoveries - Program Support	\$89,560,719	\$91,388,371
N	5DL0	651690	Multi-system Youth Custody Relinquishment	\$20,000,000	\$20,000,000
O	5FX0	651638	Medicaid Services - Payment Withholding	\$12,000,000	\$12,000,000
P	5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$2,632,211,017	\$3,030,014,270
Q	5R20	651608	Medicaid Services-Long Term	\$451,000,000	\$451,000,000
R	5TN0	651684	Medicaid Services-HIC Fee	\$879,876,850	\$869,039,656
S	6510	651649	Medicaid Services-Hospital Care Assurance Program	\$320,543,800	\$168,455,600
T	Dedicated Purpose Fund Group Total			\$5,584,510,582	\$5,778,648,583
U	Holding Account Fund Group				
V	R055	651644	Refunds and Reconciliation	\$14,001,665	\$14,001,665
W	Holding Account Fund Group Total			\$14,001,665	\$14,001,665
X	Federal Fund Group				

Y	3F00	651623	Medicaid Services - Federal	\$13,049,087,897	\$13,875,349,283
Z	3F00	651624	Medicaid Program Support - Federal	\$499,974,494	\$495,333,992
AA	3FA0	651680	Health Care Grants - Federal	\$7,000,000	\$7,000,000
AB	3G50	651655	Medicaid Interagency Pass Through	\$264,653,075	\$264,644,638
AC	Federal Fund Group Total			\$13,820,715,466	\$14,642,327,913
AD	TOTAL ALL BUDGET FUND GROUPS			\$40,295,226,049	\$42,226,154,986

Section 333.12. DIVERSITY EQUITY AND INCLUSION 147940

To the extent permitted by federal law, no funds 147941
appropriated in Section 333.10 shall be used for diversity, 147942
equity, and inclusion initiatives. This section does not apply 147943
to funds appropriated to provide services that support access to 147944
the community for Medicaid recipients with intellectual and 147945
developmental disabilities. 147946

Section 333.13. SOCIAL GENDER TRANSITION 147947

To the extent permitted by federal law, no funds 147948
appropriated in Section 333.10 of this act shall be distributed 147949
for mental health services that promote or affirm social gender 147950
transition, in which an individual goes from identifying with 147951
and living as a gender that corresponds to the individual's 147952
biological sex to identifying with and living as a gender 147953
different from the individual's biological sex. 147954

Section 333.15. MEDICAID IN SCHOOLS PROGRAM 147955

Of the foregoing appropriation items 651425, Medicaid 147956
Program Support - State, and 651624, Medicaid Program Support - 147957
Federal, \$349,925 in each line item in fiscal year 2026 and 147958
\$358,362 in each line item in fiscal year 2027 shall be used by 147959
the Department of Medicaid to support the Medicaid in Schools 147960
Program. 147961

Section 333.30. LODGING FOR FAMILIES 147962

Of the foregoing appropriation item 651525, Medicaid 147963
Health Care Services, \$2,500,000 in each fiscal year shall be 147964
used by the Medicaid Director to work with the Centers for 147965
Medicare and Medicaid Services to continue lodging as an 147966
administrative service affiliated with Ohio children's hospitals 147967
available for families with children who have special health 147968
care needs. 147969

Section 333.40. PERSONAL NEEDS ALLOWANCE SUPPORT 147970

Upon the request of the Medicaid Director, the Director of 147971
Budget and Management may transfer up to \$2,200,000 147972
appropriation in fiscal year 2026 and \$4,400,000 appropriation 147973
in fiscal year 2027 from appropriation item 651525, Medicaid 147974
Health Care Services, to appropriation items in the Department 147975
of Developmental Disabilities. This funding shall be used to 147976
support an increase in the personal needs allowance for 147977
individuals residing in an intermediate care facility for 147978
individuals with intellectual disabilities. The Medicaid 147979
Director may transfer federal funds as the state's single state 147980
agency for Medicaid reimbursements, as drawn for these 147981
transactions. Any amounts transferred are hereby appropriated. 147982

Section 333.50. MEDICARE PART D 147983

The foregoing appropriation item 651526, Medicare Part D, 147984
may be used by the Department of Medicaid for the implementation 147985
and operation of the Medicare Part D requirements contained in 147986
the "Medicare Prescription Drug, Improvement, and Modernization 147987
Act of 2003," Pub. L. No. 108-173, as amended. Upon the request 147988
of the Medicaid Director, the Director of Budget and Management 147989
may transfer the state share of appropriations between 147990
appropriation item 651525, Medicaid Health Care Services, and 147991
appropriation item 651526, Medicare Part D. If the state share 147992
of appropriation item 651525, Medicaid Health Care Services, is 147993
adjusted, the Director of Budget and Management shall adjust the 147994
federal share accordingly. The Department of Medicaid shall 147995
provide notification to the Controlling Board of any transfers 147996
at the next scheduled Controlling Board meeting. 147997

Section 333.70. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 147998
COSTS 147999

Upon the request of the Medicaid Director, the Director of 148000
Budget and Management may transfer state share appropriations in 148001
each fiscal year between appropriation item 651525, Medicaid 148002
Health Care Services, within the Department of Medicaid, and 148003
655522, Medicaid Program Support - Local, within the Department 148004
of Job and Family Services. If such a transfer occurs, the 148005
Director of Budget and Management shall adjust, using the 148006
federal reimbursement rate, the federal share appropriations of 148007
appropriation item 651525, Medicaid Health Care Services, within 148008
the Department of Medicaid, and appropriation item 655624, 148009
Medicaid Program Support - Federal, within the Department of Job 148010
and Family Services. Any increase in funding shall be provided 148011
to county departments of job and family services and shall only 148012
be used for costs related to processing cases for work 148013
requirements for the expansion eligibility group that are 148014

established under the medicaid waiver component required under 148015
section 5166.37 of the Revised Code, and as prescribed by the 148016
Medicaid Director. These funds shall not be used for existing 148017
and ongoing operating expenses. The Medicaid Director shall 148018
establish criteria for distributing these funds and for county 148019
departments of job and family services to submit allowable 148020
expenses. 148021

Section 333.80. DEPOSITS TO THE HEALTH CARE/MEDICAID 148022
SUPPORT AND RECOVERIES FUND FOR PROGRAM SUPPORT 148023

Of the amount received by the Department of Medicaid 148024
during fiscal year 2026 and fiscal year 2027 from the 148025
intergovernmental transfers paid under any directed payment 148026
program as authorized under 42 CFR 438.6(c), the Medicaid 148027
Director shall deposit a portion of the payments into the state 148028
treasury to the credit of the Health Care/Medicaid Support and 148029
Recoveries Fund (Fund 5DL0). The Director of Budget and 148030
Management may adjust appropriations in line item 651685, 148031
Medicaid Recoveries - Program Support, along with the 148032
corresponding federal share in line item 651624, Medicaid 148033
Program Support - Federal, based on the amount of the deposits 148034
to Fund 5DL0 made under this section. Any adjusted amounts are 148035
hereby appropriated. 148036

Section 333.85. DEPOSITS TO THE STATE DIRECTED PAYMENT 148037
PROGRAM FUND 148038

(A) Transfers made for the Hospital Directed Payment 148039
Program or a state directed payment program authorized by the 148040
Joint Medicaid Oversight Committee under section 5162.25 of the 148041
Revised Code shall be deposited into the State Directed Payment 148042
Program Fund (Fund 5AN0). The state share of the program shall 148043
be derived from deposits attributable to the intergovernmental 148044

transfers received for the Hospital Directed Payment Program, 148045
and the corresponding federal share in appropriation item 148046
651623, Medicaid Services - Federal, shall be used for the 148047
Hospital Directed Payment Program. Except for deposits under 148048
Section 333.80 of this act, the Director of Budget and 148049
Management may transfer any remaining cash in Fund 5DL0 at the 148050
end of the fiscal year 2025 attributable to the Hospital 148051
Directed Payment Program to Fund 5AN0 to the credit of the 148052
Hospital Directed Payment Program. 148053

(B) If the Medicaid Director determines additional amounts 148054
are needed to support any authorized State Directed Payment 148055
Programs, the Director may certify the amount to the Director of 148056
Budget and Management. The Director of Budget and Management 148057
shall increase appropriation item 651686, State Directed Payment 148058
Program, subject to division (C) of this section, as well as 148059
adjusting corresponding federal share in appropriation item 148060
651623, Medicaid Services - Federal. Any adjusted amounts are 148061
hereby appropriated. 148062

(C) During fiscal year 2026, the Director of Budget and 148063
Management shall not increase appropriations in appropriation 148064
item 651686, State Directed Payment Program, beyond 148065
\$300,000,000, unless such increases are approved by the 148066
Controlling Board. 148067

During fiscal year 2027, the Director of Budget and 148068
Management shall not increase appropriations in appropriation 148069
item 651686, State Directed Payment Program, beyond 148070
\$850,000,000, unless such increases are approved by the 148071
Controlling Board. 148072

(D) The Medicaid Director shall terminate the Hospital 148073
Directed Payment Program if funds deposited are insufficient to 148074

operate the program. 148075

Section 333.90. DEPOSITS TO THE HEALTH CARE/MEDICAID 148076
SUPPORT AND RECOVERIES FUND 148077

Of the amount received by the Department of Medicaid 148078
during fiscal year 2026 and fiscal year 2027 from the first 148079
installment of assessments paid under section 5168.06 of the 148080
Revised Code and intergovernmental transfers made under section 148081
5168.07 of the Revised Code, the Medicaid Director shall deposit 148082
\$2,500,000 cash in each fiscal year into the state treasury to 148083
the credit of the Health Care/Medicaid Support and Recoveries 148084
Fund (Fund 5DL0). 148085

Section 333.100. CASH TRANSFERS FROM THE HEALTH 148086
CARE/MEDICAID SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL 148087
HEALTH CARE FUND 148088

Upon the request of the Medicaid Director, the Director of 148089
Budget and Management may transfer up to \$2,200,000 cash in each 148090
fiscal year from the Health Care/Medicaid Support and Recoveries 148091
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 148092
used by the Department of Behavioral Health. Any transferred 148093
funds shall be used to support Centers of Excellence and related 148094
activities. Any transferred amounts are hereby appropriated. 148095

Section 333.110. HOSPITAL FRANCHISE FEE PROGRAM 148096

The Director of Budget and Management may authorize 148097
additional expenditures from appropriation item 651623, Medicaid 148098
Services - Federal, appropriation item 651525, Medicaid Health 148099
Care Services, and appropriation item 651656, Medicaid Services 148100
- Hospital Franchise Fee, in order to implement the programs 148101
authorized by sections 5168.20 through 5168.28 of the Revised 148102
Code. Any amounts authorized are hereby appropriated. 148103

Section 333.120. HEALTH INSURING CORPORATION CLASS 148104
FRANCHISE FEE 148105

If receipts credited to the Health Insuring Corporation 148106
Class Franchise Fee Fund (Fund 5TN0) exceed the amounts 148107
appropriated from the fund, the Medicaid Director may request 148108
the Director of Budget and Management to authorize expenditures 148109
from the fund in excess of the amounts appropriated. If any 148110
additional amounts are authorized, the Director of Budget and 148111
Management shall adjust, using the federal reimbursement rate, 148112
the federal appropriation item identified by the Medicaid 148113
Director accordingly. Any authorized amounts and any 148114
corresponding federal adjustments are hereby appropriated. 148115

Section 333.130. HOSPITAL CARE ASSURANCE MATCH 148116

If receipts credited to the Health Care Federal Fund (Fund 148117
3F00) exceed the amounts appropriated from the fund for making 148118
the hospital care assurance program distribution, the Medicaid 148119
Director may request the Director of Budget and Management to 148120
authorize expenditures from the fund in excess of the amounts 148121
appropriated. Upon the approval of the Director of Budget and 148122
Management, the additional amounts are hereby appropriated. 148123

The foregoing appropriation item 651649, Medicaid Services 148124
- Health Care Assurance Program, shall be used by the Department 148125
of Medicaid for distributing the state share of all hospital 148126
care assurance program funds to hospitals under section 5168.09 148127
of the Revised Code. If receipts credited to the Hospital Care 148128
Assurance Program Fund (Fund 6510) exceed the amounts 148129
appropriated from the fund for making the hospital care 148130
assurance program distribution, the Medicaid Director may 148131
request the Director of Budget and Management to authorize 148132
expenditures from the fund in excess of the amounts 148133

appropriated. Upon the approval of the Director of Budget and 148134
Management, the additional amounts are hereby appropriated. 148135

Section 333.140. HOSPITAL ADDITIONAL PAYMENTS PROGRAM 148136

The Hospital Additional Payment Program is created. The 148137
program shall be a state directed payment program for inpatient 148138
and outpatient hospital services provided to Medicaid care 148139
management system enrollees receiving care at in-state 148140
hospitals. Participating hospitals or hospital industry 148141
representatives shall work collaboratively with the Department 148142
of Medicaid to establish quality improvement initiatives that 148143
are approved by the Medicaid Director and that align with and 148144
advance the goals of the Department of Medicaid's quality 148145
strategy required under 42. C.F.R. 438.340. Participating 148146
hospitals shall receive payments directly for services provided 148147
under the program. 148148

The non-federal share of services under the program shall 148149
be funded through the hospital franchise fee. Hospital franchise 148150
fees made for this program shall be deposited into the Medicaid 148151
Hospital Fund (Fund 5GF0). The state share of this program shall 148152
be derived from deposits attributable to the incremental 148153
franchise fee for the program, and the corresponding federal 148154
share in appropriation item 651623, Medicaid Services - Federal, 148155
shall be used for the HAP Program. The Medicaid Director shall 148156
seek approval from the Centers for Medicare and Medicaid 148157
Services for the program in accordance with section 5162.07 of 148158
the Revised Code. 148159

Section 333.150. REFUNDS AND RECONCILIATION FUND 148160

If estimated receipts to the Refunds and Reconciliation 148161
Fund (Fund R055) exceed the amounts appropriated from the fund, 148162

the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.160. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Medicaid Director may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions. Any amounts transferred are hereby appropriated.

**Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY
REDETERMINATIONS**

Up to \$5,000,000 in each fiscal year of funds within appropriation item 655522, Medicaid Program Support - Local, may be distributed based on performance criteria established by the

Ohio Department of Medicaid. Performance based amounts and 148193
criteria, and criteria for transfer approval may include but are 148194
not limited to timeliness and accuracy of application and 148195
renewal processing. 148196

Section 333.210. CASH TRANSFERS FROM FRANCHISE PERMIT FEE 148197
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 148198

Upon the request of the Medicaid Director, the Director of 148199
Budget and Management may transfer up to \$5,000,000 cash in each 148200
fiscal year from the Nursing Home Franchise Fee Fund (Fund 5R20) 148201
to the Quality, Monitoring, and Inspection Fund (Fund 5B50) used 148202
by the Department of Health. Also, upon the request of the 148203
Medicaid Director, the Director of Budget and Management may 148204
transfer up to \$9,300,000 cash in each fiscal year from the 148205
Nursing Home Franchise Fee Fund (Fund 5R20) to the Ombudsman 148206
Support Fund (Fund 5BA0), used by the Department of Aging. All 148207
transferred funds shall be utilized in accordance with section 148208
5168.54 of the Revised Code. At the end of each fiscal year, the 148209
Department of Health and the Department of Aging shall report on 148210
spending activities to the Office of Budget and Management. 148211

Section 333.230. MEDICAID INTERAGENCY PASS-THROUGH 148212

The Medicaid Director may request the Director of Budget 148213
and Management to increase appropriation item 651655, Medicaid 148214
Interagency Pass-Through. Upon the approval of the Director of 148215
Budget and Management, the additional amounts are hereby 148216
appropriated. 148217

Section 333.240. MEDICAID SERVICES RECOVERIES 148218

The Medicaid Director may request the Director of Budget 148219
and Management to increase appropriation item 651639, Medicaid 148220
Services Recoveries. Upon the approval of the Director of Budget 148221

and Management, the additional amounts are hereby appropriated. 148222

Section 333.250. MYCARE OHIO EXPANSION 148223

(A) As required by H.B. 33 of the 135th General Assembly, 148224
the Medicaid Director shall continue, during fiscal years 2026 148225
and 2027, to expand the Integrated Care Delivery System, as that 148226
phrase is defined in section 5164.01 of the Revised Code, or if 148227
the Director terminates the Integrated Care Delivery System, the 148228
successor program developed by the Director and approved by the 148229
United States Centers for Medicare and Medicaid Services, to all 148230
counties of this state. 148231

(B) The entities selected for the expanded Integrated Care 148232
Delivery System shall be selected by the Department. 148233

(C) The Department shall establish requirements for care 148234
management and coordination of waiver services in the expanded 148235
Integrated Care Delivery System, subject to all of the 148236
following: 148237

(1) The entities selected pursuant to division (B) of this 148238
section shall employ the applicable area agency on aging to be 148239
coordinators of home and community-based services available 148240
under a Medicaid waiver component available for eligible 148241
individuals over the age of fifty-nine; 148242

(2) The entities may delegate to the applicable area 148243
agency on aging full care coordination function for home and 148244
community-based services and other health care services received 148245
by those eligible individuals; 148246

(3) Individuals enrolled in an entity's plan or plans may 148247
choose the entity or its designee as the care coordinator as an 148248
alternative to the area agency on aging; 148249

(4) The Department may specify an alternative approach to 148250
care management and coordination of waiver services if the 148251
performance of the area agency on aging does not meet the 148252
requirements of the Integrated Care Delivery System or if the 148253
Department determines that the needs of a defined group of 148254
individuals requires an alternative approach. 148255

Section 333.260. INCREASING CHILDREN'S ACCESS TO VISION 148256
AND DENTAL SERVICES 148257

Upon the request of the Medicaid Director, the Director of 148258
Budget and Management may transfer up to \$4,660,000 in 148259
appropriations in fiscal year 2026 and \$4,295,000 in 148260
appropriations in fiscal year 2027 from appropriation item 148261
651525, Medicaid Health Care Services, to appropriation items in 148262
the Department of Health. This funding shall be used to support 148263
public health programs or the provision of certain services, 148264
including preventive care and other interventions, to improve 148265
the health of low-income children. 148266

Of the transferred funds, up to \$2,660,000 in fiscal year 148267
2026 and \$2,295,000 in fiscal year 2027 shall be used to 148268
increase children's access to vision care, and up to \$2,000,000 148269
in each fiscal year shall be used to increase children's access 148270
to dental care. The Director of Medicaid may transfer federal 148271
funds as the state's single state agency for Medicaid 148272
reimbursements, as drawn for these transactions. Any transferred 148273
amounts are hereby appropriated. 148274

Section 333.263. MEDICAID ADD-ON PAYMENT FOR NURSING 148275
FACILITY DIALYSIS SERVICES 148276

For fiscal year 2026 and fiscal year 2027, the Department 148277
of Medicaid shall pay a rate add-on of one hundred ten dollars 148278

per treatment for dialysis services provided in a nursing 148279
facility, as defined in section 5165.01 of the Revised Code, to 148280
a resident enrolled in the Medicaid program. 148281

Section 333.270. HCBS DIRECT CARE WORKER WAGES 148282

The Department of Medicaid, jointly, with the Department 148283
of Aging and the Department of Developmental Disabilities, shall 148284
collect data from providers regarding the wages paid to direct 148285
care workers providing direct care services under the Medicaid 148286
home and community-based waiver components administered by those 148287
agencies. Not later than the last day in December of each fiscal 148288
year of the biennium, the Department of Medicaid shall compile a 148289
report and submit the report to the Governor, the President and 148290
Minority Leader of the Senate, the Speaker and Minority Leader 148291
of the House of Representatives, and the chairperson of the 148292
standing committees handling Medicaid matters in both the House 148293
of Representatives and the Senate. 148294

Section 333.280. GRADUAL IMPLEMENTATION OF PDPM TO 148295
CALCULATE NURSING FACILITY DIRECT CARE RATES 148296

For fiscal year 2026, a nursing facility's quarterly case 148297
mix score from June 30, 2025, shall be used to determine the 148298
facility's direct care rate from July 1, 2025, through December 148299
31, 2025. Beginning January 1, 2026, the increase or decrease in 148300
a nursing facility's direct care rate shall be one-third of the 148301
difference between the direct care rate on January 1, 2025, and 148302
the direct care rate determined utilizing case mix scores 148303
calculated in accordance with section 5165.192 of the Revised 148304
Code. 148305

In fiscal year 2027, the increase or decrease to a nursing 148306
facility's direct care rate shall be two-thirds of the 148307

difference between the direct care rate on January 1, 2025, and 148308
the direct care rate determined utilizing case mix scores 148309
calculated in accordance with section 5165.192 of the Revised 148310
Code. Thereafter, a nursing facility's direct care rate shall be 148311
determined utilizing case mix scores calculated in accordance 148312
with section 5165.192 of the Revised Code. 148313

Section 333.290. RURAL OHIO HOSPITAL TAX PILOT PROGRAM 148314

(A) As used in this section: 148315

(1) "Critical access hospital" means a hospital certified 148316
as a critical access hospital by the United States Centers for 148317
Medicare and Medicaid Services and designated as a critical 148318
access hospital by the department of health pursuant to section 148319
3701.073 of the Revised Code. 148320

(2) "Hospital tax assessment" means an assessment imposed 148321
under Section 333.300 of this act to fund the nonfederal share 148322
of the Rural Ohio Hospital Tax Pilot Program. 148323

(3) "Preprint" means a form created by the United States 148324
Centers for Medicare and Medicaid Services to request approval 148325
of a state directed payment program as required under 42 C.F.R. 148326
438.6(c) . 148327

(4) "Rural hospital" means a hospital located in a county 148328
that is not classified into core based statistical areas as 148329
designated in the inpatient prospective payment system case-mix 148330
and wage index table published by the United States Centers for 148331
Medicare and Medicaid Services. 148332

(B) The Rural Ohio Hospital Tax Pilot Program Fund (Fund 148333
5CM1) is created. Investment earnings of the Rural Ohio Hospital 148334
Tax Pilot Program Fund shall be credited to the fund. 148335

(C) The Medicaid Director may create a Rural Ohio Hospital Tax Pilot Program for directed payments to rural Ohio hospitals, and their related health systems, that meet the following criteria:

(1) The hospital is a rural hospital or a critical access hospital.

(2) The hospital is enrolled as a provider in the Medicaid program.

(D) The Rural Ohio Hospital Tax Pilot Program established pursuant to this section shall comply with the requirements of 42 C.F.R. 438.6(c), including all of the following:

(1) The program shall be approved by the United States Centers for Medicare and Medicaid Services, and the Medicaid Director shall seek approval for the program in accordance with section 5162.07 of the Revised Code.

(2) Directed payments under the program shall not exceed the average commercial rate under a preprint as approved by the United States Centers for Medicare and Medicaid Services.

(3) The program shall be subject to an evaluation plan, in accordance with 42 C.F.R. 438.6(c) (2) (ii) (D).

(E) Hospital providers participating in the Rural Ohio Hospital Tax Pilot Program shall do all of the following:

(1) Enter into one or more contracts related to the program as necessary, as determined by the Department of Medicaid;

(2) Comply with average commercial rate reporting requirements established by the Department, related to the requirements set forth in 42 C.F.R. 438.6(c) (2) (iii);

(3) Comply with the Department's quality measure set, 148364
including the metrics and targets set by the Department to 148365
advance the goals and objectives in the Department's quality 148366
strategy, as specified in 42 C.F.R. 438.6(c) (2) (ii) (C) and 42 148367
C.F.R. 438.340; 148368

(4) Cooperate with any evaluation or reporting 148369
requirements established by the Department related to the 148370
requirements set forth in 42 C.F.R. 438.6(c) (2) (ii) (D) and (F). 148371

(F) Any hospital provider contracts required under 148372
division (E) (1) of this section shall be executed not later than 148373
the first day of October preceding the first fiscal year of a 148374
biennium. A contract required under this section may be entered 148375
into in accordance with section 5162.32 of the Revised Code. 148376

(G) All funds supporting the Rural Ohio Tax Pilot Program 148377
shall comply with the requirements specified in 42 C.F.R. Part 148378
433. No hospital provider may participate in the Rural Ohio 148379
Hospital Tax Pilot Program unless sufficient tax funds are 148380
assessed, collected, obligated, and appropriated. 148381

(H) The Director may terminate or decline to establish the 148382
Rural Ohio Hospital Tax Pilot Program if federal or local tax 148383
funding is not available or sufficient to sustain the program. 148384
The Department shall not at any time be required to provide 148385
funding for the Rural Ohio Hospital Tax Pilot Program. The 148386
requirements of this section apply only as long as the United 148387
States Centers for Medicare and Medicaid Services determines 148388
that the assessment imposed under Section 333.300 of this act is 148389
a permissible health care-related tax pursuant to the "Social 148390
Security Act," section 1903(w), 42 U.S.C. 1396b(w). If the 148391
Department is informed that the assessment is an impermissible 148392
health care related tax, the Department shall promptly refund to 148393

each hospital the amount of money currently in the Rural Ohio
Hospital Tax Pilot Program Fund (Fund 5CM1) that has been paid
by the hospital under Section 333.300 of this act, plus any
investment earnings on that amount.

(I) The nonfederal share of the directed payments shall be
funded exclusively by a hospital tax assessment pursuant to
Section 333.300 of this act and must be remitted to the
Department through intergovernmental transfer from a county or
multi-county funding district, as specified in that section.

(J) Transfers made for the program shall be deposited into
the Rural Ohio Hospital Tax Pilot Program Fund (Fund 5CM1). The
state share of this program shall be derived from deposits
attributable to the intergovernmental transfers received for the
Rural Ohio Hospital Tax Pilot Program, and the corresponding
federal share in appropriation item 651623, Medicaid Services -
Federal, shall be used for the Rural Ohio Hospital Tax Pilot
Program.

Section 333.300. RURAL OHIO HOSPITAL PILOT PROGRAM
ASSESSMENTS

(A) (1) As used in this section, "county" means a county
that contains a rural hospital or critical access hospital as
defined in Section 333.290 of this act.

(2) For purposes of this section, one or more contiguous
counties may create a multi-county funding district. The
boundary of any multi-county funding district shall be
coextensive with the combined boundaries of the counties
contained in the multi-county funding district.

(B) In establishing a multi-county funding district, all
of the following apply:

(1) A multi-county funding district is a governmental 148423
entity. 148424

(2) The board of county commissioners of each county 148425
within the boundaries of a proposed multi-county funding 148426
district shall pass a resolution or ordinance establishing the 148427
multi-county funding district and appointing one county 148428
commissioner to serve on the district's governing board. Upon 148429
the adoption of a resolution or ordinance by each board of 148430
county commissioners, the multi-county funding district is 148431
created. Following the creation of a multi-county funding 148432
district, each resolution or ordinance required to establish the 148433
district shall be amended before a new county may join the 148434
district. 148435

(3) The governing board of a multi-county funding district 148436
shall be comprised solely of the county commissioners appointed 148437
by each county within the boundaries of the district. A county 148438
may replace its appointment to the governing board by resolution 148439
or ordinance. 148440

(4) The governing board of a multi-county funding district 148441
shall delegate the operational and administrative burdens of the 148442
districts to the counties that comprise the district. Within 148443
sixty days of the establishment of a multi-county funding 148444
district, the governing board shall designate at least one 148445
county to serve as the operational and administrative lead for 148446
the district. The governing board may change this designation at 148447
any time. 148448

(C) A county or multi-county funding district may 148449
establish a local hospital assessment to provide the nonfederal 148450
share for Medicaid payments under division (G) of Section 148451
333.290 of this act. Any local assessment established under this 148452

section shall comply with all of the requirements applicable to 148453
provider assessments, as specified in 42 U.S.C. 1396b(w) and 42 148454
C.F.R. 433.68. 148455

(1) Each county or multi-county funding district shall set 148456
the annual rate of the local hospital assessment. 148457

(2) An assessment established under this section shall 148458
apply uniformly to all non-public hospitals within the 148459
jurisdiction of the county or multi-county funding district. A 148460
county or multi-county funding district may apply the assessment 148461
to public hospitals. 148462

(3) A county or multi-county funding district shall set 148463
the rate of the assessment such that, in the aggregate, the 148464
assessment will generate sufficient revenue to cover both of the 148465
following: 148466

(a) The nonfederal share of Medicaid payments that benefit 148467
hospitals in the county or multi-county funding district; 148468

(b) The administrative expenses of the county or multi- 148469
county funding district in administering the local hospital 148470
assessment, except that administrative expenses shall not exceed 148471
one hundred fifty thousand dollars annually. 148472

(4) Implementation of an assessment established under this 148473
section shall further the state's evolving quality goals, 148474
including improving mental health, substance abuse prevention, 148475
and advancing maternal health. 148476

(5) A county or multi-county funding district may impose 148477
penalties upon a hospital that is subject to an assessment that 148478
fails to pay the assessment in a timely manner. 148479

Section 333.360. GROUP VIII TRANSITION PLAN 148480

As used in this section, "expansion eligibility group" has 148481
the same meaning as in section 5163.01 of the Revised Code. 148482

If, during fiscal year 2026 or fiscal year 2027, the 148483
federal medical assistance percentage for the Medicaid expansion 148484
eligibility group is set below ninety percent, and individuals 148485
enrolled in Medicaid on the basis of being enrolled in the 148486
expansion eligibility group are no longer eligible to be 148487
enrolled in the Medicaid program in accordance with section 148488
5163.04 of the Revised Code, the Department of Medicaid shall 148489
implement a phased transition plan to assist those individuals 148490
by redirecting them to private insurance subsidies or charity 148491
care programs that provide medical assistance. 148492

Section 335.10. 148493
148494

	1	2	3	4	5
A	MED STATE MEDICAL BOARD				
B	Dedicated Purpose Fund Group				
C	5C60	883609	Operating Expenses	\$14,315,005	\$14,891,225
D	Dedicated Purpose Fund Group Total			\$14,315,005	\$14,891,225
E	TOTAL ALL BUDGET FUND GROUPS			\$14,315,005	\$14,891,225

Section 337.10. 148495
148496

	1	2	3	4	5
A	MHA DEPARTMENT OF BEHAVIORAL HEALTH				

B General Revenue Fund

C	GRF	336321	Program Support and Operations	\$56,671,000	\$56,671,000
D	GRF	336402	Resident Trainees	\$380,000	\$380,000
E	GRF	336406	Prevention and Wellness	\$5,500,000	\$5,500,000
F	GRF	336407	Crisis Services and Stablization	\$17,000,000	\$22,000,000
G	GRF	336412	Hospital Services	\$326,500,000	\$335,000,000
H	GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$27,500,000	\$24,200,000
I	GRF	336421	Continuum of Care Services	\$103,830,000	\$103,830,000
J	GRF	336422	Criminal Justice Services	\$27,250,000	\$27,250,000
K	GRF	336425	Specialized Docket Support	\$11,282,469	\$11,287,028
L	GRF	336504	Community Innovations	\$8,375,000	\$8,375,000
M	GRF	336510	Residential State Supplement	\$24,000,000	\$24,000,000
N	GRF	336516	Appalachian Children Coalition	\$2,500,000	\$2,500,000
O	GRF	336519	Community Projects	\$3,800,000	\$3,750,000

P	GRF	336522	9-8-8 Suicide Crisis	\$23,000,000	\$20,000,000
Q	GRF	652321	Medicaid Support	\$478,055	\$492,396
R	General Revenue Fund Total			\$638,066,524	\$645,235,424
S	Dedicated Purpose Fund Group				
T	4750	336623	Statewide Treatment and Prevention	\$24,000,000	\$24,000,000
U	4850	336632	Mental Health Operating	\$19,000,000	\$24,200,000
V	5AU0	336615	Behavioral Health Care	\$11,000,000	\$11,000,000
W	5JL0	336629	Problem Gambling and Casino Addiction	\$9,000,000	\$7,750,000
X	5T90	336641	Problem Gambling Services	\$3,200,000	\$3,200,000
Y	5TZ0	336669	State of Ohio Action Resiliency Network	\$7,500,000	\$0
Z	5VV0	336645	Transcranial Magnetic Stimulation Program	\$5,000,000	\$5,000,000
AA	6320	336616	Community Capital Replacement	\$350,000	\$350,000
AB	6890	336640	Education and Conferences	\$200,000	\$200,000
AC	Dedicated Purpose Fund Group Total			\$79,250,000	\$75,700,000
AD	Internal Service Activity Fund Group				

AE 1490 336609	Hospital Operating Expenses	\$16,000,000	\$16,000,000
AF 1490 336610	Operating Expenses	\$7,350,000	\$7,350,000
AG 1510 336601	Ohio Pharmacy Services	\$124,937,150	\$146,503,708
AH 4P90 336604	Community Mental Health Projects	\$250,000	\$250,000
AI Internal Service Activity Fund Group Total		\$148,537,150	\$170,103,708
AJ Federal Fund Group			
AK 3240 336605	Medicaid/Medicare	\$18,000,000	\$18,000,000
AL 3A70 336612	Social Services Block Grant	\$8,500,000	\$8,500,000
AM 3A80 336613	Federal Grants	\$8,600,000	\$8,600,000
AN 3A90 336614	Mental Health Block Grant	\$52,000,000	\$46,000,000
AO 3B10 652636	Community Medicaid Legacy Support	\$1,600,000	\$1,600,000
AP 3G40 336618	Substance Abuse Block Grant	\$87,000,000	\$86,000,000
AQ 3H80 336606	Demonstration Grants	\$16,000,000	\$16,000,000
AR 3HB1 336644	State Opioid Response	\$170,000,000	\$170,000,000
AS 3N80 336639	Administrative	\$1,000,000	\$1,000,000

Reimbursement

AT Federal Fund Group Total	\$362,700,000	\$355,700,000
AU TOTAL ALL BUDGET FUND GROUPS	\$1,228,553,674	\$1,246,739,132

Section 337.20. STATE BLOCK GRANTS 148497

(A) As used in this section: 148498

(1) "Drug used in withdrawal management or detoxification" 148499
means a drug approved by the United States Food and Drug 148500
Administration for use in, or a drug in standard use for, 148501
mitigating alcohol or opioid withdrawal symptoms or assisting 148502
with detoxification. 148503

(2) "Jail" has the same meaning as in section 2929.01 of 148504
the Revised Code. 148505

(3) "Medication-assisted treatment" has the same meaning 148506
as in section 340.01 of the Revised Code. 148507

(4) "Medication-assisted treatment drug court program" 148508
means a session of any of the following that holds initial or 148509
final certification from the Supreme Court of Ohio as a 148510
specialized docket program for drugs and that uses medication- 148511
assisted treatment as part of its specialized docket program: a 148512
common pleas court, municipal court, or county court, or a 148513
division of any of those courts. 148514

(5) "Alcohol and drug addiction services," "mental health 148515
services," "recovery housing residence," and "recovery supports" 148516
have the same meanings as in section 5119.01 of the Revised 148517
Code. 148518

(B) In fiscal years 2026 and 2027, the Department of 148519

Behavioral Health may allocate General Revenue Funds described 148520
in this section, as well as any other General Revenue Funds and 148521
Dedicated Purpose Funds determined by the Department, to boards 148522
of alcohol, drug addiction, and mental health services through 148523
state block grants. These state block grants shall serve to 148524
provide flexibility within established allowable uses for the 148525
boards to disburse funds to behavioral health providers to 148526
provide harm reduction, prevention, substance use disorder 148527
treatment, mental health treatment, recovery supports, and 148528
crisis services in local communities. The Director of Behavioral 148529
Health shall adopt guidelines on the eligible uses of these 148530
block grants. 148531

(C) The Director of Behavioral Health shall create a 148532
uniform reporting structure related to the expenditures, uses, 148533
and outcomes of the state block grants described in this 148534
section, including how expenditures, uses, and outcomes relate 148535
to the community addiction and mental health plans that boards 148536
of alcohol, drug addiction, and mental health services are 148537
required to submit to the Department in accordance with section 148538
340.03 of the Revised Code. The reporting structure shall ensure 148539
that thorough and accurate data is reported with a focus on 148540
transparency, accountability, process improvement, outcomes, and 148541
return on investment. Data points to be collected include, but 148542
are not limited to: 148543

(1) The type of service provided and number of individuals 148544
served; 148545

(2) The amount spent for each state block grant broken 148546
down by primary, secondary, tertiary, and targeted expenditures; 148547

(3) Data regarding provider determination and monitoring 148548
activities; 148549

(4) Key performance indicators and outcomes achieved. 148550

This data shall be made available in accordance with state 148551
of Ohio data governance best practices and federal and state 148552
security and privacy laws, regulations, and standards. 148553

(D) The Department of Behavioral Health shall disburse the 148554
state block grant funds to boards of alcohol, drug addiction, 148555
and mental health services in accordance with distribution 148556
methodologies determined by the Director of Behavioral Health. 148557
In determining the methodologies, the Director shall consider, 148558
at a minimum, all of the following factors: population 148559
indicators, poverty rates, health workforce shortage statistics, 148560
relevant emerging behavioral health trends, and the amounts of 148561
fiscal year 2025 awards made to each board of alcohol, drug 148562
addiction, and mental health services for related programs that 148563
are eligible uses of the state block grant funds. 148564

(E) A portion of the foregoing appropriation item 336406, 148565
Prevention and Wellness, shall be used to create a Prevention 148566
State Block Grant that boards of alcohol, drug addiction, and 148567
mental health services shall use to fund the provision of 148568
evidence-based or evidence-informed early intervention, suicide 148569
prevention, and other prevention services. 148570

The Director of Behavioral Health shall establish 148571
allowable uses for the Prevention State Block Grant that 148572
include, but are not limited to, all of the following: 148573

(1) Prevention across the lifespan; 148574

(2) Suicide prevention across the lifespan; 148575

(3) Early intervention; 148576

(4) Cross-system collaborative effort to address 148577

prevention needs in the community. 148578

(F) A portion of the foregoing appropriation item 336407, 148579
Crisis Services and Stabilization, shall be used to create a 148580
Crisis Services State Block Grant that shall be used by boards 148581
of alcohol, drug addiction, and mental health services to fund 148582
the provision of crisis services and supports. 148583

The Director of Behavioral Health shall establish 148584
allowable uses for the Crisis Services State Block Grant that 148585
include, but are not limited to, all of the following: 148586

(1) Substance use and mental health crisis stabilization 148587
centers; 148588

(2) Crisis stabilization and crisis prevention services 148589
and supports; 148590

(3) Cross-systems collaborative efforts to address crisis 148591
services needs in the community. 148592

(G) A portion of the foregoing appropriation item 336421, 148593
Continuum of Care Services, shall be used to create a Mental 148594
Health State Block Grant that shall be used by boards of 148595
alcohol, drug addiction, and mental health services to fund the 148596
provision of mental health services and recovery supports. 148597

The Director of Behavioral Health shall establish 148598
allowable uses for the Mental Health State Block Grant that 148599
include, but are not limited to, all of the following: 148600

(1) Mental health services, including the treatment of 148601
indigent mentally ill persons subject to court order in 148602
hospitals or inpatient units licensed by the Department of 148603
Behavioral Health under section 5119.33 of the Revised Code; 148604

(2) Cross-system collaborative efforts to serve adults 148605

with serious mental illness who are involved in multiple human 148606
services or criminal justice systems; 148607

(3) Other initiatives designed to address mental health 148608
needs. 148609

(H) A portion of the foregoing appropriation item 336421, 148610
Continuum of Care Services, shall be used to create a Substance 148611
Use Disorder State Block Grant that shall be used by boards of 148612
alcohol, drug addiction, and mental health services to fund the 148613
provision of alcohol and drug addiction services and recovery 148614
supports. 148615

The Director of Behavioral Health shall establish 148616
allowable uses for the Substance Use Disorder State Block Grant 148617
that include, but are not limited to, all of the following: 148618

(1) Initiatives concerning alcohol and drug addiction 148619
services; 148620

(2) Substance use stabilization centers; 148621

(3) Cross-system collaborative efforts to address 148622
substance use disorder needs in the community. 148623

(I) A portion of the foregoing appropriation item 336421, 148624
Continuum of Care Services, shall be used to create a Recovery 148625
Supports State Block Grant that shall be used by boards of 148626
alcohol, drug addiction, and mental health services to fund the 148627
provision of recovery supports. 148628

The Director of Behavioral Health shall establish 148629
allowable uses for the Recovery Supports State Block Grant that 148630
include, but are not limited to, all of the following: 148631

(1) Subsidized support for psychotropic and substance use 148632
disorder treatment medication needs of indigent citizens in the 148633

community to reduce unnecessary hospitalization due to lack of	148634
medication;	148635
(2) Peer support;	148636
(3) Operational expenses and minor facility improvements	148637
to class two and class three residential facilities licensed	148638
under section 5119.34 of the Revised Code and recovery housing	148639
residences;	148640
(4) Community reintegration supports;	148641
(5) Cross-system collaborative efforts to address recovery	148642
support needs in the community.	148643
(J) A portion of the foregoing appropriation item 336422,	148644
Criminal Justice Services, shall be used to create a Criminal	148645
Justice State Block Grant that shall be used by boards of	148646
alcohol, drug addiction, and mental health services to fund the	148647
provision of services and supports to incarcerated individuals	148648
and individuals being discharged from prisons and jails.	148649
The Director of Behavioral Health shall establish	148650
allowable uses for the Criminal Justice State Block Grant that	148651
include, but are not limited to, all of the following:	148652
(1) Medication-assisted treatment and treatment involving	148653
drugs used in withdrawal management or detoxification;	148654
(2) Community reintegration supports;	148655
(3) Substance use disorder treatment and mental health	148656
treatment, including the provision of such treatment as an	148657
alternative to incarceration, as well as recovery supports;	148658
(4) Forensic monitoring and tracking of individuals on	148659
conditional release;	148660

- (5) Forensic and crisis response training; 148661
- (6) Projects that assist courts and law enforcement in 148662
identifying and developing appropriate alternative services to 148663
incarceration for nonviolent offenders with mental illness; 148664
- (7) The provision of services to incarcerated individuals 148665
in jails with a substance use disorder, severe mental illness, 148666
or both, including screening and clinically appropriate 148667
treatment; 148668
- (8) Linkages to, and the provision of, substance use 148669
disorder treatment, mental health treatment, recovery supports, 148670
and specialized re-entry services for incarcerated individuals 148671
leaving prisons and jails; 148672
- (9) The support of specialized dockets, including the 148673
expansion of existing medication-assisted treatment drug court 148674
programs, the creation of new medication-assisted treatment drug 148675
court programs, and assistance with the administrative expenses 148676
of participating courts, community addiction services providers, 148677
and community mental health services providers; 148678
- (10) Cross-system collaborative efforts to address the 148679
needs of individuals involved in the criminal justice system. 148680

Section 337.30. PREVENTION AND WELLNESS 148681

The foregoing appropriation item 336406, Prevention and 148682
Wellness, shall be used as follows: 148683

(A) Up to \$3,000,000 in each fiscal year shall be 148684
allocated to boards of alcohol, drug addiction, and mental 148685
health services through the Prevention State Block Grant 148686
established in division (E) of Section 337.20 of this act. 148687

(B) Up to \$2,500,000 in each fiscal year shall be used to 148688

support suicide prevention efforts. 148689

Section 337.50. HOSPITAL SERVICES 148690

The foregoing appropriation item 336412, Hospital 148691
Services, may be used for any of the following purposes: 148692

(A) Supporting all operations related to the hospitals 148693
established, controlled, or supervised by the Department of 148694
Behavioral Health under Chapter 5119. of the Revised Code; 148695

(B) Supporting physical environments that are designed for 148696
patients to receive assessment, evaluation, and stabilization 148697
interventions within general hospitals; 148698

(C) Providing jails and associated health care providers 148699
with access to telehealth consultations with psychiatric 148700
specialists, such as psychiatrists and psychiatric nurse 148701
practitioners. 148702

Section 337.60. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 148703
PAYMENTS 148704

The foregoing appropriation item 336415, Mental Health 148705
Facilities Lease Rental Bond Payments, shall be used to meet all 148706
payments during the period from July 1, 2025, through June 30, 148707
2027, by the Department of Behavioral Health pursuant to leases 148708
and agreements made under section 154.20 of the Revised Code. 148709
These appropriations are the source of funds pledged for bond 148710
service charges on obligations issued pursuant to Chapter 154. 148711
of the Revised Code. 148712

Section 337.70. CONTINUUM OF CARE SERVICES 148713

The foregoing appropriation item 336421, Continuum of Care 148714
Services, shall be used as follows: 148715

(A) Up to \$69,500,000 in each fiscal year shall be 148716
allocated to boards of alcohol, drug addiction, and mental 148717
health services through the Mental Health State Block Grant 148718
established in division (G) of Section 337.20 of this act; 148719

(B) Up to \$9,500,000 in each fiscal year shall be 148720
allocated to boards of alcohol, drug addiction, and mental 148721
health services through the Substance Use Disorder State Block 148722
Grant established in division (H) of Section 337.20 of this act; 148723

(C) Up to \$19,500,000 in each fiscal year shall be 148724
allocated to boards of alcohol, drug addiction, and mental 148725
health services through the Recovery Supports State Block Grant 148726
established in division (I) of Section 337.20 of this act; 148727

(D) Up to \$4,000,000 in each fiscal year shall be used to 148728
expand statewide access to rapid mobile response and 148729
stabilization services provided to youth experiencing an 148730
emotional or behavioral health crisis and their families; 148731

(E) Up to \$455,000 in each fiscal year shall be used to 148732
implement sections 5119.39 to 5119.397 of the Revised Code; 148733

(F) Up to \$400,000 in each fiscal year shall be used to 148734
provide funding for community projects across the state that 148735
focus on support for families, assisting families in avoiding 148736
crisis, and crisis intervention; 148737

(G) \$225,000 in each fiscal year shall be allocated to 148738
LifeTown Columbus to provide additional support for facility 148739
renovations and operations, including professional development, 148740
curriculum development, education materials, equipment, 148741
marketing, and recruitment; and 148742

(H) \$250,000 in each fiscal year shall be allocated to 148743
Flying Horse Farms. 148744

Section 337.80. CRIMINAL JUSTICE SERVICES 148745

(A) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$5,115,483 in fiscal year 2026 and \$5,077,378 in fiscal year 2027 shall be allocated to boards of alcohol, drug addiction, and mental health services through the Criminal Justice State Block Grant established in division (J) of Section 337.20 of this act. 148746
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(B) Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$6,500,000 in each fiscal year shall be allocated to the Behavioral Health Drug Reimbursement Program established in section 5119.19 of the Revised Code. 148752
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148755

(C) The remainder of appropriation item 336422, Criminal Justice Services, shall be used for all of the following: 148756
148757

(1) The provision of forensic psychiatric evaluations to courts of common pleas; 148758
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(2) The completion of evaluations of patients of forensic status in facilities operated or designated by the Department of Behavioral Health prior to each patient's conditional release to the community; 148760
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(3) Workforce, training, and technological initiatives that support the items specified in divisions (C)(1) and (2) of this section; 148764
148765
148766

(4) Support therapeutic communities; 148767

(5) Provide forensic and crisis response training; 148768

(6) Establish and administer outpatient and jail-based competency restoration services; 148769
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(7) Establish and administer pre-trial diversion programs; 148771

(8) Support assisted outpatient treatment programs;	148772
(9) Link and provide behavioral health treatment and recovery supports, including housing assistance, to incarcerated individuals with a substance use disorder, severe mental illness, or both, upon their release from jail or prison;	148773 148774 148775 148776
(10) Support jail-based treatment and symptom management;	148777
(11) Support specialized dockets, including the expansion of existing medication-assisted treatment drug court programs, the creation of new medication-assisted treatment drug court programs, and assistance with the administrative expenses of participating courts and community addiction services providers and community mental health services providers;	148778 148779 148780 148781 148782 148783
(12) Establish and administer outpatient competency restoration services. The services shall be provided by forensic centers described in section 5119.10 of the Revised Code or, to the extent a forensic center in a community does not provide outpatient competency restoration services, a psychiatric program or facility selected by a board of alcohol, drug addiction, and mental health services to provide such services.	148784 148785 148786 148787 148788 148789 148790
Section 337.90. SPECIALIZED DOCKET SUPPORT	148791
(A) Except as otherwise provided in this section, the foregoing appropriation item 336425, Specialized Docket Support, shall be used to defray a portion of the annual payroll costs associated with the specialized docket of a common pleas court, municipal court, county court, juvenile court, or family court that meets all of the eligibility requirements in division (B) of this section, including a family dependency treatment docket. The foregoing appropriation item 336425, Specialized Docket Support, may also be used to defray costs associated with	148792 148793 148794 148795 148796 148797 148798 148799 148800

treatment services and recovery supports for participants. 148801

(B) To be eligible, the specialized docket must have 148802
received Supreme Court of Ohio initial or final certification 148803
and include participants with behavioral health needs in its 148804
target population. 148805

(C) Of the foregoing appropriation item 336425, 148806
Specialized Docket Support, the Department of Behavioral Health 148807
shall use up to one per cent of the funds appropriated in each 148808
fiscal year to pay the cost it incurs in administering the 148809
duties established in this section. 148810

(D) The Department, in consultation with the Supreme Court 148811
of Ohio, may adopt funding distribution methodology, guidelines, 148812
and procedures as necessary to carry out the purposes of this 148813
section. 148814

Section 337.100. COMMUNITY INNOVATIONS 148815

The foregoing appropriation item 336504, Community 148816
Innovations, may be used by the Department of Behavioral Health 148817
to make targeted investments in programs, projects, or systems 148818
operated by or under the authority of other state agencies, 148819
governmental entities, or private not-for-profit agencies that 148820
impact, or are impacted by, the operations and functions of the 148821
Department, with the goal of achieving a net reduction in 148822
expenditure of state general revenue funds and/or improved 148823
outcomes for Ohio citizens without a net increase in state 148824
general revenue fund spending. 148825

The Director shall identify and evaluate programs, 148826
projects, or systems proposed or operated, in whole or in part, 148827
outside of the authority of the Department, where targeted 148828
investment of these funds in the program, project, or system is 148829

expected to decrease demand for the Department or other 148830
resources funded with state general revenue funds, and/or to 148831
measurably improve outcomes for Ohio citizens with mental 148832
illness or with alcohol, drug, or gambling addictions. The 148833
Director shall have discretion to provide funds from this 148834
appropriation item to private not-for-profit entities in 148835
amounts, and subject to conditions, that the Director determines 148836
most likely to achieve state savings and/or improved outcomes. 148837
Distribution of funds from this appropriation item shall not be 148838
subject to sections 9.23 to 9.239 or Chapter 125. of the Revised 148839
Code. 148840

The Department shall enter into an agreement with each 148841
recipient of community innovation funds, identifying the 148842
following: allowable expenditure of the funds; other commitment 148843
of funds or other resources to the program, project, or system; 148844
expected state savings and/or improved outcomes and proposed 148845
mechanisms for measurement of such savings or outcomes; and 148846
required reporting regarding expenditure of funds and savings or 148847
outcomes achieved. 148848

Of the foregoing appropriation item 336504, Community 148849
Innovations, up to \$3,000,000 in each fiscal year shall be used 148850
to support workforce development initiatives. 148851

Of the foregoing appropriation item 336504, Community 148852
Innovations, up to \$1,500,000 in each fiscal year shall be used 148853
to provide behavioral health access and opportunities. 148854

Of the foregoing appropriation item 336504, Community 148855
Innovations, up to \$3,000,000 in each fiscal year shall be used 148856
to support the creation and expansion of programs established by 148857
peer-run organizations in this state for the purpose of offering 148858
individuals with a mental illness, or a mental illness and co- 148859

occurring substance use disorder, opportunities for employment, 148860
housing, education, and access to medical and psychiatric 148861
services. Programs and facilities shall be operated in 148862
accordance with model standards and benchmarks selected by the 148863
Department of Behavioral Health. 148864

Section 337.110. RESIDENTIAL STATE SUPPLEMENT 148865

The foregoing appropriation item 336510, Residential State 148866
Supplement, may be used by the Department of Behavioral Health 148867
to implement and operate the Residential State Supplement (RSS) 148868
Program required by section 5119.41 of the Revised Code. 148869

Section 337.115. APPALACHIAN CHILDREN COALITION 148870

The foregoing appropriation item 336516, Appalachian 148871
Children Coalition, shall be provided to the Appalachian 148872
Children Coalition to address systemic challenges children face 148873
in Appalachian Ohio. 148874

Section 337.117. COMMUNITY PROJECTS 148875

Of the foregoing appropriation item 336519, Community 148876
Projects, \$700,000 in each fiscal year shall be allocated to the 148877
Social Advocates for Youth (S.A.Y.) Program at the Bellefaire 148878
Jewish Children's Bureau. These funds shall be used to support 148879
the expansion of school-based prevention and crises intervention 148880
services for youth including community crisis and trauma 148881
services, school-based counselors, behavioral health-trained 148882
teachers and intervention specialists, and a dedicated 148883
researcher to document outcomes. 148884

Of the foregoing appropriation item 336519, Community 148885
Projects, \$300,000 in each fiscal year shall be used in 148886
accordance with the section of this act entitled "HIGH-THC 148887
CANNABIS IMPACT RESEARCH STUDY. 148888

Of the foregoing appropriation item 336519, Community Projects, \$2,000,000 in each fiscal year shall be distributed to the Values-In-Action Foundation for the Kindland initiative.

Of the foregoing appropriation item 336519, Community Projects, \$50,000 in fiscal year 2026 shall be provided to Ohio Special Initiatives by Brothers and Sisters, or OHIO SIBS, for sustaining programs and to support those with a sibling with a developmental disability to empower them to take an active role in the life of the developmentally disabled sibling.

Of the foregoing appropriation item 336519, Community Projects, \$750,000 in each fiscal year shall be distributed to Cornerstone of Hope to launch and expand the Ohio Traumatic Loss Response Team.

Section 337.120. MEDICAID SUPPORT

The foregoing appropriation item 652321, Medicaid Support, shall be used to fund specified Medicaid Services as delegated by the state's single agency responsible for the Medicaid Program.

Section 337.130. 9-8-8 LIFELINE

(A) As used in this section, "9-8-8 Suicide and Crisis Lifeline" means the 9-8-8 universal telephone number designated for use within the United States under section 251(e) of the "Communications Act of 1934," 47 U.S.C. 251(e), as amended by the "National Suicide Hotline Designation Act of 2020," Pub. L. No. 116-172, for the purpose of the national suicide prevention and mental health crisis hotline system.

(B) The foregoing appropriation item 336522, 9-8-8 Suicide Crisis, shall be used to support statewide operations and related activities of the 9-8-8 Suicide and Crisis Lifeline and

mental health treatment and response. 148918

Section 337.145. BEHAVIORAL HEALTH CARE 148919

Of the foregoing appropriation item 336615, Behavioral 148920
Health Care, \$750,000 in fiscal year 2026 shall be distributed 148921
to Empowering to Elevate Academy and used to enhance security 148922
and improve facilities at the former Mohican Young Star Academy 148923
in Ashland County. 148924

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 148925

A portion of appropriation item 336629, Problem Gambling 148926
and Casino Addiction, shall be allocated to boards of alcohol, 148927
drug addiction, and mental health services in accordance with a 148928
distribution methodology determined by the Director of 148929
Behavioral Health. 148930

Section 337.155. STATE OF OHIO ACTION RESILIENCY NETWORK 148931

The foregoing appropriation item 336669, State of Ohio 148932
Action Resiliency Network, shall be used by the Department of 148933
Behavioral Health for the State of Ohio Action for Resiliency 148934
Network and a strategic research agenda and capacity needed to 148935
conduct research, clinical trials, direct care, telehealth, data 148936
collection, and workforce training pertaining to innovative 148937
practices in behavioral prevention, harm reduction, treatment, 148938
and recovery. 148939

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 148940

The foregoing appropriation item 336645, Transcranial 148941
Magnetic Stimulation Program, shall be used for the 148942
Electroencephalogram (EEG) Combined Transcranial Magnetic 148943
Stimulation Program as described in section 5119.20 of the 148944
Revised Code. 148945

Section 337.170. ACCESS SUCCESS II PROGRAM 148946

To the extent cash is available, the Director of Budget 148947
and Management may transfer cash from a fund designated by the 148948
Medicaid Director, to the Sale of Goods and Services Fund (Fund 148949
1490), used by the Department of Behavioral Health. The 148950
transferred cash is hereby appropriated. 148951

The Department of Behavioral Health shall use the 148952
transferred funds to administer the Access Success II Program to 148953
help non-Medicaid patients in any hospital established, 148954
controlled, or supervised by the Department under Chapter 5119. 148955
of the Revised Code to transition from inpatient status to a 148956
community setting. 148957

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 148958
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 148959
FUND 148960

On a schedule determined by the Director of Budget and 148961
Management, the Director of Behavioral Health shall certify to 148962
the Director of Budget and Management the amount of excess 148963
license reinstatement fees that are available pursuant to 148964
division (F)(2)(c) of section 4511.191 of the Revised Code to be 148965
transferred from the Indigent Drivers Alcohol Treatment Fund 148966
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 148967
4750). Upon certification, the Director of Budget and Management 148968
may transfer cash from the Indigent Drivers Alcohol Treatment 148969
Fund to the Statewide Treatment and Prevention Fund. 148970

Section 337.185. CASH TRANSFER FROM THE 9-8-8 SUICIDE AND 148971
CRISIS RESPONSE FUND TO THE GENERAL REVENUE FUND 148972

On July 1, 2025, or as soon as possible thereafter, the 148973
Director of Budget and Management shall transfer the cash 148974

balance in the 9-8-8 Suicide and Crisis Response Fund (Fund 148975
5AA1) to the General Revenue Fund. Upon completion of the 148976
transfer, Fund 5AA1 is hereby abolished. The Director shall 148977
cancel any existing encumbrances against appropriation item 148978
336661, 9-8-8 Suicide and Crisis Response, and reestablish them 148979
against appropriation item 336522, 9-8-8 Suicide Crisis. The 148980
reestablished encumbrance amounts are hereby appropriated. 148981

Section 337.190. STATEWIDE MOBILE CRISIS SYSTEM 148982

(A) The Department of Behavioral Health, in coordination 148983
with local, state, and federal government entities, shall assist 148984
with the development and implementation of a statewide system of 148985
mobile crisis services for adults and children. 148986

(B) The development of a statewide mobile crisis system is 148987
contingent on the availability of state and federal funding. 148988
Should state and federal funding be insufficient for the 148989
development of a full system or limit the extent to which the 148990
system can be developed, the Department shall determine whether 148991
and to what extent pilot projects or other initiatives for the 148992
provision of mobile crisis services could be implemented. 148993

Section 337.200. COMMUNITY BEHAVIORAL HEALTH CLINICS 148994

The ability of the Department of Behavioral Health to 148995
establish a process and standards for the state certification of 148996
certified community behavioral health clinics under section 148997
5119.211 of the Revised Code is contingent on the availability 148998
of state and federal funding. Should state or federal funding be 148999
insufficient for the state certification of certified community 149000
behavioral health clinics, the Department shall determine 149001
whether and to what extent pilot projects or other initiatives 149002
to support an integrated care approach for the provision of 149003

substance use disorder treatment and mental health treatment 149004
could be implemented. 149005

Section 339.10.

149006
149007

1	2	3	4	5
A	MIH COMMISSION ON MINORITY HEALTH			
B	General Revenue Fund			
C	GRF	149321 Operating Expenses	\$844,088	\$855,455
D	GRF	149501 Demonstration Grants	\$1,352,000	\$1,352,000
E	GRF	149502 Lupus Program	\$118,000	\$118,000
F	GRF	149503 Infant Mortality Health Grants	\$4,970,489	\$4,974,489
G	General Revenue Fund Total		\$7,284,577	\$7,299,944
H	Dedicated Purpose Fund Group			
I	4C20	149601 Minority Health Conference	\$35,000	\$35,000
J	Dedicated Purpose Fund Group Total		\$35,000	\$35,000
K	Federal Fund Group			
L	3J90	149405 Healthier Communities	\$1,000,000	\$1,000,000
M	Federal Fund Group Total		\$1,000,000	\$1,000,000
N	TOTAL ALL BUDGET FUND GROUPS		\$8,319,577	\$8,334,944

Section 341.10.

149008

149009

1	2	3	4	5
A	CRB MOTOR VEHICLE REPAIR BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 865601 Operating Expenses		\$781,067	\$821,804
D	Dedicated Purpose Fund Group Total		\$781,067	\$821,804
E	TOTAL ALL BUDGET FUND GROUPS		\$781,067	\$821,804

Section 343.10.

149010

149011

1	2	3	4	5
A	DNR DEPARTMENT OF NATURAL RESOURCES			
B	General Revenue Fund			
C	GRF 725401 Division of Wildlife - Operating Subsidy		\$1,700,000	\$1,700,000
D	GRF 725413 Parks and Recreational Facilities Lease Rental Bond Payments		\$57,500,000	\$76,500,000
E	GRF 725456 Canal Lands		\$118,000	\$118,000
F	GRF 725459 Buckeye State Tree Nursery		\$1,134,650	\$1,134,650
G	GRF 725460 LWCF Recreation Lands		\$262,646	\$266,995

H	GRF	725505	Healthy Lake Erie Program	\$450,000	\$0
I	GRF	725507	Coal and Mine Safety Programs	\$3,222,147	\$3,297,340
J	GRF	725903	Natural Resources General Obligation Bond Debt Service	\$14,300,000	\$14,300,000
K	GRF	727321	Division of Forestry	\$10,000,000	\$10,000,000
L	GRF	729321	Office of Information Technology	\$526,055	\$526,337
M	GRF	730321	Parks and Recreation	\$27,500,000	\$47,500,000
N	GRF	736321	Division of Engineering	\$2,431,760	\$2,476,358
O	GRF	737321	Division of Water Resources	\$2,402,230	\$2,403,759
P	GRF	738321	Office of Real Estate and Land Management	\$1,038,539	\$1,060,089
Q	GRF	741321	Division of Natural Areas and Preserves	\$5,104,211	\$5,205,199
R			General Revenue Fund Total	\$127,690,238	\$166,488,727
S			Dedicated Purpose Fund Group		
T	2270	725406	Parks Projects Personnel	\$4,831,529	\$4,976,475
U	4300	725671	Canal Lands	\$479,012	\$479,012

V	4S90	725622	NatureWorks Personnel	\$317,806	\$327,341
W	4U60	725668	Scenic Rivers Protection	\$58,860	\$58,860
X	5090	725602	State Forest	\$10,852,951	\$11,010,594
Y	5110	725646	Ohio Geological Mapping	\$6,123,647	\$6,323,883
Z	5120	725605	State Parks Operations	\$43,122,931	\$43,358,465
AA	5140	725606	Lake Erie Shoreline	\$1,694,771	\$1,732,863
AB	5160	725620	Water Management	\$3,256,522	\$3,562,000
AC	5180	725643	Oil and Gas Regulation and Safety	\$31,230,432	\$31,784,411
AD	5180	725677	Oil and Gas Well Plugging	\$47,734,902	\$48,022,027
AE	5210	725627	Off-Road Vehicle Trails	\$1,781,723	\$286,068
AF	5220	725656	Natural Areas and Preserves	\$585,191	\$600,500
AG	5290	725639	Mining Regulation and Safety	\$4,004,552	\$4,090,096
AH	5310	725648	Reclamation Forfeiture	\$195,573	\$195,579
AI	5BJ1	7256A6	Parks and Recreation	\$27,500,000	\$7,500,000
AJ	5BJ1	7256A7	Wildlife Area Land Royalties	\$3,000,000	\$0
AK	5EL0	725612	Wildlife Law Enforcement	\$11,826	\$11,826

AL	5HK0	725625	Ohio Nature Preserves	\$9,239	\$9,239
AM	5LD0	725458	Oil and Gas Leasing Commission	\$10,000	\$10,000
AN	5P20	725634	Wildlife Boater Angler Administration	\$5,968,330	\$5,968,330
AO	5TD0	725514	Park Maintenance	\$1,540,331	\$1,540,331
AP	6150	725661	Dam Safety	\$5,673,950	\$6,473,950
AQ	6970	725670	Submerged Lands	\$667,210	\$679,080
AR	6H20	725681	H2Ohio	\$21,200,000	\$21,200,000
AS	7015	740401	Division of Wildlife Conservation	\$84,946,128	\$87,919,242
AT	7086	725414	Waterways Improvement	\$5,782,184	\$5,880,807
AU	7086	739401	Watercraft Operations	\$28,432,898	\$28,922,532
AV	8150	725636	Cooperative Management Projects	\$625,271	\$625,271
AW	8160	725649	Wetlands Habitat	\$659,691	\$659,691
AX	8170	725655	Wildlife Conservation Checkoff	\$1,923,060	\$1,923,060
AY	8180	725629	Cooperative Fisheries Research	\$1,500,000	\$1,500,000
AZ	8190	725685	Ohio River Management	\$43,786	\$43,786

BA 81B0 725688 Wildlife Habitats	\$1,359,102	\$1,359,102
BB Dedicated Purpose Fund Group Total	\$347,123,408	\$329,034,421
BC Internal Service Activity Fund Group		
BD 1550 725601 Departmental Projects	\$1,566,470	\$1,586,980
BE 1570 725651 Program Support	\$26,713,040	\$27,292,005
BF 5100 725631 Maintenance - State-owned Residences	\$43,713	\$43,713
BG Internal Service Activity Fund Group Total	\$28,323,223	\$28,922,698
BH Capital Projects Fund Group		
BI 7061 725405 Clean Ohio Trail Operating	\$267,307	\$273,030
BJ Capital Projects Fund Group Total	\$267,307	\$273,030
BK Fiduciary Fund Group		
BL 5ZT0 7256A2 State Park Lodges Maintenance and Repair	\$11,950,641	\$11,950,641
BM Fiduciary Fund Group Total	\$11,950,641	\$11,950,641
BN Holding Account Fund Group		
BO R017 725659 Performance Cash Bond Refunds	\$450,999	\$450,999

BP R043 725624 Forestry	\$2,104,919	\$2,104,919
BQ Holding Account Fund Group Total	\$2,555,918	\$2,555,918
BR Federal Fund Group		
BS 3320 725669 Federal Mine Safety Grant	\$306,979	\$316,189
BT 3B30 725640 Federal Forest Pass-Thru	\$419,535	\$419,535
BU 3B40 725641 Federal Flood Pass-Thru	\$106,648	\$106,648
BV 3B50 725645 Federal Abandoned Mine Lands	\$69,114,806	\$69,268,735
BW 3B60 725653 Federal Land and Water Conservation Grants	\$10,800,000	\$25,800,000
BX 3B70 725654 Reclamation - Regulatory	\$1,311,309	\$1,340,625
BY 3IR0 7256A5 Long Term Abandoned Mine Land Reclamation	\$100,000	\$100,000
BZ 3P10 725632 Geological Survey - Federal	\$805,102	\$786,700
CA 3P20 725642 Oil and Gas - Federal	\$20,109,957	\$20,115,008
CB 3P20 725698 Oil And Gas - Federal Orphan Well Plug	\$22,363,120	\$22,363,120
CC 3P30 725650 Coastal Management - Federal	\$3,953,487	\$4,013,587
CD 3P40 725660 Federal - Soil and Water	\$416,420	\$422,292

Resources

CE 3R50 725673 Acid Mine Drainage	\$860,489	\$860,489
Abatement/Treatment		
CF 3Z50 725657 Federal Recreation and	\$1,122,594	\$1,127,603
Trails		
CG Federal Fund Group Total	\$131,790,446	\$147,040,531
CH TOTAL ALL BUDGET FUND GROUPS	\$649,701,181	\$686,265,966

Section 343.20. DIVISION OF WILDLIFE-OPERATING SUBSIDY 149012

The foregoing appropriation item 725401, Division of 149013
Wildlife-Operating Subsidy, shall be used to pay the direct and 149014
indirect costs of the Division of Wildlife. 149015

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND 149016
PAYMENTS 149017

The foregoing appropriation item 725413, Parks and 149018
Recreational Facilities Lease Rental Bond Payments, shall be 149019
used to meet all payments during the period from July 1, 2025, 149020
through June 30, 2027, by the Department of Natural Resources 149021
pursuant to leases and agreements made under section 154.22 of 149022
the Revised Code. These appropriations are the source of funds 149023
pledged for bond service charges on related obligations issued 149024
under Chapter 154. of the Revised Code. 149025

HEALTHY LAKE ERIE PROGRAM 149026

The foregoing appropriation item 725505, Healthy Lake Erie 149027
Program, shall be used by the Director of Natural Resources, in 149028
support of the following: (1) conservation measures in the 149029

Western Lake Erie Basin as determined by the Director; (2) 149030
funding assistance for soil testing, winter cover crops, edge of 149031
field testing, tributary monitoring, and animal waste abatement; 149032
and (3) any additional efforts to reduce nutrient runoff as the 149033
Director may decide. The Director shall give priority to 149034
recommendations that encourage farmers to adopt agricultural 149035
production guidelines commonly known as 4R nutrient stewardship 149036
practices. 149037

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 149038

The foregoing appropriation item 725903, Natural Resources 149039
General Obligation Bond Debt Service, shall be used to pay all 149040
debt service and related financing costs during the period July 149041
1, 2025, through June 30, 2027, on obligations issued under 149042
sections 151.01 and 151.05 of the Revised Code. 149043

PARKS AND RECREATION 149044

The Director of Natural Resources shall consult with the 149045
Loramie Watershed Association to identify portions of Lake 149046
Loramie that are negatively affected by hard pan sediment and 149047
hard clay debris. Of the foregoing appropriation item 730321, 149048
Parks and Recreation, \$250,000 in each fiscal year shall be used 149049
to contract with a third-party vendor for channel excavation and 149050
the removal of hard pan sediment and hard clay debris at Lake 149051
Loramie. 149052

Of the foregoing appropriation item 730321, Parks and 149053
Recreation, \$172,000 in fiscal year 2026 shall be used for 149054
channel excavation and removal of sediment at Grand Lake St. 149055
Marys. 149056

Of the foregoing appropriation item 730321, Parks and 149057
Recreation, \$250,000 in fiscal year 2026 shall be used to 149058

support the Indian Lake Watershed Project. 149059

Section 343.30. WELL LOG FILING FEES 149060

The Chief of the Division of Water Resources shall deposit 149061
fees forwarded to the Division pursuant to section 1521.05 of 149062
the Revised Code into the Water Management Fund (Fund 5160) for 149063
the purposes described in that section. 149064

PARKS CAPITAL EXPENSES FUND 149065

The Director of Natural Resources shall submit to the 149066
Director of Budget and Management the estimated design, 149067
engineering, and planning costs of capital-related work to be 149068
done by Department of Natural Resources staff for parks projects 149069
within the Ohio Parks and Recreation Improvement Fund (Fund 149070
7035). If the Director of Budget and Management approves the 149071
estimated costs, the Director may release appropriations from 149072
Fund 7035 appropriation item C725E6, Project Planning, for those 149073
purposes. Upon release of the appropriations, the Department of 149074
Natural Resources shall pay for these expenses from the Parks 149075
Capital Expenses Fund (Fund 2270). Expenses paid from Fund 2270 149076
shall be reimbursed by Fund 7035 using an intrastate transfer 149077
voucher. 149078

NATUREWORKS CAPITAL EXPENSES FUND 149079

The Department of Natural Resources shall submit to the 149080
Director of Budget and Management the estimated design, 149081
planning, and engineering costs of capital-related work to be 149082
done by Department of Natural Resources staff for each capital 149083
improvement project within the Ohio Parks and Natural Resources 149084
Fund (Fund 7031). If the Director of Budget and Management 149085
approves the estimated costs, the Director may release 149086
appropriations from Fund 7031 appropriation item C725E5, Project 149087

Planning, for those purposes. Upon release of the 149088
appropriations, the Department of Natural Resources shall pay 149089
for these expenses from the Capital Expenses Fund (Fund 4S90). 149090
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 149091
using an intrastate transfer voucher. 149092

PARKS AND RECREATION 149093

The foregoing appropriation item 7256A6, Parks and 149094
Recreation, shall be used in conjunction with appropriation item 149095
730321, Parks and Recreation, to support the Division of Parks 149096
and Watercraft. 149097

PARK MAINTENANCE 149098

The foregoing appropriation item 725514, Park Maintenance, 149099
shall be used by the Department of Natural Resources to pay the 149100
costs of projects supported by the State Park Maintenance Fund 149101
(Fund 5TD0) under section 1501.08 of the Revised Code. 149102

On July 1 of each fiscal year or as soon as possible 149103
thereafter, the Director of Natural Resources shall certify the 149104
amount of five percent of the average of the previous five years 149105
of deposits in the State Park Fund (Fund 5120) to the Director 149106
of Budget and Management. The Director of Budget and Management 149107
may transfer up to \$2,200,000 from Fund 5120 to the State Park 149108
Maintenance Fund (Fund 5TD0). 149109

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 149110

The foregoing appropriation item 725405, Clean Ohio Trail 149111
Operating, shall be used by the Department of Natural Resources 149112
in administering Clean Ohio Trail Fund (Fund 7061) projects 149113
pursuant to section 1519.05 of the Revised Code. 149114

Section 343.60. (A) As used in this section: 149115

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B) (1) of section 1501.011 of the Revised Code. "Capital facility project" does not include the construction of a new facility, structure, or lodge.

(B) Notwithstanding section 123.21 of the Revised Code or any other provision of law to the contrary, for fiscal years 2026 and 2027, the Department of Natural Resources may locally administer any capital facility project commenced within those fiscal years, regardless of estimated cost.

(C) The Department shall do both of the following regarding a capital facility project that is locally administered:

(1) Comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code;

(2) Track all project information in the Ohio Administrative Knowledge System capital improvements application pursuant to Ohio Facilities Construction Commission guidelines as though the Department is administering the project pursuant to section 123.211 of the Revised Code and all generally applicable laws.

(D) Nothing in this section interferes with the powers of the Department of Natural Resources authorized in Chapter 1501. of the Revised Code.

Section 345.10.

149145

149146

1	2	3	4	5
A	NUR STATE BOARD OF NURSING			
B	Dedicated Purpose Fund Group			
C	4K90 884609 Operating Expenses		\$13,033,034	\$13,491,425
D	5AC0 884602 Nurse Education Grant Program		\$1,350,000	\$1,350,000
E	Dedicated Purpose Fund Group Total		\$14,383,034	\$14,841,425
F	TOTAL ALL BUDGET FUND GROUPS		\$14,383,034	\$14,841,425

Section 347.10.

149147

149148

1	2	3	4	5
A	PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD			
B	Dedicated Purpose Fund Group			
C	4K90 890609 Operating Expenses		\$1,352,852	\$1,434,859
D	Dedicated Purpose Fund Group Total		\$1,352,852	\$1,434,859
E	TOTAL ALL BUDGET FUND GROUPS		\$1,352,852	\$1,434,859

Section 353.10.

149149

149150

1	2	3	4	5
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A	OOD OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY		
B	General Revenue Fund		
C	GRF 415402	Independent Living Council	\$252,000 \$252,000
D	GRF 415406	Assistive Technology	\$26,000 \$26,000
E	GRF 415431	Brain Injury	\$750,000 \$750,000
F	GRF 415506	Services for Individuals with Disabilities	\$40,015,000 \$40,015,000
G	GRF 415508	Services for the Deaf	\$527,000 \$527,000
H	GRF 415511	Centers for Independent Living	\$1,500,000 \$1,500,000
I	GRF 415512	Visually Impaired Reading Services	\$50,000 \$50,000
J	GRF 415513	Accessible Ohio	\$1,000,000 \$1,000,000
K	General Revenue Fund Total		\$44,120,000 \$44,120,000
L	Dedicated Purpose Fund Group		
M	4670 415609	Business Enterprise Operating Expenses	\$913,127 \$918,806
N	4680 415618	Third Party Services Funding	\$3,725,233 \$3,725,233
O	4L10 415619	Services for	\$2,000,000 \$2,000,000

Rehabilitation

P	Dedicated Purpose Fund Group Total	\$6,638,360	\$6,644,039
Q	Internal Service Activity Fund Group		
R	4W50 415606 Program Management	\$17,083,462	\$17,539,339
S	Internal Service Activity Fund Group Total	\$17,083,462	\$17,539,339
T	Federal Fund Group		
U	3170 415620 Disability Determination	\$88,981,907	\$90,733,204
V	3790 415616 Federal-Vocational Rehabilitation	\$170,000,000	\$175,100,000
W	3GH0 415602 Personal Care Assistance	\$3,995,399	\$4,017,337
X	3GH0 415604 Community Centers for the Deaf	\$772,420	\$772,420
Y	3GH0 415613 Independent Living	\$2,737,411	\$2,737,411
Z	3GH0 415627 Independent Living Projects	\$100,000	\$100,000
AA	3ILO 415629 Works4Me Disability Innovation Fund Grant	\$2,300,000	\$2,300,000
AB	3L40 415615 Federal-Supported Employment	\$1,200,000	\$1,200,000
AC	3L40 415617 Independent Living Older	\$2,567,746	\$2,908,622

Blind

AD Federal Fund Group Total	\$272,654,883	\$279,868,994
AE TOTAL ALL BUDGET FUND GROUPS	\$340,496,705	\$348,172,372

Section 353.20. INDEPENDENT LIVING 149151

The foregoing appropriation item 415402, Independent 149152
Living Council, shall be provided to the Ohio Statewide 149153
Independent Living Council to support its operations under the 149154
State Plan for Independent Living. 149155

Of the foregoing appropriation item 415511, Centers for 149156
Independent Living, the amount needed in each fiscal year for 149157
state matching funds for the Federal Independent Living Grant 149158
shall be provided to support the state independent living 149159
programs and centers under Title VII of the federal 149160
"Rehabilitation Act of 1973," 29 U.S.C. 701, et seq., as amended 149161
by the Rehabilitation Act Amendments of 1992 and known as the 149162
federal Independent Living Services and Centers for Independent 149163
Living. 149164

Of the foregoing appropriation item 415511, Centers for 149165
Independent Living, up to \$1,355,608 in each fiscal year may be 149166
used as state matching funds to provide vocational 149167
rehabilitation services to Ohioans with disabilities. 149168

Of the foregoing appropriation item 415511, Centers for 149169
Independent Living, \$74,124 in each fiscal year shall be used as 149170
state matching funds for vocational rehabilitation innovation 149171
and expansion activities. 149172

The foregoing appropriation item 415613, Independent 149173
Living, shall be used to support the operations of the Centers 149174

for Independent Living in accordance with the State Plan for 149175
Independent Living. 149176

ASSISTIVE TECHNOLOGY 149177

The foregoing appropriation item 415406, Assistive 149178
Technology, shall be provided to Assistive Technology of Ohio to 149179
provide grants and assistive technology services for people with 149180
disabilities in the state of Ohio. 149181

BRAIN INJURY 149182

Of the foregoing appropriation item 415431, Brain Injury, 149183
\$450,000 in each fiscal year shall be provided to The Ohio State 149184
University College of Medicine to support the Brain Injury 149185
Program established under section 3335.60 of the Revised Code. 149186

The remainder of appropriation item 415431, Brain Injury, 149187
shall be provided to the Brain Injury Association of Ohio for 149188
direct services and supports for brain injury survivors and 149189
caregivers. 149190

SERVICES FOR INDIVIDUALS WITH DISABILITIES 149191

Of the foregoing appropriation item 415506, Services for 149192
Individuals with Disabilities, up to \$1,000,000 in each fiscal 149193
year shall be used by the Opportunities for Ohioans with 149194
Disabilities Agency, in collaboration with the Department of 149195
Education and Workforce, to build capacity to deliver a regional 149196
system of training, support, coordination, and direct service 149197
for secondary transition services for students with disabilities 149198
beginning at fourteen years of age. These special education 149199
enhancements shall support all students with disabilities, 149200
regardless of partner agency eligibility requirements, to 149201
provide stand-alone direct secondary transition services by 149202
school districts. Secondary transition services shall include, 149203

but not be limited to, job exploration counseling, work-based 149204
learning experiences, counseling on opportunities for enrollment 149205
in comprehensive transition or post-secondary educational 149206
programs at institutions of higher education, workplace 149207
readiness training to develop occupational skills, social skills 149208
and independent living skills, and instruction in self-advocacy. 149209
Regional training shall support the expansion of transition to 149210
work endorsement opportunities for middle school and secondary 149211
level special education intervention specialists in order to 149212
develop the necessary skills and competencies to meet the 149213
secondary transition needs of students with disabilities 149214
beginning at fourteen years of age. 149215

SERVICES FOR THE DEAF 149216

The foregoing appropriation item 415508, Services for the 149217
Deaf, shall be used to support community centers for the deaf. 149218

VISUALLY IMPAIRED READING SERVICES 149219

The foregoing appropriation item 415512, Visually Impaired 149220
Reading Services, shall be used to support VOICEcorps Reading 149221
Services to provide reading services for blind individuals. 149222

SIGHT CENTERS 149223

Of the foregoing appropriation item 415617, Independent 149224
Living Older Blind, \$30,000 in each fiscal year shall be used to 149225
contract in equal amounts with the Cleveland Sight Center, the 149226
Cincinnati Association for the Blind and Visually Impaired, and 149227
the Sight Center of Northwest Ohio to provide outreach to the 149228
community of individuals with blindness or low vision. 149229

Section 361.10. 149230

149231

	1	2	3	4	5
A			PEN PENSION SUBSIDIES		
B			General Revenue Fund		
C	GRF	090524	Police and Fire Disability Pension Fund	\$300	\$300
D	GRF	090534	Police and Fire Ad Hoc Cost of Living	\$14,000	\$14,000
E	GRF	090554	Police and Fire Survivor Benefits	\$138,000	\$138,000
F	GRF	090575	Police and Fire Death Benefits	\$40,000,000	\$40,000,000
G			General Revenue Fund Total	\$40,152,300	\$40,152,300
H			TOTAL ALL BUDGET FUND GROUPS	\$40,152,300	\$40,152,300

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 149232

The foregoing appropriation item 090575, Police and Fire 149233
 Death Benefits, shall be disbursed quarterly by the Treasurer of 149234
 State at the beginning of each quarter of each fiscal year to 149235
 the Board of Trustees of the Ohio Police and Fire Pension Fund, 149236
 which serves as trustees of the Ohio Public Safety Officers 149237
 Death Benefit Fund pursuant to section 742.62 of the Revised 149238
 Code. The Treasurer of State shall certify such amounts 149239
 quarterly to the Director of Budget and Management. By the 149240
 twentieth day of June of each fiscal year, the Board of Trustees 149241
 shall certify to the Treasurer of State the amount disbursed in 149242
 the current fiscal year to make the payments required by 149243

sections 124.824 and 742.63 of the Revised Code and shall return 149244
to the Treasurer of State moneys received from this 149245
appropriation item but not disbursed. 149246

Notwithstanding any provision of section 124.824 of the 149247
Revised Code to the contrary, for each death benefit fund 149248
recipient who participates in health, medical, hospital, dental, 149249
surgical, or vision benefits under section 124.824 of the 149250
Revised Code, the Board of Trustees of the Ohio Police and Fire 149251
Pension Fund shall forward as a pass-through from the revenue 149252
received from the foregoing appropriation item 090575, Police 149253
and Fire Death Benefits, the percentage of the cost for the 149254
applicable benefits that would be paid by a state employer for a 149255
state employee who elects that coverage and any applicable 149256
administrative costs, which shall not exceed two per cent of the 149257
total cost of the benefits. The Board of Trustees shall also 149258
withhold from the benefits paid to a death benefit fund 149259
recipient under section 742.63 of the Revised Code the 149260
percentage of the cost for such benefits that would be paid by a 149261
state employee, and forward the withheld amounts to the 149262
Department of Administrative Services from the revenue received 149263
from the foregoing appropriation item 090575, Police and Fire 149264
Death Benefits. 149265

In fiscal year 2026 or 2027, if it is determined by the 149266
Director of Administrative Services, in consultation with the 149267
Chairperson of the Board of Trustees of the Ohio Police and Fire 149268
Pension Fund, or designee, that additional amounts are necessary 149269
to pay the cost of providing benefits under section 124.824 or 149270
742.63 of the Revised Code, the Director of Administrative 149271
Services may certify the additional amount necessary to the 149272
Director of Budget and Management. The amount certified is 149273
hereby appropriated. 149274

Section 363.10.

149275

149276

	1	2	3	4	5
A	UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD				
B	Dedicated Purpose Fund Group				
C	6910	810632	Petroleum Underground Storage Tank Release Compensation Board - Operating	\$1,778,594	\$1,910,092
D	Dedicated Purpose Fund Group Total			\$1,778,594	\$1,910,092
E	TOTAL ALL BUDGET FUND GROUPS			\$1,778,594	\$1,910,092

Section 367.10.

149277

149278

	1	2	3	4	5
A	PRX STATE BOARD OF PHARMACY				
B	Dedicated Purpose Fund Group				
C	4A50	887605	Drug Law Enforcement	\$50,000	\$50,000
D	4K90	658605	OARRS Integration - State	\$207,657	\$208,860
E	4K90	887609	Operating Expenses	\$13,773,784	\$14,491,459
F	5SG0	887612	Drug Database	\$2,826,000	\$2,865,000
G	Dedicated Purpose Fund Group Total			\$16,857,441	\$17,615,319

H Federal Fund Group

I	3HD0 887614 Pharmacy Federal Grants	\$2,094,643	\$2,111,622
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J	3HH0 658601 OARRS Integration - Federal	\$642,117	\$645,729
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K	Federal Fund Group Total	\$2,736,760	\$2,757,351
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L	TOTAL ALL BUDGET FUND GROUPS	\$19,594,201	\$20,372,670
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Section 367.20.	CASH TRANSFER FROM THE MEDICAL MARIJUANA	149279
	CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND	149280

Upon the request of the Executive Director of the State	149281
Board of Pharmacy, the Director of Budget and Management may	149282
transfer up to \$2,745,500 in cash in each fiscal year from the	149283
Medical Marijuana Control Program Fund (Fund 5SY0), used by the	149284
Department of Commerce, to the Drug Database Fund (Fund 5SG0),	149285
used by the State Board of Pharmacy.	149286

Section 369.10.	149287
	149288

1	2	3	4	5
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A	PSY STATE BOARD OF PSYCHOLOGY
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B Dedicated Purpose Fund Group

C	4K90 882609 Operating Expenses	\$975,010	\$1,011,722
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D	Dedicated Purpose Fund Group Total	\$975,010	\$1,011,722
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E	TOTAL ALL BUDGET FUND GROUPS	\$975,010	\$1,011,722
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Section 371.10.

149289

149290

1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION			
B	General Revenue Fund			
C	GRF	019401 State Legal Defense Services	\$13,227,100	\$13,467,000
D	GRF	019406 Northwest Regional Hub Support	\$3,350,000	\$3,350,000
E	GRF	019501 County Reimbursement	\$173,719,360	\$178,930,940
F	General Revenue Fund Total		\$190,296,460	\$195,747,940
G	Dedicated Purpose Fund Group			
H	1010	019607 Juvenile Legal Assistance	\$217,456	\$223,980
I	4060	019603 Training and Publications	\$75,000	\$75,000
J	4070	019604 County Representation	\$375,000	\$375,000
K	4080	019605 Client Payments	\$800,000	\$800,000
L	4C70	019601 Multi-County: County Share	\$594,900	\$624,300
M	4N90	019613 Gifts and Grants	\$13,400	\$13,400
N	5740	019606 Civil Legal Aid	\$37,000,000	\$33,000,000

O	5CX0 019617 Civil Case Filing Fee	\$620,000	\$620,000
P	5DY0 019618 Indigent Defense Support - County Share	\$22,908,000	\$22,908,000
Q	5DY0 019619 Indigent Defense Support - State Office	\$4,692,000	\$4,692,000
R	Dedicated Purpose Fund Group Total	\$67,295,756	\$63,331,680
S	Federal Fund Group		
T	3IQ0 019626 Reforming Reentry Program	\$350,000	\$85,321
U	3S80 019608 Federal Representation	\$38,300	\$38,300
V	Federal Fund Group Total	\$388,300	\$123,621
W	TOTAL ALL BUDGET FUND GROUPS	\$257,980,516	\$259,203,241

Section 371.20. STATE LEGAL DEFENSE SERVICES 149291

Of the foregoing appropriation item 019401, State Legal 149292
 Defense Services, up to \$50,000 in each fiscal year shall be 149293
 used by the Ohio Public Defender to provide legal training 149294
 programs at no cost for private appointed counsel who represent 149295
 at least one indigent defendant at no cost and for state and 149296
 county public defenders and attorneys who contract with the Ohio 149297
 Public Defender to provide indigent defense services. 149298

INDIGENT DEFENSE SUPPORT 149299

The foregoing appropriation item 019501, County 149300
 Reimbursement, shall be used to reimburse counties for the costs 149301
 of operating county public defender offices, joint county public 149302

defender offices and county appointed counsel systems, the 149303
counties' costs and expenses of conducting the defense in 149304
capital cases, the counties' costs and expenses of appointed 149305
counsel covered by section 2941.51 of the Revised Code, and the 149306
costs and expenses of contracting with the state public defender 149307
or with any nonprofit organization to provide legal 149308
representation to indigent persons. 149309

FEDERAL REPRESENTATION 149310

The foregoing appropriation item 019608, Federal 149311
Representation, shall be used to support representation provided 149312
by the Ohio Public Defender in federal court cases. 149313

COUNTY INDIGENT DEFENSE BUDGETS 149314

Not later than July 31, 2026, each county through its 149315
county commission shall submit a biannual indigent defense cost 149316
projection report to the Ohio Public Defender. The report shall 149317
contain data on the most current projected costs of the indigent 149318
defense services in the county for the next two upcoming state 149319
fiscal years at the time of submission. 149320

Section 371.30. NORTHWEST REGIONAL HUB 149321

(A) In fiscal year 2026 and fiscal year 2027, the Ohio 149322
Public Defender shall create the Northwest Regional Hub pilot 149323
program to provide indigent defense services in the counties 149324
that elect to join, in lieu of managing those services directly 149325
and applying for reimbursement. 149326

(B) The following counties may elect to participate in the 149327
Northwest Regional Hub, and no other counties are permitted to 149328
participate: 149329

(1) Allen County; 149330

(2) Hardin County; 149331

(3) Putnam County. 149332

(C) On or after the effective date of this section, any 149333
county listed in division (B) of this section may elect, by 149334
resolution, to become part of the Northwest Regional Hub and 149335
thereby transfer administration of the county's indigent defense 149336
system to the Ohio Public Defender for the period of the pilot 149337
program. 149338

(D) If a county elects to become part of the Northwest 149339
Regional Hub and transfer indigent defense services to the Ohio 149340
Public Defender pursuant to this section, the Ohio Public 149341
Defender shall assume responsibility for representation of 149342
indigent persons in the proceedings set forth in division (A) of 149343
section 120.16 of the Revised Code, to the extent that 149344
representation is not provided by outside counsel in accordance 149345
with section 120.33 of the Revised Code. 149346

(E) (1) The Ohio Public Defender shall consult with the 149347
county commissioners, judiciary, and local attorneys in counties 149348
that have opted to participate in the Northwest Regional Hub to 149349
determine the number of indigent defense cases the public 149350
defender will handle directly. 149351

(2) Except as provided in division (E) (4) of this section, 149352
in a county that elects to participate in the Northwest Regional 149353
Hub, the Ohio Public Defender shall provide direct 149354
representation to indigent defendants in not more than eighty 149355
per cent of indigent defense cases. 149356

(3) In cases where the Ohio Public Defender does not 149357
provide direct representation, the court shall appoint counsel 149358
in accordance with section 120.33 of the Revised Code. 149359

(4) If the Ohio Public Defender, in consultation with the county commissioners, judiciary, and local attorneys, determines that there is insufficient local counsel available to fill an appointment under division (E) (3) of this section, the Ohio Public Defender shall provide direct representation in the case.

(F) A county that wishes to withdraw from the Northwest Regional Hub and resume responsibility for the delivery of indigent defense services shall do all of the following:

(1) Hold a public meeting regarding the withdrawal and provide notice to all of the following, seven or more days before the meeting:

(a) The local bar association;

(b) Every judge serving in the county;

(c) The county prosecutor;

(d) The county public defender;

(e) Every attorney who is on the court's roster for appointment to provide indigent defense in accordance with section 120.33 of the Revised Code.

(2) Provide the Ohio Public Defender with a copy of the resolution electing to withdraw.

(G) When a county transfers indigent defense services to the Ohio Public Defender pursuant to this section, and the transferring county operates a county public defender office at the time of the transfer, the employees of the transferring county public defender may be appointed as employees of the Ohio Public Defender as the Ohio Public Defender determines to be necessary for successful implementation of this section.

(H) Notwithstanding any provision of law to the contrary, 149387
the Ohio Public Defender may, in consultation with the Director 149388
of Administrative Services, do either of the following: 149389

(1) Assign any employee of the transferring county to a 149390
classification that is not subject to Chapter 4117. of the 149391
Revised Code and do both of the following for such an employee: 149392

(a) Assign the employee to the appropriate compensation, 149393
classification, step placement, and step advancement; 149394

(b) Determine appropriate service credit for purposes of 149395
vacation and longevity. 149396

(2) Assign any employee of the transferring county to a 149397
bargaining unit classification that is subject to Chapter 4117. 149398
of the Revised Code if the Ohio Public Defender and the 149399
Department of Administrative Services determine that the 149400
bargaining unit classification is the proper classification for 149401
that employee. 149402

(I) Notwithstanding any provision of law to the contrary, 149403
employees of a transferring county may be eligible for any state 149404
benefit plan administered by the Department of Administrative 149405
Services with coverage commencing as determined by the Director 149406
of Administrative Services. 149407

(J) Actions taken by the Ohio Public Defender and the 149408
Director of Administrative Services pursuant to this section are 149409
not subject to appeal to the State Personnel Board of Review. 149410

NORTHWEST REGIONAL HUB SUPPORT 149411

The foregoing appropriation item 019406, Northwest 149412
Regional Hub Support, shall be used by the Ohio Public Defender 149413
to pay for all the costs of providing indigent defense services 149414

in counties that have transferred administration of those	149415
services pursuant to this section. Expenses may include the cost	149416
of operating public defender offices, reimbursement of expenses	149417
of court appointed counsel, and other associated costs of	149418
providing legal representation to indigent persons as covered by	149419
section 120.04 of the Revised Code.	149420

Section 373.10.

149421
149422

1	2	3	4	5
A	DPS DEPARTMENT OF PUBLIC SAFETY			
B	General Revenue Fund			
C	GRF	761403 Recovery Ohio Law Enforcement	\$0	\$3,250,000
D	GRF	761411 Ohio Narcotics Intelligence Center	\$0	\$7,050,000
E	GRF	763403 EMA Operating	\$8,931,000	\$9,102,000
F	GRF	763513 Security Grants	\$4,500,000	\$4,500,000
G	GRF	765401 Emergency Medical Services Operating	\$5,497,851	\$5,768,030
H	GRF	767420 Investigative Unit Operating	\$12,554,073	\$10,718,860
I	GRF	768425 Justice Program Services	\$17,995,430	\$18,175,918
J	GRF	768435 Community Police Relations	\$2,445,800	\$2,607,939

K	GRF	769406	Homeland Security - Operating	\$4,946,000	\$5,046,000
L	GRF	769407	Driver Safety	\$6,425,545	\$6,458,591
M	GRF	769412	Ohio School Safety Center	\$8,963,284	\$9,367,524
N			General Revenue Fund Total	\$72,258,983	\$82,044,862
O			Highway Safety Fund Group		
P	5TM0	762321	Operating Expense - BMV	\$128,500,000	\$129,645,783
Q	5TM0	762637	Local Immobilization Reimbursement	\$87,000	\$90,000
R	5TM0	764321	Operating Expense - Highway Patrol	\$404,019,560	\$416,140,146
S	5TM0	764605	Motor Carrier Enforcement Expenses	\$709,000	\$730,000
T	5TM0	769636	Administrative Expenses - Highway Purposes	\$56,062,283	\$58,959,468
U	8370	764602	Turnpike Policing	\$13,652,000	\$14,117,000
V	83C0	764630	Contraband, Forfeiture, and Other	\$500,000	\$500,000
W	83F0	764657	Law Enforcement Automated Data System	\$6,216,213	\$6,380,428
X	83G0	764633	OMVI Enforcement/Education	\$156,727	\$157,703

Y	83M0	765640	EMS Grants	\$2,900,000	\$2,900,000
Z	8400	764607	State Fair Security	\$1,788,386	\$1,842,038
AA	8400	764617	Security and Investigations	\$14,376,926	\$14,808,233
AB	8400	764626	State Fairgrounds Police Force	\$1,031,556	\$1,062,502
AC	8460	761625	Motorcycle Safety Education	\$4,215,000	\$4,220,000
AD	8490	762627	Automated Title Processing Board	\$11,000,000	\$10,950,000
AE	8490	762630	Electronic Liens and Titles	\$2,008,000	\$2,008,000
AF	Highway Safety Fund Group Total			\$647,222,651	\$664,511,301
AG	Dedicated Purpose Fund Group				
AH	4P60	768601	Justice Program Services	\$95,000	\$100,000
AI	4V30	763662	EMA Service and Reimbursements	\$559,000	\$562,000
AJ	5330	763601	State Disaster Relief	\$1,000,000	\$1,000,000
AK	5390	762614	Motor Vehicle Dealers Board	\$140,000	\$140,000
AL	5AZ1	761680	eWarrant Local Integration	\$1,390,000	\$1,405,000

AM 5B90	766632	Private Investigator and Security Guard Provider	\$2,134,000	\$2,203,000
AN 5BC1	769638	Ohio School Safety and Security Center Training Fees	\$100,000	\$100,000
AO 5BK0	768687	Criminal Justice Services - Operating	\$770,000	\$795,000
AP 5BK0	768689	Family Violence Shelter Programs	\$1,550,000	\$1,550,000
AQ 5ET0	768625	Drug Law Enforcement	\$3,750,000	\$3,750,000
AR 5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$1,400,000	\$1,400,000
AS 5LM0	768698	Criminal Justice Services Law Enforcement Support	\$850,000	\$850,000
AT 5ML0	769635	Infrastructure Protection	\$89,000	\$91,000
AU 5RH0	767697	OIU Special Projects	\$750,000	\$750,000
AV 5TZ0	761682	Recovery Ohio Law Enforcement	\$6,500,000	\$3,250,000
AW 5TZ0	761683	Ohio Narcotics Intelligence Center	\$13,200,000	\$6,750,000
AX 5Y10	764695	State Highway Patrol Continuing Professional Training	\$148,000	\$148,000

AY 5Y10 767696	Ohio Investigative Unit Continuing Professional Training	\$10,000	\$10,000
AZ 6220 767615	Investigative, Contraband, and Forfeiture	\$61,000	\$61,000
BA 6570 763652	Utility Radiological Safety	\$1,420,000	\$1,467,000
BB 6810 763653	SARA Title III Hazmat Planning	\$400,000	\$331,000
BC	Dedicated Purpose Fund Group Total	\$36,316,000	\$26,713,000
BD	Fiduciary Fund Group		
BE 5J90 761678	Federal Salvage/GSA	\$600,000	\$600,000
BF 5V10 762682	License Plate Contributions	\$2,900,000	\$3,000,000
BG	Fiduciary Fund Group Total	\$3,500,000	\$3,600,000
BH	Holding Account Fund Group		
BI R024 762619	Unidentified Motor Vehicle Receipts	\$1,641,000	\$1,641,000
BJ R052 762623	Security Deposits	\$50,000	\$50,000
BK	Holding Account Fund Group Total	\$1,691,000	\$1,691,000
BL	Federal Fund Group		

BM	3370	763515	COVID Relief - Federal	\$150,000,000	\$150,000,000
BN	3370	763609	Federal Disaster Relief	\$73,500,000	\$73,500,000
BO	3FP0	767620	Ohio Investigative Unit Justice Contraband	\$10,000	\$10,000
BP	3GL0	768619	Justice Assistance Grants	\$10,000,000	\$10,000,000
BQ	3GR0	764693	Highway Patrol Justice Contraband	\$227,000	\$227,000
BR	3GS0	764694	Highway Patrol Treasury Contraband	\$80,000	\$80,000
BS	3GT0	767691	Investigative Unit Federal Equity Share	\$100,000	\$100,000
BT	3GU0	761610	Information and Education Grant	\$435,000	\$435,000
BU	3GU0	764608	Fatality Analysis Report System Grant	\$175,000	\$175,000
BV	3GU0	764610	Highway Safety Programs Grant	\$5,226,000	\$5,333,000
BW	3GU0	764659	Motor Carrier Safety Assistance Program Grant	\$11,242,000	\$11,582,000
BX	3GU0	769610	Investigations Grants - Food Stamps, Liquor, and Tobacco Laws	\$1,000,000	\$1,000,000

BY 3GU0 769631 Homeland Security	\$1,500,000	\$1,500,000
Disaster Grants		
BZ 3GV0 761612 Traffic Safety Action	\$31,625,000	\$31,685,000
Plan Grant		
CA 3L50 768604 Justice Program	\$25,000,000	\$25,000,000
CB Federal Fund Group Total	\$310,120,000	\$310,627,000
CC TOTAL ALL BUDGET FUND GROUPS	\$1,071,108,634	\$1,089,187,163

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 149423

The foregoing appropriation item 761682, Recovery Ohio Law 149424
Enforcement, shall be used in conjunction with appropriation 149425
item 761403, Recovery Ohio Law Enforcement, to support the 149426
RecoveryOhio Initiative. 149427

Of the foregoing appropriation items 761682, Recovery Ohio 149428
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149429
total of up to \$3,400,000 in each fiscal year may be used by the 149430
Office of Criminal Justice Services to support local law 149431
enforcement narcotics task forces that focus on cartel 149432
trafficking interdiction. The interdiction task forces shall be 149433
designated Ohio Organized Crime Commission task forces subject 149434
to approval and supervision of the Commission. This earmarked 149435
amount may also be used to provide funding to local law 149436
enforcement agencies, the Commission for task force-related 149437
equipment purchases, and for operating expenses of the Office of 149438
Criminal Justice Services related to the narcotics interdiction 149439
task force program. 149440

Of the foregoing appropriation items 761682, Recovery Ohio 149441

Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149442
total of up to \$2,500,000 in each fiscal year may be used by the 149443
Office of Criminal Justice Services for Ohio's narcotics task 149444
forces in order to build new and strengthen existing 149445
partnerships with local law enforcement. This earmarked amount 149446
may also be used to provide funding to local law enforcement 149447
agencies and for operating expenses of the Office of Criminal 149448
Justice Services related to the Ohio narcotics task force 149449
program. 149450

Of the foregoing appropriation items 761682, Recovery Ohio 149451
Law Enforcement, and 761403, Recovery Ohio Law Enforcement, a 149452
total of up to \$600,000 in each fiscal year may be used to 149453
partner with the Office of Information Technology in the 149454
Department of Administrative Services to enhance and maintain a 149455
uniform records management and data intelligence system, and 149456
provide case management, collaboration, data sharing, and data 149457
analytics tools for Ohio narcotics task forces and law 149458
enforcement agencies. 149459

OHIO NARCOTICS INTELLIGENCE CENTER 149460

The foregoing appropriation item 761683, Ohio Narcotics 149461
Intelligence Center, shall be used in conjunction with 149462
appropriation item 761411, Ohio Narcotics Intelligence Center, 149463
to support the Ohio Narcotics Intelligence Center. 149464

Section 373.30. SECURITY GRANTS 149465

(A) The foregoing appropriation item 763513, Security 149466
Grants, shall be used to make competitive grants of up to 149467
\$100,000 to nonprofit organizations, houses of worship, 149468
chartered nonpublic schools, and licensed preschools for all of 149469
the following purposes: 149470

(1) Eligible security improvements that assist the	149471
organization in preventing, preparing for, or responding to acts	149472
of terrorism;	149473
(2) Acquiring or retaining the services of a resource	149474
officer, special duty police officer, or licensed armed security	149475
guards, including the training, licensing, or certification of	149476
resource officers;	149477
(3) The lease or purchase of qualified equipment,	149478
including equipment for emergency and crisis communication,	149479
crisis management, or trauma and crisis response to assist in	149480
preventing, preparing for, or responding to acts of terrorism;	149481
(4) Placing the qualified equipment at alternative	149482
locations that are off the premises belonging to the grantee,	149483
provided that the grantee receives prior permission from any	149484
appropriate county, municipal corporation, local law enforcement	149485
agency, local emergency management agency, or local	149486
transportation agency, as applicable;	149487
(5) Funding coordinated training between law enforcement,	149488
counterterrorism agencies, and emergency responders on either	149489
the premises of a nonprofit corporation or through community-	149490
wide training efforts;	149491
(6) Continuing coverage of costs that were authorized and	149492
paid for by a grant issued previously to the grantee in	149493
accordance with this section in previous bienniums under the	149494
program.	149495
(B) (1) In addition to the purposes listed in division (A)	149496
of this section, a nonprofit organization that serves a broad	149497
community or geographic area may apply for and receive grants to	149498
provide antiterrorism related services for its serviced	149499

community or area, including providing armed security personnel. 149500
Prior to receiving a grant under division (B) of this section, 149501
the nonprofit organization shall provide the Emergency 149502
Management Agency with any appropriate compliance documentation. 149503
The Agency shall establish what compliance documentation is 149504
required prior to issuing grants under this division. 149505

(2) If more than one nonprofit organization is located at 149506
the same address listed on the application, each nonprofit 149507
organization may apply for the full amount of a grant issued 149508
under this section. Each nonprofit organization shall explain in 149509
its application how it will use the grant money to address a 149510
different vulnerability than the other applicant nonprofit 149511
organizations that are located at the same address. 149512

(C) The Emergency Management Agency shall administer and 149513
award the grants described in division (B) of this section. The 149514
Agency shall establish procedures and forms by which applicants 149515
may apply for a grant, a competitive process for ranking 149516
applicants and awarding the grants, and procedures for 149517
distributing grants to recipients. The procedures shall require 149518
each applicant to do all of the following: 149519

(1) Identify and substantiate prior threats or attacks by 149520
a terrorist organization, network, or cell against the nonprofit 149521
organization, house of worship, chartered nonpublic school, or 149522
licensed preschool; 149523

(2) Indicate the symbolic or strategic value of one or 149524
more sites that renders the site a possible target of terrorism; 149525

(3) Discuss potential consequences to the organization if 149526
the site is damaged, destroyed, or disrupted by a terrorist; 149527

(4) Describe how the grant will be used to integrate 149528

organizational preparedness with broader state and local 149529
preparedness efforts; 149530

(5) Submit either a vulnerability assessment conducted by 149531
experienced security, law enforcement, or military personnel, or 149532
a credible intelligence and threat analysis from one or more 149533
qualified homeland security, counterintelligence, or anti- 149534
terrorism experts, and a description of how the grant will be 149535
used to address the vulnerabilities identified in the 149536
assessment. 149537

The Agency shall consider all of the above factors in 149538
evaluating grant applications. The grantee shall have twenty- 149539
four months from the date of the first disbursement to meet 149540
program requirements. The Agency shall include information about 149541
the grants and the application process on its web site. 149542

(D) The Emergency Management Agency may prioritize a 149543
portion of funding, but not more than \$1,000,000 in each fiscal 149544
year, for innovative community-public safety partnerships 149545
addressing counterterrorism prevention, provided the grantee is 149546
eligible to receive the grant as a nonprofit organization that 149547
is at risk of terror attack. The Emergency Management Agency may 149548
use up to \$1,000,000 in each fiscal year for community police 149549
partnerships that focus on collaboration, increased 149550
efficiencies, or otherwise assisting both a nonprofit 149551
organization and one or more law enforcement, emergency 149552
management, or homeland security agencies to serve and protect 149553
at-risk nonprofit organizations. 149554

(E) Any grant submission described in division (I) of 149555
section 3313.536 of the Revised Code or section 149.433 of the 149556
Revised Code is not a public record under section 149.43 of the 149557
Revised Code and is not subject to mandatory release or 149558

disclosure under that section. 149559

(F) The Emergency Management Agency may use up to two and 149560
one-half per cent of the total amount appropriated to administer 149561
the program, a portion of which may be used to pay costs 149562
incurred by the Department of Public Safety to provide security- 149563
related or specialized assistance in reviewing vulnerability 149564
assessments and prioritizing grant applications. 149565

(G) As used in this section: 149566

(1) "Eligible security improvements" means any of the 149567
following: 149568

(a) Physical security enhancement equipment or inspection 149569
and screening equipment included on the Authorized Equipment 149570
List published by the United States Department of Homeland 149571
Security; 149572

(b) Attendance fees and associated materials, supplies, 149573
and equipment costs for security-related training courses and 149574
programs regarding the protection of critical infrastructure and 149575
key resources, physical and cyber security, target hardening, or 149576
terrorism awareness or preparedness. Personnel and travel costs 149577
associated with training shall not be considered an eligible 149578
expense of the grant; 149579

(c) The purchase, upgrade, or maintenance of high-speed 149580
internet for those utilizing it for security purposes. 149581

(2) "Nonprofit organization" means a corporation, 149582
association, group, institution, society, or other organization 149583
that is exempt from federal income taxation under section 501(c) 149584
(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c) (3), 149585
as amended. 149586

(3) "Resource officer" means any law enforcement officer 149587
of an accredited local law enforcement agency providing special 149588
duty services in a school setting to create or maintain a safe, 149589
secure, and orderly environment. A resource officer may include 149590
a special duty police officer, off-duty police officer, deputy 149591
sheriff, or other peace officer of the applicable local law 149592
enforcement agency in which the chartered nonpublic school or 149593
licensed preschool is located or qualifying personnel of an 149594
accredited local law enforcement agency for any jurisdiction in 149595
this state. 149596

(4) "Terrorism" means any act taken by a group or 149597
individual used to intimidate or coerce a nonprofit 149598
organization, house of worship, chartered nonpublic school, or 149599
licensed preschool, its employees, and anyone who is or in the 149600
future may be associated with it, as well as their families; to 149601
influence the policy of the nonprofit organization, house of 149602
worship, chartered nonpublic school, or licensed preschool; and 149603
to affect the conduct of the nonprofit organization, house of 149604
worship, chartered nonpublic school, or licensed preschool. 149605

(H) Notwithstanding division (A) of this section, of the 149606
foregoing appropriation item 763513, Security Grants, \$300,000 149607
in fiscal year 2026 shall be used to award competitive grants to 149608
chartered nonpublic schools for school resource officer or 149609
special duty officer programs. The grant period shall last for 149610
two years and preference shall be given to those institutions 149611
that can show a high risk of terror attack. 149612

JUSTICE PROGRAM SERVICES 149613

Of the foregoing appropriation item 768425, Justice 149614
Program Services, up to \$5,000,000 in each fiscal year shall be 149615
used by the Office of Criminal Justice Services to administer 149616

and distribute grants to state and local law enforcement 149617
agencies to implement or enhance body-worn camera programs. 149618

Of the foregoing appropriation item 768425, Justice 149619
Program Services, up to \$4,531,000 in each fiscal year shall be 149620
used by the Office of Criminal Justice Services to support anti- 149621
human trafficking efforts in the areas of prosecution, victim 149622
services to specifically include assistance for child victims, 149623
and prevention and policy to implement the priorities of the 149624
Governor's Ohio Human Trafficking Task Force. 149625

Of the foregoing appropriation item 768425, Justice 149626
Program Services, up to \$4,000,000 in each fiscal year shall be 149627
used by the Office of Criminal Justice Services to administer 149628
and distribute grants to state and local law enforcement 149629
agencies to assist local communities in reducing and preventing 149630
crime through the use of promising or proven crime reduction 149631
strategies. The use of the grants includes, but is not limited 149632
to, overtime, equipment, technical assistance, and analytical 149633
support to implement crime reduction strategies. 149634

Of the foregoing appropriation item 768425, Justice 149635
Program Services, up to \$1,500,000 in each fiscal year shall be 149636
used to support state and local law enforcement agencies in the 149637
recruitment, hiring, and training of qualified individuals to 149638
serve as peace officers; to support state and local first 149639
responder agencies in mental, physical, and emotional wellness; 149640
and to administer and distribute grants to state and local first 149641
responder agencies to assist in recruitment, retention, and 149642
wellness of their workforce. Of these funds, \$500,000 in each 149643
fiscal year shall be distributed as follows: 149644

(A) \$150,000 in each fiscal year to First Responders' 149645
Bridge to pay for their programs supporting first responders 149646

suffering from Post Traumatic Stress Disorder, depression, 149647
anxiety, and other mental health conditions; 149648

(B) \$150,000 in each fiscal year to Save A Warrior 149649
Foundation to pay for their programs supporting first responders 149650
suffering from Post Traumatic Stress Disorder, depression, 149651
anxiety, and other mental health conditions; and 149652

(C) \$200,000 in each fiscal year to Tri-State Peer Support 149653
Team to pay the administrative costs of providing peer support 149654
and mental health services for first responders and related 149655
program development. 149656

Of the foregoing appropriation item 768425, Justice 149657
Program Services, up to \$1,000,000 in each fiscal year shall be 149658
used by the Office of Criminal Justice Services to distribute 149659
grants to state and/or local law enforcement to conduct 149660
investigations on sexual assault kit testing results and related 149661
expenses. 149662

Of the foregoing appropriation item 768425, Justice 149663
Program Services, up to \$200,000 in each fiscal year shall be 149664
used by the Office of Criminal Justice Services to implement 149665
recommendations of the Governor's Warrant Task Force. 149666

Section 373.40. MOTOR VEHICLE REGISTRATION 149667

The Director of Public Safety may deposit revenues to meet 149668
the cash needs of the Public Safety - Highway Purposes Fund 149669
(Fund 5TM0) established in section 4501.06 of the Revised Code, 149670
obtained under section 4503.02 of the Revised Code, less all 149671
other available cash. Revenue deposited pursuant to this 149672
paragraph shall support in part appropriations for the 149673
administration and enforcement of laws relative to the operation 149674
and registration of motor vehicles, for payment of highway 149675

obligations and other statutory highway purposes. 149676
Notwithstanding section 4501.03 of the Revised Code, the 149677
revenues shall be paid into Fund 5TM0 before any revenues 149678
obtained pursuant to section 4503.02 of the Revised Code are 149679
paid into any other fund. The deposit of revenues to meet the 149680
aforementioned cash needs shall be in approximately equal 149681
amounts on a monthly basis or as otherwise approved by the 149682
Director of Budget and Management. Prior to July 1 of each 149683
fiscal year, the Director of Public Safety shall submit a plan 149684
to the Director of Budget and Management requesting approval of 149685
the anticipated revenue amounts to be deposited into Fund 5TM0 149686
pursuant to this paragraph. If during the fiscal year changes to 149687
the plan as approved by the Director of Budget and Management 149688
are necessary, the Director of Public Safety shall submit a 149689
revised plan to the Director of Budget and Management for 149690
approval prior to any change in the deposit of revenues. 149691

VALIDATION STICKER REQUIREMENTS 149692

Validation stickers are required for the annual 149693
registration of passenger, commercial, motorcycle, and other 149694
vehicles and are produced in accordance with section 4503.191 of 149695
the Revised Code. Notwithstanding section 4503.191 of the 149696
Revised Code, the Registrar of Motor Vehicles may adopt rules 149697
authorizing validation stickers to be produced at any location. 149698

OPERATING EXPENSE - HIGHWAY PATROL 149699

Any new revenue derived from an increase of the Highway 149700
Safety fee as prescribed in section 4503.10 of the Revised Code 149701
that becomes effective with any application for registration or 149702
registration renewal received on or after January 1, 2026, shall 149703
be used exclusively for the State Highway Patrol. 149704

Section 373.50. CASH BALANCE FUND REVIEW 149705

The Director of Public Safety shall review the cash 149706
balances for each fund in the State Highway Safety Fund Group, 149707
and may submit a request in writing to the Director of Budget 149708
and Management to transfer amounts from any fund in the State 149709
Highway Safety Fund Group to the credit of the Public Safety - 149710
Highway Purposes Fund (Fund 5TM0), as appropriate. Upon receipt 149711
of such a request, and subject to the approval of the 149712
Controlling Board, the Director of Budget and Management may 149713
make appropriate transfers as requested by the Director of 149714
Public Safety or as otherwise determined by the Director of 149715
Budget and Management. 149716

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND 149717
POLICING FUND 149718

Notwithstanding any other provision of law to the 149719
contrary, the Director of Budget and Management, upon written 149720
request of the Director of Public Safety and approval of the 149721
Controlling Board, may approve the transfer of cash from the 149722
State Highway Patrol Contraband, Forfeiture, and Other Fund 149723
(Fund 83C0) to the Security, Investigations and Policing Fund 149724
(Fund 8400). 149725

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY 149726
MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 149727

On July 1 of each fiscal year, or as soon as possible 149728
thereafter, the Director of Budget and Management shall transfer 149729
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to 149730
the Emergency Management Agency Service and Reimbursement Fund 149731
(Fund 4V30). 149732

Of the foregoing appropriation item 763662, EMA Service 149733

and Reimbursements, \$250,000 in each fiscal year shall be 149734
distributed to the Ohio Task Force One - Urban Search and Rescue 149735
Unit to pay for its operating expenses and developing new 149736
programs. 149737

Of the foregoing appropriation item 763662, EMA Service 149738
and Reimbursements, \$200,000 in each fiscal year shall be 149739
distributed to the Ohio Task Force One - Urban Search and Rescue 149740
Unit, other similar urban search and rescue units around the 149741
state, and for maintenance of the statewide fire emergency 149742
response plan by an entity recognized by the Ohio Emergency 149743
Management Agency. 149744

TRANSFER FROM CONTROLLING BOARD EMERGENCY 149745
PURPOSES/CONTINGENCIES FUND TO STATE DISASTER RELIEF FUND 149746

On July 1 of each fiscal year, or as soon as possible 149747
thereafter, the Director of Budget and Management shall transfer 149748
\$1,000,000 cash from the Controlling Board Emergency 149749
Purposes/Contingencies Fund (Fund 5KM0) to the State Disaster 149750
Relief Fund (Fund 5330). 149751

STATE DISASTER RELIEF 149752

The State Disaster Relief Fund (Fund 5330) may accept 149753
transfers of cash or appropriations from Controlling Board 149754
appropriation items for the Ohio Emergency Management Agency 149755
disaster response costs and disaster program management costs, 149756
and may also be used for the following purposes: 149757

(A) To accept transfers of cash or appropriations from 149758
Controlling Board appropriation items for Ohio Emergency 149759
Management Agency recovery and mitigation program match costs to 149760
reimburse eligible local governments and private nonprofit 149761
organizations for costs related to disasters; 149762

(B) To accept transfers of cash or appropriations from 149763
Controlling Board appropriation items to cover costs incurred 149764
and to reimburse government entities for Emergency Management 149765
Assistance Compact (EMAC) missions; 149766

(C) To accept disaster related reimbursement from federal, 149767
state, and local governments. The Director of Budget and 149768
Management may transfer cash from reimbursements received by 149769
this fund to other funds of the state from which transfers were 149770
originally approved by the Controlling Board. 149771

(D) To accept transfers of cash or appropriations from 149772
Controlling Board appropriation items to fund the State Disaster 149773
Relief Program, for disasters that qualify for the program by 149774
written authorization of the Governor, and the State Individual 149775
Assistance Program for disasters that have been declared by the 149776
federal Small Business Administration and that qualify for the 149777
program by written authorization from the Governor. 149778

(E) The State Disaster Relief Fund (Fund 5330) may accept, 149779
hold, administer, and expend any cash received from a gift, 149780
donation, bequest, devise, or contribution. 149781

DRUG LAW ENFORCEMENT FUND 149782

Notwithstanding division (D) of section 5502.68 of the 149783
Revised Code, in each of fiscal years 2026 and 2027, the 149784
cumulative amount of funding provided to any single drug task 149785
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 149786
exceed \$500,000 in any calendar year. 149787

SARA TITLE III HAZMAT PLANNING 149788

The SARA Title III Hazmat Planning Fund (Fund 6810) is 149789
entitled to receive grant funds from the Emergency Response 149790
Commission to implement the Emergency Management Agency's 149791

responsibilities under Chapter 3750. of the Revised Code. 149792

Section 373.60. COLLECTIVE BARGAINING INCREASES 149793

Notwithstanding division (D) of section 127.14 and 149794
division (B) of section 131.35 of the Revised Code, except for 149795
the General Revenue Fund, the Controlling Board may, upon the 149796
request of either the Director of Budget and Management, or the 149797
Department of Public Safety with the approval of the Director of 149798
Budget and Management, authorize expenditures in excess of 149799
appropriations and transfer appropriations, as necessary, for 149800
any fund used by the Department of Public Safety, to assist in 149801
paying the costs of increases in employee compensation that have 149802
occurred pursuant to collective bargaining agreements under 149803
Chapter 4117. of the Revised Code and, for exempt employees, 149804
under section 124.152 of the Revised Code. Any money approved 149805
for expenditure under this paragraph is hereby appropriated. 149806

Section 375.10. 149807

149808

1 2 3 4 5

A PUC PUBLIC UTILITIES COMMISSION OF OHIO

B Dedicated Purpose Fund Group

C 4A30 870614 Grade Crossing Protection \$1,200,000 \$1,200,000
Devices - State

D 4L80 870617 Pipeline Safety - State \$350,000 \$360,000

E 5610 870606 Power Siting Board \$1,100,000 \$1,100,000

F 5F60 870622 Utility and Railroad \$45,851,137 \$47,757,281
Regulation

G	5F60	870624	NARUC/NRRI Subsidy	\$45,340	\$45,340
H	5LT0	870640	Intrastate Registration	\$230,298	\$237,207
I	5LT0	870641	Unified Carrier Registration	\$451,794	\$465,348
J	5LT0	870643	Non-Hazardous Materials Civil Forfeiture	\$278,202	\$286,548
K	5LT0	870644	Hazardous Materials Civil Forfeiture	\$1,167,567	\$1,178,594
L	5LT0	870645	Motor Carrier Enforcement	\$5,680,962	\$5,786,733
M	5Q50	870626	Telecommunications Relay Service	\$1,020,000	\$1,020,000
N	5QR0	870646	Underground Facilities Protection	\$20,000	\$20,000
O	5QS0	870647	Underground Facilities Administration	\$239,729	\$246,776
P	Dedicated Purpose Fund Group Total			\$57,635,029	\$59,703,827
Q	Federal Fund Group				
R	3330	870601	Gas Pipeline Safety	\$1,683,226	\$1,733,723
S	3500	870608	Motor Carrier Safety	\$16,103,547	\$16,288,415
T	3500	870648	Motor Carrier Administration High Priority Activities	\$750,000	\$750,000

		Grants and Cooperative			
		Agreements			
U	3ID0 870649	Department of Energy Grid	\$7,122,706	\$7,122,706	
		Resiliency			
V	3IE0 870650	Hazardous Material	\$300,000	\$300,000	
		Commercial Vehicle			
		Inspection Grants			
W	Federal Fund Group Total		\$25,959,479	\$26,194,844	
X	TOTAL ALL BUDGET FUND GROUPS		\$83,594,508	\$85,898,671	

Section 377.10.

149809

149810

	1	2	3	4	5
A			PWC PUBLIC WORKS COMMISSION		
B			General Revenue Fund		
C	GRF	150904	Conservation General	\$46,500,000	\$39,000,000
			Obligation Bond Debt		
			Service		
D	GRF	150907	Infrastructure	\$225,000,000	\$240,000,000
			Improvement General		
			Obligation Bond Debt		
			Service		
E			General Revenue Fund Total	\$271,500,000	\$279,000,000
F			Capital Projects Fund Group		

G	7038	150321	State Capital	\$974,304	\$991,125
			Improvements Program -		
			Operating Expenses		
H	7056	150403	Clean Ohio Conservation	\$324,768	\$330,375
			Operating		
I			Capital Projects Fund Group Total	\$1,299,072	\$1,321,500
J			TOTAL ALL BUDGET FUND GROUPS	\$272,799,072	\$280,321,500

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 149811
SERVICE 149812

The foregoing appropriation item 150904, Conservation 149813
General Obligation Bond Debt Service, shall be used to pay all 149814
debt service and related financing costs during the period from 149815
July 1, 2025, through June 30, 2027, on obligations issued under 149816
sections 151.01 and 151.09 of the Revised Code. 149817

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 149818
SERVICE 149819

The foregoing appropriation item 150907, Infrastructure 149820
Improvement General Obligation Bond Debt Service, shall be used 149821
to pay all debt service and related financing costs during the 149822
period from July 1, 2025, through June 30, 2027, on obligations 149823
issued under sections 151.01 and 151.08 of the Revised Code. 149824

CLEAN OHIO CONSERVATION OPERATING 149825

The foregoing appropriation item 150403, Clean Ohio 149826
Conservation Operating, shall be used by the Ohio Public Works 149827
Commission in administering Clean Ohio Conservation Fund (Fund 149828
7056) projects pursuant to sections 164.20 to 164.27 of the 149829

Revised Code. 149830

STATE CAPITAL IMPROVEMENT PROGRAM - OPERATING EXPENSES 149831

The foregoing appropriation item 150321, State Capital 149832
Improvements Program - Operating Expenses, shall be used by the 149833
Ohio Public Works Commission to administer the State Capital 149834
Improvement Program under sections 164.01 to 164.16 of the 149835
Revised Code. 149836

DISTRICT ADMINISTRATION COSTS 149837

The Director of the Public Works Commission is authorized 149838
to create a District Administration Costs Program from proceeds 149839
of the Capital Improvements Fund and Local Transportation 149840
Improvement Program Fund. The program shall be used to provide 149841
for the direct costs of district administration of the nineteen 149842
public works districts. Districts choosing to participate in the 149843
program shall only expend State Capital Improvements Fund moneys 149844
for State Capital Improvements Fund costs and Local 149845
Transportation Improvement Program Fund moneys for Local 149846
Transportation Improvement Program Fund costs. The District 149847
Administration Costs Program account shall not exceed \$1,235,000 149848
per fiscal year. Each public works district may be eligible for 149849
up to \$65,000 per fiscal year from its district allocation as 149850
provided in sections 164.08 and 164.14 of the Revised Code. 149851

The Director, by rule, shall define allowable and non- 149852
allowable costs for the purpose of the District Administration 149853
Costs Program. Non-allowable costs include indirect costs, 149854
elected official salaries and benefits, and project-specific 149855
costs. No district public works committee may participate in the 149856
District Administration Costs Program without the approval of 149857
those costs by the district public works committee under section 149858

164.04 of the Revised Code. 149859

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 149860

The Director of the Public Works Commission is authorized 149861
to create a District Administration Costs Program for districts 149862
represented by natural resource assistance councils. The program 149863
shall be funded from proceeds of the Clean Ohio Conservation 149864
Fund. The program shall be used by natural resource assistance 149865
councils to provide for administration costs of the nineteen 149866
natural resource assistance councils for the direct costs of 149867
council administration. Councils choosing to participate in this 149868
program may be eligible for up to \$15,000 per fiscal year from 149869
their district allocation as provided in section 164.27 of the 149870
Revised Code. 149871

The Director, by rule, shall define allowable and non- 149872
allowable costs for the purpose of the District Administration 149873
Costs Program. Non-allowable costs include indirect costs, 149874
elected official salaries and benefits, and project specific 149875
costs. 149876

Section 379.10. 149877

149878

1	2	3	4	5
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A RAC STATE RACING COMMISSION

B Dedicated Purpose Fund Group

C	5620	875601	Thoroughbred Development	\$870,555	\$873,434
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D	5630	875602	Standardbred Development	\$1,246,399	\$1,246,970
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E	5650	875604	Racing Commission	\$3,473,682	\$3,503,170
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	Operating		
F	5JK0 875610 Horse Racing Development - Casino	\$10,499,999	\$10,499,999
G	5NL0 875611 Revenue Redistribution	\$12,800,000	\$12,800,000
H	Dedicated Purpose Fund Group Total	\$28,890,635	\$28,923,573
I	Fiduciary Fund Group		
J	5C40 875607 Simulcast Horse Racing Purse	\$3,921,226	\$3,921,226
K	Fiduciary Fund Group Total	\$3,921,226	\$3,921,226
L	Holding Account Fund Group		
M	R021 875605 Bond Reimbursements	\$108,700	\$108,700
N	Holding Account Fund Group Total	\$108,700	\$108,700
O	TOTAL ALL BUDGET FUND GROUPS	\$32,920,561	\$32,953,499

Section 381.10.

149879

149880

	1	2	3	4	5
A	DPS DEPARTMENT OF HIGHER EDUCATION				
B	General Revenue Fund				
C	GRF	235321	Operating Expenses	\$8,750,000	\$9,250,000
D	GRF	235402	Sea Grants	\$308,000	\$308,000

E	GRF	235406	Articulation and Transfer	\$2,269,500	\$2,314,890
F	GRF	235408	Midwest Higher Education Compact	\$115,000	\$115,000
G	GRF	235413	Computer Science	\$4,004,863	\$4,006,508
H	GRF	235414	Grants and Scholarship Administration	\$922,538	\$985,378
I	GRF	235417	Technology Maintenance and Operations	\$4,520,396	\$4,528,397
J	GRF	235425	Ohio Work Ready Grant	\$10,000,000	\$10,000,000
K	GRF	235428	Appalachian New Economy Workforce Partnership	\$3,955,000	\$3,955,000
L	GRF	235438	Choose Ohio First Scholarship	\$32,000,000	\$32,000,000
M	GRF	235443	Aspire - State	\$6,322,267	\$0
N	GRF	235444	Ohio Technical Centers	\$22,138,000	\$22,138,000
O	GRF	235474	Area Health Education Centers Program Support	\$899,000	\$899,000
P	GRF	235475	Campus Security Support Program	\$4,000,000	\$0
Q	GRF	235476	Campus Student Safety Grant Program	\$1,000,000	\$1,000,000
R	GRF	235501	State Share of	\$2,156,383,406	\$2,177,772,240

Instruction

S	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$25,000,000	\$30,000,000
T	GRF	235507	OhioLINK	\$6,447,000	\$6,447,000
U	GRF	235508	Air Force Institute of Technology	\$2,000,000	\$2,000,000
V	GRF	235510	Ohio Supercomputer Center	\$5,086,000	\$5,086,000
W	GRF	235511	The Ohio State University Extension Service	\$25,504,000	\$25,504,000
X	GRF	235514	Central State Supplement	\$12,768,910	\$13,151,977
Y	GRF	235515	Case Western Reserve University School of Medicine	\$2,100,000	\$2,100,000
Z	GRF	235519	Family Practice	\$3,098,000	\$3,098,000
AA	GRF	235520	Shawnee State Supplement	\$12,000,000	\$12,000,000
AB	GRF	235525	Geriatric Medicine	\$511,000	\$511,000
AC	GRF	235526	Primary Care Residencies	\$1,468,000	\$1,468,000
AD	GRF	235530	Governor's Merit Scholarship	\$47,000,000	\$56,410,000
AE	GRF	235535	Ohio State Agricultural Research	\$37,169,000	\$37,169,000

AF GRF	235536	The Ohio State University Clinical Teaching	\$9,461,000	\$9,461,000
AG GRF	235537	University of Cincinnati Clinical Teaching	\$8,085,000	\$8,085,000
AH GRF	235538	University of Toledo Clinical Teaching	\$6,065,000	\$6,065,000
AI GRF	235539	Wright State University Clinical Teaching	\$4,447,000	\$4,447,000
AJ GRF	235540	Ohio University Clinical Teaching	\$2,849,000	\$2,849,000
AK GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,930,000	\$2,930,000
AL GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$500,000	\$500,000
AM GRF	235546	Central State Agricultural Research and Development	\$5,828,000	\$5,828,000
AN GRF	235548	Central State Cooperative Extension Services	\$5,168,000	\$5,168,000
AO GRF	235552	Capital Component	\$1,236,561	\$1,236,561
AP GRF	235555	Library Depositories	\$700,000	\$500,000

AQ GRF	235556	Ohio Academic Resources Network	\$3,568,000	\$3,568,000
AR GRF	235558	Long-term Care Research	\$318,000	\$318,000
AS GRF	235563	Ohio College Opportunity Grant	\$220,600,000	\$207,400,000
AT GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$7,500,000	\$7,500,000
AU GRF	235572	The Ohio State University Clinic Support	\$750,000	\$750,000
AV GRF	235578	Federal Research Network	\$5,099,000	\$5,099,000
AW GRF	235585	Educator Preparation Programs	\$600,000	\$600,000
AX GRF	235595	Commercial Truck Driver Student Aid Program	\$3,000,000	\$3,000,000
AY GRF	235599	National Guard Scholarship Program	\$18,399,750	\$18,399,750
AZ GRF	235909	Higher Education General Obligation Bond Debt Service	\$250,000,000	\$210,000,000
BA	General Revenue Fund Total		\$2,994,844,191	\$2,967,921,701
BB	Dedicated Purpose Fund Group			

BC	2200	235614	Program Approval and Reauthorization	\$769,126	\$789,679
BD	4560	235603	Sales and Services	\$129,725	\$133,017
BE	4E80	235602	Higher Educational Facility Commission Administration	\$69,839	\$73,807
BF	5AH1	235688	Super RAPIDS	\$10,000,000	\$0
BG	5CJ1	2356A2	Strategic Square Footage Reduction	\$82,650,000	\$0
BH	5D40	235675	Conference/Special Purposes	\$125,000	\$125,000
BI	5FR0	235650	State and Non-Federal Grants and Awards	\$1,405,944	\$1,412,670
BJ	5P30	235663	Variable Savings Plan	\$8,522,034	\$8,522,034
BK	5YD0	235494	Second Chance Grant Program	\$2,000,000	\$2,000,000
BL	5ZD0	235426	Rural Practice Incentive Program	\$1,500,000	\$1,500,000
BM	5ZY0	235592	Grow Your Own Teacher Program	\$2,500,000	\$2,500,000
BN	6450	235664	Guaranteed Savings Plan	\$1,110,131	\$1,110,132
BO	6820	235606	Nursing Loan Program	\$1,203,730	\$1,210,344

BP Dedicated Purpose Fund Group Total	\$111,985,529	\$19,376,683
BQ Bond Research and Development Fund Group		
BR 7014 235639 Research Incentive Third Frontier - Tax	\$8,000,000	\$8,000,000
BS Bond Research and Development Fund Group Total	\$8,000,000	\$8,000,000
BT Federal Fund Group		
BU 3120 235611 Gear-up Grant	\$2,956,000	\$2,956,000
BV 3120 235612 Carl D. Perkins Grant/Plan Administration	\$1,371,939	\$1,388,525
BW 3120 235641 Aspire - Federal	\$18,996,799	\$0
BX 3120 235669 Industry Credential Transfer Assurance Guides Initiative	\$300,000	\$300,000
BY 3BG0 235651 Gear Up Grant Scholarships	\$3,100,000	\$3,100,000
BZ 3N60 235658 John R. Justice Student Loan Repayment Program	\$128,000	\$128,000
CA Federal Fund Group Total	\$26,852,738	\$7,872,525
CB TOTAL ALL BUDGET FUND GROUPS	\$3,141,682,458	\$3,003,170,909

(A) Of the foregoing appropriation item 235321, Operating Expenses, up to \$1,200,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services.

(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to:

(1) Establishing an enterprise security operations center;

(2) Configuration management in the area of data loss prevention;

(3) Endpoint patch and compliance;

(4) Log aggregation;

(5) Web application firewall;

(6) Vulnerability management across the consortium;

(7) Other critical security enhancement services as determined appropriate by the Chancellor.

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve clients who store sensitive data that is subject to the highest data privacy standards imposed by federal regulations and national research organizations, including, but not limited to, the National Institutes of Health, the National Science Foundation, and the Department of Defense.

SEA GRANTS

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support

by The Ohio State University's Sea Grant program, including 149909
Stone Laboratory, for research, education, and outreach to 149910
enhance the economic value, public utilization, and responsible 149911
management of Lake Erie and Ohio's coastal resources. 149912

Section 381.30. ARTICULATION AND TRANSFER 149913

The foregoing appropriation item 235406, Articulation and 149914
Transfer, shall be used by the Chancellor of Higher Education to 149915
maintain and expand the work of the Articulation and Transfer 149916
Network Advisory Council to develop a system of transfer 149917
policies to ensure that students at state institutions of higher 149918
education can transfer and have coursework apply to their majors 149919
and degrees at any other state institution of higher education 149920
without unnecessary duplication or institutional barriers under 149921
sections 3333.16, 3333.161, 3333.162, and 3333.164 of the 149922
Revised Code. 149923

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 149924
COMPACT 149925

The foregoing appropriation item 235408, Midwest Higher 149926
Education Compact, shall be distributed by the Chancellor of 149927
Higher Education under section 3333.40 of the Revised Code. 149928

Section 381.80. COMPUTER SCIENCE 149929

The foregoing appropriation item 235413, Computer Science, 149930
shall be used to administer and award grants under the Teach CS 149931
Grant Program established in section 3333.129 of the Revised 149932
Code. 149933

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 149934

The foregoing appropriation item 235414, Grants and 149935
Scholarship Administration, shall be used by the Chancellor of 149936

Higher Education to manage and administer student financial aid 149937
programs created by the General Assembly and grants for which 149938
the Department of Higher Education is responsible. The 149939
appropriation item also shall be used to support all state 149940
financial aid audits and student financial aid programs created 149941
by Congress, and to provide fiscal and administrative services 149942
for the Ohio National Guard Scholarship Program. 149943

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 149944

The foregoing appropriation item 235417, Technology 149945
Maintenance and Operations, shall be used by the Chancellor of 149946
Higher Education to support the development and implementation 149947
of information technology solutions designed to improve the 149948
performance and capacity of the Department of Higher Education. 149949
The information technology solutions may be provided by the Ohio 149950
Technology Consortium (OH-TECH). 149951

Of the foregoing appropriation item 235417, Technology 149952
Maintenance and Operations, a portion in each fiscal year may be 149953
used by the Chancellor to support the continued implementation 149954
of eStudent Services, a consortium organized under division (T) 149955
of section 3333.04 of the Revised Code to expand access to dual 149956
enrollment opportunities for high school students, continue the 149957
support of the statewide eTutoring program, and for any other 149958
strategic priorities of the Chancellor. 149959

Of the foregoing appropriation item 235417, Technology 149960
Maintenance and Operations, a portion in each fiscal year shall 149961
be used by the Chancellor to implement a high priority data 149962
warehouse, advanced analytics, and visualization integration 149963
services associated with the Higher Education Information (HEI) 149964
system. The services may be facilitated by OH-TECH. 149965

Of the foregoing appropriation item 235417, Technology
Maintenance and Operations, \$150,000 in each fiscal year shall
be used to support Ohio Reach to provide mentoring and support
services to former foster youth attending college.

Section 381.160. OHIO WORK READY GRANT 149970

The foregoing appropriation item 235425, Ohio Work Ready
Grant, shall be used by the Chancellor of Higher Education to
establish and operate the Ohio Work Ready Grant Program pursuant
to section 3333.24 of the Revised Code.

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE
PARTNERSHIP 149975
149976

The foregoing appropriation item 235428, Appalachian New
Economy Workforce Partnership, shall be distributed to Ohio
University's Voinovich School to continue a multi-campus and
multi-agency coordinated effort to link Appalachia to the new
economy. Ohio University shall use these funds to provide
leadership in the development and implementation of initiatives
in the areas of entrepreneurship, management, education, and
technology.

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 149985

The foregoing appropriation item 235438, Choose Ohio First
Scholarship, shall be used to operate the program prescribed in
sections 3333.60 to 3333.69 of the Revised Code.

Section 381.200. ASPIRE 149989

The foregoing appropriation item 235443, Aspire - State,
shall be used to support the Aspire program. The supported
programs shall satisfy the state match and maintenance of effort
requirements for the state-administered grant program in fiscal

year 2026. The funds may be used to support students that speak 149994
English as their second language. 149995

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 149996

The foregoing appropriation item 235444, Ohio Technical 149997
Centers, shall be used by the Chancellor of Higher Education to 149998
support post-secondary adult career-technical education and 149999
secondary students enrolling in Ohio Technical Center programs 150000
pursuant to section 3313.901 of the Revised Code. The Chancellor 150001
shall provide coordination for Ohio Technical Centers through 150002
program approval processes, data collection of program and 150003
student outcomes, and subsidy disbursements from the foregoing 150004
appropriation item 235444, Ohio Technical Centers. 150005

(A) (1) As soon as possible in each fiscal year, in 150006
accordance with instructions of the Chancellor, each Ohio 150007
Technical Center shall report its actual data, consistent with 150008
the definitions in the Higher Education Information (HEI) 150009
system's files, to the Chancellor. 150010

(a) In defining the number of full-time equivalent 150011
students for state subsidy purposes, the Chancellor shall 150012
exclude all students who are not residents of Ohio. 150013

(b) A full-time equivalent student shall be defined as a 150014
student who completes 450 hours. Those students that complete 150015
some portion of 450 hours shall be counted as a partial full- 150016
time equivalent for funding purposes, while students that 150017
complete more than 450 hours shall be counted as proportionally 150018
greater than one full-time equivalent. 150019

(c) In calculating each Ohio Technical Center's full-time 150020
equivalent students, the Chancellor shall use a three-year 150021
average. 150022

(d) Ohio Technical Centers shall operate with, or be an 150023
active candidate for, accreditation by an accreditor authorized 150024
by the United States Department of Education to be eligible to 150025
receive subsidies from the foregoing appropriation item 235444, 150026
Ohio Technical Centers. 150027

(2) In each fiscal year, 25 per cent of the allocation for 150028
Ohio Technical Centers shall be distributed based on the 150029
proportion of each Center's full-time equivalent students to the 150030
total full-time equivalent students who complete a post- 150031
secondary technical workforce training program approved by the 150032
Chancellor with a grade of C or better or a grade of pass if the 150033
program is evaluated on a pass/fail basis. 150034

(3) In each fiscal year, 20 per cent of the allocation for 150035
Ohio Technical Centers shall be distributed based on the 150036
proportion of each Center's full-time equivalent students to the 150037
total full-time equivalent students who complete 50 per cent of 150038
a program of study as a measure of student retention. 150039

(4) In each fiscal year, 50 per cent of the allocation for 150040
Ohio Technical Centers shall be distributed based on the 150041
proportion of each Center's full-time equivalent students to the 150042
total full-time equivalent students who have found employment, 150043
entered military service, or enrolled in additional post- 150044
secondary education and training in accordance with the 150045
placement definitions of the Strengthening Career and Technical 150046
Education for the 21st Century Act, 20 U.S.C. 2323 (Perkins). 150047
The calculation for eligible full-time equivalent students shall 150048
be based on the per cent of Perkins placements for students who 150049
have completed at least 50 per cent of a program of study. 150050

(5) In each fiscal year, five per cent of the allocation 150051
for Ohio Technical Centers shall be distributed based on the 150052

proportion of each Center's full-time equivalent students to the 150053
total full-time equivalent students who have earned a credential 150054
from an industry-recognized third party. 150055

(B) Of the foregoing appropriation item 235444, Ohio 150056
Technical Centers, up to 2.38 per cent in each fiscal year may 150057
be distributed by the Chancellor to the Ohio Central School 150058
System, up to \$48,000 in each fiscal year may be utilized for 150059
assistance for Ohio Technical Centers, and up to \$2,000,000 in 150060
each fiscal year may be distributed by the Chancellor to Ohio 150061
Technical Centers that provide customized training and business 150062
consultation services with matching local dollars, with 150063
preference to industries on the in-demand jobs list created 150064
under section 6301.11 of the Revised Code, industries in 150065
regionally emerging fields, or local businesses and industries. 150066
Each center meeting this requirement shall receive at least 150067
\$25,000 but not more than a maximum amount determined by the 150068
Chancellor. 150069

(C) The remainder of the foregoing appropriation item 150070
235444, Ohio Technical Centers, in each fiscal year shall be 150071
distributed in accordance with division (A) of this section. 150072

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 150073
SUPPORT 150074

The foregoing appropriation item 235474, Area Health 150075
Education Centers Program Support, shall be used by the 150076
Chancellor of Higher Education to support the medical school 150077
regional area health education centers' educational programs for 150078
the continued support of medical and other health professions 150079
education and for support of the Area Health Education Center 150080
Program. 150081

CAMPUS SECURITY SUPPORT PROGRAM 150082

The foregoing appropriation item 235475, Campus Security 150083
Support Program, shall be distributed by the Chancellor of 150084
Higher Education to institutionally sanctioned student 150085
organizations, located on or off campus, affiliated with 150086
communities that are at risk for increased threats of violent 150087
crime, terror attacks, hate crimes, or harassment to enhance 150088
security measures and increase student safety at institutions of 150089
higher education throughout the state. A portion of the 150090
foregoing appropriation item 235475, Campus Security Support 150091
Program, may be used by the Chancellor to administer the 150092
program. 150093

CAMPUS STUDENT SAFETY GRANT PROGRAM 150094

The foregoing appropriation item 235476, Campus Student 150095
Safety Grant Program, shall be used by the Chancellor of Higher 150096
Education to support the Campus Student Safety Grant Program 150097
pursuant to section 3333.80 of the Revised Code. 150098

CAMPUS SECURITY SUPPORT AND STUDENT SAFETY GRANT REPORTS 150099

Not later than July 1, 2026, the Chancellor of Higher 150100
Education shall submit reports regarding the programs funded 150101
under the foregoing appropriation items 235475, Campus Security 150102
Support Program, and 235476, Campus Student Safety Grant 150103
Program, to the chairpersons of the committees of each house 150104
that considers higher education legislation. Each report shall 150105
include, but not be limited to, information about the number of 150106
award recipients and how the funds have been spent under each 150107
program. 150108

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 150109

The Chancellor of Higher Education shall establish 150110

procedures to allocate the foregoing appropriation item 235501, 150111
State Share of Instruction, based on the formulas detailed in 150112
this section that utilize the enrollment, course completion, 150113
degree attainment, and student achievement factors reported 150114
annually by each state institution of higher education 150115
participating in the Higher Education Information (HEI) system. 150116
A state institution that does not report data for a full 150117
academic year for any of the years included in the three-year 150118
reporting period for a fiscal year's state share of instruction 150119
allocations shall not receive an allocation for that fiscal year 150120
unless the Chancellor determines that exceptional circumstances 150121
warrant the institution receiving a full or partial allocation. 150122

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 150123
COMPLETIONS 150124

(1) As soon as possible during each fiscal year of the 150125
biennium ending June 30, 2027, in accordance with instructions 150126
of the Department of Higher Education, each state institution of 150127
higher education shall report its actual data, consistent with 150128
the definitions in the Higher Education Information (HEI) 150129
system's enrollment files, to the Chancellor. 150130

(2) In defining the number of full-time equivalent 150131
students for state subsidy instructional cost purposes, the 150132
Chancellor shall exclude all undergraduate students who are not 150133
residents of Ohio or who do not meet the definition of residency 150134
for state subsidy and tuition surcharge purposes, except those 150135
charged in-state fees in accordance with reciprocity agreements 150136
made under section 3333.17 of the Revised Code or employer 150137
contracts entered into under section 3333.32 of the Revised 150138
Code. 150139

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 150140

For purposes of calculating state share of instruction 150141
allocations, the total instructional costs per full-time 150142
equivalent student shall be: 150143
150144

	1	2	3
A	Model	Fiscal Year 2026	Fiscal Year 2027
B	ARTS AND HUMANITIES 1	\$12,218	\$12,710
C	ARTS AND HUMANITIES 2	\$16,282	\$16,938
D	ARTS AND HUMANITIES 3	\$20,250	\$21,066
E	ARTS AND HUMANITIES 4	\$28,250	\$29,388
F	ARTS AND HUMANITIES 5	\$45,031	\$46,846
G	ARTS AND HUMANITIES 6	\$41,346	\$43,013
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$12,297	\$12,793
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$12,723	\$13,235
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$15,491	\$16,116
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$16,941	\$17,623
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,293	\$24,232

M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$28,346	\$29,488
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$34,425	\$35,812
O	DOCTORAL 1	\$52,586	\$54,705
P	DOCTORAL 2	\$57,637	\$59,960
Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$12,059	\$12,545
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$15,367	\$15,986
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$17,403	\$18,105
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$19,364	\$20,144
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$24,715	\$25,711
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,736	\$22,612

W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$28,839	\$30,001
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$42,767	\$44,491
Y	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$60,542	\$62,982

Doctoral I and Doctoral II models shall be allocated in	150145
accordance with division (D) (2) of this section.	150146

Medical I and Medical II models shall be allocated in	150147
accordance with divisions (D) (3) and (D) (4) of this section.	150148

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,	150149
MEDICAL, AND GRADUATE WEIGHTS	150150

For the purpose of implementing the recommendations of the	150151
2006 State Share of Instruction Consultation and the Higher	150152
Education Funding Study Council that priority be given to	150153
maintaining state support for science, technology, engineering,	150154
mathematics, medicine, and graduate programs, the costs in	150155
division (B) of this section shall be weighted by the amounts	150156
provided below:	150157
	150158

	1	2	3
A Model		Fiscal Year 2026	Fiscal Year 2027
B ARTS AND HUMANITIES 1		1.0000	1.0000

C	ARTS AND HUMANITIES 2	1.0000	1.0000
D	ARTS AND HUMANITIES 3	1.0000	1.0000
E	ARTS AND HUMANITIES 4	1.0000	1.0000
F	ARTS AND HUMANITIES 5	1.0425	1.0425
G	ARTS AND HUMANITIES 6	1.0425	1.0425
H	BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000
I	BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000
J	BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000
K	BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000
L	BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425
M	BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425
N	BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425
O	DOCTORAL 1	1.0000	1.0000
P	DOCTORAL 2	1.0000	1.0000

Q	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000
R	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017
S	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150
T	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920
U	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222
V	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798
W	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380
X	SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675
Y	SCIENCE, TECHNOLOGY,	1.1361	1.1361

ENGINEERING, MATHEMATICS,
MEDICINE 9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 150159
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES 150160

(1) Of the foregoing appropriation item 235501, State 150161
Share of Instruction, 50 per cent of the appropriation for 150162
universities, as established in division (B) (1) (b) of the 150163
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150164
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150165
reserved for support of associate, baccalaureate, master's, and 150166
professional level degree attainment. 150167

The degree attainment funding shall be allocated to 150168
universities in proportion to each campus's share of the total 150169
statewide degrees granted, weighted by the cost of the degree 150170
programs. The degree cost calculations shall include the model 150171
cost weights for the science, technology, engineering, 150172
mathematics, and medicine models as established in division (C) 150173
of this section. 150174

For degrees including credits earned at multiple 150175
institutions, degree attainment funding shall be allocated to 150176
universities in proportion to each campus's share of the 150177
student-specific cost of earned credits for the degree. Each 150178
institution shall receive its prorated share of degree funding 150179
for credits earned at that institution. Cost of credits not 150180
earned at a university main or regional campus shall be credited 150181
to the degree-granting institution for the first degree earned 150182
by a student at each degree level. The cost credited to the 150183
degree-granting institution shall not be eligible for at-risk 150184
weights and shall be limited to 12.5 per cent of the student- 150185

specific degree costs. However, the 12.5 per cent limitation 150186
shall not apply if the student transferred 12 or fewer credits 150187
into the degree granting institution. 150188

In calculating the subsidy entitlements for degree 150189
attainment for universities, the Chancellor shall use the 150190
following count of degrees and degree costs: 150191

(a) The subsidy eligible undergraduate degrees shall be 150192
defined as follows: 150193

(i) The subsidy eligible degrees conferred to students 150194
identified as residents of the state of Ohio in any term of 150195
their studies, as reported through the Higher Education 150196
Information (HEI) system student enrollment file, shall be 150197
weighted by a factor of 1. 150198

(ii) The subsidy eligible degrees conferred to students 150199
identified as out-of-state residents during all terms of their 150200
studies, as reported through the Higher Education Information 150201
(HEI) system student enrollment file, who remain in the state of 150202
Ohio at least one year after graduation, as calculated based on 150203
the three-year average in-state residency rate using the 150204
Unemployment Wage data for out-of-state graduates at each 150205
institution, shall be weighted by a factor of 50 per cent. 150206

(iii) Subsidy eligible associate degrees are defined as 150207
those earned by students attending any state-supported 150208
university main or regional campus. 150209

(b) In calculating each campus's count of degrees, the 150210
Chancellor shall use the three-year average associate, 150211
baccalaureate, master's, and professional degrees awarded for 150212
the most recent completed three-year period that is practicable 150213
as agreed to by the Inter-University Council and the Chancellor. 150214

(i) If a student is awarded an associate degree and, 150215
subsequently, is awarded a baccalaureate degree, the amount 150216
funded for the baccalaureate degree shall be limited to either 150217
the difference in cost between the cost of the baccalaureate 150218
degree and the cost of the associate degree paid previously, or 150219
if the associate degree has a higher cost than the baccalaureate 150220
degree, the cost of the credits earned by the student after the 150221
associate degree was awarded. 150222

(ii) If a student earns an associate degree then, 150223
subsequently, earns a baccalaureate degree, the associate degree 150224
granting institution shall only receive the prorated share of 150225
the baccalaureate degree funding for the credits earned at that 150226
institution after the associate degree is awarded. 150227

(iii) If a student earns more than one degree at the same 150228
institution at the same degree level in the same fiscal year, 150229
the funding for the highest cost degree shall be prorated among 150230
institutions based on where the credits were earned and 150231
additional degrees shall be funded at 25 per cent of the cost of 150232
the degrees. 150233

(c) Associate degrees and baccalaureate degrees earned by 150234
a student defined as at-risk based on academic under- 150235
preparation, age, minority status, financial status, or first 150236
generation post-secondary status based on neither parent 150237
completing any education beyond high school, shall be defined as 150238
degrees earned by an at-risk student and shall be weighted by 150239
the following: 150240

A student-specific degree completion weight, where the 150241
weight is calculated based on the at-risk factors of the 150242
individual student, determined by calculating the difference 150243
between the percentage of students with each risk factor who 150244

earned a degree and the percentage of non-at-risk students who 150245
earned a degree. 150246

(2) Of the foregoing appropriation item 235501, State 150247
Share of Instruction, up to 11.78 per cent of the appropriation 150248
for universities, as established in division (B) (1) (b) of the 150249
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150250
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150251
reserved for support of doctoral programs to implement the 150252
funding recommendations made by representatives of the 150253
universities. The amount so reserved shall be referred to as the 150254
doctoral set-aside. 150255

In each fiscal year, the doctoral set-aside funding 150256
allocation shall be allocated to universities as follows: 150257

(a) 25 per cent of the doctoral set-aside shall be 150258
allocated to universities in proportion to their share of the 150259
statewide total earnings of each state institution's three-year 150260
average course completions. The subsidy eligible enrollments by 150261
model shall equal only those FTE students who successfully 150262
complete the course as defined and reported through the Higher 150263
Education Information (HEI) system course enrollment file. 150264
Course completion earnings shall be determined by multiplying 150265
the amounts listed above in divisions (B) and (C) of this 150266
section by the subsidy-eligible FTEs for the most recent 150267
completed three-year period that is practicable as agreed to by 150268
the Inter-University Council and the Chancellor for all doctoral 150269
enrollments in graduate-level models. 150270

(b) 50 per cent of the doctoral set-aside shall be 150271
allocated to universities in proportion to each campus's share 150272
of the total statewide doctoral degrees, weighted by the cost of 150273
the doctoral discipline. In calculating each campus's doctoral 150274

degrees the Chancellor shall use the three-year average doctoral 150275
degrees awarded for the most recent completed three-year period 150276
that is practicable as agreed to by the Inter-University Council 150277
and the Chancellor. 150278

(c) 25 per cent of the doctoral set-aside shall be 150279
allocated to universities in proportion to their share of 150280
research grant activity. Funding for this component shall be 150281
allocated to eligible universities in proportion to their share 150282
of research grant activity published by the National Science 150283
Foundation. Grant awards from the Department of Health and Human 150284
Services shall be weighted at 50 per cent. 150285

(3) Of the foregoing appropriation item 235501, State 150286
Share of Instruction, 6.41 per cent of the appropriation for 150287
universities, as established in division (B) (1) (b) of the 150288
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150289
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150290
reserved for support of Medical II FTEs. The amount so reserved 150291
shall be referred to as the medical II set-aside. 150292

The medical II set-aside shall be allocated to 150293
universities in proportion to their share of the statewide total 150294
of each state institution's three-year average Medical II FTEs 150295
as calculated in division (A) of this section. 150296

In calculating the core subsidy entitlements for Medical 150297
II models only, students repeating terms may be no more than 150298
five per cent of current year enrollment. 150299

(4) Of the foregoing appropriation item 235501, State 150300
Share of Instruction, 1.69 per cent of the appropriation for 150301
universities, as established in division (B) (1) (b) of the 150302
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150303

FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150304
reserved for support of Medical I FTEs. The amount so reserved 150305
shall be referred to as the medical I set-aside. 150306

In each fiscal year, the medical I set-aside shall be 150307
allocated to universities as follows: 150308

(a) 12.34 per cent of the medical I set-aside shall be 150309
allocated to universities in proportion to their share of the 150310
statewide total of each state institution's three-year average 150311
Medical I FTEs, as calculated in division (A) of this section, 150312
enrolled in public colleges of podiatric medicine. 150313

(b) 87.66 per cent of the medical I set-aside shall be 150314
allocated to universities in proportion to their share of the 150315
statewide total of each state institution's three-year average 150316
Medical I FTEs, as calculated in division (A) of this section, 150317
enrolled in public colleges of dentistry and veterinary 150318
medicine. 150319

(5) In calculating the course completion funding for 150320
universities, the Chancellor shall use the following count of 150321
FTE students: 150322

(a) The subsidy eligible enrollments by model shall equal 150323
only those FTE students who successfully complete the course as 150324
defined and reported through the Higher Education Information 150325
(HEI) system course enrollment file; 150326

(b) Those undergraduate FTE students with successful 150327
course completions, identified in division (D)(5)(a) of this 150328
section, that are defined as at-risk based on academic under- 150329
preparation or financial status shall have their eligible 150330
completions weighted by the following: 150331

(i) Institution-specific course completion indexes, where 150332

the indexes are calculated based upon the number of at-risk 150333
students enrolled during the prior three calendar years; and 150334

(ii) A statewide average at-risk course completion weight 150335
determined for each subsidy model. The statewide average at-risk 150336
course completion weight shall be determined by calculating the 150337
difference between the percentage of traditional students who 150338
complete a course and the percentage of at-risk students who 150339
complete the same course. 150340

(c) The course completion earnings shall be determined by 150341
multiplying the amounts listed above in divisions (B) and (C) of 150342
this section by the subsidy-eligible FTEs for the most recent 150343
completed three-year period that is practicable as agreed to by 150344
the Inter-University Council and the Chancellor for all models 150345
except Medical I and Medical II. 150346

(d) For universities, the Chancellor shall compute the 150347
course completion earnings by dividing the appropriation for 150348
universities, established in division (B)(1)(b) of the section 150349
of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 150350
YEARS 2026 AND 2027," less the degree attainment funding as 150351
calculated in division (D)(1) of this section, less the doctoral 150352
set-aside, less the medical I set-aside, and less the medical II 150353
set-aside, by the sum of all campuses' instructional costs as 150354
calculated in division (D)(5) of this section. 150355

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 150356
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 150357

(1) Of the foregoing appropriation item 235501, State 150358
Share of Instruction, 50 per cent of the appropriation for 150359
state-supported community colleges, state community colleges, 150360
and technical colleges as established in division (B)(1)(a) of 150361

the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150362
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150363
reserved for course completion FTEs as aggregated by the subsidy 150364
models defined in division (B) of this section. 150365

The course completion funding shall be allocated to 150366
campuses in proportion to each campus's share of the total 150367
sector's course completions, weighted by the instructional cost 150368
of the subsidy models. 150369

To calculate the subsidy entitlements for course 150370
completions at community colleges, state community colleges, and 150371
technical colleges, the Chancellor shall use the following 150372
calculations: 150373

(a) In calculating each campus's count of FTE course 150374
completions, the Chancellor shall use a three-year average for 150375
course completions for the three-year period ending in the prior 150376
year for students identified as residents of the state of Ohio 150377
in any term of their studies, as reported through the Higher 150378
Education Information (HEI) system student enrollment file. 150379

(b) The subsidy eligible enrollments by model shall equal 150380
only those FTE students who successfully complete the course as 150381
defined and reported through the Higher Education Information 150382
(HEI) system course enrollment file. 150383

(c) Those students with successful course completions, 150384
that are defined as access students based on financial status, 150385
minority status, age, or academic under-preparation shall have 150386
their eligible course completions weighted by a statewide access 150387
weight. The weight given to any student that meets any access 150388
factor shall be 15 per cent for all course completions. 150389

(d) The model costs as used in the calculation shall be 150390

augmented by the model weights for science, technology, 150391
engineering, mathematics, and medicine models as established in 150392
division (C) of this section. 150393

(2) Of the foregoing appropriation item 235501, State 150394
Share of Instruction, 25 per cent of the appropriation for 150395
state-supported community colleges, state community colleges, 150396
and technical colleges as established in division (B)(1)(a) of 150397
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150398
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150399
reserved for colleges in proportion to their share of college 150400
student success factors. 150401

Student success factors shall be awarded at the 150402
institutional level for each subsidy-eligible student that 150403
successfully: 150404

(a) Completes a college-level math course within the first 150405
30 hours of completed coursework. 150406

(b) Completes a college-level English course within the 150407
first 30 hours of completed coursework. 150408

(c) Completes 12 semester credit hours of college-level 150409
coursework. 150410

(d) Completes 24 semester credit hours of college-level 150411
coursework. 150412

(e) Completes 36 semester credit hours of college-level 150413
coursework. 150414

(3) Of the foregoing appropriation item 235501, State 150415
Share of Instruction, 25 per cent of the appropriation for 150416
state-supported community colleges, state community colleges, 150417
and technical colleges as established in division (B)(1)(a) of 150418

the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 150419
FISCAL YEARS 2026 AND 2027," in each fiscal year shall be 150420
reserved for completion milestones. 150421

Completion milestones shall include baccalaureate degrees, 150422
associate degrees, technical certificates over 30 credit hours 150423
as designated by the Department of Higher Education, and 150424
students transferring to any four-year institution with at least 150425
12 credit hours of college-level coursework earned at that 150426
community college, state community college, or technical 150427
college. 150428

The completion milestone funding shall be allocated to 150429
colleges in proportion to each institution's share of the 150430
sector's total completion milestones, weighted by the 150431
instructional cost of the degree, certificate, or transfer 150432
models. Costs for technical certificates over 30 hours shall be 150433
weighted at one-half of the associate degree model costs and 150434
transfers with at least 12 credit hours of college-level 150435
coursework shall be weighted at one-fourth of the average cost 150436
for all associate degree model costs. 150437

(4) To calculate the subsidy entitlements for completions 150438
at community colleges, state community colleges, and technical 150439
colleges, the Chancellor shall use the following calculations: 150440

(a) In calculating each campus's count of completions, the 150441
Chancellor shall use a three-year average for completion 150442
milestones awarded to students identified as subsidy eligible in 150443
any term of their studies, as reported through the Higher 150444
Education Information (HEI) system student enrollment file. 150445

(b) The subsidy eligible completion milestones by model 150446
shall equal only those students who successfully complete a 150447

baccalaureate or an associate degree, or technical certificate 150448
over 30 credit hours, or transfer to any four-year institution 150449
with at least 12 credit hours of college-level coursework as 150450
defined and reported in the Higher Education Information (HEI) 150451
system. Student completions reported in HEI shall have an 150452
accompanying course enrollment record in order to be subsidy 150453
eligible. 150454

(c) Those students with successful completions for 150455
baccalaureate or associate degrees, technical certificates over 150456
30 credit hours, or transfer to any four-year institution with 150457
at least 12 credit hours of college-level coursework, identified 150458
in division (E) (3) of this section, that are defined as access 150459
students based on financial status, minority status, age, or 150460
academic under-preparation shall have their eligible completions 150461
weighted by a statewide access weight. The weight shall be 25 150462
per cent for students with one access factor, 66 per cent for 150463
students with two access factors, 150 per cent for students with 150464
three access factors, and 200 per cent for students with four 150465
access factors. 150466

(d) For those students who complete more than one 150467
completion milestone, funding for each additional degree or 150468
technical certificate over 30 credit hours designated as such by 150469
the Department of Higher Education shall be funded at 50 per 150470
cent of the model costs as defined in division (E) (3) of this 150471
section. 150472

(5) For purposes of the calculations made in division (E) 150473
of this section, the Chancellor shall only include subsidy- 150474
eligible students identified as residents of the state of Ohio 150475
in any term of their studies, as reported through the Higher 150476
Education Information (HEI) system student enrollment file. The 150477

Chancellor shall be prohibited from including nonresident 150478
students as subsidy-eligible except for those students otherwise 150479
identified as subsidy-eligible in division (A) (2) of this 150480
section. 150481

(F) CAPITAL COMPONENT DEDUCTION 150482

After all other adjustments have been made, state share of 150483
instruction earnings shall be reduced for each campus by the 150484
amount, if any, by which debt service charged in H.B. 16 of the 150485
126th General Assembly, H.B. 699 of the 126th General Assembly, 150486
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 150487
127th General Assembly for that campus exceeds that campus's 150488
capital component earnings. The sum of the amounts deducted 150489
shall be transferred to appropriation item 235552, Capital 150490
Component, in each fiscal year. 150491

(G) EXCEPTIONAL CIRCUMSTANCES 150492

Adjustments may be made to the state share of instruction 150493
payments and other subsidies distributed by the Chancellor to 150494
state colleges and universities for exceptional circumstances. 150495
No adjustments for exceptional circumstances may be made without 150496
the recommendation of the Chancellor and the approval of the 150497
Controlling Board. 150498

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 150499
INSTRUCTION 150500

The standard provisions of the state share of instruction 150501
calculation as described in the preceding sections of temporary 150502
law shall apply to any reductions made to appropriation item 150503
235501, State Share of Instruction, before the Chancellor has 150504
formally approved the final allocation of the state share of 150505
instruction funds for any fiscal year. 150506

Any reductions made to appropriation item 235501, State 150507
Share of Instruction, after the Chancellor has formally approved 150508
the final allocation of the state share of instruction funds for 150509
any fiscal year, shall be uniformly applied to each campus in 150510
proportion to its share of the final allocation. 150511

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 150512

The state share of instruction payments to the 150513
institutions shall be in substantially equal monthly amounts 150514
during the fiscal year, unless otherwise determined by the 150515
Director of Budget and Management pursuant to section 126.09 of 150516
the Revised Code. Payments during the first six months of the 150517
fiscal year may be based upon the state share of instruction 150518
appropriation estimates made for the various institutions of 150519
higher education, and payments during the last six months of the 150520
fiscal year may be based on the final data from the Chancellor. 150521
If agreed to by the Chancellor and the Inter-University Council, 150522
payments to universities in each month of a fiscal year shall be 150523
based on final data in the higher education information system 150524
for the selected three-year period that is acceptable to both 150525
parties. 150526

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL 150527
YEARS 2026 AND 2027 150528

(A) (1) Of the foregoing appropriation item 235501, State 150529
Share of Instruction, up to \$100,000,000 in each fiscal year 150530
shall be distributed according to a formula devised by the 150531
Chancellor of Higher Education based on the following order of 150532
priority, using data from the United States Census Post- 150533
Secondary Employment Outcomes project: 150534

(a) Retention-rate outcomes based on factors, including, 150535

but not limited to, the number of graduates employed by an Ohio-based employer and employment outcomes of the graduates of each college and university. In counting students under division (A) (1) (a) of this section, graduates who are residents of this state under rules adopted under section 3333.31 of the Revised Code and are employed by an Ohio-based employer shall be weighted the highest, followed by graduates who are employed by an Ohio-based employer but are not residents of this state;

(b) Employment outcomes of the graduates of each college and university. In counting students under division (A) (1) (b) of this section, the Chancellor shall use as a factor employment by the graduates of each institution, measured at the 2-digit level of the Classification of Instructional Programs codes published by the National Center for Education Statistics.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to \$10,000,000 in each fiscal year shall be distributed according to a formula devised by the Chancellor that provides funding bonuses of \$10,000 per graduate for technician-aligned associate degrees, as determined by the Governor's Office of Workforce Transformation, that are produced above a historical baseline of institutional production, as calculated by the Chancellor. In developing a formula under division (A) (2) of this section, the Chancellor shall give priority to retention-based outcomes, as specified in division (A) (1) (a) of this section, and count only graduates that are employed by an Ohio-based employer.

(3) Of the amount set aside in division (A) (1) of this section for each fiscal year, 76.8 per cent shall be distributed to state-supported university main and regional campuses and 23.2 per cent shall be distributed to state-supported community

colleges, state community colleges, and technical colleges. 150566

(4) Of the foregoing appropriation item 235501, State 150567
Share of Instruction, \$100,000,000 in fiscal year 2027 shall be 150568
distributed according to a formula devised by the Chancellor 150569
based on the per cent share of funds calculated in division (B) 150570
(1) (b) of this section. No state university shall receive funds 150571
from the amount set aside in division (A) (4) of this section for 150572
fiscal year 2027 unless the chairs of the standing committees of 150573
the House of Representatives and the Senate that consider higher 150574
education legislation determine that the state university has 150575
fully complied with sections 3333.045, 3345.029, 3345.0216, 150576
3345.0217, 3345.382, 3345.451, 3345.453, and 3345.591 of the 150577
Revised Code for the previous fiscal year. To make this 150578
determination, each state university shall, not later than April 150579
1, 2026, submit a report to the chairs, in a form and manner 150580
determined by the chairs, that demonstrates the state 150581
university's compliance with those sections. Following the 150582
submission of the reports, each state university shall testify 150583
on its compliance in informal hearings conducted by the standing 150584
committees of the House of Representatives and the Senate that 150585
consider higher education legislation. Not later than April 30, 150586
2026, the chairs shall jointly determine whether each state 150587
university has fully complied with those sections for the 150588
previous fiscal year and report that determination to the Office 150589
of Budget and Management. The Controlling Board shall consider 150590
the release of funds from the amount set aside in division (A) 150591
(4) of this section for fiscal year 2027 only for compliant 150592
universities. The release of funds shall be subject to 150593
Controlling Board approval. Payments for fiscal year 2027 shall 150594
be issued to compliant universities in monthly payments in the 150595
manner provided in division (I) of the section of this act 150596

entitled "STATE SHARE OF INSTRUCTION FORMULAS." For any 150597
university determined noncompliant, the Chancellor shall reduce 150598
payments for that university by an amount equal to that 150599
university's per cent share of the total funds calculated 150600
pursuant to division (B)(1)(b) of this section. 150601

(5) Of the foregoing appropriation item 235501, State 150602
Share of Instruction, \$8,500,000 in each fiscal year shall be 150603
distributed to The Ohio State University to support the Salmon 150604
P. Chase Center for Civics, Culture, and Society established 150605
under section 3335.39 of the Revised Code. 150606

(6) Of the foregoing appropriation item 235501, State 150607
Share of Instruction, \$3,000,000 in each fiscal year shall be 150608
distributed to the University of Toledo to support the Institute 150609
of American Constitutional Thought and Leadership established 150610
under section 3364.07 of the Revised Code. 150611

(7) Of the foregoing appropriation item 235501, State 150612
Share of Instruction, \$2,000,000 in each fiscal year shall be 150613
distributed to Miami University to support the center for 150614
civics, culture, and society established under section 3339.06 150615
of the Revised Code. 150616

(8) Of the foregoing appropriation item 235501, State 150617
Share of Instruction, \$2,000,000 in each fiscal year shall be 150618
distributed to Cleveland State University to support the center 150619
for civics, culture, and society established under section 150620
3344.07 of the Revised Code. 150621

(9) Of the foregoing appropriation item 235501, State 150622
Share of Instruction, \$2,000,000 in each fiscal year shall be 150623
distributed to Wright State University to support the center for 150624
civics, culture, and workforce development established under 150625

section 3352.16 of the Revised Code. 150626

(B) (1) The remainder of the foregoing appropriation item 150627
235501, State Share of Instruction, shall be distributed 150628
according to the section of this act entitled "STATE SHARE OF 150629
INSTRUCTION FORMULAS." Of these funds: 150630

(a) 23.2 per cent in each fiscal year shall be distributed 150631
to state-supported community colleges, state community colleges, 150632
and technical colleges; 150633

(b) 76.8 per cent in each fiscal year shall be distributed 150634
to state-supported university main and regional campuses. 150635

(2) Any increases in the amount distributed to an 150636
institution from the funds set aside in division (B) of this 150637
section that are above the prior year may be used by the 150638
institution to provide need-based aid and to provide counseling, 150639
support services, and workforce preparation services to 150640
students. 150641

Section 381.260. RESTRICTION ON FEE INCREASES 150642

(A) In fiscal years 2026 and 2027, the boards of trustees 150643
of state institutions of higher education shall restrain 150644
increases in in-state undergraduate instructional and general 150645
fees. 150646

(1) For the 2025-2026 and 2026-2027 academic years, each 150647
community college established under Chapter 3354., state 150648
community college established under Chapter 3358., or technical 150649
college established under Chapter 3357. of the Revised Code may 150650
increase its in-state undergraduate instructional and general 150651
fees by not more than ten dollars per credit hour over what the 150652
institution charged for the previous academic year. 150653

(2) The limitations under division (A) (1) of this section 150654
do not apply to student health insurance, fees for auxiliary 150655
goods or services provided to students at the cost incurred to 150656
the institution, fees assessed to students as a pass-through for 150657
licensure and certification examinations, fees in elective 150658
courses associated with travel experiences, elective service 150659
charges, fines, and voluntary sales transactions. 150660

(B) The limitations under this section shall not apply to 150661
increases required to comply with institutional covenants 150662
related to their obligations or to meet unfunded legal mandates 150663
or legally binding obligations incurred or commitments made 150664
prior to the effective date of this section with respect to 150665
which the institution had identified such fee increases as the 150666
source of funds. Any increase required by such covenants and any 150667
such mandates, obligations, or commitments shall be reported by 150668
the Chancellor of Higher Education to the Controlling Board. 150669
These limitations may also be modified by the Chancellor, with 150670
the approval of the Controlling Board, to respond to exceptional 150671
circumstances as identified by the Chancellor. 150672

(C) Institutions offering an undergraduate tuition 150673
guarantee pursuant to section 3345.48 of the Revised Code may 150674
increase instructional and general fees pursuant to that 150675
section. 150676

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 150677

(A) Funds appropriated for instructional subsidies at 150678
colleges and universities may be used to provide such branch or 150679
other off-campus undergraduate courses of study and such 150680
master's degree courses of study as may be approved by the 150681
Chancellor of Higher Education. 150682

(B) In providing instructional and other services to 150683
students, boards of trustees of state institutions of higher 150684
education shall supplement state subsidies with income from 150685
charges to students. Except as otherwise provided in this act, 150686
each board shall establish the fees to be charged to all 150687
students, including an instructional fee for educational and 150688
associated operational support of the institution and a general 150689
fee for noninstructional services, including locally financed 150690
student services facilities used for the benefit of enrolled 150691
students. The instructional fee and the general fee shall 150692
encompass all charges for services assessed uniformly to all 150693
enrolled students. Each board may also establish special purpose 150694
fees, service charges, and fines as required; such special 150695
purpose fees and service charges shall be for services or 150696
benefits furnished individual students or specific categories of 150697
students and shall not be applied uniformly to all enrolled 150698
students. A tuition surcharge shall be paid by all students who 150699
are not residents of Ohio. 150700

The board of trustees of a state institution of higher 150701
education shall not authorize a waiver or nonpayment of 150702
instructional fees or general fees for any particular student or 150703
any class of students other than waivers specifically authorized 150704
by law or approved by the Chancellor. This prohibition is not 150705
intended to limit the authority of boards of trustees to provide 150706
for payments to students for services rendered the institution, 150707
nor to prohibit the budgeting of income for staff benefits or 150708
for student assistance in the form of payment of such 150709
instructional and general fees. 150710

Each board may authorize a lower differential tuition rate 150711
of instructional or general fees equal to the default rate 150712
options provided under the College Credit Plus Program pursuant 150713

to Chapter 3365. of the Revised Code or equal to rates 150714
established pursuant to an agreement for an alternative payment 150715
structure pursuant to section 3365.07 of the Revised Code for 150716
nonpublic and home schooled students participating in that 150717
program that are not publicly funded. Each board may establish a 150718
lower differential tuition rate for in-state undergraduate 150719
instructional fees or general fees for students enrolled 150720
exclusively in online courses, as well as a lower differential 150721
tuition rate for the surcharge for nonresidents enrolled 150722
exclusively in online courses, provided a surcharge is still 150723
assessed. 150724

Each board may authorize a lower tuition rate for courses 150725
taken by high school students that do not qualify for funding 150726
under the College Credit Plus program under section 3365.07 of 150727
the Revised Code. These tuition rates must align with the 150728
institution's tuition rates charged for courses eligible for 150729
funding under the College Credit Plus Program. 150730

Each state institution of higher education in its 150731
statement of charges to students shall separately identify the 150732
instructional fee, the general fee, the tuition charge, and the 150733
tuition surcharge. Fee charges to students for instruction shall 150734
not be considered to be a price of service but shall be 150735
considered to be an integral part of the state government 150736
financing program in support of higher educational opportunity 150737
for students. 150738

(C) The boards of trustees of state institutions of higher 150739
education shall ensure that faculty members devote a proper and 150740
judicious part of their work week to the actual instruction of 150741
students. Total class credit hours of production per academic 150742
term per full-time faculty member is expected to meet the 150743

standards set forth in the budget data submitted by the 150744
Chancellor. 150745

(D) The authority of government vested by law in the 150746
boards of trustees of state institutions of higher education 150747
shall in fact be exercised by those boards. Boards of trustees 150748
may consult extensively with appropriate student and faculty 150749
groups. Administrative decisions about the utilization of 150750
available resources, about organizational structure, about 150751
disciplinary procedure, about the operation and staffing of all 150752
auxiliary facilities, and about administrative personnel shall 150753
be the exclusive prerogative of boards of trustees. Any 150754
delegation of authority by a board of trustees in other areas of 150755
responsibility shall be accompanied by appropriate standards of 150756
guidance concerning expected objectives in the exercise of such 150757
delegated authority and shall be accompanied by periodic review 150758
of the exercise of this delegated authority to the end that the 150759
public interest, in contrast to any institutional or special 150760
interest, shall be served. 150761

Section 381.280. WAR ORPHANS AND SEVERELY DISABLED 150762
VETERANS' CHILDREN SCHOLARSHIPS 150763

The foregoing appropriation item 235504, War Orphans and 150764
Severely Disabled Veterans' Children Scholarships, shall be used 150765
to reimburse state institutions of higher education for waivers 150766
of instructional fees and general fees provided by them, to 150767
provide grants to institutions that have received a certificate 150768
of authorization from the Chancellor of Higher Education under 150769
Chapter 1713. of the Revised Code, in accordance with the 150770
provisions of section 5910.04 of the Revised Code, and to fund 150771
additional scholarship benefits provided by section 5910.032 of 150772
the Revised Code. 150773

During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235504, War Orphans and Severely Disabled Veterans' Children Scholarships. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the War Orphans and Severely Disabled Veterans' Children Scholarship Reserve Fund (Fund 5PW0).

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior-year obligations to higher education institutions under the State Share of Instruction formulas, as determined by the Chancellor. Notwithstanding any provisions of law to the contrary, the Director of Budget and Management, upon the request of the Chancellor, may transfer cash in an amount up to the amounts certified for State Share of Instruction reconciliation from the State Financial Aid Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The amounts certified for State Share of Instruction reconciliation are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

Section 381.300. OHIOLINK

The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic

library information and retrieval system, which provides access 150804
statewide to an extensive set of electronic databases and 150805
resources, the library holdings of Ohio's public and 150806
participating private nonprofit colleges and universities, and 150807
the State Library of Ohio. 150808

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 150809

(A) Of the foregoing appropriation item 235508, Air Force 150810
Institute of Technology, \$75,000 in each fiscal year shall be 150811
allocated to the Aerospace Professional Development Center in 150812
Dayton for statewide workforce development services in the 150813
aerospace industry. 150814

(B) The remainder of the foregoing appropriation item 150815
235508, Air Force Institute of Technology, shall be used to do 150816
both of the following: 150817

(1) Strengthen the research and educational linkages 150818
between the Wright Patterson Air Force Base and institutions of 150819
higher education in Ohio; and 150820

(2) Support the Defense Associated Graduate Student 150821
Innovators, an engineering graduate consortium of Wright State 150822
University, the University of Dayton, and the Air Force 150823
Institute of Technology, with the participation of the 150824
University of Cincinnati and The Ohio State University. 150825

Section 381.320. OHIO SUPERCOMPUTER CENTER 150826

The foregoing appropriation item 235510, Ohio 150827
Supercomputer Center, shall be used by the Chancellor of Higher 150828
Education to support the operation of the Ohio Supercomputer 150829
Center, a consortium organized under division (T) of section 150830
3333.04 of the Revised Code, located at The Ohio State 150831
University. The Ohio Supercomputer Center is a statewide 150832

resource available to Ohio research universities both public and 150833
private. It is also intended that the center be made accessible 150834
to private industry as appropriate. 150835

The Ohio Supercomputer Center's services shall support 150836
Ohio's colleges, universities, and businesses to make Ohio a 150837
leader in using computational science, modeling, and simulation 150838
to promote higher education, research, and economic 150839
competitiveness. 150840

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION 150841
SERVICE 150842

The foregoing appropriation item 235511, The Ohio State 150843
University Extension Service, shall be disbursed through the 150844
Chancellor of Higher Education to The Ohio State University in 150845
monthly payments, unless otherwise determined by the Director of 150846
Budget and Management under section 126.09 of the Revised Code. 150847

Section 381.340. CENTRAL STATE SUPPLEMENT 150848

The foregoing appropriation item 235514, Central State 150849
Supplement, shall be disbursed by the Chancellor of Higher 150850
Education to Central State University. Funds shall be used in a 150851
manner consistent with the goals of increasing enrollment, 150852
improving course completion, and increasing the number of 150853
degrees conferred. 150854

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 150855
MEDICINE 150856

The foregoing appropriation item 235515, Case Western 150857
Reserve University School of Medicine, shall be disbursed to 150858
Case Western Reserve University through the Chancellor of Higher 150859
Education in accordance with agreements entered into under 150860
section 3333.10 of the Revised Code, provided that the state 150861

support per full-time medical student shall not exceed that 150862
provided to full-time medical students at state universities. 150863

Section 381.360. FAMILY PRACTICE 150864

The foregoing appropriation item 235519, Family Practice, 150865
shall be distributed in each fiscal year, based on each medical 150866
school's share of residents placed in a family practice and 150867
graduates practicing in a family practice. 150868

Section 381.370. SHAWNEE STATE SUPPLEMENT 150869

The foregoing appropriation item 235520, Shawnee State 150870
Supplement, shall be disbursed by the Chancellor of Higher 150871
Education to Shawnee State University. Funds shall be used in a 150872
manner consistent with the goals of improving course completion, 150873
increasing the number of degrees conferred, and furthering the 150874
university's mission of service to the Appalachian region. 150875

Section 381.380. GERIATRIC MEDICINE 150876

The Chancellor of Higher Education shall distribute 150877
appropriation item 235525, Geriatric Medicine, consistent with 150878
existing criteria and guidelines. 150879

Section 381.390. PRIMARY CARE RESIDENCIES 150880

The foregoing appropriation item 235526, Primary Care 150881
Residencies, shall be distributed in each fiscal year, based on 150882
each medical school's share of residents placed in a primary 150883
care field and graduates practicing in a primary care field. 150884

Section 381.400. GOVERNOR'S MERIT SCHOLARSHIP 150885

(A) The foregoing appropriation item 235530, Governor's 150886
Merit Scholarship, shall be used by the Chancellor of Higher 150887
Education to administer the Governor's Merit Scholarship Program 150888

and to award merit-based aid to qualifying institutions on 150889
behalf of eligible students. Funds awarded under this section 150890
shall be used in a manner consistent with the goal of allowing 150891
high-achieving high school graduates to remain in Ohio to pursue 150892
their post-secondary studies and contribute to Ohio's expanding 150893
economic opportunities. 150894

(B) In awarding funds under this section, and to the 150895
extent that funds are sufficient to do so, the Chancellor shall 150896
provide per-student awards as follows: 150897

(1) \$5,000 per academic year to eligible students who 150898
first received a scholarship for the 2024-2025 academic year; 150899

(2) \$5,000 per academic year to eligible students who 150900
first receive a scholarship for the 2025-2026 academic year and 150901
who are determined to be in the top five per cent of their 150902
public or nonpublic high school graduating class at the end of 150903
their junior year, as determined by their public or nonpublic 150904
high school using criteria established by the Chancellor in 150905
consultation with the Director of Education and Workforce; and 150906

(3) \$5,000 per academic year to eligible students who 150907
first receive a scholarship for the 2026-2027 academic year and 150908
who are determined to be in the top two per cent of their public 150909
or nonpublic high school graduating class at the end of their 150910
junior year, as determined by their public or nonpublic high 150911
school using criteria established by the Chancellor in 150912
consultation with the Director of Education and Workforce. The 150913
Chancellor shall award a scholarship under this division to at 150914
least one eligible student per high school. 150915

School districts and nonpublic high schools shall provide 150916
the information as requested by the Chancellor to determine 150917

scholarship eligibility. Eligible students shall receive an 150918
award for up to the equivalent of four academic years of 150919
instruction at a qualifying institution, contingent on 150920
satisfactory academic progress. 150921

(C) The Chancellor, in consultation with the Director, 150922
shall determine eligibility for graduating high school students 150923
who were home schooled to provide a level of access to the 150924
program described in this section that is reasonably 150925
commensurate with the merit-based criteria used to determine 150926
eligibility for students graduating from a public or nonpublic 150927
high school. 150928

(D) The Governor's Merit Scholarship shall be used to pay 150929
eligible expenses, as determined by the Chancellor, included 150930
within the published cost of attendance at a qualifying 150931
institution. 150932

(E) A qualifying institution shall not make changes to 150933
scholarship or financial aid programs offered by that 150934
institution that have the goal or net effect of shifting the 150935
cost burden of those programs to the program described in this 150936
section. Institutions of higher education that enroll students 150937
receiving merit-based financial aid grants under this section 150938
shall maintain the same level of merit-based financial aid the 150939
institution provided in the most recent academic year in the 150940
aggregate to all students or on a per-student basis. 150941

(F) Notwithstanding any provision of law to the contrary, 150942
the Chancellor may establish guidelines for the purpose of 150943
implementing this section, except that the Chancellor shall not 150944
place limits on the number of students receiving an award under 150945
this section that enroll at a qualifying institution. 150946

(G) As used in this section, "qualifying institution" 150947
means any of the following: 150948

(1) A state institution of higher education, as defined in 150949
section 3345.011 of the Revised Code; 150950

(2) A private nonprofit institution of higher education 150951
holding a certificate of authorization under Chapter 1713. of 150952
the Revised Code. 150953

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 150954

The foregoing appropriation item 235535, Ohio State 150955
Agricultural Research, shall be disbursed through the Chancellor 150956
of Higher Education to The Ohio State University in monthly 150957
payments, unless otherwise determined by the Director of Budget 150958
and Management under section 126.09 of the Revised Code. 150959

The Ohio Agricultural Research and Development Center, an 150960
entity of the College of Food, Agricultural, and Environmental 150961
Sciences of The Ohio State University, shall further its mission 150962
of enhancing Ohio's economic development and job creation by 150963
continuing to internally allocate on a competitive basis 150964
appropriated funding of programs based on demonstrated 150965
performance. Academic units, faculty, and faculty-driven 150966
programs shall be evaluated and rewarded consistent with agreed- 150967
upon performance expectations as called for in the College's 150968
Expectations and Criteria for Performance Assessment. 150969

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 150970

The foregoing appropriation items 235536, The Ohio State 150971
University Clinical Teaching; 235537, University of Cincinnati 150972
Clinical Teaching; 235538, University of Toledo Clinical 150973
Teaching; 235539, Wright State University Clinical Teaching; 150974
235540, Ohio University Clinical Teaching; and 235541, Northeast 150975

Ohio Medical University Clinical Teaching, shall be distributed 150976
through the Chancellor of Higher Education. 150977

Of the foregoing appropriation item 235539, Wright State 150978
University Clinical Teaching, \$1,500,000 in each fiscal year 150979
shall be used to support the Aerospace Medicine and Human 150980
Performance Center at Wright State University. 150981

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 150982
DEVELOPMENT 150983

The foregoing appropriation item 235546, Central State 150984
Agricultural Research and Development, shall be used in 150985
conjunction with appropriation item 235548, Central State 150986
Cooperative Extension Services, by Central State University for 150987
its state match requirement as an 1890 land grant university. 150988

Section 381.450. CAPITAL COMPONENT 150989

The foregoing appropriation item 235552, Capital 150990
Component, shall be used by the Chancellor of Higher Education 150991
to provide funding for prior commitments made pursuant to the 150992
state's former capital funding policy for state colleges and 150993
universities that was originally established in H.B. 748 of the 150994
121st General Assembly. 150995

Appropriations from this item shall be distributed to all 150996
campuses for which the estimated campus debt service 150997
attributable to qualifying capital projects was less than the 150998
campus's formula-determined capital component allocation. Campus 150999
allocations shall be determined by subtracting the estimated 151000
campus debt service attributable to qualifying capital projects 151001
from the campus's formula-determined capital component 151002
allocation. Moneys distributed from this appropriation item 151003
shall be restricted to capital-related purposes. 151004

Any campus for which the estimated campus debt service 151005
attributable to qualifying capital projects is greater than the 151006
campus's formula-determined capital component allocation shall 151007
have the difference subtracted from its State Share of 151008
Instruction allocation in each fiscal year. Appropriation equal 151009
to the sum of all such amounts shall be transferred from 151010
appropriation item 235501, State Share of Instruction, to 151011
appropriation item 235552, Capital Component. 151012

Section 381.460. LIBRARY DEPOSITORIES 151013

The foregoing appropriation item 235555, Library 151014
Depositories, shall be distributed to the state's five regional 151015
depository libraries for the cost-effective storage of and 151016
access to lesser-used materials in university library 151017
collections. The depositories shall be administrated by the 151018
Chancellor of Higher Education, or by OhioLINK at the discretion 151019
of the Chancellor. 151020

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 151021

The foregoing appropriation item 235556, Ohio Academic 151022
Resources Network, shall be used by the Chancellor of Higher 151023
Education to support the operations of the Ohio Academic 151024
Resources Network, a consortium organized under division (T) of 151025
section 3333.04 of the Revised Code, which shall include support 151026
for Ohio's colleges and universities in maintaining and 151027
enhancing network connections, using new network technologies to 151028
improve research, education, and economic development programs, 151029
and sharing information technology services. To the extent 151030
network capacity is available, OARnet shall support allocating 151031
bandwidth to eligible programs directly supporting Ohio's 151032
economic development. 151033

Section 381.480. LONG-TERM CARE RESEARCH	151034
The foregoing appropriation item 235558, Long-term Care	151035
Research, shall be disbursed to Miami University for long-term	151036
care research.	151037
Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT	151038
(A) (1) As used in this section:	151039
(a) "Eligible institution" means any institution described	151040
in divisions(B) (2) (a) to (c) of section 3333.122 of the Revised	151041
Code.	151042
(b) The three "sectors" of institutions of higher	151043
education consist of the following:	151044
(i) State colleges and universities, community colleges,	151045
state community colleges, university branches, and technical	151046
colleges;	151047
(ii) Eligible private nonprofit institutions of higher	151048
education;	151049
(iii) Eligible private for-profit career colleges and	151050
schools.	151051
(2) (a) Awards under section 3333.122 of the Revised Code	151052
shall be as follows for fiscal year 2026 and fiscal year 2027:	151053
(i) \$4,000 per student at a state institution of higher	151054
education;	151055
(ii) \$5,000 per student at an eligible nonprofit	151056
institution of higher education;	151057
(iii) \$2,000 per student at a private for-profit career	151058
college or school.	151059

(b) For students attending an eligible institution year- 151060
round, awards may be distributed on an annual basis, once Pell 151061
grants have been exhausted. 151062

(3) Notwithstanding anything to the contrary in section 151063
3333.122 of the Revised Code, the Chancellor of Higher Education 151064
shall make awards under that section in fiscal year 2026 and 151065
fiscal year 2027 to students with a student aid index, or any 151066
federal successor, of three thousand seven hundred fifty or 151067
less. 151068

(4) If the Chancellor determines that the amounts 151069
appropriated for support of the Ohio College Opportunity Grant 151070
program are inadequate to provide grants to all eligible 151071
students as specified under division (D) of section 3333.122 of 151072
the Revised Code, the Chancellor may follow methods established 151073
in division (C) (1) (a) or (b) of section 3333.122 of the Revised 151074
Code. If the Chancellor determines that reductions in award 151075
amounts are necessary, the Chancellor shall reduce the award 151076
amounts proportionally among the sectors of institutions 151077
specified in division (A) (1) of this section in a manner 151078
determined by the Chancellor. The Chancellor shall notify the 151079
Controlling Board of the distribution method. Any formula 151080
calculated under this division shall be complete and established 151081
to coincide with the start of each academic year. 151082

(B) Prior to determining the amount of funds available to 151083
award under this section and section 3333.122 of the Revised 151084
Code, the Chancellor shall use the foregoing appropriation item 151085
235563, Ohio College Opportunity Grant, to pay for waivers of 151086
tuition and student fees for eligible students under the Ohio 151087
Safety Officer's College Memorial Fund Program under section 151088
3333.26 of the Revised Code and for grants to qualifying 151089

institutions on behalf of eligible students under the adoption 151090
grant program established under section 3333.128 of the Revised 151091
Code. 151092

In each fiscal year, with the exception of sections 151093
3333.121 and 3333.124 of the Revised Code and the section of 151094
this act entitled "STATE FINANCIAL AID RECONCILIATION," the 151095
Chancellor shall not distribute or obligate or commit to be 151096
distributed an amount greater than what is appropriated under 151097
the foregoing appropriation item 235563, Ohio College 151098
Opportunity Grant. 151099

(C) The Chancellor shall establish, and post on the 151100
Department of Higher Education's web site, award tables based on 151101
the amounts specified under division (A) of this section. The 151102
Chancellor shall notify students and institutions of any 151103
reductions in awards. 151104

(D) Notwithstanding section 3333.122 of the Revised Code, 151105
no student shall be eligible to receive an Ohio College 151106
Opportunity Grant for more than ten semesters, fifteen quarters, 151107
or the equivalent of five academic years, less the number of 151108
semesters or quarters in which the student received an Ohio 151109
Instructional Grant. 151110

(E) During each fiscal year, the Chancellor, as soon as 151111
possible after cancellation, may certify to the Director of 151112
Budget and Management the amount of canceled prior-year 151113
encumbrances in appropriation item 235563, Ohio College 151114
Opportunity Grant. Upon receipt of the certification, the 151115
Director of Budget and Management may transfer cash, up to the 151116
certified amount, from the General Revenue Fund to the Ohio 151117
College Opportunity Grant Program Reserve Fund (Fund 5PU0). 151118

(F) No eligible institution that enrolls Ohio College Opportunity Grant recipients shall make any change to its scholarship or financial aid programs with the goal or net effect of shifting the cost burden of those programs to the Ohio College Opportunity Grant program.

Each eligible institution that enrolls Ohio College Opportunity Grant recipients shall provide at least the same level of needs-based financial aid to its students as it provided in the immediately prior academic year in terms of either the aggregate aid to all students or on a per student basis. The Chancellor may grant an eligible institution a temporary waiver from that requirement if the Chancellor determines exceptional circumstances make it necessary. The Chancellor shall determine the terms of the waiver.

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF VETERINARY MEDICINE SUPPLEMENT

The foregoing appropriation item 235569, The Ohio State University College of Veterinary Medicine Supplement, shall be distributed through the Chancellor of Higher Education to The Ohio State University College of Veterinary Medicine to provide supplemental support for education, research, and operations in order to increase student enrollment.

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT

The foregoing appropriation item 235572, The Ohio State University Clinic Support, shall be distributed through the Chancellor of Higher Education to The Ohio State University for support of dental and veterinary medicine clinics.

Section 381.520. FEDERAL RESEARCH NETWORK

The foregoing appropriation item 235578, Federal Research

Network, shall be allocated to The Ohio State University to 151148
collaborate with federal installations in Ohio, state 151149
institutions of higher education as defined in section 3345.011 151150
of the Revised Code, private nonprofit institutions of higher 151151
education holding certificates of authorization under Chapter 151152
1713. of the Revised Code, and the private sector to align the 151153
state's research assets with emerging missions and job growth 151154
opportunities emanating from federal installations, strengthen 151155
related workforce development and technology commercialization 151156
programs, and better position the state's university system to 151157
directly impact new job creation in Ohio. A portion of the 151158
foregoing appropriation item 235578, Federal Research Network, 151159
shall be used to support the growth of small business federal 151160
contractors in the state and to expand the participation of Ohio 151161
businesses in the federal Small Business Innovation Research 151162
Program and related federal programs. 151163

Section 381.525. EDUCATOR PREPARATION PROGRAMS 151164

The foregoing appropriation item 235585, Educator 151165
Preparation Programs, shall be used by the Chancellor of Higher 151166
Education to implement and administer sections 3333.048, 151167
3333.049, 3333.0411, and 3333.0419 of the Revised Code or other 151168
educator preparation programs, such as the Ohio Teacher 151169
Apprenticeship Program, as determined by the Chancellor. 151170

Notwithstanding any provision of law to the contrary, 151171
beginning with the first full academic year following the 151172
adoption of new standards, each educator preparation program at 151173
an institution of higher education shall include in its 151174
curriculum standards for social studies that align with the 151175
standards adopted by the Department of Education and Workforce 151176
to ensure that educators and other school personnel are 151177

adequately prepared and trained in social studies. 151178

Within six months of the beginning of the first full 151179
academic year in which the new standards are used, the 151180
Chancellor shall complete a review and evaluation process to 151181
assess the degree to which every educator preparation program at 151182
an institution of higher education is teaching social studies in 151183
alignment with the standards. 151184

Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID 151185
PROGRAM 151186

The foregoing appropriation item 235595, Commercial Truck 151187
Driver Student Aid Program, shall be used by the Chancellor of 151188
Higher Education to administer and provide grants and loans 151189
under the Commercial Truck Driver Student Aid Program 151190
established in section 3333.125 of the Revised Code. 151191

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 151192

The Chancellor of Higher Education shall disburse funds 151193
from appropriation item 235599, National Guard Scholarship 151194
Program. During each fiscal year, the Chancellor, as soon as 151195
possible after cancellation, may certify to the Director of 151196
Budget and Management the amount of canceled prior-year 151197
encumbrances in appropriation item 235599, National Guard 151198
Scholarship Program. Upon receipt of the certification, the 151199
Director of Budget and Management may transfer cash, up to the 151200
certified amount, from the General Revenue Fund to the National 151201
Guard Scholarship Reserve Fund (Fund 5BM0). A portion of the 151202
foregoing appropriation item 235599, National Guard Scholarship 151203
Program, may be used to administer the program with the 151204
concurrence of the Adjutant General. 151205

Section 381.570. PLEDGE OF FEES 151206

Any new pledge of fees, or new agreement for adjustment of 151207
fees, made in the biennium ending June 30, 2027, to secure bonds 151208
or notes of a state institution of higher education for a 151209
project for which bonds or notes were not outstanding on the 151210
effective date of this section, to secure a refund of prior debt 151211
that is anticipated to increase the total cost of retiring the 151212
original debt, or to extend the period in which that full debt 151213
is retired shall be effective only after approval by the 151214
Chancellor of Higher Education, unless approved in a previous 151215
biennium. 151216

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 151217
DEBT SERVICE 151218

The foregoing appropriation item 235909, Higher Education 151219
General Obligation Bond Debt Service, shall be used to pay all 151220
debt service and related financing costs during the period from 151221
July 1, 2025, through June 30, 2027, for obligations issued 151222
under sections 151.01 and 151.04 of the Revised Code. 151223

Section 381.590. SALES AND SERVICES 151224

The Chancellor of Higher Education is authorized to charge 151225
and accept payment for the provision of goods and services. Such 151226
charges shall be reasonably related to the cost of producing the 151227
goods and services. Except as otherwise provided by law, no 151228
charges may be levied for goods or services that are produced as 151229
part of the routine responsibilities or duties of the 151230
Chancellor. All revenues received by the Chancellor shall be 151231
deposited into Fund 4560 and may be used by the Chancellor to 151232
pay for the costs of producing the goods and services. 151233

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 151234
ADMINISTRATION 151235

The foregoing appropriation item 235602, Higher Educational Facility Commission Administration, shall be used by the Chancellor of Higher Education for operating expenses related to the Chancellor's support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the Chancellor, the Director of Budget and Management may transfer cash in an amount up to the amount appropriated from the foregoing appropriation item 235602, Higher Educational Facility Commission Administration, in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

Section 381.635. SUPER RAPIDS

(A) (1) The foregoing appropriation item 235688, Super RAPIDS, shall be used by the Governor's Office of Workforce Transformation and the Chancellor of Higher Education to support collaborative projects among qualifying institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state. These funds shall be used to support efforts that build capacity, remove employment and training barriers for prospective and unemployed workers, develop and strengthen business-led strategies in the impacted industries, and provide local guided solutions to employment for communities in economic transition. Under the program, the Chancellor shall distribute funds to Ohio regions or subsets of regions, as defined by the Governor's Office of Workforce Transformation.

(2) Of the foregoing appropriation item 235688, Super RAPIDS, a portion in each fiscal year may be used by the Governor's Office of Workforce Transformation to meet urgent workforce development and job creation needs throughout the

state. 151266

(B) The Governor's Office of Workforce Transformation 151267
shall consult with the Department of Development, the 151268
Chancellor, and other stakeholders as determined to be 151269
appropriate, when defining regions and awarding funds under this 151270
section. 151271

(C) The Chancellor and the Governor's Office of Workforce 151272
Transformation shall develop and use a proposal and review 151273
process to award funds under the program. In reviewing proposals 151274
and making awards, priority shall be given to proposals that 151275
demonstrate all of the following: 151276

(1) Clear compliance with all applicable state and federal 151277
rules and regulations; 151278

(2) Collaboration between and among state institutions of 151279
higher education, as defined in section 3345.011 of the Revised 151280
Code, Ohio Technical Centers, and other education and workforce- 151281
related entities as determined to be appropriate by the 151282
Governor's Office of Workforce Transformation and the Department 151283
of Higher Education; 151284

(3) Evidence of meaningful business support and 151285
engagement; 151286

(4) Identification of targeted occupations and industries 151287
supported by data, which sources shall include the Governor's 151288
Office of Workforce Transformation, OhioMeansJobs, labor market 151289
information from the Department of Job and Family Services, and 151290
lists of in-demand occupations; 151291

(5) Sustainability beyond the grant period with the 151292
opportunity to provide continued value and impact to the region; 151293

(6) Evidence of a strong commitment to invest in one or more of the following areas:	151294 151295
(a) Broadband/5G;	151296
(b) Cybersecurity;	151297
(c) Healthcare;	151298
(d) Transportation;	151299
(e) Advanced manufacturing;	151300
(f) Trades.	151301
(D) As used in this section:	151302
"Qualifying institution" means any of the following:	151303
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	151304 151305
(2) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;	151306 151307
(3) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.	151308 151309
Section 381.640. STATE FINANCIAL AID RECONCILIATION	151310
By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).	151311 151312 151313 151314 151315 151316 151317 151318 151319

Section 381.650. SECOND CHANCE GRANT PROGRAM 151320

The foregoing appropriation item 235494, Second Chance 151321
Grant Program, shall be distributed by the Chancellor of Higher 151322
Education to qualifying institutions of higher education and 151323
Ohio Technical Centers to provide grants to eligible students 151324
under the Second Chance Grant Program established in section 151325
3333.127 of the Revised Code. 151326

RURAL PRACTICE INCENTIVE PROGRAM 151327

The foregoing appropriation item 235426, Rural Practice 151328
Incentive Program, shall be used to provide loan repayments on 151329
behalf of certain attorneys as described in section 3333.131 of 151330
the Revised Code. 151331

Section 381.655. GROW YOUR OWN TEACHER PROGRAM 151332

The foregoing appropriation item 235592, Grow Your Own 151333
Teacher Program, shall be used by the Chancellor of Higher 151334
Education to implement and administer the Grow Your Own Teacher 151335
Program pursuant to sections 3333.393 and 3333.394 of the 151336
Revised Code and the Ohio Teacher Apprenticeship Program. 151337

Section 381.660. NURSING LOAN PROGRAM 151338

The foregoing appropriation item 235606, Nursing Loan 151339
Program, shall be used to administer the nurse education 151340
assistance program. 151341

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 151342

(A) The foregoing appropriation item 235639, Research 151343
Incentive Third Frontier - Tax, shall be used by the Chancellor 151344
of Higher Education to advance collaborative research at 151345
institutions of higher education. Of the foregoing appropriation 151346
item 235639, Research Incentive Third Frontier - Tax, a portion 151347

in each fiscal year shall be used by the Chancellor to support 151348
and promote research that is intended to be commercialized. 151349
Research funded under division (A) of this section shall include 151350
a condition that the discoveries, inventions, or patents 151351
developed therein be retained by the researcher, unless all or a 151352
portion of the interests therein are specifically granted to the 151353
state college or university at which the researcher is employed. 151354
In reviewing proposals and making awards under division (A) of 151355
this section, the Chancellor may enlist the assistance of the 151356
Ohio Technology Transfer Officer's Council. 151357

(B) Of the foregoing appropriation item 235639, Research 151358
Incentive Third Frontier - Tax, up to \$2,000,000 in each fiscal 151359
year may be allocated toward research regarding the improvement 151360
of water quality, up to \$750,000 in each fiscal year may be 151361
allocated for spinal cord research, up to \$750,000 in each 151362
fiscal year may be allocated toward research regarding cyber 151363
security initiatives, up to \$300,000 in each fiscal year may be 151364
allocated toward the I-Corps@Ohio program, and up to \$200,000 in 151365
each fiscal year may be allocated toward the Ohio Innovation 151366
Exchange program. 151367

Section 381.680. VETERANS PREFERENCES 151368

The Chancellor of Higher Education shall work with the 151369
Department of Veterans Services to develop specific veterans 151370
preference guidelines for higher education institutions. These 151371
guidelines shall ensure that the institutions' hiring practices 151372
are in accordance with the intent of Ohio's veterans' preference 151373
laws. 151374

Section 381.690. (A) As used in this section: 151375

(1) "Board of trustees" includes the managing authority of 151376

a university branch district. 151377

(2) "State institution of higher education" has the same 151378
meaning as in section 3345.011 of the Revised Code. 151379

(B) The board of trustees of any state institution of 151380
higher education, notwithstanding any rule of the institution to 151381
the contrary, may adopt a policy providing for mandatory 151382
furloughs of employees, including faculty, to achieve spending 151383
reductions necessitated by institutional budget deficits. 151384

Section 381.700. EFFICIENCY REPORTS 151385

In each fiscal year, the board of trustees of each public 151386
institution of higher education shall approve the institution's 151387
efficiency report submitted to the Chancellor of Higher 151388
Education under section 3333.95 of the Revised Code. 151389

MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS 151390

For each fiscal year, each institution of higher education 151391
that receives funds from the foregoing appropriation items 151392
235515, Case Western Reserve University School of Medicine, 151393
235519, Family Practice, 235525, Geriatric Medicine, 235526, 151394
Primary Care Residencies, 235536, The Ohio State University 151395
Clinical Teaching, 235537, University of Cincinnati Clinical 151396
Teaching, 235538, University of Toledo Clinical Teaching, 151397
235539, Wright State University Clinical Teaching, 235540, Ohio 151398
University Clinical Teaching, 235541, Northeast Ohio Medical 151399
University Clinical Teaching, 235543, Kent State University 151400
College of Podiatric Medicine Clinic Subsidy, 235558, Long-term 151401
Care Research, and 235572, The Ohio State University Clinic 151402
Support, shall report to the Chancellor of Higher Education the 151403
residency status of graduates from the respective programs 151404
receiving support from those appropriation items one year and 151405

five years after graduating. 151406

Section 381.710. The Chancellor of Higher Education shall 151407
support the continued development of the Ohio Innovation 151408
Exchange for the purpose of showcasing the research expertise of 151409
Ohio's university and college faculty in a variety of fields, 151410
including, but not limited to, engineering, biomedicine, and 151411
information technology, and to identify institutional research 151412
equipment available in the state. 151413

Section 381.730. EASTERN GATEWAY COMMUNITY COLLEGE 151414

The Chancellor of Higher Education, in consultation with 151415
postsecondary educational institutions and other stakeholders as 151416
determined to be appropriate, shall monitor and evaluate the 151417
ongoing availability of postsecondary educational offerings 151418
within the four-county service district formerly served by 151419
Eastern Gateway Community College. To the extent practicable, 151420
the Chancellor shall seek to ensure a strong continuity of 151421
postsecondary educational access to residents of the region, 151422
with a particular focus on access to programs aligned with 151423
regional workforce priorities. If determined to be necessary, 151424
the Chancellor may seek to achieve favorable outcomes by 151425
engaging with other postsecondary educational institutions to 151426
encourage uninterrupted access to educational opportunities. 151427
This may include, but not be limited to, outcomes associated 151428
with academic program offerings, program-related equipment, or 151429
physical facilities. 151430

Section 381.740. CREDENTIAL AND WORK EXPERIENCE 151431
CONSIDERATION 151432

Prior to admitting any students applying for enrollment 151433
after July 1, 2025, each state institution of higher education, 151434

as defined in section 3345.011 of the Revised Code, shall 151435
consider an applicant's work experience and credentials earned 151436
as part of the admissions process. An applicant's work 151437
experience or credential does not need to align to the program 151438
or discipline the applicant is seeking to pursue to be 151439
considered by the state institution as a positive reason to 151440
accept the applicant as a student at the institution. 151441

At the time of the student's acceptance, an institution 151442
shall either grant credit for prior learning or experience or 151443
detail the potential opportunities and required documentation 151444
needed to grant such credit based on the review of the student's 151445
specific information provided in the application. 151446

Section 381.750. GENERAL EDUCATION REQUIREMENTS 151447

(A) Not later than December 31, 2025, the board of 151448
trustees of each state institution of higher education, as 151449
defined in section 3345.011 of the Revised Code, shall formally 151450
review and evaluate the components of the state institution's 151451
general education curriculum and adopt a resolution 151452
acknowledging the board's completion of that review. Each board 151453
shall submit a copy of its resolution to the Chancellor of 151454
Higher Education. 151455

(B) Not later than March 31, 2026, the board of trustees 151456
of each state institution of higher education shall formally 151457
evaluate the state institution's general education curriculum to 151458
enhance content that furthers the state's post-secondary 151459
education attainment and workforce goals. In conducting the 151460
evaluation, the board shall consider adjusting the general 151461
education curriculum in the following areas: 151462

(1) Civics, culture, and society, including United States 151463

and Ohio history, the foundations of American representative 151464
government, how to disagree in a civil manner, and the 151465
principles of civil discourse; 151466

(2) Artificial intelligence, STEM, and computational 151467
thinking; 151468

(3) Entrepreneurship and the principles of innovation; 151469

(4) Workforce readiness, including fundamental skills 151470
necessary for Ohio's graduates to gain employment in in-demand 151471
occupations. 151472

(C) Not later than June 30, 2026, the board of trustees of 151473
each state institution of higher education shall adopt a 151474
resolution summarizing changes to the state institution's 151475
general education curriculum resulting from the evaluation 151476
process and submit a copy of the resolution to the Chancellor. 151477

(D) The Chancellor shall provide a copy of each resolution 151478
submitted under this section to the Governor, the President of 151479
the Senate, and the Speaker of the House of Representatives. 151480

(E) Adjustments made to a state institution of higher 151481
education's general education curriculum pursuant to this 151482
section are not exempt from the requirements of the Chancellor's 151483
program approval process. 151484

Section 381.770. DIRECT ADMISSIONS 151485

(A) As used in this section: 151486

(1) "Academic record" includes grade point average, high 151487
school and college transcript information, standardized 151488
assessment scores, scores on the end-of-course examinations 151489
prescribed under section 3301.0712 of the Revised Code, and any 151490
other measure of postsecondary readiness determined appropriate 151491

by the Chancellor of Higher Education. 151492

(2) "Postsecondary institution" means any of the 151493
following: 151494

(a) A state institution of higher education, as defined in 151495
section 3345.011 of the Revised Code; 151496

(b) A private nonprofit institution of higher education 151497
that holds a certificate of authorization under Chapter 1713. of 151498
the Revised Code; 151499

(c) An Ohio technical center, as defined in section 151500
3333.94 of the Revised Code. 151501

(3) "School governing body" means the board of education 151502
of a city, local, exempted village, or joint vocational school 151503
district, the governing authority of a chartered nonpublic 151504
school, the governing authority of a community school 151505
established under Chapter 3314. of the Revised Code, or the 151506
governing body of a STEM school established under Chapter 3326. 151507
of the Revised Code. 151508

(B) The Chancellor of Higher Education, in consultation 151509
with the Director of Education and Workforce, shall establish a 151510
direct admissions pilot program to notify students enrolled at 151511
participating high schools about whether they meet the 151512
admissions criteria for participating postsecondary 151513
institutions. 151514

Under the pilot program, the Chancellor shall establish a 151515
process that uses a student's academic record to determine 151516
whether the student meets the admissions requirements. To the 151517
extent practicable, and in accordance with applicable law, the 151518
Chancellor shall use existing primary, secondary, and higher 151519
education student information systems to automate the process 151520

and use information held by a participating student's high 151521
school to minimize the need for the student to provide any 151522
additional information. 151523

The Chancellor shall endeavor to implement the pilot 151524
program so that students graduating in the 2026-2027 school year 151525
may participate in the program. 151526

(C) The Chancellor may do any of the following: 151527

(1) Establish eligibility requirements for students, 151528
school governing bodies, and postsecondary institutions who 151529
elect to participate in the pilot program; 151530

(2) Consult with stakeholders and form advisory councils 151531
as necessary to design and operate the pilot program; 151532

(3) Terminate the pilot program if the Chancellor 151533
determines its operation is impracticable. 151534

(D) A school governing body or postsecondary institution 151535
shall apply to participate in the pilot program in a form and 151536
manner prescribed by the Chancellor. 151537

A participating school governing body may adopt a written 151538
policy authorizing any high school it operates to participate in 151539
the pilot program. Not later than ninety days after the adoption 151540
of the policy, the school governing body shall transmit an 151541
electronic copy of the policy to the Chancellor and the Director 151542
of Education and Workforce. 151543

A participating school governing body shall develop a 151544
procedure to determine whether a student who wants to 151545
participate in the pilot program meets any eligibility 151546
requirements established under division (C) of this section. 151547

(E) At least once each school year, the Chancellor, in 151548

consultation with the Director of Education and Workforce, shall 151549
issue a report on the pilot program. The Chancellor shall set a 151550
deadline for the report's issuance. The report shall include 151551
information about the number of students who participate in the 151552
program. The report also shall evaluate, to the extent 151553
practicable, the impact of the program on postsecondary outcomes 151554
for students from populations traditionally underserved in 151555
higher education. 151556

The Chancellor shall submit the report to the Governor, 151557
the President of the Senate, the Speaker of the House of 151558
Representatives, the Director of Education and Workforce, the 151559
Director of Budget and Management, and the Governor's Office of 151560
Workforce Transformation. 151561

(F) No student, school governing body, or postsecondary 151562
institution shall be required to participate in the pilot 151563
program. 151564

Section 383.10. 151565
151566

1	2	3	4	5
A	DRC DEPARTMENT OF REHABILITATION AND CORRECTION			
B	General Revenue Fund			
C	GRF	501321 Institutional Operations	\$1,476,713,893	\$1,554,983,411
D	GRF	501405 Reentry, Housing, and Support Services	\$87,700,200	\$90,558,100
E	GRF	501406 Adult Correctional Facilities Lease Rental	\$42,000,000	\$60,000,000

Bond Payments

F	GRF	501407	Community Nonresidential Programs	\$71,472,947	\$74,153,531
G	GRF	501408	Community Misdemeanor Programs	\$10,101,000	\$10,555,545
H	GRF	501411	Probation Improvement and Incentive Grants	\$5,512,500	\$5,760,562
I	GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$99,715,600	\$100,161,800
J	GRF	503321	Parole and Community Operations	\$135,000,000	\$135,000,000
K	GRF	504321	Administrative Operations	\$29,927,970	\$31,394,440
L	GRF	505321	Institution Medical Services	\$374,507,269	\$397,184,187
M	GRF	506321	Institution Education Services	\$51,146,437	\$55,515,093
N	General Revenue Fund Total			\$2,383,797,816	\$2,515,266,669
O	Dedicated Purpose Fund Group				
P	4B00	501601	Sewer Treatment Services	\$600,000	\$600,000
Q	4D40	501603	Prisoner Programs	\$400,000	\$400,000

R	4L40	501604	Transitional Control	\$2,450,000	\$2,450,000
S	4S50	501608	Education Services	\$4,660,000	\$4,660,000
T	5AF0	501609	State and Non-Federal Awards	\$1,300,000	\$1,300,000
U	5H80	501617	Offender Financial Responsibility	\$1,860,000	\$1,860,000
V	5ZQ0	501505	Local Jail Grants	\$75,000,000	\$0
W			Dedicated Purpose Fund Group Total	\$86,270,000	\$11,270,000
X			Internal Service Activity Fund Group		
Y	1480	501602	Institutional Services	\$3,500,000	\$3,500,000
Z	2000	501607	Ohio Penal Industries	\$46,515,000	\$46,515,000
AA	4830	501605	Leased Property Maintenance and Operating	\$7,500,000	\$7,500,000
AB	5710	501606	Corrections Training Maintenance and Operating	\$940,000	\$940,000
AC	5L60	501611	Information Technology Services	\$500,000	\$500,000
AD			Internal Service Activity Fund Group Total	\$58,955,000	\$58,955,000
AE			Federal Fund Group		
AF	3230	501619	Federal Grants	\$4,500,000	\$4,500,000

AG 3CW0 501622 Federal Equitable Sharing	\$300,000	\$300,000
AH Federal Fund Group Total	\$4,800,000	\$4,800,000
AI TOTAL ALL BUDGET FUND GROUPS	\$2,533,822,816	\$2,590,291,669

Section 383.20. EXPEDITED PARDON INITIATIVE 151567

Of the foregoing appropriation item 501321, Institutional 151568
Operations, up to \$500,000 in each fiscal year may be used by 151569
the Department of Rehabilitation and Correction to support 151570
projects connecting rehabilitated citizens with community 151571
partners to advance the expedited pardon initiative and help 151572
eligible individuals navigate the process and access clemency. 151573

OSU MEDICAL CHARGES 151574

Notwithstanding section 341.192 of the Revised Code, at 151575
the request of the Department of Rehabilitation and Correction, 151576
the Ohio State University Medical Center, including the Arthur 151577
G. James Cancer Hospital and Richard J. Solove Research 151578
Institute and the Richard M. Ross Heart Hospital, shall provide 151579
necessary care to persons who are confined in state adult 151580
correctional facilities. The provision of necessary inpatient 151581
care billed to the Department shall be reimbursed at a rate not 151582
to exceed the authorized reimbursement rate for the same service 151583
established by the Department of Medicaid under the Medicaid 151584
Program. 151585

TRANSITIONAL HOUSING FUNDING 151586

Of the foregoing appropriation item 501405, Reentry, 151587
Housing, and Support Services, priority shall be given to 151588
residential providers that accept and place individuals released 151589
from institutions operated by the Department of Rehabilitation 151590

and Correction to the supervision of the Adult Parole Authority 151591
who were previously rejected by all other residential providers. 151592

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 151593

The foregoing appropriation item 501406, Adult 151594
Correctional Facilities Lease Rental Bond Payments, shall be 151595
used to meet all payments during the period from July 1, 2025, 151596
through June 30, 2027, by the Department of Rehabilitation and 151597
Correction pursuant to leases and agreements for facilities made 151598
under Chapters 152. and 154. of the Revised Code. These 151599
appropriations are the source of funds pledged for bond service 151600
charges on related obligations issued under Chapters 152. and 151601
154. of the Revised Code. 151602

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 151603

The foregoing appropriation item 501411, Probation 151604
Improvement and Incentive Grants, shall be allocated by the 151605
Department of Rehabilitation and Correction to municipalities as 151606
Probation Improvement and Incentive Grants with an emphasis on: 151607
(1) providing services to those addicted to opiates and other 151608
illegal substances, and (2) supplementing the programs and 151609
services funded by grants distributed from the foregoing 151610
appropriation item 501407, Community Nonresidential Programs. 151611

Section 383.30. LOCAL JAIL GRANTS 151612

The foregoing appropriation item 501505, Local Jail 151613
Grants, shall be used for the construction and renovation of 151614
county jails. The Department of Rehabilitation and Correction 151615
shall designate the projects involving the construction and 151616
renovation of county jails. 151617

To determine which projects will receive funding, the 151618
Department of Rehabilitation and Correction shall rank each 151619

county based on its financial need with a percentile ranking 151620
using the following funding formula, as calculated by the 151621
Department of Taxation. 151622

The Department of Taxation shall determine the total value 151623
of all property in the county listed and assessed for taxation 151624
on the tax list as reported by the Department of Taxation in the 151625
preceding tax year, and list each county in order of total 151626
value, ascending, so that the county with the lowest value is 151627
number one on the list, which shall be called its property tax 151628
ranking. 151629

The Department of Taxation also shall rank each county 151630
based on the estimate of the gross amount of taxable retail 151631
sales sourced to the county as reported by the Department for 151632
the preceding calendar year, computed by dividing the total 151633
amount of tax revenue received by the county during that period 151634
from taxes levied under sections 5739.021, 5739.026, 5741.021, 151635
and 5741.023 of the Revised Code by the aggregate tax rate 151636
levied by the county under sections 5739.021 and 5739.026 of the 151637
Revised Code on the last day of the preceding calendar year, and 151638
list each county in order of total value, ascending, so that the 151639
county with the lowest value is number one on the list, except 151640
that any county that does not currently levy taxes under section 151641
5739.021 or 5739.026 of the Revised Code shall be ranked at 151642
number eighty-eight on the list, which ranking shall be called 151643
its sales tax ranking. 151644

The Department of Taxation shall then, for each county, 151645
add the property tax ranking to the sales tax ranking, and shall 151646
order the counties according to the sum of the two rankings, the 151647
county with the lowest sum being number one on the list, to 151648
determine the county's final ranking. The percentile ranking 151649

shall be determined by taking the county's final ranking, 151650
dividing it by eighty-eight, and multiplying it by one hundred. 151651

If the final ranking is the same for two or more counties, 151652
the county with the lowest population shall receive the lowest 151653
final ranking. The final ranking for the counties shall be 151654
numbers one through eighty-eight, the lowest ranking county 151655
being number one, and the highest number eighty-eight. 151656

Upon receiving the final rankings, the Department of 151657
Rehabilitation and Correction shall select a number of counties 151658
among the lowest ranking counties and invite the selected 151659
counties to apply for assistance. Two or more counties may 151660
jointly apply for assistance as long as at least one of the 151661
counties was invited to apply. 151662

The Department of Rehabilitation and Correction shall 151663
adopt guidelines to accept and review applications and designate 151664
projects. The guidelines shall require the county or counties to 151665
justify the need for the project and to comply with timelines 151666
for the submission of documentation pertaining to the project 151667
and project location. The guidelines may require applications 151668
for multicounty jail facilities to provide evidence that the 151669
counties all are in agreement regarding each county's respective 151670
share of the basic project cost and each county's respective 151671
share of the operations and maintenance of the proposed jail 151672
facility and evidence that each county will be able to generate 151673
adequate revenue to fund its respective portion of the basic 151674
project cost and the operations and maintenance of the proposed 151675
jail facility. 151676

Upon the application of a county so invited, the 151677
Department of Rehabilitation and Correction shall proceed with a 151678
needs assessment. 151679

Under a needs assessment, the Department shall make a 151680
determination of all of the following: 151681

(1) The need of the county for additional jail facilities, 151682
or for renovations or improvements to existing jail facilities, 151683
based on whether and to what extent existing facilities comply 151684
with the standards in section 5120.10 of the Revised Code, 151685
including the age and condition of the jail facilities; 151686

(2) The number of jail facilities to be included in a 151687
project; 151688

(3) The estimated annual, monthly, or daily cost of 151689
operating the facility once it is operational, as reported and 151690
certified by the county auditor; 151691

(4) The estimated basic project cost of constructing, 151692
acquiring, reconstructing, or making additions to each facility; 151693

(5) Whether the county has recently received a grant from 151694
the state to construct or renovate jail facilities. 151695

The Department, following the completion of a needs 151696
assessment, shall make a determination in favor of constructing, 151697
acquiring, reconstructing, or making additions to a jail 151698
facility only upon evidence that the proposed project conforms 151699
to the construction and renovation standards described in 151700
divisions (D) and (E) of section 5120.10 of the Revised Code, 151701
and that it keeps with the needs of the county or counties as 151702
determined by the needs assessment. Exceptions shall be 151703
authorized only in those areas where topography, sparsity of 151704
population, and other factors make larger jail facilities 151705
impracticable. 151706

Except as otherwise provided in this section, the portion 151707
of the basic project cost supplied by the state for each 151708

approved county shall be the difference between one hundred per 151709
cent, and a per cent equal to one per cent of the basic project 151710
costs times the percentile in which the county ranks according 151711
to the percentile ranking under this section, for the fiscal 151712
year preceding the fiscal year in which the Department approved 151713
the county's or counties' project. 151714

At no time shall the state's portion of the basic project 151715
cost be less than twenty-five per cent of the total basic 151716
project cost. If a county's portion of the basic project cost is 151717
calculated to be greater than seventy-five per cent of the total 151718
basic project cost, the county's portion shall be seventy-five 151719
per cent of the basic project cost. In the case of a multicounty 151720
jail facility, if the sum of two or more counties' portions of 151721
the total basic project cost are calculated to be greater than 151722
seventy-five per cent of the total basic project cost, the 151723
counties' portions shall be determined pro rata, so that the sum 151724
of their portions shall be equal to seventy-five per cent of the 151725
total basic project cost. 151726

The Department of Rehabilitation and Correction shall 151727
award the funds to selected counties not later than July 1, 151728
2027. 151729

Section 387.10. 151730
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1	2	3	4	5
A	RDF STATE REVENUE DISTRIBUTIONS			
B	General Revenue Fund			
C	GRF 110403 Personal Property Tax	\$3,770,000	\$3,170,000	
	Replacement Phase Out -			

		Local Government		
D	GRF	110908	Property Tax	\$694,064,172 \$709,416,877
			Reimbursement - Local Government	
E	GRF	200417	Personal Property Tax	\$46,478,241 \$42,618,185
			Replacement Phase Out - School District	
F	GRF	200903	Property Tax	\$1,303,717,108 \$1,332,278,846
			Reimbursement - Education	
G			General Revenue Fund Total	\$2,048,029,521 \$2,087,483,908
H			Revenue Distribution Fund Group	
I	5JG0	110633	Gross Casino Revenue	\$168,320,000 \$166,460,000
			Payments - County	
J	5JH0	110634	Gross Casino Revenue	\$112,210,000 \$110,970,000
			Payments - School Districts	
K	5JJ0	110636	Gross Casino Revenue -	\$16,530,000 \$16,400,000
			Host City	
L	7049	336900	Indigent Drivers Alcohol	\$1,800,000 \$1,800,000
			Treatment	
M	7050	762900	International	\$26,000,000 \$26,000,000
			Registration Plan Distribution	

N	7051	762901	Auto Registration Distribution	\$379,000,000	\$391,000,000
O	7065	110965	Public Library Fund	\$490,000,000	\$500,000,000
P	7066	800966	Undivided Liquor Permits	\$14,600,000	\$14,600,000
Q	7069	110969	Local Government Fund	\$530,900,000	\$541,200,000
R	7082	110982	Horse Racing Tax	\$31,200	\$31,200
S	7083	700900	Ohio Fairs Fund	\$471,000	\$471,000
T	7106	110659	Host Community Cannabis Payments	\$20,000,000	\$0
U	Revenue Distribution Fund Group Total			\$1,759,862,200	\$1,768,932,200
V	Fiduciary Fund Group				
W	4P80	001698	Cash Management Improvement Fund	\$1,000,000	\$1,000,000
X	5VR0	110902	Municipal Net Profit Tax	\$241,330,000	\$253,400,000
Y	6080	001699	Investment Earnings	\$1,050,000,000	\$975,000,000
Z	7001	110996	Horse Racing Tax Local Government Payments	\$120,000	\$120,000
AA	7062	110962	Resort Area Excise Tax Distribution	\$2,540,000	\$2,650,000
AB	7063	110963	Permissive Sales Tax Distribution	\$3,706,800,000	\$3,788,700,000

AC 7067 110967	School District Income Tax Distribution	\$748,610,000	\$778,170,000
AD 7085 800985	Volunteer Firemen's Dependents Fund	\$300,000	\$300,000
AE 7094 110641	Wireless 9-1-1 Government Assistance	\$35,500,000	\$31,300,000
AF 7095 110995	Municipal Income Tax	\$8,100,000	\$8,100,000
AG 7099 762902	Permissive Tax Distribution - Auto Registration	\$262,000,000	\$270,000,000
AH	Fiduciary Fund Group Total	\$6,056,300,000	\$6,108,740,000
AI	Holding Account Fund Group		
AJ R045 110617	International Fuel Tax Distribution	\$101,700,000	\$108,200,000
AK	Holding Account Fund Group Total	\$101,700,000	\$108,200,000
AL	TOTAL ALL BUDGET FUND GROUPS	\$9,965,891,721	\$10,073,356,108

Section 387.20. ADDITIONAL APPROPRIATIONS 151732

Appropriation items in Section 387.10 of this act shall be	151733
used for the purpose of administering and distributing the	151734
designated revenue distribution funds according to the Revised	151735
Code. If it is determined that additional appropriations are	151736
necessary for this purpose in any appropriation items in Section	151737
387.10 of this act, such amounts are hereby appropriated.	151738

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 151739

The foregoing appropriation items 200417, Personal 151740
Property Tax Replacement Phase Out-School District, and 110403, 151741
Personal Property Tax Replacement Phase Out - Local Government, 151742
shall be used to make reimbursement payments to school districts 151743
and other local taxing units under sections 5709.92 and 5709.93 151744
of the Revised Code. If it is determined that additional 151745
appropriations are needed to make those reimbursement payments 151746
in full, such amounts are hereby appropriated. 151747

Notwithstanding division (I) of section 5709.92 of the 151748
Revised Code, any school district that has a nuclear power plant 151749
located within its territory shall receive no less under this 151750
section in fiscal year 2027 than paid in fiscal year 2026. 151751

PROPERTY TAX REIMBURSEMENT - EDUCATION 151752

The foregoing appropriation item 200903, Property Tax 151753
Reimbursement - Education, is appropriated to pay for the 151754
state's costs incurred because of the homestead exemption, the 151755
property tax rollback, and payments required under division (C) 151756
of section 5705.2110 of the Revised Code. In cooperation with 151757
the Department of Taxation, the Department of Education and 151758
Workforce shall distribute these funds directly to the 151759
appropriate school districts of the state, notwithstanding 151760
sections 321.24 and 323.156 of the Revised Code, which provide 151761
for payment of the homestead exemption and property tax rollback 151762
by the Tax Commissioner to the appropriate county treasurer and 151763
the subsequent redistribution of these funds to the appropriate 151764
local taxing districts by the county auditor. 151765

Upon receipt of these amounts, each school district shall 151766
distribute the amount among the proper funds as if it had been 151767

paid as real or tangible personal property taxes. Payments for 151768
the costs of administration shall continue to be paid to the 151769
county treasurer and county auditor as provided for in sections 151770
319.54, 321.26, and 323.156 of the Revised Code. 151771

Any sums, in addition to the amount specifically 151772
appropriated in appropriation item 200903, Property Tax 151773
Reimbursement - Education, for the homestead exemption and the 151774
property tax rollback payments, and payments required under 151775
division (C) of section 5705.2110 of the Revised Code, which are 151776
determined to be necessary for these purposes, are hereby 151777
appropriated. 151778

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 151779

The foregoing appropriation item 110908, Property Tax 151780
Reimbursement-Local Government, is hereby appropriated to pay 151781
for the state's costs incurred due to the Homestead Exemption, 151782
the Manufactured Home Property Tax Rollback, and the Property 151783
Tax Rollback. The Tax Commissioner shall distribute these funds 151784
directly to the appropriate local taxing districts, except for 151785
school districts, notwithstanding the provisions in sections 151786
321.24 and 323.156 of the Revised Code, which provide for 151787
payment of the Homestead Exemption, the Manufactured Home 151788
Property Tax Rollback, and Property Tax Rollback by the Tax 151789
Commissioner to the appropriate county treasurer and the 151790
subsequent redistribution of these funds to the appropriate 151791
local taxing districts by the county auditor. 151792

Upon receipt of these amounts, each local taxing district 151793
shall distribute the amount among the proper funds as if it had 151794
been paid as real property taxes. Payments for the costs of 151795
administration shall continue to be paid to the county treasurer 151796
and county auditor as provided for in sections 319.54, 321.26, 151797

and 323.156 of the Revised Code. 151798

Any sums, in addition to the amounts specifically 151799
appropriated in appropriation item 110908, Property Tax 151800
Allocation - Local Government, for the Homestead Exemption, the 151801
Manufactured Home Property Tax Rollback, and the Property Tax 151802
Rollback payments, which are determined to be necessary for 151803
these purposes, are hereby appropriated. 151804

MUNICIPAL INCOME TAX 151805

The foregoing appropriation item 110995, Municipal Income 151806
Tax, shall be used to make payments to municipal corporations 151807
under section 5745.05 of the Revised Code. If it is determined 151808
that additional appropriations are necessary to make such 151809
payments, such amounts are hereby appropriated. 151810

MUNICIPAL NET PROFIT TAX 151811

The foregoing appropriation item 110902, Municipal Net 151812
Profit Tax, shall be used to make payments to municipal 151813
corporations under section 718.83 of the Revised Code. If it is 151814
determined that additional amounts are necessary to make such 151815
payments, such amounts are hereby appropriated. 151816

During fiscal year 2026 and fiscal year 2027, if the Tax 151817
Commissioner determines that there is insufficient cash in the 151818
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 151819
distribution obligations under section 718.83 of the Revised 151820
Code, the Tax Commissioner shall certify to the Director of 151821
Budget and Management the amount of additional cash necessary to 151822
satisfy those obligations. In addition, the Commissioner shall 151823
submit a plan to the Director requesting the necessary cash be 151824
transferred from one or a combination of the following funds: 151825
the Municipal Income Tax Administrative Fund, the Local Sales 151826

Tax Administrative Fund, the General School District Income Tax 151827
Administrative Fund, the Motor Fuel Tax Administrative Fund, the 151828
Property Tax Administrative Fund, or the General Revenue Fund. 151829
This plan shall include a proposed repayment schedule to 151830
reimburse those funds for any cash transferred in accordance 151831
with this section. After receiving the certification and funding 151832
plan from the Tax Commissioner and if the Director determines 151833
that sufficient cash is available, the Director may transfer the 151834
cash to the Municipal Net Profit Tax Fund in accordance with the 151835
plan submitted by the Tax Commissioner or as otherwise 151836
determined by the Director of Budget and Management. The 151837
Director of Budget and Management may transfer cash from the 151838
Municipal Net Profit Tax Fund to reimburse the funds from which 151839
cash was transferred for the purpose outlined in this section. 151840

LOCAL GOVERNMENT FUND 151841

Notwithstanding the requirement in division (A) of section 151842
131.51 of the Revised Code that the Director of Budget and 151843
Management credit to the Local Government Fund one and seven- 151844
tenths per cent of the total tax revenue credited to the General 151845
Revenue Fund during the preceding month, the Director shall 151846
instead calculate these amounts during fiscal year 2026 and 151847
fiscal year 2027 using one and seventy-five one-hundredths as 151848
the percentage. 151849

HOST COMMUNITY CANNABIS PAYMENTS 151850

The foregoing appropriation item 110659, Host Community 151851
Cannabis Payments, shall be used to make payments to municipal 151852
corporations and townships under division (E) (1) of section 151853
3780.22 of the Revised Code. 151854

On July 1, 2025, or as soon as possible thereafter, the 151855

Director of Budget and Management shall transfer \$20,000,000 151856
cash from the Adult Use Tax Fund (Fund QG18) to the Host 151857
Community Cannabis Fund (Fund 7106). 151858

Section 391.10.

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	1	2	3	4	5
A	OSB DEAF AND BLIND EDUCATION SERVICES				
B	General Revenue Fund				
C	GRF	226321 Operations		\$32,700,258	\$33,454,668
D	General Revenue Fund Total			\$32,700,258	\$33,454,668
E	Dedicated Purpose Fund Group				
F	4H80	226602 Blind School State Grants		\$350,000	\$350,000
G	4M00	226400 Deaf School Educational Program Expenses		\$250,000	\$250,000
H	4M10	226401 Deaf School State Grants		\$25,000	\$25,000
I	4M50	226601 Blind School Educational Program Expenses		\$330,000	\$340,000
J	5H60	226402 Early Childhood Education		\$65,000	\$65,000
K	5NJ0	226622 Employee Food Service Charges		\$22,467	\$23,141
L	Dedicated Purpose Fund Group Total			\$1,042,467	\$1,053,141

M Federal Fund Group

N	3100	226626	Blind School Federal Grants	\$1,099,000	\$1,099,000
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O	3110	226403	Deaf School Federal Grants	\$574,000	\$574,000
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P	3DT0	226621	Ohio Transition Collaborative	\$230,000	\$230,000
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Q	3P50	226643	Medicaid Professional Services Reimbursement	\$459,500	\$459,500
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R	Federal Fund Group Total			\$2,362,500	\$2,362,500
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S	TOTAL ALL BUDGET FUND GROUPS			\$36,105,225	\$36,870,309
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Section 395.10.

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A SOS SECRETARY OF STATE

B General Revenue Fund

C	GRF	050321	Operating Expenses	\$3,505,147	\$3,510,274
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D	GRF	050407	Poll Workers Training	\$0	\$500,000
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E	GRF	050509	County Voting Systems Lease Rental Payments	\$12,200,000	\$12,200,000
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F	General Revenue Fund Total			\$15,705,147	\$16,210,274
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G	Dedicated Purpose Fund Group		
H	4120 050609	Notary Commission	\$541,455 \$555,487
I	4S80 050610	Board of Voting Machine Examiners	\$14,400 \$14,400
J	5990 050603	Business Services Operating Expenses	\$28,686,668 \$29,281,310
K	5990 050629	Statewide Voter Registration Database	\$705,000 \$730,000
L	5990 050630	Elections Support Supplement	\$4,458,687 \$4,545,000
M	5990 050631	Precinct Election Officials Training	\$0 \$500,000
N	5990 050636	County Election Officials Training	\$240,000 \$240,000
O	5CS1 050604	Ohio Election Integrity Commission	\$250,000 \$0
P	5SN0 050626	Address Confidentiality	\$375,000 \$400,000
Q	Dedicated Purpose Fund Group Total		\$35,271,210 \$36,266,197
R	Holding Account Fund Group		
S	R002 050606	Corporate/Business Filing Refunds	\$85,000 \$85,000
T	Holding Account Fund Group Total		\$85,000 \$85,000

U Federal Fund Group

V	3AS0 050616 Help America Vote Act (HAVA)	\$100,000	\$100,000
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W	Federal Fund Group Total	\$100,000	\$100,000
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X	TOTAL ALL BUDGET FUND GROUPS	\$51,161,357	\$52,661,471
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Section 395.20. POLL WORKERS TRAINING 151863

The foregoing appropriation item 050407, Poll Workers
Training, shall be used to provide funding to county boards of
elections for precinct election official (PEO) training pursuant
to section 3501.27 of the Revised Code. 151864
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COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 151868

The foregoing appropriation item 050509, County Voting
Systems Lease Rental Payments, shall be used to make payments
during the period from July 1, 2025, through June 30, 2027,
pursuant to leases and agreements entered into under Section 4
of S.B. 135 of the 132nd General Assembly with respect to
financing the costs associated with the acquisition,
development, installation, and implementation of county voting
systems. 151869
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BOARD OF VOTING SYSTEMS EXAMINERS 151877

The foregoing appropriation item 050610, Board of Voting
Systems Examiners, shall be used to pay for the services and
expenses of the members of the Board of Voting Systems
Examiners, and for other expenses that are authorized to be paid
from the Board of Voting Systems Examiners Fund (Fund 4S80)
created in section 3506.05 of the Revised Code. Moneys not used 151878
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shall be returned to the person or entity submitting equipment 151884
for examination. If it is determined by the Secretary of State 151885
that additional appropriation amounts are necessary, the 151886
Secretary of State may request that the Director of Budget and 151887
Management approve such amounts. Upon approval of the Director 151888
of Budget and Management, such amounts are hereby appropriated. 151889

BALLOT ADVERTISING COSTS 151890

Notwithstanding division (G) of section 3501.17 of the 151891
Revised Code, upon requests submitted by the Secretary of State, 151892
the Controlling Board may approve cash and appropriation 151893
transfers from the Controlling Board Emergency 151894
Purposes/Contingencies Fund (Fund 5KM0) to the Statewide Ballot 151895
Advertising Fund (Fund 5FH0) in order to pay for the cost of 151896
public notices associated with statewide ballot initiatives. 151897

ABSENT VOTER'S BALLOT APPLICATION MAILING 151898

Notwithstanding division (B) of section 111.31 of the 151899
Revised Code, upon the request of the Secretary of State, the 151900
Controlling Board may approve cash and appropriation transfers 151901
from the Controlling Board Emergency Purposes/Contingencies Fund 151902
(Fund 5KM0) to the Absent Voter's Ballot Application Mailing 151903
Fund (Fund 5RG0) to be used by the Secretary of State to pay the 151904
costs of printing and mailing unsolicited applications for 151905
absent voters' ballots for the general election to be held in 151906
November 2026. 151907

ADDRESS CONFIDENTIALITY PROGRAM 151908

Upon the request of the Secretary of State, the Director 151909
of Budget and Management may transfer up to \$400,000 per fiscal 151910
year in cash from the Business Services Operating Expenses Fund 151911
(Fund 5990) to the Address Confidentiality Program Fund (Fund 151912

5SN0) . 151913

CORPORATE/BUSINESS FILING REFUNDS 151914

The foregoing appropriation item 050606, 151915
Corporate/Business Filing Refunds, shall be used to hold 151916
revenues until they are directed to the appropriate accounts or 151917
until they are refunded. If it is determined by the Secretary of 151918
State that additional appropriation amounts are necessary, the 151919
Secretary of State may request that the Director of Budget and 151920
Management approve such amounts. Upon approval of the Director 151921
of Budget and Management, such amounts are hereby appropriated. 151922

HAVA FUNDS 151923

An amount equal to the unexpended, unencumbered portion of 151924
appropriation item 050616, Help America Vote Act (HAVA), at the 151925
end of fiscal year 2025 is hereby reappropriated for the same 151926
purpose in fiscal year 2026. 151927

An amount equal to the unexpended, unencumbered portion of 151928
appropriation item 050616, Help America Vote Act (HAVA), at the 151929
end of fiscal year 2026 is hereby reappropriated for the same 151930
purpose in fiscal year 2027. 151931

Section 395.30. ELECTRONIC POLLBOOKS 151932

The appropriation item 050638, Electronic Pollbooks, shall 151933
be used by the Secretary of State to pay eighty-five per cent of 151934
the calculated allocation cost of acquiring electronic 151935
pollbooks, as defined in section 3506.05 of the Revised Code, 151936
and ancillary equipment, for county boards of elections in 151937
accordance with this section. 151938

An amount equal to the unexpended, unencumbered portion of 151939
the appropriation item 050638, Electronic Pollbooks, at the end 151940

of fiscal year 2025 is hereby reappropriated to the Secretary of 151941
State for the same purpose in fiscal year 2026. 151942

When required, pursuant to state purchasing requirements 151943
and at the request of the Secretary of State, the Office of 151944
Procurement Services within the Department of Administrative 151945
Services shall initiate a competitive solicitation for the 151946
purpose of identifying and securing contracts with qualified 151947
vendors that can provide electronic pollbooks, as defined in 151948
section 3506.05 of the Revised Code, and ancillary equipment. 151949
The Department shall maintain such contracts for use by county 151950
boards of elections in accordance with this section. 151951

The Secretary of State shall calculate the portion of 151952
appropriation item 050638, Electronic Pollbooks, to be allocated 151953
to each county board of elections in proportion to the number of 151954
registered voters in each county as recorded in the statewide 151955
voter registration database as of July 1, 2022. The Secretary of 151956
State, in conjunction with the Office of Procurement Services 151957
within the Department of Administrative Services, shall use the 151958
funding allocated to each county board of elections to reimburse 151959
them for the cost of acquiring electronic pollbooks and 151960
ancillary equipment as follows: 151961

(A) For electronic pollbooks and ancillary equipment to be 151962
acquired from vendors identified through competitive 151963
solicitation by the Office of Procurement Services within the 151964
Department of Administrative Services after the effective date 151965
of this section, upon request by a county board of elections, 151966
the Secretary of State shall provide a list of the vendors and 151967
electronic pollbooks certified in accordance with section 151968
3506.05 of the Revised Code. The board of elections shall select 151969
electronic pollbooks from this list, notify the Secretary of 151970

State of its selection, and shall acquire the selected 151971
electronic pollbooks and any other necessary equipment. The 151972
board of elections shall enter into a memorandum of 151973
understanding with the applicable board of county commissioners 151974
and the Secretary of State concerning those acquisitions. The 151975
Secretary of State shall reimburse the board of elections for 151976
the lesser amount of either eighty-five per cent of the cost of 151977
those acquisitions, or the amount of the allocation as 151978
determined by the Secretary of State under this section. 151979

(B) If, between December 31, 2019 and July 1, 2023, a 151980
board of elections acquired electronic pollbooks or ancillary 151981
equipment and is otherwise in compliance with all applicable 151982
directives and statutes, the Secretary of State shall reimburse 151983
the board of elections for the lesser amount of either eighty- 151984
five per cent of the cost of that acquisition, or the amount of 151985
the allocation as determined by the Secretary of State under 151986
this section. Reimbursement shall be paid to the county board of 151987
elections. 151988

Section 397.10.

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A	SEN THE OHIO SENATE			
B	General Revenue Fund			
C	GRF 020321 Operating Expenses	\$23,000,000	\$23,000,000	
D	General Revenue Fund Total	\$23,000,000	\$23,000,000	
E	Internal Service Activity Fund Group			

F	1020 020602 Senate Reimbursement	\$425,800	\$425,800
G	4090 020601 Miscellaneous Sales	\$34,497	\$34,497
H	Internal Service Activity Fund Group	\$460,297	\$460,297
	Total		
I	TOTAL ALL BUDGET FUND GROUPS	\$23,460,297	\$23,460,297

Section 397.20. OPERATING EXPENSES

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On July 1, 2025, or as soon as possible thereafter, the
Clerk of the Senate may certify to the Director of Budget and
Management an amount up to the unexpended, unencumbered balance
of the foregoing appropriation item 020321, Operating Expenses,
at the end of fiscal year 2025 to be reappropriated to fiscal
year 2026. The amount certified is hereby reappropriated to the
same appropriation item for fiscal year 2026.

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On July 1, 2026, or as soon as possible thereafter, the
Clerk of the Senate may certify to the Director of Budget and
Management an amount up to the unexpended, unencumbered balance
of the foregoing appropriation item 020321, Operating Expenses,
at the end of fiscal year 2026 to be reappropriated to fiscal
year 2027. The amount certified is hereby reappropriated to the
same appropriation item for fiscal year 2027.

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Section 399.10.

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1 2 3 4 5

A CSV COMMISSION ON SERVICE AND VOLUNTEERISM

B General Revenue Fund

C	GRF 866321 CSV Operations	\$694,000	\$694,000
D	General Revenue Fund Total	\$694,000	\$694,000
E	Dedicated Purpose Fund Group		
F	5GN0 866605 Serve Ohio Support	\$10,000	\$2,103
G	Dedicated Purpose Fund Group Total	\$10,000	\$2,103
H	Federal Fund Group		
I	3R70 866617 AmeriCorps Programs	\$13,923,794	\$13,956,503
J	Federal Fund Group Total	\$13,923,794	\$13,956,503
K	TOTAL ALL BUDGET FUND GROUPS	\$14,627,794	\$14,652,606

Section 401.10.

152008

152009

	1	2	3	4	5
A	CSF COMMISSIONERS OF THE SINKING FUND				
B	Debt Service Fund Group				
C	7070	155905	Third Frontier Research and Development Bond Retirement Fund	\$45,000,000	\$45,000,000
D	7072	155902	Highway Capital Improvement Bond Retirement Fund	\$118,500,000	\$131,500,000
E	7073	155903	Natural Resources Bond	\$14,300,000	\$14,300,000

		Retirement Fund		
F	7074	155904	Conservation Projects	\$46,500,000 \$39,000,000
			Bond Retirement Fund	
G	7076	155906	Coal Research and	\$4,050,000 \$2,525,000
			Development Bond	
			Retirement Fund	
H	7077	155907	State Capital Improvement	\$225,000,000 \$240,000,000
			Bond Retirement Fund	
I	7078	155908	Common Schools Bond	\$255,000,000 \$230,000,000
			Retirement Fund	
J	7079	155909	Higher Education Bond	\$250,000,000 \$210,000,000
			Retirement Fund	
K	7080	155901	Persian Gulf,	\$975,000 \$0
			Afghanistan, and Iraq	
			Conflict Bond Retirement	
			Fund	
L			Debt Service Fund Group Total	\$959,325,000 \$912,325,000
M			TOTAL ALL BUDGET FUND GROUPS	\$959,325,000 \$912,325,000

Section 401.20. ADDITIONAL APPROPRIATIONS 152010

Appropriation items in this section are for the purpose of	152011
paying debt service and financing costs during the period from	152012
July 1, 2025, through June 30, 2027, on bonds or notes of the	152013
state issued under the Ohio Constitution, Revised Code, and acts	152014
of the General Assembly. If it is determined that additional	152015

amounts are necessary for this purpose, such amounts are hereby 152016
appropriated. 152017

Section 404.10.

152018

152019

	1	2	3	4	5
A					
B					
C	4K90	123609	Operating Expenses	\$649,200	\$665,400
D			Dedicated Purpose Fund Group Total	\$649,200	\$665,400
E			TOTAL ALL BUDGET FUND GROUPS	\$649,200	\$665,400

Section 407.10.

152020

152021

	1	2	3	4	5
A					
B					
C	GRF	116321	Operating Expenses	\$2,110,000	\$2,160,000
D			General Revenue Fund Total	\$2,110,000	\$2,160,000
E			TOTAL ALL BUDGET FUND GROUPS	\$2,110,000	\$2,160,000

Section 409.10.

152022

152023

	1	2	3	4	5
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A	TAX DEPARTMENT OF TAXATION		
B	General Revenue Fund		
C	GRF 110321	Operating Expenses	\$63,000,000 \$67,000,000
D	GRF 110404	Tobacco Settlement Enforcement	\$163,000 \$166,271
E	General Revenue Fund Total		\$63,163,000 \$67,166,271
F	Dedicated Purpose Fund Group		
G	2280 110628	CAT Administration	\$13,368,132 \$13,072,718
H	4350 110607	Local Tax Administration	\$38,632,001 \$39,008,489
I	4360 110608	Motor Vehicle Audit Administration	\$1,282,300 \$1,282,300
J	4380 110609	School District Income Tax Administration	\$9,651,710 \$9,732,886
K	4C60 110616	International Registration Plan Administration	\$697,635 \$706,187
L	4R60 110610	Tire Tax Administration	\$138,123 \$138,123
M	5BP0 110639	Wireless 9-1-1 Administration	\$251,418 \$251,418
N	5JM0 110637	Casino Tax Administration	\$101,000 \$101,000
O	5N50 110605	Municipal Income Tax	\$115,848 \$115,848

		Administration		
P	5N60	110618 Kilowatt Hour Tax	\$63,415	\$63,415
		Administration		
Q	5NY0	110643 Petroleum Activity Tax	\$1,114,260	\$1,114,260
		Administration		
R	5V70	110622 Motor Fuel Tax	\$6,713,625	\$6,871,008
		Administration		
S	5V80	110623 Property Tax	\$5,477,332	\$5,509,569
		Administration		
T	5YQ0	110651 Sports Gaming Tax	\$5,000	\$5,000
		Administration Operating		
		Expenses		
U	5ZA0	110650 Ohio Tax System Operating	\$7,000,000	\$8,000,000
		Expenses		
V	6390	110614 Cigarette Tax Enforcement	\$1,087,029	\$1,114,117
W	6880	110615 Local Excise Tax	\$391,778	\$392,536
		Administration		
X		Dedicated Purpose Fund Group Total	\$86,090,606	\$87,478,874
Y		Fiduciary Fund Group		
Z	4250	110635 Tax Refunds	\$3,082,044,000	\$3,082,044,000
AA	5CZ0	110631 Vendor's License	\$575,000	\$575,000
		Application		

AB Fiduciary Fund Group Total	\$3,082,619,000	\$3,082,619,000
AC Holding Account Fund Group		
AD R010 110611 Tax Distributions	\$25,000	\$25,000
AE R011 110612 Miscellaneous Tax Receipts	\$500	\$500
AF Holding Account Fund Group Total	\$25,500	\$25,500
AG TOTAL ALL BUDGET FUND GROUPS	\$3,231,898,106	\$3,237,289,645

Section 409.20. TAX REFUNDS 152024

The foregoing appropriation item 110635, Tax Refunds, 152025
shall be used to pay refunds under section 5703.052 of the 152026
Revised Code. If it is determined that additional appropriations 152027
are necessary for this purpose, such amounts are hereby 152028
appropriated. 152029

VENDOR'S LICENSE PAYMENTS 152030

The foregoing appropriation item 110631, Vendor's License 152031
Application, shall be used to make payments to county auditors 152032
under section 5739.17 of the Revised Code. If it is determined 152033
that additional appropriations are necessary to make such 152034
payments, such amounts are hereby appropriated. 152035

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 152036

The foregoing appropriation item 110616, International 152037
Registration Plan Administration, shall be used under section 152038
5703.12 of the Revised Code for audits of persons with vehicles 152039
registered under the International Registration Plan. 152040

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 152041

Of the foregoing appropriation item 110607, Local Tax 152042
Administration, the Tax Commissioner may disburse funds, if 152043
available, for the purposes of paying travel expenses incurred 152044
by members of Ohio's delegation to the Streamlined Sales Tax 152045
Project, as appointed under section 5740.02 of the Revised Code. 152046
Any travel expense reimbursement paid for by the Department of 152047
Taxation shall be done in accordance with applicable state laws 152048
and guidelines. 152049

TOBACCO SETTLEMENT ENFORCEMENT 152050

The foregoing appropriation item 110404, Tobacco 152051
Settlement Enforcement, shall be used by the Tax Commissioner to 152052
pay costs incurred in the enforcement of divisions (F) and (G) 152053
of section 5743.03 of the Revised Code. 152054

OHIO TAX SYSTEM SUPPORT FUND 152055

The foregoing appropriation item 110650, Ohio Tax System 152056
Operating Expenses, shall be used to pay costs incurred in the 152057
maintenance and support of the department's Ohio Tax System. The 152058
Tax Commissioner shall submit a plan to the Director of Budget 152059
and Management requesting the necessary cash be transferred to 152060
the Ohio Tax System Support Fund (Fund 5ZA0) which is hereby 152061
created in the state treasury. Cash shall be transferred from 152062
any fund used by the Department of Taxation that is otherwise 152063
allowable under state or federal law, except the General Revenue 152064
Fund. This plan shall include a schedule of cash transfers. 152065
After receiving the funding plan from the Tax Commissioner and 152066
if the Director determines that sufficient cash is available, 152067
the Director may transfer the cash to the Ohio Tax System 152068
Support Fund with the plan submitted by the Tax Commissioner or 152069

as otherwise determined by the Director of Budget and 152070
Management. The transfers of cash to the Ohio Tax System Support 152071
Fund shall not exceed \$15,000,000 in the fiscal year 2026-2027 152072
biennium. 152073

MISCELLANEOUS TAX RECEIPTS 152074

The foregoing appropriation item 110612, Miscellaneous Tax 152075
Receipts, shall be used to hold miscellaneous tax payments 152076
received by the Tax Commissioner until the appropriate account 152077
or fund is identified and the money can be transferred for the 152078
identified purpose. If the Director of Budget and Management 152079
determines that additional amounts are necessary for this 152080
purpose, such amounts are hereby appropriated. 152081

Section 411.10. 152082

152083

1	2	3	4	5
A	DOT DEPARTMENT OF TRANSPORTATION			
B	General Revenue Fund			
C	GRF	772456 Unmanned Aerial Systems Center	\$500,000	\$500,000
D	GRF	775470 Public Transportation - State	\$37,014,636	\$37,014,636
E	GRF	776400 Rail Development One-Time Grants	\$6,750,000	\$0
F	GRF	776465 Rail Development	\$3,000,000	\$3,000,000
G	GRF	777471 Airport Improvements -	\$10,000,000	\$10,000,000

State

H	General Revenue Fund Total	\$57,264,636	\$50,514,636
I	Dedicated Purpose Fund Group		
J	5QT0 776670 Ohio Maritime Assistance Program	\$4,000,000	\$4,000,000
K	Dedicated Purpose Fund Group Total	\$4,000,000	\$4,000,000
L	TOTAL ALL BUDGET FUND GROUPS	\$61,264,636	\$54,514,636

Section 411.15. RAIL DEVELOPMENT ONE-TIME GRANTS 152084

The foregoing appropriation item 776400, Rail Development 152085
One-Time Grants, shall be distributed to the lead Ohio 152086
partnering agency preparing the Step 2-Service Development Plan 152087
supporting Ohio's portion of the Midwest Connect rail line for 152088
the completion of that plan and associated activities. 152089

Section 411.20. 152090

OHIO MARITIME ASSISTANCE PROGRAM 152091

The foregoing appropriation item 776670, Ohio Maritime 152092
Assistance Program, shall be used to provide grants under the 152093
Ohio Maritime Assistance Program established under section 152094
5501.91 of the Revised Code. 152095

An amount equal to the unexpended, unencumbered balance of 152096
the foregoing appropriation item 776670, Ohio Maritime 152097
Assistance Program, at the end of fiscal year 2026 is hereby 152098
reappropriated to the same appropriation item in fiscal year 152099
2027. 152100

Section 413.10.

152101

152102

1	2	3	4	5
A		TOS TREASURER OF STATE		
B		General Revenue Fund		
C	GRF 090321	Operating Expenses	\$5,432,000	\$5,432,000
D		General Revenue Fund Total	\$5,432,000	\$5,432,000
E		Dedicated Purpose Fund Group		
F	4E90 090603	Securities Lending Income	\$12,972,444	\$13,408,214
G	4E90 090639	STABLE Maintenance Fee Subsidy	\$900,000	\$900,000
H	4X90 090614	Political Subdivision Obligation	\$38,332	\$39,460
I	5770 090605	Investment Pool Reimbursement	\$1,838,291	\$1,885,100
J	5BD1 090576	County Recorder Electronic Record Supplement	\$1,750,000	\$0
K	5BE1 090638	Ohio Treasurer of State Information Technology Reserve	\$1,459,000	\$1,459,000
L	5C50 090602	County Treasurer Education	\$250,000	\$250,000

M	6050 090609	Treasurer of State	\$1,820,361	\$1,827,252
		Administrative Fund		
N		Dedicated Purpose Fund Group Total	\$21,028,428	\$19,769,026
O		Fiduciary Fund Group		
P	4250 090635	Tax Refunds	\$12,000,000	\$12,000,000
Q		Fiduciary Fund Group Total	\$12,000,000	\$12,000,000
R		TOTAL ALL BUDGET FUND GROUPS	\$38,460,428	\$37,201,026

Section 413.20. COUNTY RECORDER ELECTRONIC RECORD 152103
MODERNIZATION PROGRAM 152104

An amount equal to the unexpended, unencumbered balance of 152105
appropriation item 090409, County Recorder Electronic 152106
Modernization Program, at the end of fiscal year 2025 is hereby 152107
reappropriated to the same appropriation item for the same 152108
purpose in fiscal year 2026. 152109

TAX REFUNDS 152110

The foregoing appropriation item 090635, Tax Refunds, 152111
shall be used to pay refunds under section 5703.052 of the 152112
Revised Code. If the Director of Budget and Management 152113
determines that additional amounts are necessary for this 152114
purpose, such amounts are hereby appropriated. 152115

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 152116
PAYMENTS 152117

The foregoing appropriation item 090406, Treasury 152118
Management System Lease Rental Payments, shall be used to make 152119
payments during the period from July 1, 2025, through June 30, 152120

2027, pursuant to leases and agreements entered into under 152121
Section 701.20 of H.B. 497 of the 130th General Assembly and 152122
other prior acts of the General Assembly with respect to 152123
financing the costs associated with the acquisition, 152124
development, implementation, and integration of the Treasury 152125
Management System. 152126

Section 413.40. STABLE MAINTENANCE FEE SUBSIDY 152127

The foregoing appropriation item 090639, STABLE 152128
Maintenance Fee Subsidy, shall be used to subsidize costs of 152129
monthly fees incurred by STABLE account holders for eligible 152130
individuals with disabilities. 152131

Section 413.50. COUNTY RECORDER ELECTRONIC RECORD 152132
MODERNIZATION FUND 152133

The County Recorder Electronic Modernization Fund (Fund 152134
5BD1) is created in the state treasury. Money in the fund shall 152135
be used to distribute funds to reimburse counties under the 152136
County Recorder Electronic Record Modernization Program, for use 152137
by county recorder's offices to implement the requirements set 152138
forth in divisions (E) and (F) of section 317.13 of the Revised 152139
Code. The Treasurer of State shall reimburse counties on a 152140
rolling basis until the appropriation is expended. Counties that 152141
met the requirements set forth in divisions (E) and (F) of 152142
section 317.13 of the Revised Code on October 24, 2024, are 152143
ineligible for funds under the Program. To be eligible for 152144
reimbursement under the Program, an expense must be incurred on 152145
or after October 24, 2024; expenses incurred before that date 152146
are not eligible for reimbursement. A county that receives funds 152147
under the Program shall credit those funds to the Recorder's 152148
Technology Fund at least to the extent necessary to reimburse 152149
the fund for money the county recorder spent to implement the 152150

requirements set forth in divisions (E) and (F) of section 152151
317.13 of the Revised Code. 152152

On July 1, 2025, or as soon as possible thereafter, the 152153
Treasurer of State shall transfer the cash balance including 152154
accrued interest and investment earnings from the Torrens Law 152155
Assurance Fund in the custody of the Treasurer of State, to the 152156
County Recorder Electronic Modernization Fund (Fund 5BD1). Upon 152157
completion of the transfer and on the effective date of its 152158
repeal by this act, the Torrens Law Assurance Fund is hereby 152159
abolished. 152160

Section 414.10. 152161
152162

1	2	3	4	5
A	VTO VETERANS' ORGANIZATIONS			
B	General Revenue Fund			
C	GRF	743501 American Ex-Prisoners of War	\$45,000	\$45,000
D	GRF	746501 Army and Navy Union, USA, Inc.	\$85,000	\$85,000
E	GRF	747501 Korean War Veterans	\$85,000	\$85,000
F	GRF	748501 Jewish War Veterans	\$62,000	\$62,000
G	GRF	749501 Catholic War Veterans	\$85,000	\$85,000
H	GRF	750501 Military Order of the Purple Heart	\$85,000	\$85,000

I	GRF	751501	Vietnam Veterans of America	\$310,000	\$310,000
J	GRF	752501	American Legion of Ohio	\$450,000	\$450,000
K	GRF	753501	AMVETS	\$450,000	\$450,000
L	GRF	754501	Disabled American Veterans	\$450,000	\$450,000
M	GRF	756501	Marine Corps League	\$214,000	\$214,000
N	GRF	757501	37th Division Veterans' Association	\$17,000	\$17,000
O	GRF	758501	Veterans of Foreign Wars	\$450,000	\$450,000
P	General Revenue Fund Total			\$2,788,000	\$2,788,000
Q	TOTAL ALL BUDGET FUND GROUPS			\$2,788,000	\$2,788,000

Section 415.10.

152163

152164

	1	2	3	4	5
A	DVS DEPARTMENT OF VETERANS SERVICES				
B	General Revenue Fund				
C	GRF	900321	Veterans' Homes	\$51,956,758	\$52,999,692
D	GRF	900402	Hall of Fame	\$74,317	\$75,966
E	GRF	900408	Department of Veterans Services	\$5,077,924	\$5,178,649

F	GRF	900645	Veterans Long Term Healthcare Needs and Support (VET)	\$1,559,990	\$1,559,990
G	GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$975,000	\$0
H	General Revenue Fund Total			\$59,643,989	\$59,814,297
I	Dedicated Purpose Fund Group				
J	4840	900603	Veterans' Homes Services	\$680,004	\$700,000
K	4E20	900602	Veterans' Homes Operating	\$14,000,000	\$14,000,000
L	5DB0	900643	Military Injury Relief Program	\$97,000	\$97,000
M	5YP0	900650	Sports Gaming - Veterans	\$75,000	\$75,000
N	Dedicated Purpose Fund Group Total			\$14,852,004	\$14,872,000
O	Federal Fund Group				
P	3680	900614	Veterans Training	\$980,404	\$1,021,705
Q	3BX0	900609	Medicare Services	\$1,000,000	\$2,059,273
R	3L20	900601	Veterans' Homes Operations - Federal	\$31,500,000	\$31,500,000
S	Federal Fund Group Total			\$33,480,404	\$34,580,978
T	TOTAL ALL BUDGET FUND GROUPS			\$107,976,397	\$109,267,275

Section 415.20. VETERANS ORGANIZATIONS' RENT 152165

The foregoing appropriation item 900408, Department of 152166
Veterans Services, shall be used to pay veterans organizations' 152167
rent in buildings managed by the Department of Administrative 152168
Services. 152169

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 152170

The foregoing appropriation item 900901, Veterans 152171
Compensation General Obligation Bond Debt Service, shall be used 152172
to pay all debt service and related financing costs during the 152173
period from July 1, 2025, through June 30, 2027, on obligations 152174
issued under Section 2r of Article VIII, Ohio Constitution. 152175

VETERANS HOME MODERNIZATION 152176

An amount equal to the unexpended and unencumbered 152177
portions of appropriation item 900411, Veterans Homes 152178
Modernization, under the Veterans Homes Modernization Fund (Fund 152179
5Z00) plus an amount equal to cash previously expended but 152180
returned to the fund at the end of fiscal year 2025 are hereby 152181
reappropriated for the same purpose in fiscal year 2026. 152182

An amount equal to the unexpended and unencumbered 152183
portions of appropriation item 900411, Veterans Homes 152184
Modernization, under the Veterans Homes Modernization Fund (Fund 152185
5Z00) plus an amount equal to cash previously expended but 152186
returned to the fund at the end of fiscal year 2026 are hereby 152187
reappropriated for the same purpose in fiscal year 2027. 152188

Section 417.10. 152189

152190

A	DVM STATE VETERINARY MEDICAL LICENSING BOARD		
B	Dedicated Purpose Fund Group		
C	4K90 888609 Operating Expenses	\$532,551	\$554,811
D	5YG0 888603 Veterinarian Student Debt Assistance Program	\$100,000	\$100,000
E	Dedicated Purpose Fund Group Total	\$632,551	\$654,811
F	Internal Service Activity Fund Group		
G	5BU0 888602 Veterinary Student Loan Program	\$20,000	\$20,000
H	Internal Service Activity Fund Group Total	\$20,000	\$20,000
I	TOTAL ALL BUDGET FUND GROUPS	\$652,551	\$674,811

Section 419.10.

152191
152192

	1	2	3	4	5
A	VPB STATE VISION PROFESSIONALS BOARD				
B	Dedicated Purpose Fund Group				
C	4K90	129609	Operating Expenses	\$609,659	\$668,146
D	Dedicated Purpose Fund Group Total			\$609,659	\$668,146
E	TOTAL ALL BUDGET FUND GROUPS			\$609,659	\$668,146

Section 421.10.

152193

152194

1	2	3	4	5
A	DYS DEPARTMENT OF YOUTH SERVICES			
B	General Revenue Fund			
C	GRF	470401 RECLAIM Ohio	\$207,000,000	\$218,000,000
D	GRF	470412 Juvenile Correctional Facilities Lease Rental Bond Payments	\$17,500,000	\$17,500,000
E	GRF	470510 Youth Services	\$16,702,000	\$16,702,000
F	GRF	472321 Parole Operations	\$11,547,202	\$11,926,365
G	GRF	477321 Administrative Operations	\$17,177,391	\$18,017,753
H	General Revenue Fund Total		\$269,926,593	\$282,146,118
I	Dedicated Purpose Fund Group			
J	1470	470612 Vocational Education	\$1,436,125	\$1,494,968
K	1750	470613 Education Services	\$4,140,884	\$4,317,416
L	4790	470609 Employee Food Service	\$30,300	\$30,300
M	4A20	470602 Child Support	\$95,000	\$95,000
N	4G60	470605 Juvenile Special Revenue - Non-Federal	\$115,000	\$115,000

O	5BN0 470629 E-Rate Program	\$71,000	\$71,000
P	Dedicated Purpose Fund Group Total	\$5,888,309	\$6,123,684
Q	Federal Fund Group		
R	3210 470601 Education	\$1,899,343	\$1,956,154
S	3210 470603 Juvenile Justice Prevention	\$2,473,806	\$2,481,942
T	3210 470606 Nutrition	\$1,551,000	\$1,551,000
U	3210 470614 Title IV-E Reimbursements	\$1,521,776	\$1,529,243
V	3V50 470604 Juvenile Justice/Delinquency Prevention	\$1,657,737	\$1,731,824
W	Federal Fund Group Total	\$9,103,662	\$9,250,163
X	TOTAL ALL BUDGET FUND GROUPS	\$284,918,564	\$297,519,965

Section 421.20. COMMUNITY PROGRAMS 152195

For purposes of implementing juvenile sentencing reforms, 152196
and notwithstanding any provision of law to the contrary, the 152197
Department of Youth Services may use up to \$1,375,000 of the 152198
unexpended, unencumbered balance of the portion of appropriation 152199
item 470401, RECLAIM Ohio, that is allocated to juvenile 152200
correctional facilities in each fiscal year to expand Targeted 152201
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 152202
other evidence-based community programs. 152203

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND 152204

PAYMENTS	152205
The foregoing appropriation item 470412, Juvenile	152206
Correctional Facilities Lease Rental Bond Payments, shall be	152207
used to meet all payments during the period from July 1, 2025,	152208
through June 30, 2027, by the Department of Youth Services under	152209
the leases and agreements for facilities made under Chapters	152210
152. and 154. of the Revised Code. These appropriations are the	152211
source of funds pledged for bond service charges on related	152212
obligations issued under Chapters 152. and 154. of the Revised	152213
Code.	152214
EDUCATION SERVICES	152215
The foregoing appropriation item 470613, Education	152216
Services, shall be used to fund the operating expenses of	152217
providing educational services to youth supervised by the	152218
Department of Youth Services. Operating expenses include, but	152219
are not limited to, teachers' salaries, maintenance costs, and	152220
educational equipment.	152221
FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES	152222
In collaboration with the county family and children first	152223
council, the juvenile court of that county that receives	152224
allocations from one or both of the foregoing appropriation	152225
items 470401, RECLAIM Ohio, and 470510, Youth Services, may	152226
transfer portions of those allocations to a flexible funding	152227
pool as authorized by the section of this act titled "FAMILY AND	152228
CHILDREN FIRST FLEXIBLE FUNDING POOL."	152229
Section 423.10.	152230
	152231

A	KID DEPARTMENT OF CHILDREN AND YOUTH			
B	General Revenue Fund			
C	GRF	650400	Medicaid Program Support - State	\$1,393,000 \$1,393,000
D	GRF	830321	Children and Youth Program Management	\$55,000,000 \$55,500,000
E	GRF	830400	Child Care State/Maintenance of Effort	\$93,636,000 \$93,636,000
F	GRF	830402	Maternal and Infant Housing Assistance	\$500,000 \$500,000
G	GRF	830403	Help Me Grow	\$60,000,000 \$63,000,000
H	GRF	830404	Infant Vitality	\$18,000,000 \$18,000,000
I	GRF	830405	Part C Early Intervention	\$30,000,000 \$32,000,000
J	GRF	830406	Strong Families Strong Communities	\$2,500,000 \$2,500,000
K	GRF	830407	Early Childhood Education	\$130,319,450 \$130,320,617
L	GRF	830409	Early Care and Education Learning Standards	\$6,052,091 \$6,150,959
M	GRF	830410	Family and Children First	\$2,706,000 \$2,706,000
N	GRF	830411	Imagination Library	\$8,250,000 \$8,250,000

O	GRF	830415	Parenting and Pregnancy Program	\$10,000,000	\$10,000,000
P	GRF	830416	Adoption Grant Program	\$34,000,000	\$34,000,000
Q	GRF	830418	Child Care Provider Recruitment	\$1,750,000	\$1,000,000
R	GRF	830419	Children's Crisis Care	\$1,350,000	\$1,350,000
S	GRF	830420	Community Projects and Assistance	\$2,500,000	\$2,500,000
T	GRF	830421	Responsible Fatherhood Initiative Grant Program	\$5,000,000	\$15,000,000
U	GRF	830500	Early Care and Education	\$141,285,000	\$141,285,000
V	GRF	830501	Kinship Permanency Incentive Program	\$1,000,000	\$1,000,000
W	GRF	830502	Court Appointed Special Advocates	\$1,000,000	\$1,000,000
X	GRF	830503	Adoption Services	\$23,992,000	\$23,992,000
Y	GRF	830505	Infant and Early Childhood Mental Health (ECMH)	\$4,000,000	\$4,000,000
Z	GRF	830506	Family and Children Services	\$264,059,990	\$272,197,490
AA	General Revenue Fund Total			\$898,293,531	\$921,281,066

AB Dedicated Purpose Fund Group

AC 1980	830600	Children's Trust Fund	\$5,770,407	\$5,800,246
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AD 2320	830613	Family and Children First	\$2,485,214	\$2,514,051
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AE 4E70	830615	Family and Children Services Collections	\$650,000	\$650,000
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AF 4F10	830607	Family and Children Activities	\$655,000	\$655,000
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AG 5BN1	830618	Child Welfare Training Support	\$7,387,465	\$7,387,465
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AH 5BO1	830620	Children and Youth Community Initiatives	\$20,000,000	\$10,000,000
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AI 5BP1	830621	Agency Oversight and Support	\$9,000,000	\$9,000,000
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AJ 5CN0	830617	Choose Life	\$80,000	\$80,000
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AK 5U60	830619	Family and Children Support	\$400,000	\$400,000
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AL		Dedicated Purpose Fund Group Total	\$46,428,086	\$36,486,762
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AM Federal Fund Group

AN 3201	830608	Maternal and Child Health Block Grant	\$5,000,000	\$5,000,000
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AO 3270	830601	Child Welfare	\$31,024,665	\$31,147,396
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AP 3980	830612	Adoption Program	\$215,000,000	\$215,000,000
AQ 3A91	830622	Mental Health Block Grant	\$1,698,892	\$1,698,892
AR 3C50	830610	Preschool Special Education	\$16,026,864	\$16,026,864
AS 3D30	830602	Children's Trust Fund	\$7,030,643	\$7,048,243
AT 3F02	650600	Medicaid Program Support - Federal	\$1,393,000	\$1,393,000
AU 3H70	830604	Child Care	\$646,049,427	\$591,221,224
AV 3IT0	830609	Community Social Service Programs	\$22,803,908	\$22,803,908
AW 3IU0	830623	Federal Children and Youth Grants	\$52,000,000	\$52,000,000
AX 3N00	830603	Foster Care Program	\$337,778,385	\$338,091,973
AY 3V62	830605	TANF Block Grant	\$327,850,000	\$327,850,000
AZ	Federal Fund Group Total		\$1,663,655,784	\$1,609,281,500
BA	TOTAL ALL BUDGET FUND GROUPS		\$2,608,377,401	\$2,567,049,328

Section 423.20. MATERNAL AND INFANT HOUSING ASSISTANCE 152232

Of the foregoing appropriation item 830402, Maternal and	152233
Infant Housing Assistance, up to \$500,000 in each fiscal year	152234
shall be used to support stable housing initiatives for pregnant	152235
mothers and their families to improve maternal and infant health	152236
outcomes.	152237

Section 423.30. INFANT VITALITY GRANTS AND PROGRAMS 152238

Of the foregoing appropriation item, 830404, Infant 152239
Vitality, up to \$5,000,000 in each fiscal year shall be used to 152240
support programming by community and local faith-based service 152241
providers that invests in maternal health programs, provides 152242
services and support to pregnant mothers, and improves both 152243
maternal and infant health outcomes. 152244

The remainder of appropriation item 830404, Infant 152245
Vitality, shall be used to fund a multi-pronged population 152246
health approach to address infant mortality. This approach may 152247
include the following: increasing awareness; supporting data 152248
collection; analysis and interpretation to inform decision- 152249
making and ensure accountability; targeting resources where the 152250
need is greatest; and implementing quality improvement science 152251
and programming that is evidence-based or based on emerging 152252
practices. Measurable interventions may include activities 152253
related to safe sleep, community engagement, group prenatal 152254
care, preconception education, continuous support for women 152255
during pregnancy and childbirth, patient navigators, community 152256
health workers, early childhood home visiting, safe birth 152257
spacing, gestational diabetes, smoking cessation tailored for 152258
pregnant women, breastfeeding, care coordination, and 152259
progesterone. 152260

Section 423.40. PART C EARLY INTERVENTION 152261

Of the foregoing appropriation item 830405, Part C Early 152262
Intervention, up to \$7,000,000 in fiscal year 2026 and up to 152263
\$9,000,000 in fiscal year 2027 may be used by the Department of 152264
Children and Youth to subgrant or contract with county boards of 152265
developmental disabilities for the provision of early 152266
intervention evaluations, assessments, and service coordination. 152267

County boards of developmental disabilities that accept these 152268
funds shall maintain the level of local funding for early 152269
intervention at the same funding level as the prior fiscal year. 152270

Of the foregoing appropriation item 830405, Part C Early 152271
Intervention, \$1,000,000 in total in each fiscal year shall be 152272
used to contract with the Cleveland Sight Center, the Cincinnati 152273
Association for the Blind and Visually Impaired, and the Sight 152274
Center of Northwest Ohio to provide early intervention special 152275
instruction services and family support to children under the 152276
age of three with blindness or low vision. 152277

Section 423.50. CHILDREN'S MENTAL HEALTH 152278

Of the foregoing appropriation item 830406, Strong 152279
Families Strong Communities, up to \$2,000,000 in each fiscal 152280
year shall be used to provide funding for community projects 152281
across the state that focus on support for families, assisting 152282
families in avoiding crisis, and crisis intervention. 152283

Of the foregoing appropriation item 830406, Strong 152284
Families Strong Communities, \$500,000 in each fiscal year shall 152285
be provided to Riveon Mental Health and Recovery to support 152286
primary care integration. 152287

The foregoing appropriation item 830505, Infant and Early 152288
Childhood Mental Health, shall be used to promote identification 152289
and intervention for early childhood mental health and to 152290
enhance healthy social emotional development in order to reduce 152291
preschool expulsions and promote kindergarten readiness. Funds 152292
shall be used by the Department of Children and Youth, in 152293
coordination with Department of Behavioral Health, to support 152294
infant and early childhood mental health credentialed 152295
professionals and consultation services, as well as 152296

administration, workforce development for the program, and 152297
program evaluation. 152298

Section 423.70. EARLY CHILDHOOD EDUCATION 152299

The foregoing appropriation item 830407, Early Childhood 152300
Education, shall be used to pay the costs of the Early Childhood 152301
Education Grant Program to provide quality preschool instruction 152302
to improve kindergarten readiness. The Department shall 152303
distribute such funds directly to qualifying providers as 152304
specified in section 5104.53 of the Revised Code. 152305

Section 423.80. EARLY CARE AND EDUCATION LEARNING 152306
STANDARDS 152307

The foregoing appropriation item 830409, Early Care and 152308
Education Learning Standards, shall be used to support the 152309
state's early learning assessment work, the assessments required 152310
under section 3301.0715 of the Revised Code, and the 152311
implementation of curricula, assessments, and learning 152312
activities that are aligned with the science of reading and the 152313
early learning and development standards. 152314

Section 423.90. PARENTING AND PREGNANCY PROGRAM 152315

The foregoing appropriation item 830415, Parenting and 152316
Pregnancy Program, shall be used, in accordance with section 152317
5180.71 of the Revised Code, to support the Ohio Parenting and 152318
Pregnancy Program. 152319

An amount equal to the unexpended, unencumbered balance of 152320
appropriation item 830415, Parenting and Pregnancy Program, at 152321
the end of fiscal year 2026 is hereby reappropriated to the same 152322
appropriation item for the same purpose in fiscal year 2027. 152323

Section 423.100. ADOPTION GRANT PROGRAM 152324

The foregoing appropriation item 830416, Adoption Grant Program, shall be used to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5180.451 and 5180.452 of the Revised Code.

Section 423.103. CHILD CARE PROVIDER RECRUITMENT 152329

The foregoing appropriation item 830418, Child Care Provider Recruitment, shall be used for the Child Care Provider Recruitment and Mentorship Grant Program established in Section 751.30 of this act.

Section 423.106. DIAGNOSTIC ULTRASOUND MACHINE PROGRAM 152334

The Director of Children and Youth shall create a grant program through which entities may apply to receive diagnostic ultrasound machines purchased in accordance with this section. The Director shall establish the grant application and administration process. To be eligible to receive a diagnostic ultrasound machine through the grant program, all of the following must apply to an entity:

(A) The entity must meet all conditions set forth in division (B) of section 5180.71 of the Revised Code, including that the entity does not charge a fee for diagnostic ultrasound services provided to pregnant women and women who suspect they may be pregnant and does not promote abortion, perform abortion-related medical procedures, or make referrals for abortions.

(B) The entity is physically located in Ohio.

(C) The entity is not a hospital, federally qualified health center, or ambulatory surgical facility.

The foregoing appropriation item 830420, Community Projects and Assistance, shall be used by the Director of

Children and Youth to competitively bid for the purchase of new 152353
three-dimensional diagnostic ultrasound machines." 152354

Section 423.108. RESPONSIBLE FATHERHOOD INITIATIVE GRANTS 152355

The foregoing appropriation item 830421, Responsible 152356
Fatherhood Initiative Grants, shall be used to award grants 152357
under the Responsible Fatherhood Initiative Grant Program, in 152358
accordance with section 5180.706 of the Revised Code. Of this 152359
amount, not more than two per cent in each fiscal year shall be 152360
used for administrative purposes. 152361

On June 30 of each fiscal year, the Department of Children 152362
and Youth shall encumber an amount equal to any unexpended funds 152363
in appropriation item 830421, Responsible Fatherhood Initiative 152364
Grants. Funds encumbered shall be used for the same purposes in 152365
the following fiscal year. 152366

Section 423.110. COURT APPOINTED SPECIAL ADVOCATES 152367

Of the foregoing appropriation item 830502, Court 152368
Appointed Special Advocates, up to \$333,333 in each fiscal year 152369
shall be used to support administrative costs associated with 152370
existing court-appointed special advocate programs. 152371

Of the foregoing appropriation item 830502, Court 152372
Appointed Special Advocates, up to \$666,667 in each fiscal year 152373
shall be used to establish court-appointed special advocate 152374
programs in areas of the state that are not served by an 152375
existing program and to support existing programs. 152376

Section 423.120. FAMILY AND CHILDREN SERVICES AND 152377
ACTIVITIES 152378

Of the foregoing appropriation item 830506, Family and 152379
Children Services, up to \$25,000,000 in each fiscal year shall 152380

be provided to assist with the expense of providing services to 152381
youth requiring support from multiple systems. These funds may 152382
be used for youth currently in the custody of a public children 152383
services agency or to prevent children from entering into the 152384
custody of a public children services agency by custody 152385
relinquishment or another mechanism. The Director of Children 152386
and Youth shall adopt rules in accordance with section 111.15 of 152387
the Revised Code to administer the funding. 152388

Of the foregoing appropriation item 830506, Family and 152389
Children Services, up to \$7,500,000 in each fiscal year may be 152390
used to incentivize best practices. The Director of Children and 152391
Youth shall adopt rules in accordance with section 111.15 of the 152392
Revised Code to administer the funding. 152393

Of the foregoing appropriation item, 830506, Family and 152394
Children Services, up to \$162,750,000 in fiscal year 2026 and up 152395
to \$170,887,500 in fiscal year 2027 shall be provided by the 152396
Department of Children and Youth, in coordination with the 152397
Department of Job and Family Services, to public children 152398
services agencies. Of that amount, \$17,600,000 in each fiscal 152399
year shall be used to provide an initial allocation of \$200,000 152400
to each county and the remainder shall be provided using the 152401
formula in section 5180.41 of the Revised Code. 152402

If the funds available for distribution under section 152403
5180.41 of the Revised Code in fiscal year 2026 and fiscal year 152404
2027 exceed the amount appropriated in fiscal year 2019, each 152405
county contributing local funds in county fiscal year 2019 to 152406
the county children services fund shall contribute moneys to the 152407
children services fund described in section 5180.411 of the 152408
Revised Code. 152409

The Director of Children and Youth, in consultation and 152410

coordination with the Director of Job and Family Services shall 152411
adopt rules, in accordance with section 111.15 of the Revised 152412
Code, to determine the amount of local funds each county must 152413
contribute to the children services fund based on past 152414
contributions. Rules must include a hardship provision 152415
identifying circumstances in which the county contribution may 152416
be waived or reduced. 152417

Of the foregoing appropriation item 830506, Family and 152418
Children Services, up to \$35,309,990 in each fiscal year shall 152419
be used to support activities associated with the delivery of 152420
children services activities, including recruiting and retaining 152421
foster parents, identifying and supporting kinship providers, 152422
family preservation, prevention, direct services, and best 152423
practices. 152424

Of the foregoing appropriation item 830506, Family and 152425
Children Services, up to \$17,000,000 in each fiscal year shall 152426
be used for federal match requirements for Title IV-B and Title 152427
IV-E of the "Social Security Act," 42 U.S.C. 601-687 funding. 152428

Of the foregoing appropriation item 830506, Family and 152429
Children Services, up to \$3,000,000 in each fiscal year shall be 152430
provided to the Ohio Network of Children's Advocacy Centers to 152431
administer and distribute grants to Child Advocacy Centers to 152432
coordinate statewide access to investigation, prosecution, and 152433
treatment of child sexual abuse, while helping children heal. 152434

The foregoing appropriation item 830607, Family and 152435
Children Activities, shall be used to expend miscellaneous 152436
foundation funds and grants to support family and children 152437
services activities. 152438

Section 423.130. KINSHIP CARE NAVIGATOR PROGRAM 152439

Of the foregoing appropriation item 830506, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E of the "Social Security Act," 42 U.S.C. 601-687 funds.

Section 423.140. WENDY'S WONDERFUL KIDS

Of the foregoing appropriation items 830601, Child Welfare, and 830612, Adoption Program, a total of up to \$10,000,000 in each fiscal year may be used to provide funds to the Dave Thomas Foundation for Adoption to implement statewide the Wendy's Wonderful Kids program of professional recruiters who use a child-focused model to find permanent homes for children in Ohio foster care.

Section 423.150. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools is subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues

allocated to local entities to support the provision of services 152469
to families and children; 152470

(D) The amounts transferred to the flexible funding pool 152471
shall be limited to amounts that can be redirected without 152472
impairing the achievement of the objectives for which the 152473
initial allocation is designated; and 152474

(E) Each amount transferred to the flexible funding pool 152475
from a specific allocation shall be approved for transfer by the 152476
director of the local agency that was the original recipient of 152477
the allocation. 152478

In collaboration with the county family and children first 152479
council, a county department of job and family services or 152480
public children services agency that receives an allocation from 152481
the Department of Children and Youth, in consultation and 152482
coordination with the Department of Job and Family Services, 152483
from the foregoing appropriation item 830506, Family and 152484
Children Services, or 830502, Court Appointed Special Advocates, 152485
may transfer a portion of either or both allocations to a 152486
flexible funding pool as authorized by this section. 152487

Section 423.160. CHILDRENS CRISIS CARE 152488

The foregoing appropriation item 830419, Childrens Crisis 152489
Care, shall be allocated by the Department of Children and Youth 152490
in each fiscal year to children's crisis care facilities as 152491
defined in section 5103.13 of the Revised Code. The Director of 152492
Children and Youth shall calculate funds semi-annually and 152493
allocate funds quarterly based on the total number of days of 152494
care for each child residing in the facility, which is 152495
determined by calculating the total days each child resides at 152496
the crisis care facility, including the date of admission, but 152497

not the day of discharge. A children's crisis care facility may 152498
decline to receive funds provided under this section. A 152499
children's crisis care facility that accepts funds provided 152500
under this section shall use the funds in accordance with 152501
section 5103.13 of the Revised Code and any rules adopted under 152502
that section. 152503

Section 423.170. MATERNAL AND CHILD HEALTH BLOCK GRANT 152504

Of the foregoing appropriation item 830608, Maternal and 152505
Child Health Block Grant, up to \$5,000,000 in each fiscal year 152506
shall be used to implement Title V Maternal and Child Health 152507
Services Block Grant activities in the prenatal, maternal, 152508
perinatal, and infant domains. 152509

Section 423.180. MENTAL HEALTH BLOCK GRANT 152510

The foregoing appropriation item 830622, Mental Health 152511
Block Grant, shall be used for infant and early childhood mental 152512
health activities. 152513

Section 423.190. CHILD CARE CHOICE VOUCHER PROGRAM 152514

(A) Of the foregoing appropriation item, 830604, Child 152515
Care, a portion in each fiscal year, along with \$50,000,000 in 152516
each fiscal year in appropriation item 830605, TANF Block Grant, 152517
shall be used by the Department of Children and Youth to 152518
establish and administer the Child Care Choice Voucher Program. 152519
Subject to available funds, the program shall provide support, 152520
in the form of vouchers, to families to assist them with child 152521
care costs. To be eligible to participate in the program, a 152522
family must meet all of the following conditions: 152523

(1) The caretaker parent is employed or participating in a 152524
program of education or training for an amount of time 152525
reasonably related to the time that the parent's children are 152526

receiving child care. 152527

(2) The family does not meet the income conditions for 152528
initial eligibility under the Publicly Funded Child Care Program 152529
administered by the Department as described in section 5104.30 152530
of the Revised Code, but the maximum amount of the family's 152531
income does not exceed two hundred percent of the federal 152532
poverty line. 152533

(3) The family meets any other condition established by 152534
the Department. 152535

(B) In providing vouchers under this section, both of the 152536
following apply: 152537

(1) The program shall utilize, not later than November 1, 152538
2026, the publicly funded child care payment rates established 152539
in section 5104.30 of the Revised Code, except that such payment 152540
rates shall not be enhanced payment rates as described in 152541
division (E) (2) (c) of that section. 152542

(2) If a participating family uses its voucher at a type A 152543
family child care home or licensed type B family child care 152544
home, the program shall not require the family child care home 152545
to be rated through the Step Up to Quality Program administered 152546
by the Department as described in section 5104.29 of the Revised 152547
Code. 152548

Section 423.200. COMMUNITY SOCIAL SERVICE PROGRAMS 152549

A portion of the foregoing appropriation item 830609, 152550
Community Social Service Programs, may be used by the Early 152551
Intervention Services Advisory Council for the following 152552
purposes: 152553

(A) In addition to other necessary and allowed uses of 152554

funds and in accordance with 20 U.S.C. 1441(d), the Early 152555
Intervention Services Advisory Council established pursuant to 152556
section 5123.0422 of the Revised Code, may, in its discretion, 152557
use budgeted funds to do all of the following: 152558

(1) Conduct forums and hearings; 152559

(2) Reimburse council members for reasonable and necessary 152560
expenses, including child care expenses for parent 152561
representatives, for attending council meetings and performing 152562
council duties; 152563

(3) Pay compensation to a council member if the member is 152564
not employed or must forfeit wages from other employment when 152565
performing official council business; 152566

(4) Hire staff; 152567

(5) Obtain the services of professional, technical, and 152568
clerical personnel as necessary to carry out the performance of 152569
its lawful functions. 152570

(B) Except as provided in division (A) of this section, 152571
council members shall serve without compensation or 152572
reimbursement. 152573

Section 423.210. FEDERAL CHILDREN AND YOUTH GRANTS 152574

Of the foregoing appropriation item 830623, Federal 152575
Children and Youth Grants, up to \$195,000 in each fiscal year 152576
shall be used for the training of guardians ad litem and court- 152577
appointed special advocates as well as to conduct a study to 152578
demonstrate the impact of court-appointed special advocate 152579
volunteers on outcomes for children who are in child welfare 152580
custody as a result of abuse, neglect, or dependency. 152581

Section 423.220. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES 152582

BLOCK GRANT 152583

Of the foregoing appropriation item 830605, TANF Block 152584
Grant, up to \$5,000,000 in each fiscal year shall be used for 152585
the Kinship Permanency Incentive Program established under 152586
section 5180.52 of the Revised Code to promote a permanent 152587
commitment by kinship caregivers through becoming guardians and 152588
custodians over minor children who would otherwise be unsafe or 152589
at risk of harm if they remained in their own homes. 152590

Of the foregoing appropriation item 830605, TANF Block 152591
Grant, up to \$2,500,000 in each fiscal year shall be provided, 152592
in accordance with sections 5101.80 and 5101.801 of the Revised 152593
Code, to the Ohio Commission on Fatherhood. 152594

Of the foregoing appropriation item 830605, TANF Block 152595
Grant, up to \$1,000,000 in each fiscal year shall be provided, 152596
in accordance with sections 5101.80 and 5101.801 of the Revised 152597
Code, to the Ohio Children's Trust Fund. 152598

Section 423.230. PUBLICLY FUNDED CHILD CARE ELIGIBILITY 152599

Beginning on the effective date of this section and 152600
through June 30, 2027, all of the following apply to a family's 152601
eligibility for publicly funded child care as described in 152602
division (A) of section 5104.38 of the Revised Code: 152603

(A) Except as provided in division (B) of this section, 152604
the maximum amount of income that a family may have for initial 152605
eligibility shall not exceed one hundred forty-five per cent of 152606
the federal poverty line; 152607

(B) For special needs child care, as defined in section 152608
5104.01 of the Revised Code, the maximum amount of income that 152609
the family may have for initial eligibility shall not exceed one 152610
hundred fifty per cent of the federal poverty line; 152611

(C) The maximum amount of income that a family may have 152612
for continued eligibility shall not exceed three hundred per 152613
cent of the federal poverty line. 152614

Section 425.10. 152615
152616

	1	2	3	4	5
A			NAI NEW AFRICAN IMMIGRANTS COMMISSION		
B			General Revenue Fund		
C	GRF	061501	Operating Expenses	\$250,000	\$250,000
D			General Revenue Fund Total	\$250,000	\$250,000
E			TOTAL ALL BUDGET FUND GROUPS	\$250,000	\$250,000

Section 503.10. PERSONAL SERVICE EXPENSES 152617

Unless otherwise prohibited by law, any appropriation from 152618
which personal service expenses are paid shall bear the 152619
employer's share of public employees' retirement, workers' 152620
compensation, disabled workers' relief, and insurance programs; 152621
the costs of centralized financial services, centralized payroll 152622
processing, and related reports and services; centralized human 152623
resources services, including affirmative action and equal 152624
employment opportunity programs; the Office of Collective 152625
Bargaining; centralized information technology management 152626
services; administering the enterprise resource planning system; 152627
and administering the state employee merit system as required by 152628
section 124.07 of the Revised Code. These costs shall be 152629
determined in conformity with the appropriate sections of law 152630
and paid in accordance with procedures specified by the Office 152631

of Budget and Management. Expenditures from appropriation item 152632
070601, Public Audit Expense - Intra-State, may be exempted from 152633
the requirements of this section. 152634

Section 503.15. APPROPRIATIONS FOR EMPLOYEE COMPENSATION 152635
CHANGES 152636

Notwithstanding any provision of law to the contrary, 152637
beginning with the pay period that includes July 1, 2025, each 152638
state appointing authority is authorized to make expenditures 152639
from current state operating appropriations contained in this 152640
act or any other act necessary to provide for the changes to 152641
compensation provisions pursuant to approved collective 152642
bargaining agreements between employee organizations and State 152643
of Ohio public employers and pursuant to provisions of law, as 152644
amended by this act, for employees exempt from collective 152645
bargaining to allow parity for those employees. 152646

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 152647
AGAINST THE STATE 152648

Except as otherwise provided in this section, an 152649
appropriation in this act may be used for the purpose of 152650
satisfying judgments, settlements, or administrative awards 152651
ordered or approved by the Court of Claims or by any other court 152652
of competent jurisdiction in connection with civil actions 152653
against the state. This authorization does not apply to 152654
appropriations to be applied to or used for payment of 152655
guarantees by or on behalf of the state, or for payments under 152656
lease agreements relating to, or debt service on, bonds, notes, 152657
or other obligations of the state. Notwithstanding any other 152658
statute to the contrary, this authorization includes 152659
appropriations from funds into which proceeds of direct 152660
obligations of the state are deposited only to the extent that 152661

the judgment, settlement, or administrative award is for, or 152662
represents, capital costs for which the appropriation may 152663
otherwise be used and is consistent with the purpose for which 152664
any related obligations were issued or entered into. Nothing 152665
contained in this section is intended to subject the state to 152666
suit in any forum in which it is not otherwise subject to suit, 152667
and is not intended to waive or compromise any defense or right 152668
available to the state in any suit against it. 152669

Section 503.30. CAPITAL PROJECT SETTLEMENTS 152670

This section specifies an additional and supplemental 152671
procedure to provide for payments of judgments and settlements 152672
if the Director of Budget and Management determines, pursuant to 152673
division (C) (4) of section 2743.19 of the Revised Code, that 152674
sufficient unencumbered moneys do not exist in the fund to 152675
support a particular appropriation to pay the amount of a final 152676
judgment rendered against the state or a state agency, including 152677
the settlement of a claim approved by a court, in an action upon 152678
and arising out of a contractual obligation for the construction 152679
or improvement of a capital facility if the costs under the 152680
contract were payable in whole or in part from a state capital 152681
projects appropriation. In such a case, the Director may either 152682
proceed pursuant to division (C) (4) of section 2743.19 of the 152683
Revised Code or apply to the Controlling Board to increase an 152684
appropriation or create an appropriation out of any unencumbered 152685
moneys in the state treasury to the credit of the capital 152686
projects fund from which the initial state appropriation was 152687
made. The amount of an increase in appropriation or new 152688
appropriation approved by the Controlling Board is hereby 152689
appropriated from the applicable capital projects fund and made 152690
available for the payment of the judgment or settlement. 152691

If the Director does not make the application authorized 152692
by this section or the Controlling Board disapproves the 152693
application, and the Director does not make application under 152694
division (C) (4) of section 2743.19 of the Revised Code, the 152695
Director shall for the purpose of making that payment make a 152696
request to the General Assembly as provided for in division (C) 152697
(5) of that section. 152698

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 152699

In order to provide funds for the reissuance of voided 152700
warrants under section 126.37 of the Revised Code, there is 152701
hereby appropriated, out of moneys in the state treasury from 152702
the fund credited as provided in section 126.37 of the Revised 152703
Code, that amount sufficient to pay such warrants when approved 152704
by the Office of Budget and Management. 152705

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 152706
BALANCES OF OPERATING APPROPRIATIONS 152707

(A) Notwithstanding the original year of appropriation or 152708
encumbrance, the unexpended balance of an operating 152709
appropriation or reappropriation that a state agency lawfully 152710
encumbered prior to the close of fiscal year 2025 or fiscal year 152711
2026 is hereby reappropriated on the first day of July of the 152712
following fiscal year from the fund from which it was originally 152713
appropriated or reappropriated for the period of time listed in 152714
this section and shall remain available only for the purpose of 152715
discharging the encumbrance: 152716

(1) For an encumbrance for personal services, maintenance, 152717
equipment, or items for resale not otherwise identified in this 152718
section, for a period of not more than five months from the end 152719
of the fiscal year; 152720

(2) For an encumbrance for an item of special order 152721
manufacture not available on state contract or an item not 152722
available in the open market, for a period of not more than five 152723
months from the end of the fiscal year or, with the written 152724
approval of the Director of Budget and Management, for a period 152725
of not more than twelve months from the end of the fiscal year; 152726

(3) For an encumbrance for reclamation of land or oil and 152727
gas wells, for a period ending when the encumbered appropriation 152728
is expended; 152729

(4) For an encumbrance for any other type of expense not 152730
otherwise identified in division (A) (1), (2), or (3) of this 152731
section, for such period as the Director approves, provided such 152732
period does not extend beyond the FY 2026 - FY 2027 biennium. 152733

(B) Any operating appropriations for which unexpended 152734
balances are reappropriated in fiscal year 2026 or fiscal year 152735
2027 pursuant to division (A) (2) of this section shall be 152736
reported to the Controlling Board by the Director of Budget and 152737
Management by the thirty-first day of December of each year. The 152738
report shall include the item, the cost of the item, and the 152739
name of the vendor. The report shall be updated on a quarterly 152740
basis for encumbrances remaining open. 152741

(C) Upon the expiration of the reappropriation period set 152742
out in division (A) of this section, a reappropriation made by 152743
this section lapses and the Director of Budget and Management 152744
shall cancel the encumbrance of the unexpended reappropriation 152745
not later than the end of the weekend following the expiration 152746
of the reappropriation period. 152747

(D) If the Controlling Board approved a purchase, that 152748
approval remains in effect so long as the appropriation used to 152749

make that purchase remains encumbered. 152750

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 152751

(A) The Director of Budget and Management may correct 152752
accounting errors committed by the staff of the Office of Budget 152753
and Management, such as reestablishing encumbrances or 152754
appropriations canceled in error, during the cancellation of 152755
operating encumbrances in November and of non-operating 152756
encumbrances in December. 152757

(B) The Director of Budget and Management may at any time 152758
correct accounting errors committed by staff or a state agency 152759
or state institution of higher education, as defined in section 152760
3345.011 of the Revised Code, such as reestablishing prior year 152761
non-operating encumbrances canceled or modified in error. The 152762
reestablished encumbrance amounts are hereby appropriated. 152763

Section 503.70. TEMPORARY REVENUE HOLDING 152764

The Director of Budget and Management may create funds in 152765
the state treasury solely for the purpose of temporarily holding 152766
revenue required to be credited to a fund in the state treasury, 152767
whose disposition is not immediately known at the time of 152768
receipt. Once identified, the Director shall credit the revenue 152769
to the appropriate fund in the state treasury. 152770

Notwithstanding section 153.63 of the Revised Code or any 152771
other provision of law to the contrary, upon certification by a 152772
director or head of a state agency, in lieu of banks, buildings 152773
and loan associations, or other institutions, the Director of 152774
Budget and Management may create funds in the state treasury on 152775
behalf of an agency when the agency is required by law to detain 152776
funds in escrow. All investment earnings of the fund shall be 152777
credited to the fund while the detained amounts remain in 152778

escrow. The Director of Budget and Management may transfer cash 152779
between funds within the state treasury to satisfy escrow 152780
requirements. 152781

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS 152782
AND RE-ESTABLISHMENT OF ENCUMBRANCES 152783

Any cash transferred by the Director of Budget and 152784
Management under section 126.15 of the Revised Code is hereby 152785
appropriated. Any amounts necessary to re-establish 152786
appropriations or encumbrances under section 126.15 of the 152787
Revised Code are hereby appropriated. 152788

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 152789

The Director of Budget and Management may transfer 152790
appropriations between the Third Frontier Research and 152791
Development Fund (Fund 7011) and the Third Frontier Research and 152792
Development Taxable Bond Fund (Fund 7014) as necessary to 152793
maintain the exclusion from the calculation of gross income for 152794
federal income taxation purposes under the Internal Revenue Code 152795
with respect to obligations issued to fund projects appropriated 152796
from the Third Frontier Research and Development Fund (Fund 152797
7011). 152798

The Director may also create new appropriation items 152799
within the Third Frontier Research and Development Taxable Bond 152800
Fund (Fund 7014) and make transfers of appropriations to them 152801
for projects originally funded from appropriations made from the 152802
Third Frontier Research and Development Fund (Fund 7011). 152803

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 152804

There are hereby appropriated out of any moneys in the 152805
state treasury to the credit of the General Revenue Fund, which 152806
are not otherwise appropriated, funds sufficient to make any 152807

payment required by division (B) (2) of section 5747.03 of the 152808
Revised Code. 152809

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 152810
APPROVED BY THE CONTROLLING BOARD 152811

Any money that the Controlling Board approves for 152812
expenditure or any increase in appropriation that the 152813
Controlling Board approves under sections 127.14, 131.35, and 152814
131.39 of the Revised Code or any other provision of law is 152815
hereby appropriated for the period ending June 30, 2027. 152816

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 152817
RESIDENCE 152818

If the Governor's Residence Fund (Fund 4H20) receives 152819
payment for use of the residence pursuant to section 107.40 of 152820
the Revised Code, the amounts so received are hereby 152821
appropriated to appropriation item 100604, Governor's Residence 152822
Gift. 152823

Section 503.140. FUND INVESTMENT EARNINGS 152824

Not later than July 15, 2025, the Office of Budget and 152825
Management shall redirect the investment earnings of the 152826
following funds to the General Revenue Fund from that date 152827
forward: 152828

(A) The Capitol Square Improvement Fund (Fund 5AN1); 152829

(B) The Health Care/Medicaid Support and Recoveries Fund 152830
(Fund 5DL0); 152831

(C) The Ohio Workforce Incumbent Job Training Fund (Fund 152832
5NH0). 152833

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 152834

Certain appropriations are in this act for the purpose of 152835
paying debt service and financing costs on general obligation 152836
bonds or notes of the state issued pursuant to the Ohio 152837
Constitution, Revised Code, and acts of the General Assembly. If 152838
it is determined that additional appropriations are necessary 152839
for this purpose, such amounts are hereby appropriated. 152840

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 152841

Certain appropriations are in this act for the purpose of 152842
making lease rental payments pursuant to leases and agreements 152843
relating to bonds, notes, or other obligations issued by or on 152844
behalf of the state pursuant to the Ohio Constitution, Revised 152845
Code, and acts of the General Assembly. If it is determined that 152846
additional appropriations are necessary for this purpose, such 152847
amounts are hereby appropriated. 152848

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND 152849
OBM TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 152850

The Office of Budget and Management shall process payments 152851
from general obligation and lease rental payment appropriation 152852
items during the period from July 1, 2025, through June 30, 152853
2027, relating to bonds, notes, or other obligations issued by 152854
or on behalf of the state pursuant to the Ohio Constitution, 152855
Revised Code, and acts of the General Assembly. Payments shall 152856
be made upon certification by the Treasurer of State of the 152857
dates and the amounts due on those dates. 152858

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 152859

If it is determined that a payment is necessary in the 152860
amount computed at the time to represent the portion of 152861
investment income to be rebated or amounts in lieu of or in 152862
addition to any rebate amount to be paid to the federal 152863

government in order to maintain the exclusion from gross income 152864
for federal income tax purposes of interest on those state 152865
obligations under section 148(f) of the Internal Revenue Code, 152866
such an amount is hereby appropriated from those funds 152867
designated by or pursuant to the applicable proceedings 152868
authorizing the issuance of state obligations. 152869

Payments for this purpose shall be approved and vouchered 152870
by the Office of Budget and Management. 152871

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 152872

Whenever the Director of Budget and Management determines 152873
that an appropriation made to a state agency from a fund of the 152874
state is insufficient to provide for the recovery of statewide 152875
indirect costs under section 126.12 of the Revised Code, the 152876
amount required for such purpose is hereby appropriated from the 152877
available receipts of such fund. 152878

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE 152879
INDIRECT COST ALLOCATION PLAN 152880

The total transfers made from the General Revenue Fund by 152881
the Director of Budget and Management under this section shall 152882
not exceed the amounts transferred into the General Revenue Fund 152883
under section 126.12 of the Revised Code. 152884

The director of an agency may certify to the Director of 152885
Budget and Management the amount of expenses not allowed to be 152886
included in the Statewide Indirect Cost Allocation Plan under 152887
federal regulations, from any fund included in the Statewide 152888
Indirect Cost Allocation Plan, prepared as required by section 152889
126.12 of the Revised Code. 152890

Upon determining that no alternative source of funding is 152891
available to pay for such expenses, the Director of Budget and 152892

Management may transfer cash from the General Revenue Fund into 152893
the fund for which the certification is made, up to the amount 152894
of the certification. The director of the agency receiving such 152895
funds shall include, as part of the next budget submission 152896
prepared under section 126.02 of the Revised Code, a request for 152897
funding for such activities from an alternative source such that 152898
further federal disallowances would not be required. 152899

The director of an agency may certify to the Director of 152900
Budget and Management the amount of expenses paid in error from 152901
a fund included in the Statewide Indirect Cost Allocation Plan. 152902
The Director of Budget and Management may transfer cash from the 152903
fund from which the expenditure should have been made into the 152904
fund from which the expenses were erroneously paid, up to the 152905
amount of the certification. 152906

The director of an agency may certify to the Director of 152907
Budget and Management the amount of expenses or revenues not 152908
allowed to be included in the Statewide Indirect Cost Allocation 152909
Plan under federal regulations, for any fund included in the 152910
Statewide Indirect Cost Allocation Plan, for which the federal 152911
government requires payment. If the Director of Budget and 152912
Management determines that an appropriation made to a state 152913
agency from a fund of the state is insufficient to pay the 152914
amount required by the federal government, the amount required 152915
for such purpose is hereby appropriated from the available 152916
receipts of such fund, up to the amount of the certification. 152917

Section 505.35. TRANSFERS TO OAKS SUPPORT ORGANIZATION 152918
FUND 152919

Transfers from the General Revenue Fund to the OAKS 152920
Support Organization Fund (Fund 5EB0) under division (A) (2) (b) 152921
of section 126.12 of the Revised Code shall not exceed 152922

\$1,250,000 cash in each fiscal year of the biennium ending June 152923
30, 2027. 152924

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 152925

Notwithstanding any provision of law to the contrary, on 152926
or before the first day of September of each fiscal year, the 152927
Director of Budget and Management, in order to reduce the 152928
payment of adjustments to the federal government, as determined 152929
by the plan prepared under division (A) of section 126.12 of the 152930
Revised Code, may designate such funds as the Director considers 152931
necessary to retain their own interest earnings. 152932

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 152933

Pursuant to the plan for compliance with the Federal Cash 152934
Management Improvement Act required by section 131.36 of the 152935
Revised Code, the Director of Budget and Management may cancel 152936
and re-establish all or part of encumbrances in like amounts 152937
within the funds identified by the plan. The amounts necessary 152938
to re-establish all or part of encumbrances are hereby 152939
appropriated. 152940

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 152941

Notwithstanding section 113.09 of the Revised Code, the 152942
Director of Budget and Management may designate any fund within 152943
the state treasury that receives federal revenue to be credited 152944
with investment earnings to comply with federal law. 152945

Section 505.70. REPAYMENT OF FEDERAL FUNDS 152946

Any unexpended federal revenue received into the state 152947
treasury remaining at the end of its applicable period for 152948
expenditure which must be returned in compliance with federal 152949
law, is hereby appropriated to the fund in which it was 152950

received, for that purpose. 152951

Section 505.75. STATE FISCAL RECOVERY FUND 152952

An amount equal to the unexpended and unencumbered 152953
portions of appropriation items under the State Fiscal Recovery 152954
Fund (Fund 5CV3) plus an amount equal to cash previously 152955
expended but returned to the fund at the end of fiscal year 2025 152956
are hereby reappropriated for the same purpose in fiscal year 152957
2026. An amount equal to the unexpended and unencumbered 152958
portions of appropriation items under Fund 5CV3 plus an amount 152959
equal to cash previously expended but returned to the fund at 152960
the end of fiscal year 2026 are hereby reappropriated for the 152961
same purpose in fiscal year 2027. 152962

The Director of Budget and Management may create new 152963
appropriation items under Fund 5CV3. In each fiscal year, the 152964
Director may transfer appropriation among newly created or 152965
existing appropriation items under Fund 5CV3. The Director shall 152966
report appropriation transfers made under this section to the 152967
Controlling Board no later than January 30, 2027. 152968

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF 152969
FUNDS 152970

Amounts equal to the unexpended portions of appropriation 152971
items under the following recovery and relief funds, at the end 152972
of fiscal year 2025 are hereby reappropriated to the same 152973
appropriation items and shall be used for the same purposes in 152974
fiscal year 2026: CARES Act School Relief Fund (Fund 3HS0), 152975
Governor's Emergency Education Relief Fund (Fund 3HQ0), 152976
Emergency Rental Assistance Fund (5CV2), ARPA Capital Projects 152977
Fund (5CV5), ARPA Home and Community Based Services - Federal 152978
Fund (Fund 3HC8), and ARPA Home and Community Based Services 152979

Fund (Fund 5HC8). 152980

Amounts equal to the unexpended portions of appropriation 152981
items under the following recovery and relief funds, at the end 152982
of fiscal year 2026, are hereby reappropriated to the same 152983
appropriation items and shall be used for the same purposes in 152984
fiscal year 2027: ARPA Home and Community Based Services - 152985
Federal Fund (Fund 3HC8), Governor's Emergency Education Relief 152986
Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), 152987
Emergency Rental Assistance Fund (Fund 5CV2), ARPA Capital 152988
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 152989
Services Fund (Fund 5HC8). 152990

Section 506.10. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 152991

Notwithstanding Section 200.30 of H.B. 2 of the 135th 152992
General Assembly, the Office of Budget and Management shall not 152993
provide a grant from appropriation item 042509, One Time 152994
Strategic Community Investments, to the Chardon High School 152995
Athletic Boosters for the Chardon Memorial Stadium Restroom and 152996
Concession Project. If any amount has been released prior to the 152997
effective date of this section, Chardon High School Athletic 152998
Boosters shall promptly return the unexpended portion of that 152999
amount, as of the effective date of this section, to the state 153000
treasury to the credit of the One Time Strategic Community 153001
Investments Fund (Fund 5AY1). The Office of Budget and 153002
Management shall distribute the amount returned by Chardon High 153003
School Athletic Boosters, if any, as follows: forty per cent to 153004
South Ridge Christian Academy for school building and roof 153005
renovations and sixty per cent to Agricultural Career Education 153006
Academy for DOPR career-technical program and infrastructure 153007
projects. This amount is hereby appropriated. 153008

Section 509.10. TRANSFERS INTO GENERAL REVENUE FUND 153009

INTEREST EARNED 153010

Notwithstanding any provision of law to the contrary, the 153011
Director of Budget and Management, through June 30, 2027, may 153012
transfer interest earned by any state fund to the General 153013
Revenue Fund. This section does not apply to funds whose source 153014
of revenue is restricted or protected by the Ohio Constitution, 153015
federal tax law, or the "Cash Management Improvement Act of 153016
1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as 153017
amended. 153018

NON-GRF FUNDS 153019

Notwithstanding any provision of law to the contrary, the 153020
Director of Budget and Management may transfer up to 153021
\$150,000,000 cash in fiscal year 2027 from non-General Revenue 153022
Funds that are not constitutionally restricted to the General 153023
Revenue Fund. The Director shall report any such transfers to 153024
the Controlling Board within thirty days of making the transfer. 153025

TANGIBLE PROPERTY TAX REPLACEMENT FUNDS 153026

On July 1, 2026, or as soon as possible thereafter, the 153027
Director of Budget and Management shall transfer a total of 153028
\$300,000,000 cash from the School District Tangible Property Tax 153029
Replacement Fund (Fund 7047) and the Local Government Tangible 153030
Property Tax Replacement Fund (Fund 7081) to the General Revenue 153031
Fund. 153032

ALL OHIO FUTURE FUND 153033

On July 1, 2025, or as soon as possible thereafter, the 153034
Director of Budget and Management shall transfer \$250,000,000 153035
cash from the All Ohio Future Fund (Fund 5XM0) to the General 153036
Revenue Fund. 153037

SUPER RAPIDS FUND 153038

On July 1, 2025, or as soon as possible thereafter, the 153039
Director of Budget and Management shall transfer up to 153040
\$10,000,000 cash from the Super RAPIDS Fund (Fund 5AH1) to the 153041
General Revenue Fund. 153042

ADULT USE TAX FUND 153043

On July 1, 2025, or as soon as possible thereafter, the 153044
Director of Budget and Management shall transfer the remaining 153045
cash balance of the Adult Use Tax Fund (Fund QG18) at the end of 153046
fiscal year 2025 after transferring cash to the Host Community 153047
Cannabis Fund (Fund 7106) under section 387.20 of this act, from 153048
Fund QG18 to the General Revenue Fund. 153049

GROW YOUR OWN TEACHER PROGRAM FUND 153050

On July 1, 2025, or as soon as possible thereafter, the 153051
Director of Budget and Management shall transfer up to 153052
\$9,000,000 cash from the Grow Your Own Teacher Program Fund 153053
(Fund 5ZY0) to the General Revenue Fund. 153054

AUDIT SETTLEMENTS AND CONTINGENCY FUND 153055

On July 1, 2025, or as soon as possible thereafter, the 153056
Director of Budget and Management shall transfer \$4,000,000 cash 153057
from the Audit Settlements and Contingency Fund (Fund 5BP1) to 153058
the General Revenue Fund. 153059

PRE-SECURITIZATION TOBACCO PAYMENTS FUND 153060

On July 1, 2025, or as soon as possible thereafter, the 153061
Director of Budget and Management shall transfer \$20,000,000 153062
cash from the Pre-Securitization Tobacco Payments Fund (Fund 153063
5LS0) to the General Revenue Fund. 153064

LITERACY IMPROVEMENT FUND	153065
On July 1, 2025, or as soon as possible thereafter, the	153066
Director of Budget and Management shall transfer up to	153067
\$10,000,000 cash from the Literacy Improvement Fund (Fund 5AQ1)	153068
to the General Revenue Fund.	153069
INFORMATION TECHNOLOGY DEVELOPMENT FUND	153070
On July 1 of each fiscal year, or as soon as possible	153071
thereafter, the Director of Budget and Management shall transfer	153072
\$2,500,000 cash from the Information Technology Development Fund	153073
(Fund 5LJ0) to the General Revenue Fund.	153074
HUMAN SERVICES PROJECT FUND	153075
On July 1 of each fiscal year, or as soon as possible	153076
thereafter, the Director of Budget and Management shall transfer	153077
\$5,000,000 cash from the Human Services Projects Fund (Fund	153078
5RY0) to the General Revenue Fund.	153079
BROADBAND POLE REPLACEMENT FUND	153080
On July 1, 2025, or as soon as possible thereafter, the	153081
Director of Budget and Management shall transfer \$15,000,000	153082
cash from the Broadband Pole Replacement Fund (Fund 5AI1) to the	153083
General Revenue Fund.	153084
WORKFORCE DEVELOPMENT PROJECTS FUND	153085
Notwithstanding section 6301.19 of the Revised Code, on	153086
July 1, 2025, or as soon as possible thereafter, the Director of	153087
Budget and Management shall transfer \$1,000,000 cash from the	153088
Workforce Development Projects Fund (Fund 5RX0) to the General	153089
Revenue Fund.	153090
RAIL SAFETY CROSSING FUND	153091

On July 1, 2025, or as soon as possible thereafter, the 153092
Director of Budget and Management shall transfer \$15,000,000 153093
cash from the Rail Safety Crossing Fund (Fund 5ZP0) to the 153094
General Revenue Fund. 153095

ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 153096

Notwithstanding section 5101.073 of the Revised Code, on 153097
July 1 of each fiscal year, or as soon as possible thereafter, 153098
the Director of Budget and Management shall transfer \$4,000,000 153099
cash from the ODJFS Audit Settlements and Contingency Fund (Fund 153100
5DM0) to the General Revenue Fund. 153101

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND 153102

STATE MARKETING OFFICE FUND 153103

On July 1, 2025, or as soon as possible thereafter, the 153104
Director of Budget and Management shall transfer up to 153105
\$15,000,000 cash from the General Revenue Fund to the State 153106
Marketing Office Fund (Fund 5MJ0). 153107

FOUNDATION FUNDING - ALL STUDENTS FUND 153108

Notwithstanding any provision of law to the contrary, the 153109
Director of Budget and Management may transfer up to 153110
\$600,000,000 cash, in each fiscal year, from the General Revenue 153111
Fund to the Foundation Funding - All Students Fund (Fund 5VS0). 153112

SECOND CHANCE GRANT PROGRAM FUND 153113

On July 1, 2025, or as soon as possible thereafter, the 153114
Director of Budget and Management shall transfer up to 153115
\$4,000,000 cash from the General Revenue Fund to the Second 153116
Chance Grant Program Fund (Fund 5YD0). 153117

MARCS ADMINISTRATION FUND 153118

On July 1 of each fiscal year, or as soon as possible 153119
thereafter, the Director of Budget and Management may transfer 153120
up to \$10,500,000 cash from the General Revenue Fund to the 153121
MARCS Administration Fund (Fund 5C20). 153122

WILDLIFE FUND 153123

On July 1 of each fiscal year, or as soon as possible 153124
thereafter, the Director of Budget and Management may transfer 153125
\$500,000 cash from the General Revenue Fund to the Wildlife Fund 153126
(Fund 7015). 153127

TRANSCRANIAL MAGNETIC STIMULATION FUND 153128

On July 1 of each fiscal year, or as soon as possible 153129
thereafter, the Director of Budget and Management may transfer 153130
\$5,000,000 cash from the General Revenue Fund to the 153131
Transcranial Magnetic Stimulation Fund (Fund 5VV0). 153132

H2OHIO FUND 153133

On July 1, 2025, or as soon as possible thereafter, the 153134
Director of Budget and Management may transfer \$150,000,000 from 153135
the General Revenue Fund to the H2Ohio Fund (Fund 6H20). 153136

OHIO MARITIME ASSISTANCE PROGRAM 153137

On July 1, 2025, or as soon as possible thereafter, the 153138
Director of Budget and Management shall transfer \$8,000,000 cash 153139
from the General Revenue Fund to the Ohio Maritime Assistance 153140
Fund (Fund 5QT0). 153141

RESIDENTIAL DEVELOPMENT REVOLVING LOAN 153142

On July 1, 2025, or as soon as possible thereafter, the 153143
Director of Budget and Management shall transfer \$90,000,000 153144
cash from the General Revenue Fund to the Residential 153145

Development Revolving Loan Fund (Fund 5CT1). 153146

STATEWIDE CHILDREN'S VISION INITIATIVE 153147

On July 1, 2025, or as soon as possible thereafter, the 153148
Director of Budget and Management shall transfer \$5,000,000 cash 153149
from the General Revenue Fund to the Statewide Children's Vision 153150
Initiative Fund (Fund 5AT1). 153151

EDUCATION DEMONSTRATION PROJECTS FUND 153152

On July 1, 2025, or as soon as possible thereafter, the 153153
Director of Budget and Management shall transfer \$5,000,000 cash 153154
from the General Revenue Fund to the Education Demonstration 153155
Projects Fund (Fund 5DA1), which is hereby created in the state 153156
treasury. On July 1, 2026, or as soon as possible thereafter, 153157
the Director of Budget and Management shall transfer \$10,000,000 153158
cash from the General Revenue Fund to the Education 153159
Demonstration Projects Fund (Fund 5DA1). 153160

RURAL PRACTICE INCENTIVE FUND 153161

On July 1, 2025, or as soon as possible thereafter, the 153162
Director of Budget and Management shall transfer \$3,000,000 cash 153163
from the General Revenue Fund to the Rural Practice Incentive 153164
Fund (Fund 5ZD0). 153165

Section 513.10. FISCAL YEARS 2025 AND 2026 GENERAL REVENUE 153166
FUND ENDING BALANCE 153167

Notwithstanding section 131.44 of the Revised Code and 153168
except as provided in section 5163.04 of the Revised Code, the 153169
cash balance of the General Revenue Fund on June 30, 2025, and 153170
on June 30, 2026, shall remain in the General Revenue Fund. 153171

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD 153172
ASSESSMENTS 153173

Unless the agency and nuclear electric utility mutually 153174
agree to a higher amount by contract, the maximum amounts that 153175
may be assessed against nuclear electric utilities under 153176
division (B) (2) of section 4937.05 of the Revised Code and 153177
deposited into the specified funds are as follows: 153178
153179

	1	2	3	4
A	Fund	User	FY 2026	FY 2027
B	Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$136,000	\$142,000
C	Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$1,551,682	\$1,598,000
D	ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$274,997	\$280,510
E	Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$1,420,000	\$1,467,000

Section 515.40. EMPLOYEE BENEFITS FUNDS CASH TRANSFERS 153180

Notwithstanding any provision of law to the contrary, upon 153181
request of the Director of Administrative Services, the Director 153182
of Budget and Management may make temporary cash transfers 153183
between the Accrued Leave Liability Fund (Fund 8060), the State 153184
Employee Health Benefit Fund (Fund 8080), the Dependent Care 153185
Spending Fund (Fund 8090), the Life Insurance Investment Fund 153186
(Fund 8100), the Parental Leave Benefit Fund (Fund 8110), and 153187
the Health Care Spending Account Fund (Fund 8130) to ensure 153188

appropriate and supportable cash flow. 153189

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 153190

(A) On July 1, 2025, or as soon as possible thereafter, 153191
the Director of Budget and Management may transfer the cash 153192
balance from each of the funds as indicated in the table below 153193
to the fund also indicated in the table below. Upon completion 153194
of each transfer and on the effective date of its repeal by this 153195
act, where applicable, the fund from which the cash balance was 153196
transferred is hereby abolished. 153197
153198

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund
D	AGR	5MA0	Dangerous and Restricted Animal Fund	5MS0	Animal and Consumer Protection Fund
E	AGR	5PL0	Pet Store License Fund	5MR0	Commercial Dog Breeding Fund
F	DAS	5MV0	Theatre Equipment Maintenance Fund	GRF	General Revenue Fund
G	DAS	1280	Collective	1250	Human Resources

			Bargaining Fund		Services Fund
H	MHA	3A60	Federal- Miscellaneous Fund	5AU0	Behavioral Health Care Fund
I	DPS	3HT0	Justice Emergency Supplemental Funding Fund	GRF	General Revenue Fund
J	DPS	5RS0	Community Police Relations Fund	5AZ1	eWarrant Local Integration Fund
K	MCD	5XY0	Hospital Directed Payment Fund	5AN0	State Directed Payments Fund
L	OOD	3L10	Social Security Reimbursement Fund	3790	Consolidated Federal Fund
M	TOS	7090	Job Ready Site Development Bond Retirement Fund	GRF	General Revenue Fund
N	LSC	4100	Sale of Publications Fund	GRF	General Revenue Fund
O	LSC	4F60	Legislative Budget Services Fund	GRF	General Revenue Fund
P	LSC	5EF0	Legislative Agency Telephone Usage Fund	GRF	General Revenue Fund
Q	BOR	5RA0	Workforce and Higher Education Programs Fund	GRF	General Revenue Fund

R	DOH	5UA0	Emergency	GRF	General Revenue Fund
			Preparation and		
			Response Fund		

S	EDU	5VU0	School Bus Purchase	GRF	General Revenue Fund
			Fund		

(B) The following funds are hereby abolished on the	153199
effective date of their repeal by this act:	153200
	153201

	1	2	3
A	User Agency Fund	Fund Name	
B	AGR	5HP0	Ohio Livestock Care Standards Fund
C	DDD	4U40	Developmental Disabilities Trust Fund
D	MCD	3ER0	Health Information Technology Fund
E	OBM	5AT1	Statewide Children's Vision Initiative Fund
F	OBM	5CV1	Coronavirus Relief Fund
G	PRX	3DV0	Enhancing Ohio's PMP Fund
H	PRX	3BC0	Dangerous Drug Database Fund
I	PRX	3EB0	NASPER Fund
J	PRX	3EY0	Administration of PMIX HUB Fund
K	PRX	3EZ0	NASPER 10 Fund
L	PRX	3CT0	2008 Developing/Enhancing PMP Fund

(C) On July 1, 2025, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from each of the funds as indicated in the table below to the fund also indicated in the table below. Upon completion of each transfer and on the effective date of its repeal by this act, where applicable, the fund from which the cash balance was transferred is hereby abolished.

	1	2	3	4	5
A	Transfer from:			Transfer to:	
B	User Agency	Fund	Fund Name	Fund	Fund Name
C	DEV	5KN0	Local Government Innovation Fund	GRF	General Revenue Fund

Section 516.30. CASH TRANSFERS TO PRIORITY PROJECTS FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer cash as indicated in the table below from each of the funds also as indicated in the table below to the Priority Projects Fund (Fund 5A00).

	1	2	3
A	<u>Fund</u>	<u>FY 2026</u>	<u>FY 2027</u>
B	State Small Business Credit Initiative Fund (Fund 3FJ0)	\$600,000	\$600,000
C	Business Assistance Fund (Fund 4510)	\$750,000	\$750,000

D	Roadwork Development Fund (Fund 4W00)	\$2,500,000	\$2,500,000
E	Minority Business Enterprise Loan Fund (Fund 4W10)	\$1,000,000	\$1,000,000
F	Rural Industrial Park Loan Fund (Fund 4Z60)	\$5,000,000	\$5,000,000
G	State Fire Marshal Fund (Fund 5460)	\$3,000,000	\$3,000,000
H	Industrial Compliance Operating Fund (Fund 5560)	\$1,500,000	\$1,500,000
I	Securities Investor Education/Enforcement Fund (Fund 5GK0)	\$500,000	\$500,000
J	Capital Access Loan Fund (Fund 5S90)	\$1,000,000	\$1,000,000
K	Innovation Ohio Loan Fund (Fund 7009)	\$3,000,000	\$3,000,000
L	Research and Development Loan Fund (Fund 7010)	\$4,000,000	\$4,000,000
M	Facilities Establishment Fund (Fund 7037)	\$5,000,000	\$5,000,000

Section 518.10.	OHIO STATE SMALL BUSINESS CREDIT	153217
	INITIATIVE VENTURE CAPITAL PROGRAM FUND	153218
	The Ohio State Small Business Credit Initiative Venture	153219
	Capital Program Fund (Fund 3IC0) is hereby created in the state	153220

treasury. Money in the fund shall be used to pay the expenses of 153221
the Ohio Department of Development for the Ohio Growth Capital, 153222
Ohio Early-Stage Focus, Certified Development Financial 153223
Institution Loan, and Collateral Enhancement programs, including 153224
administrative expenses. All federal funds received from the 153225
State Small Business Credit Initiative of the United States 153226
Department of the Treasury shall be credited to the fund. All 153227
investment earnings of the fund shall be credited to the fund. 153228

Section 525.10. (A) As used in this section, "Ohio 153229
Benefits Program" means the integrated enterprise solution 153230
administered by the Department of Administrative Services that 153231
assists individuals in verifying eligibility for, and applying 153232
for, benefits offered through various programs administered by 153233
the Department of Job and Family Services and the Department of 153234
Medicaid, including the Medicaid program, Supplemental Nutrition 153235
Assistance Program, and Temporary Assistance for Needy Families. 153236

(B) Not later than July 1, 2026, the Director of 153237
Administrative Services and the Director of Job and Family 153238
Services shall develop a detailed organizational plan and enter 153239
into a memorandum of understanding to transfer administration of 153240
the Ohio Benefits Program from the Department of Administrative 153241
Services to the Department of Job and Family Services. 153242

(C) Not later than July 1, 2027, the Director of 153243
Administrative Services may transfer the Director's 153244
responsibility for administering the Ohio Benefits Program to 153245
the Director of Job and Family Services. If the Director of 153246
Administrative Services transfers the program, all of the 153247
following apply: 153248

(1) All contracts, records, documents, files, equipment, 153249
assets, materials, and staff resources that relate to the Ohio 153250

Benefits Program shall be transferred to the Director of Job and 153251
Family Services. 153252

(2) Any business commenced, but not completed, by July 1, 153253
2027, by the Director of Administrative Services with respect to 153254
the Ohio Benefits Program shall be completed by the Director of 153255
Job and Family Services in the same manner, and with the same 153256
effect, as if completed by the Director of Administrative 153257
Services. 153258

(3) No validation, cure, right, privilege, remedy, 153259
obligation, or liability is lost or impaired by reason of the 153260
transfer of the Ohio Benefits Program. 153261

(D) If the Director of Administrative Services transfers 153262
the program, no action or proceeding pending on the date of the 153263
transfer is affected by the transfer, and any such action or 153264
proceeding shall be prosecuted or defended in the name of the 153265
Director of Job and Family Services or Department of Job and 153266
Family Services. In all such actions or proceedings, the 153267
Director or Department, on application to the court, shall be 153268
substituted as a party. 153269

(E) If the Director of Administrative Services transfers 153270
the program, all rules, orders, and determinations issued with 153271
respect to the Ohio Benefits Program continue in effect as if 153272
issued by the Director of Job and Family Services until modified 153273
or rescinded by the Director. Pursuant to section 103.05 of the 153274
Revised Code and at the request of the Director of Job and 153275
Family Services, the Director of the Legislative Service 153276
Commission may renumber any rules related to the Ohio Benefits 153277
Program to reflect its transfer. 153278

(F) If the Director of Administrative Services transfers 153279

the program, the Director of Administrative Services and the 153280
Director of Job and Family Services, jointly or separately, may 153281
enter into a contract with a public or private entity for staff 153282
training and development to facilitate the transfer of the Ohio 153283
Benefits Program. Division (B) of section 127.16 of the Revised 153284
Code does not apply to a contract entered into under this 153285
division. 153286

(G) Subject to the layoff provisions of sections 124.321 153287
to 124.328 of the Revised Code, if the Director of 153288
Administrative Services transfers the program, all of the 153289
Director of Administrative Service's employees, as identified by 153290
the Director, whose primary responsibilities include 153291
administering the Ohio Benefits Program are transferred to the 153292
Department of Job and Family Services. Except as provided in 153293
division (H) of this section, employees transferred under this 153294
division retain their positions and all of the benefits accruing 153295
thereto. Any changes to an employee's position or benefits that 153296
occur after the employee is transferred to the Department under 153297
this division are subject to Chapter 124. of the Revised Code. 153298
Any actions taken under this division are not appealable to the 153299
State Personnel Board of Review. 153300

(H) If the Director of Administrative Services transfers 153301
the program, the Director of Job and Family Services may do all 153302
of the following: 153303

(1) Establish, change, or abolish positions within the 153304
Department of Job and Family Services; 153305

(2) Assign, reassign, classify, reclassify, transfer, 153306
reduce, promote, or demote employees of the Department who are 153307
not subject to Chapter 4117. of the Revised Code; 153308

(3) Assign or reassign an exempt employee, as defined in 153309
section 124.152 of the Revised Code, to a bargaining unit for 153310
purposes of Chapter 4117. of the Revised Code if the Director 153311
determines the bargaining unit is the appropriate bargaining 153312
unit with respect to that exempt employee. 153313

(I) If, in accordance with division (H) of this section, 153314
the Director of Job and Family Services assigns, reassigns, 153315
classifies, reclassifies, transfers, reduces, or demotes an 153316
employee paid in accordance with schedule E-1 of section 124.152 153317
of the Revised Code to a position in a lower classification, 153318
both of the following apply: 153319

(1) The Director of Job and Family Services, or if the 153320
employee is transferred outside of the Department of Job and 153321
Family Services, the Director of Administrative Services, shall 153322
assign the employee to the appropriate classification and place 153323
the employee in pay step X. 153324

(2) The employee shall not receive an increase in 153325
compensation until the maximum rate of pay for that 153326
classification exceeds the employee's compensation. 153327

(J) If the Director of Administrative Services transfers 153328
the program, the Director of Job and Family Services, with the 153329
approval of the Director of Budget and Management, may establish 153330
a retirement incentive plan for employees transferred to the 153331
Department of Job and Family Services under division (G) of this 153332
section. Notwithstanding any provision to the contrary in 153333
section 145.297 of the Revised Code, if the Director establishes 153334
such a plan under this division, it shall remain in effect until 153335
December 31, 2027. 153336

(K) Notwithstanding any provision to the contrary in 153337

sections 4117.08 and 4117.10 of the Revised Code, the transfer 153338
of the Ohio Benefits Program and the transfer of employees 153339
described under division (J) of this section, and the 153340
reassignment of administering the Ohio Benefits Program, are not 153341
appropriate subjects for collective bargaining under Chapter 153342
4117. of the Revised Code. 153343

(L) Notwithstanding any provision of law to the contrary, 153344
if the Director of Administrative Services transfers the 153345
program, the Director of Budget and Management shall make budget 153346
and accounting changes to implement the transfer. The Director 153347
may rename funds, create new funds, transfer funds, consolidate 153348
funds, or make other administrative changes. If necessary, the 153349
Director may cancel or establish encumbrances or parts of 153350
encumbrances in the appropriate funds and appropriation items 153351
for the same purposes and for payments to the same vendor. Such 153352
encumbrances are hereby appropriated. If necessary for the 153353
continued efficient administration of the Ohio Benefits Program, 153354
the Director may transfer appropriations between the Department 153355
of Job and Family Services and the Department of Administrative 153356
Services to continue levels of program services and efficiently 153357
deliver funding to the program as appropriated under this 153358
division. Such changes are hereby appropriated. 153359

Section 525.20. PROGRAM TRANSFERS 153360

(A) Notwithstanding any provision of law to the contrary, 153361
before July 1, 2027, the Department of Development shall 153362
transfer the entirety of its responsibility of managing the 153363
following programs to the Ohio Department of Job and Family 153364
Services: 153365

(1) Energy Efficiency and Weatherization Program; 153366

(2) Consumer Education Program; 153367

(3) Community Services Block Grant. 153368

(B) Any business commenced but not completed by July 1, 153369
2027, within the Department of Development that is planned to be 153370
transferred pursuant to this section shall be completed by the 153371
Department of Job and Family Services in the same manner and 153372
with the same effect as if completed by the Department of 153373
Development. 153374

(C) By July 1, 2026, the Director of Job and Family 153375
Services and the Director of Development, or their designees, 153376
shall develop a detailed organizational plan to implement the 153377
transfer of duties and functions of the programs listed in this 153378
section from the Department of Development to the Department of 153379
Job and Family Services. Pursuant to this plan, the directors of 153380
the respective departments shall enter into a memorandum of 153381
understanding to implement the transfer of duties and functions 153382
of the programs listed in this section from the Department of 153383
Development to the Department of Job and Family Services. 153384

(D) The Director of Job and Family Services and the 153385
Director of Development may jointly or separately enter into one 153386
or more contracts with public or private entities for staff 153387
training and development to facilitate the transfer of duties 153388
and functions of the programs listed in this section from the 153389
Department of Development to the Department of Job and Family 153390
Services. Division (B) of section 127.16 of the Revised Code 153391
does not apply to contracts entered into under this section. 153392

(E) All Department of Development employees and resources 153393
identified by the Director of Development to be associated with 153394
the work of the programs listed in this section are transferred 153395

to the Department of Job and Family Services on July 1, 2027, or 153396
an earlier date identified by the respective directors. Subject 153397
to the layoff provisions of sections 124.321 to 124.381 of the 153398
Revised Code, employees who are transferred retain their same 153399
positions and all benefits accruing thereto. Once transferred to 153400
the Department of Job and Family Services, changes to positions 153401
or benefits for employees shall be controlled by Chapter 124. of 153402
the Revised Code, or other applicable Revised Code or 153403
Administrative Code sections. Actions taken under this section 153404
are not subject to appeal to the State Personnel Board of 153405
Review. 153406

(1) Notwithstanding division (E) of this section, the 153407
Director of Job and Family Services has the authority to 153408
establish, change, and abolish positions for the Department of 153409
Job and Family Services, and to assign, reassign, classify, 153410
reclassify, transfer, reduce, promote, or demote all employees 153411
of the Department of Job and Family Services who are not subject 153412
to Chapter 4117. of the Revised Code. 153413

(2) The authority granted under division (E)(1) of this 153414
section includes assigning or reassigning an exempt employee, as 153415
defined in section 124.152 of the Revised Code, to a bargaining 153416
unit classification if the Director of Job and Family Services 153417
determines that the bargaining unit classification is the proper 153418
classification for that employee. If an employee in the E-1 pay 153419
range is to be assigned, reassigned, classified, reclassified, 153420
transferred, reduced, or demoted to a position in a lower 153421
classification, the Director of Job and Family Services, or in 153422
the case of a position transferred outside of the Department, 153423
the Director of Development, shall assign the employee to the 153424
appropriate classification and place the employee in Step X. The 153425
employee shall not receive any increase in compensation until 153426

the maximum rate of pay for that classification exceeds the 153427
employee's compensation. 153428

(3) Notwithstanding any provision to the contrary in 153429
sections 4117.08 and 4117.10 of the Revised Code, the transfer 153430
of programs and employees under this section, and the 153431
reassignment of certain functions and duties, are not 153432
appropriate subjects for collective bargaining under Chapter 153433
4117. of the Revised Code. 153434

(4) The Director of Job and Family Services may, with the 153435
approval of the Office of Budget and Management, establish a 153436
retirement incentive plan for eligible employees of those 153437
agencies who are members of the Public Employee Retirement 153438
System whose job duties will be transferred to the Department of 153439
Job and Family Services. Notwithstanding any provision of 153440
section 145.297 of the Revised Code to the contrary, a 153441
retirement incentive plan established pursuant to this section 153442
shall remain in effect until December 31, 2027. 153443

(F) No validation, cure, right, privilege, remedy, 153444
obligation, or liability is lost or impaired by reason of the 153445
transfer required by this section but shall be administered by 153446
the Department of Job and Family Services. No action or 153447
proceeding pending on the effective date of the transfer of 153448
duties, functions, and programs to the Department of Job and 153449
Family Services is affected by the transfer and shall be 153450
prosecuted or defended in the name of the Department or 153451
Director, as appropriate. In all such actions for those 153452
transferred duties, functions, and programs, the Department or 153453
Director shall be substituted as a party. 153454

(G) Effective July 1, 2027, or on an earlier date 153455
determined by the directors identified in this division, all 153456

contracts, records, documents, files, equipment, assets, and 153457
other materials of the programs and staff resources transferred 153458
under this section are to be transferred to the Department of 153459
Job and Family Services. 153460

(H) All rules, orders, and determinations made or 153461
undertaken related to programs listed in this section shall 153462
continue in effect as rules, orders, and determinations of the 153463
Department of Job and Family Services until modified or 153464
rescinded by the Department of Job and Family Services. If 153465
necessary to ensure the integrity of the numbering of the 153466
Administrative Code and at the request of the Director of Job 153467
and Family Services, the Director of the Legislative Service 153468
Commission may renumber the rules related to the programs listed 153469
in this section to reflect this transfer. 153470

(I) Notwithstanding any provision of law to the contrary, 153471
the Director of Budget and Management shall make budget and 153472
accounting changes to implement the transfer of duties, 153473
functions, and program of the programs listed in this section to 153474
the Department of Job and Family Services as described in this 153475
section, including administrative organization, renaming of 153476
funds, creation of new funds, transfer of state funds, and 153477
consolidation of funds. The Director of Budget and Management 153478
may, if necessary, cancel or establish encumbrances or parts of 153479
encumbrances in the appropriate funds and appropriation items 153480
for the same purposes and for payment to the same vendor. Such 153481
encumbrances are hereby appropriated. If necessary for the 153482
continued efficient administration of programs listed in this 153483
section, the Director of Budget and Management may transfer 153484
appropriations between the Department of Job and Family Services 153485
and the Department of Development to continue levels of program 153486
services and efficiently deliver state funding to those programs 153487

as appropriated herein. Such changes are hereby appropriated. 153488

Section 525.40. On the effective date of this section, the 153489
Ohio Public Employees Deferred Compensation Board is abolished. 153490
All records, assets, and liabilities of the Ohio Public 153491
Employees Deferred Compensation Board shall be transferred to 153492
the Public Employees Retirement Board. The Public Employees 153493
Retirement Board is successor to, and assumes the obligations 153494
of, the Ohio Public Employees Deferred Compensation Board. 153495

Any business commenced, but not completed by, the Ohio 153496
Public Employees Deferred Compensation Board or the Executive 153497
Director of that Board on the effective date of this section 153498
shall be completed by the Public Employees Retirement Board or 153499
the Executive Director of the Public Employees Retirement System 153500
in the same manner, and with the same effect, as if completed by 153501
the Ohio Public Employees Deferred Compensation Board or the 153502
Executive Director of that Board. No validation, cure, right, 153503
privilege, remedy, obligation, or liability is lost or impaired 153504
by reason of the transfer required by this section. 153505

All employees of the Ohio Public Employees Deferred 153506
Compensation Board are transferred to the Public Employees 153507
Retirement System and retain their positions and all of the 153508
benefits accruing thereto. 153509

No action or proceeding pending on the effective date of 153510
this section is affected by the transfer, and any such action or 153511
proceeding shall be prosecuted or defended in the name of the 153512
Public Employees Retirement Board or the Executive Director of 153513
the Public Employees Retirement System. In all such actions and 153514
proceedings, the Public Employees Retirement Board or the 153515
Executive Director of the Public Employees Retirement System, on 153516
application to the court, shall be substituted as a party. 153517

Section 525.50. (A) Notwithstanding any contrary provision 153518
of sections 102.08, 109.02, 145.054, 145.055, 145.99, 742.043, 153519
742.044, 742.99, 3307.073, 3307.074, 3307.99, 3309.073, 153520
3309.074, 3309.99, 3501.05, 3513.10, 3517.01, 3517.08, 3517.081, 153521
3517.10, 3517.102, 3517.105, 3517.106, 3517.107, 3517.109, 153522
3517.1011, 3517.1012, 3517.11, 3517.121, 3517.13, 3517.152, 153523
3517.153, 3517.154, 3517.155, 3517.157, 3517.20, 3517.21, 153524
3517.22, 3517.23, 3517.992, 3517.993, 3599.03, 3921.22, 153525
4123.442, 4503.03, 5505.045, 5505.046, and 5505.99 of the 153526
Revised Code as amended by this act, sections 3517.152 153527
(3517.14), 3517.153 (3517.15), 3517.154 (3517.16), 3517.155 153528
(3517.17), 3517.157 (3517.18), 3517.992 (3517.99), and 3517.993 153529
(3517.171) of the Revised Code as renumbered by this act, or new 153530
section 3517.991 and sections 111.29 and 3517.1010 of the 153531
Revised Code as enacted by this act, and notwithstanding the 153532
repeal of sections 3517.14, 3517.151, 3517.156, 3517.99, and 153533
3517.991 of the Revised Code by this act, the provisions of 153534
those sections that were in effect immediately before the 153535
effective date of this section continue to apply to the Ohio 153536
Elections Commission until the Commission is abolished on 153537
January 1, 2026. The Commission shall continue to hear and issue 153538
decisions concerning complaints filed with the Commission before 153539
January 1, 2026, in accordance with those provisions. 153540

(B) (1) The Ohio Elections Commission is abolished on 153541
January 1, 2026. 153542

(2) On January 1, 2026, any complaint pending before the 153543
Ohio Elections Commission, is transferred to the secretary of 153544
state for disposition in accordance with sections 153545
3517.154(3517.16), 3517.155(3517.17), 3517.157(3517.18), and 153546
3517.993(3517.171) of the Revised Code, as amended and 153547
renumbered by this act. The Commission shall provide all records 153548

regarding the complaint to the secretary of state. 153549

(3) All other records of the Ohio Elections Commission and 153550
all of its other assets and liabilities shall be transferred to 153551
the Ohio Election Integrity Commission. The Ohio Election 153552
Integrity Commission is successor to, and assumes the 153553
obligations of, the Ohio Elections Commission. 153554

(C) Except for the disposition of a complaint pending 153555
before the Ohio Elections Commission, any business commenced but 153556
not completed by the Ohio Elections Commission or its Executive 153557
Director on January 1, 2026, shall be completed by the Ohio 153558
Election Integrity Commission in the same manner, and with the 153559
same effect, as if completed by the Ohio Elections Commission or 153560
by its Executive Director. No validation, cure, right, 153561
privilege, remedy, obligation, or liability is lost or impaired 153562
by reason of the transfer required by this section. 153563

(D) Subject to the lay-off provisions of sections 124.321 153564
to 124.328 of the Revised Code, all of the Ohio Elections 153565
Commission's employees are transferred to the Ohio Election 153566
Integrity Commission and retain their positions and all of the 153567
benefits accruing thereto. 153568

(E) On January 1, 2026, or as soon as possible thereafter, 153569
the Director of Budget and Management shall transfer the cash 153570
balance of the Ohio Elections Commission Fund (Fund 4P20) to the 153571
Ohio Election Integrity Commission Fund (Fund 5CS1). Upon 153572
completion of the transfer, Fund 4P20 is abolished. The Director 153573
shall cancel any existing encumbrances against appropriation 153574
item 051601, Operating Support, and reestablish them against 153575
appropriation item 050604, Ohio Election Integrity Commission. 153576
The reestablished encumbrance amounts are hereby appropriated. 153577

(F) Whenever the Ohio Elections Commission or its
Executive Director is referred to in any law, contract, or other
document, the reference shall be deemed to refer to the Ohio
Election Integrity Commission.

(G) Except for the disposition of a complaint pending
before the Ohio Elections Commission, no action or proceeding
pending on January 1, 2026, is affected by the transfer, and any
such action or proceeding shall be prosecuted or defended in the
name of the Ohio Election Integrity Commission. In all such
actions and proceedings, the Ohio Election Integrity Commission,
on application to the court, shall be substituted as a party.

Section 610.10. That Sections 125.10 (as amended by H.B.
33 of the 135th General Assembly) and 125.11 (as amended by H.B.
33 of the 135th General Assembly) of H.B. 59 of the 130th
General Assembly are hereby repealed.

Section 610.20. That Section 755.60 of H.B. 54 of the
136th General Assembly be amended to read as follows:

Sec. 755.60. (A) The Department of Transportation and the
Ohio Turnpike and Infrastructure Commission shall work together
to create a joint plan regarding the feasibility of connecting
U.S. Route 23 to Interstate Route 71 ~~by doing through~~ one of the
following options:

- (1) Expanding State Route 229 in northern Delaware County;
- (2) Expanding another similar state route or other highway
in northern Delaware County;
- (3) Creating a new freeway between U.S. Route 23 and
Interstate Route 71 in northern Delaware County;
- (4) Creating a toll road between U.S. Route 23 and

Interstate Route 71 in northern Delaware County; 153606

(5) Creating a new freeway, which may be a toll road, in 153607
the region between State Route 529 and Waldo, Ohio heading 153608
eastward toward Interstate Route 71 north of Marengo, Ohio in 153609
Marion County and Morrow County; 153610

(6) Any other alignment considered appropriate by the 153611
Department and the Commission. 153612

~~(B) As part of the plan, related to the options specified-~~ 153613
~~in divisions (A) (3) and (4) of this section, the~~ 153614
~~Not later than~~ 153615
~~October 1, 2025, the Department and Commission shall prepare a~~ 153616
~~preliminary engineering submit an interim report that determines~~ 153617
~~the most feasible routes for the new freeway or toll road. As~~ 153618
~~part of the report, the Department and Commission shall~~ 153619
~~determine five potential alignments for the freeway or toll road~~ 153620
~~and specify which alignment is the preferred route~~ 153621
~~includes both~~
of the following:

(1) An identification and evaluation of conceptual 153622
corridor alternatives related to the options and alignments 153623
specified in division (A) of this section; 153624

(2) A preliminary assessment of the toll feasibility, 153625
including whether the Commission's statutory authority is 153626
sufficient to make the project a turnpike project. 153627

~~(C) The plan shall be completed not later than three-~~ 153628
~~months after the effective date of this section.~~ 153629

~~(D) As part of the plan, the Department and the Commission~~ 153630
~~shall determine whether construction~~ 153631
Not later than October 1, 153632
2026, the Department and Commission shall submit a final joint 153633
plan that includes all of the following:

(1) Identification of a preferred route connecting U.S. 153634
Route 23 to Interstate Route 71; 153635

(2) Completion of preliminary engineering assessments, 153636
including the preliminary design of the preferred route 153637
specified in division (C) (1) of this section, the cost estimates 153638
of construction, and the right-of-way and environmental impacts; 153639

(3) A recommendation regarding whether implementation 153640
would be best conducted by the Department or the Commission. If 153641
~~construction~~ implementation is best conducted by the Commission, 153642
the plan also shall include an evaluation of whether the 153643
Commission's statutory authority is sufficient to make the 153644
project a turnpike project. 153645

~~(E)~~ (D) The Department and Commission shall submit ~~their~~ 153646
both the interim report and the final joint plan specified under 153647
divisions (B) and (C) of this section to the President of the 153648
Senate, the Speaker of the House of Representatives, the 153649
Minority Leaders of both the Senate and the House of 153650
Representatives, and the chairpersons of the respective 153651
committees of the House of Representatives and Senate 153652
responsible for transportation related matters. 153653

Section 610.21. That existing Section 755.60 of H.B. 54 of 153654
the 136th General Assembly is hereby repealed. 153655

Section 620.10. That Section 265.550 of H.B. 33 of the 153656
135th General Assembly (as amended by H.B. 250 of the 135th 153657
General Assembly) be amended to read as follows: 153658

Sec. 265.550. PUPIL TRANSPORTATION PILOT ~~PROGRAM~~ PROGRAMS 153659

(A) The Department of Education and Workforce shall 153660
establish two pilot programs under which two educational service 153661
centers shall provide transportation to students in lieu of the 153662

students receiving transportation from their resident school 153663
district. Not later than October 15, 2023, the Department shall 153664
select both of the following to participate in a pilot program 153665
under this section: 153666

(1) One service center that is in a county located in 153667
central Ohio with a population of 1,323,807, according to the 153668
2020 United States census; 153669

(2) One service center that is in a county located in 153670
southwest Ohio with a population of 537,309, according to the 153671
2020 United States census. 153672

(B) (1) The service center selected under division (A) (1) 153673
of this section shall identify students who are struggling with 153674
transportation issues, as determined by their resident school 153675
district, and are served by the service center, community 153676
schools, or chartered nonpublic schools that enroll students 153677
from the district or districts for whom the service center will 153678
provide transportation during the 2024-2025 school year. 153679

(2) The service center selected under division (A) (2) of 153680
this section shall provide transportation during the 2024-2025_ 153681
and 2025-2026--school--year--years to any student whom the district 153682
and the educational service center determine is struggling with 153683
transportation issues that meets either of the following 153684
criteria: 153685

(a) The student attends a school different from the one to 153686
which the student would be assigned in the student's resident 153687
school district. 153688

(b) The student is a child with a disability for whom the 153689
student's resident school district is required to provide 153690
transportation as a related service. 153691

(3) In addition to providing transportation to and from a student's place of residence, the service center selected under division (A) (2) of this section also may provide transportation to and from a student's place of employment. 153692
153693
153694
153695

(4) Both service centers shall report to the Department, 153696
in the manner prescribed by the Department, students who are 153697
transported by the service center. 153698

(C) No community school or chartered nonpublic school 153699
shall be required to participate in either pilot program. 153700

~~(D) Each~~ (D) Each participating educational service center 153701
shall do all of the following for ~~the 2024-2025~~ each applicable 153702
school year: 153703

(1) Arrange for the use of a sufficient number of school 153704
buses or other approved vehicles designed to transport not more 153705
than nine passengers, not including the driver, and bus drivers 153706
or other individuals authorized to transport students in other 153707
approved vehicles, to transport students from participating 153708
schools who qualify for transportation under section 3327.01 of 153709
the Revised Code and the school district's transportation 153710
policy. However, nothing shall preclude the service center from 153711
providing transportation to other students enrolled in the 153712
schools. 153713

(2) Collaborate with participating schools to designate 153714
daily start and end times for ~~the 2024-2025~~ each applicable 153715
school year that will enable timely and efficient transportation 153716
of the schools' students; 153717

(3) On behalf of participating schools, notify the school 153718
district ~~that those~~ of the students that they will not require 153719
transportation for the ~~2024-2025~~ applicable school year. 153720

(E) (1) Except as described in division (E) (2) of this 153721
section, the Department shall deduct from the school district's 153722
transportation payment under section 3317.0212 of the Revised 153723
Code and pay to the educational service center the statewide 153724
average cost per student for the qualifying ridership, under 153725
section 3317.0212 of the Revised Code, for each student 153726
transported by the service center in compliance with this 153727
section. 153728

(2) In the case of a student described in division (C) (1) 153729
of section 3317.024 of the Revised Code, the service center 153730
shall not receive a payment under division (E) (1) of this 153731
section. Instead, the department shall make a payment to the 153732
service center for such student in the manner prescribed under 153733
division (C) of section 3317.024 of the Revised Code. 153734

(F) The educational service centers and the school 153735
districts shall not be subject to section 3327.021 of the 153736
Revised Code during ~~the 2024-2025~~ each school year in which the 153737
pilot program they participate in operates with regard to 153738
students enrolled in participating schools. Notwithstanding 153739
section 3314.46 of the Revised Code, the service centers may 153740
provide transportation to any participating community school 153741
they sponsor. 153742

(G) The educational service centers shall comply with all 153743
transportation requirements for students with disabilities as 153744
specified in the individualized education programs developed for 153745
the students pursuant to Chapter 3323. of the Revised Code 153746

(H) The Department shall evaluate ~~each~~ the pilot program 153747
in which the service center selected under division (A) (1) of 153748
this section participates and issue a report of its findings not 153749
later than September 15, 2025. The Department shall evaluate the 153750

pilot program in which the service center selected under 153751
division (A) (2) of this section participates and issue a report 153752
of its findings not later than September 15, 2026. The 153753
educational service centers and participating schools shall 153754
submit data and other information to the Department, in a manner 153755
determined by the Department, for the purpose of conducting the 153756
evaluation. 153757

Section 620.11. That existing Section 265.550 of H.B. 33 153758
of the 135th General Assembly (as amended by H.B. 250 of the 153759
135th General Assembly) is hereby repealed. 153760

Section 620.20. That Sections 200.30 (as amended by H.B. 153761
54 of the 136th General Assembly), 221.15 (as amended by S.B. 54 153762
of the 135th General Assembly), 243.10, 363.10, 371.20 (as 153763
amended by S.B. 54 of the 135th General Assembly), and 373.15 153764
(as amended by S.B. 54 of the 135th General Assembly) of H.B. 2 153765
of the 135th General Assembly be amended to read as follows: 153766

Sec. 200.30. ONE TIME STRATEGIC COMMUNITY INVESTMENTS 153767

On June 28, 2024, or as soon as possible thereafter, the 153768
Director of Budget and Management shall transfer \$17,800,000 153769
cash from the General Revenue Fund to the One Time Strategic 153770
Community Investments Fund (Fund 5AY1). 153771

The foregoing appropriation item 042509, One Time 153772
Strategic Community Investments, shall be used by the Office of 153773
Budget and Management to provide grants for the projects listed 153774
in this section in the amounts listed. Prior to disbursing a 153775
grant to a recipient, the Office of Budget and Management shall 153776
enter into a grant agreement with the recipient. As part of the 153777
grant agreement, the recipient shall agree to complete a final 153778
report, in a form and manner to be prescribed by the Office of 153779

Budget and Management, detailing how the recipient used the 153780
grant and submit the report to the Office of Budget and 153781
Management. 153782

An amount equal to the unexpended, unencumbered balance of 153783
the foregoing appropriation item 042509, One Time Strategic 153784
Community Investments, at the end of fiscal year 2025 is hereby 153785
reappropriated for the same purpose in fiscal year 2026. 153786
153787

1	2
A Project	Amount
B Adams County Fairgrounds Improvements	\$400,000
C Adams County Welcome Center	\$350,000
D Adams County Community Foundation	\$200,000
E West Union Wastewater Plant Improvements	\$200,000
F Lima Veterans Memorial Hall Improvements	\$10,000,000
G Allen County Airport Fuel Farm	\$1,000,000
H Rhodes State Advanced Manufacturing Equipment and Lab	\$440,000
I Allen County Child Support Enforcement Agency Facility	\$375,000
J Heir Force Community School Land Acquisition	\$250,000
K Temple Christian School Building Expansion	\$250,000

L	Boys and Girls Club of Lima	\$100,000
M	Ashland County Fair	\$1,100,000
N	Cinnamon Lake Sewer District Lift Station	\$1,000,000
O	Charles Mill Marina Houseboat and Path Renovation	\$910,000
P	Hugo Young Theatre	\$248,554
Q	Davy McClure Outdoor Education Shelter	\$200,000
R	Ashland County Fire Training Facility	\$200,000
S	Hickory Street Sanitary Sewer Lift Station	\$76,000
T	Rowsburg Community Center	\$30,000
U	Hayesville Pedestrian Walkway	\$25,000
V	SPIRE Institute	\$1,000,000
W	Ashtabula Juvenile Court Improvements	\$800,000
X	Boys and Girls Club of Ashtabula	\$132,274
Y	Country Neighbor Program	\$101,600
Z	VFW Roof Repairs Geneva Post 6846	\$99,037
AA	Ashtabula Arts Center Restroom Project	\$45,000
AB	Athens Regional Training Center	\$2,500,000
AC	The Appalachian Center for Economic Networks	\$700,000

	Food Sector Accelerator Project	
AD	Nelsonville-York Elementary School (NYES) Playground Renovation	\$250,000
AE	York Township VFD Project	\$250,000
AF	City of Nelsonville Dog Park	\$139,731
AG	Boys and Girls Club of Athens	\$100,000
AH	Buchtel Village Park Project	\$100,000
AI	Edna Brooks Domestic Violence Shelter	\$36,800
AJ	Village of Waynesfield Veteran's Park Enhancement	\$352,950
AK	Saint Mary's Reservoir Mill	\$250,000
AL	New Bremen Public Library Renovation	\$200,000
AM	YMCA Auglaize-Mercer Recreation Complex	\$200,000
AN	Barton VFD Station	\$1,000,000
AO	Belmont Volunteer Fire Department New Station	\$1,000,000
AP	The Sargus Center Revitalization and Sustainability Initiative	\$500,000
AQ	Mead Township Hall and Garage Project	\$300,000
AR	VFW Roof Repairs Powhatan Point Post 5565	\$24,900

AS	Future Plans Sanctuary	\$3,000,000
AT	Brown County Junior Fair Covered Horse Arena	\$400,000
AU	Water Infrastructure Bramel Mobile Home Park	\$400,000
AV	Millikin Interchange Improvements	\$8,500,000
AW	Madison Township Firehouse Improvements	\$1,750,000
AX	BCRTA Outdoor Workforce Training	\$1,000,000
AY	Riversedge Amphitheater Expansion	\$1,000,000
AZ	Shuler Benninghofen Mixed-Use Project	\$1,000,000
BA	VOA MetroPark Museum Grand Entrance	\$1,000,000
BB	Oxford Student Safety Project	\$800,000
BC	Liberty Playground Replacement Project	\$500,000
BD	Madison Township Park Revitalization	\$500,000
BE	Welding Lab Program Expansion in Fairfield Township	\$450,000
BF	Monroe Plaza South Project	\$400,000
BG	Hamilton YWCA Domestic Violence Project	\$400,000
BH	World Class Clubs: Repairing Community Gymnasium	\$225,000
BI	Boys and Girls Club of West Chester/Liberty	\$218,796

BJ	VFW Roof Repairs West Chester Post 7696	\$15,560
BK	Carroll County Annex Building Rehab	\$500,000
BL	Seven Ranges Scout Reservation Facility Upgrades	\$500,000
BM	Dellroy Village Storm Drain and Street Repair	\$250,000
BN	Carroll County Agricultural Service Center	\$200,000
BO	Minerva Downtown Revitalization Project	\$200,000
BP	Dellroy Village Offices/Garage Renovations	\$195,250
BQ	Champaign Aviation Museum Improvements	\$20,000
BR	Champion City Sports and Wellness Center	\$4,000,000
BS	A.B. Graham Memorial	\$750,000
BT	Champion Center Arena Improvements	\$250,000
BU	Goshen Fire Department Station 18 Rebuild	\$2,500,000
BV	Felicity Veterans Village Housing Project	\$1,000,000
BW	Milford Five Points Landing	\$400,000
BX	Union Township Community Splash Pad	\$268,125
BY	Nisbet Park Amphitheater	\$250,000
BZ	Moscow Ohio River Stabilization, Phase III	\$240,000
CA	Williamsburg Township Emergency Services	\$150,000

Upgrades		
CB	Owensville Historical Society Museum	\$132,000
CC	Williamsburg Community Park Trail Extension	\$86,770
CD	VFW Roof Repairs Loveland Post 5354	\$28,505
CE	VFW Roof Repairs New Richmond Post 6770	\$20,894
CF	Boys and Girls Club of Clermont	\$18,921
CG	Wilmington Runway Reopening and Improvements	\$3,500,000
CH	Doan-Walnut-Short Street Water Main	\$500,000
CI	Columbiana County Annex/Drug Task Force Building	\$2,900,000
CJ	Utica Shale Academy Improvements	\$2,500,000
CK	East Palestine Village Safety Complex	\$1,000,000
CL	Hanover Township Fire and Emergency Medical Services Expansion Initiative	\$250,000
CM	Lepper Restoration Project	\$175,000
CN	City of Coshocton Fire Training Tower	\$1,000,000
CO	Coshocton Skip's Landing and Downtown Revitalization	\$750,000
CP	City of Coshocton Roscoe Cemetery Improvements	\$460,000

CQ	City of Coshocton Pickleball Court Upgrades	\$300,000
CR	City of Coshocton Water Plant Electrical Upgrades	\$300,000
CS	City of Coshocton Town Hall Roof Project	\$240,000
CT	City of Coshocton Emergency Generator Project	\$200,000
CU	Coshocton County Library Masonry Project	\$48,000
CV	Maplecrest Community Center	\$500,000
CW	The Galion Depot Canopy Restoration Project	\$200,000
CX	The New Washington Veteran's Memorial Park Project	\$34,460
CY	Cuyahoga County Northcoast Connector	\$20,000,000
CZ	Bedrock Riverfront Development	\$8,000,000
DA	Rock and Roll Hall of Fame Museum Expansion and Renovation Project	\$7,000,000
DB	Cleveland Port Bulk Terminal Modernization	\$5,000,000
DC	West Side Market in Cleveland	\$2,400,000
DD	Cahoon Park	\$2,000,000
DE	Cleveland Zoo Primate Forest	\$2,000,000
DF	Irishtown Bend Park	\$2,000,000

DG	Valor Acres Brecksville Veterans Affairs Hospital Site Redevelopment	\$2,000,000
DH	Blue Abyss	\$1,800,000
DI	Two Foundation Building Purchase and Renovation	\$1,625,000
DJ	Park Synagogue	\$1,500,000
DK	The Music Settlement - Gries House Redevelopment	\$1,500,000
DL	Brook Park Community Center Restoration	\$1,000,000
DM	Cleveland Women's Soccer Stadium	\$1,000,000
DN	Electric Building Renovation	\$1,000,000
DO	Independence Selig Drive Emergency Access	\$1,000,000
DP	Shaker Heights Doan Brook Park	\$1,000,000
DQ	YMCA of Greater Cleveland - New Facility Construction	\$1,000,000
DR	Argonaut Project - Advancing Aviation and Maritime Pipeline	\$800,000
DS	Birthing Beautiful Communities Birth Center	\$800,000
DT	Connecting the Circle	\$800,000
DU	Glenville YMCA	\$800,000

DV	Saint Edwards High School Sustainable Urban Agriculture	\$800,000
DW	Cleveland Public Square Improvements	\$750,000
DX	University Heights Municipal Sewer Project	\$700,000
DY	University Hospitals Breast Center - Parma	\$700,000
DZ	Cleveland Habitat Building Project	\$507,500
EA	Cleveland Airport NEOFIX	\$500,000
EB	Euclid Public Library Green Branch Improvements	\$500,000
EC	Hospice of the Western Reserve Center for Community Engagement and Hospice Care	\$500,000
ED	JumpStart Northern Ohio Operations	\$500,000
EE	Ohio Aerospace Institute Sensitive Information Research Facility	\$500,000
EF	Rocky River Fire Station Improvements	\$500,000
EG	Saint Casimir Parish Improvements	\$500,000
EH	Seven Hills Fire Department	\$500,000
EI	Vocational Guidance Services Renovation Cleveland Facility	\$500,000
EJ	YWCA of Greater Cleveland	\$500,000

EK	Boys and Girls Club of Broadway in Cuyahoga County	\$485,005
EL	Maltz Museum of Jewish Heritage	\$480,000
EM	Richmond Heights Salt Bin	\$450,000
EN	Magnolia Clubhouse	\$400,000
EO	Middleburg Heights Central Park Phase 1	\$400,000
EP	Cleveland Institute of Art - Interactive Media Lab	\$365,000
EQ	Greenstone Lifeline Connection Improvements	\$327,867
ER	Chagrin Valley Volunteer Fire Station	\$300,000
ES	Berea City Hall and Police Station Upgrades	\$250,000
ET	Jenning's Center for Older Adults	\$250,000
EU	Journey Center for Safety and Healing/Domestic Violence Shelter	\$200,000
EV	Lyndhurst Community Center Audio Visual Project	\$200,000
EW	MetroHealth Emergency Department Refresh	\$200,000
EX	Northeast Ohio Music Arts Development Hub	\$200,000
EY	Olmsted Falls Visibility Project	\$200,000
EZ	Camp Cheerful Reimagined	\$175,000

FA	VFW Roof Repairs Solon Post 1863	\$88,787
FB	VFW Roof Repairs Parma Post 1974	\$28,633
FC	VFW Roof Repairs Cleveland Post 2533	\$17,208
FD	Western Ohio Regional Fire Training Facility	\$750,000
FE	Eldora Speedway Public Safety Upgrades	\$400,000
FF	Historic Bear's Mill Infrastructure Restoration	\$275,000
FG	The Darke County Fish and Game Association	\$120,000
FH	Ney/Washington Township Fire Department Building	\$300,000
FI	Veterans Memorial Park at Latty's Grove Rehabilitation Project	\$200,000
FJ	Little Brown Jug Grandstand Renovation	\$2,500,000
FK	Sunbury Ohio-to-Erie Trail Expansion	\$1,250,000
FL	Boardman Arts Park Improvements Whimsy Venue	\$1,000,000
FM	Stockhands Horses for Healing, Capital Improvement Project	\$908,000
FN	Dempsey Wildlife and Education Renovation	\$600,000
FO	Delaware County Bicentennial Barn Renovation	\$500,000
FP	Powell Adventure Park Expansion	\$480,000

FQ	"Smuirfield" Golf Project	\$225,000
FR	Ohio Fallen Heroes Memorial	\$70,000
FS	VFW Roof Repairs Sunbury Post 8736	\$58,440
FT	Worenstaff Memorial Public Library Renovation	\$34,000
FU	The Landing in Erie County	\$3,000,000
FV	Battery Park Coastal Improvements	\$1,000,000
FW	NW Ohio Water Quality Improvements/Cold Creek Foundation	\$800,000
FX	Camp Timberlane Infrastructure Improvements	\$600,000
FY	Kelley's Island East Lakeshore Shoreline Protection	\$400,000
FZ	Erie County Fairgrounds Infrastructure Improvements	\$250,000
GA	Erie County Jail Surveillance Upgrades	\$200,000
GB	Huron Boat Basin and Amphitheater Capital Improvement Project	\$200,000
GC	Sawmill Creek Wastewater Treatment Plant Expansion	\$200,000
GD	Violet Township Event Center	\$2,100,000
GE	Gateway Mixed Use District	\$2,000,000

GF	Government Services Building Acquisition and Renovation	\$2,000,000
GG	Wendel Pool Dehumidification System Replacement	\$550,000
GH	Walnut Township Flood Mitigation	\$500,000
GI	Pickerington Covered Bridge Rehabilitation	\$350,000
GJ	Pickerington Connects	\$234,410
GK	Elmwood Playground	\$225,000
GL	Expanding Horizons - Meals on Wheels Senior Services Center	\$200,000
GM	Historic Lancaster Bell and Clock Tower	\$150,000
GN	Sycamore Creek Park Pond Restoration	\$125,000
GO	Wagnalls Memorial Window Project	\$50,000
GP	American Legion Post 283 Improvements	\$20,000
GQ	Rushville Union Lions Club Accessible Parking	\$5,500
GR	Jeffersonville Rattlesnake Water System Improvements	\$1,000,000
GS	Wayne Township Firehouse Community Shelter	\$175,000
GT	The Ohio Center for Advanced Technologies	\$20,000,000
GU	Columbus Symphony Orchestra - Music for All	\$18,500,000

GV	Downtown Columbus Capital Line	\$10,000,000
GW	Heritage Trail Expansion	\$8,000,000
GX	John Glenn International Airport Improvements	\$7,500,000
GY	OP Chaney Grain Elevator Restoration	\$2,800,000
GZ	Downtown Security Command Center	\$1,500,000
HA	Unverferth House Revitalization and Expansion Campaign	\$1,500,000
HB	Historic Dublin Riverfront Revitalization	\$1,230,000
HC	Heartland Music Incubator	\$1,000,000
HD	Norwich Township Fire Department Station 84	\$1,000,000
HE	Westland Mall Renovations	\$1,000,000
HF	Hilliard First Responders Park	\$800,500
HG	Green Lawn Cemetery Chapel	\$750,000
HH	Heinzerling Facility Improvements	\$750,000
HI	Whitehall Police Department Emergency Facility	\$605,220
HJ	Knoll View Place	\$600,000
HK	Tolles Cybersecurity Lab Renovation	\$600,000
HL	Edison Welding Institute Renovations	\$500,000

HM	Elevate Northland	\$500,000
HN	LifeTown Kindness Center	\$500,000
HO	National Center for Urban Solutions Facility	\$500,000
HP	Scioto Rise Place	\$500,000
HQ	Dublin Brand Road Pedestrian Tunnel Flood Mitigation	\$468,000
HR	OZEM Gardner House Rehabilitation	\$375,000
HS	Somali Community Link Center	\$350,000
HT	The Refuge	\$250,000
HU	Grandview Heights Fire EMS Police Facility	\$200,000
HV	Grandview Heights McKinley Field Park	\$200,000
HW	Tawnya Salyer Memorial Statue	\$200,000
HX	Columbus Urban League Career Connect Hub	\$150,000
HY	Boys and Girls Club of J. Ashburn	\$138,585
HZ	VFW Roof Repairs Reynoldsburg Post 9473	\$32,695
IA	Building the Future of 4-H Camp Palmer	\$1,825,000
IB	Community Event and Recreational Facility Renovation in Wauseon	\$500,000
IC	Fulton County Fairgrounds Arts and Craft	\$80,000

	Building	
ID	Gallia County Council on Aging New Facility	\$2,500,000
IE	Reservoir Enhancement Project	\$2,250,000
IF	Gallia County Sheriff Office Renovation	\$225,000
IG	Hambden Fire Station Project	\$2,000,000
IH	Montville Fire Station Construction	\$1,250,000
II	Chardon Fire Department Equipment Project	\$1,000,000
IJ	Burton Berkshire Local Schools Career Pathways Program	\$915,037
IK	Geauga County Fair	\$500,000
IL	Russell Township Community Building	\$370,905
IM	Chester Township Police Department Building Renovation	\$348,875
IN	Chardon Memorial Stadium Restroom and Concession Project	\$250,000
IO	Geauga County Safety Center Parking Lot	\$250,000
IP	Salt Dome Structural Repairs	\$155,000
IQ	St. Mary School Playground Enhancements	\$4,000
IR	Cedarville Opera House	\$12,000,000

IS	Clifton Union School Improvements	\$3,900,000
IT	Future Development of Wright-Patterson	\$3,500,000
IU	Clifton Opera House	\$1,900,000
IV	Skyway SCIF Center	\$1,000,000
IW	Spring House Park: Phase One	\$1,000,000
IX	WSU: Archive Facility Upgrades	\$500,000
IY	OhioMeansJobs Greene County Improving Accessibility Project	\$175,000
IZ	Ohio Veterans' Children's Home Expansion and Upgrade, Phase 1	\$150,000
JA	Cambridge YMCA	\$3,000,000
JB	Route 40 East Sewer Extension	\$1,000,000
JC	Cambridge Fire Department Renovations	\$560,000
JD	Old Washington Community VFD Station	\$250,000
JE	Hamilton County Convention Center District Development	\$46,000,000
JF	University of Cincinnati Health	\$16,750,000
JG	Xavier University College of Osteopathic Medicine	\$9,750,000
JH	Riverbend 2.0	\$8,000,000

JI	Blue Line Foundation HQ and Regional Training Center	\$1,000,000
JJ	605 Plum Convention Center Garage Renovation	\$945,771
JK	Boys and Girls Club of Taft	\$300,978
JL	Boys and Girls Club of East Hamilton	\$194,722
JM	Boys and Girls Club of Sheakley	\$58,529
JN	Findlay YMCA	\$1,250,000
JO	Hancock County Fair	\$500,000
JP	Hancock County Park District	\$250,000
JQ	Owens State Community College CDL Facilities	\$250,000
JR	Ada War Memorial Park	\$500,000
JS	Hardin County Fair	\$500,000
JT	Kenton Fire Department	\$500,000
JU	Ohio Northern University HealthWise Mobile Health Clinic	\$500,000
JV	Pump House Funding - Rodney Hensel	\$200,000
JW	Hardin County Veterans Memorial Park District	\$50,000
JX	Alger Baseball Field	\$40,000
JY	Harrison County Fairground Replacement and	\$720,000

	Enhancement	
JZ	Regional Safety Center at Tappan Lake	\$650,000
KA	Jewett Fire and Emergency Equipment Storage Building	\$325,000
KB	Village of Bowerston VFD	\$205,000
KC	Village of Bowerston Maintenance Building	\$100,000
KD	Napoleon Public Library Improvements	\$1,000,000
KE	The Henry County Community Event Center Office Addition	\$1,000,000
KF	Corn City Regional Fire District New Fire Station	\$500,000
KG	Napoleon Water Tower Upgrades	\$135,000
KH	Core Networking Equipment at The Center for Child and Family Advocacy (CCFA) in Henry County	\$72,000
KI	Malinta Community Historical Society Site Project	\$45,000
KJ	Highland County Engineer Truck Barn	\$1,000,000
KK	Camp Wyandot Historic Camper Cabin Project	\$50,000
KL	Union Furnace / Starr Township Improvements	\$35,000
KM	Agricultural Society Millersburg Expo	\$750,000

KN	Safe Harbor Ohio	\$500,000
KO	Winesburg Park Improvements	\$250,000
KP	West Holmes Local Schools Robotics Program	\$22,000
KQ	Norwalk Theater Restoration	\$2,000,000
KR	Norwalk Public Library Rehab	\$400,000
KS	Feichtner Memorial Building Improvements	\$250,000
KT	Huron County Transfer Station Scale Replacement	\$202,000
KU	Jackson County Memorial Building Renovation	\$2,500,000
KV	City of Jackson Park and Trail Revitalization	\$1,000,000
KW	Jackson County Courthouse Building and Grounds Renovation	\$600,000
KX	Blamer Park Renovation	\$392,038
KY	Wellston Food Pantry Turn-Key Renovation	\$200,000
KZ	Wellston Fire Department Training Academy	\$175,000
LA	Jefferson County Agricultural Society Small Animal Barn	\$35,000
LB	Mount Vernon Police Station	\$2,000,000
LC	Fredericktown Water Infrastructure Improvements	\$750,000

LD	Family Fun Grounds in Knox County	\$125,000
LE	Willoughby Osborne Park Shoreline Protection	\$2,000,000
LF	Uptown Mentor Revitalization	\$1,500,000
LG	ISTEM Painesville Township Haden Facility and Crowns Project	\$1,000,000
LH	Mentor Fire Station	\$1,000,000
LI	University Hospitals TriPoint Breast Center - Painesville	\$938,750
LJ	Concord Township Waterline Extension Project	\$500,000
LK	Lake Erie College Center for Health Sciences	\$500,000
LL	Lake Metro Parks Lakefront Trail	\$500,000
LM	Kirtland Public Library Roof Project	\$340,625
LN	Mentor on the Lake - Lake Overlook	\$300,000
LO	Rabbit Run Theater Improvements	\$100,000
LP	VFW Roof Repairs Mentor Post 9295	\$35,478
LQ	Resources for Restoring Lives and Providing Safety and Security	\$15,328
LR	Wayne National Forest Welcome Center	\$5,000,000
LS	Coal Grove Village Riverfront Park	\$1,250,000

LT	Lawrence County School Communications	\$750,000
LU	Necco Center Improvements	\$375,000
LV	Boys and Girls Club of Portsmouth	\$100,000
LW	Buckeye Lake North Shore Park and Pier	\$8,500,000
LX	Memorial Health Systems Education and Event Center	\$3,000,000
LY	Johnstown - Mink Street Water Infrastructure	\$500,000
LZ	Newark Towne Center Project	\$1,854,000
MA	Buckeye Valley Family YMCA Pataskala Childcare Center	\$200,000
MB	Mary Ann Township Fire Department	\$66,000
MC	Hanover Hains Hill Drive Drainage Improvements	\$52,000
MD	Junior Achievement - Regional Satellite Learning Center	\$50,000
ME	Boys and Girls Club of Newark	\$46,195
MF	Indian Lake Advocacy Group	\$5,000,000
MG	Logan County Sewer District Flat Branch Upgrades	\$1,500,000
MH	Bellefontaine Calvary Christian School	\$250,000

MI	Indian Lake Pickleball	\$150,000
MJ	Lorain County Community College Desich Entrepreneurship Center 3rd Floor Microelectronics Training Hub	\$2,500,000
MK	Lorain County Fairs	\$2,500,000
ML	Boys and Girls Club of Elyria South	\$1,000,000
MM	Lorain County PACE Site Modifications	\$1,000,000
MN	The Nord Center Capital Improvement Project	\$1,000,000
MO	French Creek Sports Complex	\$925,000
MP	Lorain County Administrative Building <u>Justice Center</u>	\$750,000
MQ	North Ridgeville Cypress Avenue Project	\$700,000
MR	Sheffield Lake Field House Rec Complex	\$600,000
MS	Black River Landing Amphitheater	\$500,000
MT	Haven Center Emergency Shelter / Neighborhood Alliance	\$500,000
MU	Vocational Guidance Services (VGS) Project - Lorain	\$500,000
MV	Lorain County Health and Dental Facility	\$375,000
MW	Elyria Public Library West River Branch	\$300,000

MX	Lorain Hispanic Veterans Memorial	\$300,000
MY	Lorain County Kennel Project	\$250,000
MZ	El Centro Facility Improvements	\$200,000
NA	Good Knights Bed Building Center	\$150,000
NB	Sheffield Village Colorado Avenue Side Path	\$150,000
NC	Carlisle Township Hall Project	\$100,000
ND	VFW Roof Repairs Wellington Post 6941	\$12,276
NE	Lucas County Seawall and River Edge Reconstruction Project	\$3,000,000
NF	Toledo Innovation Center	\$3,000,000
NG	Inclusive Multigenerational Community and Recreation Center (IMCRC)	\$2,900,000
NH	Virginia Stranahan Trail and Senior Affordable Housing/Senior Center Development	\$2,700,000
NI	Eugene F. Kranz Toledo Express Airport Terminal Renovation Project	\$2,000,000
NJ	Toledo YWCA Domestic Shelter Project	\$2,000,000
NK	Toledo Zoo Reptile House	\$1,740,000
NL	Toledo Fire and Rescue Department Facility Repairs	\$1,600,000

NM	Ottawa Park Revitalization Phase 1	\$950,000
NN	Imagination Station; Toledo Science Center World of Discovery Exhibit	\$750,000
NO	Homer Hanham Boys and Girls Club Renovation	\$650,000
NP	Toledo Seagate Food Bank	\$650,000
NQ	Pre-Medical and Health Science Academy at Mercy College	\$500,000
NR	Toledo School for the Performing Arts Replacement Windows	\$500,000
NS	Sylvania Township Safety Training and Grounds Improvement	\$485,000
NT	Toledo Safe Haven Ronald McDonald Facility	\$300,000
NU	Whitney Manor	\$300,000
NV	Toledo Hensville Entertainment District	\$250,000
NW	Ottawa Hills Walk Path Project	\$175,000
NX	Glass City Mural Wall Lighting (Toledo)	\$100,000
NY	Lucas County Sheriff Substation Renovation	\$100,000
NZ	Toledo Broadway Commercial Redevelopment Project	\$100,000
OA	Madison County Airport Improvements	\$35,938

OB	Animal Charity of Ohio Infrastructure Expansion	\$1,500,000
OC	Community Learning Center	\$1,000,000
OD	West Branch Regional Community Education and Wellness Training Center in Mahoning County	\$875,000
OE	Mahoning Valley Historical Society Expansion and Improvement	\$750,000
OF	Campbell Access and Safety Project	\$660,000
OG	Mahoning County Veterans Center	\$650,000
OH	Salem Airpark Improvements	\$600,000
OI	Youngstown Area Jewish Federation Building Expansion	\$501,389
OJ	Mahoning Valley Regional Multi-Jurisdictional Infrastructure Initiative	\$450,000
OK	Boys and Girls Club of Youngstown	\$300,000
OL	Youngstown Playhouse Roof	\$238,000
OM	Sheridan Road Multi-Use Trail <u>Village of Poland</u>	\$185,000
ON	Boys and Girls Club of Oak Hill	\$159,131
OO	City of Struthers Mauthe Park Splash Pad	\$103,150
OP	Rich Center for Autism Building for Tomorrow	\$100,000

Phase 2

OQ	OCCHA Renovado Capital Campaign	\$93,500
OR	Canfield Police Department Drone Program	\$60,000
OS	War Vet Museum Facility and Program Improvement Project	\$60,000
OT	Austintown 9-11 Memorial Park	\$50,000
OU	VFW Roof Repairs Ellsworth Post 9571	\$14,480
OV	Marion Harding Performing Arts Center	\$500,000
OW	Marion Soldiers and Sailors Memorial Chapel	\$450,000
OX	George W. King Mansion - Etowah	\$300,000
OY	Boys and Girls Club of Oak Street	\$277,170
OZ	Terradise Nature Center Interpretive Center	\$200,000
PA	Women's History Resource Center Phase II	\$185,000
PB	City of Wadsworth Brickyard Athletic Complex and Fixler Reservation	\$2,500,000
PC	Lake Medina	\$1,500,000
PD	Akron Childrens Medina Health Center	\$1,400,000
PE	Medina County Career Center Modular Fire Training Tower	\$1,000,000

PF	Oenslager Nature Center	\$500,000
PG	City of Medina Multi-Use Uptown Loop Phase 1	\$396,000
PH	Medina County Radio System - Seville Tower	\$450,000
PI	Medina County Sheriff Office Jail Safety Enhancement	\$200,000
PJ	Equine Assisted Mental Health Community Campus	\$200,000
PK	Majestic Equine Connections	\$200,000
PL	Main Street Medina Facade Improvement	\$150,000
PM	Medina County Achievement Center Renovation and Innovative Vocational Training Building	\$100,000
PN	Serenite Restaurant and Culinary Institute Roof/Gutter Repair	\$65,000
PO	Main Street Medina South Town Gateway	\$62,000
PP	VFW Roof Repairs Medina Post 5137	\$60,898
PQ	Homer Township Tornado Siren Project	\$36,834
PR	Chippewa Lake Area Emergency Siren	\$35,000
PS	Ohio University Airport Improvements	\$2,500,000
PT	Meigs County Transportation Hub	\$1,500,000
PU	Racine Entertainment District	\$1,500,000

PV	1872 Hall Complex	\$250,000
PW	Meigs County Fair	\$250,000
PX	Fort Recovery Water Tower	\$600,000
PY	Troy Great Miami River Recreation Connectivity Project	\$2,000,000
PZ	Troy-Miami County Public Library Improvements	\$500,000
QA	Bethel Township VFD Improvements	\$400,000
QB	Graysville and Community VFD Improvements	\$250,000
QC	Bethel Community Center Improvements	\$183,000
QD	Woodsfield Government and Community Center	\$100,000
QE	Midway Community and Senior Citizens	\$70,000
QF	Laings Community Center	\$23,000
QG	VFW Roof Repairs Sardis Post 9930	\$19,836
QH	Miami Chapel Inspire Zone Youth Workforce Development Center - Boys & Girls Club	\$3,000,000
QI	Dayton Aviation Heritage Site (Wright Factory)	\$2,000,000
QJ	Dayton International Airport Concourse B	\$2,000,000
QK	Future Development of Wright-Patterson	\$1,500,000

QL	Healthy Family Market / Dayton Children's Pediatric Center	\$1,500,000
QM	Tri-Cities North Regional Wastewater Authority	\$1,500,000
QN	Kettering Business Park	\$1,250,000
QO	West Carrollton River District and Whitewater Park	\$500,000
QP	Countryside Park Revitalization	\$1,000,000
QQ	Ronald McDonald House of Dayton	\$1,000,000
QR	Schuster Center	\$1,000,000
QS	Union Ring Road Completion Project - Phase II	\$1,000,000
QT	Uptown Centerville Connectivity and Development Improvements	\$1,000,000
QU	Harrison Township Police Headquarters Renovation	\$950,000
QV	Saint Vincent de Paul Community Donation Intake Facility	\$800,000
QW	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$500,000
QX	Homefull Housing, Food and Jobs Center	\$750,000
QY	Jefferson Township Community Improvements	\$600,000

QZ	BOLT Innovation Center	\$500,000
RA	Centerville Schools Safety Access	\$500,000
RB	Dayton Dream Center Transitional Housing	\$500,000
RC	East End Whole Family Services Hub Facility Expansion and Renovation in Dayton	\$500,000
RD	Union Ring Road Completion Project - Phase III	\$500,000
RE	Robinette Park	\$400,000
RF	Homefull's Healthy Start Child Care & Early Learning Center West Dayton	\$350,000
RG	Dayton Airshow	\$300,000
RH	Germantown Covered Bridge	\$275,000
RI	Dayton Clothes that Work! Facility Improvements	\$250,000
RJ	Flyghtwood Sports Life and Leadership Campus	\$250,000
RK	Grant Park Accessibility Improvements	\$250,000
RL	K-12 Gallery and TEJAS Acquisition Project	\$250,000
RM	Miami Township Public Works	\$250,000
RN	Old North Dayton Park Expansion Project	\$250,000
RO	Catholic Social Services Supervised	\$200,000

	Visitation Center	
RP	Dayton Alvis, Inc.	\$195,149
RQ	Boys and Girls Club of Dayton	\$154,851
RR	Preservation of Dayton Woman's Club Historic Mansion	\$100,000
RS	West Memory Gardens Flood Mitigation Project	\$75,000
RT	German Township Channel Maintenance	\$60,000
RU	Miamisburg Historical Society Improvements	\$40,000
RV	Pennsville Volunteer Fire Department - New Building Construction	\$1,500,000
RW	Historic Preservation, Job Creation, and Healthcare Expansion at the Stanbery Building (McConnelsville)	\$500,000
RX	Malta/McConnelsville Equipment Project	\$325,000
RY	Chesterhill VFD Station	\$250,000
RZ	Morgan County Emergency Communications Center	\$250,000
SA	Morgan County Fair	\$250,000
SB	Reinersville Volunteer Fire Department	\$50,000
SC	Flying Horse Farms Renovation and Updates to Facilities	\$350,000

SD	Morrow County Engineers Facility	\$250,000
SE	Morrow County Health Department Renovations	\$250,000
SF	Water Filter Installation for Legacy Phosphorus Fields	\$500,000
SG	The Wilds Giraffe Barn and Innovative Guest Lodging	\$2,500,000
SH	Avondale Youth Center HVAC Upgrade	\$450,000
SI	The Tribe Athletic Complex Track	\$1,000,000
SJ	Ottawa County Workforce Hub and Center for Career Advancement	\$1,250,000
SK	Skills Academy in Ottawa County	\$250,000
SL	Ottawa County Fairgrounds Upgrades	\$200,000
SM	Put-In-Bay Downtown Promenade Renovation	\$200,000
SN	Genoa Civic Theatre Improvements	\$100,000
SO	Paulding County Agricultural Society Racetrack Lighting Improvement	\$41,000
SP	Antwerp Rotary Basketball Court	\$40,000
SQ	Perry County Community Access and Workforce Training	\$500,000
SR	Reading Township Volunteer Fire Department	\$1,250,000

SS	Thornville AMVETS 51	\$80,000
ST	South Bloomfield Corridor Improvements	\$1,500,000
SU	Ohio Christian University for Science	\$500,000
SV	Pickaway County Library	\$250,000
SW	Memorial Hall Window Replacement Project	\$200,000
SX	Pike Emergency Operations Backup Power Project	\$750,000
SY	Ravenna Health Center	\$1,500,000
SZ	Serenity House Residential Facility	\$700,000
TA	Happy Trails Farm Animal Sanctuary Welcome Center	\$500,000
TB	Kent Safety Town	\$250,000
TC	Shalersville Park	\$225,000
TD	Freedom Township Historical Society Historical Museum	\$105,000
TE	Buchert Park Improvements	\$51,000
TF	Portage County Children's Advantage HVAC	\$40,000
TG	Windham Historical Society	\$27,950
TH	Preble County Fairgrounds Stall Barns	\$700,000

TI	Preble Gratis Well Reconstruction	\$50,000
TJ	Fort Jennings Park Pedestrian Bridge and Park Improvements	\$350,000
TK	The Ottoville Park Community Wellness and Recreation Enhancement Project	\$213,000
TL	Womens Policy and Resource Center	\$100,000
TM	Buckeye Park Improvements	\$40,000
TN	Mansfield Christian School Improvements	\$1,500,000
TO	Avita Comprehensive Cancer Center	\$1,150,000
TP	Plymouth Fire Department Building Replacement	\$600,000
TQ	Mansfield Theater "Road to 100" Renovation	\$500,000
TR	YMCA-North Central Ohio Sports Complex	\$500,000
TS	Main Street Plaza Improvement Project	\$250,000
TT	Richland County Agricultural Society	\$100,000
TU	VFW Roof Repairs Mansfield Post 3494	\$27,964
TV	Ohio Genealogical Society Archives Security	\$10,000
TW	Hopewell Regional Visitor Center	\$5,000,000
TX	Union Township Fire Department Project	\$175,000
TY	Fremont Downtown Revitalization	\$1,350,000

TZ	Hayes Presidential Library Improvements	\$300,000
UA	Fremont Water Access Emergency Response	\$150,000
UB	Shawnee State University College of Health and Human Services	\$5,000,000
UC	Appalachian Youth Behavioral Health Services Expansion	\$2,000,000
UD	Scioto County Safety Operations Center	\$696,000
UE	Scioto County Fairgrounds	\$600,000
UF	Green Township Garage	\$500,000
UG	Installer Technician Registered Apprenticeship in Scioto County	\$323,150
UH	Portsmouth Courtroom Renovations	\$240,000
UI	Bloom-Vernon Local Schools Lighting	\$51,600
UJ	Seneca County Agricultural Center	\$370,000
UK	Fostoria Learning Center Security	\$352,000
UL	Seneca County Museum Interior Revitalization	\$190,000
UM	Bettsville Emergency Medical Services Renovation	\$150,000
UN	Attica-Venice Township Joint Cemetery Mausoleum	\$93,742

UO	Court Street Streetscape Project	\$50,000
UP	Ritz Theatre Marquee Renovation	\$30,000
UQ	Fort Loramie Industrial Park	\$724,000
UR	Midwest Regional ESC Resilient Heights Improvements	\$600,000
US	Shelby County Community Workforce Training Center	\$500,000
UT	Boys and Girls Club of Massillon	\$193,904
UU	VFW Roof Repairs Louisville Post 7490	\$42,970
UV	Hall of Fame Village	\$9,763,126
UW	Pro Football Hall of Fame Modernization	\$7,000,000
UX	Stark County Juvenile Detention System Demolition	\$64,200
UY	Cascade Plaza	\$5,000,000
UZ	New Franklin Sewer Project	\$3,800,000
VA	Akron-Canton Airport West Side Development for Aeronautic Activity	\$3,200,000
VB	Cuyahoga Falls Regional Fire Training Complex	\$3,000,000
VC	Akron Art Museum - Center for Digital Discovery	\$2,000,000

VD	Akron Zoo Veterinary Hospital	\$1,750,000
VE	Akron Community Health Center Addiction One Campus Expansion	\$1,250,000
VF	Barberton City Hall and Justice Center	\$1,000,000
VG	Summit County Mobile Medical Project	\$1,000,000
VH	Boston Heights Safety Center	\$986,831
VI	Middle School Trades Education Center in Summit County	\$750,000
VJ	Hudson Inclusive Playground	\$680,000
VK	Summit County Fairgrounds New Agriculture Center	\$600,000
VL	Macedonia Service Center	\$500,000
VM	Child Guidance and Family Solutions - Multi- Campus	\$450,000
VN	Boys and Girls Club - Steve Wise	\$440,913
VO	Akron Urban League Building Improvements	\$400,000
VP	Legacy Building Project Improvements	\$400,000
VQ	Bath North Fork Preserve Improvements	\$170,000
VR	Copley Road Trail East	\$150,000
VS	G.A.R. Hall Rehabilitation	\$150,000

VT	Stark State Oil and Natural Gas Job Training Equipment	\$100,000
VU	Stow First Responders Memorial	\$95,863
VV	Special Education Cornerstone Community School	\$76,393
VW	Boston Township Hall ADA Upgrades	\$50,000
VX	Cortland Safety Service Complex / Training Facility	\$2,150,000
VY	West Warren Industrial Park Traffic and Fire Suppression Improvements	\$1,500,000
VZ	Holy Trinity Orthodox Christian Academy and Preschool	\$1,000,000
WA	Eastwood Field Renovations	\$500,000
WB	Trumbull County Fairgrounds Grandstand Renovation	\$500,000
WC	Cortland's Outdoor Education & Event Space	\$350,000
WD	Bloomfield Regional Emergency Medical Services Renovation Project	\$345,000
WE	Mosquito Lake State Park Water Improvements	\$330,350
WF	Camp Sugarbush Infrastructure Improvements	\$300,000
WG	John F. Kennedy Renovation Project	\$300,000

WH	Hubbard Outpost Sanitary Sewer Project	\$175,000
WI	Liberty Township Fencing Project	\$100,000
WJ	Victory Christian School Renovation	\$100,000
WK	Tuscarawas County Facilities Investments in Health, Safety, and Election Security	\$2,500,000
WL	Tuscarawas County Engineer Building	\$1,350,000
WM	Cleveland Clinic Union Hospital Cancer Center	\$1,000,000
WN	Fire, EMT, Law Enforcement Burn Building	\$500,000
WO	Norma Johnson Center Improvements (Red Barn and Brandywine)	\$250,000
WP	Dover Public Library Roof Replacement Project	\$85,731
WQ	Transportation Research Center, Inc. Impact Lab Upgrades	\$24,000,000
WR	Richwood Pickleball	\$218,000
WS	Leesburg Township Walking Trail and Playground Project	\$162,545
WT	The Village of Richwood Fairgrounds	\$49,849
WU	Northwest State Community College Van Wert Campus Renovation	\$1,000,000
WV	Van Wert Regional Airport Runway Project	\$600,000

WW	VFW Roof Repairs Van Wert Post 5803	\$41,754
WX	Middle Point Memorial Park	\$25,000
WY	Moser Park Concession Stand Replacement	\$19,860
WZ	Wilkesville Township Outdoor Warning Siren	\$35,000
XA	Cincinnati Open Tennis Tournament	\$27,500,000
XB	Warren County Ion Exchange Project	\$200,000
XC	Waynesville and Maineville Girl Scout Camp Improvements	\$200,000
XD	VFW Roof Repairs Mason Post 9622	\$9,969
XE	Mid Ohio Valley Aquatic Center	\$750,000
XF	Decatur Township Building Construction	\$350,000
XG	Boys and Girls Club of Marietta	\$213,909
XH	Marietta Saint Mary of the Assumption Roof Project	\$150,000
XI	Betsy Mills Drainage Project	\$79,000
XJ	Marietta College Womens Softball Complex	\$50,000
XK	VFW Roof Repairs New Matamoras Post 6387	\$13,740
XL	Shreve Wastewater Treatment Plant System Improvements	\$1,750,000

XM	Wooster Community Hospital Improvements	\$1,000,000
XN	Wayne County Agricultural Society, Inc.	\$415,000
XO	Wayne County Airport Hangar Construction Project	\$350,000
XP	Wayne County Emergency Vehicle Drivers Training Course	\$300,000
XQ	Boys and Girls Club of Orrville	\$280,318
XR	Boys and Girls Club of Edgewood	\$186,771
XS	Foodsphere Commercial Kitchen/Food Marketplace	\$100,000
XT	Edgerton Community Center	\$425,000
XU	Installation of Elevator to North Annex Building in Williams County	\$187,076
XV	Wabash Cannonball Trail: Design Engineering	\$153,500
XW	Wood County Engineer Garage and Maintenance Facility (Bowling Green)	\$1,000,000
XX	Wood County Educational Service Center	\$750,000
XY	Positive Community Connections Center Project (Bowling Green)	\$600,000
XZ	Wood County Committee on Aging	\$500,000
YA	City of Perrysburg	\$200,000

YB	North Baltimore Public Library Emergency Repairs	\$100,000
YC	Wood County Public Library Heating Project	\$100,000
YD	Upper Sandusky Midway Industrial Park	\$400,000
YE	VFW Roof Repairs Carey Post 3759	\$20,712

Sec. 221.15.	COMMUNITY SUPPORT	153788
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The foregoing appropriation item C58050, Community	153789
Support, shall be used to support the projects listed in this	153790
section.	153791
	153792

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A	Cleveland Christian Home - Child Wellness Campus	\$1,500,000
B	Boys & Girls Club of Greater Cincinnati	\$1,400,000
C	Lindner Center	\$1,000,000
D	The Buckeye Ranch	\$1,000,000
E	Bellefaire Child and Youth Services Center	\$750,000
F	LADD Forever Home	\$720,000
G	Best Point West Cincinnati Early Childhood and Mental Health Center Construction	\$650,000
H	St. Vincent de Paul Child and Family Advocacy Center	\$600,000
I	Clark County Family Justice Center	\$500,000

J	Horses on the Hill	\$500,000
K	Netcare Facility Improvements	\$500,000
L	New Main Office for Community Counseling Center of Ashtabula County	\$500,000
M	Ravenwood Health Renovation	\$500,000
N	Toledo YWCA Domestic Shelter Project	\$500,000
O	Tri-County Response Center Project	\$500,000
P	Vista Village	\$500,000
Q	The Crossroads Center New Recovery Treatment Center	\$430,000
R	Applewood Centers Inc.	\$425,000
S	Harcum House	\$400,000
T	Maryhaven Residential Treatment Facility Improvements	\$400,000
U	May Dugan Center Renovation	\$400,000
V	YWCA of Greater Cincinnati Domestic Violence Shelter	\$400,000
W	Integrated Community Solutions Community Center	\$350,000
X	Shelby Health & Wellness Renovation Project	\$350,000
Y	Journey Center for Safety and Healing	\$300,000
Z	Alliance Area Domestic Violence Shelter	\$250,000
AA	Alliance YWCA Headquarters Improvements	\$250,000

AB	Ashtabula County Transitional Housing for Homeless Youth	\$250,000
AC	CommQuest Reception Project	\$250,000
AD	Lower Lights Christian Health Center	\$250,000
AE	Paint Creek Youth Center - Multipurpose Community Building	\$250,000
AF	St. Vincent Behavioral Health Project	\$250,000
AG	The Refuge - New Building	\$250,000
AH	Tobacco Treatment Center of Ohio	\$250,000
AI	Wayfinders Ohio Emergency Homeless Shelter	\$250,000
AJ	Addiction Services Council Facility Expansion	\$230,000
AK	Richland County Shelter Renovation Project	\$217,235
AL	Cincinnati Children's Hospital Youth Mental Health Facility	\$210,000
AM	Child Guidance & Family Solutions (CGFS) - Akron Project	\$200,000
AN	Child Guidance & Family Solutions (CGFS) - Stow Buildout	\$200,000
AO	Hancock County ADAMH Board	\$200,000
AP	Sanctuary Night - Expanding to Meet the Need	\$200,000

AQ	Canton Domestic Violence Shelter	\$175,000
AR	OhioGuidestone Youth and Family Resiliency Center	\$150,000
AS	Lorain County Safe Harbor	\$115,000
AT	Foundations Community Childcare, Inc. (FCC)	\$101,129
AU	Shelby Mercy Mission House Renovations	\$101,000
AV	Beyond the Walls	\$100,000
AW	Blue Line Foundation HQ & Regional Training Center	\$100,000
AX	Haven Home Renovations	\$100,000
AY	Livingston Avenue Community New Direction Project	\$100,000
AZ	Mansfield Domestic Violence Shelter Child Advocacy Center Renovation	\$100,000
BA	The Cocoon Project for Survivors of Domestic and Sexual Violence	\$100,000
BB	Toledo Lutheran Social Services Expansion Project	\$100,000
BC	Muskingum Behavioral Health Improvements	\$57,000
BD	Veterans Resource Center Project	\$50,000

<u>The Department of Behavioral Health shall distribute the</u>	153793
<u>foregoing earmark to Vista Village notwithstanding sections</u>	153794
<u>153.06 and 153.07 of the Revised Code.</u>	153795

Sec. 243.10.	153796
	153797

1	2	3
A	PWC PUBLIC WORKS COMMISSION	
B	State Capital Improvements Fund (Fund 7038)	
C	C15000 Local Public Infrastructure	\$400,000,000
D	State Capital Improvements Fund (Fund 7038) Total	\$400,000,000
E	State Capital Improvements Revolving Loan Fund (Fund 7040)	
F	C15030 Revolving Loan	\$100,000,000
G	State Capital Improvements Revolving Loan Fund (Fund 7040) Total	\$100,000,000
H	Clean Ohio Conservation Fund (Fund 7056)	
I	C15060 Clean Ohio Conservation	\$75,300,000
J	Clean Ohio Conservation Fund (Fund 7056) Total	\$75,300,000
K	TOTAL ALL FUNDS	\$575,300,000
	LOCAL PUBLIC INFRASTRUCTURE	153798
	Capital appropriations in this act <u>H.B. 2 of the 135th</u>	153799
	<u>General Assembly</u> made from the State Capital Improvements Fund	153800
	(Fund 7038) shall be used in accordance with sections 164.01 to	153801
	164.12 of the Revised Code. The Director of the Public Works	153802
	Commission may certify to the Director of Budget and Management	153803
	that a need exists to appropriate investment earnings to be used	153804
	in accordance with sections 164.01 to 164.12 of the Revised	153805
	Code. If the Director of Budget and Management determines	153806

pursuant to division (D) of section 164.08 and section 164.12 of 153807
the Revised Code that investment earnings are available to 153808
support additional appropriations, such amounts are hereby 153809
appropriated. 153810

If the Public Works Commission receives refunds due to 153811
project overpayments that are discovered during a post-project 153812
audit, the Director of the Public Works Commission may certify 153813
to the Director of Budget and Management that refunds have been 153814
received. In certifying the refunds, the Director of the Public 153815
Works Commission shall provide the Director of Budget and 153816
Management information on the project refunds. The certification 153817
shall detail by project the source and amount of project 153818
overpayments received and include any supporting documentation 153819
required or requested by the Director of Budget and Management. 153820
Upon receipt of the certification, the Director of Budget and 153821
Management shall determine if the project refunds are necessary 153822
to support existing appropriations. If the project refunds are 153823
available to support additional appropriations, these amounts 153824
are hereby appropriated to appropriation item C15000, Local 153825
Public Infrastructure/State CIP. 153826

STATE CAPITAL IMPROVEMENT PROGRAM - SMALL GOVERNMENTS 153827

Up to \$10,000,000 in fiscal year 2026 shall be used for 153828
State Capital Improvement Program (SCIP) projects in townships 153829
with populations of less than five thousand persons within their 153830
unincorporated areas. 153831

REVOLVING LOAN 153832

Capital appropriations in ~~this act~~ H.B. 2 of the 135th 153833
General Assembly made from the State Capital Improvements 153834
Revolving Loan Fund (Fund 7040) shall be used in accordance with 153835

sections 164.01 to 164.12 of the Revised Code. 153836

If the Public Works Commission receives refunds due to 153837
project overpayments that are discovered during a post-project 153838
audit, the Director of the Public Works Commission may certify 153839
to the Director of Budget and Management that refunds have been 153840
received. In certifying the refunds, the Director of the Public 153841
Works Commission shall provide the Director of Budget and 153842
Management information on the project refunds. The certification 153843
shall detail by project the source and amount of project 153844
overpayments received and include any supporting documentation 153845
required or requested by the Director of Budget and Management. 153846
Upon receipt of the certification, the Director of Budget and 153847
Management shall determine if the project refunds are necessary 153848
to support existing appropriations. If the project refunds are 153849
available to support additional appropriations, these amounts 153850
are hereby appropriated to appropriation item C15030, Revolving 153851
Loan. 153852

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 153853

Capital appropriations in ~~this act~~ H.B. 2 of the 135th 153854
General Assembly made from the Clean Ohio Conservation Fund 153855
(Fund 7056) shall be used in accordance with sections 164.20 to 153856
164.27 of the Revised Code. 153857

Any amount in grant repayments received by the Public 153858
Works Commission and deposited into the Clean Ohio Conservation 153859
Fund pursuant to section 164.261 of the Revised Code is hereby 153860
appropriated through the foregoing appropriation item C15060, 153861
Clean Ohio Conservation. 153862

Sec. 363.10. 153863

153864

	1	2	3
A		DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	
B			Reappropriations
C		Building Improvement Fund (Fund 5KZ0)	
D	C10035	Building Improvement	\$210,942
E		TOTAL Building Improvement Fund	\$210,942
F		Administrative Building Taxable Bond Fund (Fund 7016)	
G	C10041	MARCS - Taxable	\$5,045,730
H	C10044	Lorain County MARCS Tower/Sheffield Lake	\$250,000
I	C10052	Symmes Valley Tower Project in Lawrence County	\$1,000
J	C10055	Highland County MARCS Tower	\$1,000
K		TOTAL Administrative Building Taxable Bond Fund	\$5,297,730
L		Administrative Building Fund (Fund 7026)	
M	C10000	Governor's Residence	\$2,536,996
N	C10010	Office Services Building Renovations	\$64,539
O	C10015	SOCB Renovations	\$622,172
P	C10019	25 S. Front Street Renovations	\$11,801

Q	C10020	North High Building Complex Renovations	\$400,000
R	C10021	Office Space Planning	\$5,000,000
S	C10034	Aronoff Center Systems Replacements and Upgrades	\$1,150,000
T	C10038	Riffe Renovations	\$710,702
U	C10042	IT Projects	\$4,000,000
V	C10051	Fleet Sustainability	\$250,000
W	TOTAL Administrative Building Fund		\$14,746,210
X	Capital IT Projects Fund (Fund 7091)		
Y	C10054	Statewide IT Projects	\$10,000,000
Z	TOTAL Capital IT Projects Fund		\$10,000,000
AA	TOTAL ALL FUNDS		\$30,254,882

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS	153865
SYSTEM	153866

(A) There is hereby continued a Multi-Agency Radio	153867
Communications System (MARCS) Steering Committee consisting of	153868
the following members:	153869

(1) The directors, or designees thereof, of Administrative	153870
Services, Public Safety, Natural Resources, Transportation,	153871
Rehabilitation and Correction, and Budget and Management, and	153872
the State Fire Marshal or the State Fire Marshal's designee;	153873

~~(2) The following members appointed by the Governor:~~ 153874

~~(a) One representative of the Ohio Chapter of the~~ 153875
~~Association of Public Safety Communications Officials or its~~ 153876
~~successor organization;~~ 153877

~~(b) One representative of the Buckeye State Sheriff's~~ 153878
~~Association or its successor organization;~~ 153879

~~(c) One representative of the Ohio Association of Chiefs~~ 153880
~~of Police or its successor organization;~~ 153881

~~(d) One representative of the Ohio Fire Chiefs'~~ 153882
~~Association or its successor organization.~~ 153883

~~(3) Two members of the House of Representatives appointed~~ 153884
~~by the Speaker of the House of Representatives, one from the~~ 153885
~~majority party and one from the minority party;~~ 153886

~~(4) Two members of the Senate appointed by the President~~ 153887
~~of the Senate, one from the majority party and one from the~~ 153888
~~minority party.~~ 153889

~~(B) The Director of Administrative Services or the~~ 153890
~~Director's designee shall chair the Committee.~~ 153891

~~(C) The Committee shall provide assistance to the Director~~ 153892
~~of Administrative Services for effective and efficient~~ 153893
~~implementation of MARCS as well as develop policies for the~~ 153894
~~ongoing management of the system. Upon dates prescribed by the~~ 153895
~~Directors of Administrative Services and Budget and Management,~~ 153896
~~the MARCS Steering Committee shall report to the Directors on~~ 153897
~~the progress of MARCS implementation and the development of~~ 153898
~~policies related to the system.~~ 153899

~~(D) The Committee shall establish a subcommittee to~~ 153900
~~represent MARCS users on the local government level. The~~ 153901

~~chairperson of the subcommittee shall serve as a member of the~~ 153902
~~MARCS Steering Committee.~~ 153903

~~(E)~~ The foregoing appropriation item C10041, MARCS - 153904
Taxable, shall be used to purchase or construct the components 153905
of MARCS that are not specific to any one agency. The equipment 153906
may include, but is not limited to, computer and 153907
telecommunications equipment used for the functioning and 153908
integration of the system, communications towers, tower sites, 153909
tower equipment, and linkages among towers. The Director of 153910
Administrative Services shall, ~~with the concurrence of the MARCS~~ 153911
~~Steering Committee,~~ determine the specific use of funds. 153912
Expenditures from this appropriation shall not be subject to 153913
Chapters 123. and 153. of the Revised Code. 153914

MEDINA COUNTY RADIO SYSTEM-SEVILLE TOWER 153915

The amount reappropriated for the foregoing appropriation 153916
item C10057, Medina County Radio System-Seville Tower, is the 153917
unencumbered balance as of June 30, 2024, in appropriation items 153918
C230FM, Cultural and Sports Facilities Projects, earmarked for 153919
Westfield Center Community Center ADA Improvement Project and 153920
the Medina County and Brunswick Historical Societies 153921
Project/Wadsworth Historical Society, and C58001, Community 153922
Assistance Projects, earmarked for Westfield Center 153923
Improvements. 153924

BUILDING IMPROVEMENT 153925

The amount reappropriated for the foregoing appropriation 153926
item C10035, Building Improvement, is the unencumbered balance 153927
as of June 30, 2024, in appropriation item C10035, Building 153928
Improvement, plus up to \$293,343. Prior to the expenditure of 153929
this additional appropriation, the Department of Administrative 153930

Services shall certify to the Director of Budget and Management 153931
canceled encumbrances up to \$293,343 from appropriation item 153932
C10035, Building Improvement. 153933

MARCS - TAXABLE 153934

The amount reappropriated for the foregoing appropriation 153935
item C10041, MARCS - Taxable, is the unencumbered balance as of 153936
June 30, 2024, in appropriation item C10041, MARCS - Taxable, 153937
plus up to \$45,731. Prior to the expenditure of this additional 153938
appropriation, the Department of Administrative Services shall 153939
certify to the Director of Budget and Management canceled 153940
encumbrances up to \$45,731 from appropriation item C10041, MARCS 153941
- Taxable. 153942

LORAIN COUNTY MARCS TOWER/SHEFFIELD LAKE 153943

The amount reappropriated for the foregoing appropriation 153944
item C10044, Lorain County MARCS Tower/Sheffield Lake, is the 153945
unencumbered balance as of June 30, 2024, in appropriation item 153946
C10044, Lorain County MARCS Tower/Sheffield Lake, plus the 153947
unencumbered balance as of June 30, 2024, in appropriation item 153948
C10048, Williams County MARCS Tower. 153949

OFFICE SERVICES BUILDING RENOVATIONS 153950

The amount reappropriated for the foregoing appropriation 153951
item C10010, Office Services Building Renovations, is the 153952
unencumbered balance as of June 30, 2024, in appropriation item 153953
C10010, Office Services Building Renovations, plus up to 153954
\$64,539. Prior to the expenditure of this additional 153955
appropriation, the Department of Administrative Services shall 153956
certify to the Director of Budget and Management canceled 153957
encumbrances up to \$64,539 from appropriation item C10010, 153958
Office Services Building Renovations. 153959

SOCC RENOVATIONS 153960

The amount reappropriated for the foregoing appropriation 153961
item C10015, SOCC Renovations, is the unencumbered balance as of 153962
June 30, 2024, in appropriation item C10015, SOCC Renovations, 153963
plus up to \$873,760. Prior to the expenditure of this additional 153964
appropriation, the Department of Administrative Services shall 153965
certify to the Director of Budget and Management canceled 153966
encumbrances up to \$873,760 from appropriation item C10015, SOCC 153967
Renovations. 153968

25 S. FRONT STREET RENOVATIONS 153969

The amount reappropriated for the foregoing appropriation 153970
item C10019, 25 S. Front Street Renovations, is the unencumbered 153971
balance as of June 30, 2024, in appropriation item C10019, 25 S. 153972
Front Street Renovations, plus up to \$28,717. Prior to the 153973
expenditure of this additional appropriation, the Department of 153974
Administrative Services shall certify to the Director of Budget 153975
and Management canceled encumbrances up to \$28,717 from 153976
appropriation item C10019, 25 S. Front Street Renovations. 153977

ARONOFF CENTER SYSTEMS REPLACEMENTS AND UPGRADES 153978

The amount reappropriated for the foregoing appropriation 153979
item C10034, Aronoff Center Systems Replacements and Upgrades, 153980
is the unencumbered balance as of June 30, 2024, in 153981
appropriation item C10034, Aronoff Center Systems Replacements 153982
and Upgrades, plus up to \$385,580. Prior to the expenditure of 153983
this additional appropriation, the Department of Administrative 153984
Services shall certify to the Director of Budget and Management 153985
canceled encumbrances up to \$385,580 from appropriation item 153986
C10034, Aronoff Center Systems Replacements and Upgrades. 153987

RIFFE RENOVATIONS 153988

The amount reappropriated for the foregoing appropriation 153989
item C10038, Riffe Renovations, is the unencumbered balance as 153990
of June 30, 2024, in appropriation item C10038, Riffe 153991
Renovations, plus up to \$11,514. Prior to the expenditure of 153992
this additional appropriation, the Department of Administrative 153993
Services shall certify to the Director of Budget and Management 153994
canceled encumbrances up to \$11,514 from appropriation item 153995
C10038, Riffe Renovations. 153996

Sec. 371.20. COMMUNITY SUPPORT 153997

The foregoing appropriation item C58050, Community 153998
Support, shall be equal to the amount of all projects specified 153999
in this section, unless the amounts are released prior to June 154000
30, 2024, plus any unexpended amounts in appropriation item 154001
C58001, Community Assistance Projects, for projects that are not 154002
specified in this section, if the Director of Budget and 154003
Management determines that such amounts are needed to complete 154004
the projects for which they were appropriated. 154005

The amount reappropriated for the foregoing appropriation 154006
item C58050, Community Support, is the unencumbered balance as 154007
of June 30, 2024, in appropriation item C58050, Community 154008
Support, plus the unencumbered balance as of June 30, 2024, in 154009
appropriation items C25537, YMCA Dayton - Huber Heights Campus, 154010
minus \$250,000, C58033, Transforming Vital Services, C58044, 154011
Women Community Reentry Project, and C58046, Seek Inc., plus a 154012
portion of the unencumbered balance as of June 30, 2024, in 154013
appropriation item C58001, Community Assistance Projects, needed 154014
to complete the projects specified in this section. 154015

The amount reappropriated for the foregoing appropriation 154016
item C58050, Community Support, earmarked for Dayton Boys and 154017
Girls Club (Miami Chapel Inspire Zone), is the unencumbered 154018

balance as of June 30, 2024, in appropriation item C37755, 154019
Comprehensive Outpatient Program Expansion (COPE). 154020

The amount reappropriated for the foregoing appropriation 154021
item C58050, Community Support, earmarked for Faith Mission Life 154022
Safety and Critical Improvements, is the unencumbered balance as 154023
of June 30, 2024, in appropriation items C315HS, Charitable 154024
Pharmacy and Market, C315IT, Culture Markets, C315JC, Negev 154025
Foundation - Smart Water Stations, C58001, Community Assistance 154026
Projects, earmarked for Save a Warrior Project and YWCA Family 154027
Center - Columbus, and C725E2, Local Parks, Recreation, and 154028
Conservation Projects, earmarked for Harrisburg Baseball 154029
Complex. 154030
154031

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A Project List

B	Gracehaven-Multipurpose Building	\$2,500,000
C	Dayton Boys and Girls Club (Miami Chapel Inspire Zone)	\$1,000,000
D	Cuyahoga County Mental Health Diversion Center	\$1,700,000
E	Bellefaire Jewish Children's Bureau Child and Youth Service Center	\$1,000,000
F	Greater Dayton Regional Hospital Association	\$800,000
G	Cleveland Clinic Akron General	\$700,000

H	Cleveland Christian Home	\$700,000
I	Providence House East Side Campus Community Hub	\$700,000
J	Faith Mission Life Safety and Critical Improvements	\$560,000
K	Neighborhood Alliance YMCA Renovation	\$500,000
L	Unison Health Poe Road Crisis Residential Center <u>Whitney Manor</u>	\$500,000
M	Lorain County Health and Dentistry	\$500,000
N	Tri-County Board of Recovery and Mental Health Services	\$450,000
O	Medina County Emergency Housing Shelter	\$450,000
P	Providence House	\$400,000
Q	Ashtabula City - Samaritan House	\$400,000
R	May Dugan Building Renovation and Expansion	\$350,000
S	Western Reserve Area on Aging	\$300,000
T	Alvis House	\$300,000
U	Tiffin Community Kitchen	\$300,000
V	House of Hope-Friends of the Homeless	\$300,000

W	Saint Vincent de Paul Social Services Emergency Shelter for Men	\$250,000
X	Adams County	\$250,000
Y	Cedar Hills Transformation Camp	\$250,000
Z	YWCA Greater Cincinnati Domestic Violence Shelter East	\$250,000
AA	Sisters of Charity Health System and Sisters of Charity Foundation of Cleveland	\$250,000
AB	Center for Addiction Treatment Recovery House	\$250,000
AC	TCH Outpatient Community Behavioral Health (Best Point) Building	\$250,000
AD	Toledo YWCA Domestic Violence Shelter	\$250,000
AE	CHC Addiction Services	\$250,000
AF	West Dayton Community Services Center (Easter Seals Miami Valley)	\$200,000
AG	CommQuest Recovery Campus Improvements	\$200,000
AH	Star House	\$200,000
AI	Union Miles Development Corp (Walt Collins Veterans Housing Facility)	\$200,000
AJ	Washington County Boys and Girls Club	\$175,000

AK	City of Franklin	\$150,000
AL	Y-Haven YMCA of Greater Cleveland	\$150,000
AM	Pathways for Women	\$150,000
AN	Square One Meigs	\$150,000
AO	Maryhaven	\$125,000
AP	Uptown Smiles Clinical Renovations	\$125,000
AQ	Forbes House Domestic Violence Project	\$120,000
AR	Henry County	\$110,000
AS	Seven Hills Trauma Recovery Center	\$105,000
AT	CommQuest	\$100,000
AU	Comprehensive Health Care at the Centers, Gordon Square	\$100,000
AV	Y-Haven YWCA of Greater Cleveland	\$100,000
AW	Women's Resource Center of Hancock County	\$100,000
AX	YMCA Competitive Sports Training Facility	\$75,000
AY	Grace House Akron, Inc.	\$50,000
AZ	Cadence Care Network Family and Community Resource Center	\$50,000
BA	Cornerstone of Hope	\$50,000

BB	Harbor Crisis Stabilization Unit	\$50,000
BC	Homesafe - Ashtabula	\$40,000
BD	The Commons at Springfield	\$25,000
BE	Women's Recovery Center	\$13,000

Sec. 373.15. The foregoing appropriation item C725E2, 154032
Local Parks, Recreation, and Conservation Projects, shall be 154033
equal to the amount of all unreleased local parks projects and 154034
allowable administrative costs specified in this section, unless 154035
amounts are released prior to June 30, 2024. 154036

Of the foregoing appropriation item C725E2, Local Parks, 154037
Recreation, and Conservation Projects, an amount equal to two 154038
per cent of the projects listed may be used by the Department of 154039
Natural Resources for the administration of local projects. 154040

The amount reappropriated for the foregoing appropriation 154041
item C725E2, Local Parks, Recreation, and Conservation Projects, 154042
earmarked for Mandel Jewish Community Center Preston's H.O.P.E. 154043
Playground, is the unencumbered balance as of June 30, 2024, in 154044
appropriation item C26086, Mandel Jewish Community Center. 154045

The amount reappropriated for the foregoing appropriation 154046
item C725E2, Local Parks, Recreation, and Conservation Projects, 154047
earmarked for Geller Park Pickleball Court Complex, is the 154048
unencumbered balance as of June 30, 2024, in appropriation item 154049
C315GR, Heath Port Authority Primary Standards Lab, minus 154050
\$41,000. 154051

The amount reappropriated for the foregoing appropriation 154052
item C725E2, Local Parks, Recreation, and Conservation Projects, 154053
earmarked for Lake Erie Council - Boys Scouts of America 154054

Beaumont Scout Camp, is the unencumbered balance as of June 30, 154055
2024, in appropriation item C38335, Lake Erie Council - Boys 154056
Scouts of America Beaumont Scout Camp. 154057

The amount reappropriated for the foregoing appropriation 154058
item C725E2, Local Parks, Recreation, and Conservation Projects, 154059
earmarked for Lima Simmons Field Sports Complex, is the 154060
unencumbered balance as of June 30, 2024, in appropriation item 154061
C38124, Allen County Airport Communications. 154062

The amount reappropriated for the foregoing appropriation 154063
item C725E2, Local Parks, Recreation, and Conservation Projects, 154064
earmarked for Beverly Island Park Bridge and Mid-Ohio Aquatic 154065
Center, is the unencumbered balance as of June 30, 2024, in 154066
appropriation item C230FM, Cultural and Sports Facilities 154067
Projects, earmarked for the Carnes Center. 154068

The amount reappropriated for the foregoing appropriation 154069
item C725E2, Local Parks, Recreation, and Conservation Projects, 154070
earmarked for Rootstown TWP Community Park Improvements Project, 154071
is the unencumbered balance as of June 30, 2024, in 154072
appropriation item C23062, Village of Edinburg Veterans 154073
Memorial. 154074

The amount reappropriated for the foregoing appropriation 154075
item C725E2, Local Parks, Recreation, and Conservation Projects, 154076
earmarked for Lagore Memorial Dog Park at Caesar Creek, is the 154077
unencumbered balance as of June 30, 2024, in appropriation item 154078
C230FM, Cultural and Sports Facilities Projects, earmarked for 154079
Warren County Community Services. 154080

The amount reappropriated for the foregoing appropriation 154081
item C725E2, Local Parks, Recreation, and Conservation Projects, 154082
earmarked for Versailles Heritage Park, is the unencumbered 154083

balance as of June 30, 2024, in appropriation item C230J7, 154084
 Cardinal Center. 154085

The amount reappropriated for the foregoing appropriation 154086
 item C725E2, Local Parks, Recreation, and Conservation Projects, 154087
 earmarked for GRIT Chesapeake Community Center, is the 154088
 unencumbered balance as of June 30, 2024, in appropriation item 154089
 C32231, GRIT Chesapeake Community Center. 154090

The amount reappropriated for the foregoing appropriation 154091
 item C725E2, Local Parks, Recreation, and Conservation Projects, 154092
 earmarked for Vienna Air Heritage Park, is the unencumbered 154093
 balance as of June 30, 2024, in appropriation item C34567, 154094
 Western Reserve Port Authority. 154095
 154096

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A Project List

B	Downtown Cleveland Lakefront Access Project	\$5,000,000
C	Mentor Erosion Mitigation	\$3,000,000
D	Heritage Trail Extension	\$2,500,000
E	Cleveland Tower City and Bedrock Development Activities	\$2,000,000
F	Smale Riverfront Park	\$1,700,000
G	Cincinnati Findlay Community and Recreation Center	\$1,200,000
H	Gateway to Freedom Park	\$1,200,000

I	Akron Area YMCA Camp Y-Noah Capital Improvement	\$1,000,000
J	South Point Community Pool	\$1,000,000
K	Cincinnati Zoo and Botanical Garden Pedestrian Bridge	\$900,000
L	The Wilds RV Park and Campground	\$900,000
M	Conneaut Marina Improvement	\$850,000
N	Irishtown Bend and Canal Basin Park	\$850,000
O	Auglaize Mercer Recreational Complex	\$750,000
P	Copley Ridgewood Trail	\$750,000
Q	Delhi Towne Square	\$750,000
R	Environmental Education Pavilion at Forest Lawn Stormwater Park	\$750,000
S	Glen Helen Nature Preserve Accessibility Improvements	\$750,000
T	Sandusky Bay Pathway/Landing Park	\$750,000
U	Seranton Trail Project <u>Detroit Shoreway Project</u>	\$750,000
V	GRIT Chesapeake Community Center	\$750,000
W	Dublin Bridge Park and Greenways Project	\$650,000
X	Kurt Tunnell Memorial Trail	\$500,000

Y	Massillon Park Splash Pad	\$500,000
Z	North Ridgeville Mills Creek	\$500,000
AA	Oak Harbor Waterfront	\$500,000
AB	Sidney Feeder Canal Bike Trail	\$500,000
AC	The Foundry	\$500,000
AD	Geneva Township Park - Old Lake Road Shoreline Restoration	\$450,000
AE	Hamilton-Clover Groff Trail Project	\$450,000
AF	McCord Park Renovations	\$450,000
AG	Mentor Marsh Observation Tower	\$450,000
AH	Wadsworth Memorial Park Improvements	\$420,000
AI	Mosquito Creek Lake Park Improvements	\$404,000
AJ	Buckeye Lake Feeder Channel Restoration	\$400,000
AK	Chagrin Meadows Preserve	\$400,000
AL	Kelleys Island East Lakeshore Shoreline Protection	\$400,000
AM	Lake Metroparks Lake Erie Shoreline Trail and Revetment Wall	\$400,000
AN	McDonald Commons Renovation and Construction	\$400,000

AO	Solon to Chagrin Falls Multi- Purpose Trail	\$400,000
AP	Lake Erie Council - Boys Scouts of America Beaumont Scout Camp	\$350,000
AQ	Dover Riverfront Trail Connector <u>Park Improvements</u>	\$350,000
AR	Alum Creek Pedestrian/Bike Bridge - Bexley	\$350,000
AS	Boeckling Building Pier	\$350,000
AT	Elyria Intergenerational Community Center	\$350,000
AU	Fairport Harbor Marina Boat Launch	\$350,000
AV	Gateway Regional Sports Complex	\$350,000
AW	Wauseon Community Social and Recreational Center	\$350,000
AX	Sheffield Village French Creek Project	\$325,000
AY	Lima Simmons Field Sports Complex	\$300,000
AZ	Camp Joy	\$300,000
BA	Canal Fulton Community Park	\$300,000
BB	Chagrin River Trail	\$300,000
BC	Creston Community Park Renovations	\$300,000
BD	Glenford Earthworks Phase III	\$300,000
BE	Kalida St. Michael Holy Name Ballpark	\$300,000
BF	Magic Mile Trail	\$300,000

BG	Massillon Park Splash Pad	\$300,000
BH	Mayerson JCC Expansion	\$300,000
BI	Niles Bike Path Bridge Improvements	\$300,000
BJ	North Canton Price Park Recreation and Accessibility Improvements	\$300,000
BK	Plain Township Diamond Park Historic Barn	\$300,000
BL	Portage Lakes Drive Community Park	\$300,000
BM	Reservoir Connector Trail Phase 2	\$300,000
BN	Solon-Chagrin Falls Multi-purpose Trail	\$300,000
BO	Wadsworth City Park	\$300,000
BP	Grailville Park Improvements	\$260,000
BQ	Cave Lake Center for Community Leadership	\$250,000
BR	Coke Oven Community Civic Center Park	\$250,000
BS	Rotary Lodge at River Cliff Park Renovation	\$250,000
BT	Covington - Schoolhouse Park	\$250,000
BU	Heights to Hudson Trail	\$250,000
BV	J. Babe Stern Ball Field	\$250,000
BW	Johnstown Splash Pad	\$250,000
BX	Lockington Trail Bridge	\$250,000

BY	SPIRE Institute and Academy	\$250,000
BZ	Timken Gatehouse Renovation	\$250,000
CA	West Carrollton Whitewater Park	\$250,000
CB	Wooster Barnes Preserve	\$250,000
CC	Beverly Island Park Bridge	\$250,000
CD	Mid-Ohio Aquatic Center	\$250,000
CE	Vienna Air Heritage Park	\$250,000
CF	Valleyview Park	\$240,000
CG	Cave Lake Dam	\$225,000
CH	Dan Beard Scout Camp Flooding and Erosion Mitigation	\$223,000
CI	Chillicothe Paint Creek Recreational Trail	\$215,000
CJ	Lawrence County Union Rome Trails and Walkways	\$214,000
CK	Mandel Jewish Community Center Preston's H.O.P.E Playground	\$210,000
CL	Geller Park Pickleball Court Complex	\$210,000
CM	Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$200,000
CN	Camp Oty'Okwa Capital Improvements	\$200,000

CO	Center Gateway Improvement Project - Rocky River	\$200,000
CP	Centerville Benham's Grove	\$200,000
CQ	City of Monroe Lookout Point	\$200,000
CR	Franklin Furnace Park	\$200,000
CS	Great Miami River Trail - Middletown to Monroe Segment Construction Project	\$200,000
CT	Home Road Trail Extension	\$200,000
CU	Lorain County Metro Park Connector	\$200,000
CV	Mayerson JCC Improvements	\$200,000
CW	Mount Aloysius Community Recreational Center	\$200,000
CX	Munson Springs Nature Preserve and Historical Site	\$200,000
CY	Portage Bike and Hike Trail - Mill Race Segment	\$200,000
CZ	Shared Use Path Connector (Goosepond Road-Licking Health Department)	\$200,000
DA	Sheffield Village Trails	\$200,000
DB	Union and Rome Township Trails Project	\$200,000
DC	Shawnee West Buckeye Trail	\$195,000
DD	Jim Terrell Park Canoe/Kayak Launch	\$190,000

DE	Darke County Art Trail	\$180,000
DF	Bryn Du Barn	\$175,000
DG	Norton Bicentennial Park	\$175,000
DH	Antrim Community Center	\$150,000
DI	Brown County Board of Developmental Disabilities Resource and Community Center	\$150,000
DJ	Buckeye Lake Boat Ramps and Pier Enabling Project	\$150,000
DK	Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$150,000
DL	Forest Park Central Park Improvements	\$150,000
DM	Lancaster All Accessible Sports Complex and Park	\$150,000
DN	Mansfield B&O Trail Connector	\$150,000
DO	Mansfield Central Park	\$150,000
DP	Medina County Rocky River Trail West Branch	\$150,000
DQ	Mill Creek Valley Conservancy District Corridor Revitalization	\$150,000
DR	Mount Gilead Park Site Preparations	\$150,000
DS	North Kingsville Village - Community Park	\$150,000
DT	North Olmsted Community Park Improvements	\$150,000

DU	Pickerington Soccer Association Facility Improvements	\$150,000
DV	Restore Rockefeller	\$150,000
DW	Rio Grande Reservoir and Park Improvements	\$150,000
DX	Swanton Railroad Park	\$150,000
DY	Wellsville Marina Dredging	\$150,000
DZ	West Union SR 41 Shared Use Path Phase II	\$140,000
EA	Bellefontaine Blue Jacket Park	\$135,000
EB	Wadsworth Durling Park Improvements	\$135,000
EC	Carey Splash Pad	\$125,000
ED	Fairlawn Gully Water Quality Basins	\$125,000
EE	Flight Line: East Dayton Rails-to-Trails	\$125,000
EF	Friedt Park	\$125,000
EG	Old Murray City School Building Demolition	\$125,000
EH	Willard Park Improvements	\$110,000
EI	Lodi's Richman Field Splash Pad	\$105,000
EJ	Avon Lake Weiss Field Park Pavilion Replacement Project	\$100,000
EK	Brunswick Hills Township Park	\$100,000

EL	Sylvania Plummer Pool	\$100,000
EM	Cobblestone Park - Medina	\$100,000
EN	Columbia Township Wooster Pike Bike Trail	\$100,000
EO	Fairfax Ziegler Park Improvements	\$100,000
EP	Holden Arboretum All-Season Trails	\$100,000
EQ	Mansfield Sterkel Park	\$100,000
ER	Mecca Township Recreation Center	\$100,000
ES	Miracle Field Complex	\$100,000
ET	Mitchell Park Trail Connector	\$100,000
EU	Ottawa Memorial Pool Splash Pad	\$100,000
EV	Outdoor Theater and Performing Arts Community Park - Hillsboro	\$100,000
EW	Pickleball Courts at Patricia Allyn Park	\$100,000
EX	Plain City Heritage Trail	\$100,000
EY	The Pony Wagon Trail	\$100,000
EZ	The Wilds Shade and Shelter Improvements	\$100,000
FA	Veterans Memorial at Rose Run Park	\$100,000
FB	Village of Bellville Historic Bandstand Renovations	\$100,000

FC	Weatherstone Park - Wadsworth	\$100,000
FD	Whitehall Community Park Revitalization	\$100,000
FE	Acres of Adventure Learning Center	\$90,000
FF	Byesville Patriot Park	\$90,000
FG	Lagore Memorial Dog Park at Caesar Creek	\$75,000
FH	4-H Camp Piedmont Upgrades	\$75,000
FI	Brook Park Central Park	\$75,000
FJ	Buckeye Lake Crystal Lagoon	\$75,000
FK	Fairborn Memorial Park	\$75,000
FL	Geneva-on-the-Lake Shoreline Protection Project	\$75,000
FM	Independence Pool Facility Improvements	\$75,000
FN	Leipsic Buckeye Park	\$75,000
FO	Little Miami River Access and Park Development	\$75,000
FP	McConnelsville Community Recreational Building	\$75,000
FQ	Middleport-Pomeroy Walking Path Project Phase IV	\$75,000
FR	Mt. Sterling Mason Park	\$75,000
FS	New Concord Swimming Pool	\$75,000
FT	Outdoor Sports Court Revitalization - Springdale	\$75,000

FU	Sharon Nature Preserve Trails Phase I	\$75,000
FV	Summit Lake Vision Plan	\$75,000
FW	Hiestand Woods Park and Preserve	\$75,000
FX	Versailles Heritage Park	\$75,000
FY	Wadsworth Safety Town Park	\$75,000
FZ	Western Reserve Greenway Bike Trail	\$75,000
GA	Voice of America MetroPark Tylersville Road Entrance	\$70,000
GB	Ellsworth Hills Learning Lab	\$65,000
GC	Buckeye Trail East Fork Wildlife Area	\$57,000
GD	Avon Lake Veterans Park Gazebo	\$50,000
GE	Bellaire Walking Trail	\$50,000
GF	Big Walnut Trail Extension and Park	\$50,000
GG	Big Walnut Trail SE Columbus - Eastland Area	\$50,000
GH	Brunswick Lake ADA Canoe/Kayak Launch	\$50,000
GI	Buckeye Lake Crystal Lagoon and Public Park	\$50,000
GJ	Caldwell Race Track Upgrades	\$50,000
GK	Camp Sherman Park	\$50,000
GL	Center Ice Foundation	\$50,000

GM	Cleveland Botanical Garden Public Accessible Garden Path	\$50,000
GN	Drews Trak Memorial Pump Track Expansion	\$50,000
GO	Greenwich Reservoir Park	\$50,000
GP	Harmar Pedestrian Bridge Restoration Projects	\$50,000
GQ	Jeromesville Square Park	\$50,000
GR	Keener Park Renovations/Pickleball Courts	\$50,000
GS	Kelley Nature Preserve Boat Ramp	\$50,000
GT	Levitt Pavilion Dayton	\$50,000
GU	Madison Village Dana's Park	\$50,000
GV	Madison Village Wetland Trail	\$50,000
GW	Milford Center Rail Depot	\$50,000
GX	Millersport Lions Park	\$50,000
GY	P&G MLB Cincinnati Reds Youth Academy	\$50,000
GZ	Pomeroy Multimodal Path	\$50,000
HA	Prairie Trail/Stitt Park Improvements	\$50,000
HB	Richmond Heights Community Park Gazebo	\$50,000
HC	Salt Fork State Park	\$50,000
HD	Shade Community Center Upgrades	\$50,000

HE	Village of Bloomdale Reservoir Project	\$50,000
HF	West Union Pedestrian Bike Path	\$50,000
HG	Bruce L. Chapin Bridge- Northcoast Inland Trail	\$45,000
HH	Selby Building Revitalization	\$45,000
HI	Village of Dunkirk Splash Pad and Storage Building	\$45,000
HJ	Burr Oak State Park	\$44,000
HK	Chippewa Falls Rail Trail Parking Lot	\$40,000
HL	Chippewa Park Shelter House	\$40,000
HM	Monroe Community Park Activity Center	\$40,000
HN	Nimisila Park Excavating	\$40,000
HO	Rittman Splash Pad	\$40,000
HP	Waverly Canal Park	\$40,000
HQ	Rootstown TWP Community Park Improvements	\$35,000
HR	Jeromesville Community Garden	\$35,000
HS	Village of Highland Hills Gazebo	\$35,000
HT	Monroeville Clark Park - North Coast Inland Trail Connection	\$33,000
HU	Camp McKinley Improvements	\$30,000

HV	Keener Park Sledding Hill	\$30,000
HW	Perry Township Community Recreation Center	\$30,000
HX	Village of Weston Community Splash Pad	\$30,000
HY	Aurora Kayak Launch Platform	\$26,000
HZ	Blue Heron Park Trail Phase II	\$25,000
IA	Charlement Reservation Stable	\$25,000
IB	East Liverpool Park Improvements	\$25,000
IC	Gloria Glens Southwest Park Grading	\$25,000
ID	YMCA Auglaize-Mercer Recreation Complex	\$25,000
IE	Rayland Friendship Park Restroom Project	\$25,000
IF	Willshire Ballpark Enhancements	\$25,000
IG	Oakwood Community Park	\$22,610
IH	Blue Heron Park Flood Mitigation	\$20,000
II	Clifton to Yellow Springs Bike Trail	\$20,000
IJ	Hardin County Veterans Memorial Park	\$20,000
IK	Moser Park Concession Stand Replacement	\$20,000
IL	Zuck Riparian Preserve Trail	\$18,000
IM	Wakeman Trail Connector	\$17,000

IN	Sardinia Veteran's Community Park Revitalization	\$15,000
IO	Seville Memorial Park Public Restroom Facilities	\$15,000
IP	Kokosing Gap Trail	\$14,000
IQ	Village of Albany Bike Paths	\$10,000
IR	Paulding County Trails Project	\$7,500
IS	Buckeye Trail Boesel Easement Bridge	\$2,800

Section 620.21. That existing Sections 200.30 (as amended 154097
by H.B. 54 of the 136th General Assembly), 221.15 (as amended by 154098
S.B. 54 of the 135th General Assembly), 243.10, 363.10, 371.20 154099
(as amended by S.B. 54 of the 135th General Assembly), and 154100
373.15 (as amended by S.B. 54 of the 135th General Assembly) of 154101
H.B. 2 of the 135th General Assembly are hereby repealed. 154102

Section 620.30. That Sections 335.20 and 757.60 of H.B. 33 154103
of the 135th General Assembly are hereby repealed. 154104

Section 620.40. That Section 14 of H.B. 238 of the 135th 154105
General Assembly be amended to read as follows: 154106

Sec. 14. ~~(A)~~ (A) (1) The Ohio Medical Quality Foundation, 154107
described in section 3701.89 of the Revised Code, is retained 154108
under division (E) of section 101.83 of the Revised Code and 154109
expires as a statutory entity at the end of December 31, 2025. 154110

~~(B)~~ (2) It is the intent of the General Assembly, through 154111
the repeal by ~~this act~~ H.B. 238 of the 135th General Assembly of 154112
section 3701.89 of the Revised Code, to abolish the Ohio Medical 154113
Quality Foundation as a statutory entity on January 1, 2026. 154114

~~(C)~~ (3) As soon as practicable ~~after the effective date of~~ 154115

~~this section but not later than April 1, 2025,~~ the Foundation, 154116
through its corporate trustee, shall transfer all of its 154117
remaining unencumbered funds, to the extent possible under law 154118
and contract, to the Medical Quality Assurance Fund established 154119
under section 113.78 of the Revised Code. 154120

~~(D)~~ (4) As soon as practicable after the transfer described 154121
in division ~~(C)~~ (A) (3) of this section, the trustees of the 154122
Foundation shall prepare a written report identifying the 154123
following: 154124

~~(1)~~ (a) Any encumbered funds unable to be transferred to 154125
the Medical Quality Assurance Fund, including the amounts still 154126
to be distributed pursuant to contracts in effect at the time of 154127
the report's preparation; 154128

~~(2)~~ (b) The duration of any contracts in effect at the time 154129
of the report's preparation; 154130

~~(3)~~ (c) The dates on which any remaining funds will be 154131
considered unencumbered. 154132

The trustees shall submit the report to the Treasurer of 154133
State, Governor, Senate President, and Speaker of the House of 154134
Representatives. 154135

~~(E) Following the repeal of section 3701.89 of the Revised~~ 154136
~~Code on January 1, 2026, the Treasurer of State shall assume the~~ 154137
~~contractual duties of the Foundation, its trustees, and its~~ 154138
~~corporate trustee, as identified under any contracts in effect~~ 154139
~~on that date. If any payments owed by the Foundation remain in~~ 154140
~~arrears on or after January 1, 2026, the Treasurer of State may~~ 154141
~~make the payments on behalf of the Foundation.~~ 154142

(5) For the purposes specified in ~~this division~~ divisions 154143
(A) (1) to (4) of this section and any others that the Treasurer 154144

of State considers necessary in winding down the affairs of the 154145
Foundation, the Treasurer of State shall be given access to the 154146
Foundation's records. 154147

(B) (1) Not later than thirty days after the Treasurer of 154148
State receives notice under section 4731.226 of the Revised Code 154149
that the foundation described in that section has been created, 154150
the Treasurer of State shall transfer all unencumbered money 154151
remaining in the Medical Quality Assurance Fund to the 154152
monitoring organization under contract with the State Medical 154153
Board pursuant to section 4731.25 of the Revised Code. 154154

(2) Not later than thirty days after the monitoring 154155
organization receives the money transferred under division (B) 154156
(1) of this section, the monitoring organization shall submit 154157
the money to the foundation's governing board described in 154158
section 4731.226 of the Revised Code. 154159

(3) On January 1, 2026, or the thirtieth day after the 154160
foundation's governing board receives the money submitted 154161
division (B) (2) of this section, whichever is later, the 154162
governing board shall complete its initial disbursement of funds 154163
in accordance with section 4731.226 of the Revised Code. 154164

Section 620.41. That existing Section 14 of H.B. 238 of 154165
the 135th General Assembly is hereby repealed. 154166

Section 630.10. That Section 6 of H.B. 150 of the 134th 154167
General Assembly is hereby repealed. 154168

Section 630.20. That Section 5 of S.B. 202 of the 134th 154169
General Assembly is hereby repealed. 154170

Section 630.30. That Section 5 of H.B. 554 of the 134th 154171
General Assembly (as amended by H.B. 101 of the 135th General 154172
Assembly) be amended to read as follows: 154173

Sec. 5. (A) This section applies to a community school 154174
described in Section 16 of H.B. 583 of the 134th General 154175
Assembly and to any other community school that is operated by a 154176
management company that operates a community school subject to 154177
that section. 154178

(B) Notwithstanding division (H) of section 3314.08 of the 154179
Revised Code, a community school established under Chapter 3314. 154180
of the Revised Code and to which this section applies may report 154181
to the Department of Education and Workforce the number of 154182
students enrolled in the community school on a full-time 154183
equivalent basis for the 2022-2023, 2023-2024, ~~and 2024-2025,~~ 154184
and 2025-2026 school years using the lesser of the following: 154185

(1) The maximum full-time equivalency for the portion of 154186
the school year for which the student is enrolled in the school; 154187

(2) The sum of one-sixth of the full-time equivalency 154188
based on attendance for the portion of the school year for which 154189
the student is enrolled in the school and one-sixth the full- 154190
time equivalency based on each credit of instruction earned 154191
during the enrollment period, not to exceed five credits. 154192

(C) (1) The Department of Education and Workforce shall 154193
complete a review of each community school that reports the 154194
full-time equivalency of students under division (B) of this 154195
section in accordance with division (K) of section 3314.08 of 154196
the Revised Code. 154197

(2) If the Department determines a school has been 154198
overpaid based on a review completed under division (C) (1) of 154199
this section, it shall require a repayment of the overpaid funds 154200
and may require the school to establish a plan to improve the 154201
reporting of enrollment. 154202

(D) Notwithstanding any provision to the contrary in the Revised Code or the Administrative Code, for purposes of reporting attendance and meeting minimum school year requirements under sections 3313.48 and 3314.03 of the Revised Code, a community school to which this section applies may report attendance to the Department of Education and Workforce consistent with the attendance policy approved by the governing authority of the school.

Section 630.31. That existing Section 5 of H.B. 554 of the 134th General Assembly (as amended by H.B. 101 of the 135th General Assembly) is hereby repealed.

Section 701.30. (A) As used in this section, "exempt employee" has the same meaning as in section 124.152 of the Revised Code, as amended by this act.

(B) Effective July 1, 2025, any exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the version of pay schedule E-1 that was in effect before the effective date of this section is eligible to move to step 7 of pay range 17 in the pay schedule, provided the exempt employee did not advance a step within the twelve-month period immediately preceding the date on which the pay schedule takes effect. A step increase pursuant to this division applies to the first day of the pay period immediately following the pay period that includes July 1, 2025.

(C) An exempt employee paid in accordance with section 124.152 of the Revised Code who is being paid a salary or wage at step 6 of pay range 17 of the version of pay schedule E-1 that was in effect before the effective date of this section who is ineligible under division (B) of this section to move up to

step 7 of pay range 17 in the pay schedule is eligible for 154233
advancement in accordance with division (G) of section 124.15 of 154234
the Revised Code. 154235

Section 701.60. When calculating the state appropriation 154236
limitation for fiscal year 2028, the Governor shall determine 154237
the limitation taking into account the amendments to or 154238
enactments of sections 107.032 to 107.034 of the Revised Code 154239
contained in Section 101.01 of this act. 154240

Section 701.70. All public officers whose compensation 154241
cannot be changed during the officer's term under Ohio 154242
Constitution, Article II, Section 20, shall continue receiving 154243
for the remainder of the officer's term the amount the official 154244
is entitled to under section 325.18, 505.24, or 507.09 of the 154245
Revised Code before the effective date of the amendments to 154246
those sections made by this act until the officer begins a new 154247
term and may constitutionally receive the changed compensation 154248
amount. 154249

Section 701.90. In addition to the performance audits the 154250
Auditor of State is required to conduct under section 117.46 of 154251
the Revised Code, the Auditor of State shall conduct a 154252
performance audit of the Ohio Power Siting Board and a 154253
performance audit of the Public Utilities Commission of Ohio in 154254
accordance with sections 117.46 to 117.463 of the Revised Code. 154255
The Auditor of State shall release the audits not later than 154256
December 31, 2026. 154257

Section 701.100. The Rare Disease Advisory Council shall 154258
prepare and submit a final report to the General Assembly, in 154259
accordance with division (B) of section 101.68 of the Revised 154260
Code, not later than December 31, 2025. 154261

Section 703.10. A county coroner who, before the effective
date of this section, was elected to office may complete the
balance of the coroner's term. Any county coroners appointed
after the effective date of this section shall be appointed in
accordance with section 313.01 of the Revised Code, as amended
by this act.

Section 709.10. Of the two additional members appointed to
the Ohio Grape Industries Committee under section 924.51 of the
Revised Code as amended by this act, the initial term of office
of one member shall be for a term of one year and the initial
term of office of one member shall be for a term of two years.
Thereafter, terms of those members shall be for three years as
provided in that section.

Section 719.10. A clerk of a municipal court whose
compensation will change under the amendments to section 1901.31
of the Revised Code made by this act shall continue, until the
clerk begins a new term on or after the effective date of those
amendments, receiving the compensation the clerk is receiving
before the effective date of those amendments.

Section 731.10. A county prevention specialist who is
serving an existing term on a child abuse and child neglect
regional prevention council in accordance with section 3109.172
of the Revised Code as of the effective date of this section may
complete the council member's term of office.

Section 733.20. (A) Notwithstanding the repeal of former
sections 3313.902, 3314.38, and 3345.86 of the Revised Code and
sections 3317.23, 3317.231, and 3317.24 of the Revised Code by
this act, any individual enrolled in a program established under
one of those sections may do either of the following:

(1) Complete the program in accordance with the applicable 154291
section, as it existed prior to the section's repeal or repeal 154292
and reenactment by this act, provided the individual completes 154293
the program not later than June 30, 2027; 154294

(2) Complete a program described in section 3313.902, 154295
3314.38, or 3345.86 of the Revised Code in accordance with the 154296
applicable section, as enacted by this act. 154297

(B) The Department of Education and Workforce shall pay an 154298
eligible institution or eligible provider as required by the 154299
section under which the individual completes the program. 154300

Section 733.30. Notwithstanding anything to the contrary 154301
in division (D) of section 3301.079 and section 3301.0715 of the 154302
Revised Code, as amended by this act, for the 2025-2026 school 154303
year, school districts, community schools established under 154304
Chapter 3314., and STEM schools established under Chapter 3326. 154305
of the Revised Code shall administer each diagnostic assessment 154306
in accordance with those sections as they existed prior to the 154307
effective date of their amendment by this act. 154308

Section 733.40. Notwithstanding anything to the contrary 154309
in Revised Code, nothing prohibits any other community college, 154310
as defined in section 3333.168 of the Revised Code, from serving 154311
the counties previously served by Eastern Gateway Community 154312
College under section 3354.24 of the Revised Code. 154313

Nothing in this section exempts a community college from 154314
academic program approval by the Chancellor of Higher Education 154315
under section 3333.04 of the Revised Code or from seeking 154316
approval under rules adopted by the Chancellor. 154317

Section 733.60. The Department of Education and Workforce 154318
shall establish and administer a community school transportation 154319

pilot program for the 2025-2026 and 2026-2027 school years. 154320
Under the pilot program, the Department shall assist community 154321
schools established under Chapter 3314. of the Revised Code in 154322
providing transportation services to their students in those 154323
school years. 154324

Section 737.10. (A) The Director of Environmental 154325
Protection shall conduct a review to assess the motor vehicle 154326
inspection and maintenance program that is implemented in 154327
accordance with section 3704.14 of the Revised Code. The 154328
Director shall include all of the following in the review: 154329

(1) A determination of the necessity of the program; 154330

(2) An evaluation of whether each county that is subject 154331
to the program during the prior calendar year has achieved, and 154332
has the ability to maintain, compliance with federal ozone 154333
standards without implementation of the program in that county. 154334
The evaluation shall include the most recent air quality 154335
monitoring data and predictive modeling of future compliance. 154336

(3) An analysis of whether a revision to Ohio's state 154337
implementation plan could be submitted to the United States 154338
Environmental Protection Agency to discontinue the program while 154339
maintaining compliance with national ambient air quality 154340
standards. If the Director's analysis finds that compliance may 154341
be achieved without participation in the program, the Director 154342
shall formally submit a request to the United States 154343
Environmental Protection Agency for reconsideration of the 154344
program's implementation in affected regions. 154345

(4) After proper monitoring, an analysis of weather 154346
patterns over northeast Ohio and the entire great lakes region 154347
with respect to how those patterns impact ozone levels, air 154348

circulation, and overall emissions. The analysis shall include a 154349
review of temperature inversions, seasonal variations, and other 154350
meteorological factors that could contribute to emissions 154351
buildup or dispersion. The analysis also shall evaluate current 154352
ozone levels and how such weather patterns affect compliance 154353
status with the national ambient air quality standards. 154354

(5) Any potential alternative measures for maintaining air 154355
quality if the program is altered or discontinued. 154356

(B) Not later than eighteen months after the effective 154357
date of this section, the Director shall compile the findings of 154358
the review into a report. The Director shall submit the report 154359
to the General Assembly and make the report available to the 154360
public on the Environmental Protection Agency's web site. 154361

Section 739.10. AMBULANCE REIMBURSEMENT UNDER HEALTH 154362
BENEFIT PLANS 154363

The amendment by this act of section 3902.51 of the 154364
Revised Code applies to health benefit plans that are issued, 154365
renewed, or modified in this state on or after the effective 154366
date of this section. 154367

Section 741.10. (A) As used in this section, 154368
"contributions," "contributory employer," "payments in lieu of 154369
contributions," and "wages" have the same meanings as in section 154370
4141.01 of the Revised Code. 154371

(B) Except as provided in division (E) of this section, 154372
the Director of Job and Family Services shall, in accordance 154373
with division (C) of this section, collect a technology and 154374
customer service fee from all contributory employers and all 154375
nonprofit organizations, or groups of such organizations, that 154376
elect to become liable for payments in lieu of contributions 154377

under section 4141.241 of the Revised Code. 154378

(C) (1) The Director shall collect a technology and 154379
customer service fee of not more than fifteen-hundredths of one 154380
per cent of wages per employee subject to this chapter from each 154381
contributory employer. The Director shall collect any fee due 154382
under this section from a contributory employer at the same time 154383
and in the same manner as contributions due under section 154384
4141.25 of the Revised Code. 154385

(2) At the time a nonprofit organization, or group of such 154386
organizations, that elects to become liable for payments in lieu 154387
of contributions files or renews a surety bond with the Director 154388
in accordance with division (C) of section 4141.241 of the 154389
Revised Code, the Director shall collect a technology and 154390
customer service fee of not more than thirteen dollars and fifty 154391
cents from the organization or group of organizations. 154392

(D) Technology and customer service fees collected under 154393
this section shall be paid into the Unemployment Compensation 154394
Special Administrative Fund established in section 4141.11 of 154395
the Revised Code. 154396

(E) The technology and customer service fee required under 154397
this section applies only to the period beginning December 31, 154398
2025, and ending December 31, 2027. 154399

Section 747.10. TRANSITION OF PEER SUPPORTER CERTIFICATION 154400

(A) (1) Beginning one year after the effective date of this 154401
section, an individual who holds, on the effective date of this 154402
section, a valid certificate that is accepted under rules 154403
adopted pursuant to section 5119.36 of the Revised Code as 154404
authority to practice as a peer recovery supporter, youth peer 154405
supporter, or family peer supporter, may apply to the Chemical 154406

Dependency Professionals Board to continue practicing as a peer 154407
supporter under the certificate issued by the Department of 154408
Behavioral Health. 154409

(2) At the Board's discretion and notwithstanding section 154410
4758.02 of the Revised Code, the Board may allow an individual 154411
to continuing practicing as a peer recovery supporter, youth 154412
peer supporter, or family peer supporter until a date the Board 154413
specifies. The date the Board specifies shall not be later than 154414
the date that is one year after the effective date of the 154415
Board's initial rules regarding peer recovery supporters, youth 154416
peer supporters, or family peer supporters adopted under section 154417
4758.20 of the Revised Code. 154418

(3) An individual who is permitted to continue practicing 154419
under a certificate issued by the Department of Behavioral 154420
Health under this section may perform services within the scope, 154421
standards, and ethics of the certificate issued by the 154422
Department until the date specified by the Board. 154423

(B) Notwithstanding the amendments made by this act to 154424
sections 4758.10, 4758.11, and 4758.13 of the Revised Code, both 154425
of the following apply regarding the position on the Board that 154426
is to be held by a peer recovery supporter, youth peer 154427
supporter, or family peer supporter certified by the Board: 154428

(1) The Governor may delay filling the position until the 154429
Board's certification of such individuals has been initiated or 154430
may choose to fill the position before that time by appointing 154431
an individual who otherwise meets the same qualifications. 154432

(2) If the Governor delays filling the position on the 154433
Board as described in division (B)(1) of this section, the Board 154434
shall operate by making corresponding adjustments to the 154435

required number of members who must be present to constitute a 154436
quorum. 154437

Section 751.30. (A) (1) The Child Care Provider Recruitment 154438
and Mentorship Grant Program is created in the Department of 154439
Children and Youth. Under the program, the Department shall 154440
award grants to eligible organizations for the following 154441
purposes: 154442

(a) To increase, through recruitment efforts, Ohio's 154443
supply of licensed child care providers, including at least one 154444
hundred twenty new family child care homes, especially in areas 154445
or communities of the state most in need of such care; 154446

(b) To assist entities and individuals recruited under the 154447
program in establishing and operating child care businesses and 154448
adopting business practices to best serve the needs of Ohio's 154449
families. 154450

(2) The Department shall operate the program described in 154451
division (A) (1) of this section until July 1, 2027. 154452

(3) Each grant recipient shall do all of the following 154453
over the course of the recipient's grant period: 154454

(a) With the assistance of the Department and relevant 154455
stakeholders, identify and recruit entities and individuals 154456
interested in operating family child care homes, in particular, 154457
in areas and communities with limited access to such homes; 154458

(b) Partner with prospective child care providers to 154459
assist them in developing and implementing child care business 154460
models; 154461

(c) Assist prospective child care providers in obtaining 154462
licensure under Chapter 5104. of the Revised Code; 154463

(d) Mentor licensed child care providers in such topics as 154464
operating, maintaining, and expanding child care businesses. 154465

(B) An organization seeking a program grant shall apply to 154466
the Department in the manner prescribed by the Department. To be 154467
eligible for a program grant, an applicant shall demonstrate 154468
that it is able to do all of the following: 154469

(1) In collaboration with the Department and relevant 154470
stakeholders, plan, staff, and hold events, either in-person or 154471
virtually, to identify and recruit prospective child care 154472
providers; 154473

(2) Develop informational materials to assist licensed 154474
child care providers with marketing, advertising, and outreach; 154475

(3) Establish a software platform, with a customizable 154476
dashboard, that may be accessed by licensed child care providers 154477
to assist them with tasks such as marketing their businesses, 154478
enrolling children, communicating with families, billing for 154479
services, and reporting expenses; 154480

(4) Offer and provide coaching and training to child care 154481
staff employed by licensed child care providers, which may 154482
include in-person, group training sessions, on-site coaching 154483
visits, community forums, and other events; 154484

(5) Perform any other activity the Department considers 154485
relevant. 154486

The Department shall review each application it receives 154487
under this section. After receiving an application it considers 154488
complete, the Department shall determine whether the applicant 154489
meets the eligibility conditions described in this division. If 154490
the eligibility conditions are met, and subject to available 154491
funds, the Department shall award a grant to the recipient. Each 154492

grant shall expire at the close of fiscal year 2027. 154493

(C) The Department shall require each grant recipient, as 154494
a condition of continued funding, to submit to the Department on 154495
a periodic basis reports describing the recipient's progress in 154496
partnering with, assisting, and mentoring prospective and 154497
licensed child care providers, in particular the number and 154498
content of trainings offered by the recipient, the types of 154499
software or web site platforms the recipient makes available to 154500
child care providers, and any other information the Department 154501
considers necessary. The reports shall be completed and 154502
submitted in the manner and at the intervals prescribed by the 154503
Department. 154504

Section 751.70. Not later than December 31, 2027, the 154505
Auditor of State shall conduct both a performance audit and 154506
fiscal audit of the Department of Medicaid's next generation 154507
system that went into effect on February 1, 2023. The Auditor of 154508
State shall submit a copy of the audit reports to the Executive 154509
Director of the Joint Medicaid Oversight Committee. 154510

In conducting audits under this section, the Auditor of 154511
State shall examine all of the following components of the 154512
system: 154513

(A) The Provider Network Management; 154514

(B) The Ohio Medicaid Enterprise System; 154515

(C) The Ohio Resilience Through Integrated Systems and 154516
Excellence (OhioRISE) Program; 154517

(D) The Electronic Data Interchange; 154518

(E) The Medicaid state pharmacy benefit manager that was 154519
selected in accordance with section 5167.24 of the Revised Code; 154520

(F) Centralized Provider Credentialing;	154521
(G) Prior authorization requirements;	154522
(H) Issues with late payments to Medicaid providers;	154523
(I) Any other aspects of the system that the Auditor of State considers relevant.	154524 154525
Section 751.80. PRIVATE INSURANCE OUTREACH PROGRAM	154526
During Fiscal Year 2027, the Department of Medicaid shall create and administer an outreach program to provide information, awareness, and assistance to Medicaid recipients to help them transition from Medicaid to private insurance.	154527 154528 154529 154530
Section 751.90. HIGH-THC CANNABIS IMPACT RESEARCH STUDY	154531
(A) As used in this section, "cannabis" and "THC" have the same meanings as in section 3780.01 of the Revised Code.	154532 154533
(B) The Department of Behavioral Health, in collaboration with the Department of Commerce, shall conduct a study in partnership with a qualified Ohio public university, public safety agency, or research consortium selected by the Department of Behavioral Health to assess the potential health risks and benefits of cannabis and hemp-derived product use and to review state-level program evaluations from other states and peer- reviewed research regarding the following:	154534 154535 154536 154537 154538 154539 154540 154541
(1) Physical, behavioral, cognitive, and neurodevelopmental effects of chronic or early use of high- potency THC cannabis products, particularly among individuals under the age of twenty-five;	154542 154543 154544 154545
(2) Cannabis-induced psychosis and schizophrenia;	154546
(3) Cannabis hyperemesis syndrome;	154547

(4) The relationship between cannabis use and depression, 154548
anxiety, suicidal ideation, completed suicides, and cannabis use 154549
disorder; 154550

(5) The relationship between cannabis use and cognitive 154551
and neurodevelopmental impairments such as decline in memory and 154552
executive functioning; 154553

(6) Disproportionate impacts of cannabis use on vulnerable 154554
populations, including youth, pregnant women, unborn children, 154555
and individuals with a history of trauma or mental illness; 154556

(7) The relationship between cannabis use and IQ loss; 154557

(8) Recommended guidelines for potency and usage. 154558

(C) The Department of Behavioral Health shall submit two 154559
reports to the Governor and the General Assembly in accordance 154560
with section 101.68 of the Revised Code and shall publish a copy 154561
of each report on the Department's web site. The initial report 154562
shall be submitted by June 30, 2026, and the final report shall 154563
be submitted by June 30, 2027. Each report shall include the 154564
following: 154565

(1) A comparative analysis of THC regulations, potency 154566
limits, and health outcomes from other states' cannabis 154567
programs; 154568

(2) A synthesis of peer-reviewed research and reputable 154569
state program data; 154570

(3) Recommendations for cannabis regulation, prevention 154571
education, public education campaigns, and outreach efforts for 154572
stakeholders such as the General Assembly, state agencies, 154573
employers, educators, and the general public. 154574

(D) The Department of Behavioral Health shall seek the 154575

input of the following as necessary to complete the report 154576
required by division (C) of this section: 154577

- (1) The Department of Health; 154578
- (2) RecoveryOhio; 154579
- (3) The Bureau of Workers' Compensation; 154580
- (4) The Department of Public Safety; 154581
- (5) The Attorney General; 154582
- (6) The State Medical Board; 154583
- (7) The Ohio High Intensity Drug Trafficking Area; 154584
- (8) Prevention consultants certified by the Chemical
Dependency Professionals Board; 154585
154586
- (9) Children's hospitals. 154587

Section 751.100. PLACEMENT OF CHILDREN IN GROUP HOMES 154588

(A) As used in this section, "group home" has the same 154589
meaning as "group home for children" in section 5103.05 of the 154590
Revised Code. 154591

(B) The operator of a group home shall not displace a 154592
child who is placed in the group home as of the effective date 154593
of this section in order to comply with the ratio requirements 154594
established in rules adopted under division (B) (3) of section 154595
5103.0520 of the Revised Code. The operator shall not accept the 154596
placement of additional children until the group home has 154597
complied with the ratio requirements. 154598

Section 751.111. MONITORING OF FEDERAL MEDICAID CHANGES 154599

(A) The Department of Medicaid shall monitor and track 154600
legislative enactments from the 119th Congress, including any 154601

federal policy changes related to the Medicaid program. As part 154602
of this monitoring and tracking, the Department shall identify 154603
state flexibilities, authorities, and requirements relating to 154604
program integrity, eligibility, accountability, and efficiency 154605
in the Medicaid program, including all of the following: 154606

(1) Changes related to presumptive eligibility 154607
determinations made by hospitals; 154608

(2) The establishment of work requirements as a condition 154609
of continued participation in the Medicaid program; 154610

(3) The establishment of new responsibilities on Medicaid 154611
enrollees as a condition of continued participation in the 154612
Medicaid program, such as cost sharing requirements or program 154613
premiums. 154614

(B) If the Department identifies federal legislative or 154615
policy changes, the Department shall conduct a feasibility study 154616
regarding implementation of those changes. The study shall 154617
evaluate the administrative costs related to implementing 154618
changes, the level of effort and staffing resources needed to 154619
implement and operate the changes, the necessary timeframe for 154620
implementing the changes, and the estimated savings and costs 154621
for implementing the changes. 154622

(C) The Department shall prepare and submit a report to 154623
the Joint Medicaid Oversight Committee related to its findings 154624
and recommendations that result from any feasibility study 154625
conducted under this section. 154626

Section 751.120. The Department of Medicaid shall conduct 154627
a request for information to study the feasibility of requiring 154628
Medicaid managed care organizations to conduct internal data 154629
cross checks. 154630

Section 751.130. (A) It is the intent of this state and 154631
the General Assembly to create a sustainable developmental 154632
disabilities service system grounded in quality, efficiency, and 154633
accountability that ensures access to high-quality supports for 154634
individuals with developmental disabilities now and in the 154635
future. 154636

(B) The General Assembly shall establish a Legislative 154637
Committee on the Sustainability of the Developmental 154638
Disabilities Service System, comprised of legislators and 154639
supported by state agencies, individuals with developmental 154640
disabilities, families of individuals with developmental 154641
disabilities, service providers, and other stakeholders. The 154642
committee shall develop a System Efficiency and Sustainability 154643
Plan to guide the modernization and long-term viability of 154644
Ohio's developmental disability service system. The plan shall 154645
do the following: 154646

(1) Evaluate the current system structure, financing 154647
mechanisms, and service delivery models to identify reforms that 154648
improve efficiency, equity, and alignment with statewide goals; 154649

(2) Assess the adequacy, composition, and distribution of 154650
the provider network, including analysis of provider capacity, 154651
provider type, service deserts, and unmet needs across 154652
populations and regions; 154653

(3) Examine the continuum of care to determine whether the 154654
current system supports the full range of needs, including 154655
access to specialized services and supports for individuals with 154656
complex medical, behavioral, or forensic profiles; 154657

(4) Review case management and coordination practices and 154658
explore the feasibility of alternative payment structures, such 154659

as per member per month or value based, that reward quality, 154660
outcomes, and system stewardship; 154661

(5) Identify and recommend strategies to reduce 154662
fragmentation and streamline funding, with the goal of improving 154663
coordination and reducing administrative burden; 154664

(6) Analyze the impact of unfunded mandates, compliance 154665
costs, and regulatory complexity on providers and the 154666
sustainability of service delivery; 154667

(7) Develop a rate methodology that reflects the actual 154668
costs of service provision, including costs associated with 154669
compliance, training, quality expectations, and the unique needs 154670
of specific populations; 154671

(8) Promote innovation and cost-effective practices, 154672
including the use of technology such as telehealth, remote 154673
supports, and electronic health records, to enhance outcomes and 154674
reduce reliance on high-cost services; 154675

(9) Develop statewide quality and system performance 154676
measures that promote person-centered outcomes, accountability, 154677
and continuous improvement. 154678

(C) The Committee shall be composed of the following four 154679
members, appointed as follows: 154680

(a) One member of the House of Representatives appointed 154681
by the Speaker of the House of Representatives; 154682

(b) One member of the House of Representatives appointed 154683
by the Minority Leader of the House of Representatives; 154684

(c) One member of the Senate appointed by the President of 154685
the Senate; 154686

(d) One member of the Senate appointed by the Minority	154687
Leader of the Senate.	154688
(D) The Committee shall collaborate with the following	154689
stakeholders to create the System Efficiency and Sustainability	154690
Plan:	154691
(1) The Department of Medicaid;	154692
(2) The Department of Youth Services;	154693
(3) The Department of Health;	154694
(4) County boards of developmental disabilities;	154695
(5) The Ohio Provider Resource Association;	154696
(6) The Ohio Health Care Association;	154697
(7) The Ohio Association of County Boards of Developmental	154698
Disabilities;	154699
(8) Individuals with developmental disabilities;	154700
(9) Family members of individuals with developmental	154701
disabilities;	154702
(10) Independent providers of services to individuals with	154703
developmental disabilities;	154704
(11) Agency providers of services to individuals with	154705
developmental disabilities;	154706
(12) Advocacy and self-advocacy organizations;	154707
(13) Any other stakeholders identified by the Department	154708
of Developmental Disabilities.	154709
(E) By June 30, 2026, the Committee shall submit the final	154710
System Efficiency and Sustainability Plan to the Joint Medicaid	154711

Oversight Committee and the General Assembly in accordance with 154712
section 101.68 of the Revised Code. 154713

(F) The Committee ceases to exist on the submission of the 154714
report described in division (B) of this section. 154715

Section 751.140. (A) (1) The Director of Job and Family 154716
Services shall conduct an analysis of the public assistance 154717
programs it administers, including the funding for those 154718
programs, to identify opportunities to do all of the following: 154719

(a) Prioritize employment as the primary way to satisfy 154720
work requirements in public assistance programs and make 154721
training and education opportunities secondary objectives; 154722

(b) Help public assistance recipients obtain meaningful 154723
employment; 154724

(c) Meet local workforce needs. 154725

(2) As part of its analysis, the Department may consider 154726
state and federal regulations that conflict with the 154727
Department's ability to successfully fulfill the requirements of 154728
this section. 154729

(B) After conducting the analysis described in division 154730
(A) of this section, the Department shall develop a strategic 154731
plan to increase the number of individuals receiving public 154732
assistance benefits that are employed. The plan may include 154733
funding recommendations, including the reallocation of resources 154734
related to work supports, work stabilization services, and 154735
infrastructure for individualized case management in all 154736
counties. 154737

(C) Not later than July 1, 2026, the Department shall 154738
prepare and submit a report to the General Assembly in 154739

accordance with section 101.68 of the Revised Code regarding the 154740
analysis conducted and strategic plan established under this 154741
section. 154742

Section 757.10. The amendment by this act of section 154743
5747.05 of the Revised Code is intended to clarify the meaning 154744
of that section as it existed before the effective date of this 154745
section and is not intended to change the meaning in any way. 154746

Section 757.20. The amendment by this act of section 154747
5747.40 of the Revised Code is intended to clarify the meaning 154748
of that section as it existed prior to the effective date of 154749
this section. It is not intended to change the meaning of 154750
section 5747.40 of the Revised Code in any way. 154751

Section 757.40. BUSINESS INCENTIVE TAX CREDITS 154752

In order to facilitate an understanding of business 154753
incentive tax credits, as defined in section 107.036 of the 154754
Revised Code, the following table provides an estimate of the 154755
amount of credits that may be authorized in each fiscal year of 154756
the 2026-2027 biennium, an estimate of the credits expected to 154757
be claimed in each fiscal year of that biennium, and an estimate 154758
of the amount of credits authorized that will remain outstanding 154759
at the end of that biennium. In totality, this table provides an 154760
estimate of the state revenue forgone due to business incentive 154761
tax credits in the 2026-2027 biennium and future bienniums. 154762
154763

	1	2	3	4	5	6
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A Biennial Business Incentive Tax Credit Estimates

(All Figures in Thousands of Dollars)

B	Estimate of total	Estimate of tax	Expected
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		value of tax credits authorized		credits issued/claimed		Out- standing Credits
C	Tax Credit	FY 2026	FY 2027	FY 2026	FY 2027	End of Biennium
D	Job Creation	\$170,000	\$175,000	\$139,200	\$145,000	\$705,000
E	Job Retention	\$0	\$0	\$15,300	\$10,710	\$23,000
F	Historic Preservation	\$60,000	\$60,000	\$122,300	\$86,100	\$372,000
G	Film	\$50,000	\$50,000	\$40,000	\$35,000	\$100,000
H	Film and Theatre	\$25,000	\$25,000	\$15,000	\$25,000	\$70,000
I	New Markets	\$10,000	\$10,000	\$7,500	\$7,500	\$46,000
J	R&D Loan	\$0	\$0	\$0	\$0	\$5,000
K	InvestOhio Program	\$5,000	\$5,000	\$3,750	\$3,750	\$7,500
L	Ohio Rural Business Growth	\$0	\$0	\$18,750	\$18,750	\$7,500
M	Ohio Opportunity Zone	\$25,000	\$25,000	\$25,000	\$25,000	\$0
N	Transformational Mixed-Use Development	\$0	\$0	\$136,200	\$110,600	\$237,500

Revised Code, each county budget commission or, if applicable, 154765
joint budget commission, shall convene not later than October 154766
31, 2025, to proceed as described in that section. At that 154767
meeting, the commission shall review the certification required 154768
for fiscal year 2025 under section 5705.36 of the Revised Code 154769
for each city, local, or exempted village school district in the 154770
county. If the carry-over balance in a district's general 154771
operating budget exceeds fifty per cent of the district's 154772
general fund expenditures made in that fiscal year, the 154773
commission shall reduce the rate of, or the annual amount of 154774
money to be raised by, any or all of the current expense taxes 154775
levied by the district for tax year 2025 to the extent described 154776
in section 5705.316 of the Revised Code. A board may, by 154777
resolution certified to the commission on or before October 1, 154778
2025, designate an amount of the district's carry-over balance 154779
as reserved for current or future permanent improvements 154780
expenditures, and the commission shall not consider the 154781
designated amount as described in that section. If such funds 154782
are not expended as designated within those three years, the 154783
commission shall consider them as a part of the carry-over 154784
balance in all subsequent years. 154785

This section does not apply to an island school district 154786
or a joint state school district. 154787

Section 757.120. (A) The Tax Commissioner shall not make 154788
adjustments in 2025 or 2026 to the income amounts in divisions 154789
(A) (2) and (3) of section 5747.02 of the Revised Code, as 154790
otherwise required by division (A) (5) of that section, or make 154791
adjustments in 2025 or 2026 to the personal exemption amounts 154792
prescribed in division (A) of section 5747.025 of the Revised 154793
Code, as otherwise required by divisions (B) and (C) of that 154794
section. 154795

(B) Notwithstanding any rule adopted pursuant to section 154796
5747.06 of the Revised Code, the Tax Commissioner shall adjust 154797
the income tax withholding rate tables published pursuant to 154798
those rules to reflect all amendments to the income tax rates 154799
prescribed in section 5747.02 of the Revised Code, as amended by 154800
this act, such that not more than one hundred million dollars in 154801
General Revenue Fund revenue is forgone in fiscal year 2026 and 154802
not more than two hundred fifteen million dollars in General 154803
Revenue Fund revenue is forgone in fiscal year 2027 as the 154804
result of such adjustments. 154805

Section 757.130. The amendment by this act of sections 154806
323.152 and 4503.065 of the Revised Code applies, in the case of 154807
property on the real property tax list, to tax year 2025 and, in 154808
the case of property on the manufactured home tax list, to tax 154809
year 2026. 154810

The Tax Commissioner shall not make adjustments for tax 154811
year 2025 or 2026 to the income threshold and reduction amounts 154812
described in divisions (A) (1) (b) (iii), (A) (1) (c) (i), (A) (2), and 154813
(A) (3) of section 323.152 of the Revised Code, as otherwise 154814
required by division (A) (1) (d) of that section, or make 154815
adjustments for tax year 2026 or 2027 to the income threshold 154816
and reduction amounts described in divisions (A) (2) (a) (iii), (A) 154817
(2) (c) (iii), (A) (2) (b) (i), (A) (2) (d) (i), (B) (1), (B) (2), (C) (1), 154818
and (C) (2) of section 4503.065 of the Revised Code, as otherwise 154819
required by division (A) (2) (e) of that section. 154820

Section 757.140. The owner of a tax credit certificate 154821
issued under section 122.852 of the Revised Code, as it existed 154822
prior to that section's repeal by this act, may claim the credit 154823
in the manner prescribed in that section and sections 5726.59, 154824
5747.67, and 5751.55 of the Revised Code, as those sections 154825

existed prior to their repeal by this act. 154826

Section 757.150. (A) For the first year in which the 154827
property tax relief screening system established under section 154828
5703.83 of the Revised Code is operational, notwithstanding 154829
division (C)(3) of section 323.153 or division (B)(2) of section 154830
4503.066 of the Revised Code, no charges, penalties, or interest 154831
shall be imposed against a parcel of real property or a 154832
manufactured or mobile home based on a determination under the 154833
property tax relief screening system that the parcel or home 154834
received one or more reductions for which the parcel or home was 154835
not eligible, except if the county auditor determines that the 154836
parcel or home's reduction was procured through fraud, a false 154837
statement, or a knowing omission as described in divisions (D), 154838
(E), or (F) of section 323.153 or divisions (C), (D), or (E) of 154839
section 4503.066 of the Revised Code. The county auditor and 154840
county treasurer shall disqualify such ineligible parcels and 154841
homes from receiving the reduction or reductions beginning with 154842
the tax year in which the county auditor makes a final 154843
determination that the parcel or home is not eligible for such 154844
reduction or reductions. 154845

(B) A county treasurer shall ensure that any tax bill 154846
issued under section 323.13 or 4503.06 of the Revised Code in 154847
that year for a parcel receiving the reduction in taxes 154848
authorized under division (A) or (B) of section 323.152 or 154849
section 4503.065 of the Revised Code, as applicable to the 154850
parcel, clearly informs the owner of the eligibility 154851
requirements for that applicable reduction and notifies the 154852
owner of the one-year amnesty for self-reporting improper 154853
receipt of the reduction provided under division (A) of this 154854
section. 154855

Section 801.10. Section 4141.29 of the Revised Code, as 154856
amended by this act, applies to valid applications for 154857
determination of benefit rights filed on or after the effective 154858
date of this section. 154859

Section 801.20. (A) The amendment by this act of division 154860
(A) (18) of section 5747.01 of the Revised Code is intended to 154861
clarify the meaning of that division as it existed before the 154862
effective date of this section and is not intended to change its 154863
meaning in any way. 154864

(B) The amendment by this act of division (S) (14) of 154865
section 5747.01 of the Revised Code applies to taxable years 154866
beginning on and after January 1, 2025. 154867

(C) The amendment by this act of division (A) (31) of 154868
section 5747.01 of the Revised Code applies to taxable years 154869
ending on or after the effective date of this section. 154870

Section 801.40. The amendment by this act of section 154871
5747.09 and division (C) of section 5747.43 of the Revised Code 154872
applies to taxable years beginning on or after January 1, 2025. 154873

Section 801.60. The repeal and reenactment by this act of 154874
section 3780.22 of the Revised Code applies on and after July 1, 154875
2025. 154876

Section 801.70. The amendment by this act of sections 154877
5748.02, 5748.021, 5748.04, 5748.08, and 5748.09 of the Revised 154878
Code involving notice to the tax commissioner applies to 154879
resolutions adopted under sections 5748.02, 5748.021, 5748.08, 154880
and 5748.09 and petitions filed under section 5748.04 of the 154881
Revised Code on or after the effective date of those amendments. 154882

Section 801.90. The amendment by this act of division (B) 154883
of section 5747.43 of the Revised Code applies to taxable years 154884

beginning on or after January 1, 2026. 154885

Section 801.100. The amendment by this act of sections 154886
5747.021, 5748.01, 5748.02, 5748.021, 5748.03, 5748.04, 5748.08, 154887
5748.081, and 5748.09 of the Revised Code involving eliminating 154888
school district income taxes on estates applies to any school 154889
district income tax, as defined in section 5748.01 of the 154890
Revised Code, in effect, levied, or renewed on or after January 154891
1, 2026. The amendments do not invalidate or modify any portions 154892
of a properly enacted tax in effect on that date, other than 154893
those applicable to estates. For any school district income tax 154894
in effect on that date, the school district is not required to 154895
adopt a new resolution or obtain voter approval for the tax in 154896
order to effectuate those amendments. 154897

Section 801.120. The amendment by this act of every 154898
portion except the changes to the withholding rate under 154899
sections 5747.062, 5747.063, and 5747.064 and sections 718.031, 154900
3123.89, 3123.90, 3770.071, 3770.072, 3770.073, 3770.10, 154901
3770.25, and 3775.16 of the Revised Code and the enactment by 154902
this act of sections 3770.074 and 3770.075 of the Revised Code 154903
apply to amounts deducted and withheld on or after January 1, 154904
2026. 154905

Section 801.130. The amendment by this act of section 154906
5747.071 of the Revised Code applies to withholding requests 154907
made under that section on or after January 1, 2027. 154908

Section 801.150. The enactment by this act of section 154909
5747.073 of the Revised Code applies to income tax withholding 154910
returns, reports, or payments filed or remitted on or after 154911
January 1, 2026. 154912

Section 801.160. The amendment by this act of section 154913

5739.07 of the Revised Code applies to refunds made pursuant to 154914
applications that are filed on or after the effective date of 154915
this section. 154916

Section 801.170. The amendment by this act of section 154917
5739.132 of the Revised Code applies to refunds allowed on and 154918
after the effective date of that amendment. 154919

Section 801.190. The amendment by this act of section 154920
718.01 of the Revised Code applies to taxable years ending on or 154921
after the effective date of this section. 154922

Section 801.210. The amendment by this act of division (A) 154923
(1) of section 5749.02 of the Revised Code applies to calendar 154924
quarters ending on or after the effective date of this section. 154925

Section 801.230. The amendment by this act of section 154926
5747.29 of the Revised Code applies to taxable years beginning 154927
on or after the effective date of this section. 154928

Section 801.240. The amendment by this act of division (B) 154929
(1) of section 5739.12 of the Revised Code applies to returns 154930
required to be filed on and after January 1, 2026. 154931

Section 801.250. (A) The amendment by this act of division 154932
(EE) of section 5747.01 of the Revised Code applies to taxable 154933
years beginning on and after January 1, 2026. 154934

(B) The amendment by this act of division (E) (7) of 154935
section 5751.01 of the Revised Code applies to tax periods 154936
beginning on and after January 1, 2026. 154937

Section 801.260. The amendment by this act of section 154938
5739.02 of the Revised Code, except division (B) (13) of that 154939
section, applies on and after January 1, 2026. 154940

Section 801.270. The amendment by this act of division (B) 154941

(8) of section 5739.01 of the Revised Code applies on and after 154942
January 1, 2026. 154943

Section 801.280. The amendment by this act of division (E) 154944
(1) of section 319.301 of the Revised Code applies to tax years 154945
beginning on or after the effective date of this section. 154946

Section 801.290. The amendment by this act of section 154947
5713.34 of the Revised Code applies to the conversion of land 154948
devoted exclusively to agricultural use, as defined in section 154949
5713.30 of the Revised Code, occurring on or after the effective 154950
date of this section. 154951

Section 801.300. The amendment by this act of sections 154952
133.18, 3318.06, 3318.061, 3318.062, 3318.063, 3318.36, 3318.45, 154953
5705.194, 5705.21, 5705.215, 5705.2111, and 5705.2113 of the 154954
Revised Code requiring two-thirds of a school board or other 154955
governing body to approve the submission of a tax levy to voters 154956
applies to elections held on or after the one hundredth day 154957
after the effective date of this section. 154958

Section 801.310. (A) Except as otherwise provided in 154959
Sections 801.70, 801.100, and 801.300 of this act, the amendment 154960
by this act of sections 133.18, 306.32, 306.322, 345.01, 345.03, 154961
345.04, 505.37, 505.48, 505.481, 511.28, 511.34, 513.18, 154962
755.181, 1545.041, 1545.21, 1711.30, 3311.50, 3318.01, 3318.06, 154963
3318.061, 3318.062, 3318.063, 3318.361, 3318.45, 3381.03, 154964
4582.024, 4582.26, 5705.01, 5705.03, 5705.17, 5705.21, 5705.212, 154965
5705.213, 5705.215, 5705.217, 5705.218, 5705.219, 5705.2111, 154966
5705.2114, 5705.233, 5705.25, 5705.251, 5705.261, 5705.55, 154967
5748.01, 5748.02, 5748.03, 5748.08, and 5748.09 of the Revised 154968
Code applies to elections held on or after January 1, 2026, 154969
except as otherwise provided in those amendments. 154970

(B) As used in this division, "former section 5705.192 of the Revised Code" means section 5705.192 of the Revised Code as it existed before the effective date of its repeal by this act.

If a taxing authority, as defined in former section 5705.192 of the Revised Code, acts under that section prior to its repeal by this act to replace an existing levy and submit the question to electors at an election held before January 1, 2026, then a board of elections shall proceed to submit that question in accordance with that former section, notwithstanding the effective date of its repeal by this act. No replacement of a tax proposed under former section 5705.192 of the Revised Code shall be submitted to electors at an election held on or after January 1, 2026.

Section 801.320. The amendment or enactment by this act of sections 307.696, 307.697, 4301.421, 5743.024, 5743.323, 5743.511, 5743.621, and 5743.631 of the Revised Code applies to any proceedings commenced after the effective date of this section, and, so far as their provisions support the actions taken, also apply to proceedings that on that effective date are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings pending or in progress on that effective date of that amendment or enactment shall be deemed to have been taken in conformity with the amendment or enactment.

Section 801.330. The amendment by this act of division (A) (43) of section 5747.01 of the Revised Code is remedial in nature and applies to taxable years beginning on or after January 1, 2024, including any petition for reassessment or

appeal thereof pending on or after the effective date of this 155001
section. A taxpayer who previously added amounts under division 155002
(A) (43) of section 5747.01 of the Revised Code, as that division 155003
existed before the effective date of this section, may file an 155004
amended return to revise the addition consistent with the 155005
amendment by this act. Such amended returns must be filed within 155006
one year after the effective date of this section. 155007

Section 805.10. SEVERABILITY 155008

The items of law contained in this act, and their 155009
applications, are severable. If any item of law contained in 155010
this act, or if any application of any item of law contained in 155011
this act, is held invalid, the invalidity does not affect other 155012
items of law contained in this act and their applications that 155013
can be given effect without the invalid item of law or 155014
application. 155015

Section 810.10. NO EFFECT AFTER END OF BIENNIUM 155016

An item of law, other than an amending, enacting, or 155017
repealing clause, that composes the whole or part of an 155018
uncodified section contained in this act has no effect after 155019
June 30, 2027, unless its context clearly indicates otherwise. 155020

Section 820.10. Sections of this act prefixed with numbers 155021
in the 200s, 300s, 400s, and 500s of this act are exempt from 155022
the referendum under Ohio Constitution, Article II, Section 1d, 155023
and therefore take immediate effect when this act becomes law. 155024

Section 820.20. The amendment, enactment, or repeal by 155025
this act of the sections listed below is exempt from the 155026
referendum under Ohio Constitution, Article II, section 1d and 155027
section 1.471 of the Revised Code and therefore takes effect 155028
immediately when this act becomes law or, if a later effective 155029

date is specified below, on that date. 155030

Sections 131.51, 3302.03, 3319.51, 3780.02, 3780.03, 155031
3780.10, 3780.18, 3780.19, 3780.22, 3780.23, 3780.26, 3780.30, 155032
4743.05, 4927.01, 4927.22, 5119.211, 5124.15, 5709.93, and 155033
5751.02 of the Revised Code. 155034

Section 820.30. SUBJECT TO REFERENDUM 155035

Except as otherwise provided in this act, the amendment, 155036
enactment, or repeal by this act of a section is subject to the 155037
referendum under Ohio Constitution, Article II, section 1c and 155038
therefore takes effect on the ninety-first day after this act is 155039
filed with the Secretary of State or, if a later effective date 155040
is specified below, on that date. 155041

Section 820.60. Sections 3312.01, 3312.02, 3312.03, 155042
3312.04, 3312.05, 3312.06, 3312.07, 3312.08, 3312.09, 3312.10, 155043
and 3312.13 of the Revised Code as amended, enacted, reenacted, 155044
and repealed by this act take effect on July 1, 2026. 155045

Section 820.70. Section 1547.54 of the Revised Code, as 155046
amended by this act, takes effect January 1, 2027. 155047

Section 820.80. Section 127.13 of the Revised Code as 155048
amended by this act take effect on January 1, 2026. 155049

Section 820.90. Section 2303.201 of the Revised Code as 155050
amended by this act takes effect six months after the effective 155051
date of this section. 155052

Section 820.100. Sections 3305.05 and 3305.053 of the 155053
Revised Code, as amended by this act, take effect one year after 155054
the effective date of this section. 155055

Section 820.110. Sections 107.032 to 107.034 of the 155056
Revised Code, as amended or enacted by Section 101.01 of this 155057

act, take effect July 1, 2026. 155058

Section 830.10. The General Assembly, applying the 155059
principle stated in division (B) of section 1.52 of the Revised 155060
Code that amendments are to be harmonized if reasonably capable 155061
of simultaneous operation, finds that the following sections, 155062
presented in this act as composites of the sections as amended 155063
by the acts indicated, are the resulting versions of the 155064
sections in effect prior to the effective date of the sections 155065
as presented in this act: 155066

Section 102.08 of the Revised Code as amended by both H.B. 155067
285 and H.B. 492 of the 120th General Assembly. 155068

Section 123.28 of the Revised Code as amended by both H.B. 155069
64 and H.B. 141 of the 131st General Assembly. 155070

Section 149.43 of the Revised Code as amended by H.B. 265, 155071
H.B. 315, S.B. 29, and S.B. 109, all of the 135th General 155072
Assembly. 155073

Section 173.38 of the Revised Code as amended by both H.B. 155074
110 and S.B. 217 of the 134th General Assembly. 155075

Section 173.381 of the Revised Code as amended by both 155076
H.B. 110 and S.B. 217 of the 134th General Assembly. 155077

Section 323.152 of the Revised Code as amended by both 155078
H.B. 33 and S.B. 43 of the 135th General Assembly. 155079

Section 505.37 of the Revised Code as amended by both H.B. 155080
315 and H.B. 496 of the 135th General Assembly. 155081

Section 1901.31 of the Revised Code as amended by both 155082
H.B. 33 and S.B. 21 of the 135th General Assembly. 155083

Section 2925.14 of the Revised Code as amended by both 155084

H.B. 29 and S.B. 95 of the 135th General Assembly.	155085
Section 2929.12 of the Revised Code as amended by both	155086
H.B. 234 and H.B. 531 of the 135th General Assembly.	155087
Section 2929.15 of the Revised Code as amended by H.B.	155088
110, H.B. 281, and S.B. 288, all of the 134th General Assembly.	155089
Section 3302.03 of the Revised Code as amended by both	155090
S.B. 104 and S.B. 168 of the 135th General Assembly.	155091
Section 3314.03 of the Revised Code as amended by H.B. 8,	155092
H.B. 214, H.B. 250, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	155093
all of the 135th General Assembly.	155094
Section 3326.11 of the Revised Code as amended by H.B. 8,	155095
H.B. 47, H.B. 214, S.B. 104, S.B. 168, S.B. 208, and S.B. 234,	155096
all of the 135th General Assembly.	155097
Section 3328.24 of the Revised Code as amended by both	155098
S.B. 208 and S.B. 234 of the 135th General Assembly.	155099
Section 3517.11 of the Revised Code as amended by both	155100
H.B. 166 and S.B. 107 of the 133rd General Assembly.	155101
Section 3701.79 of the Revised Code as amended by both	155102
H.B. 281 and S.B. 157 of the 134th General Assembly.	155103
Section 4141.29 of the Revised Code as amended by both	155104
H.B. 49 and H.B. 158 of the 132nd General Assembly.	155105
Section 4501.21 of the Revised Code as amended by both	155106
H.B. 315 and S.B. 163 of the 135th General Assembly.	155107
Section 4503.065 of the Revised Code as amended by both	155108
H.B. 33 and S.B. 43 of the 135th General Assembly.	155109
Section 4511.213 of the Revised Code as amended by both	155110
H.B. 95 and S.B. 127 of the 132nd General Assembly.	155111

Section 4517.01 of the Revised Code as amended by both	155112
H.B. 33 and H.B. 195 of the 135th General Assembly.	155113
Section 4725.48 of the Revised Code as amended by both	155114
H.B. 509 and S.B. 131 of the 134th General Assembly.	155115
Section 4731.22 of the Revised Code as amended by both	155116
S.B. 95 and S.B. 109 of the 135th General Assembly.	155117
Section 4751.20 of the Revised Code as amended by both	155118
H.B. 509 and S.B. 131 of the 134th General Assembly.	155119
Section 4758.46 of the Revised Code as amended by both	155120
H.B. 113 and H.B. 230 of the 131st General Assembly.	155121
Section 5101.35 of the Revised Code as amended by both	155122
H.B. 33 and S.B. 21 of the 135th General Assembly.	155123
Section 5117.07 of the Revised Code as amended by both	155124
H.B. 283 and S.B. 3 of the 123rd General Assembly.	155125
Section 5122.03 of the Revised Code as amended by both	155126
H.B. 281 and S.B. 2 of the 134th General Assembly.	155127
Section 5122.15 of the Revised Code as amended by both	155128
H.B. 7 and H.B. 281 of the 134th General Assembly.	155129
Section 5123.169 of the Revised Code as amended by H.B.	155130
263 of the 133rd General Assembly and S.B. 3 of the 134th	155131
General Assembly.	155132
Section 5123.41 of the Revised Code as amended by both	155133
H.B. 158 and H.B. 483 of the 131st General Assembly.	155134
Section 5123.42 of the Revised Code as amended by both	155135
H.B. 158 and H.B. 483 of the 131st General Assembly.	155136
Section 5739.01 of the Revised Code as amended by both	155137
H.B. 315 and S.B. 196 of the 135th General Assembly.	155138

Section 5739.31 of the Revised Code as amended by both	155139
S.B. 143 and S.B. 200 of the 124th General Assembly.	155140
Section 5747.01 of the Revised Code as amended by both	155141
H.B. 101 and S.B. 154 of the 135th General Assembly.	155142
Section 6111.04 of the Revised Code as amended by both	155143
H.B. 49 and S.B. 2 of the 132nd General Assembly.	155144